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	Hearing Examiner File W-17-004 SEATTLE DEPARTMENT OF TRANSPORTATION'S REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL DISMISSAL

I. INTRODUCTION

The Seattle Department of Transportation ("SDOT") filed its Motion for Partial Dismissal ("Motion") to narrow the issues for hearing and allow the parties to focus on the primary factual dispute: whether the Final Environmental Impact Statement ("FEIS") for the Burke Gilman Trail Missing Link Project is adequate under the State Environmental Policy Act ("SEPA"). The appeal issues and parts of appeal issues that SDOT seeks to dismiss are purely legal questions, unrelated to the adequacy of the FEIS, some of which have already been addressed and resolved in prior proceedings between these parties and cannot be revisited in this

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appeal. No discovery or hearing is necessary on these issues because these issues have no merit as a matter of law, and no set of facts can amount to a valid issue or claim.

In its Response in Opposition ("Response"), Appellant repeatedly mischaracterizes SDOT's Motion, re-casts its own legal issues and builds straw-men to attack, all in an attempt to avoid responding to SDOT's real arguments. Additionally, Appellant relabels legal issues as "factual disputes" and offers declarations in support of its Response, but those allegations and disputed facts are simply not relevant to the disposition of SDOT's Motion.[1] The Examiner may dismiss the issues identified in SDOT's Motion, because the Appellant would not be entitled to the relief it seeks even if it proves all the facts it presents in support of its claim.

If the Examiner grants SDOT's Motion, the Appellant will nevertheless have ample opportunity to pursue its meritless factual allegations related to the adequacy of SDOT's SEPA review at hearing including issues relating to the adequacy of the FEIS's analysis—Appeal Issues II.D, II.E, II.F, II.G, and part of II.A. SDOT is not seeking to dismiss those issues, contrary to Appellants attempt to misrepresent SDOT's arguments. The Motion only serves to focus the hearing on the genuine factual disputes and to prevent Appellant from pursuing legal theories that are baseless as a matter of law, have already been resolved, or are outside the Examiner's jurisdiction.

II. ARGUMENT

A. SDOT's Motion sought dismissal of appeal issues that are purely legal questions and fail to state a claim upon which relief can be granted under any facts.

SDOT asks the Examiner to dismiss appeal issues or parts of issues on the grounds that they are purely legal questions that fail to state a claim upon which relief can be granted, even if

[1] SDOT also disputes Appellant's characterization of those "facts" and the opinions of its expert.

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all of Appellant's alleged or hypothetical facts are presumed true.[2] Therefore, these issues should be dismissed under Hearing Examiner Rule 3.02 and CR 12(b)(6).[3]

B. SEPA expressly allows SDOT to include a new segment in the Preferred Alternative in the FEIS.

SDOT has asked the Examiner to dismiss Appeal Issue II.C because it identifies a claim for which the Examiner may not grant relief and is therefore without merit on its face. Contrary to Appellant's assertion, SEPA expressly allows lead agencies to advance and improve alternatives beyond the precise bounds of the alternatives that are included and analyzed in the DEIS.[4] No error can result from inclusion in the Preferred Alternative of a new, short segment that connects portions of two Build Alternatives previously analyzed in the DEIS.[5] The purported legal "error" alleged in Appeal Issue II.C is expressly allowed by SEPA regulations.

In its Response, Appellant seeks to preserve Appeal Issue II.C by recasting its own issue through blatant conflation of two separate questions: (1) whether SDOT erred by including in the Preferred Alternative a new connecting segment that had not been analyzed in the DEIS[6]; and (2)

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[2] *See Citizens for Rational Shoreline Planning v. Whatcom County*, 172 Wash. 2d 384, 258 P.3d 36 (2011) (motion to dismiss for failure to state a claim is properly granted when it appears from the face of the complaint that the plaintiff would not be entitled to relief even if he proves all the alleged facts supporting the claim).

[3] Contrary to Appellant's assertions, SDOT is not "mixing" standards of review for motions to dismiss under CR 12(b)(6) and summary judgment pursuant to CR 56. SDOT's Motion merely referenced CR 56 in a footnote because a responding party may submit documents which, if considered, may convert the movant's CR 12(b)(6) motion into a motion for summary judgment. Motion at 3, n.2; *McAfee v. Select Portfolio Servicing, Inc.*, 193 Wn. App. 220, 226, 370 P.3d 25, 29 (2016). In short, SDOT's Motion was based on CR 12(b)(6) but recognized that the Motion could be evaluated under CR 56, depending on Appellant's Response.

[4] WAC 197-11-405; 197-11-560(1)(a) – (b).

[5] In this case, SDOT combined components of two of the Build Alternatives analyzed in the DEIS in response to comments received on the DEIS. Specifically, the Preferred Alternative combines portions of the Shilshole South Alternative with portions of the Leary Alternative. To do so, the Preferred Alternative includes a short segment that connects portions of two Build Alternatives previously analyzed in the DEIS. FEIS at 1-7 and Figure 1-3, depicting the Preferred Alternative, at FEIS at 1-9, attached as Motion's Exhibit A to the Declaration of Erin Ferguson.

[6] Appeal Issue II.C states the 125-foot segment "was ***not in any way included in the draft environmental impact statement***, thus has never been analyzed or presented to the public for consideration or public comment as part of the Project." Appeal at 7 (emphasis in original).

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whether SDOT adequately evaluated this new connecting segment in its FEIS.[7] SDOT understands that FEIS adequacy (including the adequacy of the environmental review of the new connecting segment included in the Preferred Alternative) involves a factual dispute that Appellant intends to pursue. In fact, the factual dispute over adequacy of the FEIS is the core of the Notice of Appeal and comprises several Appeal Issues—specifically, Appeal Issues II.D ("SDOT failed to adequately study traffic hazards and safety"), II.E ("SDOT failed to adequately consider the project's consistency with applicable land use regulations"), II.F ("SDOT failed to adequately study parking impacts"), and II.G ("SDOT failed to adequately evaluate cumulative impacts"). Notably, SDOT's Motion did not seek dismissal of any of these issues pertaining to the FEIS's adequacy, including the adequacy of the analysis of the new connecting segment, and concedes that Appellant may pursue these arguments at hearing.[8]

Appellant may not, however, argue that inclusion of that new connector segment in the Preferred Alternative by itself constitutes error. Nor may Appellant argue that its inclusion in the Preferred Alternative is evidence of error. To entertain such arguments would ignore SEPA's express authorization of SDOT's approach. SEPA expressly permits an agency to make modifications to alternatives that were not analyzed in the DEIS.[9] There are no set of facts that

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[7] Response Section II.B, at 4-7.

[8] While SDOT intends to demonstrate the adequacy of its environmental review of the Missing Link in its entirety, including the new connecting segment, at hearing, Appellant's suggestion that SDOT sought to decide that factual question in its motion is a straw-man tactic that grossly mischaracterizes SDOT's motion. Appellant points to a footnote in SDOT's Motion in support of Appellant's statement that SDOT "cites to its FEIS in an attempt to argue that the New Segment was adequately analyzed." Response at 5. The footnote to which they cite merely provided reference to the portions of the FEIS that provide factual explanation of the portion of the Preferred Alternative that are the subject of Issue II.C.

[9] *E.g.*, WAC 197-11-560 (stating that an agency's FEIS may "modify alternatives, including the proposed action" in response to comments to the DEIS).

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can alter or diminish SDOT's lawful authority to make such modifications. Appeal Issue II.C is without merit on its face and should be dismissed.[10]

C. The Examiner does not have authority to issue an advisory ruling on which shoreline authorization SDOT should pursue.

Appellant's Response confirms that it is advancing Appeal Issue II.H to obtain an advisory ruling from the Examiner about the proper shoreline permitting process for the Project.[11] The Examiner lacks the jurisdiction to issue such an opinion and even if that were not the case, the issue is not ripe for review because SDOT has not yet submitted an application for either a shoreline permit or a shoreline exemption.[12]

To avoid dismissal of this issue, Appellant tries to frame its shoreline permitting issue as a "factual challenge" to the adequacy of the EIS's evaluation of the "true effects of the Missing Link on the Shoreline Environment."[13] In doing so, Appellant again conflates two distinct questions: (1) whether the FEIS adequately evaluated the Project's impacts on the shoreline environment, a question over which the Examiner does have jurisdiction; and, (2) whether a shoreline permit or a shoreline exemption is required for this Project, a question over which this Examiner does not have jurisdiction. Moreover, Appellant employs a straw-man tactic to mischaracterize SDOT's argument. SDOT does not seek to dismiss Appellant's challenge to the adequacy of the FEIS. Instead, the City seeks dismissal of Appellant's efforts to adjudicate

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[10] Even if the Examiner were to accept Appellant's efforts to recast Issue II.C as a challenge to the adequacy of the FEIS's analysis, the Examiner should still dismiss Appeal Issue II.C because it fails to raise any adequacy issues not already raised by other identified Appeal Issues. Appellant cannot salvage Appeal Issue II.C by re-packaging it now as an adequacy issue.

[11] Appellant admits it is focused on "whether or not [SDOT] will obtain a Shoreline Substantial Development Permit ("SSDP") for the Project" and identifies the purported "problems for the Coalition" if SDOT pursues a shoreline exemption rather than an SSDP. Response at 8. Appellant also presses its argument that the Project does not qualify for a shoreline exemption and must obtain an SSDP. *See* Response at 7-8, n. 16; Exhibit A to Declaration of Joshua Brower.

[12] *See* SMC 23.60A.020, describing when a permit versus an exemption is required, SMC 23.60.062 setting forth the procedure for obtaining an exemption, and SMC 23.60A.063 setting forth the procedures for obtaining a shoreline substantial development permit.

[13] Response at 9.

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whether a shoreline permit or exemption is required for this project.[14] Appellant cannot be allowed to adjudicate its permitting question in advance of a permitting decision under the guise of a purported challenge to the adequacy of the environmental review of shoreline impacts.[15]

Appellant also misrepresents its opportunity for future challenges to the City's shoreline permit decision (whether it pursues a shoreline substantial development permit or a shoreline exemption). Appellant claims that this forum is "the only forum available" and that permit exemptions "cannot be appealed to the Shorelines Hearing Board."[16] As Appellant is aware, it will have opportunities to challenge or appeal any shoreline decision when one is made.[17] SDOT is not trying to "avoid review" of an eventual decision on a shoreline permit or exemption, nor does SDOT agree with Appellant's characterization that it seeks to "skirt compliance with the SMA for the Missing Link."[18] Rather, this not the time or place to litigate these issues. The eventual decision will be subject to review in the proper venue *after* the City decides to issue either an exemption or a shoreline permit. Any subsequent appeal of a permit decision is the appropriate forum for a challenge to the Project's consistency with shoreline regulations.

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[14] Motion at 5 (stating "The Hearing Examiner should dismiss Issue II.H because the Examiner lacks jurisdiction over issues pertaining to Shoreline Permits and Exemptions").

[15] For similar reasons, the Examiner should reject Appellant's plea that it would be unable to otherwise litigate its concerns over factual determinations related to "water-related" or "water-dependent" uses. Those questions are expressly raised in Appeal Issue II.E. *See* Notice of Appeal at 9 (following Appeal Issue II.E, Appellant argues that Preferred Alternative ignores various goals and policies, including that "the City's land use Policies and Goals in its Comprehensive Plan give special priority to water-dependent uses."). Moreover, the question of the adequacy of the analysis of impacts to these surrounding uses is wholly separate from Appellant's underlying question in II.H of whether the Project will eventually need to apply for a shoreline substantial development permit or a shoreline exemption.

[16] Response at 8.

[17] *Samuel's Furniture, Inc. v. State, Dep't of Ecology*, 147 Wn.2d 440, 455-56, 54 P.3d 1194, 1201-02 (2002) (stating that once a shoreline master program has been approved, the Shoreline Management Act "specifically grants local governments the **exclusive power** to administer the permit system"); RCW § 90.58.180 (stating that the granting, denying, or rescinding of a shoreline permit can be appealed to the Shoreline Hearings Board by Ecology, the attorney general, or any person aggrieved by the permit decision); *Grundy v. Brack Family Trust*, 116 Wn. App. 625, 630–31, 67 P.3d 500 (Div. 2 2003), decision rev'd on other grounds, 155 Wn.2d 1, 117 P.3d 1089 (2005) (holding that landowner should have appealed the County's decision to exempt a project from the SSDP permitting process under LUPA); RCW 36.70C.030, -.060 (stating that LUPA provides "exclusive means of judicial review of land use decisions," and granting standing to any "person aggrieved or adversely affected by the land use decision")

[18] Response at 7.

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Finally, prior proceedings related to this Project have resolved this issue. As previously determined, the Examiner does not have jurisdiction to determine whether the City must seek a shoreline exemption or substantial development permit.[19] Appellant is collaterally estopped from re-litigating this conclusion.[20] Appellant's argument that collateral estoppel does not bar their claim is as disingenuous as it is incorrect. Contrary to the Appellant's assertions, the facts related to the underlying documentation of SDOT's environmental review are irrelevant to the SMA issue. The Examiner's past rulings about this purely legal question were decided as a matter of law and apply equally to both the prior and current factual scenarios. For collateral estoppel to apply, the issue must be the same, and where the issue decided is a purely legal question (as compared to one that involves application of law to fact) then the differences in underlying facts are not relevant and collateral estoppel applies.[21] Whether the appeal involves a DNS or EIS, the legal conclusion is the same: the Examiner lacks jurisdiction to decide the question of shoreline permitting.[22]

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[19] *See* Motion at 5-6 (describing the prior decisions by the Examiner and the Superior Court, holding that the Examiner lacks jurisdiction over shoreline permitting and exemption issues).

[20] *See* Motion at 6-7 (discussing application of collateral estoppel).

[21] *E.g., Willapa Grays Harbor Oyster Growers Ass'n v. Moby Dick Corp.*, 115 Wn. App. 417, 423, 62 P.3d 912, 915 (2003) (applying collateral estoppel on a legal issue resolved during one SSDP application (the legal issue being whether a developer could expand within a Shoreline Master Program's "conservancy shorelines" environment) to a later SSDP application, notwithstanding that the later application was for proposed construction that exceeded the scope of the prior SSDP).

[22] It is worth noting the defense Appellant raises here to avoid issue preclusion is one of the same defenses that SDOT raised in its response to Appellant's Motion to contest Appellant's assertion that collateral estoppel in its motion regarding the Project design. Ironically, Appellant argued broadly in its reply in support of its motion that factual differences do not change the applicability of the doctrine of collateral estoppel. Ballard Coalition's Reply in Support of Its Dispositive Motion at 7-8. In its Response to the City's Motion, Appellant makes absolutely no attempt to reconcile its patently inconsistent positions. SDOT's position on issue preclusion is consistent. As described above, the Examiner's prior rulings in proceedings between these parties on purely legal grounds, including rules on the limits of her jurisdiction, have preclusive effect even when there are different underlying facts. By contrast, those different underlying facts are entirely relevant to the claim of collateral estoppel in Appellant's Motion. In that instance the Examiner's legal conclusions to which Appellant seeks to prescribe a preclusive effect are based on her factual evaluation of a different proposal and a completely different environmental review document. *See. State Farm Fire & Cas. Co. v. Ford Motor Co.*, 186 Wn. App. 715, 723, 346 P.3d 771, 774 (2015) (denying application of collateral estoppel where the prior proceeding involving a 1994 Lincoln Town Car involved a "materially different product" than the later proceeding (the same vehicle with a recall fix)). Even the

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The Examiner does not have jurisdiction to hear Appellant's challenge to future shoreline permitting decisions that are beyond the scope of this FEIS appeal and the Examiner should dismiss Issue II.H in its entirety. To the extent that Appellant seeks to preserve a more general challenge to the adequacy of the environmental review of the impacts on the shoreline environment, without reference to the shoreline permitting issue, it has already done so in Issue II.E related to the adequacy of SDOT's consideration of the Project's consistency with applicable land use regulations, including the Shoreline Master Program.[23] In no event should Appellant be allowed to seek an advisory opinion on whether the SDOT should obtain an exemption or a shoreline permit in the context of this EIS appeal.[24] Express dismissal of Appellant's permitting and exemption issue is necessary to prevent Appellant from conflating the issues at the hearing, as it has done in its Appeal and Response.

D. SEPA expressly allows SDOT to act as both project proponent and SEPA lead agency.

The SEPA rules direct SDOT to act as the SEPA lead agency for its projects. WAC 197-11-926 ("[w]hen an agency initiates a proposal, it is the lead agency for that proposal"); *see also* R. Settle, *The Washington State Environmental Policy Act: A Legal and Policy Analysis*, § 10.01[1] (2016) ("[t]he fact that the lead agency is responsible for SEPA review of its own proposal does not in itself violate the appearance of fairness doctrine or other conflict of interest

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smaller segment of the Project identified that was the subject of the Examiner and Court's prior rulings is factually different and has changed since those past orders. Because of those factual distinctions, the Examiner's and Court's earlier judgments about the level of design review do not dictate an outcome in this case.

[23] This is not to suggest that SDOT concedes that the review need be complicated. Indeed, the City is authorized to rely on its shoreline regulations and shoreline permitting process to provide adequate assessment of shoreline impacts and of needed mitigation, if any. *See, e.g.,* WAC 197-11-158; SMC 25.05.665(E).

[24] If the Examiner concludes it is necessary, in the alternative to dismissing Issue II.E in its entirety, the Examiner should at the very least amend Appeal Issue II.H to address Appellant's claims to the adequacy of the FEIS's evaluation of the Project's impacts on the shoreline environment, while expressly barring Appellant from raising shoreline permitting or exemption issues.

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laws."). WAC 197-11-926 does not allow any factual inquiry as to whether the agency should have a dual role — the rule unambiguously directs the agency to serve as both project proponent and lead agency. Under the SEPA rules, an agency's dual role as both project proponent and SEPA lead agency is permissible as a matter of law.

In the face of these straightforward legal principles, Appellant admits that "[n]o one disputes that such a dual role is allowed by the SEPA rules."[25] Despite this admission, Appellant nevertheless tries to salvage its claim by recasting it as an "assertion of a fact" that they claim to be relevant to demonstrate a "conflict of interest."[26] But Appellant's sole basis for asserting a conflict of interest is SDOT's dual role as project proponent and lead agency. Evidence of the agency's express compliance with the SEPA regulations is not evidence of a conflict of interest, nor is it evidence of the purported inadequacy of its review. There are no set of facts that can alter or diminish the fact that the SEPA rules direct SDOT to take a dual role. Appellant's argument turns WAC 197-11-926 on its head and should be dismissed as a matter of law. An agency cannot be held liable or faulted for acting in accordance with the SEPA rules.[27]

Appellant goes to great length to distinguish the issue identified in the heading of its Notice of Appeal from the text that follows, implying that only the issues identified in the heading are subject to dismissal.[28] However, in its Response, Appellant identifies a new or variant legal claim – the purported "conflict of interest" – that is not specifically incorporated in its issue statement in its heading. That claim is baseless as a matter of law and should be dismissed. Similarly, Appellant's insistence that its claim about SDOT's dual role should be

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[25] Response at 13.
[26] Response at 11.
[27] *See Brown v. MacPherson's Inc.*, 85 Wn.2d 17, 530 P.2d 277 (1975) (dismissing action against state based on the state's alleged failure to warn of an avalanche hazard; because the relevant state agency did not have a statutory duty to warn, the agency could not be held liable for its failure to warn, and the plaintiffs' complaint failed to state a claim).
[28] Response at 11.

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treated as a "fact in support of a claim" does not change that Appellant has no valid basis for asserting that a conflict of interest exists.

Finally, the Examiner has already determined in a prior ruling that SDOT's dual role does not create a conflict of interest. Collateral estoppel bars Appellant's attempt to raise the identical claim here.[29] As with the shoreline permitting issue, the fact that the prior appeal was an appeal of a DNS does not affect this purely legal issue. Whether the appeal is of a DNS or an EIS, under the SEPA rules the agency must hold dual roles.

The conflict of interest claim in Appeal Issue II.A is without merit on its face and should be dismissed.

E. SEPA expressly allows SDOT to define its proposal and the reasonable range of alternatives required to be evaluated is determined based on that proposal.

Appellant confuses SDOT's obligation and authority as the project proponent to define its proposal and identify the proposal's objectives, with SDOT's separate obligation as the SEPA lead agency to analyze reasonable alternatives for accomplishing those objectives. While the Examiner may entertain Appellant's challenges to SDOT's alternatives analysis, the challenge to SDOT's definition of its own proposal should be dismissed.[30]

Although Appellant now presents its issue as a challenge to SDOT's "reasonable alternatives" analysis, it is in fact a thinly veiled attack on SDOT's definition of the Project objective.[31] SEPA directs project proponents to make sure that its proposal is "properly defined"

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[29] *See* Motion at 9 (discussing prior Examiner decision and application of collateral estoppel).

[30] While this issue should be decided as a matter of law because the Appellant fails to state a claim for which relief can be granted, even if all of Appellant's alleged facts are presumed true, the motion could also be decided in SDOT's and Cascade's favor on summary judgment, because Appellant fails to raise a genuine issue of fact sufficient to meet their burden. *See* CBC's reply.

[31] *See* Appeal at 6 (stating that SDOT "over-narrowly defined the 'Project Objective,'" thereby "predetermining the outcome").

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and allows the proponent to use that proposal as an objective.[32] Here, SDOT defined its proposal as "connect[ing] the roughly 1.2-mile gap between the existing segments of the BGT," creating a "multi-use trail for persons of all abilities, for a variety of transportation and recreational activities."[33]

In its comments to the DEIS, its Notice of Appeal, and the Response, Appellant has consistently proposed only one "alternative" to the range of alternatives considered by SDOT—protected one-way cycle tracks on both sides of the street, specifically on Leary Way.[34] As discussed in the Motion, Appellant's "alternative" is not an alternative at all. The FEIS explains that SDOT did consider alternate facility types, including Appellant's proposal,[35] but chose not to pursue these facility types because they did not meet the Project objectives.

The Examiner should conclude as a matter of law that SDOT's definition of its proposal is consistent with SEPA, particularly considering the undisputed nature of the present BGT, and reject Appellant's assertion that SDOT "over-narrowly" defined the Project. Further, based on the undisputed facts regarding Appellant's proposal for a bicycle-only facility, the Examiner should also conclude as a matter of law that Appellant's proposal is a fundamentally different project, not an "alternative."[36] SDOT is not obliged to include Appellant's proposal for a new

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[32] WAC 197-11-060(3) (directing agencies to "make sure that the proposal that is the subject of environmental review is properly defined," and allows agencies to then use the proposal "as an objective").

[33] Motion, Exh. A (FEIS at 1-3).

[34] *See* Motion Exh. F (Appellant's comment to the DEIS, calling for protected one-way cycle tracks on both sides of the street); Appeal at 6 (stating that SDOT "preclude[d] the analysis of reasonable alternatives, *e.g.*, the creation of protected bicycle lanes"); Response, Bishop Decl. ¶ 7 (stating that "one-way cycle tracks, one on each side of a street, are the safest" type of bicycle facility).

[35] *Id.* (FEIS at 1-33).

[36] The only case Appellant cites that relates to an agency's ability to define its objectives (as opposed to its consideration and analysis of alternatives) is a NEPA case, *Friends of Southeast's Future v. Morrison*, 153 F.3d 1059 (9th Cir. 1998). To the extent NEPA case law is relevant, courts afford agencies "considerable discretion" to define a project and have summarily dismissed challenges to an agency's definition. *E.g. League of Wilderness Defs.-Blue Mountains Biodiversity Project v. U.S. Forest Serv.*, 689 F.3d 1060, 1069-71 (9th Cir. 2012) (affirming grant of summary judgment, concluding that the EIS's statement of the project's purpose was reasonable); *City of Angoon v. Hodel*, 803 F.2d 1016, 1021 (9th Cir. 1986) (granting summary judgment, stating, "[w]hen the purpose is to accomplish one thing, it makes no sense to consider the alternative ways by which another thing might be achieved.").

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bicycle-only facility as part of the FEIS's "reasonable alternatives" analysis simply because Appellant labels it as an "alternative." To conclude otherwise would allow Appellants to usurp SDOT's right and obligation under SEPA to define its own proposal. Granting the relief sought by SDOT will not preclude review of the FEIS's analysis of the six alternatives considered, but it will ensure that the inquiry is appropriately limited to an alternatives review and not review of a new and fundamentally different proposal.

III. CONCLUSION

For the reasons stated above, SDOT respectfully requests that the Hearing Examiner grant SDOT's Motion.

DATED this 28th day of August, 2017.

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CERTIFICATE OF SERVICE

I certify that on this date, I electronically filed a copy of Seattle Department of Transportation's Reply In Support of its Motion For Partial Dismissal with the Seattle Hearing Examiner using its e-filing system.

I also certify that on this date, a copy of this document was sent via email agreement to the following parties listed below:

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