

Description

Mnotes for W-17-004, Day 1
The Ballard Coalition
Monday, November 27, 2017

Time: 9:00 a.m.
Examiner: Ryan Vancil
Assistant: Alayna Johnson

Party Representatives:

Pat Schneider, Josh Brower, and Danielle Granatt, for Appellant

Erin Ferguson and Tadas Kiselius, for Department

Matthew Cohen, for Intervenor

Date

11/27/2017

Location

Large Hearing Room

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
9:00:41 AM		Hearing Examiner opens hearing.
9:00:59 AM		Parties are introduced. Erin Ferguson and Tadas Kiselius are present for the Department of Transportation. Matthew Cohen is present for the Intervenor, Cascade Bicycle Club. Danielle Granatt, Pat Schneider, and Josh Brower are present for the Appellant, the Ballard Coalition.
9:08:04 AM		Josh Brower begins opening statement for Appellant.
9:17:18 AM		Brower concludes.
9:17:25 AM		Tadas Kiselius requests to make introductory statement at the beginning of their case.
9:17:51 AM		Pat Schneider calls Vick Bishop as a witness and references exhibit A-310-21.
9:19:27 AM		Victor H. Bishop is sworn in as a witness.
9:19:40 AM		Schneider begins direct examination of Bishop.
9:35:04 AM		Bishop describes exhibit A-310-21, page 40.
9:38:15 AM		Bishop describes first page of A-310-21.
9:46:20 AM		Discussion of method for offering exhibits.
9:48:00 AM		Documents referenced by Bishop (Appellant's number A-310-21) will be marked Exhibit A1.
9:57:24 AM		Examiner asks clarifying question regarding turns not included in the FEIS.
9:59:43 AM		Schneider continues with discussion of key map.
10:20:12 AM		Bishop addresses figures 2-2A and 2-2B
10:30:48 AM		Bishop addresses figure 1A.
10:41:53 AM		Kiselius objects to Schneider's question, Schneider responds. Objection sustained.
10:45:28 AM		Break for 15 minutes.
11:01:05 AM		Back on the record. Bishop continues.
11:08:45 AM		Schneider asks Bishop about Figure 3.18.
11:11:20 AM		Bishop addresss Figure 4.1A.
11:14:50 AM		Bishop discusses Figure 4.2A and 4.2B.
11:15:56 AM		Bishop discusses Figure 4.3A and 4.3B.
11:18:14 AM		Bishop discusses 4.4A.
11:19:19 AM		Bishop discusses 4.5A.
11:20:06 AM		Kiselius interjects to clarify which chart Bishop is discussing, as the screen changed while he spoke.
11:22:05 AM		Bishop discusses 5.1A.
11:23:27 AM		Bishop discusses Cross Section A-A.
11:27:50 AM		Kiselius objects; discussion of design not at issue in this case. Overruled, providing discussion is only used as an example.
11:32:28 AM		Bishop describes 5.2A.
11:34:30 AM		Bishop discusses 5.4A.
11:37:57 AM		Bishop discusses 7.1A and 7.2A.
11:41:37 AM		Bishop discusses 7.2B.
11:49:46 AM		Bishop discusses Sidepath Rating System for Evaluating Safety.

12:00:28 PM	Bishop discusses Feasibility Study for Elevated Trail Section, conducted by CTS Engineers, dated 10/27/2017.
12:07:58 PM	Bishop discusses the Parking Evaluation dated October 31, 2017.
12:16:58 PM	Exhibit A1 (A-310-21) is formally offered and admitted.
12:17:24 PM	Schneider concludes direct examination of Bishop.
12:17:34 PM	Hearing Examiner questions Bishop. Asks for clarification of the term "incursion zone."
12:21:12 PM	Examiner asks which truck Bishop stated the cement truck turns better than.
12:22:34 PM	Examiner concludes.
12:22:43 PM	Kiselius begins cross-examination of Bishop.
12:29:53 PM	Break for lunch. Return at 1:45 p.m.
12:30:12 PM	Clarification of responses to Kiselius' earlier objection.
12:30:59 PM	Break.
1:45:47 PM	Back on the record.
1:45:55 PM	Kiselius continues cross examination of Bishop.
2:02:08 PM	Kiselius asks about the parking analysis.
2:03:46 PM	Kiselius asks about bridge concept.
2:12:56 PM	Kiselius concludes.
2:13:01 PM	Matthew Cohen begins direct examination of Bishop.
2:21:38 PM	Cohen concludes.
2:21:45 PM	Schneider begins re-direct.
2:26:16 PM	Schneider concludes.
2:26:20 PM	Examiner asks questions of Bishop.
2:30:17 PM	Examiner concludes.
2:30:25 PM	Schneider calls Claudia S. Hirschey as a witness and she is sworn in.
2:30:58 PM	Schneider begins direct examination of Hirschey.
2:46:59 PM	Back on the record. Recording stopped at 2:21 due to technical malfunction. Deposition transcript will be submitted in place of Schneider's re-direct of Bishop in which he read portions of the deposition.
2:47:41 PM	Bishop is re-called as a witness to re-record the rest of Schneider's re-direct.
2:53:19 PM	Deposition pages will be exhibit A2.
2:53:39 PM	Schneider concludes.
2:53:47 PM	Hirschey is called back as a witness and sworn in.
2:55:49 PM	Kiselius objects, on the basis that the witness is reading a prepared statement rather than testifying from memory, and that opposing counsel has the right to review any notes used. Sustained.
2:59:37 PM	Hirschey testifies regarding 30% design.
3:07:58 PM	Schneider offers Appellant's exhibit A-311-16, report created by Hirschey, which will be marked as Exhibit A3.
3:10:43 PM	Kiselius objects to the attachments in Hirschey's report, as the studies and reports are not directly related to this project.

3:12:59 PM	Exhibit will be offered after testimony to give Department the opportunity to object after hearing its relevance.
3:13:42 PM	Schneider continues.
3:24:56 PM	Hirschey testifies regarding the NCHRP Report 500 included in A3.
3:32:09 PM	Break for ten minutes.
3:41:37 PM	Back on the record. Schneider continues direct examination of Hirschey.
3:49:31 PM	Kilselius objects to the broadness of the questoin regarding comparable bike trails around the country. Overruled.
4:02:01 PM	Back on the record after five minute break. Recording missed one minute from 4:57-4:58.
4:02:20 PM	Schneider continues, re-doing last minute of direct examination.
4:30:39 PM	Schneider asks Hirschey about page 11 of her report.
4:38:54 PM	Kiselius objects to Hirschey testifying regarding economic impacts.
4:39:41 PM	Examiner asks Schneider to rephrase question, objection sustained.
4:56:29 PM	Hirschey describes page 27 of her report.
4:56:57 PM	Hirschey describes page 76.
4:58:18 PM	Hirschey describes page 78 and 79.
4:59:37 PM	Hearing Examiner closes day one of the hearing. Reconvening at 8:30 a.m. tomorrow. Tomorrow will go until 5:30 to make up some of the lost time.