

Ordinance No. 123133

Council Bill No. 116668

AN ORDINANCE relating to the SR 99 Alaskan Way Viaduct and Seawall Replacement Program; stating the City's policy with respect to an alternative for replacing the present Viaduct and Seawall, and related work; and authorizing execution of a Memorandum of Agreement between the State of Washington and the City of Seattle.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <b>9.28.09</b>	To: (committee): <b>Transportation</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>10-19-09</b>	Date Presented to Mayor: <b>10-20-09</b>
Date Signed by Mayor: <b>10-27-09</b>	Date Returned to City Clerk: <b>10-27-09</b>
Published by Title Only <b>3</b>	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

### The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Rep / Contin  
Jan Drago

#### Committee Action:

Date	Recommendation	Vote
	Pass: JD, TB, SC, PC, JG	
	Abstain: NL	

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

#### Full Council Action:

Date	Decision	Vote
<b>10-19-09</b>	<b>Passed</b>	<b>9-0</b>

*Law Department*

ORDINANCE 123133

1 AN ORDINANCE relating to the SR 99 Alaskan Way Viaduct and Seawall Replacement  
2 Program; stating the City's policy with respect to an alternative for replacing the present  
3 Viaduct and Seawall, and related work; and authorizing execution of a Memorandum of  
4 Agreement between the State of Washington and the City of Seattle.

5 WHEREAS, in the 1950s, the City of Seattle and the Washington State Department of  
6 Transportation jointly designed and built the Alaskan Way Viaduct to accommodate  
7 passenger and freight mobility into the foreseeable future; and

8 WHEREAS, in 2001 the Nisqually earthquake damaged the Alaskan Way Viaduct and Seawall;  
9 and

10 WHEREAS, the Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure  
11 in an earthquake and are nearing the end of their useful lives; and

12 WHEREAS, various studies have determined that it is not fiscally responsible to retrofit the  
13 viaduct, and that retrofitting would cause significant construction impacts; and

14 WHEREAS, in March 2007, the Washington State Governor, the King County Executive, and  
15 the Mayor of Seattle pledged to advance a series of key State Route (SR) 99 projects  
16 (Moving Forward Projects) that will facilitate the removal and/or repair of key portions  
17 of SR 99, including the Yesler Way Vicinity Stabilization Project, Electrical Line  
18 Relocation, the SR 99 South Holgate Street to South King Street Viaduct Replacement  
19 Project, and Transit Enhancements and Other Improvements; and

20 WHEREAS, in 2008 the State and City agreed to guiding principles for replacing the Alaskan  
21 Way Viaduct: improve public safety; provide efficient movement of people and goods  
22 now and in the future; maintain or improve downtown Seattle, regional, Port of Seattle  
23 and state economies; enhance Seattle's waterfront, downtown and adjacent  
24 neighborhoods as a place for people; create solutions that are fiscally responsible; and  
25 improve the health of the environment; and

26 WHEREAS, in 2008 the State and the City considered feedback from 16 meetings of a  
27 stakeholder advisory committee made up of representatives from business, labor,  
28 environmental, and neighborhood interests, and more than one thousand public comments  
collected during quarterly public meetings and more than 50 community briefings; and

WHEREAS, in January 2009, the Governor of Washington state, the Mayor of Seattle and the  
King County Executive jointly recommended replacing the Alaskan Way Viaduct with a  
bored tunnel beneath downtown Seattle; and



1 WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and  
2 the Governor signed the bill into law designating and funding the Bored Tunnel Program  
as the replacement for the Alaskan Way Viaduct; and

3 WHEREAS, the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program consists of  
4 a four-lane bored tunnel and improvements to City streets, the waterfront, and transit, and  
5 the Moving Forward Projects; NOW, THEREFORE,

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

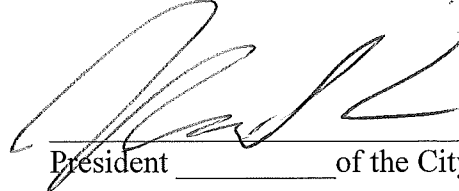
7 Section 1. It is the City's policy that the Alaskan Way Viaduct and Seawall Replacement  
8 (AWVSR) Program Bored Tunnel Alternative, as described in the Memorandum of Agreement  
9 attached hereto as Attachment 1, is the preferred solution for replacing the existing Alaskan Way  
10 Viaduct. After extensive evaluation of alternatives by public transportation agencies,  
11 consultants, stakeholders, and citizens, the City finds that the Bored Tunnel Alternative balances  
12 Seattle's land use, economic, transportation, and environmental goals, including access to and  
13 through downtown for all modes of travel, consistent with Seattle's vision for reconnecting the  
14 downtown with the central waterfront to increase opportunities for public access to and  
15 enjoyment of the shoreline and waterfront.

16  
17 Section 2. The Mayor of Seattle or his designee is hereby authorized to execute, for and  
18 on behalf of the City, the Memorandum of Agreement entitled "MEMORANDUM OF  
19 AGREEMENT for the ALASKAN WAY VIADUCT AND SEAWALL REPLACEMENT  
20 PROGRAM BORED TUNNEL ALTERNATIVE" (GCA No. 6366) between the State of  
21 Washington and the City, substantially in the form attached hereto as Attachment 1. The attached  
22 agreement outlines the responsibilities of both the City and the State and expectations about the  
23 role of each in the implementation and funding of the numerous AWVSR Program elements.  
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1 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 19<sup>th</sup> day of October, 2009, and signed by me in  
5 open session in authentication of its passage this 19<sup>th</sup> day of October, 2009.

6  
7  
8   
President \_\_\_\_\_ of the City Council

9 Approved by me this 27<sup>th</sup> day of October, 2009.

10  
11   
12 \_\_\_\_\_  
13 Gregory J. Nickels, Mayor

14 Filed by me this 27<sup>th</sup> day of October, 2009.

15   
16 \_\_\_\_\_  
17 City Clerk

18 (Seal)

19  
20 Attachment 1 – MEMORANDUM OF AGREEMENT for the ALASKAN WAY VIADUCT  
21 AND SEAWALL REPLACEMENT PROGRAM BORED TUNNEL ALTERNATIVE (GCA  
22 No. 6366)  
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ATTACHMENT 1  
MEMORANDUM OF AGREEMENT  
NO. GCA 6366  
FOR THE ALASKAN WAY VIADUCT AND  
SEAWALL REPLACEMENT PROGRAM  
BORED TUNNEL ALTERNATIVE

THIS agreement for the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program (“Agreement”) is made and entered into between the State of Washington, hereinafter the “STATE,” and the City of Seattle hereinafter the “CITY,” collectively the “Parties” and individually the “Party.”

WHEREAS, in the 1950s, the City of Seattle and the Washington State Department of Transportation jointly designed and built the Alaskan Way Viaduct to accommodate passenger and freight mobility into the foreseeable future; and

WHEREAS, the central waterfront section of the Alaskan Way Viaduct is located in and adjacent to downtown Seattle’s urban core and the Seattle waterfront, an area increasingly used for tourism and recreation; and

WHEREAS, the Duwamish and Interbay industrial areas in Seattle are served by the SR 99 corridor and constitute a portion of Seattle’s industrial sector which accounts for over 120,000 jobs and an estimated \$28.5 billion in annual economic activity city-wide. The SR 99 corridor provides important proximity to freight-dependent customers, distributors and suppliers; and

WHEREAS, in 2001 the Nisqually earthquake damaged the Alaskan Way Viaduct and Seawall; and

WHEREAS, the Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure in an earthquake and are nearing the end of their useful lives; and

WHEREAS, various studies conducted have determined that it is not fiscally responsible to retrofit the viaduct, and that retrofitting would cause significant construction impacts; and

WHEREAS, in March 2007, the Washington State Governor, the King County Executive, and the Mayor of Seattle pledged to advance a series of key SR 99 projects (Moving Forward Projects) that will facilitate the removal and/or repair of key portions of SR 99, including the Yesler Way Vicinity Stabilization Project, Electrical Line Relocation, the SR 99 South Holgate Street to South King Street Viaduct Replacement Project, and Transit Enhancements and Other Improvements; and

WHEREAS, in 2008 the STATE and CITY agreed to guiding principles for replacing the Alaskan Way Viaduct: improve public safety; provide efficient movement of people and goods now and in the future; maintain or improve downtown Seattle, regional, Port of



Seattle and state economies; enhance Seattle's waterfront, downtown and adjacent neighborhoods as a place for people; create solutions that are fiscally responsible; and improve the health of the environment; and

WHEREAS, in 2008 the STATE and the CITY considered feedback from 16 meetings of a stakeholder advisory committee made up of representatives from business, labor, environmental, and neighborhood interests and more than one thousand public comments collected during quarterly public meetings; and more than 50 community briefings; and

WHEREAS, in January 2009, the Governor of Washington state, the Mayor of Seattle and the King County Executive jointly recommended replacing the Alaskan Way Viaduct with a bored tunnel beneath downtown Seattle; and

WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and the Governor signed the bill into law designating and funding the Bored Tunnel Program as the replacement for the Alaskan Way Viaduct; and

WHEREAS, the AWVSR Program consists of a four-lane bored tunnel and improvements to City streets, the City waterfront, and transit; and the Moving Forward Projects; and

WHEREAS, the new surface Alaskan Way boulevard will have four through travel lanes north of Colman Dock and will have signalized intersections and function similarly to other downtown arterial streets; and

WHEREAS, the AWVSR Program is consistent with the City of Seattle's adopted Comprehensive Plan; and

WHEREAS, the STATE and the CITY are committed to designing the bored tunnel and access portals to be consistent with Seattle's vision for the central waterfront, including reconnecting the downtown with the waterfront, enhancing the waterfront's environmental sustainability, increasing views of Elliott Bay and the landforms beyond, facilitating revitalization of Seattle's waterfront, maintaining transportation access to and through the waterfront, and increasing opportunities for the public to access and enjoy the shoreline and waterfront; and

WHEREAS the Port of Seattle is responsible for nearly 194,000 jobs in Washington state, \$17 billion in business revenue and tenants, half of the \$80 billion in cargo in Puget Sound ports, and is ranked the ninth largest port in the United States;

WHEREAS the Port of Seattle is funding projects that are part of or complement the AWVSR Program and which will provide capacity for future growth and improved safety, including the East Marginal Way Grade Separation Project, and the SR 519 South Seattle Intermodal Access Project Phase 2, has endorsed the bored tunnel concept, and is reviewing a proposed \$300 million investment in the AWVSR Program; and



WHEREAS King County is responsible for providing bus service, which serves an annual ridership of 100 million within a 2,134 square mile area; and

WHEREAS, King County is funding transit investments as part of the AWVSR Program, which will provide capacity for an additional 17,000 riders and include RapidRide investments, park and ride facility expansion, enhanced express and local service during peak periods, and investments in maintenance base capacity.

NOW, THEREFORE, the Parties agree to proceed with the AWVSR Program in accordance with the following principles.

IT IS MUTUALLY AGREED THAT:

Jointly the STATE and CITY intend to:

1. Continue to work collaboratively toward the successful completion of the AWVSR Program; and
2. Endeavor to open the bored tunnel to drivers by the end of 2015; and
3. Develop additional program-wide agreements (Additional Agreements), such as utility relocation, right-of-way, ownership and maintenance, and others to be consistent with this Agreement.

Responsibilities, implementation, and funding to be addressed in Additional Agreements are assigned as follows:

## I. RESPONSIBILITIES

The STATE will be responsible for the following:

1. The Moving Forward Projects; and
2. A bored tunnel from a point just north of S. Royal Brougham Way to Harrison Street including connections to the city street system and the reconnection of John Street, Thomas Street, and Harrison Street over SR 99; and
3. A surface street from S. King Street along Alaskan Way to Elliott and Western avenues, ending at Battery Street, including replacement of the Marion Street pedestrian overpass and reconstruction of the Lenora Street pedestrian overpass; and
4. A new roadway connecting the realigned Alaskan Way to East Marginal Way S.; and
5. Alaskan Way Viaduct demolition; and
6. Battery Street Tunnel decommissioning; and
7. Partial construction transportation mitigation; and
8. Protection of public and private facilities which can safely remain in place throughout construction of the bored tunnel; and
9. Agreement with King County for transit investments associated with the AWVSR Program; and
10. Agreements with the Port of Seattle for freight mobility improvements associated with the AWVSR Program.



The CITY will be responsible for the following:

1. City utility relocations associated with the AWVSR Program; and
2. Seawall replacement along the CITY's central waterfront; and
3. A promenade or public space along the central waterfront; and
4. Other City street improvements including the west phase of the Mercer Corridor Project and partial funding for the Mercer Corridor East and Spokane Street Viaduct projects; and
5. Evaluation of a potential streetcar on First Avenue, including a segment phasing approach.

## II. IMPLEMENTATION

The Parties recognize that it may be in the public interest for one Party to implement portions of the other Party's program responsibilities. Each Party will be responsible for implementation roles, which are subject to change by agreement of the Parties, and may include, but are not limited to, the following:

The STATE shall, in accordance with the Additional Agreements:

1. Complete the following Moving Forward Projects: Electrical Line Relocations – Phase 1, S. Holgate to S. King Street Viaduct Replacement Project; SR 99 Intelligent Transportation System Projects; and establish an agreement with King County for transit service during construction; and
2. Design and construct a single bore tunnel from approximately S. Royal Brougham Way to Harrison Street, with four lanes of traffic including tunnel portals at either end; and
3. Design and construct the relocation of some CITY-owned utilities at the portal locations and bored tunnel alignment on behalf of the CITY; and
4. Design and construct new crossings of the SR 99 bored tunnel at John, Thomas, and Harrison streets; and
5. Design and construct a new City street grid between S. King and S. Atlantic streets including the realignment of Alaskan Way; and
6. Design and construct a new roadway connecting the realigned Alaskan Way to East Marginal Way; and
7. Demolish the existing Alaskan Way Viaduct from S. King Street to the Battery Street Tunnel; and
8. Decommission the Battery Street Tunnel; and
9. Complete the environmental review process for the Bored Tunnel Alternative, as required by federal and state law; and
10. Establish an agreement with the Port of Seattle to secure the \$300 million port investment for the Alaskan Way Viaduct Replacement Program including the bored tunnel project.

The CITY shall, in accordance with the Additional Agreements, and subject to appropriation of funds for these purposes:



1. Design and construct the relocation of some CITY-owned utilities required for the AWVSR Program; and
2. Design and construct a new seawall between Colman Dock and Pine Street; and
3. Design and construct a new promenade or public space along the central waterfront; and
4. Design and construct two-way Mercer Street from I-5 to Elliott Avenue, including a new Sixth Avenue from Harrison Street to Mercer Street; and
5. Design and construct a widened Spokane Street Viaduct, including a new ramp to Fourth Avenue; and
6. Evaluate a potential streetcar on First Avenue between S. Jackson Street and the Seattle Center, including a segment phasing approach; and
7. Design and construct a new four-lane connection from Elliott and Western avenues, beginning at Battery Street, to Pine Street; and
8. Design and construct a new surface road from S. King Street to Pine Street; and
9. Design and construct intelligent transportation system projects along the SR 99 corridor.

### III. FUNDING

Funding responsibilities for the estimated costs are as follows (these are preliminary cost estimates, with final funding commitments to be determined).

The STATE shall fund or procure funding for, if, and to the extent that the Washington State Legislature appropriates funds for these purposes as agreed to in the Additional Agreements, consistent with the State funding limits established in Engrossed Substitute Senate Bill 5768:

1. Bored tunnel from north of S. Royal Brougham Way to Harrison Street -- \$1.9 billion
2. Surface street connection from S. Yesler Street along Alaskan Way to Pike Street, including replacement of the Marion Street pedestrian overpass; a new connection from Pike Street to Elliot and Western avenues; reconstruction of the Lenora Street pedestrian overpass; viaduct removal; Battery Street Tunnel decommissioning -- \$290 million
3. Completion of the Moving Forward Projects including a new surface Alaskan Way from S. King to S. Yesler streets, and a new roadway connecting the realigned Alaskan Way to East Marginal Way S.-- \$600 million
4. Partial construction transportation mitigation (mitigation to offset loss of on-street parking during construction) -- \$30 million

The CITY shall fund or procure funding for, if, and to the extent that, the Seattle City Council appropriates funds for these purposes as agreed to in the Additional Agreements (the Parties acknowledge that no funds will be appropriated by the ordinance that approves this Agreement):

1. City utility relocation costs associated with the program -- \$248 million
2. Central seawall replacement -- \$225 million



3. Promenade or public space along the central waterfront -- \$123 million
4. City streets and transit pathways including the west phase of the Mercer Corridor Project and partial funding for the Mercer East and Spokane Street Viaduct projects -- \$191 million
5. Evaluation of a potential First Avenue Streetcar, including a segment phasing approach -- \$140 million (design and construction estimate)

The STATE and CITY shall jointly work with King County and the Port of Seattle to endeavor to fully secure the respective funding commitments of these contributing agencies.



IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the last day and year written below.

**CITY OF SEATTLE**

By: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF WASHINGTON**

By: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
By (print)

\_\_\_\_\_  
Signature  
Assistant Attorney General

Date: \_\_\_\_\_



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Departments:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Department of Transportation, Seattle City Light, Seattle Public Utilities, Department of Planning and Development, Office of Policy and Management, Department of Parks and Recreation	Robert M. Powers 684-0577	Stephen Barham 733-9084

**Legislation Title:** AN ORDINANCE relating to the SR 99 Alaskan Way Viaduct and Seawall Replacement Program; stating the City's policy with respect to an alternative for replacing the present Viaduct and Seawall, and related work; and authorizing execution of a Memorandum of Agreement between the State of Washington and the City of Seattle.

**Summary and background of the Legislation:**

The proposed Council Bill authorizes execution of an agreement between the State of Washington and the City of Seattle setting forth the responsibilities of each entity and expectations concerning the role of each in the implementation and funding of the numerous elements of the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program. As outlined in the January 13, 2009 Letter of Understanding signed by the Seattle Mayor, Washington Governor and King County Executive, the AWVSR Program consists of a deep bored tunnel to replace SR 99 in the Central Waterfront; the Moving Forward projects; a new surface Alaskan Way and waterfront open space; and other improvements to city streets and transit. The City has committed to fund \$930 million for the AWVSR Program.

**SDOT**

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Alaskan Way Viaduct and Seawall Replacement	TC366050	SR 99 / Battery Street	Q1/2001	Q4/2018
Mercer Corridor Project West Phase	TC367110	Mercer St/ Dexter Ave – Elliott Ave W	Q1/2010	Q4/2014

**SCL**

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Alaskan Way Viaduct and Seawall Replacement - Utility Relocations	8307	SR 99 / Battery Street	Q1/2002	Q4/2016
Mercer Corridor West Phase Relocations	8443	Mercer/Broad/Aurora	Q1/2010	Q4/2014



**SPU**

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Alaskan Way Viaduct and Seawall Replacement Program - DWF	C4102-DWF	SR 99 / Battery Street	Q1/2004	Q4/2017
Alaskan Way Viaduct and Seawall Replacement Program - WF	C4102-WF	SR 99 / Battery Street	Q1/2004	Q4/2017
Mercer Corridor Project West Phase - DWF	C410005	Mercer St/ Dexter Ave – Elliott Ave W	Q1/2010	Q2/2014
Mercer Corridor Project West Phase - WF	C410004	Mercer St/ Dexter Ave – Elliott Ave W	Q1/2010	Q2/2014

- Please check any of the following that apply:

       **This legislation creates, funds, or anticipates a new CIP Project.** (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

       **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

  X   **This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Appropriations:** This table should detail existing appropriations and reflect appropriations that are a direct result of this legislation. If this legislation does not directly change an appropriation, but has budget impacts, please explain in the notes section below:

<b>Fund Name and Number</b>	<b>Dep't</b>	<b>Budget Control Level*</b>	<b>Existing 2009 Appropriation</b>	<b>New 2009 Appropriation (if any)</b>	<b>2010 Anticipated Appropriation</b>
<b>TOTAL</b>					

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Notes:** This legislation does not appropriate funds. Appropriation for these projects, consistent with



Attachment A, is included in the 2009 Adopted Budget and the 2010 Proposed Budget.

**Spending Plan and Future Appropriations for Capital Projects:** Please list the timing of anticipated appropriation authority requests and expected spending plan. In addition, please identify your cost estimate methodology including inflation assumptions, the projected costs of meeting applicable LEED standards, and the percent for art and design as appropriate.

Spending Plan and Budget	2009	2010	2011	2012	2013	2014	2015	Total
Spending Plan								
Current Year Appropriation								
Future Appropriations								

**Notes:** This legislation does not allocate funds. Future anticipated appropriation and spending for these projects, consistent with Attachment A, are included in the 2010-2015 Proposed CIP.

**Funding source:** Identify funding sources including revenue generated from the project, and the expected level of funding from each source. When applicable, make a notation indicating the source of funds is paying for debt service.

Funding Source (Fund Name and Number, if applicable)	2009	2010	2011	2012	2013	2014	2015	Total
<b>TOTAL</b>								

**Notes:** Funding for these projects, consistent with Attachment A, is included in the 2010-2015 Proposed CIP.

**Bond Financing Required:** If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
<b>TOTAL</b>					



**Notes:** Bond financing information is included in the 2010 Proposed Budget and the 2010-2015 Proposed CIP.

**Uses and Sources for Operation and Maintenance Costs for the Project:** Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.

O&M	2009	2010	2011	2012	2013	2014	Total
<b>Uses</b>							
Start Up							
On-going							
<b>Sources (itemize)</b>							

**Notes:** N/A

**Periodic Major Maintenance costs for the project:** Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency.

Major Maintenance Item	Frequency	Cost	Likely Funding Source
N/A			
<b>TOTAL</b>			

**Funding sources for replacement of project:** Identify possible and/or recommended method of financing the project replacement costs.

**Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:** This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2009 Positions	2009 FTE	2010 Positions **	2010 FTE **
N/A							
<b>TOTAL</b>							

\* List each position separately

\*\* 2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.



**Notes:**

- **Do positions sunset in the future?** *(If yes, identify sunset date):*  
No new positions are identified.

- **What is the financial cost of not implementing the legislation:** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):*

The Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure.

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc.), and indicate which staff members in the other department(s) are aware of this Bill.*

Affected City Departments include City Light, Seattle Public Utilities, Planning and Development, the Office of Policy and Management, and the Seattle Department of Transportation. Parks and Recreation is involved in a coordinating role.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives** *(Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):*

Alternatives to the proposed legislation have been evaluated since 2001. In January 2009, the King County Executive, Seattle Mayor, and Washington Governor recommended the deep bored tunnel as the only solution that meets the region's safety, environmental, economic, urban design and mobility goals. Shortly thereafter, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and the Governor signed the bill into law, designating and funding the Bored Tunnel Program as the replacement for the Alaskan Way Viaduct.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)*

No

- **Other Issues** *(including long-term implications of the legislation):*

N/A

- **List attachments to the fiscal note below:**  
AWVSRP MOA Fiscal Note Attachment A – Program Funding  
AWVSRP MOA Fiscal Note Attachment B – Program Map



**AWWSRP Program MOA Ordinance Fiscal Note**  
**Attachment A – Program Funding**



\$ millions Component	City			State			Port	King County	Total
	Proposed CIP (2009-15)	2016-18	Total	Proposed CIP (2009-15)	2016-18	Total			
Alaskan Way Surface Street and Waterfront Public Space	\$20	\$103	\$123	\$50	\$240*	\$290	\$0	\$0	\$413
Central Seawall	\$225	\$0	\$225	\$0	\$0	\$0	\$0	\$0	\$225
Mercer Corridor West Phase	\$100	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
Mercer East	\$50	\$0	\$50	\$0	\$0	\$0	\$0	\$0	\$50
Spokane	\$30	\$0	\$30	\$0	\$0	\$0	\$0	\$0	\$30
Parking Program and Project Services	\$11	\$0	\$11	\$16	\$1	\$17	\$0	\$0	\$28
Partial Construction Transportation Mitigation	\$0	\$0	\$0	\$30	\$0	\$30	\$0	\$0	\$30
Public Utility Relocation	\$167	\$81	\$248	\$0	\$0	\$0	\$0	\$0	\$248

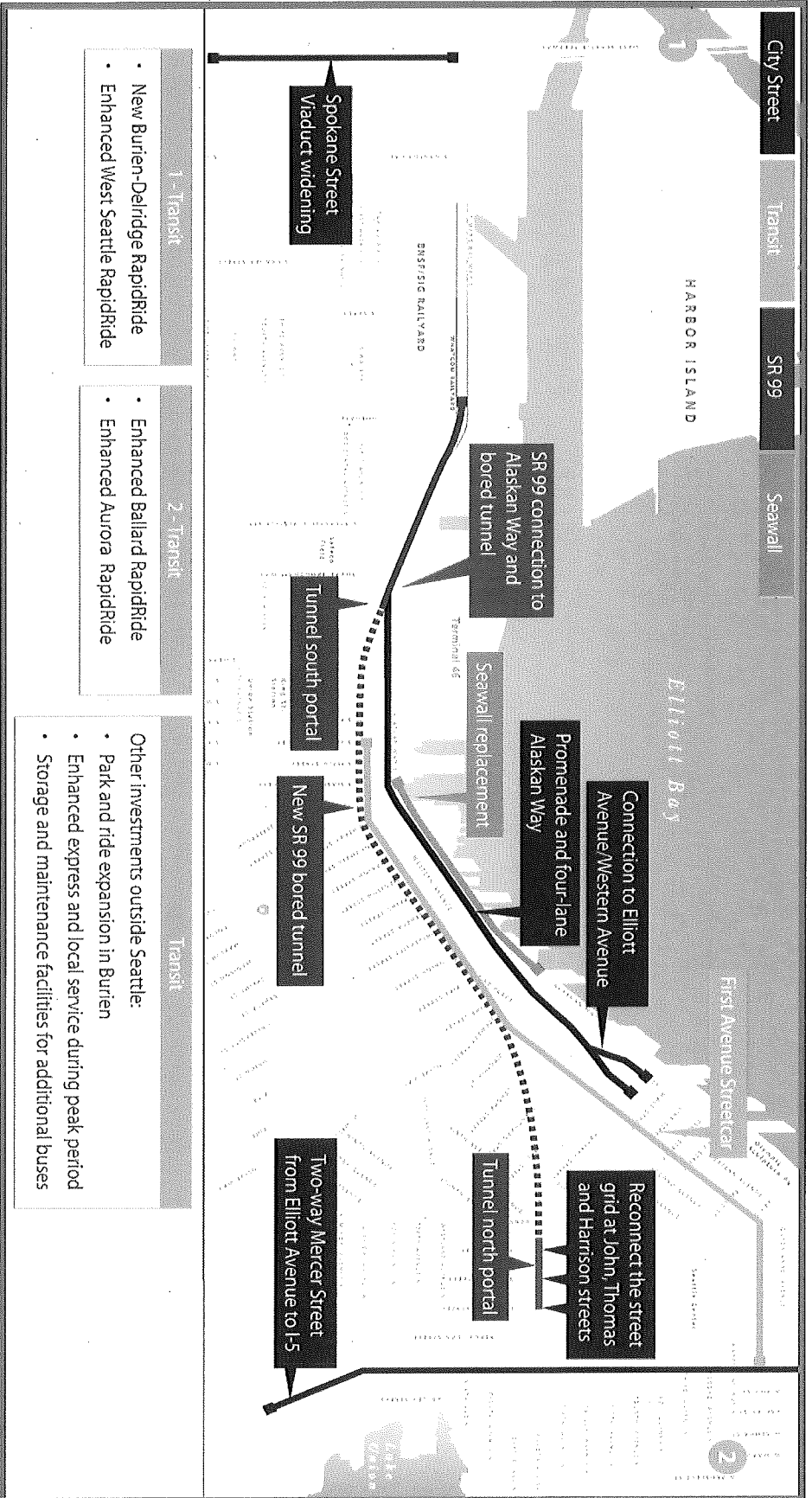
NOT REFLECTED IN CITY'S PROPOSED CIP

Potential Implementation of 1st Ave Streetcar**	\$140	\$0	\$140	\$0	\$0	\$0	\$0	\$0	\$140
Bored Tunnel	\$0	\$0	\$0	\$1,900	\$0	\$1,900	\$0	\$0	\$1,900
Moving Forward Projects	\$0	\$0	\$0	\$583	\$0	\$583	\$0	\$0	\$583
Moving Forward Project Elements	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$300
Transportation Projects***	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$202	\$202
<b>TOTAL</b>	<b>\$743</b>	<b>\$184</b>	<b>\$927</b>	<b>\$2,580</b>	<b>\$240</b>	<b>\$2,820</b>	<b>\$300</b>	<b>\$202</b>	<b>\$4,249</b>

**Notes:**

- \*Includes Viaduct Demolition
- \*\*Potential Inclusion in future CIP
- \*\*\*Reflects \$187M Capital; \$15M Operating

Alaskan Way Viaduct and Seawall Replacement – Program Map





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

September 22, 2009

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

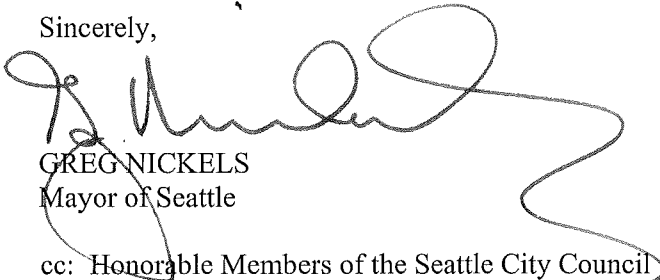
I am pleased to transmit the attached proposed Council Bill authorizing the execution of an agreement between the State of Washington and the City of Seattle regarding the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program. The agreement outlines the City's and State's roles in implementing and funding the AWVSR Program.

As outlined in the January 13, 2009 Letter of Understanding that I signed along with the Washington State Governor and King County Executive, the AWVSR Program consists of a deep bored tunnel to replace the Central Waterfront portion of SR 99; the Moving Forward projects; a new surface Alaskan Way and waterfront open space; and other improvements to city streets and transit. The City has committed to fund \$930 million for the AWVSR Program. The deep bored tunnel is anticipated to be open to travelers by the end of 2015, and the entire program completed by 2018.

City Staff have worked closely with the Washington State Department of Transportation to plan for AWVSR projects, and have also been involved in a rigorous City-wide coordination effort.

Execution of the agreement authorized by the Bill will mark a significant step in accomplishing an important goal not only for the City, but for the entire region and the State of Washington. Thank you for your consideration of this legislation. Should you have questions, please contact Robert M. Powers at (206) 684-0577.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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246496  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

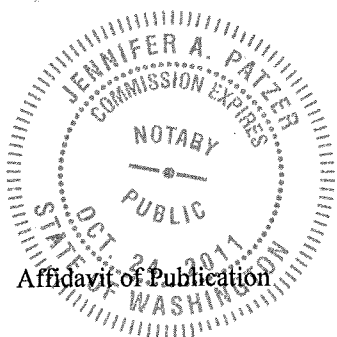
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123132-133,135&138

was published on

10/30/09

The amount of the fee charged for the foregoing publication is the sum of \$ 63.68, which amount has been paid in full.



*Daniel Oglesky*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/30/09 *Jennifer Patzer*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

## State of Washington, King County

### City of Seattle

#### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on October 19, 2009, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 123138

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

#### ORDINANCE NO. 123135

AN ORDINANCE relating to the use of premises under the jurisdiction of the Department of Parks and Recreation; authorizing the Superintendent of Seattle Parks and Recreation to enter into an agreement with the King County Ferry District for construction of a floating dock and use of a portion of real property at Seacrest Park for operation of the Elliott Bay Water Taxi.

#### ORDINANCE NO. 123133

AN ORDINANCE relating to the SR 99 Alaskan Way Viaduct and Seawall Replacement Program; stating the City's policy with respect to an alternative for replacing the present Viaduct and Seawall, and related work; and authorizing execution of a Memorandum of Agreement between the State of Washington and the City of Seattle.

#### ORDINANCE NO. 123132

AN ORDINANCE relating to the Lake Union Park Armory; authorizing the Superintendent of Parks and Recreation to enter into a development agreement and lease to allow the Museum of History and Industry to redevelop and use the Lake Union Armory Building for a new regional history museum.

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, October 30, 2009.

10/30(246496)

FILED  
CITY OF SEATTLE

MEMORANDUM OF AGREEMENT  
NO. GCA 6366 11 JUN 30 AM 10: 25  
FOR THE ALASKAN WAY VIADUCT AND  
SEAWALL REPLACEMENT PROGRAM CITY CLERK  
BORED TUNNEL ALTERNATIVE

THIS agreement for the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program ("Agreement") is made and entered into between the State of Washington, hereinafter the "STATE," and the City of Seattle hereinafter the "CITY," collectively the "Parties" and individually the "Party."

WHEREAS, in the 1950s, the City of Seattle and the Washington State Department of Transportation jointly designed and built the Alaskan Way Viaduct to accommodate passenger and freight mobility into the foreseeable future; and

WHEREAS, the central waterfront section of the Alaskan Way Viaduct is located in and adjacent to downtown Seattle's urban core and the Seattle waterfront, an area increasingly used for tourism and recreation; and

WHEREAS, the Duwamish and Interbay industrial areas in Seattle are served by the SR 99 corridor and constitute a portion of Seattle's industrial sector which accounts for over 120,000 jobs and an estimated \$28.5 billion in annual economic activity city-wide. The SR 99 corridor provides important proximity to freight-dependent customers, distributors and suppliers; and

WHEREAS, in 2001 the Nisqually earthquake damaged the Alaskan Way Viaduct and Seawall; and

WHEREAS, the Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure in an earthquake and are nearing the end of their useful lives; and

WHEREAS, various studies conducted have determined that it is not fiscally responsible to retrofit the viaduct, and that retrofitting would cause significant construction impacts; and

WHEREAS, in March 2007, the Washington State Governor, the King County Executive, and the Mayor of Seattle pledged to advance a series of key SR 99 projects (Moving Forward Projects) that will facilitate the removal and/or repair of key portions of SR 99, including the Yesler Way Vicinity Stabilization Project, Electrical Line Relocation, the SR 99 South Holgate Street to South King Street Viaduct Replacement Project, and Transit Enhancements and Other Improvements; and

WHEREAS, in 2008 the STATE and CITY agreed to guiding principles for replacing the Alaskan Way Viaduct: improve public safety; provide efficient movement of people and goods now and in the future; maintain or improve downtown Seattle, regional, Port of Seattle and state economies; enhance Seattle's waterfront, downtown and adjacent

neighborhoods as a place for people; create solutions that are fiscally responsible; and improve the health of the environment; and

WHEREAS, in 2008 the STATE and the CITY considered feedback from 16 meetings of a stakeholder advisory committee made up of representatives from business, labor, environmental, and neighborhood interests and more than one thousand public comments collected during quarterly public meetings; and more than 50 community briefings; and

WHEREAS, in January 2009, the Governor of Washington state, the Mayor of Seattle and the King County Executive jointly recommended replacing the Alaskan Way Viaduct with a bored tunnel beneath downtown Seattle; and

WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and the Governor signed the bill into law designating and funding the Bored Tunnel Program as the replacement for the Alaskan Way Viaduct; and

WHEREAS, the AWVSR Program consists of a four-lane bored tunnel and improvements to City streets, the City waterfront, and transit; and the Moving Forward Projects; and

WHEREAS, the new surface Alaskan Way boulevard will have four through travel lanes north of Colman Dock and will have signalized intersections and function similarly to other downtown arterial streets; and

WHEREAS, the AWVSR Program is consistent with the City of Seattle's adopted Comprehensive Plan; and

WHEREAS, the STATE and the CITY are committed to designing the bored tunnel and access portals to be consistent with Seattle's vision for the central waterfront, including reconnecting the downtown with the waterfront, enhancing the waterfront's environmental sustainability, increasing views of Elliott Bay and the landforms beyond, facilitating revitalization of Seattle's waterfront, maintaining transportation access to and through the waterfront, and increasing opportunities for the public to access and enjoy the shoreline and waterfront; and

WHEREAS the Port of Seattle is responsible for nearly 194,000 jobs in Washington state, \$17 billion in business revenue and tenants, half of the \$80 billion in cargo in Puget Sound ports, and is ranked the ninth largest port in the United States;

WHEREAS the Port of Seattle is funding projects that are part of or complement the AWVSR Program and which will provide capacity for future growth and improved safety, including the East Marginal Way Grade Separation Project, and the SR 519 South Seattle Intermodal Access Project Phase 2, has endorsed the bored tunnel concept, and is reviewing a proposed \$300 million investment in the AWVSR Program; and

WHEREAS King County is responsible for providing bus service, which serves an annual ridership of 100 million within a 2,134 square mile area; and

WHEREAS, King County is funding transit investments as part of the AWVSR Program, which will provide capacity for an additional 17,000 riders and include RapidRide investments, park and ride facility expansion, enhanced express and local service during peak periods, and investments in maintenance base capacity.

NOW, THEREFORE, the Parties agree to proceed with the AWVSR Program in accordance with the following principles.

IT IS MUTUALLY AGREED THAT:

Jointly the STATE and CITY intend to:

1. Continue to work collaboratively toward the successful completion of the AWVSR Program; and
2. Endeavor to open the bored tunnel to drivers by the end of 2015; and
3. Develop additional program-wide agreements (Additional Agreements), such as utility relocation, right-of-way, ownership and maintenance, and others to be consistent with this Agreement.

Responsibilities, implementation, and funding to be addressed in Additional Agreements are assigned as follows:

## **I. RESPONSIBILITIES**

The STATE will be responsible for the following:

1. The Moving Forward Projects; and
2. A bored tunnel from a point just north of S. Royal Brougham Way to Harrison Street including connections to the city street system and the reconnection of John Street, Thomas Street, and Harrison Street over SR 99; and
3. A surface street from S. King Street along Alaskan Way to Elliott and Western avenues, ending at Battery Street, including replacement of the Marion Street pedestrian overpass and reconstruction of the Lenora Street pedestrian overpass; and
4. A new roadway connecting the realigned Alaskan Way to East Marginal Way S.; and
5. Alaskan Way Viaduct demolition; and
6. Battery Street Tunnel decommissioning; and
7. Partial construction transportation mitigation; and
8. Protection of public and private facilities which can safely remain in place throughout construction of the bored tunnel; and
9. Agreement with King County for transit investments associated with the AWVSR Program; and
10. Agreements with the Port of Seattle for freight mobility improvements associated with the AWVSR Program.

The CITY will be responsible for the following:

1. City utility relocations associated with the AWVSR Program; and
2. Seawall replacement along the CITY's central waterfront; and
3. A promenade or public space along the central waterfront; and
4. Other City street improvements including the west phase of the Mercer Corridor Project and partial funding for the Mercer Corridor East and Spokane Street Viaduct projects; and
5. Evaluation of a potential streetcar on First Avenue, including a segment phasing approach.

## **II. IMPLEMENTATION**

The Parties recognize that it may be in the public interest for one Party to implement portions of the other Party's program responsibilities. Each Party will be responsible for implementation roles, which are subject to change by agreement of the Parties, and may include, but are not limited to, the following:

The STATE shall, in accordance with the Additional Agreements:

1. Complete the following Moving Forward Projects: Electrical Line Relocations – Phase 1, S. Holgate to S. King Street Viaduct Replacement Project; SR 99 Intelligent Transportation System Projects; and establish an agreement with King County for transit service during construction; and
2. Design and construct a single bore tunnel from approximately S. Royal Brougham Way to Harrison Street, with four lanes of traffic including tunnel portals at either end; and
3. Design and construct the relocation of some CITY-owned utilities at the portal locations and bored tunnel alignment on behalf of the CITY; and
4. Design and construct new crossings of the SR 99 bored tunnel at John, Thomas, and Harrison streets; and
5. Design and construct a new City street grid between S. King and S. Atlantic streets including the realignment of Alaskan Way; and
6. Design and construct a new roadway connecting the realigned Alaskan Way to East Marginal Way; and
7. Demolish the existing Alaskan Way Viaduct from S. King Street to the Battery Street Tunnel; and
8. Decommission the Battery Street Tunnel; and
9. Complete the environmental review process for the Bored Tunnel Alternative, as required by federal and state law; and
10. Establish an agreement with the Port of Seattle to secure the \$300 million port investment for the Alaskan Way Viaduct Replacement Program including the bored tunnel project.

The CITY shall, in accordance with the Additional Agreements, and subject to appropriation of funds for these purposes:

1. Design and construct the relocation of some CITY-owned utilities required for the AWVSR Program; and
2. Design and construct a new seawall between Colman Dock and Pine Street; and
3. Design and construct a new promenade or public space along the central waterfront; and
4. Design and construct two-way Mercer Street from I-5 to Elliott Avenue, including a new Sixth Avenue from Harrison Street to Mercer Street; and
5. Design and construct a widened Spokane Street Viaduct, including a new ramp to Fourth Avenue; and
6. Evaluate a potential streetcar on First Avenue between S. Jackson Street and the Seattle Center, including a segment phasing approach; and
7. Design and construct a new four-lane connection from Elliott and Western avenues, beginning at Battery Street, to Pine Street; and
8. Design and construct a new surface road from S. King Street to Pine Street; and
9. Design and construct intelligent transportation system projects along the SR 99 corridor.

### **III. FUNDING**

Funding responsibilities for the estimated costs are as follows (these are preliminary cost estimates, with final funding commitments to be determined).

The STATE shall fund or procure funding for, if, and to the extent that the Washington State Legislature appropriates funds for these purposes as agreed to in the Additional Agreements, consistent with the State funding limits established in Engrossed Substitute Senate Bill 5768:

1. Bored tunnel from north of S. Royal Brougham Way to Harrison Street -- \$1.9 billion
2. Surface street connection from S. Yesler Street along Alaskan Way to Pike Street, including replacement of the Marion Street pedestrian overpass; a new connection from Pike Street to Elliot and Western avenues; reconstruction of the Lenora Street pedestrian overpass; viaduct removal; Battery Street Tunnel decommissioning -- \$290 million
3. Completion of the Moving Forward Projects including a new surface Alaskan Way from S. King to S. Yesler streets, and a new roadway connecting the realigned Alaskan Way to East Marginal Way S.-- \$600 million
4. Partial construction transportation mitigation (mitigation to offset loss of on-street parking during construction) -- \$30 million

The CITY shall fund or procure funding for, if, and to the extent that, the Seattle City Council appropriates funds for these purposes as agreed to in the Additional Agreements (the Parties acknowledge that no funds will be appropriated by the ordinance that approves this Agreement):

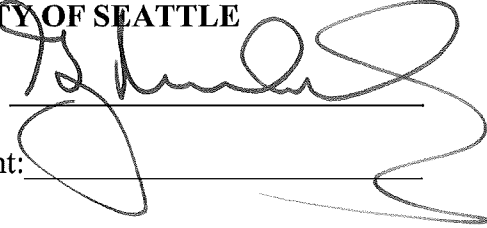
1. City utility relocation costs associated with the program -- \$248 million
2. Central seawall replacement -- \$225 million
3. Promenade or public space along the central waterfront -- \$123 million

4. City streets and transit pathways including the west phase of the Mercer Corridor Project and partial funding for the Mercer East and Spokane Street Viaduct projects -- \$191 million
5. Evaluation of a potential First Avenue Streetcar, including a segment phasing approach -- \$140 million (design and construction estimate)

The STATE and CITY shall jointly work with King County and the Port of Seattle to endeavor to fully secure the respective funding commitments of these contributing agencies.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the last day and year written below.

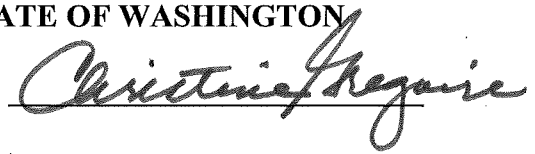
CITY OF SEATTLE

By:   
Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: 10/24/2009

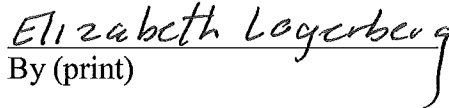
STATE OF WASHINGTON


By:   
Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: 10/24/09

APPROVED AS TO FORM:

  
By (print)

  
Signature  
Assistant Attorney General

Date: 10-22-09



# City of Seattle

Seattle Department of Transportation

FILED  
CITY OF SEATTLE

11 JUN 30 AM 10:26

Peter Hahn, Director

CITY CLERK

MEMORANDUM

**Date:** June 30, 2011  
**To:** Office of the City Clerk  
**From:** Brandon Bolinger, SDOT Director's Office  
**Subject:** Ordinance 123133 / MOA No. GCA 6366

Enclosed is an original copy of the agreement executed pursuant to Ordinance 123133 for the City's official records.

**No. GCA 6366 Alaskan Way Viaduct and Seawall Replacement Program Bored Tunnel Alternative**



Seattle Municipal Tower, 700 5<sup>th</sup> Avenue, Suite 3800, PO Box 34996, Seattle, WA 98124-4996  
Tel: (206) 684-ROAD Tel: (206) 684-5000 Fax: (206) 684-5180

Web: [www.seattle.gov/transportation](http://www.seattle.gov/transportation)

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