

520 Mediation Process Questions and Answers – The Keystone Center

We received comments on the draft process document we disseminated on July 29, 2007. Some of the comments have resulted in changes to the document, while other comments require some clarification. The following are common questions:

Representation

Question: Why are agencies represented in the mediation? Why is there an oversight committee made up of public officials?

Answer: We work to help stakeholders craft an agreement that will be implemented. The legislature, government officials and the permitting agency staff are essential to implementation of a mediated agreement. The legislature ultimately appropriates the funding for the transportation projects. Permitting agencies will be looking to see whether the transportation solution and the attendant mitigation can be permitted. Just as solutions created without neighborhoods are unlikely to be implemented, solutions created without the participation of those who have the final permitting and financing authority cannot be implemented.

Question: Why does the table include who it does (why x, why y, why not z)?

Answer: We have heard from neighborhood representatives that there are too few neighborhoods and too many public officials. Some public officials have said that there are too many neighborhood representatives. Mobility advocates seem to have the impression that we have loaded the group with those who favor something nearer the status quo while those who are skeptical of big transportation projects are certain that we have too many pro-development advocates. Everyone, it seems, wants us to add more with whom they are likeminded or co-located and remove those who are at a distance philosophically or geographically. The advice from one quarter is so perfectly in conflict with advice from another that we think we may have it just about right. We are focusing on two criteria – that each major set of interests have a voice (safety, community quality, economic development, good design, mobility, water quality protection, recreation, wetlands, etc.) and that those communities and public interest groups closest to 520 are ensured a seat at the table while those more removed are not.

We have spoken with more than 70 individuals. We appreciate that we are privy to all of the conversations while each stakeholder is hearing only our interpretation of the other conversations and is not hearing directly from others. The mediation will change this; however, until the parties are face-to-face, we ask that the stakeholders give us some benefit of the doubt, trusting that we are doing our best to balance the contradictory advice we receive and allowing us to make our best judgment about how to construct the mediation table. These are judgment calls and we are doing our best to make them openly and fairly.

Question: How will the group be assured that each representative is communicating constantly with her/his constituency, is representing the range of viewpoints within the constituency and is offering more than a personal view?

Answer: This was a recurring concern for most of the people we interviewed. We have had very direct conversations with potential representatives about being designated by the organizations they represent, speaking for the full membership of those organizations regardless how diverse, and creating mechanisms for communication throughout the mediation. We can offer advice to the group about how to accomplish this and we believe it is important for the mediation group to develop and agree to its own set of protocols on this issue. The mediation participants, as a group, need to work collectively to understand the concerns about representation and develop a set a protocols that uniquely addresses the concerns.

Focus/Substance

Question: What is the central topic to be discussed in the mediation?

Answer: The mediation will focus on developing an interchange alternative and mitigation plan in Seattle for SR 520. The mediation is not limited to the two most widely discussed alternatives. Our interviews indicate that the mediation was initiated because neither of the existing solutions, in their current configurations, is likely to form the basis of an agreement. Limiting the discussion in mediation to a rehashing of old arguments for and against two static options will not be useful. The mediation has enough time to develop, discuss and analyze options.

Question: How has the initiating legislation set the stage for the mediation? Which elements are established by the legislation and are, therefore, outside the mediation?

Answer: It is important to view the legislation in total and not any one section on its own. We believe that ESSB 6099 establishes the geographic focus (Seattle side), the number and usage of lanes (six lanes - four general purpose and two high-occupancy-vehicle that could also accommodate high capacity transportation), particular impacts to address (impacts to Seattle city neighborhoods, parks, Washington Park Arboretum and institutions of higher education) and deadlines (interim progress report due August 1, 2007; study of tubes and tunnels and arboretum by-pass due December 2007; and a final agreement on a project impact plan due December 2008).

Data

Question: How will the mediation address data requests or data disputes?

Answer: In the first meetings, the group will identify data needs – either new information on new topics or evaluation of existing information. The group will need to prioritize data requests in order to use the available funds to the best advantage. We expect that some questions will require independent data collection, others independent review of existing information and others simply an update from WSDOT.