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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ELIZABETH A. CAMPBELL, a single woman, and **SEATTLE CITIZENS AGAINST THE TUNNEL**, a Washington State Non-profit corporation, **HARVEY FRIEDMAN**, a single man, and **SHARON J. PRICE**, a married woman,

Plaintiffs,

vs.

PETER JILIK, in his official capacity as Urban Area Engineer of the **FEDERAL HIGHWAY ADMINISTRATION**, an agency of the United States, **WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**, an agency of the State of Washington,

Defendants.

CIV. NO. CO9-1305 JCC

PLAINTIFF CAMPBELL'S
DECLARATION IN SUPPORT OF THE
MOTION FOR TEMPORARY
RESTRAINING ORDER

Hearing Date: May 7, 2010

(National Environmental Policy Act
and Washington State Environmental
Protection Act)

DECLARATION

1. I am one of the plaintiffs in this case. Between 1972 and 2003 I was in the construction business, employed for the first few years as a construction worker, and then in from 1980 on, as

1 a construction business owner, in commercial and residential construction. In that latter capacity
2 I constructed numerous projects, from public works projects of nominal value, \$100,000 or less,
3 to higher value, \$1,000,000 and more, commercial projects. I have acted as a concrete
4 subcontractor on Washington State Department of Transportation projects in South East
5 Washington, as a general contractor I built multiple nursing home/retirement homes in each of
6 the western states, and built multiple residences in King County. Each of the projects that I have
7 worked on has had some design or construction element related to roadwork or transportation
8 facilities as a requirement of their being constructed. My participation in these multiple
9 construction activities has required that I have extensive knowledge of land use, permitting,
10 design and engineering, construction methods, project logistics, and management of all aspects
11 of the projects.

12 2. In the last seven years I have earned an Associate of Arts degree, multiple BA's from the
13 University of Washington in the social sciences, as well as have attended the Evans School of
14 Public Affairs where I am about to graduate with a Masters in Public Administration (2010). In
15 my graduate coursework and research I specialize in transportation planning and in urban
16 planning.

17 3. I am the founder and administrator of three local community action organizations, the
18 Magnolia Neighborhood Planning Council, Yes Viaduct, and Seattle Citizens Against the
19 Tunnel. All of the organizations are predicated upon the rights of self-determination that citizens
20 have to participate in and to make decisions about the built environment in which they live, and
21 upon the principals of public service and informed planning and decision-making at all levels of
22 governance.

23 4. For over 10 years I have been an active participant in the public processes of and a
24 documentarian for what was originally the Alaskan Way Viaduct replacement project, which has
25 now burgeoned into an appellation known as the Alaskan Way Viaduct and Seawall
26 Replacement Project and an assortment of appurtenant projects. My participation has been both
as an individual and as the head of a community interest group.

1 5. I have participated so extensively in the matter of the Alaskan Way Viaduct because I am
2 worried about what the loss of the Viaduct will mean to myself and to others like me. I am one
3 of the over 110,000 daily users that considers the Viaduct an important transportation facility.
4 To me, the Viaduct is one of the most functional roadways in the Seattle area. It facilitates easy
5 access to and from Downtown, and if you want to avoid I-5 and bypass Downtown, it is equally
6 easy to use – in terms of directness of trip, and in terms of time saved.

7 6. I am a lifetime user of this transportation facility. As both a child with my parents and
8 then as an adult I have utilized the Alaskan Way Viaduct and its corridor probably now in the
9 many hundreds of times. The majority of my life I have lived in first the Queen Anne
10 Neighborhood and then in the Magnolia Neighborhood, which means that anytime I have
11 traveled to or from the southwest portion of Seattle and beyond, I have used the Viaduct as a
12 means of ingress and egress to my home.

13 7. Aside from the fact that the Viaduct is easily accessible to me from where I live, and
14 more readily accessible than I-5, the other important aspect of the Viaduct is that through all
15 these years it has remained virtually congestion free. There is no good substitute aside from a
16 replication of the Viaduct that can provide this feature to travelers, the avoidance of the
17 congestion that wracks I-5.

18 8. In addition to using it as a transportation facility, I have also experienced its aesthetic-
19 inducing properties, that is being able to partake of the magnificent vistas of the city, of the
20 Sound, and of the Olympic Mountains that can be viewed from the Viaduct as I drive its length.
21 This is the second reason, and almost really the equal reason why I am so concerned about the
22 Viaduct's destruction.

23 9. I so strongly value both these aspects of the Viaduct so much that they have in many
24 ways sustained me for the better part of a decade in my efforts to oppose the destruction of the
25 Viaduct, or in the alternative, to advocate for an elevated replacement of it.

26 Unless the Viaduct is replaced in a like manner, with an elevated structure, and with all
the access and exit points that the present Viaduct has, all of which incidentally are the legal

1 basis for the Viaduct being statutorily defined and designated in the Revised Code of
2 Washington as both an essential public facility, and as a highway of statewide significance, then
3 any facility which replaces the Viaduct will be a drastically inferior replacement, which will
4 provide half the transportation facility of the present Viaduct, and next to none of the aesthetic
5 inspiration of the Viaduct.

6 If the Viaduct is torn down and not replaced, and if this bored tunnel project becomes the
7 replacement alternative for the Viaduct, then all the roadway connections I have used all these
8 years will be lost, not to mention that in addition to the loss of the utility of the Viaduct, I will
9 also lose the enjoyment of the views and the pleasure that I derive from driving down this
10 corridor.

11 10. I am further concerned and very much aggrieved at the prospect of the outcomes that I
12 think will flow from the H2Kst project. As designed now, a bored tunnel will be built, which
13 means that the whole corridor that I will be left with for access to south Seattle and beyond, will
14 be Alaskan Way proper; which according to the plans for the H2Kst which I have seen, means
15 that this corridor will become highly congested as the competing users, pedestrian, bike, transit,
16 freight, and last in consideration, motor vehicle uses such as myself, vie for usage of Alaskan
17 Way.

18 11. Perhaps the greatest harm that I am bracing for however is actually two things, one the
19 devastation to the urban landscape that the 15 lane wide roadway that will comprise the finished
20 Holgate Street to King Street project represents, and the environmental damage it will unleash,
21 the bored tunnel. I have no doubt that bored tunnel projects while seemingly efficient in terms of
22 being fixes for transportation dilemmas, at the same time are some of the most dirty and
23 damaging projects – there outfall, the spoils that are excavated from them, and the millions of
24 gallons of water that they ruin in the process, the environmental damage from that is
25 incomparable, and in the present case, the deep bored tunnel that is planned for here, the damage
26 from it going forward will grievously harm the urban environment that I have lived in all these
years, it will damage some other part of the state, which harms me also.

Timing of Filing for TRO/Injunction

12. Prior to December, 2009 I did not believe that there was not an imminent need to file for an injunction in this matter because up to that time WSDOT had essentially not undertaken any construction greater than some utility line relocation work, and actually much of that was undertaken by the City of Seattle. In addition, for much of the time in question, from January, 2009, to September, 2009, WSDOT had kept the H2K Stage 2 project construction plans neutral in terms of the Viaduct replacement alternative that it could connect to. At least that is what I thought. After I filed the lawsuit and after a number of WSDOT public disclosure releases I had requested were answered, and I had an opportunity to more extensively investigate the H2Kst project, it became clear that the H2Kst project had not remained neutral in terms of the AWVSRP. Not only were the cumulative impacts of the H2Kst project being overlooked, but the H2Kst project, according to the documents I had received, was so designed that its construction would ensure that the bored tunnel would be built. However, that is not to say that WSDOT was not and has not all the while been proceeding with its efforts to build a bored tunnel, far from it.

As soon as I realized more clearly the implications of the design and engineering of the H2Kst project, that it was specifically planned to conform with the bored tunnel project, I immediately prepared and filed the motion for the TRO that is before the court.

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

Dated this 7th day of May, 2010.

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