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SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

13-2-03837-4SEA

FISHER BROADCASTING – SEATTLE TV
L.L.C. dba KOMO 4,

Plaintiff,

vs.

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, a state agency,

Defendant.

No.

MOTION FOR ORDER TO SHOW CAUSE
ON FEBRUARY 5, 2013 WHY AN ORDER
COMPELLING IMMEDIATE
PRODUCTION FO PUBLIC RECORDS
SHOULD NOT BE ENTERED

I. RELIEF REQUESTED

The plaintiff, Fisher Broadcasting TV L.L.C. dba KOMO 4 (“KOMO”) requests the Court to issue an Order to Show Cause on February 5, 2013 Why an Order Compelling Immediate Production of Public Records Should not be Entered against the defendant Washington State Department of Transportation (“WSDOT”). The public records at issue are unredacted WSDOT Weekly Reports for the ongoing construction project of a replacement bridge for Highway 520 over Lake Washington that links Seattle with east-side communities including Kirkland, Redmond, Medina and Bellevue (“520 Bridge Construction Project”). WSDOT has redacted the facts of probable dollar value, level and potential schedule impact for identified risks on every Weekly Report but one.

MOTION FOR ORDER TO SHOW
CAUSE -- 1

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Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

1 **II. STATEMENT OF FACTS**

2 **A. THE 520 BRIDGE CONSTRUCTION PROJECT IS A MATTER OF GREAT**
3 **PUBLIC CONCERN.**

4 The Washington Legislature commenced the 520 Bridge Construction Project in 2007
5 with this finding:

6 "The legislature finds that the replacement of the vulnerable state route number
7 520 corridor is a matter of urgency for the safety of Washington's traveling public
8 and the needs of the transportation system in central Puget Sound. The state route
9 number 520 floating bridge is susceptible to damage, closure, or even catastrophic
10 failure from earthquakes, windstorms, and waves. Additionally, the bridge serves
11 as a vital route for vehicles to cross Lake Washington, carrying over three times
12 its design capacity in traffic, resulting in more than seven hours of congestion per
13 day.

14 Therefore, it is the conclusion of the legislature that time is of the essence, and
15 that Washington state cannot wait for a disaster to make it fully appreciate the
16 urgency of the need to replace this vulnerable structure. The state must take the
17 necessary steps to move forward with a state route number 520 bridge
18 replacement project design ..." [2007 c 517 § 1.]

19 The Legislature initially established a budget of \$4,650,000,000 for this project. RCW
20 47.01.418(2)(a). WSDOT hired a general contractor, Kiewit, General and Mason ("KGM") for
21 this massive project. Given the cost to taxpayers and public interest in this critical transportation
22 infrastructure, KOMO reporter Tracy Vedder began to investigate and report on the project in the
23 summer of 2012.

24 **B. WSDOT REDACTS CRITICAL FACTS FROM REQUESTED WEEKLY**
25 **REPORTS.**

26 In order to obtain information about the 520 Bridge Construction Project Ms. Vedder
submitted numerous public records requests to WSDOT under RCW ch. 42.56, the Public
Records Act ("PRA"). One of the WSDOT responses to her PRA requests included a Weekly
Report that identified over \$42 million in anticipated costs, and delays in the bridge construction

1 due to “risks” associated with bridge pontoons.¹ Ms. Vedder decided to request all Weekly
2 Reports.

3 On November 27, 2012 Ms. Vedder submitted the following PRA request to WSDOT:

4
5 In accordance with RCW 42.56 please provide copies of all Weekly Reports from
6 May 1, 2012 to present for the Pontoon construction Project, the Floating Bridge
and Landings Project and the Eastside transmit and HOV Project.²

7 On January 7, 2013, WSDOT responded to the November 27, 2012 PRA request. It
8 produced copies of the requested Weekly Reports.³ Each report has a standard category entitled
9 “Risks” that identifies probable dollar value, risk level and potential schedule impact. The
10 Weekly Reports produced by WSDOT to Ms. Vedder were redacted in the “Risks” section.
11 WSDOT deleted the probable dollar value, risk level and potential schedule impact. WSDOT
12 claimed that the redacted information was exempt under the “deliberative process” exemption.
13 RCW 42.56.280.

14 On January 16, 2013, Ms. Vedder protested this claimed exemption requesting
15 unredacted Weekly Reports⁴. WSDOT denied this request and referred her to WSDOT counsel.
16 On January 22, 2013, KOMO’s counsel spoke with WSDOT’s counsel who told her that the only
17 PRA exemption for the redactions was the “deliberative process” exemption of RCW 42.56.280
18 and that WSDOT could not produce unredacted Weekly Reports.⁵

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22 ¹ Declaration of Tracy Vedder in Support of Motion for Order to Show Cause (“Vedder Decl.”) Ex. D.

23 ² Vedder Decl., Ex. C

24 ³ Vedder Decl., Ex. E.

25 ⁴ Vedder Decl., Ex. F

26 ⁵ Declaration of Judith A. Endejan, ¶ 2

MOTION FOR ORDER TO SHOW
CAUSE -- 3

1 **C. WSDOT TREATED MS. VEDDER'S PUBLIC RECORDS REQUESTS WITH**
2 **HOSTILITY AND DISCRIMINATION.**

3 WSDOT's refusal to disclose unredacted Weekly Reports that describe WSDOT's
4 assessment of the costs and consequences of problems/"risks" associated with the 520 Bridge
5 Construction Project is consistent with its demonstrated animus towards Ms. Vedder because of
6 her coverage of the project. Ms. Vedder prepared a number of reports on her investigation that
7 were aired on KOMO over the latter half of 2012.⁶ Ms. Vedder first reported that employees of
8 KGM were drinking on the job. She next reported several times on structural problems with
9 several of the pontoons for the replacement bridge, such as leakage and cracking. These reports
10 caused Governor Chris Gregoire to call for an independent review to insure the safety of the
11 leaking 520 pontoons. Other reports told of problems with bridges constructed by Kiewit
12 Construction in other states and British Columbia. Ms. Vedder reported that a former inspector
13 described the new 520 Bridge as a "disaster waiting to happen" and that the leaking pontoons
14 could delay completion of the new 520 bridge by up to six months.

15 WSDOT communications officers were upset about Ms. Vedder's report on KGM
16 employees drinking on the job in May of 2012 even though the story quoted the WSDOT project
17 director as stating that the story "does not show any state workers drinking."

18 Steve Pierce, WSDOT's Communications Director vented in an email after the on-the-job
19 drinking story came out: "Our dealings with Ms. Vedder last week may well have a bearing on
20 how we deal with her in the future."⁷ In later emails about the on-the-job drinking report Mr.

21
22
23

⁶ Vedder Decl., Ex. A.

24 ⁷ Vedder Decl., Ex. B-1. In response to Mr. Pierce's email about on-the-job drinking another member of WSDOT's
25 communications team suggested to Mr. Pierce "Maybe compare the PI story and how factual it was to show that we
26 appreciate honest and straightforward coverage." *Id.* Yet, the PI stories about on-the-job drinking were Ms.
Vedder's reports. Declaration of Judith Endejan in Support of Motion for Order to Show Cause, Ex. A.

1 Pierce described Ms. Vedder as “(gag!).” He said “I don’t trust her/Paula: I don’t care if this is
2 disclosable; I already told her to her face that she plays fast and loose with the facts.”⁸

3 The WSDOT communications team objected to what they perceived to be unfair,
4 negative stories about the 520 Bridge Construction Project produced by KOMO and Ms.
5 Vedder.⁹ Thus, when Ms. Vedder requested information about leaking pontoons the WSDOT
6 communications team took action to obstruct her reporting on the topic. For instance, they would
7 not provide background information. Mr. Pierce noted in a July 6, 2012 email: “Frankly, Tracy
8 is the last one I would want to give any advance information to”¹⁰ Mr. Pierce directed project
9 inspectors to not talk to Ms. Vedder and to route her inquiries to WSDOT’s communications
10 consultant. Finally, the WSDOT communications team took the unusual step of intercepting Ms.
11 Vedder’s PRA request for WSDOT videos of pontoon leaks ostensibly to provide a faster
12 response.¹¹ In fact, the WSDOT communications team wanted to control the PRA response in a
13 manner to retaliate against Ms. Vedder for her reporting. They posted the requested videos on
14 the WSDOT website and advised other members of the media of this to deprive Ms. Vedder of
15 the value of exclusivity in her news story. A member of the WSDOT communications team told
16 Mr. Pierce:

17 “That will chap her and then no one will know what to do with it but they will
18 want to use it. And you undermine her so by the time she realizes what’s
19 happened she’s lost her exclusivity.”¹²

20 ⁸ Vedder Decl., Ex. B-1.

21 ⁹ WSDOT does not deny that KGM employees carried two 12-packs of beer into the project headquarters during the
22 workday which were stored in a refrigerator at that site. WSDOT also does not deny Ms. Vedder’s report that the
23 toll reading system for the 520 Bridge malfunctions in a small number of instances. Finally, when asked by another
24 media member to point out factual errors in KOMO’s report on leaking pontoons, WSDOT’s Mr. Pierce could not
25 do so. Vedder Decl., Ex. B-4.

24 ¹⁰ Vedder Decl., Ex. B-2.

25 ¹¹ Vedder Decl., Ex. B-3.

26 ¹² Vedder Decl., Ex. B-3.

MOTION FOR ORDER TO SHOW
CAUSE -- 5

1 The above conduct clearly demonstrates a PRA response by an agency that discriminates
2 against a requester in violation of RCW 42.56.080. WSDOT's manipulation of the PRA to
3 discriminate against Ms. Vedder is relevant to KOMO's PRA request at issue in this motion
4 because these past actions raise a reasonable inference that WSDOT's claimed exemption is only
5 pretextual. The bottom line is that WSDOT does not like Ms. Vedder or her reporting and it will
6 do what it can to withhold information about additional costs and delays involving the 520
7 Bridge Construction Project. This information is contained in the redactions WSDOT made to
8 the Weekly Reports disclosed to Ms. Vedder.

9 III. STATEMENT OF ISSUES

10 Are the facts set forth in the "Risks" section of the WSDOT Weekly Reports disclosed to
11 Ms. Vedder regarding the probable dollar value, level and potential schedule impact exempt from
12 disclosure under the deliberative process exemption of RCW 42.56.280?

13 IV. EVIDENCE RELIED UPON

14 KOMO relies upon the Declarations of Tracy Vedder and Judith A. Endejan filed
15 herewith.

16 V. AUTHORITY

17 A. WASHINGTON PUBLIC RECORDS LAW REQUIRES PRODUCTION OF THE 18 REQUESTED DOCUMENTS.

19 Washington's PRA mandates that each public agency "shall make available for public
20 inspection and copying all public records, unless the record falls within the specific exemptions
21 of this Section or other statute." RCW 42.56.070. This provision is to be liberally construed,
22 and any exemptions narrowly construed to promote the underlying statutory policy towards open
23 records contained in RCW 42.56.030. That statute provides:

24 The people of this state do not yield their sovereignty to the agencies that serve
25 them. The people, in delegating authority, do not give their public servants the
26 right to decide what is good for the people to know and what is not good for them
to know. The people insist on remaining informed so that they may maintain
control over the instruments that they have created. This chapter shall be liberally

1 construed and its exemptions narrowly construed to promote this public policy
2 and to assure that the public interest will be fully protected.

3 The Washington Supreme Court has described the importance of public access to
4 governmental records in striking terms:

5 The stated purpose of the Public Records Act is nothing less than the preservation
6 of the most central tenets of representative government, namely, the sovereignty
7 of the people and the accountability to the people of the public officials and
8 institutions ... Without tools such as the Public Records Act, government of the
9 people, by the people, for the people, risks becoming government of the people,
10 by the bureaucrats, for the special interests. In the famous words of James
11 Madison, "a popular government, without popular information, or the means of
12 acquiring it, is but a prologue to a Farce or a Tragedy or, perhaps both."

13 *Progressive Animal Welfare Society v. University of Washington*, 125 Wn.2d 243, 251,
14 884 P.2d 592, 597 (1994) (citation omitted)("PAWS II").

15 **B. THE DELIBERATIVE PROCESS EXEMPTION DOES NOT EXEMPT THE**
16 **FACTS REDACTED FROM THE WEEKLY REPORTS.**

17 Given the clear legislative directive that PRA exemptions are to be narrowly construed,
18 WSDOT cannot shoehorn the redacted facts reported on the Weekly Reports into the deliberative
19 process exemption, RCW 42.56.280.¹³

20 The Attorney General's Model Rule, WAC 44-14-06002(4) succinctly describes the
21 deliberative process exemption:

22 (4) **Deliberative process exemption.** RCW 42.56.280 exempts "Preliminary
23 drafts, notes, recommendations, and intra-agency memorandums in which
24 opinions are expressed or policies formulated or recommended" except if the
25 record is cited by the agency.

26 In order to rely on this exemption, an agency must show that the records contain
predecisional opinions or recommendations of subordinates expressed as part of a

¹³ *King County v. Sheehan*, 114 Wn. App. 325, 338, 57 P.3d 307 (2002)("the thrice-repeated legislative mandate that exemptions under the public records act are to be narrowly construed").

1 deliberative process; that disclosure would be injurious to the deliberative or
2 consultative function of the process; that disclosure would inhibit the flow of
3 recommendations, observations, and opinions; and finally, that the materials
4 covered by the exemption reflect policy recommendations and opinions and not
5 the raw factual data on which a decision is based. Courts have held that this
6 exemption is "severely limited" by its purpose, which is to protect the free flow of
7 opinions by policy makers. It applies only to those portions of a record containing
8 recommendations, opinions, and proposed policies; it does not apply to factual
9 data contained in the record...¹⁴

10 As demonstrated by the unredacted Weekly Report disclosed to Ms. Vedder¹⁵ the
11 redacted information contains facts regarding weekly risk assessments with multimillion
12 dollar price tags. These facts are not expressed as part of a deliberative process which
13 involves policymakers' exchange of views, opinions and proposals. These facts are just
14 part of a routine Weekly Report on the 520 Bridge Replacement Project prepared by
15 management for the purpose of recording factual developments and not for policy-making
16 purposes. If they were then WSDOT would have deleted many more portions, which is
17 has not. Further, by disclosing one unredacted Weekly Report WSDOT is not well-
18 positioned to claim all of the others contain exempt information.

19 WSDOT may claim that the redacted information is an expression of opinion from
20 project management as to anticipated costs and delays associated with identified risks,
21 which were not redacted by WSDOT. The Supreme Court rejected that argument in
22 *PAWS II*: "We have specifically rejected the contention that this exemption applies to all
23 documents in which opinions are expressed regardless of whether the opinions pertain to
24 the formulation of policy." 125 Wn.2d at 256 (emphasis supplied).

25 ¹⁴ *Citing Paws II*, 125 Wn. 2d at 256; *Hearst v. Hoppe*, 90 WN. 2d 123,133, 580 P. 2d 246 (1978)

26 ¹⁵ Vedder Decl., Ex. D.

1 The Weekly Reports have nothing to do with any policy formulation, and it would
2 be absurd to construe them as such. If WSDOT has no problem with disclosing project
3 risks in the Weekly Reports then the public should be entitled to know of associated
4 costs and delays.

5 **C. KOMO IS ENTITLED TO ATTORNEYS' FEES AND COSTS AND PENALTIES.**

6 RCW 42.56.550(4) awards all costs, including reasonable attorneys' fees to KOMO, if it
7 is the prevailing party. Further, this statute allows the Court to impose a penalty of up to \$100
8 for each day the agency has failed to disclose a public records. KOMO will submit further
9 evidence as to the full amount of costs and attorneys' fees which it incurred in bringing this suit
10 and requests the Court to order that KOMO be awarded full attorneys' fees and costs and to
11 impose a penalty against WSDOT.

12 **VI. CONCLUSION**

13 In sum, WSDOT cannot make the showing necessary to sustain the exemption, narrowly
14 construed. The Weekly Reports should be disclosed in unredacted form.

15 DATED this 29th day of January, 2013.

16 GRAHAM & DUNN PC

17
18 By 
19 Judith A. Endejan
20 WSBA# 11016
21 Email: jendejan@grahamdunn.com
22 Attorneys for Plaintiff Fisher Broadcasting TV
23 L.L.C. dba KOMO 4
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25
26

1 **II. JURISDICTION AND VENUE**

2 3. This Court has jurisdiction over this action pursuant to RCW 42.56.550(1).

3 4. Venue is appropriate under RCW 42.56.550(1) because the public records sought
4 by KOMO are maintained in King County.

5 **III. STATEMENT OF FACTS**

6 5. In 2012 KOMO reporter Tracy Vedder began an investigation into the ongoing
7 construction of a replacement bridge for Highway 520 over Lake Washington that links Seattle
8 with east-side communities including Kirkland, Redmond, Medina and Bellevue at an initial
9 projected cost of \$4.6 billion (the "520 Bridge Construction Project").

10 6. Ms. Vedder prepared a number of reports on her investigation that were aired on
11 KOMO over the latter half of 2012. Ms. Vedder first reported that employees of the general
12 contractor for the 520 Bridge Construction Project, Kiewit, General and Manson ("KGM") were
13 drinking on the job. She next reported several times on structural problems with several of the
14 pontoons for the replacement bridge, such as leakage and cracking. These reports caused
15 Governor Chris Gregoire to call for an independent review to insure the safety of the leaking 520
16 pontoons. Other reports told of problems with bridges constructed by Kiewit Construction in
17 other states and British Columbia. Ms. Vedder reported that a former inspector described the
18 new 520 Bridge as a "disaster waiting to happen" and that the leaking pontoons could delay
19 completion of the new 520 bridge by up to six months.

20 7. In order to obtain information about the 520 Bridge Construction Project Ms.
21 Vedder submitted numerous public records requests to WSDOT under RCW ch. 42.56 ("PRA").

22 8. WSDOT's communications officers were upset about Ms. Vedder's report on
23 KGM employees drinking on the job in May of 2012 and her other reports on the 520 bridge.

24 9. While WSDOT responded to Ms. Vedder's PRA requests its personnel developed
25 a strong, negative bias against Ms. Vedder and they deliberately released public records in a
26 manner to harm Ms. Vedder professionally. For instance, Ms. Vedder requested videos that

1 showed cracks and leaking in the pontoons. WSDOT responded by posting simultaneously the
2 videos on-line and advising Ms. Vedder and all of members of the media of the location of the
3 videos, motivated by a desire to harm Ms. Vedder's reporting. One WSDOT employee proposed
4 this WSDOT response about the videos:

5 "You should post and then send the link to her, then in separate doc send to all
6 media and say, 'Tracy Vedder requested these docs and, in the interest of
7 transparency, we put them on the web for all of you to access because that's the
8 fundamental idea behind public disclosure. All public gets it.'

9 That will chap her and then no one will know what to do with it but they will want
10 to use it. And you undermine her so by the time she realizes what's happened
11 she's lost her exclusivity."

12 10. On November 27, 2012 Ms. Vedder submitted the following PRA request to
13 WSDOT.

14 In accordance with RCW 42.56 please provide copies of all Weekly Reports from
15 May 1, 2012 to present for the Pontoon construction Project, the Floating Bridge
16 and Landings Project and the Eastside transit and HOV Project.

17 11. Ms. Vedder became aware of the Weekly Reports because one unredacted Weekly
18 Report had been provided to her by WSDOT in connection with a previous PRA request. It was
19 her understanding that these reports were prepared by WSDOT management and stored on
20 WSDOT centralized computers, accessible to WSDOT management at the Bellevue project
21 headquarters for the 520 Bridge Construction Project.

22 12. On January 7, 2013, WSDOT produced copies of the requested Weekly Reports.
23 Each report has a standard section entitled "Risks" that states the probable dollar value, risk level
24 and potential schedule impact for each identified risk, but all of these facts were deleted in the
25 Weekly Reports produced by WSDOT to Ms. Vedder. WSDOT claimed that the redacted
26 information was exempt under the "deliberative process" exemption. RCW 42.56.280.

13. On January 16, 2013, Ms. Vedder protested this claimed exemption requesting
unredacted Weekly Reports. WSDOT denied this request and referred her to WSDOT counsel.

COMPLAINT FOR VIOLATIONS OF THE
WASHINGTON PUBLIC RECORDS ACT

-- 3

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(206) 624-8300/Fax: (206) 340-9599

1 On January 22, 2013, KOMO's counsel spoke with WSDOT's counsel who told her that the only
2 PRA exemption for the redactions was the "deliberative process" exemption of RCW 42.56.280.

3 14. To date, WSDOT has refused to provide all Weekly Reports in unredacted form.

4 **IV. CAUSES OF ACTION**

5 **FIRST CAUSE OF ACTION**

6 **(Failure to Produce Records in Violation of the PRA)**

7 15. The facts and allegations in ¶¶ 1 through 14 are reasserted and incorporated by
8 reference herein.

9 16. The PRA requires an agency to make requested public records promptly available
10 for inspection and copying unless the records are exempt from disclosure in whole or in part.
11 RCW 42.56.070(1); .080.

12 17. WSDOT has violated the PRA by refusing to provide unredacted copies of the
13 WSDOT Weekly Reports by wrongfully claiming that the information redacted in these reports is
14 exempt under RCW 42.56.280.

15 **SECOND CAUSE OF ACTION**

16 **(Failure to Provide Fullest Assistance)**

17 18. The facts and allegations in ¶¶ 1 through 14 are reasserted and incorporated by
18 reference herein.

19 19. RCW 42.56.100 requires WSDOT to "provide for the fullest assistance to
20 inquiries and the most timely possible actions on requests for information."

21 20. WSDOT's actions or inactions described in Section II above, were uncooperative,
22 unreasonable and demonstrate a lack of fullest assistance in violation of RCW 42.56.100.

23 **THIRD CAUSE OF ACTION**

24 **(Discrimination Among Requesters)**

25 21. The facts and allegations in ¶¶ 1 through 14 are reasserted and incorporated by
26 reference herein.

1 22. RCW 42.56.080 states that “[A]gencies shall not distinguish among persons
2 requesting records.”

3 23. WSDOT’s demonstrated negative bias and actions against Ms. Vedder
4 discriminated against KOMO in violation of RCW 42.56.080.

5 **V. RELIEF REQUESTED**

6 WHEREFORE, Plaintiff prays for the following relief:

7 1. A declaration that WSDOT has violated the sections of the PRA and RCWs cited
8 in the above causes of action.

9 2. A declaration that WSDOT’s interpretation of RCW 42.56.280 is incorrect,
10 invalid and unlawful and does not exempt the information redacted from the Weekly
11 Reports.

12 3. An order compelling immediate production of the unredacted records requested by
13 KOMO on November 27, 2012.

14 4. An award of all costs and reasonable attorneys’ fees incurred in connection with
15 this action pursuant to RCW 42.56.550(4).

16 5. An award of statutory penalty for each day WSDOT is in violation of the PRA at
17 the maximum end of the penalty range set forth in RCW 42.56.550(4).

18 6. For such other and further relief as the Court deems appropriate.

19 DATED this 29th day of January, 2013.

20
21 GRAHAM & DUNN PC

22
23 By Judith A. Endejan
24 Judith A. Endejan
25 WSBA# 11016
26 Email: jendejan@grahamdunn.com
Attorneys for Plaintiff, Fisher Broadcasting –
Seattle TV L.L.C. dba KOMO 4

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SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

13-2-03837-4 SEA

FISHER BROADCASTING – SEATTLE TV
L.L.C. dba KOMO 4,

Plaintiff,

vs.

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, a state agency,

Defendant.

No.

DECLARATION OF JUDITH A. ENDEJAN
IN SUPPORT OF PLAINTIFF’S MOTION
FOR ORDER TO SHOW CAUSE

I, Judith A. Endejan, declare as follows:

1. I represent KOMO 4 TV in this action. I have personal knowledge of, and am competent to testify as to the matters set forth below.

2. On January 23, 2013, I spoke with Assistant Attorney General Scott Lockwood about the position of the Washington State Department of Transportation (“WSDOT”) that portions of WSDOT Weekly Reports for the 520 Bridge Construction Project were exempt under the deliberative process exemption in RCW 42.56.280. Mr. Lockwood said that this was the only exemption applicable to the redactions made in the WSDOT Weekly Reports provided to Tracy Vedder in response to her Public Records Act request for them.

DECLARATION OF JUDITH A.
ENDEJAN IN SUPPORT OF
PLAINTIFF’S MOTION FOR ORDER TO
SHOW CAUSE-- 1

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Endejan Declaration, Exhibit A

Hidden camera shows 520 Bridge workers drinking on job

By TRACY VEDDER, KOMO-TV
Updated 8:25 am, Wednesday, May 23, 2012

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Bickford Ford Fleet Sales www.bickford.net/commercial
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BELLEVUE, Wash. -- Drinking on the job is both illegal and potentially dangerous. But a KOMO 4 Problem Solver hidden camera investigation discovered workers drinking on the largest construction job in the state: The 520 Bridge construction project.

Our hidden camera video tells the story: Numerous workers are shown with a beer in their hand, or at their desk, in the middle of the afternoon.

"People drink pretty heavily, I mean, it's all over the place," said our source, who asked to remain anonymous. She was at the site daily for two months, and was so disgusted by what she saw she asked us to step in. She told us people here drink every day of the week.

"Every day," she said. "On Monday through Thursday, some people have one, two, three. On Friday, it's a six-pack."

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But this isn't just any business, it's the project headquarters for the 520 Bridge replacement. That's a \$586 million contract ultimately paying for these workers to drink on the job.

"You would think that somebody, some supervisor, somebody would say, 'Hey we can't do this. This isn't allowed,' " our source said.

In fact, it's not allowed. State law prohibits alcohol in the workplace.

"Anything that clouds your judgment is going to be a problem," says Hector Castro, spokesman with the state Department of Labor & Industries. "State rules are very clear: Alcohol and drugs are prohibited from the workplace."

KGM, a joint venture firm of Kiewit, General and Manson contractors won the bid to design and build the 520 floating bridge. It's a complex and complicated project. All the design work and project oversight happens at the Bellevue project office on 112th Avenue NE. Both KGM and state Department of Transportation - WSDOT - employees work there in what's called a "co-located" office.

We went to the project office at 3 p.m. on Friday looking for the boss. While we were waiting -- to our amazement -- we saw two workers walk in the front door, each carrying a 12-pack of beer. Neither man would talk to us, nor would a third who was identified only as a manager. When we told this third individual we'd seen numerous people drinking on the job, some while working on their computers, and asked how common that practice is, he would only say, "I'm not commenting on any of that."

KGM's corporate spokesperson would not comment on camera, but emailed a statement saying, "We take these matters extremely seriously. We have initiated a full investigation and will take appropriate corrective action."

After reviewing our video, WSDOT Project Director Mike Cotten told me he doesn't believe it shows any state workers drinking but he is concerned.

"I've been with WSDOT 28 years now, I have never seen alcohol on the job site before," he said. When we asked if he was then surprised to see the drinking on our video he answered, "Yeah, I was a little surprised to see that there was alcohol."

Cotten says normally WSDOT and private contractors don't share office space, but that it makes sense because of the complexity of the 520 project. But that raises another questions about people working on this complex project while drinking alcohol. We asked if there a concern that complicated calculations might be done by people working under the influence? Cotten replied, "I think that's something that we need to take a look at," and added that "quality is a very important issue for WSDOT on all of our projects."

Both WSDOT and KGM are launching investigations. Labor and Industries may investigate as well. And because of the Problem Solver investigation, the head of WSDOT, Secretary Paula Hammond, today sent out an email to all state DOT workers reminding them of state law and the Agency's policy: No alcohol, no drugs on any worksite.

Comment at KOMO.

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More boozing at 520 job site?

By TRACY VEDDER, KOMO-TV
Published 6:51 am, Thursday, May 24, 2012

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Reaction has been swift after our Problem Solvers investigation caught 520 Bridge contract workers drinking on the job.

Just 24 hours after our story aired, Washington Secretary of Transportation Paula Hammond is condemning the work-day boozing and top executives from the private contracting company are flying into Seattle.

And now there's a new revelation in the story.

A new whistleblower has come forward to say the problem is more widespread than anyone imagined.

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Among the outpouring of response to our investigation, we're now learning from a former 520 Bridge worker that a different jobsite also has a problem with alcohol.

Our earlier investigation uncovered numerous workers at the Bellevue offices of the 520 Bridge project with beers in their hands in the middle of the afternoon.

Now another worker has come forward to say he saw supervisors with private contractor KGM drinking after hours at a different 520 work site.

The whistleblower, named John, doesn't want his last name used. He also admits he was laid off last April from the Kenmore jobsite, where workers are building the concrete anchors for the 520 Bridge. But he insists that's not why he contacted KOMO. He said what he saw just wasn't right, including once seeing a supervisor drunk in the morning.

"The next morning we're doing our safety meeting, and my general superintendent was smashed," John said.

At the Bellevue office, workers appeared very comfortable with the drinking. When KOMO showed up to confront the managers at 3 p.m., two employees were each bringing in a half rack of beer, which they stowed in the refrigerator.

"No drinking, no drugging allowed on the job -- it's terms for termination," John said. "It doesn't matter if it's during hours, after hours -- on the job site it is not allowed."

Washington Department of Transportation Project Director Mike Cotton said he didn't believe any of the people caught drinking on camera were DOT employees, but instead were KGM employees. That's the company that won the \$586 million contract to build the bridge. But that is still under investigation.

Hammond posted a statement on WSDOT's website on Wednesday saying "... alcohol or drug use is not acceptable within WSDOT projects ..." and, "This issue is receiving attention at all levels ..."

That includes letters to both major 520 contractors reminding them of state law and policy regarding alcohol and drugs, as well as an email to all WSDOT employees reminding them as well.

Governor Christine Gregoire addressed the story in statement released Wednesday night.

"Drinking on the job is unacceptable and WSDOT has long-held and clear policies that prohibit drugs and alcohol in the workplace," she said. "These policies have been reiterated to the private sector contractor Kiewit-General-Manson construction and their employees. We have also taken swift action to confirm these policies with our private sector contractors so that they are clear about the state's expectations."

KOMO made multiple attempts to contact DOT leadership to ask them about these latest reports of drinking at a second 520 Bridge site, but those

attempts were unsuccessful.

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5 suspended after reports of drinking at bridge contractor

By KOMO-TV
Published 9:44 am, Thursday, June 7, 2012

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Five people have been suspended without pay - including a senior vice president - following a company investigation into job site drinking by state contractors on the 520 bridge project.

The drinking by employees of bridge contractor Kiewit originally was uncovered during a KOMO Problem Solvers hidden camera investigation last month.

The company then followed up with a comprehensive investigation, which found that alcohol consumption did occur "sporadically" in company work spaces at the end of employees' work days.

As a result of the company's investigation, five people have been suspended without pay. Other employees may receive letters of counseling in their personnel files. Training sessions also have been scheduled for other employees.

Those suspended include the senior vice president with management responsibility for the 520 bridge projects in Washington.

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Investigation uncovers widespread leaks in new 520 pontoons

By TRACY VEDDER, KOMO STAFF
Updated 11:57 pm, Thursday, October 25, 2012

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Insiders call it a cover-up, one that could ultimately cost taxpayers millions. A KOMO 4 Problem Solver investigation has uncovered evidence of widespread leaks and cracks in pontoons destined for the new \$4.6 billion 520 Bridge.

Around the world, Western Washington is the acknowledged leader in building floating bridges, from Hood Canal to Interstate 90 to the current 520 Bridge. And yet the Problem Solvers have uncovered construction flaws in every single one of the first six pontoons built for the new bridge in Aberdeen by Kiewit Construction.

In pontoon after pontoon, we uncovered evidence of leaks in dozens of the interior compartments, called cells. We obtained thousands of pages of public records and hours of video inspections inside the first six pontoons built in Aberdeen and floated to Lake Washington.

What we found is far different from what the Washington Department of Transportation told us just last month when we asked about a garden-hose-sized leak in Pontoon "V" and about the water "weeping" through a wall in Pontoon "W." When we asked 520 Program Director Julie Meredith if that was the only leak they'd identified, she answered, "That is the only leak that we've identified."

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In fact, according to videos shot in August and just released to the Problem Solvers, all six of the pontoons have experienced leaks -- as many as 36 cells leaking water either from Lake Washington or from water intentionally placed inside to keep the pontoons floating evenly. But WSDOT told us, "That is the only leak that we've identified." We asked how many walls have leaked. Meredith: "There's a couple." Now WSDOT says that was variously a miscommunication or a misunderstanding.

Cracks in all six of first pontoons

Two separate WSDOT insiders -- who asked to remain anonymous -- tell us they've never seen this many leaks and what they called "extensive cracking" in brand new pontoons. The videos we obtained include sections where an inspector videos chipped concrete on the exterior of a pontoon and says, "It's already been exposed to seawater and the rebar is rusting."

KOMO News uncovered documentation that all six of the first pontoons developed extensive cracks while concrete hardened or cured. We found one drawing showing dozens of snaking lines, called "crack-mapping," on the top and bottom slabs of one of the pontoons. And the accompanying engineering report found that the "cracking appears to be similar in all six pontoons" out of Aberdeen.

John Reilly headed up WSDOT's Expert Review Panel. We asked if there was any way to know if the extensive cracking in the pontoons is why we're seeing them leak now that they're in Lake Washington. "Could be, could be -- most logical connection."

A consultant's report in July raised concerns about whether the repairs could remain watertight. And by late August, internal WSDOT emails verified that many of the crack repairs "are brittle and have already failed."

- **Read a few of the several documents obtained from the WSDOT detailing pontoon problems**

"If they're already leaking, that's troublesome." State Representative Mike Armstrong is the ranking member for the House Transportation Committee. He's disturbed by what we uncovered and that WSDOT hasn't been more open. "We have to make sure that we have it fixed -- now -- before we start building these other, what, probably 30 pontoons?"

Both our insiders say the problems with these first pontoons already undermine the structural integrity of the new \$4.6 billion bridge. They point to the I-90 bridge, where one problem pontoon being rehabbed by contractors sank during a severe storm in 1990, pulling down several other bridge sections. Since then, annual inspections monitor cracks and leaks. In the most recent I-90 inspection, only seven out of 2008 pontoon cells had

measurable water inside, and those spans are 20 and 30 years old. The first six brand new pontoons for the 520 already have at least 36 cells that have leaked.

WSDOT would not confirm how many pontoons have leaked, Secretary Paula Hammond responding, "whether they are or aren't, we haven't accepted the pontoons and we won't accept the pontoons until we know they meet the contract specifications."

Contractor makes \$90,000 per day's delay

Then there's the money. Insiders tell the Problem Solvers that late pontoons are costing taxpayers millions. The whole financial deal, with two independent contracts but one primary contractor, seems to favor contractor Kiewit at the expense of taxpayers.

You might remember Kiewit from our Problem Solver investigation last spring where we caught their employees drinking on the job.

Here's how the pontoon costs got so screwy: Every day Kiewit in Aberdeen is late with pontoons, they owe the state \$10,000. But that also makes the pontoons late getting to Lake Washington, and on that contract the state has to pay Kiewit \$100,000 a day. So every late day, parent company Kiewit makes an extra \$90,000 even though the problems started with Kiewit's other contract in Aberdeen.

Transportation Secretary Hammond wouldn't confirm the dollars in the contract but did say the need to get the bridge built by their 2014 deadline dictated the terms of the contracts. "We took a risk and we took a very aggressive schedule in order to make sure that we can replace this bridge."

WSDOT says it can't give us an overall estimate of added costs due to late pontoons and repairs, but the records they gave the Problem Solvers show 74 days' worth of delays and at least \$2 million in repairs -- adding up to nearly \$9 million to taxpayers.

"I'd like to know who came up with that plan," Armstrong said. "Because it doesn't seem like a plan that's gonna benefit the citizens of the state of Washington."

Secretary Hammond also just announced she is reorganizing oversight of the pontoon construction with a new director at the Aberdeen plant as well as moving engineering staff to headquarters in Olympia. Those moves are intended to strengthen the project team. Our sources tell us they believe some of the changes are an attempt to control information leaks to the Problem Solvers.

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SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

FISHER BROADCASTING – SEATTLE TV
L.L.C. dba KOMO 4,

Plaintiff,

vs.

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, a state agency,

Defendant.

No. **13-2-03837-4 SEA**

DECLARATION OF TRACY VEDDER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
ORDER TO SHOW CAUSE

I, Tracy Vedder, declare as follows:

1. I am employed by KOMO 4 TV as an investigative reporter. I have personal knowledge of, and am competent to testify as to, the matters set forth below.

2. In mid-2012, I began to investigate the ongoing construction of the replacement bridge for Highway 520 over Lake Washington (the "520 Bridge Construction Project").

3. I prepared a number of reports that aired on KOMO over the latter half of 2012. Attached hereto as Exhibit A are true and correct copies of the stories that I prepared about the 520 Bridge Construction Project.

4. Attached hereto as Exhibit B are true and correct copies of emails I obtained through Public Records Act ("PRA") requests under RCW ch. 42.56 from WSDOT personnel regarding my reporting efforts and Public Record Act requests. Exhibit B-1 consists of a series

DECLARATION OF TRACY VEDDER IN
SUPPORT OF PLAINTIFF'S MOTION
FOR ORDER TO SHOW CAUSE-- 1

m45803-1899806.doc

GRAHAM & DUNN PC
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Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

1 of e-mails demonstrating WSDOT's negative reaction to my story regarding workers drinking on
2 the job at project headquarters for the 520 Bridge Construction Project that first aired on May 22,
3 2012. Exhibit B-2 consists of e-mails demonstrating a negative reaction from WSDOT to
4 another story that I did regarding misread toll charges for drivers using the 520 bridge. Exhibit
5 B-3 documents WSDOT's approach to a public records request we made for videos of leakage
6 taken by WSDOT of the new 520 pontoons. These show that WSDOT's communications staff
7 chose to handle this request, rather than WSDOT's public records officer, in order to provide a
8 unique response to "undermine" (WSDOT's word) my story because, as the other e-mails in
9 Exhibit B clearly demonstrate, the communications staff felt hostile towards me. They released
10 the videos I requested to me and then placed them on the internet and told other members of the
11 media about this posting in order to ruin any exclusivity about a story on pontoon leakage.
12 Exhibit B-4 is an e-mail between Steve Pierce, of WSDOT, and Rachel LaCorte of the
13 Associated Press regarding my story about the leaking 520 pontoons. She asked Mr. Pierce to
14 identify errors in my story but Mr. Pierce did not deny the pontoon leakage that I reported.

15 5. Attached hereto as Exhibit C is a true and correct copy of my PRA request dated
16 November 27, 2012 for copies of all WSDOT Weekly Reports for the 520 Bridge Construction
17 Project. I asked for these reports because one such report had been provided to me in a WSDOT
18 response to one of my prior PRA requests. Attached hereto as Exhibit D is a true and correct
19 copy of this report, which discloses the "probable dollar value" and "potential schedule impact"
20 of identified "risks". It is my understanding that the Weekly Reports are prepared and then
21 stored on a centralized computer system that is accessible to WSDOT management at the
22 Bellevue headquarters for the 520 Bridge Construction Project who report on the work being
23 done on the project in Lake Washington.

24 6. On January 7, 2013, WSDOT produced copies of the Weekly Reports, true and
25 correct copies of which are attached as Exhibit E. Unlike Exhibit D, the Weekly Reports were
26

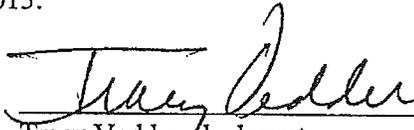
1 redacted in the "risk" section which identifies the probable dollar value for an identified risk, the
2 risk level and potential schedule impact.

3 8. Our investigation into the 520 Bridge Construction Project has uncovered serious
4 deficiencies with the initial construction of pontoons for the new 520 floating bridge. I have
5 reviewed other public records produced by WSDOT that tell me that the state has already spent
6 approximately half of its contract budget for building the pontoons and only one of six cycles of
7 pontoons has been completed and those have damage (i.e., leaks and cracks) that need to be
8 repaired. In order to report fully on potential risks to tax payers and residents of Washington, I
9 need access to unredacted, complete Weekly Reports that identify anticipated costs and delays in
10 the bridge project. The Weekly Reports are the best tools to examine WSDOT's progress and
11 budget impacts for the 520 Bridge Construction Project because these reports identify and assess
12 "risks" and associated expenses and delays.

13 9. Attached hereto as Exhibit F is a true and correct copy of my response to
14 WSDOT's redactions of the risk information in the Weekly Reports. WSDOT has refused to
15 provide unredacted Weekly Reports and has now referred this issue to its attorneys.

16 I declare under penalty of perjury that the foregoing is true and correct to the best of my
17 knowledge.

18 Executed this 28th day of January 2013.

19
20 
21 Tracy Vedder, declarant

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DECLARATION OF TRACY VEDDER IN
SUPPORT OF PLAINTIFF'S MOTION
FOR ORDER TO SHOW CAUSE-- 3

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KOMO News

Hidden camera shows workers on 520 Bridge project drinking on job

By Tracy Vedder (<http://www.komonews.com/st/050514/051405.html>) | Published: May 22, 2012 at 10:07 PM PST (2012-05-23T16:07:11Z) | Last Updated: May 23, 2012 at 6:10 AM PST (2012-05-23T14:10:11Z)



520-BRIDGE-WORKERS-DRINKING-ON-THE-JOB-152681285.HTML?TAB=

PHOTOS ([HTTP://WWW.KOMONEWS.COM/NEWS/LOCAL/HIDDEN-CAMERA-INVESTIGATION-CATCHES-520-BRIDGE-WORKERS-DRINKING-ON-THE-JOB-152681285.HTML?TAB=GALLERY&C=Y](http://www.komonews.com/news/local/hidden-camera-investigation-catches-520-bridge-workers-drinking-on-the-job-152681285.html?tab=gallery&c=y))

BELLEVUE, Wash. -- Drinking on the job is both illegal and potentially dangerous. But a KOMO 4 Problem Solver hidden camera investigation discovered workers drinking on the largest construction job in the state: The 520 Bridge construction project.

Our hidden camera video tells the story: Numerous workers are shown with a beer in their hand, or at their desk, in the middle of the afternoon.

"People drink pretty heavily, I mean, it's all over the place," said our source, who asked to remain anonymous. She was at the site daily for two months, and was so disgusted by what she saw she asked us to step in. She told us people here drink every day of the week.

"Every day," she said. "On Monday through Thursday, some people have one, two, three. On Friday, it's a six-pack."

But this isn't just any business, it's the project headquarters for the 520 Bridge replacement. That's a \$586 million contract ultimately paying for these workers to drink on the job.

"You would think that somebody, some supervisor, somebody would say, 'Hey we can't do this. This isn't allowed,' " our source said.

In fact, it's not allowed. State law prohibits (<http://apps.leg.wa.gov/wac/default.aspx?dispo=true&cite=296-800>) alcohol in the workplace.

"Anything that clouds your judgment is going to be a problem," says Hector Castro, spokesman with the state Department of Labor & Industries. "State rules are very clear: Alcohol and drugs are prohibited from the workplace."

KGM, a joint venture firm of Kiewit, General and Manson contractors won the bid to design and build the 520 floating bridge. It's a complex and complicated project. All the design work and project oversight happens at the Bellevue project office on 112th Avenue NE. Both KGM and state Department of Transportation - WSDOT - employees work there in what's called a "co-located" office.

We went to the project office at 3 p.m. on Friday looking for the boss. While we were waiting -- to our amazement -- we saw two workers walk in the front door, each carrying a 12-pack of beer. Neither man would talk to us, nor would a third who was identified only as a manager. When we told this third individual we'd seen numerous people drinking on the job, some while working on their computers, and asked how common that practice is, he would only say, "I'm not commenting on any of that."

KGM's corporate spokesperson would not comment on camera, but emailed a statement saying, "We take these matters extremely seriously. We have initiated a full investigation and will take appropriate corrective action."

After reviewing our video, WSDOT Project Director Mike Cotten told me he doesn't believe it shows any state workers drinking but he is concerned.

"I've been with WSDOT 28 years now, I have never seen alcohol on the job site before," he said. When we asked if he was then surprised to see the drinking on our video he answered, "Yeah, I was a little surprised to see that there was alcohol."

Cotten says normally WSDOT and private contractors don't share office space, but that it makes sense because of the complexity of the 520 project. But that raises another questions about people working on this complex project while drinking alcohol. We asked if there a concern that complicated calculations might be done by people working under the influence? Cotten replied, "I think that's something that we need to take a look at," and added that "quality is a very important issue for WSDOT on all of our projects."

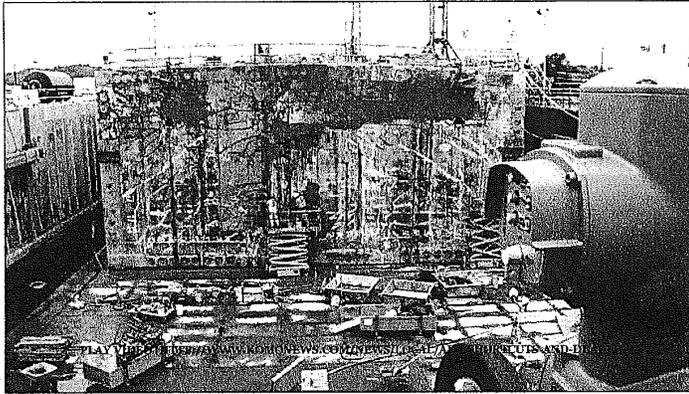
Both WSDOT and KGM are launching investigations. Labor and Industries may investigate as well. And because of our investigation, the head of

WSDOT, Secretary Paula Hammond, today sent out an email to all state DOT workers reminding them of state law and the agency's policy: No alcohol, no drugs on any worksite.

KOMO News

Are shortcuts compromising safety of new 520 bridge?

By Tracy Vedder (<http://www.komonews.com/ny/people/tracyvedder.html>) | Published: Sep 30, 2012 at 10:05 PM PST (2012-10-17T05:02) | Last Updated: Oct 10, 2012 at 4:00 PM PST (2012-10-17T00:35Z)



Are shortcuts and pressure to meet construction deadlines compromising safety of the new 520 bridge? The \$4.65 billion bridge will be open to drivers in 2014. But a KOMO 4 News investigation has uncovered serious concerns about the integrity of the pontoons that are supposed to keep the bridge afloat.

On August 22, WSDOT inspectors found problems inside two of its new 520 pontoons and within five days they posted video on the internet, saying some might use it to say the pontoons were leaking but they wanted the public to have "the full story."

The insider at construction joint, a Washington State Department of Transportation inspector says in the video.

Our investigation has uncovered information indicating at least one of the pontoons is leaking, and there is insider concern that WSDOT is allowing contractor shortcuts, undermining the integrity of these pontoons -- structures that are meant to hold up the world's longest floating bridge for the next 75 years.

The problems started at the Aberdeen casting basin where 33 of the pontoons will be built, including 21 that will be longer than a football field. Last May WSDOT discovered extensive cracking (<http://www.komonews.com/news/local/Damage-found-in-520-pontoon-built-at-Aberdeen--152075685.html>) and what's called spalling in the first set of pontoons. Though WSDOT has posted dozens of photos of the Aberdeen project online, it's not made public any photos of this spalling. We've found internet images from other projects that show and define spalling as flaking or chipping in concrete.

An insider with first-hand knowledge of the project contacted the Problem Solvers and told us the damage was so severe, in some cases entire wall sections were blown out.

"It's pretty disturbing to see something like that where normally that's not the type of thing we find," said John Reilly, who headed up a panel of experts hired by WSDOT.

The panel was tasked with finding what caused the pontoon damage. They discovered it was something called post-tensioning. A simplified explanation describes post-tensioning as cables or tendons that are pulled through the sections of a pontoon, with the effect of compressing and strengthening the entire structure.

WSDOT's own expert panel found that contractor Kiewit General did not follow the design drawings for placing those cables, and during that compression process, the pontoons were severely damaged. Quoting from panel's report we asked Reilly if the issue was that the construction deviated from the contract drawings. He replied, "correct."

Additionally the panel determined that contract requirements for curing the concrete "were not rigorously followed," resulting in even more cracking. Additionally, according to Reilly, "there's also the cement itself - it's a different cement - so is that a factor in this? Probably."

WSDOT and Kiewit General launched a series of repairs and in July, just before the first set of pontoons was floated out of Aberdeen, WSDOT said the pontoons were good to go. "All of the cracks had been repaired," 520 Program Director Julie Meredith told us.

Then came that August 22 inspection. In Pontoon V, a 360-foot longitudinal pontoon, inspectors found a leak at an internal construction joint. The water was coming from another cell inside the pontoon where it had been placed as temporary ballast, so the water was not coming from Lake Washington. That leak has since been repaired.

But inside Pontoon W, a 240-foot cross pontoon, there were long streaks of white. The inspector noted it, calling it "weeping," or water seeping into the pontoon from Lake Washington. Our insider tells us those white streaks are "evidence of leaking through cracks" and are "indicative of surface cracking" that has occurred since the float out.

But when we asked WSDOT's Meredith about the repairs they're planning to the pontoon and if that meant they'd found additional cracks since the float-out, she responded, "no, there's not more cracks that we've identified, that's just how we're addressing the condensation issue we have."

Condensation. In the original 30-second video that WSDOT posted online they call the moisture on the wall of Pontoon W "condensation." When the Problem Solvers filed a public information request for all video inside the pontoons on Lake Washington, WSDOT instead posted edited videos online with the audio removed.

We asked WSDOT why we weren't given complete videos and Meredith responded, "Tracy, we've given you all the videos we have and showed everything to the public."

In fact, WSDOT gave us nothing, only posting videos online, videos with the audio removed.

Only when the Problem Solvers obtained the raw videos complete with sound from another source did we hear the inspector use that critical word to describe the water he found inside Pontoon W: "some weeping," he says in the video. Weeping, not condensation.

Our insider insists WSDOT and contractor Kiewit General are "taking a lot of shortcuts," because of "pressure for the schedule." Even worse, the insider tells us that what's potentially at risk is the very integrity of the new bridge.

The insider pointed to the 1990 collapse of the eastbound I-90 bridge. Investigators in that incident found a combination of contractor error and previously identified pontoon cracks led a single pontoon to sink, subsequently pulling down multiple bridge sections. Drawing a connection to the new 520 pontoons, the insider says one cracked pontoon "can compromise the rest."

WSDOT insists the cracks in its pontoons were both expected and repairable and the pontoons will last for 75 years or longer.

"We built pontoons that are some of the best pontoons that the Department of Transportation had ever constructed," concluded 520 Program Manager Meredith.

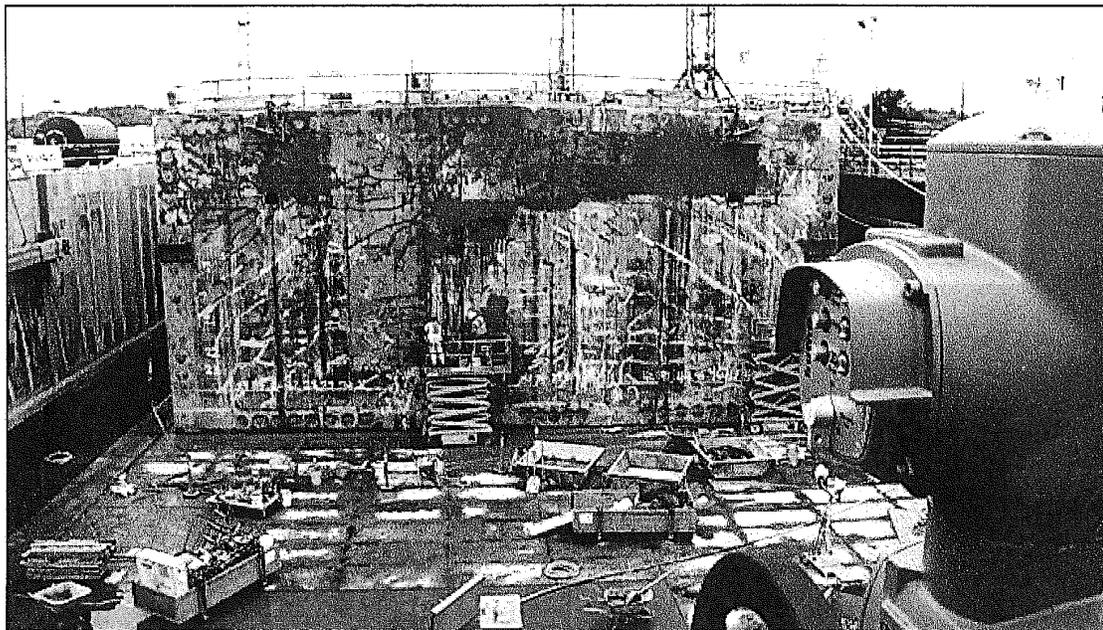
WSDOT's expert panel was not asked to examine the leaking found after the pontoons were in Lake Washington, though Reilly says he has seen the videos. He agrees with our insider that the cracking in Aberdeen is the most logical cause of the leaks. When we asked him if that's an issue he responded, "WSDOT should be concerned about it - for them it should be, yeah."

We've also learned that everyone inside WSDOT was warned not to talk to KOMO TV about any of these issues. As for the future, WSDOT says that repairs to that one weeping pontoon will be made as needed. They add that they have made the changes recommended by their expert panel and they're confident that all the pontoons will be safe, structurally sound and last 75 years or longer.

KOMO News

Investigation uncovers claims of costly cover-up on 520 project

By KOMO Staff | Published: Oct 25, 2012 at 1:50 PM PST (2012-10-25T21:50:34Z) | Last Updated: Oct 25, 2012 at 2:58 PM PST (2012-10-25T22:58:13Z)



PHOTOS ([HTTP://WWW.KOMONEWS.COM/NEWS/LOCAL/INVESTIGATION-UNCOVERS-INSIDER-CLAIMS-OF-COSTLY-COVER-UP-ON-520-BRIDGE-PROJECT-175867741.HTML?TAB=GALLERY&C=Y](http://www.komonews.com/news/local/investigation-uncovers-insider-claims-of-costly-cover-up-on-520-bridge-project-175867741.html?tab=gallery&c=y))

SEATTLE -- Washington State Department of Transportation sources call it a cover-up - one that could ultimately cost taxpayers millions of dollars.

A KOMO 4 Problem Solver investigation has uncovered evidence of widespread leaks and cracks in pontoons destined for the new \$4.6 billion 520 bridge. Our investigation revealed construction flaws in every single one of the first six pontoons built for the new bridge.

“Two separate WSDOT insiders, who asked to remain anonymous, tell us they've never seen this many leaks,” said KOMO 4 Problem Solver Tracy Vedder. “And what they called extensive cracking - in brand new pontoons.”

State Representative Mike Armstrong, the ranking member of the House Transportation Committee, reviewed our findings.

“We have to make sure that we have it fixed, now, before we start building these other what - probably 30 pontoons,” said Armstrong.

Yet until now the Washington Department of Transportation had kept this new evidence under

wraps.

“The Problem Solvers obtained thousands of pages of public records, and hours of video inspections inside the first six pontoons built in Aberdeen and floated to Lake Washington,” said Vedder. “What we found is far different from what the Washington Department of Transportation - WSDOT- told us just last month (<http://www.komonews.com/news/problemsolvers/172027591.html>).”

Watch Tracy Vedder’s full investigation, see the video evidence, hear Tracy confront the state and find out how much all of this could be costing taxpayers tonight on KOMO 4 News at 11:00 p.m.

KOMO News

Governor orders independent safety review of 520 pontoons

By Tracy Vedder <http://www.komonews.com/fo/people/149134615.html> | Published: Oct 26, 2012 at 4:16 PM PST (2012-10-27T01:16:42Z) | Last Updated: Oct 26, 2012 at 10:25 PM PST (2012-10-27T16:25:39Z)



Video shows evidence of water leaks in new 520 bridge pontoon.

SEATTLE -- Gov. Chris Gregoire has called for an independent review to ensure the safety of the leaking pontoons for the State Route 520 floating bridge.

The governor's announcement came just one day after [KOMO News reported](#)

<http://www.komonews.com/news/local/Investigation-uncovers-claims-of-costly-cover-up-on-520-project-175890171.html> the findings of a Problem Solvers investigation that revealed all six of the first pontoons for Lake Washington are leaking, and taxpayers would pay the cost for delays in the pontoon construction.

The governor on Friday promised Washington citizens they would be protected.

"I have made it clear based on what I saw in your report that I want another independent expert panel to review them," she told KOMO News.

The Problem Solvers obtained thousands of pages of public records and hours of video inspections inside the first six pontoons built in Aberdeen and floated to Lake Washington.

What KOMO News found was far different from what the state Department of Transportation claimed just last month when asked about a leak in one pontoon and water weeping through the wall of another.

"That is the only leak that we've identified," WSDOT spokesperson Julie Meredith had said.

But according to videos shot in August and just released to the Problem Solvers, all six of the pontoons have experienced leaks.

The governor said she wants an expert panel to decide whether the pontoons are safe.

There is also the issue of money. The delays involving the pontoons are costing taxpayers millions of dollars, according to insiders.

The financial deal consists of two independent contracts, both with contractor Kiewit Construction, and it appears to favor the contractor over the taxpayer. Kiewit, coincidentally, was the subject of a [KOMO News investigation](#) (<http://www.komonews.com/news/local/Investigation-uncovers-claims-of-costly-cover-up-on-520-project-175890171.html>) last spring that revealed the contractors' employees drinking on the job.

For each day Kiewit runs late with pontoons in Aberdeen, the company owes the state \$10,000 under one contract.

But delays in Aberdeen also means the pontoons will be late arriving at Lake Washington, and the state has to pay Kiewit \$100,000 per day under the second contract.

As a result, Kiewit makes an extra \$90,000 per day even though the delays were caused by Kiewit's work ordered by the first contract.

"And I've asked for a full report about, 'OK, what does each of the respective contracts call for? What's the coordination of the two?'"

said Gregoire.

Kiewit Construction told KOMO News late Friday afternoon that water in pontoons in the early stages of a project like this is not unusual. The company said it is committed to delivering a safe, high-quality floating bridge.

KOMO News

Professionals call for state to reject new 520 bridge pontoons

By Tracy Vedder (<http://www.komonews.com/people/tracyvedder.html>) | Published: Nov 1, 2012 at 2:03 PM PST (2012-11-01T22:03:7Z) | Last Updated: Nov 2, 2012 at 9:31 AM PST (2012-11-02T17:31:47Z)



PHOTOS ([HTTP://WWW.KOMONEWS.COM/NEWS/LOCAL/ORIGINAL-520-BRIDGE-ENGINEER-CALLS-ON-WSDOT-TO-REJECT-NEW-LEAKING-PONTOONS-176836761.HTML#TAB=GALLERY&C-Y](http://www.komonews.com/news/local/original-520-bridge-engineer-calls-on-wsdot-to-reject-new-leaking-pontoons-176836761.html#gallery&c-y))

SEATTLE — Professionals are calling for the state to reject the first six pontoons built for the new 520 Floating Bridge. Last week a KOMO 4 Problem Solver investigation revealed (<http://www.komonews.com/news/local/Investigation-uncovers-claims-of-costly-cover-up-on-520-project-175890171.html>) that all six pontoons had leaks. Now we've uncovered new safety concerns about those pontoons breaking apart during a severe storm.

"We did not have leaks. We did not have cracks," says Jerry Purdum, a retired engineer. His first big job was the original 520 bridge building pontoons from 1960 to 1963.

Purdum says even 50 years ago the pontoons they built, massive at 360 feet long, had no cracks and no leaks. "They never took on water," says Purdum, "they never had a leak." So now, Purdum can't understand how or why Washington's Department of Transportation is having so many problems with the first six pontoons.

A Problem Solver investigation revealed last week that all six pontoons had leaks. Even leaking through, in some cases, extensive repairs.

Purdum says as a professional and as a taxpayer, he's concerned.

"What are they going to do with those six pontoons? They're allowing them to bolt them up in the lake now. They're not gonna be rejected?" he said. When we ask if they should be rejected his answer is adamant: "Yes. Because they're leaking."

A WSDOT insider who asked to remain anonymous also believes that, like Purdum, the state should reject all six of the first pontoons and tell contractor Kiewit in Aberdeen to start over. Purdum adds, "This is not a typical girder or bridge beam holding up a flat slab on ground; this is a floating structure. I think this is wrong."

Now the Problem Solvers have uncovered a new structural problem buried in thousands of documents we obtained through the Public Records Act: The type of structural weakness that could be as catastrophic as WSDOT's own animation from 2007 depicting how the old bridge might come apart in a severe windstorm. The key is the joints between pontoons and how they are connected with rebar called Hook Bars.

Internal WSDOT e-mails from last spring show that structural rebar in Pontoon V was "missing". WSDOT's own engineer Patrick Clarke noted that he could not "structurally approve it" without those essential pieces. In spite of that, documents show that contractor Kiewit opted to ignore Clarke's recommendations for repair, and quote "proceed at risk".

Kiewit went on to do the same with the two other large pontoons so all three now on the lake are missing that critical rebar. A second WSDOT engineer also found this was "not structurally acceptable." Documents and our insider also indicate that, just like in the WSDOT animation, the loss of that critical rebar would weaken the joints by as much as 50 percent, and could cause a similar "unravelling" in a severe, 100 year, windstorm event.

"They've got some problems," Purdum said. "They should find out what it is and solve it before they continue placing pontoons."

Late Thursday, the state told us it is working with Kiewit and that if the missing rebar requires retrofitting, it will be done along with any other necessary repairs to ensure pontoons that will last for 75 years.

On several occasions KOMO 4 News has asked WSDOT to let us speak directly with key engineers who've been critical of how the project is progressing, including Patrick Clarke quoted from documents in this article. But WSDOT says it's not appropriate for employees to discuss issues that are currently under review.

KOMO News

KOMO investigators uncover more problems with Kiewit Construction

By Tracy Vedder (<http://www.komonews.com/10/people/10124612.html>) | Published: Nov 5, 2012 at 4:26 PM PST (2012-11-05T16:26:29Z) | Last Updated: Nov 6, 2012 at 8:58 AM PST (2012-11-06T16:58:37Z)



SEATTLE -- Drinking on the job, leaks and cracks with the new 520 Bridge pontoons, and now the Problem Solvers have uncovered alleged construction flaws at Safeco Field and with the iconic Bay Bridge in California.

All of the problems lead back to the contractor in charge of the most expensive construction project in state history: rebuilding the 520 bridge. **Kiewit Construction**

(<http://search.komonews.com/default.aspx?ct=r&q=Kiewit>) has been at the center of our ongoing Problem Solver investigation into allegations of shoddy, even potentially dangerous

<http://www.komonews.com/news/local/Preview--520-bridge-contractor-faces-new-investig...>

The KOMO 4 Problem Solvers have now learned that the California legislature has launched its own investigation because of major questions about Kiewit's construction of the iconic Bay Bridge.

When the destructive Loma Prieta earthquake hit California's Bay area in 1989, bridges became a tragic and visible weakness, including the San Francisco-Oakland Bay Bridge, a critical lifeline for the region.

Twenty-three years later, the new east span under construction is designed to withstand another major earthquake. But one year away from the Bay Bridge completion, Sacramento Bee Investigative Reporter Charles Piller has uncovered critical questions about the safety of its construction and the primary contractor - Kiewit Construction.

"There is a big uncertainty left in the structural stability of that bridge," Piller said.

In particular, uncertainties about the stability of the single high tower that stabilizes the span's west end. Thirteen concrete piles form the base of that tower -- concrete that required testing. But when Piller went looking, half of the test reports were missing. Only after Piller started asking questions were the test results released.

He says one test was never found and another showed serious flaws.

"Olson Engineering found a massive section of what appears to be unset concrete," he said. "The key question is - why did Kiewit withhold that report?"

Additionally, Piller says California's Department of Transportation - CalTrans - has now uncovered test problems with two other piles, meaning four of the 13 structural elements Kiewit built are question marks.

"And what we have in the Bay Bridge and the tower foundation are now four problems that are critical problems," he said.

Other problems found

"Tell us what we got for six and a half billion dollars," California State Senator Mark DeSaulnier said following the [Bee's investigation](http://www.sacbee.com/2012/08/04/4693812/caltrans-records-show-problems.html) (<http://www.sacbee.com/2012/08/04/4693812/caltrans-records-show-problems.html>).

DeSaulnier has called for California's legislative analyst office to review the concerns about the Bay Bridge safety and Kiewit Construction.

"If they have hidden information in the testing, if they've failed the testing, that's what the extra investigation that we are going through right now hopefully will find out for us," he said.

But Kiewit also had problems with foundations for another California structure. Piller says CalTrans rejected nearly 80 percent of the concrete piles Kiewit built for the Benicia Martinez Bridge.

"That is a level of quality that is so far below the norm for building these kinds of structures, that you have to ask yourself why were they hired?" he said.

So are there parallels between the construction problems in California and other public projects Kiewit is building in Washington state?

Long before Kiewit started work on the 520 project, they were the general contractor building Safeco Field -- home of the Seattle Mariners. But in 2006, the Mariners sued Kiewit for \$3 million, alleging construction defects -- problems with the paint meant to preserve the steel beams. That suit is under appeal. Just last week on another local construction job - contractor Kiewit announced problems with the planned opening of the new South Park Bridge: it will now be delayed until 2014, causing additional hardship for area businesses and residents.

With the 520 Bridge pontoons, a Problem Solver investigation uncovered dozens of hours of videotape inspections inside the massive concrete

structures, revealing that all six of the first pontoons built in Aberdeen have leaked. One video inspection noted rebar on the outside of one pontoon is already rusting where it was exposed to seawater.

We obtained thousands of pages of internal documents through the public records act: The records detailed the extensive cracking and that many of the crack repairs, "are brittle and have already failed." The records note that critical rebar in three of the biggest pontoons is, "missing", that the contractor opted to, "proceed at risk," in spite of that, and two of WSDOT's own engineers found that it was, "not structurally acceptable." In fact one engineer wrote that Kiewit is, "taking a huge gamble with a critical public asset."

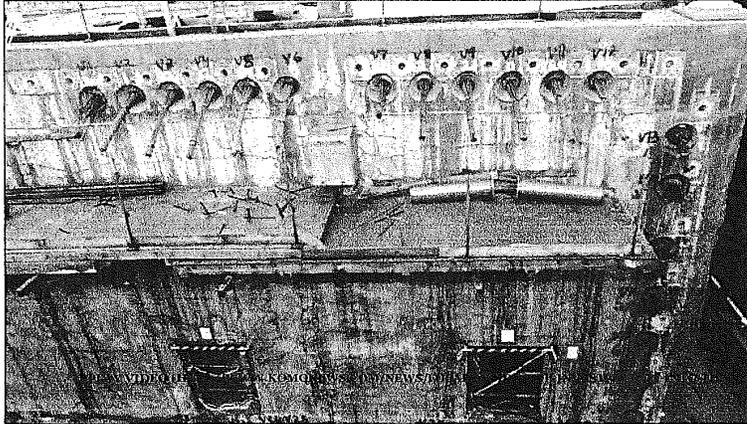
California's State Senator DeSaulnier: "With the concrete and the pilings - specific to your project? There's a pattern there."

Late Monday, Kiewit responded by e-mail saying it, "firmly stand behind the safety and quality of work we've done on the many bridges we've built in North America, including the SR-520 pontoon bridge and those you reference in California." Kiewit adds that they also, "take any quality issues associated with the SR-520 project very seriously." And, "we are committed to delivering a safe, high-quality final product."

KOMO News

WSDOT secrets: Inside the 520 Bridge investigation

By Tracy Vedder (<http://www.komonews.com/people/149134615.html>) Published: Nov 9, 2012 at 7:08 AM PST (2012-11-9T15:08:24Z) Last Updated: Nov 9, 2012 at 6:35 PM PST (2012-11-10T2:35:49Z)



BRIDGE-PONTOON-PROBLEMS.HTML?TAB=VIDEO&C=Y)

PHOTOS ([HTTP://WWW.KOMONEWS.COM/NEWS/LOCAL/INSIDE-THE-INVESTIGATION-INTO-THE-520-BRIDGE-PONTOON-PROBLEMS.HTML?TAB=GALLERY&C=Y](http://www.komonews.com/news/local/inside-the-investigation-into-the-520-bridge-pontoon-problems.html?tab=gallery&c=y))

SEATTLE -- Putting together an investigation into a major public works project like the 520 bridge is a complex process involving expert sources, numerous interviews and poring through literally thousands of public records. As a result of the KOMO 4 [Problem Solver investigation](#) (<http://www.komonews.com/news/local/172027591.html>) we've discovered that all six of the first concrete pontoons built by prime contractor Kiewit Construction in Aberdeen [developed leaks](#) (<http://www.komonews.com/news/local/175890171.html>) once they were towed to Lake Washington. And now some experts are [concerned about the structural integrity](#) (<http://www.komonews.com/news/local/176836761.html>) of those pontoons and their ability to withstand a severe windstorm.

The Washington State Department of Transportation says it has been transparent in the process of revealing the problems with these pontoons whereas numerous sources and their own documents tell a somewhat different tale. Now we want to open up the process of our investigation so you can see many of the thousands of public records we relied on for evidence.

Some of the most important public records are the videotaped inspections of the pontoons after they were taken out of the dry dock basin where they were built in Aberdeen and floated, first in Grays Harbor and then ultimately towed to Lake Washington where they are now being hooked together to form the floating platform for the new bridge.

On October 19, the WSDOT Public Records Division gave us 27 DVDs containing hundreds of hours of video inspections as the result of a disclosure request we made on September 10. We've strung together just a few of those video inspections here, some from each one of the six pontoons which are designated [T](#) (<http://www.komonews.com/home/video/177939611.html>), [U](#) (<http://www.komonews.com/home/video/177939971.html>), [V](#) (<http://www.komonews.com/home/video/177947301.html>), [W](#) (<http://www.komonews.com/home/video/177950401.html>) and [YNW](#) (<http://www.komonews.com/home/video/177947691.html>) and [VSW](#) (<http://www.komonews.com/home/video/177948481.html>).

Pontoon U

(See videos from Pontoons [T](#) (<http://www.komonews.com/home/video/177939611.html>), [V](#) (<http://www.komonews.com/home/video/177947301.html>), [W](#) (<http://www.komonews.com/home/video/177950401.html>) and [YNW](#) (<http://www.komonews.com/home/video/177947691.html>) and [VSW](#) (<http://www.komonews.com/home/video/177948481.html>))

It's important to note that we'd originally requested these videos at the end of August; here is the string of our e-mail request to the head of WSDOT Communications, Steve Pierce, saying he'll send us a disc.

A week later, this is how he responded, telling us WSDOT had posted five single videos, not 27 discs' worth, onto its website and we could access them there.

Additionally all audio had been edited out of the videos.

In mid-September WSDOT told us it only had one leak, identified in video as an internal leak in Pontoon V. Aside from all the other video evidence the Problem Solvers were waiting for on the other pontoons, there was also this diagram that shows there were leaks, identified in green in the document below, into at least 12 interior cells or compartments within Pontoon V.

Another important set of records include reports and/or investigations by experts either internally or hired by WSDOT or contractor Kiewit. The first is a [report by the firm Buckland & Taylor](http://www.komonews.com/news/local/177944991.html) (<http://www.komonews.com/news/local/177944991.html>), hired by Kiewit, to assess the cracking and spalling (concrete damage) created when the pontoons went through a process called post-tensioning, which is designed to strengthen the overall structure.

Pontoon designers within WSDOT put together a [response to the B&T report](http://www.komonews.com/news/local/177945871.html) (<http://www.komonews.com/news/local/177945871.html>). Both of these reports are highly technical in nature.

In August, an expert panel hired by WSDOT, [released its own report](http://www.komonews.com/news/local/177946201.html) (<http://www.komonews.com/news/local/177946201.html>) and in simple terms concluded that if contractor Kiewit closely followed the original design drawings by WSDOT and the concrete curing methods outlined by a previous test project then there should be no repeat of the problems experienced with the first pontoons.

Many of the problems with the concrete damage to the pontoons have been attributed to a "design flaw" by everyone from Secretary of Transportation Paula Hammond to Governor Chris Gregoire. The question is, where did the design flaws originate?

The pontoon construction is being built under what's called a "Design-Build" contract. As outlined in [this 2009 e-mail](http://www.komonews.com/news/local/177948541.html) (<http://www.komonews.com/news/local/177948541.html>) before the contract was awarded, the successful bidder will do much of the final engineering for the pontoons. Numerous e-mails from contractor Kiewit [point fingers at WSDOT for design problems](http://www.komonews.com/news/local/177949861.html) (<http://www.komonews.com/news/local/177949861.html>).

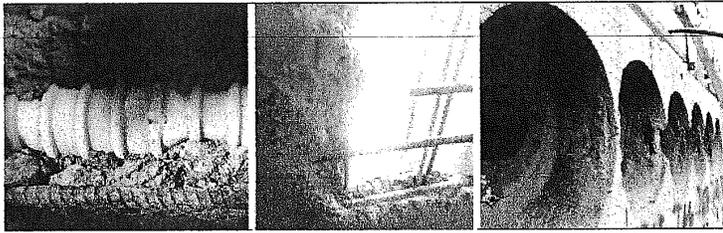
But WSDOT [internal communications show serious concerns](http://www.komonews.com/news/local/177950751.html) (<http://www.komonews.com/news/local/177950751.html>) about the level of design work being performed by Kiewit. Finally there is [this report by a WSDOT engineer](http://www.komonews.com/news/local/177951791.html) (<http://www.komonews.com/news/local/177951791.html>) outlining where they believe contractor Kiewit has not performed all tasks required by the contract.

To try to get to the bottom of the design issue, we've asked to speak to the two main WSDOT engineers who, [according to the documents we've received](http://www.komonews.com/news/local/177952901.html) (<http://www.komonews.com/news/local/177952901.html>), are raising questions about the work performed by Kiewit: Jugesh Kapur and Patrick Clarke. We understand Kapur is the head of WSDOT's Bridges and Structures Division and he has been used as a spokesman for projects in the past. Clarke is listed as the Design Supervisor for the Pontoon Construction Project. Sources informed us last summer that Clarke had been removed from oversight at the Aberdeen casting basin, though WSDOT denied that in an interview in September.

Our requests to interview both men have been denied by WSDOT. We were told it would not be "appropriate."

Another reason to interview Clarke; his e-mails also [raised the question of missing rebar connections](http://www.komonews.com/news/local/177955531.html) (<http://www.komonews.com/news/local/177955531.html>) called "hook bars" that are supposed to strengthen the connections between pontoons. WSDOT [says it will not accept the pontoons](http://www.komonews.com/news/local/177954031.html) (<http://www.komonews.com/news/local/177954031.html>) until these missing bars are fixed but we've seen no documentation that WSDOT designers have approved any structural fix for this.

Another important section of public records includes the [photos that document the concrete](http://www.komonews.com/news/local/177928421.html?tab=gallery&c=v&img=0) (<http://www.komonews.com/news/local/177928421.html?tab=gallery&c=v&img=0>) damage before the pontoons were floated out of the casting basin.



(<http://www.komonews.com/news/local/177928421.html?tab=gallery&c=v&img=0>)

In addition to extensive cracking there was also what's called 'spalling' where sections of concrete break or crumble away; there was concrete damage with literally every one of the first six pontoons. The cracks and ultimate leaks once the pontoons were floated [spurred a series](http://www.komonews.com/news/local/177958831.html) (<http://www.komonews.com/news/local/177958831.html>) of e-mails [regarding repairs](http://www.komonews.com/news/local/177957901.html) (<http://www.komonews.com/news/local/177957901.html>).

These records represent only a fraction of the documents obtained by the Problem Solvers through the course of our investigation, but they are a representation of some of the most critical pieces.

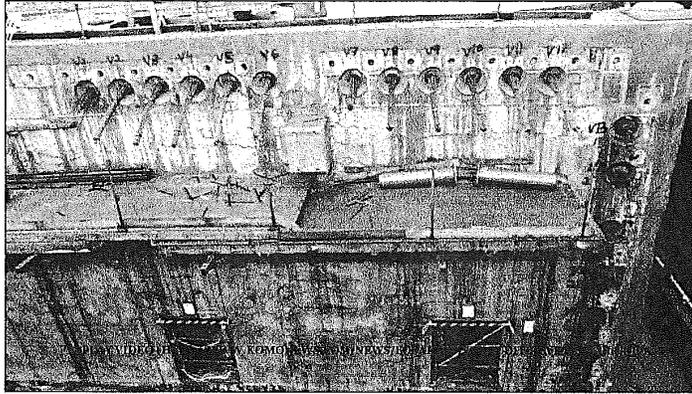
KOMO News will continue looking into the problems with the new 520 Bridge pontoons. If you have information you'd like to share, please contact us by [email \(mailto:tracyv@komotv.com\)](mailto:tracyv@komotv.com) or phone at 206-404-4350.

Have a question or comment about our investigation into the 520 Bridge construction? Post in the comments below and Tracy Vedder and Executive Producer Sarah Garza will be responding through the day on Friday.

KOMO News

Former inspector: New 520 Bridge 'a disaster waiting to happen'

By Tracy Vedder (<http://www.komonews.com/in/people/10134616.html>) | Published: Nov 19, 2012 at 4:30 AM PST (2012-11-19T12:30:02) | Last Updated: Nov 19, 2012 at 11:26 PM PST (2012-11-20T7:26:14Z)



SEATTLE -- Stunning new allegations have surfaced about the construction of the 520 Floating Bridge. A former inspector says the quality of the first pontoons built in Aberdeen was so shoddy that it's a "disaster waiting to happen."

At the same time, a scathing internal audit shows the state failed to hold contractor Kiewit accountable.

"To me it's just a disaster; it's a disaster waiting to happen," said the former inspector, who wants to remain anonymous.

The man was an onsite quality inspector at Kiewit Construction, which is casting the first pontoon last winter.

"I won't drive across that bridge when they have it built," he said.

He was there during construction of the first six massive concrete pontoons designed to hold up the new 520 bridge.

"Why would you drive across something that you know might fail? You know? It's a danger factor," he said.

The inspector was part of a Quality Assurance subcontractor team, O'Neill Environmental, hired by contractor Kiewit to ensure correct pontoon construction. The QA, as it's called, is required by the state Department of Transportation's (WSDOT) contract with Kiewit.

He's been an inspector for 10 years. "It's the worst I've been on - for inferior work," he said.

Our inspector confirmed what two expert insiders had previously told the Problem Solvers (<http://www.komonews.com/news/local/Original-520-bridge-engineer-calls-on-WSDOT-to-reject-new-leaking-pontoons-176836761.html>) -- that construction of the first pontoons was so shoddy, it undermines the structural integrity and safety of the new 520 bridge.

Our inspector says every day he saw iron-workers mis-placing or using the wrong-sized rebar; that's the structural steel that provides the strength and framework of the pontoons.

"Rebar not having the correct clearances, rebar being out of place, bars being missing," he said, adding, "It's not correct and it should not be signed off."

He said contractor Kiewit routinely poured massive walls of concrete to form the pontoons when conditions should have prevented pouring. When conditions were too wet: "They pour in such heavy rains and standing water that that the cement is literally being washed out of the concrete."

He said they also poured concrete when conditions were too cold and the re-bar was frozen.

"It shocks the concrete - and there'll be a circumference around the rebar with weak and inferior concrete," he said.

A WSDOT internal document called a Risk Register and dated August 22, 2012, even says concrete cracking in pontoons is an issue caused by Kiewit not following the plan for curing or hardening concrete - particularly during cold weather- and that it could potentially cost as much as \$3 million.

Inspectors are supposed to write up such work in what's called Non-Compliance or Non-Conformance Reports; NCR's.

"A few times I went to write up non-compliances and I was actually reprimanded by my boss," our inspector said.

The inspector says he was one of several inspectors ultimately laid off -- not fired. And he said he was told it was at Kiewit's demand because he wouldn't sign off on inferior work.

"I'm not going to put my name on something that might get somebody killed or hurt. It's just not going to happen," he said.

We asked both Kiewit and WSDOT last Wednesday about the inspector's allegations. WSDOT has still never answered us. Instead, by chance, we found a posting on their web page (<http://www.wsdot.wa.gov/Projects/SR520Bridge/PontoonProgress.htm>) calling the inspector's allegations "vague" and referencing Kiewit's Quality Management Plan.

Kiewit spokesman Tom Janssen in an e-mail said (http://komonews.s3.amazonaws.com/121119_kiewit_email_01.pdf), "while we take all claims very seriously, we cannot respond to vague, non-specific and unsubstantiated allegations."

However, many of the issues raised by the inspector are substantiated in a [scathing internal audit](http://images.bimedia.net/documents/Audit+Report+draft2012-9-6.pdf) (<http://images.bimedia.net/documents/Audit+Report+draft2012-9-6.pdf>) produced by WSDOT's own Engineers, which the Problem Solvers obtained through a public records request.

That audit found a "... pattern of noncompliance and failure to implement corrective action" on the part of Kiewit. And that WSDOT "failed to hold the contractor accountable." Also see the audit report [supplemental information document](http://images.bimedia.net/documents/Audit+Report+Supplemental+Information+2012-9-5.pdf) (<http://images.bimedia.net/documents/Audit+Report+Supplemental+Information+2012-9-5.pdf>).

Our inspector: "Kiewit is so big and powerful, WSDOT can't stand up to 'em." And, "Kiewit actually pushes WSDOT around."

The audit focused specifically on problems with concrete poured during cold weather and how concrete cured -- or hardened. Both affect how much the concrete will crack and according to what are called Crack Maps of the first pontoons -- all six experienced significant cracking.

Though Kiewit has undertaken several rounds of repairs of these pontoons, WSDOT confirmed last week that the four largest are still leaking. They plan to begin another round of repairs early next year.

In WSDOT's online posting called "A response to KOMO," WSDOT says KOMO needs to, "understand ... there is a rigorous quality program." But the audit cited that exact program, noting NCR report after report after report -- 42 total -- where Kiewit and WSDOT failed to follow plans to produce good concrete and failed to solve the recurring problems.

The inspector: "It's criminal in my book. Somebody up there needs to do a little jail time, 'cause they're, they're stealing money from the taxpayers."

Monday afternoon Kiewit [responded to our questions](http://komonews.s3.amazonaws.com/121119_kiewit_email_02.pdf) (http://komonews.s3.amazonaws.com/121119_kiewit_email_02.pdf) about the audit in a second e-mail which says, in part, "A rigorous and redundant quality management system...ensures that any quality issues or concerns are identified...and addressed to guarantee a safe, structurally sound bridge." It continues, "the extensive quality system involves multiple inspections ... "and, "... no single inspector is responsible for oversight."

Last week, WSDOT's 520 Bridge Program Manager reiterated that WSDOT stands by Kiewit and says the pontoons will last 75 years. Late Monday afternoon WSDOT e-mailed us [about the audit](http://komonews.s3.amazonaws.com/121119_kiewit_email_03.pdf) (http://komonews.s3.amazonaws.com/121119_kiewit_email_03.pdf) saying it, "does not speak to the quality of the finished product."

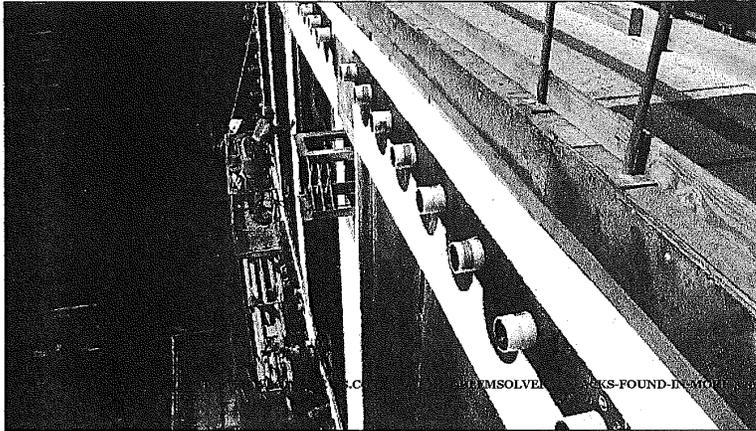
And that "WSDOT is confident that by addressing the recommendations of the expert review panel and correcting any process shortcomings identified by WSDOT's audit, there will be improvements in cycle 2 and beyond."

However the Problem Solvers have also just confirmed that some concrete in the Cycle 2 Pontoons is already cracking.

KOMO News

Cracks found in more 520 Bridge pontoons

By Tracy Vedder (<http://www.komonews.com/tr/vedder/175890171.html>) Published: Nov 20, 2012 at 6:01 PM PST (2012-11-21T20:01:59Z)



SEATTLE -- Despite state assurances that the problem was fixed, more cracks were discovered in the second round of pontoons being built for the new 520 Bridge.

The Washington Department of Transportation insisted the problems were fixed, that the [cracks found in the first round](#)

(<http://www.komonews.com/news/problemsolvers/175890171.html>) of pontoons would not carry over to the second. But the Problem Solvers have discovered at least nine concrete pontoon panels have already been rejected because of too many cracks.

This is cycle 2, the second set of six pontoons that Kiewit Construction is building for the 520 floating bridge.

Many of the interior walls of the pontoons are pre-cast, meaning they're built next door to the basin where the pontoons are assembled and then dropped in by crane from above.

Though the first batch of pontoons had [myriad problems](#) (<http://www.komonews.com/news/problemsolvers/176836761.html>) with the concrete cracking and breaking away, WSDOT hired an expert review panel and has consistently said the problems wouldn't be repeated.

"In cycle two, we are looking to implement the recommendations of the expert review panel. We don't expect that to occur in cycles two through six here," Program Director Julie Meredith said in September.

Last month, the Problem Solvers revealed that all six of the first pontoons built in Aberdeen were leaking, and last week the state admitted the four largest pontoons, which are now on Lake Washington, are still leaking. Repairs are set to begin early next year.

According to documents obtained through a public records request, there is evidence that Kiewit Construction has already experienced problems with concrete cracking in cycle two.

In one document called a "request for information," Kiewit asks WSDOT's approval to use six pre-cast panels headed for Pontoon Q, even though the cracking in the panels exceeded the maximum amount allowed under their contract.

Mark Gaines, WSDOT's construction engineer, recommended that the request "be denied and the panels rejected."

"Three of the six panels were recast, and the other three were found to have less than 30 feet of structural cracking and were repaired," WSDOT said.

The department also added that a total of nine concrete panels have been rejected during cycle two due to excessive structural cracking.

It is still early in the construction of this second cycle of pontoons, and WSDOT points out that it is a natural property of concrete to crack. Department officials say the cracking was both expected and planned for in the contract with Kiewit.

The Problem Solvers have also discovered that the Federal Highway Administration, which has oversight authority, has appointed its own technical advisor to join the state's review panel.

KOMO News

WSDOT: Leaking pontoons to delay bridge by up to 6 months

By Tracy Vedder (<http://www.komonews.com/fo/records/101134616.html>) | Published: Dec 12, 2012 at 5:44 PM PST (2012-12-13T11:44:21Z) | Last Updated: Dec 12, 2012 at 6:14 PM PST (2012-12-13T21:14:29Z)



Video shows evidence of water leaks in new 520 bridge pontoon.

SEATTLE -- The state now admits completion of the new 520 bridge will be delayed by up to six months due to problems with cracks and leaks in the first batch of floating pontoons.

A Problem Solvers investigation

(<http://www.komonews.com/news/local/172027591.html>) first revealed the extent of the problems earlier this fall.

Gov. Chris Gregoire directed the state Department of Transportation to get the new 520 bridge finished by 2014 since there is the risk the current bridge could collapse in the event of a major earthquake or storm. Now, for the first time, WSDOT is saying it won't make that schedule.

WSDOT and contractor Kiewit are still trying to figure out a final fix for the first pontoons built for the Lake Washington bridge. Divers have identified more than a dozen cracks underneath at least one of the pontoons, and they hope to begin repairs after the first of the year.

But the cracks, in addition to the pontoon construction problems that surfaced last summer in Aberdeen, have slowed the project down.

"Some of the issues that I'll talk about that we experienced this summer are making it a real challenge to complete the work by late 2014," said project manager Julie Meredith.

During a bridge construction update for the state Transportation Commission, WSDOT for the first time acknowledged that the bridge won't be finished by the governor's 2014 deadline.

The governor set the deadline because the current bridge is in such poor shape that the state says it could collapse in the event of either a massive earthquake or even just a severe wind storm. Now the state says the project will be delayed by up to half a year.

"And we're negotiating a schedule that looks at summer of 2015, and that's what we're still in negotiations with our contractor on right now," said Meredith.

A Problem Solver investigation revealed that all six of the first pontoons built in Aberdeen had leaks, and were still leaking in Lake Washington.

Internal WSDOT sources and a former quality inspector all raised questions about the ultimate integrity of the pontoons and ultimately the bridge itself.

"To me it's just a disaster," said one inspector. "It's a disaster waiting to happen."

WSDOT says it is still in negotiations with contractor Kiewit as to who will pay for the costs of repairs.

KOMO News

520 bridge contractor blamed for B.C. bridge mishap

By Tracy Vedder <http://www.komonews.com/de/vedder/14929615.html> | Published: Dec 21, 2012 at 4:33 PM PST (2012-12-22T0:33:18Z) | Last Updated: Dec 21, 2012 at 7:07 PM PST (2012-12-22T3:07:25Z)



VANCOUVER, British Columbia -- The contractor under fire for the leaking pontoons built for the new 520 bridge is being blamed for a mishap in British Columbia.

More than 100 cars were damaged by heavy ice falling from the Port Mann Bridge just outside Vancouver, and the transportation minister blames the bridge builder, [Kiewit Construction](#)

BRIDGE-MISHAP-184501621.HTML?TAB=VIDEO&C=Y

This image shows the window of a car shattered by falling ice on the Port Mann Bridge outside Vancouver, British Columbia.

(<http://www.komonews.com/search?q=%22kiewit>).

The new bridge outside Vancouver just opened this month, but had to be shut down on Wednesday after falling ice shattered windshields and sent two people to the hospital.

For several hours Wednesday, drivers on the bridge were pelted, smashed and hammered by falling ice.

"And as a result we got a smashed windshield, dents to our car," said one woman. "It was scary."

The \$3.3 billion bridge was just completed by prime contractor Kiewit -- the same contractor responsible for building pontoons and assembling them on Lake Washington for the new 520 floating bridge.

An [ongoing Problem Solvers investigation](#) (<http://www.komonews.com/news/local/WSDOT-Leaking-pontoons-to-delay-bridge-by-up-to-6-months-183271011.html>) revealed all six of the first pontoons had extensive cracks and leaks, and expert sources questioned the ultimate integrity of that bridge.

"I won't drive across that bridge when they have it built," one inspector told KOMO News. "Why would you drive across something that you know might fail, you know? It's a danger factor."

B.C. Transportation Minister Mary Polak says the new bridge design was supposed to prevent any ice or snow build-up that could fall on cars, and she blames Kiewit.

"Absolutely unacceptable," she said. "We will be looking to the contractor to provide us with not only a long-term, permanent solution but also an immediate fix to the problem."

Kiewit told KOMO News by e-mail that the safety of the traveling public is of the utmost importance. With respect to the B.C. bridge, Kiewit said it is evident there is an issue that needs to be addressed, and the company is working with Transportation Canada to identify a solution.

From: Reinmuth, Steve <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=ACCOUNTS_CN=HQ_CN=REINMUS@fsci.com>
Sent: Friday, May 25, 2012 4:10 PM
To: Pierce, Steve
Subject: RE: Letter to KOMO

Good.

Maybe compare the PI story and how factual it was to show that we appreciate honest and straight-forward coverage.

Maybe note that it was only after we asked that the contractor sentence was added to the initial web story.

You have a "pace" instead of a "place".

Maybe add the context of how we work with a dozen or so statewide media outlets every day, take pride in how responsive we are, and have rarely seen this kind of behavior and sensationalism.

I would remove the sentence about how it will affect our work with this reporter. We can change our approach, without highlighting it. Makes us sound defensive...

I would mention your intent to file a complaint with the advisory council that you mentioned. That will add objectivity and external review to our concerns, and distinguish us from SHS's approach (which is fine, but we don't want this to seem like we are simply a "me, too").

From: Pierce, Steve
Sent: Friday, May 25, 2012 2:34 PM
To: Hammond, Paula; Meredith, Julie; Dye, Dave; Reinmuth, Steve; Lenzi, Jerry C
Cc: Pelley, Suanne (Consultant); Rus, Connie; Switzer, Jeff; Briggs, Ann; Cotten, Mike
Subject: Letter to KOMO

OK, I'm feeling a little better now that I have banged this out. As I told Paula, I have a drawer full of these kinds of responses which, 24 hours later, I don't send. I'm not sure that'll be the case here. After all, I'll have three days to sleep on it!

If – and that remains an IF – I were to send this, I would have to do some more fact-checking and coordinating with Suanne and Jeff and others (both off today), Karina in the Governor's Office, and probably Tom Janssen with KGM. But, for now, take a look and let me know your thoughts, if you're so inclined.

Steve

Ms. Holly Gauntt
KOMO TV News Director
140 Fourth Ave. N.
Seattle, WA 98109

Dear Ms. Gauntt:

I want you to be aware of Tracy Vedder's ethically-questionable news-gathering techniques and her lack of fairness and balance in producing her stories regarding alcohol consumption in the offices of private contractor Kiewit/General/Manson. Our dealings with Ms. Vedder last week may well have a bearing on how we deal with her in the future.

First, let me say very clearly that there is no room or excuse for alcohol in the workplace, whether during working hours or after work. State health and safety requirements of a drug- and alcohol-free workplace are in our contracts with successful bidders for construction and design work, and all WSDOT employees are well aware of this. We were disappointed to learn of workplace drinking by KGM employees, and we took a variety of immediate steps to address the issue – outlined here on this webpage:

http://www.wsdot.wa.gov/News/2012/05/22_WSDOTDrugAlcoholPolicy.htm.

I am pleased to be informed that, as best we can tell, no WSDOT employees were involved in this workplace drinking. And we are pleased with the steps KGM is taking to address this and ensure it doesn't happen again.

The problem is that, by the way Ms. Vedder and her producer put their stories together, there is a clear blurring of who might have been involved. Many of the comments posted online after the stories clearly show that viewers were easily confused and were left with the impression that state employees were involved. In KOMO's first story, the undercover video is shown and then Ms. Vedder reports that "all the work happens here – where KGM and WSDOT employees work." Only near the end of the story does Ms. Vedder and her producer point out that WSDOT believes none of its employees were involved. This intentional blurring occurred despite our repeated admonitions and requests to make the distinction clear.

Beyond this, though, there are other unfortunate liberties taken with the facts, with what is used and what is not used, and how the story is strung together – much of it based on one, unidentified, anonymous "source" who worked at KGM for two months.

- The "source" was never named nor was her position ever described. Was it independently corroborated through timesheets that she was present for the two months that she claimed to be?
- The "source" described people as drinking "pretty heavily" but it's never clear what "pretty heavily" is. She says "some people have 1, 2 or 3 beers – on Friday, it's a six-pack," implying that individual people each consumed six-packs. What evidence does she have for this, which would have apparently required pretty thorough and exhaustive observation of many people over a lengthy time? Was it corroborated by anyone else?
- The "source" says, "Some people would have easily blown a DUI." What qualifies her to say this? Did someone give them a blood alcohol test?
- The "source" said she was "disgusted," but did she ever talk to management about her concerns? Did she talk to anyone at KGM? Did she talk to anyone at WSDOT? Did Ms. Vedder ask her these questions? We don't know, and KOMO viewers don't know.
- Did the "source" record the video? If not, who did? Were they upfront about who they were? We understand one or more people, possibly Ms. Vedder herself, misrepresented themselves as "lost" and "looking for a mortgage company" when, in fact, that isn't at all what they were doing. This is incredibly unethical.
- Did the video-takers get anyone's consent while recording video – in some cases in what appears to be in a way that is hidden from the people being videotaped? Is KOMO management aware that this may be a violation of the two-party consent rule in this state?
- The "source" claimed drinking took place all the time, but there is no date or time stamp on the photos. There is one series of videos/photos and that's it. On how many separate days were these this recorded? Viewers are left without facts, but they're certainly being led down a road of what to assume or believe.

In addition, the next day Vedder's producer was insisting on talking with the secretary of transportation. When asked the subject, we were told that they wanted "to get updates to the story." In the process, by the way, they threatened that "we'll say she refused to comment." Two things strike me as wrong about this:

- We subsequently found out that what they apparently wanted was to surprise the secretary with was a new allegation – from one whistleblower – that there was drinking on another 520 site (Kenmore). Not once did they indicate they had "new information" they wanted to ask her about.
- They also indicated they wanted information about WSDOT's efforts to confront the problem, seemingly unaware that our spokesman, on Monday, had outlined the various steps we had already taken to confront the problem, including a letter to KGM – all things left on the cutting-room floor and not included in the first newscast.

I would hope that KOMO management would apply more journalistic oversight of some of your reporters so that agencies like WSDOT, DSHS and others don't have to wonder about a reporter's and producer's honesty, integrity and ethical guidelines.

We believe strongly, as public servants, in honesty, ethics, accountability and transparency. I wish this were the case on both sides of the fence.

Sincerely,

Steve Pierce
Communications Director
Washington State Department of Transportation

cc: Paula Hammond
Cory Curtis, communications director, Governor's Office
Clay Holtzman, president, Society of Professional Journalists, Western Washington Chapter
John Hamer, president, Washington News Council

From: Pierce, Steve <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=PIERCEST@fsci.com>
Sent: Thursday, June 28, 2012 1:20 PM
To: nprovenza@theseattletimes.com
Subject: FW: WSDOT investigation findings

Nick: This is coming your way after I got Lindblom's out-of-office message and Rasa suggested it go to you. I told Mike I would flag him when our investigation was done, and he acted somewhat disinterested at the time. But, hey, I'm keeping my commitment. The only other person this email is going to is Tracy Vedder at KOMO (gag!).

Steve (or Mr. Pierce, to you!)

From: Pierce, Steve
Sent: Thursday, June 28, 2012 1:13 PM
To: Mike Lindblom (mlindblom@seattletimes.com)
Subject: WSDOT investigation findings

Mike: Here are the key findings from our now-completed internal investigation regarding consumption of alcohol in the SR 520 floating bridge and landings project office.

First, some context: 116 WSDOT employees from all SR 520 locations were interviewed. This included the 31 WSDOT employees co-located in KGM's floating bridge and landings project office in Bellevue, a building leased by KGM. This office space is configured in such a way that, for the most part, WSDOT and KGM have their own separated work areas, with a few work areas used by both KGM and WSDOT staff.

Interviews were also conducted with 85 other WSDOT employees to determine if violations were occurring at any of the other 520-related sites. These offices are in Bellevue for the Eastside Transit and HOV Project, plus sites in Kenmore, Seattle, Tacoma and Aberdeen.

Here are the investigation findings and conclusions:

- We found no evidence of drinking by state workers at the SR 520 floating bridge and landings project office building in Bellevue.
- We found no evidence of drinking by state workers in the five other locations where work is being done on the SR 520 project.
- Sixteen of the 31 WSDOT employees in the floating bridge and landings project office building reported that they were aware of alcohol being consumed or brought into the office by KGM employees. This activity was typically observed on Fridays after hours. WSDOT employees did not report that KGM employees were drinking while working.
- The WSDOT employees who were aware of alcohol being brought into the workplace and/or consumed in the workplace didn't report it to their supervisors because they assumed WSDOT onsite management was aware it was occurring. In addition, while they were aware of WSDOT's policy, they weren't sure it applied to KGM employees in the KGM-leased building. The WSDOT employees believed KGM had its own policies in place.
- WSDOT onsite management at the project office was aware that there were occasional after-hours KGM events that involved alcohol. One WSDOT manager talked with KGM about this, and was told that KGM's company policy allowed for alcohol in certain circumstances after hours to celebrate milestones at their management discretion.

- WSDOT onsite management at the project office didn't escalate it further up the chain as they were confident that WSDOT policies were being followed by WSDOT employees.

Steve

From: Pierce, Steve <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=PIERCEST@fsci.com>
Sent: Thursday, June 28, 2012 4:24 PM
To: Hammond, Paula; Reinmuth, Steve; Taylor, Katy; cory.curtis@gov.wa.gov; Meredith, Julie; Pelley, Suanne (Consultant); Lenzi, Jerry C
Cc: Aldridge, Jo
Subject: FW: WSDOT investigation findings

FYI on Vedder's rather vague response, "No I don't believe so," to my question of whether she has information we should know about.

Might I state the obvious: I don't trust her? (Paula: I don't care if this is disclosable; I already told her to her face that she plays fast and loose with the facts.)

Steve

From: Vedder, Tracy [mailto:TracyV@komotv.com]
Sent: Thursday, June 28, 2012 4:17 PM
To: Pierce, Steve
Subject: RE: WSDOT investigation findings

Thank you, No I don't believe so.

Tracy Vedder

From: Pierce, Steve [mailto:PierceSt@wsdot.wa.gov]
Sent: Thursday, June 28, 2012 4:04 PM
To: Vedder, Tracy
Subject: FW: WSDOT investigation findings

Tracy: There are no current instances that I'm aware of in which other non-520-related WSDOT employees brought forward concerns/complaints or knowledge of any drinking at any other state construction sites.

We did receive correspondence earlier this month or in late May from a former WSDOT employee, who had some drinking-related allegations. As it turns out, his allegations dated back several years and there was no action to be taken.

Do you have information about WSDOT employees who have concerns or complaints that we should know of?

Steve

From: Vedder, Tracy [mailto:TracyV@komotv.com]
Sent: Thursday, June 28, 2012 3:14 PM
To: Pierce, Steve
Subject: RE: WSDOT investigation findings

Sorry, one more quick follow: have any other non-520 related WSDOT employees brought forward concerns/complaints or knowledge of any drinking at any other state construction sites? thanks

Tracy Vedder

From: Pierce, Steve [<mailto:PierceSt@wsdot.wa.gov>]
Sent: Thursday, June 28, 2012 3:11 PM
To: Vedder, Tracy
Subject: RE: WSDOT investigation findings

Tracy: Answers are below in red.

Steve

From: Vedder, Tracy [<mailto:TracyV@komotv.com>]
Sent: Thursday, June 28, 2012 2:14 PM
To: Pierce, Steve
Subject: RE: WSDOT investigation findings

Thank you Steve, I appreciate the follow-up. In light of your results, I have a couple of questions:

Did any WSDOT personnel questioned during the investigation report drinking by KGM or other subcontractors at any of the other 520 project sites?

No.

Do your findings mean that none of the WSDOT employees were aware of state law prohibiting any alcohol from any worksite?

Our employees were aware of WSDOT policies regarding a drug- and alcohol-free workplace, and that's what we hold them accountable to.

Have you questioned other, non-520, WSDOT workers? And if so, have any reported knowledge of any alcohol or drug consumption at any other worksites?

We confined our investigation to SR 520-related offices. And, as you know, Secretary Paula Hammond sent a message to all WSDOT employees about the situation and reminding them of our policy regarding a drug- and alcohol-free workplace. You can find Paula's message and other information here:

http://www.wsdot.wa.gov/News/2012/05/22_WSDOTDrugAlcoholPolicy.htm

Has there been any discipline as a result of your investigation?

First, let me say that this is largely an issue of a private company dealing with issues on its staff, and KGM clearly took the issue seriously, addressed the problem and put a stop to it. We certainly would have taken immediate action, up to and including dismissal, had we discovered that any state employees were involved in alcohol consumption on the job, but our investigation confirmed this was not the case. Because our employees were aware of and followed WSDOT policies regarding a drug- and alcohol-free workplace, there will be no discipline.

Has WSDOT asked for any additional measures to be undertaken by KGM or any penalties or repercussions upon KGM as a result of WSDOT's investigation?

We took immediate steps on measures that we felt then, and now, were appropriate, including:

- Sending a [letter](#) to Kiewit Infrastructure West Co., reminding them of WSDOT's policy requiring a drug- and alcohol-free workplace and requesting that they abide by these rules at any office co-located with WSDOT employees.
- Kiewit responded with a [letter \(pdf 37 kb\)](#) of agreement and assurance that they are committed to alcohol-free workplaces.

Also, KGM took immediate steps to investigate, with these findings that they shared with us:

- Drinking did occur sporadically in KGM's office, but was done at the end of employees' work days, primarily on Fridays during social occasions. The company found no evidence of workers consuming alcohol while engaged in work in the field or doing anything besides end-of-day office administrative tasks.
- No evidence of anyone being intoxicated.
- No evidence that the quality or safety of the project was ever compromised.

Thank you Steve – will you be able to get back to me today with these answers?

Tracy Vedder
206-404-4693
206-795-9966 mobile

From: Pierce, Steve [<mailto:PierceSt@wsdot.wa.gov>]
Sent: Thursday, June 28, 2012 1:14 PM
To: Vedder, Tracy
Subject: WSDOT investigation findings

Tracy: Here are the key findings from our now-completed internal investigation regarding consumption of alcohol in the SR 520 floating bridge and landings project office.

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- The WSDOT employees who were aware of alcohol being brought into the workplace and/or consumed in the workplace didn't report it to their supervisors because they assumed WSDOT onsite management was aware it was occurring. In addition, while they were aware of WSDOT's policy, they weren't sure it applied to KGM employees in the KGM-leased building. The WSDOT employees believed KGM had its own policies in place.
- WSDOT onsite management at the project office was aware that there were occasional after-hours KGM events that involved alcohol. One WSDOT manager talked with KGM about this, and was told that KGM's company policy allowed for alcohol in certain circumstances after hours to celebrate milestones at their management discretion.
- WSDOT onsite management at the project office didn't escalate it further up the chain as they were confident that WSDOT policies were being followed by WSDOT employees.

Steve

From: Holter, Jamie <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=HOLTERJ@fsci.com>
Sent: Monday, July 02, 2012 8:23 AM
To: Pierce, Steve
Subject: Tracey

Jennifer Austin

Producer, KOMO 4 News

140 Fourth Avenue North

Seattle, Washington 98109

206-404-4425

jennifera@komotv.com

<http://www.com.washington.edu/facilities/jobs/viewbyid.m?id=3122>

News Director

Holly Gauntt

I will get the email for her – KOMO has a funny system..

My humble opinion:

1. Contact Holly and review the entire raw tape with Tracey.
 - a. Note all the answers given, note all the questions she didn't ask (did you call customer service?)
2. File complaint with SPJ and the Washington News Council (same as Settle School district did with Chris Halsne)
3. Shoot her shooting interviews, post our own
4. Refuse to do interviews with her because she can't get it right and then post to her web link that we refused to participate in the story because she has a history of getting it wrong. That we participate with KING 5 because Susannah Frame at least makes an effort to get it right.
5. Contact: NPR's on the media and see if they will take this on as an issue.
- 6.

Jamie Holter

WSDOT Communications

206.440.4698 M-F (7 a.m. – 4:30 p.m)

206.719.7535 (24 hour cell)

Steve

From: Vedder, Tracy [<mailto:TracyV@komotv.com>]

Sent: Tuesday, July 03, 2012 4:34 PM

To: Pierce, Steve

Subject: RE: An incomplete tolling story...

Hi Steve,

I confess I am a bit perplexed as to why exactly you are disappointed. "All" of the issues you raised are basically misreads for which the system is unable to adapt. For example the things you mention below are the environmental factors that the system can't adapt for and result in mis-reads. I'm not certain where a listing of all the various things would have made any difference – bottom line the system in a very small number of instances can't read the passes. The only software fix, as I understood Craig to explain, would be to have the system rectify –after the misread– that the driver has a good to go pass account and to charge them accordingly without the extra .25 cent fee.

What I think you fail to see is that I specifically point out in the story that this is – according to WSDOT's numbers – an incredibly small percentage, it is no windfall for the state, and drivers can call customer service. All of which makes the state look good.

So again, I'm not sure exactly why you're disappointed.

Tracy Vedder

From: Pierce, Steve [<mailto:PierceSt@wsdot.wa.gov>]

Sent: Monday, July 02, 2012 11:46 AM

To: Vedder, Tracy

Cc: hollyg@komotv.com; Stone, Craig; Michaud, Patricia; cory.curtis@gov.wa.gov

Subject: An incomplete tolling story...

Tracy: I have to tell you I'm disappointed that your story made no mention of the various reasons why there could be misreads of Good To Go passes. Instead, the story left the unmistakable impression that misreads occur because of a malfunction in the state's tolling system. The story, and the anchors, report:

- "The state *admits* there are misreads."
- Drivers wonder "why they're paying for the state's mistakes."
- Wendy Jones is "ticked, as a matter of principle," saying she shouldn't "have to pay for their equipment malfunction."
- The system is "inaccurately reading her pass."
- The state "admits there are occasional misreads."
- "There may be a software fix for some of these problems."

That last line is a slight hint that there may be a variety causes for Good To Go pass misreads – "some of these problems" – but it's so subtle to be completely missed. It seems to me that facts providing balance and accuracy were left out of the story in order to end up with a piece that paints the system as flawed – emphasized when you say the misreads are "*one more problem* over a tolling system that's not winning any popularity contests."

Complete, fair and balanced reporting, in my opinion, would have included the fact that misreads can occur because of weather conditions, damaged or non-working passes, metalized windshields, following too closely behind a semi and other things – all of which Craig and I talked with you about on Friday. Without mentioning any of a number of possible reasons for misreads, you've produced an incomplete and half-told story.

Steve Pierce
WSDOT Communications Director
360-705-7076

SEATTLE -- Some drivers using the state's "Good2Go" pass are getting hit with an extra fee.

Whether you're driving the 520 across Lake Washington, or Highway 16 across the Tacoma Narrows, you're subject to the state's electronic tolls. And the cheapest way to cross is with a Good2Go pass.

But when Wendy Jones checked her Good2Go account this week, she noticed something strange -- an extra 25 cent charge for photo enforcement using her license plate to identify her vehicle-- even though she has that Good2Go pass.

She's ticked, just as a matter of principle.

"I don't care about the quarter -- I can find that under my couch cushion, you know," she said.

Jones' family rarely crosses either bridge but got the pass specifically to avoid extra fees. She's not happy that she's paying for the toll's electronic system inaccurately reading her pass.

"I don't think that I should have to pay for their malfunction," she said.

The Washington State Department of Transportation says 99.9 percent of the time the system is spot-on, but acknowledges there are occasional misreads.

They're answer? Give them a call.

"That's why you have a customer service center," Toll Director Craig Stone said. "Call our customer service center up and then what we do is we forgive them at that point in time because we can look at the records and say yep, that makes sense to us."

Before you think this is a financial windfall for the state, WSDOT figures this is happening at most about 70 bridge trips -- or 70 misreads -- a day. That would be about a little over \$3,000 so far this year.

Still, they recognize it's enough to tick people off at a system that's already not wildly popular.

"I've got my engineers looking at our system seeing what we can do as we refine it and go forward," Stone said.

In the meantime, check your online account to make sure you're not getting charged with an unwarranted fee.

From: Holter, Jamie <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=HOLTERJ@fsci.com>
Sent: Friday, July 06, 2012 8:41 AM
To: Pierce, Steve
Subject: RE: An incomplete tolling story...

I guess I would say to her. If it's such a small percentage and it's no windfall to the state, then why is it a story? I think we both know why it's a story. You continue to use the state's toll division as a vehicle for Tracey Vedder and KOMO promotion. Another way to cast this story would be

TRACY ON CAM:

Drivers find WSDOT's toll division as easy target, some might even say low hanging fruit. But a quick check with the state's toll division director realizes the system continues to maintain a 99% accuracy reading.

VIDEO B ROLL OF BRIDGE WITH CARS

The small glitches that people identify are quickly solved by a call to the customer service department with calls answered directly or emails taken care of within 24 hours.

BITE FROM INCORRECTLY CHARGED PERSON: I thought the toll system made a mistake but one quick call to the customer service center showed me that I installed my pass incorrectly. They gave me a clean slate and told me how to fix my pass.

BITE CRAIG: We are pleased that our system is so effective

And traffic continues to be a breeze

MON ON THE STREET BITE: I thought I would hate the new tolled bridge but the fact is, I save 30 minutes a day. My time is worth more than \$3.50

TRACEY TRACK

With endorsements like that, it appears tolling is a success so far.

STAND UP LIVE: Once again, if you have a question about your toll bill...

GRAPHIC:

First – be sure to look at your toll bill, the same way you check your credit card statement. It's the best way to make sure your pass is being read accurately.

Second – if you have questions, be sure to contact the customer service center. They have access to your bill. I know you want to call me, Tracy Vedder, but I can't see your bill and neither can Craig Stone. And, what's more, nether one of us can do anything about it.

Third – if you do this, the system will work well for you and we won't waste another state penny chasing stories that don't exist.

LIVE FROM THE BRIDGE, I'M TRACY VEDDER, KOMO FOUR NEWS – TRULY SOLVING YOUR PROBLEM THIS TIME.

From: Pierce, Steve
Sent: Friday, July 06, 2012 8:29 AM
To: WSDOT Communicators
Subject: FW: An incomplete tolling story...

Folks: As I mentioned on the morning call, here's Tracy Vedder's response from late Tuesday, expressing confusion as to how or why I could possibly have been disappointed in her story.

I'll tell you all that I'm even more disappointed that she doesn't get it and, in fact, thinks that her story "makes the state look good." Go figure.

From: Pierce, Steve <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=PIERCEST@fsci.com>
Sent: Friday, July 06, 2012 10:43 AM
To: Curtis, Cory
Subject: FW: KOMO contact

Cory: FYI on the latest saga with Tracy Vedder, per the emails below showing interest in the SR 520 pontoons.

In the meantime, she just called Tolling again to talk about another customer complaint over the 25-cent charge added on misreads and wanted to talk with Craig again. Patty Michaud told her no and the conversation got a little "heated," according to Patty. I dare Vedder to now call me and complain, but I might get a little heated, too.

Steve

-----Original Message-----

From: Meredith, Julie
Sent: Friday, July 06, 2012 10:08 AM
To: Pierce, Steve; Kapur, Jugesh; Gitlin, David (Consultant)
Cc: Lenzi, Jerry C; Bakotich, Pasco; Reinmuth, Steve; Pelley, Suanne (Consultant); Cotten, Mike
Subject: Re: KOMO contact

Thanks Steve. I work with Mike Cotten and Dave Z to be sure we are clear on communications.

----- Original Message -----

From: Pierce, Steve
To: Kapur, Jugesh; Meredith, Julie; Gitlin, David (Consultant)
Cc: Lenzi, Jerry C; Bakotich, Pasco; Reinmuth, Steve; Pelley, Suanne (Consultant)
Sent: Fri Jul 06 09:32:15 2012
Subject: RE: KOMO contact

I talked with Vedder. She said she understands that Patrick designed the pontoons and wanted to talk with him "on background" about the pontoons, the concrete, etc. I told her that Patrick and others were just too busy, and reminded her of the news release we sent out early last week about the pontoons and the review panel. I said we expect the panel to have some interim findings sometime next week and that she'd have to wait until then for more. She said OK. Besides, Vedder is the last reporter I would have anyone talk with "on background." Frankly, from her, that's BS. I remain suspicious of her intent and why she suddenly is interested in the topic of pontoons.

Patrick and Jugesh, thank you for forwarding this original inquiry from her and letting me handle it at this point.

Julie, you might give some thought to whether or not it would be appropriate to flag anyone at Kiewit about the fact that Tracy Vedder is showing interest in the pontoons. I trust that they would decline to say anything at this point, as well. Your call. If she has a "source" feeding her negative information, I'm not sure she'll necessarily stop just because we won't talk with her now.

Steve

-----Original Message-----

From: Kapur, Jugesh
Sent: Friday, July 06, 2012 7:52 AM
To: Pierce, Steve; Meredith, Julie; Gitlin, David (Consultant)
Cc: Lenzi, Jerry C; Bakotich, Pasco; Reinmuth, Steve
Subject: RE: KOMO contact

Steve:

She did not say what she was calling about. The message was left on Patrick Clarke's phone who asked me to handle it. Patrick works in my office.

- Jugesh

-----Original Message-----

From: Pierce, Steve
Sent: Friday, July 06, 2012 7:49 AM
To: Meredith, Julie; Gitlin, David (Consultant)
Cc: Kapur, Jugesh; Lenzi, Jerry C; Bakotich, Pasco; Reinmuth, Steve
Subject: FW: KOMO contact

Julie, David: In Suanne's absence today, do either of you know whether we have had any other media calls this week regarding pontoons/review panel? (I was out yesterday.) Presuming not, I'd be glad to return the call to Vedder and tell her we won't have anything more (beyond what we said in our news release) until sometime next week, that the panel is doing its work, that it wouldn't make sense to talk about this until we have solid information from the panel, etc.

Frankly, Tracy is the last one I would want to give any advance information to, as she is not known for her trustworthiness or accuracy, and she generally looks for the "negative" angle to any government story.

Jugesh: Did her voice-mail message give any indication of her topic, or are you just guessing that it must be about the pontoons? If she gave no indication whatsoever of what she wants to talk with you about, that makes me all the more suspicious of her motives.

Steve

-----Original Message-----

From: Kapur, Jugesh
Sent: Thursday, July 05, 2012 7:19 PM
To: Pierce, Steve
Cc: Bakotich, Pasco; Lenzi, Jerry C; Meredith, Julie
Subject: KOMO contact

Steve,

Tracey Vetter of KOMO 4 news left a voice mail for us today and wants to speak with us. I am sure she want to talk about the pontoon cracking issue and the Peer Review Panel. Please advise how to proceed.

Thank you.

- Jugesh

Sent via BlackBerry

From: Pelley, Suanne (Consultant) <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=ACCOUNTS_CN=NW_CN=PELLEYS@fsci.com>
Sent: Friday, August 31, 2012 11:39 AM
To: Ziegler, Dave
Cc: Cotten, Mike; Becher, Dave; Pierce, Steve
Subject: Fwd: KOMO TV FOIA REQUEST

Hi Dave--please start at the bottom of this email to see the KOMO request and our plan. Becher was going to share this with KGM. Can you please share with Phil and Kati? It would be great to refer all media questions to Steve pierce at HQ since he is handling the KOMO correspondence.

Steve's number is 360-705-7076.

Sorry I didn't put you on this plan yesterday--Suanne.

Begin forwarded message:

From: "Pierce, Steve" <PierceSt@wsdot.wa.gov>
Date: August 31, 2012 8:40:44 AM PDT
To: "Pelley, Suanne (Consultant)" <pelleys@consultant.wsdot.wa.gov>, "Meredith, Julie" <MeredJL@wsdot.wa.gov>, "Cotten, Mike" <CottenM@wsdot.wa.gov>, "Becher, Dave" <BecherD@wsdot.wa.gov>, "Lenzi, Jerry C" <LenziJC@wsdot.wa.gov>
Cc: "Howery, Stacey (Consultant)" <HoweryS@consultant.wsdot.wa.gov>, "Alseth, Jody" <AlsethJ@wsdot.wa.gov>, "Singer, Rick" <SingerR@wsdot.wa.gov>, "Grotefendt, Amy (Consultant)" <GrotefA@consultant.wsdot.wa.gov>, "Carpine-Cazzanti, Joy" <CarpinJ@wsdot.wa.gov>, "Hammond, Paula" <HammonP@wsdot.wa.gov>, "Reinmuth, Steve" <ReinmuS@wsdot.wa.gov>, "Curtis, Cory" <cory.curtis@gov.wa.gov>, "Rus, Connie" <RusConn@wsdot.wa.gov>, "Aldridge, Jo" <AldridJ@wsdot.wa.gov>, "Gitlin, David (Consultant)" <GitlinD@consultant.wsdot.wa.gov>, "Briggs, Ann" <ABriggs@wsdot.wa.gov>
Subject: RE: KOMO TV FOIA REQUEST

Folks: I'm going to send a note to KOMO today, informing them that we're working on their request and anticipate being in a position to give them a CD of the videos next Tuesday or Wednesday. I'm out of the office Tuesday and really want to be involved in the transmittal and other things we may do at the time, so I would like to reserve our response to possibly Wednesday – and that would give us the needed time to make sure we are thorough and have rounded up any and all available video. That would also allow for 24-hour's notice to the Four Corners.

Be aware that I'm thinking strongly of posting the videos (again, and in their full length) on our website on the day we give them to KOMO, and also posting the written materials we send to KOMO to explain what the images show. This is similar to what we did with Susannah Frame last year when she was working on a 520 story that we felt strongly would be one-sided and not told fairly and completely. I think there is every possibility that KOMO could use portions of the videos – particularly the one with the visible leak – to imply that the pontoons are leaking and in danger, etc. Per their patterns in other stories, they might leave out important facts that would give the full picture – like the fact that this was

an interior wall, that the leak has long since been fixed, that it posed no danger to the integrity of the pontoon, etc.

I'm not worried if Tracy Vedder and KOMO get mad that we would post publically what we send them, and I am very comfortable telling Vedder and her producer that we did it not only in the interest of transparency, but also because I don't trust them – as evidenced by incomplete and half-reporting on her 520 "alcohol" story. My intent is not to simply sit and wait to see a KOMO story to find out if they were fair and complete or, more likely, alarmist, inaccurate and unfair. Why do I suspect they might be alarmist? Just look at this portion of their public disclosure request that asks that it be expedited "**due to the compelling need to dispense urgent information to the public.**"

Suanne, Julie, Mike or Dave – would one of you please talk with the inspector who possibly could be contacted directly by KOMO for comment (is there anyone else who's name is out there, who might be contacted?). Per Suanne's note below, all media inquiries should be routed to Suanne, but I also want people advised on how to respond. It shouldn't be along the lines of "I've been told not to talk." Instead, it should be the truth: that "I have a job to do and truly don't have time to talk and besides, you'll get more complete information by calling Suanne Pelley in our SR 520 office," or something along those lines.

Steve

From: Pelley, Suanne (Consultant)
Sent: Thursday, August 30, 2012 4:08 PM
To: Pierce, Steve; Meredith, Julie; Cotten, Mike; Becher, Dave
Cc: Howery, Stacey (Consultant); Alseth, Jody; Singer, Rick; Grotefendt, Amy (Consultant); Carpine-Cazzanti, Joy
Subject: RE: KOMO TV FOIA REQUEST

Steve—Here is our plan for addressing this video request from KOMO. Please share with others at HQ and the Gov's office as needed.

1. As we've discussed, we want to reply as promptly as possible to KOMO so are streamlining the PDR process to provide the requested videos.
2. The floating bridge team is gathering all videos so that we can burn them onto a CD and provide to KOMO. There are longer versions of the videos we used on our Web site this week—a total of four videos--and possibly 1-2 others.
3. In the video the floating bridge inspector identifies himself by name in the video sound. We need to tell him that we are providing the videos with his voice to KOMO so he is not surprised if they run the videos with his voice.
4. Also we want to confirm that any media questions that may come to the floating bridge office should be referred to me at the Program office.
5. We are writing a transmittal memo to Tracey Vedder that will briefly outline the contents of each video, and include some explanation as we did on the Web site about ongoing inspections of the pontoons.
6. Julie will also send an update to the 4 corners so that they know the request came from KOMO, that we are responding to the request next Tuesday, and that they may see another pontoon story.
7. After the transmittal memo is approved, the 520 office will hand-deliver the CD and memo to KOMO on Tuesday, Sept. 4.

Please let me know if there are any changes needed on the plan above. Otherwise I'll send you the draft transmittal memo later today or on Friday.

Thanks—Suanne.

From: Garza, Sarah
Sent: Tuesday, August 28, 2012 4:35 PM
To: 'pierces@wsdot.wa.gov'
Subject: KOMO TV FOIA REQUEST
Importance: High

Mr. Pierce,

In accordance with the pursuant of information act (FOIA), 5 U.S.C. Section 552, please supply the following:

COPIES OF ALL VIDEO TAPED RECORDINGS THAT SHOW INTERIOR AND EXTERIOR LEAKS AND CRACKS INSIDE THE 520 PONTOONS, SINCE THEIR TRANSFER TO THE 520 CONSTRUCTION SITE. WE ARE ASKING TO SEE THE MULTIPLE VIDEOS THAT HAVE BEEN TAKEN, IN ADDITION TO THE VIDEOS ALREADY RELEASED TO THE MEDIA IN AUGUST 2012. KOMO TV IS ASKING THAT THE RELEASE OF THESE DOCUMENTS BE EXPEDITED DUE TO THE COMPELLING NEED TO DISPENSE URGENT INFORMATION TO THE PUBLIC.

KOMO-TV will pay reasonable copy fees. **Please contact the KOMO-TV Assignment Desk by phone (206-404-4350) or e-mail sgarza@komotv.com with the estimated time.** Please also notify us when we can pick up the documents.

Should you determine the records cannot be disclosed, please fax your written determination to us at 206-404-4422.

Thank you in advance for your prompt attention.

Sincerely,

Sarah Garza

Executive Producer

KOMO 4 News

206-404-4350

From: Treece, Bart <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=TREECEB@fsci.com>
Sent: Friday, August 31, 2012 8:11 AM
To: Pierce, Steve
Subject: RE: Pontoon videos

That is what I understood and it makes total sense. Basically, give everyone else the same bite at the apple with the facts available for not just media but the public. Vedder won't be happy, but we have every right to make these videos public and it may steal her thunder. Smart play.

From: Pierce, Steve
Sent: Friday, August 31, 2012 8:08 AM
To: Treece, Bart
Subject: RE: Pontoon videos

Yes, that's basically my plan, at this point. But I want to do more than post and send her a link. I want to have the full "context," the full story that goes with the videos – and put that all out there for the public to see.

From: Treece, Bart
Sent: Friday, August 31, 2012 8:07 AM
To: Pierce, Steve
Subject: Pontoon videos

I had a thought about this...why not just post the videos, and send her the link? She gets the videos, but then so does everyone else.

-Bart

From: Vedder, Tracy <TracyV@komotv.com>
Sent: Monday, January 28, 2013 4:40 PM
To: Endejan, Judith A.
Subject: FW: KOMO TV FOIA REQUEST

From: Pierce, Steve [<mailto:PierceSt@wsdot.wa.gov>]
Sent: Friday, August 31, 2012 8:53 AM
To: Garza, Sarah; Vedder, Tracy
Subject: RE: KOMO TV FOIA REQUEST

Tracy, Sarah: I wanted to let you know that I am *not* routing this through our formal public disclosure process and the Public Disclosure Office, which is separate from the Communications Office. I'm handling it, which I believe will provide you a faster response. We're checking on what videos there are, and then we will burn them onto a CD and, hopefully, hand deliver them to you next Tuesday or Wednesday.

Please let me know if you're OK with this or if, instead, you want me to send your request formally to our Public Disclosure Office.

Steve

From: Garza, Sarah [<mailto:sgarza@komotv.com>]
Sent: Wednesday, August 29, 2012 3:40 PM
To: Pierce, Steve
Cc: Vedder, Tracy
Subject: FW: KOMO TV FOIA REQUEST
Importance: High

My apologies for sending this request to the wrong email address.

We didn't get any bounce back on this address below but I am assuming it is not a valid email for you?
Sarah

From: Garza, Sarah
Sent: Tuesday, August 28, 2012 4:35 PM
To: 'pierces@wsdot.wa.gov'
Subject: KOMO TV FOIA REQUEST
Importance: High

Mr. Pierce,

In accordance with the pursuant of information act (FOIA), 5 U.S.C. Section 552, please supply the following:

COPIES OF ALL VIDEO TAPED RECORDINGS THAT SHOW INTERIOR AND EXTERIOR LEAKS AND CRACKS INSIDE THE 520 PONTOONS, SINCE THEIR TRANSFER TO THE 520 CONSTRUCTION SITE. WE ARE ASKING TO SEE THE MULTIPLE VIDEOS THAT HAVE BEEN TAKEN, IN ADDITION TO THE VIDEOS ALREADY RELEASED TO THE MEDIA IN

AUGUST 2012. KOMO TV IS ASKING THAT THE RELEASE OF THESE DOCUMENTS BE EXPEDITED DUE TO THE COMPELLING NEED TO DISPENSE URGENT INFORMATION TO THE PUBLIC.

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Should you determine the records cannot be disclosed, please fax your written determination to us at 206-404-4422.

Thank you in advance for your prompt attention.

Sincerely,

Sarah Garza

Executive Producer

KOMO 4 News

206-404-4350

From: Holter, Jamie <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=HOLTERJ@fsci.com>
Sent: Wednesday, September 05, 2012 8:20 AM
To: Pierce, Steve
Subject: new thought..

You should post and then send the link to her, then in separate doc send to all media and say, "Tracy Vedder requested these docs and, in the interest of transparency, we put them on the web for all of you to access because that's the fundamental idea behind public disclosure. All public gets it."

That will chap her and then no one will know what to do with it but they will want to use it. And you undermine her so by the time she realizes what's happened she's lost her exclusivity.

Jamie Holter

WSDOT Communications

206.440.4698 M-F (7 a.m. – 4:30 p.m)

206.719.7535 (24 hour cell)

From: Pierce, Steve <IMCEAEX-_O=WA+2EGOV_OU=WSDOT_CN=RECIPIENTS_CN=PIERCEST@fsci.com>
Sent: Friday, October 26, 2012 9:34 AM
To: La Corte, Rachel; Esser, Doug
Subject: RE: KOMO story

Rachel: We're close to sending Doug something. The issue, in my mind, is whether all six pontoons from the first cycle in Aberdeen are leaking or not. We told Vedder that there any number of reasons for water being in a pontoon, including temporary ballast water added for balancing, residual water left from concrete curing, missing or misaligned plugs for bolt sleeves, or hatch doors being left open. We have ongoing inspections, repairs and re-inspections -- so I'm trying to nail down quickly this morning what we know for sure or what might still be undetermined.

Steve

-----Original Message-----

From: La Corte, Rachel [<mailto:rlacorte@ap.org>]
Sent: Friday, October 26, 2012 9:28 AM
To: Pierce, Steve
Subject: RE: KOMO story

Hey, we are doing something today, and I believe our Seattle office has already reached out to you guys. But what specifically is wrong with the KOMO story? Both Times and KOMO saying the pontoons are leaking. And Paula told Times that for their story today, so what's the main difference between times story and KOMO?

-----Original Message-----

From: Pierce, Steve [<mailto:PierceSt@wsdot.wa.gov>]
Sent: Friday, October 26, 2012 6:36 AM
To: La Corte, Rachel
Subject: KOMO story

Rachel: I sure hope AP doesn't move a condensed version of Tracy Vedder's pontoons story. The notion she is advancing of a WSDOT "cover-up" is, frankly, bullshit. Her story is incredibly slanted and, in many instances, inaccurate.

Steve

Sent from my iPhone

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-----Original Message-----

From: Vedder, Tracy
Sent: Tuesday, November 27, 2012 1:00 PM
To: WSDOT Public Disclosure Requests
Cc: Vedder, Tracy; Garza, Sarah
Subject: PDR from KOMO

Good afternoon.

In accordance with RCW 42.56 please provide copies of all Weekly Reports from May 1, 2012 to present for the Pontoon construction Project, the Floating Bridge and Landings Project and the Eastside Transit and HOV Project.

KOMO TV will pay reasonable copy fees but we would prefer to receive these records in electronic format on discs. By law you have 5 business days to let us know when these records will be available. Please let me know by phone or email when we can pick thaws records up. Thank you in advance for your prompt attention.

Sincerely Tracy Vedder KOMO TV. 206-404-4693.

Sent from my iPhone



Weekly Report

Principal Engineer: Dave Ziegler
 Business Manager: Jon Danks
 Design-Build: Kiewit-General
 Federal Aid Number: (AC)STPF-NH-BR-0520(043)

Week Ending: 9/7/2012
 Project: 7826 / U52003A
 DB Current Contract: \$379.1M
 DB Expenditures: \$185.1M
 (Note: Includes CO's. Excludes sales tax. Expenditures through July 31.)

SUMMARY NARRATIVE

- Hot Issues: Cycle 2 Design. Change Interpretation. Cycle 1 Issue Resolution.
- Cycle 1: KG performed leak repair on the Lake.
- Pontoon A: PCS continues to install rebar for the keel slab, (KS-2), the exterior walls, (near and far face mats), wall bolt beam at 13T & 1L, bolt beam for the keel slab at 1T, and continuity welding operation. SDI started to fuse and install duct to exterior walls. KS-2 keel slab partially completed.
- Pontoon Q: Keel/wall rebar installation continues. Pre-cast panel erection is currently scheduled for Thursday, Sept.6th.
- Pontoon R: Pre-cast panels started yesterday. Keel slab rebar installation continues except for the bolt beam areas. Bottom mat of the keel slab was installed. The DB started setting curtains on 1L. Surveyors checked the installation of inserts.
- Pontoon S: Rebar installation on the keel slab bottom mat continues along with the near face of the exterior walls, and continued with continuity welding. SDI installed pt ducts in the keel slab and the exterior walls. Also continued with the installation of heating pipes in keel slab at 1L & 5L.
- Pontoon QSW: Rebar and thermal control piping placement continues.
- Pontoon QNW: Rebar and thermal control piping placement continues.
- Quality: Once (1) NCR was issued for starting cycle 2 pontoons without having RFC drawings. Three (3) NCIs were written for a structural crack found during grouting operations for tendons 42 & 43, which was verified during underwater inspections. The grout that leaked from tendons 42 & 43 was exposed to salt water in 5 days, spec states 10 days and far not having an approved work plan for dobies or approval to use the dobies.
- Environmental/Fish Handling: WSDOT and K-G held a conference call on Aug. 31 to discuss the required Fish Handling Monitoring Report being drafted jointly. K-G is making final edits to the Monitoring Report (was due on 8/31/12) which WSDOT will then forward to agencies. The "Lessons Learned" document is currently being finalized and put into a format that can be shared with agencies to describe changes/ improvements. An Environmental Task Force (ETF) meeting was held on on Sept. 5th and a number of pending environmental issues and actions items were discussed, with many resolved or steps and target for resolution identified.
- Safety: No new safety incidents to report.
- Audits: Construction will perform two (2) audits, Environmental performed no (0) audits this week.
- Clarifications: RFIs received this week: 8 Total RFI's Open: 43

INTER-AGENCY / PUBLIC OUTREACH / COMMUNICATION

- Vigor on site Sept. 6th to tour casting basin. FHWA on site to tour project on Sept. 6th.

ENVIRONMENTAL

	Previous Total	Current Week	Project Total
Non-Compliance Event (ECAP)	12	0	12
Minor Environmental Event	13	0	13

Comments/Event/Mitigation:
 • No updates

RISKS

Top Risks (Current *)	Probable Dollar Value	Level	Potential Schedule Impact
1 Pontoon Design Changes, Conflicts and Issues	\$20,000,000		50 days
2 Impacts from Cycle 1 PT/Spalling	\$20,000,000		50 days
3 Quality issues during construction	\$1,000,000		30 days
4 Tribal Fishing may affect float-outs	\$1,000,000		14 days
5 Coordination/changes requested/required by FB&L contract	\$500,000		10 days

* Top 5 risks relevant at this time. Listed in order of probability of occurrence.

Project Wise Folder: 16.07_Risk_Analysis

Mitigation Activities

- Get cycle 2 design updates to KG and incorporate into planning and RFC drawings.
- Develop issue document detailing WSDOT's position. Resolve w/ KG.
- Coordination between K-G and WSDOT QA/QV to identify and monitor issues.
- Continue working with Tribe to coordinate float outs vs. fishing dates.
- Coordinate KGM requested changes with FB&L through the Work Agreement process.

SAFETY (WSDOT/Design-Build)

	Previous Total	Current Week	Project Total
Recordable Incidents	1/2	0/0	1/2
Lost Time Incidents	0/0	0/0	0/0
Days without an incident (from INTP)			407/129

Note: No incidents to report this week.