



August 12, 2011

Secretary Ray LaHood  
U.S. Department of Transportation  
Washington D.C.  
[Ray.LaHood@dot.gov](mailto:Ray.LaHood@dot.gov)

Re: Sound Transit – Eastlink FEIS

Dear Secretary LaHood;

The Company I represent, Kemper Development Company, Bellevue, WA. has spent considerable funds investigating and studying the plans and performance of light rail. In one sentence we have found that light rail costs too much, takes too long to build, and does too little in terms of transportation. In fact light rail in the United States seems to be more of a faith based idea than a factual matter of benefit and cost analysis.

The Sound Transit FEIS for Eastlink light rail from Downtown Seattle, across Lake Washington, through Bellevue and on to Redmond has some very serious flaws and omissions. In the material below some of those flaws and omissions are noted and discussed.

**I. FEIS DEFICIENCY:**

**FAILURE TO ANALYZE AND CONSIDER THE NATIONAL PRECEDENT FOR THE INTERSTATE HIGHWAY SYSTEM:**

Sound Transit is organized under Washington State Law covering Municipal Corporations. In essence Sound Transit operates with the legal powers as a city in the State of Washington. If Sound Transit acquires rights for the two I-90 Center Express lanes for the exclusive purpose of light rail it would set a National precedent for the Interstate Highway System.

The mantra in Seattle has been, "The voters voted for Eastlink therefore everything is okay". Yes, but when the voters voted they did not have benefit of even a draft EIS. Nor did the voters realize the transfer from Washington State Department of Transportation to Sound Transit of the I-90 two Center Express Lanes for 7 miles would violate the Washington State Constitution.

The State Constitution protects all of the people in the State of Washington from their government taking some action that they do not want to occur. The 18th Amendment to the State Constitution protects highways built all or in part with gas tax revenues for "Highway Purposes". There is strong precedent case law by the WA. ST. Supreme Court up holding the 18th Amendment. Also, several attorney general opinions have been issued supporting the 18th Amendment.

A minority of the State's adult population voted for the Sound Transit Eastlink plan. The plan benefits the same minority population and degrades the service levels of the I-90 Corridor for the majority of the people in the State who rely on the corridor for commerce and travel.

The "local majority", who are in fact a minority of the State's adult population, does not give consideration to Interstate travel on the I-90 Corridor into Seattle which is a super-regional city. No consideration was given for the interstate trucking from the Port of Seattle to the mid-western U.S.

The precedent opens the door for other cities in the U.S. with an interstate highway nearby to negotiate with their state DOT for exclusive use of a portion of Interstate Highway to suit their transportation purposes. Examples, which seem unbelievable but in a political environment might be achieved, could be a bicycle/jogging parkway in an urban area or a parking lot near an urban area.

The speculation need not continue.

## **II. FEIS DEFICENCY:**

### **FAILURE TO INCLUDE A TSM ALTERNATIVE**

#### **I-405 Corridor ROD – Oct 2002**

The I-405 Corridor includes the area east of I-5 in King and Snohomish counties between the Tukwila and Lynnwood interchanges, 30 miles. "This corridor-level EIS focuses on broad corridor-wide issues related to **mode choice**, general location of improvements, and how combinations of improvements may function together as a system to solve corridor wide transportation problems." (Pg. 2 of I-405 ROD).

The Selected Alternative is a **multi-modal solution** for the transportation needs in the I-405 corridor. It includes:

- 2 new express lanes in each direction
- 15 access and exit points for HOV lanes
- 10 bus rapid transit stations
- 5000 new parking spots in 20 new lots
- 9 transit centers
- Expanded transit and van pool service.

“The selected alternative focuses substantial improvement of mobility options for all travel modes and provisions of an **effective high capacity transit system throughout the study area at a lower cost than the physically separated, fixed-guideway system proposed in Alternatives 1 and 2.**” (pg. 15 of the I-405 ROD)

“BRT service also would operate along connecting facilities such as SR 522, SR 520, **I-90**, and SR 167 to serve major activity centers within the I-405 corridor. This would include connections east to Redmond and Issaquah and **west across Lake Washington to Seattle.**” (pg. 15 of I-405 ROD)

“Overall transit service within the study area would be increased, based on demand, by up to **75 per cent above the increases contemplated** in the current King County, Sound Transit, and Community Transit six-year plans.” (pg. 16 of I-405 ROD)

The above recognition in the I-405 ROD Study of a more effective system than fixed-guideway, and the subsequent documentation in the ROD for I-405 point toward BRT not a fixed-guideway system.

Next came the I-90 Two-Way Transit and HOV Operations Study which was for an area covered by the I-405 Corridor analysis and FEIS.

#### **I-90 Two-Way Transit and HOV Operations – R-8A ROD – Sept 2004**

“The purpose of the project is to improve regional mobility by providing reliable and safe two-way transit and high-occupancy vehicle (HOV) operations on Interstate 90 (I-90) between Bellevue and Seattle, while minimizing impacts to the environment and to other users and transportation modes” (pg. 1 of R-8a ROD). In other words, it was to improve the efficiency of the corridor. **It was not mitigation for Sound Transit’s proposed taking of the center roadway.**

Page 3.2-43 of the DEIS for the I-90 R-8A Project stated quite emphatically:

*The Project is not a light rail or High Capacity Transit (HCT) project; it is intended to improve regional express bus transit and HOV operations. If there is a high capacity transit project proposed for I-90 in the future, it would have its own environmental analysis. The project alternatives have been reviewed (only) to determine whether they would be adaptable for a future light rail project.*

“Alternative R-8A will provide HOV lanes on the outer roadways. It will retain the existing two lane reversible operation on the center roadway, with both lanes operating in the same direction, westbound in the AM and eastbound in the PM. SOVs will only be allowed to use the center roadway between Rainier Avenue in Seattle and Island Crest Way on Mercer Island.” (Pg. 9 of R-8A ROD). In the final operating configuration of R8-A there is to be 10 lanes total, 6 general purpose lanes, two outside HOV lanes, and two reversible Express Transit/HOV lanes.

I-90 Two-Way Transit and HOV Operations Project (R8A) record of decision (or FEIS for the project) stated that nothing in the R8A study process considered the impacts of HCT/LRT being operated in the corridor. R8A was to be complete and operating prior to the introduction of HCT/LRT. Therefore, the base for a light rail alternative should be the R8A configuration with BRT/HOV operations.

In summary, the study work and records of decision for the I-405 Corridor Project and the I-90 Corridor R8-A Project which have been cited above reached conclusions that require a full TSM/BRT alternate system analysis in the Final Environmental Impact Statement for Eastlink.

### **III. FEIS DEFICIENCY:**

**FAILURE TO ANALYZE THE FULL IMPACTS TO THE INTERSTATE HIGHWAYS OF I-405 THROUGH BELLEVUE, WA. AND TO I-90 FROM BELLEVUE TO THE INTERNATIONAL DISTRICT OF SEATTLE, WA.**

### **Washington State Constitutional Question:**

The taking of the I-90 Center Roadway from the State of Washington in violation of the 18<sup>th</sup> Amendment to the State Constitution is currently being litigated in the Washington State Superior Court, Kittitas County.

### **Interstate I-90 Modifications and Risks:**

First, it is known that modifications to a six mile center roadway of I-90 will be necessary according to Sound Transit. These modifications are significant.

Second, the degradation in strength of the existing floating bridge due to the modifications to the bridge by adding significant weight which creates a greater risk of the Bridge sinking. These modifications will also cause closures of the bridge in the future during high wind conditions. These items mention in the Expert Review Panel Study of the issues.

Third, the technical issues of transitions from solid structures to the I-90 Floating Bridge at both ends have not as yet been resolved. This remains an open question of how the transitions by the light rail trains might affect the Bridge and the land structures. Since the light rail tracks are planned to not be centered on the Bridge there will not only be vertical movements by the train loading on the Bridge but torsional forces.

Fourth, there are stray electrical currents within the Bridge which also need a resolution. If not checked these could significantly degrade the existing Bridge structure.

All of the above technical issues related to Sound Transit light rail threaten the safety and reliability of the Interstate Highway, I-90.

### **Interchange Modifications:**

Certain I-90 interchanges on Mercer Island and South Bellevue Way are proposed for modification. Sound Transit has already asked the Mercer Island City Council for approval to remove certain ramps on I-90. Sound Transit has not completed a FHWA Interstate modification justification study on these changes.

### **I-405 Crossing:**

There will be an elevated crossing of I-405 in Downtown Bellevue which will cause significant disturbance to the public and potentially limiting the alternatives for future expansion of I-405.

Your consideration of these important matters in relation to our community will be greatly appreciated.

Sincerely,



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Comment Post Script by the Author:

For the past 20 years I have been watching and studying the evolution, planning, development, cost, financing and politics of Sound Transit in the three county area of Puget Sound in the State of Washington. I have never in my 50 years in business encountered an organization created by the peoples' government, under state laws, without recourse to the voters with a culture of pure propaganda, half-truth, distortion, and misrepresentation of facts. I stop short of saying what others have said about just plain liars in much of the public information brought forward.

In my business career I have never been involved with a project that the more information that was discovered the worse the project looked from both a performance and financial point of view. In the first 10 years of operations Sound Transit performance has been far worse than we ever had predicted from a cost and performance basis.

It is extremely unfortunate that the Congress created a pot of money called "New Starts" to fund light rail. Congress in doing so made a mode choice and it was the wrong one from a tax payer's point of view and the traveling public is concerned. We must change this and also avoid the horrendous boondoggle that high speed rail represents.