

Ordinance No. 121923

Council Bill No. 115365

AN ORDINANCE relating to the Traffic Code, amending Sections 11.62.020 and 11.62.040 of the Seattle Municipal Code to make the Traffic Code consistent with changes in the Seattle Fire Code, prohibiting the transport of hazardous materials at all times through the Battery Street Tunnel and on the Alaskan Way Viaduct during peak travel periods.

CF No. _____

Date Introduced:	SEP - 6 2005	
Date 1st Referred:	SEP - 6 2005	To: (committee) TRANSPORTATION
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: 9-19-05 8-0	
Date Presented to Mayor:	Date Approved: 9-20-05 9/22/05	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

me

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CONLIN

Richard Conlin
Councilmember

Committee Action:

9/13/05 - 3-0 yes, Conlin, Rasmussen, Godden

9-19-05 Passed 8-0 (Excused: Compton)

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

Committee: RC 9/13/05
(Initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

RC

ORDINANCE 121923

AN ORDINANCE relating to the Traffic Code, amending Sections 11.62.020 and 11.62.040 of the Seattle Municipal Code to make the Traffic Code consistent with changes in the Seattle Fire Code, prohibiting the transport of hazardous materials at all times through the Battery Street Tunnel and on the Alaskan Way Viaduct during peak travel periods.

WHEREAS, on August 15, 2004, the Seattle City Council adopted Ordinance 121524 which adopted the 2003 International Fire Code with local amendments as the Seattle Fire Code; and

WHEREAS, the Traffic Code prohibits the loading or transport of any flammable liquids, combustible liquids except heating oil, or hazardous chemicals as defined by the Seattle Fire Code, upon the Battery Street depressed roadway from the Alaskan Way Viaduct to Aurora Avenue North at any time, and the Alaskan Way Viaduct between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on weekdays; and

WHEREAS, the Seattle Fire Code regulates the transportation of hazardous cargo through tunnels;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.62.020 of the Seattle Municipal Code is amended as follows:

SMC 11.62.020 ((Flammable liquids, combustible liquids and hazardous chemicals))

Hazardous Materials.

No person shall load or transport any ((flammable liquids, combustible liquids except heating oil, or hazardous chemicals as defined by)) hazardous materials in accordance with Section 317 of the Seattle Fire Code and Subsection 13.1 of National Fire Protection Standard 502, 2001 edition, as amended by Ordinance 121524, upon:

- A. Battery Street Tunnel and depressed roadway from the Alaskan Way Viaduct to Aurora Avenue North at any time.
- B. Alaskan Way Viaduct between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on weekdays, which time periods may be revised at the discretion of the Director of Transportation.



1
2 Section 2. Section 11.62.040 of the Seattle Municipal Code is amended as follows:

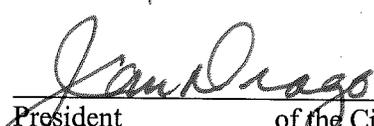
3 **SMC 11.62.040 Explosives.**

4 No person shall load or transport any explosive, as defined in the Seattle Fire Code, upon the
5 following arterial streets:

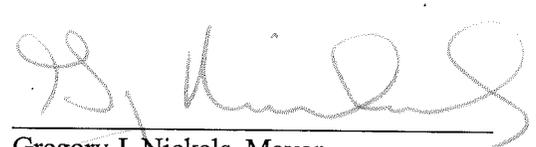
- 6 A. Alaskan Way Viaduct;
7 B. Battery Street Tunnel and depressed roadway from the Alaskan Way Viaduct to Aurora
8 Avenue North.
9

10
11 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its
12 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
13 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
14

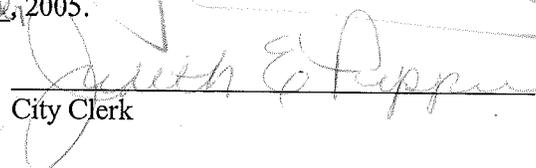
15 Passed by the City Council the 19th day of September, 2005, and signed by me in open
16 session in authentication of its passage this 19th day of September, 2005.
17

18 
19 President _____ of the City Council

20 Approved by me this 22nd day of September, 2005.

21 
22 Gregory J. Nickels, Mayor

23 Filed by me this 23rd day of September, 2005.

24 
25 City Clerk

26 (Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 9, 2005

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

Dear Council President Drago:

The attached proposed Council Bill restricts the transport of home heating oil through the Battery Street Tunnel at all times, and from the Alaskan Way Viaduct during peak hours (7:00 – 9:00 a.m. and 4:00 – 6:00 p.m. weekdays). The Bill also authorizes the Director of Transportation to revise those time periods when necessary.

This action will make the City's Traffic Code consistent with the Seattle Fire Code which was changed in 2004. In 2004, the City's Fire Code which regulates the transportation of hazardous cargo through tunnels, was updated to reflect the National Fire Protection Association Standard (NFPA 502 – *Standard for Road Tunnels, Bridges and Limited Access Highways*). Additionally, when the Alaskan Way Viaduct Replacement Project is underway, heating oil companies will not be allowed to transport their goods, at any time, through the Battery Street Tunnel, the Viaduct replacement tunnel and the remaining elevated Viaduct structure. The Seattle Department of Transportation (SDOT) has identified several potential alternative routes for home heating oil transport. SDOT has been working with the public to notify them of these proposed changes.

Thank you for your consideration of this legislation. Should you have questions, please contact Katherine Casseday, 684-5097.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint, stylized graphic element that resembles a signature or a large letter "G".

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

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Katherine Casseday, 684-5097	Jennifer Devore, 615-1328

Legislation Title:

AN ORDINANCE relating to the Traffic Code, amending Sections 11.62.020 and 11.62.040 of the Seattle Municipal Code to make the Traffic Code consistent with changes in the Seattle Fire Code, prohibiting the transport of hazardous materials at all times through the Battery Street Tunnel and on the Alaskan Way Viaduct during peak travel periods.

• **Summary of the Legislation:**

This Council Bill restricts the transportation of home heating oil from the Battery Street Tunnel at all times, and from the current Alaskan Way Viaduct during peak hours (7 – 9 a.m. and 4 – 6 p.m. on weekdays), to make the Traffic Code consistent with the City Fire Code on the subject of hazardous materials transportation. Additionally it allows the Director of Transportation to revise the time periods for the restriction on the Alaskan Way Viaduct.

• **Background:**

In 2004, the City's Fire Code which regulates the transportation of hazardous cargo through tunnels, was updated to reflect the National Fire Protection Association Standard (NFPA 502 – *Standard for Road Tunnels, Bridges and Limited Access Highways*). Chapter 13 of NFPA 502 instructs local jurisdictions to adopt regulations concerning the transportation of hazardous cargo and the current restrictions in the Fire Code were adopted in response to that directive. At this time, however, the City is not able to prohibit the transport of heating oil (defined as a hazardous material) through the Battery Street Tunnel or on the Alaskan Way Viaduct during peak periods because the language in the city's Traffic Code (SMC 11.62) is inconsistent with the City's Fire Code (SMC 22) as amended August 15, 2004. This Council Bill makes the language consistent.

When the Alaskan Way Viaduct Replacement Project is constructed, heating oil companies will not be allowed to transport their goods, at any time, through the Battery Street Tunnel, the Viaduct replacement tunnel and the remaining elevated Viaduct structure.

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.)*



STATE OF WASHINGTON – KING COUNTY

--SS.

190495
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:121923 ORD IN FULL

was published on

10/03/05

The amount of the fee charged for the foregoing publication is the sum of \$ 112.63, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

10/03/05

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121923

AN ORDINANCE relating to the Traffic Code, amending Sections 11.62.020 and 11.62.040 of the Seattle Municipal Code to make the Traffic Code consistent with changes in the Seattle Fire Code, prohibiting the transport of hazardous materials at all times through the Battery Street Tunnel and on the Alaskan Way Viaduct during peak travel periods.

WHEREAS, on August 15, 2004, the Seattle City Council adopted Ordinance 121524 which adopted the 2003 International Fire Code with local amendments as the Seattle Fire Code; and

WHEREAS, the Traffic Code prohibits the loading or transport of any flammable liquids, combustible liquids except heating oil, or hazardous chemicals as defined by the Seattle Fire Code, upon the Battery Street depressed roadway from the Alaskan Way Viaduct to Aurora Avenue North at any time, and the Alaskan Way Viaduct between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on weekdays; and

WHEREAS, the Seattle Fire Code regulates the transportation of hazardous cargo through tunnels; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.62.020 of the Seattle Municipal Code is amended as follows:

SMC 11.62.020 ((Flammable Liquids; combustible Liquids and hazardous chemicals)) Hazardous Materials.

No person shall load or transport any ((flammable liquids, combustible liquids except heating oil, or hazardous chemicals as defined by)) hazardous materials in accordance with Section 317 of the Seattle Fire Code and Subsection 13.1 of National Fire Protection Standard 502, 2001 edition, as amended by Ordinance 121524, upon:

A. Battery Street Tunnel and depressed roadway from the Alaskan Way Viaduct to Aurora Avenue North at any time.

B. Alaskan Way Viaduct between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on weekdays, which time periods may be revised at the discretion of the Director of Transportation.

Section 2. Section 11.62.040 of the Seattle Municipal Code is amended as follows:

SMC 11.62.040 Explosives.

No person shall load or transport any explosive, as defined in the Seattle Fire Code, upon the following arterial streets:

A. Alaskan Way Viaduct;

B. Battery Street Tunnel and depressed roadway from the Alaskan Way Viaduct to Aurora Avenue North.

Section 3. 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 19th day of September, 2005, and signed by me in open session in authentication of its passage this 19th day of September, 2005.

Jan Drago

President of the City Council

Approved by me this 22nd day of September, 2005.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of September, 2005.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, October 3, 2005.

10/3(190496)