



City of Seattle

Office of Hearing Examiner

Ryan P. Vancil, Hearing Examiner

Barbara Dykes Ehrlichman, Deputy Hearing Examiner

April 20, 2018

Re: Hearing Examiner Consolidated Case HC 18-001- Appeal of WSDOT Noise Variance

Dear Parties:

You are receiving this email because you are a party representative in the above-referenced case. I am writing to convey my expectations for the Prehearing Conference in this matter, scheduled for Tuesday April 24, 2018 at 10 am. As you may know, there are a total of seven appellants in this case. There is a great deal of overlap amongst appellants on the issues appealed. I am therefore organizing the appeal hearing by topic, rather than by individual appellant.

While I have not had the opportunity to map out all of the issues and determine how to group them, here are some of the larger issue groupings I anticipate:

- Alternatives to 24/7 Construction Schedule—limiting noise in night hours (hours vary by appellant)
- Modification of construction practices to diminish noise
- Increase public oversight of project through a variety of measures (website, real time noise monitoring online, hotline, ombudsperson to handle night complaints, citizen committee to provide oversight, quarterly reports)
- Failure to meet criteria of code, Director's rule
- Objections to process Director used in granting variance
- Objection to Noise Management and Mitigation Plan
- Variance fails to account for amount of residential property in commercial zones
- Modifications to conditions requested by WSDOT

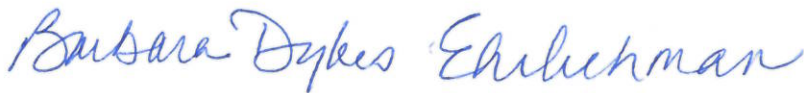
Please be advised that as an appellant, you may only participate in the issues you raised in your appeal documents. Also, please note that pursuant to the Hearing Examiner Rules of Practice and Procedure (available online at http://www.seattle.gov/examiner/docs/HE%20Rules%20of%20Practice%20and%20Procedure_042414.pdf) Rule 3.09, when a party consists of more than one person, or is an organization or an entity, the party must designate one individual to be its representative and provide written notification to the Hearing Examiner.

Please take a few minutes to review your appeal to determine how your issues might fit into the list of issues above. If you feel you have an issue which is not represented above, please be prepared to bring that to my attention at the Prehearing Conference.

The other things we will discuss at the Prehearing Conference include potential schedule, numbers of witnesses, expert witnesses (if any), and exhibits each party anticipates. Any person, including party representatives, who wishes to testify must be listed on a witness list. Because this is an appeal hearing, I will not be taking public testimony, nor will I allow repetitive testimony on the same point. If you have a number of witnesses testifying on the same issues, I will ask you to choose one witness who can best testify on that topic. Please be prepared to estimate how much time it will take for you to present the issues in your case. In addition, please bring your calendars and be prepared to commit to dates for a hearing.

Finally, I would like to remind the parties that although this will be an administrative hearing and the rules of evidence will not be strictly applied, I will only admit evidence that possesses probative value, meaning that which is commonly accepted by reasonably prudent persons in the conduct of their affairs. Thus, all evidence must be relevant, come from reliable source, and have some value in proving the point for which it is offered.

Sincerely,



Barbara Dykes Ehrlichman
Deputy Hearing Examiner