

Ordinance No. 12154

Council Bill No. 114927

me

AN ORDINANCE relating to the I-90 Corridor, authorizing the Mayor to execute an amendment to the 1976 Memorandum Agreement that adopts principles regarding future development of the I-90 Corridor between I-5 and I-405.

CF No. _____

Date Introduced:	JUN 14 2004	
Date 1st Referred:	JUN 14 2004	To: (committee) TRANSPORTATION
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	6-28-04	Full Council Vote: 9-0
Date Presented to Mayor:	6-29-04	Date Approved: 7/7/04
Date Returned to City Clerk:	7/7/04	Date Published: 2 pp. T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Committee Action:

6/22/04 PASSED UNANIMOUSLY ^{AS AMENDED} 3: _{CONUN}

6-28-04 Passed 9-0

This file is complete and ready for presentation to Full Council. **Con**

Law Department

Law Dept. Review

OMP Review

me
City Clerk Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Richard Conlin

Councilmember

Committee Action:

6/22/4 PASSED UNANIMOUSLY 3-0 YES
AS AMENDED (E) (D)
CONLIN, BODDAR, PALMISTON

6-28-04 Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee:

RC 6/22/04
(Initial/Date)

Law Department

Law Dept. Review

OMP Review

me
City Clerk Review

BMS
Electronic Copy Loaded

Indexed

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORTATION

T.O.
F.T. _____

ORDINANCE 121514

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2
3 AN ORDINANCE relating to the I-90 Corridor, authorizing the Mayor to execute an amendment to the
4 1976 Memorandum Agreement that adopts principles regarding future development of the I-90
5 Corridor between I-5 and I-405.

6 WHEREAS, in November 1996, the voters of the three-county Sound Transit district approved Sound
7 Move, the ten-year regional transit system plan; and

8 WHEREAS, Sound Transit (formally known as the Central Puget Sound Regional Transit Authority) is
9 proceeding to implement the Sound Move plan; and

10 WHEREAS, an integral part of Sound Transit's Regional Express program, which implements portions of
11 the Sound Move plan, is a project to provide an all-day, two-way transit and high-occupancy
12 vehicle (HOV) facility on I-90 between Seattle and the east side of Lake Washington; and

13 WHEREAS, on April 25, 2003, Sound Transit, the Washington State Department of Transportation, and
14 the Federal Highway Administration issued a draft environmental impact statement to satisfy the
15 requirements of both the National Environmental Policy Act and the Washington State
16 Environmental Policy Act; and

17 WHEREAS, on July 14, 2003, the Seattle City Council adopted Resolution 30613 relating to the I-90
18 Two-Way Transit and HOV Operations project; and

19 WHEREAS, on May 21, 2004, the Final Environmental Impact Statement for the I-90 Two-Way Transit
20 and HOV Operations project was issued; and

21 WHEREAS, the City of Seattle has a significant interest and stake in the outcome of the I-90 Two -Way
22 Transit and HOV Operations project; and

23 WHEREAS, the parties to the 1976 Memorandum Agreement, the execution of which was authorized
24 by Ordinance 106077, agree that Alternative R-8a with High Capacity Transit deployed in the
25 center lanes is the ultimate configuration for I-90 in this segment; and

26 WHEREAS, construction of the R-8A alignment shall commence once Alternative R-8A is adopted
27 through an amendment to the 1976 Memorandum Agreement, and the funding is acquired, and
28 this shall be the first step toward the ultimate configuration; and

WHEREAS, dependent upon the outcome of ongoing and future studies and upon the acquisition of
funding, the center roadway is to be converted to two-way High Capacity Transit operation; and

WHEREAS, the City of Seattle is committed to the principles of the 1976 Memorandum Agreement,
which specifically limit the facility to "accommodate no more than eight motor vehicle lanes"
with no more than "three general-purpose lanes in each direction," and notes that the
Amendment to the 1976 Memorandum Agreement does not change that configuration; and

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1 WHEREAS, the City of Seattle is committed to seeking funding for the implementation of High
2 Capacity Transit simultaneously with the implementation of Alternative R-8A; and

3 WHEREAS, the City of Seattle considers light rail transit as the preferred technology for High Capacity
4 Transit operations in the I-90 corridor; and

5 WHEREAS, the City of Seattle wants to ensure that key policy principles are articulated in an
6 amendment to the 1976 Memorandum Agreement (1976 Memorandum Agreement attached
7 hereto as Attachment 1) prior to implementation of the I-90 Two-Way Transit and HOV
8 Operations project; NOW, THEREFORE,

9 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

10 Section 1. The Seattle City Council authorizes the Mayor to execute the Amendment to 1976
11 Memorandum Agreement attached hereto as Attachment 2.

12 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its
13 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
14 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

15 Passed by the City Council the 28th day of June, 2004, and signed by me in open
16 session in authentication of its passage this 28th day of June, 2004.

17
18 Jan Drago
19 President _____ of the City Council

20 Approved by me this 7 day of July, 2004.

21 Gregory J. Nickels
22 Gregory J. Nickels, Mayor

23 Filed by me this 7 day of July, 2004.

24 [Signature]
25 City Clerk

26 (Seal)

27 Attachment 1: 1976 Memorandum Agreement (filed with Ordinance 106077)
28 Attachment 2: Amendment to 1976 Memorandum Agreement



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Jonathan Layzer, 684-8084	Jennifer Devore, 615-1328

Legislation Title: AN ORDINANCE relating to the I-90 Corridor, authorizing the Mayor to execute an amendment to the 1976 Memorandum Agreement that adopts principles regarding future development of the I-90 Corridor between I-5 and I-405.

• **Summary of the Legislation:**

This legislation authorizes the Mayor to execute an amendment to the 1976 Memorandum Agreement adopting principles regarding future development of the I-90 Corridor between I-5 and I-405. Council's authorizing the Mayor to execute the amendment would enable the ultimate configuration of I-90, which includes High Capacity Transit in the middle lanes, to become a reality.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

In November 1996, the voters of the three-county Sound Transit district approved Sound Move, the ten-year regional transit system plan. An integral part of Sound Transit's Regional Express program is a project to provide an all-day, two-way transit and high-occupancy vehicle (HOV) facility on I-90 between Seattle and the east side of Lake Washington. In April, 2003, Sound Transit, the Washington State Department of Transportation, and the Federal Highway Administration issued a draft environmental impact statement to satisfy the requirements of both the National Environmental Policy Act and the Washington State Environmental Policy Act. On July 14, 2003, the Seattle City Council adopted Resolution 30613 relating to the I-90 Two-Way Transit and HOV Operations project. The final environmental impact statement was issued on May 21, 2004. The City of Seattle has a significant interest and stake in the outcome of the I-90 Two-Way Transit and HOV Operations project and we want to ensure that key policy principles are articulated in an amendment to the 1976 Memorandum Agreement prior to implementation of the I-90 Two-Way Transit and HOV Operations project.

• *Please check one of the following:*

This legislation does not have any financial implications.

There will be no City money in this project.



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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 1, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill that authorizes the Mayor to execute an amendment to the 1976 Memorandum Agreement adopting principles regarding future development of the I-90 Corridor between Seattle and Bellevue. This amendment will help insure that the City's interests are protected regarding the I-90 Two-Way Transit and HOV Operations project. The amendment itself articulates key policy principles in which Seattle has a significant interest. Council's adoption of this amendment would enable the ultimate configuration of I-90, which includes High Capacity Transit in the middle lanes, to become a reality. The City of Seattle believes the only mode of High Capacity Transit that is appropriate for the I-90 bridge is light rail and will work with Sound Transit to try to secure funds to make light rail a reality.

On May 21, 2004, the Federal Highway Administration (FHWA), Sound Transit and the Washington State Department of Transportation issued the Final Environmental Impact Statement for the I-90 Two-Way Transit and HOV Operations project. The Sound Transit Board is scheduled to take action on the project to be implemented and the amendment to the 1976 Memorandum Agreement in June 2004. The State Transportation Commission is scheduled to take action on the change to the I-90 operation and configuration and the amendment to the Memorandum Agreement after the Sound Transit Board takes action. The Bellevue City Council has already unanimously approved the amendment and the King County and Mercer Island Councils are expected to take action in May/June 2004. Final action on the project, issuance of a Record of Decision by the FHWA is anticipated later this summer after Sound Transit and the State Transportation Commission take action.

Thank you for your consideration of this legislation. Should you have questions, please contact Grace Crunican at 684-5000.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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MEMORANDUM AGREEMENT

City of Seattle
City of Mercer Island
City of Bellevue
King County
Metro
Washington State Highway Commission

December, 1976

ATTACHMENT I

91

CITY
FOK

MEMORANDUM AGREEMENT

WHEREAS, the cities of Seattle, Mercer Island and Bellevue; the Municipality of Metropolitan Seattle (hereinafter "Metro"); and King County by and through their respective councils and the Washington State Highway Commission (hereinafter "the Commission") desire to resolve the disputes which have surrounded the plans to construct an improved Interstate 90 (I-90) facility between Interstate 405 (I-405) and Interstate 5 (I-5); and

WHEREAS, there is a desire to create an environment of cooperation in which agreement is reached among all parties concerned relative to the design of the I-90 facility and related transportation projects; and

WHEREAS, the decisions of the Ninth Circuit Court of Appeals of the United States District Court for the Western District of Washington have required that all alternatives to the proposed highway be studied; and

WHEREAS, all parties hereto state that they have reviewed the proposed highway development and all currently available alternatives to it, including the option of withdrawal and substitution; and

WHEREAS, the I-90 facility from I-405 to I-5, when constructed, must contain all of the social and environmental amenities included in the Commission's previously adopted plans and modifications thereof contained in the Findings and Order of the Board of Review in order to be acceptable to all jurisdictions; and

WHEREAS, the parties believe that construction of the agreed upon I-90 facility will be of definite advantage to all four local jurisdictions because it will provide an excellent transit way between Seattle, Mercer Island and Bellevue; it will eliminate the dangerous three-one reversible lane operation presently employed in that corridor; it will provide improved truck access from the east to Seattle's south industrial/commercial area and port; it will provide improved capacity in the off-peak direction; it will probably provide an improved facility sooner than other approaches; it will provide access to and from I-90 and I-5 south of downtown Seattle eliminating traffic presently going through Beacon Hill residential areas; it will provide many jobs for our citizens during the period of construction; and it will repair the corridor and help knit together the communities now split by U.S. 10 west of the Mount Baker ridge and across Mercer Island; and

WHEREAS, the parties have concluded that withdrawal and substitution is not a desirable option because it would double the local matching monies required and because Mercer Island and Seattle find unacceptable a major highway/transit I-90 facility without extensive environmental amenities which amenities might not be funded under the withdrawal and substitution alternative; and

WHEREAS, it is in the best interest of the citizens of the Puget Sound area and the State of Washington that this segment of I-90 be completed in an expeditious manner; and

WHEREAS, all jurisdictions believe that sufficient public hearings have been held on the project and that no further hearings should be held unless legally required; and

WHEREAS, the parties desire to identify and establish a reasonable assurance of construction of certain priority public transportation facilities which are contained in the 1990 Transportation System Plan for the Central Puget Sound Region and which serve to ensure that I-90 functions as an integral part of the region's transportation system; and

WHEREAS, the parties desire to ensure that these future improvements are consistent with the goals and policies for regional development presently under consideration by the Puget Sound Council of Governments (hereinafter "PSCOG") and the subsequent subregional land use element of the Regional Development Plan for the Central Puget Sound Region;

NOW THEREFORE, in consideration of the mutual and reciprocal benefits accruing to each of the parties hereto, it is hereby agreed as follows:

1. The Cities of Seattle, Mercer Island and Bellevue; King County; Metro and the Commission support the construction of a facility which will accommodate no more than eight motor vehicle lanes which are arranged in the following general manner:
 - (a) Three general-purpose motor-vehicle lanes in each direction shall be constructed between the South Bellevue Interchange and I-5. In addition, there will be provision for necessary weaving lanes and possible local access across the East Channel, to be determined in accordance with paragraph 1(e) below.

- (b) The facility shall also contain provision for two lanes designed for and permanently committed to transit use. The eastern and western termini for these lanes shall be designed to facilitate uninterrupted transit and carpool access to downtown Seattle and to downtown Bellevue in accordance with paragraph 3 hereinbelow. The design shall be such as to accommodate the operation of the two transit lanes in either a reversible or in a two-way directional mode.
- (c) The facility shall be designed in a manner which, as much as practicable, minimizes the width of the roadway and the taking of land.
- (d) To the extent practical, the facility shall provide priority by-pass access for local transit to the general purpose motor-vehicle lanes.
- (e) The parties agree that the transit lanes shall operate initially in a two-way directional mode, at no less than 45 mph average speed, with the first priority to transit, the second to carpools, and the third to Mercer Island traffic. In the direction of minor flow, the transit lane shall be restricted to busses. The parties further agree that the initial operation of the East Channel bridge shall consist of only three general purpose auto

lanes in each direction in addition to the transit lanes. In addition, there will be an acceleration lane from the South Bellevue Interchange which will terminate prior to the exit ramp at the East Mercer Interchange. The subsequent mode of operation of the facility shall be based upon existing needs as determined by the Commission in consultation with the affected jurisdictions, pursuant to paragraph 14 of this agreement. That determination will consider efficient transit flow, equitable access for Mercer Island and Bellevue traffic, and traffic-related impacts on Seattle.

2. The I-90 facility shall be designed and constructed so that conversion of all or part of the transit roadway to fixed guideway is possible.
3. The parties recognize that the planning, design and construction of efficient access at the eastern terminus and western terminus of this facility will enhance the operation of I-90 as a regional transportation facility. Therefore, the Commission, jointly with Seattle, Mercer Island, Bellevue, King County, and Metro, as their respective interests and responsibilities may dictate, shall immediately upon execution of this agreement undertake the development of the necessary plans and designs for, and shall further proceed, with

the required public hearings and the preparation of the necessary environmental impact statements in order to obtain maximum eligibility for Federal Interstate funding for the construction of the following projects:

- (a) Transit access from I-90 to downtown Seattle;
- (b) Transit access from I-90 to I-405 and to the Bellevue central business district;
- (c) Transit and general-purpose access from I-90 to the King County Stadium area; and
- (d) Transit and general-purpose access from I-90 to arterials serving the north Duwamish industrial/commercial area and the Seattle waterfront;
- (e) Transit access from I-90 transit lanes to I-5;

For any of the above projects or portions thereof which are not eligible for Federal Interstate funding, the Cities, the County and Metro with full support of the Commission, shall seek any available funding for such projects and shall make reasonable effort to complete the construction thereof prior to the completion of I-90.

4. The parties further agree, except as otherwise provided in this agreement, that the modified design of the facility will preserve and incorporate all of the provisions for community amenities and for reducing adverse environmental impacts as contained in limited access plans adopted by the State Highway Commission for

- (a) the segment of I-90 from the West Shore of Mercer Island to the East Channel Bridge and for

(b) the segment from I-5 to the West Shore of Mercer Island (modified by the Findings and Order of the Board of Review dated March 26, 1973, and the Stipulation to Resolve Certain Issues incorporated therein, including but not limited to the provisions for a full lid tying affected Seattle neighborhoods together. The lid shall be constructed to permit park and/or two-story residential or business construction (not industrial uses) to take place on top of the highway between the Mt. Baker tunnel and 23rd Avenue South. Additional loads may be acceptable following specific agreement between the Commission and the City of Seattle. The Commission agrees to fund the landscaping of the lid and the maintenance thereof except as may be agreed to by other parties.

5. The parties agree that the design of the entire facility shall include the following additional features:
- (a) a transit station permitting transfer of transit passengers at Empire Way South or 23rd Avenue South as more particularly set forth in the Findings and Order of the Board of Review.
 - (b) a direct Highway connection for Rainier Valley to and from the east.
 - (c) the Commission's plan for preserving access between Seattle communities over adjacent local city streets shall include improvements of South Norman Street between 20th Avenue South and 23rd Avenue South to provide access to the Judkins neighborhood,

this being done in lieu of the development of South Judkins Street as provided in the Commission's adopted plan as modified by the Findings and Order of the Board of Review.

(d) a continuous park/pedestrian link between Judkins Park and the lid over I-90 west of the Mt. Baker Ridge Tunnel.

6. The Commission agrees to participate jointly with the City of Seattle in an I-90 corridor area planning study for the purpose of designing alternative means of redeveloping areas adjacent to the I-90 project in Seattle. The extent of such study shall be defined and agreed to by Seattle and the Commission, and to the extent that the study relates to the effects of the I-90 facility in the corridor, it shall be funded by the Commission.
7. At the option of the local jurisdictions to be exercised within a reasonable time, the Commission shall transfer to the appropriate jurisdiction fee title of all state-purchased lands acquired for the I-90 project but which are outside the finally determined right-of-way lines of I-90 to the fullest extent and at the lowest cost legally possible.
8. The parties hereto agree that they will proceed under established legal processes, including regional transportation planning procedures of PSCOG and consistent with the approved Regional Development Plan of PSCOG, to determine those projects which are of highest priority in the Transportation System Plan and the Transportation

Improvement Program as the Plan and Program apply to the King County subregion. The parties hereby agree that projects (a) through (g) listed below are of highest priority and shall so indicate in the process of establishing the King County Subregional Transportation Improvement Program, the Regional 1990 Transportation System Plan, and Metro's Comprehensive Public Transportation Plan. The Commission and Metro shall work with the local jurisdictions in undertaking location and design studies for these projects at the earliest possible date commensurate with state, regional, metropolitan and local planning and priority programming practices. Projects to be considered through these processes shall include, but not be limited to, the following regional components of PSCOG 1990 Transportation Plan:

- (a) Transit/carpool lanes and/or Surveillance Control and Driver Information Systems (SC&DI) on I-5 from I-405 at Tukwila to the King County Snohomish County line;
- (b) The park-and-ride lots and flyer stops contained in the approved 1980 Plan as may be modified by Metro;
- (c) Provision for a busway or exclusive transit/carpool lane(s) as a part of the SR 99 and SR 509 corridor including a crossing of the First Avenue South Bridge, consistent with Metro's transition planning for this corridor;

- (d) Provision for a busway or exclusive transit/carpool lane(s) and/or SC&DI as a part of SR 520 from I-5 to I-405;
- (e) Redesign, in a manner acceptable to the City of Seattle, of the lanes where SR 520 meets I-5 and at the Mercer Street egress from I-5 in order to improve transit flow and reduce the congestion on I-5 between Mercer Street and Roanoke Street;
- (f) Provision for a busway or exclusive transit/carpool lane(s) and/or SC&DI as a part of I-405 from Bothell to Renton
- (g) Provision for exclusive transit lane(s) on I-405 through Bellevue which shall also include provision for a freeway flyer stop and a park-and-ride facility on I-405 between Main Street and N.E. 8th in Bellevue and provision for I-405 access improvements to the Bellevue central business district as determined by the Joint State Legislative/Highway Commission and City of Bellevue I-405 Access Study.

9. The parties agree that the I-90 facility should be operated in such a manner as to encourage growth and development in the presently urbanized areas of King County rather than in undeveloped areas. Therefore, the Commission shall conduct a study in coordination with the parties to this agreement to determine the feasibility and means of metering and controlling local access to I-90 east of Bellevue during peak hours.

10. Seattle, Bellevue, Mercer Island, King County and Metro agree that dedicated public transit rights-of-way through downtown Seattle and through downtown Bellevue are compatible with the public transportation plans of this area and are desirable to be implemented in conjunction with the completion of the I-90 facility.
11. Immediately upon the issuance of the environmental impact statement, another review team comprised of representatives chosen by each of the parties to this agreement shall be established to further monitor and advise the Commission on the development of the design and the implementation of the entire I-90 facility and the I-90 transit access provisions listed in paragraph 3 above. In addition, review teams including elected officials and citizens from Seattle, Bellevue, Mercer Island and King County may be established to further monitor and advise the Commission upon the implementation and design of the I-90 facility.
12. Upon execution of this agreement, the Commission becomes responsible for the design and construction of the facilities described in this agreement that can be funded with federal interstate funds as well as any other facilities referred to in this agreement for which the Commission, by law, has the sole responsibility; and the several parties to this agreement become responsible for the design and construction of the remaining facilities referred to in this agreement; provided that all such undertakings are subject to available funding and legal and procedural requirements. Seattle,

Bellevue, Mercer Island, King County and the Commission agree to process any permits required for construction of the agreed upon facilities in a timely and expeditious manner, as provided by law.

13. It is expressly understood that agreement to the above by the Commission is tentative pending review of (1) the final environmental impact statement to be filed in connection with the project and (2) the hearing record being prepared in connection with the corridor-design hearing held in January and February 1976. It is also understood that the parties have reached this agreement under the assumption and on the condition that the funding for the project, in accordance with the modified design of said project as referred to in paragraphs 1, 2 and 4 and those eligible portions under paragraph 3 which will qualify for Federal Aid Interstate monies, is approved prior to the initiation of construction and shall be funded from federal and state funds, except as agreed to by the affected jurisdiction(s).
14. This agreement represents substantial accommodations by the parties of positions held heretofore. Such accommodations were made in order to achieve a unanimous agreement upon which to proceed with the design and construction of I-90 and related projects. This agreement, therefore, sets forth the express intent of the existing governing bodies that the parties to this agreement understand that their respective governing bodies are limited in the degree to which they can bind their successors with respect to the exercise of govern-

mental powers vested in those governing bodies by law. Accordingly, the Commission will take no action which would result in a major change in either the operation or the capacity of the I-90 facility without prior consultation with and involvement of the other parties to this agreement, with the intent that concurrence of the parties be a prerequisite to Commission action to the greatest extent possible under law.

Dated this 21st day of December, 1976

COUNTY OF KING

CITY OF SEATTLE

BY: [Signature]

BY: [Signature]

MUNICIPALITY OF METROPOLITAN

CITY OF MERCER ISLAND

SEATTLE

BY: [Signature]

BY: [Signature]

WASHINGTON STATE HIGHWAY

CITY OF BELLEVUE

COMMISSION

BY: [Signature]

BY: [Signature]

Amendment to 1976 Memorandum Agreement

WHEREAS, the Cities of Seattle, Mercer Island and Bellevue; King County; by and through their respective governing bodies and the Washington State Transportation Commission (hereinafter “the Commission”) desire to amend the existing Memorandum Agreement (the Agreement) signed by all parties in 1976 to reflect current and future conditions and demands along the Interstate 90 (I-90) corridor between Bellevue and Seattle crossing Lake Washington via Mercer Island (the “I-90 Corridor”), including increased travel growth, changes in travel patterns, and a reduction in transit reliability; and

WHEREAS, there is a desire among the parties and Sound Transit to add Sound Transit as the Regional Transit Authority with responsibility for High Capacity Transit as a signatory to this 2004 Amendment, but not to the underlying 1976 Agreement, given its role in the region generally and the I-90 Corridor specifically; and

WHEREAS, all parties recognize the I-90 facility as a key interstate corridor connecting the East and West Coasts, Eastern and Western Washington, and recognize its importance as a critical link between major urban centers in King County, and the only means of mobility to and from Mercer Island; and

WHEREAS, all parties acknowledge I-90 as a critical transportation link vital to the economy of the region and the state by providing for the movement of people and goods within the region; and

WHEREAS, all parties agree that the current configuration and operation of I-90 between Bellevue, Mercer Island and Seattle does not address today’s demands and expected growth in the region; and a new configuration that helps move more people and goods is imperative to manage congestion on what is the busiest east-west corridor in the region; and

WHEREAS, all parties recognize the importance of the environment and thereby seek to preserve and enhance its quality; and

WHEREAS, all parties agree that the ultimate configuration for I-90 between Bellevue, Mercer Island and Seattle should be defined as High Capacity Transit in the center roadway and HOV lanes in the outer roadways; and further agree that High Capacity Transit for this purpose is defined as a transit system operating in dedicated right-of-way such as light rail, monorail, or a substantially equivalent system; and

WHEREAS, all parties agree to work cooperatively to secure funding at local, regional, state, and federal levels to fully fund both parts of the ultimate configuration of the “I-90 Corridor” (HOV lanes on the outer roadway and High Capacity Transit in the center roadway); and

WHEREAS, all parties have studied many alternatives as participants on the Steering Committee for Sound Transit and the Washington State Department of Transportation's (WSDOT) I-90 Two-Way Transit and HOV Operations Project (Project), and all parties agree that building HOV lanes on the outer roadways as identified as Alternative R-8A as set forth in the April 25, 2003 Draft Environmental Impact Statement (DEIS) prepared for the project, is an essential first step toward achieving the ultimate configuration; and

WHEREAS, all parties acknowledge that the ultimate configuration is consistent with the region's transportation action plan, Destination 2030, which focuses on integrated multi-modal transportation systems; describing facilities that weave parts of the region together by crossing county or city boundaries or access major regional activity centers as critical to the region's transportation system; and specifically calls for safety, maintenance and capacity investments on I-90 between I-5 and I-405; and high capacity transit in the "I-90 Corridor" between Seattle and Bellevue; and

WHEREAS, all parties agree that I-90 is an integral piece of the regional bike network, providing the only bicycle-pedestrian path across Lake Washington; that the preferred alternative maintains a ten foot bicycle lane as part of providing optimal multi-modal travel in the I-90 corridor for cyclists and pedestrians; and

WHEREAS, the Cities of Bellevue, Mercer Island and Seattle; King County; Sound Transit and the Washington State Transportation Commission, as participants of the I-90 Steering Committee, having conducted a thorough evaluation of the performance and benefits of the alternatives, agree that Alternative R-8A has been shown to improve regional mobility by providing reliable and safe two-way transit and high occupancy vehicle operations on I-90 between Bellevue, Mercer Island and Seattle, and mobility for Mercer Island, while minimizing impacts to the environment, to other users, and to other transportation modes; and is an essential first step toward implementing High Capacity Transit in the I-90 corridor;

NOW THEREFORE BE IT RESOLVED, the parties to this 2004 Amendment agree to the following principles regarding future development of the I-90 Corridor between Seattle and Bellevue:

1. Alternative R-8A with High Capacity Transit deployed in the center lanes is the ultimate configuration for I-90 in this segment;
2. Construction of R-8A should occur as soon as possible as a first step to the ultimate configuration;
3. Upon adoption of R-8A, move as quickly as possible to implement High Capacity Transit in the center lanes;
4. Commit to the earliest possible conversion of center roadway to two-way High Capacity Transit operation based on outcome of studies and funding approvals.
5. Minimize construction impacts to the existing bicycle/pedestrian path, and maintain safe access to the path during construction;

6. Maintain the existing width of the bicycle/pedestrian path and to install screen treatments to create a safe barrier between the path users and vehicular traffic; and
7. To the extent of any loss of mobility to and from Mercer Island based on the outcome of studies, additional transit facilities and services such as additional bus service, parking available for Mercer Island residents, and other measures shall be identified and satisfactorily addressed at the time the center roadway converts to High Capacity Transit.

King County

By: _____

Its: _____

City of Mercer Island

By: _____

Its: _____

City of Seattle

By: _____

Its: _____

City of Bellevue

By: _____

Its: _____

Washington State
Transportation Commission

By: _____

Its: _____

Central Puget Sound
Regional Transit Authority

By: _____

Its: _____

ORDINANCE

1
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18 WHEREAS, the City of Seattle has a significant interest and stake in the outcome of the I-90 Two -
Way Transit and HOV Operations project; and

19 WHEREAS, the parties to the 1976 Memorandum Agreement, the execution of which was
20 authorized by Ordinance 106077, agree that Alternative R-8a with High Capacity Transit
deployed in the center lanes is the ultimate configuration for I-90 in this segment; and

21 WHEREAS, construction of the R-8A alignment shall commence once Alternative R-8A is adopted
22 through an amendment to the 1976 Memorandum Agreement, and the funding is acquired,
and this shall be the first step toward the ultimate configuration; and

23 WHEREAS, dependent upon the outcome of ongoing and future studies and upon the acquisition of
24 funding, the center roadway is to be converted to two-way High Capacity Transit operation;
25 and

26 WHEREAS, the City of Seattle considers light rail transit as the preferred technology for High
27 Capacity Transit operations in the I-90 corridor; and
28



IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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WHEREAS, the City of Seattle wants to ensure that key policy principles are articulated in an amendment to the 1976 Memorandum Agreement (1976 Memorandum Agreement attached hereto as Attachment 1) prior to implementation of the I-90 Two-Way Transit and HOV Operations project; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle City Council authorizes the Mayor to execute the Amendment to 1976 Memorandum Agreement attached hereto as Attachment 2.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

Attachment 1: 1976 Memorandum Agreement (filed with Ordinance 106077)
Attachment 2: Amendment to 1976 Memorandum Agreement



ATTACHMENT 2

Amendment to 1976 Memorandum Agreement

WHEREAS, the Cities of Seattle, Mercer Island and Bellevue; King County; by and through their respective governing bodies and the Washington State Transportation Commission (hereinafter "the Commission") desire to amend the existing Memorandum Agreement (the Agreement) signed by all parties in 1976 to reflect current and future conditions and demands along the Interstate 90 (I-90) corridor between Bellevue and Seattle crossing Lake Washington via Mercer Island (the "I-90 Corridor"), including increased travel growth, changes in travel patterns, and a reduction in transit reliability; and

WHEREAS, there is a desire among the parties and Sound Transit to add Sound Transit as the Regional Transit Authority with responsibility for High Capacity Transit as a signatory to this 2003 Amendment, but not to the underlying 1976 Agreement, given its role in the region generally and the I-90 Corridor specifically; and

WHEREAS, all parties recognize the I-90 facility as a key interstate corridor connecting the East and West Coasts, Eastern and Western Washington, and recognize its importance as a critical link between major urban centers in King County, and the only means of mobility to and from Mercer Island; and

WHEREAS, all parties acknowledge I-90 as a critical transportation link vital to the economy of the region and the state by providing for the movement of people and goods within the region; and

WHEREAS, all parties agree that the current configuration and operation of I-90 between Bellevue, Mercer Island and Seattle does not address today's demands and expected growth in the region; and a new configuration that helps move more people and goods is imperative to manage congestion on what is the busiest east-west corridor in the region; and

WHEREAS, all parties recognize the importance of the environment and thereby seek to preserve and enhance its quality; and

WHEREAS, all parties agree that the ultimate configuration for I-90 between Bellevue, Mercer Island and Seattle should be defined as High Capacity Transit in the center roadway and HOV lanes in the outer roadways; and further agree that High Capacity Transit for this purpose is defined as a transit system operating in dedicated right-of-way such as light rail, monorail, or a substantially equivalent system; and

WHEREAS, all parties agree to work cooperatively to secure funding at local, regional, state, and federal levels to fully fund both parts of the ultimate configuration of the "I-90 Corridor" (HOV lanes on the outer roadway and High Capacity Transit in the center roadway); and

WHEREAS, all parties have studied many alternatives as participants on the Steering Committee for Sound Transit and the Washington State Department of Transportation's (WSDOT) I-90 Two-Way Transit and HOV Operations Project (Project), and all parties agree that building HOV lanes on the outer roadways as identified as Alternative R-8A as set forth in the April 25, 2003 Draft Environmental Impact Statement (DEIS) prepared for the project, is an essential first step toward achieving the ultimate configuration; and

WHEREAS, all parties acknowledge that the ultimate configuration is consistent with the region's transportation action plan, Destination 2030, which focuses on integrated multi-modal transportation systems; describing facilities that weave parts of the region together by crossing county or city boundaries or access major regional activity centers as critical to the region's transportation system; and specifically calls for safety, maintenance and capacity investments on I-90 between I-5 and I-405; and high capacity transit in the "I-90 Corridor" between Seattle and Bellevue; and

WHEREAS, all parties agree that I-90 is an integral piece of the regional bike network, providing the only bicycle-pedestrian path across Lake Washington; that the preferred alternative maintains a ten foot bicycle lane as part of providing optimal multi-modal travel in the I-90 corridor for cyclists and pedestrians; and

WHEREAS, the Cities of Bellevue, Mercer Island and Seattle; King County; Sound Transit and the Washington State Transportation Commission, as participants of the I-90 Steering Committee, having conducted a thorough evaluation of the performance and benefits of the alternatives, agree that Alternative R-8A has been shown to improve regional mobility by providing reliable and safe two-way transit and high occupancy vehicle operations on I-90 between Bellevue, Mercer Island and Seattle, and mobility for Mercer Island, while minimizing impacts to the environment, to other users, and to other transportation modes; and is an essential first step toward implementing High Capacity Transit in the I-90 corridor;

NOW THEREFORE BE IT RESOLVED, the parties to this 2003 Amendment agree to the following principles regarding future development of the I-90 Corridor between Seattle and Bellevue:

1. Alternative R-8A with High Capacity Transit deployed in the center lanes is the ultimate configuration for I-90 in this segment;
2. Construction of R-8A should occur as soon as possible as a first step to the ultimate configuration;
3. Upon adoption of R-8A, move as quickly as possible to implement High Capacity Transit in the center lanes;
4. Commit to the earliest possible conversion of center roadway to two-way High Capacity Transit operation based on outcome of studies and funding approvals.
5. Minimize construction impacts to the existing bicycle/pedestrian path, and maintain safe access to the path during construction;

6. Maintain the existing width of the bicycle/pedestrian path and to install screen treatments to create a safe barrier between the path users and vehicular traffic; and
7. To the extent of any loss of mobility to and from Mercer Island based on the outcome of studies, additional transit facilities and services such as additional bus service, parking available for Mercer Island residents, and other measures shall be identified and satisfactorily addressed at the time the center roadway converts to High Capacity Transit.



NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

--SS.

174481
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

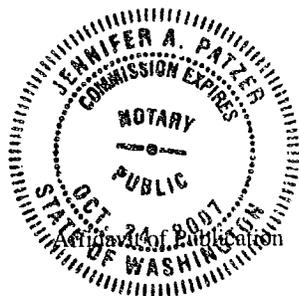
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

~~CT:121514~~ 121516 TITLES

was published on

7/12/2004



Melvin...

Subscribed and sworn to before me on

7/12/2004

Jennifer A. Patzer

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 28, 2004, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344

ORDINANCE NO. 121518

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 121515

AN ORDINANCE relating to security from terrorism; authorizing the City to partner with the State of Washington and King County to receive financial assistance from the Department of Homeland Security (DHS), Office for State and Local Government Coordination and Preparedness under the Urban Areas Security Initiative (UASI) Grant FFY '04; authorizing an application for allocation of funds under that agreement; increasing appropriations to the Police Department, the Fire Department, the Department of Information Technology, and the Fleets and Facilities Department in the 2004 Budget; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121514

AN ORDINANCE relating to the I-90 Corridor, authorizing the Mayor to execute an amendment to the 1976 Memorandum Agreement that adopts principles regarding future development of the I-90 Corridor between I-5 and I-405.

Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of publication in the Seattle Daily
Journal of Commerce, July 12, 2004.

7/12/04 74481