

Attachment 8  
**Correspondence**



## Attachment 8: Correspondence

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Date	Subject	From	To
April, 14, 2011	Environmental Justice and Tolling Approach for SR 520, I-5 to Medina: Bridge Replacement and HOV Project	Paula Hammond, P.E. WSDOT	Daniel Mathis, P.E. FHWA
August 5, 2010	City of Seattle's Certification that the MOHAI Building Is Not of Local Significance as Part of McCurdy Park	Christopher Williams, Seattle Parks and Recreation	N/A
June 2, 2010	Environmental Justice and Tolling	Daniel Mathis, P.E. FHWA	Paula Hammond, P.E. WSDOT
April 29, 2010	Preferred Alternative for SR 520, I-5 to Medina: Bridge Replacement and HOV Project	Daniel Mathis, P.E. FHWA	Paula Hammond, P.E. WSDOT
April 26, 2010	Preferred Alternative for SR 520, I-5 to Medina: Bridge Replacement and HOV Project	Megan White, P.E. WSDOT	Daniel Mathis, P.E. FHWA
May 22, 2009	SR 520 Co-Lead Agency	Joni Earl Sound Transit	David Dye WSDOT
June 18, 2008	SR 520 Approval of a Separate Transit and HOV Improvements Project	Stephen Boch, P.E. FHWA	Julie Meredith WSDOT
June 18, 2008	Discussion of Logical Termini and Independent Utility for SR 520 Eastside Transit and HOV Improvements Project	Julie Meredith WSDOT	Stephen Boch, P.E. FHWA
October 27, 2004	Section 4(f) Evaluation, SR 520 Bridge Replacement and HOV Project	Kevin Stoops Seattle Parks and Recreation	Paul Krueger WSDOT
October 12, 2004	Section 4(f) Evaluation	Paul Krueger WSDOT	Kevin Stoops Seattle Parks and Recreation







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April 14, 2011

Mr. Daniel M. Mathis, P. E.  
Division Administrator  
FHWA  
711 South Capitol Way  
Olympia, WA 98501

Subject: Environmental Justice and Tolling Approach for SR 520, I-5 to Medina:  
Bridge Replacement and HOV Project

Dear Mr. Mathis:


As you know, a lot of good work has gone on since you and I exchanged letters on Environmental Justice and tolling last fall. I am very pleased to share with you the results of our staffs' collaborative efforts.

Our policy and technical leads, in consultation with FHWA legal counsel, considered new information and determined that there will be no "high and disproportionate" effects on the EJ populations. The attached memorandum documents the agreed-on approach for this determination in the SR 520, I-5 to Medina: Bridge Replacement and HOV Project Final EIS.

Our agencies share a strong commitment to equity, environmental justice, and providing meaningful opportunities for public engagement so that our transportation investments avoid unintended consequences. I believe that the SR 520 project is a great example of WSDOT's careful attention to these important concerns. The final project documents will demonstrate how we have appropriately considered the environmental issues and the effects of tolling on minority and low-income populations.

Thank you so much for your help. If you have any questions, please contact Megan White at 360-705-7480 or Carol Lee Roalkvam at 360-705-7126.

Sincerely,

  
Paula J. Hammond, P. E.  
Secretary of Transportation

*Thanks  
for your help  
on this!*

PJH:clr

cc: Jeff Paniati, FHWA Executive Director  
Christine Johnson, Director of Field Services – West  
Bryce Brown, Senior Assistant Attorney General





April 13, 2011

TO: Randy Everett, Sharon Love, Jodi Petersen

FROM: Carol Lee Roalkvam and Allison Hanson

SUBJECT: Recommended approach for modifying the environmental justice determination in the SR 520, I-5 to Medina HOV and Bridge Replacement Final EIS

### Background

In the Supplemental Draft EIS for the SR 520 Bridge Replacement and HOV Project, analysts concluded that the proposed toll on the bridge would have a disproportionately high and adverse effect on some low-income populations. FHWA-WA Division writes in its letter to WSDOT on October 22, 2010 that the initial finding was "based on the narrow facts of SR520 [in the SDEIS] and certain assumptions we had at the time." "One assumption [in the SDEIS] was... there was no reasonable free transportation alternative...nor was there consideration of providing additional transit service to better serve the EJ populations."

As the policy and technical leads for our agencies, we have worked together to examine the effect determination and other information in preparation of the Final Environmental Impact statement (FEIS). Through our discussions with FHWA legal counsel and other experts, we came to a mutual understanding on our project-specific approach, and clarified key points of the FHWA Environmental Justice order. After careful consideration, we have determined that the new actions taken to provide more affordable alternatives to paying the toll, coupled with the benefits of the project, offset the adverse effects of the toll on low-income populations. Therefore, we conclude that the project will not have a disproportionately high and adverse effect on low-income populations.

We agreed that the following new information should be considered as part of the FEIS evaluation:

1. One of the important concepts in evaluating the impact of tolls on low-income populations is whether the low income population has an affordable alternative to the toll. Since publication of the SDEIS, WSDOT and King County Metro Transit have taken new actions to provide affordable alternatives to paying the toll, such as offering free crossing between 11 pm and 5 am and expanding transit service and ridesharing in advance of early tolling on the SR 520 bridge.
2. FHWA has provided us with guidance that overall project benefits – including those that apply broadly to all users – should be considered in determining whether there is a disproportionately high and adverse effect on low-income or minority populations. According to research conducted for this project, many low-income drivers consider a faster, more reliable trip across Lake Washington to be worth the cost of a toll. A faster,

more reliable trip across the lake is a direct benefit to users of the SR 520 corridor from the project. Furthermore, all SR 520 users will benefit from a safer bridge that is less vulnerable to catastrophic failure.

#### **Purpose of this memorandum**

In writing this memorandum, our objective is to document the information that supports modifying the environmental justice finding in the SR 520, I-5 to Medina Project FEIS. We consulted with FHWA in developing agreement on the approach that is documented in this memorandum. The purpose of this memorandum is to:

1. Briefly summarize the basis for the disproportionately high and adverse effect determination in the SDEIS and identify the affected low-income communities and how they will be affected.
2. Briefly summarize the benefits of tolling the SR 520 bridge to all users, including low-income populations.
3. Provide new information about the actions that WSDOT and King County Metro Transit are taking to expand affordable alternatives to paying the toll in advance of early tolling on the SR 520 bridge.
4. Make a conclusion as to whether there is a disproportionately high and adverse effect on low-income populations after applying the new information and weighing the magnitude of impacts to low income or minority populations against benefits and mitigation measures that directly address the impacts, as well as overall project benefits.

#### **Basis for finding of disproportionately high and adverse effect in SDEIS**

The NEPA process allows for the consideration of new information between the draft and final documents. The fact that WSDOT has issued a SDEIS with one conclusion does not preclude our agency from revisiting that conclusion -- in fact, it is required. We have taken a hard look at current facts and the assumptions that were made in the SDEIS. The disproportionately high and adverse effect environmental justice determination in the SDEIS was based on the following facts and assumptions:

1. There are low-income populations using the SR 520 bridge. In 2008, we conducted a telephone survey and focus groups as part of the SDEIS analysis: 71 of the telephone survey respondents and four focus group participants qualified as low income according to federal poverty guidelines.<sup>1</sup> Although it was not possible for us to determine what proportion of SR 520 users are low-income or exactly where they live, we were able to make some inferences using 2000 U.S. Census data and videotaped license plates of SR 520 users collected by WSDOT in 2008. Attached to this memo is a demographic analysis of the SR 520 travelshed. The dots on the map represent the home addresses of registered owners for vehicles that were videotaped crossing the SR 520 bridge in May 2008. The shading on the map represents the percentage of residents in each block group

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<sup>1</sup> "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009).

with household incomes at or below the federal poverty level, according to data from the 2000 U.S. Census. We were able to estimate where there are higher concentrations of low-income SR 520 users by looking for places on the map where there is both darker shading (higher concentrations of low-income residents) and more dots (higher concentrations of SR 520 users). Based on this demographic analysis, we concluded that there are some low-income users of SR 520, and they are likely to come from the following neighborhoods:

- a. Neighborhoods along SR 522 (North Seattle, Lake City); the Totem Lake area in Kirkland
- b. Bothell where I-405 intersects with SR 522
- c. The Bellevue neighborhoods of South Bellevue and Eastgate
- d. The Seattle neighborhoods of Greenwood, Northgate, Ballard, Fremont, the University District<sup>2</sup>, First Hill, and downtown Seattle.

We also know that there are pockets of low-income populations throughout the travelshed, including Avondale Road in Redmond and Crossroads in Bellevue.

2. The toll would present a disproportionate financial burden to some low-income populations: car-dependent populations or populations living or working in areas without adequate transit service.
3. Unlike other transportation facilities where a toll has been implemented on a previously free route, the SDEIS analysis concluded that transit service (as it was understood at the time) would not be a viable alternative to paying the toll. Low-income SR 520 users who participated in the 2008 survey conducted for this project indicated that the current transit service was too infrequent or too far from where they lived or worked. Furthermore, the survey found that low-income SR 520 users did not use transit service on SR 520 at a higher rate than the general population.<sup>3</sup>
4. I-90 and SR 522 are un-tolled routes across or around Lake Washington. The SDEIS analysis concluded that I-90 and SR 522 were not viewed by low-income SR 520 users who participated in the survey as reasonable non-tolled alternative to SR 520. According to the survey, low-income SR 520 users indicated that non-tolled routes would add substantial time, distance, and cost to their trip.<sup>4 5</sup>

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<sup>2</sup> The University District has several low-income and subsidized housing units, as well as social service agencies that serve low-income populations. However, it is likely that some low income residents of the University District are University of Washington students. The U.S. Census questionnaire takes information about every person living in a given household, regardless of whether or not they are a temporary resident. According to Census rules, people should be counted at a residence if they live or stay at the residence most of the time; stayed there on April 1, 2000 and had no permanent place to live; and stay at the residence more time than any other place they might live or stay.

<sup>3</sup> "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 9, p. 13.

<sup>4</sup> "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 13.



5. The SDEIS identified sufficient mitigation to avoid or minimize many of the adverse effects on low-income populations. However, it did not include mitigation that avoids or minimizes the financial burden that tolls would present to car-dependent low-income populations because such mitigation was beyond the scope of the project. For the same reason, the SDEIS did not include mitigation strategies to expand the availability or frequency of transit service for low-income populations. Finally, the SDEIS noted that low-income bridge users raised a concern that commuter transit options may not meet their off-peak work hours; however, there was no analysis of the benefit from variable tolling in terms of reduced toll prices.

**THE UPDATED ANALYSIS: New information and changed conditions about options for avoiding the toll**

There are a number of ways in which motorists can avoid the toll including:

- Using public transportation.
- Using an alternate route that is not tolled.
- Forming a carpool with two or more additional passengers. Vehicles with three or more occupants can cross the bridge for free.
- Forming a vanpool. Vanpools can cross the bridge for free.
- Using the bridge between 11 pm and 5 am, when there are no tolls on the SR 520 bridge. The Appendix contains a table that shows the time of day low-income respondents to the telephone survey tended to travel the SR 520 bridge.

In advance of early tolling on the SR 520 bridge in Spring 2011, WSDOT and its regional partners have made a number of investments to improve the availability of these options to avoid toll and these changes constitute a baseline as to the project's EJ effect. The following section describes these improvements and changed conditions, all of which will be in place in advance of a toll on the SR 520 bridge. This information was not available at the time of publication of the SDEIS and therefore was not part of the previous evaluation.

1. The Urban Partnership Agreement (UPA) Lake Washington Congestion Management Project is a series of projects to help address congestion and increase safety on SR 520 and I-90 in the Seattle area. The UPA is a cooperative agreement between WSDOT, King County Metro, and the Puget Sound Regional Council. As part of this project, WSDOT is implementing tolls on the SR 520 bridge starting spring 2011 and King County Metro is improving bus service along the SR 520 corridor in anticipation of the tolls. At the

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<sup>5</sup> While the SDEIS didn't go into detail about the likelihood of tolling the other routes, (according to Transportation 2040) the I-90 Bridge could be fully tolled from Seattle to Mercer Island to ensure balanced operations when the SR 520 bridge tolling begins, with a one-lane HOT system from Mercer Island to Issaquah in the mid-term. In the mid-term future SR 522 will be fully tolled to help fund widening and interchange improvements from Paradise Lake Road to US 2. In the longer term, SR 522 would be fully tolled on its entire length north of I-405.

time of publication of the SDEIS, there were no specific plans for which routes would be improved. Since then, the plan has been developed and adopted. The following is a summary of relevant service improvements.

King County Metro Transit and Sound Transit have committed local funding to making service improvements on routes that serve some neighborhoods with higher concentrations of low-income populations in advance of tolling on the SR 520 bridge in Spring 2011, including:

- a. King County Metro Transit route 255: This is all day service from the Totem Lake area in Kirkland across SR 520 to downtown Seattle. Starting in **October 2010**, route 255 extended morning and afternoon weekday trips from Kirkland Transit Center to Totem Lake Transit Center. Starting in **February 2011**, Route 255 will improve weekday service frequencies by 10 to 30 minutes. Route 255 service from Totem Lake to downtown Seattle begins at approximately 4:30 am and ends at 10:30 pm. Return service begins at approximately 5:25 am and ends at midnight. These improvements will provide better access and more frequent service for low-income people living in the Totem Lake area of Kirkland.
- b. King County Metro Transit route 265: This is a commuter route that operates during peak periods from Redmond to Downtown Seattle. Starting in **October 2010**, route 265 extended from Downtown Seattle to First Hill in Seattle. However, because route 265 provides only PM peak period service from First Hill, these improvements will have a negligible benefit to low-income residents in First Hill.
- c. King County Metro Transit route 271: This is all-day service from the Eastgate Park and Ride in Bellevue to the University District in Seattle via Bellevue Transit Center. Starting in **October 2010**, Eastgate-University District weekday service began running every 10-30 minutes until 6:00 pm. Route 271 also extended its 30 minute headway service later into the evening on weekdays. Service from the University District to Eastgate begins at approximately 5:30 am and ends at 10:20 pm, with return service beginning at 5:45 am and ending at 10 pm. This improvement will provide more frequent cross-lake travel for low-income residents living in the University District.
- d. King County Metro Transit route 311: This is a commuter route that operates during peak periods on weekdays. Starting in **February 2011**, route 311 will have three new morning and three new afternoon trips between Woodinville on the eastside of Lake Washington and Downtown Seattle, which will provide low-income people living in the Duvall area with service every 15 minutes during the peak periods. Service from Duvall to Downtown Seattle begins at 4:51 am and ends at 7:17 am. Return service begins at 3:15 pm and ends at 6:15 pm. There are six outbound trips from Duvall to Seattle and six return trips, so these route improvements have limited benefits for low-income people who work non-peak hours (such as service or shift workers).

- e. Sound Transit route 542: This is a new commuter route that started in **October 2010** and provides two-way weekday service with 15-minute frequency during peak periods from Redmond to the University District. Service begins from the University District to Redmond at approximately 6:30 am and runs every 15 minutes until 10 am; it starts up again at 2:30 and runs every 15 minutes until 6 pm. Return service begins at 5:30 am and runs every 15 minutes until 9 am; it starts up again at 3:30 pm and runs every 15 minutes until 7 pm. This improvement will provide more frequent cross-lake service for low-income people living in the University District. Because route 542 does not provide all day service, these route improvements have does not have complete transportation coverage limited benefits for low-income people who work non-peak hours.
- f. Park and ride lots provide essential connections to transit for car-dependent residents on the east side. The appendix contains a table that shows the park-and-ride lots served by routes that cross the SR 520 bridge and the number of free parking spaces available at each lot.

These transit improvements address the issue of transit frequency and hence the ability to avoid the toll for many people living in neighborhoods with low-income populations in the SR 520 travelshed. However, we recognize that these improvements may have limited benefit for some low-income populations adversely affected by the toll (i.e., low income populations that must use their own car, don't have ability to access transit routes, or have to travel during non-peak hours, etc).<sup>6</sup> Many of the improvements are on commuter routes rather than all-day routes; therefore these improvements do not expand travel options for low-income people who need to travel during non-peak hours. However, tolls are less or non-existent during non-peak hours.

- 2. Vanpools, carpools and ridesharing also allow a low-income person to avoid the toll. WSDOT has been conducting extensive outreach to community-based social service agencies that serve low-income residents of the SR 520 travelshed. The purpose of the outreach is to update these agencies about the tolling and train them on how to help their staff and clients access affordable alternatives to paying the toll, including vanpools and ridesharing. In May 2010, the toll division began meeting with and presenting to community-based organizations throughout the SR 520 travelshed to provide them with information about tolling that they can share with their clients. This includes information about transit improvements; vanpool opportunities; RideShare Online, which facilitates

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<sup>6</sup> Since these improvements include only one new route (ST 542), there are still areas of the SR 520 travelshed that do not have adequate transit service, including Bothell where I-405 intersects with SR 522 and the Seattle neighborhoods of Greenwood, Northgate, Ballard, and Fremont. There are also suburban and rural parts of the SR 520 travelshed, primarily in the northeastern portion where there is limited or no transit. Therefore, these improvements do not help low-income users who indicated that transit is too far from where they live or work.



ride-matching for people who would like to avoid the toll by carpooling with two or more other people; and how to purchase and reload a transponder with an electronic benefits transfer (EBT) card. Starting in January 2011, WSDOT will be delivering trainings with social workers to prepare them to work with clients on planning trips, identifying alternatives to driving alone and paying the toll, and setting up their transponder accounts.

3. Under the WSDOT Vanpool Investment Program (VIP), there will be a number of new vanpools in service. Vanpools are currently available on a first-come, first-served basis for a monthly rate that covers gas, maintenance, and insurance. Parking and tolls for vanpools are generally free. The rate varies, depending on the size of the van, number of trips per week, and distance traveled per trip. For example, the monthly rate for a 7-10 passenger van traveling up to 20 miles roundtrip five days a week would be \$380 (\$38-\$54 per person/month). Individuals who wish to form a vanpool must do the following: assemble a group of four or more people, choose a driver, and complete an application. The toll division has been promoting vanpools to community-based social service agencies as an affordable alternative to paying the toll for their staff and clients.
4. Since publication of the SDEIS, the WSDOT toll division has clarified electronic tolling, including the surcharges associated with using alternatives to the Good to Go!™ transponder to pay the toll. At the time of publication of the SDEIS, the WSDOT toll division had determined that bridge users would be able to purchase a transponder and set up an account with WSDOT to pay the toll, or have their license plate automatically photographed and receive by mail a bill for the toll with a surcharge added.<sup>7</sup> WSDOT has since determined the surcharge, described in the following table:

Weekdays	Good to Go!™ Pass	Pay By Plate (Drivers can set up a pre-paid license plate account in advance of crossing the bridge)	Customer-Initiated Payment (Drivers pay the toll by calling, going online, or visiting a customer service center within 72 hours of crossing the SR 520 bridge)	Pay By Mail (Owners of registered vehicles crossing without other payment methods will receive bill by mail)
11 pm to 5 am	0.00	0.00	0.00	0.00
5 am to 6 am	\$1.60	\$1.85	\$2.60	\$3.10
6 am to 7 am	\$2.80	\$3.05	\$3.80	\$4.30
7 am to 9 am	\$3.50	\$3.75	\$4.50	\$5.00

<sup>7</sup> The FEIS will discuss the mitigation measures that were discussed in the SDEIS such as ways for low income individuals to purchase a "good to go" pass so that their toll rate can be cheaper than with other payment options.

Weekdays	Good to Go!™ Pass	Pay By Plate (Drivers can set up a pre-paid license plate account in advance of crossing the bridge)	Customer-Initiated Payment (Drivers pay the toll by calling, going online, or visiting a customer service center within 72 hours of crossing the SR 520 bridge)	Pay By Mail (Owners of registered vehicles crossing without other payment methods will receive bill by mail)
9 am to 10 am	\$2.80	\$3.05	\$3.80	\$4.30
10 am to 2 pm	\$2.25	\$2.50	\$3.25	\$3.75
2 pm to 3 pm	\$2.80	\$3.05	\$3.80	\$4.30
3 pm to 6 pm	\$3.50	\$3.75	\$4.50	\$5.00
6 pm to 7 pm	\$2.80	\$3.05	\$3.80	\$4.30
7 pm to 9 pm	\$2.25	\$2.50	\$3.25	\$3.75
9 pm to 11 pm	\$1.60	\$1.85	\$2.60	\$3.10

Source: SR 520, I-5 to Medina Bridge Replacement and HOV Project Transportation Analysis

5. The WSDOT Public Transportation Division has funds to pilot an online ridesharing application that will allow clients of community-based social service agencies to ridematch with fellow clients. In 2011, WSDOT will be partnering with King County Metro Transit and a community-based social service organization to demonstrate this tool. If the pilot is successful, the tool may be disseminated to other community-based social service agencies throughout the SR 520 travelshed and beyond.
6. In 2009, the Washington State Legislature directed WSDOT to conduct a carpool pilot project on the SR 520 corridor in King County. WSDOT selected Avego Corp. to test their Shared Transport system. It will help manage congestion on SR 520 by working in tandem with other traffic tools and strategies, including RideshareOnline.com, tolling, Smarter Highways, commute trip reduction, vanpooling, incident response, transit and more. The pilot project will provide a detailed evaluation of this approach, including its costs and benefits, to help policy makers determine how it compares to other demand management programs and whether it should be used in other major corridors in Washington. A final report is due to the Legislature in June 2011 on the pilot study. Analysts have not conducted an assessment of the potential benefits of this pilot project to low-income SR 520 users.

The FEIS will disclose that there are more affordable alternatives to paying the toll than was shown in the prior analysis.

#### **Benefits of SR 520 project to all SR 520 users, including low income populations**

The completed project will include four general-purpose lanes and two HOV lanes, providing increased mobility and reliability for transit, carpools, and general-purpose vehicles. In addition, wider shoulders and improved curves will create greater safety and improved reliability. These

improvements should translate to faster speeds and better trip reliability and predictability for all drivers and transit users, including low-income and minority populations.

As stated earlier, overall project benefits should be considered when determining whether there is a disproportionately high and adverse effect. This section describes those benefits.<sup>8</sup>

Traffic analysts expect reductions in vehicle volumes across the Evergreen Point Bridge as a result of the tolls because some drivers would choose not to pay the toll to drive alone across the bridge. Instead, they would take alternate routes, form a carpool with three or more passengers in the vehicle, use transit, or forgo the trip altogether. Coupled with improved traffic operations on the replacement bridge because of more lanes, wider shoulders, and better operating ramps, this should translate to faster speeds and better trip reliability and predictability for drivers and transit users, including low-income and minorities. Individuals in lower paying jobs often do not have flexibility in work hours, union representation, or hold senior positions at their place of employment. Predictable travel times in some ways may benefit low income users more than high income users. For example, if a low income user is late for work he or she may likely be fired or reprimanded than those with more senior jobs or safeguards (such as employment contracts). Likewise, many professional or higher income jobs are salaried positions not hourly.

As we noted earlier, the 2008 interviews and focus groups confirmed that many low-income drivers consider a faster, more reliable trip across Lake Washington to be worth the cost of a toll. Two of the four low-income focus group participants and five of the six Spanish-language interview participants indicated that they would be willing to pay a toll for a faster, more reliable trip.<sup>9</sup> According to the telephone survey, 42 percent of low-income survey respondents indicated that a \$3.50 toll would be worth it for a faster, more reliable trip.<sup>10</sup> It appears that for many low-income users, the impact "cost" of delay is higher than the cost of the tolls.

Finally, one of the greatest benefits of the project is safety. The aging floating bridge is vulnerable to catastrophic failure. Replacing the bridge is essential to the safety of SR 520 users.

### **Recommended Approach**

Based on the relevant information from the SDEIS and the information obtained to support this memo, the FEIS for the SR 520 Bridge Replacement and HOV Project will disclose that there is not a high and disproportionate adverse effect on low-income populations due to tolling. Factors that will be described in the FEIS are as follows:

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<sup>8</sup> Earlier iterations of this memorandum also summarized the regional efforts to improve mobility for low income people. This information will be included in the indirect and cumulative effects discussion in the updated discipline report.

<sup>9</sup> "SR 520 Environmental Justice Focus Groups and Spanish Language Interviews Summary Report of Findings". Summary Report prepared by PRR for the Washington State Department of Transportation (January 19, 2009): p. 7

<sup>10</sup> "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 12.

- WSDOT has sufficient new information to revise the prior finding. WSDOT and FHWA will carefully document all of the efforts that will help reduce the impact on low income car-dependent users.
- We will disclose the negative financial burden on low-income populations. We will also show that there are new affordable alternatives to paying the toll – such as new transit improvements and times when there is a greatly reduced or no toll – that reduce the severity of the negative financial impact.
- There are general project benefits – including increased predictability and travel time savings – that offset negative financial impacts on low-income populations.

#### **Appendices**

1. SR 520 Travelshed Demographic Analysis
2. Table: Eastside Park-and-Ride Lots and their Capacity
3. Table: Average time of day low-income respondents to the telephone survey indicated that they travel the SR 520 bridge





**City of Seattle**  
Seattle Parks and Recreation

**August 5, 2010**

**City of Seattle's Certification that the MOHAI Building Is Not of Local Significance  
As Part of McCurdy Park**

I, Christopher Williams, Acting Superintendent of Parks and Recreation of The City of Seattle, am authorized to certify whether the MOHAI building is of local significance as part of McCurdy Park and the "green haven" McCurdy Park provides to citizens of the City of Seattle and Washington State.

The City of Seattle has concluded that because the MOHAI building does not provide the "green haven" protected by Section 4(f), it is not of local significance as part of McCurdy Park. Although MOHAI is located within McCurdy Park, the two are not interdependent. The museum will remain a museum regardless of where it is located. If the museum is relocated, McCurdy Park will fully retain its park purposes: to provide green space, scenic viewpoints, a location for specimen plantings, and access to East Montlake Park.

Accordingly, the City of Seattle has concluded that while MOHAI provides an important resource to the citizens of the City of Seattle and the State of Washington, the MOHAI building is not of local significance as part of McCurdy Park and the "green haven" that McCurdy Park provides.

Christopher Williams, Acting Superintendent  
Seattle Parks and Recreation

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June 2, 2010

HEV-WA/570

Ms. Paula J. Hammond  
Secretary of Transportation  
Department of Transportation  
Olympia, Washington

Attention: Megan White

### **Environmental Justice and Tolling**

Dear Ms. Hammond:

We were asked by the Environmental Services Office to provide some guidance on how to address Environmental Justice (EJ) where tolling is being considered. There is a lot of information nationally about EJ and High Occupancy Toll (HOT) lanes, but there was little information that was helpful in addressing situations where all the lanes of a facility were proposed to be tolled. Therefore, we requested an analysis by our legal counsel (see the enclosed memorandum).

The legal analysis supports the conclusion both the FHWA Washington Division and the Washington State Department of Transportation (WSDOT) reached in the State Route (SR) 520 Bridge Replacement Supplemental Draft Environmental Impact Statement (SDEIS) that tolling the SR 520 Bridge will constitute a high and adverse disproportionate impact on the low-income population. The primary basis for this determination is found in the US DOT Order 5610.2 which defines a disproportionate impact as one that is "appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population." This means that since a toll on a facility where all lanes are proposed to be tolled will be a greater economic impact on a low-income population, it constitutes a disproportionate effect on that population.

As a result, we will need to process the reevaluation we've reviewed in draft for the Urban Partnership SR 520 Variable Tolling Project Environmental Assessment (EA), since the EA concluded there was not a disproportionate impact. We also will need to ensure that other projects considering tolling on a facility where all the lanes are proposed to be tolled address the potential for greater impact on the low-income population. This does not mean that tolling cannot be implemented on such a facility; it means that the impact must be disclosed, and any



mitigation being considered should be discussed in the environmental document. In the case of the SR 520 Bridge Replacement SDEIS, the mitigation to ensure that low-income people could obtain transponders through several means was considered sufficient. The overall determination of whether the project has a disproportionate effect on minority and low-income populations will take into account all the impacts and benefits of the project on these populations, not just the impacts of tolling. In the case of the SR 520 SDEIS, the other project benefits did not provide disproportionate benefits to the population.

If you have any questions about this determination, please contact Sharon Love at 360-753-9558 or Jodi Petersen at 360-534-9325.

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Mathis". The signature is written in a cursive style with a large, stylized 'D' and 'M'.

DANIEL M. MATHIS, P.E.  
Division Administrator

Enclosure





# Memorandum

U.S. Department  
of Transportation  
Federal Highway  
Administration

WESTERN LEGAL SERVICES  
201 Mission, Suite 2100  
San Francisco, CA 94105  
(415) 744-8272

Subject: Environmental Justice and Bridge Tolls  
From: Acting Assistant Chief Counsel  
To: Dan Mathis (HDA-WA)  
Division Administrator

Date: March 29, 2010  
Reply to  
Attn. of: HCC-WE

**THIS DOCUMENT IS AN ATTORNEY-CLIENT DOCUMENTS AND/OR AN  
ATTORNEY CLIENT WORK PRODUCT DOCUMENT.**

As you requested, I researched the issue of how the Executive Order 12898 (hereinafter the E.O.) and the two DOT Orders on Environmental Justice (EJ) should be applied to a bridge that either increases a toll or imposes a new toll where one was not there before.

For our purposes, the heart of the E.O. is in the following implementation section:

*Section 1-1. Implementation.*

*Agency Responsibilities.* To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

In breaking down the language in this section, for purposes of this memorandum, the important language is whether our project has a "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations..."

The EO has some of its history based in Title VI of the Civil Rights Act. Section 601 of Title VI, 42 U.S.C. § 2000d, provides:

*No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*

To be successful in bringing a suit under section 601 one must show intentional discrimination. See Alexander v. Choate, 469 U.S. 287, 293, (1985). The EO does not

require any such intent.

However, under Section 602 of Title VI, which directs and authorizes federal agencies to effectuate the provisions of Section 601, authorizes federal agencies to promulgate regulations prohibiting actions which have a "disparate impact" on minorities provides for actions not based on intentional discrimination. To show disparate impact under this section 602, Title VI requires "a reliable indicator of disparate impact" and "an appropriate statistical measure" that takes into account all relevant bases of comparison" or the case will be dismissed. New York Urban League, Inc. v. State of New York, 71 F.3d 1031, 1038 (2d Cir.1995). Again, this requires more evidence and specificity than the EO would require.

As there is no right for an aggrieved party to use the EO to sue FHWA, there is no caselaw on it outside NEPA and Title VI cases. Nevertheless, we are still fully bound to implement the EO as well as DOT Orders 5610.2 and 6640.23. DOT Order 6640.23 is called *FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

In this Order's definitions' section, the term Disproportionately High and Adverse Effect on Minority and Low-Income Populations means an adverse effect that:

- (1) is predominately borne by a minority population and/or a low-income population; or
  - (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non low- income population.
- Sec. 2.g.

Likewise, this Order defines Minority Population as "any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity. Moreover, the Order defines Low-Income Population means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity.

The first step in any EJ analysis is determining whether there is a low income or minority population. If neither of these populations are present, then the inquiry stops there from an EO standpoint although impacts must still be addressed under the National Environmental Policy Act (NEPA).

If however, there is a low income or minority population, then the next step is whether there is a Disproportionately High and Adverse Effect. If the toll is affecting a cross section of society, then using the first definition of Disproportionately High and Adverse

Effect: *predominately borne by a minority population and/or a low-income population*, there is no EJ "violation."

However, the U.S. Department of Transportation has gone a step farther, and has created a second definition: "impacts on EJ populations that are appreciably more severe or **greater in magnitude** than the adverse effect on non-EJ populations." Emphasis added. Almost by definition, as a toll has an economic impact greater in magnitude on lower income populations than higher income populations, a toll would create a *Disproportionately High and Adverse Effect* on that low income population. This would not necessary be true for minority populations unless then are also low income.

Once this is determined, section 5.d. in the Order on Actions to Address Disproportionately High and Adverse Effects states: "FHWA managers and staff will ensure that the programs, policies, and activities that will have disproportionately high and adverse effects on minority populations or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account." In other words, there is still room to choose the alternative with Disproportionately High and Adverse Effects, but there need to be mitigation, if practicable. What is practicable is a term that needs be evaluation by the facts at hand.

In conclusion, given the very broad definition of what a disproportionately high and adverse effect is, having a new or increased toll would seem to be that type of effect if there is a low income population present.

I hope this helps and please call me at 415-744-8272 if you have any questions.



Lawrence (Lance) P. Hanf





U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, Washington 98501-1284  
(360) 753-9480  
(360) 753-9889 (FAX)  
<http://www.fhwa.dot.gov/wadiv>

April 29, 2010

HMP-WA/WA 649

Ms. Paula J. Hammond  
Secretary of Transportation  
Department of Transportation  
Olympia, Washington

Attention: Megan White

**Preferred Alternative for SR 520, I-5 to  
Medina: Bridge Replacement and HOV  
Project**

Dear Ms. Hammond:

This letter is in response to your correspondence of April 26, 2010, requesting FHWA's concurrence on WSDOT's preferred alternative for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Based on the information provided in your letter and the supporting documentation, FHWA concurs.

The SR 520, I-5 to Medina project is a key component of the region's transportation infrastructure, replacing vulnerable bridges while providing transit benefits through completion of the regional HOV system. We appreciate the extensive work that WSDOT has done to engage agencies, tribes, and the public in the decision-making process, and to refine the project design in consideration of comments on both the Draft Environmental Impact Statement (DEIS) and the Supplemental DEIS (SDEIS). The preferred alternative WSDOT has identified will provide immediate safety, mobility, and community benefits while facilitating the future development of high-capacity transit by regional transit agencies. While FHWA recognizes that further design refinements may evolve through the various work groups mandated by the legislature, our understanding to date indicates that these refinements will remain within the scope of the SDEIS options, and in many cases will further reduce impacts from those disclosed in that document. We encourage adherence to WSDOT Design Manual guidelines throughout the design refinement process between now and the Final EIS. Finally, FHWA supports involving neighborhood and civic groups in the refinement of the design.





Now that the preferred alternative has been identified, more work remains to be done. We look forward to continued partnership with WSDOT in completing the Final EIS and providing guidance on other regulatory requirements, such as Section 4(f). We also stand ready to provide support as necessary in ongoing coordination with resource agencies, tribal governments, and local jurisdictions. Through these efforts, the SR 520, I-5 to Medina project will facilitate the safe, efficient movement of people and goods through the SR 520 corridor for many years to come.

Sincerely,

A handwritten signature in blue ink that reads "Daniel M. Mathis". The signature is fluid and cursive, with the first name "Daniel" and last name "Mathis" clearly legible.

DANIEL M. MATHIS, P.E.  
Division Administrator

Cc: Randy Everett, FHWA  
Dave Dye, WSDOT  
Julie Meredith, WSDOT



Washington State  
Department of Transportation  
Paula J. Hammond, P.E.  
Secretary of Transportation

Transportation Building  
310 Maple Park Avenue S.E.  
P.O. Box 47300  
Olympia, WA 98504-7300

360-705-7000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 26, 2010

Mr. Daniel Mathis  
Federal Highway Administration  
Washington Division Administrator  
711 S. Capitol Way, Suite 501  
Olympia, Washington 98501

Re: Preferred Alternative for SR 520, I-5 to Medina: Bridge Replacement and HOV Project

Dear Mr. Mathis:

The purpose of this letter is to request FHWA's acceptance of the Washington State Department of Transportation (WSDOT) preferred alternative for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. The project will improve safety and mobility in the SR 520 corridor by replacing the vulnerable Evergreen Point, Portage Bay, and West Approach bridges and improving the SR 520 mainline from I-5 in Seattle to Evergreen Point Road in Medina. The WSDOT recommendation is based upon over 10 years of environmental analysis; extensive consultation with affected communities, resource agencies, jurisdictions, and tribes; and consideration of more than 2000 comments on the Draft and Supplemental Draft Environmental Impact Statements (EIS).

Planning for the SR 520 corridor began in 1998 with the work of the Trans-Lake Washington Study Committee. This 47-member stakeholder group evaluated a broad range of potential modes and routes for crossing Lake Washington. The concepts considered included new project corridors; different crossing methods, such as tubes and tunnels; new travel modes, such as ferries and rail; and travel demand management (TDM) through tolling and/or land use changes. These concepts were screened, and the most promising combined into "solution sets." The solution sets helped to inform the alternatives subsequently studied under the National Environmental Policy Act (NEPA) and in accordance with the State Environmental Policy Act (SEPA).

Scoping for the project was initiated in January 2000, with FHWA, Federal Transit Administration (FTA), WSDOT, and Sound Transit as co-lead agencies. Following scoping, the co-leads developed and screened a wide range of highway, transit, and TDM solutions, then combined these solutions into seven alternatives representing a mix of modes. These alternatives were then screened for mobility, environmental effects, and cost. Ultimately, a regional decision was made that the initial high-capacity transit crossing of Lake Washington would be on I-90, but that SR 520 improvements would provide the ability to add High Capacity Transit (HCT) in

the future. This decision was formalized in Sound Transit's Long Range Plan update in 2005 and their ST2 plan in 2008.

Based on the screening results, three SR 520 build alternatives were carried forward for evaluation in the Draft EIS: 4-Lane, 6-Lane, and 8-Lane. In 2005, WSDOT responded to the concerns of neighborhoods adjacent to the highway by developing several "design options" to the 6-Lane Alternative that would reduce SR 520's footprint and/or enhance its benefits in the Montlake interchange area. These design options were also evaluated in the Draft EIS. The 8-Lane Alternative was eventually dropped from further analysis because it provided no greater mobility benefits than the 6-lane, and had more environmental impacts and would have required extensive investments in improvements on I-5 and I-405. The Draft EIS concluded that the 4-Lane Alternative did not meet the project purpose and need because it failed to provide appreciably greater mobility benefits than the No Build Alternative.

Following publication of the Draft EIS, in a report entitled *A Path Forward to Action*, Governor Christine Gregoire identified the 6-Lane Alternative as the state's preference for the SR 520 corridor. However, the report recognized that controversy still existed among the public, agencies, jurisdictions, and tribes about the optimum design configuration for the Montlake area. The Governor's report concluded that "The impacted communities on the west end of the project need to determine what design from Union Bay and westward to I-5 will best serve the neighborhoods, the University of Washington, and parks and natural resources."

In 2007, responding to the Governor's request, the State Legislature initiated the SR 520 mediation process. Managed by the Governor's Office, the 37-member mediation group included members of affected communities as well as representatives of local jurisdictions, the business community, and advocacy groups. Between November 2007 and December 2008, the mediation group developed six-lane design options that focused on the Montlake interchange, west approach, and Portage Bay Bridge areas. The group's final report recommended further evaluation of Design Options A, K, and L. WSDOT committed to evaluate these design options in a Supplemental Draft EIS, which was published in January 2010.

Following the mediation process, the State Legislature formed the SR 520 Legislative Workgroup to recommend a preferred design option to the full Legislature and Governor. In late 2009, the work group recommended "Option A+," a variation of Option A which included a new interchange at Montlake Boulevard, ramps at Lake Washington Boulevard, transit/HOV direct-access ramps, a second bascule bridge over the Montlake Cut, and six general-purpose lanes plus a westbound auxiliary lane on the Portage Bay Bridge. The work group's recommendation was included in the Supplemental Draft EIS, which fully evaluated this design option.

WSDOT has conducted agency coordination and public outreach on a regular basis since scoping began in 2000. Resource agencies, jurisdictions, and tribal staff have been engaged in a Resource Agency Coordination process (RACp) and associated technical working groups since 2007, and prior to that time participated in the project's Technical Advisory Committee. WSDOT has coordinated individually with all affected tribal nations to provide project information and solicit feedback and concerns. WSDOT has also consulted directly with tribes on natural resource



issues, such as potential impacts to tribal treaty fishing, and on cultural resource issues. Public engagement has encompassed more than 30 hearings, open houses, and drop-in events, over 20

community design workshops, and over 100 community group meetings. Project information has been disseminated by newsletters, e-mail updates, community and agency briefings, and an

extensive web site. During the public comment period on the Draft EIS, WSDOT received a total of 1,734 comments; during the public comment period on the Supplemental Draft EIS, 414 comments were received. WSDOT has considered all public, agency, and tribal input carefully in coming to its decision.

Based on our analysis of environmental impacts and public comments, WSDOT has identified its preferred alternative. This configuration (described in more detail in the Information Sheet attached to this letter) includes a six-lane corridor, a pedestrian and bicycle friendly urban interchange integrated with a lid at Montlake Boulevard, and a second bascule bridge across the Montlake Cut. It eliminates dedicated on- and off-ramps to Lake Washington Boulevard, allowing instead for potential managed access to Lake Washington Boulevard via the direct-access ramps. It reduces the profile of the Evergreen Point floating bridge compared to the Supplemental Draft EIS, and optimizes traffic flow by using a 6-lane Portage Bay Bridge with a managed westbound shoulder during peak periods. In anticipation of future needs, the Preferred 6-Lane Alternative provides for near-term implementation of bus rapid transit (BRT) as well as including design features that enable future long-term development of light rail transit (LRT).

As described in the attachment, all components of the preferred alternative were evaluated in the SDEIS. Although details of the design may be further refined as WSDOT works with the City of Seattle and other agencies and stakeholders under the requirements of ESHB 6392, these refinements are expected to remain within the scope of the impacts analyzed in the SDEIS. They will likely focus on design characteristics of the Montlake interchange, management of access to and from Lake Washington Boulevard, construction phasing of the second bascule bridge, bicycle and pedestrian connections in the Montlake Triangle area, and traffic reduction measures to benefit the Washington Park Arboretum.

In identifying the preferred alternative, WSDOT considered the following advantages of this design compared to others that were evaluated in the Supplemental Draft EIS:

- Minimize wetland and buffer fill.
- Minimize aquatic habitat fill.
- Minimize park land acquisition.
- Lowest greenhouse gas emissions.
- Least amount of new impervious surface.
- Best transit connectivity.
- Supported by six Seattle neighborhood groups, King County Metro, University of Washington, Seattle City Council, and Seattle Chamber of Commerce.
- Recommended by the SR 520 Legislative Workgroup.
- Only design option within the mandated \$4.65 billion budget.

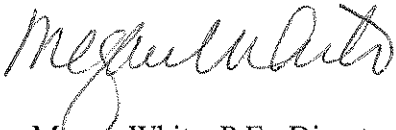
Mr. Daniel Mathis

April 26, 2010

Page 4

FHWA's partnership and guidance have been extremely helpful in the development of this project. Based on the factors noted above and others that are detailed in the attached information sheet, we request FHWA's formal concurrence on the selection of the preferred alternative. Please feel free to contact me if you have any questions or need additional information to facilitate your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Megan White".

Megan White, P.E., Director  
Environmental Services Office

MW:pf

cc: Paula Hammond, WSDOT, w/enclosure  
Dave Dye, WSDOT, w/ enclosure  
Julie Meredith, WSDOT, w/ enclosure  
Randy Everett, FHWA, w/ enclosure

# Preferred Alternative Information Sheet

**Request from: Washington State Department of Transportation**

**Project Name: SR 520: I-5 to Medina Bridge Replacement and HOV Project**

**NEPA Document: EIS**

**Type of Request: Acceptance of preferred alternative**

**Date of request: April 26, 2010**

## 1. What is the State's preferred alternative?

Based on our analysis of environmental impacts and public comments, WSDOT has identified its preferred alternative. This configuration includes:

- A pedestrian-friendly urban interchange integrated with a lid from Montlake Boulevard to east of 24<sup>th</sup> Avenue East.
- A design that provides for near-term implementation of bus rapid transit (BRT) and includes design features that enable future development of light rail transit (LRT).
- Westbound off-ramps and direct-access transit/HOV ramps consolidated on the north side of the Montlake lid to maximize open space and pedestrian/bicycle connections.
- A second bascule bridge that provides expanded pedestrian/bicycle facilities across the Montlake Cut.
- Transit/HOV lanes and transit priority signaling on Montlake Boulevard.
- Bus stops on the Montlake lid to facilitate access between the neighborhoods and the Eastside.
- A six-lane Portage Bay Bridge with a managed westbound shoulder to provide additional capacity during peak periods.
- Transit/HOV direct access ramps to Montlake Boulevard.
- Elimination of dedicated on- and off-ramps to Lake Washington Boulevard, instead allowing for potential managed access to Lake Washington Boulevard via the direct-access ramps.
- Innovative noise reduction techniques to enhance conventional noise mitigation.

All components of the preferred alternative were evaluated in the SDEIS. Although details of the design may be further refined as WSDOT works with the City of Seattle and other agencies and stakeholders under the requirements of ESHB 6392, these refinements are expected to remain within the scope of the SDEIS. They will likely focus on design characteristics of the Montlake interchange, management of access to and from Lake Washington Boulevard, construction phasing of the second bascule bridge, bicycle and pedestrian connections in the Montlake Triangle area, and traffic reduction measures to benefit the Washington Park Arboretum.

The attached graphics provide an overview of the preferred alternative. The response to question 3 below identifies specific features of the preferred alternative that respond to comments received on the Draft and Supplemental Draft EIS.

**2. How has the state involved agencies, the tribes, and the public in decision making?**

WSDOT has conducted agency and tribal coordination and public outreach on a regular basis since project scoping began in 2000. WSDOT has engaged resource agencies, cooperating agencies, and jurisdictions on project development through a Resource Agency Coordination process (RACp) and associated technical working groups since 2007, and prior to that time through the project's Technical Advisory Committee. This project resigned from the Signatory Agency Coordination process which retired in 2009, and it is not subject to the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users regulations. The RACp forum provided federal and state interagency and cooperating agency guidance.

WSDOT has also coordinated with tribes through the RACp and associated technical working groups to provide project information and solicit feedback and concerns. In addition, WSDOT has consulted individually with all affected tribal nations through staff meetings regarding natural and cultural resources issues.

Public involvement has ranged from attendance at open houses, accessibility of media and information and through participation in a mediation process. Public engagement has encompassed more than 30 hearings, open houses, and drop-in events, over 20 community design workshops, and over 100 community group meetings. Project information has been disseminated by newsletters, e-mail updates, community and agency briefings, and an extensive web site.

Other public processes have also factored into consideration of the preferred alternative. The SR 520 mediation process, initiated by the State Legislature in 2007 and managed by the Governor's Office, convened more than 30 project stakeholders who developed the concepts for the three design options studied in the SDEIS. Members of affected community groups took part in some 38 mediation-related meetings and contributed design ideas. Following the mediation process, the SR 520 Legislative Workgroup was formed to recommend a preferred design option to the full Legislature and Governor. Workgroup meetings were open to the public, and the group hosted an open house to collect public comment on their draft report in November 2009.

Agencies, tribes, and the public have had formal opportunities to provide comments on both the Draft EIS and Supplemental Draft EIS. During the public comment period on the Draft EIS, WSDOT received a total of 1,734 comments; during the public comment period on the SDEIS, 414 comments were received.

WSDOT has considered all public, agency, and tribal input carefully in coming to its decision.

**3. How have comments on the Draft EIS been considered in the decision on the preferred alternative?**

The Draft EIS evaluated 4-Lane, 6-Lane, and 8-Lane alternatives, as well as several design options to the 6-Lane Alternative. All of these alternatives and options have since been eliminated from further detailed study, either because they did not meet the project purpose and need or because their impacts were larger than those of the designs developed for the SDEIS. The 8-Lane Alternative was eventually dropped from further analysis because it provided no greater mobility benefits than the 6-Lane Alternative, but had more environmental impacts and would have required extensive investments in improvements on I-5 and I-405. The Draft EIS concluded that the 4-Lane Alternative did not meet the project purpose and need because it failed to provide appreciably greater mobility benefits than the No Build Alternative. The 6-Lane design options evaluated in the SDEIS were eliminated due to concerns regarding their impacts, based on comments following the Draft EIS release.

The 6-Lane design options evaluated in the SDEIS were developed with the intent of minimizing environmental impacts compared to those studied in the Draft EIS. This is largely as a result of design improvements made in response to public, tribal, and agency comment and input received between August 2006 (when the Draft EIS was released) and December 2008 (when the final report of the mediation group was published). The Preferred 6-Lane Alternative differs from the 6-Lane Alternative presented in the Draft EIS in the following ways:

- Typical six-lane section of SR 520 (measured on floating bridge) reduced from 133 feet to 115 feet.
- Width of Portage Bay Bridge at midpoint reduced from 154 feet to 105 feet.
- Width at Montlake shoreline reduced from 352 feet to 240 feet.
- Width across Foster Island reduced from 241 feet to 170 feet.

#### **4. How were the components of the preferred alternative evaluated in the SDEIS?**

As described above, the Preferred 6-Lane Alternative includes improvements that reduce effects on neighborhoods and the environment compared to the design options in the Draft EIS. While it was not analyzed as a single alternative in the SDEIS, each of its major components was included in one or more of the SDEIS design options, as described below:

- Interchange location at Montlake Boulevard: Evaluated in Option A.
- Lid at Montlake Boulevard: Evaluated under all design options.
- Transit/HOV direct-access at Montlake Boulevard: Evaluated under Option A and as a suboption to Option A.
- Second bascule bridge at Montlake: Evaluated in Option A.
- Access between SR 520 and Lake Washington Boulevard: Evaluated as a suboption to Option A.
- Six-lane Portage Bay Bridge with auxiliary lane function (now provided as a managed shoulder): Evaluated in Option A.
- Wider distance between westbound and eastbound mainline lanes on west approach: Evaluated (as part of a larger footprint) in Options K and L.

#### **5. How have comments on the SDEIS been considered in the decision on the preferred alternative?**

Following issuance of the SDEIS, WSDOT made additional refinements to the project design to address concerns that were raised during the comment period. These refinements will further reduce the impacts of the preferred alternative on the natural and built environment compared to the design options evaluated in the SDEIS. They include:

- A gap between the westbound and eastbound lanes of SR 520 from the floating bridge to the Montlake shoreline, which will accommodate a range of future configurations for light rail.
- A lower profile of the Evergreen Point floating bridge to minimize visual effects.
- A substantially larger lid at Montlake, with ramps and landscaping designed for improved bicycle and pedestrian access and use.
- A six-lane Portage Bay Bridge with a managed westbound shoulder to reduce bridge width while maintaining traffic flow during peak periods.
- An alignment that avoids the need to acquire buildings from the NOAA Northwest Fisheries Science Center south campus.

- Potential for reduced effects on the Foster Island presumed eligible traditional cultural property through minimization of ground-disturbing activities.
- Maintaining proposed pedestrian crossing and connectivity over I-5 by reducing the I-5 lid to a smaller, separate structure.

The Final EIS will fully evaluate the effects of design refinements that were not included in the SDEIS. As noted previously, these design refinements are expected to reduce impacts on the built and natural environment compared to the SDEIS options.

## **6. How does the design of the preferred alternative avoid and/or minimize environmental impacts?**

In identifying the preferred alternative, WSDOT considered the following advantages of this design compared to others that were evaluated in the SDEIS:

- Minimize wetland and buffer fill.
- Minimize aquatic habitat fill.
- Minimize park land acquisition.
- Lowest greenhouse gas emissions.
- Least amount of new impervious surface.
- Best transit connectivity.

Based on comments received on the Draft EIS and SDEIS, WSDOT is also working proactively with regulatory agencies, tribes, jurisdictions, and other stakeholders to define mitigation measures. In addition, WSDOT is working with the City of Seattle, regional transit agencies, and the University of Washington, and Arboretum Botanical Garden Committee to identify additional ways to improve project design, especially for transit, pedestrians, bicyclists, and transit as required by ESHB 6392. The Final EIS will document these mitigation measures and design enhancements.

## **7. Are there any unavoidable adverse impacts?**

Unavoidable adverse impacts documented in the SDEIS include:

- Removal of the existing Evergreen Point Bridge, which is eligible for the National Register of Historic Places and the Washington State Historic Register.
- Additional fill and shading in and over habitat in Portage Bay and Lake Washington.
- The visual effects of the wider roadway, larger structures, and potential noise walls.
- Effects on access to usual and accustomed treaty areas of the Muckleshoot Tribe.
- Construction on Foster Island, presumed to be an eligible traditional cultural property.

- Disruption from construction over a period of several years in some locations.

## **8. Are there areas of controversy regarding WSDOT's preferred alternative?**

Like most projects of its magnitude, the SR 520 I-5 to Medina Project has experienced controversy in several areas. WSDOT is actively working with agencies, elected officials, tribes, and members of the public to resolve these issues. The Final EIS will identify how each issue has been resolved. They include:

- Lack of consensus among Seattle neighborhoods on the preferred design option for the Montlake interchange area.
- Belief that light rail should be implemented at the time of project opening or soon thereafter.
- Disagreement on the optimum number of lanes for the SR 520 corridor between the floating bridge and I-5.
- Resource agency concerns with the low bridge profiles proposed through the west approach area.
- Tribal concerns related to usual and accustomed fishing areas, fish resources, aquatic habitat, and the potential to encounter cultural resources on Foster Island.

## **9. Do the investigations and analysis conducted this far support the assumption that all of the alternatives under consideration would comply with Federal requirements such as Section 404(b)(1) of the Clean Water Act, the Executive Order on Environmental Justice, etc.?**

The preferred alternative WSDOT proposes is expected to comply with all federal requirements. Compliance with key requirements is described briefly below.

Section 404(b)(1) of the Clean Water Act: The Preferred 6-Lane Alternative requires less filling of wetlands and aquatic resources than the other alternatives and design options that meet the project purpose and need. We anticipate that it will be identified the least environmentally damaging practicable alternative (LEDPA) in the Corps of Engineers' 404(b)(1) analysis.

Executive Order 12898 on Environmental Justice: All alternatives and options evaluated have equal potential to result in disproportionately severe and adverse effects on low-income populations and on tribal treaty rights of the Muckleshoot Indian Tribe. WSDOT is committed to developing mitigation measures that will help to offset these effects and will incorporate them into the FEIS and the Record of Decision. Section 4(f): The Draft Section 4(f) evaluation concludes that there are no feasible and prudent alternatives that avoid the use of Section 4(f) properties. In the absence of avoidance alternatives, the Preferred 6-Lane Alternative has the least Section 4(f) use, particularly since the design has been changed to avoid the NOAA Northwest Fisheries Science Center. WSDOT is



actively working with the agencies with jurisdiction to develop measures to minimize harm to Section 4(f) resources.

Section 6(f): Minimizing 4(f) impacts also minimizes 6(f) impacts. Through the Parks Technical Working Group, WSDOT is coordinating with the City of Seattle and University of Washington (the LWCFA/ALEA grantees), the Washington State Recreation and Conservation Office, and the National Park Service. A shortlist of potential replacement properties has already been agreed upon and will be finalized by fall 2010.

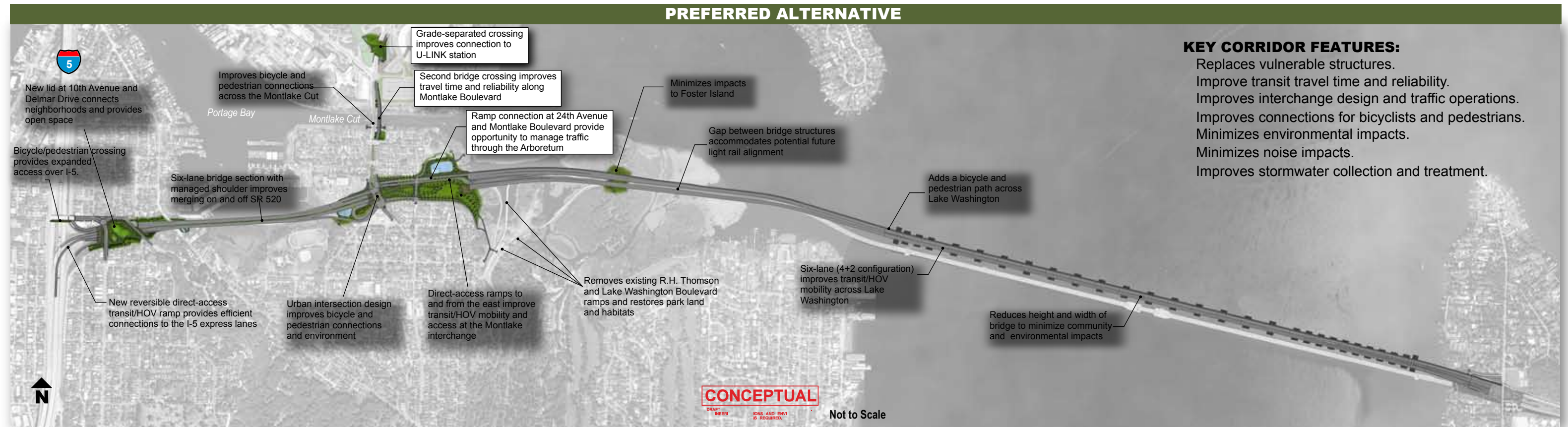
Section 106: WSDOT is coordinating on a regular basis with the Department of Archaeology and Historic Preservation (DAHP), the seven tribal nations with Section 106 interests, and 16 consulting parties to identify adverse effects and will develop a Memorandum of Agreement (MOA) to address these effects. The MOA will be completed before signing of the FEIS and will be incorporated into the Record of Decision.

Endangered Species Act: WSDOT has worked closely with the Services at both staff and management levels since 2007 in developing analytical frameworks for effects on listed species. We are continuing this coordination during development of the Biological Assessment, currently scheduled for submittal in summer 2010. Based on discussions with USFWS and NOAA-NMFS to date, we anticipate receiving the Biological Opinion before the end of 2010.

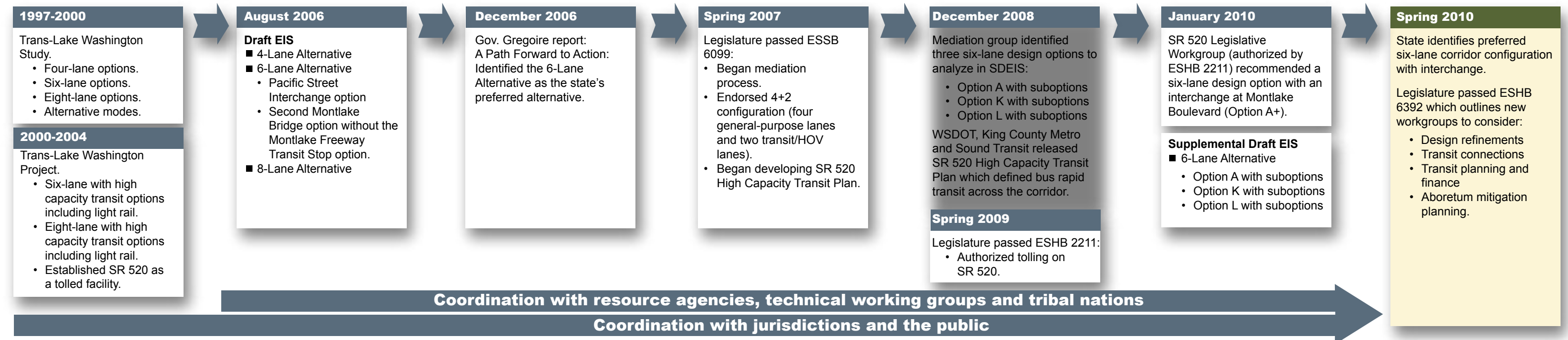


# Preferred alternative: Overview

**DRAFT** April 2010



## Project timeline







# Preferred alternative

**DRAFT** April 2010

## MONTLAKE INTERCHANGE



Additional refinement could occur through the City of Seattle design process per legislation (ESHB 6392).











RECEIVED

MAY 26 2009

Office of the Secretary  
Department of Transportation

May 22, 2009

Dave Dye  
Deputy Secretary of Transportation  
Washington State Department of Transportation  
310 Maple Park Avenue SE  
Olympia, WA 98504-7300

RECEIVED

MAY 26 2009

WSDOT - SR 520  
PROJECT OFFICE

Dear Dave:

I am responding to your May 11, 2009, letter about Sound Transit's status as a co-lead agency for the SR 520 Bridge Replacement and HOV project and the Eastside Transit and HOV project.

Sound Transit agrees that the timing is right to step down as a co-lead from both the SR 520 Bridge Replacement and HOV project and the Eastside Transit and HOV Environmental Assessment, continuing with the bridge replacement project as a cooperating agency. Since the 520 corridor has been designated for High Capacity Transit in the Regional Transit Long-Range Plan, and identified as Bus Rapid Transit for the near term, we need to continue to be closely involved with WSDOT as analyses are developed and decisions are made with respect to this corridor.

As a cooperating agency, Sound Transit will be provided the opportunity to review and comment on the draft technical reports, draft SEIS chapters and final SEIS document prior to issuance to the public. The agency will continue to work with WSDOT through review of transit facility designs, transit priority treatments, HOV lane configuration and operation, and any future BRT/HCT planning for the corridor.

Per our discussions surrounding how to address the ST2 plan projects and the East Link light rail line in particular, we look forward to early review of the Cumulative Effects chapter of the draft SEIS and working with WSDOT to develop satisfactory language related to ST2. In addition, we understand that WSDOT will include the full ST2 Plan in the transportation analysis of the final SEIS.

Sound Transit staff will complete any outstanding review of SR 520 supplemental draft EIS (SDEIS) discipline reports currently ongoing and submit comments to WSDOT. Any future review for the SDEIS discipline reports and preliminary SDEIS will be completed during the cooperating agency review process. For the Eastside Transit and HOV project, Sound Transit anticipates being a cooperating agency for the NEPA Environmental Assessment (EA). Our main concern is having the opportunity to review and provide comments on the preliminary draft NEPA Environmental Assessment (EA) prior to issuance to the public and agencies.

We look forward to continuing to work cooperatively with WSDOT on the SR 520 program of projects and wish the best success.

**CHAIR**

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*Seattle Mayor*

**VICE CHAIRS**

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*Snohomish County Executive*

Claudia Thomas  
*Lakewood Councilmember*

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Paul Roberts  
*Everett Councilmember*

Ron Sims  
*King County Executive*

Peter von Reichbauer  
*King County Councilmember*

**CHIEF EXECUTIVE OFFICER**

Joni Earl



Sincerely,

Joni Earl  
Chief Executive Officer

Cc

Ric Ilgenfritz, Executive Director, Policy and Planning  
Greg Walker, Policy and Planning Officer  
Perry Weinberg, Environmental Compliance Manager  
Steve Kennedy, Senior Environmental Planner  
Andrea Tull, Senior Planner

cc: Ron Paavonen  
Julie Meredith

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*Seattle Mayor*

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Peter von Reichbauer  
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**CHIEF EXECUTIVE OFFICER**

Joni Earl



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, Washington 98501-1284  
(360) 753-9480  
(360) 753-9889 (FAX)  
<http://www.fhwa.dot.gov/wadiv>

June 18, 2008

HDA-WA/[SR 520

Julie Meredith  
Washington State Department of Transportation  
SR 520 Project Director  
600 Stewart Street, Suite 520  
Seattle, WA 98101-1209

SR 520 Approval of a Separate  
Transit and HOV Improvements Project

Dear Ms. Meredith:

I have reviewed your June 18, 2008 letter, which requested FHWA approval to develop the Eastside Transit and HOV Improvements Project as a separate project. After consultation with environmental staff in the Washington Division as well as with staff in FHWA's Office of the Chief Counsel and Office of Project Development and Environmental Review, I approve your request. This new project meets the criteria for development of a new project that is specified in 23 CFR 771.111(f).

Sincerely yours,

Stephen P. Boch PE  
Major Project Oversight Manager

Cc: Heather Catron, WSDOT, SR 520  
Sharon Love, FHWA, Washington Division  
David Ortez, FHWA, Legal Counsel  
Chip Larson, FHWA, Office of Project Development and Environmental Review

**MOVING THE  
AMERICAN  
ECONOMY**









**Washington State  
Department of Transportation**  
**Paula J. Hammond, P.E.**  
Secretary of Transportation

**Urban Corridors**  
SR 520 Project  
600 Stewart Street, Suite 520  
Seattle, WA 98101-1209  
206-770-3500  
Fax 206-770-3569  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

June 18, 2008

Mr. Stephen Boch, P.E.  
Major Project Oversight Manager  
Federal Highway Administration  
Jackson Federal Building  
915 Second Avenue, Room 3142  
Seattle, Washington 98174

Letter Number: 0045  
Y-TSO  
SR 520 Program  
AGR\_ULT(PUB)

Re: Discussion of Logical Termini and Independent Utility for SR 520 Eastside Transit and HOV Improvements Project

Dear Mr. Boch:

The purpose of this letter is to request FHWA's concurrence with our determination that constructing improvements to SR 520 from the Evergreen Point transit stop to SR 202 (the Eastside Transit and HOV Improvements Project) is a project that meets the criteria specified by FHWA regulation 23 CFR 771.111(f). This project is being developed to reduce transit and HOV travel times and to enhance travel time reliability, mobility, access, and safety for transit and high-occupancy vehicles in rapidly growing areas along the SR 520 corridor east of Lake Washington. We propose to move forward with an Environmental Assessment to document the project's environmental impacts. We understand that if we find there are significant environmental impacts that cannot be mitigated, we would need to develop an Environmental Impact Statement (EIS).

### **What is the background of the Eastside Transit and HOV Improvements Project?**

In 1997, following a legislative mandate, the Washington State Transportation Commission initiated the Trans-Lake Washington Study, with the goal of identifying ways to improve transportation across and/or around Lake Washington. Although the key problem that led to the study was severe and growing congestion on SR 520, the 47-member Trans-Lake Study Committee considered improvements in an area bounded by I-90 to the south, SR 522 to the north, I-5 to the west, and the eastern end of SR 520 to the east. The study was designed to consider many possibilities in the proposed solutions. Potential solutions included increasing capacity for moving people and vehicles, managing travel demand, providing new or enhanced bicycle and pedestrian facilities, and enhancing environmental protection. The most promising solutions were then advanced into a phase of more detailed design and study, including an environmental impact statement (EIS).

The Notice of Intent was issued for the SR 520 EIS in late 2000. The original project limits were from I-5 in Seattle on the west to SR 202 in Redmond on the east. However, project funding was eliminated in 2002 and only partially reinstated in 2003. For this reason, the eastern project limit was changed to 108<sup>th</sup> Avenue NE in Bellevue. At this time, the project ceased to be the Trans-Lake Washington Project and was renamed the SR 520 Bridge Replacement and HOV Project. A Draft EIS (DEIS) was published in August 2006. The DEIS evaluated a No Build Alternative, a 4-Lane Alternative (four general-purpose lanes), a 6-Lane Alternative (four general-purpose plus two HOV lanes), and several design options for the 6-Lane Alternative.

In late 2006, after considering the findings of the DEIS, Washington Gov. Christine Gregoire identified a "4+2" alternative (four general-purpose and two HOV lanes) as the state's preference for moving forward. This preference was endorsed by the Legislature in 2007. However, there was still considerable controversy in Seattle neighborhoods about the specific design options evaluated in the DEIS. In response to this controversy, the Legislature passed Engrossed Substitute House Bill 6099. Among other mandates related to SR 520, the bill required that a mediation process be established to define SR 520's alignment within Seattle. Mediation began in summer 2007 and will continue through late 2008.

On the Eastside, there was relatively widespread support for the 4+2 alternative. An additional piece of legislation passed in 2008 directs WSDOT to study the potential for accelerating improvements on the Eastside.

In March 2008, Gov. Gregoire highlighted the importance of the SR 520 project to the region and state by announcing an accelerated project schedule. Assuming that environmental review and permitting are completed on schedule, a new, four-lane Evergreen Point Bridge is proposed to open in 2014, with expansion to six lanes by 2016.

A separate, but related program that affects SR 520 is the Urban Partnership Agreement (UPA), which USDOT approved in late 2007. The UPA is planned to fund a variety of projects in the SR 520 corridor to reduce congestion, including purchase of new buses, park-and-ride improvements, active traffic management, and variable tolling. Variable tolling would begin in 2009, several years earlier than the SR 520 bridge would be replaced. The legislation that requires WSDOT to evaluate accelerating Eastside improvements ties the construction time frame to this period of "pre-construction tolling."

### **Why is a separate project needed now?**

Since the Notice of Intent for the SR 520 corridor was published in 2000, a number of circumstances have changed. Following the dot-com bust and recession of 2001-02, the



communities east of Lake Washington have grown at a much faster pace than Seattle, creating a new set of transportation needs. Increasingly, residents of these communities are using transit to move from place to place. Transit agencies are responding with plans for enhanced service—and these plans rely on SR 520 as a critical backbone to link east-west and north-south trips.

Key reasons that a separate project is needed now include:

- ***To support current and planned growth on the Eastside.*** The population of the three Eastside urban centers along SR 520 is expected to grow by over 45,000 between 2000 and 2030. Employment in the three cities is on an even faster growth curve, with a 40% increase in jobs projected between 2000 and 2022. Three major redevelopment projects in the works adjacent to SR 520 are slated to add up to 10,000 new households and 12.5 million square feet of office and retail space.
- ***To support transit demand and planned service improvements.*** In the last eight years, transit use on the Eastside has increased by 30 percent, and transit ridership on SR 520 has risen by almost 50 percent. Programs now being planned or implemented will increase transit's mode share on the Eastside. These include King County Metro's Transit Now service expansion, transit and park-and-ride improvements funded under the Urban Partnership Agreement, and proposed future Bus Rapid Transit Service in the SR 520 corridor. Tolling proposed for SR 520 as part of the Urban Partnership Agreement is also expected to increase demand for transit by up to 35 percent starting in late 2009.
- ***To facilitate transit reliability and safety.*** The existing Eastside HOV system is incomplete. Where HOV lanes exist, they are located on the outside of the roadway, requiring merging vehicles to weave through faster-moving HOV traffic. Between I-405 and the Evergreen Point transit stop, the HOV lane uses the old shoulder as a travel lanes. In addition to creating congestion, these conditions have resulted in over 380 accidents during the last two years on westbound SR 520 between 124<sup>th</sup> Avenue NE and Evergreen Point. Buses are delayed up to 25 minutes in this congestion, affecting reliability throughout the transit system.

A map showing existing areas of concern in the SR 520 Eastside corridor is included as Attachment A to this letter.

### **What improvements are proposed as part of this project?**

The SR 520 Eastside Transit and HOV Improvements Project includes building a complete HOV system between Lake Washington and 108<sup>th</sup> Avenue NE and restriping the existing HOV lanes from the outside lanes to the inside lanes between the 108<sup>th</sup> Avenue NE interchange and SR 202 in Redmond. Specifically, the project includes, as



shown in Attachment B:

- **Completing the eastbound SR 520 HOV lane** from Lake Washington to the existing eastbound HOV lane west of the I-405 interchange. This improvement will complete the currently discontinuous HOV network on the Eastside and improve travel time reliability for buses and carpools.
- **Restriping HOV lanes from the outside lanes to the inside lanes** from Lake Washington to SR 202. This change will enhance safety by eliminating the existing need for merging vehicles to weave across the faster-moving HOV lanes to reach the general purpose lanes.
- **Building inside transit stops** at 92<sup>nd</sup> Ave NE and Evergreen Point Road. These transit stops will support the inside HOV lanes, and access will be integrated with the proposed lids over the highway.
- **Adding a bike/pedestrian path** between 108<sup>th</sup> Avenue NE and Evergreen Point Road. This will facilitate nonmotorized use of SR 520, provide transit connections for bikes and pedestrians, and complement the existing nonmotorized transportation network on the Eastside.
- **Constructing HOV direct access ramps at 108<sup>th</sup> Ave NE.** This improvement will connect SR 520 with 108<sup>th</sup> Ave NE, eliminating the need to connect to the South Kirkland Park & Ride via local streets and saving as much as 15 minutes.
- **Improving interchanges** at 84<sup>th</sup>, 92<sup>nd</sup>, Bellevue Way, and 108<sup>th</sup> Avenue NE.
- **Providing sound walls** between 108<sup>th</sup> Ave NE and Evergreen Point Road to reduce current and future high levels of highway noise.
- **Constructing a stormwater system** for areas where new impervious surface is added to improve water quality and reduce peak flows.
- **Building lids** at 84<sup>th</sup> and 92<sup>nd</sup> Avenue NE to reconnect communities divided by the original construction of SR 520 in the 1960s.
- **Improving and enhancing stream habitat** by making culverts passable and realigning Yarrow Creek, a salmon-bearing stream.

**Would the proposed improvements connect logical termini and be of sufficient length to address environmental issues on a broad scope?**

The proposed project encompasses the entire Eastside portion of the SR 520 corridor, 8.5 miles in length. The corridor serves the urban centers of Bellevue, Kirkland, and Redmond and the rapidly growing areas of east King County.

Eastside employment is on track to grow from about 225,000 in 2000 to about 317,000 in 2022—an increase of over 40 percent. This employment growth, coupled with proposals for large mixed-use developments and supportive transit policies in Bellevue and Redmond, makes the Eastside an urban center in its own right. As its communities strive for greater balance between jobs and housing, the Eastside requires a greater level of

transit service. Increasing gas prices and worsening congestion are also adding to transit demand, which has grown by 30 percent on the Eastside and by 50 percent in the SR 520 corridor over the last eight years. The proposed termini support much-needed transit service enhancements by providing a continuous HOV link between SR 520's major Eastside transit hub at Evergreen Point and the existing eastern end of the corridor.

Another important factor is the planned improvements in transit service on the Eastside, which require additional infrastructure on SR 520 to function effectively. These proposals have all been planned and funded within the last five years, reflecting changing regional conditions. King County's Transit Now program will significantly improve service on SR 520 as well as many connecting Eastside routes. The Urban Partnership Agreement is slated to add 45 buses to SR 520 service and to fund improvements to the South Kirkland Park-and-Ride—improvements which require direct access to SR 520 to achieve travel time benefits for transit vehicles. A legislatively mandated high-capacity transit plan for SR 520 designates the highway as a corridor for bus rapid transit in the future. Coupled with proposed tolling, which will create a disincentive to driving alone, these recent regional actions create the need for additional improvements on the Eastside.

The text below describes the proposed east and west termini for the project and the reasons that they are logical endpoints. Attachments C and D are conceptual depictions of both proposed termini.

### ***West Terminus***

The Evergreen Point freeway transit stop is the primary transfer point for people changing from local and regional north-south bus routes to the regional east-west service that operates on SR 520. In this sense, it is the transit equivalent of a highway interchange. Twenty-three bus routes, operated by both King County and Sound Transit, use this stop as a time and transfer point. (In comparison, 15 routes transfer at the Montlake transit stop on the west side of Lake Washington.) Buses that use the Evergreen Point stop serve the neighborhoods north and south of SR 520, neighboring cities, and destinations as distant as Totem Lake, Issaquah, and Renton. This makes it one of the key transit hubs of the Eastside, facilitating trips both across Lake Washington and to many points north, south, and east. For a project designed to enhance the operation of transit and HOVs, such a major regional linkage point is a logical terminus.

### ***East Terminus***

The SR 520/SR 202 interchange provides commuters in Redmond, the Sammamish Plateau, and east King County with access to SR 520 and is the easternmost interchange on the highway. The limited-access freeway terminates about a mile east of this interchange and connects with the local arterial network. The completed HOV system



would link to ongoing improvements at the east end of the corridor to widen SR 520 and SR 202 and to add an HOV lane with SR 202.

### **Do these improvements have independent utility or independent significance?**

The Eastside Transit and HOV Improvements Project provides independent benefit for the following reasons:

- ***The project would complete the Eastside transit and HOV system.*** The proposed transit improvements would create a complete and continuous Eastside transit and HOV system on SR 520. They would also provide direct access ramps for transit vehicles traveling between SR 520 and the South Kirkland Park & Ride at 108<sup>th</sup> Avenue NE. The project would provide the infrastructure and operational improvements to support planned population growth, economic expansion, and increases in transit service in the rapidly growing communities east of Lake Washington.
- ***The project would provide substantial travel time benefits to transit and carpools.*** Currently, buses and carpools on SR 520 experience significant congestion-related delay during peak periods. Under free-flow conditions, the trip from the SR 202 interchange to Seattle takes about 36 minutes; during peak travel periods, the same trip takes over an hour. Much of this delay occurs in the Eastside portion of the corridor. Immediately upon completion of the Eastside Transit and HOV Improvements Project, transit vehicles would see their travel time reduced by 5 minutes eastbound and 15 minutes westbound between the Evergreen Point transit stop and SR 202, as compared to “no build” conditions. By 2030, these transit travel time savings are estimated at 15 minutes eastbound and 60 minutes westbound.
- ***The project would enhance public safety.*** As noted above, in the last two years there have been 380 accidents on westbound SR 520 between 124<sup>th</sup> Avenue NE and Evergreen Point Road. The project would result in safer and more efficient operation of SR 520 on the Eastside by 1) separating merge movements between buses and other vehicles at the 108th Avenue NE and 84<sup>th</sup> Avenue NE interchanges; 2) eliminate weaves caused by general-purpose traffic needing to enter or exit via the outside HOV lanes; and 3) widening shoulders to current design standards.
- ***The project would support regional and local transit and land use plans and policies.*** Transit system and HOV improvements identified for this project are consistent with regional and local transit and multi-modal plans and policies, as well as policies geared specifically toward SR 520 that are identified in community comprehensive plans, bicycle and pedestrian plans, and the Urban Partnership Agreement. The project would also comply with ESHB 2878, which

Mr. Stephen Boch, P.E.  
June 18, 2008  
Page Seven

directs WSDOT to explore improvements in traffic flow on the Eastside between 2009, when tolling under UPA is implemented, and the proposed opening of the new Evergreen Point Bridge in 2014.

**Do these improvements restrict consideration of alternatives for other reasonably foreseeable transportation improvements?**

The proposed improvements to the Eastside portion of SR 520 would not preclude any reasonably foreseeable improvements being considered for other portions of SR 520 or connecting transportation facilities. At the proposed west terminus, the HOV lanes would tie in near the transition span for the Evergreen Point Bridge (see Attachment B). This configuration would be compatible with any of the bridge replacement alternatives studied in the SR 520 Bridge Replacement and HOV Project DEIS, including No Build. At the east end of the SR 520 corridor in Redmond, the proposed restriping of HOV lanes would be compatible with the current project to widen SR 520 and SR 202 (see Attachment C). The Eastside Transit and HOV Improvements Project also would not affect planned future improvements to I-405 in the area of the I-405/SR 520 interchange.

**How would an independent Eastside project change the SR 520 Bridge Replacement and HOV Project?**

If an independent Eastside project is approved, the SDEIS and FEIS for the SR 520 Bridge Replacement and HOV Project would cover only the portion of the project between I-5 in Seattle and the Evergreen Point flyer stop in Medina. Public comments received on the DEIS related to the Eastside would be addressed as part of the NEPA documentation for the new project. We currently do not anticipate issuing a new Notice of Intent for the SR 520 Bridge Replacement and HOV Project, but would inform the public of the changed project limits in conjunction with the public scoping process for the Eastside project.

We appreciate FHWA's consideration of this request. If you have any further questions regarding this letter, please contact me at (206) 770-3568.

Sincerely,



Julie Meredith  
WSDOT SR 520 Project Director

Mr. Stephen Boch, P.E.  
June 18, 2008  
Page Eight

Attachments:

Deficiencies of Existing Eastside Transit and HOV Facilities  
Proposed Eastside Transit and HOV Facilities  
Proposed Western Terminus  
Proposed Eastern Terminus

Cc: Ron Paananen, WSDOT  
Heather Catron, WSDOT  
Larry Kyle, WSDOT  
Daniel Babuca, WSDOT  
Sasha Visconty, WSDOT  
Jenifer Young, WSDOT  
Sharon Love, FHWA, Washington Division

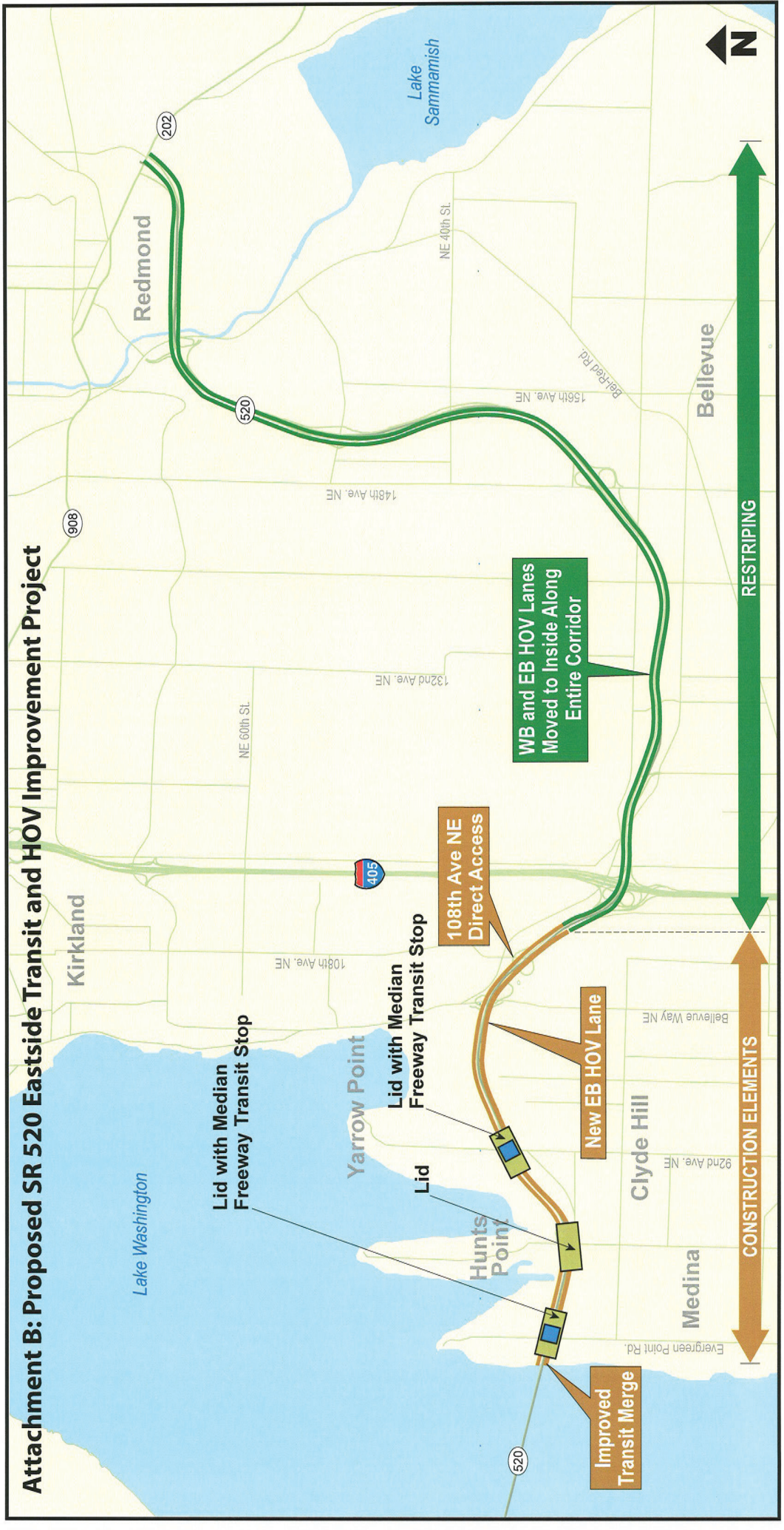


# Attachment A: Existing Areas of Concern in SR 520 Eastside Corridor





**Attachment B: Proposed SR 520 Eastside Transit and HOV Improvement Project**



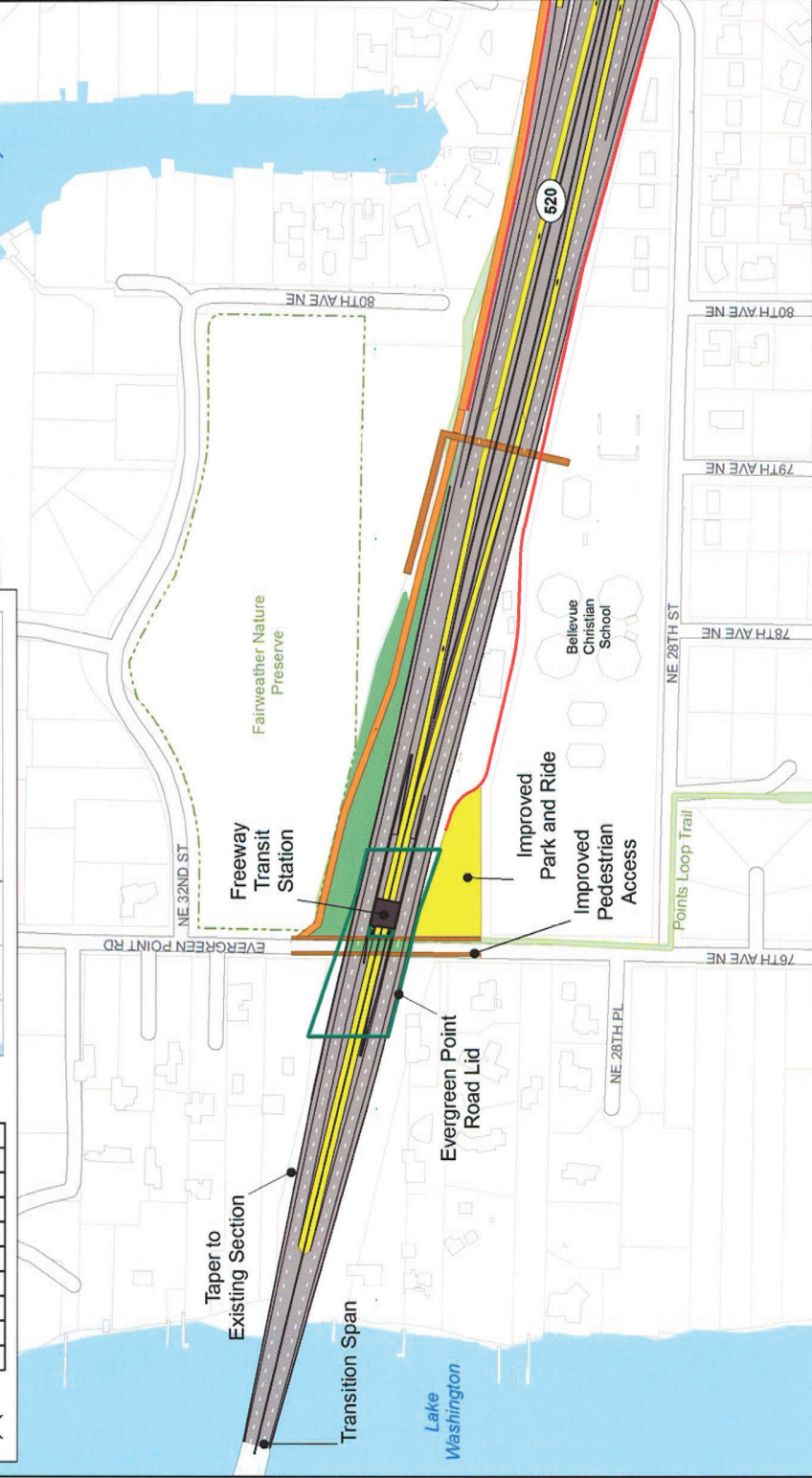
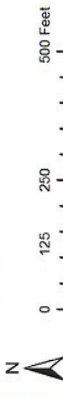


# Attachment C

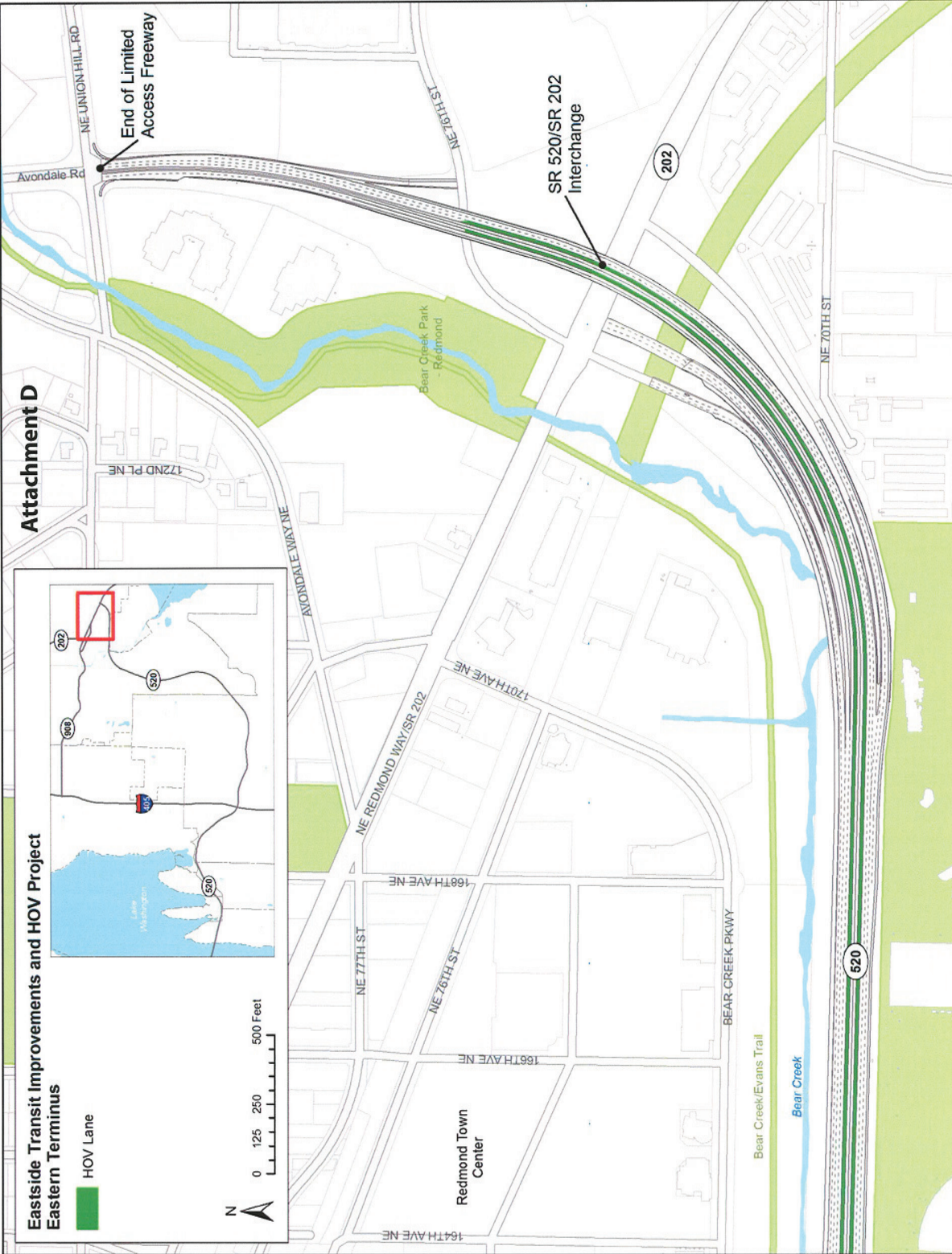
## Eastside Transit Improvements and HOV Project Western Terminus



- Bike/Ped Path
- Roadway
- Transit Lane
- Pedestrian Crossing
- Noise Wall



## Eastside Transit Improvements and HOV Project Eastern Terminus







# City of Seattle

Gregory J. Nickels, Mayor

## Seattle Department of Parks and Recreation

Kenneth R. Bounds, Superintendent

October 27, 2004

Paul W. Krueger  
Environmental Coordinator  
SR 520 Bridge Replacement and HOV Project  
Northwest Washington Division  
Urban Corridors Office  
401 2<sup>nd</sup> Avenue South – Suite 560, TB85-95  
Seattle, WA 98104-2887

### **Subject: Section 4 (f) Evaluation, SR 520 Bridge Replacement and HOV Project**

Dear Mr. Krueger:

As requested in your October 12 letter, the following comments are offered on the significance of Seattle park properties affected by the proposal:

#### **Bagley Viewpoint**

Bagley Viewpoint is one of the 62 squares, places and triangles that the Department of Parks and Recreation maintains at various locations throughout the city.

This viewpoint was originally established and named in honor of a pioneer homeopathic physician, Dr. Herman Beardsley Bagley. He came to Seattle in 1875, was active in civic affairs including service on the city council and as the City's health officer. He also specifically promoted development of the Lake Washington ship canal, which the viewpoint overlooks. His widow later donated an ornamental lamp and drinking fountain for installation at the viewpoint, then called Bagley Light Vista Point. The site provided a west entrance to Interlaken Park. In 1956 the lamp and fountain were damaged and removed, then replaced in 1970 with a commemorative plaque, a bench and plantings adjacent to the paved parking area. Construction of SR 520 in 1963 separated the viewpoint from the park.

The 0.1 acre Bagley Viewpoint site offers views of Portage Bay, Lake Washington and the Cascade Mountains. Although it has a bench to accommodate viewers, the viewpoint's proximity to SR 520 and busy arterial streets makes it fairly noisy (average 75 dBA, per WSDOT's 10 October, 2004 *Draft Section 4(f)/6(f) Evaluation* for the SR 520 project). It is hardly the kind of place for seeking peace and solitude as part of a viewing experience. And yet the site has value, in providing people a place to pull off the road, park and enjoy a panoramic view of the Ship Canal and Portage Bay. The juxtaposition of these urban places with the expanse of Lake Washington and the Cascade Range beyond is engaging, especially for visitors in Seattle. Anecdotal observations indicate that occasional users of this viewpoint



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include tour bus companies that briefly park on the site's hard surface, unload passengers and describe these features for their mostly out-of-town clientele. The site offers good access from both I-5 and SR 520 for such visitors.

The view to the east has been diminished approximately 50% in recent years by the growth of vegetation up the slope on WSDOT and private property. Invasive weeds have recently been cleared at the top of the slope. Seattle Parks and Recreation's *Vegetation Management Plan for Seattle Parks Viewpoints* (March, 2004 Draft) notes that the next phase of work on this viewpoint will be tree removal and pruning, specifically the big leaf maples and alders. This will require a cooperative agreement with adjacent private parties and WSDOT, which owns downslope property. The *Vegetation Management Plan* is expected to be finalized late in 2004. When it is funded and carried out, Bagley Viewpoint's eastward view will once again be available.

Bagley Viewpoint is included in the Seattle Department of Design, Construction and Land Use - *Seattle Views: An Inventory of 86 Public View Sites Protected Under SEPA* (SMC 25.05.675), May, 2002, p. 10. The SEPA-protected designation means that the City Council may impose conditions on any physical development affecting those views. Inclusion on the SEPA-protected viewpoint list amounts to the City's reaffirmation that Bagley Viewpoint is significant, even though it is located in a noisy, busy area and is presently in need of vegetation management.

### **Montlake Playfield**

This is one of Seattle's 33 playfields, distributed throughout the City to provide space for field sports. The 27 acre site provides a children's play area east of the community center buildings, picnic tables, two lighted tennis courts, a soccer/football field encircled by a cinder running track, two softball fields and a 29-car parking lot. It also features pedestrian paths and trails, including some that are accessible for people with disabilities.

Montlake Playfield serves the northerly end of Capitol Hill, the west slopes of the Eastlake residential area, and of course the Montlake area eastward to the Arboretum. These boundaries are quite flexible and "porous" in nature, as people from other parts of the city also use Montlake's playfield, tennis courts, running track, and other facilities.

Scheduled and programmed activities provide a quantitative measure of the playfield's importance to the city and surrounding communities. Seattle Preparatory School (Seattle Prep) is a major user of Montlake Playfield for its athletic programs, including football, soccer, track, tennis and baseball. Other users include local youth baseball and soccer programs. The grass playfield surface has been compromised over the years by the high water table and poor drainage, but nevertheless absorbs heavy use. Seattle Prep has approached the City about making improvements to the site.

The tennis courts were among those lighted with Forward Thrust park improvement funds in the 1970's and are well used.

The aforementioned water table/drainage condition results from the playfield's location on a very low-lying site, which had until the 1920's been a dahlia flower nursery along the marshy south shoreline edge of Portage Bay. Vast amounts of fill materials from freeway and sewer construction projects over the years were added to the site to enable creation of the ballfields but the boggy shoreline edge has evolved into an important wildlife habitat. The wetland fringe of this site, and the submerged lands offshore, are valuable for more "passive" resource-oriented use than the actively-programmed athletic facilities. One of these passive uses is for canoe/kayak use on the surface water. Even though designated launch/retrieval facilities are not provided at Montlake Playfield, a number of such points are available along the Ship Canal in the near vicinity.

Some 6.8 acres of the original site are submerged lands in Portage Bay. The northern, shoreline edge of the playfield is a designated *Shoreline Critical Area*, and therefore falls within the City of Seattle's regulations for Environmentally Critical Areas (Seattle Municipal Code, Chapter 25.09). This shoreline was also included in a recent study entitled, *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor Environmental, L.L.C., for the Seattle Department of Parks and Recreation, April, 2003). The study assessed 18 Seattle parks on Lake Washington in terms of their suitability and relative priority for juvenile salmonid habitat restoration and conservation. The Montlake Playfield's shoreline was described as gentle slope, unarmored, silt/clay substrate, mixed vegetation with high cover. Relative to the other parks in the assessment, this shoreline did not rank highly in terms of habitat improvement potential, i.e. how much it could be improved for juvenile fish. The study noted that because habitat value is already quite good, that further restoration work would not be a high priority. It recommended only that non-native plants be removed and replaced with more native plantings, and that shoreline development be discouraged.

Montlake Playfield's shoreline and submerged lands are within the middle range visual resources seen from the SEPA-protected Montlake Playfield viewpoint. The documented viewpoint is from the community center facilities at the south edge of the playfield (see community center description below). Although the existing elevated SR 520 highway structure limits the extent of the view, it was considered valuable and significant enough to include in the limited list of viewpoints protected by Seattle's SEPA Ordinance. The City may impose protective conditions on new developments affecting such views.

The *Draft Vegetation Management Plan for Seattle Park Viewpoints* notes that only 10% of the intended views are currently visible due to the dense growth of native trees along the shoreline. Clusters of big leaf maples, alders, poplars and willows crowd the shoreline, while ivy and Himalayan blackberry dominate the understory. The plan calls for tree thinning to remove dead, dying and diseased trees, and those with poor structural form. Restoring of intended views is rated "high priority" due to the high degree of view obstruction. The plan notes further that "The extent of park use and the importance of the community center to the region has also been considered...."

WSDOT requests that Section 4(f) letters consider the significance of entire park properties and not just the portions directly affected by the SR 520 project alternatives. In that regard it is important to describe the Montlake Community Center facility that is located at the south



central end of Montlake Playfield. The playfield and a small brick field house, designed with Tudor Revival stylistic features, were developed at the same time and dedicated in 1935. The building was smaller than contemporary field houses but larger than the smaller “shelter houses” that were located in some communities at that time. A gymnasium building was added in 1977 to broaden the community center’s range of program capabilities. In 1998 a modular trailer building was added to the complex to provide a space focused on teen activities. The site development also includes an old 800 sq. ft. metal structure that provides space for pre-camp (3- to 5- year olds). The City’s 2004 Capital Improvement Program includes a further Montlake Community Center upgrade and expansion project, a \$2.9 million effort funded by the 2001 Pro Parks Levy, with construction anticipated by 2006.

Presently the Tudor Building offers pottery programs, distinctive enough that people from well outside the community enroll to take advantage of the instruction and facilities. The same 1,009 sq. ft. space also accommodates the main public meeting area, occasionally rented out for other events. It also is used for martial arts, yoga and other fitness programs, and in summer provides a space for the day camp program. The small Annex building accommodates children’s games and crafts, as well as pre-camp programs for 3-to 5-year old children. The gym accommodates basketball-related activities such as league games, practices and “free shoots”, and other activities such as adult aerobics. In inclement weather a portable children’s play area is operated by parents and care providers for small children. The modular building provides a Teen Room and a Game Room, and occasionally is the setting for community meetings.

### **Bill Dawson Trail**

The Bill Dawson Trail, also known as the Montlake Bike Path, passes under the SR 520 structure, connecting Montlake Playfield’s northeast corner with the Northwest Fisheries Center at the NOAA site north of the freeway. The trail is frequently used by pedestrians and bicyclists because it provides a critical link in the larger citywide path system, including Lake Washington Boulevard and the Arboretum Waterfront Trail to the east and south, the UW campus and Burke-Gilman trail system to the north and west. The trail provides an essential connection through a complex maze of traffic at the juncture of SR 520 and Montlake Boulevard. The *Seattle Bicycling Guide Map* (Seattle Engineering Dept., 1996) shows the Bill Dawson Trail route providing unique access southwest of the Montlake Bridge to the Montlake Neighborhood, bypassing the busy interchange area.

### **McCurdy Park**

The park was named in honor of Horace McCurdy who was an early benefactor to the Museum of History and Industry (MOHAI) and president of the firm that built the Evergreen Floating Bridge across Lake Washington. This 1.5-acre park immediately north of SR 520 is used, together with East Montlake Park, as the site for the MOHAI building which was constructed in 1952. That facility is a major repository of the City’s historic archival materials including photographs and other records, and it presents exhibits and programs related to those materials. A 499-seat auditorium on the ground floor is available for various public presentations and performances. Seattle Parks and Recreation owns and maintains the

MOHAI building, while programming and operation are handled by the MOHAI organization.

The McCurdy Park site also accommodates picnic tables where people can enjoy the landscaped park surroundings of the building, and the building itself which is a contributing element to the National Register of Historic Places-eligible Montlake historic district. People using those tables, or approaching the upper-level building entrance by a walkway from the parking lot, can enjoy the views afforded from there of Lake Washington to the northeast, and the marshes near Foster Island to the east. A vehicular overpass structure (East Park Drive East) bridges the SR 520 highway, connecting McCurdy and East Montlake Parks with Lake Washington Boulevard immediately to the south. That boulevard is part of Seattle's Olmsted system. McCurdy Park is also one of the City's SEPA-protected viewpoints, as defined earlier in this letter.

The *Draft Vegetation Management Plan for Seattle Park Viewpoints* notes that overgrown native alders and dense understory vegetation along the shoreline have diminished the park's water views to about 10% of the intended potential. The plan calls for thinning of the tree groves and removal of some trees, as well as invasive weeds.

The University of Washington owns some significant "collection trees" on the McCurdy Park site, catalogued and documented for research purposes. This supports the Arboretum's broader educational goals (described below in this letter), and adds to the beauty and value of the park surroundings near the MOHAI building.

### **East Montlake Park (including the Arboretum Waterfront Trail)**

The southernmost end of this 7.1-acre park, together with the adjacent McCurdy Park, provides part of the site for the MOHAI building described above. It also accommodates the 100 car capacity parking lot that supports the museum as well as the people who use the park's kayak/canoe launch and access the Waterfront Trail that connects to the Ship Canal, Foster Island, Marsh Island and the Washington Park Arboretum. On fall football weekends, the parking area is heavily used by football fans who park there, have tailgate parties, and walk over the bridge to Husky Stadium.

Seattle Parks and Recreation Department owns only the western third of the park, and the Arboretum Foundation has title to the eastern two-thirds. Despite this unusual ownership situation, the site is signed and used as a single public park. Like the Bagley Viewpoint, Montlake Playfield and McCurdy Park sites described above, East Montlake Park is also one of the City's SEPA-protected viewpoints. It provides panoramic views of Lake Washington and the Ship Canal at the Montlake Cut. It is readily accessible by Metro Transit as well as the trail connections that abound in the vicinity.

The aforementioned *Seattle Shoreline Park Inventory and Habitat Assessment* draft report characterized one of two shoreline reaches at East Montlake Park as having very high conservation value for juvenile salmonid habitat. The four parks assigned this very high conservation value were characterized as having "...unarmored, gently sloping shorelines,



with small or detritus-rich small substrates, large woody debris, and abundant cover provided by native vegetation. Within their respective parks, these reaches should be conserved to maintain their habitat value...”(page ES-3).

### **Washington Park Arboretum (including the Arboretum Waterfront Trail)**

Washington Park is one of Seattle’s oldest parks, and over the years has come to accommodate a broad range of recreational and scenic purposes as well as scientific and educational functions. The Arboretum located in the park contains a large, diverse collection of plants from around the world, including more than 10,000 individual plants representing over 4,400 species and cultivated varieties. Some 179 of these species are considered threatened or endangered. The Washington Park Arboretum also provides for extensive public access via a network of footpaths and roads that allow people to view the plants and enjoy the park’s peace and beauty. The trails, open spaces and surrounding waters are used for walking, jogging, bird-watching, picnicking, boating, fishing, formal and informal educational tours, weddings, and a variety of other activities and events. Finally, it should be noted that the Washington Park also provides an important civic staging area for major public gatherings, such as:

- Annual opening day of boating season, viewing of parade and crew races (early May)
- Annual Seattle to Portland bike ride, starting at the University, southward on Lake Washington Boulevard (July)
- Annual Seattle Marathon, traversing Lake Washington Boulevard through the park, and Interlaken Boulevard connecting with it.

**Visual Characteristics:** The Final EIS for the Washington Park Arboretum Master Plan (Seattle Dept. of Parks and Recreation, Jan. 2001, p.187 ff)} describes the park’s visual character as follows:

“Visually, the Washington Park Arboretum is a large, wooded green space in the midst of urban residential neighborhoods...gently rolling hills that are dominated by plant collections and a backdrop of native forest species such as western red cedar and big-leaf maples. The dominance of these large native trees gives a unified theme to the park despite the wide variety of plant collections among them. Most areas of the park are well screened from the surrounding urban activity, providing visitors a relatively quiet atmosphere that is intruded upon only by traffic along Lake Washington Boulevard East, and by the noise and visual presence of SR 520 on Foster Island.

The Washington Park Arboretum has few buildings. The Graham Visitors Center, the principal visitor service facility in the arboretum, is its most modern building, constructed in 1985. Nearly all other built structures within the park were constructed between 1914 and 1942...These solid well built structures have aged nicely and contribute to the grace and distinction of the Washington Park Arboretum...

Foster Island, a peat and marsh landscape that was enlarged by the lowering of Lake Washington in 1917, occupies the southern shore of Union Bay and is a prominent and

unique landscape feature in the Washington Park Arboretum. The waterways surrounding the island consist of marshes and open water containing forms of vegetation that cannot be seen in the main portion of the park, providing habitat for a range of wildlife, particularly birds. The wood-chip trail leading to a meandering walkway on a series of floating piers and structures through the marsh gives the island a sense of remoteness and separateness from the rest of the park.

In contrast to the rest of the Washington Park Arboretum, Foster Island has been greatly altered by urban freeway construction. Although portions of the island have maintained a sense of wilderness, many areas are severely affected by the noise and visual intrusion of SR 520. The elevated freeway ramps dominate the landscape, and the freeway itself divides Foster Island in half, making passage to the north end of the island a less than calm experience through a narrow, dark pedestrian underpass....

On a citywide scale, the Washington Park Arboretum represents an important aesthetic element in Seattle's urban environment, providing visual relief that is part of a system of scenic routes and large open spaces envisioned in a park and boulevard plan commissioned by the city in 1904 and prepared by the Olmsted Brothers Landscape Architects. The visual character of the park was further influenced by the natural planting design and vegetation management philosophy of the 1936 *General Plan for the University of Washington Arboretum* (also prepared by the Olmsted Brothers firm), which are evident in the inviting and informal spatial character and elegantly flowing plant masses throughout the park...."

**Historical Origins and Resources:** The park's original 62 acres was obtained by donation in 1900. Soon after, the south end of the property was used for a playfield, harness racing and horseback riding on the "speedway" (an old logging road that is now Azalea Way), bicycling and walking on numerous logging roads and paths—many of which remain as footpaths today.

In 1904, the City hired the Olmsted Brothers to develop a comprehensive plan for Seattle's public park system. The plan featured a 20-mile landscaped boulevard system linking numerous existing and planned parks, greenbelts and playfields. Lake Washington Boulevard was among the first elements of the plan to be constructed. The boulevard served as the main entry to the Alaska Yukon Exposition in 1909. The Wilcox Footbridge over the boulevard (now a Seattle Landmark and on the National Register of Historic Places) was completed in 1914. It serves as the primary pedestrian entry into the park from the adjacent Montlake neighborhood.

With additional land acquisitions, including Foster Island, Washington Park grew to its present size by 1934. In that year, the City of Seattle and the University of Washington established the Washington Park Arboretum, and the first plantings were designed in that year by James F. Dawson of the Olmsted firm. In the following year the Olmsted firm was commissioned to prepare a plan to guide subsequent arboretum planning. Between 1936 and 1941, the federal Works Progress Administration carried out basic construction, including prominent Arboretum features such as Azalea Way, the rock garden, the stone bridge at the

Pinetum west of the boulevard, most of the trail system, and the stone cottage at the south entrance.

According to the history recounted in the previously cited Final EIS for the Washington Park Arboretum Master Plan ( p. 160), most of the existing plant collections were established after World War II, when the facility was developing into a major regional, national and international resource. The Japanese Garden, developed in 1960, was one of the achievements of this postwar period. Located immediately westerly of a fence that visually screens it from Lake Washington Boulevard, the garden symbolizes international friendship and cooperation, featuring stone lanterns, pools, plantings and a teahouse.

Lake Washington Boulevard runs through the entire length of the park, connecting the Olmsted-planned boulevard from the south end of Seattle's lakefront northward past the University to Ravenna Boulevard and Green Lake. The continuity and design details of the one-mile segment through the Arboretum continue to be critically important to the cohesiveness of the entire historic boulevard system. As the previously-cited Final EIS document points out (page 172), the existing boulevard is laid out more or less according to the 1904 Olmsted Brothers' plan, except at the north end where it was supposed to connect to Lakeside Boulevard. The subsequently-constructed SR 520 ramp structures and their associated traffic have had a large impact on the appearance and use of the boulevard.

**Current Management and Planning Guidelines:** Since 1934, the Seattle Department of Parks and Recreation has owned and maintained the 230-acre Washington Park Arboretum. The University of Washington owns and manages its plant collections. The multiple roles of the Arboretum were summarized in a recent document as follows:

"...The Arboretum is valued not only as a world-renowned collection of valuable trees and shrubs, but also as part of Seattle's natural environment and its history as well...a broad range of differing visions for the Washington Park Arboretum. At one end of the spectrum, the Arboretum and Botanical Garden Committee has emphasized the citywide and regional value of the educational and scientific functions of the arboretum and its potential as a prominent public garden. This management objective is based on the various resolutions and mission statements that have been adopted ...through the years by both the city and the university. At the other end of the spectrum, some everyday users of the park emphasize its long-standing function as a neighborhood, city and regional open space resource...[These] park users value its aesthetic and recreational qualities, apart from its value as a plant collection... [The] proposed master plan is intended to provide a balance among these differing visions...." (Seattle Dept. of Parks and Recreation, Final EIS for the Arboretum Master Plan, Jan. 2001, p.15}

The 2001 Master Plan best describes the Washington Park Arboretum's role in meeting community objectives. The "community" it serves is diverse and complex, so the plan for this 230-acre public open space is guided by multiple goals. Those most pertinent to the SR 520 project are highlighted below:



**Education:** ...serve K-12 students, higher education, families, landscape professionals, natural history/ecology enthusiasts, gardeners, special needs populations, and general visitors....

**Conservation:** ...Healthy, thriving plant collections and exhibits throughout the Washington Park Arboretum...a sanctuary for diverse urban wildlife...Rehabilitation of historic planting sites, physical amenities, and Olmstedian influences.

**Recreation and Visitor Services:** Non-structured recreational use of Washington Park consistent with the Arboretum's mission of education, display and conservation... Decreased disruption of park and arboretum use by arterial traffic on Lake Washington Boulevard and entering/exiting State Route 520...Improved pedestrian and bicycle access to Washington Park...Enhancement of the ambiance and visitor experience at the Japanese Garden...

The above goal of decreasing park and arboretum disruption by Lake Washington Boulevard traffic entering and leaving SR 520 was further detailed in an Objective # 26:

“Work with appropriate agencies to reorient arterial traffic conduits at the north end of the Washington Park Arboretum and reduce speed of traffic on Lake Washington Boulevard so traffic moves logically between Lake Washington Boulevard and SR-520, with minimum disruption to the Arboretum....

The master plan includes the following features at the north end of the Park, closest to SR 520:

- Convert unused freeway ramps into a pedestrian and bicycle access to MOHAI area...
- Complete Foster Island Loop Trail...better opportunities for bird watching...
- Waterfowl and scenic viewing platform alongside Duck Bay...
- Daylighting of Arboretum Creek (near present SR 520 ramps intersection with LWB)...
- Restoration of Duck Bay...better opportunities for bird-watching and wetland appreciation...
- A multi-purpose outdoor shelter along the Foster Island Loop Trail...

**Viewpoint Resources:** Washington Park is another of the City's 86 public view sites protected under Seattle's SEPA ordinance. Several viewpoints within the park provide panoramic views of Lake Washington, the Ship Canal, and the Cascades. Amenities supporting the viewpoint function include seating areas, ADA accessibility, an elevated viewing platform, signage, parking and Metro bus service within walking distance of these views.

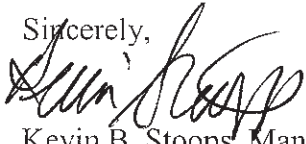
**Wildlife Habitat:** The *Seattle Environmentally Critical areas Folio* identifies the wetlands associated with Foster Island and Lake Washington, while the remaining upland portions of the Washington Park Arboretum are mapped as critical fish and wildlife habitat (1992). Seattle's Environmentally Critical Area Regulations (Seattle Municipal Code 25.09) classify the western portion of the park as fish and wildlife habitat area. There is an eagle nest within

the park boundaries, although the eagles may periodically nest elsewhere in the vicinity. The Washington Park Arboretum's shoreline, including Foster Island, is quite extensive and varied in nature, so the previously-cited *Seattle Shoreline Park Inventory and Habitat Assessment* divided the shoreline into 10 different reaches. Those in the Duck Bay area generally were characterized by steep, unarmored slopes, with high restoration priority ratings. The report noted restoration projects already planned there (see *Arboretum Shoreline and Trail Improvements* project described below).

The park's Duck Bay shoreline is being improved as par the current Arboretum Shoreline and Trail Improvements project, financed by the Shoreline Park Improvement Fund. In 1999 the Seattle City Council authorized this project in lieu of the previously proposed Arboretum Lakeside Trail. According to the Executive Summary in the master plan for this area, it suffers from "...overuse, inaccessible pathways, eroded landscapes, intrusion of exotic plants and reduced native habitats. Extensive trampling together with the artificial raising and lowering of the lake has created a very denuded and eroded shoreline...Improvements to this area have the opportunity to greatly improve the native habitats and visitor experience...." The current project includes shoreline trail improvements and replacement of the pedestrian bridge to Foster Island, habitat; Control and improvement of public access to the water, and revegetation of the eroded shore with native plants and woody habitat structures.

I hope that the above narrative, will sufficiently describe the significance of Seattle's park properties most directly affected by the SR 520 Bridge Replacement and HOV Project. If you have further questions, please feel free to contact me at 684-7053 or Peter Marshall at 684-7048.

Sincerely,



Kevin B. Stoops, Manager  
Major Projects and Planning

cc: Kenneth R. Bounds  
Erin Devoto  
Peter Marshall  
Donald Harris  
Terry Dunning  
David Allen, SDOT



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**Department of Transportation**  
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October 12, 2004

Kevin Stoops  
Senior Planner, Major Projects and Planning  
Seattle Parks and Recreation  
800 Maynard Ave. S., 3rd Floor  
Seattle, WA 98134-1336

Dear Kevin Stoops:

As part of the SR 520 Bridge Replacement and HOV Project, WSDOT has evaluated the potential effects of the project on public parks and recreational facilities. In addition, WSDOT has worked with the Federal Highway Administration to prepare a Section 4(f) Evaluation that describes the effect of the project on these facilities. The Section 4(f) Evaluation is a requirement of the U.S. Department of Transportation Act of 1966. The Act requires that proponents of federally funded transportation projects (such as the SR 520 Bridge Replacement and HOV Project) evaluate the effect of their project on parklands, as well as evaluate feasible and prudent avoidance alternatives and measures to minimize harm to parklands.

We request that you, as a local public official with jurisdiction over affected park and recreational facilities, provide formal comment on the significance of those facilities. In the context of Section 4(f), significance means that in comparing the availability and function of the recreation, park, or wildlife and waterfowl refuge area with the recreational, park, and refuge objectives of that community, the land in question plays an important role in meeting those objectives. Your significance determination must consider the significance of the entire property and not just the portion of the property that may be affected by the project.

The SR 520 Bridge Replacement and HOV Project Section 4(f) Evaluation has identified the following facilities within your jurisdiction that would potentially experience direct and/or proximity effects:

- Bagley Viewpoint
- Montlake Playfield
- Submerged land in Portage Bay near Montlake Playfield
- Bill Dawson Trail
- McCurdy Park
- East Montlake Park (including the Arboretum Waterfront Trail)



- Washington Park Arboretum (including the Arboretum Waterfront Trail)

In accordance with Section 4(f) requirements, we request that you provide formal comments on the facilities included in the list above. Your input will become part of the official record of the SR 520 Bridge Replacement and HOV Project EIS and Section 4(f) process and will be included in the Section 4(f) Evaluation.

We ask that you respond to this request no later than October 25. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, reading "Paul Krueger". The signature is fluid and cursive, with the first name "Paul" and last name "Krueger" clearly distinguishable.

Paul W. Krueger  
Environmental Coordinator  
SR 520 Bridge Replacement and HOV Project