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April 14, 2011

Mr. Daniel M. Mathis, P. E.
Division Administrator
FHWA
711 South Capitol Way
Olympia, WA 98501

Subject: Environmental Justice and Tolling Approach for SR 520, I-5 to Medina:
Bridge Replacement and HOV Project

Dear Mr. Mathis:

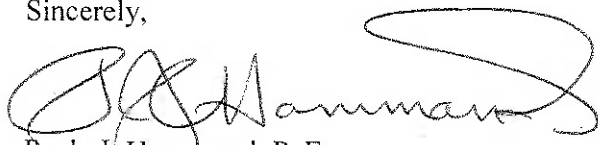
As you know, a lot of good work has gone on since you and I exchanged letters on Environmental Justice and tolling last fall. I am very pleased to share with you the results of our staffs' collaborative efforts.

Our policy and technical leads, in consultation with FHWA legal counsel, considered new information and determined that there will be no "high and disproportionate" effects on the EJ populations. The attached memorandum documents the agreed-on approach for this determination in the SR 520, I-5 to Medina: Bridge Replacement and HOV Project Final EIS.

Our agencies share a strong commitment to equity, environmental justice, and providing meaningful opportunities for public engagement so that our transportation investments avoid unintended consequences. I believe that the SR 520 project is a great example of WSDOT's careful attention to these important concerns. The final project documents will demonstrate how we have appropriately considered the environmental issues and the effects of tolling on minority and low-income populations.

Thank you so much for your help. If you have any questions, please contact Megan White at 360-705-7480 or Carol Lee Roalkvam at 360-705-7126.

Sincerely,


Paula J. Hammond, P. E.
Secretary of Transportation

*Thanks
for your help
on this!*

PJH:clr

cc: Jeff Paniati, FHWA Executive Director
Christine Johnson, Director of Field Services – West
Bryce Brown, Senior Assistant Attorney General



April 13, 2011

TO: Randy Everett, Sharon Love, Jodi Petersen

FROM: Carol Lee Roalkvam and Allison Hanson

SUBJECT: Recommended approach for modifying the environmental justice determination in the SR 520, I-5 to Medina HOV and Bridge Replacement Final EIS

Background

In the Supplemental Draft EIS for the SR 520 Bridge Replacement and HOV Project, analysts concluded that the proposed toll on the bridge would have a disproportionately high and adverse effect on some low-income populations. FHWA-WA Division writes in its letter to WSDOT on October 22, 2010 that the initial finding was "based on the narrow facts of SR520 [in the SDEIS] and certain assumptions we had at the time." "One assumption [in the SDEIS] was... there was no reasonable free transportation alternative...nor was there consideration of providing additional transit service to better serve the EJ populations."

As the policy and technical leads for our agencies, we have worked together to examine the effect determination and other information in preparation of the Final Environmental Impact statement (FEIS). Through our discussions with FHWA legal counsel and other experts, we came to a mutual understanding on our project-specific approach, and clarified key points of the FHWA Environmental Justice order. After careful consideration, we have determined that the new actions taken to provide more affordable alternatives to paying the toll, coupled with the benefits of the project, offset the adverse effects of the toll on low-income populations. Therefore, we conclude that the project will not have a disproportionately high and adverse effect on low-income populations.

We agreed that the following new information should be considered as part of the FEIS evaluation:

1. One of the important concepts in evaluating the impact of tolls on low-income populations is whether the low income population has an affordable alternative to the toll. Since publication of the SDEIS, WSDOT and King County Metro Transit have taken new actions to provide affordable alternatives to paying the toll, such as offering free crossing between 11 pm and 5 am and expanding transit service and ridesharing in advance of early tolling on the SR 520 bridge.
2. FHWA has provided us with guidance that overall project benefits – including those that apply broadly to all users – should be considered in determining whether there is a disproportionately high and adverse effect on low-income or minority populations. According to research conducted for this project, many low-income drivers consider a faster, more reliable trip across Lake Washington to be worth the cost of a toll. A faster,

more reliable trip across the lake is a direct benefit to users of the SR 520 corridor from the project. Furthermore, all SR 520 users will benefit from a safer bridge that is less vulnerable to catastrophic failure.

Purpose of this memorandum

In writing this memorandum, our objective is to document the information that supports modifying the environmental justice finding in the SR 520, I-5 to Medina Project FEIS. We consulted with FHWA in developing agreement on the approach that is documented in this memorandum. The purpose of this memorandum is to:

1. Briefly summarize the basis for the disproportionately high and adverse effect determination in the SDEIS and identify the affected low-income communities and how they will be affected.
2. Briefly summarize the benefits of tolling the SR 520 bridge to all users, including low-income populations.
3. Provide new information about the actions that WSDOT and King County Metro Transit are taking to expand affordable alternatives to paying the toll in advance of early tolling on the SR 520 bridge.
4. Make a conclusion as to whether there is a disproportionately high and adverse effect on low-income populations after applying the new information and weighing the magnitude of impacts to low income or minority populations against benefits and mitigation measures that directly address the impacts, as well as overall project benefits.

Basis for finding of disproportionately high and adverse effect in SDEIS

The NEPA process allows for the consideration of new information between the draft and final documents. The fact that WSDOT has issued a SDEIS with one conclusion does not preclude our agency from revisiting that conclusion -- in fact, it is required. We have taken a hard look at current facts and the assumptions that were made in the SDEIS. The disproportionately high and adverse effect environmental justice determination in the SDEIS was based on the following facts and assumptions:

1. There are low-income populations using the SR 520 bridge. In 2008, we conducted a telephone survey and focus groups as part of the SDEIS analysis: 71 of the telephone survey respondents and four focus group participants qualified as low income according to federal poverty guidelines.¹ Although it was not possible for us to determine what proportion of SR 520 users are low-income or exactly where they live, we were able to make some inferences using 2000 U.S. Census data and videotaped license plates of SR 520 users collected by WSDOT in 2008. Attached to this memo is a demographic analysis of the SR 520 travelshed. The dots on the map represent the home addresses of registered owners for vehicles that were videotaped crossing the SR 520 bridge in May 2008. The shading on the map represents the percentage of residents in each block group

¹ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009).

with household incomes at or below the federal poverty level, according to data from the 2000 U.S. Census. We were able to estimate where there are higher concentrations of low-income SR 520 users by looking for places on the map where there is both darker shading (higher concentrations of low-income residents) and more dots (higher concentrations of SR 520 users). Based on this demographic analysis, we concluded that there are some low-income users of SR 520, and they are likely to come from the following neighborhoods:

- a. Neighborhoods along SR 522 (North Seattle, Lake City); the Totem Lake area in Kirkland
- b. Bothell where I-405 intersects with SR 522
- c. The Bellevue neighborhoods of South Bellevue and Eastgate
- d. The Seattle neighborhoods of Greenwood, Northgate, Ballard, Fremont, the University District², First Hill, and downtown Seattle.

We also know that there are pockets of low-income populations throughout the travelshed, including Avondale Road in Redmond and Crossroads in Bellevue.

2. The toll would present a disproportionate financial burden to some low-income populations: car-dependent populations or populations living or working in areas without adequate transit service.
3. Unlike other transportation facilities where a toll has been implemented on a previously free route, the SDEIS analysis concluded that transit service (as it was understood at the time) would not be a viable alternative to paying the toll. Low-income SR 520 users who participated in the 2008 survey conducted for this project indicated that the current transit service was too infrequent or too far from where they lived or worked. Furthermore, the survey found that low-income SR 520 users did not use transit service on SR 520 at a higher rate than the general population.³
4. I-90 and SR 522 are un-tolled routes across or around Lake Washington. The SDEIS analysis concluded that I-90 and SR 522 were not viewed by low-income SR 520 users who participated in the survey as reasonable non-tolled alternative to SR 520. According to the survey, low-income SR 520 users indicated that non-tolled routes would add substantial time, distance, and cost to their trip.^{4 5}

² The University District has several low-income and subsidized housing units, as well as social service agencies that serve low-income populations. However, it is likely that some low income residents of the University District are University of Washington students. The U.S. Census questionnaire takes information about every person living in a given household, regardless of whether or not they are a temporary resident. According to Census rules, people should be counted at a residence if they live or stay at the residence most of the time; stayed there on April 1, 2000 and had no permanent place to live; and stay at the residence more time than any other place they might live or stay.

³ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 9, p. 13.

⁴ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 13.

5. The SDEIS identified sufficient mitigation to avoid or minimize many of the adverse effects on low-income populations. However, it did not include mitigation that avoids or minimizes the financial burden that tolls would present to car-dependent low-income populations because such mitigation was beyond the scope of the project. For the same reason, the SDEIS did not include mitigation strategies to expand the availability or frequency of transit service for low-income populations. Finally, the SDEIS noted that low-income bridge users raised a concern that commuter transit options may not meet their off-peak work hours; however, there was no analysis of the benefit from variable tolling in terms of reduced toll prices.

THE UPDATED ANALYSIS: New information and changed conditions about options for avoiding the toll

There are a number of ways in which motorists can avoid the toll including:

- Using public transportation.
- Using an alternate route that is not tolled.
- Forming a carpool with two or more additional passengers. Vehicles with three or more occupants can cross the bridge for free.
- Forming a vanpool. Vanpools can cross the bridge for free.
- Using the bridge between 11 pm and 5 am, when there are no tolls on the SR 520 bridge. The Appendix contains a table that shows the time of day low-income respondents to the telephone survey tended to travel the SR 520 bridge.

In advance of early tolling on the SR 520 bridge in Spring 2011, WSDOT and its regional partners have made a number of investments to improve the availability of these options to avoid toll and these changes constitute a baseline as to the project's EJ effect. The following section describes these improvements and changed conditions, all of which will be in place in advance of a toll on the SR 520 bridge. This information was not available at the time of publication of the SDEIS and therefore was not part of the previous evaluation.

1. The Urban Partnership Agreement (UPA) Lake Washington Congestion Management Project is a series of projects to help address congestion and increase safety on SR 520 and I-90 in the Seattle area. The UPA is a cooperative agreement between WSDOT, King County Metro, and the Puget Sound Regional Council. As part of this project, WSDOT is implementing tolls on the SR 520 bridge starting spring 2011 and King County Metro is improving bus service along the SR 520 corridor in anticipation of the tolls. At the

⁵ While the SDEIS didn't go into detail about the likelihood of tolling the other routes, (according to Transportation 2040) the I-90 Bridge could be fully tolled from Seattle to Mercer Island to ensure balanced operations when the SR 520 bridge tolling begins, with a one-lane HOT system from Mercer Island to Issaquah in the mid-term. In the mid-term future SR 522 will be fully tolled to help fund widening and interchange improvements from Paradise Lake Road to US 2. In the longer term, SR 522 would be fully tolled on its entire length north of I-405.

time of publication of the SDEIS, there were no specific plans for which routes would be improved. Since then, the plan has been developed and adopted. The following is a summary of relevant service improvements.

King County Metro Transit and Sound Transit have committed local funding to making service improvements on routes that serve some neighborhoods with higher concentrations of low-income populations in advance of tolling on the SR 520 bridge in Spring 2011, including:

- a. King County Metro Transit route 255: This is all day service from the Totem Lake area in Kirkland across SR 520 to downtown Seattle. Starting in **October 2010**, route 255 extended morning and afternoon weekday trips from Kirkland Transit Center to Totem Lake Transit Center. Starting in **February 2011**, Route 255 will improve weekday service frequencies by 10 to 30 minutes. Route 255 service from Totem Lake to downtown Seattle begins at approximately 4:30 am and ends at 10:30 pm. Return service begins at approximately 5:25 am and ends at midnight. These improvements will provide better access and more frequent service for low-income people living in the Totem Lake area of Kirkland.
- b. King County Metro Transit route 265: This is a commuter route that operates during peak periods from Redmond to Downtown Seattle. Starting in **October 2010**, route 265 extended from Downtown Seattle to First Hill in Seattle. However, because route 265 provides only PM peak period service from First Hill, these improvements will have a negligible benefit to low-income residents in First Hill.
- c. King County Metro Transit route 271: This is all-day service from the Eastgate Park and Ride in Bellevue to the University District in Seattle via Bellevue Transit Center. Starting in **October 2010**, Eastgate-University District weekday service began running every 10-30 minutes until 6:00 pm. Route 271 also extended its 30 minute headway service later into the evening on weekdays. Service from the University District to Eastgate begins at approximately 5:30 am and ends at 10:20 pm, with return service beginning at 5:45 am and ending at 10 pm. This improvement will provide more frequent cross-lake travel for low-income residents living in the University District.
- d. King County Metro Transit route 311: This is a commuter route that operates during peak periods on weekdays. Starting in **February 2011**, route 311 will have three new morning and three new afternoon trips between Woodinville on the eastside of Lake Washington and Downtown Seattle, which will provide low-income people living in the Duvall area with service every 15 minutes during the peak periods. Service from Duvall to Downtown Seattle begins at 4:51 am and ends at 7:17 am. Return service begins at 3:15 pm and ends at 6:15 pm. There are six outbound trips from Duvall to Seattle and six return trips, so these route improvements have limited benefits for low-income people who work non-peak hours (such as service or shift workers).

- e. Sound Transit route 542: This is a new commuter route that started in **October 2010** and provides two-way weekday service with 15-minute frequency during peak periods from Redmond to the University District. Service begins from the University District to Redmond at approximately 6:30 am and runs every 15 minutes until 10 am; it starts up again at 2:30 and runs every 15 minutes until 6 pm. Return service begins at 5:30 am and runs every 15 minutes until 9 am; it starts up again at 3:30 pm and runs every 15 minutes until 7 pm. This improvement will provide more frequent cross-lake service for low-income people living in the University District. Because route 542 does not provide all day service, these route improvements have does not have complete transportation coverage limited benefits for low-income people who work non-peak hours.
- f. Park and ride lots provide essential connections to transit for car-dependent residents on the east side. The appendix contains a table that shows the park-and-ride lots served by routes that cross the SR 520 bridge and the number of free parking spaces available at each lot.

These transit improvements address the issue of transit frequency and hence the ability to avoid the toll for many people living in neighborhoods with low-income populations in the SR 520 travelshed. However, we recognize that these improvements may have limited benefit for some low-income populations adversely affected by the toll (i.e., low income populations that must use their own car, don't have ability to access transit routes, or have to travel during non-peak hours, etc).⁶ Many of the improvements are on-commuter routes rather than all-day routes; therefore these improvements do not expand travel options for low-income people who need to travel during non-peak hours. However, tolls are less or non-existent during non-peak hours.

- 2. Vanpools, carpools and ridesharing also allow a low-income person to avoid the toll. WSDOT has been conducting extensive outreach to community-based social service agencies that serve low-income residents of the SR 520 travelshed. The purpose of the outreach is to update these agencies about the tolling and train them on how to help their staff and clients access affordable alternatives to paying the toll, including vanpools and ridesharing. In May 2010, the toll division began meeting with and presenting to community-based organizations throughout the SR 520 travelshed to provide them with information about tolling that they can share with their clients. This includes information about transit improvements; vanpool opportunities; RideShare Online, which facilitates

⁶ Since these improvements include only one new route (ST 542), there are still areas of the SR 520 travelshed that do not have adequate transit service, including Bothell where I-405 intersects with SR 522 and the Seattle neighborhoods of Greenwood, Northgate, Ballard, and Fremont. There are also suburban and rural parts of the SR 520 travelshed, primarily in the northeastern portion where there is limited or no transit. Therefore, these improvements do not help low-income users who indicated that transit is too far from where they live or work.

ride-matching for people who would like to avoid the toll by carpooling with two or more other people; and how to purchase and reload a transponder with an electronic benefits transfer (EBT) card. Starting in January 2011, WSDOT will be delivering trainings with social workers to prepare them to work with clients on planning trips, identifying alternatives to driving alone and paying the toll, and setting up their transponder accounts.

3. Under the WSDOT Vanpool Investment Program (VIP), there will be a number of new vanpools in service. Vanpools are currently available on a first-come, first-served basis for a monthly rate that covers gas, maintenance, and insurance. Parking and tolls for vanpools are generally free. The rate varies, depending on the size of the van, number of trips per week, and distance traveled per trip. For example, the monthly rate for a 7-10 passenger van traveling up to 20 miles roundtrip five days a week would be \$380 (\$38-\$54 per person/month). Individuals who wish to form a vanpool must do the following: assemble a group of four or more people, choose a driver, and complete an application. The toll division has been promoting vanpools to community-based social service agencies as an affordable alternative to paying the toll for their staff and clients.
4. Since publication of the SDEIS, the WSDOT toll division has clarified electronic tolling, including the surcharges associated with using alternatives to the Good to Go!™ transponder to pay the toll. At the time of publication of the SDEIS, the WSDOT toll division had determined that bridge users would be able to purchase a transponder and set up an account with WSDOT to pay the toll, or have their license plate automatically photographed and receive by mail a bill for the toll with a surcharge added.⁷ WSDOT has since determined the surcharge, described in the following table:

Weekdays	Good to Go!™ Pass	Pay By Plate (Drivers can set up a pre-paid license plate account in advance of crossing the bridge)	Customer-Initiated Payment (Drivers pay the toll by calling, going online, or visiting a customer service center within 72 hours of crossing the SR 520 bridge)	Pay By Mail (Owners of registered vehicles crossing without other payment methods will receive bill by mail)
11 pm to 5 am	0.00	0.00	0.00	0.00
5 am to 6 am	\$1.60	\$1.85	\$2.60	\$3.10
6 am to 7 am	\$2.80	\$3.05	\$3.80	\$4.30
7 am to 9 am	\$3.50	\$3.75	\$4.50	\$5.00

⁷ The FEIS will discuss the mitigation measures that were discussed in the SDEIS such as ways for low income individuals to purchase a "good to go" pass so that their toll rate can be cheaper than with other payment options.

Weekdays	Good to Go!™ Pass	Pay By Plate (Drivers can set up a pre-paid license plate account in advance of crossing the bridge)	Customer-Initiated Payment (Drivers pay the toll by calling, going online, or visiting a customer service center within 72 hours of crossing the SR 520 bridge)	Pay By Mail (Owners of registered vehicles crossing without other payment methods will receive bill by mail)
9 am to 10 am	\$2.80	\$3.05	\$3.80	\$4.30
10 am to 2 pm	\$2.25	\$2.50	\$3.25	\$3.75
2 pm to 3 pm	\$2.80	\$3.05	\$3.80	\$4.30
3 pm to 6 pm	\$3.50	\$3.75	\$4.50	\$5.00
6 pm to 7 pm	\$2.80	\$3.05	\$3.80	\$4.30
7 pm to 9 pm	\$2.25	\$2.50	\$3.25	\$3.75
9 pm to 11 pm	\$1.60	\$1.85	\$2.60	\$3.10

Source: SR 520, I-5 to Medina Bridge Replacement and HOV Project Transportation Analysis

5. The WSDOT Public Transportation Division has funds to pilot an online ridesharing application that will allow clients of community-based social service agencies to ridematch with fellow clients. In 2011, WSDOT will be partnering with King County Metro Transit and a community-based social service organization to demonstrate this tool. If the pilot is successful, the tool may be disseminated to other community-based social service agencies throughout the SR 520 travelshed and beyond.
6. In 2009, the Washington State Legislature directed WSDOT to conduct a carpool pilot project on the SR 520 corridor in King County. WSDOT selected Avego Corp. to test their Shared Transport system. It will help manage congestion on SR 520 by working in tandem with other traffic tools and strategies, including RideshareOnline.com, tolling, Smarter Highways, commute trip reduction, vanpooling, incident response, transit and more. The pilot project will provide a detailed evaluation of this approach, including its costs and benefits, to help policy makers determine how it compares to other demand management programs and whether it should be used in other major corridors in Washington. A final report is due to the Legislature in June 2011 on the pilot study. Analysts have not conducted an assessment of the potential benefits of this pilot project to low-income SR 520 users.

The FEIS will disclose that there are more affordable alternatives to paying the toll than was shown in the prior analysis.

Benefits of SR 520 project to all SR 520 users, including low income populations

The completed project will include four general-purpose lanes and two HOV lanes, providing increased mobility and reliability for transit, carpools, and general-purpose vehicles. In addition, wider shoulders and improved curves will create greater safety and improved reliability. These

improvements should translate to faster speeds and better trip reliability and predictability for all drivers and transit users, including low-income and minority populations.

As stated earlier, overall project benefits should be considered when determining whether there is a disproportionately high and adverse effect. This section describes those benefits.⁸

Traffic analysts expect reductions in vehicle volumes across the Evergreen Point Bridge as a result of the tolls because some drivers would choose not to pay the toll to drive alone across the bridge. Instead, they would take alternate routes, form a carpool with three or more passengers in the vehicle, use transit, or forgo the trip altogether. Coupled with improved traffic operations on the replacement bridge because of more lanes, wider shoulders, and better operating ramps, this should translate to faster speeds and better trip reliability and predictability for drivers and transit users, including low-income and minorities. Individuals in lower paying jobs often do not have flexibility in work hours, union representation, or hold senior positions at their place of employment. Predictable travel times in some ways may benefit low income users more than high income users. For example, if a low income user is late for work he or she may likely be fired or reprimanded than those with more senior jobs or safeguards (such as employment contracts). Likewise, many professional or higher income jobs are salaried positions not hourly.

As we noted earlier, the 2008 interviews and focus groups confirmed that many low-income drivers consider a faster, more reliable trip across Lake Washington to be worth the cost of a toll. Two of the four low-income focus group participants and five of the six Spanish-language interview participants indicated that they would be willing to pay a toll for a faster, more reliable trip.⁹ According to the telephone survey, 42 percent of low-income survey respondents indicated that a \$3.50 toll would be worth it for a faster, more reliable trip.¹⁰ It appears that for many low-income users, the impact "cost" of delay is higher than the cost of the tolls.

Finally, one of the greatest benefits of the project is safety. The aging floating bridge is vulnerable to catastrophic failure. Replacing the bridge is essential to the safety of SR 520 users.

Recommended Approach

Based on the relevant information from the SDEIS and the information obtained to support this memo, the FEIS for the SR 520 Bridge Replacement and HOV Project will disclose that there is not a high and disproportionate adverse effect on low-income populations due to tolling. Factors that will be described in the FEIS are as follows:

⁸ Earlier iterations of this memorandum also summarized the regional efforts to improve mobility for low income people. This information will be included in the indirect and cumulative effects discussion in the updated discipline report.

⁹ "SR 520 Environmental Justice Focus Groups and Spanish Language Interviews Summary Report of Findings". Summary Report prepared by PRR for the Washington State Department of Transportation (January 19, 2009): p. 7

¹⁰ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 12.

- WSDOT has sufficient new information to revise the prior finding. WSDOT and FHWA will carefully document all of the efforts that will help reduce the impact on low income car-dependent users.
- We will disclose the negative financial burden on low-income populations. We will also show that there are new affordable alternatives to paying the toll – such as new transit improvements and times when there is a greatly reduced or no toll – that reduce the severity of the negative financial impact.
- There are general project benefits – including increased predictability and travel time savings – that offset negative financial impacts on low-income populations.

Appendices

1. SR 520 Travelshed Demographic Analysis
2. Table: Eastside Park-and-Ride Lots and their Capacity
3. Table: Average time of day low-income respondents to the telephone survey indicated that they travel the SR 520 bridge