

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

April 15, 2013
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson and Councilmembers Balducci, Chelminiak, Stokes, and Wallace¹

ABSENT: Councilmember Davidson

1. Executive Session

Mayor Lee called the meeting to order at 6:11 p.m. There was no Executive Session.

2. Study Session

(a) East Link Discussion of Cost Savings

City Manager Steve Sarkozy opened the Council's ongoing discussions regarding the cost savings options for the East Link light rail project.

Transportation Director Dave Berg said that tonight's agenda item follows up on the discussion and questions raised during the April 8 meeting. Council action is requested on April 22. He noted that if the City and Sound Transit do not agree on modifications to the alignment, Sound Transit will go forward with the MOU alignment.

Mr. Berg noted that, if the Council wishes to advance the option of shifting Bellevue Way to the west and adding the HOV lane, additional Council action will be needed in June upon completion of the Transportation Facilities Plan (TFP) environmental analysis.

Mr. Berg recalled that the MOU option for Bellevue Way places light rail in a retained cut on the east side of Bellevue Way. This represents the baseline project cost. The cost savings option under consideration is shifting Bellevue Way to the west to add an HOV lane, with at-grade light rail on the east side of the street. This represents a savings of \$5 million to \$8 million, with a

¹ Councilmember Wallace arrived at 6:15 p.m.

contribution of \$11 million from the City for the HOV lane. Mr. Berg described additional details of the two options.

If Council selects the cost savings option, Mr. Berg said the Council could be asked to adopt the TFP upon completion of the environmental process, which is anticipated in June.

Mr. Berg recalled a question from the Council about how the \$11 million would be funded by the City. There is \$1.5 million for the East Link project in the current Capital Investment Program (CIP) Plan toward pursuing the design of the Bellevue Way SE HOV lane. The Council would need to identify an additional \$9.5 million in the 2015-2021 CIP Plan to complete the project. The HOV lane project would be required to go through project-level permitting and environmental review.

Mr. Berg recalled previous Council questions regarding Bellevue Way traffic noise. He described a table comparing current ambient noise levels and changes in the ambient noise after mitigation for the MOU, MOU plus HOV lane, and cost savings (including HOV lane) options. There is a slight increase in ambient noise with the MOU option and with the MOU plus HOV lane option. There is a decrease in ambient noise levels with the cost savings option.

Responding to Councilmember Balducci, Mr. Berg confirmed that the decrease in noise levels with the cost savings option is due to tall retaining walls on top of the noise walls.

Deputy Mayor Robertson questioned the ambient noise level between 10:00 p.m. and 8:00 a.m. She noted that the noise analysis reflects averaged noise levels, which takes into account the higher noise levels during peak traffic times. She is interested in the same information for 112th Avenue SE as well.

James Irish, Sound Transit, said that daytime noise levels range from the high 60s to low 70s in decibels. Nighttime ambient noise is in the low 60s.

Ms. Robertson questioned how the options affects nighttime noise levels.

Mr. Irish confirmed that Federal Transit Administration (FTA) criteria are averaged over a 24-hour period. He said the criteria are focused on protecting where people sleep. Therefore, any noise created by the project after 10:00 p.m. and before 7:00 a.m. is doubled in the averaging calculations, which exaggerates the amount of noise the project would create during that time in order to, essentially, penalize nighttime noise. Sound Transit has not modeled daytime versus nighttime because the criteria is not set up that way.

Ms. Robertson said her understanding was that raw data of noise levels at different times is available. She is interested in determining which options have the least impact on noise levels during nighttime hours. She believes the Council needs to understand this issue before making a decision.

Mr. Irish said residents should be able to sleep if the project is meeting FTA criteria.

Deputy Mayor Robertson observed that impacts will be different in Surrey Downs with pedestrian crossings and trains running in and out of the station. She suggested that the City's consultant conduct an analysis.

Mayor Lee questioned the earlier comment about noise doubling at night.

Mr. Irish explained that the FTA criteria counts the noise level for every train that passes a certain point. Every time a train passes that point after 10:00 p.m., the noise level from that train is doubled in the analysis by Sound Transit to exaggerate or penalize the noise from the train at night.

Councilmember Stokes concurred with Ms. Robertson's request for more information on this issue. He observed that the FTA criteria and the sound walls effectively mitigate noise.

Councilmember Chelminiak recalled that the noise consultant indicated the train does not add to ambient noise levels on Bellevue Way. Mr. Irish confirmed that traffic noise is much louder.

Councilmember Wallace said his continued concern is that the project comply with Bellevue's Noise Control Code, which regulates intermittent noise at a maximum of 60 decibels. From his perspective, the goal of this process has been to create a project that allows the effective mitigation of impacts. Mr. Wallace said there have been past assurances that noise can be mitigated on Bellevue Way. However, he has not seen that demonstrated in any documentation. He said the Land Use Code and Noise Control Code are clear that light rail is not exempt from the Noise Control Code. He questioned how to ensure there will be mitigation to comply with the City Code.

Deputy City Attorney Kate Berens spoke to challenges in applying the City's Noise Control Code. Sound Transit and the City are not in agreement about whether the Noise Control Code applies to train operations. Noise Codes are typically applied in most jurisdictions to static stationary noise generators, so there are challenges to applying the regulations to a train in operation. The City's code also does not address ambient noise levels and how this affects whether additional noise is perceived above the ambient noise.

Ms. Berens said staff has been looking at train noise and questioning what happens once Sound Transit installs the required mitigation. Staff's analysis indicates that the Code requires the mitigation of train noise to below the ambient noise levels. She noted that the Code does not apply until Sound Transit actually builds the light rail system and trains are in operation.

With regard to bells and warning devices, the City Code exempts these safety features from regulations. It says the bells and alarms should be maintained at the minimum level necessary to accomplish their safety function. Sound Transit has identified, through the EIS process, that the mitigation of these sources of noise will be coordinated with the City to meet its standards.

Ms. Berens said the third category of noise is construction period noise. City Code indicates that certain construction noise is exempt from regulations during certain hours of the day.

Councilmember Wallace commented that what appears to be missing from the analysis is that the train noise level every five minutes at a given point is above the ambient noise level. He noted that Bellevue's Noise Code is a model code that is not unique from other jurisdictions. He observed that the sound of the bells is a problem, whether or not they are exempt for safety reasons.

Ms. Berens said the best information so far indicates that the sound of the trains will become part of the background noise. If there is a wheel squeal or other issue, the City would work with Sound Transit to implement mitigation to reduce the noise to the ambient noise level. She reiterated that the City's Noise Code exempts safety devices from decibel limits. The City intends to work with its consultant and Sound Transit through design to ensure that the settings do not generate noise beyond the area needed to alert cars and pedestrians.

Responding to Councilmember Chelminiak, Don Billen, Sound Transit, confirmed that there will be eight to 12 trains per hour at a given location. Mr. Chelminiak stated his understanding that a train and a bus have a similar sound profile. He observed that transit vehicles will be noisy whether a bus or train despite the Noise Control Code. He encouraged continuing to work with Sound Transit to get the train noise levels below the ambient noise environment.

Mayor Lee said that is part of the challenge, that the noise will be mitigated after the trains are operating. He concurred with the suggestion to continue working with Sound Transit to reduce noise levels as much as possible.

Continuing with the presentation, Mr. Berg reviewed the 112th Avenue SE Road Over Rail option and the three related SE 4th Street sub-options: 1) Trench under SE 4th Street, 2) Emergency Access only at SE 4th Street, and 3) Open (Right turn in and right turn out). The trench results in a cost increase of \$6 million to \$11 million. The other two options each reflect a savings of \$2 million to \$4 million. Mr. Berg described the options, including mitigation, in greater detail.

Mr. Berg commented on pedestrian audible warning devices. The City's practice is to set pedestrian warning devices at traffic signals at five decibels above the ambient noise level. However, that level can be adjusted.

Mr. Irish said Sound Transit's train-mounted bells operate at 80 dBA at 50 feet during the day and 72 dBA at 50 feet during the night. Pedestrian audible devices are set at 77 dBA at 15 feet. The impacts can be mitigated by developing warning devices appropriate to specific locations and situations. This can be done by varying the tone of the bell, examining how the device is mounted, and considering shrouds and directional features.

Responding to Councilmember Wallace, Mr. Irish said bells are sounded two to three times as the train enters a station and at pedestrian crossings. The SE 4th Street Emergency Access Only

option does not involve bells for normal, non-emergency operation. Bells would ring entering and leaving the East Main Station.

Councilmember Wallace said that Bellevue's alignment involves noise walls, which are not part of the alignment through the Rainier Valley. He observed that perhaps noise in Bellevue will be okay. However, he still does not understand the actual impact after mitigation is completed.

Mr. Wallace said the FTA criteria of averaging noise levels is not adequate for him if there are frequent noises above the average noise level.

Mr. Irish said the FTA criteria measures community reaction to noise based on studies through the 1970s and 1980s by the U.S. Environmental Protection Agency. There are moderate and severe criteria. Studies show that if noise levels are kept below the moderate criteria, more than 90 percent of individuals will not be bothered by the noise.

Mr. Irish said Sound Transit does not calculate actual noise levels at specific locations. However, generally speaking, the actual train sound level will be 60-64 decibels after mitigation elements are in place. While individuals close to the train will hear noises, the objective is to keep it below levels that will annoy them.

Mr. Wallace said he is unsure whether he has the ability, as a Councilmember, to force Sound Transit to do everything that would avoid annoying citizens. However, he believes he does have the authority to insist that Sound Transit comply with Bellevue's Noise Control Code, which limits intermittent noise levels to 60 decibels.

Responding to Councilmember Wallace, Mr. Irish reiterated that Sound Transit has not analyzed noise levels at specific locations but has complied with FTA regulations for transit projects.

Deputy Mayor Robertson she said looked at the analysis related to moderate and severe impacts, which vary based on the three SE 4th Street cost savings options for 112th Avenue SE. The Emergency Access Only option is rated as 5 moderate and 10 severe, and the retained cut reflects reading of 3 moderate and 9 severe. She observed that these are assumed to be mitigated to zero after mitigation.

Ms. Robertson reiterated her concern about nighttime noise. She said the noise analysis indicates that the average noise level on 112th Avenue SE is in the mid-60s (decibels). The train bells and pedestrian warning devices are well above the mid-60s range. However, with mitigation, noise levels will be down to the low 60s.

Ms. Robertson said the Council's task is to determine which option it wants to recommend. She observed that she cannot do that without knowing the exact noise impacts of each SE 4th Street sub-option. The retained cut has the least light rail noise levels. The City's consultant indicated that cumulative noise levels would be lower for residents along the route with SE 4th Street closed except for emergency access. She would like a better understanding of the cumulative noise impacts both averaged and intermittent for both day and night.

Councilmember Stokes concurred that clear information is needed and the Council needs to be able to make a decision based on data. Council and staff have been reviewing this for months and have discussed that the noise will be substantially mitigated. He observed that this is not the first light rail system adjacent to residential areas.

Mayor Lee said a key statement was Mr. Irish explaining that the FTA criteria is based on people's reaction. He believes that is more important than a number (i.e., decibel level).

Responding to Councilmember Chelminiak, Mr. Billen said the cost difference between the at-grade alignment and the trench is estimated at \$8 million to \$15 million (excluding property acquisition costs).

Continuing, Mr. Berg recalled a previous Council question about traffic volumes at SE 4th Street and 112th Avenue SE, which decreased between 2000 and 2012. He noted that a big change in the neighborhood occurred in 2001 when the City extended 110th Avenue SE from Main Street to NE 4th Street. At that time, the City restricted left turns from Main Street onto 110th Avenue into Surrey Downs. Overall traffic volumes have been down citywide during the past few years as well.

Mr. Berg described the two Downtown Station options: 1) PE Optimized Station (\$6 million to \$10 million savings, and 2) NE 6th Street Station (\$19 million to \$33 million savings). He presented the walk analysis comparing the two options. He described maps depicting employment change and Downtown population change through 2030.

Mr. Berg recalled a previous Council inquiry regarding impacts of the two options on the Metro site adjacent to City Hall. He described a graphic demonstrating that the PE Optimized option uses less of the Metro site.

[Councilmember Balducci stepped away from the table.]

Mr. Berg provided an update on the East Link work program including: 1) MOU implementation (i.e., continued collaborative design process and City's contributions), 2) Final design (i.e., noise and other mitigation), 3) Work related to the Light Rail Overlay District, and 4) Station area planning.

Ms. Berens described the provisions of the Draft Resolution selecting the cost savings options for the final alignment and approving the alignment and general profile for the Light Rail Overlay District. The Draft Resolution is included in the Public Hearing section of the meeting packet under the Regular Session. Staff is seeking general feedback on the Resolution before it is finalized by April 22.

Ms. Berens said staff envisions separate motions and votes for each segment and a final, overall action on the Resolution on April 22. Approval of the alignment and the general profile for the Light Rail Overlay District make it clear that Sound Transit is on the non-Conditional Use

Permit processing path and has essentially been granted approval of the alignment elements that are over-height (i.e., South Bellevue Park and Ride Station and the Hospital District Station). There will be additional work on the height component going forward through the design and mitigation permitting process.

Deputy Mayor Robertson requested greater clarity regarding height limits within the general profile of the Light Rail Overlay District. She said the Resolution, as written, does not indicate that the updated MOU and updated transit way agreements would come back to the Council for final approval. She said she would like the Council to have the opportunity to see them before they are signed by the City Manager, whether or not the Council takes final action on them.

Councilmember Chelminiak said his memory was that a previous Resolution identified the Council's preference for the Road Over Rail option on 112th Avenue SE.

Ms. Berens confirmed that a previous motion and vote of the Council identified it as the only alternative for that portion of 112th Avenue SE to be studied in the EIS Addendum. However, staff does not have formal authorization to amend the agreement with Sound Transit in that regard.

Responding to Mr. Chelminiak, Ms. Berens said the issue of an alternative access point into Surrey Downs with the at-grade light rail alignment was looked at in the EIS Addendum. However, it was not recommended by the staff Joint Steering Committee. She said it is presumably still an option, and Sound Transit staff concurred with that as well. Ms. Berens said the option should be specifically described in the Resolution if it is preferred by the Council.

Ms. Robertson recalled that there was not a cost estimate for an alternative access.

Mr. Billen said the option was evaluated in the EIS Addendum. Assuming that the connection at SE 15th Street would remain as right turn in and right turn out, Sound Transit estimates a cost of \$1 million to \$2 million. There has been some discussion with City staff that allowing left turns could require widening 112th Avenue SE as it goes over the rail, which triggers additional costs.

Deputy Mayor Robertson suggested including language in the Draft Resolution indicating that alternative access into Surrey Downs is still an option.

[Councilmember Balducci returned to the table at 7:24 p.m.]

3. Council Business [Regular Session Item 6]

→ Councilmember Stokes moved reappointments to Boards and Commissions as follows:

Environmental Services Commission – Keith Swenson and Ticson Mach.

Human Services Commission – Olga Perelman and John Bruels.

Library Board – Judy Bailey, Peter Maxim, and Alice Tow.

Parks and Community Services Board – Stuart Heath and Sherry Grindeland.
Transportation Commission – Francois Larrivee.

Deputy Mayor Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

Councilmember Stokes noted information in the packet on the Emergency Medical Services (EMS) levy process. He explained that issues raised by the City of Kirkland have been addressed with compromise language proposed for the Strategic Plan, and it appears that the levy will go forward.

Mr. Stokes thanked Joyce Nichols, Interim Director of Intergovernmental Affairs, for her help on this issue.

Mayor Lee thanked Councilmember Stokes for his efforts with the EMS levy process.

→ Deputy Mayor Robertson moved to excuse Councilmember Davidson's absences from April 8 through May 6, subject to an extension should further time be required.
Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 6-0.

Deputy Mayor Robertson reported on the April 11 meeting of the Lake Washington Mayors Forum. One of the topics discussed was a draft letter developed by the cities of Kenmore and Mercer Island regarding the need for a regional, system-wide study of tolling with clearly defined policies to address mobility, diversionary effects, revenue, and traffic management considerations. PSRC's 2040 plans reflect regional tolling. However, a holistic study of region-wide tolling has not been conducted.

The Lake Washington Mayors Forum is advocating for a PSRC group of stakeholders to discuss region-wide tolling. PSRC indicates that organizing this type of study would cost approximately \$2 million. The Forum is asking members to sign the draft letter to the Puget Sound Regional Council (PSRC) and the Washington State Department of Transportation (WSDOT) Secretary Lynn Peterson requesting that PSRC convene this group of stakeholders, including elected officials, to develop a regional tolling plan and requesting funding from the state legislature.

→ Deputy Mayor Robertson moved to authorize the Mayor to sign the draft letter.
Councilmember Stokes seconded the motion.

Councilmember Balducci said she generally supports this direction and the need for a long-range tolling strategy. As Chair of the PSRC Transportation Policy Board, Ms. Balducci said she wanted to comment on how this might be handled. She was a member and Co-Chair of the Tolling and Pricing Subcommittee in the past. Many issues were discussed at that time.

However, there was not sufficient discussion about whether or how to implement a system-wide approach that is fair across the region.

Ms. Balducci said this is not likely to be a successful effort at all if state legislators are not involved. She will support the motion and looks forward to a productive discussion around regional transportation funding.

Deputy Mayor Robertson said her intent is that key state legislators receive copies of the letter.

Mayor Lee said he generally supports the letter and a region-wide study. He said the topic raises many issues including the cost of administering a tolling system.

Councilmember Wallace expressed concern that this issue is being raised without advance notice. He noted that tolling has been studied, and he questioned the need for a new \$2 million study. He said the letter does not address studying the gas tax and/or other funding alternatives or technologies. He observed that PSRC already conducted a study and included tolling in its regional plan, and now jurisdictions want to ask PSRC to spend \$2 million for further study.

Ms. Nichols said there is currently an executive advisory group looking at tolls and HOT lanes on I-405. Tolls have already been implemented on SR 520, and there are HOT lanes on Highway 167. However, there has not been a holistic look at the entire region and whether all highways should be tolled.

Councilmember Balducci said the PSRC 2040 Plan includes references to possible funding sources including the gas tax. She supports this effort as a way to work toward changing the conversation on regional transportation and tolling.

Councilmember Wallace observed that Bellevue is launching out on its own without a request from PSRC or state legislators, one of whom is a key individual working on the statewide transportation plan.

Ms. Nichols said that, while she does not know whether Representative Clibborn is aware of this particular effort, Ms. Clibborn has called for a holistic regional study of how to implement tolling in the past. Ms. Nichols said that working through PSRC makes sense for this region because it takes the four-county area into consideration.

Councilmember Wallace said it would make more sense to him for PSRC to originate the plan, and to then work through the Eastside Transportation Partnership and other forums, as well as the state legislature.

Councilmember Stokes spoke in favor of the motion, noting that this will get the discussion process going.

Mayor Lee said the letter is requesting \$2 million for a specific study. He said he is hearing a suggestion to discuss concerns with PSRC and to let the agency initiate some action.

Responding to Councilmember Chelminiak, Deputy Mayor Robertson said the letter is consistent with the Council's Interest Statement on tolling and transportation funding.

Responding to Mayor Lee, Ms. Nichols said she believes a letter could be sent to PSRC without specifically asking for \$2 million. The agency has discussed in the past the potential for including a tolling study in the 2040 Vision.

Councilmember Wallace reiterated his concern about impromptu motions before the Council.

→ The motion carried by a vote of 5-1, with Councilmember Wallace opposed.

Councilmember Balducci noted a memo in the desk packet regarding a regional study on the health impacts related to the proposed Pacific Gateway Coal Terminal. Ms. Balducci and City staff were contacted by City of Seattle staff and invited to participate in the health impacts assessment of the coal terminal proposal.

Ms. Balducci said she has not studied the issue and does not know the potential impacts or what Bellevue's direct interest might be. She would like more information on the topic.

Responding to the Mayor, Ms. Nichols said PSRC is funding an economic development study of the impacts of the coal terminal and coal trains on the maritime industry.

At 8:01 p.m., Mayor Lee declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

/kaw