

Resolution No. 31248

A RESOLUTION granting conceptual approval of Biotech Reader Kiosks and Optical Character Recognition Camera Portals in the westerly margin of Colorado Avenue South, south of Atlantic Street, the foundations for which are being constructed by the Washington State Department of Transportation as part of the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2, as proposed by BNSF Railway Company.

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

Date Introduced and Referred: <u>Sept. 27, 2010</u>	To: (committee): <u>Transportation</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>10.4.10</u>	Date Presented to Mayor: <u>10.5.10</u>
Date Signed by Mayor: <u>10.13.10</u>	Date Returned to City Clerk: <u>10.13.10</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Returned Without Concurrence:
Published in Full Text _____	

# The City of Seattle - Legislative Department

Resolution sponsored by: *Tom Roemer*

## Committee Action:

Date	Recommendation	Vote
<u>9/28/10</u>	<u>Approve</u>	<u>TRJ&amp;TB 3-0</u>

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

## Full Council Action:

Date	Decision	Vote
<u>10.4.10</u>	<u>Adopted</u>	<u>9-0</u>

*Law Department*

RESOLUTION 31248

1  
2 A RESOLUTION granting conceptual approval of Biotech Reader Kiosks and Optical Character  
3 Recognition Camera Portals in the westerly margin of Colorado Avenue South, south of  
4 Atlantic Street, the foundations for which are being constructed by the Washington State  
Department of Transportation as part of the SR 99 South Holgate to South King Street  
Viaduct Replacement Project Phase 2, as proposed by the BNSF Railway Company.

5 WHEREAS, in March 2007, the Governor of Washington, the King County Executive, and the  
6 Mayor of Seattle agreed to implement Resolution 30959 by advancing a series of Moving  
7 Forward projects to replace or repair portions of the deteriorating Alaskan Way Viaduct,  
8 including the SR 99 South Holgate to South King Street Viaduct Replacement Project,  
which replaces the southern 40 percent of the Alaskan Way Viaduct; and

9 WHEREAS, the City Council Committee of the Whole, Transportation Committee, and Special  
10 Committee on the Alaskan Way Viaduct and Seawall Replacement Program have  
11 received numerous briefings since 2007 on the purpose, design and plan for construction  
of the SR 99 South Holgate to South King Street Viaduct Replacement Project, which has  
been split into three phases; and

12 WHEREAS, the City Council authorized a Memorandum of Agreement (No. GCA 6075)  
13 between the Seattle Department of Transportation (SDOT) and the Washington State  
14 Department of Transportation (WSDOT) governing the property, environmental  
15 remediation, design review, permitting, and construction coordination for the SR 99  
16 South Holgate to South King Street Viaduct Replacement Project Phase 2 with Ordinance  
123079 on September 8, 2009; and

17 WHEREAS, as part of the SR 99 South Holgate to South King Street Viaduct Replacement  
18 Project Phase 2, WSDOT is proposing to construct for BNSF Railway Company (BNSF)  
19 foundations and utilities in Colorado Avenue South to support Biotech Reader Kiosks  
20 and Optical Character Recognition Camera Portals (Kiosks and OCRs), which are  
devices used to identify trucks and facilitate separation of general purpose traffic from  
truck traffic to the Seattle International Gateway yard; and

21 WHEREAS, the Street Use permit No. 67102 for construction of the SR 99 South Holgate to  
22 South King Street Viaduct Replacement Project Phase 2 has been issued to WSDOT and  
construction is scheduled to begin in the third quarter of 2010; and

23 WHEREAS, in making a recommendation, the SDOT Director (Director) considered the  
24 submitted plans and application materials for the construction of foundations, structures,  
25 and utilities in the westerly margin of Colorado Avenue South, south of Atlantic Street, to



1 support the Kiosks and OCRs, and recommends that conceptual approval be granted;  
2 NOW, THEREFORE,

3 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE  
4 MAYOR CONCURRING, THAT:**

5 Section 1. The City Council finds that the foregoing Kiosks and OCRs are in accordance  
6 with the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2 and are  
7 in the public interest.

8 Section 2. As conditions for obtaining permission to construct the Kiosks and OCRs,  
9 BNSF shall be required to 1) provide structural engineering plans and utility plans for additional  
10 review and permitting by SDOT, which plans the Director will circulate to other City  
11 departments and public and private utilities affected by the installation of the proposed Kiosks  
12 and OCRs, 2) provide public liability insurance naming the City as an additional insured or in the  
13 form of self-insurance, as approved by the City Risk Manager, 3) maintain and inspect the  
14 Kiosks and OCRs, 4) remit the annual term permit fees, and 5) remove the Kiosks and OCRs and  
15 restore the public right-of-way to its original condition upon expiration of the term permit or at  
16 the direction of the Director or City Council. After adoption of this Resolution, SDOT will  
17 present to City Council in a timely manner a draft term permit ordinance detailing the conditions  
18 for which permission shall be granted, which permission is subject to review and comment by  
19 BNSF, and ultimate approval or modification by City Council.

20 Section 3. Nothing in this Resolution shall be deemed a submission by BNSF to the  
21 jurisdiction of any state or local body or a waiver of the preemptive effect of any state or federal  
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28



1 law or shall be deemed to limit in any way the City's authority to control the use of its rights-of-  
2 way.

3 Section 4. As recommended by the Director and the Mayor, conceptual approval for the  
4 construction of foundations, structures, and utilities in the westerly margin of Colorado Avenue  
5 South, south of Atlantic Street, to support the Kiosks and OCRs, as proposed by WSDOT and  
6 BNSF, is GRANTED.

7  
8 Adopted by the City Council the 4<sup>th</sup> day of October, 2010, and  
9 signed by me in open session in authentication of its adoption this 4<sup>th</sup> day  
10 of October, 2010.

11   
12 President \_\_\_\_\_ of the City Council

13 THE MAYOR CONCURRING:

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15   
16 Michael McGinn, Mayor

17  
18 Filed by me this 13<sup>th</sup> day of October, 2010.

19  
20   
21 City Clerk

22 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Department of Transportation	Angela Steel 684-5967	Stephen Barham 733-9084

**Legislation Title:**

A RESOLUTION granting conceptual approval of Biotech Reader Kiosks and Optical Character Recognition Camera Portals in the westerly margin of Colorado Avenue South, south of Atlantic Street, the foundations for which are being constructed by the Washington State Department of Transportation as part of the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2, as proposed by BNSF Railway Company.

**Summary of the Legislation:**

This proposed resolution grants the conceptual approval for BNSF Railway Company (BNSF) to construct, operate, and maintain Biotech Reader Kiosks and Optical Character Recognition Camera Portals (Kiosks and OCRs) in the westerly margin of Colorado Avenue South, south of Atlantic Street. The foundations of these structures are being constructed by the Washington Department of Transportation (WSDOT) as part of the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2. The Kiosks and OCRs will be used to identify trucks and facilitate separation of general purpose traffic from truck traffic to the Seattle International Gateway yard.

**Background:**

In March 2007, the Governor of Washington, the King County Executive, and the Mayor of Seattle agreed to implement Resolution 30959 by advancing a series of Moving Forward projects to replace or repair portions of the deteriorating Alaskan Way Viaduct (AWV), including the SR 99 South Holgate to South King Street Viaduct Replacement Project, which replaces the southern 40% of the AWV.

By Ordinance 123079, the City Council authorized a Memorandum of Agreement (No. GCA 6075) between the Seattle Department of Transportation (SDOT) and WSDOT governing the property, environmental remediation, design review, permitting and construction coordination for SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2.

The Street Use permit No. 67102 for construction of the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2 has been issued to WSDOT and construction is scheduled to begin in the third quarter of 2010.

X  This legislation does not have any financial implications.

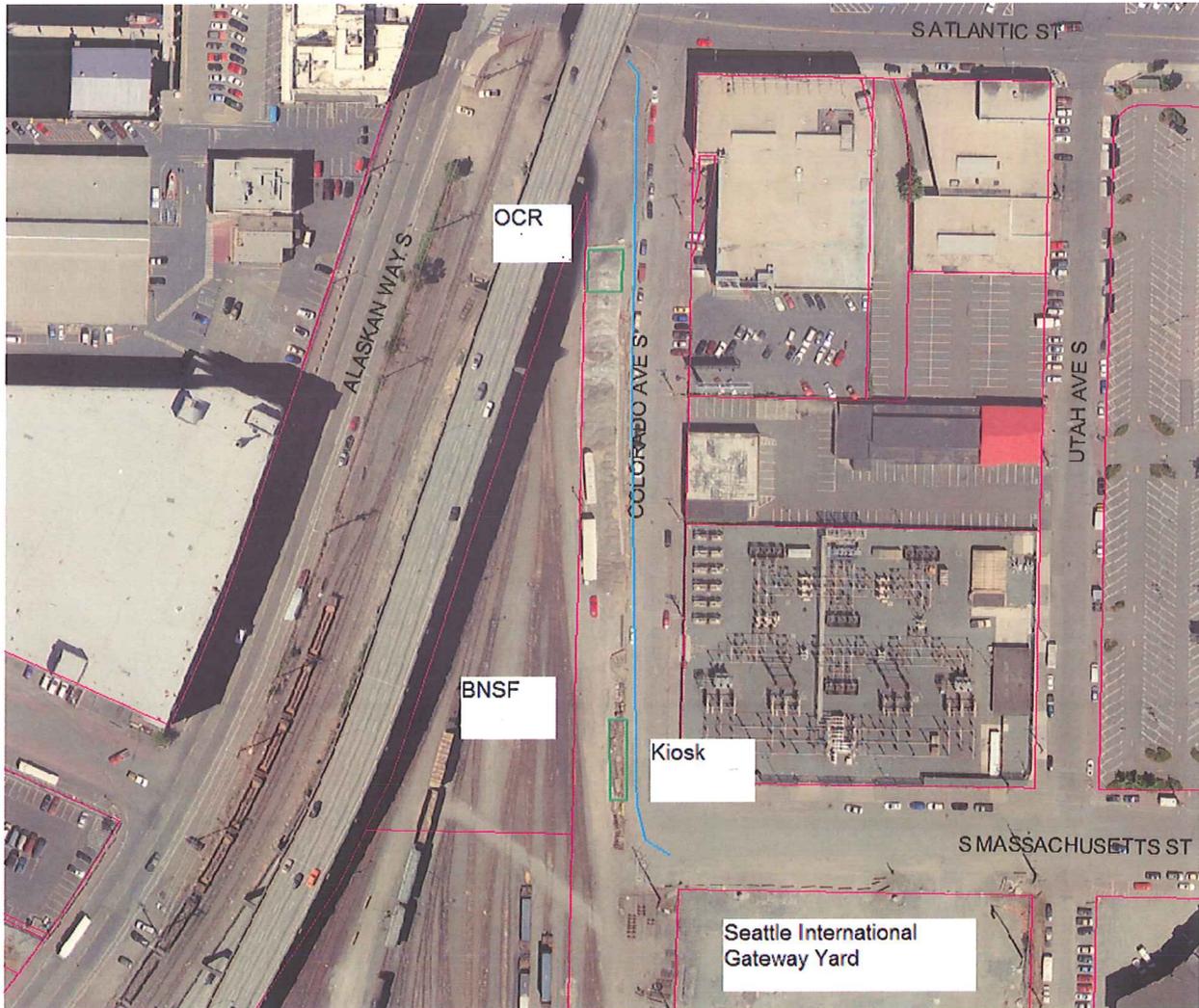


Although this resolution does not accept or appropriate funds, SDOT will receive a permit fee from BNSF after the completion of the installation of the Kiosks and OCRs.

**List attachments to the fiscal note below:**

Attachment A-BNSF Kiosks and OCRs Area Map

Attachment A – BNSF Kiosks and OCRs Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Resolution.





**City of Seattle**  
Office of the Mayor

September 21, 2010

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 Resolution that accepts the proposed conceptual design for the BNSF Railway Company (BNSF) to construct, operate and maintain in the right-of-way Biotech Reader Kiosks and Optical Character Recognition Camera Portals (Kiosks and OCRs) in the westerly margin of Colorado Avenue South, south of Atlantic Street.

As part of the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2, the Washington State Department of Transportation (WSDOT) is proposing to construct, on behalf of BNSF, foundations and utilities in Colorado Avenue South to support the Kiosks and OCRs. These devices used to identify trucks and facilitate separation of general purpose traffic from truck traffic to the Seattle International Gateway yard.

The Seattle Department of Transportation (SDOT) has worked with both WSDOT and BNSF to determine the preferred design, size and location of the Kiosks and OCRs in the Colorado Avenue South right-of-way. SDOT is in agreement with the proposed conceptual design.

Thank you for your consideration of this resolution. Should you have questions, please contact Angela Steel at 684-5967.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor  
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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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261961  
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.

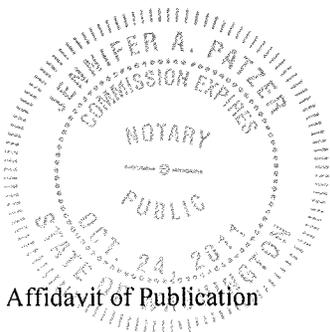
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31245-48,50-51 TITLE

was published on

10/20/10

The amount of the fee charged for the foregoing publication is the sum of \$ 102.38, which amount has been paid in full.



*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/20/10  
*[Signature]*  
\_\_\_\_\_  
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 legislation, passed by the City Council on October 4, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

#### RESOLUTION NO. 31245

A RESOLUTION recognizing the extensive efforts of the North Beacon Hill neighborhood to update their vision and plan for the future; approving an action plan for the neighborhood and City to undertake actions to advance neighborhood priorities; and authorizing the submittal of proposed amendments to the North Beacon Hill Neighborhood Plan for consideration as part of the Comprehensive Plan amendment process.

#### RESOLUTION NO. 31246

A RESOLUTION recognizing the extensive efforts of the Othello neighborhood (formerly known as the MLK@Holly Street neighborhood) to update their vision and plan for the future; approving an action plan for the neighborhood and City to undertake actions to advance neighborhood priorities; and authorizing the submittal of proposed amendments to the MLK@Holly Street Neighborhood Plan for consideration as part of the Comprehensive Plan amendment process.

#### RESOLUTION NO. 31247

A RESOLUTION recognizing the extensive efforts of the North Rainier neighborhood to update their vision and plan for the future; approving an action plan for the neighborhood and City to undertake actions to advance neighborhood priorities; and authorizing the submittal of proposed amendments to the North Rainier Neighborhood Plan for consideration as part of the Comprehensive Plan amendment process.

#### RESOLUTION NO. 31248

A RESOLUTION granting conceptual approval of Biotech Reader Kiosks and Optical Character Recognition Camera Portals in the westerly margin of Colorado Avenue South, south of Atlantic Street, the foundations for which are being constructed by the Washington State Department of Transportation as part of the SR 99 South Holgate to South King Street Viaduct Replacement Project Phase 2, as proposed by the BNSF Railway Company.

#### RESOLUTION NO. 31250

A RESOLUTION appointing the members of the Transit Master Plan Public Advisory Committee.

#### RESOLUTION NO. 31251

A RESOLUTION relating to the Lake to Bay Loop; expressing the City of Seattle's support for the development and implementation of the Lake to Bay Loop urban trail; identifying the planned route for the trail; designating the Seattle Department of Transportation to lead the planning, design and implementation phases of the project in collaboration with the Department of Planning and Development, the Department of Parks and Recreation and the Seattle Center.

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily  
Journal of Commerce, October 20, 2010.  
**10/20(261961)**