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Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE MIDEAST AWARENESS)
CAMPAIGN, a Washington non-profit)
corporation,)

Plaintiff,)

vs.)

KING COUNTY, a municipal corporation,)
Defendant.)

No. 2:11-cv-00094-RAJ

DECLARATION OF MICHAEL
LEMESHKO IN SUPPORT OF KING
COUNTY'S BRIEF IN OPPOSITION
TO SEATTLE MIDEAST
AWARENESS CAMPAIGN'S
MOTION FOR PRELIMINARY
INJUNCTION

Noted for February 11, 2011

I, Michael Lemeshko, declare that:

1. I am over the age of 18 and competent to testify and base this declaration on personal knowledge.

2. I am the Transit Safety Supervisor for King County Metro Transit ("Metro"). I am the supervisor of 8 safety officers, 1 safety chief and 4 administrative staff in the Transit Safety Unit. I have been employed by Metro for over 30 years and during that time I have held

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OF KING COUNTY'S BRIEF IN OPPOSITION TO SEATTLE
MIDEAST AWARENESS CAMPAIGN'S MOTION FOR
PRELIMINARY INJUNCTION - 1 (11-00094 RAJ)

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CIVIL DIVISION, Litigation Section
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Seattle, Washington 98104
(206) 296-8820 Fax (206) 296-8819

1 various positions including transit operator, first line supervisor, base operations chief, service
2 quality chief and transit safety officer.

3 3. The Transit Safety Unit oversees and administers all safety and health programs
4 for the Transit Division. In addition, the Safety Unit educates employees in the areas of fleet and
5 industrial safety. Finally, we identify circumstances that pose hazards to safe operations and
6 propose resolutions to those hazards.

7 4. My areas of responsibility include the collection, compilation, analysis and
8 reporting of all accidents, safety failures and incident occurrences that affect Metro.

9 5. I believe I learned of the controversy involving the ad from the Seattle Mideast
10 Awareness Campaign (SeaMAC) on December 20, 2010 at a staff meeting with the Transit
11 General Manager, Kevin Desmond. During the meeting there were discussions of the possibility
12 of an interruption in transit services.

13 6. It is my understanding that some members of the public threatened to vandalize or
14 destroy advertising signs on the sides of transit vehicles while they are in service. It is also my
15 understanding that some people threatened to block or interfere with buses carrying the SeaMAC
16 ad.

17 7. Whenever pedestrians approach a bus that is in-service for a purpose other than
18 boarding the bus in a designated bus zone, there is a potential for unsafe contact or a collision. It
19 is also very stressful for our transit operators who are trying to maneuver very large, heavy
20 vehicle down public streets in a safe manner.

21 8. I have reviewed the records for Metro dating from 1991-2010 for events related to
22 pedestrian accidents with a bus. During those years, 210 incidents were documented involving
23 contact with pedestrians while a bus was entering or leaving a bus zone. My review noted that a

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1 number of these incidents involved pedestrians running for the bus, and while doing so, falling
2 against or under the bus.

3 9. Other actions involving contact with the buses include: falling against a bus,
4 walking into the side of a bus, being pushed into the bus, slipping off the curb and into the bus
5 zone, being struck by a mirror as the bus enters the bus zone, injuries from intentional contact
6 with the bus (kicking, etc.) and banging on the side of the bus.

7 10. There are people who have suffered injuries and death as a result of coming into
8 contact with the bus either while the bus is moving or while stationary.

9 11. Based on my experience in the Transit Division and in Safety in particular, it is
10 my opinion that there would have been an increased safety risk associated with members of the
11 public attempting to block Metro buses, or vandalize ads on the sides of Metro buses, especially
12 while the buses are in service.

13 12. If protestors were in close proximity to the buses during bus operations (in an
14 attempt to block the buses or vandalize the signs on the sides of the buses) such actions pose a
15 significant safety risk to the safe operations of the buses and those around the buses.

16 I hereby declare under penalty of perjury of the laws of the United States and the State of
17 Washington that the foregoing is true and correct.

18 SIGNED and DATED at Seattle, WA this 7th day of February, 2011.

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20 MICHAEL LEMESHKO

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**DECLARATION OF MICHAEL LEMESHKO IN SUPPORT
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