

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-
Build Contract and if the State can complete WSDOT’s Program (as that term is defined
9 in the proposed agreements) within WSDOT’s budget for the Program (“Program
Budget”), the City Council concludes the proposed agreements would be consistent with
10 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



1 of _____, 2010.

2 _____
3 President _____ of the City Council

4 Filed by me this ____ day of _____, 2010.

5
6
7 _____
8 City Clerk

9 Attachments:

- 10 1. Memorandum of Agreement No. GCA 6486 SR 99 Alaskan Way Viaduct
11 Property, Environmental Remediation, Design Review, Permitting and Construction
12 Coordination Agreement for SR 99 Bored Tunnel Project
- 13 2. Memorandum of Agreement UT 01476 SR 99 Alaskan Way Viaduct
14 Replacement SCL Facilities Work Agreement for SR 99 Bored Tunnel Project
- 15 3. Memorandum of Agreement UT 01474 SR 99 Alaskan Way Viaduct
16 Replacement SPU Facilities Work Agreement for SR 99 Bored Tunnel Project

17 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Dan Eder / 684-8147	n/a

Legislation Title:

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

• **Summary of the Legislation:**

This resolution describes City policy and the Council's intent to authorize agreements with the Washington State Department of Transportation (WSDOT).

• **Background:**

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

The City and State executed a Memorandum of Agreement pursuant to Ordinance 123133 that contemplated the City and State would develop additional agreements regarding such topics as "utility relocation, right-of-way, ownership, and maintenance."

The proposed agreements contain additional details regarding the City and State's 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.

 x **This legislation does not have any financial implications.**

3/235

CB OR RESO NUMBER
(WHEN ASSIGNED)

7/26/10

INTRODUCTION DATE

NEW LEGISLATION CHECK OFF LIST
DO NOT REMOVE THIS FORM FROM FILE JACKET

Submitting
Dept. Head
Review By

Print Name Phone Date of Review Version # Reviewed

Law Dept.
Review By

Gary Keese 6-0075 7/23/10 1a
Print Name Phone Date of Review Version # Reviewed

Dept. of Finance
Review By

Print Name Phone Date of Review Version # Reviewed

Executive
Review

Print Name Phone Date of Review Version # Reviewed

Reviewer Comments:

**COUNCIL
GENERATED
LEGISLATION**

Legislative Department use

Initial

Intake review (complete, E-versions, attachments, Law) Sponsorship (Council President)

Committee Assignment: AWV Special Committee

Central Staff Reviewer: DAN WOOD 1/1 48147
Print Name Date Phone V. #

Clerk Office use

Action Required

Clerk **Council** Clerk **OK** for Intro
 V. Introduced 1a Stamp
 V. For Full Council _____ here

Initial

- Full Text loaded onto Leg. drive and BRS
- All attachments included (in jacket and electronically)
- Tables formatted and maps saved/loaded, if included
- Fiscal Note included and saved on Leg. and Clerk drive
- Other

Notes:

