

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HONORABLE RICHARD EADIE

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

SEATTLE CITIZENS AGAINST THE) NO. 09-2-36276-9SEA
TUNNEL and ELIZABETH A. CAMPBELL,) (CONSOLIDATED WITH
Plaintiffs,) NO. 09-2-40939-1SEA)

vs.)

WASHINGTON STATE DEPARTMENT OF)
TRANSPORTATION; PAULA HAMMOND,) PLAINTIFF'S MOTION FOR
IN HER OFFICIAL CAPACITY AS) ORDER TO SHOW CAUSE
SECRETARY OF THE WASHINGTON) SUPPORTING DECLARATION OF
STATE DEPARTMENT OF) ELIZABETH A. CAMPBELL AND
TRANSPORTATION,) DECLARATION OF SERVICE
Defendants.)

ELIZABETH A. CAMPBELL,)

Plaintiff,)

vs.)

CITY OF SEATTLE, a municipal corporation,)
Defendant.)

Plaintiff's Motion for Order to Show Cause

I. Introduction

1 COMES NOW Elizabeth Campbell, Plaintiff herein, pursuant to RCW 42.56.550, and
2 respectfully requests that the Court issue an order compelling Defendant Washington State
3 Department of Transportation (“WSDOT”) to appear before the Court and show cause why the
4 Court should not order Defendant to immediately produce public records requested by Plaintiff
5 and award to Plaintiff statutory penalties, attorney fees and costs for untimely disclosure.

6 For over five months Plaintiff has sought from Defendant the production of public
7 records subject to disclosure under RCW42.56 et seq. and under RCW 47.01 et seq., relating to
8 Defendant’s Alaskan Way Viaduct and Seawall Replacement Program (“AWVSR Program”).
9 Defendant has provided a modicum of explanation about why it cannot, and moreover has failed
10 to disclose the specific records requested by Plaintiff in a timely manner. Defendant has further
11 failed to respond to Plaintiff’s supplemental requests for public records and to provide
12 reasonable explanations, estimates of the actual time when the specific records will be disclosed,
13 and required indexes of records.

14 This court should order Defendant to show cause why it has been unable to comply with
15 the significant obligations of the Public Disclosure Act/RCW 42.56 et seq. and with those of
16 RCW 47.01.402(5).

17 **II. Facts**

18 For over a six month period Defendant has repeatedly engaged in a pattern of incomplete
19 production of records/public disclosure and delays in response to reasonable public records
20 requests made by the Plaintiff.

21 Between June, 2009 and February, 2010, pursuant to the Public Records Act, RCW 42.56
22 et seq. and pursuant to RCW 47.01(5) Plaintiff has submitted 18 public disclosure requests to
23 WSDOT seeking detailed or current information about the AWVSR Program. WSDOT has
24 acknowledged the requests and supplied an estimated time for responding to them that has varied
25 from between 30 to 180 days. *Campbell Declaration.*

26 WSDOT’s response times however are not the same as its disclosure times, most of the
27 time at the expiration of the 30 to 180 day period, WSDOT extends the response time for
28 disclosure out even further. *Campbell Declaration.*

1 Of the 18 requests for disclosure made by Plaintiff between May, 2009 and February,
2 2010, only seven have been completed, four have had some portion of the documents requested
3 disclosed, and the remaining seven have had no information disclosures made pursuant to them.
4 *Campbell Declaration.*

5 **III. Issue**

6 Whether under RCW 42.56.550, the court should issue an order compelling
7 Defendant to show cause why, after five plus months, the court should not order the public
8 records requested by Plaintiff produced immediately and award to Plaintiff penalties, attorney
9 fees and costs?

10 Whether under RCW 47.01(5), the court should issue an order compelling Defendant to
11 show cause why, after five plus months, the court should not order the public records requested
12 by Plaintiff produced immediately

13 **IV. Evidence**

14 This motion is supported by the declaration of Elizabeth Campbell with exhibits
15 submitted hereto.

16 **V. Argument**

17 Defendant repeatedly and unreasonably has delayed for up to almost six months the
18 production of public records subject to disclosure under the Public Records Act (PRA), RCW
19 42.56, and under RCW 47.01.402(5). Defendant has produced only incomplete records,
20 withholding many records that are critical to Plaintiff's and the public's understanding of the
21 permitting, environmental reviews, budgeting, and other administrative acts that are being taken
22 related to the Alaskan Way Viaduct and Seawall Program.

23 In order to be fully informed about this large, critical public project, and in order to be
24 able to meaningfully participate in their government, the Plaintiff and the people of Washington
25 have a right to obtain public records about it under the Public Records Act, RCW 42.56, and
26 under RCW 47.01.402(5).

27 The provisions of the PRA must be "liberally construed and its exemptions narrowly
28 drawn to promote this policy." *RCW 42.56.030*. Penalties under the PRA (formerly PDA) are

1 essential to “discourage improper denial of access to public records and [to encourage]
2 adherence to the goals and procedures dictated by the statute.” *Hearst Corp. v. Hoppe*, 90 Wn.2d
3 123, 140, 580 P.2d 246. This court should order that Defendant appear and explain its failure to
4 produce the complete set of public records that Plaintiff has requested. RCW 42.56.550
5 provides:

6 (1) Upon the motion of any person having been denied an
7 opportunity to inspect or copy a public record by an agency, the
8 superior court in the county in which a record is maintained may
9 require the responsible agency to show cause why it has refused
10 to allow inspection or copying of a specific public record or class
11 of records. The burden of proof shall be on the agency to establish
12 that refusal to permit public inspection and copying is in
13 accordance with a statute that exempts or prohibits disclosure in
14 whole or in part of specific information or records.

15 (2) Upon the motion of any person who believes that an agency
16 has not made a reasonable estimate of the time that the agency
17 requires to respond to a public record request, the superior court in
18 the county in which a record is maintained may require the
19 responsible agency to show that the estimate it provided is reasonable.
20 The burden of proof shall be on the agency to show that the estimate it
21 provided is reasonable.

22 Defendant WSDOT has failed for over six months to produce the records requested by
23 Plaintiff, Defendant has repeatedly also failed to produce records according to its own estimated
24 timelines, and has provided no reasonable explanation(s) for its delay. Accordingly, this court
25 should order Defendant to appear and show cause why the Plaintiff should not be awarded
26 penalties, attorney fees and costs resulting from Defendant’s failure to comply with the PRA and
27 with RCW 47.01.402(5).

28 RCW 42.56.550(4) provides that:

“Any person who prevails against an agency in any action in the courts seeking the right
to inspect or copy any public record or the right to receive a response to a public record request
within a reasonable amount of time shall be awarded all costs, including reasonable attorney
fees, incurred in connection with such legal action. In addition, it shall be within the discretion of

1 the court to award such person an amount not less than five dollars and not to exceed one
2 hundred dollars for each day that he or she was denied the right to inspect or copy.”

3 Time is critical. Defendant for too long has stalled the production of documents that are
4 of importance in the environmental review and permitting processes related to the Alaskan Way
5 Viaduct Project. In order to have any opportunity to participate in either venue, and to have any
6 confidence in the processes themselves, the Plaintiff must have access to the records of the
7 Defendant, that have been requested in order to ensure the Plaintiff’s right to be informed, to be
8 apprised of, and to participate in many of the aspects of the AWVSR Program that Plaintiff has a
9 right to participate in.

10 Without an order to show cause, Defendant WSDOT undoubtedly will continue to
11 frustrate Plaintiff’s right to acquire information about the AWVSR Program, WSDOT will
12 continue to fail to fulfill its duty, and the Plaintiff and the people of Washington’s ability to
13 retain their sovereignty over their government will continue to be compromised.

14 **VI. Conclusion**

15 Defendant has failed to timely respond to the public records requests of Elizabeth
16 Campbell/Plaintiff. For the reasons stated above, this Court should issue an Order to Show Cause
17 for Defendant to appear before the court and demonstrate why the Court should not order
18 Defendant WSDOT to immediately produce the public records requested by Plaintiff and award
19 to Plaintiff statutory penalties and attorney fees for untimely disclosure.

20 **VII. Prayer for Relief**

21 Wherefore, Plaintiff prays for the following relief:

- 22 1. That judgment be granted to Elizabeth Campbell against Defendant WSDOT.
- 23 2. That judgment be granted ordering WSDOT to produce immediately to Elizabeth
24 Campbell all public records remaining outstanding at the time of hearing;
- 25 3. That judgment be granted awarding Elizabeth Campbell statutory penalties, attorney
26 fees and costs, including but not limited to RCW 42.56.550(4), in an amount to be determined at
27 hearing;
- 28

1 perception of the AWVSR Program. The information that WSDOT releases at public meetings
2 and briefings is “crafted”, such that depending upon the project agenda or public perception that
3 WSDOT is hoping to facilitate, the materials to be released are composed or embellished so that
4 when they are presented they will provide the maximum advantage for whatever agenda
5 WSDOT wants to advance, or so that they achieve the most favorable public perception of
6 WSDOT or the Project that WSDOT is hoping for.

7 Having this understanding of the political and governmental influences that are
8 associated with this Project then, by making a public disclosure requests I can acquire
9 information from WSDOT that has not been subjected to this process of rendering WSDOT’s
10 records so that they are in conformity with some politically or institutionally motivated public
11 message. I can gain “raw” WSDOT data and records that are unembellished, relatively unbiased,
12 and that are of greater utility and informational value than the majority of the documents
13 WSDOT releases to the public of its own initiative.

14 **2. Disclosure Requests Made, WSDOT Acknowledgements of Requests Received.**

15 Between June, 2009 and February, 2010, pursuant to the Public Records Act, RCW 42.56 et seq.
16 and pursuant to RCW 47.01(5), I have submitted 18 public disclosure requests to WSDOT (see
17 attached Exhibit A), seeking detailed or current information about the AWVSR Program. For
18 each of those requests WSDOT sent me within the statutorily mandated timeframe a letter
19 acknowledging my requests (see attached Exhibit B).

20 **3. Content of WSDOT Acknowledgement Letter/Timeframes for Response.**

21 WSDOT’s public disclosure request acknowledgement letters have a standard format. Their
22 letter first acknowledges receipt of my public disclosure request and the date it was made, a
23 WSDOT case number is assigned to the request, WSDOT restates what it is that I have
24 requested, and then at the end of their letter the following statement is inserted: “Our procedure
25 is to locate, review for exemptions, and prepare the records for your inspection and/or copies.
26 We will respond to your request within [x] days.”
27
28

1 For the last several years WSDOT has consistently inserted into the timeframe slot that it
2 would respond to the disclosure request in 30 days, *regardless* of how many documents, or
3 whatever type of document I have requested. This practice continued through most of 2009.

4 Between May, 2009 and November, 2009 the WSDOT acknowledgement letters
5 referenced 30 days as the response time; however after that the response timeframe increased
6 considerably. Starting in the first week of February, 2010, WSDOT's acknowledgement letters
7 stated that WSDOT would respond to my requests anywhere from 150 to 180 days later
8 (between five and six months), and then from February 5, 2010 thereon, their acknowledgement
9 letters to me stated that it would be at least 180 days before WSDOT would respond to my
10 requests for information.

11 **4. WSDOT's Response Time Not the Same As WSDOT's Disclosure Time.** I have
12 verbally and in writing questioned WSDOT about its usage of a standard response time statement
13 to *any* disclosure request, such as the 30 days. That is not the only problem however, the stated
14 response time does not equate to the time for fulfilling the request - in other words the 30 days
15 for example, only means that at 30 days WSDOT will get back to me, either to tell me it is 1)
16 going to take longer to fill my disclosure request, or 2) that it is fulfilling my request at that time,
17 or 3) that it is only fulfilling my request in part, and that the rest of it will be fulfilled sometime
18 in the future.

19 **5. Current Status of Campbell Public Disclosure Requests.** Of the 18 requests for
20 disclosure that I have made between May, 2009 and February, 2010 (see attached Exhibit C),
21 only seven have been completed, four have had some portion of the documents requested
22 disclosed, and the remaining seven have had no information disclosures made pursuant to them.

23 My public disclosure requests of November 8, 2009, and November 16, 2009 have been
24 partially answered by WSDOT (documents released), and the rest of them – submitted to
25 WSDOT on September 26, 2009, November 20, 2009, January 25th, 26th, 27th, 28th (two 1/28
26 requests) and February 19th (two 02/19 requests), 2010 - all remain outstanding, WSDOT has
27 made no disclosures pursuant to them. The table below summarizes the foregoing information:
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WSDOT #	Date of WSDOT Response	# of Days will Respond In
09-0943		30
09-0945	6/19/2009	30
09-1031	9/16/2009	30
09-1077	9/22/2009	30
09-1079	9/22/2009	30
09-1082	9/22/2009	30
09-1290	11/13/2009	30
09-1034 or 09-1304	11/17/2009	30
09-1335	11/23/2009	30
10-0143	2/1/2010	150-180
10-0153	2/2/2010	150-180
10-0164	2/2/2010	150-180
10-0173	2/4/2010	150-180
10-0174	2/4/2010	150-180
10-0183	2/5/2010	180
10-0267	2/19/2010	180
10-0275	2/23/2010	180
10-0292	2/24/2010	180

6. Repeated Requests to WSDOT to Comply and Disclose. For the past year plus I have written WSDOT numerous times requesting that it both comply with the statutory provisions which govern my requests for documents, the Public Records Act and accelerate the pace of its disclosures to me (see attached Exhibit D). The majority of the time nothing changes as a result. On occasion after receiving my letter WSDOT for a short time might issue a small number of documents, but after that weeks go by with no disclosures.

1
2 **8. Bad Faith Acts of WSDOT Towards Public and in Fulfilling Public Disclosure**

3 **Requests. Example 1:** My experience with WSDOT in fulfilling my public disclosure requests,
4 and my perception of their operation from what information they have disclosed, has led me to
5 believe that they are operating in bad faith in terms of their discharging their duties to the public
6 in general, and in terms of abiding by their statutory obligations to disclose information to the me
7 in particular.

8 A good example of that bad faith is related to a public disclosure request that I made on
9 September 23, 2009, for a video WSDOT had made about the Viaduct collapsing. I had found
10 out about accidentally, it was shown by WSDOT's consultant, Parsons Brinckerhoff, at a
11 tunneling industry conference in Canada – I requested from WSDOT, “A video simulation of an
12 earthquake's effects on the Alaskan Way Viaduct that was presented by Gordon Clark who was
13 working on the AWVSR Project for the engineers Parsons Brinckerhoff; they presented it during
14 a Rapid Excavation & Tunneling Conference session in Toronto on or about June, 2007.”

15 *WSDOT 09-1079 Campbell Public Disclosure Request.*

16 Instead of promptly releasing the video to me first in fulfillment of my public disclosure
17 request, WSDOT instead crafted a communications plan for the release of the video (see attached
18 Exhibit E), then released the video to public officials (see attached Exhibit F), then went on to
19 release it to KING 5 TV station and other media outlets on October 25, 2009 (see attached
20 Exhibit G), and then released it to selected individuals and the WSDOT staff working on the
21 Viaduct (see attached Exhibit H). It was only after everyone else got a hold of the video that
22 WSDOT sent a copy to me.

23 It is not only the bad faith of WSDOT in how they treated my public disclosure request,
24 but it is also the bad faith related to WSDOT's origination of the video and in their treatment of
25 it when they finally released it that demonstrates the overall attitude of WSDOT related to the
26 AWVSR Project and how they think the public should be treated.

27 At the time of the video's release WSDOT crafted a *public* story about why they had not
28 released the video in 2007, claiming that “We chose not to release the video because the final

1 product sensationalized a serious safety issue.” and that “it was obvious to us that it was too
2 sensational.” However, internal WSDOT emails about the video show that one, WSDOT had
3 the video made in the first place because WSDOT officials thought the progress of the public
4 process for the AWVSR Project in 2007 was too slow. According to Ron Paananen, WSDOT’s
5 AWV project manager, “there was little agreement about how the Alaskan Way Viaduct was to
6 be replaced. To ensure that we fully understood the risks of not reaching a decision, we created a
7 visual simulation of how the viaduct would respond in the event of an earthquake more intense
8 than the 2001 Nisqually earthquake. Progress was being made in late 2007. Agreement had been
9 reached on how the south mile of the viaduct was to be replaced. And there was a collaborative
10 process underway, including a 29-member stakeholder advisory committee, to determine the best
11 solution for the mile of the viaduct along the central waterfront... We felt that it may
12 unnecessarily...distract from the progress underway.” (see attached Exhibit H).

13 Secondly, the “too sensational” Viaduct disaster film was made to WSDOT’s order; it
14 was hardly as WSDOT has tried to characterize it, something that was beyond their control. All
15 the things that happened in it, the magnitude of destruction, the way structures collapsed, the way
16 roadways, light standards and the like fell, the sea rushing in, how things fell, burned up, or were
17 otherwise destroyed, it was all according to the script and storyboard for the video that WSDOT
18 had written (see attached Exhibit I). WSDOT’s storylines, that videos make themselves, and that
19 they are complying with the public disclosure laws, they’re just that, stories.

20 Example 2: While I have had to wait months for information that I have formally
21 requested from WSDOT, pro-tunnel supporters are able to get information promptly from
22 WSDOT, even specifically crafted to their needs. One example of this type of occurrence are the
23 information requests to WSDOT by Bob Donegan, a long time champion of the bored tunnel
24 project. He is able to call up either the Deputy Secretary of WSDOT, David Dye, or WSDOT’s
25 PR firm, EnviroIssues, and virtually immediately get either information he needs from WSDOT,
26 or even custom made information packets that WSDOT prepares for him (see attached Exhibit I).

27 This is not the kind of compliant or “transparent” agency behavior that was envisioned
28 either under the Public Records Act, or under the legislature’s 2009 public disclosure mandate

1 regarding the AWVSR Program in RCW 47.01.402(5) - instead these are the acts of an agency
2 that is acting in bad faith.

3 **7. Importance and Timeliness of Records.** The records that I have requested are
4 critical to my analysis of the AWVSR Program in general, and are important in that they will
5 enable me to participate in a meaningful and informed way in ongoing elements and matters
6 related to the AWVSR Program, in those areas that the public has an interest and/or right to
7 participate in – such as environmental review and permitting.

8 Receiving documents that are greatly after the fact, that are months beyond the time when
9 some project element such as permitting or environmental review could be responded to is
10 unacceptable. It impedes my ability to be informed when I am rightfully participating in public
11 forums about this Project.

12 I have significant questions that need to be answered. My public disclosure activity also
13 because it is shared with the public at large through various venues also provides in its own right
14 a public service.

15 I am therefore requesting that the Court grant my request and compel WSDOT to
16 immediately produce the documents I have requested, to levy a penalty against WSDOT, as well
17 as award me my attorney fees and costs.

18 Under penalty of perjury of the laws of the state of Washington the foregoing is true and
19 correct to the best of my knowledge.

20
21 Signed in Seattle this 6th day of April, 2010.

22
23
24 _____
25 Elizabeth A. Campbell
26 Pro Se
27 3826 24th Avenue W.
28 Seattle, WA 98199
206-769-8459

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

I declare that a true and correct copy of the following documents:

1. NOTE FOR MOTION TO SHOW CAUSE
2. PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE
SUPPORTING DECLARATION OF ELIZABETH A. CAMPBELL
AND DECLARATION OF SERVICE
3. PROPOSED ORDER

were served on the following as indicated below:

Amanda Phily, Attorney General's Office
Deborah Cade, Attorney General's Office
State of Washington
7141 Clearwater Drive SW
Tumwater WA 98501

Via Email Delivery *and* First Class Mail Postage Paid

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

DATED this 6th Day of April, 2010 in Seattle, Washington.

Elizabeth A. Campbell, Plaintiff
Pro Se
3826 24th Avenue W.
Seattle, WA 98199

206-769-8459

Campbell Public Disclosure Request Log May 2009 to February 2010

Contents – Hyperlinks to PDR

May 19, 2009 – 09-0545 - COMPLETED	2
September 23, 2009 09-1077 PARTIAL DISCLOSURES	2
September 23, 2009 09-1079 PARTIAL DISCLOSURES	3
November 08, 2009 09-1290 PARTIAL DISCLOSURE	3
November 16, 2009 09-1304 PARTIAL DISCLOSURES	5
* November 20, 2009 09-1336 NO DISCLOSURES.....	7
* January 25, 2010 10-0143 NO DISCLOSURES	8
* January 26, 2010 10-0158 NO DISCLOSURES	11
* January 27, 2010 10-0164 NO DISCLOSURES	12
* January 28, 2010 10-0173 NO DISCLOSURES	12
* January 28, 2010 10-0174 NO DISCLOSURES	13
* February 18, 2010 10-0292 NO DISCLOSURES	13

EXHIBIT A

May 19, 2009 – 09-0545 - COMPLETED

1. Any and all communications between any person or department at the City of Seattle, including its legislative and executive branches, concerning a deep-bored tunnel option to replace the Alaskan Way Viaduct;
2. Any WSDOT directive, contract, work order, memo, or other document that directs any department, consultant, contractor, or other individual or entity to commence/undertake any work, study, contract, test, or other task, all related to a deep-bored tunnel;
3. Any communications between any person/employee/director or department of WSDOT and any member of the Washington State Legislature and/or the City of Seattle, or other individual/business, regarding any aspect of a deep bored tunnel to replace the Alaskan Way Viaduct.

All of the materials requested are for the time period of June, 2006 through May 15, 2009.

September 23, 2009 09-1077 PARTIAL DISCLOSURES

- 1) Holgate/King Portion of Alaskan Way Viaduct and Seawall Project
 - a) Documents related to the deliberations (includes meetings) and decisions leading to the memorandum of agreement between the Federal Highway Administration and the State of Washington, including but not limited to its conception, drafting, ratifying, and implementation.
 - b) Documents identifying the tribal entities (federally recognized and not) and/or their agents or representatives contacted and communicated with for any purpose related to this project; including all documents (communications especially) related to this aspect of the project – consultation and concurrence of tribes with the project and/or the memorandum of agreement.
 - c) A copy of the original memorandum of agreement between the Federal Highway Administration and the Washington State Historic Preservation Officer which shows the signatures of those who have actually signed the agreement – the signatories and concurring parties. – PARTIALLY DISCLOSED
 - d) Documents which establish the authority or the obligation for the FHWA, DAHP, DON, Parks, or any other party's obligation to consult with the Duwamish Tribe (a non-federally recognized tribe), the City of Seattle Historic Preservation Officer (HPO) and the Historic Bridge Foundation have been consulted regarding this Agreement and invited to concur in the Agreement.
 - e) A copy of the "Archaeological Resources Treatment Plan". - DISCLOSED
 - f) Documents that establish what the nature is of the sensitive cultural resources information that is to be held confidential to the extent allowed by state and federal law; and how a determination of the same is to be made, and who is to make that determination.

- g) Any budget or other documents which establish the dollar amounts appropriated, set aside, to be appropriated or set aside to implement the various terms of the memorandum of agreement; along with any contracts of any kind made or contemplated with others to also implement the terms of the memorandum.
- h) All documents related to any application(s) or other consideration to have the Alaskan Way Viaduct named to the National Register of Historic Places (this request only exceeds the above timeframe set out previously for this public disclosure request – documents requested are those from January 1, 1999 to even date).
- i) A copy of the “preliminary cultural resource studies” from every source referenced in the memorandum of agreement.

September 23, 2009 09-1079 PARTIAL DISCLOSURES

The below documents related to Washington State Department of Transportation’s Alaskan Way Viaduct and Seawall Replacement Project. The time period covered for the documents requested is from September 1, 2008 to even date.

1. *I am requesting all documents exchanged by David Dye and/or his office and the Office of the Governor regarding any and all aspects of the Alaskan Way Viaduct and Seawall Replacement Project/Program. Communications are to include those to and from any person within the governor’s office, including any by the Governor.*
2. *I am requesting all documents exchanged by the Governor, Jennifer Ziegler and any other individual within the governor’s office with any other party, entity, person, related to any and all aspects of the Alaskan Way Viaduct and Seawall Replacement Project/Program.*

November 08, 2009 09-1290 PARTIAL DISCLOSURE

Re: Change Control Board (CCB)

Any log or other tracking list that sets out the Trend Notices received from WSDOT by the CCB for any aspect of the Alaskan Way Viaduct Seawall Replacement Project/Program, from January 1, 2007 to even date, November 9, 2009.

RE: Video – the computer simulation video, including all versions of it, created by WSDOT and released to King 5 TV on or about October 23, 2009:

Time covered for this request - from the earliest time that the idea was broached for the production of such a video to November 9, 2009.

All documents which establish the origination of the idea that the video should be produced, the evolution of the video production project, oversight of the video creation project, documentation for the cost to the State of Washington to produce the video, responses to the video as it evolved and as it was released, by any party, including those in all branches and levels of government –

federal, state, county, city, and from any quarter of the public. Documents requested include but are not limited to:

Task order(s), contract(s), change order(s) for the creation and evolution of the video

Associated reviews of the video, including but not limited to the directions about what to include in the video, the reason for the creation of the video, any reactions to the video as it evolved and was released for review, any document which directs the creator(s) to include or exclude elements of any kind in the video, video creators' documents related to the video, invoices or other requests for payment for the video,

All documents, notices, other communications, reports, studies that served to advise or notify any person about the request by Elizabeth Campbell to WSDOT for the video, possible release of the video, opportunities to view the video, what public relations or other strategic efforts to undertake in regards to the video's release into the public domain – including any messaging, talking points, or other tactics to be employed to control the private/public/government individuals' impression(s) of the video, all created, disseminated, or received after September 23, 2009.

All documents related to Parsons Brinkerhoff's (PB) use and presentation of the video at the 2007 Rapid Excavation and Tunneling Expo in Toronto California:

Designing the Alaskan Way Tunnel for a 2500 Year Earthquake: *G. Clark* and *C. Kirandag*, PB Americas, Inc., Seattle, WA

Factors considered in designing a cut-and-cover tunnel along the Seattle waterfront for a 2500 year earthquake are discussed. The tunnels are a replacement for the earthquake-damaged, elevated double-deck highway and seawall built over 50 years ago. Designing the 1.60km long (1mi), 6-lane tunnel structure integrated with diaphragm walls to withstand a catastrophic earthquake and remain watertight involved rigorous 2D and 3D dynamic modeling of cut-and-cover tunnel for stacked, side-by-side and transition sections. Significant design challenges, that complicated the analysis, included unbalanced soil and hydrostatic forces, seismic forces acting on the complex glacial geology and hydraulically placed fill adjacent the existing seawall, the effect of jet grouting to mitigate potential liquefaction and lateral spreading of the fill materials.

including but not limited any requests PB for advances or reimbursements for its costs associated with developing the presentation by PB at the expo, for attending and presenting the video and other AWViaduct related materials at the expo, any documents related to PB's request to use materials it has developed for WSDOT under the AWViaduct project/program, permission to use the video for its own portfolio/interests, at the expo or anywhere else, and any agreement or permission given by WSDOT to PB or to any of PB's affiliated contractors, or any WSDOT contractor or other person to use the video in any forum. – DISCLOSED

Any document that establishes what adjustable seismic or engineering parameters were used in creating the video. - DISCLOSED

Validation for the video, data used, for example – data from the 6.8 magnitude 2001 Nisqually earthquake, location of the epicenter of the 7.0 earthquake referred to in the video. - DISCLOSED

Documentation that establishes whether computer simulations were done changing the location (three-dimensionally) of the epicenter, and if so, any results of those various scenarios.

Any video or computer simulation done with the same 7.0 magnitude (or other magnitude) earthquake, at the same epicenter (or other epicenters) as was used for the video, for a rebuilt seawall, for an rebuilt Alaskan Way Viaduct, for a retrofitted AWViaduct, for any existing or rebuilt portions of the Alaskan Way corridor, from South Holgate Street to Harrison Street Battery; the results, comments, or other documents related to such video(s) or computer simulation(s).

Re: November 5, 2009 announcement that WSDOT is removing the undercrossing at S. Atlantic Street from the pending contract.

All documents that establish the genesis, progression, and outcome that culminated in the above decision by WSDOT. – DISCLOSED

November 16, 2009 09-1304 PARTIAL DISCLOSURES

1. Documents regarding the SR 99 Tunnel Coalition Press Conference, that were produced, received, or held by the following individuals, including but not limited to: Amy Grotefendt, Jennifer Ziegler, Lloyd Brown, Dave Dye, Victoria Tobin, Kristy Van Ness, and KaDeena Lenz. Time Covered: January 1, 2009 to even date
2. Documents related to all threads prior to and after July 13, 2009, regarding the SR 99 Tunnel Coalition and/or the SR 99 Tunnel Coalition press conference. Note: SR 99 Tunnel Coalition includes any person or entity that identified or associated themselves with the Coalition.
3. Documents held by either WSDOT or the Office of the Governor related to discussions, communications, or other materials to or from either the Downtown Seattle Association and the Seattle Chamber of Commerce, Bob Donegan, Tayloe Washburn, and any other members or representatives of those entities.
4. Ron Judd's email messages and any attachments thereto, received or sent, from January 1, 2009 to even date, regarding any aspect of the Alaskan Way Viaduct and Seawall Replacement Project or persons associated with it in terms of their formal or informal participation related to it, be the person a public, private, official, or unofficial individual; and regarding any aspect of the Seattle Mayor's Race and any individual that was a candidate in it, along with any communications received from or sent to any person that works for the City of Seattle, including but not limited to any elected, appointed, at-large employee or other official in the City of Seattle government. - DISCLOSED

5. Any WSDOT official's, employee's, contractor's, consultant's email messages and any attachments thereto, received or sent, from January 1, 2009 to even date, regarding the Seattle Mayor's Race and any individual that was a candidate in it, and any communications received from or sent to any person that works for the City of Seattle, including but not limited to any elected, appointed, at-large employee or other official in the City of Seattle government about that race/election/campaigns.
6. Documents that answer the following questions: What State facilities are being extended to consultants and contractors hired by WSDOT, for their use? According to a number of emails, consultants for example are being given WSDOT/State of Washington email accounts. Of the numerous consultants and contractors involved in the Alaskan Way Viaduct and Seawall Replacement Project, how many have State of Washington email accounts and who are they? In addition the State through WSDOT is providing office space to a number of the same consultants and contractors alluded to above, where are these spaces located, who of the consultants or contractors is using that space, what are the arrangements for that space, and if they pay for the space a copy of their payments for the same?
7. Documents regarding the creation and disposal of the spoils that would be generated from the construction of the SR 99 tunnel, including but not limited to the volume and type of spoils that would be generated, and where those disposals would be disposed of, the manner in which they would be disposed of, the environmental effects of disposing of the spoils in the manner(s) contemplated, as well as any documents related to arranging for the disposal of the spoils – contracts, communications, or other documents with officials, their agents, attorneys, or other representatives of any locales that could possibly be under consideration as repositories for the spoils.
8. Documents regarding the creation of wastewater during the construction of the tunnel, either related to onsite, groundwater, or water pumped in from municipal or other sources for use in any aspect of the tunnel construction processes; including but not limited to the volume of either source of water that will be handled, how it will be handled, where it would be disposed of, treated, or otherwise processed.
9. Documents related to what Paula Hammond refers to as the “Monday Chief of Staff meeting”, including but not limited to meeting materials, sign-in sheets, meeting minutes or other notes of meeting attendees, email threads related to those meetings, prior to or after the meeting; from January 1, 2009 to even date.
10. All documents, letters or other communications issued by or received by the WSDOT, the Governor's Office, or the Attorney General's office related to the matter of the City of Seattle being obligated to pay for any Alaskan Way Viaduct and Seawall Replacement project overruns; either received from or sent to anyone within the City of Seattle government, the State Legislature – House or Senate, and either party's caucus, for the time period of January 1, 2009 to even date.
11. Related or preceding threads for this email:

From: Lockard, Laura (GOV) [mailto:Laura.Lockard@GOV.WA.GOV]

Sent: Friday, August 21, 2009 11:57 AM

To: Coon, Melanie

Cc: Edwards, Pearse; Shagren, Karina (GOV); Ziegler, Jennifer

Subject: tunnel

This has been an thorough 8 year process...

Stakeholder and public buy in

Legislature approval

Agreement in place with city, county and state,

Continuing with project as planned, per that agreement

Can't speculate on campaign activities or election

Laura Lockard

Office of Governor Chris Gregoire

Director of Outreach

(206) 464-1248 office

(206) 464-1189 fax

(360) 239-2190 cell

Laura.Lockard@gov.wa.gov

www.governor.wa.gov

12. Any documents related to the meeting identified below, before or after the meeting, as well as any subsequent meetings or other communications between the below parties and Mike McGinn and/or his representatives:

From: Judd, Ron (GOV)

To: 'paananr@wsdot.wa.gov' <paananr@wsdot.wa.gov>; 'GrotefA@consultant.wsdot.wa.gov' <GrotefA@consultant.wsdot.wa.gov>; Dye, Dave; Hammond, Paula; Ziegler, Jennifer (GOV)

Sent: Fri Sep 11 14:58:53 2009

Subject: Re: AWW Funding Options

Just got a call from Mike M. He says he is concerned that he is hearing from our (his and mine) mutual friends that I am extremely unhappy with his misrepresentation of the viaduct tunnel option and true cost of the COS. He wants to have a beer to clear the air and listen to my thought's on why I believe he is not being forthright with the voters. I told him I might invite WSDOT.....DAVE, Ron P...Jennifer it is a long drive for you so I did not throw your name out but it is my call. Anyone want to join me?

* **November 20, 2009 09-1336 NO DISCLOSURES**

1. Documents, including but not limited to, those related to any licenses, permits, or other federal, state, city, or county approvals (legislative or agency issued) sought by WSDOT, or required for any aspect of the deep bored tunnel portion of the Alaskan Way Viaduct and Seawall Replacement Program. For example, if a license is required to dispose of the spoils for the tunnel, or a permit, or other approval required, the documents which are related to that permitting device; application, engineering material, letters of inquiry, studies, legislation etc. (please see definition of "documents"). Possible entities might include any city, county, or state agencies or departments, a private person, company, corporation, or regional authority/quasi-government, or even a tribe. Also requested is any master list, schedule, or other inventory document that is tracking such permitting devices, from whatever source within or without of WSDOT, public or private, including

NO DISCLOSURES
↓

but not limited Department of Ecology, Department of Natural Resources and/or the Governor's Office, City of Seattle, King County.

2. Documents related to the transition from a 54' diameter bore to a 56' diameter bore for the tunnel – from whatever source within or without of WSDOT, public or private, including but not limited Department of Ecology, Department of Natural Resources and/or the Governor's Office, City of Seattle, King County.
3. Documents related to three highway design deviations sought by WSDOT from FHWA in April, 2009, the responses to the requests and other inter-governmental communications about those, then a copy of any further design deviations being sought by WSDOT.
4. A copy of all public disclosure requests made to WSDOT from September 1, 2008 to even date, along with WSDOT's responses to those – do not include the documents that were provided, only the documents which transmit the request, respond to the request, reply to the response.
5. Any documents related to communications between any person representing the following businesses and WSDOT or the Governor's Office:
 - a. Graham & Dunn PC
 - b. Vulcan Inc.

NO DISCLOSURES

*** January 25, 2010 10-0143 NO DISCLOSURES**

1. Documents related to the inception of deliberations, questions or decision(s) about pursuing central waterfront redevelopment planning activity, including but not limited to those documents related to any meetings, discussions, informational materials created and disseminated, all documents, related to the following activities or actions:
 - a. 2000 Ordinance 120045 Relating to the Department of Parks and Recreation; authorizing the Superintendent to proceed with consideration of planning options for the development of a new aquarium facility and waterfront park in the area covered by the Central Waterfront Master Plan
 - b. 2003 "Central Waterfront Plan Background Report Precedent Study"
 - c. 2003 "Blue Ring, Seattle's Open Space Strategy for the Center City" that will "serve as the critical guide to the numerous plans currently underway downtown, and the many more sure to come in the next 100 years. Among others, the Alaska Way Viaduct replacement".
 - d. 2004 Resolution 30664 Adopting Principles for Development of a Central Waterfront Plan.

- e. 2004 Resolution 30717 Relating to the Central Waterfront Master Plan; amending the Central Waterfront Master Plan - Portal to the Pacific to reconfigure the site plan
 - f. 2005 “Administering Financing & Implementing Seattle’s Waterfront Vision” report written concurrently with the Draft Central Waterfront Concept Plan; report relating to a strategic effort for decision makers as they begin codifying the process and administrative structure for managing and implementing Seattle’s Central Waterfront plan; including how to ensure that “with removal, of the Alaska Way Viaduct, properties along the city’s western edge will become highly desirable”.
 - g. 2005 Resolution 30724 Adopting Guiding Principles for decisions related to the Alaskan Way Viaduct and Seawall Project.
 - e. 2006 Ordinance 122247 Relating to the central waterfront, declaring that an aerial highway along the central waterfront is discouraged by adopted City of Seattle ("City") policies, stating that construction of an aerial highway structure is inconsistent with current use and height regulations, and stating the City's intent to amend existing regulations and policies to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.
 - f. 2006 Final Environmental Impact Statement for the Central Waterfront Master Parks Plan
 - g. 2006 US Army Corps of Engineers (USACE) Environmental Assessment pursuant to expired NOI
 - e. 2006 USACE Scoping Report. Elliott Bay Seawall, WA General Investigation (Alaskan Way Seawall Feasibility Study Environmental Impact Statement) pursuant to expired NOI
 - f. 2007 Ordinance 122406 Relating to the development of a Mobility Plan to replace the central waterfront portion of the Alaskan Way Viaduct
 - g. 2009 Seattle Pedestrian Plan
 - h. 2009 Ordinance 123142 Establishing Central Waterfront Partnerships Committee – redevelopment and master use planning related to AWVSRP.
 - i. 2009 Ordinance 123212 Amending Ordinance 123142 to alter the composition of the Central Waterfront Partnerships Committee.
 - j. 2009 \$225 Million appropriated for seawall replacement and SDOT issues Request for Qualifications for design of seawall; no SEPA, NEPA, or other environmental review precedes.
2. Any documents between the City of Seattle (from any of the above named City of Seattle agencies (or from any contractor, consultant, or private party that has been hired or enlisted by the City (at any time) to convey such information) to the State of Washington Department of Transportation (including to any contractor, consultant, or private party that has been enlisted by the State (at any time) to receive such documents), or the office of Governor, and in the converse, any document from those same State sources to the same above named/defined City sources/recipients, about items a. through j. as set out in above in section 1. – relating to the inception, coordinating, strategizing, notifications,

implementation, or any other City activity/activities related to items a. through j., as they relate to the AWVSRP.

3. Documents, all concerning the AWVSR Project or Program, all related to proposing, implementing, or pursuing City of Seattle, State of Washington, or USACE legislative strategies, legislative goals, legislative actions, on behalf of the City, or the above named City departments/agencies, related to the use of any language or narrative to use in any Regulation, Resolution, Bill, or Ordinance or Statute, related to any strategy for pursuing the adoption of a Regulation, Resolution, Bill, Statute or Ordinance, any records/documents related to any discussions, meetings, memos or studies or other documents that are from the post-legislation adoption time period of a Regulation, Resolution, Bill, Ordinance, or Statute, the time following any of those legislative acts or no legislative action, and including but not limited to the implementation of legislation, or efforts by the following entities to attain “public buy-in” of any aspect of the AWVSRP, the administration, funding of these legislative or public buy-in vehicles, by the City of Seattle/WSDOT/USACE or through the City’s, WSDOT’s, or USACE’s delegation of any aspect of those same activities – to any contractor, consultant, or any private party that has been enlisted by them to participate in such activity.
4. All documents related to the strategies, methods, or plans employed or to be employed by the US Army Corps of Engineers or the City of Seattle to prepare for or acquire any permit (federal, state, or local), or to prepare for or conduct an environmental review of the AWVSRP project, Central Waterfront redevelopment project, or the Seawall replacement project, all documents related to any public participation plans, plans for public/stakeholder buy-in, intergovernmental buy-in/legislative actions to facilitate or eliminate permitting or environmental review of the AWVSRP, Central Waterfront redevelopment, or Seawall projects, documents for the projects’ permitting or environmental review related to USACE or COS messaging - all prepared or disseminated by either the Corps, WSDOT, or the City – the time period covered by this request is from 2000 forward to even date, January 25, 2010.
5. All permit applications or pre-application documents received or prepared by either the USACE, COS, or WSDOT, received by either the USACE or COS from whatever source, all pre-application/post-application permit or environmental review related communications received by USACE or the COS from any applicant or lead agency regarding any permit or environmental review effort; all related to the AWVSRP, Central Waterfront redevelopment, or seawall replacement.
6. All documents related to the RFQ issued for the Central Waterfront redevelopment, including but not limited to the deliberations leading to the decision to undertake the RFQ, to implement the RFQ, and to administer the RFQ process; any communications with any potential or actual recipient or responder to the RFQ, any documents related to disseminating the RFQ to potential applicants, other parties; any communications regarding the RFQ, to or from WSDOT or the USACE, or interdepartmentally (COS).

NO DISCLOSURES

7. To the City of Seattle only: All documents related to the selection, solicitation, and empanelling of the Central Waterfront Partners Committee – the composition of the committee, who was considered for the committee, who was not, who was asked to sit on the committee, all communications with any committee member, accepted or not accepted, any non-disclosure or other agreements executed between the COS and a/the committee members, any instructions or other guidelines issued to the committee members regarding expected behavior, participatory activity on theirs or the City’s part, qualifications as to what they will be or are asked to do or not do. Any contract or other agreement with any consultant or contract hired by the City to participate or manage any aspect of the Central Waterfront redevelopment project, the seawall replacement, the RFQ/RFP process, the Central Waterfront Partners Committee activity; including but not limited to, any communication with them, any study, report, memo, or other document that relates to their participation in any of those four previously described “projects” – to or from the contractor(s)/consultant(s), from January 1, 2004 to even date, January 25, 2010.

*** January 26, 2010 10-0158 NO DISCLOSURES**

1. Documents related to the inception of deliberations, questions or decision(s) about risk events associated with the bored tunnel project including but not limited to those documents related to any meetings, discussions, informational materials created and disseminated about those risk events, and all documents that provide information about how the probabilities used in the December 9, 2009 520/AWV Quarterly Report were arrived out, the models and data used to establish the probabilities and the associated dollar ranges they represent, along with documents that enumerate all the possible risk events that may be associated with a deep bored tunnel, and a copy of all the successive drafts of the Risk Register that was part of the December 9th report (see attached). Time period covered is all of 2009.
2. AWVSRP project transportation discipline reports for the years 2008 and 2009.
3. According to WSDOT information, one of the strategies it employs to ensure projects are being delivered on time and within budget include “Providing early payment provisions (“materials on hand”) so contractors can “lock in” materials prices near to the time they bid so as to minimize the inflation risk of their bids. This request is for any document which evidences an effort by WSDOT to “lock in” prices by acquiring any materials, services, or other components of the deep bored tunnel. Further request is made for all WSDOT communications related to the manufacture and purchase of a tunnel boring machine, to and from any TBM manufacturer, or to and from any manufacturer’s representative, agents of any kind or associates of the same.

4. All documents, writings, communications of every kind between WSDOT and the following persons - John Reilly , Harvey Parker, Con Phelps, Bruce Agnew (or any person connected with the Discovery Institute/Cascadia), Dick/Richard Robbins, Kern Jacobsen, Casper Paludan-Müller, Gerhard Sauer, and from the following firms, Arup, Sauer, from January 1, 2005 to even date.

*** January 27, 2010 10-0164 NO DISCLOSURES**

1. Documents/contract(s) related to the employment of Sally Arany, including but not limited to as a “Senior Administrative Assistant”, for the time period before, during, and after holding that position.
2. A copy of all emails, letters, and documents produced by or sent to Sally Arany for the time period covering since her employment on the AWVSRP to even date.
3. A copy of all emails, letters, and documents produced by or sent to and received by John White for the time period covering January 1, 2008 to even date.
4. A copy of all emails, letters, and any other communications between WSDOT and the Federal Highway Administration, regarding any design deviations for the AWVSRP deep bored tunnel, regarding the NEPA or SEPA environmental reviews for any aspect/element of the AWVSRP, and regarding any litigation or legal matters related to the AWVSRP, between January 1, 2007 to even date.

*** January 28, 2010 10-0173 NO DISCLOSURES**

1. All documents in the possession of the respective addressees herein, related to any audit, study, report, review, opinion, or other approval or oversight activity undertaken by them, that establishes an opinion or conclusion of any kind about the financial/economic viability, truthfulness, trustworthiness, credibility, or veracity of any of the financial/economic conclusions or representations (cost/revenue/economic) made about the AWVSRP as issued by either WSDOT, the Auditor’s office, or the Treasurer’s office, to any party/person/entity, or retained internally by them. Time period covered: September 1, 2006 to even date.
2. A copy of all communications of any panel member of the Expert Review Panel convened in 2006 to any party, or from any party to the panel members, and a copy of any legal agreements or other binding contract(s) that were required from any panel member as a pre-requisite to or condition of their serving on the Expert Review Panel. Time period covered: September 1, 2006 to even date.
3. A copy of all communications between WSDOT, the State Treasurer’s office, related to any financing instrument/bond issue proposed, pending, or sold, that will provide/has provided funds for the AWVSRP; and a copy of all communications between those same parties and any potential/existing: bond counsels, bond underwriters (or broker(s)),

financial advisors, or other persons enlisted to sell, promote, or otherwise facilitate any type of financing for the AWVSRP. Time period covered: January 1, 2007 to even date.

4. A copy of all bond issue statements, proposed, pending, or sold that will provide/has provided funds for the AWVSRP. Time period covered: January 1, 2007 to even date.

*** January 28, 2010 10-0174 NO DISCLOSURES**

1. According to the “SR 99 Alaskan Way Viaduct Replacement Updated Cost and Tolling Summary Report to the Washington State Legislature”, issued by WSDOT, “The Office of the State Treasurer’s financial advisors applied a financial model to determine the toll funding contribution that could be supported by borrowing against future net toll revenues for each of the five scenarios.” A copy of all documents related to the Office of the State Treasurer providing the alluded to assistance, input, and other work product for the above report and for the report that was issued by WSDOT prior to this recent report “issued on or about January 19, 2010”; according to the title of the report – it is an “updated cost and tolling summary report”, implying that there was a prior report or reports to the legislature.
2. A copy of all communications between WSDOT and the treasurer’s office regarding the funding, financing or tolling for the AWVSRP; from January 1, 2007 to even date.
3. A copy of all communications between the following parties, WSDOT, the governor’s office, the treasurer’s office, or any federal or state legislative office or its elected official, either senate or house at either level, regarding the funding, financing or tolling for the AWVSRP, the reports set out above, or the economic impacts, positive or negative of the AWVSRP; from January 1, 2007 to even date.
4. A copy of all contracts, change orders, or work orders for any consultant, contractor, or other entity employed or enlisted by WSDOT to prepare any funding, financing or tolling report, study, review, or public outreach related to the same. Time period covered: January 1, 2007 to even date.
5. A copy of all polls, surveys, public opinion inquiries or other device intended to inform the recipient of such of the public’s opinion, that has been shared with or commissioned by WSDOT or the Governor’s office, by any person or entity, all related to *any aspect* of the AWVSRP. Time period covered: July 1, 2006 to even date.

*** February 18, 2010 10-0292 NO DISCLOSURES**

1. On October 28, 2008 John White wrote in an email to Helena Kennedy Smith and Theresa Greco, “Subject: Bored Tunnel tolling analysis We have concurrence on the need to advance this...” Documents which identify, which set out the source or the statements, or the individuals, or the process of deliberation, or the series of

NO DISCLOSURES

communications, or directive(s) of any kind that led to Mr. White's conclusion and statement in this email.

2. Multiple WSDOT emails between mid-summer 2008 on through to January 13, 2009 indicate that WSDOT consultants and employees were extensively involved in preparing a range of materials that would bolster the case for a bored tunnel to replace the Viaduct. They indicate that at a certain point in mid-December 2008, that a decision was made within the State structure that a bored tunnel was the de-facto choice to replace the Alaskan Way Viaduct – *this despite* – a year's long AWV Stakeholders Advisory Committee process that had resulted in two other alternatives being the "choices", an elevated structure and a hybrid surface option, that were presented to and accepted by the Governor, the Mayor of Seattle, and the King County Executive as their choices – at a very public meeting/media event. These emails also show that despite a certain settlement of the question of what replacement options were going to be considered, WSDOT retainers of every kind, with the aid of outside interests, civic and tunneling industry, were assembling estimating, tolling/revenue forecasts, financial scenarios, basic engineering and design information, and public relations materials. In addition they were writing back and forth, holding meetings, all about this bored tunnel alternative they wanted instead.

It is clear from the reviewed public disclosure materials that the Governor was one of the first targets that all this effort by "WSDOT" was intended for. Reference is made to David Dye needing all the materials that were being created and assembled for a meeting with her. Thereafter the materials were disseminated to other parties. None of this activity was disclosed to the public – it remained, with the exception of a cadre of "outsider insiders", unaware that a deep bored tunnel was even being considered. In fact it had been informed through a series of public information releases by WSDOT and SDOT that a deep bored tunnel was too expensive and not in active competition with the two alternatives that were said to be the final choices.

This request is for the documents which identify, which set out the source or statements, or the individuals, or the process of deliberation, or the series of communications, or directive(s) of any kind that directed WSDOT's efforts throughout the months October, November and December 2008 that a deep bored tunnel option was to be "pursued" – that WSDOT resources of every kind were to be expended, not only post haste, but on as large a scale as necessary to achieve the outcome, intentional or not, that a deep bored tunnel would become the sole choice, the front runner choice, the preferred alternative for replacing the Viaduct.

The documents I am requesting include documents from any source within Washington State's government, including the governor's office or the secretary of transportation's office specifically that establish what persons directed WSDOT's bored tunnel related activities to be undertaken – especially those between June 2008 and January 13, 2009. Someone gave directive(s) that this WSDOT activity regarding the bored tunnel be pursued, someone issued even initial or successive directives that the work within WSDOT start/continue, that WSDOT consultants should perform work related to the

bored tunnel pursuant to certain contracts that they held, that WSDOT employees should do the same. There are documents that state why these things in regards to the bored tunnel were being done, who was asking to use the resources of the State to do all of this.

The documents that substantiate the foregoing conclusions are being requested. It is settled knowledge that WSDOT consultants for example are directed to do certain activities under a specific contract, that they are told what the deliverables are – the same for WSDOT employees; so that all the activities being carried out regarding the bored tunnel were not ad hoc, they were deliberate, and in general conformance with established lines of command and control within and without of WSDOT for carrying out executive officials, elected and appointed directives. All those documents that indicate these things are requested.

In addition the following documents are being requested:

3. All emails for 2008 and 2009 received or sent from the WSDOT email account assigned to Amy Grotefendt.
4. All communications between December 14, 2008 and January 13, 2010 that relate to any meeting proposed and subsequently occurring between anyone associated with WSDOT and any person in the governor's office, including the Governor – requested are any pre/during meeting notes, and any communications/notes prepared after the meeting(s) about the meeting(s) and held or disseminated by the preparer of such documents.

NO DISCLOSURES

WSDOT Acknowledgement Letter Log

WSDOT #	Date of WSDOT Response	# of Days will Respond In
09-0943		30
09-0545	6/19/2009	30
09-1031	9/16/2009	30
09-1077	9/28/2009	30
09-1079	9/28/2009	30
09-1082	9/28/2009	30
09-1290	11/13/2009	30
09-1034 or 09-1304	11/17/2009	30
09-1336	11/23/2009	30
10-0143	2/1/2010	150-180
10-0158	2/2/2010	150-180
10-0164	2/2/2010	150-180
10-0173	2/4/2010	150-180
10-0174	2/4/2010	150-180
10-0183	2/5/2010	180
10-0267	2/19/2010	180
10-0275	2/23/2010	180
10-0292	2/24/2010	180



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 16, 2009

Elizabeth Campbell
Email

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated September 15, 2009, received and date stamped in this office on September 16, 2009 (Request Number PDR-09-1031), concerning:

I am requesting a copy of the below identified "permit guide", "permitting strategy", and "permit strategy report" created by Parametrix for the Alaskan Way Project/Program, along with any transmittal documents, and all communications of every kind leading to each of those items' creation, as well as related to their subsequent use, implementation of strategies contained in them, any revision or review of them, or general comments about them by any person associated with WSDOT and/or by any of WSDOT's project/program contractors/consultants participating in the AWW project/program, or any outside party working or communicating with WSDOT and/or any or its assorted contractors, consultants, retainers.

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within 30 days.

If you have any questions you may contact me at 206-464-1182.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Urban Corridors Office

EXHIBIT B



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 28, 2009

Elizabeth Campbell
3213 W. Wheeler St. No. 271
Seattle, WA 98199

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated September 23, 2009, received and date stamped in this office on September 28, 2009 (Request Number PDR-09-1077), concerning:

Documents (below) related to the departments' environmental and preservation review work in conjunction with the Alaskan Way Viaduct and Seawall Replacement Project, and the Navy's Quarters A property. The time period covered for the documents requested is from January 1, 2008 to even date.

- 1) *Holgate/King Portion of Alaskan Way Viaduct and Seawall Project*
 - a) *Documents related to the deliberations* and decisions leading to the memorandum of agreement between the Federal Highway Administration and the State of Washington, including but not limited to its conception, drafting, ratifying, and implementation.*
 - b) *Documents identifying the tribal entities (federally recognized and not) and/or their agents or representatives contacted and communicated with for any purpose related to this project; including all documents (communications especially) related to this aspect of the project – consultation and concurrence of tribes with the project and/or the memorandum of agreement.*
 - c) *A copy of the original memorandum of agreement between the Federal Highway Administration and the Washington State Historic Preservation Officer which shows the signatures of those who have actually signed the agreement – the signatories and concurring parties.*
 - d) *Documents which establish the authority or the obligation for the FHWA, DAHP, DON, Parks, or any other party's obligation to consult with the Duwamish Tribe (a non-federally recognized tribe), the City of Seattle Historic Preservation Officer (HPO) and the Historic Bridge Foundation have been consulted regarding this Agreement and invited to concur in the Agreement.*
 - e) *A copy of the "Archaeological Resources Treatment Plan".*
 - f) *Documents that establish what the nature is of the sensitive cultural resources*

September 28, 2009

Page 2

information that is to be held confidential to the extent allowed by state and federal law; and how a determination of the same is to be made, and who is to make that determination.

g) Any budget or other documents which establish the dollar amounts appropriated, set aside, to be appropriated or set aside to implement the various terms of the memorandum of agreement; along with any contracts of any kind made or contemplated with others to also implement the terms of the memorandum.

h) All documents related to any application(s) or other consideration to have the Alaskan Way Viaduct named to the National Register of Historic Places (this request only exceeds the above timeframe set out previously for this public disclosure request – documents requested are those from January 1, 1999 to even date).

i) A copy of the “preliminary cultural resource studies” from every source referenced in the memorandum of agreement.

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within 30 days.

If you have any questions you may contact me at 206-464-1182.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Urban Corridors Office



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 28, 2009

Elizabeth Campbell
3213 W. Wheeler St, No 271
Seattle, WA 98199

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated September 23, 2009, received and date stamped in this office on September 28, 2009 (Request Number PDR-09-1079), concerning:

I am requesting documents related to the following topics, numbers 1, 2, and 3:

- 1) *Holgate/King Design*
 - a) *Documents related to the deliberations* and decisions leading to the final design and configuration of the main structure of the project – the north/south roadway and the two on/off ramps at the northern terminus of the project, and midpoint at the east side of the project.*
 - b) *Documents identifying the tribal entities and/or their agents or representatives contacted and communicated with for any purpose related to this project; including all documents related to this aspect of the project.*

- 2) *AWV Project*
 - a) *A video simulation of an earthquake's effects on the Alaskan Way Viaduct that was presented by Gordon Clark of AWV project engineers Parsons Brinckerhoff during a Rapid Excavation & Tunneling Conference session in Toronto on or about June, 2007.*
 - b) *Related to statements in attached email "Cost Estimates 2008", requesting all documents that are related to the following statements made by Alec Williamson on September 29, 2008, that precede and follow the date of his communication:*
 - i) *"final draft planning level estimates that you have submitted to the state"*
 - i) *"It appears that the width of the integrated is being shown at 76-78 feet, but the structure is now at 90 feet in width, correct? If so we are low on our quantities.*
 - ii) *"I would think you would need specialty items for absorbing the noise- this could include a markup for quiet pavement and some type of sound absorption applied to the underside of*
 - iii) *the upper deck. What about the enclosure walls to contain noise between the roadway deck and the upper deck, have all of these items been accounted for?"*
 - iv) *Document(s) which show the "scenarios" he is referencing in this document.*

- c) *In a November 18, 2008 email Ron Panaanen referenced the following item, "A couple of months ago, PHAROS did a short report on the value of the development under the integrated structure." A copy of that document is requested.*
- 3) *September 15, 2009 WSDOT Tunnel RFQ*
- a) *The deliberations* and decisions related to "the process of selecting a contracting team" for the deep bore tunnel.*
- b) *Data, calculations, studies and models used to determine the "the existing through capacity of the Alaskan Way Viaduct Facility" for each of the following years, 1998, 1999, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009; a definition of what constitutes the "Alaskan Way Viaduct Facility" as used in the RFQ.*
- c) *Documents which provide evidence of the veracity of the following statement in the RFQ (page 5): "A Structural Sufficiency Report was prepared after the earthquake and it concluded that continued reliance on the existing viaduct is not prudent."*
- d) *Documents which provide evidence of the veracity of the following statement in the RFQ (page 5): "None of the alternatives garnered sufficient support to move forward. In an advisory vote in March 2007 Seattle voters rejected both cut-and-cover tunnel and new elevated structure alternatives."*
- e) *According to the RFQ (page 5), "The WSDOT Project team is engaged in early coordination with all Federal, State, tribal, regional, and local agencies that have permitting authority, special expertise, or interest in transportation projects." Please provide the documentation which sets out the name, address, contact person, phone, and other identifying information for each of those alluded to in the above statement, and a copy of all communications, from January 1, 2007 to even date of all documents held, transmitted, and/or received by WSDOT related to the coordination and consultation between WSDOT and the "tribes"; for both the tunnel project and each of the six moving forward projects.*
- f) *The name and all contact information of every entity and individual to whom WSDOT distributed by whatever method the tunnel RFQ to.*
- g) *Deliberative and decisional documents associated with the 9/15/09 RFQ for the Tunnel alternative and for all the other alternatives alluded to in the following statement from the RFQ (pages 5 and 6): "Therefore, the NEPA/SEPA documentation, Section 106 and Endangered Species Act consultations, and environmental permits for the Project will not be completed prior to the award of the contract. In light of that, WSDOT anticipates issuing two phases of Notice To Proceed (NTP) for this Project as further defined in Section 4.1. This is to ensure that no commitments are made to any alternative being evaluated in the NEPA process and that the comparative merits of all alternatives presented in the NEPA document, including the no-build alternative, will be evaluated and fairly considered." that are intended to ensure that all alternatives are/will receive equal consideration and treatment; commensurate with the actions being pursued for the tunnel alternative.*
- h) *Any document that reflects WSDOT's efforts to have the tunnel option ready for construction once the EIS is complete. The RFQ is one example, i.e., an effort to have*

the contractor for the tunnel selected by the time the EIS is done. What other actions is WSDOT undertaking in order to ensure that the tunnel is in a favorable position in comparison to other alternatives in terms of WSDOT's ability to issue a notice to proceed once a record of decision is issued for the project? For instance, is WSDOT developing designs that are more detailed for the tunnel than for the other alternatives; commencing to prepare working documents of any kind for the tunnel versus for other alternatives; verifying documents which respond to this inquiry herein are requested.

i) Documents which establish the amount of expenditures and budgetary commitments (including WSDOT's or those of consultants or contractors of WSDOT) of labor/time and money to be expended on the RFQ and any other similar RFQ's for non-tunnel alternatives identified in response to the above item (h).

j) Documents which establish future budget for labor/time and money to be expended or devoted by WSDOT for RFQ activities the same as those associated with the RFQ for the tunnel alternative, for each of the other alternatives.

k) Documents which establish the timeline for the following steps set out in the RFQ:

i) It is WSDOT's goal to short-list the three (3) to four (4) most highly qualified Submitters to continue to the second step of the process.

ii) In the second step, WSDOT will issue a RFP for the Project to the short-listed Submitters.

l) Documentation that indicates the statutory, regulatory, administrative authority or other opinion (legal or otherwise), from whatever source, upon which WSDOT is relying, which informs its decision to issue the subject RFQ for the tunnel alternative, and which causes WSDOT's leaders to believe that this RFQ does not violate any of the provisions of NEPA, SEPA, or other reviews which this project must proceed under.

m) Documentation that indicates the statutory, regulatory, administrative authority or other opinion (legal or otherwise), from whatever source, upon which WSDOT is relying and which informs its decision to pay a stipend to all non-successful Proposers that submit a responsive RFP proposal.

n) Documentation that:

i) establishes what budget authority and appropriation this stipend expenditure will fall under: "The stipend for this Project will be \$2,000,000", and

ii) documentation for the deliberations and decision that led to this amount being established for the stipend.*

o) Documents that demonstrate that WSDOT has a policy of providing stipends to non-successful bidders/proposers/submitters to a project.

p) Documentation that sets out the amounts paid by WSDOT for such stipends previously (over the last five years (to even date)).

q) Documentation that establishes that it is a standard practice for state transportation departments to pay stipends to the non-successful bidders/proposers/submitters for state transportation project contracts.

r) Documentation that establishes the dollar amount of the stipend that is to be paid to the non-successful proposers who will be submitting their SOQ's for the non-

tunnel alternatives to be considered in the EIS for the project.

s) *Documents held by WSDOT wherein any of the contractors to whom WSDOT is sending this or any other RFQ to, for this project, have indicated that they either are requesting or expecting WSDOT to provide a stipend, remuneration, or any other type of consideration in exchange for the contractor's submittal.*

t) *The RFQ indicates that Brian Nielsen, P.E. is the technical point of contact for the tunnel alternative; who are the point of contact individuals for the other alternatives?*

u) *A video simulation of an earthquake's effects on the Alaskan Way Viaduct that was presented by Gordon Clark of AWV project engineers Parsons Brinckerhoff during a Rapid Excavation & Tunneling Conference session in Toronto on or about June, 2007.*

v) *Related to statements in attached email "Cost Estimates 2008", requesting all documents that are related to the following statements made by Alec Williamson on September 29, 2008, that precede and follow the date of his communication:*

i) *"final draft planning level estimates that you have submitted to the state"*

v) *"It appears that the width of the integrated is being shown at 76-78 feet, but the structure is now at 90 feet in width, correct? If so we are low on our quantities.*

vi) *"I would think you would need specialty items for absorbing the noise- this could include a markup for quiet pavement and some type of sound absorption applied to the underside of*

vii) *the upper deck. What about the enclosure walls to contain noise between the roadway deck and the upper deck, have all of these items been accounted for?"*

viii) *Document(s) which show the "scenarios" he is referencing in this document.*

w) *In a November 18, 2008 email Ron Panaanen referenced the following item, "A couple of months ago, PHAROS did a short report on the value of the development under the integrated structure." A copy of that document is requested.*

x) *Documents which detail the deliberations* and decisions about the change in tunnel design, i.e., the change from a 54' diameter tunnel to a 52' diameter tunnel, along with all documents related to disclosing that material change to any party (including but not limited to those in the state executive and legislative branches, the project parties, and any advisors, consultants, or other individuals providing input about the matter) associated with the tunnel project, and the public at large,*

Also, in the past the communications and documents that WSDOT has provided to me have predominately been those which have a government-related component, in other words no documents or communications that are strictly the internal documents or communications of a consultant or a contractor to WSDOT have been supplied, other than such things as the work product of the consultant, or a communication of the contractor's or consultant's principals/employees with WSDOT; I am requesting those documents which may consist entirely of internal communications by the contractor or consultant of WSDOT, but only those related to the project, not those that relate to proprietary discussions or other such matters of the contractor or consultant.

Public Disclosure Request PDR-09-1079

September 28, 2009

Page 5

As a final note, I am requesting notice regarding the Voluntary meeting for Submitters to be held on October 7, 2009, at the following location - Seattle's Central Library, Microsoft Auditorium (Level One), 1000 Fourth Ave., Seattle, WA 98104, should the date, time, or the place change for the meeting.

** Includes meetings*

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within 30 days.

If you have any questions you may contact me at 206-464-1182.

Sincerely,

Fred Chang
Public Disclosure Coordinator
Urban Corridors Office



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 28, 2009

Elizabeth Campbell
3826 24th Avenue W.
Seattle, WA 98199

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated September 26, 2009, received and date stamped in this office on September 28, 2009 (Request Number PDR-09-1082), concerning:

The below documents related to Washington State Department of Transportation's Alaskan Way Viaduct and Seawall Replacement Project. The time period covered for the documents requested is from September 1, 2008 to even date.

- 1. I am requesting all documents exchanged by David Dye and/or his office and the Office of the Governor regarding any and all aspects of the Alaskan Way Viaduct and Seawall Replacement Project/Program. Communications are to include those to and from any person within the governor's office, including any by the Governor.*
- 2. I am requesting all documents exchanged by the Governor, Jennifer Ziegler and any other individual within the governor's office with any other party, entity, person, related to any and all aspects of the Alaskan Way Viaduct and Seawall Replacement Project/Program.*

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within **30 days**.

If you have any questions you may contact me at 206-464-1182.

Sincerely,

Fred Chang
Public Disclosure Coordinator
Urban Corridors Office



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 13, 2009

Elizabeth Campbell
Email
, WA

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated November 8, 2009, received and date stamped in this office on November 13, 2009 (Request Number PDR-09-1290), concerning:

Re: Change Control Board (CCB)

Any log or other tracking list that sets out the Trend Notices received from WSDOT by the CCB for any aspect of the Alaskan Way Viaduct Seawall Replacement Project/Program, from January 1, 2007 to even date, November 9, 2009.

RE: Video – the computer simulation video, including all versions of it, created by WSDOT and released to King 5 TV on or about October 23, 2009:

Time covered for this request - from the earliest time that the idea was broached for the production of such a video to November 9, 2009.

All documents which establish the origination of the idea that the video should be produced, the evolution of the video production project, oversight of the video creation project, documentation for the cost to the State of Washington to produce the video, responses to the video as it evolved and as it was released, by any party, including those in all branches and levels of government – federal, state, county, city, and from any quarter of the public. Documents requested include but are not limited to:

Task order(s), contract(s), change order(s) for the creation and evolution of the video

Associated reviews of the video, including but not limited to the directions about what to include in the video, the reason for the creation of the video, any reactions to the video as it evolved and was released for review, any document which directs the creator(s) to include or exclude elements of any kind in the video, video creators' documents related to the video, invoices or other requests for payment for the video,

All documents, notices, other communications, reports, studies that served to advise or notify any person about the request by Elizabeth Campbell to WSDOT for the video, possible release of the video, opportunities to view the video, what public relations or other strategic efforts to undertake in regards to the video's release into the public domain – including any messaging, talking points, or other tactics to be employed to control the private/public/government individuals' impression(s) of the video, all created, disseminated, or received after September 23, 2009.

*All documents related to Parsons Brinkerhoff's (PB) use and presentation of the video at the 2007 Rapid Excavation and Tunneling Expo in Toronto California:
Designing the Alaskan Way Tunnel for a 2500 Year Earthquake: G. Clark
and C. Kirandag, PB Americas, Inc., Seattle, WA*

Factors considered in designing a cut-and-cover tunnel along the Seattle waterfront for a 2500 year earthquake are discussed. The tunnels are a replacement for the earthquake-damaged, elevated double-deck highway and seawall built over 50 years ago. Designing the 1.60km long (1mi), 6-lane tunnel structure integrated with diaphragm walls to withstand a catastrophic earthquake and remain watertight involved rigorous 2D and 3D dynamic modeling of cut-and-cover tunnel for stacked, side-by-side and transition sections. Significant design challenges, that complicated the analysis, included unbalanced soil and hydrostatic forces, seismic forces acting on the complex glacial geology and hydraulically placed fill adjacent the existing seawall, the effect of jet grouting to mitigate potential liquefaction and lateral spreading of the fill materials. including but not limited any requests PB for advances or reimbursements for its costs associated with developing the presentation by PB at the expo, for attending and presenting the video and other AWViaduct related materials at the expo, any documents related to PB's request to use materials it has developed for WSDOT under the AWViaduct project/program, permission to use the video for its own portfolio/interests, at the expo or anywhere else, and any agreement or permission given by WSDOT to PB or to any of PB's affiliated contractors, or any WSDOT contractor or other person to use the video in any forum.

Any document that establishes what adjustable seismic or engineering parameters were used in creating the video.

Validation for the video, data used, for example – data from the 6.8 magnitude 2001 Nisqually earthquake, location of the epicenter of the 7.0 earthquake referred to in the video.

Documentation that establishes whether computer simulations were done changing the location (three-dimensionally) of the epicenter, and if so, any results of those various scenarios.

Any video or computer simulation done with the same 7.0 magnitude (or other magnitude) earthquake, at the same epicenter (or other epicenters) as was used for the video, for a rebuilt seawall, for an rebuilt Alaskan Way Viaduct, for a retrofitted AWViaduct, for any existing or rebuilt portions of the Alaskan Way corridor, from South Holgate Street to Harrison Street Battery; the results, comments, or other documents related to such video(s) or computer simulation(s).

Re: November 5, 2009 announcement that WSDOT is removing the undercrossing at S. Atlantic Street from the pending contract.

All documents that establish the genesis, progression, and outcome that culminated in the above decision by WSDOT.

Public Disclosure Request PDR-09-1290

November 13, 2009

Page 3

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within 30 days.

If you have any questions you may contact me at 206-464-1182.

Sincerely,

Fred Chang

Fred Chang

Public Disclosure Coordinator

Urban Corridors Office



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 17, 2009

Elizabeth Campbell
Email Only

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated November 16, 2009, received and date stamped in this office on November 17, 2009 (Request Number PDR-09-1304), concerning:

1. *Documents regarding the SR 99 Tunnel Coalition Press Conference, that were produced, received, or held by the following individuals, including but not limited to: Amy Grotfendt, Jennifer Ziegler, Lloyd Brown, Dave Dye, Victoria Tobin, Kristy Van Ness, and KaDeena Lenz. Time Covered: January 1, 2009 to even date*
2. *Documents related to all threads prior to and after July 13, 2009, regarding the SR 99 Tunnel Coalition and/or the SR 99 Tunnel Coalition press conference. Note: SR 99 Tunnel Coalition includes any person or entity that identified or associated themselves with the Coalition.*
3. *Documents held by either WSDOT or the Office of the Governor related to discussions, communications, or other materials to or from either the Downtown Seattle Association and the Seattle Chamber of Commerce, Bob Donegan, Tayloe Washburn, and any other members or representatives of those entities.*
4. *Ron Judd's email messages and any attachments thereto, received or sent, from January 1, 2009 to even date, regarding any aspect of the Alaskan Way Viaduct and Seawall Replacement Project or persons associated with it in terms of their formal or informal participation related to it, be the person a public, private, official, or unofficial individual; and regarding any aspect of the Seattle Mayor's Race and any individual that was a candidate in it, along with any communications received from or sent to any person that works for the City of Seattle, including but not limited to any elected, appointed, at-large employee or other official in the City of Seattle government.*
5. *Any WSDOT official's, employee's, contractor's, consultant's email messages and any attachments thereto, received or sent, from January 1, 2009 to even date, regarding the Seattle Mayor's Race and any individual that was a candidate in it, and*

any communications received from or sent to any person that works for the City of Seattle, including but not limited to any elected, appointed, at-large employee or other official in the City of Seattle government about that race/election/campaigns.

6. *Documents that answer the following questions: What State facilities are being extended to consultants and contractors hired by WSDOT, for their use? According to a number of emails, consultants for example are being given WSDOT/State of Washington email accounts. Of the numerous consultants and contractors involved in the Alaskan Way Viaduct and Seawall Replacement Project, how many have State of Washington email accounts and who are they? In addition the State through WSDOT is providing office space to a number of the same consultants and contractors alluded to above, where are these spaces located, who of the consultants or contractors is using that space, what are the arrangements for that space, and if they pay for the space a copy of their payments for the same?*

7. *Documents regarding the creation and disposal of the spoils that would be generated from the construction of the SR 99 tunnel, including but not limited to the volume and type of spoils that would be generated, and where those disposals would be disposed of, the manner in which they would be disposed of, the environmental effects of disposing of the spoils in the manner(s) contemplated, as well as any documents related to arranging for the disposal of the spoils – contracts, communications, or other documents with officials, their agents, attorneys, or other representatives of any locales that could possibly be under consideration as repositories for the spoils.*

8. *Documents regarding the creation of wastewater during the construction of the tunnel, either related to onsite, groundwater, or water pumped in from municipal or other sources for use in any aspect of the tunnel construction processes; including but not limited to the volume of either source of water that will be handled, how it will be handled, where it would be disposed of, treated, or otherwise processed.*

9. *Documents related to what Paula Hammond refers to as the “Monday Chief of Staff meeting”, including but not limited to meeting materials, sign-in sheets, meeting minutes or other notes of meeting attendees, email threads related to those meetings, prior to or after the meeting; from January 1, 2009 to even date.*

10. *All documents, letters or other communications issued by or received by the WSDOT, the Governor’s Office, or the Attorney General’s office related to the matter of the City of Seattle being obligated to pay for any Alaskan Way Viaduct and Seawall Replacement project overruns; either received from or sent to anyone within the City of Seattle government, the State Legislature – House or Senate, and either party’s caucus, for the time period of January 1, 2009 to even date.*

11. *Related or preceding threads for this email:*

*From: Lockard, Laura (GOV) [mailto:Laura.Lockard@GOV.WA.GOV]
Sent: Friday, August 21, 2009 11:57 AM
To: Coon, Melanie
Cc: Edwards, Pearse; Shagren, Karina (GOV); Ziegler, Jennifer
Subject: tunnel
This has been an thorough 8 year process...
Stakeholder and public buy in
Legislature approval
Agreement in place with city, county and state,
Continuing with project as planned, per that agreement
Can't speculate on campaign activities or election
Laura Lockard
Office of Governor Chris Gregoire
Director of Outreach
(206) 464-1248 office
(206) 464-1189 fax
(360) 239-2190 cell
Laura.Lockard@gov.wa.gov
www.governor.wa.gov*

12. Any documents related to the meeting identified below, before or after the meeting, as well as any subsequent meetings or other communications between the below parties and Mike McGinn and/or his representatives:

*From: Judd, Ron (GOV)
To: 'paananr@wsdot.wa.gov' <paananr@wsdot.wa.gov>; 'GrotefA@consultant.wsdot.wa.gov' <GrotefA@consultant.wsdot.wa.gov>; Dye, Dave; Hammond, Paula; Ziegler, Jennifer (GOV)
Sent: Fri Sep 11 14:58:53 2009
Subject: Re: AWW Funding Options
Just got a call from Mike M. He says he is concerned that he is hearing from our (his and mine) mutual friends that I am extremely unhappy with his misrepresentation of the viaduct tunnel option and true cost of the COS. He wants to have a beer to clear the air and listen to my thought's on why I believe he is not being forthright with the voters. I told him I might invite WSDOT.....DAVE, Ron P...Jennifer it is a long drive for you so I did not throw your name out but it is my call. Anyone want to join me?*

13: Copy of all threads preceding or responding to the below email:

From: Coon, Melanie

Sent: Friday, August 21, 2009 12:33 PM

To: Hammond, Paula

Cc: Office of Governor Gregoire - Lockard, Laura; Reinmuth, Steve; Aldridge, Jo; White, John; Van Ness,

Kristy (Consultant)

Subject: HEADS UP - Media getting pushy on viaduct questions

I'm hoping you are having lunch somewhere fun in Pullman. As you have probably heard, Mayor Nickels has conceded from the race. This is generating questions much like we received on Wednesday morning. The viaduct team has received no calls this morning.

Chris Daniels with KING 5 is being particularly pushy trying to get the governor's office to speculate on the possibility of a change of course. I've been coordinating with Steve Reinmuth and Laura Lockard. Calls are being directed to the governor's office. Amy Grotefendt was drafting talking points for the Monday meeting and I expect to see them later this afternoon. I will get them to you.

The e-mail below is a set of bullets that came from the conversation between Laura and Chris Daniels.

If you'd like to weigh in or change what we've got set up, please let me know.

*Melanie Coon
WSDOT Communications
360-705-7078 office 360-507-4242 cell*

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within 30 days.

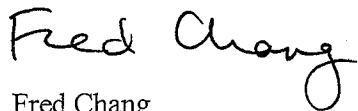
Public Disclosure Request PDR-09-1304

November 17, 2009

Page 5

If you have any questions you may contact me at 206-464-1182.

Sincerely,

A handwritten signature in cursive script that reads "Fred Chang". The signature is written in black ink and is positioned above the typed name and title.

Fred Chang
Public Disclosure Coordinator
Urban Corridors Office



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

Urban Corridors Office HQ
401 Second Avenue S Suite 300
Seattle WA 98104

206-464-1182 / Fax 206-464-1189
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 23, 2009

Elizabeth campbell,

Dear Ms. campbell,:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated November 20, 2009, received and date stamped in this office on November 23, 2009 (Request Number PDR-09-1336), concerning:

I am requesting the following documents all related to the Alaskan Way Viaduct and Seawall Replacement Project:

- 1. Documents, including but not limited to, those related to any licenses, permits, or other federal, state, city, or county approvals (legislative or agency issued) sought by WSDOT, or required for any aspect of the deep bored tunnel portion of the Alaskan Way Viaduct and Seawall Replacement Program. For example, if a license is required to dispose of the spoils for the tunnel, or a permit, or other approval required, the documents which are related to that permitting device; application, engineering material, letters of inquiry, studies, legislation etc. (please see definition of "documents"). Possible entities might include any city, county, or state agencies or departments, a private person, company, corporation, or regional authority/quasi-government, or even a tribe. Also requested is any master list, schedule, or other inventory document that is tracking such permitting devices, from whatever source within or without of WSDOT, public or private, including but not limited Department of Ecology, Department of Natural Resources and/or the Governor's Office, City of Seattle, King County.*
- 2. Documents related to the transition from a 54' diameter bore to a 56' diameter bore for the tunnel – from whatever source within or without of WSDOT, public or private, including but not limited Department of Ecology, Department of Natural Resources and/or the Governor's Office, City of Seattle, King County.*
- 3. Documents related to three highway design deviations sought by WSDOT from FHWA in April, 2009, the responses to the requests and other inter-governmental communications about those, then a copy of any further design deviations being sought by WSDOT.*

Public Disclosure Request PDR-09-1336

November 23, 2009

Page 2

4. *A copy of all public disclosure requests made to WSDOT from September 1, 2008 to even date, along with WSDOT's responses to those – do not include the documents that were provided, only the documents which transmit the request, respond to the request, reply to the response.*

5. *Any documents related to communications between any person representing the following businesses and WSDOT or the Governor's Office:*

- a. *Graham & Dunn PC*
- b. *Vulcan Inc.*

Our procedure is to locate, review for exemptions, and prepare the records for your inspection and/or copies. We will respond to your request within 30 days.

If you have any questions you may contact me at 206-464-1182.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Urban Corridors Office



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 1, 2010

Elizabeth Campbell
3213 W. Wheeler St., No. 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act (RCW 42.56), this letter acknowledges receipt of your request dated January 25, 2010, received and date stamped in this office on February 1, 2010 (Request number PDR-10-0143), concerning:

In accordance with the foregoing definitions:

1. Documents related to the inception of deliberations, questions or decision(s) about pursuing central waterfront redevelopment planning activity, including but not limited to those documents related to any meetings, discussions, informational materials created and disseminated, all documents, related to the following activities or actions:
 - a. 2000 Ordinance 120045 Relating to the Department of Parks and Recreation; authorizing the Superintendent to proceed with consideration of planning options for the development of a new aquarium facility and waterfront park in the area covered by the Central Waterfront Master Plan
 - b. 2003 "Central Waterfront Plan Background Report Precedent Study"
 - c. 2003 "Blue Ring, Seattle's Open Space Strategy for the Center City" that will "serve as the critical guide to the numerous plans currently underway downtown, and the many more sure to come in the next 100 years. Among others, the Alaska Way Viaduct replacement".
 - d. 2004 Resolution 30664 Adopting Principles for Development of a Central Waterfront Plan.
 - e. 2004 Resolution 30717 Relating to the Central Waterfront Master Plan; amending the Central Waterfront Master Plan - Portal to the Pacific to reconfigure the site plan
 - f. 2005 "Administering Financing & Implementing Seattle's Waterfront Vision" report written concurrently with the Draft Central Waterfront Concept Plan; report relating to a strategic effort for decision makers as they begin codifying the process and administrative structure for managing and implementing Seattle's Central Waterfront plan; including how to ensure that "with removal, of the Alaska Way Viaduct, properties along the city's western edge will become highly desirable".
 - g. 2005 Resolution 30724 Adopting Guiding Principles for decisions related to the Alaskan Way Viaduct and Seawall Project.
 - e. 2006 Ordinance 122247 Relating to the central waterfront, declaring that an aerial highway along the central waterfront is discouraged by adopted City of Seattle ("City") policies, stating that construction of an aerial highway structure is inconsistent with current use and height

regulations, and stating the City's intent to amend existing regulations and policies to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.

f. 2006 Final Environmental Impact Statement for the Central Waterfront Master Parks Plan

g. 2006 US Army Corps of Engineers (USACE) Environmental Assessment pursuant to expired NOI

e. 2006 USACE Scoping Report. Elliott Bay Seawall, WA General Investigation (Alaskan Way Seawall Feasibility Study Environmental Impact Statement) pursuant to expired NOI

f. 2007 Ordinance 122406 Relating to the development of a Mobility Plan to replace the central waterfront portion of the Alaskan Way Viaduct

g. 2009 Seattle Pedestrian Plan

h. 2009 Ordinance 123142 Establishing Central Waterfront Partnerships Committee – redevelopment and master use planning related to AWVSRP.

i. 2009 Ordinance 123212 Amending Ordinance 123142 to alter the composition of the Central Waterfront Partnerships Committee.

j. 2009 \$225 Million appropriated for seawall replacement and SDOT issues Request for Qualifications for design of seawall; no SEPA, NEPA, or other environmental review precedes.

2. Any documents between the City of Seattle (from any of the above named City of Seattle agencies (or from any contractor, consultant, or private party that has been hired or enlisted by the City (at any time) to convey such information) to the State of Washington Department of Transportation (including to any

contractor, consultant, or private party that has been enlisted by the State (at any time) to receive such documents), or the office of Governor, and in the converse, any document from those same State sources to the same above named/defined City sources/recipients, about items a. through j. as set out in above in

section 1. – relating to the inception, coordinating, strategizing, notifications, implementation, or any other City activity/activities related to items a. through j., as they relate to the AWVSRP.

3. Documents, all concerning the AWVSRProject or Program, all related to proposing, implementing, or pursuing City of Seattle, State of Washington, or USACE legislative strategies, legislative goals, legislative actions, on behalf of the City, or the above named City departments/agencies, related to the use of any language or narrative to use in any Regulation, Resolution, Bill, or Ordinance or Statute, related to any strategy for pursuing the adoption of a Regulation, Resolution, Bill, Statute or Ordinance,

any records/documents related to any discussions, meetings, memos or studies or other documents that are from the post-legislation adoption time period of a Regulation, Resolution, Bill, Ordinance, or Statute, the time following any of those legislative acts or no legislative action, and including but not limited to the

implementation of legislation, or efforts by the following entities to attain “public buy-in” of any aspect of the AWVSRP, the administration, funding of these legislative or public buy-in vehicles, by the City of Seattle/WSDOT/USACE or through the City’s, WSDOT’s, or USACE’s delegation of any aspect of those same activities – to any contractor, consultant, or any private party that has been enlisted by them to participate in such activity.

4. All documents related to the strategies, methods, or plans employed or to be employed by

the US Army Corps of Engineers or the City of Seattle to prepare for or acquire any permit (federal, state, or local), or to prepare for or conduct an environmental review of the AWVSRP project, Central Waterfront redevelopment project, or the Seawall replacement project, all documents related to any public participation plans, plans for public/stakeholder buy-in, intergovernmental buy-in/legislative actions to facilitate or eliminate permitting or environmental review of the AWVSRP, Central Waterfront redevelopment, or Seawall projects, documents for the projects' permitting or environmental review related to USACE or COS messaging - all prepared or disseminated by either the Corps, WSDOT, or the City – the time period covered by this request is from 2000 forward to even date, January 25, 2010.

5. All permit applications or pre-application documents received or prepared by either the USACE, COS, or WSDOT, received by either the USACE or COS from whatever source, all pre-application/post-application permit or environmental review related communications received by USACE or the COS from any applicant or lead agency regarding any permit or environmental review effort; all related to the AWVSRP, Central Waterfront redevelopment, or seawall replacement.

6. All documents related to the RFQ issued for the Central Waterfront redevelopment, including but not limited to the deliberations leading to the decision to undertake the RFQ, to implement the RFQ, and to administer the RFQ process; any communications with any potential or actual recipient or responder to the RFQ, any documents related to disseminating the RFQ to potential applicants, other parties; any communications regarding the RFQ, to or from WSDOT or the USACE, or interdepartmentally (COS).

7. To the City of Seattle only: All documents related to the selection, solicitation, and empanelling of the Central Waterfront Partners Committee – the composition of the committee, who was considered for the committee, who was not, who was asked to sit on the committee, all communications with any committee member, accepted or not accepted, any non-disclosure or other agreements executed between the COS and a/the committee members, any instructions or other guidelines issued to the committee members regarding expected behavior, participatory activity on theirs or the City's part, qualifications as to what they will be or are asked to do or not do. Any contract or other agreement with any consultant or contract hired by the City to participate or manage any aspect of the Central Waterfront redevelopment project, the seawall replacement, the RFQ/RFP process, the Central Waterfront Partners Committee activity; including but not limited to, any communication with them, any study, report, memo, or other document that relates to their participation in any of those four previously described "projects" – to or from the contractor(s)/consultant(s), from January 1, 2004 to even date, January 25, 2010.

Thank you in advance for your time and consideration of my request. The time period covered by this request is from the time period first set out in item 1.a. Please note, prior to providing any copies of documents responsive to my request I would like to personally review the documents disclosed by the City or the Army Corps of Engineers.

Since we are working diligently to complete Requests from you already in the pipeline, the following estimate of time takes into consideration the completion of those Requests (PDR 09

Public Disclosure Request PDR-10-0143

February 1, 2010

Page 4

-1077, PDR 09-1079, PDR 09-1290, PDR 09-1304 and PDR 09-1336).

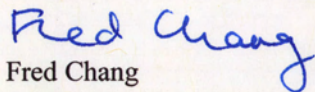
The estimate also assumes that we will be able to clarify in separate correspondence some of the items.

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is required to complete your request. In regards to your request for records (Reference number PDR -10-0143), dated January 25, 2010, our best estimate is that it will take 150 to 180 days from day's date to locate, review for exemption and prepare the records for your inspection or copy.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Alaskan Way Viaduct



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 2, 2010

Elizabeth Campbell
3213 W. Wheeler St., No. 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act (RCW 42.56), this letter acknowledges receipt of your request dated January 26, 2010, received and date stamped into this office on February 2, 2010 (Request number PDR-10-0158), concerning:

1. Documents related to the inception of deliberations, questions or decision(s) about risk events associated with the bored tunnel project including but not limited to those documents related to any meetings, discussions, informational materials created and disseminated about those risk events, and all documents that provide information about how the probabilities used in the December 9, 2009 520/AWV Quarterly Report were arrived out, the models and data used to establish the probabilities and the associated dollar ranges they represent, along with documents that enumerate all the possible risk events that may be associated with a deep bored tunnel, and a copy of all the successive drafts of the Risk Register that was part of the December 9th report (see attached). Time period covered is all of 2009.
2. AWVSRP project transportation discipline reports for the years 2008 and 2009.
3. According to WSDOT information, one of the strategies it employs to ensure projects are being delivered on time and within budget include "Providing early payment provisions ("materials on hand") so contractors can "lock in" materials prices near to the time they bid so as to minimize the inflation risk of their bids. This request is for any document which evidences an effort by WSDOT to "lock in" prices by acquiring any materials, services, or other components of the deep bored tunnel. Further request is made for all WSDOT communications related to the manufacture and purchase of a tunnel boring machine, to and from any TBM manufacturer, or to and from any manufacturer's representative, agents of any kind or associates of the same.
4. All documents, writings, communications of every kind between WSDOT and the following persons - John Reilly , Harvey Parker, Con Phelps, Bruce Agnew (or any person connected with the Discovery Institute/Cascadia), Dick/Richard Robbins, Kern Jacobsen, Casper Paludan-Müller, Gerhard Sauer, and from the following firms, Arup, Sauer, from January 1, 2005 to even date.

Public Disclosure Request PDR-10-0158

February 2, 2010

Page 2

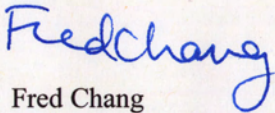
Since we are working diligently to complete Requests from you already in the pipeline, the following estimate of time takes into consideration the completion of those Requests (PDR 09-1077, PDR 09-1079, PDR 09-1290, PDR 09-1304, PDR 09-1336 and PDR 10-0143).

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is required to complete your request. In regards to your request for records (Reference number PDR 10-058), dated January 26, 2010, our best estimate is that it will take 150 to 180 days from today's date to locate, review for exemption and prepare the records for your inspection or copy.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Alaskan Way Viaduct



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 4, 2010

Elizabeth Campbell
3213 W. Wheeler St. No. 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated January 28, 2010, received and date stamped in this office on February 4, 2010 (Request Number PDR-10-0173), concerning:

Please pay particular attention to the definition of “document” that is presented here in order to ensure that a complete response is made to each of the line items requested below, and to the definition of the “City/City of Seattle”, the “US Army Corps of Engineers”, and Washington State Department of Transportation:

According to the “Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws”:

“ ‘Public record’ is broadly defined because of its dependence on the Act’s broad definition of ‘writing’) so that virtually any information recorded in any form falls within the definition as long as it is related to ‘the conduct of government or the performance of any governmental or proprietary function.’ ”

“Document(s)” (or “writing”) as used in this request means, without limiting its generality, copies of papers, writings and records of any form of media, of any nature whatsoever, including, but not limited to, contracts, agreements, correspondence, letters, emails, telegrams, wires, cables, studies, reports, schedules, diaries, statements, photographs, graphics, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, bank statements, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, computer files, tape/digital recordings, minutes and/or sign-in sheets of meetings, handouts of meetings, presentations of meetings, meetings meaning and including those of a public or non-public nature, memoranda, including those that are intercorporate, intracorporate, corporate including consultants and contractors (including also any subconsultant/subcontractor employed by or associated with the governmental agency or department to whom this public disclosure request is directed/addressed/referred to) documents; communications with or by any government agency/department/employee, including those that

are intergovernment, intragovernment, intergovernmental/intercorporate, interoffice and intraoffice, public to government, government to public, corporate/contractor/consultant to the public, public to corporate/contractor/consultant, memoranda, memoranda regarding conferences, notes of conversations or telephone/instant messaging conversations and any and all written, printed, typed, electronically/digitally held, recorded matter of whatsoever kind of description, including drafts of any of the foregoing.

“Washington State Auditor”, the department charged with Holding governments in Washington accountable to citizens”, is defined herein as relating to, but not limited to, anyone from the Auditor’s office or to any contractor, consultant, or other private entity or individual that has been hired or enlisted by the Auditor’s office (at any time) to act on its behalf, as it pertains to the subject matter presented in this request for disclosure of documents. Please note further – this public disclosure request extends to all contractors, hires, consultants, or other agents of every kind, formal or informal, employed, contracted with, or enlisted to aid or facilitate the Auditor’s policies, programs, or agendas related to the AWVSRP, or to the Auditor’s/State’s business.

“Washington State Treasurer”, the department responsible for the safety and security of state tax dollars — now and in the future, is defined herein as relating to, but not limited to, anyone from the Treasurer’s office or to any contractor, consultant, or other private entity or individual that has been hired or enlisted by the Treasurer’s office (at any time) to act on its behalf, as it pertains to the subject matter presented in this request for disclosure of documents. Please note further – this public disclosure request extends to all contractors, hires, consultants, or other agents of every kind, formal or informal, employed, contracted with, or enlisted to aid or facilitate the Treasurer’s policies, programs, or agendas related to the AWVSRP, or to the Treasurer’s/State’s business.

“AWVSRP” as used herein is defined and used interchangeably as either the Alaskan Way Viaduct and Seawall Replacement Project, or the Alaskan Way Viaduct and Seawall Replacement Program, in its entirety.

I am requesting the following documents, all in accordance with the above definitions:

1. All documents in the possession of the respective addressees herein, related to any audit, study, report, review, opinion, or other approval or oversight activity undertaken by them, that establishes an opinion or conclusion of any kind about the financial/economic viability, truthfulness, trustworthiness, credibility, or veracity of any of the financial/economic conclusions or representations (cost/revenue/economic) made about the AWVSRP as issued by either WSDOT, the Auditor’s office, or the Treasurer’s office, to any party/person/entity, or retained internally by them. Time period covered: September 1, 2006 to even date.
2. A copy of all communications of any panel member of the Expert Review Panel convened in 2006 to any party, or from any party to the panel members, and a copy of any legal agreements or other binding contract(s) that were required from any panel member as a pre-requisite to or

Public Disclosure Request PDR-10-0173

February 4, 2010

Page 3

condition of their serving on the Expert Review Panel. Time period covered: September 1, 2006 to even date.

3. A copy of all communications between WSDOT, the State Treasurer's office, related to any financing instrument/bond issue proposed, pending, or sold, that will provide/has provided funds for the AWVSRP; and a copy of all communications between those same parties and any potential/existing: bond counsels, bond underwriters (or broker(s)), financial advisors, or other persons enlisted to sell, promote, or otherwise facilitate any type of financing for the AWVSRP. Time period covered: January 1, 2007 to even date.

4. A copy of all bond issue statements, proposed, pending, or sold that will provide/has provided funds for the AWVSRP. Time period covered: January 1, 2007 to even date.

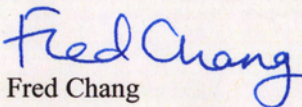
As we are working diligently to complete Requests from you already in the pipeline, the following estimate of time takes into consideration the completion of those Requests (PDR 09-1077, PDR 09-1079, PDR 09-1290, PDR 09-1304, PDR 09-1336, PDR 10-0143, PDR 10-0158 and PDR 10-0164).

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is required to complete your request. In regards to your request for records (Reference number PDR 10-0173), dated January 27, 2010, our best estimate is that it will take 150 to 180 days from today's date to locate, review for exemption and prepare the records for your inspection or copy.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Alaskan Way Viaduct



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 4, 2010

Elizabeth Campbell
3213 W. Wheeler St. No. 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act (RCW 42.56), this letter acknowledges receipt of your request (Reference number PDR-10-0174) dated January 28, 2010, received and date stamped into this office on February 4, 2010, concerning:

Please pay particular attention to the definition of “document” that is presented here in order to ensure that a complete response is made to each of the line items requested below, and to the definition of the “WSDOT/Washington State Department of Transportation” and “Treasurer”:

According to the “Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws”:

“ ‘Public record’ is broadly defined because of its dependence on the Act’s broad definition of ‘writing’) so that virtually any information recorded in any form falls within the definition as long as it is related to ‘the conduct of government or the performance of any governmental or proprietary function.’”

“Document(s)” (or “writing”) as used in this request means, without limiting its generality, copies of papers, writings and records of any form of media, of any nature whatsoever, including, but not limited to, contracts, agreements, correspondence, letters, emails, telegrams, wires, cables, studies, reports, schedules, diaries, statements, photographs, graphics, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, bank statements, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, computer files, tape/digital recordings, minutes and/or sign-in sheets of meetings, handouts of meetings, presentations of meetings, meetings meaning and including those of a public or non-public nature, memoranda, including those that are intercorporate, intracorporate, corporate including consultants and contractors (including also any subconsultant/subcontractor employed by or associated with the governmental agency or department to whom this public disclosure request is directed/addressed/referred to) documents; communications with or by any government agency/department/employee, including those that are intergovernment, intragovernment, intergovernmental/intercorporate, interoffice and

intraoffice, public to government, government to public, corporate/contractor/consultant to the public, public to corporate/contractor/consultant, memoranda, memoranda regarding conferences, notes of conversations or telephone/instant messaging conversations and any and all written, printed, typed, electronically/digitally held, recorded matter of whatsoever kind of description, including drafts of any of the foregoing.

“Washington State Treasurer”, the department responsible for the safety and security of state tax dollars — now and in the future, is defined herein as relating to, but not limited to, anyone from the Treasurer’s office or to any contractor, consultant, or other private entity or individual that has been hired or enlisted by the Treasurer’s office (at any time) to act on its behalf, as it pertains to the subject matter presented in this request for disclosure of documents. Please note further – this public disclosure request extends to all contractors, hires, consultants, or other agents of every kind, formal or informal, employed, contracted with, or enlisted to aid or facilitate the Treasurer’s policies, programs, or agendas related to the AWVSRP, or to the Treasurer’s/State’s business.

“AWVSRP” as used herein is defined and used interchangeably as either the Alaskan Way Viaduct and Seawall Replacement Project, or the Alaskan Way Viaduct and Seawall Replacement Program, in its entirety.

I am requesting the following documents, all in accordance with the above definitions:

1. According to the “SR 99 Alaskan Way Viaduct Replacement Updated Cost and Tolling Summary Report to the Washington State Legislature”, issued by WSDOT, “The Office of the State Treasurer’s financial advisors applied a financial model to determine the toll funding contribution that could be supported by borrowing against future net toll revenues for each of the five scenarios.” A copy of all documents related to the Office of the State Treasurer providing the alluded to assistance, input, and other work product for the above report and for the report that was issued by WSDOT prior to this recent report “issued on or about January 19, 2010”; according to the title of the report – it is an “updated cost and tolling summary report”, implying that there was a prior report or reports to the legislature.
2. A copy of all communications between WSDOT and the treasurer’s office regarding the funding, financing or tolling for the AWVSRP; from January 1, 2007 to even date.
3. A copy of all communications between the following parties, WSDOT, the governor’s office, the treasurer’s office, or any federal or state legislative office or its elected official, either senate or house at either level, regarding the funding, financing or tolling for the AWVSRP, the reports set out above, or the economic impacts, positive or negative of the AWVSRP; from January 1, 2007 to even date.
4. A copy of all contracts, change orders, or work orders for any consultant, contractor, or other entity employed or enlisted by WSDOT to prepare any funding, financing or tolling report,

Public Disclosure Request PDR-10-0173

February 4, 2010

Page 3

condition of their serving on the Expert Review Panel. Time period covered: September 1, 2006 to even date.

3. A copy of all communications between WSDOT, the State Treasurer's office, related to any financing instrument/bond issue proposed, pending, or sold, that will provide/has provided funds for the AWVSRP; and a copy of all communications between those same parties and any potential/existing: bond counsels, bond underwriters (or broker(s)), financial advisors, or other persons enlisted to sell, promote, or otherwise facilitate any type of financing for the AWVSRP. Time period covered: January 1, 2007 to even date.

4. A copy of all bond issue statements, proposed, pending, or sold that will provide/has provided funds for the AWVSRP. Time period covered: January 1, 2007 to even date.

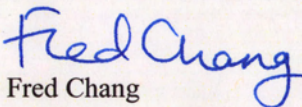
As we are working diligently to complete Requests from you already in the pipeline, the following estimate of time takes into consideration the completion of those Requests (PDR 09-1077, PDR 09-1079, PDR 09-1290, PDR 09-1304, PDR 09-1336, PDR 10-0143, PDR 10-0158 and PDR 10-0164).

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is required to complete your request. In regards to your request for records (Reference number PDR 10-0173), dated January 27, 2010, our best estimate is that it will take 150 to 180 days from today's date to locate, review for exemption and prepare the records for your inspection or copy.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Alaskan Way Viaduct



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 5, 2010

Elizabeth Campbell
3213 W. Wheeler St. No. 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act (RCW 42.56), this letter acknowledges receipt of your request dated January 29, 2010, received and date stamped into this office on February 5, 2010 (Request number 10-0183) concerning:

Please pay particular attention to the definition of “document” that is presented here in order to ensure that a complete response is made to each of the line items requested below, and to the definition of the “WSDOT/Washington State Department of Transportation” and “Treasurer”:

According to the “Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws”:

“ ‘Public record’ is broadly defined because of its dependence on the Act’s broad definition of ‘writing’) so that virtually any information recorded in any form falls within the definition as long as it is related to ‘the conduct of government or the performance of any governmental or proprietary function.’”

“Document(s)” (or “writing”) as used in this request means, without limiting its generality, copies of papers, writings and records of any form of media, of any nature whatsoever, including, but not limited to, contracts, agreements, correspondence, letters, emails, telegrams, wires, cables, studies, reports, schedules, diaries, statements, photographs, graphics, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, bank statements, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, computer files, tape/digital recordings, minutes and/or sign-in sheets of meetings, handouts of meetings, presentations of meetings, meetings meaning and including those of a public or non-public nature, memoranda, including those that are intercorporate, intracorporate, corporate including consultants and contractors (including also any subconsultant/subcontractor employed by or associated with the governmental agency or department to whom this public disclosure request is directed/addressed/referred to) documents; communications with or by any government agency/department/employee, including those that are intergovernment, intragovernment, intergovernmental/intercorporate, interoffice and

intraoffice, public to government, government to public, corporate/contractor/consultant to the public, public to corporate/contractor/consultant, memoranda, memoranda regarding conferences, notes of conversations or telephone/instant messaging conversations and any and all written, printed, typed, electronically/digitally held, recorded matter of whatsoever kind of description, including drafts of any of the foregoing.

“AWVSRP” as used herein is defined and used interchangeably as either the Alaskan Way Viaduct and Seawall Replacement Project, or the Alaskan Way Viaduct and Seawall Replacement Program, in its entirety.

“Washington State Department of Transportation” (WSDOT) is defined herein as relating to, but not limited to, anyone from WSDOT or to any contractor, consultant, or other private entity or individual that has been hired or enlisted by WSDOT (at any time) to act on its behalf, as it pertains to the subject matter presented in this request for disclosure of documents. Please note further – this public disclosure request extends to all contractors, hires, consultants, or other agents of every kind, formal or informal, employed, contracted with, or enlisted to aid or facilitate WSDOT policies, programs, or agendas related to the AWVSRP.

1. A copy of all documents related to noise reduction matters in the Alaskan Way Viaduct corridor, for either existing roadways, or to-be-built roadways related to the AWVSRP. Note for clarification of request: WSDOT convened an “Expert Review Panel for Noise Reduction Strategies.” According to WSDOT: In July 2008, the SR 520 team issued invitations for the convening of an Expert Review Panel (ERP) with the specific task of identifying Noise Reduction Strategies for the corridor. Eleven individuals with noise, pavement, and economics backgrounds were selected. Included were both public and private sector representatives. The ERP was well balanced to include experienced national and international recognized professionals from a complementary array of fields.” This public disclosure request seeks documents that establish why or why not a similar exercise was undertaken for the equally important project, the AWVSRP, and if any kind of effort was undertaken to address this matter a copy of the documents related to those efforts, and if none were undertaken, documents that indicate why that was. Time period covered: January 1, 2000 to even date.

As we are working diligently to complete Requests from you already in the pipeline, the following estimate of time takes into consideration the completion of those Requests (PDR 09-1077, PDR 09-1079, PDR 09-1290, PDR 09-1304, PDR 09-1336, PDR 10-0143, PDR 10-0158, PDR 10-0164, 10-0173 and PDR 10-0174).

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is

Public Disclosure Request PDR-10-0183

February 5, 2010

Page 3

required to complete your request. In regards to your request for records (Reference number PDR 10-0183), dated January 29, 2010, our best estimate is that it will take 180 days from today's date to locate, review for exemption and prepare the records for your inspection or copy.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang

Public Disclosure Coordinator

Alaskan Way Viaduct



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 23, 2010

Elizabeth Campbell
3213 W. Wheeler St., No 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated February 19, 2010, received and date stamped in this office on February 23, 2010 (Request Number PDR-10-0275), concerning:

Public Disclosure Request (ii) (iii) pursuant to RCW 42.56 for documents related to the following aspects of the AWVSRP (iv) as excerpted from WSDOT November/December 2009 Quarterly/Confidence Reports:

B. 809936E SR99 King St to Roy – Viaduct Replacement

- “Follow up meeting required with Ecology to determine if NPDES General(s) or NPDES Individual is required. NPDES Individual could cause significant delay in the DB’s ability to start construction.” Documents related to communications or meetings about this topic – from both Department of Ecology and WSDOT.
- “Obtained feedback from King County and DPD on the wastewater permit/authorization and noise variance conditions for inclusion in the RFP.” Documents related to communications or meetings about this topic – from both King County and City of Seattle Department of Planning and Development.
- “Received DRAFT Street Use Permit conditions from SDOT and working with AWV team and SDOT to resolve concerns and discrepancies. Documents related to communications or meetings about this topic – from both Seattle Department of Transportation and WSDOT.

C. S Hudson St. to Ward St. Automated Viaduct Closure Gates:

- “This project has federal funding and will require an ERS/ECS form for NEPA/SEPA.” Documents related to communications or meetings about this topic – from both FHWA/EPA and DOE/WSDOT

“Anticipate need for:

- CZMA(v) certification” – NOAA. Documents related to communications or meetings about this topic – from both NOAA and WSDOT
- “Street Use Permit” – City of Seattle Department of Transportation. Documents related to communications or meetings about this topic – from both SDOT and WSDOT

- “Temporary Noise Variances” – City of Seattle. Documents related to communications or meetings about this topic – from both DPD and WSDOT
- “Need to stay below 1 acre of ground disturbance to stay below NPDES (vi) permit threshold. Gates 2a, 2b, and 2c are within or very close to shorelines jurisdiction. Remedy: permitting [WSDOT] to investigate shorelines requirements. Depending on findings, design to overlay shorelines boundary with project plans to determine whether shorelines impacts can be avoided.” Documents related to communications or meetings about this topic – from both EPA and WSDOT

(ii) Time frame for this request is January 1, 2008 to February 19, 2009.

(iii) Please pay particular attention to the definition of “document” that is presented here in order to ensure that a complete response is made to each of the line items requested below, and to the definition of the "WSDOT/Washington State Department of Transportation":

According to the “Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws” “‘Public record’ is broadly defined because of its dependence on the Act’s broad definition of ‘writing’) so that virtually any information recorded in any form falls within the definition as long as it is related to the conduct of government or the performance of any governmental or proprietary function.”

“Document

(s)” (or “writing”) as used in this request means, without limiting its generality, copies of papers, writings and records of any form of media, of any nature whatsoever, including, but not limited to, contracts, agreements, correspondence, letters, emails, telegrams, wires, cables, studies, reports, schedules, diaries, statements, photographs, graphics, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, bank statements, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, computer files, tape/digital recordings, minutes and/or sign-in sheets of meetings, handouts of meetings, presentations of meetings, meetings meaning and including those of a public or non-public nature, memoranda, including those that are intercorporate, intracorporate, corporate including consultants and contractors (including also any subconsultant/subcontractor employed by or associated with the governmental agency or department to whom this public disclosure request is directed/addressed/referred to) documents; communications with or by any government agency/department/employee, including those that are intergovernment, intragovernment, intergovernmental/intercorporate, interoffice and intraoffice, public to government, government to public, corporate/contractor/consultant to the public, pu

blic to corporate/contractor/consultant, memoranda, memoranda regarding conferences, notes of conversations or telephone/instant messaging conversations and any and all written, printed, typed, electronically/digitally held, recorded matter of whatsoever kind of description, including drafts of any of the foregoing.

“AWVSRP” as used herein is defined and used interchangeably as either the Alaskan Way Viaduct and Seawall Replacement Project, or the Alaskan Way Viaduct and Seawall Replacement Program, in its entirety.

“Washington State Department of Transportation” (WSDOT) is defined herein as relating to, but not limited to, anyone from WSDOT or to any contractor, consultant, or other private entity or individual that has been hired or enlisted by WSDOT (at any time) to act on its behalf, as it pertains to the subject matter presented in this request for disclosure of documents. Please note further – this public disclosure request extends to all contractors, hires, consultants, or other agents of every kind, formal or informal, employed, contracted with, or enlisted to aid or facilitate WSDOT policies, programs, or agendas related to the AWVSRP.

(iv) All referenced items were excerpted from the WSDOT Alaskan Way Viaduct Quarterly Report/Confidence Reports for December/November 2009.

(v) Coastal Zone Management Act (CZMA) passed in 1972. The Act, administered by NOAA's Office of Ocean and Coastal Resource Management (OCRM), provides for management of the nation's

(vi) Authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

As we are working diligently to complete Requests from you already in the pipeline, the following estimate of time takes into consideration the completion of those Requests (PDR 09-1077, PDR 09-1079, PDR 09-1290, PDR 09-1304, PDR 09-1336, PDR 10-0143, PDR 10-0158, PDR 10-0164, 10-0173, PDR 10-0174, PDR 10-0183 and PDR 10-0184).

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is required to complete your request. In regards to your request for records (Reference number PDR 10-0275), dated February 19, 2010, our best estimate is that it will take 180 days from today's date to locate, review for exemption and prepare the records for your inspection copy.

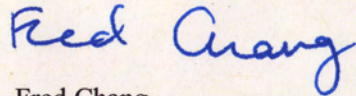
Public Disclosure Request PDR-10-0275

February 23, 2010

Page 4

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang
Public Disclosure Coordinator
Alaskan Way Viaduct



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 24, 2010

Elizabeth Campbell
3213 W. Wheeler Street
Seattle, WA 98199

Dear Ms. Campbell:

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated February 18, 2010, received and date stamped in this office on February 24, 2010 (Request Number PDR-10-0292), concerning:

- 1. On October 28, 2008 John White wrote in an email to Helena Kennedy Smith and Theresa Greco, "Subject: Bored Tunnel tolling analysis We have concurrence on the need to advance this..." Documents which identify, which set out the source or the statements, or the individuals, or the process of deliberation, or the series of communications, or directive(s) of any kind that led to Mr. White's conclusion and statement in this email.*
- 2. Multiple WSDOT emails between mid-summer 2008 on through to January 13, 2009 indicate that WSDOT consultants and employees were extensively involved in preparing a range of materials that would bolster the case for a bored tunnel to replace the Viaduct. They indicate that at a certain point in mid-December 2008, that a decision was made within the State structure that a bored tunnel was the de-facto choice to replace the Alaskan Way Viaduct – this despite – a year's long AWV Stakeholders Advisory Committee process that had resulted in two other alternatives being the "choices", an elevated structure and a hybrid surface option, that were presented to and accepted by the Governor, the Mayor of Seattle, and the King County Executive as their choices – at a very public meeting/media event. These emails also show that despite a certain settlement of the question of what replacement options were going to be considered, WSDOT retainers of every kind, with the aid of outside interests, civic and tunneling industry, were assembling estimating, tolling/revenue forecasts, financial scenarios, basic engineering and design information, and public relations materials. In addition they were writing back and forth, holding meetings, all about this bored tunnel alternative they wanted instead.*

It is clear from the reviewed public disclosure materials that the Governor was one of the first targets that all this effort by "WSDOT" was intended for. Reference is made to David Dye needing all the materials that were being created and assembled for a

meeting with her. Thereafter the materials were disseminated to other parties. None of this activity was disclosed to the public – it remained, with the exception of a cadre of “outsider insiders”, unaware that a deep bored tunnel was even being considered. In fact it had been informed through a series of public information releases by WSDOT and SDOT that a deep bored tunnel was too expensive and not in active competition with the two alternatives that were said to be the final choices.

This request is for the documents which identify, which set out the source or statements, or the individuals, or the process of deliberation, or the series of communications, or directive(s) of any kind that directed WSDOT’s efforts throughout the months October, November and December 2008 that a deep bored tunnel option was to be “pursued” – that WSDOT resources of every kind were to be expended, not only post haste, but on as large a scale as necessary to achieve the outcome, intentional or not, that a deep bored tunnel would become the sole choice, the front runner choice, the preferred alternative for replacing the Viaduct.

The documents I am requesting include documents from any source within Washington State’s government, including the governor’s office or the secretary of transportation’s office specifically that establish what persons directed WSDOT’s bored tunnel related activities to be undertaken – especially those between June 2008 and January 13, 2009. Someone gave directive(s) that this WSDOT activity regarding the bored tunnel be pursued, someone issued even initial or successive directives that the work within WSDOT start/continue, that WSDOT consultants should perform work related to the bored tunnel pursuant to certain contracts that they held, that WSDOT employees should do the same. There are documents that state why these things in regards to the bored tunnel were being done, who was asking to use the resources of the State to do all of this. The documents that substantiate the foregoing conclusions are being requested. It is settled knowledge that WSDOT consultants for example are directed to do certain activities under a specific contract, that they are told what the deliverables are – the same for WSDOT employees; so that all the activities being carried out regarding the bored tunnel were not ad hoc, they were deliberate, and in general conformance with established lines of command and control within and without of WSDOT for carrying out executive officials, elected and appointed directives. All those documents that indicate these things are requested.

In addition the following documents are being requested:

3. *All emails for 2008 and 2009 received or sent from the WSDOT email account assigned to Amy Grotefendt.*

4. *All communications between December 14, 2008 that relate to any meeting proposed and subsequently occurring between anyone associated with WSDOT and any person in the governor’s office, including the Governor – requested are any pre/during*

Public Disclosure Request PDR-10-0292

February 24, 2010

Page 3

PDR 10-0164, 10-0173, PDR 10-0174, PDR 10-0183, PDR 10-0184 and PDR 10-0275).

Should you wish to re-prioritize these requests, we will be happy to change the order in which we work on them. Otherwise, we will be working on them in the order received.

In accordance with the Public Disclosure Act, RCW 42.56, a reasonable estimate of time is required to complete your request.

In regards to your request for records (Reference number PDR 10-0292), dated February 18, 2010, our best estimate is that it will take 180 days from today's date to locate, review for exemption and prepare the records for your inspection copy.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,



Fred Chang

Public Disclosure Coordinator

Alaskan Way Viaduct



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

AWV/ Wells Fargo Bldg
999 3rd Ave Suite 2424
Seattle WA 98104

206-267-3772 / Fax 206-382-5291
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 19, 2010

Elizabeth Campbell
3213 W. Wheeler St., No. 271
Seattle, WA 98199

Dear Ms. Campbell,

In accordance with the Public Disclosure Act, RCW 42.56, this letter acknowledges receipt of your request for records dated February 14, 2010, received and date stamped in this office on February 19, 2010 (Request Number PDR-10-0267), concerning:

Documents which identify the individuals in the below picture:

On page 4 of a pdf located at:

http://www.wsdot.wa.gov/NR/rdonlyres/51A0A12A-985C-4FF2-BED2-8F2B7B25226B/0/TunnelExperience_Folio_web.pdf

The document is available at:

http://www.wsdot.wa.gov/NR/rdonlyres/7A5216B4-3CA3-402A-98B7-BA02399BED0A/0/ConstructionStrategiesWorkshopReport_42709.pdf

With this letter, your request is complete.

If you have any further questions you may contact me at 206-267-3772.

Sincerely,

A handwritten signature in blue ink that reads "Fred Chang".

Fred Chang
Public Disclosure Coordinator
Alaskan Way Viaduct

DISPOSITION OF WSDOT PUBLIC DISCLOSURES REQUESTS

Dates			Request #'s		Disposition					
EAC Request	WSDOT Response	Other Agency Response	WSDOT #	Other Agency #	Whole	Partial	Partial	Partial	Denial	Closed
1	5/7/2009		09-0943		5/29/2009					5/29/2009
2	5/19/2009		09-0545			6/19/2009	7/17/2009		7/17/2009	7/17/2009
	5/19/2009									
3	9/15/2009		09-1031		10/15/2009				10/15/2009	10/15/2009
4	9/23/2009	Gov. Office 10/05/2009	09-1077			10/19/2009				
5	9/23/2009		09-1079			10/19/2009	2/5/2010			
	9/28/2009									
	9/23/2009									
6	9/26/2009		09-1082			10/28/2009	10/29/2009		10/28/2009	10/29/2009
7	11/8/2009		09-1290			12/30/2009	2/8/2010	2/23/2010		

COLOR KEY

- COMPLETED
- PARTIALLY FILLED
- PROMPT FROM EACTO COMPLY
- NO DISCLOSURE



DISPOSITION OF WSDOT PUBLIC DISCLOSURES REQUESTS

8	11/16/2009	11/17/2009	Gov. Office and AG's Office	09-1034 or 09-1304	1/13/2010	2/24/2010	
9	11/20/2009 11/25/2009	11/23/2009		09-1336			
	12/11/2009 12/31/2009	12/11/2009					
10	1/25/2010	2/1/2010		10-0143			
11	1/26/2010	2/2/2010		10-0158			
12	1/27/2010	2/2/2010		10-0164			
13	1/28/2010	2/4/2010	Auditor & Treasurer	10-0173			
14	1/28/2010	2/4/2010	Treasurer & Governor's Office	10-0174			
15	1/29/2010	2/5/2010		10-0183			3/10/2010
	2/4/2010						
16	2/14/2010	2/19/2010		10-0267		2/19/2010	
17	2/19/2010	2/23/2010		10-0275			
18	2/18/2010	2/24/2010		10-0292			

COLOR KEY

- COMPLETED
- PARTIALLY FILLED
- PROMPT FROM EACTO COMPLY
- NO DISCLOSURE

DISPOSITION OF WSDOT PUBLIC DISCLOSURES REQUESTS

Disposition						Notes:
Fulfillment					Closed	
Whole	Partial	Partial	Partial	Denial		
5/29/2009					5/29/2009	06/19/2009 Requested 30 more days; FTP 07/17/2009 EAC Objection to standard 30 day response time
	6/19/2009	7/17/2009		7/17/2009	7/17/2009	
10/15/2009				10/15/2009	10/15/2009	FTP 10/15/2009 H2K; 10/19/09 Ltr 6 mo.s more/FTP;Gov Office - No Response;Resent on 09-26-09 H2K AWV Video and RFP stipend EAC Objection to standard 30 day response time EAC Objection to standard 30 day response time - On Phone Gov/Gov Office and Dave Dye et al
	10/19/2009			10/19/2009		
	10/19/2009	2/5/2010				10/02/09 Require 6 to 8 months;10/19/09 Req 7 months PDR 09-1079;10/2/09 09-1082 Partial Release 7 more days needed
	10/28/2009	10/29/2009		10/28/2009	10/29/2009	
	12/30/2009	2/8/2010	2/23/2010			02/05/10 AWV Video April 2010 Finish;02/23/10 April Finish 1/13/2010 Need to May 2010;02/18/2010 Need to April 2010 No Response from AG or Gov Office
	1/13/2010	2/24/2010				
						11/25/09 4 to 6 mo.s more 09-1077,1079,1290,1034,1336; 12/30/09 Update 09-1290 May 2010 to complete;12-30-09 Update 09-1077 need to March 2010;

DISPOSITION OF WSDOT PUBLIC DISCLOSURES REQUESTS

		<p>EAC Request to accelerate responses</p> <p>EAC Request for Response to 11/25 letter/WSDOT Response</p> <p>EAC Objection to Redactions</p> <p>Central Waterfront & Seawall 150-180 Days to process</p> <p>Bored Tunnel and WSDOT Tunnel Communications 150-180 Days to process</p> <p>Arany NEPA SEPA</p> <p>Bonds Auditor 150-180 Days to process</p> <p>Bonds and Financing 150-180 Days to process</p>
	3/10/2010	<p>Noise Reduction 180 Days to process;03/10/10 No records</p>
		<p>EAC Request to accelerate responses/WSDOT Response</p> <p>Experts in Picture;EAC Request for ID</p> <p>H2K validation NEPA 180 Days to process</p> <p>2008-2009 Bored Tunnel activities AG Emails 180 Days to process</p>
	2/19/2010	



SmartZone Communications Center Collaboration Suite

campbell.beth@comcast.net

Re: Public Disclosure Request

Tuesday, May 19, 2009 6:26:05 PM

From: campbell.beth@comcast.net
To: ChangF@wsdot.wa.gov
Attachments: image002.png (105.4KB)
image004.png (67.1KB)
image005.png (10.9KB)

Dear Fred,

One thing I would like to protest is this pat usage by WSDOT of a 30 day period to respond. WSDOT is obligated by law to respond in a timely fashion, and it is not timely when every request ends up with this 30 day proviso. The response should be tailored to the reality not the liberty with the law that WSDOT is taking.

In regards to the removed documents, personally I'm puzzled why WSDOT is taking down documents and making them unavailable. Surely the State maintains sufficient server space such that these materials can remain readily available.

While we are at it I would like to make another PDR to WSDOT -

1. Any and all communications between any person or department at the City of Seattle, including its legislative and executive branches, concerning a deep-bored tunnel option to replace the Alaskan Way Viaduct;
2. Any WSDOT directive, contract, work order, memo, or other document that directs any department, consultant, contractor, or other individual or entity to commence/undertake any work, study, contract, test, or other task, all related to a deep-bored tunnel;
3. Any communications between any person/employee/director or department of WSDOT and any member of the Washington State Legislature and/or the City of Seattle, or other individual/business, regarding any aspect of a deep bored tunnel to replace the Alaskan Way Viaduct.

All of the materials requested are for the time period of June, 2006 through May 15, 2009.

Thank you in advance for your time and consideration of my request.

Elizabeth Campbell

----- Original Message -----

From: "Fred Chang" <ChangF@wsdot.wa.gov>
To: "campbell beth" <campbell.beth@comcast.net>
Sent: Monday, May 11, 2009 1:17:12 PM GMT -08:00 US/Canada Pacific
Subject: FW: Public Disclosure Request - Thanks

Dear Ms. Campbell,

Attached is an electronic version of the letter acknowledging your public disclosure request (PDR-09-0493).

On a separate note, I'm intrigued where you found the link, and others that you mention:
<http://www.wsdot.wa.gov/NR/rdonlyres/535ED1D3-5C58-48F6-A930-23289E32A456/0/EmbarcaderoFinalDraftMemo.pdf>

I understand the impression a user may get when clicking on the above link. In this case, the document no longer exists on the website. If you search for the document "EmbarcaderoFinalDraftMemo.pdf" on the WSDOT website, you will find that it is no longer on the website. If a document is removed from the website, an old link may prompt the user for a user id and password. It's a quirk of the Content Management System (CMS) currently in use.

If you found the link(s) from a current web page, please send me that web page's address.

Sincerely,

Fred Chang
Urban Corridors Office
206 . 464 . 1182

From: Elizabeth Campbell [mailto:campbell.beth@comcast.net]
Sent: Thursday, May 07, 2009 11:33 PM
To: Hein, Rachelle (Consultant)
Subject: Public Disclosure Request - Thanks

I am requesting a copy of these studies - are these something that you can just email me?

EXHIBIT D

Saturday, September 18, 2004 - Page updated at 12:00 AM

Permission to reprint or copy this article or photo, other than personal use, must be obtained from The Seattle Times. Call 206-464-3113 or e-mail resale@seattletimes.com with your request.

Traffic "gridlock" if viaduct torn down, study says

By Susan Gilmore

Seattle Times staff reporter

If the Alaskan Way Viaduct were torn down and not replaced, traffic along Alaskan Way would more than quadruple and the number of cars on downtown streets would grow as much as 50 percent, according to a new study released yesterday by the state Department of Transportation.

While the state initially said it wouldn't study the option of not replacing the viaduct because it believed viaduct traffic must be maintained, it agreed to the study after a group of environmentalists and others asserted building a replacement would be too expensive and disruptive. Some members of the Seattle City Council also asked that a no-replacement alternative be added to the five under consideration.

A Comparison of the Alaskan Way Viaduct and San Francisco Embarcadero Freeway

Questions or comments?

Call:

(206) 269-4421

Write:

Alaskan Way Viaduct
and Seawall Replacement Project
c/o Washington State
Department of Transportation
999 Third Ave, Suite 2424
Seattle, WA 98104

The replacement of the Alaskan Way Viaduct with a tunnel means that the capacity of today's viaduct will be preserved for future generations. Some have asked why this capacity needs to be replaced at all, pointing to the removal of the Embarcadero Freeway in San Francisco as an example of an earthquake-damaged freeway that was not rebuilt. A study conducted by Parsons Brinckerhoff, comparing the Alaskan Way Viaduct to the Embarcadero Freeway has found that while similar in appearance, there are significant differences between these two roads and their role in the local transportation systems. While removing the Embarcadero Freeway was the right solution for San Francisco, removing the Alaskan Way Viaduct is not the right solution for Seattle and the Puget Sound region.

What was the Embarcadero Freeway?

The Embarcadero Freeway in San Francisco was an elevated freeway segment damaged by the 1989 Loma Prieta earthquake. The Embarcadero ran along the downtown waterfront and distributed traffic to and from I-80 onto downtown streets. Prior to the earthquake, the Embarcadero carried up to 110,000 vehicles daily. Rather than rebuild, the Embarcadero was permanently removed.

How is the Alaskan Way Viaduct different from the Embarcadero Freeway?

The Alaskan Way Viaduct is a major regional highway corridor carrying long-distance trips through downtown. There are few alternate routes for

This last one is dated July, 2005, actually here is the specific info – can you send me copies of the documents referenced below:

Major Sources:

- 1 Memorandum: Applicability to the Alaskan
- 2 Way Viaduct: Study of lessons learned in
- 3 the closures of San Francisco's Embarcadero
- 4 and Central Freeways, 2003
- 5 AnAWV No Replacement Concept Summary
- 6 Findings, 2004

Also, why are so many WSDOT documents about the Viaduct password protected, like this one?

<http://www.wsdot.wa.gov/NR/rdonlyres/535ED1D3-5C58-48F6-A930-23289E32A456/0/EmbarcaderoFinalDraftMemo.pdf>

Thanks, Elizabeth

Elizabeth Campbell

Master of Public Administration Candidate

University of Washington
Daniel J. Evans School of Public Affairs

*** eSafe2 scanned this email for malicious content ***
*** IMPORTANT: Do not open attachments from unrecognized senders ***

VIA EMAIL ONLY

Wednesday, September 23, 2009

To: State of Washington Department of Archaeology and Historic Preservation
Washington State Department of Transportation
City of Seattle Department of Neighborhoods
City of Seattle Department of Parks and Recreation
City of Seattle Department of Transportation

From: Elizabeth A. Campbell

RE: Alaskan Way Viaduct and Seawall Project, Public Disclosure Request

This request is made pursuant to RCW 42.56. I am requesting the below documents related to the departments' environmental and preservation review work in conjunction with the Alaskan Way Viaduct and Seawall Replacement Project, and the Navy's Quarters A property. The time period covered for the documents requested is from January 1, 2008 to even date.

In addition, I know it is WSDOT's standard practice to establish a blanket 30 day response time before it will provide documents, however the RCW provides that documents are to be "promptly available", and that any estimate be "reasonable". A standard response by WSDOT that it will take 30 days to produce the records requested does not comport with the law. I would appreciate receiving these documents as they become available as opposed to having them all compiled then released.

Please pay particular attention to the definition of "document" that is presented below in order to ensure that a complete response is made to each of the line items requested:

"Document(s)" as used in this request means, without limiting its generality, copies of papers, writings and records of any form of media, of any nature whatsoever, including, but not limited to, contracts, agreements, correspondence, letters, emails, telegrams, wires, cables, studies, reports, schedules, diaries, statements, photographs, graphics, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, bank statements, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, computer files, tape/digital recordings, minutes and/or sign-in sheets of meetings, handouts of meetings, presentations of meetings, meetings meaning and including those of a public or non-public nature, memoranda, including those that are intercorporate, intracorporate, corporate including consultants and contractors (including also any subconsultant/subcontractor employed by or associated with the governmental agency or department to whom this public disclosure request is directed/addressed/referred to) documents; communications with or by any government agency/department/employee, including those that are intergovernment, intragovernment, intergovernmental/intercorporate, interoffice and intraoffice, public to government, government to public, corporate/contractor/consultant to the public, public to corporate/contractor/consultant, memoranda, memoranda regarding conferences, notes of conversations or telephone/instant messaging conversations and any and all written, printed, typed, electronically/digitally held, recorded matter of whatsoever kind of description, including drafts of any of the foregoing.

I am requesting documents related to the following topic:

VIA EMAIL ONLY

1) Holgate/King Portion of Alaskan Way Viaduct and Seawall Project

- a) Documents related to the deliberations* and decisions leading to the memorandum of agreement between the Federal Highway Administration and the State of Washington, including but not limited to its conception, drafting, ratifying, and implementation.
- b) Documents identifying the tribal entities (federally recognized and not) and/or their agents or representatives contacted and communicated with for any purpose related to this project; including all documents (communications especially) related to this aspect of the project – consultation and concurrence of tribes with the project and/or the memorandum of agreement.
- c) A copy of the original memorandum of agreement between the Federal Highway Administration and the Washington State Historic Preservation Officer which shows the signatures of those who have actually signed the agreement – the signatories and concurring parties.
- d) Documents which establish the authority or the obligation for the FHWA, DAHP, DON, Parks, or any other party's obligation to consult with the Duwamish Tribe (a non-federally recognized tribe), the City of Seattle Historic Preservation Officer (HPO) and the Historic Bridge Foundation have been consulted regarding this Agreement and invited to concur in the Agreement.
- e) A copy of the "Archaeological Resources Treatment Plan".
- f) Documents that establish what the nature is of the sensitive cultural resources information that is to be held confidential to the extent allowed by state and federal law; and how a determination of the same is to be made, and who is to make that determination.
- g) Any budget or other documents which establish the dollar amounts appropriated, set aside, to be appropriated or set aside to implement the various terms of the memorandum of agreement; along with any contracts of any kind made or contemplated with others to also implement the terms of the memorandum.
- h) All documents related to any application(s) or other consideration to have the Alaskan Way Viaduct named to the National Register of Historic Places (this request only exceeds the above timeframe set out previously for this public disclosure request – documents requested are those from January 1, 1999 to even date).
- i) A copy of the "preliminary cultural resource studies" from every source referenced in the memorandum of agreement.

Thank you in advance for your time and consideration of my request.

Elizabeth A. Campbell
3213 W. Wheeler St. No. 271
Seattle, WA 98199

206-769-8459

* Includes meetings

Allyson.Brooks@dahp.wa.gov
Greg.Griffith@dahp.wa.gov
changf@wsdot.wa.gov
karen.gordon@seattle.gov

nancy.craver@seattle.gov
paula.hoff@seattle.gov
Fabiola.greenawalt@seattle.gov

SmartZone Communications Center Collaboration Suite

campbell.beth@comcast.net

Re: Public Disclosure Request

Monday, September 28, 2009 3:46:15 PM

From: campbell.beth@comcast.net

To: ChangF@wsdot.wa.gov

Dear Fred,

→ WSDOT needs to start thinking about this pat response that it'll get back with a response in 30 days. It would be one thing if the response varied and was related to the actual circumstances/info requested. But this is just a standard answer to every request and it does not comply with the Public Disclosure law.

I am not willing to continue to overlook this and will seek legal redress, in King County Superior Court, as is permitted by the RCW's. I am requesting that you revisit the material requested and come up with an accurate estimate rather than one that buys the department time.

Since you have already wasted WSDOT's five day response time on this nonsense you're now behind the time in terms of responding properly and in good faith.

I will look for a revised estimate at the end of this week, Friday, October 3rd, at the "COB" as they say.

Thanks,

Elziabeth Campbell

----- Original Message -----

From: "Fred Chang" <ChangF@wsdot.wa.gov>

To: "campbell beth" <campbell.beth@comcast.net>

Sent: Monday, September 28, 2009 2:53:55 PM GMT -08:00 US/Canada Pacific

Subject: RE: Public Disclosure Request

Dear Elizabeth,

Attached is the acknowledgement of this request.

Sincerely,

Fred Chang
W S D O T
206.464.1182

From: campbell.beth@comcast.net [mailto:campbell.beth@comcast.net]

Sent: Saturday, September 26, 2009 10:29 AM

To: Chang, Fred; jennifer.ziegler@gov.wa.gov

EXHIBIT D

Subject: Public Disclosure Request

Please see attached document.

Thank You,

Elizabeth Campbell

*** eSafel scanned this email for malicious content ***

*** IMPORTANT: Do not open attachments from unrecognized senders ***

SmartZone Communications Center Collaboration Suite

campbell.beth@comcast.net

Re: Update on PDRs 1077, 1079, 1290, 1304
and 1336

Wednesday, November 25, 2009
10:32:43 PM


From: campbell.beth@comcast.net

To: ChangF@wsdot.wa.gov

Cc: bricklin@bnd-law.com

Attachments: PDR-09-1077-1079-1290-1304-1336-Update-11252009.pdf (73.6KB)

Dear Fred,

 This is not an acceptable approach to fulfilling these PDR's. First off, you need to supply me with a detailed time schedule for the items that you are telling me will require four to six months to produce - seriously, allow me just a little bit of hyperbole, but where are these items being held - out of state? I thought too that according to the applicable RCW that WSDOT was required to index its documents - so that it could be readily ascertained what was accessible. Wasn't it also some almost two months ago that you told me it would be four to six months, now it's still four to six months?

Seriously, I would like a complete answer about what it is that would create such a delay. If you cannot provide a comprehensive answer then you will force me to submit a public disclosure request about that, which in the end, you end up answering the question anyway, so please save us both the time and effort and provide a cogent answer about how it takes four to six months for these things.

The other issue is your interpretation that WSDOT gets to complete one PDR before it has to complete another PDR. There is absolutely zero allowance for such a practice under the statutes. The time starts tolling on a request when it comes in, and it doesn't matter whether one person has several pending PDR's, they all get treated as separate PDR's, each with their own time obligations on them; not subject to agency imposed time interpretations.

Fred, you've been doing an outstanding job - the quality of PDR's under your tenure is very good. I especially like the FTP system. Please don't take the prompts personally - presumably you are under the direction of others as to how much and when materials get released. I just want to keep things rolling along on my end and make sure that documents are produced in a timely manner - consistent with the requirements of RCW 42.56.

Thanks,

Elizabeth

----- Original Message -----

From: "Fred Chang" <ChangF@wsdot.wa.gov>

To: "campbell beth" <campbell.beth@comcast.net>

Sent: Wednesday, November 25, 2009 3:37:23 PM GMT -08:00 US/Canada Pacific

Subject: Update on PDRs 1077, 1079, 1290, 1304 and 1336

EXHIBIT D

Dear Ms. Campbell,

The attached letter gives you an update on these public disclosure requests.

Sincerely,

Fred Chang
W S D O T
206.464.1182

SmartZone Communications Center Collaboration Suite

campbell.beth@comcast.net

Re: Update on PDRs 1077, 1079, 1290, 1304 and 1336 Friday, December 11, 2009 12:20:37 PM

From: campbell.beth@comcast.net

To: ChangF@wsdot.wa.gov

Dear Fred,

Please respond to the inquiries that I presented in this letter from 16 days ago.

Thank you,

Elizabeth Campbell

----- Original Message -----

From: "campbell beth" <campbell.beth@comcast.net>

To: "Fred Chang" <ChangF@wsdot.wa.gov>

Cc: "Bricklin Dave" <bricklin@bnd-law.com>

Sent: Wednesday, November 25, 2009 10:32:43 PM GMT -08:00 US/Canada Pacific

Subject: Re: Update on PDRs 1077, 1079, 1290, 1304 and 1336

Dear Fred,

This is not an acceptable approach to fulfilling these PDR's. First off, you need to supply me with a detailed time schedule for the items that you are telling me will require four to six months to produce - seriously, allow me just a little bit of hyperbole, but where are these items being held - out of state? I thought too that according to the applicable RCW that WSDOT was required to index its documents - so that it could be readily ascertained what was accessible. Wasn't it also some almost two months ago that you told me it would be four to six months, now it's still four to six months?

Seriously, I would like a complete answer about what it is that would create such a delay. If you cannot provide a comprehensive answer then you will force me to submit a public disclosure request about that, which in the end, you end up answering the question anyway, so please save us both the time and effort and provide a cogent answer about how it takes four to six months for these things.

The other issue is your interpretation that WSDOT gets to complete one PDR before it has to complete another PDR. There is absolutely zero allowance for such a practice under the statutes. The time starts tolling on a request when it comes in, and it doesn't matter whether one person has several pending PDR's, they all get treated as separate PDR's, each with their own time obligations on them; not subject to agency imposed time interpretations.

Fred, you've been doing an outstanding job - the quality of PDR's under your tenure is very good. I especially like the FTP system. Please don't take the prompts personally -

EXHIBIT D

presumably you are under the direction of others as to how much and when materials get released. I just want to keep things rolling along on my end and make sure that documents are produced in a timely manner - consistent with the requirements of RCW 42.56.

Thanks,

Elizabeth

----- Original Message -----

From: "Fred Chang" <ChangF@wsdot.wa.gov>

To: "campbell beth" <campbell.beth@comcast.net>

Sent: Wednesday, November 25, 2009 3:37:23 PM GMT -08:00 US/Canada Pacific

Subject: Update on PDRs 1077, 1079, 1290, 1304 and 1336

Dear Ms. Campbell,

The attached letter gives you an update on these public disclosure requests.

Sincerely,

Fred Chang
W S D O T
206.464.1182

SmartZone Communications Center Collaboration Suite

campbell.beth@comcast.net

Objection and Appeal of WSDOT Redactions in
PDR 09-1064

Thursday, December 31, 2009
11:37:07 AM

From: campbell.beth@comcast.net

To: ChangF@wsdot.wa.gov; GIBBSTH@wsdot.wa.gov

Cc: eheffter@seattletimes.com

Dear Fred,

I am going to object to the redactions and by copy of this email I am forwarding my objection to these redactions to Theresa Gibbes, appealing the redactions in the documents in the public disclosure request 09-1064.

The standard for the RCW 42.56.280 exemption, as per PAWS v. UW 125 WN.2d243,256,884 is:

"In order to rely on this exemption, an agency must show that the records contained predecisional opinions or recommendations of subordinates expressed as part of a deliberative process; that disclosure would be injurious to the deliberative or consultative functions of the process; that disclosure would inhibit the flow of recommendations, observations and opinions; and finally that the materials covered by the exemption reflect policy recommendations and opinions and not the raw factual data on which a decision is based."

As the court in the above matter pointed out:

"it has 'specifically rejected the contention that [the deliberative process] exemption applies to all documents in which opinions are expressed regardless of whether the opinions pertain to the formulation of policy.'"

The fact of the matter is I can tell from what little information is visible in these documents, that the documents are no different than the prior documents that you have released about the RFP/RFQ process and about tunnel safety matters. The redacted documents are without exception the continuations of subjects and discussions that were wholly set out in documents that have previously been released, they do not cover policy areas. Instead they are the documents which set out the parameters of WSDOT's and others' administration of the design for the deep bored tunnel project, and the project's administration of its bidding and design activities. They are post any policy that they may have been associated with, and instead relate to the *implementation* of any policy (if they ever were so associated), the implementation and administration of the Alaskan Way Viaduct and Seawall Replacement Program/Project - to underscore further - the distinction here being, the exemption that is cited by WSDOT applies to *policy making* as opposed to *policy implementation*.

Furthermore, the deliberative process exemption "does not apply merely because a record is called a 'draft' or stamped 'draft'", WAC 44-14-06002(4). It is incumbent upon WSDOT or whomever the party is that is resisting disclosure of these documents, to demonstrate that the records or portion(s) of a record it claims is exempt meets the

EXHIBIT D

criteria in RCW 42.56.280 *and* the cases interpreting it, most notably the PAWS v. UW case.

By way of this communication also I am requesting the "documents" (consistent with the prior definition I have supplied to you for that term) that established that the redactions should be made in the documents, that this was an appropriate claim of exemption, and any other documents related to redacting WSDOT documents and how to decide to make redactions, when redactions should be made, the defense of WSDOT redactions, all covering the time period June 1, 2009 to even date, December 31, 2009, including those documents related even to your response herein.

FYI - I am pursuing this matter both as chair of Seattle Citizens Against the Tunnel and personally; David Bricklin is no longer representing either parties in this matter.

Thank you,

Elizabeth Campbell

----- Original Message -----

From: "Fred Chang" <ChangF@wsdot.wa.gov>

To: "campbell beth" <campbell.beth@comcast.net>

Cc: "Marta Carlo" <CarloM@wsdot.wa.gov>

Sent: Wednesday, December 30, 2009 3:40:46 PM GMT -08:00 US/Canada Pacific

Subject: RE: An Explanation Please

Dear Ms. Campbell,

In response to your email below (and attached), I could not tell if you had the opportunity to view the Exemption log (entitled Bricklin-PDR-09-1064-Exemption-log.pdf) which was forwarded to you by Mr. Bricklin. This document lists the specific RCW and the reason why each individual document listed is either exempted or redacted.

In the matter of the email you raised questions about (Laird-Nielsen-08212009-REDACT.pdf), the redactions were made because:

This email contains information regarding the Request for Proposal process. Since this process is currently underway, this information is currently exempt from disclosure. (RCW 42.56.280)

Additionally, there is a timeline of dates on the following web page showing various dates of the Bored Tunnel Design-Build Contracting Schedule:

<http://www.wsdot.wa.gov/Projects/Viaduct/contracting.htm>

As you can see from this schedule, the Request for Proposals portion is not scheduled to begin until February 2010, with a final Request for Proposal slated for May 2010. Once the Request for Proposals has been released, the documents now exempt or redacted would be able to be released in their entirety, should you or Mr. Bricklin choose to submit a request at that time.

I hope this helps answer your questions.

Sincerely

Fred Chang

EXHIBIT D

| W S D O T |
206.464.1182

From: Elizabeth Campbell [mailto:campbell.beth@comcast.net]
Sent: Wednesday, December 23, 2009 7:46 PM
To: Chang, Fred
Subject: An Explanation Please

Fred Chang
| W S D O T |
206.464.1182

Fred,

So what is the reason for the redactions here? Tell your superiors that they need to keep remembering this, they can either tell me, tell the public, or it is going to come out anyway - so what is the reason behind this, what is the full body of this email? And while I'm at it, guess I'll pass it on to some of the disabled activists I know, I'm sure they'll be happy to see the dismissive attitude about things that affect them, as well as, I'm also going to ask the City for their part of the story.

Elizabeth Campbell

*** eSafe2 scanned this email for malicious content ***
*** IMPORTANT: Do not open attachments from unrecognized senders ***

SENT VIA EMAIL and CERTIFIED MAIL 7006 3450 0001 1205 1810

Thursday, February 04, 2010

Mr. Fred Chang
Washington State Department of Transportation
Urban Corridors Office HQ
401 Second Avenue Suite 300
Seattle, WA 98104

Dear Fred,

The responses (excuses) that WSDOT has made in regards to the assorted delays, exemptions, and redactions it is claiming for the outstanding public disclosure requests I have made are unacceptable.

WSDOT claims a paucity of staff, when it has literally mobilized hundreds of people and tens of consulting firms to pursue the tunnel project with a vengeance, not to mention has spent and is spending millions of dollars to shove this project through, even despite regulatory, administrative, and legal barriers against much of its current efforts, and it wants to cry "poverty" and "over burdened"? That it only has from what I understand one and a half persons to directly respond to public disclosure requests?

The public has a right to know a great deal more about this project than what it has been allowed to know, as it is unfolding, what has gone before, and what lies ahead. It has a right to have that information in a timely fashion.

I am accusing WSDOT of deliberately managing the public disclosure process for this project so that when and what information is released serves the ends of WSDOT and its desire to carefully manage messages, transactions, and events related to the tunnel/Alaskan Way Viaduct and Seawall Replacement Program, and so that it may contain or restrain any public opposition to the project.

I know for a fact that you have filled other public disclosure requests that have come after mine, and this idea that you need extended time periods to produce documents that have been created within the last few weeks or months, even recent days, while at the same time producing documents from several years ago instead, that fails to be a credible claim for extending the time claimed to be necessary to produce the items requested.

There have been a number of bad faith actions on WSDOT which also add to the evidence that it is being dilatory in its effort to respond to public disclosure requests, not the least of which was the release of the 2007 video requested by me to a TV station, prior to releasing it to me.

I am fast closing in on a juncture where I am going to make a decision that the best way to address the failure to provide timely information, in accordance with RCW 42.56, is to make a motion to the court, under the existing case that is pending in King County Superior Court. I believe the court will be sympathetic to my plea that given the magnitude of this project, the critical impacts of it, the huge sums of public money that are being spent processing it, for all aspects of it except public disclosure, balanced against the public's right to know and to be informed in a timely fashion and in a complete manner so that it can if it chooses respond in any form or fashion to the government powers that are prosecuting this capital project, that WSDOT will be the loser in that dispute.

I am giving WSDOT until 5:00 PM February 12, 2010 to provide assurances and *evidence* that the pace for providing information about this project will dramatically increase. As I said before, given the literal millions of dollars pouring into the coffers of all the employees, consultants and contractors that WSDOT has mustered to pull this project off, WSDOT needs to beef up its public disclosure service department so that it is able to respond in a reasonable and timely fashion to the public's requests for information about the Alaskan Way Viaduct and Seawall Replacement Project/Program.

Elizabeth A. Campbell
32313 W. Wheeler St. No. 271
Seattle, WA 98199
206-769-8459

cc: Deborah Cade

Elizabeth Campbell

From: Brown, Lloyd
Sent: Friday, October 23, 2009 3:14 PM
To: Kuper, Glenn; Adam Wilson (adam.wilson@gov.wa.gov); Shagren, Karina (GOV)
Cc: Dye, Dave; Grotefendt, Amy (Consultant); Van Ness, Kristy (Consultant)
Subject: FW: AWW update 3 p.m.
Attachments: Publicola_TPs.doc.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Glenn,

Here's an update as you plan for tomorrow's event. We are giving the same update to the City team. - ldb

From: Brown, Lloyd
Sent: Fri 10/23/2009 3:13 PM
To: Hammond, Paula; Dye, Dave; Reinmuth, Steve; Lenzi, Jerry C; Paananen, Ron
Cc: Grotefendt, Amy (Consultant); Van Ness, Kristy (Consultant); Coon, Melanie; Aldridge, Jo; Healy, Linda
Subject: AWW update 3 p.m.

This message is to update you all on the evolving plan to release the AWW earthquake simulation. We had planned to work with a Seattle Times reporter, but he appears to be on furlough. Meanwhile, as our legislative outreach began, the news editor at KING 5 called asking for a copy of the video.

We explained that we preferred to wait until after the AWW inspection concluded this weekend and the lanes were reopened to traffic Sunday evening. It appears KING 5 agrees with that plan. We are working out the details to release the simulation to KING 5 after 6 p.m. Sunday evening and it will run on the 10 p.m. KING and 11 p.m. KING news casts. At that time we also will post the video on YouTube and add a blog entry to our blog, along with a link from the project web page.

The follow up to the Publicola post has been relatively quiet with no other media asking for details at this point. Most of the posts on the Publicola site have complained about how irresponsible it was for the writer to post such an inflammatory and out-of-context article.

The project office has developed some talking points, which are attached, that address issues raised in the blog article.

Thanks. - ldb

From: Grotefendt, Amy (Consultant)
Sent: Saturday, October 24, 2009 2:43 PM
To: Ehl, Larry
Cc: Paananen, Ron; Judd, Ron
Subject: FW: video tps
Attachments: Video_TPs.doc.docx

Larry --

Here are the draft talking points -- they're not ready yet for prime time. Thanks for agreeing to make the phone calls. We'll be sure to include all of the federal delegation on the emails that are sent out from Ron tomorrow night that will include links to the video.

If they have any questions or want to see the video before tomorrow night, they can call Ron Paananen at 206-276-0499.

Amy

Earthquake Video Simulation Talking Points – Oct. 25, 2009

There is a one in ten chance than an earthquake could permanently damage the Alaskan Way Viaduct and seawall.

- In 2007 new geotechnical data and a better understanding of local and regional seismic behavior allowed seismic and structural experts to determine that there is a higher chance of an earthquake occurring that could cause portions of the viaduct to collapse.
- This translates to a one in ten chance that an earthquake that could permanently damage the viaduct could occur in the next 10 years. This is approximately double the previously identified risk.
- This is a more intense earthquake than the 2001 Nisqually earthquake and would either be closer, be stronger, or last longer.
- In early 2007 we began to work on a visual simulation of how the viaduct would respond in the event of an earthquake in order to better understand the new information, share the new seismic information to the public, and emphasize the importance of moving forward.
- Experts from an international structural engineering firm and the University of Washington reviewed the video simulation and found it to be an accurate representation of the new seismic information and impact on the viaduct.
- Once the video was completed in November 2007, WSDOT decided not to release it because it sensationalized a serious safety issue and could distract from the collaborative process that was underway. The technical information was released to the public in early 2008 and shared at a stakeholder advisory committee, posted on the Web site, and provided in briefings to elected officials.

We are releasing this video now because of a public disclosure request.

- This video does not contain new information. We released the seismic risk information portrayed in the video simulation to the public in early 2008 – at a stakeholder meeting, posted on the Web site, and through briefings to elected officials.
- We are releasing this video now because of a public disclosure request. The request was for a number of documents, including the earthquake simulation video.
- Our intent is to comply with the public disclosure request. However we remain concerned that this video sensationalizes a serious safety issue.

WSDOT continues work to ensure the viaduct is safe for drivers, but we cannot afford further delay.

- This video shows clearly why we cannot afford to delay taking down the viaduct.
- Progress is being made. We are starting construction in March to take down the south half of the viaduct near the sports stadiums. The project will be advertised to contractors on Monday, Oct. 26.

- The viaduct is safe for drivers today. WSDOT has kept close watch on the viaduct ever since the 2001 Nisqually earthquake.
 - Inspections have increased to four times a year to ensure it remains safe for drivers. When damage is found during the inspections, steps to repair the damage are taken.
 - We strengthened four column footings between Columbia and Yesler in 2008. This is a temporary repair that limits settlement in this area of the viaduct, prevents further damage to the structure, and allows the viaduct to remain open to traffic.
 - Vehicles with a gross weight of more than 105,500 pounds are prohibited, and trucks and buses must travel in the right-hand lane only.
- WSDOT is installing an automated closure system this spring. The current system is manual and requires the police force and others to close the viaduct in an emergency.
- The automated system will remove traffic from the viaduct in case of a catastrophic failure or a moderate seismic event that weakens the structure. The system will include:
 - New monitoring system, including GPS antennas and wireless equipment, to detect structure and ground movement.
 - Eight gates placed at ramps and entrances to the viaduct
 - Advance warning signs, to notify travelers of a closure, will be added or upgraded in west Seattle, south Seattle, SODO, downtown, and north of the Battery Street Tunnel.
 - Traffic cameras will be added along the viaduct and at gate locations.
- The automated closure system will cost approximately \$3.75 million and is being funded by federal funds.

The City of Seattle will replace the seawall in parallel with the bored tunnel.

- The seawall is at the same risk of collapse in the event of an earthquake as the viaduct.
- Replacement of the seawall is currently undergoing environmental review by the City of Seattle and U.S. Army Corps of Engineers.
- Design will begin next year and construction of the new seawall will begin in parallel with construction of the bored tunnel.

From: Grotefendt, Amy (Consultant)
Sent: Sunday, October 25, 2009 2:51 PM
To: Ehl, Larry
Cc: Paananen, Ron; Judd, Ron
Subject: RE: video tps

[Here you go...](#)

I wanted to give you advance notice that WSDOT will be releasing a video simulation this evening that shows what happens to the Alaskan Way Viaduct and seawall in the event of an earthquake more intense than the 2001 Nisqually earthquake.

In 2007 we prepared a report that identified the risk of an earthquake damaging the viaduct as a one in ten chance in the next 10 years. This video was also prepared in 2007 so that we could better understand the risks to the viaduct and the importance of reaching a decision.

We chose not to release the video because the final product sensationalized a serious safety issue. However, we received a public disclosure request for the video and are releasing it now. The video will be shown on the KING 5 news programs tonight at 10 p.m. and 11 p.m.

You will be receiving more information from Ron Paananen, WSDOT's Alaskan Way Viaduct Program Administrator later this evening including a link to the video. If you have any questions in the meantime, please contact me at 206-910-4142 or Ron at 206-276-0499.

Thank you

From: Ehl, Larry
Sent: Sunday, October 25, 2009 10:34 AM
To: Grotefendt, Amy (Consultant)
Subject: Re: video tps

Not getting return calls. Suggest we send email by mid afternoon seattle time. Your team drafts?

Sent from my Phone

On Oct 24, 2009, at 2:45 PM, "Grotefendt, Amy (Consultant)" <GrotefA@consultant.wsdot.wa.gov> wrote:

Larry --

Here are the draft talking points -- they're not ready yet for prime time. Thanks for agreeing to make the phone calls. We'll be sure to include all of the federal delegation on the emails that are sent out from Ron tomorrow night that will include links to the video.

If they have any questions or want to see the video before tomorrow night, they can call Ron Paananen at 206-276-0499.

Amy

<Video_TPs.doc.docx>

From: Grotefendt, Amy (Consultant)
Sent: Monday, October 26, 2009 12:12 PM
To: Leiste, Willy; Paananen, Ron
Subject: RE: Alaskan Way Viaduct update

Rep. Clibborn and Ron P talked so this is taken care of.

From: Leiste, Willy
Sent: Mon 10/26/2009 11:17 AM
To: Paananen, Ron
Cc: Grotefendt, Amy (Consultant)
Subject: FW: Alaskan Way Viaduct update

Ron,

Please see the following question from Rep. Clibborn. Can you, or one of your staff, contact Rep. Clibborn and answer her question?

Thanks,
Willy

From: Clibborn, Rep. Judy [mailto:Clibborn.Judy@leg.wa.gov]
Sent: Monday, October 26, 2009 11:12 AM
To: Leiste, Willy
Subject: RE: Alaskan Way Viaduct update

I just got a call from Andrew Garber of the Times asking why it was only released to King 5. I could not answer that. **I thought it was getting released to all at the same time to de-politicize the release.** What happened? [emphasis added]

Judy

From: Leiste, Willy [mailto:LeisteW@wsdot.wa.gov]
Sent: Monday, October 26, 2009 9:29 AM
To: Berntsen, Teresa; Klippert, Rep. Brad; Wood, Rep. Alex; Williams, Rep. Brendan; Rolfes, Rep. Christine; Kristiansen, Rep. Dan; Roach, Rep. Dan; Upthegrove, Rep. Dave; Takko, Rep. Dean; Wallace, Rep. Deb; Eddy, Rep. Deborah; Flannigan, Rep. Dennis; Ericksen, Rep. Doug; Finn, Rep. Fred; Simpson, Rep. Geoff; Herrera, Rep. Jaime; Rodne, Rep. Jay; Morris, Rep. Jeff; Moeller, Rep. Jim; Driscoll, Rep. John; Clibborn, Rep. Judy; Springer, Rep. Larry; Lias, Rep. Marko; Dickerson, Rep. Mary Lou; Armstrong, Rep. Mike; Sells, Rep. Mike; Johnson, Rep. Norm; Campbell, Rep. Tom; Shea, Rep. Matt; Becker, Sen. Randi; Haugen, Sen. Mary Margaret; Marr, Sen. Chris; Kauffman, Sen. Claudia; King, Sen. Curtis; Swecker, Sen. Dan; Kilmer, Sen. Derek; Benton, Sen. Don; Jarrett, Sen. Fred; Berkey, Sen. Jean; Delvin, Sen. Jerome; Kastama, Sen. Jim; Jacobsen, Sen. Ken; Ranker, Sen. Kevin; Sheldon, Sen. Timothy; Eide, Sen. Tracey; Brosey, Wanda; Merrick, Liz; Lewis, Ann; Bailey, Melissa; Quinn, Meghan; Rehwaldt, Paula; Ruff, Sandy; McCann, Jane; Forbes, Brad; Bundy, Keith; Smith, Michele; Wallin, Mike; Glenn, Brenda; DeChambeau, Paige; Gallegos, Maureen; Benedetti, Caron; Lewis, Tammi; Cooper, Kate; Miller, Sarah; Chapman, JoAnn; Robinson, Jim; Wallace, Norma; Rider, Kelly; Miller, Darci; Smith, Rachel; Hodges, David; Thiessen, Katrina; Bausch, Miriam; Becker Sen. Randi; Bittner, Daniel; Jones, Courtney; May, Jeri; Dodds, Peter; Gattman, Nova; Kerney, Charlotte; Timm, Mollie; Sherman, Mary; Oslund, Jeremy; Thompson, Colleen; Bell, Laura; Bumann, Barb; Larson, Ann; Jaren, Carol; Fonokalafi-McMullen, Ana
Cc: McCarthy, Clint (OFM); Rettew, Robin; Beardsley, Geri; Auyoung, Dillon; Balasbas, Jay; Leathers,

KING 5 Interview – Oct. 25, 2009

Key messages

- **The viaduct is safe for drivers.** WSDOT inspects the viaduct four times a year, makes repairs as necessary, and is installing an automated closure system next spring that will keep vehicles off the viaduct in the event of an earthquake.
 - “I drive on the viaduct every day.”
- **There is no new information in this video simulation.** When we finished the video simulation it was obvious to us that it was too sensational. We still think it is too sensational, but we have to comply with the public records request.
 - “This video tells us what we already knew – we have to take down the Alaskan Way Viaduct.”
- **Progress is being made.** We are advertising a contract to take down the south mile of the viaduct on Monday. Construction will begin in the spring.
 - “In the spring, drivers will see construction to take the viaduct down near the sports stadiums.”

Possible story

- KING 5 exclusive...WSDOT is releasing a video that shows what happens to the Alaskan Way Viaduct if there was an earthquake just a little stronger than the 2001 Nisqually earthquake.
- We spoke with Ron Paananen of WSDOT today about the video, which is being released just a day after an agreement was signed by the governor and mayor to proceed with the bored tunnel.
- *“This video tells us what we already knew – we have to take down the Alaskan Way Viaduct. The signing of the agreement yesterday gives us solidifies the partnership with the city to replace the viaduct after the environmental review process is complete.” – RP*
- The video shows the viaduct collapsing in the event of a 7.0 earthquake, one that scientists say has a chance of occurring every 108 years. We asked whether the viaduct was safe for drivers.
- *“The viaduct is safe for drivers. I drive on it every day. And we are taking steps to ensure it is safe for drivers. We just completed one of four inspections that take place each year. As the governor announced yesterday we are installing an automated closure system that will keep drivers off the viaduct after an earthquake.” – RP*
- *“The inspections ensure the viaduct is safe for drivers, but it doesn’t change the fact that it is an old structure that we cannot fix.” – JK*
- So why not close the viaduct? Why wait until 2015 when the tunnel is open?
- *“WSDOT takes safety seriously. As long as we are confident the viaduct is safe for drivers, we will keep it open. Shutting down one of only two north-south routes through downtown Seattle without any other options in place would have serious consequences to the regional economy.” – RP*
- The video also shows the seawall collapsing and many of the structures on the waterfront falling into the water.

Santic, Heather (Consultant)

From: Paananen, Ron
Sent: Sunday, October 25, 2009 10:01 PM
Subject: FW: Alaskan Way Viaduct - video information
Attachments: AWW_Simulation_FAQs_TPs.pdf

Program Staff:

I want you to have information that was just sent to elected officials and stakeholders. We released a video simulation this evening that shows what would happen to the viaduct in the event there was an earthquake that was more intense than the 2001 Nisqually earthquake. While we have refrained from releasing the video in the past, we received a public disclosure request for it, which we are complying with.

When I watch this video, it makes me realize how important the work that everyone on the team does every day. Thank you for keeping the critical project moving forward.

As always, if you receive any media inquiries please forward them to Kristy Van Ness at 206-382-6361. And please stop by my office if you have any questions.

Thank you,
Ron

Here is a link for you to watch the video from your WSDOT computer:

http://media.wsdot.wa.gov/asxgen/video/viaduct/earthquake_simulation.wmv

From: Paananen, Ron
Subject: Alaskan Way Viaduct - video information

Dear Alaskan Way Viaduct Interested Party:

Today WSDOT is releasing a [video simulation](http://www.youtube.com/watch?v=hos_uIKwC-c) (www.youtube.com/watch?v=hos_uIKwC-c) of what would happen to the Alaskan Way Viaduct and Seawall if there was an earthquake that lasted longer, was closer, or was stronger than the 2001 Nisqually earthquake. This type of earthquake has a one in ten chance of occurring in the next 10 years, which is information we released to the public in early 2008.

We have not released this video earlier because we believe it sensationalizes a serious safety issue, however, we are releasing it now in response to a public disclosure request. [More information](http://www.wsdotblog.blogspot.com/) about the video can be found here: <http://wsdotblog.blogspot.com/>

Why was this video produced?

In 2007 WSDOT prepared a [report about the seismic vulnerabilities](http://www.wsdot.wa.gov/NR/rdonlyres/4452FD83-963F-4CD1-B7AE-1277499AC7C0/0/Seismic_Vulnerability_Analysis_Report.pdf) of the viaduct based on new geotechnical data and a better understanding of local and regional seismic behavior. The information showed there was a higher chance of an earthquake occurring that could cause portions of the Alaskan Way Viaduct to collapse. The full report can be found here:

www.wsdot.wa.gov/NR/rdonlyres/4452FD83-963F-4CD1-B7AE-1277499AC7C0/0/Seismic_Vulnerability_Analysis_Report.pdf

The higher chance translated to a one in ten chance that an earthquake that could cause the viaduct to collapse could occur in the next 10 years. This was approximately double the previously known risk. Scientists estimate this magnitude earthquake occurs once every 108 years. The risks are the same for the adjacent seawall.

When we understood this higher risk, there was little agreement about how the Alaskan Way Viaduct was to be replaced. To ensure that we fully understood the risks of not reaching a decision, we created a visual simulation of how the viaduct would respond in the event of an earthquake more intense than the 2001 Nisqually earthquake.

Progress was being made in late 2007. Agreement had been reached on how the south mile of the viaduct was to be replaced. And there was a collaborative process underway, including a 29-member stakeholder advisory committee, to determine the best solution for the mile of the viaduct along the central waterfront.

While independent experts reviewed the video and found it to be an accurate representation of how the viaduct would respond to an earthquake, we felt it was too sensational to release. We felt that it may unnecessarily frighten the public as well as distract from the progress underway.

Why release this video now?

Last month we received a public disclosure request. Many documents were requested, including the earthquake simulation video.

Is the viaduct safe for drivers?

The Alaskan Way Viaduct remains safe for drivers, but the video shows why we cannot afford to delay replacement of it. WSDOT has increased inspections since the 2001 Nisqually earthquake and work to take down the south mile of the viaduct will begin next spring. Steps taken or underway to ensure the viaduct is safe include:

- Four sections of the viaduct that were damaged in the 2001 Nisqually earthquake were repaired soon after the earthquake.
- We inspect the structure four times a year. The section of the viaduct between Columbia and Yesler continued to settle an additional five and a half inches after the 2001 Nisqually earthquake. WSDOT completed repairs to the column footings in April 2008.
- Vehicles with a gross weight or more than 105,500 pounds are prohibited, and trucks and buses must travel in the right-hand lane only. If further settlement is found, additional weight restrictions may be required.
- Next spring an automated closure system will be installed to allow the state and city to act quickly if an earthquake, fire or other event compromises the structure. This system will use the latest in monitoring technology, including GPS antennas and wireless equipment, to detect structure and ground movement. New signs and gates at the viaduct's ramps and entrances will detour traffic away from the structure and advance warning signs will notify drivers of any closures. The automated closure system will cost approximately \$5 million and is federally funded.
- The City of Seattle is advancing the environmental review and design of a new seawall. Construction will take place in parallel with construction of the bored tunnel. The city has made approximately \$500,000 in repairs and monitors the seawall.

From: Petereit, Ralph (Consultant)
Sent: Thursday, April 12, 2007 9:28 AM
To: Feikema, Debra (Consultant); Rigsby, Mike (Consultant)
Subject: FW: Task Order BE under Y-9715 Viaduct Catastrophic Failure Video

FYI

From: Anderson, Ward
Sent: Thursday, April 12, 2007 9:12 AM
To: Clark, Gordon T. (Consultant)
Cc: Farley, Kimberly; Williamson, Alec; Petereit, Ralph (Consultant)
Subject: Task Order BE under Y-9715 Viaduct Catastrophic Failure Video

Gordon,

You are authorized to use the remaining funds in task order BE **to produce a Video showing the catastrophic failure of the Viaduct.** Please develop a scope, schedule, and budget for this activity. This work will be tracked under Additional Graphics Support deliverable and cost account MBP19.P110201BE.vi07 (BE.B.VI.M.07).

Please see me if you have any questions.

Thanks,

Ward Anderson
Business Manager
Alaskan Way Viaduct and Seawall Replacement Project
206-267-6529



Schedule:

15% - Storyboard approval by April 30, 2007

50%- Submit animated video for client Review by May 15, 2007

75%- Submit animated video for second client review by May 28, 2007

100%- Submit final video by June 8, 2007

Budget:

It is estimated that a total of 700 hours of labor will be required to produce the requested video. At our average billing rate of \$85/hour, the total cost is estimated at \$59,500.

Direct expenses are estimated less than \$2,000. All labor and expenses will be charged to existing Task Order BE – subtask 7 (Graphic Support). It is assumed sufficient funds remain in this task order to cover estimated charges.

Staff:

Jay Mezher will be in charge of producing the video; Gordon Clark will be responsible for the technical content. Various staff from the Project Visualization Group will assist in creating the video. All production work will be done in Seattle.

Assumptions:

Changes in the assumptions shown below may result in an increased cost, increased schedule or both.

1. The video will be approximately 1 minute long.
2. The shaking of the viaduct will be exaggerated so that the earthquake effect is more evident.
3. There will be 3 over the shoulder reviews; all comments will be gathered at a group meeting.
4. In addition to consultants, reviewers will be limited to the following individuals: Ron Paananen, Alec Williamson, Tom Madden, and Amy Grotefendt.
5. The video will follow the sequence of the approved storyboard.
6. Budget is based on a moderate amount of comments and no major changes in direction or content.

In order to meet the aggressive schedule proposed above we need to begin work immediately. Please acknowledge your agreement with the scope schedule and budget described above or revise as necessary so that we can reach a common understanding of this work and proceed.

From: Mezher, Jay [Mezher@pbworld.com]
Sent: Friday, June 08, 2007 1:30 PM
To: Rigsby, Mike (Consultant); Clark, Gordon T. (Consultant); Madden, Tom; Paananen, Ron; Farley, Kimberly; Kapur, Jugesh
Subject: AWV Earthquake 75% meeting

Thank you all for taking the time to meet yesterday, below are the comments from the 75% complete AWV earthquake simulation meeting:

- Move epicenter location in opening shot to the NW area of Kitsap County
- Add text information about the earthquake being similar to Nisqually but 15 – 20 longer. (Coordinate with Kristy Laing on the sentences)
- Beginning of the P-wave hit should be stronger
- Add camera shake to emphasize more the beginning of the earthquake
- City lights should starting failing as the 1st section of the viaduct falls
- Ferry lights should stay on
- Less fires on the collapsed viaduct
- Damage a couple of the older buildings along the collapsed viaduct. Show facades fallen off in the corners and broken windows
- When panning back show one section of the viaduct to have plunge damage
- Render out hi-res stills that will be used to point out the sequence of events with text
- Add a stop watch in upper right-hand corner
- Create another version of the video highlighting the sequence of events with text

Next deliverable is due Wednesday June 13, 2007. This will be a draft review that will be submitted to WSDOT, a 'draft' stamp will be added to the video so that it's not mistaken for the final product. The final deliverable will take two weeks to assemble after the last round of feedback.

Let know if there's anything that I've missed.
Please forward to anyone who was in the meeting and not on the email list.

Thanks,
Jay

Jay Mezher
Design Visualization Manager

PB
999 Third Ave, Suite 2200
Seattle, WA 98104
USA

Direct: 206-382-5267
Fax: 206-3825291
Email: Mezher@pbworld.com

www.pbworld.com www.company39.com

NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration,

VandenBerghe, Alissa (Consultant)

From: Alaskan Way Viaduct
Sent: Thursday, April 16, 2009 4:54 PM
To: 'bobd@keepclam.com'
Subject: RE: Alaskan Way Viaduct and Seawall Replacement Program
Attachments: 99_Corridor_Coalition_3_26_09.pdf

Bob,

Thanks for your inquiry. We are still developing the environmental review process for the bored tunnel hybrid alternative, and should have information to share with you during the first week of May. We are not planning on issuing an RFP for the environmental document. The existing project team made up of staff from WSDOT, KCDOT, SDOT, and consultants will prepare the documents.

The PowerPoint of the presentation we made to your group is attached. Please contact any of us at the phone numbers below if you have any further questions.

Sincerely,

Ron Paananen, Urban Corridors Deputy Administrator
Washington State Department of Transportation
206-464-1221

Ron Posthuma, Assistant Director
King County Department of Transportation
206-684-1007

Bob Powers, Deputy Director
Seattle Department of Transportation
206-684-0577

From: Bob Donegan [<mailto:bobd@keepclam.com>]

Sent: Friday, April 10, 2009 1:46 PM

To: Grace.Crunican@Seattle.Gov; Robert Powers; Amy Grotefendt

Subject: EIS?

I've been to lots of community meetings and the usual assortment of individual meetings on our favourite topic. Several people have asked me what the EIS process will be in project. Are you going to do an RFP for EIS?

Also, can you send the latest power point of the presentation you did for our Coalition last Thursday? We are meeting daily with legislators and want to be sure to use the latest info.

Bob

EXHIBIT I

2/10/2010

VandenBerghe, Alissa (Consultant)

From: Dye, Dave
Sent: Monday, July 13, 2009 5:52 PM
To: 'bobd@keepclam.com'; Grotefendt, Amy; Paananen, Ron; 'grace.crunican@seattle.gov'
Cc: Van Ness, Kristy (Consultant); Powers, Bob; 'dstark@smithandstark.com'
Subject: Re: Tuesday Press Conference

Bob - thanks for the message and sorry I missed the call - please feel free to call me on cell at 206-948-9820 tonight - secretary's biggest concern is competing stories on transportation tomorrow - western association of state highway and transportation officials (WASHTO) are holding their meeting in town thru wednesday and have an 11 press availability tomorrow to dismiss some claims that federal stimulus funding is not creating jobs - pretty big deal for the 18 western state secretaries to stand together and rebut that point - did someone suggest changing the time and or day of your event - I saw some e-mail traffic along those lines? Again, thanks for checking in...

-dave

From: Bob Donegan
To: Grotefendt, Amy; Paananen, Ron; Dye, Dave; 'Grace Crunican'
Cc: Van Ness, Kristy (Consultant); Powers, Bob; 'Don Stark'
Sent: Mon Jul 13 16:37:22 2009
Subject: RE: Tuesday Press Conference

Thanks

Which floor will she be at? I will come or get someone to come
Enjoy the Cherries in Traverse City. But didn't the cherry festival end yesterday?

From: Amy Grotefendt [mailto:agrotefendt@enviroissues.com]
Sent: Monday, July 13, 2009 3:54 PM
To: Bob Donegan; PaananR@wsdot.wa.gov; David Dye; Grace Crunican
Cc: Van Ness, Kristy (Consultant); robert.powers@seattle.gov
Subject: RE: Tuesday Press Conference

Bob – We can get you the plot that shows the entire alignment with the portals. Do you have someone who can come by the project office first thing tomorrow a.m. to pick up? We don't have a current version printed, but are doing that this afternoon.

I am on a 9:00 a.m. flight to Traverse City, Michigan so if you could let Kristy Van Ness know if/when someone could pick it up, it would be much appreciated. She is CC'd on this message and can be reached at 206-300-4312.

Thanks!
AJG

From: Bob Donegan [mailto:bobd@keepclam.com]
Sent: Monday, July 13, 2009 1:44 PM
To: PaananR@wsdot.wa.gov; David Dye; 'Grace Crunican'; Amy Grotefendt
Subject: Tuesday Press Conference

Ron and Grace and David and Amy,

On Tuesday morning, the State Route 99 Corridor Coalition will hold a press conference to talk about the "facts" of the tunnel hybrid. As you know, this is the group that has met weekly or every other week since the fall to support the hybrid and consists of labor, freight, maritime, Chamber, DSA, port, neighborhoods, waterfront. The same group that pushed tunnel hybrid and helped the legislation in Olympia.

As we have monitored campaign rhetoric, we have detected misstatements:

The tunnel costs \$4.2B

It has no transit

It is not supported by the public

It is the same tunnel turned down by voters in 07

It will become the Big Dig

We are going to set the record straight, demonstrate the facts, and indicate the strength of the coalition supporting this project. We want the candidates to see the strength of support for the hybrid AND put them on record that we are watching what they are saying and doing.

We don't need you there, may be better that you are not, but we would like to borrow the BIG Boards showing the whole project range--north portal, central, south portal, and the big photo illustrations if we could in case questions come up.

Bob