



## CITY OF MERCER ISLAND, WASHINGTON

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Dear Fellow Islanders:

Last week the City Council approved a tentative settlement agreement with Sound Transit. While the “terms” of the agreement were approved, the formal agreement will return to Council in the near future for final approval. For now, this means that legal actions by both parties are suspended.

Recall that back in February, with meaningful negotiations at a standstill, we had no other option besides legal recourse to protect the safety and mobility of our residents. Our residents deserved and demanded that level of response. We had expected and envisioned that our legal strategy would ultimately lead to some kind of negotiated settlement.

As I mentioned in my last update, on May 22, City and Sound Transit representatives met to try to negotiate a solution; however, the gap for a settlement was too wide to bridge. Then, over the Memorial Day weekend, Sound Transit Board representatives returned with another proposed settlement offer. They asserted that this number was final. There would be no going back, and in fact, the offer expired at midnight on May 31. They assured us that the Board support was there to approve this, but nothing larger.

Staff and outside legal counsel recommended that the Council accept the settlement offer. Why did we do this? Didn't we have a good legal case? Couldn't we get more through the courts?...

There is no way to answer these questions with certainty. It was all speculative, but even the speculation had the odds stacked against us, especially considering two rulings against the City so far and the Federal Highway Administration's (FHWA) continued opposition to single occupant vehicles (SOVs) accessing the westbound onramp at Island Crest Way. And with legal fees increasing upwards to \$2 million before we even got to trial, we believed that the litigation strategy had run its course. The Council had to weigh the financial trade-offs of spending an additional \$1-1.5 million on legal fees to continue the legal fight and still risk ending up with far less than the settlement offer.

On May 31, the Council discussed the pros and cons and went back-and-forth with Sound Transit for six and a half hours over the phone. Through it all, the Council held firm on the bus-rail intercept being at 77<sup>th</sup> Ave. They also shrewdly negotiated flexibility into the agreement so that we leave no money on the table. Every bit of the \$10,050,000 will be spent to benefit the Mercer Island community. Ultimately, the Council vote was 5-1.

This agreement has several important benefits:

1. There will be no large bus facility built on 80<sup>th</sup> Avenue as demanded by Sound Transit and King County Metro. Instead, all pick-up and drop-off will occur on North Mercer Way as is now the case with existing commuter buses. In addition, bus volumes are restricted to ensure that the impact of those operations on Islanders will be no greater than the impact of existing bus operations today.

2. The City has approximately \$4.4 million available to apply towards the construction of commuter parking that can be managed by the City for the exclusive use of resident commuters. We believe this is the first instance in which Sound Transit has agreed to provide any local government with partial funding for commuter parking that can be managed entirely by that government. To secure additional construction funds, we envision a public-private partnership with a developer on a Transit-Oriented Development (TOD) project.
3. The City has over \$5.3 million available from Sound Transit to either address vehicle, bicycle and pedestrian access issues resulting from the closure of the center roadway or fund “last-mile solutions” that enable Islanders to access transit without driving to the Town Center. The immediate priority will be funding street and intersection improvements that are identified once new traffic patterns are confirmed. In addition, Sound Transit will complete work on the most important street and intersection improvements that it had already committed to do.
4. Sound Transit committed to provide 100 additional commuter parking stalls on Mercer Island during the East Link construction period (2017 thru 2023).
5. One of the most significant provisions of the agreement allows for monies not used to be transferred to another area where additional funding is needed. Therefore, we’re ensuring that the funds will be used where the community sees the greatest impacts.

Some have said that we “gave away” Island Crest Way access during these negotiations. It was not part of the negotiations because it is federal policy – Sound Transit and WSDOT had no authority to offer that access. Ten days ago, the City circulated the FHWA letter that again stated we cannot violate federal law by allowing SOVs into the HOV lanes.

The City will need to pursue federal legislation, which it intends to do. As a result of this settlement however, we expect greater assistance from the State and Sound Transit, and the continued support of our State and Federal delegations. Support for an “act of Congress” goes much further when regional partners are also lobbying on our behalf, rather than against us.

This final settlement offer provided considerably more funding to address traffic and safety issues than previous proposals from Sound Transit. We’ve always known that East Link light rail construction would cause disruption in our community, but no one ever envisioned any reason to expect the SOV restrictions on Island Crest Way. With this in mind, the Council determined that the current mitigation package is the best way to secure an adequate level of funding to address the mobility and safety challenges that are happening today.

The center roadway is now closed. This change will impact our community, but just as Islanders did back when I-90 was expanded, I’m confident that we can all come together again with resolve to find opportunities and collaborative solutions.

- Please join the City on **June 22, 7:00-8:30 pm, at West Mercer Elementary Gym**, as we kick-off a community engagement process to determine how best to expend the traffic and safety mitigation funds we’ve secured. We invite your comments at: [Rail@mercergov.org](mailto:Rail@mercergov.org)

Thank you,



Julie Underwood  
Mercer Island City Manager