

City Prepared to Enforce Terms of Sound Transit Settlement Agreement on Bus/Rail Interchange Design

August 25, 2020 - A Letter to the Community From Your City Council

Dear Mercer Island Community,

In May 2020, we wrote an [open letter](#) to all residents encouraging active engagement in Sound Transit's planning for modifications to North Mercer Way that will allow bus passengers to transfer to and from the East Link light Rail ("Bus/Rail Interchange"). The community had an opportunity to comment on Sound Transit's 60% plans ([download here](#)) during a June 2020 online open house facilitated by Sound Transit. City staff also provided technical review comments to Sound Transit's 30% and 60% plan iterations. Sound Transit has recently informed the City that it will finalize its plans (100%) and submit its construction permit application in September 2020.

It is essential for all Islanders to understand that the Bus/Rail Interchange, as currently proposed by Sound Transit, is in breach of the [2017 Settlement Agreement](#) between Sound Transit and the City with the potential to adversely impact traffic patterns and public safety for all of our residents. We have notified Sound Transit numerous times that its current plan, which includes new curb cuts to accommodate bus layovers along North Mercer Way, fails to meet the terms of the Settlement Agreement which explicitly forbade these features. We have also voiced concerns over future operations that this plan enables, including the high volume of bicycles and pedestrians that will be expected to mix with cars and buses adjacent to the busy Park & Ride location once East Link light Rail is operational. Despite the City's reasonable objections and requests for essential information, Sound Transit has repeatedly ignored our concerns and insisted on unilaterally implementing its design plans.

Unfortunately, we have reached an impasse in our discussions with Sound Transit. In August, Sound Transit leadership refused the City's good faith offer to engage in mediation with an independent third party as a final attempt to avoid litigation between public agencies. Given Sound Transit's stance, we find ourselves with no recourse but to prepare for legal action. In the midst of unprecedented public health and economic disruption due to the pandemic, and despite diminished City finances, we believe we must resort to this course of action. We are unanimous in this approach because we believe it is in the best interest of our community now and going forward.

With few tools at our disposal to finance the costs of litigation, we believe the most prudent path is to consider implementing a temporary 36-month utility tax increase, which will cost the average ratepayer about \$50 per year. The City will utilize these resources to assert its rights under the Settlement Agreement. A temporary utility tax increase was the same approach we used to fund the 2017 litigation with Sound Transit that led to the Settlement Agreement limiting Sound Transit's use of North Mercer Way.

We acknowledge that the timing of this potential litigation is far from ideal and we also understand that light rail service is important to many Islanders, but we strongly and unanimously consider it our duty as your City Council to take the steps necessary to enforce the terms of the Settlement Agreement.

The City Council will review a draft utility tax ordinance at the September 1 City Council meeting. We welcome your feedback and encourage you to submit comments via the [City's Let's Talk page](#) or to

provide public comment during the [City Council meeting](#). The information on the draft utility tax ordinance will be available on the [City's website](#) by Thursday, August 27. The City Council is tentatively planning to take final action on the utility tax ordinance at the [September 15 meeting](#).

-Mercer Island City Council

Mayor Benson Wong
Deputy Mayor Wendy Weiker
Councilmember Lisa Anderl
Councilmember Jake Jacobson
Councilmember Salim Nice
Councilmember Craig Reynolds
Councilmember David Rosenbaum