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SUPREME COURT
STATE OF WASHINGTON

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BY RONALD R. CARPENTER

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SUPREME COURT OF THE STATE OF WASHINGTON

KEMPER FREEMAN, JIM HORN,
STEVE STIVALA, KEN COLLINS,
MICHAEL DUNMIRE, SARAH
RINDLAUB, AL DEATLEY, JIM
COLES, BRIAN BOEHM, and
EASTSIDE TRANSPORTATION
ASSOCIATION, a Washington
nonprofit corporation,

Petitioners,

v.

CHRISTINE O. GREGOIRE, a
state officer in her capacity as
Governor of the State of
Washington, and PAULA J.
HAMMOND, a state officer in her
capacity as Secretary of the
Washington State Department of
Transportation,

Respondents.

NO. 83349-4

**SOUND TRANSIT'S
STATEMENT OF
ADDITIONAL
AUTHORITIES**

ORIGINAL

FILED AS
ATTACHMENT TO EMAIL

Pursuant to RAP 10.8, Respondent Central Puget Sound Regional
Transit Authority ("Sound Transit") respectfully submits the following
authorities relevant to questions raised during the course of oral argument
before the Court:

- AGLO 1976 No. 76, at * 3 n.3 (citing "statutory sections which
(1) authorize cooperative agreements between the highway
authorities of the state or local governments and municipalities
operating an urban public transportation system (RCW

SOUND TRANSIT'S STATEMENT OF
ADDITIONAL AUTHORITIES - 1

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47.52.090^[1]); (2) allow the exclusive or preferential use of limited access facilities by public transportation vehicles (RCW 47.52.025); and (3) permit motor vehicle funds of the state, counties and cities to be used for the payment of the proportionate cost of constructing a highway, road or street intended for joint use with an urban public transportation system (RCW 47.04.083^[2]).”)

- *State ex rel. Agee v Superior Court*, 58 Wn.2d 838, 839, 365 P.2d 16 (1961) (holding that when the Legislature does not provide for a public hearing, fact-finding commission, or other procedure for authorized determinations relating to highways, the determination is discretionary and “is not reviewable except for fraud or gross abuse of discretion”).
- *State ex rel. Ferguson v. Grady*, 71 Wash 1, 6, 127 P. 305 (1912) (holding that the applicant for a writ of mandamus has the burden of proving the facts necessary to authorize issuance of the writ, and when those facts are denied in the answer, and the writ applicant has not requested a trial, the Court must accept the answer as true).
- Agreed Statement of Facts (“AF”), ¶ 3 (stating that on an average weekday in 2008, the I-90 center lanes carried 9,720 vehicles, and the lanes on the outer roadway carried 132,750 vehicles per day).
- AF ¶ 25 (Draft Environmental Impact Statement (“DEIS”), (available at <http://www.soundtransit.org/x9959.xml>), at pp. 1-6, 3-29 (stating that under the current I-90 configuration travel times are forecast to increase by as much as 70% over the next

¹(authorizing the highway authorities of the state and municipal corporations owning or operating an urban public transportation system to enter into agreements with each other “respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions” and providing that “[a]ny such agreement may provide for the exclusive or nonexclusive use of a portion of the [limited access] facility by streetcars, trains, or other vehicles forming a part of an urban public transportation system[.]”).

² (declaring it the public policy of the state “[t]o encourage wherever feasible the joint planning, construction and maintenance of public highways and urban public transportation systems serving common geographical areas as joint use facilities.”

20 years, particularly in the reverse-peak direction, reflecting changes in historical travel patterns and the fact that there are now high-density urban centers on both sides of Lake Washington); pp. 3-35, 3-36 and Table 3-19 (light rail in the I-90 center lanes will increase person throughput, providing a substantial capacity increase in both directions of I-90); pp. 3-91 (light rail in the I-90 center lanes will have a beneficial impact on trucks traveling on I-90, as more people choose light rail and truck travel times improve overall).

RESPECTFULLY SUBMITTED this 5th day of October, 2010.

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY

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BY RONALD R. CARPENTER I hereby certify under penalty of perjury of the laws of the State of

Washington that on this 6th day of October, 2010, I caused to be served

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true and correct copies of the:

Sound Transit's Statement of Additional Authorities

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SOUND TRANSIT'S STATEMENT OF
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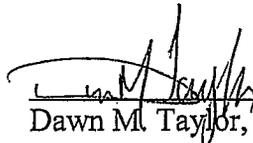
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Dated this 6th day of October, 2010.



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