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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:

**THE BALLARD COALITION**

Of the adequacy of the Final Environmental  
Impact Statement, prepared by the Seattle  
Department of Transportation for the Burke-  
Gilman Trail Missing Link Project,

Appellants.

Hearing Examiner File

W-17-004

**MOTION TO INTERVENE**

The Cascade Bicycle Club (“Cascade” or “the Club”) moves to intervene in this proceeding.

Under Hearing Examiner Rule 3.09 a motion to intervene must identify the interests of the intervenor, how it is affected by the proceeding and why its interests are not otherwise adequately represented. The Examiner is to consider whether intervention would unduly delay the proceedings, expand the issues beyond those in the appeal or prejudice the rights of the parties to the action. Under these criteria, Cascade’s motion to intervene should be granted.

**I. Intervenor’s Interests in This Proceeding**

Founded in 1970, the Cascade Bicycle Club is a statewide organization formed to promote bicycling, for transportation, recreation and human health. Cascade seeks to accomplish

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1 this objective through education, through special events, through involvement in public affairs,  
2 such as its work on Seattle's Master Bicycle Plan, and through public information, such as  
3 through its newsletter. Cascade is the largest organization in the state that promotes bicycling  
4 and bicycle safety. It presently has more than 17,000 active members.

5  
6 Many of Cascade's members use the Burke-Gilman Trail for commuting, recreation and  
7 general transportation, including the portions of the trail broken by the "Missing Link," the  
8 subject of this action. Completing the Burke-Gilman Trail to Golden Gardens has long been a  
9 high priority for Cascade. The Club has advocated for completion of the trail through Ballard at  
10 least since the mid-1990s. The current proceeding is the fourth administrative appeal filed by  
11 Ballard business interests challenging the City's compliance with the State Environmental Policy  
12 Act ("SEPA"), Chapter 43.21C RCW. In each of the previous proceedings Cascade moved to  
13 intervene, and in each instance the Hearing Examiner granted Cascade's motion. *See* Prehearing  
14 Order, Hearing Examiner File W-12-002 (June 6, 2012); Order on Motion to Intervene, Hearing  
15 Examiner File W-11-002 (Mar. 16, 2011), Prehearing Order, Hearing Examiner File W-08-007  
16 (Jan. 16, 2009), Exhibits A, B and C to the Declaration of Matthew Cohen.

17  
18 Cascade also commented on the Draft Environmental Impact Statement on the Missing  
19 Link. Letter of July 28, 2016 from Elizabeth Kiker to Scott Kubly, Ex. D to the Cohen  
20 Declaration.

## 21 22 **II. Reasons for Intervention**

23 Cascade seeks to intervene because it does not believe that its interests would be  
24 adequately represented by the parties to this proceeding. While Cascade believes that the Seattle  
25 Department of Transportation will vigorously defend the Final Environmental Impact Statement  
26

1 (“FEIS”), the City’s interests are not the same as those of the Club. By representing bicycling  
2 users of the existing streets and the prospective users of the completed trail, the Club brings the  
3 perspectives of those directly impacted by the present unsafe conditions of the existing  
4 circulation system and those who would benefit from the completed trail. In granting  
5 intervention in environmental cases, our courts have recognized that intervention by private  
6 parties is appropriate even where the private group seeks the same relief as a governmental party,  
7 because “the state’s general duty to protect the public’s interest does not sufficiently protect the  
8 narrower interests of private groups.” *Pub. Util. Dist. No. 1 of Okanogan County v. State*, 182  
9 Wash.2d 519, 342 P.3d 308 (2015); *see also Loveless v. Yantis*, 82 Wash.2d 754, 759, 513 P.2d  
10 1023 (1973) (“the county must consider the interests of all the residents of the county,” whereas  
11 “the affected property owners represent a more sharply focused and sometimes antagonistic  
12 viewpoint to that of the county as a whole”).

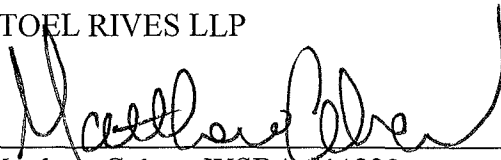
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15 The Club’s intervention would not unduly delay the hearing process, expand the issues,  
16 or prejudice the rights of the parties. The Club seeks to intervene in defense of the FEIS and  
17 raises no new issues. Other than adding another party to this proceeding, which is inherent in  
18 any request for intervention, the involvement of the Cascade Bicycle Club would not prejudice  
19 the interests of the other parties or cause undue delay.

20  
21 Finally, allowing intervention would be consistent with previous Examiner decisions  
22 granting intervention to Cascade in appeals by Ballard business interests of SEPA threshold  
23 determinations involving the same action.

24 For these reasons, the request to intervene should be granted.  
25  
26

1 Dated this 19th day of June, 2017.

2 STOEL RIVES LLP

3 

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5 Rachel H. Cox, WSBA #45020

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12 Attorneys for Intervenor Cascade Bicycle Club

13 **VERIFICATION**

14 I, Blake Trask, the Senior Policy Director of the Cascade Bicycle Club, declare under  
15 penalty of perjury under the laws of the State of Washington that the statement of intervenor's  
16 interests in part II of this motion is true and correct to the best of my knowledge and belief.

17 Signed in Seattle, Washington this 19th day of June, 2017.

18 

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21  
22 Blake Trask  
23 Senior Policy Director  
24 Cascade Bicycle Club

**CERTIFICATE OF SERVICE**

I certify that on this date of June 19, 2017, I filed a copy of the foregoing document, **MOTION TO INTERVENE**, with the Seattle Hearing Examiner via hand delivery. I also certify that on this date I caused to be served a true and correct copy of the foregoing on the following persons in the manner listed below:

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Attorney for Defendant  
City of Seattle Department of Transportation

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1 I certify under penalty of perjury under the laws of the state of Washington that the  
2 foregoing is true and correct.

3 DATED: June 19, 2017, at Seattle, Washington.  
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7 Judy A. Shore, Practice Assistant  
8 STOEL RIVES LLP  
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