

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner File:

W-17-004

THE BALLARD COALITION

of adequacy of the FEIS issued by the Director,
Seattle Department of Transportation

**ORDER ON
MOTION TO
INTERVENE**

This matter concerns the appeal of the Final Environmental Impact Statement (“FEIS”) issued by the City of Seattle Director of the Seattle Department of Transportation (“City”) for the Burke-Gilman Trail Missing Link Project (“Project”). The FEIS has been appealed by the Ballard Coalition (“Appellant”). The Cascade Bicycle Club (“Cascade”) has moved independently to participate in this appeal as an intervenor. The City does not oppose the motion to intervene. The Appellant has filed a response in opposition to the motion, and Cascade has filed a reply to the response. The Hearing Examiner has reviewed the file in this matter including the motion documents.

Hearing Examiner Rule (HER) 3.09 addresses intervention and provides as follows:

- (b) A person, organization or other entity who has not filed an appeal may request by motion to participate in the appeal. The request must state how the person or entity making it is affected by or interested in the matter appealed, and must demonstrate a substantial interest that is not otherwise adequately represented.
- (c) In determining the merits of a request for intervention, the Hearing Examiner shall consider whether intervention will unduly delay the hearing process, expand the issues beyond those stated in the appeal, or prejudice the rights of the parties. If intervention is granted, the Hearing Examiner may limit its nature and scope.
- (d) The Hearing Examiner may allow a substantially interested person, organization, or other entity who has not filed an appeal to intervene for the sole purpose of preserving the right to appeal....

Cascade asserts that it is interested in the matter under appeal, because it “is a statewide organization formed to promote bicycling, for transportation, recreation and human health,” and that it is the “largest organization in the state that promotes bicycling and bicycle safety.” Motion to Intervene at 1-2. Cascade further indicates concerning the Project that many of its members utilize the Burke-Gilman Trail, that the Project is a high priority for Cascade, that Cascade has participated as an intervenor in each of three previous related SEPA appeal proceedings, and that Cascade was a commenter on the Draft EIS for the Project. Finally,

without intervenor status Cascade would not have a right to appeal a determination that the FEIS is inadequate.

While the City shares many of Cascade's interests, it does so in the context of a general duty to the public, which encompasses broader concerns and constituencies than the narrower interests of Cascade. Cascade has identified substantial interests that will not be adequately represented by any other party. There is no indication that allowing Cascade to intervene will unduly delay the hearing process, expand the issues beyond those stated in the appeal, or prejudice the rights of any of the parties.

Cascade's motion to intervene is **GRANTED**.

Cascade should coordinate with the City to ensure efficient time management at the hearing for opening statements, cross examination, witness presentation, and closing arguments.

Entered this 7th day of July, 2017



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