

Ordinance No. 123397

Council Bill No. 11847

AN ORDINANCE relating to transportation funding; establishing a Transportation Benefit District within the corporate limits of the City of Seattle, specifying the maintenance and preservation of existing transportation improvements, providing for additional transportation improvements and adding a new Chapter 3.120.

Related Legislation File: _____

Date Introduced and Referred: <u>August 16, 2010</u>	To: (committee): <u>Transportation</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.20.10</u>	Date Presented to Mayor: <u>9.22.10</u>
Date Signed by Mayor: <u>9/28/10</u>	Date Returned to City Clerk: <u>9/29/10</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *Tom Rasmussen*

Committee Action:

Date	Recommendation	Vote
<u>9-14-10</u>	<u>Pass</u>	<u>TR TB NL RC 4-0</u>

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

Full Council Action:

Date	Decision	Vote
<u>9/20/10</u>	<u>Passed</u>	<u>8-0 SC excused</u>

ORDINANCE 123397

AN ORDINANCE relating to transportation funding; establishing a Transportation Benefit District within the corporate limits of the City of Seattle, specifying the maintenance and preservation of existing transportation improvements, providing for additional transportation improvements and adding a new Chapter 3.120.

WHEREAS, the City of Seattle (City) has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to Chapter 35.22 RCW; and

WHEREAS, the City is steward to over 1,500 lane-miles of arterial streets, 150 bridges, 22 miles of retaining walls, 480 stairways, 1,000 signalized intersections, 120,000 signs, 2,000 miles of sidewalks, and 30,000 street trees representing an economic asset of over \$8 billion; and

WHEREAS, the cost of the estimated backlog of transportation maintenance work in 2004 was estimated at over \$500 million; and

WHEREAS, the City's Transportation Strategic Plan, Bicycle Master Plan, Pedestrian Master Plan, Freight Mobility Action Plan and soon to be developed Transit Master Plan outlines key strategies, objectives and investments for improving safety, mobility, modal connectivity, and access through providing effective transportation choices; and

WHEREAS, the City has limited funding and declining revenue sources to pay for necessary preservation and maintenance of its transportation infrastructure and to make targeted investments toward creating a more effective and efficient transportation system; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of Transportation Benefit Districts (TBD) by cities and counties and to levy and impose various taxes and fees to generate revenues to support transportation improvements within the district that are consistent with state, regional or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a TBD subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City desires to form a TBD which includes the entire City of Seattle as the boundaries currently exist or are hereafter expanded due to annexation; and



1 WHEREAS, prior to establishing a TBD, the City Council is required to conduct a public
2 hearing upon proper notice to describe the function and purposes of the proposed TBD;
and

3 WHEREAS, the City provided proper notice, conducted a public hearing and took public
4 comment regarding the proposed establishment of a TBD in accordance with RCW
36.73.050; and

5 WHEREAS, the City Council of the City of Seattle finds it to be in the interest of the City and its
6 residents and businesses to establish a citywide TBD for preserving and maintaining
7 transportation infrastructure, improving public safety, implementing elements of the
8 Seattle Transportation Strategic Plan and other planning documents, investing in bicycle,
pedestrian, freight mobility and transit enhancements and providing people with choices
to meet their mobility needs; and

9 WHEREAS, the City Council of the City of Seattle shall establish a governing body for the TBD
10 comprised of the City Council acting in an ex officio and independent capacity; NOW,
11 THEREFORE,

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

13 Section 1. A new chapter is added to the Seattle Municipal Code as follows:

14 Chapter 3.120 Transportation Benefit District.

15 3.120.010 Transportation Benefit District Established.

16 There is created a transportation benefit district to be known as the Seattle Transportation
17 Benefit District with geographical boundaries comprised of the corporate limits of the City as
18 they currently exist or as they may exist following future annexations.

19 3.120.020 Governing Board.

20 a. The governing board of the Transportation Benefit District shall be the Seattle City
21 Council acting in an ex officio and independent capacity, which shall have the authority to
22 exercise the statutory powers set forth in Chapter 36.73 RCW.
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1 b. The treasurer of the Transportation Benefit District shall be the City Director of
2 Finance.

3 c. The Board shall develop a material change policy to address major plan changes that
4 affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in
5 RCW 36.73.160(1).

6 d. The Board shall issue an annual report, pursuant to the requirements of RCW
7 36.73.160(2).

8 3.120.030 Authority of the District.

9 The Board shall have and may exercise any powers provided by law to fulfill the purpose
10 of the Seattle Transportation Benefit District.

11 3.120.040 Use of Funds.

12 The funds generated by the Transportation Benefit District may be used for any purpose
13 allowed by law including to operate the District and to make transportation improvements that
14 are consistent with existing state, regional, and local transportation plans and necessitated by
15 existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The
16 transportation improvements funded by the district shall be made in an effort to preserve and
17 maintain transportation infrastructure, improve public safety, implement projects identified in the
18 Seattle Department of Transportation's (SDOT) planning documents and Capital Improvement
19 Program (CIP), invest in bicycle, pedestrian, freight mobility and transit enhancements and
20 provide people with choices to meet their mobility needs. Additional transportation
21 improvement projects of the district may be funded only after compliance with the provisions of
22 RCW 36.73.050(b).
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1 3.120.050 Revenue Sources.

2 The Board shall have the authority to establish fees and other revenue sources consistent
3 with RCW 36.73.065.

4 3.120.060 Dissolution of District.

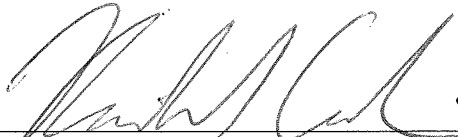
5 The Transportation Benefit District shall be dissolved when all indebtedness of the
6 district has been retired and when all of the District's anticipated responsibilities have been
7 satisfied.
8

9 Section 2. The provisions of this ordinance are declared to be separate and severable.
10 The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this
11 ordinance, or the invalidity of its application to any person or circumstance, shall not affect the
12 validity of the remainder of this ordinance, or the validity of its application to other persons or
13 circumstances.
14


15 Section 3. This ordinance shall take effect and be in force 30 days from and after its
16 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
17 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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1 Passed by the City Council the 20th day of September, 2010, and
2 signed by me in open session in authentication of its passage this
3 20th day of September, 2010.

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5 
6 President _____ of the City Council

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8 Approved by me this 28th day of Sept, 2010.

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10 
11 Michael McGinn, Mayor

12 Filed by me this 29th day of September, 2010.

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14 
15 City Clerk

16 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Mike Fong/5-1675	N/A

Legislation Title: AN ORDINANCE relating to transportation funding; establishing a Transportation Benefit District within the corporate limits of the City of Seattle, specifying the maintenance and preservation of existing transportation improvements, providing for additional transportation improvements and adding a new Chapter 3.120.

• **Summary of the Legislation:**

This legislation exercises the authority granted to the City by the State Legislature to create a Transportation Benefit District (TBD) for the purposes of levying and imposing taxes and fees for transportation projects. In accordance with the parameters outlined in Chapter 36.73 RCW, this ordinance:

- a) Establishes the TBD geographic boundaries (same as exiting corporate boundaries of the City of Seattle);
- b) Designates the City Council to act as the Governing Board of the TBD in an ex officio and independent capacity;
- c) Designates the City Finance Director as treasurer of the TBD;
- d) Articulates the intended use of revenues generated from the TBD; and
- e) Delineates specific responsibilities of the TBD, such as issuing an annual report and the authority to impose and levy certain taxes and fees.

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

With declining City revenues, the City Council finds it necessary and appropriate to establish a TBD to fund transportation projects. Since 2008, the Seattle Department of Transportation's (SDOT's) revenues from the State Gas Tax has declined by 2%, General Fund has declined 21% and Real Estate Excise Tax has declined by 60%. The Mayor's proposed 2011-12 biennium budget is expected to reflect additional reductions in transportation funding. With a growing backlog of basic maintenance and preservation of City infrastructure, the TBD will provide new potential revenue sources to address the funding gap. In addition to making progress on SDOT's backlog, opportunities may emerge to invest in other mobility enhancements including transit, pedestrian and bicycle projects.

• *Please check one of the following:*

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



Notes: The TBD has the authority to enact or present to voters several different sources of revenue. This legislation establishes the TBD but does not impose any fees or taxes. Subsequent action by the TBD related to revenue generation is anticipated and would have fiscal implications. It is also anticipated that the District would have a contractual relationship with the City of Seattle to utilize the revenues generated for transportation purposes.



STATE OF WASHINGTON – KING COUNTY

--SS.

259931
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

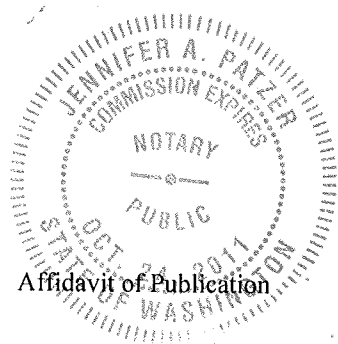
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT;PUBL HEARING 116947

was published on

09/03/10

The amount of the fee charged for the foregoing publication is the sum of \$ 68.25, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on
09/03/10 _____

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Notice of Public Hearing

City of Seattle
Seattle City Council's Transportation
Committee

Notice of Public Hearing
Council Bill 116947

Proposed establishment of a City of
Seattle Transportation Benefit District

Tuesday, September 14, 2010, 9:30 a.m.

City Council Chamber, 2nd Floor, City
Hall, 600 4th Avenue, Seattle, WA 98104

The purpose of the public hearing is to receive public comment on the proposal to establish a Transportation Benefit District (TBD) that will have the same boundaries as the City of Seattle. The funds generated by the TBD may be used for any purpose allowed by law including to operate the TBD and to make transportation improvements within the City of Seattle that are consistent with existing state, regional, and local transportation plans, and necessitated by existing or reasonably foreseeable congestion levels pursuant to RCW Chapter 36.73. The transportation improvements funded by the TBD shall be made in an effort to preserve and maintain transportation infrastructure, improve public safety, implement projects identified in the Seattle Department of Transportation's planning documents and Capital Improvement Program, invest in bicycle, pedestrian, freight mobility, transit enhancements, and provide people with choices to meet their mobility needs.

The full text of Council Bill 116947 is available online at <http://clerk.seattle.gov>.

Written comments may be submitted by 5:00 p.m., September 14, 2010, to Councilmember Rasmussen, Chair of Transportation Committee, 600 4th Ave., Floor 2, PO Box 34025, Seattle, WA 98124-4025 or Tom.Rasmussen@seattle.gov.

For questions regarding the proposed TBD or to request paper copies of the proposed legislation, contact Brian Hawksford at (206) 684-6808 or Brian.Hawksford@seattle.gov.

Date of publication in the Seattle Daily Journal of Commerce, September 3, 2010.

9/3(259931)

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STATE OF WASHINGTON – KING COUNTY

--SS.

261515
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

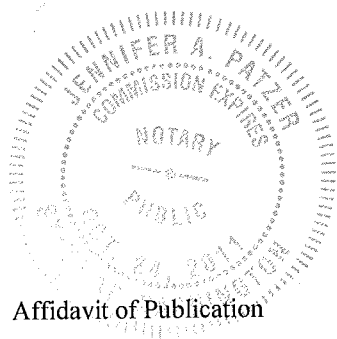
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123397 ORDINANCE

was published on

10/11/10

The amount of the fee charged for the foregoing publication is the sum of \$ 252.53, which amount has been paid in full.



Affidavit of Publication

[Handwritten Signature]

Subscribed and sworn to before me on
10/11/10 *[Handwritten Signature]*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123397

AN ORDINANCE relating to transportation funding, establishing a Transportation Benefit District within the corporate limits of the City of Seattle, specifying the maintenance and preservation of existing transportation improvements, providing for additional transportation improvements and adding a new Chapter 3.120.

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within the corporate limits of the City pursuant to Chapter 35.22 RCW; and

WHEREAS, the City is steward to over 1,500 lane-miles of arterial streets, 150 bridges, 22 miles of retaining walls, 480 stairways, 1,000 signalized intersections, 120,000 signs, 2,000 miles of sidewalks, and 30,000 street trees representing an economic asset of over \$8 billion; and

WHEREAS, the cost of the estimated backlog of transportation maintenance work in 2004 was estimated at over \$500 million; and

WHEREAS, the City's Transportation Strategic Plan, Bicycle Master Plan, Pedestrian Master Plan, Freight Mobility Action Plan and soon to be developed Transit Master Plan outlines key strategies, objectives and investments for improving safety, mobility, modal connectivity, and access through providing effective transportation choices; and

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WHEREAS, prior to establishing a TBD, the City Council is required to conduct a public hearing upon proper notice to describe the function and purposes of the proposed TBD; and

WHEREAS, the City provided proper notice, conducted a public hearing and took public comment regarding the proposed establishment of a TBD in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Seattle finds it to be in the interest of the City and its residents and businesses to establish a citywide TBD for preserving and maintaining transportation infrastructure, improving public safety, implementing elements of the Seattle Transportation Strategic Plan and other planning documents, investing in bicycle, pedestrian, freight mobility and transit enhancements and providing people with choices to meet their mobility needs; and

WHEREAS, the City Council of the City of Seattle shall establish a governing body for the TBD comprised of the City Council acting in an ex officio and independent capacity;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new chapter is added to the Seattle Municipal Code as follows:

Chapter 3.120 Transportation Benefit District.

3.120.010 Transportation Benefit District Established.

There is created a transportation benefit district to be known as the Seattle Transportation Benefit District with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

3.120.020 Governing Board.

a. The governing board of the Transportation Benefit District shall be the Seattle City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

b. The treasurer of the Transportation Benefit District shall be the City Director of Finance.

c. The Board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

d. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

3.120.030 Authority of the District.

The Board shall have and may exercise any powers provided by law to fulfill the purpose of the Seattle Transportation Benefit District.

3.120.040 Use of Funds.

The funds generated by the Transportation Benefit District may be used for any purpose allowed by law including to operate the District and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded by the district shall be made in an effort to preserve and maintain transportation infrastructure, improve public safety, implement projects identified in the Seattle Department of Transportation's (SDOT) planning documents and Capital Improvement Program (CIP), invest in bicycle, pedestrian, freight mobility and transit enhancements and provide people with choices to meet their mobility needs. Additional transportation improvement projects of the district may be funded only after compliance with the provisions of RCW 36.73.050(b).

3.120.050 Revenue Sources.

The Board shall have the authority to establish fees and other revenue sources consistent with RCW 36.73.065.

3.120.060 Dissolution of District.

The Transportation Benefit District shall be dissolved when all indebtedness of the district has been retired and when all of the District's anticipated responsibilities have been satisfied.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 20th day of September, 2010, and signed by me in open session in authentication of its passage this 20th day of September, 2010.

Richard Conlin

President of the City Council

Approved by me this 28th day of September, 2010.

Michael McGinn, Mayor

Filed by me this 29th day of September, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, October 11, 2010.
10/11(261515)