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**Sound Transit Initial Segment
Environmental Assessment
Public Comment Letter
March 7, 2002**

Sound Transit's Environmental Assessment document is inadequate in addressing the many adverse impacts to the Rainier Valley and the minority community as well as the entire city. It is the latest chapter in the agency's ongoing epic of deceit and institutional racism. Previously Sound Transit twisted the truth in its dealings with both the public and the federal government in its manipulative and dishonest attempt to hide cost overruns in its attempt to secure a Full Funding Grant Agreement. Sound Transit now continues this dishonesty and deceit in its attempt at covering up the profound disproportionate impacts of their light rail project on the minority and low-income community in the Rainier Valley. Their project and actions are in blatant disregard for federal civil rights law and federal regulations. Through all that has happened over the last several years nothing has changed in Sound Transit's attitude and disregard for the truth.

The Environmental Justice appendix of the Environmental Assessment relies upon the false claims made in the final EIS and then goes on to expand upon those lies. Neighborhood impacts have not been minimized through project design changes and/or mitigation measures as claimed. Sections 1 through 8 that follow refer to specific claims made in the Environmental Justice appendix pages F-1 to F-3 in the Environmental Assessment. Subsequent portions of this letter address a number of other environmental justice issues and project impacts to the Rainier Valley.

1-Disproportionately high and adverse impacts to minorities and low income will be a result of this project. The design has changed little from that identified for option D1.1c or D1.1d (the alignments most similar to the current proposal) in the Draft EIS in which impacts to low-income or minority populations were rated as “very high” and “high” respectively. No mitigation has been proposed to address safety issues, community division, business loss and failure, loss of access to homes and businesses, the project being a catalyst for gentrification displacing both minority and low-income residents and business owners, diversion of traffic to other arterial and residential neighborhood streets during and after construction and many other neighborhood impacts.

2- Residential and non-residential displacements for this project in the minority and low-income community are not within an expected or acceptable range for a project of this scope except in the twisted logic of Sound Transit Board and Staff. Sound Transit is at this time aggressively planning a tunnel route through north Seattle to be built as soon as they can get additional funding. There will be few displacements from that project, which is really part of the original 21 mile project. Sound Transit is segmenting the project and treating the initial segment as a stand-alone project claiming that the displacements are just typical impacts for this kind of project. By engaging in this deceptive segmenting they are avoiding the issue of disproportionate impacts on low-income and minority populations, especially when it comes to displacements. They do this by treating this 14 mile alignment as separate from the larger 24 mile plan they are still actually planning and working to build. They are presently aggressively planning and pursuing funding for all that was part of the original 21 mile project to the University District and even beyond to Northgate (24 miles). Displacements will continue to fall disproportionately on the Rainier Valley minority and low-income community. They have not redesigned the project to significantly reduce the disproportionate impact of the many displacements. They have merely redefined the project on paper and so they could claim that these are expected impacts of a transit project, ignoring completely that there is a minority community at risk. They act with no concern for the fact that there are still disproportionate impacts that raise environmental justice issues.

3- The claim that construction impacts will be of limited duration and that project impacts will be mitigated are untrue. Limited duration to Sound Transit will be a lifetime to the small minority owned businesses along Martin Luther King Way. How many months loss of business does it take to destroy a family owned and minority owned small business? How many years of toil will be destroyed in just a few months? How many years will it take an immigrant from Cambodia or Somalia to put his or her life back together if their business is lost? Only in the eyes of Sound Transit bureaucrats unable to see beyond their noses could these impacts be described as of limited duration. Martin Luther King Jr. Way will be subject to about three years of construction including demolition of existing roadway, sidewalks and

buildings on condemned property, relocation with some probable temporary interruption of service of all utilities, rebuilding and widening of roadway and reconstruction of sidewalks. This is not just placing some tracks in the middle of the street. A short 1.6 mile Sound Transit light rail line in Tacoma currently under construction is destroying the business community along its route after just a few months of construction. There is little hope that small family and minority owned businesses in the Rainier Valley can sustain this kind of impact for years. Signs saying “Business open during construction” is not effective mitigation for impacts of this scope and duration. There is no effective mitigation plan only vague generalities. The Community Development Fund cited by Sound Transit as mitigation is currently not funded and is undefined. There is no clear intent for the fund beyond promoting transit ridership. A steering committee has been set up in the community to help determine its use, but the Sound Transit Board, which has ultimate veto power, has not approved any of that group’s intentions for the fund. The steering committee plans do include some help for impacted business owners, but the board has not approved those plans. Alarmingly Sound Transit is aggressively pursuing property acquisition starting in March 2002, but there is currently no money in the fund for needed assistance to small minority owned and soon to be displaced businesses. Sound Transit has to this date proposed no definitive mitigation of the construction impacts.

4- Sound Transit asserts that benefits will accrue to the minority and low-income populations of the Rainier Valley from this project. This ignores the fact that this new project doesn’t go to Seatac Airport, University of Washington, First Hill medical facilities, Capital Hill, Southcenter Mall or anywhere else that might be a significant destination for Rainier Valley residents. The claim of benefit to minority and low-income residents of the Rainier Valley of the current revised light rail plan is a bald faced lie.

In section 2 of this letter I addressed the issue of Sound Transit segmenting the original project to avoid the issue of disproportionate impacts. Here they act as if all the dubious benefits of the full 21 plus mile project are still available to Rainier Valley residents. They act as if the project is not segmented and that the self-serving evaluation of benefits to the community offered in the Final EIS is still valid. They are trying to have it both ways: a stand-alone truncated project with no disproportionate impacts and with all the benefits of the original 21 mile plan.

The reduction from the original 21-mile route to the current 14-mile route has profound impacts on the purported transportation benefits to Rainier Valley residents that were supposed to offset the adverse impacts of the project to the community. The DEIS (Table S.9-4) listed improvement in transit service as being high for low-income and minority populations. This was based on repeated and false claims that transit would provide access to about 200,000 jobs, the University of Washington, First Hill medical

facilities, etc. The current project would not provide any improved access to any of these or other locations north of downtown Seattle. It could require numerous transfers between trains and busses, especially if bus routes are changed or eliminated. No credible claims of improved access can any longer be made. Transit service improvements for minority and low-income populations are not “High” and yet the environmental justice appendix ignores this completely and acts as if nothing has changed.

An additional concern is the displacement of current community residents and businesses resulting directly from property acquisition and indirectly through business failures and relocations due to construction impacts, eventual gentrification promoted by the light rail project and other public policies promoting gentrification. If residents and businesses are forced out of the community to some still affordable areas south of Seattle and to other locations at some distance from Martin Luther King Way, what will be the transportation benefit of the light rail project to these people? As the Rainier Valley is one of the few neighborhoods in Seattle that is affordable and accepting of low-income and minority residents it is most likely that many current residents and businesses will be forced out of the city. This would actually increase their transit time and decrease their accessibility to the jobs and locations such as the University of Washington and First Hill medical facilities, etc. Sound Transit has touted reduced transportation time and increased access as one of the benefits to these communities of this project. Many current Rainier Valley residents could end up displaced and spending more time commuting with decreased access to employment and other amenities offered by Seattle’s urban environment.

The Rainier Valley has social service and health facilities in the community that serve low-income and minority residents. People displaced from the community could end up having to commute to facilities such as the Children’s and Family Services DSHS office currently located in the Rainier Valley off of McClellan Street that provides services for everyone in King County west of Lake Washington. Another example would be the Holly Park Medical and Dental facility that provides services to low-income and immigrant populations. By the year 2020 the number of people displaced and receiving no benefit from light rail and facing increased commute time could represent a sizeable number of today’s Rainier Valley residents. This will occur largely as a result of the light rail project impacts. No Sound Transit environmental document has made any attempt to either identify or analyze the potential impact of displacements and project-promoted gentrification on the low-income and minority communities of the Rainier Valley. Sound Transit has never discussed the potential detrimental impacts to transportation and access for those who will be displaced or to the region as more automobile trips may become necessary by those who are displaced.

5. The brief discussion of the Supplemental EIS for the Tukwila Freeway Route claims that the inclusion of that new route, which is entirely elevated, does not change the environmental justice findings from those in the Final EIS. Such a statement could only be attributed to either fools or liars or most likely both. This analysis fails to mention that the original Tukwila route identified in the DEIS and FEIS had at-grade light rail on Highway 99 for about one mile that might have inflicted impacts and harm similar to those in the Rainier Valley. It is an evasion to ignore the fact that adoption of the Tukwila Freeway Route by Sound Transit, leaving the Rainier Valley as the only community where there would be at-grade light rail, has environmental justice implications.

Tukwila, through threat of legal action and its ability to find allies amongst political figures, including former Senator Slade Gorton, managed to have Sound Transit adopt a new alignment through suburban Tukwila that completely eliminated all at-grade portions of the alignment through that community. That action also eliminated the many adverse impacts of such an alignment. Tukwila's adverse impacts would have been similar to, but not as severe as those the urban and more densely populated Rainier Valley will suffer. Although Tukwila has become a more racially and economically diverse area since the 1990 census, the particular section where the at-grade alignment was proposed was neither a minority area nor low-income area. Tukwila's access to politicians and its ability to influence the Sound Transit Board to do a supplemental EIS and then adopt the new alignment after the original alignment had been approved by the Sound Transit Board is in sharp contrast to what occurred in the minority populated and largely low-income Rainier Valley.

In the Rainier Valley community hundreds of people repeatedly showed up at public hearings with about 90% of them protesting against the at-grade alignment. They alternately pleaded for and demanded a tunnel or other alternative alignment through the community. Save Our Valley, a grassroots Rainier Valley community organization was established in 1998. In the face of overwhelming obstacles and limited funding Save Our Valley has remained active for over three years trying to get a new alignment (tunnel or elevated or combination of both) through the community. This organization has taken legal action against Sound Transit that is still pending in the United States Court of Appeals for the 9th Circuit. Save Our Valley's lawsuit suffered a significant setback due to a recent United States Supreme Court decision that precludes judicial enforcement of the disproportionate impact section of Title VI of the Civil Rights Act of 1964. The Supreme Court decision is all that has prevented Save Our Valley's claims of disproportionate impacts to the Rainier Valley's minority population from already being brought to trial.

Despite repeated and ongoing efforts by the community to bring about some change in the alignment the Sound Transit Board has refused to budge one inch or consider a reasonable compromise to accommodate

the minority community in the Rainier Valley. At the same time the Sound Transit Board has tried to move heaven and earth to accommodate primarily white and more affluent business owners and residents along Highway 99 in Tukwila. The ability of Tukwila to gain access and influence while the minority populated Rainier Valley was unable to, is further evidence that racial discrimination and environmental injustice is abundant in this project.

Sound Transit's willingness to go through a supplemental EIS process for Tukwila is in sharp contrast to that agency's repeated refusal to do a supplemental EIS for a Rainier Valley tunnel study that was completed, but never incorporated in the draft EIS or supplemental EIS. What Sound Transit did for Tukwila clearly contradicts what was told to the Rainier Valley community. After the tunnel study was completed community residents asked that it be part of a supplemental EIS well before any supplemental EIS was even considered for Tukwila. The Rainier Valley citizens were consistently told that such an option would not be included in an EIS as the project must be kept "on time and on budget" and that a Supplemental EIS would delay the project. As a footnote it deserves mentioning that the project is now three years behind schedule and the original project was well over a billion dollars over budget. The delay and cost overrun were being hidden from the public as well as the federal government when the Rainier Valley citizens were thwarted in their efforts to have a tunnel or other alignment options considered in an EIS process. The willingness of Sound Transit to develop a full blown supplemental EIS and adopt an elevated alignment through Tukwila while refusing similar requests from the Rainier Valley claiming a need to keep the project on time and budget is another example of institutional and intentional discrimination against the minority and low-income residents in the Rainier Valley.

The comparison of impacts in the Initial Segment through predominately white sections of Tukwila compared to the impacts in the Rainier Valley is also glaring. There are few property acquisitions in Tukwila, few displacements of homes and businesses, no safety impacts or adverse traffic impacts. Without even considering the disparity in plans for tunnels in white and affluent communities in north Seattle in future phases of this project, there is already a clear disparity in the comparative impacts between predominantly white areas in Tukwila and the minority populated areas in the Rainier Valley within this initial segment project. Saying the inclusion of the Tukwila SEIS has no environmental justice implications in their analysis is another lie amongst the many propagated by the Sound Transit Board and Staff in evading the environmental justice and civil rights issues.

7- Property acquisition in the Rainier Valley has significantly changed and not for the better from the earlier plan presented in the FEIS. Full property acquisitions have been reduced by about 17 parcels, the partial acquisitions have increased by about 60. This only works to Sound Transit's advantage. Although

presented by Sound Transit as an example of their trying to work to reduce impacts on the community it is completely self-serving. They no longer need to spend as much on condemnation and relocation of businesses and residents. As traffic will be closer to homes and business as a result of 60 more partial condemnations, mainly of frontage along MLK Way, noise, pollution and traffic will be closer to homes and businesses. Code-required property setbacks will be eliminated and structures will become non-conforming. Homes and businesses will become much less desirable due to traffic and noise, will lose value and become more difficult to sell or get permits to remodel. Many of these properties will no longer be viable as homes or businesses and parcels may only be attractive to developers who can afford to rebuild. Sound Transit saves money in the process and will force many current occupants from homes and businesses without taking responsibility and paying the cost. This strategy has been incorporated precisely to displace the current community with minimal cost to Sound Transit. This process is likely to make the community even more vulnerable to real estate speculators and developers. Many of the current residents who will lose front yards to taking by Sound Transit would prefer the entire property be acquired, but they don't have that option now.

This change in property takings in the Rainier Valley impacts about 45 more properties than the plan described in the final EIS. About 283 properties will now be impacted as opposed to the approximately 240 in the Final EIS. This amount is very close to the number of properties (316) that were to be fully or partially taken by the 110 foot wide right of way alignment identified in the DEIS for alignment D1.1c – MLK Way 4-lane at-grade. The adoption of the purported 93 foot wide right of way alignment in the FEIS was touted by Sound Transit as an effective means of reducing impacts identified in the DEIS, especially property acquisitions. It also formed much of the basis for the claims in the Final EIS that impacts in the Rainier Valley had been satisfactorily reduced or mitigated. The current plan although reducing the displacements on paper is likely to have the same displacement impacts as the original plan in the Draft EIS as properties are no longer viable as homes and businesses. What is different is that Sound Transit no longer takes the blame or pays the cost of displacement. Displacement impacts were cited in several letters written by the United States Environmental Protection Agency critical of the original project's impact on the Rainier Valley neighborhood from an environmental justice perspective. Sound Transit is now increasing the number of property acquisitions, which again approaches previously unacceptable levels, and treating this change as if nothing of consequence is occurring. They act as if these impacts will benefit to the community, the result of "the need to accommodate additional project amenities" (EA page F-1). Destroying the viability of homes and businesses to make wider sidewalks may be an amenity to Sound Transit, but is hardly an amenity to the community of people who live and work in the Rainier Valley.

8- Page F-2 of the EA claims “the total number of displacements in the areas served by the Initial Segment would be decreased from 49 to 43 ” (italics mine). The same paragraph goes on to state, “residential displacements would be reduced from 46 to 42” (italics mine). This statement is erroneous, misleading and confusing. The numbers indicate 43 total displacements of which 42 are residential. This indicates there is only one commercial or non-residential displacement. Page 31 of the EA contradicts these numbers. It identifies 37 commercial/industrial parcel displacements. Some of these parcels contain multiple small businesses and it is obvious that there will be more than one non-residential displacement in the Rainier Valley. This is another indication of how the environmental justice analysis has been poorly done by Sound Transit. They have treated it as a mere formality to meet requirements of federal law in preparing environmental documents with no concern for the intent of the laws or effort to ensure equal treatment for minorities and low-income communities.

This project is being driven by Seattle’s version of a small time good old boys and girls club involving an incestuous relationship amongst Sound Transit Board members and local politicians who believe they can operate outside the law as long as they cover each other’s backs. They arrogantly believe they can disregard federal and state laws and act contrary to the intent of these laws. They display a penchant for skirting the law and testing its boundaries. In the case of this light rail project I believe there may be evidence that the boundaries have been crossed. Their actions are not blatant. They straddle the fine line that exists between legal public policy decisions and illegal discrimination to their advantage and portray their actions as logical and legal public policy decisions. They don’t expect to get caught and if they do, rely on others to provide cover for them. They operate with confidence that they will not face censure or prosecution if caught. The deception involving the cost overruns and the Full Funding Grant Agreement is only one small example of this arrogance. A similar deception has long been part of their approach to environmental justice and civil rights law.

The Sound Transit board members and local politicians are aided and abetted by Washington’s congressional delegation seeking federal dollars for the state and the favor of labor unions, contractors, real estate interests and developers as well as all the others who they depend on for campaign contributions and votes at election time. They have little interest in civil rights laws or the plight of the minority or low-income residents of Washington State. The Sound Transit civil rights fraud is also aided and abetted by the real estate interests and developers in the Seattle area. They see a pot of gold in forcing the current businesses and residents out of the Rainier Valley and acquiring the real estate that is condemned or no longer desirable in order to enrich themselves. The Rainier Valley is prime real estate as it is close to downtown Seattle and has no bridge or other choke point between it and downtown Seattle.

It is real estate that is considerably more affordable than most anywhere else in the city. It comes with a ten-year tax abatement from state, county and city real estate taxes for developers who build multifamily housing. The only requirement is that a small percentage of the units are supposed to be affordable to people at or below 80% of median income, which no low-income person in our community could ever afford. This abatement zone runs almost the entire length of Martin Luther King Way and is almost unique to the minority communities in the Rainier Valley and Central Area.

Last, but not least are the overwhelmingly white and relatively affluent environmental groups and their offshoot pro light rail transportation groups and lobbyists. Unfortunately their education has been stunted in that their vocabulary never got past the word “environment” to the words “environmental justice”. They are willing to make all the sacrifices of other people’s homes, businesses, jobs and lives so they can get someone else’s cars off the road. Meanwhile they drive to their Sierra Club and Audubon Society meetings, to their trailheads in the woods and anyplace else they please in their Volvos and sport utility vehicles. Birds have a higher value to them than dark skinned people whom they rarely come into contact with except when they go to an ethnic restaurant. Civil rights to them are less important than their right to pat themselves on the back thinking they got someone else out of their car.

This proposed light rail project through the Rainier Valley is the latest chapter in a long history of racial discrimination in Seattle. Discrimination in jobs, housing and public accommodations has been part of life in Seattle for many decades and many remnants of that discrimination are still with us. For many years, up to the early 1960’s, almost all Asian and African American residents of the city were forced to live, as a result of housing discrimination, in overcrowded conditions in the Central and International District areas (See attached Exhibit “A” – pages from “Growth and Distribution of Minority Races in Seattle, Washington”). The Rainier Valley was the first community those minorities were allowed to move to when overcrowding in those ghetto areas became overwhelming and unsafe in the early 1960’s. Since then it has been home to a very diverse mix of people of many races, religions, ethnic origins, incomes, etc. The dominant white society in general has ignored, tolerated and feared the people and communities of color, including that in the Rainier Valley. The attitudes of racial and economic discrimination held by the white society have been internalized and institutionalized throughout the city and the region, although the outward manifestations are subtler than they were in the past.

The current attitude of the dominant white culture concerning the light rail running at-grade in the Rainier Valley strongly exhibits the racist attitudes held by many in Seattle – attitudes which have even been incorporated into the thinking of some members of the minority community. No predominantly white neighborhood in Seattle would accept a train in the middle of their neighborhood streets and politicians

and bureaucrats are well aware of this. A multi-ethnic, multiracial community such as the Rainier Valley makes an easy target and one less likely to have the resources for significant opposition. Sound Transit has used this to its advantage and has purposely targeted the Rainier Valley community and discriminated against its minority and low-income populations in its selection of an inexpensive and dangerous at-grade light rail alignment through the community. The politicians, congressional delegation, business interests and environmentalists as well as many others accept this as business as usual, or more appropriately racial discrimination as usual. Some are unaware of their ingrained and discriminatory attitudes, others are well aware and proceed with malicious intent.

The plan for at-grade light rail in the Rainier Valley is actually a real estate acquisition project disguised as a transit project. The true aim of the at-grade alignment is to force a significant number of the current 67% minority residents, minority owned businesses and low-income residents of the Rainier Valley out of the community. Only an at-grade alignment could have this impact on the community. This dislocation is designed to transform the Rainier Valley into a community where more affluent white people are in the majority and feel safe. Such a transformation will allow County Executive Ron Sims and other politicians to meet the population density goals of the Growth Management Act. It would also be a windfall for developers and real estate interests. Much of this is being done under the guise of transit-oriented development in a community that is already seeing significant development in business, housing and job creation. The following quote is taken from a City of Seattle, Strategic Planning Office publication titled “5 Years After Seattle’s Comprehensive Plan, 1994-1999, Preliminary Growth Summary”, on page 21 it states:

“Employment increased in most urban centers and hub urban villages from 1995-1998. Employment declined slightly in the University District business district and First Hill urban villages but increased notably in the MLK at Holly St. village.”

This description of the MLK at Holly Street urban village is hardly one of an area in desperate need of transit oriented development. Sound Transit Board and Staff members including County Executive Sims have repeatedly claimed that transit oriented development could only be had with at-grade rail. This mantra has been repeated at public meetings and on radio talk shows. County Executive Sims, when asked on a radio station KUOW talk show why a tunnel or other alignment was not being considered for the Rainier Valley stated, “I wouldn’t want to bury development in a tunnel”. This claim is not founded in fact and is a fabrication created by the Sound Transit Board and Staff. There is no reason that elevated or tunneled rail alignments would not support comparable development. In fact such alignments would do considerable less damage to the decades of growth and development that has already occurred in the valley. Having community businesses facing the condemnation and relocation, construction impacts and

uncertainty discourages investment in the businesses, expansion, remodeling and investment in new ventures along the community's most vital commercial street. Even now having a line drawn on the map down MLK Way discourages investment in any neighborhood businesses. If anything the at-grade rail alignment through this community is a plan for economic disaster for the current community. Only Sound Transit, real estate speculators and developers who can afford to sit on properties for years without turning a profit will be interested in investing and at some later date developing real estate and businesses opportunities along MLK Way. This is a certain formula for gentrification. At-grade rail in the Rainier Valley only serves the purpose of those who feel the ethnic and racial "ambiance" along Martin Luther King Jr. Way is not acceptable and must be eliminated. This is often referred to as "urban removal".

By placing high density housing in minority communities developers and politicians can largely avoid placing multifamily housing on more affluent white communities in north Seattle. Higher housing densities and especially rental housing are frowned upon and would be bitterly fought in those communities and would likely cost votes and political support. Those communities have high percentages of voters and are a source of political support and campaign donations. Their residents have not been disenfranchised by decades of discrimination and their communities are not the home of recent immigrants with numerous barriers to participation in the political process or home to low-income residents unable to afford campaign donations. Forcing out the current community, which would enable aggressive development, also represents a potential gold mine for the development and real estate interests who help put and keep our local politicians in office.

If successful transit oriented development can only be achieved with an at-grade alignment then perhaps such an alignment should be considered for the University District or First Hill urban villages. The University District is not only suffering from a decline in employment, but a long-term decline in business activity. Tom Matoff, the Director of the Regional Transit Authority in 1993-1995, favored at-grade light rail in the University District. University Avenue, that area's main commercial street was envisioned as a transit mall by RTA staff, neighborhood activists and members of the Seattle Light Rail Society. Opposition from County Councilwoman Cynthia Sullivan was vehement and she has been quoted as having said "You will put light rail at-grade through my district over my dead body" by several people who heard this pronouncement. Former Mayor and Sound Transit Board member Paul Schell was dean of the University of Washington School of Architecture at the time and was a most outspoken opponent of any at-grade light rail in the University District. Mayor Schell also a former developer was a staunch advocate for at-grade light rail in the Rainier Valley as is Councilwoman Sullivan. Tom Matoff after being recruited for his light rail expertise from Sacramento was forced to resign as RTA Director

due to political pressure primarily from the Sound Transit Board concerning alignments. That pressure precluded his engaging in light rail planning that was cost effective. It also resulted in his resignation.

The willingness of the Sound Transit Board to place at-grade rail in the Rainier Valley while adamantly opposing it in other areas of the city clearly would indicate that this type of alignment is not desirable in other communities. Residents and activists in almost every neighborhood where it has been considered have opposed at-grade light rail. Some public support for the transit mall concept in the University District has been the one exception to this. A plan for at-grade light rail through the Roosevelt community on Roosevelt Way met with strong opposition from community residents and business owners and was quickly removed from consideration in about 1994. I know about this as I lived close to that neighborhood at the time. A proposed at-grade alignment through the Eastlake neighborhood also was quickly abandoned at about the same time.

These predominantly white and more affluent communities did not want trains in their streets and did not get them. No Sound Transit Board members or local politicians attempted to force at-grade alignments on them or spent months or years and thousands of dollars trying to convince them that at-grade rail would be beneficial to their communities, as was done in the Rainier Valley. No claims were made that the streets would be safer, business better or neighborhoods more attractive with a train in the middle of the street. No pretty pictures were presented of the benefits to the communities of transit oriented development. Those neighborhoods opposed the plans and Sound Transit changed the alignments. The Rainier Valley opposed the plan and had it shoved down their throats at a cost of hundreds of thousands of dollars, if not millions. The disparate treatment of the Rainier Valley and its people in both the process and the resulting at-grade rail product is racially discriminatory.

In 2001 I attended a Sound Transit public hearing in the Roosevelt District. At that meeting Sound Transit was formally presenting its plan for getting light rail to Northgate that would require passing through the Roosevelt community. They were also taking public comment on the two alternatives it had developed. The meeting was attended by at least six Sound Transit Board members. One plan had a half-mile section that would be in a retained cut (open trench) alignment that required the condemnation of about 29 single-family residences. The other option for that half-mile was a tunnel alignment costing about \$60 million more. Community opposition to open cut option was considerable and included yard signs saying, "Save Homes, Support 12th Ave. N.E. Light Rail Tunnel". The Sound Transit Board quickly responded to this community opposition and chose to identify the tunnel option as the alignment of preference for the original light rail project. The choice to spend \$60 million more in that white and relatively affluent community to save 29 homes is in sharp contrast to the treatment of the minority populated Rainier

Valley where at least 50 units of housing would be condemned and many others adversely impacted. It is also in sharp contrast to Sound Transit's refusal to seriously consider or adopt any other alignment options for any portion 4 miles where at-grade rail is planned or to spend any more than the bare minimum in the Rainier Valley segment.

Those on the Sound Transit Board and Staff who developed the original at-grade alignment and the current Initial Segment light rail plan and who developed this Environmental Assessment have conspired to steal the Rainier Valley away from its current residents. Their plan is a violation of the civil rights of those who live and do business there now. That some members of the Sound Transit Board are minority group members and support the current light rail plan does not exclude or exonerate them from guilt for their part in this scheme. Self interest whether to pay a mortgage or to get reelected is a powerful and sometimes corrupting force. That some Sound Transit Board and Staff members claim to be Rainier Valley residents and in support of this project may be true, but they live worlds apart from the people they are harming and the great majority of the residents of the Rainier Valley. As an example County Executive and Sound Transit Board Chairman Ron Sims owns a house on exclusive Hunter Boulevard in the wealthy Mount Baker neighborhood and is regularly chauffeured to and from work. These are luxuries few Rainier Valley residents will ever know. Even so County Executive Sims, when challenged concerning his support for this project, represents himself as a community resident. From his position of privilege, it could hardly be said he is a typical community resident or represents the views of the minority community, especially those that will be most impacted by this project along Martin Luther King Way. Nor can it be said that he exhibits any particular sympathy for their plight of a community that he psychologically lives worlds away from.

The Board and Staff of Sound Transit are akin to thieves in depriving the minority residents in the Rainier Valley of their homes, businesses and community. They are in violation of civil rights law and the Environmental Justice Executive Order and implementing regulations.

The Environmental Assessment continues the deception begun years ago when the at-grade alignment was forced upon the Rainier Valley. Sound Transit should not receive federal funding for this current project. More appropriately a number of the Sound Transit Board members promoting this project and deceiving the public and federal authorities should be investigated for fraud and intentional civil rights violations. By no means should the race of any board member exclude them from blame or possible prosecution, as all people are capable and potentially culpable in violating these laws in their own self-interest regardless of race. Seattle Mayor Nickels, King County Executive Sims, King County Councilwoman Sullivan, Seattle City Councilman McIver and others have all been leaders in promoting

this at-grade light rail in the Rainier Valley that has no logic from a transportation perspective. The many adverse impacts on the minority community have been repeatedly pointed out to them over three years time. Statistical and anecdotal information has clearly indicated that death, injury, destruction of small businesses and destabilization of the community are just a few of the many adverse impacts of this project. It is difficult to believe that they do not have an agenda that is contrary to the welfare of this community and to the best transportation solutions for the region.

Death certificates only await the names to be entered of those who will be killed by these trains and who are most likely to be members of a minority race. Sound Transit, in all of its environmental documents including the Environmental Assessment, has claimed Martin Luther King Jr. Way will be a safer street with a light rail running in the middle. They consistently cite the approximate 300 accidents a year that currently occur in the 4 mile section where at-grade light rail is planned. Those accidents that cause death and serious injury are a better measure of safety than the number of fender benders. In the six years from 1991 to 1996 there were seven fatalities along that same section of MLK Way, averaging just over one per year. Compare this to 54 deaths in 10 years as a result of light rail accidents along the at-grade Los Angeles Blue Line light rail alignment that goes through Watts and other minority neighborhoods. Compare this to the 5 pedestrians killed in at-grade segments in the first year of operation of Portland's West Side MAX light rail line. In addition there will continue to be traffic accidents on Martin Luther King Way, which will not be reduced, but increased with the addition of light rail. In spite of Sound Transit's claims to the contrary there will most likely be many light rail accidents and more, not fewer traffic accidents as traffic patterns become more complex, population density increases, MLK Way is widened and the additional risk factor of light rail is added to the mix.

Lies, half-truths and deceptions are told with intent to deceive. Sound Transit Staff pronouncements in 1998 to the community that it was not possible to build a tunnel underneath the Rainier Valley because of geology were exposed by a tunnel building expert and community resident to be untrue. Community anger over that deception was the impetus for formation of Save Our Valley in October of 1998. That lie was amongst many that have been told to the community. The claim that Martin Luther King Jr. Way will be a safer street with light rail trains travelling down the middle is a purposely distorted view of the likely reality. These lies, distortions and deceptions are now and have been part of a well-orchestrated effort to silence community opposition and to portray serious adverse impacts as benefits. These efforts have been intentional and part of a conspiracy to deprive people of the Rainier Valley of their property and will result in some losing their lives. These people will suffer solely because they live in a minority community, a circumstance that was forced on many as a result of discrimination. The actions of the Sound Transit Board and Staff are intentional and possibly criminal.

The environmental justice analysis in the Environmental Assessment, as it was in the DEIS and FEIS, is merely a pro forma exercise to satisfy federal NEPA and other regulations. To date no honest analysis of impacts to the Rainier Valley Community has been done and no honest or objective analysis of the disproportionate infliction of those adverse impacts to the minority community has been even attempted. The issue of environmental justice is not addressed in the EA. The EA only serves Sound Transit's aim of getting the federal funding for this project as easily and quickly as possible.

The Civil Rights Division of the United States Environmental Protection Agency - Region 10, has written four letters commenting on Sound Transit's Scoping, Preliminary DEIS, DEIS and FEIS over a two year period (see attached exhibit "B" – four comment letters from the EPA). Several of those letters raised the issue of the many disproportionate adverse impacts to the minority community in the Rainier Valley and the environmental justice implications. Some letters posed the question of why no alternative alignments such as tunnel or elevated alignments were being considered in the Rainier Valley to reduce these impacts. One letter suggested that Sound Transit explore such an option. Sound Transit mainly ignored the first three of these letters. This was not the case with the fourth and final letter commenting on the Final EIS

The fourth letter commenting on the Final EIS was not required of the EPA, but EPA staff felt it was important to write one as the environmental justice issues raised in previous letters were glaring and had not been addressed. Sound Transit became very upset that any letter would be written on the FEIS after seeing the first three letters that were critical and knowing that civil rights litigation concerning the Rainier Valley alignment was imminent. The staff at the EPA Civil Rights Division wanted to write a strongly worded letter concerning the still outstanding environmental justice issues. They may have actually done a draft of such a letter that has never been seen outside the EPA. When Sound Transit became aware of a potential EPA letter on the FEIS they sent a delegation including at least one lawyer, Sound Transit senior staff and possibly a representative from the Federal Transit Administration to the EPA to discuss the letter with the EPA staff. They requested that no letter be written or sent. They literally tried to browbeat EPA staff into not sending any letter on the FEIS. To some extent they succeeded. The staff wanted a strongly worded letter, Sound Transit wanted no letter. A manager at the EPA, who I believe was Richard Parkin, was intimidated by the Sound Transit – FTA delegation. He ultimately allowed a letter to be sent, but insisted that the letter be toned down considerably or he would not approve it. The staff was forced to dilute the letter to make it acceptable to the EPA manager and Sound Transit. The result was a watered down and essentially meaningless letter. The EPA staff was

grateful that any letter emerged from their office. Save Our Valley members and Rainier Valley community residents were disappointed but also grateful that there was any letter still raising concerns.

With malice and intent Sound Transit chose to alter the EPA's evaluation of the environmental justice impacts instead of addressing them in any meaningful way. In a very direct way Sound Transit obstructed justice, environmental justice and civil rights by their deeds and words. They continue in this vein in the Environmental Assessment that is before us.

The proposed at-grade alignment through the minority community in the Rainier Valley will devastate the minority owned small businesses and displace people from their homes. A recent article from the Tacoma News Tribune of Thursday, February 7, 2002, titled "Along Link route, merchants feeling pinch" (see attached exhibit "C" – article from Tacoma News Tribune), describes the impact to the businesses on Pacific Avenue in Tacoma. This is where a 1.6 mile light rail line is currently being built in Tacoma and is a portent of the devastation that awaits the Rainier Valley community. The loss of business in the Rainier Valley will be very significant, yet the Environmental Assessment fails to identify or discuss that impact or the cumulative impact of; business and residential displacements, reduced viability of homes and businesses as a result of partial acquisitions and the significant loss of business and business failures due to three years of construction. What will be the cumulative impact on the community, especially the minority community? What impact will this have on gentrification and forcing current residents out of the community? There is no such analysis in the EA or any other Sound Transit environmental document.

As mainly minority owned businesses are displaced and fail how will current business owners and their employees pay the mortgages on homes and for the education of their children? Many of the businesses are owned by and employ recent immigrants to this country whose lack of both educational and professional credentials and English language skills will qualify them for only the lowest levels of employment in the traditional job market. A large number of the businesses are dependent upon a particular ethnic community for their survival. They particularly serve the needs of those communities and draw most of their customers from them. They cannot be successfully relocated in other areas away from the ethnic community. Their relocation outside the Rainier Valley will have significant impacts on the remaining community that will no longer be able to access the unique services and products those businesses offer. There has been no discussion of these community and business impacts in any Sound Transit environmental document and the EA continues to ignore these impacts.

Dr. Robert Bullard, PhD a preeminent authority on civil rights issues related to transportation and author of the book "Just Transportation", has pointed out in his report prepared as an expert witness for Save Our

Valley that minorities face obstacles not encountered by others when forced to relocate as a result of a project such as this one. It is more difficult to get loans and credit and is more difficult to find homes and rental units as a result of racial discrimination. Businesses that must relocate face the same obstacles. Family sizes tend to be larger in immigrant and minority communities and that can also be an obstacle to successful relocation. Sound Transit has never addressed the special needs of these communities in relocating if they are forced out of the community as a result of displacement or gentrification. The environmental justice appendix treats the dislocation of the minority residents and businesses as if it were simple and straightforward.

The result of the many residential and business displacements, business failures and people vacating undesirable housing and business locations will likely result in destabilization of the entire community and gentrification forcing many Rainier Valley residents and businesses out of the Rainier Valley and possibly out of the City of Seattle. Lack of commercial space and competition for it in the Rainier Valley resulting in higher prices will force many businesses to move to more affordable areas in the suburban areas south of Seattle. Current Rainier Valley homeowners and renters will face similar challenges. This light rail project is an urban removal project designed to remove and replace the current residents and businesses. The development envisioned by Sound Transit and the City of Seattle does not include most of the current businesses or residents of the community.

The Rainier Valley serves an important and unique purpose in the City of Seattle and the Pacific Northwest region that is entirely ignored by Sound Transit. It is an entry point and landing place for immigrants, minorities and low-income people in the city and in the Pacific Northwest. It is the only place in Seattle offering the accommodations and services to these people. Immigrants from Asia, Africa, the former Soviet Union or just those relocating from other areas within the United States settle initially in the Rainier Valley for a number of reasons: Housing and business opportunities are affordable, they are comfortable and accepted in a community where people of many races, ethnic origins, religions , economic status and language live side by side generally in peace and mutual respect, interpretive services, are available, ethnic groups are present with various support services, stores carry food and other items used by many of the immigrants or ethnic and religious groups and there is likely to be a store owner or clerk who understands their language.

The Rainier Valley is a true melting pot with over 50 languages spoken and probably every race and major religion represented. There are numerous churches, several Buddhist temples, synagogues and a large Muslim community. There are many ethnic organizations and organizations that provide assistance to recent immigrants. The Laotian Mutual Assistance Association, Refugee Women's Alliance, Somali

Refugee Center are only a few of the very many mutual assistance associations in the community. The valley is also home to schools for the blind and disabled and of numerous services for low-income and other disadvantaged residents. No other community within Seattle or the Pacific Northwest can provide the range and depth of service for new immigrants, disabled, low-income and others as the Rainier Valley. The community is also home to two of Seattle's largest public housing projects, Holly Park and Rainier Vista public housing which provide housing accommodations for many immigrants, disabled, low-income and other non traditional populations. It is the one community where members of all these groups are welcome and are able to live together.

This is not the situation in other communities within Seattle and the surrounding areas. Those predominantly white communities are not generally willing to accept public housing developments and are not generally able to provide services for immigrants and the disabled. They do not provide a supportive community or a welcoming or comfortable environment to those from different countries, beliefs or at the lower rungs on the economic ladder. The Rainier Valley is one of this country's most diverse communities. Light rail in the middle of its streets resulting in direct and indirect displacement of the community and gentrification is a severe threat to the delicate balance in the community. Most of those in the dominant and predominantly white and native-born culture have little or no understanding of this community or the value of its pluralism. In fact there has been a genuine and irrational fear, largely race based, amongst much of the white community in Seattle of the Rainier Valley and its residents. Politically correct phrases such as "We value diversity" are meaningless in the face of public policies and private attitudes that demand that our community look, act and think according to the statistical norm.

Such conformity in values is precisely the vision of the politicians and social engineers who are currently attempting to transform this community to conform to their vision. The Rainier Valley has become the laboratory of the social engineers of new urbanism and other urban planning philosophies. The Sound Transit at-grade rail project is the primary experiment in this laboratory. It is the major step in gentrification of the community in the name of transit oriented development and will be instrumental in destroying its core values of tolerance and pluralism. There is no other minority community in Seattle except for the Central Area and the small International District, which are both currently undergoing major gentrification and displacement of their traditional community's. The Central Area has been inhabited by primarily by the African American community and provides many services and organizations for members of that community, but does not compare in the scope of many ethnic and community organizations and services found in the Rainier Valley. There is no equivalent community anywhere in the region and if its core of values are callously destroyed and its people displaced a tremendous asset to the region will be lost. Putting a new face on the physical appearance of the

community as Sound Transit claims its project will help do will destroy the soul of the community. The community can be improved without at-grade light rail trains, but the truth of the matter is that the city has never wanted to make the investment in the community's infrastructure, sidewalks, traffic lights, etc. For the last 50 years north Seattle has always been the major recipient of funds for infrastructure and improvements. This has largely been the result of neglect of the minority community. Eventual displacement of the current community is an inherent part of this project. The Rainier Valley is a thriving area where a pluralistic society of people lives and works. Sound Transit's at-grade light rail will do much to destroy it.

EA claims that the impact of acquisitions and displacements has been reduced and that noise impacts have been appropriately identified and mitigated are fallacious. Increasing partial property acquisitions by 60 parcels in the Rainier Valley will eliminate setbacks from many of the affected properties and make them less viable as businesses and homes. Many of these properties will become non-conforming uses with the elimination of code required setbacks. This will make them more difficult to sell, decrease the sale value and make permits for renovation difficult or impossible to obtain. Closer proximity to the roadway as a result of diminished setbacks will bring homes and businesses closer to traffic noise, pollution and automobiles. There is no discussion of the noise impacts or cumulative impacts to these properties in the EA or even an acknowledgement that there could be additional impacts. Mention is not made in the EA of having taken measurements to evaluate potential new noise impacts as a result of the increase in partial acquisitions nor is any mention made of specific mitigation measures for such impacts. It appears EA relies solely on the data from previous environmental documents from the original alignment in analyzing noise impacts. The non-conforming properties, closer to the traffic on Martin Luther King Way will become less attractive as residences and businesses. This will further promote the displacement of current community residents and businesses and will attract speculators and developers who can afford to purchase the properties at bargain prices and rebuild. One resident telephoned me in the last week saying she would prefer her entire property be taken that to lose the ten feet from the front of her house as Sound Transit currently plans.

One example of the many discriminatory policies of the both the transit agency and city government and which is directly connected to this light rail project is the creation of a ten year tax abatement zone for almost the entire length of Martin Luther King Jr. Way in the Rainier Valley. Although some other small geographical areas within Seattle are tax abatement zones, nothing comes anywhere close in size to the over 5 mile long zone that extends almost the full length of the Rainier Valley and into Seattle's Central Area, the city's other predominantly minority community. The bill enacted by the city council establishing this zone was tied directly Sound Transit's light rail line. Reason for creation of this zone

was to increase light rail ridership and development, but actually extends north well beyond the light rail alignment into the Central Area. It does nothing to promote affordable housing for current residents in either of the minority communities it traverses. Its stated purpose is questionable and seems to promote gentrification and displacement of the existing minority communities.

The tax abatement zone gives any developer of multifamily housing within the zone a ten year exemption from state, county and city real estate taxes as long as 25% of the units of any one project are priced to serve people at 80% of median income or less. The 80% level of median income for a family of four is \$52,500 with 1/3rd of that amount computed as going for housing costs. Yearly that could be as high as \$17,300 or about \$1,400 a month rent. This is not affordable to the large majority of current residents of the Rainier Valley or the Central Area. The other motivation for establishing this zone is to the Growth Management Act that requires the City of Seattle to accept more density. Just as north Seattle's privileged, affluent and largely Caucasian communities would for many years not accept minority homeowners or renters, or currently an at-grade light rail alignment, they generally are not accepting of significant amounts of multifamily housing, especially rental housing, that infringes upon their single family home communities that comprise most of north Seattle. There are few exceptions to this in north Seattle, the Lake City and Greenwood areas being the most notable. Our elected officials are well aware of this and as a result density is being forced into south Seattle neighborhoods where opposition is less formidable and the political price is not so high. Higher housing density will not likely mean affordable housing. The requirement that 25% of units be built for affordability at a high 80% of median income in order to qualify for ten years of no real estate taxes serves developers and promotes gentrification. It also serves the City's needs for location of a much unwanted NIMBY in Seattle, multi family rental housing. It does not serve the needs of our low-income and mainly minority residents who currently live in the Rainier Valley. It is priced fir a more affluent group of people.

The DEIS (Draft Environmental Impact Study) on the original link light rail project concluded that environmental impacts to the minority and low-income communities in the Rainier Valley would be "High" or "Very High" (see attached exhibit "D" – pages from Sound Transit DEIS, December 1998, Table S.9-4). The text of the DEIS stated:

“ impacts resulting from residential displacement, diminished community cohesion, visual intrusion, noise and traffic are projected to be the highest in Southeast Seattle; an area where minority and low-income residents make up a substantial portion of the population”.

The subsequent FEIS (Final Environmental Impact Study) fallaciously and dishonestly claimed that the benefits of increased access to 200,000 jobs, improved transit times and access to educational and medical

facilities offset any disproportionate impacts. Based on these supposed benefits it no longer identified the impacts to the minority community as “Very High” and “High”. It instead claimed the benefits outweighed and negated any adverse impacts. In fact the chart in the FEIS similar to the one in the DEIS that identified the “Very High” and “High” impacts to the minority and low-income community completely omitted the row of the chart evaluating those impacts as if they no longer existed or needed to be evaluated (See attached exhibit “E” – pages from Sound Transit FEIS, November 1999, Table S.10-4). No significant changes were made in the plan presented in the DEIS, yet Sound Transit deceptively changed their evaluation of the impacts based on the alleged benefits of the project. The claimed benefits would accrue to any and all communities served by the original proposed 21 mile light rail route, not just the Rainier Valley, but those communities would not suffer the immediate and long-term negative impacts that the Rainier Valley would. The alleged benefits of the original project as well as the current initial segment project would not accrue to the many low-income and minority residents displaced from the community by the project and resulting gentrification as I earlier mentioned. It is obvious there will be considerable disproportionate adverse impacts in the Rainier Valley if this phase of the project is built as planned while other communities get elevated alignments in this phase (elevated through Tukwila in the current plan) and tunnels in future phases of construction if approved by the voters.

The EA, especially in appendix “F. Environmental Justice”, denies the disproportionate adverse impacts that will be imposed on the community even exist. It also ignores to mention that the fallacious “offsetting” benefits to the community formerly identified in the FEIS are no longer part of this project and that the impacts to the minority and low-income community continue to be “High” and “Very High”. This train will not go to the University of Washington, hospitals and medical facilities on First Hill, Seatac Airport or to Southcenter Mall, a shopping area often frequented by Rainier Valley residents. This reconfigured light rail project does not provide access to any location not currently served by numerous Rainier Valley bus routes that provide frequent service.

The claim by Sound Transit that the light rail project will especially benefit low-income Rainier Valley residents who do not own cars is false. The train will not go to destinations frequented by community residents. It will also be very unattractive to those who do not own cars, as there will be an average of about one mile between stations. In Seattle’s rain soaked and often wind swept climate walking a half or even quarter mile to a light rail station and waiting for a train on a raised platform with minimal roof coverage (about 30% as currently designed) in the middle of one of the busiest arterial streets that handles over 25,000 vehicles a day is not a very attractive prospect for anyone. Bus lines reconfigured to feed light rail stations and promote light rail ridership might help reduce the walk for some, but will now require two waiting periods out in the weather and a transfer. Many of these bus routes may no longer

provide frequent service to downtown Seattle as they do now. The need to promote light rail ridership and “feed” the light rail stations along with diminished ridership on the current bus routes as a result of competition for ridership between these two modes of public transit is bound to diminish not only bus ridership, but also frequency of service and bus routes. Neither the EA nor any other document discusses these impacts, it would not serve Sound Transit’s purpose in their attempts to portray the light rail in the Rainier Valley as a transportation benefit. Sound Transit in this instance, as in many others is guilty of the sin of omission in order to suit their needs.

The Sound Transit Board has recently narrowed the selection of alignments for future rail service north of downtown Seattle to three tunnel routes. The EA fails to acknowledge this preference of the Board for building tunnels in the north with little adverse impact on the communities they transverse. From observing the ongoing denial by Sound Transit of adverse impacts on minority communities I suspect that the renewed choice of north Seattle tunnel alignments was intentionally delayed till after the EA was published. This was done so that disproportionate impact issues on minority and low-income communities would not need to be addressed in the Environmental assessment. Neither would the choice of an expensive north end tunnel alignment be discussed in the EA or in comment letters. This is consistent with the strategy of segmenting the project in order to avoid the disproportionate impact issues.

Building through the Rainier Valley in south Seattle first, before building in north Seattle has from the beginning been at least partially motivated by Sound Transit’s desire to avoid the disproportionate impact issue and evade civil rights litigation. During a 2001 meeting with the editorial board of The Seattle Post-Intelligencer, one of Seattle’s two daily newspapers, former Seattle Mayor and Sound Transit Board member Paul Schell was asked about the pending Save Our Valley litigation against Sound Transit. The lawsuit was based on disproportionate impacts of the original project to minorities in the Rainier Valley. He indicated to the editorial board that there could be effective claims of disproportionate impacts or a lawsuit if the Rainier Valley segment was built first and a north end alignment built in a later phase. This may not have represented the only reason for building light rail in the Rainier Valley first, but it is certainly clear that it was a perception of Mayor Schell who first introduced the idea at a Project Review Committee meeting in 2001. It is not unreasonable to believe that other board members shared Mayor Schell’s belief and that it was a strong motivating factor in the decision to go south first. Avoiding the disclosure of disproportionate impacts on the minority and low-income community of the Rainier Valley is a deliberate strategy of Sound Transit Board and Staff. Going through the Rainier Valley first has been since first suggested in 2001 an intentional and premeditated strategy to circumvent federal civil rights

law. By failing to disclose future plans for north end tunnels the EA is inadequate in addressing the profound and disproportionate impacts on minorities and low-income populations.

On January 10, 2002 at a Sound Transit Board meeting Ron Endlich of the Sound Transit staff made a presentation during which he stated that at-grade light rail was inappropriate for north Seattle because at some time in the distant future they expected 2 minute headways (time between trains) through North Seattle. The EA fails to develop any projections for 30 or 50 years in the future for service through south Seattle when the Rainier Valley could well become the transit corridor for trains from Federal Way, Renton and other points south and east.

It is highly suspect that the 1993 Final EIS for the “Regional Transit System Plan” (see attached exhibit “F” – pages from “FEIS Regional System Plan, March 1993, pages 2-49 to 2-51) recommended against any at-grade light rail for a regional transit system. Also it proscribes against any at-grade light rail for headways (time between trains) of less than six minutes as this is not consistent with “conventional transit practice and highway standards” and necessitates grade separation. Rainier Valley headways will be 4 to 5 minutes during peak hours. At-grade light rail in a shared right of way is not appropriate for headways under 6 minutes largely due to its impacts on cross traffic. This is clearly indicated in the same 1993 FEIS section. It stated such headways required grade separated (tunnels or elevated) rights of way. Contrary to this policy 4 and 5 minute headways have clearly been indicated for future service through the Rainier Valley in environmental documents (DEIS & FEIS) and other Sound Transit documents. Now in 2002 Sound Transit conveniently changes the story and claims 2 minute headways proscribes use of at-grade light rail. Furthermore they claim there will be 2 minute headways on a north Seattle light rail segment that is decades away from being completed, if ever. When it was originally included as part of the initial 21 mile light rail plan the north Seattle segment was only to have 5 minute headways when it was in full capacity operation. At the time several reasons for building tunnels in north Seattle were given, headways below 5 minutes were never at that time mentioned. Two minute headways were not part of the conversation or proposed in the earlier environmental documents except for possibly in the downtown bus tunnel when trains eventually connected from the Eastside.

It is worth mentioning here that an at-grade alignment was proposed in the early 1990’s on Eastlake Avenue that was eliminated as an option at about the same time the Rainier Valley was having at-grade rail forced upon it. Most of Eastlake Avenue runs parallel to and only about 2 blocks from Lake Union, a natural obstacle to auto traffic. No major arterial streets cross Eastlake Avenue a north-south arterial and there is hardly any cross traffic. Even today it would be an appropriate corridor for at-grade light rail based on issues of cross traffic, terrain and available right of way. Sound Transit refuses to consider anything but tunnels north of downtown and has now introduced an eventual 2 minute headway as the

latest in the ever changing criteria for justifying tunnels in north Seattle while building at-grade in the Rainier Valley.

Tunneled light rail in north Seattle and at-grade light rail in the minority occupied Rainier Valley is the most recent manifestation of ongoing racial discrimination in Seattle. Sound Transit is in complete denial concerning the impact of the at-grade light rail project on safety. Safety of the light rail project is of great concern in the Rainier Valley. Fourteen schools are located in very close proximity to Martin Luther King Jr. Way in the Rainier Valley along the proposed at-grade light rail project (see attached exhibit “G” – List of 14 schools located near MLK Way light rail project in Rainier Valley). Children’s walking routes and school bus routes will have them regularly crossing Sound Transit’s dangerous light rail tracks. A photo on the back side of exhibit “G” shows a Portland fire truck that was hit during daylight hours as it crossed at-grade light rail tracks while on its way to a fire on September 28, 2000. In 2010 there could be a similar picture in the Seattle newspapers, and the vehicle hit could very well be one of the many school busses full of children that travel on and cross Martin Luther King Way if this project is built as currently planned.

In a study of ten light rail systems statistics showed that 92% of all light rail accidents happened on alignments in shared rights of way with traffic and pedestrians at speeds at or under 35 MPH. This is precisely the type of alignment planned for over 4 miles in the Rainier Valley. This study titled, “TCRP Report 17 – Integration of Light Rail Transit Into City Streets” (see attached exhibit “H” – pages from TCRP Report 17, figure 2-40) was sponsored by the Federal Transit Administration. Korve Engineering did the research work. Korve is currently under contract with Sound Transit for services connected to the light rail project. The study also showed that in city after city, relatively small percentages of total light rail track at-grade and in shared rights of way was responsible for the overwhelming majority of light rail accidents (again see attached exhibit “H” – TCRP Report 17, Table S-2). Sound Transit’s own Final Environmental Impact Study (see attached exhibit “I”- Sound Transit FEIS “Transportation Technical Report” November 1999, page 195) optimistically predicted that there would be an average of 29 train-auto accidents and 3 train-pedestrian accidents per year in the Rainier Valley in the year 2020, 14 years after the original project was to be completed. The figures for the pedestrian collisions, which are very often fatal, are based on averages from comparable light rail systems according to the footnote attached to the statistics. This comparison fails to consider greatly increased population densities in the two major public housing facilities that are currently being redeveloped or the planned increase in housing density and population density for the entire Rainier Valley by 2020. This will obviously be accompanied by increases in pedestrian and automobile traffic with a subsequent increase in accidents of all kinds.

The urban character of the area along Martin Luther King Way is being ignored in Sound Transits optimistic and understated accident predictions. They are also ignoring the fact that there are few light rail alignments in the United States that the current light rail alignment in the Rainier Valley could be compared to. The high frequency (5 minute headways placing a train on the street every 2 ½ minutes) of trains, length of trains (eventual 4 car trains-360 feet long) abundance of schools, recent immigrants, elderly, children and disabled in an urban neighborhood defies comparison with any at-grade light rail system in the country. No light rail train in the United States operates with 4 car trains in a shared right of way with traffic and pedestrians. These 360 foot long and 250 ton trains have an emergency stopping distance when traveling at 35 MPH of 282 feet on dry track and almost twice that distance on wet track. The Rainier Valley alignment has not changed nor have any significant new safety measures been incorporated into the plan presented in the FEIS. No fences along the track or crossing arms are currently planned as safety measures. Fencing is not at all desirable, it would divide the community in half. It may become a necessity and even be requested by the community if enough accidents occur. There is every reason to expect a much higher number of serious and fatal accidents than predicted by Sound Transit with both the original and the current plan.

Injuries and fatalities as a result of this project will fall disproportionately on the urban Rainier Valley community compared to all other portions of the alignment in this phase and future phases of light rail expansion. As the population of the Rainier Valley is about 67% minority it is also most likely that members of protected racial and ethnic minorities under numerous civil rights laws will be much more likely to be killed and injured by light rail trains. Sound Transit's EA and other environmental studies fail to acknowledge that strong statistical as well as anecdotal information clearly indicating the danger of these trains. They also repeatedly deny that the danger disproportionately impacts minority and low-income residents of the Rainier Valley in their environmental justice analysis. They allege that Martin Luther King Way will be safer after they place light rail on it. This claim is false. Statistics from the Los Angeles Blue Line and the Portland West Side Max previously mentioned along with other evidence belies Sound Transit's claims of a safer MLK Way. It is obvious that the proposed light rail presents a significant danger to residents in the community and this danger will be in addition to those posed by automobile traffic, wider streets and impatient drivers attempting to navigate through the few remaining intersections and avoid delays caused by trains. At-grade light rail is another significant risk factor along MLK Way and will be an element of confusion for pedestrians and automobiles.

In Los Angeles the at-grade Blue Line light rail has been responsible for 54 fatalities in just over 10 years of operation. In Portland the at-grade portion of the West Side Max light rail line killed 5 pedestrians in its first year of operation. The Rainier Valley neighborhoods along Martin Luther King Jr. Way are busy urban areas. Martin Luther King Way is a busy arterial street with high traffic volumes (between 25,000

to 32,000 vehicles per day depending on location) and a number of busy cross streets are located along the proposed light rail alignment. Martin Luther King Jr. Way and the cross streets will become more congested and dangerous if the light rail is built as planned. The center turn lane used by automobiles is also used extensively by emergency vehicles to circumvent traffic and will be eliminated for the entire length of MLK Way. Of the 54 streets that currently intersect with MLK Way 35 of these will become configured as to permit only right turns onto MLK Way and right turn off of MLK Way. This will cause additional traffic to be concentrated at the remaining 19 cross streets in order for automobiles to cross MLK Way or to make left turns. The new configuration will make U-turns necessary at the remaining intersections in order to gain access to homes and business on the opposite side of the street from the direction of travel along MLK Way. There has never been an analysis in any environmental document including the current insufficient EA indicating what the safety and traffic impacts will be of the U-turns that will be required at the remaining intersections. Sound Transit has been quick to claim that reduced left turn opportunities will reduce traffic accidents, but has never addressed the issue of safety impacts U-turns at the remaining busy intersections. This is even more dangerous with pedestrians present and light rail trains approaching from two directions. Sound Transit has focused one element they claim will reduce traffic accidents and chosen to ignore those that are likely to increase them.

In 1999 I spoke on the telephone with Harry Saporta who was at the time head of safety and risk management for the Portland MAX light rail system. He informed me that no matter how much they trained the drivers of the trains to avoid accidents it took 2 to 3 years on the streets for them to learn to avoid them. He said that every time they increase the frequency of the trains and need to add new drivers there is a significant increase in accidents. It just cannot be avoided.

This new traffic pattern is likely to increase traffic congestion everywhere in the Rainier Valley and also significantly increase the variables and complexity for pedestrians and automobiles navigating throughout the community. This will also have an additional impact on the businesses that survive the property condemnation and three years of construction. The limited access to the remaining businesses after completion of the project will result in a significant loss of business for many of them. This new and more complex street configuration will have a significant impact on traffic and pedestrian safety not only along MLK Way, but elsewhere as well. Not only will automobile traffic patterns become more complicated and less safe, but added to that will be the additional risk factor of trains up to 360 feet long travelling through the community every 4 to 5 minutes in each direction during peak hours and every 10 minutes during off peak periods. As congestion increases and navigation through the community becomes more difficult on Martin Luther King Jr. Way, overflow traffic from Martin Luther King Jr. Way the community's busiest arterial street, will end up on other arterial streets, especially Rainier Avenue which already has traffic volumes of between 19,000 and 27,000 vehicles per day, and on residential side streets

near to MLK Way. This will make many of those streets more dangerous with an increase in the number of traffic accidents. No analysis has ever addressed the safety and traffic impacts on the community of the traffic that will overflow onto these other streets.

When the street is reconfigured to accommodate the at-grade light rail the curb to curb width along Martin Luther King Jr. Way will increase a minimum of 18 feet from the current 54 to 72 feet. This increased width of 18 feet will only account for about 40% of the length of MLK Way along the light rail alignment. The remaining 60% will be even wider especially in station areas and where turn lanes are required. Curb to curb width will be over 100 feet in some station areas and as wide as 120 feet at least one station area. This will be a formidable barrier to the community and will divide it in half. It will also make the crossing of MLK Way by pedestrians even more difficult and dangerous. This is particularly troubling as the Rainier Valley has the largest number of disabled, elderly and young children in the City of Seattle. This increased width makes crossing more dangerous for children from the many schools with walk routes and school bus routes that cross MLK Way. No realistic evaluation of the safety impacts has been done in the EA or any previous environmental document.

The State of Washington has adopted minimum design standards for all arterial streets in the state of Washington (see attached exhibit "J"- "Minimum Design Standards, City and County Design Standards" September 1995, page 9). These standards are commonly referred to as the LAG Standards (Local Agency Guidelines) for all municipalities to incorporate into the design of new arterial roadways or re-engineering of existing arterial roadways. The standards were taken from those developed by AASHTO, the American Association of State Highway Traffic Officials and were adopted for both safety and efficient traffic flow. These standards require 12 foot wide lanes when they are exterior lanes and adjacent to a curb. Sound Transit's road design upon completion of the light rail project, done in conjunction with the Seattle Traffic Department, shows all 4 lanes along Martin Luther King Jr. Way be 11 feet wide. This is in spite of the fact that there will be curbs adjacent to all 4 lanes and at least two, if not all 4 of the lanes are considered outside lanes in the new configuration. The current outside lanes along MLK Way are 12 feet wide. The new traffic lanes will be too narrow and inherently unsafe for cars and pedestrians and inefficient for traffic flow. A typical fire engine is about 10 ft. 8 in. mirror to mirror. Sound Transit claims exemption from these standards and the city agrees, claiming that Sound Transit is paying for the new roadway and that they are within the city's jurisdiction. The Local Agency Guidelines are specifically that, minimum standards for the state and all counties and municipalities, including Seattle.

The Law of the State of Washington, The RCW (Revised Code of Washington) specifically states that the State of Washington shall promulgate all roadway design standards. Sound Transit and the City of Seattle do not have authority to amend these standards to their liking. Unfortunately they have an important ally

on their side. The Secretary of the Washington State Department of Transportation (WSDOT) is on the 18 member Board of Sound Transit and is its only member that is not an elected official. It is unlikely that WSDOT will raise any objections to the roadway design even though it violates state promulgated design standards.

I had a telephone conversation in 1999 with a WSDOT official, who was identified to me by WSDOT staff as the person who must approve all variances from the design standards. That official, David Mounts, told me during our conversation that he would not approve a narrower 11 foot wide lane for this project as it was unsafe and contrary to the state standards. Subsequently I wrote to him on July 7, 1999 asking a number of questions and seeking written confirmation of our telephone conversation. I never heard back from him and at least one follow up phone call I made to him was not returned. I am not aware of the state issuing any variance to the minimum design standards for this project. It is possible they would not wish to do so as the state may incur liability for any accidents if they approved an unsafe road design. It is particularly disturbing as the design does not meet minimum design and safety standards. No Sound Transit environmental document has addressed these narrow lanes impact on traffic flow and safety. Repeatedly Sound Transit Board and Staff and Seattle Traffic Department engineers have claimed that narrower lanes are being used as a traffic-calming device to slow traffic on Martin Luther King Way. When I asked if there was any intention of reducing the speed limit below the current 35 MPH to achieve this result I was repeatedly told no. Reducing traffic lane widths in the optimistic view that drivers will significantly slow down is at the cost of safety as cars are closer to each other and to pedestrians along the curb.

There has been no public process in the selection of an at-grade light rail system in the Rainier Valley. In early 1994 the Regional Transit Authority (RTA) currently known as Sound Transit unilaterally decided on an at-grade alignment through the Rainier Valley with almost no public participation in the process. Prior to this time the community was informed they would get a subway system in tunnels or a hybrid of elevated and tunnels. On September 6th and 13th of that year Sound Transit held the only two meetings to reveal the new at-grade alignment to the community. This most significant change in the alignment with profound impacts on the community was made without community participation. The total process to inform and discuss this very significant change consisted of these two meetings. Although attended by a total of 45 people almost half were not Rainier Valley residents and only 16 lived in the 98118 zip code where almost all of the Rainier Valley at-grade light rail would be built. No business owner or resident living or doing business on Martin Luther King Way South, the proposed route of the at-grade light rail, was present. No representatives from the Vietnamese or other adversely impacted minority business communities along Martin Luther King Jr. Way were present (see attached exhibit "K" - Agenda and sign in sheets from "Southeast Seattle Community Meeting" of September 6th and 13th 1994). After these

two meetings with minimal community participation or discussion the RTA treated the at-grade alignment through the Rainier Valley as a foregone conclusion.

The RTA baited the community extolling the benefits of a subway system and then afterwards switched in two increments to the current at-grade alignment (see attached exhibit “L” - RTA flyer of August 5, 1994). According to the RTA this was done to save money. At about this same time proposed less expensive at-grade alignments were being proposed by staff and rejected by the Sound Transit (RTA) Board for several communities through north Seattle in favor of expensive tunnel alignments. Proposed expenditure in the FEIS for at-grade in the Rainier Valley was \$47 million per mile. For tunnels north of downtown Seattle the amount was about \$190 million per mile and probably will be that much or more in future phases if building tunnels through north Seattle continues to be the preference of the Sound Transit Board.

There is another significant issue relating to process that deserves more than casual mention. Since early in 1999, just after Save Our Valley came into existence, Sound Transit has pumped over \$200,000 into a adversarial community organization, the Rainier Valley Transit Advisory Council (RVTAC). This publicly financed organization has received almost all of its funding from Sound Transit. The organization was originally conceived by the Rainier Valley Chamber of Commerce to provide a forum for discussion of the light rail project through the community. The Chamber is the fiscal agent for this organization and receives a small percentage of the Sound Transit financing. The Chamber of Commerce is an organization made up primarily of people with businesses mainly along Rainier Avenue, the other commercial arterial street through the community. Overwhelmingly, the Chamber’s members are Caucasian, there are a few African Americans and almost no members from the Asian community. Almost no businesses along MLK Way, most of which are small and minority-owned, are Chamber members. The businesses owned by Chamber members along Rainier Avenue are about 5 blocks from the direct impacts of the project. Few if any of the Chamber members businesses face property condemnation or forced relocation as a result of the light rail project. Generally the Chamber has been a strong supporter of Sound Transit and the at-grade alignment that would impact few of its members.

Darla Morton was the Chamber’s executive director when controversy over Sound Transit’s at-grade alignment erupted during the fall of 1998. In late October I made a telephone call to the Chamber inquiring as to its position on the alignment. Darla, whom I did not know at the time, answered the phone and we proceeded to talk. She informed me that the Chamber had not taken an official position but was in favor of the at-grade rail alignment because it wanted to get a portion of development funds (Community Development Fund) that they believed would come to the community only with the inexpensive at-grade alignment. She clearly indicated it was the Chamber’s belief that a tunnel or other alignment through the

community would preclude this funding coming to the community or the Chamber. It was apparent from our conversation that the development funds were much of the motive of the Chamber's support for at-grade light rail.

RVTAC grew out of the Chamber's transportation committee. That committee, in the name of the Chamber of Commerce, applied for \$43,640 funding in March of 1998 through the City of Seattle Neighborhood Matching Fund Program. The application identified Darla Morton as the project contact person and was signed by A.J. White 1st Vice President of the Chamber who would become president in 1999. On the 9th of April of that year a contract for \$20,000 was signed between the Chamber and Sound Transit. The contract identified the Chamber as a sole source provider as a sole source provider of community outreach services in the Rainier Valley. That initial contract was later rolled into a larger contract for \$57,200 dated April 2, 1999 and signed by Darla Morton for the Rainier Chamber of Commerce. The Neighborhood Matching Fund request was denied for a number of reasons, the first and most prominent one being that the proposed project only represented the Chamber's interest. The Department of Neighborhoods reviewer, Rebecca Sadinsky wrote the following as the first of her comments on the project:

“ On the phone we discussed the proposed project and the Chamber's role as coordinating the flow of information regarding the transit project and facilitating SE Seattle dialog on the subject. When I read the information provided in the Letter of Intent to Apply, I see that the Transit Planning Project is more focused on the Chamber to participate in the dialog and represent the Chamber's interests. No other group appears to be partners in this, yet many other groups in SE have taken an equally serious interest in the transit plan.

It will be difficult to substantiate a grant of this size or perhaps any size to assist one organization to come to the table. If the proposal is truly to coordinate and facilitate the involvement of a wider set of groups and people in the transit discussions, then your application should show that you have the support and partnerships to be that facilitator.”

A second application for Neighborhood Matching Funds that identified Darla Morton as the contact person and member of the RVTAC Steering Committee was filed in the name of RVTAC the following year in March of 1999. RVTAC was turned down again by the Department of Neighborhoods. In a letter to Darla Morton from the Department of Neighborhoods dated May 13, 1999 one of the two reasons given for refusing the funding was as follows:

“As RVTAC aims to speak for the Rainier Valley, it was noteworthy that the proposal lacked key information regarding public involvement and interaction and an outreach strategy.”

These observations of the Department of Neighborhoods cast substantial doubt on RVTAC's outreach to the community and claims to represent the Rainier Valley community.

In November of 1998 the RVTAC Steering Committee carried out a selection process for its one paid staff position, a consultant, which was later to evolve into a position as Executive Director. Two candidates applied and were interviewed for the position by the steering committee of which the Chamber's Executive Director Darla Morton was a member.

One candidate was Mary Bass an African American woman with an impressive resume that included a Masters Degree in Public Administration, a B.A. in Economics, computer skills and extensive outreach work in the minority and low-income communities in the Rainier Valley and Central Area.

The other candidate was Diane Davies the wife of then Rainier Chamber of Commerce 1st vice president and soon to be president, A.J. White. Diane had a B.A. in English and a B.S. in Landscape Horticulture. She had an impressive resume in the field of gardening. In fact all her employment identified in the resume was in gardening.

Diane was hired as the consultant and continued on to become the first Executive Director of RVTAC with her salary paid by funding from Sound Transit. When she left that position in late 2001 she became Executive Director of Rail Transit Now an outspoken advocacy group for Sound Transit's light rail project.

Early on RVTAC had difficulties in its outreach or absence of any outreach to the minority community which was most impacted by the at-grade light rail proposal. As a symptom of this in October of 1998 they adopted a set of ground rules that restricted membership solely to members of the overwhelmingly white community councils. The ground rules specifically excluded members of any ethnic, religious or political organizations. They stated:

“The Council consists of a representative (or alternate) from each member group. Member groups are community groups, not religious, ethnic, political.”

Excluding ethnic and religious groups in a community where 1/3 of the community is African American, a culture strongly affiliated with churches and church organizations and 1/3 Asian American, a culture strongly affiliated with ethnic and cultural organizations, essentially precluded participation by a significant group of organizations representing 2/3 of the Rainier Valley community. Those excluded were representatives of the minority groups in the community whose members would be most impacted by the light rail project on MLK Way. This is where the great majority of businesses are owned by

African Americans and Asians Americans. It is where the large public housing communities are located and largely occupied by minority residents. It is also where the minority, especially the Asian community is centered, around the thriving shopping areas, ethnic organizations and religious institutions.

From October of 1998 to the end of May in 1999 this policy stayed in effect. It was the strong objections of neighborhood activist Bill Mallow that resulted in this policy being amended in May of 1999. The amended Ground Rules of RVTAC were little improvement as they no longer excluded the ethnic or religious groups, but placed a series of requirements on them for membership that excluded many of them.

“Member groups are community groups, as constituted by the following:

- public meeting minutes
- open financial statements
- regularly scheduled meetings (must be at least quarterly)
- must have by-law, including governance of the election of officers
- must provide a list of officers
- must have an interest in transit issues
- must be a democratic body
- must be within the boundaries of I-5 to Lake Washington, South Jackson Street to the Seattle city limits.”

These requirements may work well for formalized institutions in the mainstream culture, but would not be easily met by many groups whether ethnic, religious, fraternal or other. This would be especially the case with ethnic organizations and immigrant groups. The exclusion of these minority groups came at a most inopportune time as Sound Transit was in the process of issuing their DEIS and identifying preferred alignment selections. This is not to insinuate that there were no members of racial minorities on RVTAC, but those few only represented community councils not minority or ethnic organizations whose members had a large stake in the transit projects outcome.

In spite of the exclusion from RVTAC of the minority groups whose members would be most impacted by an at-grade alignment along Martin Luther King, Jr. Way S., the organization’s members expressed a strong preference for a tunnel alignment through the community. RVTAC’s DEIS comments of February 25, 1999, identified the group’s preference for a tunnel:

“The preferences of our members run from very staunch support of the tunnel alignment to very staunch support of the at-grade alignment, with a clear majority preferring tunnel.”

At the time of the DEIS comments, RVTAC was somewhat of a representative group representing a cross-section of opinion on the light rail alignment even though the minority community was excluded. Some time after the DEIS comments RVTAC was hijacked by its leadership that had come from the Rainier Chamber of Commerce. Diane Davies, the Executive Director of RVTAC, and Darla Morton from the Chamber along with several like-minded cohorts began to represent RVTAC as preferring an at-grade alignment. They claimed that without an at-grade alignment there would be no light rail in the Rainier Valley and that they preferred at-grade rail to no rail at all. Sound Transit used this as a pretense to claim that RVTAC preferred at-grade light rail. Sound Transit also used RVTAC and this viewpoint to portray the Rainier Valley community as equally divided on the issue of at-grade or tunnel alignments through the community. The leadership of RVTAC, especially the Executive Director, never challenged Sound Transit’s assertion that RVTAC preferred light rail - even when Sound Transit sent out printed materials making these claims, which were in direct contradiction to the official vote taken by the RVTAC membership.

Sound Transit helped promote the illusion that if there were no at-grade rail in the Valley, there would be no light rail at all. A front-page article in the community’s South District Journal newspaper of August 11, 1999 was titled, “Will we lose the rail project in Southeast”. The following quote is taken from that article:

“A senior Sound Transit staffer who asked not to be identified says we are ‘seriously in danger’ of losing the project in the Valley”

That anonymous quote was made in reference to the community’s opposition to at-grade light rail. The anonymous claim was made that the neighborhood was in danger of losing the light rail project completely if it did not stop its opposition to the at grade alignment. Sound Transit used this black mail tactic to intimidate some community residents into supporting at-grade rail. This was not the first threat to remove the rail project from the community if opposition to the at grade rail alignment did not stop. On December 15, 1998 a town meeting concerning the light rail alignment in the valley was held at the Rainier Valley’s Filipino Community Center. It was attended by over 300 community residents who were overwhelmingly opposed to the at grade alignment with a strong preference for a tunnel. A number of Sound Transit Board members and local politicians were also in present at the tables in front of the audience as County Executive Sims went around the room with a microphone taking public comment. After repeated comments objecting to the at-grade alignment and requesting a tunnel Paul Miller who was

the Chairman of the Sound Transit Board at the time put it very bluntly. He became exasperated by the intense opposition to the at grade plan and the accusations from the audience of racial bias in selection of an at grade alignment for the community. He proceeded to ask those present if they would rather not have the train go through the Rainier Valley. All those present were outraged as they believed this was a thinly veiled threat that if they did not stop opposing the project Sound Transit would remove it from the community.

This reaction by the Sound Transit Board was in sharp contrast to the way predominantly white and affluent residents of the Roosevelt community were treated when they demanded that Sound Transit abandon a retained cut alignment through their community. That alignment threatened condemnation of only 29 single family homes. Sound Transit issued no threats in response to that community's protests, but instead eventually acceded to their demands and approved a tunnel route for the alignment through that community.

After the public meeting at which the Roosevelt community strongly expressed its preference for a tunnel and before the Sound Transit Board voted to approve a tunnel alignment through the Roosevelt neighborhood a county sales tax increase was proposed to finance transit. One of the plans was proposed by County Executive Sims and was known as "Trip 21". It would have provided two tenths of a percent increase in the sales tax to finance the Metro bus system. An additional one tenth of a percent would finance extension of the original light rail alignment from the University District to Northgate. Sound Transit Board member and at the time King County Councilman Nickels, who is now Mayor of Seattle, sponsored an amendment to "Trip 21" that would have only given money to Sound Transit if they agreed to build a tunnel through the Roosevelt neighborhood. The "Trip 21" proposal was not passed by the county council, but the extreme measures Sound Transit Board members were willing to take to protect that community are in sharp contrast to treatment of the Rainier Valley community. If "Trip 21" and the "Nickel's Amendment" had passed Sound Transit would only get the \$300 to \$400 million if they agreed to build a tunnel through Roosevelt. Sound Transit Board member Nickels as well as others support tunnels in white affluent communities, but extol the virtues of at grade light rail for the minority and less affluent Rainier Valley.

Returning to the subject of RVTAC. In mid-1999 attendance at most of RVTAC's monthly meetings plummeted from about twenty to fewer than ten voting members and that is the typical attendance at present. Most of these remaining members are strong supporters of Sound Transit's at-grade alignment. RVTAC soon proceeded to become a mouthpiece for Sound Transit's agenda in the Valley. RVTAC continues in that role to this day. Sound Transit is RVTAC's sole source of funds, having given it over \$200,000 to date.

Much of the Sound Transit financing went to pay the salary Diane Davies. Ms. Davies name was often portrayed and represented herself as a spokeswoman for people in support of the at grade rail in the valley. Sound Transit consistently used her as evidence of their claim that the community was evenly divided on the at grade vs. tunnel alignment issue. Nothing was further from the truth as there is ample record on videotape, in newspaper articles and in public comment letters and transcripts of the overwhelming opposition to at grade light rail. Ms. Davies represented herself and allowed Sound Transit to portray her as representing a significant constituency in the Rainier Valley. In reality all she ever represented was 8 to 10 of her cohorts at RVTAC. About half of those were not Rainier Valley residents, but lived on Beacon Hill and would not be impacted directly by the at grade alignment. She had almost no constituency among the minority Asian and African American communities in the Rainier Valley. The press interviewed her repeatedly as a result of her name being given to them by Sound Transit staff. Although RVTAC's monthly meetings were open to the public they were in a small room that could accommodate only about 25 people. RVTAC held no large public meetings to do community outreach and hear community input. At one point Diane Davies even paid a visit to the Civil Rights Division at the U.S. Environmental Protection Agency to convince them that there were no disproportionate impacts to the minority community in the Rainier Valley. It is most likely that Sound Transit suggested this visit. Diane Davies and RVTAC were the Rainier Valley's Trojan horse and they both continue to be used as mouthpieces by Sound Transit.

RVTAC has never represented the vast majority of residents and businesses in the Rainier Valley. Rather, it has represented the interests of the Rainier Chamber of Commerce and Sound Transit. RVTAC submitted a work program when they signed a contract with Sound Transit, identifying a monthly newsletter that they would publish. The only newsletters this organization produced have appeared in the Rainier Chamber of Commerce's monthly newsletter that was circulated to approximately 300 predominantly white Chamber members in a community of over 70,000 people. That has been the extent of RVTAC's outreach in the community.

RVTAC has often cited the attendance of Save Our Valley members as observers at their meetings to legitimize themselves as representing a broad cross-section of opinions on the light rail alignment. Save Our Valley members attended these meetings strictly to gather information and were not voting members and had no influence on the organization's policies. Sound Transit used RVTAC very effectively to falsely portray the Rainier Valley as a divided community. They also attempted to actually divide the community by spending many thousand of dollars on full-page ads in the communities South District Journal newspaper promoting their project. One full-page ad pictured an African American woman minister who insinuated that god would not let this project proceed if it were wrong. Sound Transit also mailed out about 6 of these ads to thousands of community residents. The ads and flyers most often

featured pictures of African Americans who supported the project. Most notable among these was former Seattle Mayor Norm Rice.

Sound Transit must have spent well over a million dollars in public funds financing RVTAC and running an aggressive public relations campaign that included the full-page ads, mailings and other activities in an attempt to silence the critics in the Rainier Valley and divide the community. Sound Transit's disparate treatment of the Rainier Valley in this regard was blatantly discriminatory in its treatment of the minority community compared to its treatment of white communities. Considerable opposition appeared in Tukwila (opposed by City of Tukwila and grassroots organization Sound Move), Capital Hill (opposed by Broadway Improvement Association), First Hill, Downtown Seattle (opposed by Downtown Seattle Association), Roosevelt neighborhood (opposed by several neighborhood groups). In these communities Sound Transit pursued no expensive public relations campaign nor did it provide funding to create and maintain community organizations to counter community opposition.

The Rainier Valley is currently well served by numerous bus routes with frequent service. The truncation of these routes to promote light rail ridership along with the massive shift of transportation funding to light rail instead of investing in one of the nations best bus systems will have negative consequences on a bus system that needs more funding to improve its current service. This bus system serves our poor and minority communities in the Rainier Valley and all of the Seattle and King County area. The EA fails to analyze the negative consequences to the current transit infrastructure of investing billions of dollars in a light rail system that serves so few, especially with the reduced light rail ridership estimates (42,000 trips a day or 21,000 users by 2020) of the current plan. It also fails to discuss the impact on bus routes of the competition for riders between the light rail and bus systems.

The new project should require a complete new environmental review process including; Scoping Process, DEIS, FEIS, New Starts evaluation, Record of Decision, etc. An EA is not adequate given the extensive changes in this project. These very significant changes have been done without any indication that the public is adequately informed of the impacts and costs and that they approve of the revised project.

This particular EA as well as the EA process in general is inadequate for this project and if the plans to build light rail in Seattle are to be pursued a full blown environmental process should be required. Any environmental study, DEIS, FEIS, etc. needs to fully and accurately disclose the impacts to the Rainier Valley community especially the disproportionate adverse impacts to the low-income and minority communities. These disproportionate impacts need to be evaluated within the context of the entire 24 miles of light rail that Sound Transit plans to build between SeaTac Airport and Northgate. The recent

choice to pursue building of tunnel alignments through white and affluent communities north of downtown Seattle with relatively few adverse impacts to those communities must be a part of the disproportionate impact evaluation. The choice and environmental justice implications of building an elevated alignment through Tukwila with relatively few adverse impacts must also part of an effective environmental justice analysis. Sound Transit should not be allowed to address the 14 mile Initial Segment as a stand alone project detached from their plans to pursue aggressive construction to Northgate as a means of avoiding the issue of disproportionate impact to minorities and low-income populations. Recent assurances Sound Transit has made to the Downtown Seattle Association that this project will not terminate in the University District means that the next phase of construction is going to Northgate. The environmental justice analysis must be done within the context of the entire 24 mile project to Northgate.

There has been no voter approval of the current delayed, redesigned, more expensive and scaled back light rail project. The EA does not indicate any evidence of a consensus among the public for this new project. As this is a new project it should not retain the “Highly Recommended” rating for New Starts projects that the original 21 mile alignment was given. It should not qualify for any funding under the original Full Funding Grant Agreement, as the New Starts “Highly Recommended” rating was a crucial factor in obtaining the FFGA. A new Record of Decision should also be required for this project. The project has one third the ridership, one third less length of track, twice the capital cost per rider and four times the operating cost per rider. It also does not serve the areas that were described in the explanatory statement accompanying the 1996 ballot. It is not the same project.

This project with its 4 miles of at-grade light rail in the Rainier Valley, the only at-grade in current design or future plans, discriminates against our racial and ethnic minorities and our low-income community. It is in blatant violation of the Environmental Justice Executive Order, E.O. # 12898 enacted by President Clinton that requires federal agencies to identify disproportionate impacts to minority and low-income communities and prohibits them from participating in projects that unduly inflict such impacts on those communities. It is also in violation of the Department of Transportation’s regulations implementing that order.

The light rail project violates Title VI of the Civil Rights Act of 1964, which prohibits racial discrimination in projects and programs receiving federal funds. Section 602 of Title VI identifies disproportionate adverse impact on minority communities and populations as proof of discrimination and prohibits federal agencies from allowing such discrimination in projects they administer. A recent U.S. Supreme Court decision in *Alexander v. Sandoval* has denied a private right of action to seek enforcement of Title VI based on section 602 through the courts. If this law is not enforceable through the courts then

congress and the federal agencies must be vigilant to ensure that the laws are upheld and enforced through other means.

This project is in blatant violation of civil rights law, federal regulations and the executive order. If Sound Transit insists on proceeding with the current project they should be required to return all federal funding prior to being allowed to proceed and should be deemed ineligible for any future federal funding. It is the obligation of our federal elected officials and federal agencies, especially since enforcement is not available through the courts, to uphold the laws of this country and the intent of congress and deny funding for this project.

Save Our Valley filed a civil rights lawsuit against Sound Transit in April of 2001. The most important part of the lawsuit was based on violation of Title VI of the Civil Rights Act of 1964 that prohibits racial discrimination in programs and projects that receive federal funding. Sound Transit has already received millions of dollars in federal funding. The lawsuit never went to trial primarily as a result of the U.S. Supreme Court decision in *Alexander v. Sandoval* (532 U.S. 275 – 2001) that overturned years of established case law allowing for enforcement of Title VI through the federal courts when disproportionate impact can be shown. The Supreme Court decision that citizens had no private right of action under this section (602) of Title VI to seek enforcement of this law in the federal courts relegated this section of Title VI to a essentially a regulation for federal agencies to follow with no means available to the private citizen, or in this case the community organization, to seek enforcement. The federal agencies, in this case the Department of Transportation and Federal Transit Administration must step in and strictly enforce this important civil rights law. They and other federal agencies must fill the void in civil rights enforcement that has been created by the Supreme Court decision. The interest of the federal agency to see a project that they have been a crucial part of promoting and jointly planning with the regional transit agency should not be allowed to take priority over important civil rights protections that are still the law, but now must be enforced by responsible parties at the federal agencies. Political pressure brought by states congressional delegation cannot be allowed to nullify the protections of the law for any person or community. Today in this country civil rights are inalienable rights and should not be subject to abrogation as a result of the vagaries of the political climate or political pressure or whim.

Failure at the Department of Transportation, at the Federal Transit Administration or any federal agency to strictly enforce Title VI will lay every minority community and person wide open to potential civil rights abuses by state and local governments and governmental agencies receiving federal funds. It would be tantamount to federal approval of programs, projects and policies that discriminate against minorities. The same groups that decades of federal civil rights law was engendered to protect.

The disproportionate impacts of Sound Transit's light rail project are clearly discriminatory and should not receive any further federal support or funding. As Sound Transit has already accepted federal funding the appropriate federal agencies should stop any future actions by Sound Transit to develop the current light rail alignment. They must then be required to revise or abandon the plans for light rail in the Rainier Valley so that the many impacts no longer fall disproportionately on the minority and low-income community.

Save Our Valley has worked for three years to get equal treatment for our community. Our efforts have fallen on Sound Transit's deaf ears. We are currently appealing the U.S. District Court judges ruling not to allow the disproportionate impact issues to be heard in court under 42 USC 1983 another civil rights law which we cited in our original complaint to the court. We have filed our appeal and submitted our initial brief to the United States Circuit Court of Appeals for the 9th Circuit. Eric Schnapper, the University of Washington law professor who argued *Alexander v. Sandoval* on behalf of Sandoval before the Supreme Court volunteered his services to help our lawyer and wrote much of the initial brief. Recently the NAACP Legal Defense and Educational Fund and the Center on Race, Poverty and the Environment filed a Friends of the Court (*Amici Curiae*) brief in support of Save Our Valley's lawsuit (See attached Exhibit "M"- Cover page from *Amici Curiae* Brief and Save Our Valley press release).

As grateful as we are to receive this help resulting in a competent and comprehensive appeal we are chagrined by the lengthy Appeals Court process and possible cost and lengthy process of a Supreme Court review if we should win. Sound Transit as a publicly funded agency has unlimited funding to pursue legal action and a lengthy delay benefits their cause. We seek the help of federal agencies and officials in securing equal treatment ensured by civil rights law and justice for this community.

The impacts to our community are already upon us as Sound Transit Board Chairman Ron Sims and Sound Transit Executive Director Joni Earl called a meeting of Martin Luther King Way property owners on March 5, 2002 to answer questions about property acquisition. They also announced that the Sound Transit Board will vote on March 14th to authorize the staff to begin property acquisition in the Rainier Valley. Concern, fear and uncertainty are another adverse impact of this project and now more than ever it is in the face of those property, business and home owners about to have their lives unfairly and unjustly pulled from under them. The impacts will not only affect those associated with parcels to be taken, but will impact all of the community. If this process is allowed to continue stores and homes will be vacated, valuable services to the community will be lost and the entire community will be destabilized and eventually lost to the current minority community that calls this Rainier Valley home.

We hope can prevent any harm to this community and the civil rights of its many minority residents. Loss of home, loss of business, loss of jobs, loss of community and inevitable loss of life is faced by many in this community. Predominantly they are members of racial and ethnic minority groups. The only reason they will suffer these impacts to their lives is that they are living in a community of color because in Seattle they weren't allowed to live anywhere else. The many in our community who uprooted for one reason or another and came here from other cities and countries and worked hard to start businesses, buy homes and make lives are about to have their lives destroyed.

The victims of wars, poverty, intolerance and discrimination who found solace in this community are to find themselves as victims once again. They amongst the many others in this community are precisely those who our civil rights laws and regulations were designed to protect. We believe that only the Supreme Court decision in a case decided in favor of the State of Alabama has enabled Sound Transit to proceed with violating the civil rights of our community and its residents. Politicians and many others supporting this project in this region act out of self interest and/or out of racially discriminatory attitudes that would deprive people of their homes, businesses and community. Even the most well meaning of those supporting this project have deep seated unconscious and institutionalized racial attitudes that do not respect the rights of others or understand the true meaning of diversity. Some of those attitudes also reflect the socio-economic as well as the racial attitudes of the dominant white culture that understands little of the struggle of minority populations. They hold ethnocentric beliefs as to what a community should look like, what businesses are appropriate, who they feel safe with when they walk in the street and how others should live. They believe that their view of the world is the "right" one and don't see or want to know what community means to those of different races, cultures or economic status.

The Environmental Assessment is a whitewash, another sweeping of Sound Transit's dirt under the rug. I don't believe any intelligent and unbiased person, after looking at the facts and the adverse impacts of this project in the Rainier Valley could deny the discriminatory nature of this project and its violation of both the intent and letter of our civil rights laws and regulations. It should not receive any further federal support and should be stopped. A new alignment should be developed or different technology used that does not adversely impact the Rainier Valley community as this one does. A new alignment should not merely be a refinement of the at-grade proposal, but should be a grade separated alignment, tunnel and/or elevated. Alternatively removing the light rail project from the Rainier Valley completely and providing some other transportation alternative such as the monorail, bus rapid transit or just increased express bus service would be preferable to the current plan and its inevitable destruction of our diverse multi racial and multicultural community.

Last but not least I would encourage a federal investigation of those acting in any official capacity on the Board and Staff of Sound Transit or in any other capacity who have acted under the guise of promoting a transportation project in the Rainier Valley to deny the civil rights of its minority residents and deprive them of their homes and businesses and community. After over three years of observing the adamant promotion of a community destructive and illogical and a slow and ineffective transportation solution in the form of at-grade rail in the Rainier Valley, I honestly believe there is an ulterior motive behind this choice. Having uncovered so many lies and half-truths over these years I believe there has been an organized effort to deprive Rainier Valley residents, especially its minority residents of their property, homes, businesses, community and to violate their civil rights. The unwillingness of the Sound Transit Board and Staff to work toward any reasonable compromise, even in the face of federal litigation and overwhelming community opposition leads me to strongly believe that at-grade light rail in the Rainier Valley is being driven by real estate acquisition and development not honest transportation planning. Elevated rail in the Rainier Valley would cost about the same as at-grade rail with many fewer destructive impacts. SCI Construction is building the extension to Vancouver, Canada's elevated Sky train for about \$50 million per mile. Sound Transit has repeatedly refused to consider elevated or tunnel alignments as options.

Late in 1998 former Seattle Mayor and Sound Transit Board member Paul Schell had a meeting in his office with about 20 prominent Rainier Valley community members who strongly opposed the at-grade light rail in the community. Mayor Schell began the meeting by informing us that the kind of development he wanted in the Rainier Valley could only be achieved with an at-grade light rail alignment and that the Rainier Valley would get at-grade and only at-grade light rail, end of discussion. Intransigence such as we saw at that meeting and which has been the hallmark of Sound Transit in its response to the Rainier Valley's concerns for over three years. Such intransigence finds its source in motives not readily discerned. It makes no sense to build a train through a heavily trafficked community that will go at slow speeds and cause accidents when a fast regional rail system is the goal unless there are ulterior motives.

Only at-grade light rail can enable extensive property condemnation, destruction of the community's economic base, general destabilization of the community and dislocation of current residents and businesses. I believe that there is a strong likelihood of collusion between Sound Transit Board members promoting the at-grade alignment and others who might profit in destroying the current community in the Rainier Valley. I do not believe this is beyond the realm of what is possible and we have already seen an

example of Sound Transit's willingness to defraud both the public and the federal government in the events surrounding the Full Funding Grant Agreement.

Signed this 7th day of March 2002_____

George Curtis, President

Save Our Valley