

# Washington State Board of Registration for Professional Engineers & Land Surveyors

February 23, 2023

## Board Packet Addendum

### Agenda Item 4.3

The Special Board Meeting agenda and other meeting materials can be found on BRPELS' website: [Board Meetings and Minutes.](#)

## Wherrett, Mackenzie (BRPELS)

---

**From:** Fuller, Ken (BRPELS)  
**Sent:** Monday, February 20, 2023 8:18 AM  
**To:** Peden, David (BRPELS Board Member); Wengler, James (BRPELS Board Member); Hendrickson, Douglas (BRPELS Board Member)  
**Cc:** Wherrett, Mackenzie (BRPELS); Short, Jill (BRPELS)  
**Subject:** FW: IBR Tunnel Concept Evaluation

PC and Board Packet correspondences which came in this weekend.

---

**From:** Robert Wallis <[bobwallis1948@yahoo.com](mailto:bobwallis1948@yahoo.com)>  
**Sent:** Saturday, February 18, 2023 7:05 AM  
**To:** Fuller, Ken (BRPELS) <[Ken.Fuller@brpels.wa.gov](mailto:Ken.Fuller@brpels.wa.gov)>  
**Subject:** Re: IBR Tunnel Concept Evaluation

---

### External Email

---

Not sure I sent you this, but I have been attempting without success to determine who made the engineering error so I could get it corrected. It was that error that has made WSDOT so set on not stamping the tunnel assessment report.

On Jan 9, 2023, at 3:28 PM, Robert Wallis <[bobwallis1948@yahoo.com](mailto:bobwallis1948@yahoo.com)> wrote:

I am emailing to inform you of an apparent engineering error in the IBR's Tunnel Concept Evaluation.

A conceptual layout of the immersed tube tunnel option was developed and presented in a report entitled "Tunnel Concept Assessment". The layout included a vertical alignment that appears to be significantly deeper than it needs to be where it intersects the north bank of the river; with the end result being unrealistically high costs and the fact that the connections to Downtown Vancouver cannot be made due to excessive grades.

The excessive depth of the tunnel at the north bank of the river is due to the fact that the main navigation channel is located next to the river bank, instead of in the center of the river where it would have been relocated should the tunnel be constructed. A credible conceptual engineering effort would have developed the vertical alignment assuming the relocation of the navigation channel to the center of the river. In my opinion, to do otherwise makes no sense whatsoever. It is an error that had significant consequences on the outcome of the decision to reject the tunnel as a viable option.

As you know, I felt the Tunnel Concept Assessment should have been stamped by a professional engineer. In trying to determine why it was not, I discovered this error. I am still trying to resolve the issue with the engineering stamp and will get back to you when I do. In the interim, please let me know if you disagree that this was in fact a significant error.

Robert Wallis, PE

**Wherrett, Mackenzie (BRPELS)**

---

**From:** Fuller, Ken (BRPELS)  
**Sent:** Monday, February 20, 2023 8:20 AM  
**To:** Peden, David (BRPELS Board Member); Wengler, James (BRPELS Board Member); Hendrickson, Douglas (BRPELS Board Member)  
**Cc:** Wherrett, Mackenzie (BRPELS); Short, Jill (BRPELS)  
**Subject:** FW: WSDOT engineering report  
**Attachments:** Eng Report Assessing Tunnel Option REV 2023-01-25.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Additional correspondence for PC and Board Packett

---

**From:** Robert Wallis <bobwallis1948@yahoo.com>  
**Sent:** Saturday, February 18, 2023 7:10 AM  
**To:** Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>  
**Subject:** WSDOT engineering report

External Email

I prepared a draft engineering report addressing the tunnel assessment error and would like to finalize it but wanted first to make sure an error was made, which is why I was hoping to find out who was in responsible charge.

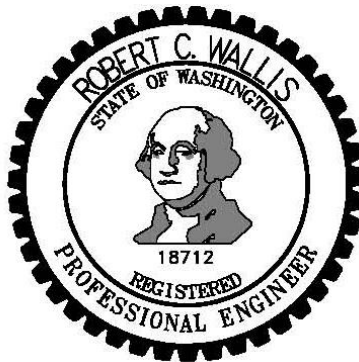
I hope you have a chance to hear Program Administrator Greg Johnson's few minutes of talk to the Joint Legislative Committee prior to next weeks meeting.

thanks

# DRAFT Engineering Report

## An Assessment of the Decision To Reject a Tunnel as a Viable Option to Replace the I-5 Bridge Over the Columbia River

January 25, 2023



**Seriously Civil**  
215 West 4th Street, Suite 102  
Vancouver, Washington 98660  
360.977.8007

# Table of Contents

Introduction..... 1  
Conclusion ..... 1  
Background..... 2  
The “Tunnel too Deep” Error..... 2  
The Impact of the Conceptual Design Error Upon the Feasibility of the Tunnel ..... 3  
Was the Tunnel Elevation an Honest Mistake or Intentional Deceit? ..... 3

**Attachments:**

- Figure 3 from Tunnel Concept Assessment
- Figure 4 from Tunnel Concept Assessment

## Introduction

WSDOT and ODOT (the DOTs) are now proceeding with the design and environmental permitting for the Interstate Bridge Replacement Project (IBRP). This is the second try at replacing the existing I-5 bridge across the Columbia with a new one, 200 feet wide and 100 feet high above Vancouver's waterfront. The impacts of the bridge and its elevated ramps are considered by many to be nothing short of a blight upon Vancouver's downtown and waterfront.

To avoid those impacts, Downtown Vancouver business and property owners have been advocating for a tunnel instead of bridge. Local bike/ped advocates have joined them knowing that the tunnel offers huge advantages for those who bike and walk.

During the initial phases of the project, the DOTs rejected the tunnel as a viable option. This was based upon a flawed conceptual engineering design effort that erroneously concluded that the tunnel was too deep to allow freeway connections to Downtown Vancouver. That conceptual engineering design and the process by which it was used as a basis of decision-making has been criticized as being more about selling DOT's vision for a bridge replacement project than engineering a bridge replacement project whose vision is shaped by community needs. Project critics are referring to the process of implementing the bridge project as the "bridge scam".

Seriously Civil was retained by a group of those critics to evaluate the public record of decision making and provide a municipal engineering perspective regarding those criticisms. This report summarizes the findings of that evaluation. It is important to note that this is very limited in technical engineering scope, focusing primarily upon the integrity of the process by which all public projects are implemented. The findings reflect the perspectives of a municipal engineer rather than a highway engineer.

## Conclusion

The conclusions from this evaluation are:

1. The tunnel was rejected as a viable option on the basis of a comparison of the conceptual design concepts for both bridge and tunnel options. That comparison was not credible. The decision to proceed with preliminary engineering and an EIS was a mistake.
2. The tunnel-bridge comparison evaluation was not credible because of an engineering error in the conceptual design of the tunnel option. That error led to the tunnel depth being extremely exaggerated. By exaggerating the depth, the freeway connections to Downtown Vancouver become impossible. In short, an engineering error caused the tunnel option to be rejected. Without the error, the tunnel may have been selected as the preferred option.
3. It is impossible to say whether the over-exaggeration of tunnel depth was intentional or an honest mistake. It appears to have been an intentional mistake.
4. Given the fact that both ODOT and WSDOT have a long history of maintaining very high ethical standards, if a breach of ethics did occur, it was likely done with the goal of saving tax and time by salvaging as much of the \$170 million investment in the CRC EIS as possible. Despite that fact, an intentional "mistake" in an engineering report that the public relied upon to provide input into decision making is should not be tolerated. If in fact the elected officials within the State Legislatures were also intentionally deceived along with the public, the IBR project team leadership should be replaced.

## Background

WSDOT and ODOT (the DOTs) together are making another try at gaining public acceptance of a proposed \$7.5 billion bridge replacement project on I-5 across the Columbia River. This is a continuation of the CRC (Columbia River Crossing) program begun 20 years ago and abandoned 10 years later.

The CRC began with an initial screening of bridge replacement options. During that screening, they evaluated a type of tunnel called a “bored tunnel”. That option was determined not to be feasible for a variety of reasons.

The current effort, renamed as the IBRP (Interstate Bridge Replacement Project), picked up where the CRC left off. An initial assumption was that the CRC tunnel screening effort was still valid. Again, a screening effort that rejected the tunnel as a viable option. One individual in particular, a Seattle engineer named Bob Ortblad, raised the question – why was a type of tunnel called “immersed tube tunnel” (ITT) not evaluated as an option? An immersed tube tunnel does in fact appear to have significant advantages over the “bored tunnel” concept evaluated as part of the CRC.

In response to the concerns of Mr. Ortblad and others, the DOTs completed an engineering evaluation of the ITT option and summarized their evaluation in a report entitled Tunnel Concept Assessment. That relied upon in a conceptual alternative evaluation that addressed both the “bored” and “immersed tube tunnel” options as well as two bridge options. That evaluation concluded that the tunnel option was not feasible, primarily because its excessive depth made it much more costly, and also prevented connecting the freeway expansion to Downtown Vancouver. Project critics believe that the Tunnel Concept Evaluation was more of a sales effort, than an engineering effort.

Despite the criticisms, the DOTs managed to gain public approval to proceed with a more detailed engineering evaluation of their “mega-bridge” options. At that point, those alternatives were all variations of the bridge project that was embedded in the CRC EIS.

Eventually a preferred alternative was selected (called the Modified Local Preferred Alternative, or LPA for short). The LPA was approved by a variety of local advisory groups and both state governments. With that approval, the DOT’s proceeded with preliminary design and EIS finalization for a bridge project (again, building upon the failed CRC EIS).

## The “Tunnel too Deep” Error

In the Tunnel Concept Assessment referred to above, a conceptual design error was made with the end result being that the tunnel was assumed to be much deeper than necessary. This was a result of the failure to assume that the main navigation channel would be relocated from its existing location near the north bank of the Columbia to the center of the river. To understand this, please note:

1. As shown on the attached Figure 3 from the Tunnel Concept Assessment, there are currently three navigation channels crossing the potential alignments of the tunnel, with the Primary Channel being located within close proximity to the north bank of the Columbia River under the lift-span of the bridge. In addition, there are two barge channels located under the two highest spans of the existing bridge to the south.
2. As shown on the attached Figure 4 from the Tunnel Concept Assessment, the low point of the tunnel was assumed to be below the Primary Channel near the north bank of the Columbia. By erroneously assuming that the Primary Channel would not be relocated, the low point of the tunnel is approximately 100 feet below the north bank of the river.

3. If a tunnel were to be constructed, regardless of its depth, it is logical to assume that the three channels would be combined into a single channel in the middle of the river. That “Primary Channel” is currently maintained through the entire length of the Columbia River except at bridges where multiple channels are needed to avoid bridge piers. A credible (no errors) conceptual tunnel design would have assumed that the channel would be relocated to the center of the river. Doing so would have put the low point of the tunnel near the center of the river instead of near the north bank. By sloping the tunnel up from the center of the river to the riverbanks, the tunnel would be much higher in elevation at its banks and inland. Instead of the tunnel being 90 feet deep at the north bank (Vancouver) as was assumed in the flawed DOT conceptual design, it would be about 45-feet deep.

In short, by failing to make the logical assumption that the Primary Channel would be relocated to the center of the river, the tunnel was conceptually designed to be much deeper than necessary where it touches upon land on both sides of the river. In essence, this was a “tunnel too deep” error.

## **The Impact of the Conceptual Design Error Upon the Feasibility of the Tunnel**

As mentioned above, the error in regards to the channel location assumption significantly exaggerated the depth of the tunnel. If that error had not been made, the tunnel would be much higher in elevation, which would have the following impacts upon its feasibility as compared to the bridge option:

1. The tunnel would be significantly less costly than assumed. In the flawed tunnel versus bridge comparison, the DOTs have given the high cost of the tunnel as a major reason for rejecting it.
2. The tunnel would allow on/off ramp connections to Downtown Vancouver. In the flawed tunnel versus bridge comparison, the DOTs have assumed that connections to Downtown would not be feasible.

The City of Vancouver is the single local government that is most negatively impacted by the “tunnel too deep” error. The proposed bridge and its elevated ramps would have a very negative impact upon Vancouver’s downtown and its waterfront. It would require a 70-foot high elevator for the waterfront transit stop, which would very likely significantly limit its use. It is unlikely that any of these impacts were considered by the City when they approved the Local Preferred Alternative, simply because city officials were under the false impression that the tunnel could not provide connections to downtown. This, as stated previously, with a tunnel, connections to Downtown Vancouver would not only be very feasible, but would likely provide superior connections as compared to the bridge option.

## **Was The Tunnel Elevation an Honest Mistake or Intentional Deceit?**

Some project critics have contended that the “tunnel too deep” mistake was not an honest mistake, but a sleight-of-hand to deceive the public into believing the tunnel option was not feasible. These project critics have asked two questions:

1. Was the engineering error that led to the decision to reject the tunnel option from further consideration an honest mistake, or was it done on purpose to deceive the public?



2. Did the IBR sales effort (“project packaging”) that is so apparent in the implementation of the IBRP cross the ethical line separating public service from public fraud?

It is impossible to answer either question. What is apparent is:

1. The fact that the engineering report which summarized the conceptual design effort was not stamped by a professional engineer, as would be expected given the nature of the report, suggests that the individual in responsible charge of the report was aware of the error and unwilling to put their stamp on the report to avoid professional liability.
2. In regards to the issue of fraud, if the error was intentional deceit, the ethical standards for the implementation of mega-transportation projects are so low that such action would be considered “acceptable” by most governing agencies. Unfortunately, deceiving the public has become accepted practice in the implementation of mega-transportation projects. The polite term for such deceit is “packaging”.

### ***The Failure To Provide An Engineering Stamp***

The fact that the Tunnel Concept Assessment was not stamped by a professional engineer strongly suggests that the error was intentional. In questioning WSDOT officials about the matter, they have stated that they did not consider a stamp necessary. The Washington State Board of Registration for Professional Engineers and Land Surveyors has made an initial determination that a stamp was not required, however that decision is currently being disputed. The legal issues are sufficiently strait-forward, that anyone can draw their own conclusion and it would probably be correct.

Washington State has well-written laws that govern the practice of engineering and the requirements for stamping engineering documents. There are good reasons for those laws, further discussed below. Washington Administrative Code (WAC) WAC 196-23-020 states:

*“Seal/stamp usage.*

*The use of the seal/stamp must be in accordance with chapter [18.43 RCW](#) or as otherwise described herein:*

*(1) Final documents are those documents that are prepared and distributed for filing with public officials, use for construction, final agency approvals or use by clients. Any final document must contain the seal/stamp, signature and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, specifications, plats, surveys, land descriptions as defined in WAC [332-130-020](#), reports, and as-built documents prepared by the licensee.*

*(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "preliminary" or contain such wording so it may be differentiated from a final document. Preliminary documents must be stamped, but need not be signed or dated by the licensee.”*

The fact is that the Tunnel Concept Assessment was “*distributed for filing with public officials*” for “*final agency approvals*”. The transportation commissions of both Oregon and Washington approved the DOT’s proposed Local Preferred Alternative, which was selected following the rejection of the tunnel option, which again was based upon the Tunnel Concept Assessment.

Because the report was used for “*final agency approvals*”, it appears as though the Tunnel Concept Assessment should have been stamped by a professional engineer. Although it is not totally clear why the IBR project team failed to put a professional stamp on a technical document that was the basis for one of the more important decisions being made in the IBRP process, it is understandable that some project critics contend that the document was not stamped because none of those involved wanted to take responsibility for the error.

State laws regarding the use of an engineering stamp exist for good reasons. Elected officials and their citizenry frequently rely upon engineers to provide expert advice in making policy and project decisions. By placing a professional stamp upon any document that supports that expert advice, an engineer is taking responsibility for the accuracy of that advice. This is particularly important with public works projects simply because of the long history of corruption involved in such projects. In essence, state laws regarding professional licensing exist partly to maintain integrity in the process of building public infrastructure – a process that is intended to provide the public, typically through their elected officials, a final say on how their tax dollars get spent. In essence, the law in regards to the use of professional stamps helps prevent fraud.

### ***It Was “Packaging”***

Over the past few decades, it has become increasingly common for public agencies who are responsible for mega-transportation projects to deceive the public in the interest of overcoming project opposition.

According to an expert on mega infrastructure projects – Bent Flyvbjerg, the Danish professor of Urban Economics at Oxford University – public deceit is not uncommon in the implementation of mega-transportation projects like the IBRP. Although many other prominent engineers, including Bob Ortblad, have drawn attention to the problem of deceit in public projects, none have illuminated this mega-project deceit as well as San Francisco Mayor Willie Brown, who wrote in a 2013 newspaper column:

*“In the world of civic projects, the first budget is really just a down payment. If people knew the real cost from the start, nothing would ever be approved. The idea is to get going. Start digging a hole and make it so big there’s no alternative to coming up with the money to fill it in.”*

Project critics should keep in mind that the firm leading the project is WSP-USA, an international infrastructure consulting firm headquartered in Canada and having over 50,000 employees. It is very likely that the DOTs selected that firm to lead the project because they did not want to repeat their first try at a bridge replacement., which failed partly because of inadequate project “packaging”. Here is how Lou Cornell, current CEO of WSP-USA, views packaging. He is on record as saying:

*“Clients are now coming to us looking for solutions rather than purely design or construction services as they are facing greater challenges with their ultimate clients or recipients, and the work is therefore being packaged differently.”*

There is no question that WSP is doing a superb job of “packaging” the IBR. Nor that the DOT’s viewed such packaging as both necessary and in the public’s best interest. It appears that with the IBR project, the DOTs view the end to justify the means. As mentioned, there is a very low “ethical bar” in regards to the means.

The question, which cannot answer, is whether or not the “packaging” went beyond deceiving the public to deceiving the elected officials who are ultimately responsible for the DOT’s actions. Professor Flyvbjerg, who has studied the matter extensively, feels that such deceit has become common with mega projects. He points out that the practice of selling the public in the interest of public good, has moved into

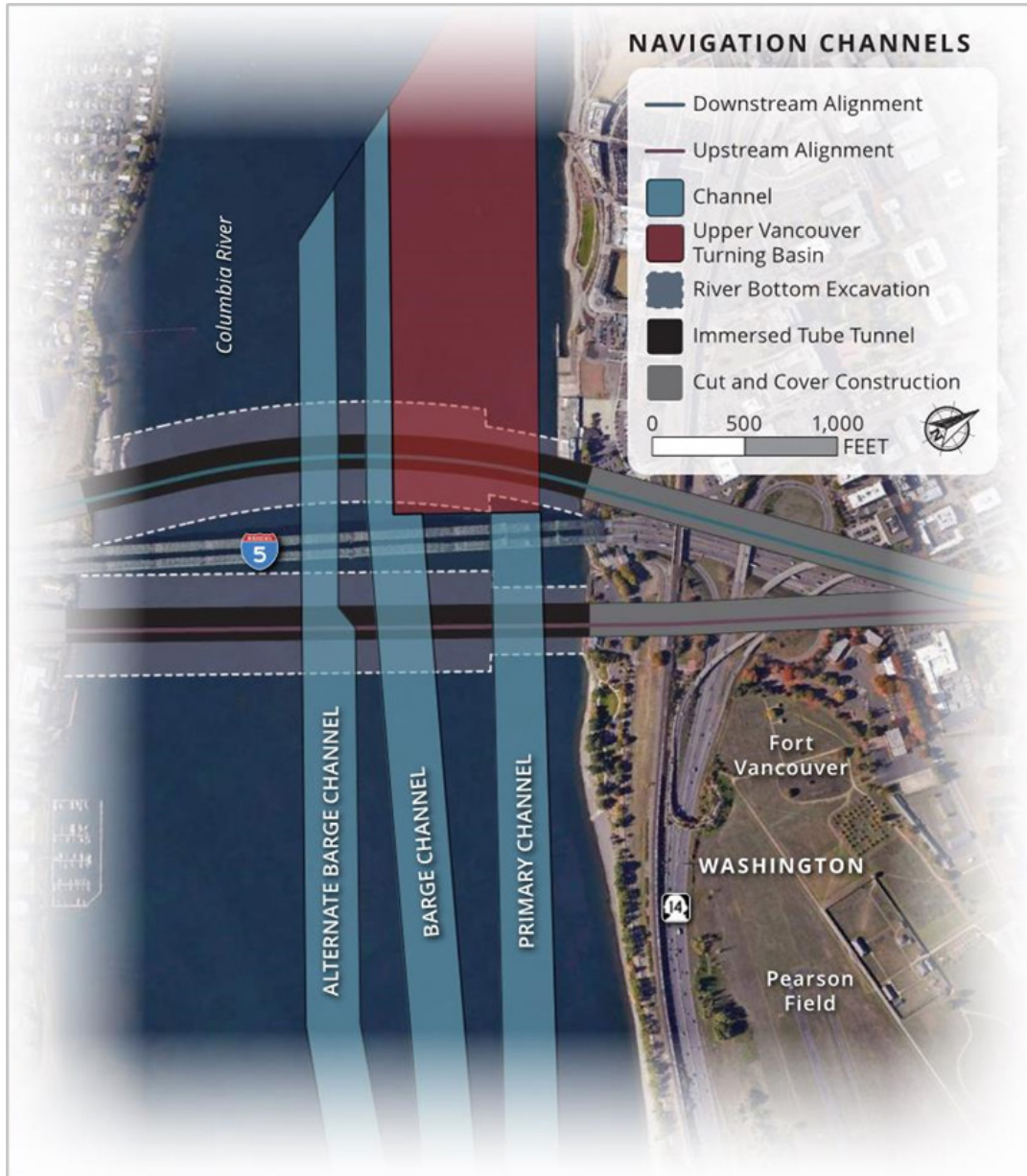
selling the elected officials. If it has in the case of the IBRP, that is most unfortunate for both the public and the two DOTs. Once agencies and their consultants start giving their elected officials false information instead of facts, the entire process that governs how infrastructure tax dollars get spent is undermined.

## Attachments

Figure 3 from Tunnel Concept Assessment

Figure 4 from Tunnel Concept Assessment

Figure 3. Columbia River Navigation Channels



The Upper Vancouver Turning Basin, downstream of the existing Interstate Bridges, has an authorized depth of 35 feet (see Figure 4).

Upstream of the existing Interstate Bridge are three navigation channels: the primary channel, barge channel, and alternate barge channel. All three channels have an authorized depth of 27 feet (see Figure 5). USACE maintains the navigation channels through continuous dredging operations. Currently, USACE maintains the channels to a depth of 17 feet below zero Columbia River Datum

(CRD); however, any project must comply with the authorized depth of the channel. The authorized channel depth of 27 feet extends approximately 90 miles upriver to The Dalles, Oregon.

Figure 4. Navigation Channel for the Downstream Alignment

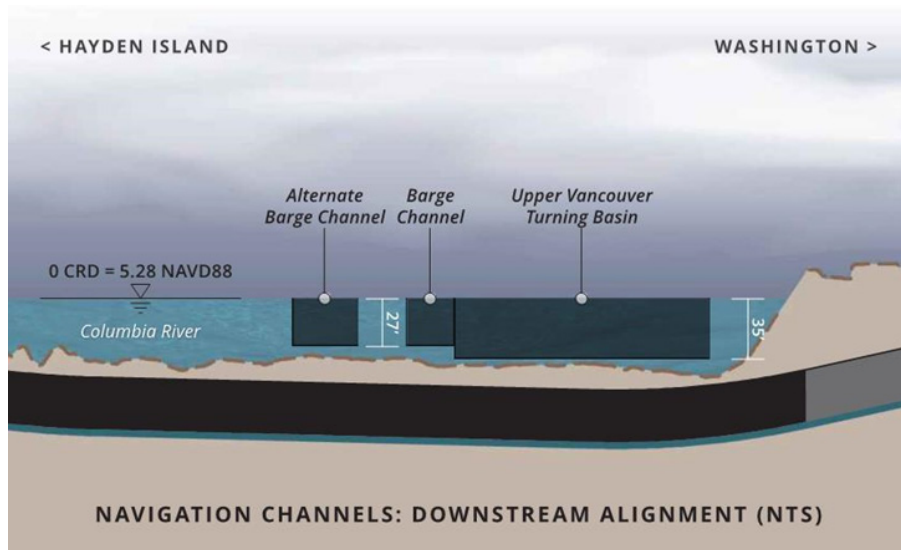
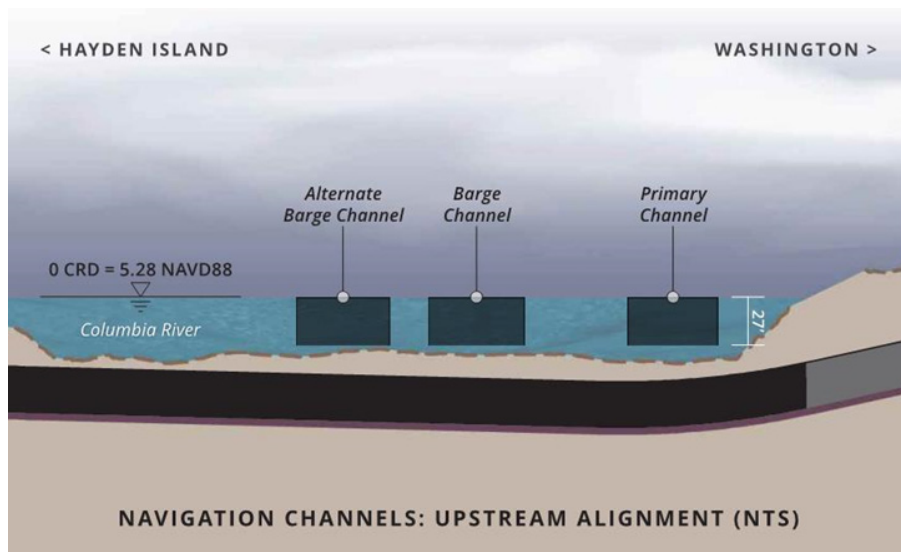


Figure 5. Navigation Channel for the Upstream Alignment



USACE requires that any civil works below the turning basin or navigation channels must be placed below the authorized depths and include an additional 5 feet of depth for advanced maintenance dredging. This is to allow for excess over-dredging required to maintain the authorized channel depth.

## Wherrett, Mackenzie (BRPELS)

---

**From:** Fuller, Ken (BRPELS)  
**Sent:** Monday, February 20, 2023 8:21 AM  
**To:** Peden, David (BRPELS Board Member); Hendrickson, Douglas (BRPELS Board Member); Wengler, James (BRPELS Board Member)  
**Cc:** Wherrett, Mackenzie (BRPELS); Short, Jill (BRPELS)  
**Subject:** FW: IBR Tunnel Concept Evaluation (TCE)

Additional Correspondence for PC and Board Packet

Ken

---

**From:** Robert Wallis <bobwallis1948@yahoo.com>  
**Sent:** Sunday, February 19, 2023 3:02 PM  
**To:** Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>  
**Cc:** Martin <slapikasm@gmail.com>  
**Subject:** IBR Tunnel Concept Evaluation (TCE)

---

### External Email

---

As I mentioned, there is no question that WSDOT has and continues to represent the TCE as an engineering report. It is pretty clear if one listens to IBR Program Administrator Greg Johnson at last week's Joint Legislative Meeting (at timeline 2:07 to 2:15), this will become clear. That can be found at <https://tvw.org/video/joint-oregon-washington-legislative-action-committee-2022051152/?eventID=2022051152>.

At another public meeting specifically held to debate a tunnel versus bridge option, WSDOT team members held up the IBR Tunnel Concept Evaluation (TCE) and stated that the names shown were professional engineers who had "signed off" on the report. A representative of WSDOT actually handed out a card with the QR code so that members of the audience could easily access the TCE. The person handing out the QR code used the exact words "engineering report".

A question please. Given the fact that the TEC was presented to the public as representing the professional opinion of the engineers whose name were on the report, should not they all be registered in the State of Washington?

Thanks



## Wherrett, Mackenzie (BRPELS)

---

**From:** Fuller, Ken (BRPELS)  
**Sent:** Monday, February 20, 2023 8:24 AM  
**To:** Peden, David (BRPELS Board Member); Hendrickson, Douglas (BRPELS Board Member); Wengler, James (BRPELS Board Member)  
**Cc:** Wherrett, Mackenzie (BRPELS); Short, Jill (BRPELS)  
**Subject:** FW: IBR Tunnel Assessment Evaluation

Last of the correspondences for PC and Board packet on this subject

I apologize for sending these on at last minute but wanted to have you preview of these prior to the meeting. I informed MR. Wallis of public comments may be 3 minutes unless the committee wanted for clarifications.

Ken

---

**From:** Robert Wallis <bobwallis1948@yahoo.com>  
**Sent:** Monday, February 20, 2023 6:43 AM  
**To:** Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>  
**Subject:** IBR Tunnel Assessment Evaluation

---

### External Email

---

Mr. Ken Fuller,

I am following up on my letter to you dated December 29, 2022. First, I would like to summarize key points from that letter.

1. There is no question that the Tunnel Assessment Evaluation is an engineering report.
2. There is no question that WSDOT has and continues to represent the tunnel assessment evaluation as an engineering report. All one has to do is listen to IBR Program Administrator Greg Johnson at last years Joint Legislative Meeting (at timeline 2:07 to 2:15) and this will become clear. That can be found at <https://twv.org/video/joint-oregon-washington-legislative-action-committee-2022051152/?eventID=2022051152>. At public meeting two months ago to discuss the tunnel option, Mr. Johnson said the same thing. To back him up, a representative of WSDOT actually handed out a card with the QR code so that members of the audience could easily access the TCA. The person handing out the QR code used the exact words - "engineering report".
3. It is clear to me that the report should have been stamped by a professional engineer.

Since writing my previous letter, I now believe that WSDOT has been unwilling to seal the report because it contains an error which misinformed the public and materially impacted a very important public decision. I would be pleased to provide details on that item, but it is immaterial to the issue at hand.

From my perspective, the licensing law has two purposes; 1) maintain high technical standards, and 2) maintain high ethical standards. Frankly, the first does not matter with WSDOT plans and specifications because all of their engineering is so codified that the technical issues are irrelevant.

The ethical aspects of the licensing law particularly matter on public projects because the professional license lends credence to the voice of reason (engineering) in a very collaborative decision-making process where a professional engineer's credentials helps influence decision making by elected officials who have limited understanding of the technical issues.

My views are those of a consulting engineer with four decades experience working collaboratively with local governments on at least 100 important infrastructure decisions. Very seldom did elected officials or the public engaged in the process completely understand the more complex technical or financial matters. They trusted me and their engineering staff. Our professional licenses were an important part of that trust. My stamp on an engineering report that they relied upon in making decisions mattered in their decision making because of that stamp.

One of the principals adopted by the League of Women Voters is "good government depends upon an active involvement of informed citizens". It has been my experience that good public infrastructure depends upon the same thing. I believe that WSDOT is using the Tunnel Assessment Evaluation to misinform the public. The public is accepting that document partly because it reflects the professional opinions of professional engineers. Yet none have stamped it. Nor has anyone from WSDOT. In my opinion, if they can ignore the law regarding the professional stamp, then why should anyone else not also ignore that law.

Thank you.