

Exhibit No. \_\_\_\_\_  
Docket No. TR-100127  
Witness: David Bugher

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION,

Petitioner,

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

Respondents.

Docket No. TR-100127, TR-100128, and TR -  
100129 (*Consolidated*)

**WRITTEN DIRECT TESTIMONY OF**

**David Bugher**

**Assistant City Manager/Community Development  
City of Lakewood**

**May 5, 2010**

1 DAVID BUGHER, Assistant City Manager/Community Development, testifies as follows:

2 I submit this testimony in opposition to the petitions of the Washington State  
3 Department of Transportation in the above-referenced dockets.

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

5 **A.** My name is David Bugher, and my business address is 6000 Main Street SW,  
6 Lakewood, WA 98499. My business email address is [dbugher@cityoflakewood.us](mailto:dbugher@cityoflakewood.us).

7 **Q. Who is your employer?**

8 **A.** The City of Lakewood.

9 **Q. Describe your current position with the City of Lakewood including your duties  
10 and responsibilities.**

11 **A.** I am currently employed as the Assistant City Manager for Development as well as  
12 holding the title of Community Development Director. I report directly to the City Manager. I  
13 perform executive level administrative, supervisory, and public contact work necessary to  
14 direct community development, economic development, public works, solid waste  
15 administration, parks and recreation and human services functions within Lakewood. I directly  
16 supervise a principal planner, senior planner, public works director, building official, economic  
17 development manager, parks and recreation director, and the community services director as  
18 well as an administrative assistant.

19 I act as the City's chief administrator for the implementation of the comprehensive plan,  
20 land use and development regulations, capital facilities planning, business licensing, and  
21 shoreline regulations. In addition, by code, I have been designated the City's Responsible  
22 Official under the State Environmental Policy Act (SEPA).

1 Typical assignments can vary widely from day to day. Some examples of my  
2 assignments include approving or denying short plats and boundary line adjustments,  
3 overseeing report writing related to shoreline and other permits, meeting with prospective  
4 developers, conducting meetings with outside public agencies on permitting issues, preparing  
5 and administering grants, making SEPA determinations, and coordinating development  
6 applications between City departments. I attend meetings with advisory boards and business  
7 and community groups to explain city policies and ascertain citizens' interests and concerns.  
8 To the degree possible I mediate and seek to resolve issues as they arise in relation to inter- and  
9 intradepartmental activities as well as city relationships and interactions with outside agencies  
10 and other entities. When the city manager is unavailable, I may be assigned to act in all aspects  
11 of that capacity.  
12

13  
14 **Q. How does your background and experience qualify you to hold this position?**

15 **A.** After graduating from Brigham Young University in 1980 with a degree in Urban  
16 Geography and Planning I have worked exclusively in municipal government. Previously, I  
17 have held the positions of Planning Director, Assistant City Manager, and Acting City Manager  
18 in other cities including Morro Bay and Coalinga, California; and now the City of Lakewood,  
19 Washington. I have many years' experience in the administration of California and  
20 Washington environmental and land-use regulations including such areas as airport and  
21 military facilities encroachment planning, coastal planning, the California Environmental  
22 Quality Act (CEQA), the National Environmental Policy Act (NEPA), SEPA, the Endangered  
23 Species Act (ESA), water conservation, and redevelopment administration.  
24  
25

26 **Q. Are you familiar with the "Point Defiance Bypass" project?**  
27

1 A. Yes.

2 Q. What is it?

3 A. It is a project proposed by the Washington State Department of Transportation  
4 (WSDOT) Rail Division to reroute passenger trains from an existing main line near Point  
5 Defiance and along Puget Sound in Pierce County to an existing rail line that runs along the  
6 west side of Interstate 5 (I-5), southward from the Tacoma Amtrak station through Lakewood  
7 and DuPont. This line, which used to be owned by Burlington Northern Santa Fe, was acquired  
8 by Sound Transit and is currently used for Tacoma Short Line freight operations, and is  
9 intended to be used for Sound Transit commuter rail service that will culminate at the  
10 Lakewood Station. Past DuPont, the Bypass reconnects back to the Sound Transit main line  
11 near Nisqually, on the east side of I-5. By enabling speeds of up to 79 mph, lessening the trip  
12 length by about six miles, and negating the need to slow down for the track conditions around  
13 Point Defiance, it is expected to save an estimated six minutes in travel time on the Amtrak  
14 *Cascades* route and is also intended to facilitate the addition of one or more additional round  
15 trip(s).

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18  
19 Since its conception as a standalone project, the Point Defiance Bypass has been  
20 merged over time into three larger initiatives, the *Washington State Amtrak Cascades Mid-*  
21 *Range Plan* and the Pacific Northwest Rail Corridor and High-Speed Intercity Passenger Rail  
22 programs. It is our understanding this occurred for funding purposes but that the bypass still  
23 exists as a discrete project. Under the Pacific Northwest Rail Corridor Program, up to nine  
24 additional round trips per day are proposed.  
25  
26  
27

1 **Q. Who is primarily responsible for the Point Defiance Bypass Project in the City of**  
2 **Lakewood?**

3 **A.** Me and staff working in the departments under me are primarily responsible.  
4

5 **Q. What do those responsibilities entail?**

6 **A.** Section 18A.03.130.J of the Lakewood Municipal Code states that wherever authority  
7 rests with me in my role as the Community Development Director, it also is invested in my  
8 duly authorized designee as an agent of the City. Staff who have been assigned to work on the  
9 Point Defiance Bypass project have reviewed and prepared responses to WSDOT documents,  
10 under either their own or management's signature; have participated in meetings and  
11 discussions with WSDOT staff; and have kept me and other managers and elected officials  
12 apprised of what is occurring with the project, both verbally and in writing.  
13

14 Obviously, since this is another agency's project occurring in our jurisdiction, we can  
15 only address what we are given. Our ability to relay information about the project correlates  
16 directly with communication from WSDOT.  
17

18 **Q. How did you become aware of the project?**

19 **A.** Public Works staff received a meeting request in August 2006 from WSDOT to discuss  
20 the project being initiated at that time. The Lakewood City Council was initially advised of the  
21 project as part of a routine city manager's briefing in September 2006 and, following an  
22 informational meeting held in November 2006, was provided with a more in-depth report by  
23 WSDOT staff.  
24

25 **Q. As you understand it, what has your role been with regard to this project?**  
26  
27

1 A. General project tracking and environmental review and analysis were assigned to the  
2 Community Development Department's Long-Range Planning Section under my direction.  
3 The transportation review and analysis, including the technical aspects regarding construction  
4 of the Point Defiance rail crossings through Lakewood, were assigned to Desiree Winkler,  
5 manager of the Public Works Department's Transportation Division, who works under the  
6 direction of the Public Works Director. I, in turn, coordinate the activities of both departments  
7 through the City Manager's office.  
8

9  
10 **I. LAND USE CONCERNS**

11 **Q. As a result of your employment with the City of Lakewood, are you familiar with**  
12 **the land uses, demographics and general layout of the City?**

13 A. Yes.

14 **Q. Please describe the course of the proposed Amtrak Point Defiance Bypass through**  
15 **the City of Lakewood in terms of land uses, demographics and general layout of the City.**

16  
17 A. The Sound Transit rail line upon which Amtrak Cascades service is planned to be  
18 placed as an outcome of the Point Defiance Bypass project runs from the northern boundary of  
19 Lakewood, at the Lakewood-Tacoma city limits, in a generally north-south direction until it  
20 reaches the vicinity of Pacific Highway SW. Between Steilacoom Boulevard SW and Pacific  
21 Highway SW, it generally parallels Lakeview Avenue SW to the west. It then turns and runs in  
22 a generally northeast-to-southwest direction on the west side of I-5 to the southern city limits at  
23 Berkeley St. SW.  
24  
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1 As it enters the city from the north, there is a single line of track which splits into two.  
2 An aerial view of the tracks shows that the double tracks are not neatly co-aligned as the line  
3 proceeds southward.

4 Because Lakewood did not incorporate until 1996 and much of what is currently inside  
5 the city was developed under old Pierce County mixed-use zoning, land uses in the vicinity of  
6 the rail line do not necessarily follow a predictable pattern. Generally, commercial and light  
7 industrial/warehouse uses, along with a large cemetery and a portion of Clover Park Technical  
8 College's site, are most proximate to the rail line between the northern city limits and 100th  
9 Street SW. Clover Park School District's Southgate Elementary School is located near the SE  
10 corner of the intersection of the rail line and 100th Street SW.

11 South of the school, a single-family residential neighborhood abuts the railroad right of  
12 way to the east, with medium-density multifamily housing located to the west, separated by a  
13 line of commercial/industrial buildings and Lakeview Avenue SW. South of 108th Street SW,  
14 the pattern on the east side of the tracks generally gives way to commercial uses. As the lines  
15 approach Pacific Highway SW, the easternmost one splits off, crosses I-5, and eventually enters  
16 McChord Air Force Base, which is now a part of Joint Base Lewis McChord. The western line  
17 turns and continues to the Lakewood Sound Transit Station. Meanwhile, residential uses are  
18 proximate to the west until almost the point at which the line reaches Lakewood Station, where  
19 a masonry yard interrupts the residential pattern.

20 It is in this vicinity, where Kline and Kendrick Streets approach from the north that the  
21 City hopes to install a pedestrian overpass connecting the neighborhood to the north with  
22 Lakewood Station. The northerly residential area is zoned for high-density multifamily  
23

1 redevelopment under the City's comprehensive plan, which would enable density of up to 54  
2 dwelling units per acre. Additionally, the comprehensive plan sets the entire area around  
3 Lakewood Station as Transit-Oriented Commercial zoning, which includes multi-family uses at  
4 that same density.  
5

6 As the line turns southwesterly, residential uses resume to the north, then commercial  
7 uses as the line approaches Bridgeport Way SW. Soon after crossing Bridgeport Way SW,  
8 Clover Park School District's Tyee Park Elementary School abuts the line to the north, then it  
9 reenters a single-family neighborhood to the north. To the south are Pacific Highway SW,  
10 commercial uses, and I-5.  
11

12 **Q. Are there state law requirements regarding the extent to which local**  
13 **comprehensive plans contribute to the viability of intercity passenger rail service?**

14 **A.** Yes, specifically in RCW 47.79.030.

15 **Q. What is a comprehensive plan?**

16 **A.** Comprehensive planning comes originates from the Washington State Growth  
17 Management Act (GMA) passed in 1990. The GMA recognizes that uncoordinated and  
18 unplanned growth, along with a lack of common goals can and has impacted the environment,  
19 economic development, and the high quality of life traditionally enjoyed by Washington  
20 citizens. The overriding goal of the GMA is to give each community the tools to access its  
21 goals for the future, to evaluate community assets, and to write and implement goals through  
22 innovative techniques and regulations by creating a comprehensive plan that allows the  
23 community to reach its unique vision for the future.  
24  
25  
26  
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1 The City of Lakewood Comprehensive Plan is intended to provide the community's  
2 decision makers with guidelines regarding issues effecting the future shape, character and form  
3 of the City. Specific for Lakewood, the plan defines the level, intensity, and geographic  
4 distribution of employment and residential growth; identifies the improvements to public  
5 facilities, transportation, and utility infrastructure to service the projected levels of population,  
6 and employment, along with proposed methods of finance; identifies the housing needs and  
7 requirements for the community; and defines the desired physical patterns and urban design  
8 treatments.  
9

10 **Q. Does the Comprehensive Plan address rail traffic in Lakewood?**

11 **A.** Yes.

12 **Q. Please explain.**

13 **A.** There are various discussions within the City's Comprehensive Plan regarding rail  
14 traffic.  
15

16 Chapter 3 Section 3.3.5 lists the goals and polices of the Lakewood Station District.  
17 The District is a multi-modal commuter hub which is centered on the Sound Transit Station and  
18 Pierce County Transit.  
19

20 Chapter 4 provides numerous goals and policies that address urban design and  
21 community character. Specific policies have been promulgated to create livable, transit-  
22 oriented communities for the Lakewood station District. A proposed rail station is also shown  
23 in Tillicum.  
24

25 Chapter 6 lists specific policies regarding grade separations:  
26  
27

1 T-13.8 Work with the Burlington Northern Santa Fe Railway, Sound transit and other  
2 appropriate agencies to pursue funding for a grade separation at the 1200<sup>th</sup> Street  
3 SW rail crossing.

4  
5 T-18.2 Consider potential freight movement needs of new development as part of SEPA  
6 review.

7 T-18.3 Create development standards for freight access to commercial uses likely to  
8 possess such needs.

9  
10 T-18.4 Examine the potential of unused or underutilized rail lines in Lakewood for freight  
11 rail.

12 T-18.5 As industrial uses concentrate into certain areas, identify ways to eliminate the  
13 conflict among freight users this may tend to create.

14 T-18.6 Promote the continued operation of existing rail lines to serve the transportation  
15 needs of Lakewood businesses.

16  
17 T-18.9 Explore future opportunities to grade separate rail traffic from street arterials  
18 where significant safety hazards or traffic congestion warrant.

19 **Q. To what degree has WSDOT Rail Division coordinated with the City in the**  
20 **development and modification of the comprehensive plan?**

21 **A.** Not at all.

22  
23 **Q. Is this typical?**

24 **A.** No. Community development and public works staff have regular meetings and  
25 consultations with WSDOT Division of Highways staff. These meetings and interactions are  
26 professional and productive. Of late, discussions have focused on the Cross Base Highway, the  
27

1 traffic impacts affiliated with the growth of Joint Base Lewis McChord (JBLM), and the  
2 coordination of Lakewood arterial traffic signals adjacent to I-5 interchanges.

3 **Q. Please continue your description of the anticipated activation of this rail line.**

4  
5 As the line crosses underneath Pacific Highway SW, it moves closer to I-5 to the south  
6 and passes multifamily housing as it approaches Gravelly Lake Drive SW. It then reemerges at  
7 grade and continues parallel to I-5 to the south and adjacent to the Tacoma Country and Golf  
8 Club's golf course to the north. After it crosses Thorne Lane SW, there is some housing but  
9 generally commercial uses abutting to the north, fronting onto Union Avenue SW, until it  
10 leaves the city limits.  
11

12 This is one of the most problematic areas as there is little physical separation between  
13 the rail line and the rear of the commercial structures along Union Avenue SW. Lot depths are  
14 a hindrance to contemporary improvements, both along the street and to the commercial uses  
15 themselves. Numerous parking encroachments onto the rail right of way have occurred over  
16 the years, and Sound Transit has been vigilant in following up on easements for this purpose.  
17 However, with just a one-month termination clause, such easements may not be relied upon.  
18

19 This year, the City of Lakewood is completing its Tillicum Neighborhood Plan, a  
20 subarea plan under its comprehensive plan, which is intended to provide for commercial  
21 revitalization and redevelopment in this area, particularly with an eye toward serving low-  
22 income, placebound Tillicum residents.  
23

## 24 II. DISCARDING THE ENVIRONMENTAL PROCESS

1 **Q. Testimony regarding an “environmental process” has been provided via**  
2 **previously filed written testimony of Kevin Jeffers on behalf of WSDOT. How would you**  
3 **describe your background with environmental issues as relates to this project?**

4 **A.** As the City’s SEPA Responsible Official, I make judgments as to the probable  
5 environmental impacts of given projects based upon information which is provided to the City  
6 and place mitigating requirements upon projects where necessary. Under SEPA, this includes  
7 evaluation of environmental checklists; issuance of threshold determinations including  
8 determinations of nonsignificance, mitigated determinations of nonsignificance, or  
9 determinations of significance; and, in the case of the latter type of determination,  
10 environmental impact statements; as well as ensuring that all other procedural requirements  
11 under SEPA are met. These and NEPA requirements are somewhat different, but there are  
12 generally parallel processes within each. When an action involves NEPA review, I am  
13 responsible for that review process as well.

14 **Q. Did the environmental review process for the Point Defiance Rail Bypass involve**  
15 **requirements with which you are familiar?**

16 **A.** The environmental review process for the Point Defiance Rail Bypass involves two  
17 distinct sets of regulations: 1) the federal National Environmental Policy Act (NEPA); and 2)  
18 the Washington State Environmental Policy Act (SEPA). I am familiar with these.

19 The NEPA process consists of an evaluation of the environmental effects of a federal  
20 undertaking including its alternatives. There are three levels of analysis depending on whether  
21 or not an undertaking could significantly affect the environment. These three levels include:  
22 categorical exclusion determination; preparation of an environmental assessment/finding of no  
23

1 significant impact (EA/FONSI); and preparation of an environmental impact statement (EIS).  
2 SEPA in many ways parallels the NEPA process. The first step in SEPA, although optional, is  
3 to provide for a pre-application conference. It is recommended that public agencies offer a  
4 process for stakeholders to discuss well in advance a proposal prior to finalizing a projected  
5 course of action. Such a process allows parties to discuss existing regulations that would affect  
6 the proposal, the steps and possible timeline for project review, and other relevant information.  
7 WSDOT Rail Division to my knowledge never performed this step, at least not with local  
8 agencies.  
9

10  
11 **Q. What was the outcome of the Environmental Assessment as to this project?**

12 **A.** For the Point Defiance Rail Bypass project WSDOT Rail Division issued a DNS on  
13 August 1, 2008 citing as its findings that the proposal would "...improve safety and reduce rail  
14 congestion..." Lakewood has consistently objected to the issuance of both the categorical  
15 exclusion at the NEPA level and the use of a DNS under SEPA.  
16

17 As WSDOT initiated the Point Defiance Bypass project, we were given to understand  
18 that it was conducting not an environmental impact statement under SEPA, but an  
19 environmental analysis (EA) under NEPA. This approach is not unusual where federal funding  
20 is likely to be sought for a project. Typically, an EA process would involve one or more  
21 scoping meetings to identify potential issues of concern as the analysis proceeds. The City was  
22 prepared to participate in good faith with WSDOT on the development of an EA for this  
23 project.  
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1           However, within a year's time, the City was notified that WSDOT was instead going to  
2 use a Documented Categorical Exclusion (DCE) under NEPA and Determination of  
3 Nonsignificance (DNS) under SEPA for the project.

4  
5           At the first level, an undertaking may be categorically excluded from a detailed  
6 environmental analysis if it meets certain criteria which a federal agency has previously  
7 determined as having no significant environmental impact. A number of agencies have  
8 developed lists of actions which are normally categorically excluded from environmental  
9 evaluation under their NEPA regulations. WSDOT did confer with the U. S. Department of  
10 Transportation, Federal Highway Administration, (FHWA) for the submission of a categorical  
11 exclusion determination for the Point Defiance Rail Bypass project, but only after it had  
12 commented publicly that the agency would pursue an environmental assessment (EA) – that  
13 process is discussed in the next paragraph. Later, WSDOT Rail prepared a categorical  
14 exclusion which was signed by FHWA on May 5, 2008.

15  
16  
17           At the second level of analysis, a federal agency or a public agency that is using federal  
18 funds, prepares a written environmental assessment (EA) to determine whether or not a federal  
19 undertaking would significantly affect the environment. If the answer is no, the agency issues a  
20 finding of no significant impact (FONSI). The FONSI may address measures which an agency  
21 will take to reduce (mitigate) potentially significant impacts. In this case, WSDOT officials  
22 originally indicated publicly that it would prepare an EA for the Point Defiance Bypass.  
23 Lakewood had no objection to this approach since it would likely mitigate for anticipated  
24 environmental and social impacts. However, WSDOT later changed their position after  
25 discussions with FHWA officials. This decision was a fundamental error. A categorical  
26  
27

1 exclusion should never have been used given the unusual circumstances surrounding the  
2 environmental issues unique to the Point Defiance Bypass project pursuant to 23 CFR  
3 771.117(b).

4  
5 **Q. How far along in the project was the determination of Documented Categorical**  
6 **Exclusion made?**

7 **A.** This information was communicated staff-to-staff in mid to late 2007, well after  
8 WSDOT had led stakeholders to believe that an EA would be conducted for the project.

9 **Q. Is it common for this kind of determination to be made late in the process?**

10 **A.** While it is quite common for a project to enter environmental review at a low level then  
11 proceed to a higher level of review as issues become apparent, it is unusual for an  
12 environmental review process to begin at a higher level of review then step down to a lower  
13 level midway through. Typically, if something is categorically exempt under SEPA or  
14 categorically excluded under NEPA, it is framed as such from the beginning, then no  
15 environmental review ensues. The way in which this process was handled suggests that the  
16 DCE was used to avoid dealing with impacts that had become apparent during environmental  
17 analysis.

18  
19  
20 **Q. How did you respond to the determination of Documented Categorical Exclusion**  
21 **made at that point in the process?**

22 **A.** Following a letter to WSDOT Project Manager Kevin Jeffers (November 15, 2007),  
23 City Manager Andrew Neiditz sent a letter to Transportation Secretary Paula Hammond on  
24 November 19, 2007, which underscored the City's concerns with this approach. She was asked  
25  
26  
27

1 to contact Mr. Neiditz "with information on how WSDOT plans to mitigate" the project's  
2 environmental impacts.

3 **Q. What was the WSDOT response to the concerns raised by the City?**

4 **A.** Ms. Hammond replied by letter dated December 31, 2007, and received on January 18,  
5 2008. She stated that the decision to move away from an EA and instead use a DCE was done  
6 after the major potential impacts were analyzed and in consultation with the federal lead  
7 agency, Federal Highway Administration (FHWA). She asserted that potential impacts were  
8 not found to be significant, thus making an EA unnecessary. She also affirmed that WSDOT  
9 would take steps to delay portions of the project if traffic safety issues could not be  
10 accomplished to WSDOT's satisfaction.  
11

12 **Q. Did the response from WSDOT change your perspective regarding the unusual  
13 way the Environmental Assessment was handled?**

14 **A.** No.

15 **Q. Why not?**

16 **A.** The point of a Documented Categorical Exclusion is that there are no issues to warrant  
17 the full environmental assessment. Here I believe there are issues to warrant a full  
18 environmental assessment, such as the social justice aspects of this project. Additionally it  
19 seems like necessary components of this project, such as community outreach, would have  
20 been taken care of through the environmental assessment process. WSDOT never sought to  
21 replace the community outreach that was lost when they flipped from an environmental  
22 assessment to the Documented Categorical Exclusion.  
23

24 **Q. What, if any, environmental review occurred from that point forward?**



1 A. A DCE under NEPA was signed by WSDOT staff in March 2008 and FHWA staff in  
2 May 2008. Under SEPA, both a DNS and an Adoption of an Existing Environmental  
3 Document (referring to the DCE) were signed in August 2008. Additional information was  
4 prepared consistent with an agreement between WSDOT and the state Department of Ecology  
5 relative to the use of DCEs. These were conveyed under cover letter to City staff working on  
6 the project. Issuance of the DCE meant that the Federal Highway Administration and WSDOT  
7 had decided not to acknowledge that any environmental review was required.  
8

9 **Q. Describe the City's attempts to communicate concerns to WSDOT.**

10  
11 A. City Manager Andrew Neiditz sent a letter to WSDOT Rail Environmental Manager  
12 Elizabeth Phinney disputing several terms of the documentation supporting the DCE.  
13 Comments focused on probable queuing and safety issues at several intersections and I-5  
14 interchanges. There were various attempts to correspond between City staff and WSDOT staff.  
15

16 **Q. What was the WSDOT response?**

17 A. WSDOT Project Manager Kevin Jeffers, Rail Environmental Manager Elizabeth  
18 Phinney, Planning and Strategic Assessment Manager George Xu and Secretary of  
19 Transportation Paula Hammond responded, refuting the various concerns. It is all contained in  
20 correspondence.  
21

22 We responded to the project in the context of comments on the draft *Washington State*  
23 *Amtrak Cascades Mid-Range Plan* (November 2008) and the Pacific Northwest Rail Corridor  
24 Program Environmental Assessment (October 2009). Ultimately, the City provided WSDOT  
25 with a resolution adopted by the City Council formally opposing the Point Defiance Bypass  
26  
27

1 project and enhanced Amtrak rail service as currently proposed, accompanied by a parallel  
2 resolution adopted by the Clover Park School Board (both January 2010).

3  
4 **III. INADEQUATE COMMUNITY OUTREACH**

5 **Q. Describe your experience with community outreach as it relates to implementation**  
6 **of City planning.**

7 **A.** Our overall activities are guided by the public participation requirements under the state  
8 Growth Management Act which are embodied in RCW 36.70A.035. These expectations are  
9 further guided by the implementation chapter (Chapter 10) of the City's comprehensive plan  
10 and most closely within the requirements in the City's municipal code. My job, both with the  
11 City of Lakewood and previously, involves extensive amounts of community outreach and  
12 collaboration, both mandated and otherwise.

14 **Q. Based on your extensive experience with community outreach, describe the best**  
15 **approach for the City of Lakewood.**

17 **A.** There is not a "one size fits all" approach to community involvement. Very specific  
18 notification and hearing requirements apply to individual development projects, while  
19 conceptual or policy-level projects are typically scoped out to a broader audience, with more  
20 generalized and widespread notification.

21  
22 At the same time, it has been my experience that community outreach has the greatest  
23 results in terms of public involvement (for example, the number of people who might attend  
24 and speak at a hearing) when a discrete project has a high degree of resonance with or  
25 perceived impact upon a specific population. For instance, if a construction project is proposed  
26 next door to someone's home, this would be much more likely to generate interest and/or  
27

1 concern than a conceptual project or policy matter, which that same person may view as having  
2 a very oblique relationship to his or her interests.

3           It's further been my experience that this tendency is exacerbated in Lakewood because  
4 of the extreme poverty and isolated neighborhoods in which some people live. We do not  
5 typically experience a high level of engagement from people who may not have child care or  
6 transportation to meetings that are not held within their immediate neighborhoods. Some of  
7 them may not even read the paper. I've observed that it is particularly difficult to engage  
8 residential renters and commercial tenants, as even a notice sent to all property owners would  
9 not reach them.  
10

11           Therefore, it is very common for only one or two people to attend such things as  
12 scoping meetings or policy hearings, while larger numbers may become keenly interested  
13 further down the road as a policy or conceptual project is deployed and its probable impacts  
14 upon them become more evident. It is only at this point that people may engage.  
15

16  
17 **Q. Describe your observations of the community outreach performed by WSDOT in**  
18 **relation to this project.**

19 **A.** Over several years' time, WSDOT has held numerous regional meetings promoting its  
20 planned rail system improvements (recognizing that the Point Defiance Bypass project is but  
21 one project within the larger system). Its staff has made presentations before various bodies of  
22 elected officials and community organizations. Generally, the tone of these various activities  
23 was not one of identifying and addressing issues so much as informing people the project is  
24 forthcoming and refuting any concerns. In numerous cases, WSDOT's response to our various  
25 written comments was along the lines of "we came and told you why that concern is invalid."  
26  
27

1 While these meetings typically included a question-and-answer component, they were not  
2 public hearings per se, nor were they advertised as such. Meetings were generally announced  
3 via press release, coupled with promotion by the entity hosting the meeting. To the best of my  
4 knowledge, WSDOT did not specifically notify property owners or residential/commercial  
5 tenants proximate to the rail corridor, nor attempt to inform them of probable impacts upon  
6 their properties or other interests.  
7

8 **Q. Have you made other observations that suggest WSDOT does not understand the**  
9 **community and that the outreach is lacking?**  
10

11 **A.** Aside from the direct community outreach, WSDOT's marketing staff and retained  
12 consultants have held periodic stakeholder meetings in Olympia about promoting Amtrak  
13 *Cascades* service and diverting business away from regional air carriers to the Amtrak  
14 *Cascades* route. This is integrally linked with the Point Defiance Bypass project in terms of  
15 increasing passenger demand for Seattle-to-Portland trips that would travel through Lakewood,  
16 and was something the City noted in November 2008 as part of reviewing the draft *Washington*  
17 *State Amtrak Cascades Mid-Range Plan*. In this context, our staff observed that a key  
18 stakeholder was missing: Horizon Air. It may seem unusual that the City of Lakewood is  
19 expressing an interest in an air carrier situated in the city of SeaTac; however, as we earlier  
20 pointed out to WSDOT, Alaska/Horizon is a major employer headquartered within the defined  
21 planning region in which both our cities are located. Therefore, its continued vitality is of  
22 interest within our entire planning region, as well as more broadly. Horizon is the largest  
23 regional air carrier in the Pacific Northwest and serves 52 cities in the US and Canada. Its  
24 2009 annual report states that Horizon could be harmed by reduced demand and/or increased  
25  
26  
27

1 competition in its key markets, which include Seattle and Portland. Portland-to-Seattle is one  
2 of its leading nonstop routes.

3 In participating in some of these WSDOT marketing meetings, our staff has observed  
4 that organic demand for the Amtrak *Cascades* route does not exist so much as that generated by  
5 heavy WSDOT investment in promotion, which has included a clear intent to siphon travelers  
6 specifically from Horizon Air. To the best of our knowledge, WSDOT has never engaged in  
7 any outreach about this particular aspect to the City of SeaTac, Port of Seattle, or  
8 Alaska/Horizon itself.

9  
10  
11 **Q. How closely have you worked with WSDOT on community outreach on this**  
12 **project?**

13 **A.** Not closely at all. Prior to this action we had never been consulted regarding  
14 community outreach. The City has not been a position to design or confer on the approach to  
15 public participation for the bulk of this project. Again, community outreach seemed more  
16 geared toward telling and not asking.

17  
18 **Q. How many times has WSDOT conducted community meetings to reach out to this**  
19 **community?**


20 **A.** I believe they have made presentations to our Council two or three times – it has gotten  
21 worse each time. Since this petition was challenged by the City they have come to a Lakewood  
22 United meeting and a meeting of the Citizen's Transportation Advisory Board. They have  
23 scheduled a workshop on May 17<sup>th</sup> at Clover Park Technical College.

24  
25 **Q. Does this conclude your testimony?**

26 **A.** Yes it does.  
27

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

3 DATED this 5 day of May, 2010 at Lakewood, Washington.  
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7 DAVID BUGHER, Assistant City Manager  
8 City of Lakewood  
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