



April 20, 2011

Richard Conlin
City Council President
City Hall, 2nd Floor
Seattle, WA 98104

Re: Transmittal of Nelson Nygaard Report in support of Viaduct FEIS work.

Council President Conlin:

As you know, the Seattle Department of Transportation has acted as a co-lead agency under SEPA in preparing the Environmental Impact Statement for the Alaskan Way Viaduct Replacement Project. SDOT's role was recently reaffirmed by the City Council in Ordinance 123424, which recognizes that "maintaining the City's co-lead status with WSDOT during environmental review is desirable in order to protect the City's access to project information and ability to shape and influence the Final EIS." The Ordinance established that "It is the policy of the City that the Seattle Department of Transportation (SDOT) continue to act as co-lead under SEPA for the remainder of the AWVRP and that SDOT fulfill all responsibilities, obligations and duties necessary to complete and publish the Final Environmental Impact Statement."

On December 13, 2010, I sent Transportation Secretary Paula Hammond a letter with SDOT's comments on the Supplemental Draft EIS for the Project. Our letter identified eight general areas of concern, and I ended the letter by stating that "I look forward to the coordination of your staff at WSDOT with SDOT and other city departments to ensure that these concerns, and the more detailed comments attached, are addressed in the development and review of the [Final EIS]."

On December 14, 2010, Secretary Hammond sent us a letter reaffirming SDOT's role as a co-lead agency, and reiterating WSDOT's commitment to work collaboratively with SDOT in preparing the final EIS. "We (WSDOT) will continue to share all appropriate environmental documents, comments, and materials.....we are counting on the City making comments to the drafts of the Final EIS, responses to public comments, and public outreach materials." The letter stated that it was not necessary for SDOT to submit formal comments, as SDOT and WSDOT would be working together to prepare the final EIS. On February 11, 2011, WSDOT provided SDOT with a detailed timetable for reviewing public comments and reviewing the draft of the Final EIS. This letter included a number of face-to-face meetings in March 2011 to review these materials and to finalize the FEIS document. These meetings were later cancelled by WSDOT, without explanation.



Meantime, to assist SDOT in review of the FEIS draft, the City engaged the services of Nelson\Nygaard Consulting Associates to study the impacts of tunnel tolling as revealed in the EIS process, and to develop mitigation strategies. Nelson\Nygaard was selected because of its considerable familiarity with and previous work on the AWV project. It was our intention to discuss the draft report with WSDOT in March, and to ask that it be included in some way in the Final EIS.

During the last week (April 9-14), we were made aware by WSDOT that none of the meetings that were identified in the February 11, 2011 letter would be re-scheduled. WSDOT has indicated that it will not consider any further input from SDOT, and it will not share a draft of the Final EIS until it is presented for signature.

At this point, we are concerned that SDOT's role in reviewing and commenting on the FEIS may have been terminated, or, at least, significantly curtailed. This includes the department's participation in reviewing the co-leads' responses to public comments, as well as the ability to include information from the Nelson\Nygaard report in the FEIS.

Pending further clarification of these issues from WSDOT, we wanted you to have a copy of the Nelson\Nygaard report. Today we are transmitting the Executive Summary as an attached pdf file. Tomorrow, on April 21, the full report will be posted on an SDOT web page. We strongly believe the information in the report should be considered and addressed by decision-makers before the FEIS is complete. SDOT and Nelson\Nygaard would be available to present this information to the council and work cooperatively on potential mitigation measures. WSDOT will be given these reports today and tomorrow.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Hahn".

Peter Hahn, Director
Seattle Department of Transportation

cc.

Mayor Mike McGinn

Councilmember Tom Rasmussen, Chair, Council Transportation Committee

City Council

Ben Noble, Council Staff Director

Bob Powers, SDOT

Ron Paananen, WSDOT

Nelson\Nygaard