October 23, 2006

Mr. Douglas B. MacDonald, Secretary
Washington State Department of Transportation
310 Maple Park Avenue SE
PO Box 47316
Olympia WA 98504-7316

Under SSB 6241 Section 304(1)(b) ("Access Plan")

Dear Secretary MacDonald:

Thank you for forwarding a copy of the above referenced Access Plan to the Mercer Island City Council. We have had an opportunity to review the Access Plan and appreciate the work performed by your staff to address equitable and dependable access for Mercer Island traffic to the I-90 corridor.

Although we believe the Access Plan is a start in the right direction, we would ask you to further consider the following issues:

Definition of "Equitable"
You have indicated your purpose in developing the Access Plan was to provide "equitable and dependable access for I-90 Mercer Island exit and entry".

Mercer Island's equitable and dependable access should be evaluated in light of the 1976 Memorandum of Agreement (MOA), the 2004 First Amendment to the MOA (First Amendment) and the September 8, 2005 Letter entered into among all the signatories to the MOA with the exception of WSDOT. This requires considering Mercer Island's existing right of access to the center roadway. The Access Plan concludes that by allowing Mercer Island the same access as other surrounding cities (e.g. Bellevue and Issaquah), Mercer Island is being treated equitably. However, your definition of equity does not take into account Mercer Island's existing and current access. Another way to consider this issue is that when the center roadway is converted to high capacity transit, Mercer Island will be adversely impacted differently than all other users of the I-90 corridor.

The Access Plan acknowledges that Mercer Island will be adversely impacted differently than our MOA partners and other users of the I-90 corridor and that our access will be palpably diminished as compared with the current regime, as follows:

"Mercer Island residents...who still desire or require the use of their personal automobiles will utilize an I-90 that for a portion of its length will have lost peak period two-lane capacity in the center roadway to be replaced only by the one-lane (each direction) capacity of the new HOV lanes on the outer roadway."

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Mercer Island also has a unique geographic disability from a transportation perspective – it is an Island. Mercer Island citizens’ sole means of ingress and egress from the City is by access to the I-90 corridor. This is not true for any of the other cities or citizens along the I-90, I-405 or I-5 corridors. No other residents of the I-90 corridor are so limited in the ability to conduct their daily lives and obtain access to essential and life-critical services. For example, there is no "alternate" route to employment centers and regional and state government services. Medical services beyond limited primary care are only available off-island. Thus, to treat Mercer Island the same as other cities does not result in equitable access.

**Access to New HOV Lanes in Outer Roadway.**
The September 8, 2005 Letter provides that equitable access for Mercer Island should include “access to the R-8A lanes”. The parties agreed as follows:

**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.

This letter resulted from significant work and compromise among the parties. This letter signifies a regional solution and meets the interests of all of your MOA partners’ interests.

Despite the September 2005 letter, we are troubled by the following statement in the Access Plan:

In light of the foregoing considerations, **WSDOT currently does not believe that a period of operation of the outer roadway HOV lanes continuing their availability at no cost for Mercer Island single occupancy vehicles will be consistent with equitable and efficient highway operations.** Nor will it be necessary for equitable and dependable I-90 use, in view of the other improvements (and other constraints) that then will be in place in the corridor.

This statement appears to conflate “efficient highway operations” and general equity with equitable and dependable access for I-90 Mercer Island exit and entry. They are not synonymous. Highway efficiency might well be enhanced by reducing Mercer Island access. However, the budget proviso, MOA and First Amendment establish a different standard which starts from recognition of the City’s unique dependency and does not assume that what would help highway efficiency and is relatively fair for other cities is necessarily equitable for Mercer Island.

**Proposed I-90 Committee**
The Access Plan proposes the creation of a traffic operations review committee for I-90 to include members from the MOA, First Amendment and any other city or jurisdiction wishing to participate. Currently, any change in the operation of I-90 such as conversion of the HOV lanes to HOT lanes, requires consultation and concurrence of the MOA signatories. This model of consultation and concurrence among the MOA signatories has worked well in the past and continues to work well to resolve issues concerning the I-90 corridor. On March 30, 2006, elected officials and senior staff from all of the signatories met to discuss future changes to the I-90 corridor, including WSDOT, and recommitted that this contractual model would be followed for all future changes to the operation of the I-90 corridor.
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The Access Plan refers to Mercer Islanders “who still desire or require the use of their personal automobiles” public transit or carpooling is not a reasonable option for Mercer Island residents.

The Access Plan concludes that equitable and dependable access is provided for Mercer Island as a result of available van pools and park and ride capacity in the future. The Access Plan compares the available park and ride spaces for Mercer Island residents with surrounding communities as follows:

...600 Park and Ride spaces on Mercer Island. This will equal one space for approximately every 37 residents (for Bellevue, the comparable figure is one space for approximately every 42 residents; for Kirkland, one space for approximately every 28 residents; and for Sammamish, one space for approximately every 108 residents).

This parking spaces per capita analysis fails to recognize again the geographic location of Mercer Island. We are the last free parking available for vehicles traveling west into Seattle along the I-90 corridor. WSDOT’s own data show that over one half of the spaces are used by non Mercer Island commuters that travel to the Island. This is dissimilar to the use of the park and ride spaces in Bellevue, Kirkland or Sammamish. Thus, it is not accurate to say having a higher ratio of spaces per resident provides dependable or equitable access. Our citizens are unable to use the majority of spaces in the Mercer Island park and ride and have no access to such spaces after approximately 7:30 a.m. when the lot is full.

We look forward to discussing these issues in the near future thereby working together to move the State’s transportation system forward to meet the needs of all of our constituents.

Sincerely,

Mercer Island City Council

Mayor Bryan Cairns

cc: Mercer Island City Council
    Rich Conrad, City Manager
    Ron Sims, King County Executive
    Greg Nickels, Seattle Mayor
    Tim Ceis, Seattle Deputy Mayor
    Grant Degginger, Bellevue Mayor