

<b>Description</b>	Minutes for W-17-004, Day 2 The Ballard Coalition Tuesday, November 28, 2017  Time: 8:30 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
<b>Date</b>	11/28/2017
	<b>Location</b> Large Hearing Room

<u>Time</u>	<u>Speake</u>	<u>Note</u>
<a href="#">8:32:12 AM</a>		Hearing Examiner opens day 2 of the hearing.
<a href="#">8:32:15 AM</a>		Schneider continues direct examination of Hirschey and discussion of her report, exhibit A3.
<a href="#">8:37:49 AM</a>		Hirschey describes what she observed when she visited the site of the project.
<a href="#">8:42:50 AM</a>		Schneider concludes.
<a href="#">8:42:52 AM</a>		Kiselius begins cross examination of Hirschey.
<a href="#">8:50:23 AM</a>		Kiselius asks Hirschey about page 5 of her memo.
<a href="#">8:52:44 AM</a>		Kiselius asks Hirschey about page 211, referring to conflict points of a contra-flow path.
<a href="#">9:01:07 AM</a>		Schneider objects; Kiselius interrupting Hirschey. Sustained.
<a href="#">9:03:50 AM</a>		Kiselius asks Hirschey about her testimony regarding driveway delay.
<a href="#">9:04:51 AM</a>		Kiselius asks Hirschey about page 3-2 of the transportation discipline report in the technical appendices.
<a href="#">9:05:55 AM</a>		EIS and executive summary will be entered as Exhibit R1.
<a href="#">9:08:06 AM</a>		Comments and responses, volume 2 of the EIS, will be entered as R2.
<a href="#">9:08:12 AM</a>		Technical appendices, volume 3 of the EIS, will be entered as R3.
<a href="#">9:08:37 AM</a>		Kiselius continues cross-examination of Hirschey, referring to 3-3 and 3-4 in Exhibit R3.
<a href="#">9:13:15 AM</a>		Kiselius asks Hirschey about page 10 of her memo.
<a href="#">9:16:52 AM</a>		Kiselius asks Hirschey about Section 5.1 of technical appendices.
<a href="#">9:18:49 AM</a>		Schneider objects; Kiselius characterizing her testimony. Overruled; question already answered.
<a href="#">9:24:18 AM</a>		Kiselius concludes.
<a href="#">9:24:24 AM</a>		Cohen begins cross-examination of Hirschey.
<a href="#">9:27:09 AM</a>		Cohen concludes.
<a href="#">9:27:12 AM</a>		Examiner asks questions of Hirschey.
<a href="#">9:29:15 AM</a>		Hirschey refers to Exhibit R3 page 3-7, safety analysis, and 5-19, preferred alternative safety analysis.
<a href="#">9:32:06 AM</a>		Examiner asks Hirschey about relevance of lane widths.
<a href="#">9:36:44 AM</a>		Examiner concludes.
<a href="#">9:36:47 AM</a>		Schneider begins re-direct examination of Hirschey.
<a href="#">9:37:45 AM</a>		Schneider asks Hirschey about page 18 of her report.
<a href="#">9:43:25 AM</a>		Schneider concludes.
<a href="#">9:43:30 AM</a>		Schneider offers Exhibit A3 and it is admitted. Exhibits A2, R1, R2, and R3 are admitted.
<a href="#">9:45:22 AM</a>		Appellant calls Scott Evan Anderson as a witness.
<a href="#">9:45:46 AM</a>		Anderson is sworn in.
<a href="#">9:45:53 AM</a>		Granatt begins direct examination of Anderson, of CSR Marine.
<a href="#">9:49:17 AM</a>		Anderson describes what CSR Marine does.
<a href="#">9:51:45 AM</a>		Granatt references photographs in volume 4 of Appellants' Exhibits; A-325.1.
<a href="#">9:52:24 AM</a>		Granatt offers three photographs of A-325.1 as one exhibit, and it will be marked as Exhibit A4.

<a href="#">9:55:03 AM</a>	Kiselius objects; asking technical and opinion based testimony about future conditions that are better answered by an expert.
<a href="#">9:55:33 AM</a>	Kiselius objects; lay witnesses cannot give opinion testimony.
<a href="#">9:56:11 AM</a>	Granatt responds.
<a href="#">9:56:25 AM</a>	Kiselius replies.
<a href="#">9:56:49 AM</a>	Overruled; there will be overlap between witnesses, provided there is not too much speculation.
<a href="#">9:58:12 AM</a>	Kiselius objects; asking a lay person to testify to an expert's report. Sustained. Question should be rephrased.
<a href="#">9:59:55 AM</a>	Granatt asks Anderson about A-325.2.
<a href="#">10:03:13 AM</a>	Granatt offers three photographs into the record. Exhibit A4 is admitted.
<a href="#">10:04:21 AM</a>	Granatt asks Anderson about A-325.8, a video. Kiselius objects that it was not provided.
<a href="#">10:07:24 AM</a>	Break to resolve dispute regarding appellant's video exhibit. Back at 10:25.
<a href="#">10:25:42 AM</a>	Back on the record.
<a href="#">10:26:15 AM</a>	Revised video will be prepared so that what is submitted will match how it is presented in the hearing. It will be marked as Exhibit A5.
<a href="#">10:27:31 AM</a>	Granatt continues direct examination of Anderson.
<a href="#">10:37:24 AM</a>	Kiselius objects; potential impacts of future condition.
<a href="#">10:39:42 AM</a>	Granatt responds. Objection was sustained and question should be rephrased. Kiselius objects again on the same basis; overruled. Adverse impacts is a technical term but Anderson would not view it in that light.
<a href="#">10:39:47 AM</a>	Granatt continues.
<a href="#">10:40:49 AM</a>	Granatt concludes.
<a href="#">10:40:53 AM</a>	Kiselius begins cross examination of Anderson.
<a href="#">10:44:32 AM</a>	Kiselius concludes.
<a href="#">10:44:35 AM</a>	Examiner asks Anderson about regarding the curfew for trucks on City streets.
<a href="#">10:45:27 AM</a>	No re-direct.
<a href="#">10:45:46 AM</a>	Appellant calls Tim Olstad as a witness and he is sworn in.
<a href="#">10:46:11 AM</a>	Brower begins direct examination of Olstad, of Salmon Bay Sand and Gravel.
<a href="#">10:49:10 AM</a>	Kiselius objects; testifying on behalf of the witness. Sustained.
<a href="#">11:05:29 AM</a>	Kiselius objects; asking for opinion not related to his experience. Sustained; question rephrased.
<a href="#">11:06:06 AM</a>	Kiselius objects; making generalizations rather than describing experience. Overruled; all testimony based on his experience.
<a href="#">11:11:35 AM</a>	Kiselius objects; venturing beyond personal observation to speculation. Overruled; testimony allowed in context of witness's own personal experience.
<a href="#">11:13:49 AM</a>	Brower concludes.
<a href="#">11:13:53 AM</a>	Kiselius begins cross examination of Olstad.
<a href="#">11:19:52 AM</a>	Kiselius concludes.
<a href="#">11:19:56 AM</a>	Cohen begins direct examination of Olstad.

<a href="#">11:25:47 AM</a>	Cohen concludes.
<a href="#">11:25:52 AM</a>	Brower begins re-direct examination of Olstad.
<a href="#">11:26:30 AM</a>	Brower asks Olstad about a figure in Exhibit A1.
<a href="#">11:28:44 AM</a>	Kiselius requests that counsel be able to review Olstad's notes.
<a href="#">11:29:54 AM</a>	Brower concludes.
<a href="#">11:30:02 AM</a>	Appellant calls Michael Walker as a witness and he is sworn in.
<a href="#">11:30:38 AM</a>	Brower begins direct examination of Walker.
<a href="#">11:34:27 AM</a>	Kiselius objects; speculation about economic impacts.
<a href="#">11:35:11 AM</a>	Sustained.
<a href="#">11:36:09 AM</a>	Kiselius objects; lay witness being asked for expert economic testimony.
<a href="#">11:37:07 AM</a>	Sustained/overruled; testimony allowed as long as it relates to his personal knowledge and experience.
<a href="#">11:40:16 AM</a>	Walker explains CSA scores for drivers with commercial drivers licenses (CDL).
<a href="#">11:41:30 AM</a>	Kiselius objects on the basis of relevance.
<a href="#">11:42:04 AM</a>	Overruled; limited to this question.
<a href="#">11:44:03 AM</a>	Kiselius objects; straying from the question. Sustained.
<a href="#">11:44:56 AM</a>	Brower concludes.
<a href="#">11:44:59 AM</a>	No cross-examination or re-direct.
<a href="#">11:45:31 AM</a>	Break for lunch. Back at 1 p.m.
<a href="#">1:01:56 PM</a>	Back on the record.
<a href="#">1:02:00 PM</a>	Appellant calls Scott Kuznicki as a witness.
<a href="#">1:02:14 PM</a>	Brower begins direct examination of Kuznicki, of Transpo Group, establishing his qualifications and background, and experience with design for signage.
<a href="#">1:18:50 PM</a>	Kuznicki testifies about his experience designing bicycle trail projects for SDOT, Sound Transit, and Tacoma.
<a href="#">1:23:30 PM</a>	Kuznicki discusses his experience with parking studies and the one he wrote for this FEIS.
<a href="#">1:25:57 PM</a>	Brower asks Kuznicki about his CDL and experiences in the area at issue.
<a href="#">1:28:37 PM</a>	Brower asks about Kuznicki's review of the FEIS.
<a href="#">1:38:04 PM</a>	Kuznicki describes the difficulties associated with pavement markings in the area.
<a href="#">1:41:51 PM</a>	Brower asks Kuznicki about his analysis of blind spots and their affect on truck driving in the area, appellant exhibit A-313.1.
<a href="#">1:43:15 PM</a>	Kuznicki describes the diagram shown in the exhibit.
<a href="#">1:54:22 PM</a>	Brower moves to admit Appellant exhibit A-313.1.
<a href="#">1:54:52 PM</a>	A-313.1 is marked as Exhibit A6 and is admitted.
<a href="#">1:55:10 PM</a>	Brower continues direct examination of Kuznicki.
<a href="#">1:58:34 PM</a>	Kuznicki discusses the "warning area" mentioned in the EIS.
<a href="#">2:06:18 PM</a>	Brower asks Kuznicki about the drone footage he created for the area.
<a href="#">2:10:01 PM</a>	Brower shows the first video created by Kuznicki (Appellant exhibit A-313.2), of a double trailer cement truck pulling into an unloading area (driveway 9D).

<a href="#">2:16:34 PM</a>	Brower shows second video (Appellant exhibit A-313.3) created by Kuznicki, truck turning left into driveway 9 (with superimposed animation of proposed trail).
<a href="#">2:23:03 PM</a>	Brower shows third video created by Kuznicki (Appellant exhibit A-313.4), truck making right turn out of driveway (with superimposed illustration of proposed path).
<a href="#">2:29:45 PM</a>	Brower moves to admit Exhibits A7, A8, and A9, and A10 (Appellant exhibit A-313.5). They are admitted.
<a href="#">2:30:31 PM</a>	Brower continues direct examination of Kuznicki.
<a href="#">2:31:19 PM</a>	Kiselius objects on the basis that it is unrelated to this site.
<a href="#">2:31:28 PM</a>	Brower responds.
<a href="#">2:32:42 PM</a>	Overruled.
<a href="#">2:33:11 PM</a>	Kuznicki discusses studies of signage and how they effect bicyclists.
<a href="#">2:35:24 PM</a>	Kiselius objects; witness stated that Tort liability is more at issue than signage. Sustained.
<a href="#">2:40:44 PM</a>	Kuznicki discusses Appellant exhibit A-309.
<a href="#">2:43:22 PM</a>	Brower asks about Kuznicki's study of parking impacts (Figure 3-1 in the Parking Discipline Report in Exhibit R3).
<a href="#">2:44:20 PM</a>	Kuznicki gives opinion on the effects of the trail on parking.
<a href="#">2:54:23 PM</a>	Brower offers appellant exhibit A-309. It is marked as Exhibit A11 and it is admitted.
<a href="#">2:57:24 PM</a>	Brower concludes.
<a href="#">2:57:27 PM</a>	Kiselius begins cross examination of Kuznicki.
<a href="#">3:07:29 PM</a>	Kiselius asks Kuznicki about his previous deposition answers.
<a href="#">3:08:27 PM</a>	Brower objects; Kiselius clarifies.
<a href="#">3:10:09 PM</a>	Kuznicki reads from previous deposition.
<a href="#">3:15:12 PM</a>	Kiselius asks Kuznicki about Figure 4.2A and Exhibits A7, A8, and A9.
<a href="#">3:19:54 PM</a>	Kiselius asks Kuznicki about Exhibit A8.
<a href="#">3:21:56 PM</a>	Brower objects; mischaracterization of prior testimony. Overruled.
<a href="#">3:23:55 PM</a>	Kiselius asks Kuznicki about the blind spot diagram.
<a href="#">3:27:08 PM</a>	Kiselius asks Kuznicki about design vehicles.
<a href="#">3:28:58 PM</a>	Kuznicki reads portion from previous deposition.
<a href="#">3:29:49 PM</a>	Break. Return at 3:45.
<a href="#">3:45:33 PM</a>	Back on the record.
<a href="#">3:46:25 PM</a>	Kiselius continues cross examination of Kuznicki.
<a href="#">3:48:36 PM</a>	Kiselius asks Kuznicki to read portion of deposition.
<a href="#">3:51:07 PM</a>	Kiselius asks Kuznicki about signage and safety.
<a href="#">3:51:44 PM</a>	Brower objects; design plans are not relevant to the adequacy to the EIS.
<a href="#">3:52:00 PM</a>	Kiselius responds.
<a href="#">3:52:22 PM</a>	Overruled.
<a href="#">3:53:56 PM</a>	Brower objects; discussing a different design.
<a href="#">3:54:15 PM</a>	Overruled.

<a href="#">3:55:03 PM</a>	Brower objects; 2011 design is being directly compared to current design.
<a href="#">3:55:18 PM</a>	Kiselius responds.
<a href="#">3:55:34 PM</a>	Objection withdrawn.
<a href="#">3:57:52 PM</a>	Brower objects; comparison of 2011 design to current design.
<a href="#">3:58:17 PM</a>	Kiselius responds.
<a href="#">3:59:20 PM</a>	Sustained; directs witness to answer question.
<a href="#">4:02:16 PM</a>	Kiselius asks Kuznicki about Exhibit A11, page 9.
<a href="#">4:06:29 PM</a>	Kiselius concludes.
<a href="#">4:06:33 PM</a>	Cohen begins cross-examination of Kuznicki.
<a href="#">4:18:50 PM</a>	Cohen asks Kuznicki about Exhibit A8.
<a href="#">4:28:17 PM</a>	Cohen concludes.
<a href="#">4:28:23 PM</a>	Examiner asks questions of Kuznicki regarding Exhibit A6 and Figure 7.1A.
<a href="#">4:40:15 PM</a>	Examiner asks Kuznicki about his earlier answer regarding adverse impacts.
<a href="#">4:44:20 PM</a>	Examiner concludes.
<a href="#">4:44:23 PM</a>	Brower begins re-direct.
<a href="#">4:47:02 PM</a>	Kiselius objects; level of design was not discussed on cross-examination.
<a href="#">4:47:41 PM</a>	Overruled.
<a href="#">4:48:29 PM</a>	Brower concludes.
<a href="#">4:48:43 PM</a>	Appellant calls Spencer Cohen as a witness.
<a href="#">4:49:41 PM</a>	Cohen is sworn in.
<a href="#">4:50:05 PM</a>	Coehn works for Community Attributes.
<a href="#">4:50:23 PM</a>	Brower asks Cohen about his qualifications, including education and work background.
<a href="#">4:51:46 PM</a>	Cohen describes his typical work at Community Attributes.
<a href="#">4:52:57 PM</a>	Cohen comments on adverse economic impacts.
<a href="#">4:55:12 PM</a>	Cohen describes what documents he reviewed.
<a href="#">4:56:29 PM</a>	Brower asks Cohen about Appellant exhibit A-312.3, marked as Exhibit A12, economic impact study conducted by Cohen.
<a href="#">4:58:40 PM</a>	Brower refers to page 003, the executive summary.
<a href="#">5:02:40 PM</a>	Brower refers to Appellant exhibit A-312.2, marked as Exhibit A13.
<a href="#">5:03:55 PM</a>	Brower moves to admit; Ferguson objects until relevance is proven.