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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

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.

DECLARATION OF THOMAS ARNOLD - 1

JAMES S. CRAVEN, City Attorney
OFFICE OF THE CITY ATTORNEY
5th Floor Municipal Building
Spokane, WA 99201-3326
(509) 625-6225
FAX (509) 625-6277

1 2. I have been employed by the City of Spokane for approximately
2 18 years. I have been Director of Engineering Services for the last three years.

3
4 3. In the fall of 2004, the voters of Spokane approved by a 61%-plus
5 margin, a bond for resurfacing specific streets in Spokane. One street
6 specifically approved by voters to take place in calendar 2006, is a project for
7 the reconstruction of Bernard Street from 14th Avenue to 29th Avenue in
8 Spokane. This is a reconstruction project, which does not relocate or change
9 the location of the street, curb or sidewalk, but replaces all of the existing
10 street, as necessary to rehabilitate. We are replacing the entire roadway
11 (subgrade included), and replacing curbs and sidewalks where necessary.

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14 4. The contract with Eller Construction that was entered for the
15 Project amounted to \$1.83 million dollars. The contract was approved by the
16 City Council on June 12, 2006, and entered into on June 19, 2006.

17
18 5. The Project was carefully timed to coincide with the summer
19 vacation for several schools in the vicinity. It is anticipated that Eller
20 Construction will start work next week. There is a pre-construction
21 conference scheduled for Friday, June 23, at 10:00 a.m. This time sequencing
22 is designed to permit Eller to complete the reconstruction project before school
23 opens around Labor Day 2006.
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27 DECLARATION OF THOMAS ARNOLD - 2

28 **JAMES S. CRAVEN, City Attorney**
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1 6. If Eller is forced to stop work, this will be expensive to the voters
2 of Spokane for several reasons. First, if the stay is even one of only a few
3 short weeks, that would push the Project back into the fall school season.
4 That will require additional traffic control measures to allow for the movement
5 of pedestrians (school children) through the closed work zone. The contract
6 provides that Bernard Street will be closed for the duration of the Project.
7 However, if the Project continues into the fall semester 2006 school year for
8 Roosevelt, Wilson, Cataldo, and other schools, it is estimated that these
9 additional traffic control measures will cost \$5,000.00 per day, for each day of
10 delay.
11
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14 7. If the Project is stopped in such a manner that would prevent its
15 completion during the 2006 year, it will have to be rebid. Oil prices are a
16 major consideration in the Project (oil is a key component of asphalt, and
17 much of a street bid is based upon oil/asphalt prices). Further, oil prices
18 impact everything in the construction project. We are seeing double digit
19 inflation in all street construction, as well as the additional administrative and
20 engineering time of rebidding and repackaging the Project. I believe that it is a
21 fair probability that, if we have to rebid the contract for 2007, a 20% increase
22 would be foreseeable. A 20% increase would exceed \$330,000.00.
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27 DECLARATION OF THOMAS ARNOLD - 3

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1 8. The citizens of Spokane demand accountability from City staff, in
2 getting these street projects done within budget and on time. Delays
3 occasioned by the street tree appeals (by the same plaintiff) have already cost
4 the Project roughly \$200,000.00; asphalt prices have risen from \$45.00 a ton
5 to \$60.00 a ton in a matter of a few months. Further delays can only
6 dramatically increase those costs.
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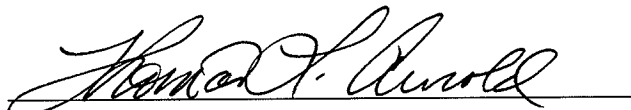
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9 9. As the Director of Engineering Services, I believe that the Bernard
10 Street Project fully satisfies the Comprehensive Plan as a rehabilitation
11 project. Because we are not relocating, moving, narrowing or widening the
12 street, there is no *new* construction that would have to separately satisfy the
13 Comprehensive Plan. This Project has fully integrated all requirements of the
14 Urban Forestry Program, and any and all program goals as set out by the
15 street bond program, adopted by the voters in the year 2004.
16

17
18 10. This Project has also been reviewed by the Mayor/Council-
19 appointed Citizens Street Advisory Commission ("CSAC"). CSAC has endorsed
20 this Project as designed, engineered, and put out to bid.
21

22 11. The bond program on which the citizens voted in 2004 was
23 intended to create an asset for the City of Spokane. This asset, in the form of
24 renewed streets, would benefit the City and citizens for years to come. While
25 we were exceedingly careful about selecting trees that need to be removed for
26

1 this project to go forward, the trees for which I applied and received a permit
2 for tree removal were either diseased/injured, or interfered with infrastructure
3 to a high degree. It made no sense, from an accountability standpoint, to
4 rebuild a street and leave in place the very things that have impacted the life
5 expectancy of that street (such as trees with their roots in the street right of
6 way, which impact the effective use of the sidewalk, curb and roadway). This
7 creates safety hazards for pedestrians and bicyclists, and cracking in the road
8 and sidewalk caused by tree roots hastens the deterioration of both, when
9 water seeps in through the tree root-made cracks into the street subgrade and
10 under the sidewalk itself. We did not apply for, nor did we receive a permit
11 for, removal of any trees that were not necessary to be removed to satisfy the
12 full intent of this program and our accountability to the voters through the
13 bond issuance.

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

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Thomas L. Arnold

23 DATED this 23rd day of June, 2006, in Spokane, Washington.
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27 DECLARATION OF THOMAS ARNOLD - 5


28 JAMES S. CRAVEN, City Attorney
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DECLARATION OF SERVICE

I declare, under penalty of perjury, that on the 23rd day of June, 2006, I caused a true and correct copy of the foregoing document to be delivered to the parties below in the manner noted:

David S. Mann	<input checked="" type="checkbox"/> VIA FACSIMILE
Gendler & Mann, LLP	<input checked="" type="checkbox"/> VIA U.S. MAIL
1424 Fourth Avenue, Ste. 1015	<input type="checkbox"/> VIA OVERNIGHT SERVICE
Seattle, WA 98101	<input type="checkbox"/> VIA HAND DELIVERY
Fax (206) 621-0512	<input checked="" type="checkbox"/> Electronic copy
Attorneys for Plaintiffs	



Laurie Farnsworth
Attorney Assistant
City Attorney's Office
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3326

DECLARATION OF THOMAS ARNOLD - 6	JAMES S. CRAVEN, City Attorney OFFICE OF THE CITY ATTORNEY 5 th Floor Municipal Building Spokane, WA 99201-3326 (509) 625-6225 FAX (509) 625-6277
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