

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITIZENS FOR MOBILITY; STUART  
WEISS; DONALD F. PADEL FORD;  
RICHARD NELSON; RICHARD FIKE;  
THOMAS COAD; AND EMORY BUNDY,

Plaintiffs,

v.

NORMAN MINETA, Secretary of  
Transportation; JENNA DORN, Administrator  
of the Federal Transit Administration; RICK  
KROCHALIS, Regional Director, Federal  
Transit Administration, Region X;  
U.S. DEPARTMENT OF  
TRANSPORTATION; FEDERAL TRANSIT  
ADMINISTRATION; AND CENTRAL  
PUGET SOUND REGIONAL TRANSIT  
AGENCY,

Defendants.

NO. C00-1812Z

SECOND DECLARATION OF JOHN D.  
ALKIRE IN SUPPORT OF PLAINTIFFS'  
RENEWED MOTION FOR PARTIAL  
SUMMARY JUDGMENT

John D. Alkire, being first duly sworn, deposes and says:

1. Both federal and local defendants have raised generalized objections that certain of the matters included in declarations accompanying plaintiffs' Renewed Motion for Partial Summary

SECOND DECLARATION OF JOHN D. ALKIRE IN  
SUPPORT OF PLAINTIFFS' RENEWED MOTION FOR  
PARTIAL SUMMARY JUDGMENT (NO. C00-1812Z) - 1

[/2d JDA Dec 112702 SL023290117.DOC]

Judgment, filed September 18, 2002 herein, were not included in the "Administrative Record" ("AR") herein. The following lists identify the sources of the described documents so that the Court might better consider the issue. Please note that the amended "AR" was not submitted by federal defendants until September 18, 2002, the same day plaintiffs filed their renewed motion. Accordingly, it was not physically possible at the time for plaintiffs to have supplied all "AR" citations in their moving papers.

**2. The Declaration of John D. Alkire, September 13, 2002, attaches the following**

**Exhibits:**

Exhibit	Subject	Source	AR Citation
A	"Frequently Asked Questions" About New Starts Rule (FTA Guideline)	FTA	
B	"New Starts Submission Requirements" (FTA Guideline)	FTA	
C	"Development and Evaluation of Alternatives" (FHWA Guideline) [1]	FHWA	
D	"New Starts Baseline Alternative Procedures" (FTA Guideline)	FTA	
E	New Starts Report to FTA, Sept. 1999 (excerpt) [2]	Sound Transit	
F	New Starts Report to FTA, Oct. 2001 (excerpt)	Sound Transit	500428, 500439
G	Sound Transit letter of Sept. 24, 2001 to FTA [3]	Sound Transit	500426
H	Sound Transit Ridership Projections, Sept. 26, 2001	Sound Transit	
I	Letter, FTA to Sound Transit, Oct. 15, 2001, proposing "EA"	FTA	502215-18
J	Sound Transit e-mail, Nov. 15, 2001	Sound Transit	

Exhibit	Subject	Source	AR Citation
K	Sound Transit Briefing Paper USDOT Inspector General	Sound Transit	
L	Sound Transit Memorandum, Nov. 19, 2001 re. SEPA Addendum for Initial Segment	Sound Transit	
M	Sound Transit e-amil, Nov. 28, 2001	Sound Transit	
N	SEPA Addendum for Initial Segment	Sound Transit	502302-325
O	King County Metro Six-Year Development Plan, November 2001 [4]	King County Metro	
P	Sound Transit Project Status Report, Dec. 7, 2001	Sound Transit	
Q	FTA Comments on Draft EA	FTA	50236-41
R	FTA letter of Dec. 18, 2001 to Sound Transit	FTA	
S	Environmental Assessment ("EA")	FTA	502491-693
T	Amended Record of Decision ("Amended ROD")	FTA	502696-887
U	DMJM + Harris Evaluation of Joint Operations, DSTT	DMJM + Harris	
V	NEPA's Forty Most Asked Questions (excerpt)( CEQ Guidelines)	CEQ	
W	FTA letter to Sound Transit, Aug. 21, 2002	FTA	
X	USDOT Inspector General Memorandum to FTA, Sept. 4, 2002	USDOT	

[1] FTA has elected to use FHWA as a cooperating NEPA agency in this case.

See AR 13852-53.

1 [2] Please note that FTA has elected to include the October 2001 New Starts  
2 Report for Initial Segment in the AR (see Ex. F), but we are unable to locate the  
3  
4 October 1999 New Starts Report for Central Link in the AR.  
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6 [3] Please note that the Sept. 24, 2001 letter refers to and attaches the letter of  
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8 Nov. 6, 1998, which is included as part of Exhibit G; but that 1998 letter is not included by  
9 the FTA in the AR.  
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11 [4] Defendants have included other, similar King County Metro plans in the AR,  
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13 see, e.g., AR 500820 et seq., but for some reason have not included the plan which is in  
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15 Exhibit "O".  
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19 **3. The Declaration of John S. Niles, September 12, 2002, attaches the following**

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21 **Exhibits:**

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Exhibit	Subject	Source	AR Citation
A	Hazard Analysis Guidelines for Transit Projects (January 2000) (FTA Guideline)	FTA	
B	Korve Engineering Traffic Impacts Analysis (June 1999) [5]	Sound Transit	
C	John Niles letter to FTA, June 11, 2002	Niles	
D	John Niles testimony to King County Council, June 2002	Niles	

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37 [5] This Korve Engineering Report was cited in the 1999 FEIS, at pages 4-161  
38 and 4-162 [AR 3461-62] in support of certain statements contained in the text; plaintiffs  
39 have not, however, been able to locate said report in the AR.  
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43 **4. The Second Declaration of Richard Nelson, September 12, 2002**

44 This declaration contains no exhibits, but rather refers largely to exhibits attached to other  
45 declarations. It does contain references to certain documents included in the "AR", as follows:  
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47

- Paragraph 28: 1993 EIS page 3-93 is "AR" 11849; and
- Paragraph 30: 1993 EIS pages xviii and 1-10 are "AR" 11611 and 11650.

**5. The first Declaration of Richard Nelson, July 11, 2001, attaches the following Exhibits:**

Exhibit	Subject	Source	AR Citation
A	Court's March 30, 2001 Decision in <i>Friends of the Monorail, Inc.</i> , No. C00-852Z ("FOM")	Court File	
B	RTP Focused Alternative Evaluation Summary (October 1992) [6]	Sound Transit	
C	1993 planning EIS (excerpts)	Sound Transit	11591-949
D	Sound Transit Cross Motion for Summary Judgment in FOM	Court File	
E	1995 Addendum and SEIS for Metropolitan Transportation Plan [7]	Sound Transit	
F	1994 Phase I Study Options Results Report by Sound Transit and PSRC [8]	Sound Transit	
G	Memorandum from Dave Earling, Chairman of the Board of Sound Transit, to Board of Directors, May 17, 1994	Sound Transit	
H	Memorandum from David Beal of Sound Transit to Community Transit, July 8, 1994	Sound Transit	
I	E-mail from J. Whisner of Sound Transit, Aug. 14, 1992	Sound Transit	
J	UMTA [predecessor to FTA] Grant Agreement with Metro [now King County Metro] – 1989	FTA	

[6] Although this particular document does not appear to be included in the AR, a very similar, companion document entitled "Alternative Refinement and Phasing Methodology Report (June 1992)" is included at AR 9955-10010.

[7] Although this particular document does not appear to be included in the AR, it is expressly referenced in the 1999 FEIS at page iv (AR 3054) as a "Related Document"; and, the 1995 Metropolitan Plan is included at AR 12728-12912, and 1994 Metropolitan Plan at AR 12586-12655..

[8] Although this particular document does not appear to be included in the AR, the companion 1994 Metropolitan Plan is so included, as referenced in footnote [7] immediately above.

**6. The Declaration of Thomas Rubin, July 11, 2001, attaches the following**

**Exhibits:**

Exhibit	Subject	Source	AR Citation
A	Rubin Resume	Rubin	
B	John Perlic Safety Report (submitted by Sound Transit to plaintiffs in <i>Save Our Valley</i> )	Sound Transit	
C	"Technical Guidelines" re. New Starts (FTA Guidelines)	FTA	
D	New Starts Report Sept. 1999 (see footnote [2] above)	Sound Transit	
E	Sound Transit's Cross-Motion for Summary Judgment in FOM	Court File	
F	E-mail from Bob White, Executive Director of Sound Transit, to "Friends of Sound Transit", April 27, 2000	Sound Transit	
G	Ride Free Express Plans	Ride Free Exp.	

Exhibit	Subject	Source	AR Citation
H	Ride Free Express Plans	Ride Free Exp.	
I	Ride Free Express Plans	Ride Free Exp.	
J	USDOT Inspector General's Report on Sound Transit's Central Link Project, April 2001	USDOT	
K	Rubin Report in <i>Save Our Valley</i>	Rubin	
L	Rubin Rebuttal Report in <i>Save Our Valley</i>	Rubin	
M	E-mail from Sound Transit, Oct. 3, 2000	Sound Transit	
N	1993 planning EIS, Technical Appendix F (Capacity calculations)	Sound Transit	
O	"High Occupancy Vehicle Fatalities", by C. Fuhs, 1990 (excerpt)		
P	C. Fuhs letter to Community Transit, Oct. 14, 1994		

7. Attached as Exhibit A hereto is a copy of Sound Transit's Reply Memorandum in *Friends of Monorail*, dated February 15, 2001.

8. Attached as the designated Exhibits to this declaration are the following copies of the AR in this case:

Exhibit	Description	AR Pages
B	FTA's December 2001 questions on Draft EA (excerpt)	502336
C	Draft EA, Nov. 2001 (excerpts)	502238-42; 502253-54
D	Final EA, Feb. 2002 (excerpts)	502511-17; 502530-31

9. Attached as Exhibit E hereto is a true copy of the opinion of John N. Perlic, P.E., submitted by Sound Transit to plaintiffs in the *Save Our Valley* case. This document is also attached as Exhibit B to the Declaration of Thomas Rubin, July 11, 2001, and filed herein.

10. Attached as Exhibit F hereto is a copy of the U.S. Department of Transportation, Bureau of Transportation Statistics, 1999 Report, Tables 2-18 and 2-32.

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

Executed at Seattle, Washington this 26th day of November 2002.

John D. Alkire