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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

CITIZENS FOR SENSIBLE
TRANSPORTATION PLANNING,

Petitioner,

v.

CITY OF SPOKANE,

Respondent,

and

ELLER CORPORATION,

Potential Necessary Party.

No. 06-202484-7

SECOND DECLARATION OF
THOMAS L. ARNOLD

I, THOMAS L. ARNOLD, make the following declaration:

1. I am the Director of Engineering Services for the City of
Spokane. All statements herein are based upon personal knowledge.

SECOND DECLARATION OF THOMAS
ARNOLD - 1

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1 2. As interpreted by the Engineering Services Department, the
2 Comprehensive Plan of the City of Spokane has various aspects that affect
3 numerous City departments. Disregarding provisions of the Comprehensive
4 Plan regarding streets to implement selected aspects of the Plan will increase
5 the cost of street projects. The costs in terms of dollar outlays and staff time
6 would severely limit our ability to function. For example, if select provisions of
7 the Comprehensive Plan applied to the Bernard Street Project (“the Project”),
8 those provisions would apply with equal force every time the City repaved a
9 street or a portion thereof. It would follow, then, that every time there was a
10 utility cut in the street (which occurs over a thousand times a year), we would
11 have to consider whether to narrow the street, whether to create a pedestrian
12 buffer zone, and how to make the sidewalk-to-street area more useful for
13 street trees. The City simply does not have the resources to do so.

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17 3. Fortunately, the Comprehensive Plan does not require the City to
18 implement only select provisions of the Plan, disregarding other provisions.
19 Chapter 4.6, the Street Standards section, specifically exempts street
20 rehabilitation projects like this one from the requirements of the Standards,
21 and therefore from other provisions of the Comprehensive Plan. TR 9.3
22 further states that the City of Spokane Street Standards apply to newly
23 constructed public and private streets and that the standards are not intended
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27 SECOND DECLARATION OF THOMAS
28 ARNOLD - 2

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1 to apply to the resurfacing, restoration or rehabilitation of existing arterials.
2 In a "curb-to-curb" rehabilitation project, the City is already serving the
3 Comprehensive Plan in a number of ways, as expressed below, and the
4 balancing of pedestrian-friendly and traffic-safety goals required by the
5 Comprehensive Plan has already been done, implicitly and expressly.
6

7 4. The Comprehensive Plan does not require any specific outcome
8 from any specific project. Instead, it encourages consideration of its various
9 policies and goals under applicable circumstances. I believe that the
10 Comprehensive Plan's goals and policies *were* furthered with respect to this
11 Project, as follows:
12

13 a. Per Policy TR1.1 and TR 2.7, pedestrian features are being enhanced
14 by repairing the sidewalks and curbs as necessary in their existing
15 configuration. This includes the installation of ADA accessible curb ramps at
16 all corners in the project.
17

18 b. Per Policy TR 2 and TR 2.12, even though this is a roadway
19 preservation project (curb-to-curb), repair of sidewalk, installation of missing
20 sidewalk (Parks Department parcel), and enhanced safety by additional
21 striping is being provided in response to citizens concerns. This includes
22 recognition and further enhancement of a wide variety of transportation
23 options that exist today on the corridor including, walking, biking, and transit.
24
25

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27 SECOND DECLARATION OF THOMAS
ARNOLD - 3

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1 c. Per Policy TR 4.2 and TR 4.3 and TR 5.4, this project will
2 incorporate several changes that occurred due to a thorough public process.
3 Those changes include additional parking lane striping to enhance pedestrian
4 safety and aid in a visual narrowing of the street, allowing some of the existing
5 trees to remain based upon additional investigation and working with the
6 City's arborist, and finally providing striped left-turn lanes at 25th and 29th to
7 more safely allow turning movements from Bernard to adjoining arterials. The
8 safe and efficient movement of traffic on Bernard as a minor arterial (Map TR3)
9 will continue to protect the existing residential streets (local access streets)
10 from cut-through or bypass traffic as suggested in policy TR 5.4.
11

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14 d. Per policy TR 7.3 and TR 7.4, the project will save existing street
15 trees where possible and re-establish/install 24 new trees to maintain the goal
16 of no net loss to the urban street tree inventory. This has been coordinated
17 and permitted in coordination/cooperation with the City's Park
18 Department/City Arborist/Street Tree Committee. In addition, the existing
19 18" to 2' buffer strips between the curb and sidewalks will remain.
20

21 5. The Project, along with several others to follow, was part of a bond
22 issue voted upon by the taxpayers. The voters were asked to approve street
23 rehabilitation, not street redesign and reconfiguration, as plaintiff requests.
24 The City has had many meetings and public hearings with respect to the
25

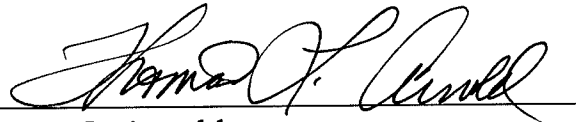
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27 SECOND DECLARATION OF THOMAS
28 ARNOLD - 4

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1 project, and several people came to these meetings and to City Council
2 meetings to suggest their vision for improving the South Hill and Bernard
3 Street in particular. Their suggestions were considered.
4

5 6. However, no funds were identified or approved for redesigning the
6 Project as suggested by Plaintiff. The scope and budget for such projects are
7 typically developed and approved legislatively prior to submission to the
8 Department of Engineering Services.
9

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

12
13 

14 Thomas L. Arnold

15
16 DATED this 26th day of June, 2006, in Spokane, Washington.
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27 SECOND DECLARATION OF THOMAS
28 ARNOLD - 5

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