

THE STATE SEEKS FEDERAL APPROVAL OF THE DEEP-BORE TUNNEL  
WITHOUT A FINANCIAL PLAN;  
WSDOT Refuses to Disclose Preliminary Plan

FOR IMMEDIATE RELEASE – Washington state is asking the Federal Highway Administration to give final approval to a deep-bore tunnel next month even though a financial plan for the multi-billion-dollar project will not be completed until the fall.

In the meantime, the Washington State Department of Transportation is refusing to disclose a preliminary financial plan for the project, claiming the public has no right to see it at this time.

“The federal government and the public should know exactly how the state expects to pay for the tunnel before any final commitment is made,” said Seattle Citizens Against the Tunnel chairwoman Elizabeth Campbell. “Yet, when a citizen made a public records request for this information, the state said, ‘Wait until the fall,’ *after* the project is approved.” The state is asking the FHWA to give final approval to the tunnel project in August, the earliest possible time allowed by environmental laws.

In a written response to a citizen’s records request, WSDOT claimed that the public is not entitled to see the preliminary financial plan because it is considered a “draft” until the final plan is completed this fall. This means that, in the last few weeks before the final decision, the public cannot have a fully informed debate about the risks of cost overruns.

For more information, call Ms. Campbell at 206 769-8459 or her public records attorney, Katherine George, at 425 802-1052.



**Washington State  
Department of Transportation**  
Paula J. Hammond, P.E.  
Secretary of Transportation

Records and Information Services  
PO Box 47410  
Olympia, WA 98504-7410  
360-705-7761 / Fax 360-705-6848  
TTY: 1-800-833-6388  
www.wsdot.wa.gov

June 20, 2011

Glen Milner  
3227 NE 198th Place  
Seattle, WA 98155

Dear Mr. Milner:

This letter is in regards to your request for records (PDR-11-0878) dated May 23, 2011.  
The items listed below:

*Federal Tax Identification Numbers, and a document containing deliberative process (financial plan still being developed before its formal submission to FHWA in which premature disclosure would be harmful to the deliberative function process).*

are exempt from public inspection or copying pursuant to:

**RCW 42.56.230(3): Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.**

**RCW 42.56.280: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.**

Pursuant to RCW 42.56.520, within ten business days, you may petition in writing, a request for review of this decision. Please submit the request for review to:

Chris Barnes  
Records and Information Services  
PO Box 47410  
Olympia, Washington 98504-7410

Public Disclosure Request PDR-11-0878

June 20, 2011

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If we can be of further assistance, you may contact Chris Barnes at 360-705-6863.

Sincerely,

A handwritten signature in blue ink that reads "Rick Phillips". The signature is written in a cursive style with a large initial "R".

Rick Phillips, Director  
WSDOT Records Officer  
Washington State Department of Transportation

RP:cb



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July 7, 2011

Glen Milner  
3227 NE 198<sup>th</sup> Place  
Seattle, WA 98155

Dear Mr. Milner,

This letter is in regards to your Request for Review of the Department's public records denial dated June 20, 2011, pertaining to the Preliminary Financial Plan, responding to your request (PDR-11-0878).

We denied the release of the information citing the following exemption:

**RCW 42.56.280: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.**

After reconsidering our denial, we have reviewed the status of the document to ensure nothing has changed to enable us to now release the information. We have verified that it continues to meet the above referenced exemption

With that said, our review has not revealed any new information that would change the Department's position in denying the release of the record.

If we can be of any further assistance please contact Chris Barnes at 360-705-6863.

Sincerely,

A handwritten signature in blue ink that reads "Rick Phillips".

Rick Phillips, Director  
WSDOT Records Officer  
Washington State Department of Transportation

RP:cb

cc: Fred Chang

Notes from SCAT: See this unsolicited update from WSDOT (below) and closure of request (next page).

There will be no financial plan until “fall 2011” – after the ROD!

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**Final EIS, financial plan--APPEAL: PDR-11-0878, bored tunnel**

**From:** Chang, Fred [<mailto:ChangF@wsdot.wa.gov>]  
**Sent:** Thursday, July 07, 2011 1:35 PM  
**To:** Glen Milner  
**Cc:** Barnes, Chris  
**Subject:** RE: APPEAL: PDR-11-0878, bored tunnel

Dear Mr. Milner,

FYI. The Final EIS is scheduled for release on our website this afternoon (by 3 pm), with full distribution by July 15, 2011.

<http://www.wsdot.wa.gov/Projects/Viaduct/library-environmental.htm>

We anticipate the financial plan being released this Fall 2011.

Sincerely,

Fred Chang

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**F r e d C h a n g** | W S D O T

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**206.805.2821** | PDR Coordinator

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Alaskan Way Viaduct | Toll Division

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**From:** Barnes, Chris  
**Sent:** Thursday, July 07, 2011 9:39 AM  
**To:** 'Glen Milner'  
**Cc:** Chang, Fred  
**Subject:** RE: APPEAL: PDR-11-0878, bored tunnel

Mr. Milner,

Attached you will find our office's response to your appeal below regarding the Department of Transportation's denial pertaining to the Preliminary Financial Plan. A hard copy of this letter will also be sent to you via US Mail.

Please note that with this response your request is complete and closed.

Thank you,

Chris Barnes  
HQ Public Disclosure Coordinator  
Washington State Department of Transportation  
Phone: 360-705-6863