

### Notes by Ed Plute

Good afternoon commissioners.

My name is Ed Plute, my address is 310 NW 84<sup>th</sup> Street, Seattle 98107.

I wish to state that the main reason to reject the MOA with WSDOT lies in a simple policy element.

While I am not an attorney I did take the time to review one chapter in a book entitled *Law for Engineers*.

In Section 2, CONTRACT ILLEGAL AS AGAINST PUBLIC POLICY it states,

Any contract for a performance by either party which is against public policy, or which defrauds or injures the rights of third parties, is illegal and unenforceable.

It goes on to say that:

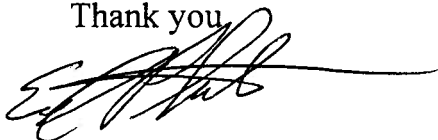
As against public policy, may be mentioned ...(2) those harmful to the public interest ...

When considering the deep-bored tunnel and its lack of any emergency access to the handicapped traveler, clearly the above policy is to be considered.

Additionally, the undisputed facts from the draft EIS showing large volumes of traffic being diverted to city streets since the SR 99 corridor no longer serves lower Queen Anne, the Inter-bay neighborhood and Magnolia, along with the abandonment of adopted design standards such as those concerning road grades, road shoulder widths, vertical clearances and left hand ramps (which are prohibited) you must conclude the county tax payer gains no benefit at all from this project.

In the absence of a benefit, I ask that the Port advise WSDOT that the Port will no longer participate financially in this dubious project.

Thank you.



## **Terms applicable to the Port's Actions**

### **Malfeasance**

The performance by a public official of an act that is legally unjustified, harmful, contrary to law, a wrongdoing, violation of the public trust.

### **Misfeasance**

The wrongful performance of a normally lawful act, the wrongful; exercise of a lawful authority

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