Page 1

#### BEFORE THE HEARING EXAMINER

#### CITY OF SEATTLE

In The Matter of the Appeal Of: )
THE BALLARD COALITION
Of the adequacy of the Final )
Hearing Examiner
Environmental Impact Statement, )
Prepared by the Seattle
Department of Transportation
for the Burke Gilman Trail
Missing Link Project

#### VERBATIM TRANSCRIPTION OF AUDIO RECORDING OF

#### PROCEEDINGS

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VOLUME I (Pages 1 through 254)

NOVEMBER 27, 2017

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Heard before Ryan Vancil, Deputy Hearing Examiner for the City of Seattle, 700 Fifth Avenue, Suite 4000, Seattle, WA 98104

	Page 2					Page	4
1	APPEARANCES:	1	CHRONOLO	GICAL	INDEX		
2 3	000	2	000				
4 5	HEARING EXAMINER: RYAN VANCIL	3					
6		4	NOVEMBER 27, 2017	1 10			
7 8	FOR THE APPELLANT THE BALLARD COALITION: PATRICK J SCHNEIDER, ESQ.	5	Opening Statement on b			alition	
0	Foster Pepper	6 7	Witnesses for Ballard C VICTOR H. BISHOP		1:		
9	1111 Third Avenue, Suite 3000 Seattle, WA 98101	8	Direct by Mr. Sch			23	
10	(206) 447-2905	0	Examination by th		ng Exam		128
11	Pat.Schneider@Foster.com	9	Cross by Mr. Kisi			34	120
1.0	JOSHUA C. ALLEN BROWER, ESQ.		Cross by Mr. Coh		1	160	
12	DANIELLE N. GRANATT, ESQ. Veris Law Group	10	Redirect by Mr. S	chneide	r	170	
13	1809 Seventh Avenue, Suite 1400	11	CLAUDIA S. HIRSO				
14	Seattle, WA 98101 (206) 829-9590	12	Direct by Mr. Sch	neider		174	
15	Josh@VerisLawGroup.com Danielle@VerisLawGroup.com	13	Adjourned		253		
16	Damene@vensLawGroup.com	14 15	- 0 -				
17 18	FOR THE RESPONDENT DEPARTMENT OF TRANSPORATION ERIN FERGUSON, ESQ.	15	000				
	Seattle City Attorney	17					
19	701 Fifth Avenue, Suite 2050 Seattle, WA 98104	18					
20	(206) 684-8615	19					
21	Erin.Ferguson@Seattle.gov	20					
	TADAS A. KISIELIUS, ESQ.	21					
22	Van Ness Feldman LLP 719 2nd Avenue, Suite 1150	22					
23	Seattle, WA 98104 (206) 623-9372	23					
24	Tak@vnf.com	24 25					
25	Page 3	2.5				Page	5
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1 2	A P P E A R A N C E S (Continued)	1	EXHIBIT IN	DEX			
∠ 3	oOo	2	000				
4	000	3 4	COALITIONS		ID AD	MITTI	ED
5	FOR CASCADE BICYCLE CLUB:	4 5	COALITION'S A-1	42	1D AD 128		ΕD
6	MATTHEW COHEN, ESQ.	6	A-1 A-2	42 173	128		
_	Stoel Rives LLP	7	A-2 A-3	175	-		
7	600 University Street, Suite 3600	8	11.5	100			
8	Seattle, WA 98101 (206) 386-7569	9					
0	Matthew.Cohen@Stoel.com	10	<b>RESPONDENT'S</b>		ID A	DMIT	TED
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19 20		20					
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22		22					
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24		24					
24 25		24 25					

2 (Pages 2 to 5)

	Page 6		Page 8
1	NOVEMBER 27, 2017	1	chief-in-case by the Appellants, followed then by
2	MORNING SESSION	2	the Department and Intervenor. There's an
3		3	opportunity for rebuttal. We've reserved that for
4	THE HEARING EXAMINER: A call to order		if we need it later next week, but we can certainly
5	this Monday, November 27, 2017, hearing before the	т 5	address that this week if we get into it with time.
6	Seattle Hearing Examiner. My name is Ryan Vancil.	6	Finally, there's closing arguments.
7	I am the Deputy Hearing Examiner for the City of	7	The parties have discussed doing that in writing, so
8	Seattle, and I'll be presiding in today's	8	that we can use our time wisely. Prehearing
9	proceeding. To my right is Alayna Johnson, legal	9	conference order has indicated we're going to be
10	assistant for the Hearing Examiner's Office.	10	using a timer. I don't know if I even put it in the
11	And I'd like to start with asking the	11	order, but we've all discussed it in the prehearing
12	party representatives to introduce themselves	12	· · ·
13	beginning with the City.	13	that we will be using a timer. Right now, I had
14	MS. FERGUSON: I'm Erin Ferguson on	13 14	if we divide it exactly, 19 hours aside. I'm going
15	behalf of the Seattle Department of Transportation.	14	to plan on 18 hours aside so that we have time to
16	MR. KISIELIUS: Tadas Kisielius with	16	absorb for objections, Hearing Examiner questions,
17			et cetera. So that's right now what we're planning.
18	Van Ness Feldman on behalf of the Seattle Department	18	And I did get a chess clock, so that we do have
19	of Transportation. MR. COHEN: Matt Cohen, Stoel Rivas	10 19	those. I've never used it for chess and probably
	for the Cascade Bicycle Club.	20	never will, but now I have a new acquisition for the
20	2	20 21	office.
21 22	MS. GRANATT: Danielle Granatt, Veris	21 22	Each witness will testify under oath
	Law Group for the Ballard Coalition.		or affirmation. There'll be an opportunity for
23	THE HEARING EXAMINER: And could you	123 24	cross-examination following each witness. And, of
24 25	state your last name again, please? MS. GRANATT: Granatt.	24 25	course, at the end of the record for the hearing,
20		20	I'll issue a written decision. Each party will get
	Page 7		Page 9
1	THE HEARING EXAMINER: Thank you.	1	a copy of that decision and the decision will
2	MR. SCHNEIDER: Pat Schneider on	2	include information on how to appeal. Please make
3	behalf of the Coalition.	3	sure that you have no water or food in the hearing
4	MR. BROWER: And Josh Brower on behalf	4	room. Cell phones need to be turned off at this
5	of the Coalition.	5	time.
6	THE EXAMINER: The matter being heard	6	Further note on the timing. What I
7	today involves the appeal of the Ballard Coalition	7	will do, so the parties know what I do want to
8	by the of the Final Environmental Impact	8	avoid us checking on the clock too much. And so,
9	Statement, the Missing Link portion of the Burke	9	what I'm going to propose to do is unless the
10	Gilman Trail. The Hearing Examiner file number for	10	parties want something more, if you think it's
11	the appeal is W-17-004.	11	needed, I'll propose to let you know where the time
12	The authority for the Hearing Examiner	12	is tomorrow at noon. We're here for the appeal.
13	to hear and decide this matter is pursuant to	13	It's going to take at least that long, so we can
14	Chapter 2505.680 of the Seattle Municipal Code. The		wait that long to know exactly where we are with
15	hearing is recorded. Please make sure that there is	15	time. And then let the parties know at the
16	only one individual speaking at a time, and speak	16	beginning of each day where we are with time. If
17	clearly. You don't have to speak directly into a	17	there's an essential need for it, that's I'm
18	microphone, but you do need one within the vicinity	18	happy to check where we are with things, but it's a
19	of where you are speaking.	19	little bit of math on my part. So I'm not keeping
20	The order of procedure we'll go	20	down to the minute where we are, and I don't want us
21	through is with opening statements. The parties are	21	to be distracted by that time keeping. I'm much
22	not required to do opening statements, but you may	22	more interested in hearing the chief-in-case
23	do those. We'll first hear from the Appellants,	23	case-in-chief.
~ /			
24 25	then Department, and Intervenor, then there's presentation of evidence, witnesses, and exhibits,	24 25	All right. Are there any procedural questions or matters that we need to address,

3 (Pages 6 to 9)

	Page 10		Page 12
1	housekeeping before we get started from any of the	1	entirety of the week including starting a half-an-
2	parties?	2	hour early total. And so, with an hour and 15 for
3	MR. COHEN: Your Honor	3	lunch, that's seven-and-a-half there. No. Excuse
4	THE HEARING EXAMINER: Mr. Cohen?	4	me. Six
5	MR. COHEN: I'm a Type 1 diabetic, and	5	THE HEARING EXAMINER: You're rough
6	I may find it necessary to nibble something during	6	I don't have my math in front of me, but that
7	the course of the proceedings. I'll be as discreet	7	sounds about right what I did.
8	about it as possible.	8	MR. KISIELIUS: Six and then another
9	THE HEARING EXAMINER: Okay.	9	half hour each day is another two-and-a-half. So
10	MR. COHEN: But I do	10	eight-and-a-half 42 minus eight-and-a-half, I get
11	THE HEARING EXAMINER: We've made	11	34 33-and-a-half divided by 2. It's about 16
12	accommodations for that before, and that's fine.	12	rather than 18.
13	Thank you for bringing that to my attention.	13	THE HEARING EXAMINER: Okay. So it's
14	MR. COHEN: Thank you.	14	a lot less than what I thought. Is that right?
15	THE HEARING EXAMINER: Probably the	15	Does anybody else want to check that
16	main thing is make sure you're not crinkling things,	16	MR. BROWER: Does that count against
17	I guess	17	them?
18	MR. COHEN: Yeah.	18	THE HEARING EXAMINER: while we
19	THE HEARING EXAMINER: in the	19	can? When they start does anybody else want to
20	microphone and that. All right.	20	check that, because I encourage you to do your own
21	MR. KISIELIUS: Mr. Examiner, we have	21	math.
22	just two items.	22	MR. BROWER: We're fine.
23	THE HEARING EXAMINER: Yes.	23	MR. KISIELIUS: I was just mostly
24	MR. KISIELIUS: One is just following	24	trying to avoid surprises if
25	up on the time. Appreciate the clock and just	25	THE HEARING EXAMINER: I think that's
	Page 11		Page 13
1	Page 11 wanting to double-check on the math. Mostly just	1	Page 13
1 2		1 2	5
	wanting to double-check on the math. Mostly just		yeah, we do need to decide that up front. So
2	wanting to double-check on the math. Mostly just out of an interest of making sure there aren't any	2	yeah, we do need to decide that up front. So 16-and-a-half then. Do I hear 17?
2 3	wanting to double-check on the math. Mostly just out of an interest of making sure there aren't any surprises where we get to Thursday when we're	2 3	yeah, we do need to decide that up front. So 16-and-a-half then. Do I hear 17? MR. COHEN: I would like 17.
2 3 4	wanting to double-check on the math. Mostly just out of an interest of making sure there aren't any surprises where we get to Thursday when we're running out. So with 36 hours, that's over the	2 3 4	yeah, we do need to decide that up front. So 16-and-a-half then. Do I hear 17? MR. COHEN: I would like 17. THE HEARING EXAMINER: All right.
2 3 4 5	wanting to double-check on the math. Mostly just out of an interest of making sure there aren't any surprises where we get to Thursday when we're running out. So with 36 hours, that's over the course of the week given the time for start and stop	2 3 4 5	yeah, we do need to decide that up front. So 16-and-a-half then. Do I hear 17? MR. COHEN: I would like 17. THE HEARING EXAMINER: All right. MR. KISIELIUS: And the one other item
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4 (Pages 10 to 13)

	Page 14		Page 16
1	of the lawyers representing the Coalition in this	1	to be insufficient.
2	matter. Thank you for the opportunity to make a	2	Judge Rogers retained jurisdiction
3	brief opening statement.	3	over this matter to enter a final order determining
4	The thing about this opening	4	whether or not SDOT complied with a second order o
5	statement, I'm reminding myself to go back to the	5	remand. He did that because SDOT and the Cascade
6	fundamental treatise that provides the guidance on	6	Bicycle Club asked him to retain jurisdiction.
7	SEPA. Professor Settle's Legal and Policy Analysis	7	The evidence we will present this week
8	of the Washington State Environmental Policy Act.	8	will prove the following: The Coalition did what
9	For many of us who went to law school in Washington		SDOT did not do. We hired the engineers and did the
10	we learned land-use from Professor Settle.	10	analysis SDOT could have and should have done in th
11	Professor Settle lays out the fundamental purpose of	11	EIS. Our engineers concluded this trail will be
12	an EIS, teaching us that SEPA strives to avoid an	12	unsafe and actually create traffic hazards, not
13	abominable degradation and works to preserve and	13	eliminate them. These experts will tell you the
14	enhance environmental quality by requiring local	14	Missing Link is an unsafe side path that will create
15	government actions be based on sufficient	15	numerous conflict points based on contraflow trail
16	environmental information and be in accord with	16	users. These are people who will be riding against
17	SEPA's substantive policies.	17	the flow of traffic. Contraflow trails are
18	An EIS is supposed to provide	18	universally regarded as being two to three times
19	sufficient information for a local government to	19	more dangerous than riding with the flow of traffic.
20	make an informed and reasoned decision. An EIS is	20	You will hear evidence that the
21	supposed to include clear concise statements that	21	Missing Link will create traffic hazards that are
22	impartially describe a proposal's significant	22	not disclosed in the EIS yet easily could have been
23	impacts, describe an environmental and preferable	23	disclosed. You will hear evidence that the Missing
24	alternatives, and include mitigation measures that	24	Link will force truck drivers to make unsafe
25	lessen a proposal's significant impacts.	25	movements to get into and out of driveways they
	Page 15		Page 17
1	But none of that happened here in this	1	frequent nearly every day. You will hear from our
2	document. This is the fourth hearing in this	2	parking expert, an expert who used to work for SDOT
3	Odyssey-S proceeding that has spanned over nine	3	and who helped create SDOT's parking methodology for
4	years of litigation. In 2011, SDOT, which has	4	this very project. He will tell you this project
5	always been and remains both the project proponent	5	will create significant adverse parking impacts
6	and its own (indiscernible) agency prepared another	6	based upon the correct methodology.
7	DNS for itself, again, concluding its project will	7	You will hear from our economist, who
8	not have significant impacts based on a 10-percent	8	will tell you SDOT's methodology was flawed. And w
9	level of design.	9	will confirm what SDOT's own consultant confirmed
10	In 2011, Examiner Watanabe agreed	10	that the Missing Link will cause significant adverse
11	holding 10 percent was sufficient. Judge Rogers	11	economic impact to maritime and industrial
12	disagreed and held that a "10-percent conceptual	12	businesses located in Ballard.
13	level of design was insufficient to disclose the	13	And you will hear from business owners
14	project's significant impacts." In 2012, SDOT	14	and operators and from organized labor, all of whom
15	rushed a revised DNS for the project based on a 20	15	will confirm to you that the Missing Link will make
16	to 30-percent design for the Shilshole Segment. At	16	it impracticable or impossible for them to remain in
17	that level of design, Examiner Watanabe agreed with	17	business. You will hear that the men and women who
18	the Coalition folding the project would create	18	work in this area and who depend on their
	significant adverse traffic hazards and ordered SDOT	19	professional licenses will lose their jobs and their
19	-	20	livelihoods.
19 20	To prepare the EL ELS at issue here. In		
20	to prepare the EI EIS at issue here. In preparing EIS, SDOT undesigned the project from the	21	Also, people can save 16.2 seconds of
20 21	preparing EIS, SDOT undesigned the project from the		Also, people can save 16.2 seconds of time riding on the most direct route. 16.2 seconds
20 21 22	preparing EIS, SDOT undesigned the project from the 20 to 30-percent level of design already held	22	time riding on the most direct route. 16.2 seconds
20 21	preparing EIS, SDOT undesigned the project from the		

5 (Pages 14 to 17)

	Page 18		Page 20
1	adequacy of the EIS comes down to SDOT saying "trus	t 1	explains the Rule of Reason correctly. While some
2	us." We can design this safely. The evidence will	2	deferences do, courts review the adequacy of an EIS
3	show, however, there is no study anywhere proving	3	de novo. The true measure of adequacy is whether or
4	SDOT can design any way the 2 to 3 times increased	4	not an EIS included all of the information and the
5	hazard from the contraflow movement. There is no	5	analysis that could reasonably have been included.
6	study or evidence to show how the trail will operate	б	As Professor Settle explained, "The real reason is a
7	safely and (indiscernible) conflict points and	7	broad, flexible, cost-effectiveness standard."
8	traffic hazards it will create.	8	Here, this means SDOT was required to
9	The evidence also will show that for	9	obtain and include all of the information in the EIS
10	the Cascade Bicycle Club, this is about New Ballard	10	on significant, adverse impacts essential for City
11	versus Old Ballard. Cascade wants this area to be	11	decision-makers to make an informed choice amongst
12	redeveloped with incompatible uses that will drive	12	alternatives; information that it could have
13	the existing businesses out of business, so that	13	reasonably have obtained. This includes information
14	they will give up the litigation and go away.	14	both about alternative routes and alternative trail
15	As to SDOT, the evidence will show	15	designs. Not surprisingly, SDOT's EIS for its own
16	SDOT intentionally underdesigned the Missing Link,	16	project concludes that there will not be a single
17	and averted that the 10-percent level of design to	17	not a single significant adverse impact form the
18	hide, not disclose, the adverse impacts from the	18	Missing Link. Not one. Nothing. Nada. Nothing in
19	trail. SDOT instructed its consultants to remove	19	this document says there will be a significant
20	language from the EIS that would have disclosed the	20	impact.
21	significant impacts from the Missing Link including	21	But that's not what the evidence will
22	using language about traffic hazards and the	22	actually show. In the course of discovery, we
23	economic impacts. SDOT instructed its consultants	23	obtained the first draft of the Economic
24	to add favorable statements that the Missing Link	24	Considerations Report prepared by SDOT's consultant
25	will make this area safe for vulnerable trail users	25	ECONorthwest.
	Page 19		Page 21
1		1	Page 21 In a first draft, ECONorthwest
	Page 19 even though there is no support for those statements.	1 2	
1 2 3	even though there is no support for those statements.		In a first draft, ECONorthwest
2	even though there is no support for those statements. SDOT will present its trail expert to	2	In a first draft, ECONorthwest concluded there will be significant adverse impacts
2 3	even though there is no support for those statements. SDOT will present its trail expert to show it can design the trail safely. Its expert,	2 3 4	In a first draft, ECONorthwest concluded there will be significant adverse impacts from the Missing Link. To quote from its report,
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2 3 4 5	even though there is no support for those statements. SDOT will present its trail expert to show it can design the trail safely. Its expert, however, lives in Virginia, makes his living telling	2 3 4 5	In a first draft, ECONorthwest concluded there will be significant adverse impacts from the Missing Link. To quote from its report, ECONorthwest said, "Significant impacts result from interference of the business operations of
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6 (Pages 18 to 21)

	Page 22		Page 24
1	MR. COHEN: And I'll reserve my	1	Q. And were you the expert witness who
2	opening statement as well.	2	testified during the hearing the last hearing in
3	THE HEARING EXAMINER: Okay.	3	front of Hearing Examiner Watanabe?
4	MR. COHEN: Thank you.	4	A. Yes, I was.
5	THE HEARING EXAMINER: Thank you.	5	Q. And were you engaged and asked to perform
6	Then we proceed back to the	6	a an analysis for this hearing?
7	Appellants.	7	A. Yes.
8	MR. SCHNEIDER: The Ballard Coalition	8	Q. Can you before we get to your
9	calls Vic Bishop.	9	analysis, can you give us your educational and
10	Mr. Examiner, perhaps before we begin	10	professional background, please?
11	we can get everyone to turn to the correct volume of	11	A. Okay. I am a civil engineer, graduated
12	the exhibits. Mr. Bishop's individual documents	12	from the University of New Hampshire in 1962 and
13	that he prepared are numbered individually. But for	13	then graduated with a Bachelor of Science of civil
14	convenience at the hearing, we lumped them	14	engineering. And then in 1966, I graduated from the
15	altogether in a single exhibit which is in Volume 1	15	University of Washington with a Master's Degree in
16	at A-310. So if we could all turn to that I think	16	transportation engineering.
17	it would be most beneficial. And it's under Tab	17	Q. Okay. And what did you do after you got
18	A-310.21.	18	your Master's Degree in transportation engineering?
19	And we are going to be projecting some	19	A. Well, my first job was with Boeing. I
20	of the materials that Mr. Bishop created on your	20	spent 10 years as a traffic engineer for the Boeing
21	television. And I think it might be helpful if	21	Company developing the Everett Site 747 site. It
22	Mr. Bishop can stand here and point at things he	22	was 708 acres of woods when I showed up, and 10
23	wants to call your attention to. So can we use a	23	years later, before I left, we had pulled out an
24	portable microphone when we get to that point?	24	airplane out of the building.
25	THE HEARING EXAMINER: I believe so.	25	Q. Give us the overview of your employment
	Page 23		
			Page 25
1		1	Page 25
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2	Let's make sure the technology is working for that. We didn't test it in advance, but I'm not sure.	2	history after you left Boeing then. A. Well, I claim to be one of the first 100
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7 (Pages 22 to 25)

	Page 26		Page 28
1		1	
1	Q. And what are they?	1	projects going virtually all the time for the decade
2	A. I'm sorry. I am five years ago I was appointed by the City of Bellevue Counsel to	2	of the 1970s with one jurisdiction or another including the City of Seattle. And one of those
3	Bellevue Transportation Commission. And this last	3 4	<b>č</b>
4	June I was elected by my peers as chair of the	4 5	the Traffic Safety Administration had 14 different
5	Bellevue Transportation Commission. I'm in my first	5	aspects of traffic safety that they were interested
6 7	year of my second term. It's term limited, so I've	7	in. And about seven or eight of those were traffic engineering elements and it was new developments.
8	got three more years on that. I'm also the been	8	There was law enforcement. There's education.
9	a board member for a long time of the Eastside	9	There's a vehicle stuff as well. But one of
10	Transportation Association, and this year I'm chair	10	those elements was traffic rules of the road
11	of the Eastside Transportation Association. I'm	11	traffic laws.
12	also the president of my local homeowner's	12	And so, I developed the Traffic Code for
13	association West Lake Sammamish Association, which		four or five jurisdictions: City of Bellevue, City
14	dominantly is in existence because of the	14	of Bellingham, City of Yakima, and City of
15	transportation issues.	15	Ellensburg and the City of Seattle. I spent three
16	Q. Over the course of your career have you	16	years in the late '70s working with the Seattle's
17	worked for public agencies?	17	Traffic Engineering or Division developing the
18	A. Yes. As a consultant, and briefly, in	18	Traffic Code for the City of Seattle which was about
19	one summer as a student graduate student for SDOT		the Bellevue City Council in 1979, I believe it was.
20	Seattle Department of Engineering at the time I	20	Then subsequent to doing those individual
21	think it was called.	21	city traffic codes, I was retained by the Municipal
22	Q. Can you give us an example of work you've	22	Research and Services Center which is the
23	done for the State Department of Transportation?	23	Association of Washington City's legal group. We
24	A. Yes. As a consultant I work for, of	24	maintained a model traffic ordinance, and they asked
25	course, whoever would hire me. And the State, from	25	me to go through that and bring it to a level that
	Page 27		Page 29
1		1	
1 2	time to time, did so and wanted me specific	1	could be adopted by the legislature as a model
2	time to time, did so and wanted me specific things that my firm did found out of was the	2	could be adopted by the legislature as a model traffic ordinance for all jurisdictions in the State
2 3	time to time, did so and wanted me specific things that my firm did found out of was the design of traffic signals, prepare the plans and	2 3	could be adopted by the legislature as a model traffic ordinance for all jurisdictions in the State of Washington. And we and so I did that, and I
2	time to time, did so and wanted me specific things that my firm did found out of was the design of traffic signals, prepare the plans and specifications for a contractor to build traffic	2 3 4	could be adopted by the legislature as a model traffic ordinance for all jurisdictions in the State of Washington. And we and so I did that, and I did so, and that is now current I think it's in
2 3 4	time to time, did so and wanted me specific things that my firm did found out of was the design of traffic signals, prepare the plans and specifications for a contractor to build traffic signals. Everyone was contracted by the State of	2 3 4 5	could be adopted by the legislature as a model traffic ordinance for all jurisdictions in the State of Washington. And we and so I did that, and I did so, and that is now current I think it's in the it's in the WAC Washington Administrative
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# 8 (Pages 26 to 29)

	Page 30		Page 32
1	deeply involved in the West Lake Corridor issues. I	1	are used by each of those individual driveways.
2	failed miserably at that time, and it's been	2	Q. And what did you do to prepare the
3	rectified since they took the tracks out and redid	3	information that is summarized in this Driveway
4	the parking lot. So that's helped a bit.	4	Turning Movement Chart?
5	Q. Are you currently involved in any bicycle	5	A. Well, I did a combination of things
6	infrastructure issues other than this case?	6	including talking to probably a third of the
7	A. Well, yes. The my commission at	7	individual owners of the driveways/businesses this
8	Bellevue Transportation Commission in 2009, the	8	summer. And then, referring to my notes from
9	commission before I was on a member of it	9	previous years working on this for the rest of them,
10	developed a city-wide bicycle/pedestrian plan. Four	10	to identify what kind of trucks, what size of trucks
11	or five years went by and city didn't do too much	11	and some idea of the frequency of the trucks that go
12	about it, and so that issue came back to the	12	in and out of those driveways.
13	Commission's attention.	13	Q. So between the conversations you had with
14	Two years ago in working with the staff,	14	business owners or operators this summer and your
15	we developed a pedestrian bicycle rapid	15	prior conversations before the last hearing, how
16	implementation plan, which would work towards it	16	many of the business owners or operators have you
17	had some bicycle accessibility in the City of	17	actually spoken to?
18	Bellevue. That became a significant portion of a	18	A. Probably about 75 percent. Probably
19	proposed transportation levy, which was proposed to	19	two-thirds or three-quarters.
20	the voters in 2016 and it did pass in November of	20	Q. Okay. We'll come back to that, but what
21	2016.	21	is the next set of documents are large hold-out
22	And then, so in the last year there's	22	diagrams. Can you give us an overview of what these
23	been planning efforts, and, indeed, some	23	are and then how they were prepared?
24	implementation of some bicycle facilities in	24 25	A. So these are the diagrams of what we call
25	Bellevue. Currently looking at a demonstration	25	the AutoTURN swept paths of various trucks at
	Page 31		Page 33
1	project for taking some lanes out in downtown	1	individual driveways making specific turning
2	Bellevue; thinking about bike lanes through	2	movements in or out to the left or to the right.
3	Bellevue.	3	The first page is just a key map. And there is
4	Q. When you were engaged by the Ballard	4	
Г		4	seven sets of figures here from one through seven.
5	Coalition, you were asked to review the	5	Q. So we'll come back to the each
6	Coalition, you were asked to review the Environmental Impact Statement that the City had	5 6	<ul><li>Q. So we'll come back to the each</li><li>A. Right.</li></ul>
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9 (Pages 30 to 33)

1       three-page document. Again, just what's the         2       A. Okay. This document summarizes my         analysis of the various alternatives with respect of         a methodology of evaluating the appropriateness of         to way side path referenced by the Chicago Land         7       Q. So applying what you just said, does that         7       Q. And when you say that a driveway was         8       first page that talk shout what the raiting system         9       is. The second sheet says what the results were,         9       A. Well, it was included on the table of         11       ones that don't have a letter designation had         12       Q. Okay. And beginning on page 44 of this         13       exclustor every inst briefly explain what that is?         14       the explanet doe valuate the feasibility of         19       potentially putting a bike bridge on a portion of         11       the economic - the cost and some figures showing         12       various are located on the following pages.         13       A. Muthen, in overview terms, is that document?         14       represents data from the final ELS total parking         15       the chart and the way and in the final ELS total parking         16       This is a summany of some of the information         <		Page 34		Page 36
2       bird overview of that?       2       A. Correct.         3       A. Okay. This document summarizes my anyloing of the various alternatives with respect to a methodology of evaluating the appropriateness of two-way side path refacenced by the Chicago Land       5       in the EIS but the others were not?         6       two-way side path refacenced by the Chicago Land       7       Q. And when you say that a driveway 17 was discussed in some mame in the EIS but the others were not?         7       Q. And when you say that a driveway 17 was discussed in some mame in the EIS but the others were not?       A. Mate is correct.         8       first page that talks about what the rating system is is. The second sheet says what the results were, and the third sheet shows it graphically the same results.       Q. Okay. And beginning on page 44 of this ratio correct.         10       and the third sheet shows it graphically the same results.       10       identifying driveways. I think they counted nost of those – there's videos available of those – there's videos available of those – there's videos available of those – they counted those by using video tape.         11       the Crononic – the cost and some figures showing the tarffic flow at those driveways.       10       Identifying video tape.         2       A. This is a summary of some of the data sascoiated with parking in the study area, and it represents data from the final EIS. Noal available, for onot, the results which is the places, which is the relax where the series that were with think there ways.       10       A. Correct.	1	three-page document Again just what's the	1	we've got driveway 17 17A 17B 17C and D
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4       analysis of the various alternatives with respect to       4       mean that direvany 17 vas discussed in some manne         5       a methodology of evaluating the appropriateness of a       5       in the EIS but the others were not?         7       Bicycle Federation Tech Sheet Number 1. There's a       7       A. That is correct         9       is. The second sheet says what the results were,       9       A. Well, it was included on the EIS, in what way?         10       and the third sheet shows it graphically the same       9       A. Well, it was included on the table of         12       Q. Okay. And beginning on page 44 of this       12       12       And there's some - there's videos available of         14       the const. It here shows it graphically the same       12       And there's some - there's videos available of         15       the const. It here's videos available of       12       that were's videos available of         16       Tho This is a technical report perpeared by       13       those traffic routums acounts included in the FIES. Nut it was         17       the conside - the columes the same some evaluation of the there's video available of       14       those traffic routums acounts included in the free's videos available of         16       not mice's some - there's videos available of       15       those traffic routums included in the same         17				
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6       two-way side path referenced by the Chicago Land       6       A. That is correct.         7       Bicycle Federation Tech Sheet Number 1. There's and       7       Q. And when you say that a driveway was a actually referred to in the ELS, in what way?         9       is. The second sheet says what the results were, results.       7       A. Well, it was included on the table of         10       and the third sheet shows it graphically the same results.       9       A. Well, it was included in the table of         12       Q. Okay. And beginning on page 44 of this is Exclusability Study for Elevated Trail Section.       14       10         15       Can you just briefly explain what that is?       15       16       An Othere's some - there's videos available of         16       A. This is a technical report prepared by       17       available. And this ther examits were youns the heading is         17       potenially purting a bike bridge on a portion of       16       16       17         18       that we retained to evaluate the feasibility of       19       0. Okay. And so, moving over to the hird         19       potenially purting a bike bridge on a portion of       16       16       17         21       the consit at dom the feasibility of       20       0. Okay. And so, moving over to the hird         10       outis and parking bist, and some of the datas <td>5</td> <td>· ·</td> <td></td> <td>-</td>	5	· ·		-
7       Bicycle Federation Tech Sheet Number 1. Ther's a       7       Q. And when you say that a drivwary was         8       first page that talks about what the rating system       8         9       A. Well, it was included on the table of         10       and the third sheet shows it graphically the same       10         11       results.       10       actually referred to in the EIS, in what way?         12       Q. Okay. And beginning on page 44 of this       12       traffic volume accounts included in the final EIS.         13       exhibit, there are three documents. The first page       13       And there's some - there's videos available of         14       the scalability 50 for Elevated Trail Section.       14       those - they counted mose tor         15       Can you just briefly explain what that is?       15       those - they counted mose tor         16       A. This is a technical report prepared by       16       I'm not sure they were in the EIS, but it was         10       potentially putting a bic bridge on a portion of       10       Q. Okay. And so, moving over to the third         20       the coronnic - the cost and some figures showing       21       column, hat's where you have the heading is         21       the coronnic - the cost and some figures showing       22       A. Weli, 11 of these 40 driveways.	6			
8       first page that talks about what the rating system       8       actually referred to in the ELS, in what way?         9       is. The second sheet says what the results were,       9       A. Well, it was included on the table of         11       results.       10       identifying driveways. I think virtually all of the         12       Q. Okay. And beginning on page 44 of this       11       ones that don't have a letter designation had         12       out just briefly explain what that is?       13       And there's some - ther's videos available of         14       is Exclusability Study for Elevated Trail Section.       14       these traffic flow at those driveways.         16       A. This is a technical report prepared by       16       Im not sure they were in the ELS, but it was         17       the cronomic - the cost and some figures showing       17       This trail length. And shows the results of that,         16       the arconomic - the cost and some figures showing       20       Okay. And so, moving over to the third         20       column, the Sishop, if you could turn       21       ottomy on have a total Y equals 11. N equals 29?         23       column, the sishop, if you could turn       25       A. Well, 11 of these 40 driveways were         24       Q. Okay. Then Fd like tog back to the       1       included in the FELS and 29 were not identifie	7		7	Q. And when you say that a driveway was
10       and the third sheet shows it graphically the same       10       identifying driveways. I think virtually all of the         11       results.       10       identifying driveways. I think virtually all of the         11       results.       11       results.         12       Q. Okay. And beginning on page 44 of this       12       traffic volume accounts included in the final EIS.         14       is Exclusability Study for Elevated Trail Section.       13       And there's some - there's videos available of         14       is Exclusability Study for Elevated Trail Section.       14       the CTS Intervenors, a structural engineering firm         16       A. This is a technical report prepared by       16       Fm not sure they were in the ELS, but it vas         17       the CTS Intervenors, a structural engineering firm       16       the traffic flow at hose driveways.         14       the conomic - the cost and some figures showing       21       originally included in the FEIS. And at the very         22       various - the elevation of the piers and where the       23       A. Yes.         24       Q. And then, Mr. Bishop, if you could turn       24       Q. What is that?         25       to page 035, which is the last page behind this Tab.       25       A. Well, 11 of these 40 driveways were         2       A. This is a summary o	8	first page that talks about what the rating system	8	
11       results.       11       ones that don't have a letter designation had         12       Q. Okay. And beginning on page 44 of this       12       traffic volume accounts included in the final EIS.         13       exhibit, there are three documents. The first page in behind his Tab.       13       And there's sources by using video tape.         14       is Exclusability Study for Elevated Trail Section.       14       those they counted those wailable of         15       Can you just briefly explain what that is?       15       those they counted those wailable of         16       In not sure they were in the EIS, but it was       available. And I think there was some evaluation of         16       the raffic flow at those driveways.       10       O. Okay. And so, moving over to the third         20       columns are located on the following pages.       10       O. Okay. And so, moving over to the third         21       the economic the cost and some figures showing       21       originally included in the FEIS. And at the very         22       columns are located on the following pages.       2       A. Yes.       2         22       Dottom you have a total Y equals 11. N equals 29?       2       3. Well, 11 of these 40 driveways were         23       A. This is a summary of some of the data       3       3.       3.       3.	9	is. The second sheet says what the results were,	9	A. Well, it was included on the table of
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		-		
25 Q. So, for example, going down a few rows, 25 technically a driveway, but it's a closed-gated	25		25	technically a driveway, but it's a closed-gated

10 (Pages 34 to 37)

	Page 38		Page 40
1	hardly ever gets used, and it's got some grade	1	this chart all based on your communications with the
2	issues. It's difficult to get a truck in and out	2	business owners or operators?
3	of, so they don't use it for that purpose.	3	A. Yes.
4	The third column is whether the 40-some	4	MR. SCHNEIDER: Mr. Examiner, just a
5	odd trailer truck	5	point of how you'd like to proceed. I can obviously
6	Q. Now before you talk about that, what is	6	offer these documents as I go. I can offer them in
7	YWB40 in the next column is WB-67. What are those	7	a lump sum. I can offer them before witness
8	names?	8	discusses them. Since I haven't heard any
9	A. Oh, that's a designation by this	9	objections, I guess I'll just what comes naturally,
10	Ashville, the Association American Association of	10	or would you is there a method you would?
11	State Highway and Transportation Officials have	11	THE HEARING EXAMINER: My only concert
12	identified this issue of how you think about trucks.	12	mostly, I mean, if there's an admissibility
13	And so, they've identified several categories of	13	question, I'm sure Counsel will raise the objection.
14	trucks, and this is their designation. WB40 is a	14	My concern is how we're going to do the numbering
15	fairly standard semi-trailer truck that makes	15	system here. I see the notebooks, and I see that
16	deliveries. And WB-67 and there's several others	16	we're not going in order in the notebook. So
17	in-between between 40 and 67. But the WB40 is	17	MR. SCHNEIDER: Right.
18	actually the smallest semi-truck and WB 67 is the	18	THE HEARING EXAMINER: did you have
19	largest semi-truck. WB-67 has a what's called a	19	a thought on how you're proposing to do that?
20	box. The trailer is 50 feet 53 feet long, and	20	MR. SCHNEIDER: Well, I guess, again,
21	the overall length is, I think, 67 feet.	21	I'm not anticipating an objection to admissibility
22	These two types of trucks have a single	22	on the documents in this packet. If I'm correct in
23	articulation. It's a fifth-wheel kind of thing, so	23	that assumption, I would just wait and then when I'm
24	the tractor turns and there's one point that turns.	24	done with it testimony and after there's been a
25	And so, the trailer follows in a different path than	25	chance for voir dire for cross-examination, offer
	Page 39		Page 41
1	the front wheels. And so, that's what creates this	1	them. Is does that make sense?
2	swept path concept is that the it's wider than	2	THE HEARING EXAMINER: It does. I
3	just the truck width itself.	3	just maybe for purposes of getting on the record
4	Q. Okay. And so these	4	in lieu of an objection sort of our understanding
5	A. And then	5	and stipulation on this is some of these documents
6	Q let's head for a moment to the	6	Mr. Bishop did not prepare. One of the Coalition's
7	AutoTURNs on the pages that follow.	7	other witnesses, Mr. Kuznicki did. To facilitate
8	A. Yeah.	8	the efficient presentation of witness testimony,
9	Q. Do those Auto does the AutoTURN	9	we've agreed to stipulate to the authenticity of
10	software then use the standard designations of WB-40	10	these documents to allow Mr. Bishop to testify to
11	and the WB-67?	11	them on with the understanding that they plan to
12	A. Yes.	12	call Mr. Mr. Kuznicki, so that we can ask him
13	Q. And so forth?	13	questions about the creation of the AutoTURN
14	A. Right.	14	diagrams.
15	Q. Okay. And so, explain the difference	15	MR. SCHNEIDER: Yeah. And my
16	between the blue boxes and the grey boxes for us,	16	understanding is the concerns go to weight, not
17	please.	17	admissibility, so then I guess we're not directly
18	A. Well, the blue boxes are the got a	18	answering your question. And I we are going to
19	designated truck and for a particular driveway if	19	be leaping around among the volumes. There was a
20	and so, the further you go to the right the bigger	20	lot of it simply wasn't possible, given the time
21	the truck that uses that driveway. And if you get	21	limits, to put them in the order they were going to
22	to the point where it gets to be very grey box, then	22	be used. So I think it's really whatever makes it
23	our conclusion is that size truck doesn't use that	23	easiest on the Hearing Examiner. But this will be
24	driveway or at least on a very frequent basis.	24	the first document that we offer and then we'll have
25	Q. So using and is the information in	25	another major document today that our next witness

11 (Pages 38 to 41)

	Page 42		Page 44
1	will discuss. And then, after that I think it	1	Q. So why don't you tell us which of the
2	becomes we're going to be going from volume to	2	driveways on your charts the city did an AutoTURN
3	volume of documents.	3	analysis for?
4	THE HEARING EXAMINER: Well, we'll	4	A. Okay.
5	have to label them by number as we go, so this will	5	Q. And, Mr. Bishop, if it's going to take
6	be Exhibit 1. I think we'll try to two	6	you awhile, maybe we'll come back to this after the
7	categories of exhibits. So we'll do Appellant's and	7	break. I just want to be mindful of efficient use
8	Respondents. We'll lump the Intervenor's in with	8	of time here.
9	Respondent. So we'll have a single list of exhibits	9	A. So I driveway 17D on my chart
10	from Respondents.	10	Q. Is that D as in dog?
11	MR. SCHNEIDER: So will it be A-1 or	11	A. D as in dog is it's a little confusing
12	just 1?	12	as to whether that's a driveway or a street. It's
13	THE HEARING EXAMINER: A-1.	13	actually 26th Avenue Northwest at Market Street.
14	MR. SCHNEIDER: A-1.	14	And the issue there is that it's actually a there
15	(EXHIBIT A-1 IS MARKED FOR IDENTIFICATION	J) 15	is a public street right of way there, but it's only
16	THE HEARING EXAMINER: And what I'm	16	20 feet wide and normal streets are 50 or 60 feet
17	going to ask you to do, since you have your own	17	wide. And so, on this first drawing in the FEIS on
18	numbering system so that we can keep track of A1 and	18	the on Figure A2, it shows a truck leaving 26th
19	where that is, and which notebook et cetera, is tell	19	Street, turning right. And so that's an AutoTURN
20	us which notebook and your exhibit number as you	20	evaluation in the IS for that driveway or that
21	come to each document.	21	street.
22	MR. SCHNEIDER: Yes. We'll do that.	22	Q. And what sized truck did the city use?
23	Thank you.	23	A. That was a WB-50 truck, which is a little
24	THE HEARING EXAMINER: All right. And	24	smaller than a 67; little bigger than the 40.
25	that way we can track that, and I'll know which one	25	Q. Okay. And you did a WB-67?
	Page 43		Page 45
1	we're talking about.	1	A. Yes.
2	MR. SCHNEIDER: Okay.	2	Q. Is that because why did you use the
3	THE HEARING EXAMINER: Thank you. An	d 3	WB-67?
4	I understand the stipulations that you've all	4	A. Because in discussing with the businesses
5	reached with each other as far as admissibility and		
	-	5	in that area, that's the biggest truck that they
б	as long as you're copacetic with that, that works	6	in that area, that's the biggest truck that they use.
7	as long as you're copacetic with that, that works fine with me.	6 7	in that area, that's the biggest truck that they use. Q. Okay. So 17D was there's an AutoTURN
7 8	as long as you're copacetic with that, that works fine with me. MR. SCHNEIDER: I'm sure we'll find	6 7 8	in that area, that's the biggest truck that they use. Q. Okay. So 17D was there's an AutoTURN in the EIS.
7 8 9	as long as you're copacetic with that, that works fine with me. MR. SCHNEIDER: I'm sure we'll find out if we're ever not.	6 7 8 9	<ul> <li>in that area, that's the biggest truck that they use.</li> <li>Q. Okay. So 17D was there's an AutoTURN in the EIS.</li> <li>A. Right.</li> </ul>
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12 (Pages 42 to 45)

	Page 46		Page 48
1	one of the few, if not the only marina that has	1	said some the ones that were not included have
2	swingers and equipment to take very large boats off	2	the letter indication. Is that right?
3	of trucks and put them in the water. And so, if	3	THE WITNESS: Right. Right.
4	there's a boat that comes to Seattle from across the	4	THE HEARING EXAMINER: So what do you
5	country, it very often shows up at this particular	5	mean that they were not included? Were they
б	marina and they turn in and out of that driveway.	б	included at a later date or?
7	And because of the boats tend to get very large, as	7	THE WITNESS: Yeah. They I think
8	big as they can get on the boat, the trucking	8	the AutoTURN addition in the EIS was after the
9	industry has come up with what they call a Lowboy		THE HEARING EXAMINER: Okay.
10	A flat-bed truck that's very low to the ground so	10	THE WITNESS: initial evaluation.
11	they can get more height under the bridges and get a		THE HEARING EXAMINER: So this is
12	bigger boat on their truck as well as other loads.	12	after that?
13	So there are two designations of Lowboy	13	THE WITNESS: So it wasn't included in
14	trucks. One is a relatively short version and then	14	the I believe the Number 9 for Sound and Bay was
15	essentially it's the same truck. It's the	15	intended in the IS to be all the driveways of sound.
16	Lowboys can be extended to get a longer boat on.	16	Turns out there are five driveways for Sand and Base
17	And so, if they have to extend it they do. And it	17	Sand and Gravel. And that's why there's a 9, a
18	takes up more room to turn. If they don't have to	18	9A, 9B, 9C, 9D.
19	extend it, they don't. So the Lowboy short is in	19	THE HEARING EXAMINER: So were
20	its shorter length and a Lowboy long is in its	20	ultimately some of those then included at some point
21	longer length. And they both use this driveway.	21	or?
22	There is times when they're out to here	22	THE WITNESS: Yeah. This 9D was
23	and at times of Seattle Boat Show it's a	23	included in this AutoTURN as an AutoTURN thing. It
24	concentrated time of year. And other times of year	24	wasn't included in an in a
25	there's other trucks that come in and out.	25	BY MR. SCHNEIDER:
	Page 47		Page 49
1	Q. So, Mr. Bishop	1	Q. Okay. So, Mr. Bishop, I'm not sure we're
2	A. And then, also on A8, this is this is	2	responding to the Examiner's question. So I want
3	my driveway 9 9D. 9 and	3	you to explain. You've identified four driveways
4	Q. D as in dog?	4	where the AutoTURN movement was done.
5	A. D as in dog. 9 is a it's identified	5	A. Yeah.
6	as a single-unit truck similar in size to what's	6	Q. But your third column refers to 11
7	called here a cement truck, which is not correct,	7	driveways that were included in the EIS. So how
8	but it's a concrete truck. Right into driveway 9	8	were the others that they didn't do AutoTURNs for
9	and right out of driveway 9D.	9	included in the EIS?
10	Q. So you've identified four driveways that	10	A. Well, they're identified on the figure
11	the city did AutoTURNs for: 17D, 9, 9D, and 12B.	11	really, in the final EIS about driveways. And they
12	Is that correct?	12	were identified with traffic volume counts. I think
13	A. Correct. I guess figure 9A does another	13	both peak hour and daily in the EIS.
14	couple of turns. 9A in the final EIS does another	14	THE HEARING EXAMINER: And the other
15	does a left turn into driveway 9 and a left turn	15	were not?
16	out of driveway 9D.	16	THE WITNESS: And the other 29 were
17	Q. So, Mr. Bishop	17	not.
18	THE HEARING EXAMINER: May I ask on		THE HEARING EXAMINER: Okay. Thank
19	clarifying question, Mr. Bishop? In your when	19	you.
20	you started, you indicated that on your chart the	20	THE WITNESS: Didn't have counts
21	driveway turning movements there's a column	21	involved.
22	originally included in FEIS. And you told all the	22	BY MR. SCHNEIDER:
23	ones that were and told all the ones that were not.	23	Q. So again, just to be clear, four
24	And I thought that you were saying, and maybe this	24	driveways with AutoTURNs, 11 that were addressed in
25	is something changed in the EIS, but I you	25	some fashion and 29 that weren't discussed in any

13 (Pages 46 to 49)

	1		
	Page 50		Page 52
1	way?	1	have batteries and we don't know if they were
2	A. Well, actually 28, because 9D was	2	installed when we got a new computer. So that's not
3	discussed with the AutoTURN.	3	an option.
4	Q. Okay. All right. So let's turn the page	4	MR. SCHNEIDER: Okay. Then
5	then to the Key Map which we have up here also on	5	THE HEARING EXAMINER: You want
б	the computer screen. And your driveways on the	б	MR. SCHNEIDER: Mr. Bishop, I'm going
7	Driveway Turning Movement Chart, am I correct in	7	to
8	understanding that the first driveway is the	8	THE HEARING EXAMINER: You want to
9	driveway as one I will call the western end and the	9	switch Counsel chair and have him sit up here, that
10	last driveway is at the eastern end, and the other	10	would be close enough for the microphone.
11	driveways are move sequentially	11	MR. SCHNEIDER: Sure. That would be
12	A. Right. Correct.	12	very helpful.
13	Q west to east?	13	THE HEARING EXAMINER: Unfortunately
14	A. Correct. Correct.	14	the cord doesn't go across the table. I don't think
15	Q. Okay. So explain, using the Key Map page	15	we can get them quite that far.
16	002, explain what we're seeing here, please?	16	MR. SCHNEIDER: You want to sit here?
17	A. Well, this is a key map of the preferred	17	MR. COHEN: Sure.
18	alternative. This is totally focused on the	18	BY MR. SCHNEIDER:
19	preferred alternative. And so, this is a key map of	19	Q. Okay. Mr. Bishop, I'm going to ask you
20	the route of the preferred alternative and where it	20	to sit here and use the laser pointer. And if you
21	says Figure 1 on the Key Map, there is another blow		can point at I'm going to refer to this as Figure
22	up of that area of the preferred alternative that	22	1-1A, which is your number in the lower right-hand
23	shows the individual driveways and some of the	23	corner.
24	information that we're talking about. And the same	24	THE HEARING EXAMINER: So before
25	for each additional figure 2, 3, 4, 5, 6, and 7.	25	let's get this figured out. Mr. Schneider, so I can
23		23	
	Page 51		Page 53
1	Q. So, for example, the	1	make sure your voice is getting picked up, too.
2	A. It doesn't cover the entire length. It	2	MR. SCHNEIDER: I will it
3	just covers the length where there's driveways that	3	stretches. Okay.
4	we did AutoTURN on.	4	THE HEARING EXAMINER: Mr. Bishop, can
5	Q. Okay. So if we turn the page then to the	5	you take this microphone and move it close to you?
6	first figure after the Key Map, is this a blow up	6	Just pull it as close as you can. And if you want
7	then of the area that is in Figure 1 on the Key Map?	7	to, you're going to be looking at that a lot, so you
8	A. Yes.	8	might want to flip it over the other there you
9	Q. And we actually have well, we have one	9	go. That should work.
10	figure for Figure 1A and it's got a lot of color on	10	BY MR. SCHNEIDER:
11	it. So I want you to explain the color. But before	11	Q. Okay. So, Mr. Bishop, using the laser
12	doing that, let's step back for a moment and explain	12	pointer, explain to us
13	the AutoTURN software and the relationship between	13	A. I can't get that to show up on the
14	the pink and the blue swaths on this page to the	14	screen.
15	truck size in your Turning Movement Chart.	15	Q. All right. Well, then do your best to
16	Q. Okay. Well, on Figure 1-A in the lower	16	compromise between
17	right corner	17	A. Shows up on the wall.
18	MR. SCHNEIDER: And if this would be a	18	THE HEARING EXAMINER: It does show up
19	good time, I think, to see if our if our portable	19	on the wall.
20	microphone is working.	20	MR. SCHNEIDER: All right. We don't
21	THE HEARING EXAMINER: Okay.	21	have a long physical pointer, do we?
22	BY MR. SCHNEIDER:	22	THE WITNESS: I mean, it sort of shows
23	Q. So can you step up, Mr. Bishop?	23	up, but if I get it just right, it shows up, but
24	THE HEARING EXAMINER: I have been	24	that's going to not be comfortable.
25	informed we don't know that they well, they don't	25	BY MR. SCHNEIDER:

14 (Pages 50 to 53)

	Page 54		Page 56
1	Q. All right. So, Mr. Bishop, do your best	1	Q. Okay. So the colors the inbound in
2	to compromise between being close to the microphone		pink and the outbound in blue, are those what is
3	and letting us see what you're pointing at.	3	referred to as swept paths?
4	A. All right. So in the lower left	4	A. Yes. These are the swept paths, in this
5	lower-right corner on all of these figures there's a	5	case, of the single-unit truck turning in and out of
6	truck shown. And there's identification of what	6	the particular driveways.
7	truck type that is. That's the design vehicle	7	Q. Okay. And how how are those swept
8	profile for this particular truck. This is a	8	paths generated? What information did is
9	single-unit truck, SU-30, and it gives some data.	9	provided and what does the computer program do?
10	There's the pointer. It gives some data on some of	10	A. Well, first of all, it's a computer
11	the characteristics of that truck. It's eight feet	11	program, and it's a CAD-based program. So we needed
12	wide. There's a length and there's an angle on	12	to have a CAD drawing to do it on. And so, we
13	the steering angle. That has to do with how sharp	13	obtained from the city the base drawing for the
14	the driver can turn the wheels on the front of the	14	trail proposed trail that's was prepared by
15	truck.	15	one of their consultants at as a CAD drawing.
16		16	It's AutoTURN is a third-party software that's
17	And so, this figure only looks at SU-30	17	specifically used for design of intersections and
18	at specific locations. Because it gets kind of	18	
10	complicated, we decided that it would be useful to	18 19	driveways to be able to see how various trucks will
20	separate inbound vehicles from outbound vehicles by	20	be able to turn and turn around through various
	color. So the pink represents trucks turning into		intersection configurations. So it's specifically
21	the driveway and the blue represents trucks turning	21	designed to look at how trucks are going to flow in
22	out of the driveway. We've identified each of the	22	and around driveways and intersections.
23	driveways and two-ways. One we've colored them in	23	Q. So we have some other colors here.
24	yellow on the south side and then given them a	24	A. Yes.
25	designated number.	25	Q. Please explain those.
	Page 55		Page 57
1	And we start out here with 1A, 1B, 16, 17	1	A. The yellow is reflected at
2	on this drawing. Now the difference that's	2	particularly on the south side of those were
3	looks a little confusing, but why do we go from 1A	3	driveways that were shown on the CAD drawing. But
4	to 1B to 16 and 17? Well, that's because the EIS	4	on the north side, we concluded that there was some
5	identified 16 and 17 on a diagram in the EIS, and	5	interaction of truck activities of drivers getting
6	they basically started on one of the other	6	in and out that whether or not there's a driveway on
7	alternatives and used this street not 54th and	7	the other side of the street is a factor in the
8	counted driveways along the south side of Not 54th	8	evaluation of how you how a truck driver gets in
9	in Shilshole and then another way and then they came		and out. So we chose to identify and show the
10	back and did other ones. And that's why we got some		driveways on the other side of the street just as an
11	oddball numbers around.	11	indication that they exits. And that's what the
12	Q. So, Mr. Bishop, for those who weren't	12	yellow marks are on the north side of the of this
13	here at the last hearing, what is Not 54th?	13	diagram.
14	A. Not 54th is the street that goes from	14	The green pieces are the trail crossing
15	30th behind the Lockspot Café and behind these	15	the driveway. The grey along is the proposed
16	buildings and pops out over on 24th. It's	16	driveway itself. The excuse me
17	undeveloped. It's a public street. It's a public	17	Q. So pick up where
18	right of way. Vehicles use it but it's basically	18	A. No proposed trail itself to a side
19	dirt. It's you can't even call it gravel. It's	19	path. And the deeper red at selected locations is
20	dirt. And yet, this is Northwest 54th and this is	20	what we defined as an "incursion zone." And that's
21	called 54th when you get down there. So we call	21	a U-Turn and an incursion zone is the area where the
22	this Not 54th.	22	swept path crosses a curb. And we have a good
23	Q. And is that a common name in the	23	example here. Well, yes. Let's
24	neighborhood?	24	THE HEARING EXAMINER: I'm going to
24 25	A. I think it is, yes.	25	ask you just for swept path. How are you spelling

15 (Pages 54 to 57)

	Page 58		Page 60
1	"swept"?	1	Q. And what's the difference between the
2	THE WITNESS: S-w-e-p-t.	2	incursion zones that you have depicted and the
3	THE HEARING EXAMINER: Swept.	3	warning zone on that other chart?
4	THE WITNESS: Swept. Yeah. Look at	4	A. I really don't know. There's no
5	driveway 16 and the inbound vehicle pink turning	5	definition of the warning zone in the FEIS. There
6	right into that drive. In order for that truck to	6	is a diagram on one of the figures that has a swept
7	make it into this driveway right here, he's got to	7	path not in the same way as this one does, but it
8	turn such that the swept path crosses the curb back	8	has essentially a swept path. But it doesn't give
9	here. And at that point we drew a perpendicular	9	any definition as to what they mean by warning zone.
10	line across the trail and called that then the	10	In my incursion zone, at least on that
11	incursion zone for that driveway.	11	one example, would be slightly bigger than a warning
12	BY MR. SCHNEIDER:	12	zone slightly longer than the warning zone. But
13	Q. And so, what is the relationship between	13	there's no definition in the EIS as to what warning
14	the route of the trail and the curb? What is	14	zone means.
15	in-between the proposed trail and the curb?	15	Q. So are the incursion zones shown on your
16	A. Well, it varies. But fundamentally it's	16	AutoTURNs are they generated by the software itself?
17	a buffer typically minimum of five feet on most	17	A. The point no, actually. The software
18	of the trail, but in some places it's five feet plus	18	does not generate that. The software generates the
19	some parking. And that shows here is the parallel	19	point where the swept path crosses the curb and then
20	parking on this section of on Market Street that	20	Transpo translated that into a dimension on the
21	in addition to the buffer, there's some parallel	21	trail.
22	parking. So there's it's wider than the buffer.	22	Q. And who is Transpo?
23	The buffer is just identified as a buffer. It could	23	A. Transpo is the firm that we hired to do
24	be any number of different things. Could be	24	the had the software and did the technical work
25	concrete. Could be asphalt. Could be grass. Could	25	of developing the swept path drawings.
	Page 59		Page 61
1	be whatever the city chooses to design when they ge	1	Q. So
2	there. But it's a space separation between the	2	A. And they're identified here on the
3	traveled way on the public street and the trail	3	Transpo Group.
4	edge of the trail itself.	4	Q. Mr. Bishop, there are some hash marks
5	Q. So in another way of expressing would be	5	there. Immediately to the left of driveway 17,
6	that the incursion zone reflects the length of the	6	those are hash marks. What are they?
7	trail where some portion of the truck will be in the	7	A. Well, I think I know what they are. That
8	buffer between the trail and the street?	8	that's they were marks that were part of the
9	A. Yes. Yes. So that so like in this	9	City's CAD drawing that was presented to us and they
10	example at 16, the right-turn vehicle will have to	10	sure look like relocated parking stalls to me.
11	turn early enough in order to make it through the	11	Q. Is the area presently used for parking?
12	driveway so that it consumes that additional red	12	A. Yes. Yes, and you can see the vehicles
13	space of the trail as being what I call an incursion	13	parked under the area where the trail will be in
14	zone and, therefore, has some different	14	that particular photo. And so, this appears to be
15	characteristic of safety than the rest of the trail.	15	just the relocation of some of those stalls further
16	Q. So you referred, Mr. Bishop, to the fact	16	south.
17	that there are four driveways where the EIS did an	17	Q. So on the right-hand extremity of Figure
18	AutoTURN analysis. Do those AutoTURNs show	18	1-1A, the trail and the street curve and the street
19	incursion zones?	19	changes from 54th Street to Market Street. Is that
20	A. No. They don't.	20	correct?
21	Q. What do they show instead?	21	A. Yes.
22	A. Well, there's a warning zone that's	22	Q. And is the Market Street that is depicted
23	identified in another figure in the final EIS, but	23	on this CAD file is that the Market Street that is
24	it that's not shown on the AutoTURN figures, I	24	out there today?
25	don't believe.	25	A. Well, it's the same physical space, but

16 (Pages 58 to 61)

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	Page 62		Page 64
1	it's oriented differently. This is a three-lane	1	is a significant thing. We have a set of drawings
2	section instead of a four-lane section with parking.	2	that says that when this title here "Within Lane,"
3	So and this in that lower right portion,	3	that means within the lane that they're turning
4	there's one lane westbound where the words	4	into. And like this blue one is turning into the
5	"Northwest Market Street" is identified. And	5	westbound lane, and then we have another set of
б	there's a two-way left turn lane. And then there's	6	drawings that says using a variable pavement, and
7	one lane eastbound. And then there's a parking lane	7	that means that they have to cross the center line
8	here and they don't indicate what they're doing on	8	and use the pavement on the other side of the center
9	the north side.	9	line in order to get out.
10	Q. So	10	Now in this case, we well, this
11	A. Doesn't look like there's room for any	11	demonstrates that we've identified that if there's a
12	parking on the north side.	12	two-way left-turn lane or a left-turn lane adjacent
13	Q. So is Market Street today as we sit here	13	to the turn lane then that's available for the truck
14	four lanes or three?	14	to turn into. And that's shown here on 17. This
15	A. It's four.	15	truck, blue one turning left out, he has to turn out
16	Q. So what is shown here is a change to the	16	into the into the space that's actually
17	number of lanes on Market Street?	17	transitioning and he doesn't actually cross the
18	A. That's correct. Yes. That's the	18	center line. He doesn't cross the edge of the line
19	proposal. That's the DIS	19	on the westbound lane in order to make it out. So
20	Q. And then	20	we say that's within the lane.
21	A FEIS proposal.	21	Q. So let's turn the page then, if we could,
22	Q I'm going to walk up again and leave	22	to your Figures 2-2A and 2-2B. So explain the
23	the microphone for a moment. I've pointed to four	23	difference between 2-2A and 2-2B.
24	boxes at the immediate right-hand portion of this	24	A. Well, 2-2A is "Within the Lane" and 2-2B
25	Figure 1-1A. What are those boxes?	25	is the same figure "Within Available Pavement." Sc
	Page 63		Page 65
1	A. Well, they're parking stalls. That's	1	again, this they're both the well, let's see.
2	where you would park, parallel park along Market	2	Go back to 2-2A. 2-2 yeah. This is 2-2A "Within
3	Street and the front of the Trident Seafood Retail	3	the lane." So this is a WB-67. So you can see this
4	Building.	4	is a 53-foot box that I mentioned and an overall
5	Q. Okay. So, Mr. Bishop, what you've	5	length of well, it's the 67 feet. So this sized
6	described here in terms of the legend, the colors,	б	truck does not use driveway 17A and B, so we don't
7	does all of that hold true for all of the AutoTURNs	7	show anything there. So the only thing we're
8	that follow?	8	focused on is 17D. And this is the driveway for
9	A. Yes.	9	this is the 26 Avenue Northwest
10	Q. Okay. So before we leave this page then,	10	intersection/driveway.
11	this is an SU-30 truck showing in and out movements.		And so, what this is showing is a right
12	Are the SU-30 trucks capable of making these	12	turning WB-67 turning right into that driveway has
13	movements in this location with the trail as	13	to use the full driveway width that's shown in the
14	proposed?	14	FEIS. Now it's interesting that the driveway width
15	A. Yes. They are, but in one case, you have	15	shown in the FEIS is three times as wide as the
16	to cross the center line in order to make it work.	16	public right-of-way on 26. 26 is a 20-foot wide
17	And that's at driveway 16. The blue exiting truck	17	right-of-way. This is the one that's got that. And
18	in order for him to get out, he's got to cross	18	that's why they're all pushed to the west is an
19	fully cross the center line into the opposing	19 20	attempt to get them into the public right-of-way.
20	traffic, in westbound traffic for him to be able to	20	But and you can see on the photo
21	get out and continue to the west.	21 22	underlying the pink, there's a perpendicular white
22 23	Q. And is that a safety issue?	22 23	car. That's because that's private parking. That's
43	A. Yes. That's a potentially a safety		private property and the owner of that private
	issue absolutely. The other trucks at 1D they can	21	nroperty leaves the engage between the public right
24 25	issue, absolutely. The other trucks at 1B they can get in and out and stay within the lane. And this	24 25	property leases the spaces between the public right- of-way down through the street as private parking.

17 (Pages 62 to 65)

	Page 66		Page 68
1	To my knowledge, in talking to the owner of that	1	leave the pavement?
2	property, they had they are not aware that the	2	A. Even if they stay within the pavement,
3	City's intending that their property's going to be	3	the there will be some incursion zones, but
4	(indiscernible) by trucks coming in and out of that	4	they'd be smaller than if they stayed within the
5	driveway using their private property.	5	lane. I think we'll see that in the later one.
6	Q. So	6	Q. Okay. So I want to direct your attention
7	A. Not necessarily their trucks.	7	very quickly to this area right there. The area
8	Q. So you've been talking about driveway 17D	8	above the area above the incursion zone where you
9		9	show the blue swept path for an outbound turning
10	A. D as in dog.	10	movement, what is the truck doing at that location?
11	Q Mr. Bishop, and that's one of the	11	A. Well, the cab of the truck is up on the
12	driveways where the city did an AutoTURN but it used	12	top line, the right the left-hand side of the cab
13	the WB-50, the smaller truck?	13	of the truck is up there, and the as he swerves
14	A. That's correct.	14	around the corner, the rear wheel in the back corner
15	Q. So to the right of driveway 17D, there's	15	back right corner of the box of the truck is
16	a red incursion zone shown?	16	following a line that's the lower line.
17	A. Right.	17	Q. And so, what is the rear back wheel of
18	Q. Now let's turn the page, please, to 2.2B.	18	the truck riding driving over at that point?
19	There is no incursion zone on this one. Can you	19	A. Well, he's over he's up on the
20	explain the difference, please?	20	sidewalk or on that landscape area or whatever it is
21	A. Yes. Here's the difference between	21	and dropping off a curb.
22	staying within lane and within available pavement.	22	Q. And in order for the truck to make this
23	This is identified within the available pavement.	23	movement, the blue movement, do you show it starting
24	And the blue truck comes out is allowed, in this	24	at the extreme left-side of the street/driveway?
25	instance to swing to the left, use the total	25	A. I do in this case. And that's the case
	Page 67		Page 69
1	available pavement up to the top of the curb line up	1	in all the driveways and it's the case in this
2	there, and then swing his truck back in and he can	2	street because the street's only 20-feet wide, so
3	get back into his lane. And so, he can turn sharper	3	he's way over way over to the left anyhow.
4	that by doing that, so he's got enough pavement	4	Q. So in order to make the movement within
5	to use so he can turn sharper so that his in this	5	the lane, he basically has to be on the wrong side
6	case there's no incursion zone in that spot for the	6	of the driveway to commence the movement?
7	truck within the available pavement.	7	A. He is on the left side of the driveway,
8	Q. So does what you've just demonstrated for	8	but the driveway's not I mean, the 20 feet's not
9	us the difference between 2-2A and 2-2B where there	9	wide enough really to have trucks go two directions
10	is an incursion zone if the truck stays within lane.	10	anyhow, so we put them on the left side.
11	There isn't if the truck uses all of the available	11	Q. All right. Why don't we then turn to
12	pavement, in other words, crosses over	12	Figure 1, which is immediately after 2A and 2B. And
13	A. Right.	13	so, why does the numbering go to Figure 1? What is
14	Q the center line. Does that difference	14	what are we seeing on this?
15	hold true throughout? And by that, I mean, if the	15	A. Well, this is introducing another
16	trucks is within available pavement there will be	16	concept. This section of Shilshole was not a part
17	either smaller or no incursion zones?	17	of one of the alternatives that was in the draft
18	A. Yes. Yes. That's consistent.	18	EIS. And the section that I'm talking about is from
19	Q. But if the truck actually stays on its	19	the southwest corner of 24th and Market to along the
20	side of the street, then the incursion zones are	20	south side of Shilshole to a spot well, between
21	there or are bigger?	21	6B and 7 about in this location right there was
	A. Yes. And in some cases, even if they go	22 23	not included as any one of the in any one of the
22			
23	across the street there's an incursion zone, but it		alternatives that was in the draft EIS. So here's
	Q. Are you saying sometimes even if they	23 24 25	the reason why. The draft EIS had a Shilshole south and the Shilshole south alterative came along the

18 (Pages 66 to 69)

	Page 70		Page 72
1	south side of Shilshole and turned at this location.	1	to be a right-turn lane, a thru-lane, a left-turn
2	He stayed parallel to the tracks and came along on	2	lane, and a thru-lane in the opposite direction. In
3	Not 54th.	3	order for and this is one of the locations where
4	Shilshole North went along the north side	4	the city didn't do an AutoTURN at this intersection
5	of Shilshole and went all the way up to Market,	5	in a different truck. And they found the same
6	turned, and came across and went on the south side	6	thing. In order for a large truck making a right
7	of Market. So this south side of Shilshole, to mean	7	turn around that corner, they can't do it from the
8	24th and the space between 6B and 7 really wasn't	8	right turn lane. It's too tight. So they have to
9	included nor evaluated in the draft EIS's.	9	be in the thru-lane to make a right turn, and they
10	Q. So what we see here on Figure 1 is	10	have to do that across the right-turn lane and
11	reflects what's in the final EIS? The CAD drawing	11	which means it there may or may not be a vehicle
12	for the final EIS?	12	in that right-turn lane. And so, they have to be
13		13	-
	A. Yes. Yes. The heavy lines that along	13 14	very conscious and aware of what's going on there in
14	the side of the street, that those are the city's		order to make a right turn so they don't cut off or
15	CAD drawings, 10 percent CAD drawings of the	15	run into squeeze a right-turning vehicle.
16	proposal.	16	Q. And is the right-turning vehicle able to
17	Q. So, Mr. Bishop, directing your attention	17	stay within the street right-of-way outside the curb
18	to the hash lines that are immediately to the right	18	line?
19	of the intersection of 24th and Market, is that an	19	A. Well, as the turn is being made, as the
20	intersection?	20	cab is going across the opposite direction, left-
21	A. Yes.	21	turn lane. So here's Shilshole coming up going to
22	Q. And does that intersection exist today?	22	turn left and go this way. If there's a vehicle
23	A. Well, sort of. The right-of-way's there.	23	stopped at that stop bar, then this truck can't make
24	There is no definition. It's totally wide open.	24	its right turn because he'd run into that vehicle or
25	You can see that there's parking along the building	25	run over the curb on the other side. We've got it
	Page 71		Page 73
1	Page 71 along 24th in existing conditions. This is all	1	Page 73 set up, so if he misses the right-hand curb and runs
1 2		1 2	
	along 24th in existing conditions. This is all		set up, so if he misses the right-hand curb and runs
2	along 24th in existing conditions. This is all public right-of-way but there's no curbs. There's maybe some faint lines that get worn out and it's	2	set up, so if he misses the right-hand curb and runs into the pavement on the oncoming left-turn pocket. So he's got a lot of things going on there in order
2 3	along 24th in existing conditions. This is all public right-of-way but there's no curbs. There's	2 3	set up, so if he misses the right-hand curb and runs into the pavement on the oncoming left-turn pocket
2 3 4	along 24th in existing conditions. This is all public right-of-way but there's no curbs. There's maybe some faint lines that get worn out and it's pretty wide open. The proposal, of course, putting	2 3 4	set up, so if he misses the right-hand curb and runs into the pavement on the oncoming left-turn pocket. So he's got a lot of things going on there in order to figure out how to make his right turn and make it around the corner.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>along 24th in existing conditions. This is all public right-of-way but there's no curbs. There's maybe some faint lines that get worn out and it's pretty wide open. The proposal, of course, putting the trail along the south side of Shilshole wants to define that intersection. And so, this is how it's shown on the 10-percent drawing that was used in the draft and final EIS.</li> <li>Q. So let's turn the page then to Figure 1A.</li> <li>So is this showing largely the same area but with the addition of AutoTURNs?</li> <li>A. Yes. It is.</li> <li>Q. Okay. And we're seeing pink, so these are inbound vehicles?</li> <li>A. These are inbound vehicles and this is a WB-67. This is the large box truck single.</li> <li>Q. Okay.</li> <li>A. Semi-trailer.</li> <li>Q. Okay. So I think you're depicting three movements here. So why don't we take them in order beginning with the truck going eastbound on Market and making a right turn. What do we see?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	set up, so if he misses the right-hand curb and runs into the pavement on the oncoming left-turn pocket. So he's got a lot of things going on there in order to figure out how to make his right turn and make in around the corner. Q. So, Mr. Bishop, what are we seeing right here in terms of curbs and truck movements right at the point where the pavement curves around from eastbound Market to southbound Shilshole? A. Well, that location is a unique location for this entire project and almost unique for the city. This is showing essentially a double curb around that corner. And maybe the best way to describe it is these little trapezoidal places, those are wheelchair ramps. There's two of them in each corner. There's one on the trail. They stop at a what's described as a standard curb, I think, six inches high. And then they slope down to the cross-walk area. But that's describing a radius of the turn that the city has decided is too large a radius for most of the vehicles that go around that corner.

19 (Pages 70 to 73)

	Page 74		Page 76
1	So they've created this unique design that has a	1	along Market Street, there's a wide sidewalk. So
2	second curb around that corner, and it's shown by	2	there's a pedestrian facility adjacent to the
3	the by the small line that's 10 to 15 feet out from	3	buildings, and then there's a bicycle facility, and
4	the end of the wheelchair ramps, and it's up there.	4	then there's a buffer, and then there's maybe some
5	And that's defined as a different pavement type.	5	parking. But when you get to the corner of Market,
6	There's actually there is one other location in	6	the bicycles and pedestrians have to mix together,
7	Seattle where that is done and it's at the south end	7	get in the same space, and from then on all the way
8	of the Ballard Bridge at Nickerson. And in that	8	to the east end of the proposal is a mixed-use
9	case, they used a kind of a stamped the concrete	9	facility, which means you've got both pedestrians
10	that looks like cobblestone and a different kind of	10	and bicycles and roller skaters and whoever else
11	curb that's mountable. And the concept of that is	11	non-motorized people use the trail.
12	have it available for big trucks to have their swept	12	So right here is that transition zone
13	path go up onto that apron. I call it an apron	13	from having different kind of facility. There are
14	between the real curb and the full curb out further.	14	bike lanes on 24th, and so there are bike boxes on
15	This is a concept that we've developed and used	15	both sides of 24th and so there's an expectation
16	quite routinely here in the last couple of decades	16	that bicycles will use the signal and get around the
17	on roundabouts, small roundabouts, intersections	17	intersection and go off to other places. So this is
18	where we, instead of putting a signal or a stop sign	18	an extremely busy spot with multiple users:
19	we put a roundabout, and we put a landscape island	19	pedestrians, bicycles, disabled, vehicles and trucks
20	in the middle. And then outside of that landscape	20	amongst the ones I can think of. So that I see is a
21	island you put an apron and then the pavement. And	21	very, very significant, unique system that is barely
22	most of the vehicles go around in the pavement, but	22	mentioned in the EIS. It is identified in a Figure
23	the trucks can't make it around that island, so	23	that there is a mixing zone. There's no indication
24	we've got this apron on the inside it's on a	24	that there's any hazards associated with it. And
25	roundabout where there are no pedestrians. And it	25	it's just there, incredibly unique, so
	Page 75		Page 77
1	allows us to make this roundabout much smaller and	1	Q. Is this an accurate summary of what
2	it works better and it's smaller and it's safer that	2	you're saying the truck has to do that is out of the
3	way. But it's safer if it's smaller. So as the	3	ordinary? The truck has to turn from this from
4	concept has been developed using the roundabouts,	4	the thru-lane rather than the right-hand lane. It
5	and it works quite well, but the whole concept of	5	has to turn through a portion of the left-hand turn
6	roundabouts is that no pedestrians and no bicycles	6	lane for people driving up Shilshole, and the rear
7	on the island part of a roundabout. In this case,	7	wheels of the truck have to climb over the apron or
8	we're talking and they're doing basically left	8	the mountable curb in order to make the turn at all?
9	turns on a roundabout. You're going around to the	9	A. Yes.
10	left, because they're always on the driver's side on	10	MR. KISIELIUS: Objection,
11	the inside. This is an application of the same	11	Mr. Examiner. That there was a lot of testimony
12	apron concept on a right turn. Right turn has got	12	in that question. If you could ask the witness to
13	all kinds of additional issues going on not the	13	explain rather than providing him the answer in the
14	least of which is the blind spot of trucks and their	14	form of the question his own witness?
15	mirrors not being able to see to their left or	15	MR. SCHNEIDER: All right. You think
16	I'm sorry, to their right. The and sight behind	16	it was a fair attempt to summarize the testimony
17	them, so what we're inviting here is trucks turning	17	that we had just heard? There was nothing I said
18	from the wrong lane, the thru-lane, across the thru	18	that hadn't been said by the witness.
19	right turn lane, turning around the corner in an	19	THE HEARING EXAMINER: His testimony
20	area that we've invited disabled and bicycles and	20	speaks for himself for itself, so that's
21	pedestrians in this mixed I think they call it	21	sustained.
22	a "mixing zone." It is a mixing zone for a couple	22	BY MR. SCHNEIDER:
23	of reasons. One is that on Market Street, the bike	23	Q. All right. Mr. Bishop, let's go to what
24	path is thought of as being an exclusively bicycle	24	happens if a truck is moving westbound on Market
25	facility because adjacent to it along the buildings,	25	approaching the intersection from the other

20 (Pages 74 to 77)

	Page 78		Page 80
1	direction.	1	THE HEARING EXAMINER: We'll stop
2	A. Well, okay, so we're talking now we're	2	there and we'll come back at 11.
3	talking about the pink vehicle westbound. He gets	3	(Recess taken.)
4	into the left-turn lane. There's only a single	4	THE HEARING EXAMINER: All right.
5	left-turn lane. In order to make it into the narrow	5	We're turn it back on the record with Appellant's
6	throat of the lane he's turning into, he has to turn	6	witness, Mr. Bishop.
7	to his right first. I got that right? He's got to	7	BY MR. SCHNEIDER:
8	swing up and come around. He also encroaches on	8	Q Mr. Bishop, we were talking about the lane
9	that apron, and but before he does that, he	9	off-set through the intersection of Shilshole and
10	encroaches on the thru-lane. The westbound thru-	10	Market. Is there are there standards for how
11	lane on Market. And then, he also encroaches on the	11	much offset is allowed?
12	exiting left-turn lane from Shilshole. So this is	12	A. Yes. The City City of Seattle Right-
13	designed to be and this is a new design. This	13	of-Way Manual had a lot of standards in it, and wher
14	was designed to be a new a very tight location	14	it and it but it also refers to this State of
15	for a truck to be making that maneuver. And he's	15	Washington Washington State Department of
16	going to miss in one way or another. He's either	16	Transportation standards when there aren't things
17	going to he's going to interrupt that thru-lane,	17	that are related. And WSDOT has a specific standard
18	or he's going to interrupt this left-turn lane, or	18	about how much you can move a lane across an
19	he's going to encroach into the mixing zone or maybe	19	intersection, and it's related to speed. But and
20	all three in order to make that right that left	20	so, it's a *TAPO rate related to speed. And at
21	turn. And then when he gets down here he's and	21	25-miles-an-hour, which is what the speed is on
22	we haven't talked about this truck coming down. But	22	Market Street. It's not posted, but the legal speed
23	when it some of these trucks that are making a	23	limit, that's a rate of 11 to 1. And it is 110 feet
24	right turn are wanting to come down and around on	24	across the intersection, so you can move over 11
25	Not 54th. And in order to make that right turn,	25	feet at 11 to 1. But then, WSDOT has a limit on the
	Page 79		Page 81
1	they have to use the full width of the available	1	amount that you can move over, and it says not to
2	pavement. So they have to wait until there's no car	2	exceed six feet.
3	at this stop sign. That's the stop sign, stop bar.	3	So in order to meet that standard you
4	And this truck that wants to make that turn has to	4	have to start line tapers well in advance of the
5	wait until there's no vehicle in that queue waiting	5	intersection, making other changes in the geometry
6	to get out in order to get for him to make his	б	of the intersection in order to make that work. And
7	right turn in, so same things happens for the left	7	then, therefore, you can't get all the lanes that
8	turn coming in.	8	are shown at the intersection. So the 10-percent
9	Q. Mr. Bishop, going back up to Market	9	design of the FEIS just shows it this way. And this
10	Street, does do the lanes on either side of the	10	way doesn't meet the standards, and the standard is
11	intersection line up with one another?	11	you can't move a lane over more than six feet as you
12	A. Well, no. That's another whole issue.	12	cross the intersection
13	What we're talking about here is we put a straight	13	Q. How much are
14	line between say the right-hand edge of this thru-	14	A and this is 11 feet.
15 16	lane, across that intersection, it lines up directly	15 16	Q. And then could you discuss the third
16 17	with the opposing left-turn pocket. You see that	16 17	inbound movement here the one of a truck going
17 18	here. This westbound thru-lane runs straight into	17 18	what we'll call north on Shilshole and then turning left into the new intersection?
18 19	the left-turn pocket. This eastbound thru-lane will run straight into the west opposing left-turn	18 19	A. Yes. The way it's depicted here the
20	pocket. That means, that in order to make that	20	left-turn truck uses both the thru-lane and the
20	work, they've got to there's got to be transition	20 21	left-turn lane basically straddling the line between
22	across the intersection. And there's state and city	22	the thru-lane and the left-turn lane in approaching
23	standards that talk about how sharp you can make a	23	the intersection. And as he turns through that
24	transition and this design violates those standards.	24	intersection, he basically, again, he has to wait
25	Q. So what is the	25	until there's no traffic on 24th down in this area,
-			

21 (Pages 78 to 81)

	Page 82		Page 84
1	because he's going to consume the entire width of	1	100 percent of the pavement width on 24th, and 100
2	the way that's designed to have a throat to accept	2	percent of the pavement width on Shilshole. Getting
3	the truck turning in from that direction.	3	back into his lane 100 feet or so down the street.
		3 4	I think that covers them all.
4			
5	shows outbound movements. And can you run throug		Q. So, Mr. Bishop, the issues that you've
6	the outbound movements depicted here and what they	6	identified using Figures 1A and 1B, you think those
7	show about the truck's ability to navigate?	7	issues together constitute a reasonable likelihood
8	A. Sure. So starting on Not 54th, the	8	of more than a moderate adverse impact on traffic
9	outbound vehicle's making a left turn to get himself	9	safety?
10	lined up on 24th approaching Shilshole there's a	10	A. I do.
11	stop sign here, the width of the side, crosswalk.	11	Q. Are the issues that you've been talking
12	If he's going to make the left turn, he can stay	12	about other than the inability to make a right-hand
13	within his lane, but he's long enough so that he's	13	turn from Shilshole or 24th onto Market, are they
14	going to hang out on the inbound lane after he makes	14	identified in the EI in the text of the EIS so
15	this. If he had to stop here and wait for traffic	15	that a reader would be aware of them?
16	on or bicycle on Shilshole or on the path, he's	16	A. No.
17	going to be hanging out into the inbound lane	17	Q. Let's turn the page then to Figure 3.1A,
18	pavement width. Coming up to Market Street, if he's	18	please. And I want to move through these quickly
19	going straight, he committed. He can get in the	19	now in the interest of time. These show the
20	right-turn lane. He can go straight and that works.	20	within lane movements on driveways 6B and 7. Is
21	Everything else doesn't work. He may not if he's	21	that correct?
22	going to make a left, he's going to consume both	22	A. 6B and 7, correct, yes.
23	lanes coming out. He's going to swing way wide.	23	Q. For a WB-40?
24	He's going to cross over the curb on the north side	24	A. For a WB-40 which is a typical at these
25	of the in this case, in order to miss this corner	25	driveways and they can turn within their lane and
	Page 83		Page 85
1	of the left-turn pocket, he's going to climb the	1	stay within the lane without crashing the center
2	curb on the north side of Market and drive across	2	line, but they do have incursion zones as shown on
3	into that wheelchair space and into the driveway	3	red on either side of each of those driveways 6B and
4	that's just to the north of that intersection.	4	6-7 and 6B and 7.
5	If he's going to if he essentially	5	Q. And so the outbound truck movements shown
6	he can't make a right turn. We've got him showing	6	in blue for vehicles going right on Shilshole, where
7	it physically possible if he consumes 100 percent	7	do the vehicles line up in the driveway itself?
8	of the wide throat of Shilshole at Market. The	8	A. Well, they the question is the full
9	draft EIS concedes and this is one of the turns that	9	width of the driveway because that's legally where
10	they do show out of turn even with the WB-50 going		they would leave the driveways. You can they
11	around this corner that's going making this right	11	could go out on the left-hand side and make the
12	turn there from Shilshole to Market. The way they	12	right turn and so it's basically they're at the most
13	depicted it, they didn't show going way over here.	13	advantageous way of getting out of the driveway and
14	They rather they showed him staying within this	13 14	staying in the lane Shilshole. And so, you end
		14 15	up with the incursion zone shown in red for the
15 16	which meant that he gets 10 or 15 feet up until the		outbound trucks and also for the inbound trucks.
16	sidewalk on the north excuse me, on the southeast		
17	corner. There's signal poles. There's signal	17 18	Q. So turning the pages then 3.1B shows within available pavement and then turning the page
10	appropriate Theorem 111-independent 1		within available pavement and then furning the page
18	cabinets. There's all kinds of hardware physical		
19	hardware that says he can't do that. So they	19	again to 3.2A and B, are those showing the same
19 20	hardware that says he can't do that. So they concede in the EIS that that right-turning vehicle	19 20	again to 3.2A and B, are those showing the same driveways with a larger truck?
19 20 21	hardware that says he can't do that. So they concede in the EIS that that right-turning vehicle just can't do it. He's got to go he's got to	19 20 21	<ul><li>again to 3.2A and B, are those showing the same driveways with a larger truck?</li><li>A. Yes. 3.2A is a larger truck. So this is</li></ul>
19 20 21 22	hardware that says he can't do that. So they concede in the EIS that that right-turning vehicle just can't do it. He's got to go he's got to find another way around.	19 20 21 22	<ul><li>again to 3.2A and B, are those showing the same driveways with a larger truck?</li><li>A. Yes. 3.2A is a larger truck. So this is the WB-67. The other one was the WB-40. And so,</li></ul>
19 20 21 22 23	hardware that says he can't do that. So they concede in the EIS that that right-turning vehicle just can't do it. He's got to go he's got to find another way around. If he's coming out here out of Not 54th	19 20 21 22 23	again to 3.2A and B, are those showing the same driveways with a larger truck? A. Yes. 3.2A is a larger truck. So this is the WB-67. The other one was the WB-40. And so, out of 6B, you can see that and there are W
19 20 21 22	hardware that says he can't do that. So they concede in the EIS that that right-turning vehicle just can't do it. He's got to go he's got to find another way around.	19 20 21 22	<ul><li>again to 3.2A and B, are those showing the same driveways with a larger truck?</li><li>A. Yes. 3.2A is a larger truck. So this is the WB-67. The other one was the WB-40. And so,</li></ul>

22 (Pages 82 to 85)

	Page 86		Page 88
1	large trucks that go in and out of that driveway and	1	Q. Mr. Bishop, are there parallel parking
2	you can see that the it's a relatively narrow	2	areas depicted on 4.1A and are they affected by the
3	driveway and so the incursion zone gets really	3	AutoTURNs, by the swept paths?
4	very large here.	4	A. Well, yes, they are. There's you can
5	Q. Let's turn the page to Figure 4.1A.	5	see several on the north side of Shilshole in this
6	A. Okay. So now we're back to single-unit	6	location. They are not impacted here, but there are
7	truck within the lane and at all of these driveways,	7	some also shown on the south side between in the
8	the trucks can a single-unit truck can turn in	8	same space between 9A and 9B. They identify one,
9	and out and stay within the lane with some incursion	9	two, three stalls there, and up between 8 and 7
10	zones shown	10	there's some stalls. And there's a couple between
11	Q. So	11	10A and 10B. So you can see at 9A the swept path of
12	A on several of the driveways.	12	the in this case, the single-unit truck coming
13	Q. Mr. Bishop, were you out there on	13	out, turning right in blue, crosses runs into a
14	Shilshole when a video was taken by Mr. Kuznicki?	14	car that might be parked in that parking stall. And
15	A. Yes. I was, yeah.	15	the same thing is true for the right turn into 9B.
16	Q. And was there was can you identify	16	It the swept path cuts the corner of the parking
17	where that video was taken? Is it on this Figure	17	stall that's identified in the draft EIS in the
18	4.1A?	18	final EIS.
19	A. Yes. There's videos of this driveways 9D	19	Q. Let's turn the page to Figure 4.2A. Are
20	and also of 9. There's an entering video of a truck	20	these showing the same intersections with a larger
21	coming into driveway 9. And there's an exiting	21	truck?
22	vehicle coming out of 9B and making a right turn.	22	A. Yes. This is the WB-40 truck. And so,
23	Q. And it was there a truck making, in	23	here there are larger incursion zones. This is
24	the video that we'll see later in the video	24	within the lane. They all can do it within the
25	making a parallel movement parallel to the trail?	25	lane, but they extend the incursion zone more.
	Page 87		Page 89
1	A. There was. Yes.	1	Q. And 4.2B shows the same driveways with a
2	Q. And we'll again, we'll come back to	2	larger truck within the available pavement?
3	it, but can you point out where the location of that	3	A. 4.2B not up yet. There. That's
4	parallel movement was?	4	correct. So you can see the like for the truck
5	A. That was right right here. Right	5	going into Marina Cole Marina, 10B, this pink one
6	this is a railroad car. This is a railroad car of	6	crosses over the center line and lines up better
7	delivering either ash or cement. We haven't	7	with the driveway. And that results in at that
8	talked about the difference between cement and	8	driveway by using the full width of the pavement.
9	concrete, but cement's the powder that goes into	9	He doesn't have any incursion zone.
10	concrete. Concrete's the mixture of the powder and	10	Q. Let's turn the page to 4.3A. What are we
11	water and gravel and sand. Mix it up. That's	11	seeing here?
12	concrete. So these trucks are cement trucks	12	A. So this is the large box truck, WB-67,
13	bringing the powdered cement into the plant. And	13	going into 9A which is a common turn and out of 9D,
14	so, they go along here, turn into this driveway and	14	which is also a common turn, and then into 11 and
1 .	go parallel and park here and then pump with a	15	out of 11. And then, this over here at Hat and
15			
16	with a blower the powder into a silo in the plant.	16	Marine at 11B, that's another situation where that
16 17	with a blower the powder into a silo in the plant. THE HEARING EXAMINER: I understand	16 17	Marine at 11B, that's another situation where that particular industry has very large pieces of
16 17 18	with a blower the powder into a silo in the plant. THE HEARING EXAMINER: I understand your description. Can you describe the location	16 17 18	Marine at 11B, that's another situation where that particular industry has very large pieces of equipment coming in on large flat-bed trucks. And
16 17 18 19	with a blower the powder into a silo in the plant. THE HEARING EXAMINER: I understand your description. Can you describe the location where you're pointing at	16 17 18 19	Marine at 11B, that's another situation where that particular industry has very large pieces of equipment coming in on large flat-bed trucks. And so, they come in and park parallel to the building
16 17 18 19 20	with a blower the powder into a silo in the plant. THE HEARING EXAMINER: I understand your description. Can you describe the location where you're pointing at THE WITNESS: Okay. That's between	16 17 18 19 20	Marine at 11B, that's another situation where that particular industry has very large pieces of equipment coming in on large flat-bed trucks. And so, they come in and park parallel to the building up between 11A and 11B and then using actually the
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23 (Pages 86 to 89)

	Page 90		Page 92
1	defined driveways and then parking parallel to the	1	
2	building and then getting out of you can see the	2	MR. KISIELIUS: If I can interpose an
3	outbound path in this one attempting to use	3	objection here. The screen changed in the middle of
4	driveway 11A. He can kind of get out, but there's a	4	his explanation. I think the underlying I just
5	whole lot of incursion zone there.	5	want to make sure the record's clear as to which one
6	Q. Good. Turn the page to 4.3B. Same	6	he's talking about.
7	intersections within available pavement?	7	MR. SCHNEIDER: Well, he's
8	A. Right, and showing the same thing. You	8	THE HEARING EXAMINER: He should be
9	can get out of 9D with available pavement and get	9	addressing
10	around space between 9D and 9 10. That comes	10	MR. SCHNEIDER: It went back from 4.5B
11	important in another subject. And coming in there's	11	to 4.5A and that was because it inadvertently jumped
12	less incursion zone into 9 driveway 9. And the	12	ahead.
13	same going on at 11. The incursion zones are	13	MR. KISIELIUS: And that's fine. I
14	smaller if you use all the pavement.	14	just want to make sure he was answering the question
15	Q. Turn the page to 4.4A.	15	as to the one that's up on the screen now compared
16	A. So now we're down to a concrete truck.	16	to the one that was up before.
17	Concrete truck is not a wash a AASHTO standard	17	MR. SCHNEIDER: All the questions
18	truck. So we had to had and the software	18	should have been about 4.5A.
19	allows the technician to create its own truck. It	19	MR. KISIELIUS: And for the record,
20	changes dimensions of the truck that's used. And	20	it's the same truck.
21	so, these are the dimensions that we used for a	21	MR. SCHNEIDER: Yeah. Just within
22	concrete truck. And that's our figure of what it	22	pavement or within lane.
23	looks like. The concrete trucks enter on from	23	THE WITNESS: Right. So here, that
24	both directions into driveway 9. They go around the	24	truck they have two different ways of delivering
25	back of the facility. If the road's here, come up	25	that powder. Some of it's cement and some of it's
	Page 91		Page 93
1	here and wash, and then leave from 9D. And they	1	fly ash, and sometimes they park in front like I was
2	mostly go to the right, but they also go to the	2	demonstrating before between 9A and 9B. And
3	left, because these concrete trucks serve all over	3	sometimes they come in around at the back and unloa
4	Seattle including the northwest part of Seattle.	4	from the back. It's the same truck, different
5	Q. Turn the page to 4.5A.	5	product doing different things. And so, they do
б	A. And those are all staying within the	6	have to come in these driveways and come out as wel
7	lane.	7	as come along in the front.
8	Q. So it do we	8	BY MR. SCHNEIDER:
9	A. Now this is the cement truck. Now this	9	Q. Okay. So, Mr. Bishop, we've seen a lot
10	is a different trailer/truck configuration. There's	10	of diagrams now. Figures 4 through 4.5B if we turn
11	three articulation points here. There's one under	11	the screen here all showing the same driveways with
12	the rear wheels of the tractor. There's one at the	12	different size of trucks that actually use those
13	hitch point at the back of the first trailer and	13	driveways?
14	then there's one underneath the front axle of the	14	A. Correct.
15	trailer underneath. So this truck actually, even	15	Q. And the City did an AutoTURN for one of
16	though it's longer, tracks better because of the	16	these driveways using one truck? Is that correct?
17	additional articulation points. It doesn't have as	17	A. Yes.
18	wide a swept path. In this configuration, we've	18	Q. Driveway 9D?
19	we're in some cases	19	A. Yeah. 9D, right. This one.
20	MR. KISIELIUS: Mr. Examiner?	20	Q. So actually, my question should have gone
21		21	through 4.6A, which is the last figure showing these
22	THE WITNESS: where the video is	22	same driveways. Let's go to 5.1A, the next diagram.
23	going to	23	So what section are we showing here?
24		24	A. Well, this is the single-unit trucks
25	show	25	within the lane in area 5, and showing single-unit

24 (Pages 90 to 93)

	Page 94		Page 96
1	trucks going in and out. What's one thing that	1	City standard of two-feet from the edge of the trail
2	this figure shows that is not shown anywhere else is	2	to a barrier and three feet from the edge of the
3	this AA line. That's a section that we have a	3	traveled lane and the barrier. So I'm not sure what
4	diagram of that shows the pavement intersection.	4	kind of barrier they've got in mind when they talk
5	And this shows the location of where that section is	5	about putting a barrier in the buffer.
6	when we get there	6	And then they want a standard varied curb
7	Q. Okay.	7	has a two-foot wide footprint on the bottom.
8	A right opposite Hat and Marine just	8	There's a standard that says a barrier needs to be
9	to the west of driveway 11C.	9	two-feet away from the edge of the trail, and the
10	Q. And, Mr. Bishop, if we turn to the last	10	standard that says it the barrier needs to be
11	figure last fold-out figure in these AutoTURNs,	11	three feet from the edge of the roadway. And if the
12	it's got a Figure 1 on it. Is this the	12	barrier itself is two feet, that takes seven feet,
13	A. That's the cross-section AA identified:	13	not five. So there aren't they haven't developed
14	Shilshole Avenue cross-section AA. And this shows	14	a design enough it's only 10 percent to be able
15	in a section and this is the plan view on the top.	15	to tell where the barrier might be put, so I can't
16	Q. And explain what we're seeing here.	16	really comment on that. But I don't see how they
17	A. So this is a fairly complicated figure,	17	can put a barrier in when there's only five feet.
18	but the grey is the existing concrete of pavement of	18	Q. What is shy distance?
19	Shilshole Avenue. It's 24-feet wide. It was laid	19	A. Shy distance is the distance between the
20	down 10 or 15 years ago, pitted shape, heavy-duty	20	edge of the pavement and a physical obstruction of
21	concrete pavement for the truck route that it was	21	whatever type including a barrier.
22	designed to handle pavement design. It's all	22	Q. So the two feet and the three feet you've
23	about trucks. So the grey is the existing concrete	23	been referring to are those shy distances?
24	shown both on the plan view up here and on the	24	A. Yes.
25	section down here at the bottom. And	25	Q. And can barriers themselves create safety
	Page 95		Page 97
1	Page 95 Q. So what is the black then?	1	Page 97 hazards?
1 2	Q. So what is the black then?	1 2	
	Q. So what is the black then?		hazards?
2	<ul><li>Q. So what is the black then?</li><li>A. The black is asphalt pavement. Different</li></ul>	2	hazards? A. Yes. Yeah. At the ends particularly
2 3	<ul><li>Q. So what is the black then?</li><li>A. The black is asphalt pavement. Different kind of pavement.</li></ul>	2 3	hazards? A. Yes. Yeah. At the ends particularly at the ends of the barriers where you're stopping
2 3 4	<ul><li>Q. So what is the black then?</li><li>A. The black is asphalt pavement. Different kind of pavement.</li><li>Q. And</li></ul>	2 3 4	hazards? A. Yes. Yeah. At the ends particularly at the ends of the barriers where you're stopping if you run into them you go onto the ends.
2 3 4 5	<ul> <li>Q. So what is the black then?</li> <li>A. The black is asphalt pavement. Different kind of pavement.</li> <li>Q. And</li> <li>A. And some of it's existing and some of it</li> </ul>	2 3 4 5	<ul><li>hazards?</li><li>A. Yes. Yeah. At the ends particularly at the ends of the barriers where you're stopping if you run into them you go onto the ends.</li><li>Q. When you testified at the prior hearing,</li></ul>
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25 (Pages 94 to 97)

	Page 98		Page 100
1	contrast as to what's been done and they're using an	1	THE HEARING EXAMINER: If it's just an
2	older example of that. That example's not at issue	2	example, no.
3	here. They can raise it as an example, but it's not	3	MR. SCHNEIDER: Okay.
4	material as to whether that's what's at issue or not	4	THE HEARING EXAMINER: And if you're
5	as far as the project. But they're trying to use it	5	trying to do something more with it as introducing
6	as an example to give us something to compare what's	6	whether this is a standard that whether that met
7	been done and what hasn't.	7	the standard or not shows that this one I don't
8	MR. SCHNEIDER: If I can articulate	8	see that it does that. But I don't mind you
9	the way I see it, the issue is whether a	9	discussing it, but it's not probative as to whether
10	fundamental issue in this case is whether the design	10	this design is adequate or not.
11	is at a level that allows the environmental impacts	11	MR. SCHNEIDER: Okay. Thank you. I
12	to be identified. And so, if we if that is an	12	think I understand. Thank you.
13	issue here, then I think I understand the	13	BY MR. SCHNEIDER:
14	distinction you're drawing. And we don't need to go	14	Q. So well, Mr. Bishop, let's go back to
15	into this anymore, but I can phrase the questions in	15	yes, let's go back to where we were and I want to
16	those terms.	15 16	briefly just go through the rest of the AutoTURNs.
17	THE HEARING EXAMINER: Well, the other		And then I want to get to your summary documents.
18	project's not at issue, but I understand you trying	18	So I think we were on 5.1A and you described the
19	to come up with something to compare this one to is	18 19	cross-section. And, again, this is for a SU-30.
20	all I'm hearing you do. Is that correct or are you?	20	A. Yes.
20	MR. SCHNEIDER: Well, I the intent	20	Q. And let's turn to 5.2A then. What do we
22	is to demonstrate that this design is not at a level	22	see here?
23	that enables a traffic engineer to identify hazards.	23	A. So now we've jumped to a larger vehicle
23	THE HEARING EXAMINER: So are you	23 24	to the WB-40 that also uses these some of these
24 25	going to do that by stand-alone describing this or	24 25	driveways, but it's still within the lane turning
2.5		20	
	Page 99	_	Page 101
1	are you going to describe other projects as well?	1	within the lane. And so, particularly at driveway
2	MR. SCHNEIDER: No, we're well, I	2	12 and 12B there is some significant incursion zones
3	don't we are going to our next witness in	3	shown for vehicles turning and staying within the
4	particular is going to go into this at length, Your	4	lane.
5	Honor, describing what the standard best practices	5	Q. Okay. 5.2B is then within available
6	are for environmental review of projects of this	б	pavement.
7	sort. And, again, to me, this is the fundamental	7	A. Yes.
8	issue in the case. So I guess I'm not understanding	8	Q. Let's move on to 5.3A, and what are we
9	really what the objection is.	9	seeing here?
10	THE HEARING EXAMINER: Well, if you'r		A. Size 3A is the same with a larger truck,
11	going to discuss a project design from another	11	WB-67, and it also has the added demonstration of
12	aspect of this project or iteration of this project,	12	the truck that's coming in at the Hat and Marine
13	what's at issue is this project, this design.	13	parallel to the building using driveway 12 to enter,
14	MR. SCHNEIDER: I understand.	14	driving along the between the
15	THE HEARING EXAMINER: And I guess I	15	Q. Use the pointer to show what you're
16	thought what you were doing was just using the other	16	describing?
17	as an example. If you're not doing that, I guess I	17	A. So coming into driveway 12 and
18	don't know why you would we would be getting int		essentially driving along the railroad tracks to
19	it. But because it's not the same design. It's	19	park in front of driveway 11B parallel in just a
20	not the design that's at issue before us today. You	20	long truck 67 feet long so they can unload and
21	used a past design as an example.	21	unload and then drive it back out through driveway
22	MR. SCHNEIDER: And I understand what	22	11A. There's significant incursion zones associated
23	you're saying. I guess I'm not sure where we're not	23	with getting out at some point and getting in. It's
24 25	going with it. So, is my question objectionable or should I?	24	more this incursion zone on 12 is really is the large truck making a right turn out and staying
	SUCULU 17	25	The parge truck making a right furn out and staving

26 (Pages 98 to 101)

	Page 102		Page 104
1	within lane.	1	your left through an intersection at 46. This is
2	Q. Okay. And 5.3B is within available	2	where the trail crosses the railroad tracks, how
3	pavement?	3	that does that there. Talk about a WB-40 which most
4	A. Right. So they can do it and not have as	4	of these driveways use, and this is within the lane,
5	large an incursion zone if they cross the center	5	and there's significant amount of incursion zones
6	line and use all the pavement available.	6	shown in red there.
7	Q. Let's turn to 5.4A. What do we have	7	Q. And how about 6.1B?
8	here?	8	A. And 6.1B, same truck using all the
9	A. 5.4A, this is now the Lowboy truck, the	9	pavement and less incursion zone.
10	bigger trucks that bring the boats in. A couple of	10	Q. 7.1A?
11	differences, some of these boats that they haul on	11	A. So 7.1A is over here at Ballard this
12	these trucks get way wider than a typical truck	12	is a small truck coming in and out of 13H.
13	load. Typical truck is eight-and-a-half feet. Some	13	Q. Okay. 7.2A.
14	of these boats get to be up to 15 feet wide. Now if	14	A. 7.2 is a little bigger truck. Small
15	it's 15-feet wide, then they have to have, of	15	WB-40 semi-truck using all those driveways. Now
16	course, a special permit and trailing lead car	16	this is an unusual situation here at Ballard
17	and trailing car and all kinds of flashing lights	17	Insulation. Ballard insulation has a loading dock
18	and stuff that says you got a really wide load. But	18	out on the street side of the building. It's
19	they do end up coming in and getting in and out of	19	actually in the public right-of-way. And then this
20	this driveway. And this is the 12B is the	20	this driveway has a slope that goes down in and
21	driveway that they do. They can get in there and	21	so there they have a floor of this Ballard
22	turn around and get back out. So this is a short	22	Insulation that's at street level and then when you
23	Lowboy, getting in the driveway 12 and out, staying	23	get down below there's another level below and
24	within the lane. There is a left-turn pocket. What	24	there's loading docks down there at below level.
25	is that I think that's 17th Street up there, so	25	They to make deliveries to that loading dock,
	Page 103		Page 105
1	they transition into a left-turn pocket and we've	1	they drive in and back into the loading dock
2	included that as being within the lane. So it's	2	parallel to the building, and if it's a single-unit
3	shown that way on this but the extra width is	3	truck they stick out into their own driveway a
4	shown wider and they're only single lanes there and	4	little bit.
5	they're 12-foot lanes. So a 15-foot wide truck is	5	If it's a semi-trailer they block their
6	just going to by definition be outside of the	6	own driveway but when they do that so they're
7	pavement.	7	don't do it very long, but they do do it. And then,
8	Q. 5.4B.	8	that truck has to get out find a way to get out.
9	A. 5.4B shows the same thing utilizing all	9	And he basically comes out there. I don't depict
10	the pavement. So in that case, they can actually	10	that in this case, but that's an operation that
11	get out of this driveway without any incursion zone	11	happens at Ballard Insulation.
12	in and out.	12	Q. And is there room between the building
13	Q. And 5.5A?	13	and the proposed trail for that operation to take
14	A. So here we got the long this is the	14	place?
15	Lowboy long. Now we've extended the trailer to get	15	A. Yes. There is in this proposed. In this
16	a longer boat. And so essentially, it extends the	16	in the EIS in the final they moved the trail
17	incursion zone now even within the lane. And let's	17	far enough north so that a truck can back in and not
	see. I think 5.5B, yeah, has a has still has	18	encroach on the trail itself
18		19	Q. And how much
19	an incursion zone but shorter.		-
19 20	Q. And 5.5B is within available pavement?	20	A as they're parked there.
19 20 21	<ul><li>Q. And 5.5B is within available pavement?</li><li>A. Yes.</li></ul>	20 21	<ul><li>A as they're parked there.</li><li>Q room is there to for a truck of</li></ul>
19 20 21 22	<ul><li>Q. And 5.5B is within available pavement?</li><li>A. Yes.</li><li>Q. And then, 6.1A.</li></ul>	20 21 22	<ul><li>A as they're parked there.</li><li>Q room is there to for a truck of this size to maneuver in in that area?</li></ul>
19 20 21 22 23	<ul> <li>Q. And 5.5B is within available pavement?</li> <li>A. Yes.</li> <li>Q. And then, 6.1A.</li> <li>A. So this is just moving further along the</li> </ul>	20 21 22 23	<ul> <li>A as they're parked there.</li> <li>Q room is there to for a truck of this size to maneuver in in that area?</li> <li>A. Well, basically the right-of-way line is</li> </ul>
19 20 21 22	<ul><li>Q. And 5.5B is within available pavement?</li><li>A. Yes.</li><li>Q. And then, 6.1A.</li></ul>	20 21 22	<ul><li>A as they're parked there.</li><li>Q room is there to for a truck of this size to maneuver in in that area?</li></ul>

27 (Pages 102 to 105)

	Page 106		Page 108
1	truck can get in, pull in in the public right-of-way	1	identified between 30th and 24th, between 24th and
2	and back into the loading dock parallel to the	2	Vernon Place, between Vernon Place and 46th, and
3	building.	3	then between 46th and 11th. And then the fifth line
4	Q. So the Bowman Refrigeration building on	4	is a summation of all of those four segments.
5	the left, what are we seeing there?	5	And the first column is just
6	A. Well, that's a building that that's a	6	identifies the name of the segment. The second
7	refrigeration company that has trucks that come in	7	column is the length in feet. The third column is
8	and out. They can the way this is depicted is	8	the length of the driveways within the segment in
9	driving in and driving out. That's not quite right.	9	feet. And then the next one is the percent of the
10	They really wouldn't be coming along here. They'd	10	total length of the trail that's driveways. And
11	have to come along here and make a right turn in and	11	then the next column is the roadway intersection
12	go up here and then back into the loading dock and	12	crossings in terms of length and feet, percent of
13	then drive out. So it would be the blue here would	13	crossing of the total length.
14	be their dimension driving out, and that's what's	14	And then, there's two sets of columns on
15	driving the incursion zone that's shown in here.	15	the right side, one of which is within available
16	Q. All right. And 7.2B?	16	pavement and one's within the lane. And we talk
17	A. So 7.2B is showing that a WB-40 basically	17	about the incursion zone length, the incursion zone
18	can't turn out of Bowman to the right. They're	18	percent, and then a summation of the percentages of
19	going to go up into the private property on the	19	driveways, intersections, and incursion zones:
20	north side in order to get out. So you just can't	20	first set within the available pavement, and the
21	do that. On the other driveways they can do it and	21	second set within the lane.
22	have smaller incursion zones.	22	And so, the bottom line of this is the
23	Q. So let's turn the page then. What are we	23	lower-right corner of that table that says 35
24	seeing here?	24	percent of the length of the entire route is either
25	A. So this is a summary of all of the	25	in a driveway an intersection or an incursion zone
	Page 107		Page 109
1	driveways, the streets, and the incursion zones all	1	or more than a third of the total length is in what
2	on one sheet. And they're stripped. And there's	2	I find to be kind of hazardous locations.
3	two sets of these. One is identified at the bottom	3	Q. And how about the two segments, three and
4	as turning maneuvers within the lane, and then the	4	four above that with the percentages of 46 and 54
5	other one is turning maneuvers within available	5	percent?
6	pavement. So you can kind of get a summary of the	6	A. Well, these are the intense industrial
7	sum of all the green driveways, the cross-paths	7	areas and so they have an even higher percent
8	intersections like here at 30th and over here at	8	almost half of over half of the length within
9	14th, and here at Shilshole, and here at 24th.	9	those intense industrial zones are either driveways,
10	Those are all added up as either an intersection	10	street crossings, or incursion zones. And then, if
11	with or driveway with or incursion area.	11	you go down within available pavement, those numbers
12	Q. So we have two summary sheets then that	12	go down a bit. It's only a quarter of the length,
13	reflect what we've been looking at with the detailed	13	26 percent of the total length that is in that
14	AutoTURNs that we've just gone through?	14	situation. And they get down under 40 percent in
15	A. Right. This is a visualization. You can	15	the industrial areas. But those are huge numbers.
16	see where they are and then I've got a table that	16	My point is that those are big numbers. The
17	puts them all together.	17	percentages are very, very large numbers in terms of
18	Q. All right. Then I'd like you to turn,	18	the proportion of this bike trail that's in one of
19	please, to past yes, to this document, which I	19	these danger areas.
20	think is two pages long. What are we seeing here?	20	Q. And so, does did all the AutoTURNs
21	A. So this is a table that summarizes it	21	we've been looking at in your summary of them on
22	all of the turning truck path information. And we	22	this page, do you think that this condition that
23	break it I've got it broken down. This is all	23	you've described constitutes a reasonable likelihood
24 25	about the preferred alternative, again, and it's four segments of the preferred alternative	24 25	of more than a moderate adverse impact on safety? A. I do. Yes.

28 (Pages 106 to 109)

1	Page 110		Page 112
_	Q. Would you can you summarize for us why	1	was particularly scientific, but it was the best
2	you think that's the case?	2	they could come up with and it seems to be that
3	A. We've got a mile and a almost a mile-	3	nobody's come up with a better system because I
4	and-a-half, 1.4 miles of trail and a third of it is	4	can't find any other rating system that does any
5	in an area that a the all types of bicyclists	5	better. Essentially what they're saying is that
6	are invited to come and use this trail. And whether	б	well, it's historically been well-known that riding
7	we're talking about the strong and fearless type	7	a bicycle on a sidewalk is really dangerous, and you
8	bicycle who's commuting and got his head down and	8	should not do that. And there's all kinds of sight-
9	going as fast as he possibly can all the way down to	9	distance issues, and there's collisions occur at
10	the families with kids that come in on the weekend	10	driveways when you're riding a bicycle in the wrong
11	and they're all week long. You're then you're	11	direction on the sidewalk.
12	inviting a wide range of bicycle users into	12	And when they do instead they call it
13	something that is called "safe" by the City. And	13	a two-way multipurpose side path. It's essentially
14	designing a system that's got more than a third of	14	a sidewalk only it's got a it's a little higher
15	the total length that's in an area where everybody	15	design, but it's still it's crossing driveways
16	has to be really on their toes: the truck driver,	16	and streets and it has bicycles going in both
17	the vehicle driver, the pedestrian, and the	17	directions, particularly bicycles at speeds of 15 to
18	bicyclist in order for them to negotiate their	18	20 miles an hour. And the situation comes up that
19	multiple users. That is universally, in our mind,	19	if you've got a bicycle going contrary to the
20	just the an amazing level of danger to this path	20	traffic, if you're exiting a driveway as a vehicle
21	type path two-way side path.	21	and you're going to turn right, and you're going on
22	Q. And before we leave this page,	22	to a two-way street, all you have to think about, if
23	Mr. Bishop, the box in the lower left-hand corner,	23	you're only thinking about vehicles is the vehicle
24	what does that show us?	24	coming from your right. You don't have to think
25	A. Well, that's another subject. That's the	25	about the vehicle coming I'm sorry. The vehicle
	Page 111		Page 113
1	parking parallel parking along the segment of	1	coming from your left. You don't have to think
2	along in Shilshole in the mid-section. There	2	about the vehicle coming from your right on the
3	were nine parking stalls provided, I think it is.	3	other side of the street. You're going to turn into
4	And five of those are involved in incursion zone one	4	that lane. And so, you look for a gap to your left
5	way or another, so there really aren't nine stalls.	5	and you go.
6	There's only four.	6	Now if you have a sidewalk or a side
7	Q. Let's turn the page to the next document,	7	path, you've got the added factor that now you've
8	Side path Grading System for Evaluating Safety. Is	8	got other activities going on. But the natural
9	this a document you created?	9	driving behavior is you look right, you look left,
10	A. Yes.	10	you look right, and you go. And all too often
11	Q. And explain the subheading is	11	there's a bicycle coming along coming from the right
12	Chicagoland Bicycle Federation, so forth. Can you	12	and you didn't see him, and you pull out and there's
13	explain what's going on here what we're seeing?	13	a collision. It's 11-to-1 ratio according to one
14	A. Well, this is a method of thinking about	14 15	piece of information I have that says that that
1 =	how many driveways and side and intersections are okay to be thinking about in terms of danger on a	15 16	particular event there, if a vehicle coming out and
15 16	Use uninking about in terms of danger on a	ΤŪ	turning right crossing to one path it's 11 times
16		17	
16 17	two-way side path. And so, almost 20 years ago,	17	more hazardous than all the other seven maneuvers
16 17 18	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how	18	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the
16 17 18 19	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how to do bike trails and paths in Chicago came up with	7 18 19	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the right and a bicycle coming from the left. In that
16 17 18 19 20	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how to do bike trails and paths in Chicago came up with a rating system of rating alternative corridors	7 18 19 20	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the right and a bicycle coming from the left. In that situation, the natural thing is for the driver to be
16 17 18 19 20 21	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how to do bike trails and paths in Chicago came up with a rating system of rating alternative corridors based upon the number of driveways and intersections	7 18 19 20 21	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the right and a bicycle coming from the left. In that situation, the natural thing is for the driver to be looking left and looking for a gap in the vehicle
16 17 18 19 20 21 22	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how to do bike trails and paths in Chicago came up with a rating system of rating alternative corridors based upon the number of driveways and intersections that were along that particular corridor and doing	7 18 19 20 21 22	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the right and a bicycle coming from the left. In that situation, the natural thing is for the driver to be looking left and looking for a gap in the vehicle traffic and he sees the bicycles, and so that's a
16 17 18 19 20 21 22 23	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how to do bike trails and paths in Chicago came up with a rating system of rating alternative corridors based upon the number of driveways and intersections that were along that particular corridor and doing it in terms of a point system per mile of length of	7 18 19 20 21 22 23	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the right and a bicycle coming from the left. In that situation, the natural thing is for the driver to be looking left and looking for a gap in the vehicle traffic and he sees the bicycles, and so that's a safer maneuver than the opposite. And the same is
16 17 18 19 20 21 22	two-way side path. And so, almost 20 years ago, this Chicagoland organization who was looking at how to do bike trails and paths in Chicago came up with a rating system of rating alternative corridors based upon the number of driveways and intersections that were along that particular corridor and doing	7 18 19 20 21 22	more hazardous than all the other seven maneuvers that show up there like a vehicle turning to the right and a bicycle coming from the left. In that situation, the natural thing is for the driver to be looking left and looking for a gap in the vehicle traffic and he sees the bicycles, and so that's a

29 (Pages 110 to 113)

1directions. One of them stands out hugely as being far more hazardous than the other seven and its that right turning out with a bicycle coming from the right.alternatives that were in the EIS. So we've got the first box is just identification of the segments. The second column is the points per mile, which IT are backweight ways and commercial driveways and the activity in those driveways and commercial driveways and to be activity in those driveways and commercial driveways and points for a commercial driveways and to be activity in those driveways and commercial driveways and the activity in those driveways and commercial driveways and tersidential driveways, and then they points for a commercial driveway. And then they staid, okay, well, we've also got streets that we're to got to cross, so let's talk about how busy those go to cross, so let's talk about how busy those and 24th is comes out at 50. Remember the threshold is 16. The second column is 35. The thresho		Page 114		Page 116
2       far more hazardous than the other seven and it's       in the straight turning out with a bicycle coming from         3       that right turning out with a bicycle coming from       first box is just identification of the segments.         4       the right.       The second column is the hong the points per mile, which TI         5       Q. So, Mr. Bishop, the situation and the       first box is just identification of the segment.         6       risks you've described, how are they then reflected       for the prefered alternative.         7       The points for each calculated for         8       A. So Chicagoland said, okay, let's count up       for the prefered alternative.         9       the driveways and let's assign a point system based       in the         10       upon the activity in those driveways and commercial driveways, two       in the points for a censidential driveways and         13       they gave one point for a residential driveway. And then the que to points for a cense could column is satculating the one, two, or four         14       points for a commercial driveway. And then the que to points for a commercial driveway. And then the que to point so the segment is 80.         15       said, okay, well, we've also got streets that we're       is the a commercial driveway, and if it's over         16       traffic on those streets at 1,000. So if you're       in the top lines in the heading says, you know, if your			-	
3       that right turning out with a bicycle coming from the right.       3       The second column is the points per mile, which IT get back to. The third column is the length of each segment. And that's where the 1.42 miles comes if for the preferred alternative.         7       A. So Chicagoland said, okay, let's count up the driveways and let's assign a point system based upon the activity in those driveways into they basically divided driveways into they gave one point for a residential driveways and they gave one point for a residential driveways and they gave one point for a residential driveway. And then they staid, okay, well, we've also got streets that we're going to cross, so let's talk about how busy those into the streets at 1,000. So if you're that. Top of the first page is the point system. And then, the Chicagoland people said, well, let's add up the points and the first page some evaluation criteria. And on the first page some evaluation criteria. And on the first page careful about it. If you're between 8 and 16, you points per mile, it's twory side path. You and look for alternatives, but at woway side path. You and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You and look for alt	2			
4       the right.       4       get back to. The third column is the length of each segment. And that's where the 1.42 miles comes in for the preferred alternative.         5       Q. So, Mr. Bishop, the situation and the 'risk you've described, how are they then reflected in the       5         6       risk you've described, how are they then reflected 'risk where the 1.42 miles comes in for the referred alternative.         6       A. So Chicagoland said, okay, let's count up the driveways and icrossings.       7         10       upon the activity in those driveways into'       7         11       And they basically divided driveways into'       12         12       points for a commercial driveways and tomeway; two'       13         14       points for a commercial driveway. And then they'       14         15       said, okay, well, we've also got streets that we're       16         16       going to cross, so let's talk about how busy those       16         17       streets are, and they picked a daily volume of       17       18         18       traffic on those streets at 1,000. So if you're       19       You add those all together and average them out fo         19				
5Q. So, Mr. Bishop, the situation and the risks you've described, how are they then reflected in the5segment. And that's where the 1.42 miles comes in for the preferred alternative.7in the7Segment. And that's where the 1.42 miles comes in for the preferred alternative.7in the7The points for each calculated for each segment, the number of driveways, number of commercial driveways, the mumber of minor street and then they basically divided driveways and they gave one point for a residential driveway. And then they points for a commercial driveway. And then they points for a commercial driveway, and if it's over 1,000, average daily traffic, it's two points 201116going to cross, so let's talk about how busy those ijust like a commercial driveway, and if it's over 1,000, it's four points. So that's the first page 2211And then, the Chicagoland people said, well, let's add up the points and evaluate have 2321Q. And so23And then, the Chicagoland people said, well, let's add up the points and evaluate have 242324Q. And let's turn to the third page then.24Page 1151the top lines in the heading says, you know, if your opionts per mile is somewhere between zero and eight and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place of ra two-way side path. You of need to pay atteniation and look for alternative way for a two-way side path. You ought to look for another way of doing it.11Q. So did you the 2A. It is is the theres the Shilshole North, the Shilshole South, the Ballard Avenue and the anubers				
6       risks you've described, how are they then reflected       6       for the preferred alternative.         7       in the       The points for a calculated for         8       A. So Chicagoland said, okay, let's count up       6         9       the driveways and let's assign a point system based       0         10       upon the activity in those driveways and crossings.       10         11       And they basically divided driveways and crossings.       11         12       residential driveways and commercial driveways and       12         13       they gave one point for a residential driveway. And then they       13         14       points for a commercial driveway. And then they       14         15       said, okay, well, we've also got streets that we're       15         16       going to cross, so let's talk about how busy those       16         17       streets are, and they picked a daily volume of       17         18       traffic on those streets at 1,000. So if you're       18         19       under I, 000 average daily traffic, it's two points       20         20       of that. Top of the first page is the point system.       22         21       of that. Top of the first page is some-were between zero and eight       70         22       some evaluation		¢		-
7       in the       7       The points for each calculated for         8       A. So Chicagoland said, okay, let's count up       6       each segment, the number of mirveways, number of         9       the driveways and let's assign a point system based       9       commercial driveways, number of         10       upon the activity in those driveways and crossings.       10       and then umber of major streets are identified. The         11       And they basically divided driveways into       12       points for a commercial driveways and crossings.         13       they gave one point for a residential driveways and       12       points for the one, two, or four         12       points for a commercial driveways and commercial driveways and       12       points for the one, two, or four         14       points for a commercial driveways and commercial driveways and       12       points for the one, two, or four         15       said, okay, well, we've also got streets that we're       15       And so, the first segment between 30th         16       going to cross, so let's talk about how busy those       16       and 24th is comes out at 50. Remember the         17       threshold is 16. The second column is 35. The       the threshold is 16. The second column is 30.         12       upolo, it's four points. So that's the first page       10       the whole length and it co	5	-		-
8       A. So Chicagoland said, okay, let's count up       9       each segment, the number of driveways, number of         9       the driveways and let's assign a point system based       9       commercial driveways, fue number of major streets are identified. The         10       upon the activity in those driveways and commercial driveways and       10       points column is calculating the one, two, or four         11       And they basically divided driveways into       11       points for a commercial driveways and       12         12       residential driveways and commercial driveways, and then they       is aid, okay, well, we've also got streets that we're       13       then applying the length and you've got the points         14       points for a commercial driveway. And then they       is add so, the first segment between 30th       14       and 44n is -c comes out at 50. Remember the         17       streets are, and they picked a daily volume of       15       had so, the first segment is 90. And the fourth segment is 90.       Nad the fourth segment is 90. And the fourth segment is 90.         19       under 1,000 average daily traffic, it's two points       19       You add those all together and average them out fo         20       fthat. Top of the first page is the point system.       23       A. Well, 66 is like four times the maximum         23       And then, the Chicagoland people said,       24       appropriate.				<u>^</u>
9the driveways and let's assign a point system based upon the activity in those driveways and crossings.9commercial driveways, the number of major streets and the number of major streets are identified. The points column is calculating the one, two, or four points from the previous page per segment length a they gave one point for a residential driveways two points for a commercial driveway. And then they said, okay, well, we've also got streets that we're dig to cross, so let's talk about how busy those traffic on those streets at 1,000. So if you're under 1,000 average daily traffic, it's two points o just like a commercial driveway, and if it's over 21910under 1,000 average daily traffic, it's two points o just like a commercial driveway, and if it's over 211000, it's four points. So that's the first page of that. Top of the first page is the point system. 2310And then, the Chicagoland people said, appropriate.24well, let's add up the points and evaluate have some evaluation criteria. And on the first page, 10250. And the chird page then.25some evaluation criteria. And on the first page, 1114brage 115Page 11514the top lines in the heading says, you know, if your a not a bad place to put a two-way side path. You an look for alternatives to do this. And then, if so you're over 16, it just says it's not a good place 9 for a two-way side path. You ought to look for a another way of doing it.1Is this a graphic representation of the numbers on page 2?11Q. So did you the 12Q. So did you then11Q. So did you then12Q. So did you then1113				
10upon the activity in those driveways and crossings.10and the number of major streets are identified. The points column is calculating the one, two, or four points for an commercial driveways and they gave one point for a residential driveway; two 131113they gave one point for a residential driveway; two points for a commercial driveway. And then they said, okay, well, we've also got streets that we're going to cross, so let's talk about how busy those traffic on those streets at 1,000. So if you're12mothe hey picked a daily volume of third segment is 90. And the fourth segment is 80.14points for a toross, so let's talk about how busy those under 1,000 average daily traffic, it's two points16And so, the first segment between 30th and 24th is - comes out at 50. Remember the threshold is 16. The second column is 35. The third segment is 90. And the fourth segment is 80.19under 1,000 average daily traffic, it's two points just like a commercial driveway, and if it's over just like a commercial driveway, and if it's over and then, the Chicagoland people said, well, let's add up the points and evaluate have some evaluation criteria. And on the first page, some evaluation criteria. And on the first page, points per mile is somewhere between zero and eight a not a bad place to put a two-way side path. You doin' have very many driveways, but you want to be scareful about it. If you're between 8 and 16, you need to pay attention and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place110No did on' three ways did path. You ought to look for a nother way of doing it.111Q. So did you then 22No the results of the				
11And they basically divided driveways into1112residential driveways and commercial driveways and1213they gave one point for a residential driveway; two1314points for a commercial driveway. And then they1315said, okay, well, we've also got streets that we're1616going to cross, so let's talk about how busy those1617streets are, and they picked a daily volume of1718traffic on those streets at 1,000. So if you're1819under 1,000 average daily traffic, it's two points1920just like a commercial driveway, and if it's over19211,000, it's four points. So that's the first page2022of that. Top of the first page is the point sand evaluate have2123And then, the Chicagoland people said,2324well, let's add up the points and evaluate have2425some evaluation criteria. And on the first page,2526Q. And let's turn to the third page then.271the top lines in the heading says, you know, if your121the red the vertical red lines are the various3and place to put a two-way side path. You3A. It is if we can get it. There it is. So4don't have very many driveways, but you oght to look for3A. It is if we can get it. There it is. So4of ra two-way side path. You445careful about it. If you're between 8 and 16, you56<	9			-
12       residential driveways and commercial driveways and       12       points from the previous page per segment length at then applying the length and you've got the points and you've got the points and evaluate or have         13       they gave one point for a residential driveway; two       13         14       points for a commercial driveway. And then they         15       said, okay, well, we've also got streets that we're       16         16       going to cross, so let's talk about how busy those       16         17       streets are, and they picked a daily volume of       17         18       traffic on those streets at 1.000. So if you're       18         19       under 1,000 average daily traffic, it's two points       19         20       just like a commercial driveway, and if it's over       20         21       1,000, it's four points. So that's the first page       21         23       And then, the Chicagoland people said,       23         24       well, let's add up the points and evaluate have       24         25       some evaluation criteria. And on the first page,       25         26       Dage 115       Page 117         1       the top lines in the heading says, you know, if your       1       Is this a graphic representation of the numbers on         2       points per mile is somewhere b		· · · · ·		5
13they gave one point for a residential driveway; two points for a commercial driveway. And then they said, okay, well, we've also got streets that we're going to cross, so let's talk about how busy those13then applying the length and you've got the points per mile.15said, okay, well, we've also got streets that we're going to cross, so let's talk about how busy those141416going to cross, so let's talk about how busy those14141417streets are, and they picked a daily volume of under 1,000 average daily traffic, it's two points16And so, the first segment between 30th and 24 his comes out at 50. Remember the third segment is 90. And the fourth segment is 80.20just like a commercial driveway, and if it's over just like a commercial driveway, and if it's over of that. Top of the first page is the point system. 319You add those all together and average them out for the whole length and it comes out a 66.211,000, it's four points. So that's the first page of that. Top of the first page is the point system. 323And then, the Chicagoland people said, 2424well, let's add up the points and evaluate have some evaluation criteria. And on the first page,25Q. And let's turn to the third page then.25some evaluation criteria. And on the first page points per mile is somewhere between zero and eight and the abad place to put a two-way side path. You don't have very many driveways, but you want to be careful about it. If you're between 8 and 16, you r1Is this a graphic representation of the numbers on page 21?3not a bad place to put a two-way side path				
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18 Q and the other alternatives? 18 tells me that the whole concept is really risky.	4 5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>careful about it. If you're between 8 and 16, you need to pay attention and look for alternate ways and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You ought to look for another way of doing it.</li> <li>Q. So did you then</li> <li>A. 16 is the threshold that they came up with.</li> <li>Q. And so, let's turn the page. Did you then apply Chicagoland methodology to the preferred alternative for the Burke-Gilman Trail</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16	the red the vertical red lines are the various alternatives. The one on the left is the preferred alternative. And then there's the Shilshole North, the Shilshole South, the Ballard Avenue and the Leary Avenue. And the results of the Chicagoland analysis that I did and then I highlighted in the side path score points per mile, the preferred alternative 66 and again, down in the green is the low risk one from zero to eight, the yellow is the moderate risk from 8 to 16, and then above 16 is high risk side path score side path not recommended. And we're four times as big on all the alternatives: the preferred alternative as well as
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20 Q. Explain what we see here on page two. 20 this and the incursion zone stuff that we're even	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>careful about it. If you're between 8 and 16, you need to pay attention and look for alternate ways and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You ought to look for another way of doing it.</li> <li>Q. So did you then</li> <li>A. 16 is the threshold that they came up with.</li> <li>Q. And so, let's turn the page. Did you then apply Chicagoland methodology to the preferred alternative for the Burke-Gilman Trail</li> <li>A. I did.</li> <li>Q and the other alternatives?</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18	the red the vertical red lines are the various alternatives. The one on the left is the preferred alternative. And then there's the Shilshole North, the Shilshole South, the Ballard Avenue and the Leary Avenue. And the results of the Chicagoland analysis that I did and then I highlighted in the side path score points per mile, the preferred alternative 66 and again, down in the green is the low risk one from zero to eight, the yellow is the moderate risk from 8 to 16, and then above 16 is high risk side path score side path not recommended. And we're four times as big on all the alternatives: the preferred alternative as well as the four that were in the draft EIS. That just tells me that the whole concept is really risky.
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23 down into the four segments. And then, a total at 23 trucks and all the activity that's going on on this	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>careful about it. If you're between 8 and 16, you need to pay attention and look for alternate ways and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You ought to look for another way of doing it.</li> <li>Q. So did you then</li> <li>A. 16 is the threshold that they came up with.</li> <li>Q. And so, let's turn the page. Did you then apply Chicagoland methodology to the preferred alternative for the Burke-Gilman Trail</li> <li>A. I did.</li> <li>Q. and the other alternatives?</li> <li>A. I did.</li> <li>Q. Explain what we see here on page two.</li> <li>A. So on page 2, the top box which is bigger</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the red the vertical red lines are the various alternatives. The one on the left is the preferred alternative. And then there's the Shilshole North, the Shilshole South, the Ballard Avenue and the Leary Avenue. And the results of the Chicagoland analysis that I did and then I highlighted in the side path score points per mile, the preferred alternative 66 and again, down in the green is the low risk one from zero to eight, the yellow is the moderate risk from 8 to 16, and then above 16 is high risk side path score side path not recommended. And we're four times as big on all the alternatives: the preferred alternative as well as the four that were in the draft EIS. That just tells me that the whole concept is really risky. Really, it's inappropriate in my mind because of this and the incursion zone stuff that we're even talking about a two-way side path through this
the bottom of those four segments. And then, the 24 major truck street that the City of Seattle has	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>careful about it. If you're between 8 and 16, you need to pay attention and look for alternate ways and look for alternatives to do this. And then, if you're over 16, it just says it's not a good place for a two-way side path. You ought to look for another way of doing it.</li> <li>Q. So did you then</li> <li>A. 16 is the threshold that they came up with.</li> <li>Q. And so, let's turn the page. Did you then apply Chicagoland methodology to the preferred alternative for the Burke-Gilman Trail</li> <li>A. I did.</li> <li>Q and the other alternatives?</li> <li>A. I did.</li> <li>Q. Explain what we see here on page two.</li> <li>A. So on page 2, the top box which is bigger has the data for the preferred alternative broken</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the red the vertical red lines are the various alternatives. The one on the left is the preferred alternative. And then there's the Shilshole North, the Shilshole South, the Ballard Avenue and the Leary Avenue. And the results of the Chicagoland analysis that I did and then I highlighted in the side path score points per mile, the preferred alternative 66 and again, down in the green is the low risk one from zero to eight, the yellow is the moderate risk from 8 to 16, and then above 16 is high risk side path score side path not recommended. And we're four times as big on all the alternatives: the preferred alternative as well as the four that were in the draft EIS. That just tells me that the whole concept is really risky. Really, it's inappropriate in my mind because of this and the incursion zone stuff that we're even talking about a two-way side path through this highly industrial area with driveways and heavy
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30 (Pages 114 to 117)

1       activities away from. That's probably the truck -       1       million range, and that would be in or of the         2       major truck routes.       1       million range, and that would be in or of the         3       Q. So, Mr. Bishop, the information, the       6       alot of the truck access issues.         4       truck routes.       Q. So is the feasibility study truit as         7       describing is that acknowledged anywhere in the EIST       A. No. No that The aware of.         8       A. No. No that The aware of.       9         9       Q. Let's turn the page, please, then to a       so that's what was selected here. And then there's a         11       involving the elevated trail section.       as othat's what was aselected here. And then there's a         12       A. Okay.       as othat's what was selected here. And then there's a         13       Q. So again, what do we have here and what       what was going on along the route, twas aware that         14       was your role in preparation of these documents?       14         15       A. Well, wy role was to - in my review of       14         16       what was going on along the route, twas aware that       16         16       what we age asparation? Could we even do it here?       16         17       A. Okay.       16       A. Okay. So this is dr	2	Page 118		Page 120
2       major truck routes and we're going to protect them as       2       critical high industrial areas. It would eliminate         3       truck routes.       2       critical high industrial areas. It would eliminate         3       truck routes.       2       critical high industrial areas. It would eliminate         4       Q. So, Mr. Bishop, the information, the       3       a lot of the truck access issues.         7       describing is that acknowledged anywhere in the EIS       7       A. Yes. The interstate highway system is         9       Q. Let's turn the page, please, then to a       so that's what was selected here. And then there's         10       sories of exhibits. I think there are three of them       10       so that's what was selected here. And then there's         11       was your role in preparation of these documents?       1       A. Well, my role was too - in my review of         15       right-of-way for such a structure to be bail?       1         16       was going on along the route, I was awret that         17       the side path concept on the Chicagoland thing was       1         16       abd/we way for an one paragraph the multi-page         17       And in one sentence in one paragraph the multi-page       1         18       page 119         19       And I looked out there and I said, well, </td <td></td> <td>activities away from. That's probably the truck</td> <td>1</td> <td>million range, and that would be in one of the</td>		activities away from. That's probably the truck	1	million range, and that would be in one of the
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5       Q. So, Mr. Bishop, the information, the       5       proposed is it high enough to allow the trucks to         6       darger of the two-way side paths that you've been       formation is that acknowledged anywhere in the EIS         8       A. No, No that Tm aware of.       7       A. Yes. The interstate highway system is         9       Q. Lef's turn the page, please, then to a       6       from the pavement to the bottom of the bridge, and         11       involving the elevated trail section.       12       put the side part interstate highway system is         12       A. Okay.       and the structure itself. So it       2         13       Q. So again, what do we have here and what       as othat's what was selected here. And then there's       a five-foot depth of the structure itself. So it         14       was your role in preparation of these documents?       14       Q. And is there room within the existing         16       what was going on along the route, I was aware that       15       in the side part oncept on the Chicagoland thing was         15       and in one sentence in one paragraph the multi-page       17       has got - trail liner is 12 feet wide, so that's         14       we can't doi, and just eliminated it as an       24       we can't doi, and just eliminated it as an         15       and no toke drivewayso? And I found out, weli,       25       Stimso	3	truck routes and we're going to protect them as	3	a lot of the truck access issues.
6       danger of the two-way side paths that you've been       6       move underneath it?         7       describing is that acknowledged anywhere in the EIS       7       A. Yes. The interstate highway system is         8       A. No. Not that I'n aware of.       9       0. Let's turn the page, please, then to a         9       0. Let's turn the page, please, then to a       9       10         11       involving the elevated trail section.       11       a five-foot depth of the structure itself. So it         12       A. Okay.       12       a five-foot depth of the structure itself. So it         13       Q. So again, what do we have here and what       14       was spoin on along the route, I was aware that         14       was going on along the route, I was aware that       13       above the ground.         14       Q. And is there room within the existing       15       a. Ohy, se. Yes. I mean, it the trail         15       a. Mat weil, you know, what about doing       30       sout a structure to be built?         16       and no sentence in one paragraph the mult-parage       12       A. Ohy, se. Yes. I mean, it the trail         17       And in one sentence in one paragraph the mult-parage       12       A. Adw weil, you know, with about doing         18       strut in the air.       Page 119       Page 119	4	truck routes.	4	Q. So is the feasibility study trail as
7       describing is that acknowledged anywhere in the EIS       7       A. Yes. The interstate highway system is         8       A. No. Not that Tm aware of.       9       G. Lef's turm the page, please, then to a         10       series of exhibits. I think there are three of them       11       involving the elevated trail section.       11         11       A. Okay.       0. So again, what do we have here and what       13       a. Well, my role was to in my review of         16       what was going on along the route, I was aware that       14       Q. And is there room within the existing         19       so that's what was going on along the route, I was aware that       16       above the ground.         19       alternative. And well, you know, what about doing       30       so that's what was route to be built?         10       so margate separation? Could we even do it here?       17       has got - trail line is 12 feet wide, so that's         21       And in one sentence in one paragraph the multi-page       20       and in ot sectence in one paragraph the multi-page         22       FEIS just blows that off and says, no it's not       23       designed for a minimum height got you want to do a grade separation, you         24       And I looked out there and I said, well,       you know, if you want to do a grade separation, you         25       grest it up in the air.	5	Q. So, Mr. Bishop, the information, the	5	proposed is it high enough to allow the trucks to
8A. No. No that I'm avare of.99designed for a minimum height of 16-and-s-half feet9Q. Let's turn the page, please, then to a9from the pavement to the bottom of the bridge, and11as crises of exhibits. I think there are three of theminvolving the elevated trail section.1112A. Okay.11a five-foot depth of the structure itself. So it13Q. So again, what do we have here and what13above the ground.14was your role in preparation of these documents?14Q. And is there room within the existing15A. Well, my role was to in my review of14Q. And is there room within the existing16what was going on along the route, I was aware that14Q. And is there room within the existing17the side path concept on the Chicagoland thing was16A. Ohy, yes. Yes. I mean, it the trail18just goit kop with and16ak we and this proposal is to put the structure19exactly in the same footprint as the City's designedtrail, but put it up in the air.20FEIS just blows that off and says, no it's not1221And I looked out there and I said, well,2422FOR 1001223do that.Page 1121And I looked out there and I said, well,2524and I looked out there as ange tup in the air.243and to block driveway? And I found out, well,35-percent grade to get to an abutment that's sitting24and I looked out there as a coupl	6	danger of the two-way side paths that you've been	6	move underneath it?
8A. No. No that I'm avare of.99designed for a minimum height of 16-and-s-half feet9Q. Let's turn the page, please, then to a9from the pavement to the bottom of the bridge, and11as crises of exhibits. I think there are three of theminvolving the elevated trail section.1112A. Okay.11a five-foot depth of the structure itself. So it13Q. So again, what do we have here and what13above the ground.14was your role in preparation of these documents?14Q. And is there room within the existing15A. Well, my role was to in my review of14Q. And is there room within the existing16what was going on along the route, I was aware that14Q. And is there room within the existing17the side path concept on the Chicagoland thing was16A. Ohy, yes. Yes. I mean, it the trail18just goit kop with and16ak we and this proposal is to put the structure19exactly in the same footprint as the City's designedtrail, but put it up in the air.20FEIS just blows that off and says, no it's not1221And I looked out there and I said, well,2422FOR 1001223do that.Page 1121And I looked out there and I said, well,2524and I looked out there as ange tup in the air.243and to block driveway? And I found out, well,35-percent grade to get to an abutment that's sitting24and I looked out there as a coupl	7		7	A. Yes. The interstate highway system is
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5and not block driveways? And I found out, well, (2)5At that point you'd be let's see. I6yeah. You could. There's a couple places that you (2) can get up and another place you can get down and 86think it's at 5 percent, you're 10 feet above the ground, so you're about four or five feet off the ground underneath at the abutment. You start with 97can get up and another place you can get down and 87ground, so you're about four or five feet off the ground, so you're about four or five feet off the ground underneath at the abutment. You start with the bridge and go for 125-feet span to the east.10firm called a CTS and asked them to do a little 1110There would be column one, column two, column three column four with 125 foot spans. Column five is the discussion about whether or not you could do a 141115bridge along here. And the answer's yes. You could 1514This is driveway 9D and driveway 10.16do that.16side of 10A. So we needed to put a column between those two driveways and there's a fence line right18a half-a-mile and the estimates that are represented in there it'd be around \$13 million to be able to do 201919in there it'd be around \$13 million to be able to do 2119These spaces are such so that when you get these this column in the right spot so it doesn't get hit by a truck. And basically, it was kind of 2223The bottom part of the slope would be a filled23they avoid the swept path of the trucks in the				
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and it could work. And it might be in the \$13 25 I think one of them gets to only 110-feet span	11 12 13 14 15 16 17 18 19 20 21 22 23	might fit and how did is it even feasible to have the discussion about whether or not you could do a bridge along here. And the answer's yes. You could do that. About 2400 feet long, a little less than a half-a-mile and the estimates that are represented in there it'd be around \$13 million to be able to do that. And it's that would give you a 12-foot wide bridge with a foot on each side for rail and total width of 14 feet, because of the bridge rail. The bottom part of the slope would be a filled	13 14 15 16 17 18 19 20 21 22 23	there. Six is a critical one. That's the one between these two driveways. This is driveway 9D and driveway 10. It's too long to go from this side of 9B to this side of 10A. So we needed to put a column between those two driveways and there's a fence line right there. So it's 125 foot on that side and 115 feet. These spaces are such so that when you get these this column in the right spot so it doesn't get hit by a truck. And basically, it was kind of strategically locating these column locations so they avoid the swept path of the trucks in the

31 (Pages 118 to 121)

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	Page 122		Page 124
1	length and up to 125.	1	In this case they defined the study area
2	And then on the west or on the east end,	2	encompass all five alternatives. And so, they used
3	on 10, 11, 12, 13, and 14; now here, it starts going	3	the same study area for the Leary and the Ballard
4	down. This is the driveway. This is the one with	4	alternative as they did for the preferred
5	the Lowboys. So you got to be above you got to	5	alternative, summed up all the available on-street
6	have the clearance under this one. But this is the	6	and off-street parking, and added all those up. In
7	driveway, 12A that's passenger car only. So you	7	this table I've got the top box is related to just
8	don't need to have vertical height over on this	8	the part of Shilshole from Market to 45th. And
9	driveway but you do this.	9	that's right up here. So this is the portion of the
10	So you start going down here and by the	10	overall program. And then this is one is at the
11	time you get up to I'm sorry. I've got the wrong	11	bottom part is 100
12	two driveways. Not 12 and 12A. It's on the next	12	THE HEARING EXAMINER: Mr. Bishop, ca
13	page. It's 12B and 12C. And you start going down	13	you describe that orally?
14	here in the above for a pick-up to go under at this	14	THE WITNESS: Sure.
15	location. This is the abutment on the other end and	15	THE HEARING EXAMINER: So the for
16	then another 190 feet of retaining fill to come down	16	the record?
10	to grade by the time you get to this driveway.	17	THE WITNESS: The bottom part is F-I
18	Q. Now	18	FEIS data related to the parking supply and it's
19	-	19	from Table 5.5-3 in the Parking Discipline Report.
		20	And we'll talk about that first. So like I said,
20	2400 linear feet.	20 21	
21	Q. Okay. And would this elevated structure		they divided all the available spaces into on-street
22	span the driveways that the biggest trucks are	22	and off-street. On-street is 3,086 and off-street
23	using?	23	within that study area is 730. So that adds up to
24	A. Yes. It would.	24	3816.
25	Q. So let's turn to your last document,	25	And so when you put in the preferred
	Page 123		Page 125
1	Mr. Bishop, which is entitled Parking Evaluation.	1	alternative, you take some parking. And so, the
2	First of all, what experience do you have doing	2	on-street preferred alternative parking goes down
3	parking studies?	3	from 3,086 to 2742. And the off-street parking
4	A. Well, over the years as a consultant	4	doesn't reduce at all, so you add those up and
5	doing mostly private development work, parking	5	subtract them out. So you lose 344 stalls in the
6	issues came up. Is there enough parking and some of	6	very large parking study area. And the EIS, Final
7	those were in Seattle. So I did a number of parking	7	EIS makes the statement as well. It's only 10
8	studies for a variety of commercial developments.	8	percent loss of parking that they can find another
9	Q. And did you review the parking report in	9	spot. There's plenty of empty spaces around. If
10	the EIS?	10	you go far enough you can find them and it's okay.
11	A. Yes. I did. Yeah.	11	No problem. And they just kind of blow off the
12	Q. And what give us in general terms your	12	parking thing as if it was a non-issue. You go to
13	response to what is said in the parking study in the	13	the top of the Table and get focused on where the
14	EIS.	14	parking loss is, you find that the under the
15	Q. Well, the fundamental thing about parking	15	existing conditions, there's 454 parking spaces
16	is location. It's location, location, location.	16	along that street segment.
17	It's all about where the spaces are in relationship	17	BY MR. SCHNEIDER:
18	to where they want to go. And the standard thing in	18	Q. Is this along Shilshole?
19	any parking study is if you just make the study area	19	A. Along Shilshole between Market and 45th.
20	big enough you can solve any parking problem becaus		454 stalls there and the preferred alternative
21	you just ask the people to walk further. And	21	reduces that down to 155. So 299 of the 344 stalls
22	eventually, you can find enough empty spaces so	22	that are lost are in this one short segment of
23	they'll they can walk to them and if you	23	Shilshole. That's 66 percent of the parking that's
24	carefully design your study area to be big enough,	24	there. So two-thirds of the parking for those
25	you don't have a parking problem.	24 25	marine businesses that have employees coming in from
20	you don't have a parking problem.	20	marine businesses that have employees coming in noi

32 (Pages 122 to 125)

	Page 126		Page 128
1	all over the City that come and park for their	1	first text box at the top of the page?
2	businesses, virtually all of it in the public right-	2	A. Yes.
3	of-way is lost to the trail.	3	MR. SCHNEIDER: Mr. Examiner, I think
4	Now the parking study also has some	4	I need to formally offer the documents we've been
5	utilization data, a significant amount of they	5	talking about, which I understand are Exhibit A1,
6	went out and did a fairly extensive parking study at	6	which are in Volume 1 under Tab A310.23 of our
7	various times of day and then on weekends and	7	documents. So I do make that offer at this time.
8	weekdays and peak periods and by hour how many	8	MR. KISIELIUS: And the City has no
9	people are parking and when.	9	objection provided that again, the stipulation was
10	And so, I was able to go into the	10	that Mr. Kuznicki would be available to answer some
11	appendix of the Parking Report and in that top table	11	detailed questions about the AutoTURN analysis that
12	say 2017 Weekday Parking Utilization from Appendix		he prepared.
13	of the Report and go up and down by north sides and	13	THE HEARING EXAMINER: Exhibit 1 is
14	south sides. So of the 454 stalls, 300 of them were	14	admitted.
15	actually used and 300 is 194 percent of the	15	(EXHIBIT A-1 IS ADMITTED.)
16	remaining stalls after they get done. So it's 194	16	MR. SCHNEIDER: Thank you. And then
17	instead of 155. 155 is the number of stalls that	17	•
18		18	that concludes our direct testimony from Mr. Bishop.
19	they said that would be available after they got		THE HEARING EXAMINER: Thank you,
	done developing the preferred alternative.	19	Mr. Bishop. I have a couple questions.
20	So they're losing like 145 stalls, space	20	We're going to go until 12:30, so you
21	for 145 of their employees and the people. And I	21	guys will have an opportunity to get started as
22	defined so in that small area that's a in my	22	well.
23	mind, that's a significant reduction in parking and	23	EXAMINATION
24	it's something that ought to be talked about and	24	BY THE HEARING OFFICER:
25	discussed and identified in an environmental impact	25	Q. I want to make sure I understand your
	Page 127		Page 129
1	statement that is intended to identify impacts.	1	term "incursion zone." And I can see from the
2	Q. So let me direct your attention to the	2	illustrations provided, it seems like there might be
3	text below the chart, the one that begins Section	3	a few ways this is used. I want to make sure I
4	5.3.2 of the FEIS. So what does the SEIS say about	4	understand how you've defined that. Is it when the
5	excuse me, the FEIS say about conclude about	5	truck goes into the buffer zone crossing the curb or
6	the significance of this loss of parking?	б	into outside of the driveway area? Is it
7	A. Well, accorded in the Parking Discipline	7	A. Yes.
8	Report, it says quote "Overall, the loss of	8	Q more is it's like the whole list
9	approximately 345" 44, excuse, me, "on-street	9	of things outside of that green driveway?
10	parking spaces represents approximately 11 percent	10	A. Right. But it's where the truck path in
11	of the on-street parking supply in the study area."	11	worst case crosses the curb line between the travel
12	And it goes on to say, "The loss of parking would	12	way and the buffer zone.
13	not be considered a significant adverse impact	13	Q. But also the buffering?
14	(emphasis added) because of the parking loss is	14	A. Yeah. Including in the
15	spread throughout the preferred alternative can be	15	Q. Not just the travel zone, right? You
16	absorbed in other on-street or off-street throughout	16	said the "travel zone." I want to make sure that
17	the study area although drivers may need to travel	17	it's if you're it's looks to me like sometimes
18	further and is consistent with City planning goals	18	it's not just the travel zone, but also the
19	relating to street space prioritization."	19	buffering.
20	Q. So do you think that's an accurate	20	A. Well, it's the extent of where it crosses
21	statement that the parking loss is spread throughout	21	the curb line. And so we said, okay, this is a
	the preferred alternative?	22	place that a bicycle bicyclist traveling along
22	-	23	
22 23	A. No. It's very concentrated.	23	the blkeway two-way side path needs to be really
	<ul><li>A. No. It's very concentrated.</li><li>Q. And does the last paragraph then reflect</li></ul>	23 24	the bikeway two-way side path needs to be really aware of what's going on. It's danger zone.
23			aware of what's going on. It's danger zone. Q. Okay. So incursion zone does not include

33 (Pages 126 to 129)

24 the buffer there. 24 any further questions, so go ahead and if you've		Page 130		Page 132
2because the bicycles are not in that area?2A. And it's this point where it crosses3A. Well, we define the limit of the3starts to cross -4incursion zone as thewhere the sweep tath5crosses the curb out there on the other side of the5crosses the curb out there on the other side of the5Is that correct?6curb on the street sidewalk. Yes, because aA. That line line.7bicycles go -10Q. Okay. So it's the travel area where the99Q. Okay. So it's the travel area where the9A. Yep.10bicycles go -10Q. You said the concrete truck was better11A. Yeah.1112which track you were referring to. It might have13A. Yes.1214Q. If the swept - okay.1415A. I thois like it is up there. Jist1616Q. It looks like it is up there. Jist1617wanto make sure that's what youre saying.1818MR, SCHNEIDER: Mr. Zimmer, if you1819do'n mind, perhaps turning to this cross section1910do'n mind, perhaps turning to this cross section1914MR, SCHNEIDER: So using thethat2515isnt?2216THE WITNESS: Well-2321THE WITNESS: Well-2422Was there's a specific on PT mright to fing to fing23bepfal.124No Heral25isn	1	areas where the swept path goes into the buffer area	1	Q. So that
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5crosses the curb out here on the other side of the 65Is that correct?6A. That line line.7Q. Okay. That's just what I wanted to7Q. Okay. So it's the travel area where the bicycles go 1187Q. Okay. So it's the travel area where the 99A. Yep.10bicycles go 1210Q. You said the concrete truck was better 11111112Q and the buffer. Is that right?12Which truck you were referring to. It migh have been the13A. Yes.14A. Well, the14Q. If the swept - okay.16A cement truck?15A. I think the answer's yes.16A cement truck?16W. Tho make sure that's what you're syng.18was referring to. the concret truck.18WR. SCHNEIDER: Mr. Zimmer, if you would help if Mr. Bishop wantel to explain it using this if that would be helpful.1821THE WTINESS: I don't think that's tais int?20You were specifically referring to the concret truck.23THE WTINESS: Well 11multiple articulation points.24Vage 1332A. And it's that turns better than both the WB-67 and the WB-40.25out. Is there's spots where the swept path of the intrusion or33Q. Let's go back to the last one. I want44Juse on75Q. Let's go back to the last one. I want6Q. well, that actually the one you're itself. If youg go traight	3	-	3	-
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7bicyclist coming along here needs to be aware that7Q. Okay. That's just what I wanted to8there could be a truck coming along.6clarify.9Q. Okay. So it's the travel area where the9A. Yep.10bicycles go10Q. You said the concrete truck was better11A. Yes.11utruing than what? I don't remember. I don't know12Q and the buffer. Is that right?12which truck you were referring to. It might have13A. Yes.13been the14Q. It looks like it is up there. I just16Acement truck is better turning than16Q. It looks like it as what you're saying.18was referring to, the cement truck.16MR. SCHNEIDER. Mr. Zimmer, if you18was referring to, the cement truck.19don't mind, perhaps turning to this cross section19Q. You were specifically referring to the20the dult be helpful.2114A. Well, the concrete truck turns21THE WITNESS: I don't think that's22O. Because it has multiple axiscs. Which23O. Let's go back to the last one. I wart1multiple articulation points.2Q. Ckay.124you said. I thought it was the cement truck that has the2BY THE HEARING OFFICER:2Q. Okay.33O. Let's go back to the last one. I wart1multiple articulation points.2Q. Okay.149034intrusion or	5	crosses the curb out there on the other side of the	5	Is that correct?
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25A. Yeah. Yes.25got a couple questions just ask those and then we'll	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Well BY THE HEARING OFFICER: Q. Let's go back to the last one. I want I guess there's a specific one I'm trying to figure out. Is there's spots where the swept path of the truck does not go into the proposed trail but it does go into the buffer. Is that part of the intrusion or A. Like on Q. Well, that actually the one you're showing there it clearly goes on to the trail itself. If you go straight to the right of that A. This one. Q of 14 A. Yeah. Q and if you're looking at the exit, the pink A. That's the entrance right there. Q. Oh, entrance. Okay. So the entrance is coming in. A. Right. Q. It does not look like to me on the far left that it goes onto the path, but it does go into	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>multiple articulation points.</li> <li>Q. Okay.</li> <li>A. And it's that turns better than both the WB-67 and the WB-40.</li> <li>Q. Right. Okay. But not necessarily the concrete truck?</li> <li>A. Not no.</li> <li>Q. Okay. In your summary you indicated the  approximately 35 percent and I'm trying to make sure that I understand what that figure represents. There's incursion zones, but I believe you also included street crossings in that. Is that correct? Or is it</li> <li>A. And</li> <li>Q just incursions?</li> <li>A. No. It's all three. Driveways</li> <li>Q. Driveways,</li> <li>A street crossings, and incursion zones</li> <li></li> <li>Q. Okay. That's</li> <li>A adds up to the 35 percent.</li> <li>Q. Thank you. THE HEARING EXAMINER: I don't have any further questions, so go ahead and if you've</li> </ul>

34 (Pages 130 to 133)

Page 134 Page 136 1 1 '70s, early '80s. Part of that was Safe Walk to break at 12:30. 2 MR. KISIELIUS: Can't promise I'll get 2 School Route studies. Those were specifically 3 3 traffic safety grants where we were able to go into through them all, but --4 4 THE HEARING EXAMINER: I'm sure you a school district and identify dangerous places 5 5 around elementary and middle schools and coming up won't. 6 CROSS-EXAMINATION 6 with the safest route for kids to walk to school. 7 BY MR. KISIELIUS: 7 So that was --8 8 Q Mr. Bishop, my name's Tadas Kisielius. Q. Is it your testimony that you did a 9 I'm going to be asking you some questions on behalf 9 half-a-dozen consistent with your testimony when we 10 of the City. 10 took your deposition? 11 A. I don't remember. A. Okay. 11 12 O. I want to start where Mr. Schneider 12 Q. Did -- let's just pause there. 13 13 started with you on your work history. So I heard Did any of those involve environmental 14 you say you had retired in 2007. What was the date 14 review under SEPA? 15 15 of the last EIS that you worked on in a professional A. No. I did a city-wide City of Britton 16 capacity? 16 exercise twice about six or eight years apart. 17 A. Well, certainly before 2007. I think --17 Q. But in terms of the actual planning for 18 I'm trying to remember. I think I talked about this 18 and designing of a trail rather than general 19 in a deposition. I think the last real one that I 19 planning documents have you done any of those? 20 worked on was for King County. And I think that was 20 A. It was always an element of pedestrian 21 within after 2000. In the range of 2000, 2003, bicycle stuff in most of our design work and most of 21 22 22 the intersections have got some element of that something like that. Q. And you had described your work on multi-23 23 involved. So, you know, have claim to have 250 24 use trails or bicycle trails. I think you had 24 intersections around the western Washington that's 25 mentioned one for the City around Lake Union. 25 got my name associated with them in the design and Page 135 Page 137 1 A. Yeah. Yes. 1 the signal, and there's always pedestrians and often 2 2 bicycle stuff associated with that. Q. And I heard you describe some work more recently on behalf -- in your role with Bellevue 3 3 Q. And here, I'm asking specifically the permitting and design of a bicycle trail as a 4 Transportation Commission. And to clarify on that, 4 5 5 in your role as a transportation Commissioner are project itself. Have you done those? 6 you actually preparing the analysis or the work? 6 A. No. 7 7 Q. Okay. I'd like to ask you about your A. No. 8 8 Q. So you're reviewing it? role with respect to the AutoTURN analysis, the 9 9 A. Yes. results of which you just testified to. Can you 10 10 describe again your relationship with Transpo? Were Q. Okay. And other than those two, have you 11 worked on any other bicycle trail projects or multi-11 you relying on their work? 12 12 use trail projects? A. For the technical implementation of the A. Yes. Yes. 13 13 software, yes. 14 14 Q. And you're relying on their Q. How many? 15 A. Half-a-dozen. 15 representation of what's depicted there --16 A. Yes. 16 O. Half-a-dozen? 17 17 Q. -- per your testimony? A. Something like that. I did the first City of Bellevue non-motorized transportation plan 18 18 A. Yes. in the late '70s. I think that was one of my 19 Q. On those pages, the pictures of the 19 20 traffic safety grant projects where we reviewed the 20 trucks that appear on each one, call them a design 21 entire city for bicycle and pedestrian and 21 vehicle. What does that mean to you, design 22 equestrian trails and came up with a plan. 22 vehicle? 23 O. When was your -- when was the time frame 23 A. That's the, in this instance, that's the 24 24 vehicle that was used in the AutoTURN software for of those half-a-dozen? 25 A. I think in pushing into the '80s -- late 25 particular application we were making.

35 (Pages 134 to 137)

	Page 138		Page 140
1	Q. Okay. Does it have any sort of a	1	helps somewhat. I it may be a bit more helpful
2	connotation or meaning to you beyond that the	2	than what I gave earlier.
3	term "design vehicle"?	3	MR. SCHNEIDER: Thank you.
4	A. In terms of AutoTURN?	4	THE HEARING EXAMINER: All right.
5	Q. In any capacity.	5	We'll retire and come back at 1:45. Thank you.
6	A. Well, I suppose you're getting to the	6	(Lunch recess taken.)
7	question of when you design a transportation	7	
8	facility you design it for something. And one of	8	000
9	the things you design it for is the vehicle that is	9	
10	being assumed to be on the facility that you're	10	
11	designing it for. And so, that would be one way of	11	
12	thinking about a design vehicle is what's the worst	12	
13	case or what is it you want it designed for? Looks	13	
14	to me, like in this case, it's not designed to	14	
15	handle almost any large truck that you could	15	
16	identify as a design vehicle. It was designed to	16	
17	accommodate possibly some of these, but not to	17	
18	design so that I one of the few truck routes that	18	
19	the City of Seattle has particularly in the part of	19	
20	the City that you would accommodate the trucks that	20	
21	you expect to have on that route. And so, that's	21	
22	why I don't understand why the WB-50 was used in the		
23	EIS when, clearly, WB-67s are commonly used and	23	
24	other and even larger trucks and the Lowboys.	24	
25	Q. Let me let me follow up on that	25	
	Page 139		Page 141
1	though. I think you said, you used the phrase	1	NOVEMBER 27, 2017
2	"worst case." So does the design vehicle that you	2	AFTERNOON SESSION
3	used with was used on the AutoTURN analysis	3	000
4	represent the worst case?	4	THE HEARING EXAMINER: And we're back
5	A. Yes. And in my AutoTURN analysis it	5	on the record. The Respondents have cross-
6	does.	6	examination of Mr. Bishop.
7	Q. And did you think about	7	And, Mr. Bishop, you're still under
8	THE HEARING EXAMINER: Think we'll	8	oath.
9	stop there.	9	CROSS-EXAMINATION (Resumed)
10	MR. KISIELIUS: Okay.	10	BY MR. KISIELIUS:
11	THE HEARING EXAMINER: We'll return at		Q Mr. Bishop, as we discussed if at any
12	1:45. I wanted to try to clarify for the parties.	12	point you find it easier to refer to the exhibits up
13	We had an objection that I didn't fully rule on	13	there, I'd invite you to do that.
14	earlier, and want to make sure that I'm clearer on	14	A. Okay.
15	that to the degree I can be. I overruled the	15	Q. If you need to switch, we'll accommodate
16	objection. The issue was, as I understood it,	16	that. Where we left off, we were talking about
17	whether the Appellants were starting to delve into	17	design vehicles. Does the frequency with which a
18	designs from previous iterations from the other	18	vehicle uses a driveway figure into your assessment
19	Environmental Impact Statements and review that's	19	of whether it should be a design vehicle for that
20	been done. I overruled it because I don't mind some	20	driveway?
20	touching on that. Clearly it's part of the history,	21	A. Yeah. Yes. It does.
22	so if we go on that. But I can't give you a clear	22	Q. And what kind of frequency would you need
23	black and white line rule where that's not going to	23	in order to be considered a design vehicle?
23	be how we want to spend our time. Clearly that	23	A. Well, if it's a vehicle that don't go in
	of now we want to spend our time. Clearly that	27	71. Wen, if it's a veniere that don't go in
25	those designs are not at issue. I hope that comment	25	regularly in, I guess it's the driveway it's in a

36 (Pages 138 to 141)

1normal course of business that that would be a designer vehicle that I vant to use for that drivews.1me?2designer vehicle that I vant to use for that drivews.1me?4Q. Mr. Bishop, I'm going to hand you a copy of your deposition transcript. T dilk teo kas you, is that consistent with the testimony that you gave under oath earlier?2A. It would be hard to define, I suppose. I guess I'm back on well, if it happens once a year. You know, if the Lowboys conty showed up at CSR Marine once a year, that probably would not be of something you pare to worry about. Bhowboys only showed up at the access to that facility.7ond here are gase 177. And they're grouped in pages of to ask you the same question. You had testified that 13the frequency is not really a criteria the A. Well, let's see.116A. Th no page 17 that includes pages 62 to 5.5.7.7A. On the smaller page.16.17They're in the upper fight-hand corner of each of them. Th looking at the page up out had usetion, you testified that tis them. So I'm wondering which is it's I's frequency is is not really a criteria.17A. Ol the smaller page.2218And I heard you say something very different this times. So I'm wondering which is it's I's frequency is that you gave under oal before is - we should jus is incorrive we taking about the difference between designing to a vehicle?19A. I link if it happens once a year, it ty probably isn't a criteria.Page 14310A. I link hy though was is if's not them. So I'm wondering which is it's I's frequency is <b< th=""><th></th><th>Page 142</th><th></th><th>Page 144</th></b<>		Page 142		Page 144
2       designer vehicle that I want to use for that       2       A. It would be hard to define, I suppose. I         3       driveway.       3       guess Im back on - well, if it happens once a         4       Q. Mr. Bishop, I'm going to hand you a copy       5       of your deposition transcript. I'l like to ask you,         5       of your deposition transcript. I'l like to ask you,       5       CSR Marine once a year, that probaby would not be         6       A. O Kay.       5       SCR Marine once a year, that probaby would not be         7       under oath earlier?       0       her your about. But in their         10       excuss me page 17? And theyre grouped in pages       10       0       oo - and is it correct tha you         11       four. I'n no hoking at ines 13 and 14. I'm going to       10       0       So - and is it correct that you         13       the frequency is not really a criteria -       14       A. Well, either owners or operation         14       A. Well, let's see.       15       for to get their -         15       nanagers or dispatchers or people who were familiar         16       A. I'n wohid you algo the the second t	1	normal course of business that that would be a	1	me?
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4       - Sar. You know, if the Lowboys only showed up at 5         5       of your deposition transcript. I'd like to ask you, is that consistent with the testimony that you gave under oath earlie?         6       A. Okay.         7       Q. Could you please turn to page 13 9         10       excuse me page 17? And they're grouped in pages of 10         11       four. The looking at lines 13 and 14. Tm going to 3k you the same question. You had testified that 15         12       ask you the same question. You had testified that 15         15       Q. It doesn't happen.         16       A. Twen's have the Lowboys come at go, something you ought to be thinking about when - in the design of the access to that facility.         17       65.         18       Q. It adoesn't happen.         19       numbers of the smaller reproduced         10       numbers of the smaller reproduced         11       numbers of the smaller reproduced         19       about when determining?         20       A. On the smaller reproduced         11       They're in the upper right-hand cormer of each of the races?         21       them regular corteria. I's thappens nece ay er, it mines 13 and 14. When lasked         21       You that question, you testified that this frequency         22       is not really a criteria. I's tha	3	-	3	**
5       of your deposition transcript. Tell like to ask you,       5       CSR Marine once a year, that probably would not be something you have to worry about. But in their         6       is that consistent with the testimony that you gave       6       something you have to worry about. But in their         7       under oath earlier?       normal course of business and part of what they do         8       A. Okay,       8         9       O. Could you please turn to page 13       0         10       excuse me page 17? And they're grouped in pages of       10         11       four. I'm looking at lines 13 and 14. I'm going to       11         12       A. Well, let's see.       11         13       d. I doesn't happen.       12         14       A. The on page 17 that includes pages 62 to       16         15       O. I apologize. I'm looking at the page       19         14       not the smaller reproduced       19         15       Q. I apologize. I'm looking at the page       10         16       not the smaller reproduced       19         17       Der song page 17 of the transcript.       11         18       terms of the frequency that dox kot some to mages       10         19       about when determining?       20       A. On the smaller	4	•	4	<b>U</b>
6       is that consistent with the testimony that you gave under oath earlier?       6       something you have to worry about. But in their normal course of business and part of what they do they have the Lowboys come and go, something you ought to be thinking about when – in the design of the access to that facility.         9       Q. Could you please turn to page 13       9         11       four. I'm looking at lines 13 and 14. I'm going to ask you the same question. You had testified that that the fugnency is not really a criteria       14       A. Well, leit's see.       16         12       a. Well, leit's see.       16       G. I apologize. I'm looking at the page.       17       65.       7       64.         13       Q. I apologize. I'm looking at the page.       10       10       terms of the smaller reproduced       10       about when determining?         20       A. On the smaller reproduced       10       11       terms of the smaller reproduced       10       11       terms of the smaller reproduced         21       Q so page 17 of the transcript.       29       Q. And what guidance did you give them in to consider only ones that appear with some frequency?         22       them. Fin looking at the page.       20       Q. Caya. But you didn't ask them to consider only ones that appear with some frequency?         24       them cannot page 17 of the transcript.       20       CAsay. But you didn't ask them	5		5	
7       under oath earlier?       7       normal course of business and part of what they do         8       A. Okay.       9       Q. Could you please turn to page 13         10       excuse me page 17? And they're grouped in pages of       10       10       11       Q. So and is it correct that you         11       four. Thin looking at lines 13 and 14. The moging to       11       Q. So and is it correct that you give them in         12       interviewed the business.       11       Q. So and is it correct that you give them in         13       mombers of the smaller reproduced       13       14       Yeak. Well, either owners or operation         14       A. On the smaller page.       11       Q. And what guidance did you give them in         15       mombers of the smaller produced       19       30       30         15       morms of the smaller page.       11       20       A. Iprobably didn't give them any guidance.         16       Qso page 17 of the transcript.       11       21       11       20         24       you that question, you testified that this frequency       21       21       21       22         25       A. On the smaller page.       21       21       21       22       22       22       23       24	6		6	· · · ·
8       A. Okay.       8       they have the Lowboys come and go, something you         9       Q. Could you please turn to get 13       9       orght to be thinking about when in the design of         11       four. Thi looking at lines 13 and 14. The going to       9       0. So - and is it correct that you         12       ask you the same question. You had testified that       11       0. So - and is it correct that you         12       ask you the same question. You had testified that       11       7       0. So - and is it correct that you         13       the frequency is not really a criteria       14       A. Well, let's see.       14       A. Yeah. Well, either owners or operation         16       A. Imon page 17 that includes pages 62 to       16       with the business.       7       0. And what guidance did you give them in         17       of 5.       7       Q. And what guidance did you give them in       10       terms of the frequency that they should be thinking         18       Q. Iapologize. T'm looking at lines 13 and 14. When 1 asked       20       A. I probably didn't give them any guidance.         19       nabut when jou didn't ask them to       22       consider only ones that appear with some frequency?         25       is not really a criteria. It's - doesn't happen.       25       A. No.         26	7		7	
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13       the frequency is not really a criteria       13       for to get their         14       A. Well, let's see.       14       A. Yeah. Well, either owners or operation         15       O. It doesn't happen.       15       managers or dispatchers or people who were familian         16       A. I'm on page 17 that includes pages 62 to       16       with the business.         17       65.       17       O. And what guidance did you give them in         18       numbers of the smaller reproduced       18         20       A. On the smaller page.       20         21       O so page 17 of the transcript.       21         22       They're in the upper right-hand corner of each of       22         23       them. I'm looking at lines 13 and 14. When I asked       23         24       you that question, you testified that this frequency?       25         25       is not really a criteria. It's doesn't happen.       23         26       A. I think if it happens nequalty       1         3       terreita or not?       2         4       A. I think if it happens regularly       1         4       A. I think if it happens regularly       1         5       probably isn't a criteria. If it happens regularly       1 <td>11</td> <td>four. I'm looking at lines 13 and 14. I'm going to</td> <td>11</td> <td>Q. So and is it correct that you</td>	11	four. I'm looking at lines 13 and 14. I'm going to	11	Q. So and is it correct that you
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	18 19 20 21 22 23	<ul><li>A. Some level of frequency. Yeah. This is what the business owners say that they have come in and out of their driveway.</li><li>Q. And where along that line does it cross</li></ul>	20 21 22 23	A. Well, you got to accommodate means that you that I mean, it is lawful for a truck to cross the center line. So in my mind, an

37 (Pages 142 to 145)

	Page 146		Page 148
1	center line. Use the other side of the roadway.	1	A. It's where the swept path crosses the
2	Use all the tote width of either the public street	2	curb line.
3	or the driveway that they're going into. And that's	3	Q. And the truck then enters the street?
4	accommodation.	4	A. Then it enters the street, bounds over
5	To design for it is to assume the	5	the curb, and enters the street. Yeah.
6	multiple traffic flows in all directions and have to	6	Q. And you just drew a line?
7	be maintained and a truck can get in and around into	7	A. And then I went perpendicular to that
8	the intersection without interfering with the other	8	point. Drew a line along the trail. Yes.
9	traffic in the intersection. That would be	9	Q. Okay. I heard you say a couple times in
10	designing for. To accommodate it says, well,	10	your testimony that we defined, or we called it the
11	it's good enough to let them wait and hold up	11	incursion zone. Did you create that concept?
12	traffic, then let everybody else get out of the way,	12	A. In collaboration with Transpo.
13	so then I can physically make it through the space.	13	Q. For purposes of this exercise?
14	That's accommodation.	14	A. Yes. Yes.
15	Q. And do you agree that the design in the	15	Q. Okay. Is it are you aware of any
16	EIS accommodates truck movements?	16	design standards or regulations or guidelines that
17	A. No. Not no. I showed several	17	talk about the incursion zone in the way that you've
18	examples where they don't accommodate. You have t		defined?
19	go outside of the roadway to	19	A. I've not.
20	Q. Outside of the roadway?	20	Q. For purposes of this specific issue, the
21	A. Yeah. Like up at Market and 24th.	21	issue of conflict of trucks leaving and entering
22	There's a left-turn truck that has to get outside of	22	driveways with non-motorized transportation, have
23	the roadway.	23	you analyzed that? Have you analyzed existing
24	Q. Let's focus on the driveways. Do you	24	conditions to identify whether or not that conflict
25	agree that the driveways can accommodate trucks?	25	exists today?
			Chists today.
	Page 147		Page 149
1	Page 147	1	Page 149
1	That the design shown will allow the driveways to	1	A. Well, there are all kinds of conflicts
2	That the design shown will allow the driveways to accommodate the trucks?	2	A. Well, there are all kinds of conflicts along Shilshole. Sure. Yes. I haven't analyzed
2 3	That the design shown will allow the driveways to accommodate the trucks? A. Well, the limited design in showing the	2 3	A. Well, there are all kinds of conflicts along Shilshole. Sure. Yes. I haven't analyzed it, but I've observed it.
2 3 4	<ul><li>That the design shown will allow the driveways to accommodate the trucks?</li><li>A. Well, the limited design in showing the 10-percent level, in most cases there is</li></ul>	2 3 4	<ul> <li>A. Well, there are all kinds of conflicts along Shilshole. Sure. Yes. I haven't analyzed it, but I've observed it.</li> <li>Q. Okay. So when you said that the AutoTURN</li> </ul>
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38 (Pages 146 to 149)

	Page 150		Page 152
1	existing conditions that there are I think you	1	excuse me.
2	just used the words "Few bicycles that use it	2	Q. I want to be very specific. I'm talking
3	today." Is that your understanding of existing	3	about an EIS that includes an alternative.
4	conditions?	4	A. I don't think so.
5	A. Well, I don't know. I haven't let's	5	Q. Okay. I'd like to ask you a couple of
6	see. I'm trying to remember. I think there's some	6	questions about your evaluation. And first I
7	data in the EIS that talks about bicycles, and you	7	think you have the notebook there in front of you,
8	can infer from some of the turning movements how	8	but on page 40 of Exhibit 1, that's the one where
9	many bikes there are on those along there by	9	you summarize the incursions zones, and the
10	subtracting one intersection from another. And you	10	percentage within the incursion zones, and there's a
11	can say, okay, well, there's this many that's going	11	separate table at the bottom that talks about the
12	along this section.	12	parking spot turning maneuvers conflict with?
13	Q. Have you done any work yourself to assess	13	A. Yep
14	the bicycle the amount of bicyclists or	14	Q. Those five spots that are shown there,
15	pedestrians along that corridor? And have you done	15	are those let me step back. On the Table above,
16	any work yourself to then assess potential conflict	16	I think you distinguished between the within
17	with truck movements?	17	available pavement and within the lane. My question
18	A. No. I did review the projected numbers	18	is, is the Table below showing what happens if the
19	that are that's in EIS. And they had a set of	19	trucks stay within available pavement within
20	numbers to the east on the trail and another set to	20	available lane?
21	the west, and they're largely different. And there	21	A. I believe that that's within available
22	was some projections as to what might show up on the	e 22	lane.
23	trail itself.	23	Q. Okay.
24	Q. Okay. You had used in your testimony	24	A. That's the more restrictive.
25	you had talked about an 11-to-1 ratio according to	25	Q. And do you know what the answer would be
	Page 151		Page 153
1	one piece of information you had. What was that one	1	if they stayed within available pavement?
2	piece of information? Do you recall?	2	A. I don't. I could sort through it and
3	A. That's a Department of Transportation	3	figure it out,
4	Design Standard Chapter 10.10 something. I don't	4	Q. That's okay.
5	recall. It's I thinks I think it was	5	
6	submitted as an exhibit. Submitted as a disclosure	-	A but I don't have that on my head.
v	submitted as an exhibit. Submitted as a disclosure	6	<ul><li>A but I don't have that on my head.</li><li>Q. Then on page 53, which I think talks more</li></ul>
7	document.		
		б	Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm
7 8 9	document.	6 7	Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me
7 8 9 10	<ul><li>document.</li><li>Q. Okay.</li><li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle</li></ul>	6 7 8	Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?
7 8 9 10 11	<ul><li>document.</li><li>Q. Okay.</li><li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle Right-of-Way Manual that specifically refers to the</li></ul>	6 7 8 9 10 11	<ul><li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li><li>A. Yeah. It's from the Parking Study in</li></ul>
7 8 9 10 11 12	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle</li> <li>Right-of-Way Manual that specifically refers to the</li> <li>WSDOT Design Manual. So there's a connection there</li> </ul>	6 7 8 9 10 11 2. 12	<ul><li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li><li>A. Yeah. It's from the Parking Study in EIS.</li></ul>
7 8 9 10 11 12 13	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle Right-of-Way Manual that specifically refers to the WSDOT Design Manual. So there's a connection there It's not just WSDOT. It's Seattle must use the</li> </ul>	6 7 8 9 10 11 2. 12 13	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You</li> </ul>
7 8 9 10 11 12 13 14	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle Right-of-Way Manual that specifically refers to the WSDOT Design Manual. So there's a connection there It's not just WSDOT. It's Seattle must use the WSDOT design standards.</li> </ul>	6 7 8 9 10 11 2. 12 13 14	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> </ul>
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7 8 9 10 11 12 13 14 15 16	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle</li> <li>Right-of-Way Manual that specifically refers to the</li> <li>WSDOT Design Manual. So there's a connection there</li> <li>It's not just WSDOT. It's Seattle must use the</li> <li>WSDOT design standards.</li> <li>Q. Let's talk a little bit about your</li> <li>parking analysis. You had said that, in answer to</li> </ul>	6 7 8 9 10 11 2. 12 13 14 15 16	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking</li> </ul>
7 8 9 10 11 12 13 14 15 16 17	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle</li> <li>Right-of-Way Manual that specifically refers to the</li> <li>WSDOT Design Manual. So there's a connection there</li> <li>It's not just WSDOT. It's Seattle must use the</li> <li>WSDOT design standards.</li> <li>Q. Let's talk a little bit about your</li> <li>parking analysis. You had said that, in answer to</li> <li>Mr. Schneider's questions, you had done work for</li> </ul>	6 7 8 9 10 11 2. 12 13 14 15 16 17	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking Supply includes unregulated parking?</li> </ul>
7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle</li> <li>Right-of-Way Manual that specifically refers to the</li> <li>WSDOT Design Manual. So there's a connection there</li> <li>It's not just WSDOT. It's Seattle must use the</li> <li>WSDOT design standards.</li> <li>Q. Let's talk a little bit about your</li> <li>parking analysis. You had said that, in answer to</li> <li>Mr. Schneider's questions, you had done work for</li> <li>commercial developments on parking analysis for</li> </ul>	6 7 8 9 10 11 2. 12 13 14 15 16 17 18	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking Supply includes unregulated parking?</li> <li>A. Well, I had time figuring out whether.</li> </ul>
7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle</li> <li>Right-of-Way Manual that specifically refers to the</li> <li>WSDOT Design Manual. So there's a connection there</li> <li>It's not just WSDOT. It's Seattle must use the</li> <li>WSDOT design standards.</li> <li>Q. Let's talk a little bit about your</li> <li>parking analysis. You had said that, in answer to</li> <li>Mr. Schneider's questions, you had done work for</li> <li>commercial developments on parking analysis for</li> <li>commercial developments?</li> </ul>	6 7 8 9 10 11 2. 12 13 14 15 16 17 18 19	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking Supply includes unregulated parking?</li> <li>A. Well, I had time figuring out whether.</li> <li>Q. Is that no?</li> </ul>
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle Right-of-Way Manual that specifically refers to the WSDOT Design Manual. So there's a connection there It's not just WSDOT. It's Seattle must use the WSDOT design standards.</li> <li>Q. Let's talk a little bit about your parking analysis. You had said that, in answer to Mr. Schneider's questions, you had done work for commercial developments on parking analysis for commercial developments?</li> <li>A. Yes.</li> <li>Q. And did any of those involve an EIS?</li> </ul>	6 7 8 9 10 11 2. 12 13 14 15 16 17 18 19 20 21	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking Supply includes unregulated parking?</li> <li>A. Well, I had time figuring out whether.</li> <li>Q. Is that no?</li> <li>A. Yeah. There's unregulated parking between in the railroad track area all along</li> </ul>
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle Right-of-Way Manual that specifically refers to the WSDOT Design Manual. So there's a connection there It's not just WSDOT. It's Seattle must use the WSDOT design standards.</li> <li>Q. Let's talk a little bit about your parking analysis. You had said that, in answer to Mr. Schneider's questions, you had done work for commercial developments on parking analysis for commercial developments?</li> <li>A. Yes.</li> <li>Q. And did any of those involve an EIS?</li> <li>A. Actually, I think one of them did. Yeah.</li> </ul>	6 7 8 9 10 11 5. 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking Supply includes unregulated parking?</li> <li>A. Well, I had time figuring out whether.</li> <li>Q. Is that no?</li> <li>A. Yeah. There's unregulated parking between in the railroad track area all along Shilshole. I don't think that that does include the</li> </ul>
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>document.</li> <li>Q. Okay.</li> <li>A. I don't recall the number off the top of my head. But then, of course, there's the Seattle Right-of-Way Manual that specifically refers to the WSDOT Design Manual. So there's a connection there It's not just WSDOT. It's Seattle must use the WSDOT design standards.</li> <li>Q. Let's talk a little bit about your parking analysis. You had said that, in answer to Mr. Schneider's questions, you had done work for commercial developments on parking analysis for commercial developments?</li> <li>A. Yes.</li> <li>Q. And did any of those involve an EIS?</li> <li>A. Actually, I think one of them did. Yeah.</li> </ul>	6 7 8 9 10 11 5. 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Q. Then on page 53, which I think talks more about parking, I just want to ask you a couple questions. There's two Tables shown there and I'm focusing on the top one of the two. Can you tell me where you derived that information from?</li> <li>A. Yeah. It's from the Parking Study in EIS.</li> <li>Q. So this all based on that analysis? You didn't do any separate parking counts?</li> <li>A. No. No.</li> <li>Q. Do you know whether the Noble Parking Supply includes unregulated parking?</li> <li>A. Well, I had time figuring out whether.</li> <li>Q. Is that no?</li> <li>A. Yeah. There's unregulated parking between in the railroad track area all along Shilshole. I don't think that that does include the</li> </ul>

39 (Pages 150 to 153)

1that I got the answer there? Is that you're not1Q. Would that do to the cost?2sure, or that you don't think in includes it?A. Add to the cost, of course.3A. I don't think in includes it?Q. Doy uhave a sease of order of magnitude4Q. Okay. And what about - The going to askWould it take to add an elevator?6alternative parking supply?A. No loot't. But it's -7A. Same thing. I mean, they're under theSame criteria.9Q. Okay.P. A. I don't think there is. No. There's -8same criteria.P. A. I don't think there is. No. There's -9Q. Okay.P. A. I don't think there is. No. There's -9Q. Okay.P. A. I don't think there is. No. There's -10R. Whether they're included or not, it's theIn on the road side, and you got 17 feet. And if you11out makes are I'm understanding. Did youSame situation.12Q. Let's turn to the bridge concept.Itak14to compare what is depicted on the bridge concept.Itak15seign with the swept path analysis? Did you ensure.Itak to sid you assess any sight distance impacts16that they svept path would'n encreach on any of theIta there's room in there, so in17one column, number G, is the critical on the active way.Q. Deyond parked cars, so ud on't view that18het aright-turn ot certain trucks have toCast the columns in there, so in19make a right-turn to get out of the driveway 90.Itak to additional problem.21They h		Page 154		Page 156
2       a. A. Add to the cost, of course.         3       A. I don't think it includes it?       3         3       A. I don't think it includes it?       3         4       Q. Okay. And what about - I'm going to ask       would it take to add an elevator?         5       the same question about the - when the preferred       alternative parking supply?         6       A. Same thing. I mean, they're under the       7         7       A. Same thing. I mean, they're under the       7         8       same criteria.       9       A. I don't think there is. No. There's -         9       Q. Okay.       10       10       resentially there's 12 and 2 on the rairoad and 5         11       same situation.       10       resentially there's 12 and 2 on the rairoad and 5         12       Q. Let's turn to the bridge concept.       11       12       got 14-foot structure in there somewhore. you probably don't have room to add. You might he able         13       want to make sure I'm understanding. Did you asses any sight distance impacts       10       the roisinity of the driveways?         14       compare what is depicted on the bridge concept.       10       the rooisinity of the driveways?         15       design with the swept path analysis? Did you asses       swing it down around undemeath somehow. I don't         16	1	that I got the answer there? Is that you're not	1	Q. Would that do to the cost?
3A. I don't think it includes it.3Q. Do you have a sense of order of magnitude4Q. Okay. And what about I'm going to ask4would it take to add an elevator?6alternative parking supply?A. No. I don't. But it's -7A. Same thing. I mean, they're under the same criteria.78A. Whether they're included or not, it's the same situation.79Q. Okay.710A. Whether they're included or not, it's the same situation.711Q. Let's turn to the bridge concept. I just712Q. Let's turn to the bridge concept. I supporting columns?1013wont on make sure I'm understanding. Did you ensure factor on target endow1014compare what is depicted on the bridge concept.1015design with the swept path analysis? Did you ensure?1016that he swept path wouldn't encroach on any of the or supporting columns??1017op column, number 6; is the critical one. And - that the swept 9D and driveway 10. That's1018between driveway 9D and driveway 10. That's1119between the - so, trucks have to a right-turn to get out of the driveway 9D.2020which is the one between driveway 9D.2121between the - so, trucks have to a right-turn to get out of the driveway 9D.2222A. I don't think the columns are 4-foot23making a right-turn to get out of the driveway 9D.2534a wailable pavement. They can'd oi twitho	2	÷ .	2	-
4       Q. Okay. And what about Tm going to ask a the same question about the when the preferred alternative parking supply?       4       would it take to add an elevator?         5       the same question about the when the preferred alternative parking supply?       A. No. 1 don't. But it's Q. Nazy.       A. No. 1 don't. But it's Q. Nazy.         7       A. Same thing. I mean, they're under the same cirteria.       Have you assessed whether there's room within the existing footprint to actually construct that?         9       Q. Okay.       9       A. I don't think there is. No. There's - Q. Let's turn to the bridge concept. I just to make sure park understanding. Did you want to make sure Park understanding. Did you the that the swept park naulysis? Did you ensure that weyep tapk wouldn't encroach on any of the design with the swept park naulysis? Did you ensure that where we park analysis? Did you ensure that where we park analysis? Did you ensure that where we park analysis? Did you ensure the proximity of the driveway?         7       Q. Did you assess any sight distance impacts that weed ndriveway? Don d driveway 10. That's ender a right-turn to get out of the driveway?       A. I don't think the columns are 4-foot diameter columns, and there's room in there, so in my opinion that would not be a problem. That would not introduce an additional problem.         2       make a right-turn to get out of the driveway?       A. I don't think - alt exis in your any opinion that would not the access for any of the vhice stat the only one.       Q. Beyond parked cars, you don't view that a a being a problem at all? I mean, parked cars, 1       Dat it way it washat about the cost eight di	3	-	3	
5the same question about the - when the preferred5A. No. I don't. But it's6alternative parking supply?6Q. Have you assessed whether there's nom7A. Same thing. I mean, they're under the7Within the existing footprint to actually construct89O. Kay.9A. I don't hink there is. No. There's10A. Whether they're included or not, it's the10essentially there's 12 and 2 on the railroad and 511same situation.112got 14-foot structure in there somewhere, you12Q. Let's turn to the bridge concept.13probably don't have room to add. You might be able13want to make sure I'm understanding. Did you13probably don't have room to add. You might be able14compare what is depicted on the bridge concept.14to cantilever the platform out over the top and15design with the swept path analysis? Did you ensure16thanw, but not in a logical way.19one column, number 6, is the critical one. And -19the proximity of the driveways?20N. I don't think the columns are 4-foot1121between driveway - and let's see21and ther's nom in there, so in22which is the one boween driveway - and let's see22A. I don't think. A the column, and ther's nom in there, so in23between driveway 9D1123and ther's the attor24making a right-turn to get out of the driveway 9D.24abeing a problem at all? I mean, packed cars, I25	4	Q. Okay. And what about I'm going to ask	4	
6       alternative parking supply?       6       Q. Have you assessed where there's room         7       A. Same thing. I mean, they're under the same criteria.       9       Q. Okay.       7         9       Q. Okay.       9       A. I don't think there is. No. There's         10       A. Whether they're included or not, it's the same situation.       10       9       A. I don't think there is. No. There's         11       generative park analysis? Did you assess any sight there's 12 and 2 on the railroad and 5       10       on the road side, and you got 17 feet. And if you got 14 feot structure in there somewhere, you got 14 feot structure in there somewhere, you got 14 feot structure in the somewhere, you got 15       12       got 14-foot structure in the somewhere, you got 12 feet. And if you campet the swept path analysis? Did you ensure         15       supporting columns?       14       to cantilever the platform out over the top and side any you not to all out you the bable to cantilever the platform out over the top and side any you not to all out you assess any sight divers more form on there's in the most you couldn't encoach on any of the they here you anyot you don't weak you you don't weak you you don't weak you?         20       which is the one between driveway you don they way anyou don't weak you you d	5		5	A. No. I don't. But it's
7A.Same thing. I mean, they're under the same criteria.7within the existing footprint to actually construct that?89Q. Okay.A.I don't think there is. No. There's essentially there's 12 and 2 on the railroad and 510A.Whether they're included or not, it's the same situation.10A.I don't think there is. No. There's essentially there's 12 and 2 on the railroad and 511Q.Let's turn to the bridge concept. I just compare what is depicted on the bridge concept.12got a 14-foot structure in there somewhere, you got a 14-foot structure in the resonsent control of columns in the swept path analysis? Did you ensure that the swept path analysis? Did you asses that might occum, number 6, is the critical one. And -1 that meas a right-turn to get around that column if they're a making a right-turn to get out of the driveway 9D. that white column, and they're ta available pavement. They can't do it without - and stay in their lane. And that center in that one on that white column, and they're ta available pavement. They can't do it without - and stay in their lane. And that center in that one on that white column, and they're ta available pavement. They can't do it without - and stay in their lane. And that center in that one on that white column, and they're ta available pavement. They can't do it without -	б		6	Q. Have you assessed whether there's room
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40 (Pages 154 to 157)

	Page 158		Page 160
1	over Elliot down at Thomas Street, and crosses over	1	objective of this project?
2	the Burlington Northern Railroad tracks, and	2	A. Yep.
3	connects a park on the waterfront with a commercial	3	Q. Okay. Can I and this might be obvious
4	area to the east.	4	from the design drawings, but just to ask you to
5	Q. Do you recall what that cost was per	5	clarify. If the design concept here still shows the
6	square foot in that facility?	6	other improvements to the rest of the street, in
7	A. Well, we tried to get at that and the	7	other words, the rest of the street is still going
8	best we could way we could do it is I think we	8	to have to shift north. Is that right?
9	got a total project cost for that structure, and a	9	A. This concept was to use footprint that
10	length, and a width and we multiplied it out. I	10	the proposal had required. And that footprint of
11	think it was in the 1100 linear feet of lengths or a	11	the proposal is to shift to the north, so the answer
12	thousand feet; something like that. Anyhow, it	12	is yes, that's the thought.
13	calculated out to over \$800 a square foot.	13	Q. Bear with me for just one second.
14	Q. So what do you attribute that difference	14	MR. KISIELIUS: The City is finished
15	between the 300 and 800?	15	with questions. Thank you, Mr. Bishop.
16	A. Well, a lot of it is the way Seattle does	16	I don't know if
17	things. A part of it has got to be with having to	17	MR. COHEN: I have a few.
18	deal with the Burlington Northern Railroad. The	18	CROSS-EXAMINATION
19	Santa Fe Northern Santa Fe Railroad you getting	19	BY MR. COHEN:
20	whatever easements and rights to cross over their	20	Q Mr. Bishop, I'm Matt Cohen from the
21	track. Part of it's got to do with I'm sure that	21	Cascade Bike Club. And I really do have just a few
22	the I don't know for a fact, but I'm quite sure	22	questions for you.
23	that the span over the railroad tracks is longer	23	A. Okay.
24	than 125 feet. Span is the life of the span of	24	THE HEARING EXAMINER: Mr. Cohen, I'm
25	the structure is quite dramatically impacts the	25	sorry. Could you either move forward or move your
	Page 159		Page 161
1	cost of the structure.	1	
1 2	The original stairway on the Thomas	1 2	mic towards you either way?
3	Street Bridge that goes down on the west side of	∠ 3	MR. COHEN: Yes. Thank you. THE HEARING EXAMINER: It's a little
4	Elliot Avenue, there's some there's a view	5 4	
4 5	platform at a right angle over by the park that's	4 5	about five or six feet is difficult.
6	not that's extended. So there's a whole bunch of	5	MR. COHEN: Thank you. BY MR. COHEN:
7	elements that go into that structure that I don't	7	Q. You testified this morning that the
8	think would be necessary at this structure. You	8	Transpo firm did all of the AutoTURN modeling that
9	might want to add somebody might decide they want		you testified about? Is that correct?
10	to add to the structure, but they don't have to.	10	A. Yes.
11	Q. So that access point you think is not	11	Q. All right. Who did you work with at
12	necessary here?	12	Transpo?
13	A. No.	13	A. Well, Scott Kuznicki was the project
14	Q. Okay.	14	manager and Bryce Kinney. I think Bryce Kinney wa
15	A. No. I mean that was going over	15	the his engineer there and then there was a CAD
16	crossing an arterial at Elliot, and that was an	16	operator that worked for Bryce. So it's really
17	ability to get up and down and to get over the	17	three people there that were involved.
18	railroad tracks from Elliot without having to go 600	18	Q. Was most of your interaction with
19	feet the other direction and to get up on top. I	19	Mr. Kuznicki?
20	mean, that's a totally different orientation of the	20	A. Well, I met several times with the team
21	travel. In this case, what this is talking about	21	in the office, so they were all there, so I
22	basically bicycles longitudinally along the side of	22	interacted with all three of them.
23	one road as opposed to the other one, who's	23	Q. Are you personally familiar with the
24	crossing.	24	AutoTURN program?

41 (Pages 158 to 161)

1	Page 162		Page 164
	know how to run it, but I, you know, I managed	1	both the CAD drawing and Google Earth did not show?
2	AutoTURN for 25 years in my business.	2	A. I don't know. You'll have to ask her.
3	Q. So you have run the program?	3	Q. So who provided the information on the
4	A. No. I've hired other people to run the	4	driveways to Transpo?
5	program.	5	A. Either the City through the CAD drawing
6	Q. So I'm interested in where Transpo got	6	or Transpo's investigation on their own in a field
7	the input parameters to run that program? So for	7	inventory or through the Google Earth photo
8	instance,	8	inventory.
9	A. From me.	9	Q. So when you testified this morning about
10	Q. From you? Okay. So you gave then the	10	the number of driveways that are not accounted for
11	information on the size of the trucks?	11	in the EIS, that wasn't based on your work?
12	A. Right.	12	A. It was based on the work that I
13	Q. Applying each driveway?	13	coordinated with Transpo. Sure. So I call that my
14	A. They actually field inventoried a lot of	14	work, yes.
15	the additional driveways that have a letter	15	Q. It's your work if Transpo provided you
16	designation on them on my list that were not	16	with that information?
17	included in the EIS, and, therefore, some of which	17	A. Yeah. Because I asked them to.
18	were not included on the CAD drawing. CAD drawing	g 18	Q. Uh-huh. What about the information on
19	is not necessarily consistent with the EIS in terms	19	the width of the driveways that were modeled? Where
20	of the driveways. There were some included and some	20	did that come from?
21	not.	21	A. I believe Transpo did not change the
22	Q. Okay. So you might be anticipating my	22	width of any of the driveways shown on the City's
23	next question, but I want to finish this one first.	23	CAD drawing. And I believe that those predominantly
24	A. Okay.	24	attempt to represent that existing condition of the
25	Q. Who specified the size of the trucks that	25	interested driveways on the way. Though the one at
	Page 163		Page 165
1	were going to be modeled for each driveway?	1	26 is a clear example of that not being the case.
2	A. I did.	2	There's no 50-plus-foot-wide driveway at 26.
3	Q. You did? And that information came from	3	There's a 20-foot street that comes out, and that's
4	your interviews with the business owners?	4	where the driveway is. So that's an exception. But
5	A. Yes.	5	I think most of the come off of somebody surveying
6	Q. Okay. Who specified the number and	б	and they're represented in the CAD drawing that the
7	location of the driveways?	7	City provided.
8	A. Well, we identified every driveway we	8	Q. So correct me if I'm wrong, but didn't
9	could find.	9	you testify this morning that most of the driveways
10	Q. And where did you find that information?	10	that you analyzed were not included in the EIS?
11	A. Well, some of it was on that CAD drawing,	11	A. No. They are included in the Table in
12	and some of it was on Google Earth photos, and some	12	the EIS that identified driveways, so therefore I
13	of it was field inventory.	13	had analysis associated with them. Some of the 29
14	Q. Field inventory?	14	that were not in that category were indeed on the
15	A. Yeah.	15	AutoCAD file drawing, albeit not analyzed.
16	Q. Meaning your field observations?	16	Q. Uh-huh. And where did Transpo get
1 -	A. No, no. Ms. Hirschey did a field	17	information about the width of the driveways that
17	inventory of all the driveways on all the alternatives, and that included some of the	18 19	were not on the AutoCAD drawing? A. I think they either field measured them,
18	anernatives and that included some of the	19	A. I think they either field measured them.
18 19			•
18 19 20	driveways on her alternative that we did the AutoCAD	20	or measured them off the Google maps. You can do
18 19 20 21	driveways on her alternative that we did the AutoCAD on on the south side.	20 21	or measured them off the Google maps. You can do that. You'll scale it.
18 19 20 21 22	driveways on her alternative that we did the AutoCAD on on the south side. Q. So did Ms	20 21 22	or measured them off the Google maps. You can do that. You'll scale it. Q. Do you know where they got that
18 19 20 21 22 23	<ul><li>driveways on her alternative that we did the AutoCAD on on the south side.</li><li>Q. So did Ms</li><li>A. So she kind of confirmed what Transpo did</li></ul>	20 21 22 23	or measured them off the Google maps. You can do that. You'll scale it. Q. Do you know where they got that information?
18 19 20 21 22	driveways on her alternative that we did the AutoCAD on on the south side. Q. So did Ms	20 21 22	or measured them off the Google maps. You can do that. You'll scale it. Q. Do you know where they got that

42 (Pages 162 to 165)

# November 27, 2017

	Page 166		Page 168
1	the boundaries of the incursion zones?	1	make sure we're not creating an appeal issue. I
2		2	make sure were not creating an appear issue. I mean, there are is case law to the effect that a
	A. Well, one boundary is the edge of the		
3	driveway. And the other boundary is, as I've said	3	missing recording is fatal. So I obviously don't
4	five times, is where the swept path crosses the curb	4	want to repeat the testimony, but I think we have
5	line of the between the center lanes and the	5	to.
6	buffer zone.	6	MR. KISIELIUS: I think we have to.
7	Q. You referred to a scoring methodology for	7	THE HEARING EXAMINER: We would have
8	bicycle path risk that you that was created by	8	to at least repeat Ms. Hirschey's testimony as to
9	the Chicagoland Bicycle Federation?	9	her background. So we have that. I don't know when
10	A. Yes.	10	that started. When did that start?
11	Q. You recall that testimony?	11	THE ASSISTANT: 2:21 was when you
12	A. Yes.	12	began with redirect of Mr. Bishop.
13	Q. And essentially you took their criteria	13	THE HEARING EXAMINER: So we could do
14	and applied it to the preferred alternative?	14	the redirect. I got the answers to my questions, so
15	A. Well, all alternatives: preferred	15	that's a few minutes of that. Do you have your
16	alternative and the other alternatives as well.	16	redirect questions for Mr. Bishop?
17	Q. And did you run those criteria on the	17	MR. SCHNEIDER: Well, I apologize. I
18	current existing condition?	18	just want to make sure we're not creating a mistake
19	A. Yeah. I know side paths are within the	19	that's going to come back to haunt us if we don't do
20	scope of the limits on existing conditions, and that	20	
21	whole criteria is about two-way side paths. So I'm	21	THE HEARING EXAMINER: Well, we have
22	not there, so we made an existing condition to do it	22	two options. We can either just forge ahead and not
23	on.	23	have that on the record, the recorded record, or we
24	Q. So those criteria apply exclusively to	24	can repeat it. And the only way to fix that is to
25	two-way side paths?	25	do it now.
	Page 167		Page 169
	-		iuge iov
1	A Yes	1	
1	A. Yes. O Okay	1 2	MR. SCHNEIDER: Yeah.
2	Q. Okay.	2	MR. SCHNEIDER: Yeah. THE HEARING EXAMINER: So, and I
2 3	Q. Okay. A. Yes.	2 3	MR. SCHNEIDER: Yeah. THE HEARING EXAMINER: So, and I honestly it's not that much time. So it'd be
2 3 4	<ul><li>Q. Okay.</li><li>A. Yes.</li><li>MR. COHEN: No further questions.</li></ul>	2 3 4	MR. SCHNEIDER: Yeah. THE HEARING EXAMINER: So, and I honestly it's not that much time. So it'd be better to redo it now and that would be my
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43 (Pages 166 to 169)

	Page 170		Page 172
1	maybe we should briefly recall Mr. Bishop to go over	1	that you compared or that you used in determining
2	that issue again?	2	which driveways the EIS talked about.
3	THE HEARING EXAMINER: Uh-huh. Okay	3	A. Yes.
4	Thank you, Ms. Hirschey. If you can	4	Q. And you identified Table 5-2 in the
5	just step aside, and we'll bring Mr. Bishop back.	5	Transportation Discipline Report on page 5-4 and
6	Mr. Bishop, you're still under oath	6	described that as a list of the driveways for all of
7	and we're going to do some redirect.	7	the alternatives? Is that accurate?
8	MR. SCHNEIDER: And if I may, if I	8	A. That's of the Transportation Discipline
9	don't get an objection, I'll just try and be	9	Report not the parking one. Okay.
10	efficient here. For example, you followed up with	10	Q. Again, page 5-4.
11	some questions, and maybe I can just see if we all	11	A. 5-4, yes. And there's a corresponding
12	agree on the pages that Mr. Bishop identified.	12	figure that shows physically these locations on a
13	REDIRECT EXAMINATION	13	map. And I should be able to find that. It's back
14	BY MR. SCHNEIDER:	14	in the
15	Q But, Mr. Bishop, I think I asked you	15	Q. Well, Mr. Bishop, in the interest of
16	before the recording stopped or I guess after the	16	time, let's just stop there. I think the table was
17	recording stopped to compare your incursion zone	17	what you testified about last time.
18	with the City's warning zone. Can you do that for	18	A. Yes.
19	us again, please?	19	MR. SCHNEIDER: And then, if we can
20	A. Well, it might be best then to look at	20	agree then, that as part of the redirect I had
21	Figure 1-8 in the EIS, which is the one that was	21	Mr. Bishop and I read from his deposition transcript
22	identified showing the warning zone.	22	beginning on page 17, line 4 through page 18, line
23	Q. And I think you said that was on page 121	23	10.
24	in the FEIS?	23 24	MR. KISIELIUS: And we would just
25			· · ·
~ `)		25	offer the cover page and those two pages as
20		25	offer the cover page and those two pages as
	Page 171		Page 173
1	Page 171 Q. And so, the in this figure there's	1	Page 173 something
1 2	Page 171 Q. And so, the in this figure there's different shades of grey and tan. There's a flag	1 2	Page 173 something THE HEARING EXAMINER: That will show
1 2 3	Page 171 Q. And so, the in this figure there's different shades of grey and tan. There's a flag that identifies a driveway crossing warning zone on	1 2 3	Page 173 something THE HEARING EXAMINER: That will show and that will be adequate.
1 2 3 4	Page 171 Q. And so, the in this figure there's different shades of grey and tan. There's a flag that identifies a driveway crossing warning zone on the upper side of the truck turning out and you can	1 2 3 4	Page 173 something THE HEARING EXAMINER: That will show and that will be adequate. THE WITNESS: So I found it. It's
1 2 3 4 5	Page 171 Q. And so, the in this figure there's different shades of grey and tan. There's a flag that identifies a driveway crossing warning zone on the upper side of the truck turning out and you can see the green paths of the truck turning out. And	1 2 3 4 5	Page 173 something THE HEARING EXAMINER: That will show and that will be adequate. THE WITNESS: So I found it. It's Figure 4-1.
1 2 3 4 5 6	Page 171 Q. And so, the in this figure there's different shades of grey and tan. There's a flag that identifies a driveway crossing warning zone on the upper side of the truck turning out and you can see the green paths of the truck turning out. And the in this instance, actually, the green wheel	1 2 3 4 5 6	Page 173 something THE HEARING EXAMINER: That will show and that will be adequate. THE WITNESS: So I found it. It's Figure 4-1. MR. SCHNEIDER: Okay.
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44 (Pages 170 to 173)

	Page 174		Page 176
1	your last name for the record.	1	do that under ER.612, but that's only if she can't
2	MS. HERSHEY: My name is Claudia S.	2	testify from recollection first.
3	Hirschey, spelled H-i-r-s-c-h-e-y.	3	THE WITNESS: Oh, okay.
4	CLAUDIA S. HIRSCHEY,	4	MR. KISIELIUS: And we're then
5	a witness, having been first duly sworn,	5	entitled to review what she uses to refresh her
6	was examined and testified as follows:	6	recollection.
7	DIRECT EXAMINATION	7	MR. SCHNEIDER: Well, again, we were
8	BY MR. SCHNEIDER:	8	trying to be efficient by going quickly, but if you
9	Q Ms. Hirschey, we you've been through	9	want to review her notes, you're certainly welcome
10	this once, but because of the malfunction of the	10	to. And it will slow things down a little bit, but
11	recording equipment, I want you to give us a	11	that's fine.
12	succinct version of your background. How long have	12	THE HEARING EXAMINER: Sustained.
13	you been a transportation engineer?	13	MR. SCHNEIDER: You want to see her
14	A. Well, my undergraduate degree was a B.S.	14	notes?
15	in mechanical engineering from the University of	15	MR. KISIELIUS: I would, yes.
16	Washington in 1980. And then, I received a Master	16	MR. SCHNEIDER: Okay.
17	of Science in civil engineering from the University	17	THE WITNESS: I have an extra copy.
18	of Wyoming in 1985 while the coursework was in	18	MR. SCHNEIDER: If you like, we'll
19	transportation engineering and traffic engineering.	19	offer it enter it into the record. Okay.
20	Q. And I believe you testified you've been	20	BY MR. SCHNEIDER:
21	the owner of Transportation Consulting Services for	21	Q. So, Ms. Hirschey, looking to your notes
22	the last six years?	22	only as necessary, can you pick up where you left
23	A. Six years.	23	off, please, and summarize for us the SEPA/NEPA
24	Q. Yeah. Give us the overview of who you	24	projects that have involved pedestrian or bicycle
25	worked with before then, please.	25	safety?
	Page 175		Page 177
1	A. I began a career with the Washington	1	A. Well, I estimate that there were six of
2	State Department of Transportation: was there for	2	those projects and I've developed a summary of three
3	three years. Then I (indiscernible) on Stage 2M and	3	projects, for example
4	Jacobs for two years, David Evans and Associates for	4	Q. Okay.
5	11 years, where I had significant project management	5	A if you'd like.
6	experience. *Heffering Transportation for six	6	Q. And I think, again, but for the
7	years, and then Transportation Consulting Services,	7	malfunction, you've were describing for us a
8	my own firm, for six years.	8	Kirkland project for Sound Transit. Can you give
9	Q. And describe for us, please, how many	9	us, again, a succinct version of the work you did on
10	NEPA, SEPA reviews involving transportation that you	ı 10	that, please?
11	have been part of.	11	A. Okay. So for the Sound Transit Kirkland
12	A. Well, I'd say I've worked on over 32	12	projects I was project manager of both. The NEPA E
13	NEPA, SEPA transportation elements where I've	13	and the transportation team and transportation
14	prepared the methodology, the analysis and the	14	analysis. We began the project studying alternative
15	documentation. 12 of those were major NEPA/SEPA	15	locations for direct best direct access through
16	projects. Six of those had major pedestrian,	16	the Kirkland corridor and I-405 using the Federal
17	bicycle, and safety project elements where a	17	Transit Administration or FTA's alternatives
18	predesign occurred in coordination with that	18	analysis process. And we narrowed that to a
19	transportation analysis.	19	preferred location where we began developing
20	MR. KISIELIUS: Mr. Examiner, I'm	20	alternatives that were evaluated for direct access.
0.1	going to interpose an objection here. The witness	21	As I recall, we cleared with the direct access on
21			
21 22	appears to be reading from a statement and witness's	22	I-405, which is where the bus stops leave
	appears to be reading from a statement and witness's testimony's supposed to be from recollection first,	22 23	I-405, which is where the bus stops leave stations, relayings, and stops, and an elevator
22			_

45 (Pages 174 to 177)

# November 27, 2017

-	Page 178		Page 180
1	Park & Ride to the west with bicycle and pedestrian	1	street or major transit street, the standard is
2	improvements to connect to those facilities.	2	11-foot lanes, so you would know we typically
3	Involved a lot of discussions a lot of	3	know by 30-percent design confidently what design
4	discussions with DOT in order to develop a	4	standard you can achieve. And at 10 percent, you
5	pedestrian more pedestrian and friendly	5	probably haven't quite achieved the level of
6	environment in the vicinity of an interchange than	6	confidence. You're still talking about ranges of
7	normal DOT standards at the time would have allowed	17	design.
8	for.	8	Q. And you've reviewed the EIS in this case
9	Q. So I think in your testimony that didn't	9	and the plans and the level of design they're at?
10	get recorded, you referred a 30-percent design. So	10	A. Yes.
11	explain to us what the level of design means perhaps	11	Q. And how would you characterize the level
12	using this project as an example for purposes of	12	of design used in this EIS?
13	environmental review. Why was that project at a	13	A. I would characterize it as 5 to 10
14	30-percent level of design and how did the designer	14	percent.
15	and the environmental reviewer interact?	15	Q. And how common is it for you in
16	A. So the 30 percent we worked towards	16	transportation projects and in SEPA/NEPA review to
17	30-percent design on this project and many others in	17	achieve a 30-percent level of design?
18	order to define the project footprint. For example,	18	A. Most of the projects that I have worked
19	we're defining the lane widths, the shoulder widths,	19	on achieve 30-percent design.
20	the number of turn lanes, the length of turn lanes;	20	Q. And can you give us a couple of other
21	all that affects the footprint that's achieved. And	21	examples of SEPA/NEPA or transportation projects
22	it also in transportation obviously affects how	22	that you've worked on where 30-percent design was -
23	the intersections will operate if they're signalized	23	what was achieved during the environmental review?
24	intersections it all affects how we phase the signal	24	A. Another project that I managed was this
25	and the amount of green time we give to each phase.	25	managed Park & Ride lot for Sound Transit. Again,
	Page 179		Page 181
1	So, for example, a say a turn lane	1	we went through FTA's alternatives analysis project
2	needs to be we think as traffic engineers it	2	evaluating alternative locations for the Park &
3	should be 300 feet long and say it intersects with a	3	Ride; narrowed that through screening and
4	driveway that's really high volume and we think	4	methodology to one location. And then, began
5	that's an undesirable condition, or it can even	5	designing the project and preparing any NEPA EA AND
6	impact, say, a Class A wetland. We may want to	6	SEPA. With that project we had an opportunity to
7	shorten that turn lane, and when we shorten the turn	7	provide a local using a driveway for the Park &
8	lane to avoid an impact, we're redesigning the	8	Ride. At the back of that we had the opportunity to
9	entire intersection, maybe changing signal phasing,	9	provide a connection to a neighborhood providing key
10	which changes the resulting level of service	10	pedestrian bicycle access for a neighborhood as well
11	analysis. And we go through an iterative process	11	as by developing that local roadway at an adjacent
12	with all of the elements of the environment in	12	intersection, we were able to eliminate a dangerous
13	review constantly, and our transportation design	13	left-turn lane. That, again, and there was some
14	being constantly updated as we work through each of	14	significant and interesting natural environment
15	these analyses.	15	issues that also got involved with a design
16	Q. So what can you tell about the impacts of	16	iteration process. But we had a new signalized
	a project at 30-percent design that you can't tell	17	intersection. We had closing a left-turn movement
17	at 10-percent design?	18	and a new roadway involved with the Park & Ride.
18		19	Q. And have you achieved 30-percent level of
18 19	A. It depends on how the project team		
18 19 20	defines their 10-percent design, but I'll just give	20	design in the environmental review for agencies
18 19 20 21	defines their 10-percent design, but I'll just give some more typical examples. For example, at 10	20 21	design in the environmental review for agencies other than Sound Transit?
18 19 20 21 22	defines their 10-percent design, but I'll just give some more typical examples. For example, at 10 percent you may know you can achieve 10 to 12 foot	20 21 22	<ul><li>design in the environmental review for agencies other than Sound Transit?</li><li>A. I have worked on WSDOT, W-S-D-O-T</li></ul>
18 19 20 21 22 23	defines their 10-percent design, but I'll just give some more typical examples. For example, at 10 percent you may know you can achieve 10 to 12 foot lanes, but at 30 percent you might be able to define	20 21 22 23	<ul><li>design in the environmental review for agencies other than Sound Transit?</li><li>A. I have worked on WSDOT, W-S-D-O-T projects doing similar work.</li></ul>
18 19 20 21 22	defines their 10-percent design, but I'll just give some more typical examples. For example, at 10 percent you may know you can achieve 10 to 12 foot	20 21 22	<ul><li>design in the environmental review for agencies other than Sound Transit?</li><li>A. I have worked on WSDOT, W-S-D-O-T</li></ul>

46 (Pages 178 to 181)

## November 27, 2017

1 2 3	Page 182		Page 184
2	transportation projects where the work where you	1	conflict between bicycles, pedestrians, vehicles,
	have done would be comparable to the work that was	2	and trucks with the level of conflict and potential
	done in this case?	3	risk and severity of a collision much, much greater
4	A. Yes.	4	for the trucks. So I was actually asked to if I
5	Q. Okay. So I'd like you to describe the	5	could come up with a methodology to evaluation
6	process that you go through and compare it to what	б	safety, so it ultimately ended up very focused on
7	was done in this case. So what's the first step in	7	the number of conflict points for a multi-use path
8	doing the SEPA/NEPA review for a transportation	8	and the type of traffic passing through each of the
9	project from the engineer's point of view?	9	conflict points.
10	A. From the engineer's point of view is to	10	Q. So at the request of the Coalition, did
11	look at a couple of things. Number one is the	11	you prepare a report?
12	scoping document, so that we understand what are the	12	A. Yes. I did.
13	issues of concern for all those participating in the	13	Q. Okay.
14	scoping, which is typically some level of public	14	MR. SCHNEIDER: And, Mr. Examiner, the
15	involvement, all the agencies that would be involved	15	report is in Volume 2 behind Tab A311.16.
16	with review of the NEPA/SEPA, and then decision-	16	If we could all turn to that, please.
17	makers because ultimately we'll bring a	17	THE HEARING EXAMINER: I have Volume
18	recommendation to the decision makers. So when I	18	of 10.
19	look at all that, I develop the study methodology	19	MR. SCHNEIDER: Yeah. We're providing
20	for transportation to define the data collection and	20	it.
21	the analyses such that it will answer the questions	21	THE HEARING EXAMINER: Okay.
22	that were raised during scoping and will answer the	22	THE WITNESS: I like my own notes
23	questions that we anticipate decision makers will	23	better, but I like numbers better than talking, too.
24	have about the project in choosing the preferred	24	THE HEARING EXAMINER: And can you
25	alternative.	25	give me that number again? Volume 2?
	Page 183		Page 185
1	Q. And can you tell from reviewing the EIS	1	
	in this case whether what see that is also also	-	MR. SCHNEIDER: Yes. It's A-311.16
2	in this case whether what you described is what	2	MR. SCHNEIDER: Yes. It's A-311.16 BY MR. SCHNEIDER:
2 3	happened?		BY MR. SCHNEIDER: Q. Now, Ms. Hirschey, your report is a thick
		2	BY MR. SCHNEIDER:
3	happened?	2 3	BY MR. SCHNEIDER: Q. Now, Ms. Hirschey, your report is a thick
3 4	happened? A. I would say, no, and I could give a couple examples. Q. Please.	2 3 4	BY MR. SCHNEIDER: Q. Now, Ms. Hirschey, your report is a thick document. It consists of 19 pages of your text. Is
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3 4 5 7 8 9	<ul><li>happened?</li><li>A. I would say, no, and I could give a couple examples.</li><li>Q. Please.</li><li>A. Well, one of the examples is that the both the Shilshole alternative, Shilshole South, Shilshole North and then the preferred are all on</li></ul>	2 3 4 5 7 8 9	<ul> <li>BY MR. SCHNEIDER:</li> <li>Q. Now, Ms. Hirschey, your report is a thick document. It consists of 19 pages of your text. Is that correct? And then, the rest of it are exhibits and attachments?</li> <li>A. Yes.</li> <li>Q. Okay. So explain for us in general terms before we turn to the content of the report what you</li> </ul>
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47 (Pages 182 to 185)

	Page 186		Page 188
1 O. Soisi	t fair to say then that you walked	1	any of that right now. You know, one of the other
-	natives and personally inventories	2	problems we have is our large exhibits coming in
3 the driveways		3	with lots of attachments instead of separating them
4 A. Yes.		4	out. So we can also separate out
	SCHNEIDER: So, Mr. Examiner,	5	MR. SCHNEIDER: Well, then my
	ait and offer the report after it's	6	practical suggestion would be I won't offer it at
-	nd we're going to be spending the next	7	this time. We'll go through and talk about it and
	lking about it or I can offer it now,	8	then we can see if we have objections at the end.
	ant to proceed.	9	THE HEARING EXAMINER: That will be
	XISIELIUS: And I think our only	10	fine. The only thing I need is some reference so we
	is going to be for the Examiner's	11	could if we can refer to it now as Appellant
-	bur only objection is what are included	12	Exhibit 3, A-3 just for the record, that's when you
	s. And there are a lot of studies and	13	offer it it's not a problem.
	nich, in our experience the expert	14	(EXHIBIT A-3 MARKED FOR IDENTIFICATION
-	l provide the relevant information	15	BY MR. SCHNEIDER:
	nce as the expert's understanding and	16	Q. So, Ms. Hirschey, I want to use your
	on with the Examiner, not having the	17	report as the impetus for asking you questions.
	with hundreds and hundreds of pages of	18	And, obviously, you're not going to read your report
	en't specific to this project.	19	to us. You're going to explain my questions, so
	said, we saw what was in there as	20	or explain your answer to my questions.
	ts and studies listed in ours. We're	21	So I want to direct your attention to the
-	either way, but this is the first	22	second paragraph. And could you explain for us what
· · · ·	h, if those studies are entered, we're	22	issue you're identifying there with the EIS document
-	I	24	that you reviewed?
00	milarly entering a lot of studies that	25	
25 we think are r	elevant. And I just want to leave	20	A. I'm not sure what you're in the second
	Page 187		Page 189
	miner to decide what the record	1	paragraph?
2 should include		2	Q. Yes. The second paragraph at the
	CHNEIDER: Well, I think the	3	introduction and background. For example, the last
	e for expert testimony, you know, allows		second to the last sentence talks about a general
	for the witness's testimony to be	5	conclusion not being supported by analysis. Can you
_	he record. I think it would be best	6	just give us
	ver documents that the experts relied	7	A. Okay.
	rt of the record by both sides. Just	8	Q. Explain what the issue with the EIS was
-	nents that aren't, you know, being used	9	that you're identifying in this paragraph?
	r an expert's opinion, I might take	10	A. So as I mentioned prior, the primary
	. But to the extent either side has	11	concern is the conflict and the level of severity of
	is relying on studies or documents, I	12	the conflict and the volume at conflict points. And
	ught to be part of the record.	13	the FEIS and the methodology in a safety portion
	HEARING EXAMINER: It's a broad	14	where they define methodology, I believe it's the
	without even knowing what you're	15	first bullet says that "there will be an analysis of
16 talking about i	t's very difficult for me to make a	16	conflict points." And the next mention of safety in
17 general ruling	as to what type of attachments will	17	that analysis of conflict points is in the
	with an expert's exhibits. I agree	18	conclusion section for each alternative providing
19 with Mr. Schn	eider that if it's supporting their	19	qualitative statements about the conflict, but no.
20 testimony and	something they relied on that gives it	20	So then, what's missing in between is there is no
	obative value than it would otherwise.	21	quantification or analysis specific analysis of
22 But we've all	seen reports that have been relied on	22	conflict.
23 that we're wor	dering why we're all talking about it	23	Q. And so, maybe it would be helpful at this
		24	point to turn to attachment 2 of your exhibit, which
24 in a particular	neuring.		<b>T</b>

48 (Pages 186 to 189)

	Page 190		Page 192
1	MR. SCHNEIDER: Do you have a copy?	1	A. Where are you reading? Oh. Oh, on the
2	BY MR. SCHNEIDER:	2	okay. The solid dots are where two bicycle
3	Q. And I'm sorry. The version I'm using	3	movements have their own potential conflict point.
4	doesn't have the specific page numbers, but we'll	4	So you can see from the what would be the west, a
5	get those. It's the it's these pages.	5	bicycle movement going north and then a bicycle
6	THE HEARING EXAMINER: Conflict	6	movement that would be in the lower right corner and
7	diagrams?	7	going north would have a potential conflict point.
8	MR. SCHNEIDER: Yes. They are pages	8	And then the open circles are where the conflict
9	210 and 211.	9	points for the bicycles interact with vehicles.
10	BY MR. SCHNEIDER:	10	Q. So again, just so those of us who aren't
11	Q. So when you talk about conflicts, can you	11	traffic engineers can understand that, what is a
12	explain what you mean when it comes to this	12	conflict unique to bicycles? Does that mean there
13	particular project and what we see on these two	13	isn't a motor vehicle involved or what?
14	pages 210 and 11 that are attachments to your	14	A. Yes. Yeah.
15	report?	15	Q. And so, this would be well with the
16	A. Okay. To be I'll just begin with page	16	A. Well, no. No. There would be a bicycle
17	210. And what I drew upon there was from F	17	or a vehicle, but it's because it's a conflict point
18	Federal Highway Administration FHWI's website of		for a bicycle going through the intersection.
19	typical intersection and analysis of conflict	19	Q. Okay. Well, we may come back to that.
20	points. Each intersection is very unique and it can	20	Let's turn what's the next page, then? It says
21	get complex. So I just started with somebody else's	21	"Representative Driveway Intersection Conflict
22	example.	22	Diagram."
23	There are three types of conflict points	23	A. Yes. So what this one is is a typical
24	at there are crossing conflict points. So each	24	driveway which is very easy to translate this
25	conflict point is a potential interaction between	25	condition to all the driveways, whereas the
	Page 191		Page 193
1	vehicles be it non-motorized or motorized vehicle.	1	intersection can be have all kinds of
2	So the types are crossing, and there's a merging	2	complexities. So what occurs here, the vehicles
3	conflict point where two vehicles can basically	3	the circles with vehicles in them are showing the
4	merge into each other or side-swipe and then a	4	vehicle conflict points and the orange versus red
5	diverging conflict point.	5	stars are showing the conflict points of one of them
6	So what the this sort of general	6	is pedestrian movement and one of them is a bicycle
7	intersection example is showing originally it	7	moving with a vehicle. So in a (undiscernible)
8	showed a one-lane bicycle the conflict points for	8	direction bicycle flow across a driveway you have
9	one direction of bicycle travel through the	9	four conflict points, two for pedestrians and two
10	intersection. And then, the red markup is the	10	for bicycles, and then in the contraflow direction
11	additional conflict points for the contraflow	11	you have another four at a driveway
12	movement. It does not include the conflict points	12	Q. So
13	for all the turning movements a bicycle might make	13	A in addition to the vehicle conflict
14	at that intersection. And the green dots are the	14	points that occur with every driveway.
15	conflict points that would occur for pedestrians.	15	Q. So how many additional conflict points
16	So if you could just envision a pedestrian going	16	does a two-way bicycle path introduce to a driveway
17	from left to right or west to east across a	17	intersection?
18	crosswalk, there will be right-turning vehicles and	18	A. Either it introduces four additional
19	left-turning vehicles, and thru-vehicles that all	19	four in addition to the one way.
20	•	20	Q. And so would that be four additional
	are creating potential conflict point which is a way		
21	of assessing risk for that pedestrian.	21	conflict points at each driveway?
21 22			conflict points at each driveway? A. Yes.
	of assessing risk for that pedestrian.	21	
22	of assessing risk for that pedestrian. Q. So on the left, there's a solid circle	21 22	A. Yes.

49 (Pages 190 to 193)

	Page 194		Page 196
1	movements. What are you talking about there,	1	to.
2	please? I'm referring to the second line of the	2	A. Okay. So one of the primary reports I
3	first big paragraph.	3	relied upon is the is from the National
4	A. Okay. So the clear risk factors of	4	Cooperative Higher Research Program, acronym NCHR
5	contraflow bicycle movements documented in existing	g 5	Report 500 entitled "Guidance for Implementation of
6	research. There's a number of documents I've	б	the AASHTO Strategic Highway Safety Plan, Volume 1
7	summarized in the report that describe how the	7	A guide for reducing collisions involving bicycles
8	contraflow movement looks more creates a much	8	prepared in 2008. And in that it cites a higher
9	more complex decision-making process for drivers	9	level of crossing-path crashes, well, it cites the
10	leaving the driveway. So, for example, as a truck	10	percent of bicycle via motor vehicle crashes that
11	or a vehicle leaving a driveway along the Shilshole	11	were crossing versus parallel and other. It also
12	alignment, that vehicle must look to see that there	12	provides, which is later in the report, guidance on
13	are gaps between bicycle and pedestrian flow coming	13	when to appropriate conditions for considering a
14	from two directions as well as there's a gap to	14	two-way bicycle path.
15	enter the roadway between vehicular volumes in two	15	Q. So according to that National Cooperative
16	directions. So it's a two-step thinking process:	16	Highway Research Program Report 500, what percentag
17	where do I have available gap to cross both the	17	of crossing-path crashes were involved bicycle motor
18	driveway and enter the traffic stream. So the level	18	vehicle crashes?
19	of complexity is quite a bit higher than for one	19	A. That was 57.5 percent.
20	direction of bicycle flow.	20	Q. And then what were the other percentages?
21	For the vehicle another example is	21	A. 35.5 percent were parallel-path crashes
22	where the a vehicle making a turn from the	22	and 7 percent other.
23	roadway into the driveway when it's a left turn. So	23	Q. So I think we can all visualize what a
24	if you imagine on Shilshole, where a vehicle is	24	crossing-path crash is. What's a parallel-path
25	facing westbound, wants to do a left turn to the	25	crash?
	Page 195		Page 197
1	south, they're crossing oncoming traffic and the	1	A. That could be where both bicycles going
2	pedestrians and bicycles in the contraflow	2	in one direction and a vehicle in the same direction
3	direction. For them to look for them, they're	3	and say the vehicle, be it passenger car or truck is
4	turning their head more than 90 degrees to look back	4	kind of errant, and so it kind of moves within the
5	behind them in an unusual condition, so that they	5	lane and it may cross over into a bike lane. Or if
б	can cross the oncoming traffic plus cross the	б	it's a shared condition, no bike lane, no buffered
7	two-way bicycle path when the coast is clear to make	7	bike lane, they may there are crashes that occur
8	that movement. And then, additional so a lot of	8	when they bump into each other in parallel.
9	the research says discusses appropriate	9	Q. So the next document you referred to at
10	conditions for two-way bicycle trails as one where	10	the top of page 3 is called Why Can't We Be Friends?
11	there are few driveways and minimal conflicts. And	11	Summarize that document for us and what use you mad
12	then, additional research points to the accident	12	of it in your report.
13	rates with two-way bicycle facility versus single-	13	A. Well, the primary focus of the research
14	direction bicycle facilities.	14	was to look for availability of bicycle versus
15	Q. Okay. So let's go down the page then,	15	vehicle and truck accident data. In that report I
16	page 2 of your report. You have a heading that says	16	summarize what they summarized for three different
17	"Safety Factors: Findings from Research."	17	sources of historical accident data.
18	A. Can you direct me? I'm lost as we go	18	Q. And is that report prepared by the
19	part 2. What page?	19	University of Washington?
20	Q. Page 2 still.	20	A. Yes.
21	A. Oh, okay. Sure.	21	Q. And again, what summarize for us the
22	Q. The heading on two. So can you summarize	22	what that report told you.
23	for us the findings from research that are set forth	23	A. Okay. So they summarized a report of
25			
24	in this section of your report? And we may turn	24	bicycle with motor vehicle crashes from 2002 to 2008

50 (Pages 194 to 197)

	Page 198		Page 200
1		1	-
1 2	and semi-trucks accounted for approximately 23 percent of the crashes and the likelihood of a	1 2	U.S. is growing really rapidly, and so we don't have seen into it we're lacking data.
3	severe injury increased by 141 percent at	3	In addition, we don't have near the
4	intersections if the vehicle involved is a van. And	4	volume, so you can't have these big global pictures
5	at non-intersections the severity was 100 percent if	5	on data. However, I was very intrigued by the City
6	the vehicle involved was a semi-truck. So basically	6	of Boulder, Colorado report because it's recent:
7	saying, the severity is much higher for larger	7	May 2016. There are a very high level of bicycle
8	vehicles.	8	usage in that town, and many, many bicycle paths.
9	Q. And are larger vehicles, in fact,	9	And in that report they found that accidents in the
10	involved in a higher percentage of fatal crashes	10	where bicycles are traveling in the contraflow
11	according to this report?	11	direction were three times that of bicycles
12	A. Yes.	12	traveling in a single direction.
13	Q. And what's the percentage for that? I'm	13	And so it's my point is with Boulder,
14	now referring to your second bullet point.	14	it's based on a quite a large volume of data
15	A. Okay. Either this was a bicycle safety	15	compared to other sources we have.
16	study in New York City evaluating large vehicles,	16	Q. And then, what is your last bullet point
17	trucks and busses. Trucks and busses were	17	on that page reflect?
18	implicated in nearly a third of fatal crashes while	18	A. Well, it reiterates the issue with
19	the vehicles were only 5 to 17 percent of the daily	19	bicycle-motor crashes and two-way cycle paths being
20	traffic. So you have a higher rate of fatal crashes	20	more dangerous.
21	resulting from the larger vehicles.	21	Q. But does *Dr. Saynan from the Helsinki
22	Q. Okay. And what does the third bullet	22	study have a conclusion about whether a two-way
23	point tell us?	23	bicycle path is safer or more dangerous than having
24	A. Was a New Jersey study result that	24	cyclists ride in the street?
25	identified that death or serious injury was almost	25	A. His opinion at that time was the two-way
	Page 199		Page 201
1	twice as likely on a truck route than a non-truck	1	cycle bicycle path was more dangerous than even
2	route. And that would be, again, due to the volume	2	riding in the street in a single direction.
3	of trucks.	3	THE HEARING EXAMINER: Mr. Schneider,
4	Q. And then you talk about a couple of more	4	let's take a break
5	articles on that page that talk about the increased	5	MR. SCHNEIDER: Okay.
6	risk from two-way cycle paths. Is that correct?	6	THE HEARING EXAMINER: for 10
7	A. Yes.	7	minutes.
8	Q. And summarize what those studies	8	(Recess taken.)
9	concluded.	9	THE HEARING EXAMINER: Thank you.
10	A. Well, there is a study called the Risks	10	We're back on the record with Ms. Hirschey and the
11	of Cycling. A lot of people refer to it and discuss	11	Appellant.
12	it where oh, what did that one say? It basically	12	BY MR. SCHNEIDER:
13	that report discussed the higher risks involved	13	Q. Ms. Hirschey, I think we're on page 4 of
14	with the contraflow movement that occurs with a	14	your report.
15	two-way cycle path. And that	15 16	A. Okay.
16 17	Q. And A there was approximately twice the	16 17	Q. Can you just summarize for us briefly
$\perp \perp /$	A THERE WAS ADDROXIMATELY TWICE THE	1 / L	what the first two bullets points on that page tell
	· · · ·	10	1169
18	number of accidents on a two-way cycle track than	18 19	us?
18 19	number of accidents on a two-way cycle track than single direction.	19	A. So where I have number 1 and number 2?
18 19 20	number of accidents on a two-way cycle track than single direction. Q. And you refer to a report from the City	19 20	A. So where I have number 1 and number 2? Oh, no at the top of the page?
18 19 20 21	number of accidents on a two-way cycle track than single direction. Q. And you refer to a report from the City of Boulder?	19 20 21	<ul><li>A. So where I have number 1 and number 2?</li><li>Oh, no at the top of the page?</li><li>Q. Yeah.</li></ul>
18 19 20 21 22	<ul><li>number of accidents on a two-way cycle track than single direction.</li><li>Q. And you refer to a report from the City of Boulder?</li><li>A. Yes. And that one was published in May</li></ul>	19 20 21 22	<ul><li>A. So where I have number 1 and number 2?</li><li>Oh, no at the top of the page?</li><li>Q. Yeah.</li><li>A. Okay. Again, it points to an evaluation</li></ul>
18 19 20 21 22 23	<ul> <li>number of accidents on a two-way cycle track than single direction.</li> <li>Q. And you refer to a report from the City of Boulder?</li> <li>A. Yes. And that one was published in May 2016. And one thing I'll add is that it's</li> </ul>	19 20 21 22 23	<ul><li>A. So where I have number 1 and number 2?</li><li>Oh, no at the top of the page?</li><li>Q. Yeah.</li><li>A. Okay. Again, it points to an evaluation of crash data that shows the fact, that when</li></ul>
18 19 20 21 22	<ul><li>number of accidents on a two-way cycle track than single direction.</li><li>Q. And you refer to a report from the City of Boulder?</li><li>A. Yes. And that one was published in May</li></ul>	19 20 21 22	<ul><li>A. So where I have number 1 and number 2?</li><li>Oh, no at the top of the page?</li><li>Q. Yeah.</li><li>A. Okay. Again, it points to an evaluation</li></ul>

51 (Pages 198 to 201)

	Page 202		Page 204
1	more likely result in severe injury or death to a	1	their city.
2	bicycle and that occurs at any speed. One of our	2	Then at Massachusetts DOT, Separated Bike
3	safety strategies is to keep speeds slow to reduce	3	Lane Planning and Design Guideline, which I
4	deaths, but when it involves a large truck, it's at	4	mentioned a number of agencies pointed me to that.
5	any speed.	5	I summarized one bullet from their guidelines:
6	Q. So the right in the middle of the page	6	"minimize exposure to conflicts." And it states,
7	there's a sentence that begins, "Industry Design	7	"In urban areas the majority of crashes between
8	Guidelines." What are summarizing for us there?	8	bicyclists and motorists occur at intersection
9	A. What I'm summarizing are the resources	9	driveways that are often related to turning or
10	found that provide direction on how to select	10	merging movements." And then, finally, because it's
11	appropriate alignments for a two-way multi-use	11	brand new and was adopted only in November, it's
12	bicycle path. So the first one is from the National	12	SDOT's new Streets Illustrated, but they also
13	Association of City and Transportation Officials, or	13	describe guidelines for two-way cycle tracks and the
14	NACTO, which is kind of the go-to document for a lot		need to reduce conflicts.
15	of bicycle designers called Urban Bikeway Design	15	Q. And then, your the last paragraph on
16	Guide.	16	that page, what is reflected in that statement on
17	And those bullets summarize the	17	your part?
18	conditions well, they're guidelines for	18	A. I'd been asked over and over if I could
19	conditions wen, mey regulations for conditions. So for number one is: "On streets with	19	find any examples of bicycle facilities in
20	few conflicts, such as driveways or cross-streets on	20	industrial areas with heavy truck volumes. And
20	one side of the street." And later on, I quantified	20 21	there had been a number of just anecdotal examples
22	the number of driveways that there are for each	22	brought forward to me. And in each case, when I
23	alternative and the no build condition.	22	÷
23	The second bullet: "On streets where	23 24	investigated the example it was not comparable to
24		24 25	this condition at all. So therein lies a challenge
25	there is not enough room for a one-way cycle track	20	in how to design a safe bicycle facility in this
	Page 203	_	Page 205
1	or both sides of the street. On streets where	1	along Shilshole Avenue as we don't we're not
2	contraflow flow bicycle travel is desired"	2	finding any examples where it's done elsewhere,
3	sometimes that occurs on one-way streets, or some	3	likely because it's not a good place to put bicycle
4	other condition to connect bicycle facilities, on	4	and pedestrian facilities.
5	streets where more destinations are on one side	5	Q. So what so you say you couldn't find a
6	thereby reducing the need to cross the street."	6	comparable example. What did you do to try and find
7	Then I went to City of Vancouver	7	a comparable example?
8	Transportation Design Guidelines; all ages and	8	A. I called various major cities, so again,
9	abilities cycling routes. City of Vancouver	9	the City of Vancouver. There had someone had
10	excuse me, and British Columbia, and just summarized		I'm not going to be able to call recall every
11	their Rule Number 10 in their guidelines. And it	11	street name. But there was a someone had sited
12	says, "Design intersections thoughtfully to reduce	12	an example in the City of Vancouver of a bicycle
13	conflicts, increase visibility and provide clear	13	facility through an industrial area, and I talked to
14	directions of movements." So I'm focusing on the	14	the engineer there, and he pointed me to where it
15	language that says to reduce conflicts.	15	was on Google. And it looked similar, except for
16	And then, I did have a conversation with	16	the fact that that project created a viaduct, and
17	the City of Vancouver engineer responsible for their	17	the bicycle and pedestrian facility was on the
18	bicycle design program. And he also directed me	18	viaduct. And so, they were separated from the
19	below to the Massachusetts DOT Bicycle Design	19	industrial activity at street level.
20	Guidelines, as well as, bicycle planner in Minnesota	20	A lot of people have sited the Seawall
21	directed me to Massachusetts DOT as well. Oh, and I	21	Trail in Vancouver. That particular facility is, as
22	might add that in the in my conversation with the	22	it describes, is against the seawall. And so,
23	City of Vancouver, and he sent an email summarizing	23	there's no driveways on the sea side. And on the
24	our conversation, the City of Vancouver, British	24	upland side is for a lot of it it's a grassy area
25	Columbia no longer does two-way cycle tracks in	25	and the industrial area is quite a distance from the

52 (Pages 202 to 205)

	Page 206		Page 208
1	bicycle itself. So there's literally no driveways	1	Q. And again, the question was, based on
2	on either side of that trail.	2	your review of the literature and your
3	Q. And did	3	conversations, did you find a comparable facility
4	A. There's other examples.	4	anywhere in terms of conflict?
5	Q. Did you talk to people in other cities,	5	A. I haven't yet found one.
6	and if so, which ones?	6	Q. And why did you choose the cities you
7	A. I talked to City of Minneapolis. They do	7	chose: Vancouver, Portland, Minneapolis and
8	have one. They had one example of a bike	8	Washington, D.C.?
9	buffered bike lane in industrial area. However, it	9	A. They're all considered bicycle cities
10	was very different in that the area was all flat.	10	that they're cities that are kind of on the
11	It was light industrial, so there was quite a long	11	forefront of developing bicycle facilities, and have
12	sloping area grassy, until you got to the light	12	higher level of bicycle use in their cities.
13	industrial buildings away from the road. So it was	13	Q. Okay. So turning then to the last
14	it's probably a hundred yards or so where the	14	paragraph in your report above heading Number 3.
15	industrial activity was from the street in that	15	Explain what you are telling us there?
16	condition.	16	A. So what I'm explaining there is the fact
17	Q. And other cities?	17	that large trucks have very large blind spots.
18	A. I had a conversation briefly with	18	There's a very, very large blind spot to the right
19	Washington discipline. Didn't find examples that	19	and behind a large truck. So this would affect
20	were comparable.	20	Q. Well, specifically I'm referring to where
21	Q. So based on the conversations you had and	21	you're talking about developing a quantified
22	your review of the literature,	22	analysis?
23	A. Oh, and at CalPortland.	23	A. Oh, the paragraph above. Sorry. To me,
24	Q. CalPortland?	24	what we're trying to do is determine provide
25	A. Yeah. Yeah.	25	information to decision makers and determine a
	Page 207		Page 209
1	Q. Did you find a trail anywhere in the	1	difference between alternatives. What I attempted
2	country a two-way side path that has the kinds of	2	to do is take some of these design guidelines about
3	conflicts that Mr. Bishop described in his	3	conflict, what we know about operating
4	testimony?	4	characteristics of large vehicles, and prepare a
5	A. I haven't	5	quantified analysis of conflict and level of risk
6	MR. SANDERS: I'm going to object to	6	between each of the alternatives. Is that what
7	the question. She's just testified to calling four	7	you're looking for? Or not?
8	or five cities, and now we've had a question asked	8	Q. Yes. And is there any such quantified
9	if she found anywhere in the country based on those	9	analysis in the EIS?
10	conversations.	10	A. No.
11	MR. SCHNEIDER: The question was	11	Q. So what did you do then to develop
12	broader than that based on her research and her	12	describe for us what you did to develop that
13	conversations, and I'm asking whether she found any.	13	quantified analysis?
14	And if you want a that seems to be an objection	14	A. Should
14 15	to the weight of the question or the answer, but not	15	Q. Just in general terms.
14 15 16	to the weight of the question or the answer, but not to the appropriateness of the question itself.	15 16	<ul><li>Q. Just in general terms.</li><li>A. Okay.</li></ul>
14 15 16 17	to the weight of the question or the answer, but not to the appropriateness of the question itself. THE HEARING EXAMINER: I agree. It's	15 16 17	<ul><li>Q. Just in general terms.</li><li>A. Okay.</li><li>Q. It would help to put in on the table,</li></ul>
14 15 16 17 18	to the weight of the question or the answer, but not to the appropriateness of the question itself. THE HEARING EXAMINER: I agree. It's overruled. I if she's found that in the country,	15 16 17 18	<ul><li>Q. Just in general terms.</li><li>A. Okay.</li><li>Q. It would help to put in on the table, that's fine.</li></ul>
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53 (Pages 206 to 209)

	Page 210		Page 212
1	type be-it residential, commercial or heavy	1	
2	industrial number of driveway crossings for the	1 2	various segments along the preferred alternative.
∠ 3	contraflow movement. One could also look at the	∠ 3	And in each case, on Market Street it says lane
4	user's perception of personal safety. I can't	3 4	widths from 10 to 12 feet. On Shilshole, two
4 5			different I think there's a segment that's 10 to
5	remember what all I came up with. And there's	5	11 to 12 no, 10 to 11 feet et cetera. While
0 7	others I came up with, but they weren't really determinant here. Oh, the lane limits and the width	6 7	in each case they only provide a range for the lane
8			width, so they haven't to me it appears they
	of the facility itself, and the width of the buffer,	8	haven't taken the design far enough to be specific.
9 10	and whether or not they met standard would be a	9	And on those streets the standard is 11 feet. So we
10	safety factor	10	actually don't know when they get into further into
	Q. And before we turn	11	design if that lane width would be 10 feet or 11
12	A and sight distance.	12	feet.
13 14	Q. Before we turn the page, your the	13 14	Q. And one width being below standard, and
14	second to last paragraph there, you say you have		one meeting standard?
15	a sentence that says four lines down: "Large	15	A. Correct. In the below standard at 10
10	projects such as those developed by WSDOT and Sound	l 16 17	feet would be more appropriate. It's a design
18	Transit or Sound Transit typically developed designs to the 30-percent level, so that the impacts		dimension we use on neighborhood streets to keep
10		18 19	traffic slow, but inappropriate for major streets
20	can be sufficiently disclosed." Again, how many		where large trucks need a little more flexibility to
20 21	projects have you worked on where that was done? A. I've worked on 12 major NEPA/SEPA	20 21	stay within the lane.
21	-	21	Q. So turning the page then to your Table 1,
22	projects and that's where that approach was taken.	22 23	there's a lot of information here, and we're not
23	Q. And later in that same paragraph, you said you have the second to your last sentence	23 24	going to walk through it cell by cell. But if you
24	says, "The DEIS and FEIS appear to rely on counts;	24 25	can explain to us in general terms what you did
		20	here, and then I'm going to direct your attention to
	Page 211		Page 213
1	set the level of design approximately five to ten	1	a couple of specific rows.
2	percent." So why do you characterize it as five to	2	A. Okay. So for all those safety factors
3	ten percent? I mean, what about it gives leads	3	that I prepared, the safety factors are listed in
4	you based on your experience to put it at that	4	the left-hand column, and it goes on to two pages.
5	level?	5	The there's a very, very brief summary of what
6	A. Well, the City produces Vic Bishop	6	the analysis is for that safety factor and in the
7	testified CAD drawings, so there are lines on paper	7	text of the document it will have a paragraph for
8	that are overlaid with aerial photographs to show	8	(Audio ends.)
9	the design relative to the existing condition. But	9	THE HEARING EXAMINER: And I honestly
10	there's it's not, as he pointed out, it's not	10	have no idea how we will address this. I haven't
11	taken far enough to fully design to fully	11	had this problem in a hearing before. So I think
12	understand the impacts, for example, at Market	12	we'll just couple it through and keep going for the
13	Street and 24th, to fully understand the impacts at	13	day. But we may have to have tech tell us how to
14	select more complex driveways and whether or not	14	fix it, or if they can fix it. And it may interrupt
15	there needs to be a right-of-way take to provide for	15	our hearing schedule, but for now we've got an hour
16	the safe movement for the movement of truck	16	left to the day, so we'll keep going. In this last
17	across driveways.	17	time when we caught it, we lost one minute. And so,
18	Q. Okay. And before we turn the page, in	18	your transition to Table 1 I'd suggest restarting
19 20	your review of the literature, did you find a study	19 20	that.
20 21	anywhere that concluded that two-way cycle paths are	20 21	MR. SCHNEIDER: Okay.
21	not more dangerous than one-way facilities? A. I didn't find that. No. I'd like to	21 22	THE HEARING EXAMINER: That's probably
22	provide one more example as I think of it for the	22	more time than necessary, but I'd rather be safe than sorry.
	level of design is any FEIS I think it's figure	23 24	BY MR. SCHNEIDER:
24		<u> </u>	
24 25	it's a Figure 1-3 shows the cross section for	25	Q. So again, why don't you begin again,

54 (Pages 210 to 213)

	Page 214		Page 216
1	Ms. Hirschey, by explaining for us what information	1	that alternative.
2	you are presenting to us in general terms in Table	2	A. So near the beginning of your testimony,
3	1. And perhaps it would be best to start with the	3	you said that you'd walked all of these alternatives
4	first two columns.	4	and looked at each of the driveways. Are all
5	A. Okay. So having thought through all I	5	driveways created equal? And by that are there
6	could think through of various safety factors you	б	distinctions between the industrial driveways on
7	would want to consider for a multi-use bicycle path.	7	Shilshole and those on Leary, for example?
8	I took the key factors and those are in Column 1.	8	A. Yes. Well, the industrial driveways on
9	Column 2 is a very, very brief, if you will, bullet	9	Shilshole are very active and most of the what
10	point of that safety analysis. The methodology for	10	you would call industrial on Leary are very low use
11	that safety analysis is described in the text of the	11	or abandoned or maybe used it appears like it
12	report. And then, there's a column for the	12	could it's a really old facility, so maybe
13	preferred alternative and each of the other	13	there's a delivery once a week. But they were
14	alternatives in the EIS in columns for the alignment	14	when I drove by they were closed and not in use, so
15	for a no build condition.	15	they weren't active like they are on Shilshole.
16	So the first two rows are examples of	16	Q. Then the next row "Driveways with
17	quantifying the number of signalized intersection	17	contraflow movement." What did we learn there?
18	crossings and the number of unsignalized	18	A. Well, because of the findings about the
19	intersection crossings.	19	increased risk of the contraflow movement, I tallied
20	Q. And here you're drawing a distinction	20	the number of driveway crossings for each
21	between intersections and driveways? Correct?	21	alternative that would be in the contraflow
22	A. Yes.	22	direction.
23	Q. Okay. And then, so we the first two	23	Q. And so, obviously, if we take the
24	rows are about intersections. Is the remainder of	24	preferred alternative column and compare it with our
25	this page and the following page, is that all about	25	39-such contraflow movements, and compare it to the
	Page 215		
			Page 217
1		1	
1 2	the driveways then?	1 2	no build alternative for the preferred in Shilshole
2	the driveways then? A. The driveways summary is in-between the	2	no build alternative for the preferred in Shilshole south alignment, there are zero contraflow movements
2 3	<ul><li>the driveways then?</li><li>A. The driveways summary is in-between the two grey bars. So you can see that below the first</li></ul>	2 3	no build alternative for the preferred in Shilshole south alignment, there are zero contraflow movements there? Correct?
2 3 4	the driveways then? A. The driveways summary is in-between the two grey bars. So you can see that below the first two rows I put a grey bar and it's in the center	2	no build alternative for the preferred in Shilshole south alignment, there are zero contraflow movements there? Correct? A. Correct.
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2 3 4 5 6	the driveways then? A. The driveways summary is in-between the two grey bars. So you can see that below the first two rows I put a grey bar and it's in the center you see numbered driveways. And then, all the driveway analysis goes down to the next grey bar	2 3 4 5 6	no build alternative for the preferred in Shilshole south alignment, there are zero contraflow movements there? Correct? A. Correct. Q. So A. So the project's introducing those
2 3 4 5 6 7	the driveways then? A. The driveways summary is in-between the two grey bars. So you can see that below the first two rows I put a grey bar and it's in the center you see numbered driveways. And then, all the driveway analysis goes down to the next grey bar about three-quarters of the way down	2 3 4 5	no build alternative for the preferred in Shilshole south alignment, there are zero contraflow movements there? Correct? A. Correct. Q. So A. So the project's introducing those contraflow movements or the alternative.
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55 (Pages 214 to 217)

1terms of conflict points, you would take 39 and multiply it by 4 and then to add in the risk factor of two to three times?1vehicle is a tractor-trailer truck. So you can see as you go across, so number of driveways with tractor-trailer truck movements are 23 for the preferred alternative, 29 for alternative 14A. Yes. So I specifically in this analysis chose not to do create any methodologies that weighted or provided a points system, because it just becomes non-transparent. I thought I'd just stick to the raw data.5Shilshole South, and then it drops off to four for number 2, two for number 3, and five for numbe Q. And why is that significant: the tractor-trailer trucks versus passenger cars, for example?10next hard black line "Driveway Vehicle Use."10A. Well, I sits a nuch high level of risk for a bicyclist or a pedestrian to cross those types of driveways.12A. What I you consider the conflict points, it's a much high level of risk for a bicyclist or a pedestrian to cross those types of driveways.14your next row is: "Total Number Of Driveways for bicyclists going one direction, as well as, the conflict points that driveways go in the points for bicyclists going one direction, as well as, the conflict points, but, yes. So, for example, no conflict points, but, yes. So, for example on conflict points, but, yes. So, for example on conflict points, but, yes. So, for example, no conflict points, but, we the conflict points.20other direcd-bike lane
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17the no build condition will have driveway conflict17Q. And does that take us back then to the18points for bicyclists going one direction, as well18literature you described about how dangerous true19as, the conflict points that driveways go in the19are?20other direction. It won't have the contraflow20A. Yes.21conflict points, but, yes. So, for example, no21Q. All right.22build on Shilshole, you have the conflict points.22A. And what literature says about it23If it was a buffered-bike lane, for example on23design guidelines in various agency documents a24Shilshole, going east bound, and when that bicyclist24reducing conflict points.
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24 Shilshole, going east bound, and when that bicyclist 24 reducing conflict points.
Page 219 Page 2
1 trip, they would have the conflict points from the 1 please?
<ul> <li>2 north side of the roadway. There are a few more</li> <li>2 A. So the next one was taking those number</li> </ul>
3 there are more driveways in the north side than the 3 of conflict points there are 17 total per
4 south, so in that condition there would be more 4 driveway with the contraflow movement, and 13
5 conflict points. 5 per driveway with single direction of travel.
6 So then what I did was say, well if 6 Q. So that reflects your testimony earlier
7 for any individual bicyclists who's traveling one 7 about four additional conflicts for contraflow?
8 direction and returning, they actually their 8 A. Yes. Yes. So what I did was quantify
9 exposure to conflict points are the conflict points 9 if you look at the preferred alternative column ,
10 in one direction and plus the contraflow conflict 10 for those driveways that only had passenger car to
11 points in the other direction. So I made it apples 11 no large trucks, there were 51 conflict points who
12 to apples comparison between absolute number of 12 a passenger car passed through that conflict poin
13 conflict points in the no build to these 13 For driveways where there was a single-unit truc
14 alternatives. And then, you would add on the 14 involved as the largest vehicle, there were 255
15 concern about the contraflow movement. 15 conflict points for that alternative where a single
16 Q. Okay. And then, the next row "Driveway 16 unit truck passed through the conflict point. And
17 Vehicle Use." What are we learning there? 17 then, for the preferred alternative there were 391
18 A. What I did there was summarize the number 18 conflict points where a tractor-trailer truck passe
19 of driveways. It was passenger car/single-unit 19 through that conflict point.
20 truck, and then I lumped together driveways with 20 Q. So the three totals that you just
21 tractor-trailer trucks. So for the preferred 21 described, the 51 for passenger cars, the 255 for
22 alternative, it's says there are only three 22 SU-30s, and the 391. So are those numbers
23 driveways with only passenger car use. There are 15 23 cumulative? Would you add them up or are they
24 driveways where the largest truck is a single-unit 24 there some overlap between them?
truck. And there are 23 driveways where the largest 25 A. No. You could add them up, but, no.

56 (Pages 218 to 221)

	Page 222		Page 224
1	Yeah. They're more demonstrative by vehicle size.	1	Q. So let's assume that some of the
2	Q. And so, what is that difference here?	2	bicyclists do choose to use the roadway and some are
3	What do you, as a traffic engineer, take away from	3	attracted to this two-way side path. In terms of
4	that number of 391 conflict points with tractor-	4	conflict points then, if the two-way side path is
5	trailer trucks?	5	added, you would have both the conflicts from those
6	A. Well, given it's a risk analysis in my	6	in the street added to the conflicts created by the
7	opinion. It's given the level given the severity	7	cycle path. Is that accurate?
8	and the increase frequency of severe and fatal	8	A. Yes. Yes.
9	accidents occur between bicycles and trucks, it's a	9	Q. So in the first row there "Arterial
10	level of exposure to that severity of accident that	10	Travel Lane Widths For The Preferred Alternative"
11	a bicyclist would encounter for that alternative.	11	you say below standard. What is that based on?
12	Q. And then, let's drop below the next grey	12	A. The it's Figure, I think, in FEIS-3
13	line. What do we find down there?	13	that shows the cross sections and shows the range of
14	A. Additional safety factors, the first one	14	lane width. So it's not yet specific, it's says 10
15	being arterial land width. As I mentioned, the	15	to 11, or 10 to 12 for each cross section.
16	arterial lane widths go from a low of 10 to a high	16	Q. Okay. And 10 would be below standard?
17	of 11 or 12. On higher volume streets with larger	17	A. Yes.
18	vehicles including buses and trucks, the lane width	18	Q. And let's turn the page then. What do we
19	is important because the larger vehicles can at	19	see on the next page in the first row "Truck
20	times do off tracking.	20	Tracking At Driveways"?
21	Q. And off tracking is a synonym for leaving	21	A. This is basically a summary statement of
22	the lane?	22	the work that Vic Bishop presented this morning.
23	A. Yes. In this case if you if all the	23	Q. So explain what we see then under the
24	bicyclists are in that multi-use path, obviously	24	heading in the column "Preferred Alternative."
25	you're not sharing the lane with a truck. But as	25	A. Well, I summarized hang on a second, I
	Page 223		Page 225
1	the lanes narrow in arterial, the consideration,	1	haven't looked at this for a while. So this is the
2	when you get very narrow, is actually the vehicle	2	more restrictive condition that Vic spoke of this
3	conflict assuming all the bicyclists are in on	3	morning as to the number of driveways; the number of
4	the multi-use facility.	4	driveways where the truck can complete the turning
5	Q. But is that an appropriate assumption in	5	movement within the lane. It's simply a different
6	your opinion? Will all bicyclists leave Shilshole	б	way of summarizing.
7	and ride the path?	7	Q. Okay. So you, based on Mr. Bishop's
8	A. Given well, if you look at the	8	testimony, you've listed the number of vehicles at
9	intersections through the volumes, they also include	9	these driveways that cannot complete the turning
10	the at each intersection approach it also	10	movements
11	includes the bicycle volumes. And so, there are	11	A. Yes.
12	bicycle movements throughout this neighborhood with	12	Q within the lane?
1 2	various origins and destinations. So they're going	13	A. So what I should augment, is that as a
13			=
14	to need to leave the multi-use path. So they if	14	safety factor, yes, that type of condition occurs in
14 15	to need to leave the multi-use path. So they if their destination is north bound on 17, for example,	15	urban areas where trucks they have to position
14 15 16	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just	15 16	urban areas where trucks they have to position themselves the far left of a lane, or even encroach
14 15 16 17	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how	15 16 17	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for
14 15 16 17 18	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi-	15 16 17 18	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or
14 15 16 17 18 19	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi- use path.	15 16 17 18 19	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or vehicles leaving a driveway will position themselves
14 15 16 17 18 19 20	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi- use path. Q. So let's	15 16 17 18 19 20	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or vehicles leaving a driveway will position themselves to the left-hand side to stay within the lane, or
14 15 16 17 18 19 20 21	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi- use path. Q. So let's A. There's also the condition where a	15 16 17 18 19 20 21	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or vehicles leaving a driveway will position themselves to the left-hand side to stay within the lane, or they'll choose to cross the center lane. All those
14 15 16 17 18 19 20 21 22	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi- use path. Q. So let's A. There's also the condition where a Sunday, with it will likely become crowded.	15 16 17 18 19 20 21 22	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or vehicles leaving a driveway will position themselves to the left-hand side to stay within the lane, or they'll choose to cross the center lane. All those types of movements where they can't stay in lane are
14 15 16 17 18 19 20 21 22 23	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi- use path. Q. So let's A. There's also the condition where a Sunday, with it will likely become crowded. Burke-Gilman Trail has become very crowded in many	15 16 17 18 19 20 21 22 23	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or vehicles leaving a driveway will position themselves to the left-hand side to stay within the lane, or they'll choose to cross the center lane. All those types of movements where they can't stay in lane are a safety factor. They're worth considering as a
14 15 16 17 18 19 20 21 22	to need to leave the multi-use path. So they if their destination is north bound on 17, for example, they may never get on the multi-use path. It just depends on the individual bicyclists and what how they view the efficiency of their trip on the multi- use path. Q. So let's A. There's also the condition where a Sunday, with it will likely become crowded.	15 16 17 18 19 20 21 22	urban areas where trucks they have to position themselves the far left of a lane, or even encroach on a lane to their left in order to complete, for example, a right turn movement, as Vic said. Or vehicles leaving a driveway will position themselves to the left-hand side to stay within the lane, or they'll choose to cross the center lane. All those types of movements where they can't stay in lane are

57 (Pages 222 to 225)

	Page 226		Page 228
1	but it's has a certain level of safety	1	A. For the I grouped them for the
2	consideration.	2	operation safety factors it's an analysis of it's
3	Q. Then the next row is called "Driveway	3	a grouping of safety factors that consider all the
4	Sight Distance." What can you tell us there?	4	movements both non-motorized and motorized vehicle
5	A. Well, what's important is to that	5	are making. And the geometric, the second grouping,
6	vehicle movements leaving a driveway or entering the	6	is more about the design.
7	driveway have adequate sight distance such that if	7	MR. SCHNEIDER: So again, I'm not going
8	they complete their maneuvers before so they have	8	to go through this obviously paragraph by paragraph,
9	sight distance to complete a maneuver before a	9	Mr. Examiner. I'm assuming at some point you will
10	collision. What occurred here was that, in the DEIS	10	have the luxury of reading it. So I'm going to skip
11	there were a number of driveways that didn't have	11	over some paragraphs here.
12	adequate sight distance, but then they design was	12	BY MR. SCHNEIDER:
13	modified. In the FEIS, they produced driveways with	13	Q. But I would like to begin by drawing your
14	sight distance.	14	attention to the last paragraph on page 8 where you
15	Q. Okay. And so, did that driveway sight	15	refer to your second sentence says, "Large trucks
16	distance information factor into your conclusions?	16	with large blind spots are considered a higher risk
17	A. Not when the consideration is the FEIS	17	factor to bicyclists." And I'd like you to turn,
18	alternative only. Yeah.	18	please, to one of the your Attachment 3 to your
19	Q. And then, the last row is barriers.	19	report which is on page it begins on page 213 of
20	Explain that for us, please?	20	your report. And can you explain what we're seeing
21	A. Again, it evolved, because it began with	21	here on pages 213 to 214?
22	a look at the draft Environmental Impact Statement	22	A. So I found these graphics from City of
23	where the alternatives had barriers that were close	23	Orlando, and they have a webpage dedicated to
24	to the trail and imposed a safety hazard. But as	24	educating bicyclists as to safety concerns that they
25	the design presented, and the FEIS shifted the	25	should be aware of when they're in the vicinity of
	Page 227		Page 229
1	position of the trail relative to the street and	1	large trucks. So I thought they were just very,
2	they were able to eliminate the barriers that were	2	very good graphics to demonstrate. On page 213
3	potential hazards.	3	shows the truck blind spot for a large tractor-
4	Q. So	4	trailer truck. Could be a WB-67 with 53-foot
5	A. I just included a complete mistake,	5	container. And you can see from the orange shading
6	because it was originally a safe it was for	6	where that blind spot is. And so, if you can
7	completeness sake, I looked at it once, and I	7	imagine all the the description that Vic Bishop
8	thought I'd just continue to look at it through the	8	gave this morning about the swept vehicle path
9	FEIS.	9	that's made, that blind spot to the right of the
10	Q. Did you heard Mr. Bishop's testimony	10	truck extends beyond that swept vehicle path and
11	that there are references to barriers in the FEIS,	11	creates it's own path of blind area for the truck
12	but not as to a specific locations?	12	driver.
	A. Correct. Yeah.	13	Q. Okay. So the entire area in orange is an
13		-	• • •
13 14		14	area that the truck driver can't see?
14	Q. And would you agree with his testimony	14 15	area that the truck driver can't see? A. For their right turns.
14 15	Q. And would you agree with his testimony that a barrier can actually create safety issues	14 15 16	A. For their right turns.
14 15 16	Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?	15 16	<ul><li>A. For their right turns.</li><li>Q. Okay. And let's turn to page. What's on</li></ul>
14 15 16 17	<ul><li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li><li>A. Yes. Depending on the location they're</li></ul>	15	<ul><li>A. For their right turns.</li><li>Q. Okay. And let's turn to page. What's on page 214?</li></ul>
14 15 16 17 18	<ul><li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li><li>A. Yes. Depending on the location they're often hard objects that could be hit by a bicycle</li></ul>	15 16 17 18	<ul><li>A. For their right turns.</li><li>Q. Okay. And let's turn to page. What's on page 214?</li><li>A. That graphic presents to any type of user</li></ul>
14 15 16 17 18 19	<ul><li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li><li>A. Yes. Depending on the location they're often hard objects that could be hit by a bicycle pedestrian.</li></ul>	15 16 17 18 19	<ul> <li>A. For their right turns.</li> <li>Q. Okay. And let's turn to page. What's on page 214?</li> <li>A. That graphic presents to any type of user path, you know, other vehicles, bicyclists,</li> </ul>
14 15 16 17 18 19 20	<ul> <li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li> <li>A. Yes. Depending on the location they're often hard objects that could be hit by a bicycle pedestrian.</li> <li>Q. Okay. So let's turn the page then to</li> </ul>	15 16 17 18 19 20	<ul> <li>A. For their right turns.</li> <li>Q. Okay. And let's turn to page. What's on page 214?</li> <li>A. That graphic presents to any type of user path, you know, other vehicles, bicyclists, pedestrians, the areas you don't want to be in</li> </ul>
14 15 16 17 18 19 20 21	<ul> <li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li> <li>A. Yes. Depending on the location they're often hard objects that could be hit by a bicycle pedestrian.</li> <li>Q. Okay. So let's turn the page then to page 8 of your report. The section is 3.1 and you</li> </ul>	15 16 17 18 19 20 21	<ul> <li>A. For their right turns.</li> <li>Q. Okay. And let's turn to page. What's on page 214?</li> <li>A. That graphic presents to any type of user path, you know, other vehicles, bicyclists, pedestrians, the areas you don't want to be in because of the blind spots for the trucks, so</li> </ul>
14 15 16 17 18 19 20 21 22	<ul> <li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li> <li>A. Yes. Depending on the location they're often hard objects that could be hit by a bicycle pedestrian.</li> <li>Q. Okay. So let's turn the page then to page 8 of your report. The section is 3.1 and you called it "Operation Safety Factors." So what is an</li> </ul>	15 16 17 18 19 20 21 22	<ul> <li>A. For their right turns.</li> <li>Q. Okay. And let's turn to page. What's on page 214?</li> <li>A. That graphic presents to any type of user path, you know, other vehicles, bicyclists, pedestrians, the areas you don't want to be in because of the blind spots for the trucks, so</li> <li>Q. So is "no zone" on this graphic</li> </ul>
14 15 16 17 18 19 20 21	<ul> <li>Q. And would you agree with his testimony that a barrier can actually create safety issues once it's designed in a specific location?</li> <li>A. Yes. Depending on the location they're often hard objects that could be hit by a bicycle pedestrian.</li> <li>Q. Okay. So let's turn the page then to page 8 of your report. The section is 3.1 and you</li> </ul>	15 16 17 18 19 20 21	<ul> <li>A. For their right turns.</li> <li>Q. Okay. And let's turn to page. What's on page 214?</li> <li>A. That graphic presents to any type of user path, you know, other vehicles, bicyclists, pedestrians, the areas you don't want to be in because of the blind spots for the trucks, so</li> </ul>

58 (Pages 226 to 229)

	Page 230		Page 232
1	Ms. Hirschey, about cyclists crashing into the sides	1	improved because of reduced conflict points in that
2	of large trucks?	2	condition.
3	A. You can Google such accidents and see	3	Q. Okay. And how about factor two?
4	conditions where that's occurred and see news	4	A. Factor two, there are no or very few
5	articles where that's occurred.	5	intersecting driveways, alleys, or streets on the
6	Q. Okay. And, in fact, did the Seattle Bike	б	side of the proposed conflict lane. Well, that's
7	Blog recently have an article about that phenomenon	2 7	you don't quantify very few, but there's many more
8	A. Yes. They were addressing I think	8	than very few driveways on the side with contraflow
9	what you're referring to is they were addressing the	9	lane.
10	condition where bicyclists get pinned under a truck,	10	Q. And then, your first sentence after that
11	and the truck may not even be aware that they've	11	says, "The two-way multi use trail alternatives are
12	been pinned under the truck. There was a recent	12	in direct conflict with one and two." Is there
13	example this fall up in Shoreline, where a 14-year	13	anything you want to add to what you've already
14	old got with a classic right hook turn we call	14	explained about why you arrived at that conclusion?
15	it, from a truck, was pinned under the truck and had	15	A. I don't I haven't found any quantified
16	severe injuries. So I think what they were	16	way to say that there is improvement because of
17	advertising in that bicycle blog was treatment that	17	reduced conflict points. Or it's an appropriate
18	a lot of cities are starting to encourage and I	18	for any of the guidelines found that the it's an
19	don't know if any are regulating yet panels they	19	appropriate place to implement a two-way trail.
20	can put along the side of a truck to help prevent	20	Q. Let's turn the page to page 11 please.
21	that getting pinned under the truck. But I would	21	And what are you saying in the first paragraph?
22	say that that type of mitigation yes, it's	22	It's page 11 of your report, page 012 apparently of
23	helpful to reduce the severity of an accident, but	23	in terms of the red numbering of the exhibit; the
24	it doesn't compensate for designing a trail where	24	paragraph that begins "Of note."
25	you have that high level of risk of that type of	25	A. This topic gets into two subjects. One I
	Page 231		Page 233
1	accident.	1	described recently where the level of exposure to
2	Q. Okay. So speaking of that issue, let's	2	any bicyclists is the outbound and the return trip.
3	turn to the top of page 10. What are you telling us	3	Not just the number of driveways crossed by the
4	there? You were referring again to that?	4	where the path pavement crosses the driveways. And
5	A. Yes. This is describing the safety	5	then, second of all it speaks to I believe this
6	factor of contraflow conflicts. And that National	б	is where I'm speaking to another level of analysis
7	Cooperative Highway Research program report number	er 7	desirable would be in order to compare alternatives
8	500 that I've sited a number of times listed these	8	would be actual volume data for movements in and out
9	three conditions where you would implement a	9	of the driveway by driveway. So you could wait
10	contraflow lane. So condition one is where safety	10	you could summarize all of the movements through
11	is improved because it reduced conflicts.	11	these conflict points and in the contraflow
12	Q. And the information that demonstrates	12	direction and compared by alternative. But we don't
13	that that is not the case here is your chart your	13	have that level of data in the EIS. I hope I'm
14	Table 1?	14	explaining myself.
15	A. No. But let me give you one, for	15	Q. So what
16	example. On the Shilshole segment, the no build	16	A. So
17	would have conflict point in one direction 41	17	Q what data is not in the EIS that
18	driveways. The no build on the north side has, I	18	would have been helpful in determining the safety of
19	think, 56. When you put the trail entirely on the	19	this trail and the effect not only on the
20	south side you have 41 driveways, but you have 41 in	20	bicyclists, but on the businesses? What data would
21	the direction of travel and then you have 41	21	you have gathered if you had been doing the CIS?
22	conflict points in the contraflow direction. So	22	A. I would have gathered driveway volume
23	there's a slight reduction of conflict points, but	23	data by vehicle type at all of the driveways.
24	50 percent of those are conflict points with a much	24	Because there's a number of driveways in the other
25	higher accident rate. So I would say safety is not	25	alternatives that are very low volume. And we're

59 (Pages 230 to 233)

1			
1	Page 234		Page 236
-	not able to multiply the vehicular volume against	1	Q. So in the next paragraph you have a
2	the number of conflict points and compare a cross	2	sentence right in the middle that says, "Driveway
3	alternatives. We're also not able to compare by day	3	delay was estimated and in here I think we're
4	of week, or by hour of the day, or by season which	4	talking about truck delay was estimated for
5	would be very important. So for example, during the	5	the p.m. peak hour. However, truck volumes are
6	summer season when families would have be on	6	lower in the p.m. peak hour than mid-day." So what
7	vacation or parents would have time off with their	7	are you telling us there?
8	children. There may be a peak bicycle condition in	8	A. The methodology in the FEIS to estimate
9	summer months on the trail at the same during the	9	driveway delay was based on the p.m. peak hour whic
10	day time hours at the same time where commercial or		is the typical hour for most of our traffic analysis
11	industrial volume is the highest. But we don't have	11	when you're thinking about intersections. But if
12	that level of data to be able to do that kind of	12	one were to getting back to what I said in the
13	analysis.	13	very beginning, if one were to design the study
14	Q. And do we have that do we have hour by	14	methodology and collect the data and do an analysis
15	hour data for either bicyclists or trucks?	15	to answer the questions that arise during scoping by
16	A. In understanding the way volume data is	16	the public or interested parties or agencies, the
17	typically collected, I believe there is available.	17	delay of concern at industrial driveways would be
18	But I haven't looked at it for the driveways where	18	during their working hours. The p.m. peak hours in
19	SDOT collected driveway volume data that would be	19	this area 5:00 to 6:00 the p.m. peak hour
20	available by hour. But there is not bicycle data by	20	represents the highest afternoon hourly volume on
21	hour. The only bicycle data in the EIS is at each	21	the street, which occurs 5:00 to 6:00 p.m. But
22	end, so at the locks and at Fred Meyer end. Well,	22	that's when the industrial activity has slowed down
23	and then at the intersection turning movement counts	23	and non-existent because their activity is during
24	their bicycle data, but they did not show existing	24	the day.
25	use or forecasted use by segment at the driveway	25	So they analyzed what's described in the
25			
	Page 235		Page 237
1	approaches.		
1		1	EIS as "analyzing delay" as if the crossing of the
1 2	Q. Okay. So going down to driveway delay	2	trail and the driveways in intersection. That's
	Q. Okay. So going down to driveway delay the heading the second heading on that page.		trail and the driveways in intersection. That's fine. But the volumes they used and the hour that
2	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there?	2 3 4	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not
2 3	<ul><li>Q. Okay. So going down to driveway delay the heading the second heading on that page.</li><li>What point are you making there?</li><li>A. So to the way to explain the driveway</li></ul>	2 3	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial
2 3 4	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there?	2 3 4 5 6	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of
2 3 4 5	<ul> <li>Q. Okay. So going down to driveway delay the heading the second heading on that page.</li> <li>What point are you making there?</li> <li>A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone</li> </ul>	2 3 4 5 6 7	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we
2 3 4 5 6	<ul><li>Q. Okay. So going down to driveway delay the heading the second heading on that page.</li><li>What point are you making there?</li><li>A. So to the way to explain the driveway delay as a safety factor is that as volumes increase</li></ul>	2 3 4 5 6	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of
2 3 4 5 7 8 9	<ul> <li>Q. Okay. So going down to driveway delay the heading the second heading on that page.</li> <li>What point are you making there?</li> <li>A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the</li> </ul>	2 3 4 5 6 7 8 9	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we
2 3 4 5 6 7 8	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time	2 3 4 5 6 7 8 9 10	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out
2 3 4 5 7 8 9	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally.	2 3 4 5 7 8 9 10 11	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as
2 3 4 5 6 7 8 9 10 11 12	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time	2 3 4 5 6 7 8 9 10	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out
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2 3 4 5 6 7 8 9 10 11 12 13	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously	2 3 4 5 6 7 8 9 10 11 12 13	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously described where they need to determine if there's	2 3 4 5 6 7 8 9 10 11 12 13 14	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped across the trail. So then there would be well,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously described where they need to determine if there's available gap to cross the two-way path, as well as	2 3 4 5 6 7 8 9 10 11 12 13 14 15	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped across the trail. So then there would be well, that would be a delay to the trail users.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously described where they need to determine if there's available gap to cross the two-way path, as well as enter the street which has two-way vehicle volume. As volumes increase on both those facilities, they'll be fewer and fewer available gaps to complete their maneuver. And drivers tend to then, when they're exposed to that condition day in day out over time, they tend to choose shorter and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped across the trail. So then there would be well, that would be a delay to the trail users. Q. So I want to direct your attention to the second to last sentence in the second to the last paragraph under "Driveway delay." You say, "Analysis of driveway delay, as presented by p.m. peak hours intersection level of service, does not disclose the impacts to businesses during peak
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously described where they need to determine if there's available gap to cross the two-way path, as well as enter the street which has two-way vehicle volume. As volumes increase on both those facilities, they'll be fewer and fewer available gaps to complete their maneuver. And drivers tend to then, when they're exposed to that condition day in day out over time, they tend to choose shorter and shorter gaps to complete their maneuver. And then,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped across the trail. So then there would be well, that would be a delay to the trail users. Q. So I want to direct your attention to the second to last sentence in the second to the last paragraph under "Driveway delay," You say, "Analysis of driveway delay, as presented by p.m. peak hours intersection level of service, does not disclose the impacts to businesses during peak periods of business activity." So there are you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously described where they need to determine if there's available gap to cross the two-way path, as well as enter the street which has two-way vehicle volume. As volumes increase on both those facilities, they'll be fewer and fewer available gaps to complete their maneuver. And drivers tend to then, when they're exposed to that condition day in day out over time, they tend to choose shorter and shorter gaps to complete their maneuver. And then, you become closer and closer to a dangerous	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped across the trail. So then there would be well, that would be a delay to the trail users. Q. So I want to direct your attention to the second to last sentence in the second to the last paragraph under "Driveway delay." You say, "Analysis of driveway delay, as presented by p.m. peak hours intersection level of service, does not disclose the impacts to businesses during peak periods of business activity." So there are you referring to safety or you referring to economic
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. So going down to driveway delay the heading the second heading on that page. What point are you making there? A. So to the way to explain the driveway delay as a safety factor is that as volumes increase on the two-way multi use path, which everyone expects it will, and we're attracting by creating a two-way path you're attracting the users to the facility. So volumes will increase and over time volumes on the street always increase incrementally. That vehicle either entering the driveway or leaving the driveway has that complex decision I previously described where they need to determine if there's available gap to cross the two-way path, as well as enter the street which has two-way vehicle volume. As volumes increase on both those facilities, they'll be fewer and fewer available gaps to complete their maneuver. And drivers tend to then, when they're exposed to that condition day in day out over time, they tend to choose shorter and shorter gaps to complete their maneuver. And then,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	trail and the driveways in intersection. That's fine. But the volumes they used and the hour that they analyze is 5:00 to 6:00 p.m., and that may not represent conditions during the peak of industrial truck activity, and it may not represent the peak of summer conditions. It also doesn't represent we wouldn't be able to quantify this, but there is a condition where when the as volumes increase and that maneuver becomes more difficult to pull out into the street, if truck could not determine as they're crossing the bicycle path; it didn't have clearance to enter the street, they'll be stopped across the trail. So then there would be well, that would be a delay to the trail users. Q. So I want to direct your attention to the second to last sentence in the second to the last paragraph under "Driveway delay," You say, "Analysis of driveway delay, as presented by p.m. peak hours intersection level of service, does not disclose the impacts to businesses during peak periods of business activity." So there are you

60 (Pages 234 to 237)

## November 27, 2017

	Page 238		Page 240
1	that summer condition where industrial activity is	1	Vehicles. And if you turn the page to page 12, you
2	at its peak during the day and there will be higher	2	talk you start talking about the 85 percentile.
3		3	Can you 85th percentile. Can you explain that to
4	MR. KISIELIUS: I'm going to object	4	us please?
5	here. We're shifting from transportation and	5	A. Yes. For when we begin a transportation
6	traffic impacts which for which, Mr. Schneider	6	analysis like this, we often consider what is the
7	sets up foundation. And now she's testifying or	7	85th percentile speed, which it can be different
8	about to testify about economic impacts to	8	than the speed limit. So the 85th percentile speed
9	businesses, and I don't think has the she hasn't	9	is a speed at which 85 percent of the vehicles are
10	demonstrated any qualification to talk about that.	10	at or below. And if we think there's a concern,
11	MR. SCHNEIDER: She is about to	11	either from our own professional observation or
12	testify about delay to the trucks. She's not going	12	anecdotally, or during scoping, we would go out and
13	to offer any testimony about what that delay might	13	collect data on the 85th percentile speed. In this
14	mean to the bottom line of the businesses, but she's	14	case I'm not particularly concerned with 85th
15	certainly competent to testify to delay. And later	15	percentile. There could be vehicles going faster
16	we're going to hear her testimony about people who	16	during low volume conditions at night, but in
17	are making inferences about economic impacts based	17	general I'm not concerned with it. So it's here for
18	on that delay. So I'm laying a foundation for the	18	thoroughness, and because it's what all traffic
19	subsequent testimony by people who are competent to	19	engineers look at. "Let's do a check about the 85th
20	testify about those issues.	20	percentile speed." If it were an issue we would
21	THE HEARING EXAMINER: So I'll ask you	21	want to do evaluate sight distances: stopping
22	to rephrase your question to her then, because you	22	sight distance, entering sight distance at the 85th
23	did mention the economic impacts and she indicated	23	percentile speed to achieve safety versus the posted
24	she could answer that. So if that's not what you	24	speed limit.
25	intended her to speak to, then I'd like you rephrase	25	Q. Were you involved in work as a traffic
	Page 239		Page 241
1	the question, and I'll sustain the objection.	1	engineer on another bicycle facility and bicycle
2	BY MR. SCHNEIDER:	2	trail in Seattle where you did examine 85 percent?
3	Q. Then to go back to where we started. Are	3	A. Yes. There was. I worked on the west
4	you talking about delay impacts to the businesses,	4	I could read my notes, but
5	or safety impacts to the trail users, or both?	5	Q. Marginal.
6	A. Maybe be a little more fundamental, I'm	б	A West Marginal Way Bike Trail and that
7	talking about quantifying delay in our intersection	7	it was a while ago there's was a Missing Link
8	level service methodology used in the industry. I	8	there called the Duwamish Link I believe. And it
9	don't know if you are familiar, but we go "A"	9	was a feasibility study to look at implementing the
10	through "F" for how well things are operating.	10	bicycle path between Marginal Place at the north end
11	Fundamentally, that's a calculation of average	11	and Southwest Idaho Street at the south end. The
12	vehicle delay, and then, summarized by the number of	12	trail, because of the position of the railroad
13	vehicles that pass through the intersection. So	13	tracks between those two points on the east side of
14	that's a number we can provide for any given hour of	14	the street, the trail needed to cross at west Idaho
15	the day or different volumes in different	15	Street. Our typical signal warrants would not have
16	intersection traffic control. And as I mentioned in	16	warranted a traffic signal at that location except
17	terms of safety, delay at these driveways is a	17	for the condition of bicycle and pedestrian
18	concern because of shorter and shorter available	18	crossings and available gaps.
19	gaps to cross the trail and enter the traffic	19	So in that case, we knew that we needed
20	stream.	20	to collect the 85th percentile needed to collect
		21	traffic data. Excuse me, we needed to collect
21	Q. Okay. And is any of the data to do that		
21 22	analysis in the EIS other than for the peak hour	22	let me back up. I did an inventory of conditions
21 22 23	analysis in the EIS other than for the peak hour when the industrial activity is stopped?	22 23	let me back up. I did an inventory of conditions along that segment. We did video-data collection of
21 22	analysis in the EIS other than for the peak hour	22	let me back up. I did an inventory of conditions

61 (Pages 238 to 241)

1 2	Page 242		Page 244
	found that it was in fact eight-miles-per-hour over	1	conditions, inclement weather that a vehicle could
	the speed limit; which in that stretch is quite	2	be inadvertently following a construction line
3	fast. So when we used actual data versus the posted	3	rather than a stripe for their guidance.
4	speed and considered the volumes that would be	4	Q. So let's turn a couple of pages. I think
5	crossing the trail, which we looked at existing from	5	you've referred already to much of the discussion
6	video data, quantified that and created a forecast	6	that we're skipping over. And I want to go to the
7	by working with SDOT and Pete *Lagerwey. We wer		heading at the bottom of page 14, "Litigation Safety
8	able to quantify the fact that there were not	8	Factors." Explain in general terms what you're
9	available gaps for the pedestrians and bicycles.	9	saying there.
10	Were not height of quantity of available gaps for	10	A. Well, the FEIS in discussion of
11	pedestrians, bicyclists to safely cross the street	11	alternatives, in particular the preferred
12	there and were able to install a traffic signal for	12	alternative, talked about mitigating safety concerns
13	their crossing.	13	with signage, with warning signs with that warning
14	Q. So moving on then, your next heading is	14	zone painted on the trail as the bicyclists
15	"Geometric Safety Factors." Up to now we've been	15	approached the driveway paint across the driveway.
16	talking about the operational ones. So what points	16	There could be a whole myriad of safety mitigation
17	are you making here under the heading "Arterial	17	measures. There could be those large mirrors.
18	Travel Lane Width?"	18	There could be gates. There could be even where a
19	A. Couple points that we don't know	19	truck triggers a bell or a whistle. It could be all
20	actually what the final arterial lane width is yet	20	kinds of things. But fundamentally, safety
21	from the level of design and whether or not it	21	mitigation doesn't change the fact that the original
22	they'll meet standard or not. And then, a safety	22	design may be an unsafe condition. It can only
23	factor involved where you're on an arterial street	23	alleviate so much the underlying safety concerns.
24	serving trucks, and buses, and general-purpose	24	Another way of saying it is that the more we have
25	traffic with below-standard lane widths.	25	design safety mitigation into a facility, the less
	Page 243		Page 245
1	Q. So in the last paragraph on that page you	1	we've actually chose an alternative that's
2	refer to a construction scene. What point are you	2	fundamentally more safe than another alternative.
3	making there?	3	Q. Based on your review of the literature,
4	A. If you can visualize one of the last	4	did you find any study anywhere that demonstrated
5	charts that Vic Bishop put up there where he showed	5	that the increased risk of contraflow movement, the
C	the concrete pavement section and then the added	6	two to three times additional hazard you described,
6	asphalt pavement? And how the with the preferred	7	
6 7			that that could be mitigated by design? Is there
	alternative, all of the lanes shift north. So then,	8	
7	alternative, all of the lanes shift north. So then, what and let me back up a little bit. So the		that that could be mitigated by design? Is there
7 8		8	that that could be mitigated by design? Is there any literature that demonstrates that?
7 8 9	what and let me back up a little bit. So the	8 9	<ul><li>that that could be mitigated by design? Is there</li><li>any literature that demonstrates that?</li><li>A. Mitigated by design</li></ul>
7 8 9 10	what and let me back up a little bit. So the existing condition on Shilshole with 24 feet of concrete has a line a construction line down the center, so they were constructing concrete panels.	8 9 10 11 12	<ul><li>that that could be mitigated by design? Is there any literature that demonstrates that?</li><li>A. Mitigated by design</li><li>Q. That the design could remove that additional risk factor?</li><li>A. No.</li></ul>
7 8 9 10 11	what and let me back up a little bit. So the existing condition on Shilshole with 24 feet of concrete has a line a construction line down the center, so they were constructing concrete panels. There's a seam down the center that gets striped as	8 9 10 11	<ul><li>that that could be mitigated by design? Is there any literature that demonstrates that?</li><li>A. Mitigated by design</li><li>Q. That the design could remove that additional risk factor?</li></ul>
7 8 9 10 11 12	what and let me back up a little bit. So the existing condition on Shilshole with 24 feet of concrete has a line a construction line down the center, so they were constructing concrete panels. There's a seam down the center that gets striped as well, but in during the winter and inclement	8 9 10 11 12 13 14	<ul> <li>that that could be mitigated by design? Is there any literature that demonstrates that?</li> <li>A. Mitigated by design</li> <li>Q. That the design could remove that additional risk factor?</li> <li>A. No.</li> <li>Q. So on page 15, then you have your heading for "Results." And can you summarize then, please.</li> </ul>
7 8 9 10 11 12 13	what and let me back up a little bit. So the existing condition on Shilshole with 24 feet of concrete has a line a construction line down the center, so they were constructing concrete panels. There's a seam down the center that gets striped as well, but in during the winter and inclement conditions, drivers actually are using the	8 9 10 11 12 13 14 15	<ul> <li>that that could be mitigated by design? Is there any literature that demonstrates that?</li> <li>A. Mitigated by design</li> <li>Q. That the design could remove that additional risk factor?</li> <li>A. No.</li> <li>Q. So on page 15, then you have your heading for "Results." And can you summarize then, please your opinion about whether the first of all about</li> </ul>
7 8 9 10 11 12 13 14 15 16	what and let me back up a little bit. So the existing condition on Shilshole with 24 feet of concrete has a line a construction line down the center, so they were constructing concrete panels. There's a seam down the center that gets striped as well, but in during the winter and inclement conditions, drivers actually are using the construction seam for guidance; sometimes	8 9 10 11 12 13 14 15 16	<ul> <li>that that could be mitigated by design? Is there any literature that demonstrates that?</li> <li>A. Mitigated by design</li> <li>Q. That the design could remove that additional risk factor?</li> <li>A. No.</li> <li>Q. So on page 15, then you have your heading for "Results." And can you summarize then, please your opinion about whether the first of all about whether the EIS adequately identifies the traffic</li> </ul>
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62 (Pages 242 to 245)

1 2	Page 246		Page 248
	because it's in EIS, we're comparing alternatives.	1	alternative, such as a protected bike lane with a
	And the EIS did not have adequate information for	2	buffer on each side of the street, that may improve
3	decision makers to compare those alternatives, in my	3	safety compared to the no build.
4	opinion, in terms of safety. In terms of the	4	Q. You're referring now to an alternative
5	preferred alternative that was selected what's	5	that isn't included in here?
6	the terminology? So the terminology there's a	б	A. Right. We could come up with more
7	SEPA terminology about more than a moderate	7	alternatives and but I'm just talking about the
8	Q. A reasonable likelihood that the proposed	8	preferred in this case.
9	trail will have more than a moderate adverse impact	9	Q. Or any
10	on traffic safety.	10	A. Yes.
11	A. In my opinion, it would have more than a	11	Q. For example, and correct me if I am
12	moderate impact to traffic safety, because over time	12	wrong, what you're saying is a single-way bicycle
13	as volumes increase, we have this greater level of	13	path on either side of the street?
14	exposure to through the conflict points. We have	14	A. Yes.
15	the greater risk factor of the contraflow lanes, and	15	Q. There's data to supports its safety?
16	you layer upon that the 94 percent of all accidents	16	A. Yes. Yes.
17	are human error. So over time with this level of	17	Q. I want to go through I want to briefly
18	conflict, this level of risk, and the number of	18	identify the additional exhibits to your report that
19	users, ultimately there will be an accident. And,	19	we haven't talked about and have you just explain
20	like, you know, it will be with a truck and it will	20	what use you may have need for them. So the first
21	be severe.	21	one is this NCHRP report 500 that you mentioned a
22	Q. You said that there isn't enough in the	22	number of times. And that begins on page 23. And,
23	EIS to compare alternatives among one another. Is	23	for example, I direct your attention to well, why
24	there enough information to compare the safety of	24	don't you just describe what use you made of the
25	the no action condition with the preferred	25	evidence and if there are any portions of it you
	Page 247		Page 249
1	alternative?	1	want to direct our attention to?
2	A. For me, no, because so far there's not	2	A. Well, I made use of the types of crash
3	adequate research to be able to compare driveway	3	crashes that occur between and reasons for
4	conflict points where the bicyclists are in the	4	crashes between bicyclists and vehicles. I made use
5	lane. We haven't neither myself nor the EIS has	5	of their guidelines as to appropriate conditions for
6	conducted research on that condition, which is	6	implementing a two-way multi-use path. And of note
7	what's out there now.	7	on page 26 is that the page? Yes, it was. They
	Q. So you testified quite a bit about the	8	were called attributes upon which it's appropriate
8	additional conflict points and the increased hazard	9	
9	-	10	to implement a two-way bicycle lane. And they're
9 10	from the contraflow movement. Is any of that	10	actually drawing upon City of Portland's criteria or
9 10 11	from the contraflow movement. Is any of that disclosed in the EIS?	11	actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our
9 10 11 12	from the contraflow movement. Is any of that disclosed in the EIS? A. None of that is. And not definitively	11 12	actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our discussion.
9 10 11 12 13	from the contraflow movement. Is any of that disclosed in the EIS? A. None of that is. And not definitively not in a quantified way.	11 12 13	actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our discussion. Q. Such as the safety is improved because of
9 10 11 12 13 14	from the contraflow movement. Is any of that disclosed in the EIS? A. None of that is. And not definitively not in a quantified way. Q. Is there any acknowledgement in a	11 12 13 14	<ul><li>actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our discussion.</li><li>Q. Such as the safety is improved because of use conflicts and so forth?</li></ul>
9 10 11 12 13 14 15	from the contraflow movement. Is any of that disclosed in the EIS? A. None of that is. And not definitively not in a quantified way. Q. Is there any acknowledgement in a qualitative way that contraflow bicycle trails are	11 12 13 14 15	<ul><li>actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our discussion.</li><li>Q. Such as the safety is improved because of use conflicts and so forth?</li><li>A. Yes. Yes.</li></ul>
9 10 11 12 13 14 15 16	from the contraflow movement. Is any of that disclosed in the EIS? A. None of that is. And not definitively not in a quantified way. Q. Is there any acknowledgement in a qualitative way that contraflow bicycle trails are more two to three times more dangerous than	11 12 13 14 15 16	<ul><li>actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our discussion.</li><li>Q. Such as the safety is improved because of use conflicts and so forth?</li><li>A. Yes. Yes.</li><li>Q. And then on page 27, what is that</li></ul>
9 10 11 12 13 14 15 16 17	from the contraflow movement. Is any of that disclosed in the EIS? A. None of that is. And not definitively not in a quantified way. Q. Is there any acknowledgement in a qualitative way that contraflow bicycle trails are more two to three times more dangerous than single flow?	11 12 13 14 15	<ul> <li>actually drawing upon City of Portland's criteria or guidelines, and those I had sited before in our discussion.</li> <li>Q. Such as the safety is improved because of use conflicts and so forth?</li> <li>A. Yes. Yes.</li> <li>Q. And then on page 27, what is that document?</li> </ul>
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63 (Pages 246 to 249)

	Page 250		Page 252
1	A. I believe we arrived at the City of	1	tech show up. So what we do have is a call into
2	Boulder.	2	them. It's possible they're going to show up when
3	Q. It's the page before that.	3	they do.
4	A. 76? That's the study from Helsinki,	4	And so, if that's at nine o'clock
5	Finland. That's sited quite frequently by the	5	tomorrow we will stop, so they can at least look at
6	bicycle community.	6	it and make sure that we don't get stopped again by
7	Q. Okay. And that includes the can you	7	the lack of recording. Otherwise, I thank
8	read the first sentence of the second paragraph of	8	Ms. Johnson for dealing with the issue ad hock.
9	that abstract, please?	9	What I would one question I have is do the
10	A. In that case it says, "In the city of	10	parties have a little bit more time tomorrow
11	Helsinki, the number of injury causing bicycle	11	evening? I am willing to stay until 5:30.
12	accidents per kilometer travel is five times higher	12	Ms. Johnson will have to leave at 5:00, but I could
13	than for motor car traffic and three times higher	13	stay another half-an-hour to make up for some time
14	than for bus driving."	14	that we lost today through recording, et cetera.
15	Q. And the first sentence of the next	15	MS. FERGUSON: I have to confirm with
16	paragraph?	16	our witnesses, but Counsel is available.
17	A. "A recent study in Helsinki showed that	17	MR. COHEN: Yes.
18	it is safer to cycle on streets amongst cars than on	18	THE HEARING EXAMINER: All right. So
19	our two-way bicycle paths along streets."	19	we'll make that an option. And then lastly, I just
20	Q. Okay. And then page 77, that's the	20	want to touch base on timing. I think we discusses
21	Boulder Report you've talked about?	21 22	in the beginning it's 16 hours plus a side. We
22	A. Yes.		really need to look at probably expecting about 15 hours then, because I need some administrative time
23 24	Q. And you can turn to page 78, please.	23 24	to just deal with things like recordings, and asking
24 25	What information is provided there based on their experiences in Boulder?	24	you questions, and this type of discussion that
20	· ·	2.5	
-	Page 251	-	Page 253
1	A. Well, the two the text at the top	1 2	we're having right now. So I'll try to split that
2 3	describes that crosswalks are the most common location for motor vehicle collisions involving a	2 3	time as best we can, but for your planning purposes that's really what you should
4	bicyclist, and that includes both marked and	4	MR. BROWER: Your Honor, do you want
5	unmarked. That again, it basically points to	5	to give us a progress report?
6	accidents occur where there are conflict points.	6	THE HEARING EXAMINER: I'll give you
7	And then, each of the diagrams shows the portion of	7	that tomorrow at noon.
8	accidents that occur. They demonstrate that 58	8	MR. BROWER: Okay. Thank you.
9	percent of bicycle collisions occur within a	9	THE HEARING EXAMINER: Okay. Thank
10	crosswalk, and then additional reports of bicycle	10	you, all. We'll see you tomorrow.
11	accidents.	11	(Proceedings adjourned.)
12	Q. And what is the last text paragraph in	12	
13	that page that was based on Boulder's experience?	13	
14	A. Boulder found that collisions involving	14	
14			
14 15	bicyclists that go against the flow of traffic were	15	
	bicyclists that go against the flow of traffic were nearly three times as common as those with the flow	15 16	
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15 16 17 18	nearly three times as common as those with the flow	16 17 18	
15 16 17 18 19	nearly three times as common as those with the flow of traffic. And then, that's the diagram on page 79. THE HEARING EXAMINER: And we'll sto	16 17 18 p 19	
15 16 17 18 19 20	nearly three times as common as those with the flow of traffic. And then, that's the diagram on page 79. THE HEARING EXAMINER: And we'll sto there, Mr. Schneider.	16 17 18 p 19 20	
15 16 17 18 19 20 21	nearly three times as common as those with the flow of traffic. And then, that's the diagram on page 79. THE HEARING EXAMINER: And we'll sto there, Mr. Schneider. Tomorrow we'll reconvene at 8:30.	16 17 18 p 19 20 21	
15 16 17 18 19 20 21 22	nearly three times as common as those with the flow of traffic. And then, that's the diagram on page 79. THE HEARING EXAMINER: And we'll sto there, Mr. Schneider. Tomorrow we'll reconvene at 8:30. I apologize to the parties that we've	16 17 18 20 21 22	
15 16 17 18 19 20 21 22 23	nearly three times as common as those with the flow of traffic. And then, that's the diagram on page 79. THE HEARING EXAMINER: And we'll sto there, Mr. Schneider. Tomorrow we'll reconvene at 8:30. I apologize to the parties that we've had recording problems. We have not, to my	16 17 18 19 20 21 22 23	
15 16 17 18 19 20 21 22	nearly three times as common as those with the flow of traffic. And then, that's the diagram on page 79. THE HEARING EXAMINER: And we'll sto there, Mr. Schneider. Tomorrow we'll reconvene at 8:30. I apologize to the parties that we've	16 17 18 20 21 22	

## 64 (Pages 250 to 253)

Page 254 1 CERTIFICATE 2 3 STATE OF WASHINGTON ) ) ss. 4 COUNTY OF KITSAP ) 5 6 I, the undersigned Washington Certified Court Reporter, hereby certify that the foregoing 7 transcription of audio proceedings was transcribed under my direction; 8 That the transcript is a full, true, and 9 correct transcript to the best of my ability; that I am neither attorney for nor a relative or employee of 10 any of the parties to the action or any attorney or financially interested in its outcome; 11 IN WITNESS WHEREOF, I have hereunto set my 12 hand and 9th day of December 2017. 13 14 /s/ Cynthia A. Kennedy, RPR 15 16 17 18 19 20 21 22 23 24 NCRA Registered Professional Reporter Washington Certified Court Reporter No. 3005 License expires November 16, 2018 25