

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:)	Hearing Examiner File
)	
THE BALLARD COALITION)	W-17-004
)	
of the adequacy of the FEIS issued by the)	DECLARATION OF ERIN E. FERGUSON
Director, Seattle Department of)	IN SUPPORT OF RESPONSE IN
Transportation for the for the Burke-Gilman)	OPPOSITION TO MOTION TO
Trail Missing Link Project)	CONTINUE
)	

I, Erin E. Ferguson, declare under penalty of perjury under the laws of the State of Washington the following:

1. I am over eighteen years of age, have personal knowledge of the matters herein, and am competent to testify regarding all matters set forth herein.

2. I am one of the attorneys for Respondent Seattle Department of Transportation in this matter.

3. SDOT received the Ballard Coalition’s First Set of Interrogatories and Requests for Production via email at 4:40 pm on Friday June 30, 2017, the Friday before the 4th of July holiday and prior to the prehearing conference or any consideration by the Hearing Examiner regarding allowing discovery in this matter. A true and correct copy of the email transmitting the Coalition’s discovery and the Coalition’s First Set of Interrogatories and Requests for Production (Coalition’s Discovery) are attached here as **Exhibit A**.

4. The prehearing conference in this matter was held at 9am, July 6, 2017.

1 5. Before the prehearing conference, the parties discussed a proposed schedule and
2 dates for the hearing and jointly proposed that the hearing be set for the week of October 16,
3 2017. An email proposing the October 16 hearing date is attached as **Exhibit B**.

4 6. As measured from the date the discovery was served rather than the date of the
5 prehearing conference when the parties discussed discovery with the Examiner, the City's
6 response to the Coalition's Discovery was due on Monday July 31, 2017. July 30th was a
7 Sunday.

8 7. On July 25, 2017, I emailed counsel for the Ballard Coalition to inquire how they
9 would like the responsive documents to be produced.

10 8. In response, the Coalition's attorney requested that the responsive documents be
11 produced "in their native format with metadata intact." Additionally, counsel stated that "[w]here
12 possible, we request that you deliver all documents as a Concordance load file." A true and
13 correct copy of that email correspondence is attached as **Exhibit C**.

14 9. As requested, SDOT produced all responsive electronically stored documents in
15 their native format, with their metadata intact, as Concordance load files where possible. Native
16 files cannot be bates stamped and they would have to be converted to a TIFF or PDF file in order
17 to add a bates stamp. However, the City did identify each document by number in its production.

18 10. The City produced electronically stored documents as they were kept in the usual
19 course of business.

20 11. On July 31, 2017, I emailed counsel for the Ballard Coalition to notify them that
21 the City's response was forthcoming, expressly reserving SDOT's objections. SDOT also
22 produced 290 responsive documents that day. A true and correct copy of that email is attached as
23 **Exhibit D**.

 12. Although I was aware that counsel for the Ballard Coalition had filed several
public disclosure requests, I was never contacted by Ballard Coalition's counsel for assistance
expediting those responses.

1 13. On August 10, 2017, SDOT served its responses and objections to the Coalition's
2 Discovery, including both a general objection and specific objections to the overly burdensome
3 nature of the requests. Attached is a true and correct copy of the email transmitting the City's
4 Response to the Ballard Coalition's Discovery (Discovery Response) and a copy of the City's
5 Discovery Response as **Exhibit E**.

6 14. When the Coalition complained about delay, I offered to meet and confer on
7 August 11, 2017. A true and correct copy of that email is attached as **Exhibit F**.

8 15. The Coalition did not respond to my offer to meet and confer.

9 16. On two occasions, the City offered to work with the Ballard Coalition to narrow
10 their request in order to expedite the response. A true and correct copy of those emails are
11 attached as **Exhibits F and G**.

12 17. The Ballard Coalition did not respond to my request to narrow their Discovery
13 request to expedite SDOT's response.

14 18. To date, the City has produced 21,345 documents through its document
15 management software and numerous other materials have been produced outside that system,
16 including CAD and AutoTURN files, days' worth of video data, google earth images, etc.

17 19. While reviewing documents to help the City prepare its preliminary witness and
18 exhibit lists, a Project consultant discovered that a small number of documents had not been
19 produced in response to the Coalitions Discovery. The 62 newly discovered documents were
20 produced on September 12, 2017. Approximately half of the documents consisted of data that
21 was duplicative of data the Coalition had already received in an earlier installment. A true and
22 correct copy of the email transmitting the City's Supplemental Response to Coalitions Discovery
23 is attached as **Exhibit H**.

 20. The Coalition has proposed deposing eight City representatives. A true and
correct copy of the email from the Coalition regarding depositions is attached as **Exhibit I**.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

21. The City has offered numerous times to make Mark Mazzola, Mark Johnson, and Morgan Shook available for depositions on the dates proposed by the Coalition and offered again on a phone conference with all the parties on September 19, 2017. A true and correct copy of the City's emails offering to make Mr. Mazzola, Mr. Johnson, and Mr. Shook available are attached as **Exhibit J**.

22. During a phone conference on September 19, 2017, counsel for the Ballard Coalition represented that they could not schedule depositions until after they had finished reviewing the City's production of documents.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 22nd day of September, 2017.

PETER S. HOLMES
Seattle City Attorney


By: /s/Erin E. Ferguson, WSBA #39535

EXHIBIT A

From: Megan Manion
To: [Ferguson, Erin](#); [Reise, Alicia L](#)
Cc: [Josh Brower](#); [Danielle Granatt](#); [Leah Silverthorn](#); [Patrick Schneider](#)
Subject: Seattle Hearing Examiner W-17-004 In re the matter of The Ballard Coalition
Date: Friday, June 30, 2017 4:40:25 PM
Attachments: [First Set Rogs & RFPs to SDOT.DOCX](#)
[First Set Rogs & RFPs to SDOT.PDF](#)

Dear Erin,
Attached please find discovery for the matter referenced above.

Best,
Megan Manion
Legal Assistant
Marketing Director
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
Direct: (206) 535-6013
Main: (206) 829-9590
megan@verislawgroup.com
www.verislawgroup.com

 Please consider the environment before printing this email.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of
THE BALLARD COALITION
Of adequacy of the FEIS issued by the Director,
Seattle Department of Transportation

Hearing Examiner File: **W-17-004**

**PETITIONERS' FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO
RESPONDENTS THE CITY OF
SEATTLE AND THE SEATTLE
DEPARTMENT OF TRANSPORTATION**

TO: CITY OF SEATTLE and the SEATTLE DEPARTMENT OF
TRANSPORTATION

AND TO: ERIN FERGUSON
ASSISTANT CITY ATTORNEY
SEATTLE CITY ATTORNEY'S OFFICE
701 5TH AVE. SUITE 2000
SEATTLE, WA 98104
ERIN.FERGUSON@SEATTLE.GOV

Pursuant to HER 3.11, CR and KCLR 26 and 33, and CR 34, please answer the following
interrogatories and requests for production, (collectively, "Discovery Requests"), separately and
fully, under oath, within thirty (30) days after the date of service of these Discovery Requests, by
serving the answers, documents, and other responses upon Veris Law Group PLLC,
1809 Seventh Avenue, Suite 1400, Seattle, Washington 98101, the attorneys for the Ballard
Coalition.

PETITIONERS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION ISSUED TO RESPONDENT THE
CITY OF SEATTLE AND SDOT

1 **I. INSTRUCTIONS AND DEFINITIONS**

2 A. The answer to each Discovery Request shall include such knowledge as is within
3 your custody, possession, or control, including but not limited to, knowledge and documents in
4 your custody, possession, or control, or that of associated or related organizations, or those under
5 common control of your consultants, accountants, attorneys, and other agents. When facts set
6 forth in answers or portions thereof are supplied upon information and belief rather than actual
7 knowledge, you shall so state, and specifically describe or identify the source or sources of such
8 information and belief. Should you be unable to answer any Discovery Request or portion
9 thereof by either actual knowledge or upon information and belief, you should describe your
10 efforts to obtain such information.
11

12 B. In response to each Discovery Request, if you do not answer the Discovery
13 Request in whole or in part because you are unable to do so or otherwise, identify each person
14 whom you believe has information regarding the subject of such Discovery Request.
15

16 C. These Discovery Requests shall be deemed to be continuing, and any additional
17 information relating in any way to these Discovery Requests which you acquire subsequent to
18 the date of answering these Discovery Requests, and up to and including the time of trial, shall
19 be furnished to the Ballard Coalition promptly after such information is acquired, as
20 supplemental answers to these Discovery Requests.
21

22 D. For the purpose of these Discovery Requests:

23 1. The term “*document*” shall mean any book, map, drawing, plan set,
24 survey, engineering drawing or diagram, pamphlet, periodical, letter, report, memorandum,
25 notation, list, message, telegram, cable, email, facsimile, record, study, working paper, chart,

1 graph, photograph, film, index, tape, correspondence, spreadsheet, transcriptions or taping of
2 telephone or personal conversations or conferences, and any and all other written, printed, typed,
3 punched, taped, filmed, or graphic matter, or tangible thing, however produced or reproduced,
4 whether in paper or electronic form. The term “document” shall include any amendments to the
5 requested document. Documents shall be produced in their native format, with all metadata
6 intact.
7

8 2. The term “*identify*” or “*identification*” when used in reference to an
9 individual person shall mean to state the person’s full name, present or last known home and
10 business address, occupation, employer, relationship to any party, and home and business
11 telephone numbers.
12

13 3. The term “*identify*” or “*identification*” when used in reference to a
14 corporation or other entity shall mean to state the corporation or entity’s full name, present or
15 last known address, relationship to any party, individual point of contact at that corporation or
16 entity, and telephone numbers.
17

18 4. The term “*identify*” or “*identification*” when used in reference to a
19 document means to state the date and author(s), signer(s), intended recipient(s), and its present or
20 last known location or custodian. If any such document was, but is no longer, in your possession
21 or subject to your control, state what disposition was made of it, and the reason for such
22 disposition.
23

24 5. The term “*identify*” or “*identification*” when used in reference to an oral
25 communication shall mean to state the names, addresses, and telephone numbers of the persons

1 engaged in such communication, the times and places when and where such communication took
2 place, the medium of the communication, and the substance of each such communication.

3 6. The term “*identify*” or “*identification*” when used in reference to an event
4 or transaction shall mean to state the names, addresses, and telephone numbers of the persons
5 involved, the dates on which such events or transactions took place, and the full description of
6 the substance of such events or transactions.

7
8 7. The term “*identify*” or “*identification*” when used in reference to a date
9 shall mean to state the calendar day or days on which the event referred to occurs.

10 8. The term “*identify*” or “*identification*” when used in reference to real
11 property shall mean to state the address and tax parcel identification number of the real property.

12 9. The term “*identify*” or “*identification*” when used in reference to any other
13 matter in these Discovery Requests shall mean to state all information and data regarding the
14 description and substance of the matter involved, up to and including the limits of reasonableness
15 and relevance as provided by law.

16 10. The term “*communication*” means any conversation, meeting,
17 correspondence, conference, electronic mail, and any other means or manner by which
18 information or opinion is or was communicated to or received from others, whether written or
19 oral.
20

21 11. The term “*person*” means any individual, corporation, company,
22 partnership, association, joint venture, commercial entity, governmental entity, municipality,
23 firm, commission, or agency.
24
25

1 12. The term “*you*” shall mean the City of Seattle, its executive the Mayor,
2 and its agencies, including but not limited to, the Department of Transportation (“SDOT”).

3 13. The terms “*and*” and “*or*” shall be understood in both the conjunctive and
4 disjunctive sense, synonymous with “and/or.”

5 14. The terms “*any*” and “*all*” shall be understood in their most inclusive
6 sense, synonymous with “any or all.”

7 15. The term “*FEIS*” shall mean the Final Environmental Impact Statement,
8 Burke-Gilman Trail Missing Link Project, issued by the Seattle Department of Transpiration
9 (SDOT) on May 25, 2017.

10 16. The term “*DEIS*” shall mean the Draft Environmental Impact Statement,
11 Burke-Gilman Trail Missing Link Project, issued by SDOT on or about June 16, 2016.
12

13 17. The term “*Missing Link*” shall mean the Burke-Gilman Trail Missing Link
14 Project, defined by SDOT in the FEIS.
15

16 18. The term “*New Segment*” shall mean that portion of the Preferred
17 Alternative (defined in the FEIS) located between the Shilshole South Alternative (defined in the
18 FEIS) and NW Market Street in Ballard.

19 19. The term “*Environmental Impacts*” shall mean and be synonymous with
20 “impacts” as that term is defined in the State Environmental Policy Act (“SEPA”), Chapter
21 43.21C RCW and WAC 197-11-700.
22

23 20. The term “*Significant Environmental Impacts*” shall having the meaning
24 defined in WAC 197-11-794.
25

1 E. In answering these Discovery Requests, furnish all information and documents
2 available to you, including information and documents that are in the possession of your agents,
3 representatives, attorneys or former attorneys, or are otherwise within your possession, custody,
4 or control.

5 F. If you object to any part of a Discovery Request, respond to all parts of such
6 Discovery Request to which you do not object, and as to each part to which you do object, set
7 forth the basis for each objection. For each document you assert to be privileged or otherwise
8 excludable from production, provide the following information: the author(s), the recipient(s),
9 the date, the type of document (e.g., memorandum, letter, chart, etc.), a general description of the
10 document, the privilege being claimed, and the grounds for the privilege claim.

11 G. If any Discovery request seeks documents formerly in your possession, custody,
12 or control that have been discarded, misplaced, lost, destroyed, or otherwise placed outside your
13 custody or control, identify the document and describe its contents in detail and state when the
14 document was discarded, misplaced, lost, destroyed, or otherwise placed outside your custody or
15 control. If the document was destroyed, identify each person with knowledge of its destruction,
16 each person requesting or performing the destruction, the reasons for its destruction, and each
17 document that refers or relates to either the existence of or destruction of the document. For each
18 document that was discarded, misplaced, lost, or otherwise placed outside your custody or
19 control, explain all circumstances in relation to the loss of the document and identify each person
20 with knowledge regarding those circumstances.
21
22
23
24
25

1 H. The singular shall include the plural and vice versa and the conjunctive shall
2 include the disjunctive and vice versa. References to the masculine, feminine, or neuter gender
3 shall include the neuter, feminine and masculine genders, as the context requires.

4 **II. DISCOVERY REQUESTS**

5 **A. INTERROGATORIES**

6 **INTERROGATORY NO. 1:** Identify each person who contributed to, evaluated,
7 or assisted with preparing your Responses to this first set of Discovery Requests and for each
8 person:
9

- 10 a) Identify the person; and
11 b) For each person, identify which Response they contributed to, evaluated or assisted
12 with; and
13 c) For each such Response identify with specificity what each person did to contribute,
14 evaluate or assist with preparing each and every such Response.
15

16 **RESPONSE:**

17
18
19
20
21 **INTERROGATORY NO. 2:** For the Draft EIS, identify each person not already listed
22 in the DEIS who, between January 1, 2013 and June 16, 2016:

- 23 a) Contributed to, evaluated, or assisted with screening, defining, creating and drafting
24 the Project Objective as stated in Section 1.2 of the DEIS; and
25

- 1 b) Contributed to, evaluated, assisted with, organized, hosted, directed, lead, facilitated,
2 or participated in the charrette-styled workshop held in March 2015 as disclosed on page
3 1-4 of the DEIS; and
4
5 c) Contributed to, evaluated, or assisted in making the decision to exclude “Protected
6 Bicycle Lanes” as an “Alternative Considered but Not Included” in the DEIS as stated on
7 page 1-28; and
8
9 d) Contributed to or assisted with the evaluation or drafting of the discussion of
10 Environmental Impacts of the Missing Link as stated in the DEIS; and
11
12 e) Contributed to or assisted with the evaluation or drafting of the discussion of “safety”
13 in the DEIS; and
14
15 f) For each person so identified, describe with specificity what each person did regarding
16 your Responses above.

17
18 **RESPONSE:**

19 **INTERROGATORY NO. 3:** For the FEIS, identify each person who, between June 16,
20 2016 to May 25, 2017:

- 21 a) Contributed to, evaluated, or assisted with screening, defining, creating and drafting
22 the Project Objective as stated in Section 1.2 of the FEIS; and
23
24 b) Contributed to, evaluated, assisted with, organized, hosted, directed, lead, facilitated,
25 or participated in any meetings, workshops or other gatherings where you “developed an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

additional Build Alternative, identified as the Preferred Alternative...” as stated on page 1-5 of the FEIS; and

c) Contributed to, evaluated, or assisted you in conducting “further evaluation of the merits of each alternative....and determin[ing] that the Shilshole South Alternative best meets the project objectives...” as stated in Section 1.4.2 of the FEIS on page 1-5; and

d) Contributed to, participated in, were part of, or assisted you in “discussions with transportation and trail experts, bicycle and trail advocacy groups, and representatives from Ballard maritime, industrial and commercial businesses about which alignments....would work best for trail users and businesses along the route” as stated in Section 1.4.2 of the FEIS on page 1-7, including, without limit, identify all transportation and trail experts, bicycle and trail advocacy groups, and representatives from Ballard maritime, industrial and commercial businesses; and

e) Contributed to or assisted with the evaluation or drafting of the discussion of Environmental Impacts of the Missing Link as stated in the FEIS; and

f) Contributed to or assisted with the evaluation or drafting of the discussion of “safety” in the FEIS; and

g) For each person so identified, describe with specificity what each person did regarding your Responses above.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INTERROGATORY NO. 4: Identify all people who participated in, contributed to or advised you in “[u]ltimately deciding that the Preferred Alternative...best meets the project objectives, but with some modifications to that route” as stated in Section 1.4.2 of the FEIS on page 1-7 and, for each such person identify with specificity what he or she did to so advise you, and identify all documents you relied upon in making that decision, and identify the “modifications to that route” and the basis for such modifications.

RESPONSE:

INTERROGATORY NO. 5: Identify each person who, between March 2015 to December 2015, contributed to, participated in, lead, facilitated, attended or assisted you in the “[s]everal workshops” held after March 2015 where you refined trail details and crossings as stated on page 1-4 of the FEIS, and for each such person identify with specificity their participation and contribution, and identify the documents you relied upon, used, reviewed or considered at the several workshops held after March 2015.

RESPONSE:

1 **INTERROGATORY NO. 6:** Identify the level of design (i.e., 0%, 10%, 20%,
2 30%, etc.) of:

- 3 a) Each alternative route discussed, reviewed and analyzed in the DEIS; and
4 b) Each alternative route, including, without limit, the Preferred Alternative, discussed,
5 reviewed and analyzed in the FEIS; and
6 c) Identify all documents, including, without limit, plans, maps and drawings, upon
7 which you relied and that show the level of design for each alternative route and the
8 Preferred Alternative as stated in your Responses above.

9
10 **RESPONSE:**

11
12
13
14
15 **INTERROGATORY NO. 7:** Identify how each alternative route discussed,
16 reviewed and analyzed in the DEIS and each alternative route, including without limit, the
17 Preferred Alternative, discussed, reviewed and analyzed in the FEIS is, as stated in Section 1.7.1
18 of the FEIS on page 1-3:

- 19 a) Is based upon and complies with the “standards and guidelines” in and
20 “consistently follows” SDOT’s Right of Way Improvements Manual; and
21 b) Is based upon and complies with the “standards and guidelines” in and
22 “consistently follows” the national guidelines developed by the American Association of
23 State Highway and Transportation Officials (AASHTO); and
24
25

- 1 c) Is based upon and complies with the “standards and guidelines” in and
2 “consistently follows” the national guidelines developed by the National Association of
3 City Transportation Officials (NACTO); and
4
5 d) Is based upon and complies with the “standards and guidelines” in and
6 “consistently follows” the national guidelines developed by the Federal Highway
7 Administration (FHWA); and
8
9 e) Identify all documents that support your contention as stated in Section 1.7.1 of
10 the FEIS on page 1-3 that SDOT’s design process for each alternative route discussed,
11 reviewed and analyzed in the DEIS and each alternative route, including without limit,
12 the Preferred Alternative, discussed, reviewed and analyzed in the FEIS complies with
13 and consistently follows standards and guidelines issued or adopted by SDOT, AASHTO,
14 NATCO or the FHWA.

15 **RESPONSE:**

16
17
18
19 **INTERROGATORY NO. 8:** Identify what you did “in November and December
20 2016” to collect “additional intersection and driveway data” in the “study area” as stated on page
21 1-17 of the FEIS, including;

- 22
23 a) Identify each person who contributed to, participated in, managed, or collected
24 additional intersection and driveway data in the study area; and
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

b) How you and each person identified above participated in, managed, or collected additional intersection and driveway data in the study area; and

c) What collection tools, instruments, types of measurements, data, and equipment you and each person identified collected additional intersection and driveway data in the study area; and

d) Identify all documents, including raw data files, related in any way to your and each person identified above collection of additional intersection and driveway data in the study area.

RESPONSE:

INTERROGATORY NO. 9: Identify what you did to complete an AutoTURN analysis to “determine if the design of the Build Alternatives would affect freight access to businesses in the study area” as stated on page 1-17 of the FEIS, including identifying the person or people who gathered the information and data used in the AutoTURN analysis, how they gathered that data and information, what data and information they gathered, how it was used, the number of driveways/businesses for which you completed an AutoTURN analysis, and identify all documents, including raw data files, related in any way to the AutoTURN analyses identified above.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RESPONSE:

INTERROGATORY NO. 10: List all of the intersections and driveways not already listed in the FEIS for which SDOT conducted an AutoTURN analysis, regardless of whether that analysis was finalized or used in the DEIS or FEIS.

RESPONSE:

INTERROGATORY NO. 11: Identify and describe with specificity what you did to “better compare and understand the differences among the alternatives as analyzed in the DEIS, and to inform development of the Preferred Alternative presented in the FEIS,” as stated in Section 1.8, page 1-27, including identify each person who aided or assisted you in doing so, what each person did, and how you and each such person examined driveways, intersections, sight line concerns, traffic/roadway changes, and nonmotorized considerations, and identify all documents you and each person relied upon in doing so.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RESPONSE:

INTERROGATORY NO. 12: Identify and describe with specificity the basis for the statement in the FEIS in Chapter 4, page 4-22, that “the portion of the Preferred Alternative that runs along Shilshole Ave NW could cause minor impacts to water-dependent and industrial uses...” including identifying all documents, data, studies, interviews and other information that supports and is the basis for this statement and identify all mitigation measures, if any, you propose to ensure the Preferred Alternative will not cause significant adverse Environmental Impacts to water-dependent and industrial uses in the study area.

RESPONSE:

INTERROGATORY NO. 13: For each statement in the FEIS that indicates that an alternative will cause adverse Environmental Impacts to the Ballard Farmers Market or the Ballard Landmarks District, please identify with specificity the type and timing of such impacts, and identify all documents and information supporting such your conclusions.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INTERROGATORY NO. 14: Identify the locations for each alternative at which you have evaluated or determined that “sight lines may not meet industry standards” and identify all documents that support this statement.

RESPONSE:

INTERROGATORY NO. 15: For each statement in the FEIS that indicates driveways, businesses, or other operations will need to be delayed, permanently closed, relocated, or otherwise altered as a result of the operation of the Missing Link along the Preferred Alternative, please identify with specificity the location, timing, and all information you considered in determining the need for such closure, relocation, or alteration, and identify all documents that support your statement and determination.

RESPONSE:

1 **INTERROGATORY NO. 16:** Identify all information and documents that you
2 considered, evaluated, or upon which you otherwise relied for the following statements in the
3 FEIS:

4 a) “none of the Build Alternatives are expected to displace existing uses or cause changes
5 that would result in the loss of a business. Impacts are not expected to affect business
6 operating costs to the extent that they would be unable to operate.”

7 b) “Required adjustments and delays could increase costs for businesses, but are not
8 expected to cause significant impacts because businesses would likely adjust their
practices around these areas.”

9 c) “While additional delays in access and freight movement may occur, the trail would
10 not prohibit access to any properties, and impacts from the trail would not be significant.”

11 **RESPONSE:**

12
13
14
15 **INTERROGATORY NO. 17:** Identify all information and documents you
16 considered, evaluated, or relied upon to determine driveway operations, vehicle types, driveway
17 usage by time of day, week and year, frequently of driveway users, number of driveways, and
18 estimated vehicle volumes along the Preferred Alternative, the Shilshole South Alternative and
19 the Leary Alternative evaluated in the DEIS or FEIS as the case may be.

20 **RESPONSE:**

1 **INTERROGATORY NO. 18:** Will you obtain a Shoreline Substantial Development for
2 the Preferred Alternative for the Missing Link evaluated in the FEIS or do you contend it is
3 exempt from such a permit requirement? If your answer that it is exempt, please identify the
4 basis for your answer and all documents and information that support it.
5

6 **RESPONSE:**
7
8
9
10

11 **INTERROGATORY NO. 19:** Identify what you did “in 2016 and 2017” to collect
12 additional traffic and parking data in the study area as stated on page 7-2 of the FEIS, including
13 identifying each person who contributed to, participated in, managed, or collected such
14 additional data, how you and each person identified above participated in, managed, or collected
15 such additional data, what collection tools, instruments, types of measurements, data, and
16 equipment you and each person identified used to collect such additional data, and identify all
17 documents, including raw data files, related in any way to your and each person identified above
18 collection of additional data.
19

20 **RESPONSE:**
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

B. FIRST SET OF REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents that you consulted, considered, relied upon, were identified or otherwise support your Response to Interrogatory No.

1.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents that you consulted, considered, relied upon, were identified or otherwise support your Response to Interrogatory No.

2.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents that you consulted, considered, relied upon, were identified or otherwise support your Response to Interrogatory No.

3.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all documents that you consulted, considered, relied upon, were identified or otherwise support your Response to Interrogatory No.

4.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 5: Produce all documents that you consulted, considered, relied upon, were identified or otherwise support your Response to Interrogatory No. 5.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all documents that you consulted, considered, relied upon, were identified or otherwise support your Response to Interrogatory No. 6.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 7.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 8: Produce all documents that you identified, including raw data files, in your Response to Interrogatory No. 8.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all AutoTURN documents, CAD files, raw data files, surveys and any other documents prepared between January 2013 to May 2017 related in any way to your Response to Interrogatory No. 9, the DEIS and the FEIS.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 11.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 11: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 12.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 13.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 14.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 15.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 15: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 16.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 17.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all documents that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 18.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all documents, including raw data files, that you identified, consulted, considered, relied upon or otherwise support your Response to Interrogatory No. 19.

RESPONSE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 19: Produce all drafts of the DEIS and all of its

Technical Appendices prepared between January 2013 and June 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all drafts of the FEIS and all of its

Technical Appendices prepared between June 2016 and May 2017.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: To the extent not otherwise produced in

response to Requests for Production 1- 20 above, produce all drafts of all evaluations, data collections, studies, or other reports that you considered, evaluated, or relied upon that relate to the Environmental Impacts of the Missing Link, whether or not they are referenced in the DEIS or FEIS and were prepared between January 2013 and May 2017.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 22:** Produce all documents that relate to or that
2 you relied upon for your analysis of Environmental Impacts of the New Segment of the Preferred
3 Alternative discussed and described in the FEIS.

4 **RESPONSE:**

5
6
7
8
9
10 **REQUEST FOR PRODUCTION NO. 23:** Produce all computer-aided design (CAD),
11 base design, or similar drawings, figures, tables, and other data, in native format, that you
12 consulted, evaluated, or referenced in connection with the preparing the AutoTURN analysis or
13 your evaluation of Environmental Impacts in the DEIS and the FEIS.

14 **RESPONSE:**

15
16
17
18
19
20 **REQUEST FOR PRODUCTION NO. 24:** Produce all documents that relate to
21 communication between SDOT and the Seattle Department of Construction and Inspections
22 (previously the Seattle Department of Planning and Development) related to the Missing Link
23 from January 2013 to the present including, without limit, any communication, permit
24
25

1 application or other documents related to compliance with or exemption from the requirement to
2 obtain a Shoreline Substantial Development permit for the Missing Link.

3 **RESPONSE:**
4
5
6
7
8

9 **REQUEST FOR PRODUCTION NO. 25:** Produce all documents that relate to
10 communications between you and any member or representative of the Cascade Bicycle Club
11 related to the Missing Link from January 2013 to the present.
12

13 **RESPONSE:**
14
15
16
17

18 **REQUEST FOR PRODUCTION NO. 26:** Produce all documents that relate to all
19 communications between the office of the Seattle City Attorney and attorneys for or other
20 representatives of the Cascade Bicycle Club related to the Missing Link from December 2012 to
21 the present.
22

23 **RESPONSE:**
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 27: Produce all documents related to the Burke-Gilman Trail Missing Link Design Advisory Committee prepared since September 1, 2016 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all documents that relate to any analysis, evaluation, consideration, or discussion of alternatives for completing the Missing Link considered but not included in the DEIS or the FEIS.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: To the extent not otherwise included in the FEIS, produce all documents, including without limit, unpublished drafts, working copies, notes, memoranda, and any other document prepared between January 2013 and May 2017 with regard to the following:

- 1 a) ECONorthwest, Economic Considerations report for the Burke-Gilman Trail
2 Missing Link;
- 3 b) ESA, Land Use Discipline Report for the Burke-Gilman Trail Missing Link;
- 4 c) Parametrix, Transportation Discipline Report for the Burke-Gilman Trail Missing
5 Link;
- 6 d) Parametrix, Parking Discipline Report for the Burke-Gilman Trail Missing Link;
- 7 e) Cole, Byron, January 28, 2016 telephone interview;
- 8 f) Fehr & Peers and SvR Design Company, 2011, University of Washington Burke-
9 Gilman Trail Corridor Study;
- 10 g) IDAX, 2015 and 2017 Burke-Gilman Trail Missing Link EIS Transportation Data
11 Collection;
- 12 h) SDOT, Burke-Gilman Trail Missing Link EIS Turning Movement Data;
- 13 i) SDOT, Burke-Gilman Trail EIS Daily Vehicle Count Traffic Data;
- 14 j) SDOT, Burke-Gilman Trail EIS Bicycle Volume Data; and
- 15 k) IDAX, Burke-Gilman Trail Missing Link EIS Parking Study.

16
17
18 **RESPONSE:**

19
20
21
22 **REQUEST FOR PRODUCTION NO. 30:** Other than as reproduced in their entirety
23 in the FEIS, produce all documents that relate to traffic collisions or near-misses between traffic,
24 pedestrians, and cyclists in the study area, as defined in Chapter 7 of the FEIS.

25 **RESPONSE:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUEST FOR PRODUCTION NO. 31: Produce all documents prepared between January 2013 and May 2017 that relate in any way to the discussion and evaluation of “safety” as that term is used throughout the DEIS and the FEIS.

RESPONSE:

VERIS LAW GROUP PLLC and
FOSTER PEPPER PLLC

/s/ Joshua Brower
Patrick J. Schneider, WSBA No. 11957
Joshua C. Allen Brower, WSBA No. 25092
Leah B. Silverthorn, WSBA No. 51730
Danielle Granatt, WSBA No. 44182
Attorneys for the Ballard Coalition

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VERIFICATION

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

_____, being first duly sworn upon oath, deposes and says:

I am the _____ of Respondent and authorized to sign this document on its behalf. I have read the above and foregoing **PETITIONERS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO RESPONDENT, THE CITY OF SEATTLE, AND RESPONSES THERETO**, know the contents thereof and believe the same to be true.

Signature

Print Name

SIGNED AND SWORN to before me this _____ day of _____, 2017.

Notary Public in and for the State of

Residing at _____

My Commission expires: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEY CERTIFICATION

The undersigned attorneys for Respondent the City of Seattle have read the foregoing **PETITIONERS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO RESPONDENT, THE CITY OF SEATTLE, AND RESPONSES THERETO**, know and hereby certify that they are in compliance with CR 26(g).

DATED this ____ day of _____, 2017.

CITY OF SEATTLE

Erin Ferguson
Assistant City Attorney, City of Seattle

4830-6943-2906, v. 2

EXHIBIT B

From: Ferguson, Erin <Erin.Ferguson@seattle.gov>
Sent: Wednesday, July 05, 2017 4:47 PM
To: Brower, Josh (josh@verislawgroup.com); 'Pat Schneider'
Cc: 'Cohen, Matthew'
Subject: BGT Missing Link Appeal

Hi Josh and Pat,

In advance of tomorrow's prehearing conference, I wanted to give you a heads up that the City is working to hire outside counsel to join me in representing the City in this matter. Although I'd hoped to have that all buttoned up before tomorrow, the intervening holiday and other factors mean it will likely be a day or so before we can actually put in a notice of appearance of additional counsel. The attorney we are looking to hire is Tadas Kisielius, whom I believe you both know – he will likely attend the prehearing conference to observe, but is not yet representing the City.

Also, what you are thinking about timing/schedule? The City does intend to file pre-hearing motions and has some witness scheduling conflicts in September/early October, so we were looking at either the week of September 25th or – more likely – the week of October 16th for the hearing. Would that work for you and your clients? If so, we can propose that to the Examiner and work together on the remainder of the deadlines, including a briefing schedule for motions, discovery cut-off, preliminary/final witness and exhibit list exchanges, etc. Also, I assume you would like prehearing and closing briefing? I will be on email this evening and will plan to arrive a few minutes early tomorrow to discuss, if you'd like.

Best,
Erin



Erin E. Ferguson
Assistant City Attorney
Land Use Section

Seattle City Attorney's Office
Civil Division
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097
Phone: 206-684-8615
FAX: 206-684-8284
Erin.Ferguson@seattle.gov

**** Please be aware that I am out of the office on Fridays.*

CONFIDENTIALITY STATEMENT: This message may contain information that is protected by the attorney-client privilege, the attorney work product doctrine, or by other confidentiality provisions. If this message was sent to you in error, any use, disclosure, or distribution of its contents is prohibited. If you receive this message in error, please contact me at the telephone number or e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you.

EXHIBIT C

From: Leah Silverthorn
To: [Ferguson, Erin](#); [Josh Brower](#); [Danielle Granatt](#); [Megan Manion](#)
Cc: ["Pat Schnieder" \(SchnP@foster.com\)](#); [Menzel, Laurie](#)
Subject: RE: discovery response
Date: Wednesday, July 26, 2017 12:11:00 PM
Attachments: [image002.jpg](#)
[image003.png](#)
[image004.png](#)

Hi Erin,

Thanks for checking. Yes, for files maintained as paper documents, a scanned copy is sufficient. For documents maintained as electronic documents, please provide in their native format with metadata intact.

Where possible, we request that you deliver all documents as a Concordance load file. If you have any non-substantive technical questions about delivering the responsive documents via a load file, please contact Kayann Fitzgerald at 206-447-6478. Please feel free to call me with any other questions about the discovery.

Thank you,
Leah

Leah B. Silverthorn
Veris Law Group PLLC
1809 Seventh Avenue, Suite 1400
Seattle, WA 98101
(206) 535-6012 – Direct
(206) 829-9590 – Main
(206) 829-9245 – Fax
Leah@verislawgroup.com
www.verislawgroup.com

Confidentiality Notice: This email is confidential and may be attorney-client privileged. If you are not the intended recipient, please do not print, copy, retransmit, or otherwise use any information in this email. Please indicate to the sender that you have received this email in error and delete the copy you received.

IRS Circular 230 Disclosure: Any federal tax advice contained in this email is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another person any tax-related matter.

 Please consider the environment before printing this email.

HUNGER DOESN'T HAVE TO HAPPEN

Be a [SUPERHERO](#) this summer!





From: Ferguson, Erin [mailto:Erin.Ferguson@seattle.gov]
Sent: Tuesday, July 25, 2017 4:00 PM
To: Josh Brower; Danielle Granatt; Megan Manion; Leah Silverthorn
Cc: 'Pat Schnieder' (SchnP@foster.com); Menzel, Laurie
Subject: discovery response

Hi All,

The City is working to compile our response to your discovery request and I have a few questions. First, I assume all electronic v. hard copies of all the responsive documents is acceptable – correct? And what document management software do you use? If you let me know, we can try to save our production in a format that will work with your software, such as summation, concordance, etc.

Please let me know.

Thanks,
Erin



Erin E. Ferguson
Assistant City Attorney
Land Use Section

Seattle City Attorney's Office
Civil Division
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097
Phone: 206-684-8615
FAX: 206-684-8284
Erin.Ferguson@seattle.gov

**** Please be aware that I am out of the office on Fridays.*

CONFIDENTIALITY STATEMENT: This message may contain information that is protected by the attorney-client privilege, the attorney work product doctrine, or by other confidentiality provisions. If this message was sent to you in error, any use, disclosure, or distribution of its contents is prohibited. If you receive this message in error, please contact me at the telephone number or e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you.

EXHIBIT D

From: Ferguson, Erin <Erin.Ferguson@seattle.gov>
Sent: Monday, July 31, 2017 10:27 AM
To: Brower, Josh (josh@verislawgroup.com); Danielle Granatt <danielle@verislawgroup.com> (danielle@verislawgroup.com); Pat Schneider; Megan Manion; Leah Silverthorn
Cc: Tadas Kisielius; Cohen, Matthew; Reise, Alicia L; Menzel, Laurie; Dale N. Johnson
Subject: Discovery Response

As I indicated in an email last week, the City is working hard to compile its response to your extensive discovery request. I am also aware that City departments are working to respond to somewhat related public disclosure requests. Although our response to your discovery request is not yet complete, I am sending over a CD with our first installment of documents in response to your RFPs today. The City does not waive any objections to the interrogatories or RFPs with this production. I anticipate being able to provide responses to the interrogatories within the week and we will continue to produce responsive documents in installments as quickly we are able.

One question, for now: we have over 500GB of video of driveways along the Missing Link corridor. Do you want that? If so, we can either make it available for viewing on a computer at our office or if you provide an adequate external hard drive, we can copy it over for you. Let us know.

Thanks,
Erin



Erin E. Ferguson
Assistant City Attorney
Land Use Section

Seattle City Attorney's Office
Civil Division
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097
Phone: 206-684-8615
FAX: 206-684-8284
Erin.Ferguson@seattle.gov

**** Please be aware that I am out of the office on Fridays.*

CONFIDENTIALITY STATEMENT: This message may contain information that is protected by the attorney-client privilege, the attorney work product doctrine, or by other confidentiality provisions. If this message was sent to you in error, any use, disclosure, or distribution of its contents is prohibited. If you receive this message in error, please contact me at the telephone number or e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you.

EXHIBIT E

From: Ferguson, Erin <Erin.Ferguson@seattle.gov>
Sent: Thursday, August 10, 2017 4:26 PM
To: Brenda Bole; matthew.cohen@stoel.com; rachel.cox@stoel.com; sharman.loomis@stoel.com; Shore, Judy A. (judy.shore@stoel.com); Reise, Alicia L; Tadas Kisielius; Dale N. Johnson; Clara Park; Marya A. Pirak
Cc: Johnson, Alayna; Pat Schneider; 'josh@verislawgroup.com'; leah@verislawgroup.com; danielle@verislawgroup.com
Subject: RE: The Ballard Coalition Seattle Hearing Examiner Case No. W 17-004 - DISCOVERY RESPONSE
Attachments: RESPONSES TO First Set Rogs RFPs to SDOT.pdf

Please see the City's Response to Ballard Coalition's First Set of Interrogatories and Requests for Production. I can follow with a copy with my real signature next week, if you'd like, but I'm sending this with an electronic signature now to expedite our response, since I don't currently have access to a scanner.

Best,
Erin



Erin E. Ferguson
Assistant City Attorney
Land Use Section

Seattle City Attorney's Office
Civil Division
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097
Phone: 206-684-8615
FAX: 206-684-8284
Erin.Ferguson@seattle.gov

**** Please be aware that I am out of the office on Fridays.*

CONFIDENTIALITY STATEMENT: This message may contain information that is protected by the attorney-client privilege, the attorney work product doctrine, or by other confidentiality provisions. If this message was sent to you in error, any use, disclosure, or distribution of its contents is prohibited. If you receive this message in error, please contact me at the telephone number or e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you.

From: Brenda Bole [<mailto:brenda.bole@foster.com>]
Sent: Thursday, August 10, 2017 2:35 PM
To: matthew.cohen@stoel.com; rachel.cox@stoel.com; sharman.loomis@stoel.com; Shore, Judy A. (judy.shore@stoel.com) <judy.shore@stoel.com>; Ferguson, Erin <Erin.Ferguson@seattle.gov>; Reise, Alicia L <Alicia.Reise@seattle.gov>; 'tak@vnf.com' <tak@vnf.com>; 'dnj@vnf.com' <dnj@vnf.com>; 'cpark@vnf.com' <cpark@vnf.com>; 'map@vnf.com' <map@vnf.com>
Cc: Johnson, Alayna <Alayna.Johnson@seattle.gov>; Pat Schneider <pat.schneider@foster.com>; 'josh@verislawgroup.com' <josh@verislawgroup.com>; leah@verislawgroup.com; danielle@verislawgroup.com
Subject: The Ballard Coalition Seattle Hearing Examiner Case No. W 17-004

Attached please find a copy of The Ballard Coalition's Reply in Support of its Dispositive Motion and the Second Declaration of Patrick J. Schneider, as filed with the Seattle Hearing Examiner today. Please accept this copy as service per the agreement of the parties.

Brenda Bole
LEGAL SECRETARY

FOSTER PEPPER PLLC

1111 Third Avenue, Suite 3000
Seattle, WA 98101

brenda.bole@foster.com

Tel: 206-447-2885

Fax: 206-447-9700

foster.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of
THE BALLARD COALITION
Of adequacy of the FEIS issued by the
Director, Seattle Department of
Transportation

Hearing Examiner File: **W-17-004**

**PETITIONERS' FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO
RESPONDENTS THE CITY OF
SEATTLE AND THE SEATTLE
DEPARTMENT OF
TRANSPORTATION**

AND THE CITY'S RESPONSES

TO: CITY OF SEATTLE and the SEATTLE DEPARTMENT OF
TRANSPORTATION

AND TO: ERIN FERGUSON
ASSISTANT CITY ATTORNEY
SEATTLE CITY ATTORNEY'S OFFICE
701 5TH AVE. SUITE 2000
SEATTLE, WA 98104
ERIN.FERGUSON@SEATTLE.GOV

Pursuant to HER 3.11, CR and KCLR 26 and 33, and CR 34, please answer the following
interrogatories and requests for production, (collectively, "Discovery Requests"), separately and
fully, under oath, within thirty (30) days after the date of service of these Discovery Requests, by
serving the answers, documents, and other responses upon Veris Law Group PLLC, 1809 Seventh
Avenue, Suite 1400, Seattle, Washington 98101, the attorneys for the Ballard Coalition.

PETITIONERS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION ISSUED TO RESPONDENT THE 1
CITY OF SEATTLE AND SDOT
AND THE CITY'S RESPONSE

PLLC

Veris Law Group

1809 Seventh Avenue, Suite 1400
Seattle, Washington 98101
tel 206.829.9590 fax 206.829.9245

1 **I. INSTRUCTIONS AND DEFINITIONS**

2 A. The answer to each Discovery Request shall include such knowledge as is within
3 your custody, possession, or control, including but not limited to, knowledge and documents in
4 your custody, possession, or control, or that of associated or related organizations, or those under
5 common control of your consultants, accountants, attorneys, and other agents. When facts set forth
6 in answers or portions thereof are supplied upon information and belief rather than actual
7 knowledge, you shall so state, and specifically describe or identify the source or sources of such
8 information and belief. Should you be unable to answer any Discovery Request or portion thereof
9 by either actual knowledge or upon information and belief, you should describe your efforts to
10 obtain such information.
11

12 B. In response to each Discovery Request, if you do not answer the Discovery Request
13 in whole or in part because you are unable to do so or otherwise, identify each person whom you
14 believe has information regarding the subject of such Discovery Request.
15

16 C. These Discovery Requests shall be deemed to be continuing, and any additional
17 information relating in any way to these Discovery Requests which you acquire subsequent to the
18 date of answering these Discovery Requests, and up to and including the time of trial, shall be
19 furnished to the Ballard Coalition promptly after such information is acquired, as supplemental
20 answers to these Discovery Requests.
21

22 D. For the purpose of these Discovery Requests:

23 1. The term “*document*” shall mean any book, map, drawing, plan set, survey,
24 engineering drawing or diagram, pamphlet, periodical, letter, report, memorandum, notation, list,
25 message, telegram, cable, email, facsimile, record, study, working paper, chart, graph, photograph,

1 film, index, tape, correspondence, spreadsheet, transcriptions or taping of telephone or personal
2 conversations or conferences, and any and all other written, printed, typed, punched, taped, filmed,
3 or graphic matter, or tangible thing, however produced or reproduced, whether in paper or
4 electronic form. The term “document” shall include any amendments to the requested document.
5 Documents shall be produced in their native format, with all metadata intact.
6

7 2. The term “*identify*” or “*identification*” when used in reference to an
8 individual person shall mean to state the person’s full name, present or last known home and
9 business address, occupation, employer, relationship to any party, and home and business
10 telephone numbers.

11 3. The term “*identify*” or “*identification*” when used in reference to a
12 corporation or other entity shall mean to state the corporation or entity’s full name, present or last
13 known address, relationship to any party, individual point of contact at that corporation or entity,
14 and telephone numbers.

15 4. The term “*identify*” or “*identification*” when used in reference to a
16 document means to state the date and author(s), signer(s), intended recipient(s), and its present or
17 last known location or custodian. If any such document was, but is no longer, in your possession
18 or subject to your control, state what disposition was made of it, and the reason for such disposition.
19

20 5. The term “*identify*” or “*identification*” when used in reference to an oral
21 communication shall mean to state the names, addresses, and telephone numbers of the persons
22 engaged in such communication, the times and places when and where such communication took
23 place, the medium of the communication, and the substance of each such communication.
24
25

1 6. The term “*identify*” or “*identification*” when used in reference to an event
2 or transaction shall mean to state the names, addresses, and telephone numbers of the persons
3 involved, the dates on which such events or transactions took place, and the full description of the
4 substance of such events or transactions.

5 7. The term “*identify*” or “*identification*” when used in reference to a date shall
6 mean to state the calendar day or days on which the event referred to occurs.

7 8. The term “*identify*” or “*identification*” when used in reference to real
8 property shall mean to state the address and tax parcel identification number of the real property.

9 9. The term “*identify*” or “*identification*” when used in reference to any other
10 matter in these Discovery Requests shall mean to state all information and data regarding the
11 description and substance of the matter involved, up to and including the limits of reasonableness
12 and relevance as provided by law.

13 10. The term “*communication*” means any conversation, meeting,
14 correspondence, conference, electronic mail, and any other means or manner by which information
15 or opinion is or was communicated to or received from others, whether written or oral.

16 11. The term “*person*” means any individual, corporation, company,
17 partnership, association, joint venture, commercial entity, governmental entity, municipality, firm,
18 commission, or agency.

19 12. The term “*you*” shall mean the City of Seattle, its executive the Mayor, and
20 its agencies, including but not limited to, the Department of Transportation (“SDOT”).

21 13. The terms “*and*” and “*or*” shall be understood in both the conjunctive and
22 disjunctive sense, synonymous with “and/or.”

1 14. The terms “*any*” and “*all*” shall be understood in their most inclusive sense,
2 synonymous with “any or all.”

3 15. The term “*FEIS*” shall mean the Final Environmental Impact Statement,
4 Burke-Gilman Trail Missing Link Project, issued by the Seattle Department of Transportation
5 (SDOT) on May 25, 2017.
6

7 16. The term “*DEIS*” shall mean the Draft Environmental Impact Statement,
8 Burke-Gilman Trail Missing Link Project, issued by SDOT on or about June 16, 2016.

9 17. The term “*Missing Link*” shall mean the Burke-Gilman Trail Missing Link
10 Project, defined by SDOT in the FEIS.

11 18. The term “*New Segment*” shall mean that portion of the Preferred
12 Alternative (defined in the FEIS) located between the Shilshole South Alternative (defined in the
13 FEIS) and NW Market Street in Ballard.
14

15 19. The term “*Environmental Impacts*” shall mean and be synonymous with
16 “impacts” as that term is defined in the State Environmental Policy Act (“SEPA”), Chapter 43.21C
17 RCW and WAC 197-11-700.

18 20. The term “*Significant Environmental Impacts*” shall have the meaning
19 defined in WAC 197-11-794.
20

21 E. In answering these Discovery Requests, furnish all information and documents
22 available to you, including information and documents that are in the possession of your agents,
23 representatives, attorneys or former attorneys, or are otherwise within your possession, custody,
24 or control.
25

1 F. If you object to any part of a Discovery Request, respond to all parts of such
2 Discovery Request to which you do not object, and as to each part to which you do object, set forth
3 the basis for each objection. For each document you assert to be privileged or otherwise excludable
4 from production, provide the following information: the author(s), the recipient(s), the date, the
5 type of document (e.g., memorandum, letter, chart, etc.), a general description of the document,
6 the privilege being claimed, and the grounds for the privilege claim.
7

8 G. If any Discovery request seeks documents formerly in your possession, custody, or
9 control that have been discarded, misplaced, lost, destroyed, or otherwise placed outside your
10 custody or control, identify the document and describe its contents in detail and state when the
11 document was discarded, misplaced, lost, destroyed, or otherwise placed outside your custody or
12 control. If the document was destroyed, identify each person with knowledge of its destruction,
13 each person requesting or performing the destruction, the reasons for its destruction, and each
14 document that refers or relates to either the existence of or destruction of the document. For each
15 document that was discarded, misplaced, lost, or otherwise placed outside your custody or control,
16 explain all circumstances in relation to the loss of the document and identify each person with
17 knowledge regarding those circumstances.
18

19 H. The singular shall include the plural and vice versa and the conjunctive shall include
20 the disjunctive and vice versa. References to the masculine, feminine, or neuter gender shall
21 include the neuter, feminine and masculine genders, as the context requires.
22

23 II. DISCOVERY REQUESTS

24 GENERAL OBJECTIONS

25 Respondent City of Seattle and the Seattle Department of Transportation

1 (hereinafter, the City) submits the following general objections to Petitioners' First Set of
2 Interrogatories and Requests for Production. All references to "requests" in these
3 General Objections include all of Petitioners' numbered interrogatories and requests for
4 production of documents, and all definitions, instructions and other statements
5 contained therein.

6 The City incorporates these General Objections into each of the responses set forth
7 below, which answers and responses are made without waiver of any of these General
8 Objections. In some instances, the City has provided answers or produced documents
9 that may be covered by an objection or objections set forth herein. Such answers and
10 production do not constitute and are not intended to constitute any waiver of the City's
11 objections or an enlargement of the scope of discovery.

- 12 1. The City objects to all instructions, definitions, interrogatories and requests for
13 production to the extent they enlarge upon, supersede, or modify the rules of
14 discovery set forth in Hearing Examiner Rule 3.11, CR 26 or CR 33, including,
15 without limitation, the obligation to supplement responses.
- 16 2. The City objects to the extent any request lacks definitions or terms, is vague or
17 ambiguous, requires the City to speculate as to its meaning, or leads to
18 inaccurate or incomplete responses. With respect to each request, the City has
19 made reasonable efforts to respond, as the City understands and interprets each
20 request. If Petitioner subsequently asserts an interpretation of any request which
21 differs from that of the City, the City reserves the right to supplement any
22 objection, and/or amend any response.
- 23 3. The answers and responses set forth below represent the City's present
24 knowledge, based on discovery, investigation and trial preparation to date.
25 Discovery, investigation and trial preparation are continuing. The City expressly
reserves the right to rely at hearing upon any further information adduced upon
completion of discovery, investigation and hearing preparation. Discovery in this
matter is continuing and the City reserves the right to change or supplement
these responses as new information is discovered.
4. The City objects to providing home addresses and telephone numbers for its
employees and consultants. This information is unnecessary and neither
relevant to any claim or defense in this case, nor reasonably calculated to lead to
the discovery of admissible evidence. Work addresses and telephone numbers
are provided for each person listed below. Additionally, each person listed may
be contacted through the City's counsel.
5. The City objects to the requests to the extent that they would require disclosure of
any information subject to a claim of privilege, immunity or work product, including
but not limited to attorney-client privilege and attorney work product.

- 1 6. The City objects to the interrogatories to the extent they are not formulated or
2 directed toward obtaining facts and effectively demand that the City provide legal
3 briefing before discovery and prehearing preparation have been completed.
4 Additionally, the City objects to the extent that the requests ask the City to
5 describe in detail the evidence the City will rely upon to prove any fact or facts.
6 A propounding party cannot use discovery as a means to have opposing parties
7 “put on a dress rehearsal of the trial. While it is proper to elicit information as to
8 evidentiary facts as contrasted with ultimate facts, nevertheless it is improper to
9 ask a party to state evidence upon which he intends to rely to prove any fact or
10 facts.” *Weber v. Biddle*, 72 Wn.2d 22, 29, 431 P.2d 705, 710–11 (1967)
- 11 7. The City objects to the requests because they are unduly burdensome,
12 duplicative, and unnecessary under the circumstances of the appeal. The
13 requests exceed the scope of discovery authorized by the Hearing Examiner’s
14 rules of procedure.
- 15 8. The City objects to each request to the extent it seeks information or documents
16 that Appellant or its counsel already possesses or are equally available to all
17 parties on the grounds that the interrogatory or request is unnecessary,
18 duplicative, unduly burdensome, or oppressive.
- 19 9. The City reserves its right to supplement its answers, responses and objections at
20 a later date as allowed by the Hearing Examiner rules and civil rules.

21 Subject to these General Objections, the City responds to Petitioner’s First Set of
22 Interrogatories and Requests for Production as follows

23 **A. INTERROGATORIES**

24 **INTERROGATORY NO. 1:** Identify each person who contributed to, evaluated,
25 or assisted with preparing your Responses to this first set of Discovery Requests and for each
26 person:

- 27 a) Identify the person; and
- 28 b) For each person, identify which Response they contributed to, evaluated or assisted with;
- 29 and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

c) For each such Response identify with specificity what each person did to contribute, evaluate or assist with preparing each and every such Response.

RESPONSE:

The following list of people reviewed the interrogatories and requests for production, assisted in the drafting and reviewing of answers to the interrogatories, as well as searching for, identifying, reviewing, and producing responsive documents in each of their respective areas of expertise.

Please note: Throughout this document, the address and phone number for each person associated with the following entities are as follows:

SDOT
PO Box 34996
Seattle, WA 98124-4996
206-684-7623.

ESA
5309 Shilshole Ave NW, Suite 200
Seattle, WA 98107
206-789-9658

Parametrix
719 2nd Avenue, Suite 200
Seattle, WA 98104
206-394-3700

Person	Interrogs.	RFPs
Erin Ferguson, Assistant City Attorney, Seattle City Attorney's Office 701 5 th Ave. Suite 2050 Seattle, WA 98104-7097 206-684-8615	<i>passim</i>	<i>passim</i>
Laurie Menzel, Paralegal, City Attorney's Office 701 5 th Ave. Suite 2050 Seattle, WA 98104-7097 206-684-0290	<i>passim</i>	<i>passim</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Tadas Kisielius, Dale Johnson, and Clara Park, Van Ness Feldman, PLLC Millennium Tower 719 Second Avenue Suite 1150 Seattle, WA 98104 206-623-9372	<i>passim</i>	<i>passim</i>
Mark Mazzola, Environmental Manager, SDOT	<i>passim</i>	<i>passim</i>
Louisa Galassini, Project Manager, SDOT	10	27
Peter Trinh, Multimodal Transportation Engineer, SDOT	6	6
Lisa Adolfson, Senior Project Manager, ESA	2, 3, 12, 13, 16	2,3, 11, 12, 15, 19, 20, 21, 22, 28, 29
Mark Johnson, ESA	12,16	29
Molly Adolfson, ESA	12	
Erinn Eligg, Transportation Planner, Parametrix	6, 7, 8, 9, 10, 11, 14, 15, 17,19,	6, 7, 8, 9, 11, 13, 14, 16, 18, 20, 21, 22, 23, 29
Ryan LeProwse, Senior Transportation Engineer, Parametrix	19	29
Fred Young, Principal, Alta 1402 Third Avenue, Suite 206 Seattle, WA 98101 206-735-7466	2, 3	2, 3
Morgan Shook, Director, ECONorthwest 1281 Third Avenue, Suite 1709 Seattle, WA 98101 206-388-0079	2, 3, 16	29, 15
Lynne Falk, User Experience Designer & Information Designer, Wayworks, LLC	2, 3	2, 3

1 2 3 4	Chris Hoffman, Stepherson & Associates 2815 2nd Ave #555 Seattle, WA 98168 206-321-4205	2,3	2, 3
5 6 7	Cos Roberts, Owner/President, UrbanTech Systems 200 West Mercer Street Suite E412 Seattle, WA 98119 206-658-2990	2,3	2, 3
8 9 10	Sharron Boswell, SWCA, Inc. 221 1st Ave W, Seattle, WA 98119 206-781-1909	2, 3, 13	2, 3, 12

11
12
13 **INTERROGATORY NO. 2:** For the Draft EIS, identify each person not already listed in
14 the DEIS who, between January 1, 2013 and June 16, 2016:

15 a) Contributed to, evaluated, or assisted with screening, defining, creating and drafting the
16 Project Objective as stated in Section 1.2 of the DEIS; and

17 Name	Role/contribution
18 Dongho Chang (SDOT)	Discussed in meetings; reviewed drafts
19 Peter Drakos (formerly SDOT)	Discussed in meetings, reviewed drafts
20 Monica Dewald (SDOT)	Discussed in meetings, reviewed drafts
21 Steve Durrant (Alta)	Attended meeting when this topic was discussed. Not a primary author, provided verbal comments during meeting regarding types of facilities
22 Fred Young (Alta)	Attended meeting when this topic was discussed. Not a primary author, provided verbal comments during meeting regarding types of facilities
23 Sarah Bindman (formerly Parametrix)	Reviewed/contributed to drafts
24 John Perlic (Parametrix)	Reviewed/contributed to drafts
25 Jenny Bailey (Parametrix)	Reviewed/contributed to drafts
Brad Phillips (Parametrix)	Reviewed/contributed to drafts

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

b) Contributed to, evaluated, assisted with, organized, hosted, directed, lead, facilitated, or participated in the charrette-styled workshop held in March 2015 as disclosed on page 1-4 of the DEIS; and

Name	Role/contribution
Jonathan Kemp (ESA)	Technical data, geospatial mapping, google earth
Brad Phillips (Parametrix)	Participated/evaluated route segments in meeting
John Perlic (Parametrix)	Participated/evaluated route segments in meeting
Steve Durrant (Alta)	Attended meeting to narrow alternatives; provided verbal comments during meeting regarding alignment alternatives; diagrammed logical segment groupings
Peter Drakos (formerly SDOT)	Participated/evaluated route segments in meeting
Dongho Chang (SDOT)	Participated/evaluated route segments in meeting
Monica Dewald (SDOT)	Participated/evaluated route segments in meeting

c) Contributed to, evaluated, or assisted in making the decision to exclude “Protected Bicycle Lanes” as an “Alternative Considered but Not Included” in the DEIS as stated on page 1-28; and

OBJECTION: The City objects to the characterization of the City’s actions in Interrogatory 2(c). There was never a decision to “exclude “Protected bike lanes” as an “Alternative Considered but not included in the DEIS.” The DEIS at 1-28 provides: “A number of different facility types were initially considered by SDOT, but were removed from further consideration because they did not fully meet the project objective. The facility types described below would not maintain the same look and feel as the remainder of the BGT, nor would they provide an adequate level of comfort for users of varying abilities and activities. The facilities considered, along with the reasons for no further consideration, are described below.” Therefore, the City interprets this interrogatory to refer to the people who are not already listed in the DEIS, who contributed to, evaluated, or assisted in making the decision regarding which reasonable alternatives would be fully evaluated in the

1 DEIS. Without waiving any general or specific objection, those people not already
 2 listed who contributed to, evaluated, or assisted in making the decision regarding
 3 which reasonable alternatives would be fully evaluated in the DEIS include the
 4 following:

Name	Role/contribution
Dongho Chang (SDOT)	Discussed,
Lorelei Williams (SDOT)	Discussed
Scott Kubly (SDOT)	Received briefing, final decision-maker
Steve Durrant (Alta)	Attended meeting when this was discussed Provided verbal comments during meeting
Fred Young (Alta)	Attended meeting when this was discussed Provided verbal comments during meeting
Sarah Bindman (formerly Parametrix)	Developed preliminary Alternatives Analysis Memo
Brad Phillips (Parametrix)	Developed and reviewed preliminary Alternatives Analysis Memo
John Perlic (Parametrix)	Reviewed preliminary Alternatives Analysis Memo
Jenny Bailey (Parametrix)	Reviewed preliminary Alternatives Analysis Memo

13
 14 d) Contributed to or assisted with the evaluation or drafting of the discussion of
 15 Environmental Impacts of the Missing Link as stated in the DEIS; and

Name	Role/contribution
Jonathan Kemp (ESA)	Technical data, geospatial mapping
Brad Phillips (Parametrix)	Reviewed and contributed to Chapter 7, Transportation Discipline Report
John Perlic (Parametrix)	Reviewed Chapter 7, Chapter 8, Transportation Discipline Report, and Parking Discipline Report
Jenny Bailey (Parametrix)	Reviewed Transportation Discipline Report and Parking Discipline Report
Sarah Bindman (formerly Parametrix)	Developed Parking Discipline Report
Lizzie Gooding (ECONorthwest)	Geospatial mapping assistance and cartography
Kate Macfarlane (ECONorthwest)	Geospatial mapping assistance and cartography
Zeph Schafer (ECONorthwest)	Data collection for socio-economic analysis
Laura Knudson (ECONorthwest)	Copy edit of word products
Steve Durrant (Alta)	Attend meeting regarding quantifying non-motorized users in the district; non-motorized network methodology
Shannon Howard (UrbanTech)	Staff Engineer assisting Parametrix – in meeting (6/29/25) discussed 3 options and preliminary

	design criteria – assigned Ballard Design Option; AutoTurn assistance
Elizabeth Chamberlain (UrbanTech)	Staff engineer assisting Parametrix, CAD assistance, AutoTurn assistance
Christina Cisneros (UrbanTech)	Technical editing
Christine Alar (SDOT)	Reviewed transportation Report
Theresa Barreras (OED)	Reviewed economic Report
Dongho Chang (SDOT)	Reviewed transportation, economics, land use, and parking reports
Monica Dewald (SDOT)	Reviewed parking, transportation, and economics reports
Monty Dhaliwal (SDOT)	Reviewed transportation report
David Goldberg (FAS)	Reviewed economics and land use reports
Peter Trinh (SDOT)	Reviewed parking and transportation reports.
Jonathan Williams (SDOT)	Reviewed cultural resources, transportation, and economics reports
Christopher Yake (SDOT)	Reviewed transportation and land use reports.

e) Contributed to or assisted with the evaluation or drafting of the discussion of “safety” in the DEIS; and

Name	Role/contribution
Brad Phillips (Parametrix)	Reviewed Transportation Discipline Report
John Perlic (Parametrix)	Reviewed Transportation Discipline Report
Jenny Bailey (Parametrix)	Reviewed Transportation Discipline Report
Steve Durrant (Alta)	Meeting participation
Dongho Chang (SDOT)	Reviewed Transportation Discipline Report
Peter Trinh (SDOT)	Reviewed Transportation Discipline Report
Monica Dewald (SDOT)	Reviewed Transportation Discipline Report
Christine Alar (SDOT)	Reviewed Transportation Discipline Report
Monty Dhaliwal (SDOT)	Reviewed Transportation Discipline Report
Chris Eaves (SDOT)	Reviewed Transportation Discipline Report
Christopher Yake (SDOT)	Reviewed Transportation Discipline Report

f) For each person so identified, describe with specificity what each person did regarding your Responses above.

See above.

INTERROGATORY NO. 3: For the FEIS, identify each person who, between June 16,

2016 to May 25, 2017:

1 a) Contributed to, evaluated, or assisted with screening, defining, creating and drafting the
 2 Project Objective as stated in Section 1.2 of the FEIS; and

Name	Role/contribution
Mark Mazzola (SDOT)	Discussed in meetings, reviewed write ups
Dongho Chang (SDOT)	Reviewed draft FEIS
Jill Macik (SDOT)	Discussed in meetings, reviewed write ups
Art Brochet (formerly SDOT)	Discussed in meetings, reviewed write ups
Monica Dewald (SDOT)	Reviewed draft FEIS
Steve Durrant (Alta)	Attended meeting when this topic was discussed. Provided verbal comments during meeting regarding types of facilities
Fred Young (Alta)	Attended meeting when this topic was discussed. Provided verbal comments during meeting regarding types of facilities
Mark Johnson (ESA)	Drafting and review of section, meeting discussions.
Lisa Adolfson (ESA)	Drafting and review of section, meeting discussions.
Molly Adolfson (ESA)	Reviewed Section 1.2 of the FEIS
Erinn Ellig (Walter; Parametrix)	Reviewed Section 1.2 of the FEIS
Ryan LeProwse (Parametrix)	Reviewed Section 1.2 of the FEIS
Brian Macik (formerly Parametrix)	Reviewed Section 1.2 of the FEIS
John Perlic (Parametrix)	Reviewed Section 1.2 of the FEIS
Brad Phillips (Parametrix)	Reviewed Section 1.2 of the FEIS

15
 16 b) Contributed to, evaluated, assisted with, organized, hosted, directed, lead, facilitated, or
 17 participated in any meetings, workshops or other gatherings where you “developed an
 18 additional Build Alternative, identified as the Preferred Alternative...” as stated on page
 19 1-5 of the FEIS; and

Name	Role/contribution
Erinn Ellig (Walter; Parametrix)	Participated in meetings to review all of the alternatives, provided analysis of traffic volumes and driveway operations
Ryan LeProwse (Parametrix)	Participated in meetings to review all of the alternatives, provided analysis of parking impacts
Brad Phillips (Parametrix)	Participated in meetings to review all of the alternatives, reviewed and contributed to the design of all alternatives

1	Amanda Thom (Parametrix)	Developed and contributed to the design of all alternatives
2	Steve Durrant (Alta)	Attended meetings focused on identifying the final alignment; contributed to discussion about tradeoffs for the various alternatives; developed graphics to aid discussions about the various alternatives
3		
4		
5	Fred Young (Alta)	Attended meetings focused on identifying the final alignment; contributed to discussion about tradeoffs for the various alternatives; developed graphics to aid discussions about the various alternatives
6		
7	Victoria Kovacs (Alta)	Developed graphics as directed
8	Katie O'Lone (Alta)	Developed graphics as directed
9	Mark Johnson (ESA)	Meeting attendance and discussion
10	Lisa Adolfsen (ESA)	Meeting attendance and discussion
11	Claire Hoffman (ESA)	Meeting attendance and discussion
12	Jonathan Kemp (ESA)	Technical data, GIS work, google earth
13	Anna Nakae (ESA)	Technical data, GIS work, google earth
14	Kiersten Grove (Mayor's Office)	Meeting attendance and discussion
15	Scott Kubly (SDOT)	Meeting attendance and discussion
16	Lorelei Williams (SDOT)	Meeting attendance and discussion
17	Mark Bandy (SDOT)	Meeting attendance and discussion
18	Darby Watson (SDOT)	Meeting attendance and discussion
19	Dongho Chang (SDOT)	Meeting attendance and discussion
20	Matt Beaulieu (SDOT)	Meeting attendance and discussion
21	Chris Eaves (SDOT)	Meeting attendance and discussion
22	Art Brochet (SDOT)	Meeting attendance and discussion
23	Jill Macik (SDOT)	Meeting attendance and discussion
24	Ron Scharf (SDOT)	Meeting attendance and discussion
25	Mark Mazzola (SDOT)	Meeting attendance and discussion; organized and scheduled meetings, facilitated discussions
	Brian Surratt (OED)	Meeting attendance and discussion
	Pedro Gomez (OED)	Meeting attendance and discussion
	Pete Mills (DON)	Meeting attendance and discussion

c) Contributed to, evaluated, or assisted you in conducting “further evaluation of the merits of each alternative....and determin[ing] that the Shilshole South Alternative best meets the project objectives...” as stated in Section 1.4.2 of the FEIS on page 1-5; and

OBJECTION: The City objects to the characterization of the FEIS and the City’s actions included in Interrogatory 3(c). The request omits relevant portions of the quoted section of the FEIS. The City interprets this request to inquire about the people who contributed to, evaluated or assisted SDOT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in the following: “further evaluation of the merits of each alternative, SDOT determined that the Shilshole South Alternative best meets the project objectives, but with some modifications to that route.”

See response to 3(b).

d) Contributed to, participated in, were part of, or assisted you in “discussions with transportation and trail experts, bicycle and trail advocacy groups, and representatives from Ballard maritime, industrial and commercial businesses about which alignments...would work best for trail users and businesses along the route” as stated in Section 1.4.2 of the FEIS on page 1-7, including, without limit, identify all transportation and trail experts, bicycle and trail advocacy groups, and representatives from Ballard maritime, industrial and commercial businesses; and

Name	Role/contribution
Kiersten Grove (Mayor’s Office)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Brian Surratt (OED)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Scott Kubly (SDOT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Darby Watson (SDOT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Mark Bandy (SDOT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Dongho Chang (SDOT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Mark Mazzola (SDOT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Jill Macik (SDOT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Warren Aakervik (Ballard Oil)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Paul Nerdrum (Salmon Bay)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Eugene Wasserman (NSIA)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Sue Dills (Commercial Marine)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Blake Trask (Cascade)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Kelsey Mesher (Cascade)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Mark Durall (Olympic Athletic Club)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
James Riggle (Hotel Ballard)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Kevin Carrabine (Friends of the BGT)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Tom Bayley (Stimson Property)	Attended and participated in meetings discussing the design and tradeoffs between alternatives
Erin Ellig (Walter; Parametrix)	Conducted interviews with businesses about driveway operations and usage
Brian Macik (formerly Parametrix)	Conducted interviews with businesses about driveway operations and usage
Brad Phillips (Parametrix)	Participated in meetings to review all of the alternatives, reviewed and contributed to the design of all alternatives
Fred Young (Alta)	Attended meetings focused on identifying the final alignment; contributed to discussion about tradeoffs for the various alternatives from the perspective of the trail users
Steve Durrant (Alta)	Attended meetings focused on identifying the final alignment; contributed to discussion about tradeoffs for the various alternatives from the perspective of the trail users

1 e) Contributed to or assisted with the evaluation or drafting of the discussion of
 2 Environmental Impacts of the Missing Link as stated in the FEIS; and

Name	Role/contribution
Jonathan Kemp (ESA)	Technical data, geospatial mapping
Anna Nakae (ESA)	Technical data, geospatial mapping, google earth
Brad Phillips (Parametrix)	Reviewed and contributed to Chapter 7, Transportation Discipline Report
John Perlic (Parametrix)	Reviewed Chapter 7, Chapter 8, Transportation Discipline Report, and Parking Discipline Report
Peter Trinh (SDOT)	Review and commented on draft sections of Final EIS
Jonathan Williams (SDOT)	Review and commented on draft sections of Final EIS
Louisa Galassini (SDOT)	Review and commented on draft sections of Final EIS

11 f) Contributed to or assisted with the evaluation or drafting of the discussion of “safety” in
 12 the FEIS; and

Name	Role/contribution
Erinn Ellig (Walter)	Developed safety analysis in Transportation Discipline Report
Brad Phillips	Reviewed Transportation Discipline Report
Ryan LeProwse	Reviewed Transportation Discipline Report
John Perlic	Reviewed Transportation Discipline Report
Mark Johnson (ESA)	Meeting attendance and discussion
Lisa Adolfson (ESA)	Meeting attendance and discussion
Peter Trinh (SDOT)	Contributed to section on SDOT design process; reviewed Transportation Discipline Report
Erich Ellis (SDOT)	Contributed to section on SDOT design process
Mark Mazzola (SDOT)	Edited and incorporated into EIS section on SDOT design process; reviewed draft Final EIS and Transportation Discipline Report

22 g) For each person so identified, describe with specificity what each person did regarding
 23 your Responses above.

24 See above.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RESPONSE:

See above.

INTERROGATORY NO. 4:

Identify all people who participated in, contributed to or advised you in “[u]ltimately deciding that the Preferred Alternative...best meets the project objectives, but with some modifications to that route” as stated in Section 1.4.2 of the FEIS on page 1-7 and, for each such person identify with specificity what he or she did to so advise you, and identify all documents you relied upon in making that decision, and identify the “modifications to that route” and the basis for such modifications.

RESPONSE:

OBJECTION: The City objects to the characterization of the FEIS and SDOT’s actions included in interrogatory No. 4 because it does not include the complete sentence from Section 1.4.2 of the Final EIS. The Final EIS states that "Upon further evaluation of the merits of each alternative, SDOT determined that the Shilshole South Alternative best meets the project objectives, but with some modifications to that route." The “modifications” were to the Shilshole South Alternative, not the Preferred Alternative as indicated by the quote in the Interrogatory. The City interprets this request to inquire about the full text in the FEIS.

OBJECTION: The City also objects to Ballard Coalition’s request that the City identify all documents relied upon as unduly burdensome and unnecessary under the circumstances of the appeal. Identifying the “date and author(s), signer(s), intended recipient(s), and its present or last known location or custodian” is unnecessary because the City is producing the documents and the information sought is recognizable based on subject matter.

Without waiving any specific or general objection, the "modifications to that route" include moving the western third of the trail to NW Market St. and shifting the alignment along Shilshole Ave NW and NW 45th St to be farther from property lines.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Please see the responses to Interrogatory 3 above, which list the people involved in discussions over the alternative and their respective roles.

The basis of the modifications included data and analysis contained in the Draft EIS, public comments on the Draft EIS, data collected after publication of the Draft EIS, and discussions with the people listed in response to Interrogatory 3.

INTERROGATORY NO. 5: Identify each person who, between March 2015 to December 2015, contributed to, participated in, lead, facilitated, attended or assisted you in the “[s]everal workshops” held after March 2015 where you refined trail details and crossings as stated on page 1-4 of the FEIS, and for each such person identify with specificity their participation and contribution, and identify the documents you relied upon, used, reviewed or considered at the several workshops held after March 2015.

RESPONSE:

OBJECTION: The City objects to this interrogatory as unduly broad, duplicative, and unnecessary under the circumstances of this appeal.

Without waiving any objection, the following persons participated in the workshops referenced in the FEIS and those participants generally relied upon, used, reviewed, or considered City’s GIS, Google Maps/Google Earth, old Missing Link plan drawings, and iterative drafts of what ultimately became the conceptual designs for the four alternatives that we evaluated in the Draft EIS

Name	Role/contribution
Brad Phillips (Parametrix)	Worked on draft designs of alternatives, attended and participated in discussions
John Perlic (Parametrix)	Attended and participated in discussions
Fred Young (Alta)	Attended and participated in discussions
Steve Durrant (Alta)	Advised on design, attended and participated in discussions
Mark Johnson (ESA)	Advised on design, attended and participated in discussions

1	Lisa Adolfson (ESA)	Attended and participated in discussions
2	Ron Scharf (SDOT)	Advised on design, attended and participated in discussions
3	Dongho Chang (SDOT)	Advised on design, attended and participated in discussions
4	Peter Trinh (SDOT)	Advised on design, attended and participated in discussions
5	Monica Dewald (SDOT)	Advised on design, attended and participated in discussions
6	Art Brochet (SDOT)	Attended and participated in discussions
7	Mark Mazzola (SDOT)	Attended and participated in discussions
8	Peter Drakos (SDOT)	Attended and participated in discussions

9
10
11 **INTERROGATORY NO. 6:** Identify the level of design (i.e., 0%, 10%, 20%,
12 30%, etc.) of:

- 13 a) Each alternative route discussed, reviewed and analyzed in the DEIS; and
14 b) Each alternative route, including, without limit, the Preferred Alternative, discussed,
15 reviewed and analyzed in the FEIS; and
16 c) Identify all documents, including, without limit, plans, maps and drawings, upon which
17 you relied and that show the level of design for each alternative route and the Preferred
18 Alternative as stated in your Responses above.

19
20 **RESPONSE:**

21 **OBJECTION:** The City objects to the characterization of the question. As
22 explained in the City's response to Appellant's dispositive motion, the level
23 of design as expressed in percent complete (10%, 20% 30%, etc.) is a
24 subjective description without a set definition that varies by project and by
25 project segment. The City objects to the extent that the question implies a
uniform standard that is universally applied and can be comparable to other
projects, other segments of this project, or earlier iterations of the Project.
The following response is based on the subjective determination of SDOT
staff and are approximations, not set determinations. The City also objects

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

on the grounds that the interrogatory also asks for information that is not relevant or reasonably calculated to lead to relevant information.

Without waiving any general or specific objection, each alternative route in the DEIS and the FEIS was at an approximately 10% level of design. Some aspects or portions of the design may be designed at a slightly higher level based on particular circumstances or understanding of the design. The documents relied upon or showing the level of design for each alternative route are included in the CAD files for the project or the figures included in the DEIS and FEIS.

INTERROGATORY NO. 7: Identify how each alternative route discussed, reviewed and analyzed in the DEIS and each alternative route, including without limit, the Preferred Alternative, discussed, reviewed and analyzed in the FEIS is, as stated in Section 1.7.1 of the FEIS on page 1-3:

- a) Is based upon and complies with the “standards and guidelines” in and “consistently follows” SDOT’s Right of Way Improvements Manual; and
- b) Is based upon and complies with the “standards and guidelines” in and “consistently follows” the national guidelines developed by the American Association of State Highway and Transportation Officials (AASHTO); and
- c) Is based upon and complies with the “standards and guidelines” in and “consistently follows” the national guidelines developed by the National Association of City Transportation Officials (NACTO); and
- d) Is based upon and complies with the “standards and guidelines” in and “consistently follows” the national guidelines developed by the Federal Highway Administration (FHWA); and