

Exhibit No. _____
Docket No. TR-100127
Witness: Kevin M. Jeffers, P.E.

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION,

Petitioner,

v.

CENTRAL PUGET SOUND REGIONAL
TRANSPORTATION AUTHORITY; and
CITY OF LAKEWOOD,

Respondents.

DOCKETS TR-100127, TR-100128,
TR-100129, and TR-100131
(Consolidated)

SUPPLEMENTAL WRITTEN DIRECT TESTIMONY OF

Kevin M. Jeffers, P.E.

STAFF OF
WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
State Rail and Marine Office

May 5, 2010

1 KEVIN M. JEFFERS testifies as follows:

2 I submit this supplemental testimony in support of the Washington State Department of
3 Transportation's petitions in the dockets referenced above.

4 **Q. Please state your name and business address.**

5 A. My name is Kevin M. Jeffers, P.E., and my business address is 310 Maple Park Drive
6 Southeast, P.O. Box 47407, Olympia, Washington 98504-7407. My business email address is
7 jefferk@wsdot.wa.gov.

8 **Q. Since you filed your direct testimony on April 16, 2010, has any new information**
9 **come to light that would cause you to change your testimony?**

10 A. Yes. As stated in my earlier testimony, pursuant to a grant application submitted in
11 October 2009 by Washington State Department of Transportation (WSDOT) to the United
12 States Federal Railroad Administration (FRA), FRA announced last February that it would be
13 granting High-Speed Intercity Passenger Rail funds to WSDOT. *See* Written Direct Testimony
14 of Kevin M. Jeffers, P.E. filed April 16, 2010 (Jeffers Testimony) at 12:1-11. On March 10,
15 2010, WSDOT requested that a portion of the grant be allocated to the Point Defiance Bypass
16 Project.

17 On April 20, 2010, FRA verbally notified WSDOT that with the granting of FRA
18 funds, FRA would require WSDOT to follow FRA's National Environmental Protection Act
19 (NEPA) protocol.¹ FRA confirmed this in writing on May 4, 2010. At the same time, FRA
20 stated that, under FRA's Environmental Procedures implementing NEPA, the appropriate
21 project-level environmental documentation is an environmental assessment (EA) rather than a
22 categorical exclusion (CE). FRA will be the lead federal agency in the preparation of the
23 environmental assessment to evaluate the effects of the proposed action in order for the project
24 to be eligible to receive High-Speed Intercity Passenger Rail funds.

25 ¹ Although both the Federal Highway Administration and the Federal Rail Authority are federal agencies,
26 they have developed similar, but separate approaches to implementing NEPA protocol.

1 WSDOT will be initiating the preparation of the documents to support the EA in the
2 near future. The environmental assessment by FRA will not supplant the Documented
3 Categorical Exclusion issued by the Federal Highway Administration (FHWA) on May 5,
4 2008, previously submitted as Exhibit KJ04.

5 All of this prompts me to supplement my response to the question: "Has the
6 environmental process been completed?" in my Direct Testimony submitted on April 16,
7 2010. Jeffers Testimony at 16:9-12. I can state the following: pursuant to FHWA's
8 Environmental Procedures implementing NEPA, a Documented Categorical Exclusion was
9 issued by the FHWA on May 5, 2008, and that the State Environmental Protection Act (SEPA)
10 was completed 14 days after WSDOT issued the Determination of Non-Significance on
11 August 1, 2008, according to WAC 197-11-340. Additional NEPA documentation, in the form
12 of an environmental assessment, is being undertaken under the direction of the FRA, thus that
13 process is not complete.

14 **Q. Have there been any other developments that would cause you to supplement or**
15 **change your earlier testimony?**

16 A. No. To the best of my knowledge and belief, with the addition of this supplement, my
17 testimony is accurate and up to date.

18 **Q. Does this conclude your supplemental testimony?**

19 A. Yes, it does.

20 I declare under penalty of perjury under the laws of the State of Washington that the
21 foregoing is true and correct to the best of my knowledge.

22 DATED this 5TH day of May 2010, at OLYMPIA, Washington.

23
24 
25 KEVIN M. JEFFERS, P.E.
26