

K&L GATES



City of Mercer Island and the I-90 Tolling Proposal

Mercer Island City Council Meeting
February 25, 2013

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How Can the City of Mercer Island Participate in this Decision?

1. Consultation and Concurrence under the 1976 Memorandum of Agreement

2. “Cooperating Agency” in the NEPA Process

- Provide Comments during Scoping

- Provide Comments on the Draft NEPA Document

3. Other direct efforts (see the City’s Work Plan)

What Is the National Environmental Policy Act (NEPA) Mandate?

- Agencies must analyze impacts of the proposed action and any reasonable alternatives in order to promote:
 - Informed Decision-Making; and
 - Public Participation
- No requirement to mitigate impacts
- No requirement under NEPA to make “good” decisions; taking a “hard look” is sufficient

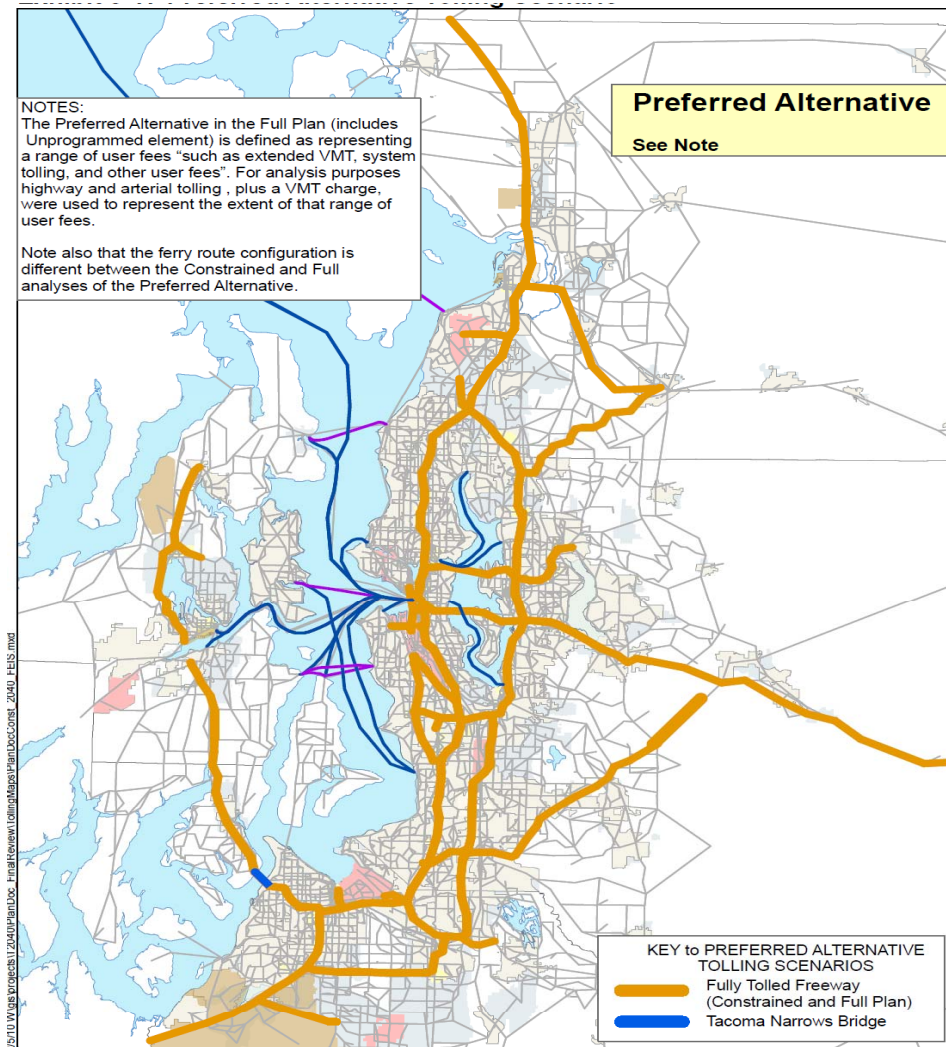
Overview of Scoping Comments

- 1. WSDOT and FHWA Should Prepare an EIS.**
- 2. WSDOT and FHWA Should Analyze and Mitigate Impacts to Mercer Island and Other Communities.**
- 3. WSDOT and FHWA Should Consider Broader Alternatives to Tolling the I-90 Bridge.**

Scoping Comment #1: Prepare an EIS.

The cumulative impacts of tolling will be significant due to diversion, as per:

- Data from SR-520 bridge
- Alaskan Way Viaduct Replacement Project EIS
- Ohio River Bridges Project EIS



Transportation 2040 Plan, Ex. 3-17: Preferred Alternative (Tolling Scenario)

Scoping Comment #2: Analyze and Mitigate Impacts to Puget Sound Communities.

Cost to Individuals of Commuting Across the Bridge:
More than \$1,700 per year*

Social, Economic, and Environmental Impacts to the
City, Mercer Island School District, and Mercer
Island Businesses: Unknown

Impacts to Other Puget Sound Communities: Unknown

* Assuming tolls are set at \$7.18/day during peak hours as for the SR-520 bridge.

Scoping Comment #3: Consider Alternatives to Tolling the I-90 Bridge.

- Alternative Funding Mechanisms
- Other Congestion Relief Strategies
- Lower Tolls over a Broader Geographic Area (e.g., all lanes on I-405, SR-522, or permanent tolling on SR-520)

If WSDOT decides to toll I-90, the agency should study, e.g.:

- Segmented tolls (i.e., lower toll for short trips)
- Optional one-way tolls (i.e., pay toll in only one direction)
- Daily cap (i.e., pay toll no more than once per day)
- Annual cap for frequent bridge users

Newly Proposed Legislation: HB 1945

WSDOT must examine mitigation options:

- Allowing all Washington residents to choose either the eastern or western portion of the tolled section of I-90 without paying a toll;
- Assessing a toll only when a driver traverses, in either direction, all of the tolled section of I-90;
- Allowing affected residents* to choose one portion of the tolled section of I-90 upon which they may travel without paying a toll;
- Any alternatives that meet the same purposes.

*“Affected residents” are “people who must use a portion of Interstate 90 west of Interstate 405 upon which tolling is considered in order to access necessary medical services, such as a hospital.”

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Questions?