

**RESOLUTION \_\_\_\_\_**

1  
2 A RESOLUTION relating to replacing the Alaskan Way Viaduct; expressing the City  
3 Council's intent to authorize certain agreements with the State if the State awards a design build  
4 contract to replace the Alaskan Way Viaduct with a deep bore tunnel; and affirming the State's  
5 responsibility to pay all costs associated with a deep bore tunnel including any cost overruns.

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

7 WHEREAS, the Alaskan Way Viaduct is at risk of sudden and catastrophic failure in an  
8 earthquake and is nearing the end of its useful life; and

9 WHEREAS, various studies have determined that repairing the Alaskan Way Viaduct is not  
10 fiscally responsible and would cause significant construction impacts; and

11 WHEREAS, in January 2007 the City Council unanimously adopted Resolution 30959, calling  
12 for the project partners to proceed with construction on the section of the Alaskan Way  
13 Viaduct south of King Street, enhance transit service, improve the Spokane, Lander, and  
14 Mercer corridors, and create a stakeholder process to develop a solution for the Central  
15 Waterfront portion of the project; and

16 WHEREAS, in March 2007, the Governor, the King County Executive, and the Mayor took  
17 steps to implement Resolution 30959 by pledging to advance a series of key State Route  
18 (SR) 99 projects (Moving Forward Projects) that will facilitate the removal and/or repair  
19 of key portions of SR 99, including the Yesler Way Vicinity Stabilization Project,  
20 Electrical Line Relocation, the SR 99 South Holgate Street to South King Street Viaduct  
21 Replacement Project, and Transit Enhancements and Other Improvements; and

22 WHEREAS, in 2008 the State and City agreed to guiding principles for replacing the Alaskan  
23 Way Viaduct: improving public safety; providing efficient movement of people and  
24 goods now and in the future; maintaining or improving the downtown Seattle, regional,  
25 Port of Seattle and state economies; enhancing Seattle's waterfront, downtown and  
26 adjacent neighborhoods as a place for people; creating solutions that are fiscally  
27 responsible; and improving the health of the environment; and

28 WHEREAS, in 2008 the State and City implemented the stakeholder process contemplated in  
Resolution 30959 and 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, the Governor, the Mayor, and the King County Executive in January 2009 jointly  
recommended replacing the Alaskan Way Viaduct with a bored tunnel under downtown  
Seattle; and

1 WHEREAS, the State in 2009 enacted RCW 47.01.402, finding that it is urgent to replace the  
2 Alaskan Way Viaduct, a part of SR 99, and directing WSDOT to expeditiously perform  
3 preliminary work on the deep bore tunnel alternative to replace the Alaskan Way  
4 Viaduct; and

5 WHEREAS, on October 19, 2009 the City Council unanimously passed, and on October 27,  
6 2009 the Mayor signed Ordinance 123133, which set forth the City's determination to  
7 proceed with the State on a viaduct replacement if the State selects and constructs the  
8 deep bore tunnel to replace the Alaskan Way Viaduct, and authorized execution of a  
9 Memorandum of Agreement that allocates responsibilities between the City and State;  
10 and

11 WHEREAS, the City and State executed a Memorandum of Agreement pursuant Ordinance  
12 123133 that contemplated the City and State would develop additional agreements  
13 regarding such topics as "utility relocation, right-of-way, ownership, and maintenance";  
14 and

15 WHEREAS, the City and State are analyzing the deep bore tunnel alternative pursuant to State  
16 and City environmental policy and laws, and recognize that if a different alternative were  
17 selected, different agreements would be required; and

18 WHEREAS, the State issued a request for proposals containing a draft contract between the State  
19 and the design-build contractor ("Draft Design-Build Contract"); and

20 WHEREAS, the Draft Design-Build Contract would authorize only preliminary work until the  
21 environmental review is completed; and

22 WHEREAS, the City and State, as contemplated in Ordinance 123133 and the Memorandum of  
23 Agreement attached to that ordinance, have negotiated additional proposed agreements;  
24 and

25 WHEREAS, the City Council has reviewed these proposed agreements between the City and the  
26 State; and

27 WHEREAS, the proposed agreements contain additional details regarding the City and State's  
28 responsibilities in implementing the State's Alaskan Way Viaduct Replacement Program,  
as that term is defined in the proposed agreements including the State's commitment that  
the deep bored tunnel is a State roadway and State project; and

WHEREAS, the proposed agreements provide that the City and the State are each responsible for  
all "funding and resources necessary to fulfill the responsibility of that Party"; and

WHEREAS, the proposed agreements provide that the deep bored tunnel project is among the  
elements of the Alaskan Way Viaduct Replacement Program that are the responsibility of  
the State; and

1 WHEREAS, the proposed agreements provide further that “[t]he State shall provide necessary  
2 funding for all Project costs as referenced in this Agreement without reimbursement from  
the City of Seattle” except for the City’s utility relocation costs; and

3 WHEREAS, nothing in the proposed agreements imposes any obligation on the City to pay costs  
4 or cost overruns for the State’s portion of the Alaskan Way Viaduct Replacement  
Program; and

5 WHEREAS, nothing in the proposed agreements waives the City’s position that the City and/or  
6 its residents and property owners cannot be held responsible for any costs or cost  
7 overruns for the State’s portion of the Alaskan Way Viaduct Replacement Program; and

8 WHEREAS, if the State awards a design-build contract that is consistent with the Draft Design-  
9 Build Contract and if the State can complete WSDOT’s Program (as that term is defined  
10 in the proposed agreements) within WSDOT’s budget for the Program (“Program  
Budget”), the City Council concludes the proposed agreements would be consistent with  
Ordinance 123133 and would protect the City’s interests, NOW, THEREFORE,

11 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE,**

12  
13 Section 1. Subject to requisite environmental review and in furtherance of Ordinance  
14 123133, the City Council intends to authorize the agreements attached as Attachments 1, 2 and 3  
15 to this Resolution if the State awards a contract consistent with the Draft Design-Build Contract  
16 and can complete all elements of WSDOT’s Program within the Program Budget.  
17

18 Section 2. It is the City’s policy that the State is solely responsible for all costs, including  
19 any cost overruns, related to implementing WSDOT’s Program.

20 Section 3. It is the City’s policy that in no event shall the City or any Seattle-area  
21 property owners be specially required by the State to pay for costs or any cost overruns related to  
22 implementing WSDOT’s Program.  
23

24  
25 Adopted by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and  
26 signed by me in open session in authentication of its adoption this \_\_\_\_\_ day  
27  
28

of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
City Clerk

Attachments:

1. Memorandum of Agreement No. GCA 6486 SR 99 Alaskan Way Viaduct Property, Environmental Remediation, Design Review, Permitting and Construction Coordination Agreement for SR 99 Bored Tunnel Project

2. Memorandum of Agreement UT 01476 SR 99 Alaskan Way Viaduct Replacement SCL Facilities Work Agreement for SR 99 Bored Tunnel Project

3. Memorandum of Agreement UT 01474 SR 99 Alaskan Way Viaduct Replacement SPU Facilities Work Agreement for SR 99 Bored Tunnel Project

(Seal)