October 2, 2006

VIA E-MAIL AND MAIL

James Irish
Sound Transit
401 South Jackson Street
Seattle, WA 98104

Re: East Link Project – City of Mercer Island Scoping Comments

Dear Mr. Irish:

Thank you for the opportunity to comment on the East Link Project in connection with the scoping being performed by Sound Transit as required by the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA). Sound Transit has appropriately determined that the East Link Project will have a significant adverse environmental impact and accordingly will be preparing an Environmental Impact Statement (EIS). The purpose of scoping is to determine environmental issues that must be analyzed as part of the EIS. On behalf of its citizens, the Mercer Island City Council makes the following comments based upon information presented by Sound Transit at a public hearing held on September 21, 2006 at the Mercer Island Community Center and upon review of that certain Environmental Scoping Information Report – Seattle to Bellevue to Redmond dated September 2006 prepared by Sound Transit and the Central Puget Sound Regional Transit Authority on the East Link Project (Report) and Preliminary Purpose and Need Statement (Statement).

1. **Purpose and Need Statement.**

*Relevant Documents to be Considered by Sound Transit.* The Statement includes a project objective with incomplete information and should be amended as shown by the following underlining indicating proposed new text and strike lines indicating proposed deleted text:

Implement the high-capacity transit (HCT) element of the I-90 Two Way Transit and HOV Operations Project Final EIS dated May 21, 2004; the Federal Highway Administration Record of Decision of September 29, 2004; the Memorandum of Agreement signed in December 1976 by the Cities of Seattle, Mercer Island, and Bellevue, King County, Metro and the Washington State Highway Commission ("MOA"), and the August 2004 Amendment to the MOA ("Amendment") executed by the MOA
parties and Sound Transit 1976 Memorandum Agreement and the September 8, 2005 letter agreement entered into among the Cities of Seattle, Mercer Island, and Bellevue, King County and Sound Transit ("September 8, 2005 letter"). These documents stipulate that the ultimate configuration of I-90 should accommodate HCT in the center lanes subject to satisfactorily addressing any loss of mobility to and from Mercer Island, and the Amendment directs the agencies to "provide high capacity transit in the center lanes of I-90 between Bellevue and Seattle as quickly as possible". The Amendment agrees "to the earliest possible conversion of the center roadway to two-way High Capacity Transit operation based on outcome of studies and funding approvals" and only after "additional facilities and services" have been provided to Mercer Island residents "to the extent of loss of mobility to and from Mercer Island". The Amendment and FHWA Final EIS define HCT broadly as "...a transit system operating in dedicated right-of-way such as light rail, monorail or a substantially equivalent system. The Amendment requires the construction and operation of all phases of the I-90 Two Way Transit and HOV Operations Project and the addition of two new HOV lanes in the outer roadways prior to and not concurrent with conversion of the center roadway to HCT.

Conversion of the center roadway is only allowed under the MOA and Amendment after studies had been performed and equitable access and mitigation to Mercer Island traffic for any loss of mobility have been satisfactorily addressed. Further Mercer Island’s agreement to the Amendment was contingent upon full completion and operation of the I-90 Two Way Transit and HOV Operations Project (referred to as R-8A in the Amendment).

The Statement should address all applicable legal strictures (including agreements, statutes, and constitutional requirements) as described above, as they bear directly on formulation of alternatives and review of impacts.

Mercer Island is in a unique position as the only city along the East Link Project corridor where its citizens’ sole means of ingress and egress is by access to I-90. NEPA/SEPA compliance, therefore, must also address not simply the "high capacity transit (HCT) element", but such statements as the following contained in the EIS:

"I-90 provides the only vehicular access route to Mercer Island. Traffic to and from Mercer Island represents approximately 18 percent of the total weekday traffic on the floating bridges between Seattle and Mercer Island and about 23 percent of the total weekday traffic on the East Channel Bridge between Mercer Island and Bellevue. Over 65,000 vehicle trips per day have origins or destinations on Mercer Island. Of these trips, about 43 percent are oriented to Seattle and 57 percent to the Eastside."
Mercer Island traffic, at approximately 850 to 900 vehicles per hour, makes up 45 to 50 percent of the total center roadway traffic on the floating bridge during the AM and PM peak periods.

Another EIS statement requiring implementation by Sound Transit requires consideration of Mercer Island SOV traffic as follows:

Increases in peak direction traffic in the center roadway and resulting congestion and decreased reliability for transit will likely require an operation change on the center roadway by the year 2010. This change could consist of restricting the center roadway to HOV only, which would allow an HOV 2+ (2 or more occupants per vehicle) eligibility requirement to remain in place and move Mercer Island single occupant vehicle (SOV) traffic to the outer roadways, or by changing the HOV eligibility requirement to 3+ (3 or more occupants per vehicle), that would allow Mercer Island SOVs to retain use of the center roadway between Island Crest Way and Rainier Avenue S.

Although a recital in the Amendment provides that "the ultimate configuration for I-90 between Bellevue, Mercer Island, and Seattle should be defined as High Capacity Transit in the center roadway and HOV lanes in the outer roadways", as noted above, Mercer Island’s agreement to the Amendment is contingent upon satisfactory mitigation of any "loss of mobility to or from Mercer Island". See Section 7 of the Amendment. As stated below, this loss of mobility may be partially addressed by allowing all Mercer Island traffic (including SOVs) use of the new HOV lanes.

The EIS also specifically references the MOA and not simply the Amendment, as follows:

The Memorandum Agreement was signed in December 1976 by the Cities of Seattle, Mercer Island, and Bellevue, King County, Metro, and the Washington State Highway Commission documenting the resolution of disputes which had surrounded the plans to construct an improved I-90 facility between I-405 and I-5. The Agreement documents the support of the signatories to the Agreement for the construction of a facility which will accommodate no more than eight motor vehicle lanes arranged with three general-purpose lanes in each direction between the South Bellevue Interchange and I-5, and two lanes designed for and permanently committed to transit use. The design was to accommodate the operation of two transit lanes in either a reversible or in a two-way directional mode. The parties further agreed that the transit lanes shall operate initially in a two-way directional mode, at no less than 45 mph average speed, with the first priority to transit, the second to carpools and the third to Mercer
Island traffic, with the transit lane restricted to buses in the direction of minor flow.

Consistent with the EIS, a reference to the MOA and not simply the Amendment should be included in the Statement as a document impacting study of the East Link Project. Further, all parties to the MOA and Amendment (with the exception of WSDOT) entered into a letter agreement dated September 8, 2005 wherein Sound Transit along with the majority of the parties to the MOA requested the following access be provided to Mercer Island:

**Center Roadway.** Mercer Island traffic will remain in the center roadway as long as allowed under the MOA and Amendment.

**Outer Roadway.** Once removed from the center lanes, Mercer Island traffic, will have access to the R-8A HOV lanes under the same conditions provided in the MOA for Mercer Island traffic access to the transit lanes. Such access shall be provided at no cost to Mercer Island traffic until such time as the State implements congestion based pricing on the I-90 roadway and only after complying with Section 14 of the MOA.

...Sound Transit will conduct project level environmental studies, identify impacts and required mitigation for the projects

Inherent in these provisions is the potential for benefits to general purpose lane congestion by Mercer Island SOVs having access to the new HOV lanes in the outer roadways. This should be considered in environmental review.

Further the letter agreement must be included as a relevant document in your Statement and environmental review must consider the consistency (or lack thereof) of any alternative with these express parameters. Alternatives which do not reasonably meet them should be revised or eliminated.

**Project Objective.** Sound Transit has not listed moving the greatest number of people across the I-90 bridge as a “project objective”. Sound Transit has stated its goal as:

Improve speed and reliability and expand capacity for people traveling on the regions’ increasingly congested transportation corridors.

New capacity alone is not helpful if it cannot be operated to maximize the flow of traffic across the I-90 bridge. For example, if the operation of light rail in the center roadway limits the number of trains allowed on the bridge to one train at a time, this may adversely impact the maximum number of persons transported across this corridor. Sound Transit’s studies conclude there will be bridge closures due to light rail stressing the bridge to 98% of its structural capacity. NEPA/SEPA review must study the
frequency of such closures and how this will impact mobility and use of the I-90 bridge. Finally, it must study ridership to determine the number of riders that will use light rail and not just the “capacity” for such ridership as stated in the above goal.

2. **Report.**

The Report raises the following environmental issues that must be analyzed as part of the EIS.

**Frequency of Train Travel.** Consistent with earlier comments Sound Transit received from the Expert Review Panel, environmental review by Sound Transit must further study the operation of the I-90 bridge with light rail, allowed frequency of trains and impact on mobility and ridership.

**98% Structural Design.** NEPA/SEPA review should study the operational effects of required bridge closures from weather (wind, water spray) as a result of the bridge being designed at 98% structural integrity. Mercer Island has previously communicated its concern with data calling into question the mechanical viability of light rail on the floating bridge. Recent studies show that the combination of the weight of light rail vehicles with lake effects during storm events “...is expected to stress the bridge to 98% of its structural capacity”. It is also expected that these stress levels will occur regularly or at a minimum, once a year during “one year storm events”. Adverse traffic impacts resulting from these known closures should also be analyzed.

**Length of Bridge Closure.** Construction of light rail will require closure of the I-90 center roadway. Consistent with the requirements of the Amendment, construction of the I-90 Two Way Transit and HOV Operations Project must be completed and operational prior to closure. The adverse environmental traffic impact from closure of the center roadway during the light rail construction should also be disclosed with particular attention to relative impacts depending on the length of the construction period (and Mercer Island encourages Sound Transit to develop plans for the shortest possible construction window in order to minimize such adverse impacts).

**Equitable Access for Mercer Island and Mitigation.** The MOA and Amendment requires studies of any loss of mobility to and from Mercer Island, additional transit facilities and services such as additional bus service, parking available for Mercer Island residents, other measures and equitable access for Mercer Island residents. All alternatives must satisfy these requirements, and environmental review will need to study and analyze which alternatives best satisfy these contractual obligations to Mercer Island made in the MOA, Amendment and September 8, 2005 letter. For example, during the public hearing, Sound Transit received a comment from a Mercer Island resident requesting parking designated for Mercer Island residents. The City Council has frequently heard this comment from its citizens. Sound Transit should study such designated parking as part of this scoping analysis.
In conclusion, NEPA/SEPA compliance for the East Link Project must take into account in its statement of purpose and need and include in its selection of alternatives and study of impacts the following precepts:

- Mercer Island SOV traffic must stay in the center lanes as long as possible consistent with the MOA, Amendment and September 8, 2005 letter.
- Loss of Mercer Island regional mobility should be partially mitigated by allowing Mercer Island traffic access to the new HOV lanes in the outer roadways constructed as part of the I-90 Two Way Transit and HOV Operations Project.
- Access to the light rail system should be improved with enhanced local bus service serving the rail station and Park & Ride lot.
- Sound Transit and WSDOT should schedule construction of the cross-lake light rail segment so as to minimize the length of time the center lanes are closed.

WSDOT is currently developing and reviewing an I-90 Access Plan for equitable access for Mercer Island residents pursuant to a budget proviso included in the 2006 State Transportation Budget (“Access Plan”). The City will review the Access Plan to assess its benefits and efficacy for Mercer Island users of the I-90 corridor. The City reserves the right to comment further on the East Link Project in light of its review of the Access Plan, once its contents are known.

Thank you for considering Mercer Island’s scoping comments and please do not hesitate to contact City Manager Rich Conrad if you require further clarification of these comments. The City reserves the right to comment further in the event further studies, analysis or new information becomes available.

Sincerely,

[Signature]

Bryan Cairns, Mayor

Copied: Mercer Island City Councilmembers
         Joni Earl, Sound Transit CEO
         Paul Tanaka, Sound Transit Engineer
         Rich Conrad, City Manager
         Deb Symmonds, Deputy City Manager
         Loni Lindell, City Attorney