

Eastside Transportation Association

"Dedicated to improving our quality of life and environment by reducing congestion through increased mobility"

P.O. Box 50621
Bellevue, WA 98015

July 12, 2006

The Honorable Christine Gregoire
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Re: **HCT Mode Selection for I-90 Lake Crossing and East King County;
Decision of the Sound Transit Board to consider only LRT and RC BRT**

Dear Governor Gregoire:

We are submitting a detailed letter together with attachments relating to the above matter.

In brief summary, we question Sound Transit's jurisdiction over I-90 and whether Sound Transit is the right agency to direct modifications to our highways of state significance. Sound Transit's focus and goals are too narrow. It serves only a very small fraction of the people, businesses and government that rely upon and make up highway users. We want WSDOT to assert jurisdiction over this process as opposed to deferring to Sound Transit.

We question Sound Transit's decision to take over I-90's two center lanes for transit-only use. Sound Transit continues to exhibit stubborn adherence to Light Rail over better, less costly transit alternatives that cause fewer negative impacts to other highway users. We question Sound Transit's decision and failure to continue to study and consider BRT on HOV as a valid High Capacity Transit choice for I-90. I-90 was built and funded to serve the entire region and the entire State, not just the downtown cores of Seattle and Bellevue.

In the Spring of 2005, Sound Transit's Board of Directors reviewed a number of high capacity transit options to cross Lake Washington. At its July 7, 2005 meeting, the Board narrowed the list to two scenarios: (1) Light Rail Transit (LRT) service from Seattle to Overlake, and (2) Rail Convertible Bus Rapid Transit (RCBRT) service along the same alignment, with an adjunct of HOV bus service in each alternative. The Board eliminated all alternatives except for transit-only use of the center lanes.

In arriving at this decision, the Board pointedly ignored its own Expert Review Panel's technical letter stating its opinion and finding that **HOV/BRT remains a "valid alternative" for further study in the I-90/East King County corridor; that HOV/BRT's average speed in the I-90 corridor was comparable to LRT, if not faster; and ERP's presumption that "a more comprehensive analysis of LRT and HOV/BRT" would occur.** See 6/23/05 ERP Technical

Letter, pg. 7 (emphasis added).

The Board also pointedly ignored the Record of Decision (“ROD”) made by the I-405 Corridor Program, which was adopted **unanimously by all municipalities along the I-405 corridor, the City of Redmond and by Sound Transit**, under date of October 9, 2002.

The ROD reflected the roles and responsibilities of the National Environmental Policy Act [NEPA], federal co-lead agencies, the Federal Highway Administration [FHWA] and the Federal Transit Administration [FTA] in administering their respective transportation programs. The FTA, in coordination with FHWA, WSDOT, KCDOT and Sound Transit, decided on the preferred alternative as the selected alternative, the alternative which best “meets the purpose and need of the I-405 Corridor Program.” *See ROD, pg. 1.*

The ROD, which includes some 42 pages and attachments, reflects the number of various alternatives carefully considered prior to the time that the panel arrived at its formal determination, including extensive cost-benefit analyses required by this State’s least-cost-planning requirements of RCW 47.80.030.

For purpose of integrated transportation planning, the I-405 corridor by definition includes not only I-405 but the essential connecting facilities, including SR-522, SR-520, I-90, and SR-167, which serve major activity centers within the I-405 corridor. This includes connections east to Redmond and Issaquah and west across Lake Washington to Seattle. A total of 11 BRT stations were proposed. *See ROD, pp. 15-16.*

The alternatives evaluated included a wide range of improvements, each of which would serve one or more of the corridor solutions. Such alternatives are set forth on page six of the ROD. An examination of page six gives a description of alternatives one through four as well as the “preferred alternative” (the selected alternative). As noted therein, these alternatives were designed to provide decision makers with the “widest range of potential reasonable solutions.” *See ROD, pg. 6 (emphasis added).*

The suggested improvements were packaged into alternatives in varying levels of intensity (such as the number of new freeway lanes or increases in transit service) and choice of technology (such as the type of high capacity transit). Each action alternative constituted a combination of multi-modal transportation improvements and other mobility solutions packaged to work together as a system.

Each of these alternatives was carefully considered by the representatives of the agencies and municipalities above-noted and was arrived at only after a series of public meetings wherein the residents and concerned citizens to be serviced by the east side corridor had an opportunity to and did express their concerns and interests.

Alternative 1, which included a High Capacity Transit/TDM emphasis with a physically separated, fixed-guideway high capacity transit system utilizing portions of the existing BNSF railroad right-of-way, was rejected for reasons set forth on ROD page 10.

Alternative 2, which dealt with a mixed mode with high capacity transit/transit emphasis and would have implemented the same physically separated, fixed-guideway high capacity transit system as proposed in Alternative 1 was not selected for reasons set forth on ROD pages 11-12.

Alternative 3, which would have attempted to improve the mobility options of all travel modes and would have involved the widening of I-405 by two lanes in each direction and would have included a bus rapid transit system throughout the I-405 corridor, was likewise included. This after full consideration was rejected for reasons set forth on ROD page 13.

Alternative 4, which placed the greatest emphasis on increasing general purpose and HOV roadway capacity (or added local bus transit service) was likewise rejected for reasons set forth on ROD pages 14-15.

Ultimately and after due and extensive consideration of all available evidence, a modification of Alternative 3 was adopted unanimously, with BRT on HOV for I-405, I-90 and SR 520 specifically retained. Simply stated, the selected alternative is a multi-modal solution to the transportation needs in the I-405 corridor, together with the essential connections required for integrated transportation planning required by State statutes. The Selected Alternative focused on substantial improvement of mobility options for all travel modes and provided an effective high capacity transit system throughout the transit area at a lower cost than the alternatives proposed in Alternatives 1 and 2 with HCT operating in separated, fixed guideways.

The Selected Alternative would implement the same BRT proposed in Alternative 3. The BRT system would operate stops every two to three miles along I-405 and would use the HOV priority lanes, new HOV direct access ramps, and new in-line transit stations to maximize speed and reliability. BRT service would also operate along connecting facilities such as SR-522, SR-520, I-90, and SR-167 to serve major activity centers along the I-405 corridor. This would include connections east to Redmond and Issaquah and west across Lake Washington to Seattle, as is indicated by the attached Map showing BRT as the preferred alternative for the I-90 corridor from the final EIS.

Among the benefits listed and noted was that “overall transit service within the study area would be increased, based on demand, by up to 75 percent above the increases contemplated in the current King County, Sound Transit, and Community Transit six-year plans.”

The ROD concluded that the selected alternative meets the purpose and needs of the I-405 corridor plan, and it is the most desirable plan in terms of balancing transportation performance, functional efficiency, and environmental, social, and economic impacts. Additionally, it has the lowest impact on wetlands of any action alternatives together with additional environmental benefits set forth on ROD 16-17. Further, the Selected Alternative “would contribute the most desirable mix of transportation improvements to support implementation of adopted regional and local land use plans and assist local jurisdictions in meeting transportation concurrency requirements under the Growth Management Act.” *See*

ROD, pg. 17.

The Sound Transit Board's July 7, 2005 decision and subsequent decisions ignore the findings of the ROD. The Board would have us choose between two alternatives, neither of which was approved by the ROD; each of which was rejected by the ROD; and none of which was included in the Selected Alternative which ultimately constitutes the ROD.

This decision of the Sound Transit's Board of Directors to limit the choices for I-90's cross-lake segment to exclusive transit-only use of I-90's two center lanes, is rendered even more questionable by findings in the Final Environmental Impact Statement ("FEIS") dated May 21, 2004, executed by the Central Puget Sound Regional Transit Authority ("Sound Transit"), WSDOT and the Federal Highway Administration. The FEIS constituted an environmental review of the proposed I-90 Two-way Transit and HOV Operations project. The purpose of the project was to provide reliable two-way transit and HOV operations on I-90 between Bellevue and Seattle while minimizing impacts to other users and transportation modes. The primary goal of Sound Transit's I-90 proposal was stated as to "improve speed, reliability and access for regional transit". See *FEIS* signature page.

Page 2-2 of the FEIS sets out the early identification of alternatives. One of those was "Alternative R-4". Alternative R-4 (4-2T-4) called for the center roadway of I-90 to "be converted to two-way, transit-only operation. HOV traffic displaced from the center roadway would be provided with HOV lanes on the outer roadways, created by restriping the outer roadways to reduce shoulder, and possibly lane widths, to create a fourth, HOV-only lane in each direction between the East Channel bridge and the Rainier Avenue S interchange. Mercer Island traffic would be required to use the three general-purpose lanes in each direction between the Island Crest Way and Rainier Avenue S interchanges." See *FEIS* at pg. 2-3. **This alternative did not even survive the first screening.** See *FEIS*, pp. 2-6 and 2-7.

The FEIS authored and signed by Sound Transit, WSDOT and the Federal Highway Authority as recently as May 21, 2004 **rejected** Alternative R-4 which would convert I-90's two center lanes to dedicated transit-only operation (which could be either rail or BRT), add a fourth HOV-only lane to the outer bridge decks. See *FEIS* signature page and *FEIS* pp. 2-6 and 2-7. **Once again this very important decision and process was ignored by Sound Transit's Board.**

Ironically, the earliest alternative panned by the public and by Sound Transit in the 2004 FEIS, is the very one that Sound Transit's Board has eliminated all other alternatives for and is now voting to go forward with.

A word should be stated about the displacement of Mercer Island traffic that is contemplated by Sound Transit Board's current plan for exclusive transit-only use of I-90's center lanes. According to the FEIS, during 2001, the average weekday traffic (AWDT) on I-90 across Lake Washington was 150,000 vehicles per day (vpd). See *FEIS* at pp. 3.2-3 and 3.2-4. Of that total, approximately 65,000 vehicles *per* day came from or went onto Mercer Island. See *FEIS* at pg. 3.2-4. Under Sound Transit's current proposal, this volume of traffic (and more)

would be redirected to the outer bridge spans, adding to an already heavily congested roadway, bringing it to a virtual standstill and reducing its throughput by 50%.

Reference is also made to the I-90 Travel Analysis (“Preliminary Data and Discussion”) prepared by WSDOT and presented to Sound Transit’s Board on April 27, 2006. Included therein are current and projected travel times to the year 2030 for the morning and afternoon peak hours for motorists traveling west and east on I-90. These are set forth on pages 15-18. In general, the report shows **in the westbound direction the no-build alternative provides faster trips** for cars and trucks in the general purpose lanes than the options that take over the center roadway for transit-only use, in both the AM and PM periods. **Exclusive transit-only use of the center lanes has the worst negative impact on motorists.** HOV trip times are the same or changed very little. In the no-build alternative, I-90 would remain exactly as it is today in configuration and operation with three GP lanes in the outer bridge decks and two center HOV lanes operating in a one-way reversible mode shared by Mercer Island traffic, HOVs and transit.

In the eastbound direction, R8A provides better travel times for motorists than either the no-build alternative or exclusive transit-only use of the center lanes in both AM and PM peak periods, with exclusive transit-only use of the center lanes having the worst negative impacts on motorists.

Eastbound, LRT offers no improvement in travel time over cars from Seattle to Bellevue Way. In fact, with R8A built and operating, cars will experience a faster commute eastbound between Seattle and Bellevue Way than LRT riders, in both the AM and PM peak periods projected through the year 2030.

Consideration should also be given to the preliminary findings of the Expert Review Panel made by Sound Transit on the Regional Transit Long Range Plan, and its stated concerns about lack of congestion-relief and cost-effectiveness analyzed. A comparison between BRT and LRT shows no appreciable reduction in travel time, no increased capacity in ridership, and several safety concerns.

These factors are of paramount importance having in mind the total cost of LRT which, by even conservative estimates, will range in the multi-billion dollar range. The expenditure of such funds with no appreciable increase in capacity, speed, or in the absence of demonstrable congestion relief and in the face of the ROD and the FEIS addressed above makes it exceedingly difficult to support and/or understand, as your able Secretary of Transportation Doug MacDonald has squarely suggested to his fellow Sound Transit Board members, on several occasions, during 2006.

We are including a letter that we sent to Professor Michael Meyer, Chairman of the Expert Review Panel under date of January 6, 2006, and an earlier letter that we sent to Secretary Doug MacDonald under date of October 12, 2005. Then—as now—we find the issues raised pertinent and to date unanswered by either recipients or by Sound Transit.

One can only estimate what it would cost to replace this center corridor at today’s dollars,

but the full market value certainly would be at least several billion dollars or more. The displacement of the HOV lanes, BRT, and the reversible lane for a single occupancy facility which provides no capacity, speed or congestion advantages is at the least troubling. This is a public roadway, bought and paid for by the people of the State of Washington. The transfer of the exclusive rights to utilize said roadway to an agency, which would insist on a use which has been previously rejected not once but twice as set forth above, in the opinion of these writers raises a legal and Constitutional question which we feel must be addressed by the State of Washington in the best interest of the people of this State and specifically those depending on safe, reasonable and effective roadways within the I-405 corridor.

The ROD is the official decision for the I-405 corridor and major connections. This decision hasn't been abrogated, modified, changed, reversed or appealed. Sound Transit's position ignores this ROD, flies in the face of said decision without any analysis of the ROD, and without any authority to abandon the clear findings and holdings of the ROD. It raises the question as to whether or not this agency is immune to or above the findings of the ROD. We contend that it is not.

The undersigned was Chairman of the Executive Committee for the I-405 Corridor Program and also Deputy Chairman for the Washington State Transportation Commission at the time of the I-405 Corridor Program and ROD.

We request that WSDOT assert jurisdiction over the process as opposed to deferring to Sound Transit. We respectfully request an opportunity to meet with you to review and discuss this critical chapter on the future of this highway corridor.

Very Truly Yours,



Jim Horn, Chair
Eastside Transportation Association

Very Truly Yours,



Chairman~ Legal Committee
Eastside Transportation Association

Encl.

cc: Rob McKenna, Attorney General
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