

Submitted Via Email

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Dear Ms. Freudenstein and Mr. Hahn,

This letter provides my comments on the draft environmental impact statement (DEIS) for the Alaskan Way Viaduct Replacement Project (“AWV”). I am a resident and property owner in downtown Seattle and a semi-retired lawyer with thirty eight years of experience as a practicing attorney and as a manager in the public and nonprofit sectors. I have long followed the AWV Project and have made a number of comments to both State and local officials. I understand that the existing viaduct structure is damaged, dangerous and must be replaced to protect the public. I also support as a worthy aspiration the creation of a better central waterfront for Seattle.

But, unfortunately, I do not believe that the DEIS, in its present form, will well serve decision makers as they seek information to guide one of the most important public facilities decisions now on the State and local agenda. The key defects in the document include the failure to properly analyze the implications of the fact that the preferred deep bored tunnel alternative is a tolled facility that does not honestly qualify for consideration under the projects Purpose and Need Statement. These and other defects are discussed below.

1. The Purpose and Need Statement is Too Narrow

The Statement of Purpose and Need is a critical part of any EIS as it circumscribed the range of alternatives that are considered. In this case, the Project’s Purpose and Need Statement (Ch 1 pg 4) was rewritten from the even handed “The project will maintain or improve mobility, accessibility, and traffic safety for people and goods along the existing Alaskan Way Viaduct Corridor” to feature the much narrower concept of “vehicle capacity.” Using the term capacity instead of mobility eliminates from consideration potentially viable and cost effective solutions that include transit, demand management, or available capacity on other facilities. Please explain why this change was made. Was this done to artificially and dishonestly favor the Deep Bored Tunnel preferred alternative? Unless this change is explained in the FEIS, many citizens will no

doubt think so and question the fairness and adequacy of the environmental review because it is questionable under SEPA to frame the purpose statement so narrowly as to exclude reasonable alternatives. This question is especially cogent given that the real world consequences of tolling the tunnel as described in Chapter 9 of the Impact Statement would force any fair minded decision maker or citizen to conclude that the deep bored preferred alternative actually fails to provide the practical vehicle capacity that the reworked purpose and need statement would require. (See below.)

2. Significant Traffic Impacts Resulting From Tolling are not Adequately Analyzed

The DEIS states “As currently defined, the Bored Tunnel Alternative does not include tolls.” (Ch 9 Pg 205) The impact analysis throughout the document - travel times, traffic volumes, greenhouse gas emissions, and storm water runoff - assume no tolling. But as material on WSDOT’s website for the Project makes clear, tolling revenue is a necessary part of the basic funding plan for the deep bored preferred alternative. While it may be argued that the method of paying for the Project is beyond the scope of environmental review, this is surely neither a satisfactory nor a responsible answer when the funding mechanism, in this case the use of tolling, will dramatically affect tunnel usage and, by so doing, generate profound environmental impacts were the preferred alternative to be implemented as proposed.

Without tolls, the lack of downtown ramps would sends 29,000 of the current Viaduct’s daily traffic to Seattle streets. When tolling is put in place, as it must be under the financing plan, an additional 40,000 to 45,000 vehicles would be diverted to the surface streets. Thus perhaps as many as 74,000 daily trips would be on City streets outside the tunnel while only 41,000 would use the proposed \$3.1B facility. It is hard to understand how the preferred alternative, if honestly described, can be passed off as meeting the “Purpose and Need” of maintaining vehicle capacity. How this amazing alchemy is accomplished should be explained to non-wizards in the FEIS.

Moreover, the current DEIS should be formally supplemented to include in the modeling and analysis throughout the document the impacts of tolling. Without this additional information, the DEIS inadequately depiction the real world functioning of the tunnel as well as the traffic and other environmental impacts of the project as it is actually proposed to be implemented by the State. Moreover, the Supplement should include a mitigation plan to show, if it can, how WSDOT will prevent, resolve, or mitigate the unacceptable adverse impacts to the functioning of Seattle’s transportation system. Merely discussing tolling in the analytically isolated add- on Chapter 9 is not enough.

3. What if Nature Takes a Hand?

The saga that is the AWW began with an earthquake which, among other things, seriously damaged the Viaduct. Since then, there has been much alarming talk (and even more alarming videos) about what might happen should another quake or some other disaster force the Viaduct to be closed before the deep bored tunnel is ready for whatever vehicle traffic chooses to pay to use it. In fact, the Governor herself once pledged that the Viaduct would be closed by 2012. Presumably this pledge is now “inoperative” because the State has chosen as its preferred alternative the option which keeps the hazardous Viaduct in use for the longest time compared to other alternatives.

As I understand it, local transportation officials have developed plans to respond to an emergency Viaduct closure. The DEIS should be supplemented, either by WSDOT or the City, to include information about these plans. Informed by this data, local and State decision makers could consider implementing these measures sooner so that the dangerous Viaduct may be closed earlier so that public safety is enhanced by avoiding the heightened threat to Viaduct stability caused by construction related soil settlement as described in the DEIS. And, as a bonus benefit, the Governor might actually make good on her public promise.

4. The Project's Financial Plan is Not Firm and the Contingency Mostly Spent

The State Legislature has capped State funding for the Project at of \$2.4 billion. The rest of the funding package - \$700M - is built on sand. The Port of Seattle's promised \$300 million has not been formally committed to and may not be. Moreover, the \$400M required to be raised by future tolls may be on thin ice. The State may be unable to bond based on tolling revenue because the State is at or close to the Constitutional debt limit and SR-520 and the AWW projects are dependent on raising \$2.4 billion in new bonds.

Then there is the matter of cost overruns. Neither the State nor the City of Seattle has been willing to accept responsibility for paying these potential costs and each claim to think that this responsibility is on the other. But experts hired by the City saw a 40% probability that cost overruns will occur. And that was before the State acted to commit more that 75% of its 415M contingency before the Tunnel portion of the Project has even begun.

In addition, the State has said publicly that it intends to deal with any emerging cost problems by “managing scope.”

The DEIS should be supplemented to provide a backup plan that discloses in detail how the State plans to respond to the uncertainty described above including exactly which elements of the Project scope will be sacrificed if necessary to avoid cost overruns.

5. The Project's Economic Benefits Should be Better Explained

Project boosters have made much of the alleged economic benefits of the Project and specifically its Deep Bored Tunnel preferred alternative. Hence, the Economics Discipline Report ("EDR") that is part of the pending DEIS takes on special importance to the public and decision makers.

- A. Direct Job Creation: The EDR states that the average number of temporary jobs created by the Deep Bored Tunnel portion of the project would total 480. The Report goes on to state that the peak number of workers per day would be 200 during the most intense period of construction. The EDR does not explain how, as a matter of simple math, it is possible that the average job number can exceed the peak daily job count. The FEIS should clarify this. Moreover, how many of these jobs will actually be "local" as opposed to filled by technical specialists in the tunneling industry who move about as tunneling work presents itself? The EDR doesn't say. *See* EDR at 88-89. The FDIS should provide this information.
- B. Direct Job Elimination: Deep Bored Tunnel construction will actually eliminate or displace some existing local jobs. In the South Portal area the job loss is estimated at 25. EDR at 9. The job loss at the North Portal is expected to be 119 for a total of 144. EDR at 11. At least some of this job loss will probably be temporary but that is also true of the jobs created. So it would seem fair to net out the loss and set the temporary direct job creation number at 336. The FEIS should acknowledge this
- C. Indirect Economic Impact: The Bored Tunnel portion of the Project is estimated to cost \$1,960M. This amount includes more than just the tunnel. It includes the tunnel boring machine, the interior roadway, tunnel systems, operations buildings and portal connections. The EDR estimates that new demand for construction would generate gross direct effects equal to the capital cost of \$1,960 million in construction dollars and this amount would be multiplied to total approximately \$3,688 million for all industries in the Puget Sound region not directly involved with the replacement of the viaduct. But, according to the EDR only 8 percent of the overall construction costs would be new money resulting from the Federal contribution to the Project. (EDR Exhibit 6-2). All other funding would come from the state or the Puget Sound region and would likely be spent and multiplied in the local/state economy even without the Project. But how much of total Project expenditures will actually occur locally? The EDR skips over this lightly, so questions remain that the FEIS should address. The apparent successful bidder is national and international in make-up. Isn't it likely that a substantial amount of Project direct and secondary spending will actually take place outside of Washington and perhaps outside of the United States? For example, where will the Tunnel Boring Machine be fabricated? What about the portion of Project expenditures that necessarily goes to contractor overhead and profit? Won't this money be spent where the successful firms are based? The FEIS provide additional information to clarify these matters.

- D. Compared to What? The EDR's scope is limited to consideration of the Deep Bored Tunnel option so it is hard to find a basis for perspective. How, for example, would the economic impact of the DBT compare to a Surface and Transit option? We can only speculate, but it seems reasonable to think that more of the money spent on surface transit would stay at home with no international consortia, no exotic Tunnel Boring Machine to import and no nomadic specialist workforce to recruit from around the world. But perhaps the added buses for the transit element would be from overseas. Moreover, it is likely that the jobs lost as a result of property needed for Tunnel portals would be spared if no such structures were needed. Possibly parking spaces and the associated City revenue could be saved as well. The FEIS should provide this comparative information.
- E. Loss of City Revenue and Higher O&M Costs: The EDR points out that the DBT project will eliminate a number of parking spaces, mostly in the areas of the north and south portals. This parking loss is expected to cost the City about \$2.1M in annual revenue. The Report does not discuss how the City is expected to make up this ongoing revenue loss. The EDR reports that annual operations and maintenance costs of a Deep Bored Tunnel enhanced SR99 are expected to exceed current expenditure by an estimated \$2.6M to \$4.1M annually. The Report does not state this, but presumably most, if not all of these costs will fall on the State. It is also not stated what the O&M costs of tolling the Tunnel will be. The projected O&M increase is surprising given that the proposed facility will presumably be "state of the art" in terms of maintenance efficiency compared to the current damaged and dangerous Viaduct. The fact that these costs are slated to increase raises clear sustainability issues that the EDR neither discusses nor explains. The FEIS should discuss these issues.

Sincerely,

(Name redacted)

CC Mayor Mike McGinn
Members, Seattle City Council