

RONALD R. CARPENTER  
SUPREME COURT CLERK

# THE SUPREME COURT

STATE OF WASHINGTON



TEMPLE OF JUSTICE

P.O. BOX 40929  
OLYMPIA, WA 98504-0929

(360) 357-2077

e-mail: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)  
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SUSAN L. CARLSON  
DEPUTY CLERK / CHIEF STAFF ATTORNEY

August 8, 2011

## LETTER SENT BY E-MAIL ONLY

Richard M. Stephens  
Groen Stephens & Klinge, LLP  
11100 NE 8th Street, Suite 750  
Bellevue, WA 98004-4469

Katherine George  
Harrison Benis & Spence LLP  
2101 4th Avenue, Suite 1900  
Seattle WA 98121-2315

Deborah L. Cade  
Bryce E. Brown, Jr.  
Office of the Attorney General  
7141 Cleanwater Drive SW  
PO Box 40113  
Olympia, WA 98504-0113

John Benjamin Kerr Schochet  
Gary E. Keese  
Jeffery Moss Slayton  
Seattle City Attorney's Office  
PO Box 94769  
Seattle, WA 98124-4769

Hon. Barbara Miner, Clerk  
King County Superior Court  
516 3rd Avenue, Room E609  
Seattle, WA 98104-2363

Re: Supreme Court No. 86290-7 - City of Seattle v. Seattle Citizens Against The Tunnel, et al.  
King County Superior Court No. 11-2-13620-5 SEA

Clerk and Counsel:

Enclosed please find a copy of the Order entered following consideration of the above matter on the Court's August 8, 2011, Motion Calendar.

The following schedule sets forth the time requirements for completing the record on review and the filing of briefs pursuant to the Rules of Appellate Procedure (RAP):

1. STATEMENT OF GROUNDS FOR DIRECT REVIEW: The Appellant's statement of grounds for direct review was received and filed on August 8, 2011. A Respondent may file an answer to the statement of grounds for direct review with the Clerk of this Court within 14 days of service of the statement on the Respondent. (RAP 4.2).
2. DESIGNATION OF CLERK'S PAPERS: Within 30 days after the notice of appeal was filed in the trial court, the Appellant must serve on all other parties and file with the trial court clerk and with the Clerk of this Court a designation of those Clerk's papers and exhibits the party wants the trial court clerk to transmit to this Court. Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief. (See RAP 9.6)



3. STATEMENT OF ARRANGEMENTS FOR VERBATIM REPORT OF PROCEEDINGS: If the Appellant intends to provide a verbatim report of the proceedings, then within 30 days after the notice of appeal was filed in the trial court the Appellant must serve and file with the Clerk of this Court a statement that arrangements have been made for the transcription of the report. The Appellant must indicate the date the transcription was ordered and the financial arrangements which have been made for payment of transcription costs. (RAP 9.2). If the Appellant arranges for only a partial report of proceedings, then the Appellant must comply with the additional requirements of RAP 9.2(c). If the Appellant does not intend to provide a verbatim report of proceedings, a statement to that effect should be served and filed in lieu of a statement of arrangements within 30 days after the notice of appeal was filed. RAP 9.2(a).

4. APPELLANT'S BRIEF (if no report of proceedings filed): NOTE: IF THE RECORD OF REVIEW DOES NOT INCLUDE A REPORT OF PROCEEDINGS (as defined by RAP 9.2, RAP 9.3 and RAP 9.4), then the Appellant shall file an opening brief with the Clerk of this Court within 45 days after filing the designation of Clerk's papers and exhibits. At the same time the Appellant shall serve one copy of the brief on every other party and on any amicus curiae and file with the Clerk of this Court proof of such service. RAP 10.2.

5. FILING OF REPORT OF PROCEEDINGS: Any report of proceedings must be filed with the clerk of the trial court within 60 days after the statement of arrangements is filed (RAP 9.5(a)). As to when, where and how a party may serve and file objection to, and proposed amendments to, a narrative report of proceedings or a verbatim report of proceeding. RAP 9.5(c).

6. APPELLANT'S BRIEF (if a report of proceedings is filed): Within 45 days after the report of proceedings is filed, the Appellant shall file an opening brief with the Clerk of this Court. At the same time the Appellant shall serve one copy of the brief on every other party and on any amicus curiae, and file with this Court proof of such service. RAP 10.2.

7. RESPONDENT'S BRIEF: Within 30 days after service of Appellant's brief, the Respondent shall file a response brief with the Clerk of this Court. At the same time the Respondent shall serve one copy of the brief on every other party and on any amicus curiae, and file with this Court proof of such service. RAP 10.2.

8. APPELLANT'S REPLY BRIEF: Appellant's reply brief shall be filed with the Clerk of this Court within 30 days after service of the brief of the Respondent. At the same time the Appellant shall serve one copy of the brief on every other party and on any amicus curiae, and file with the Clerk of this Court proof of such service. RAP 10.2.

It is noted that in the Rules of Appellate Procedure (RAP) "should" is used when referring to an act a party or counsel is under an obligation to perform. Accordingly, the failure to comply with the above specified time requirements and/or procedures for completing the record on review and the service and filing of briefs, may subject the offending party to the sanctions pursuant to RAP 18.9. A request for an extension of time must be made by motion pursuant to the provisions of RAP Title 17.

Page 3  
86290-7  
August 8, 2011

All briefs and other papers submitted to the Supreme Court to be filed or considered in a case should be addressed to the Clerk of the Court and should clearly show the information required by RAP 18.23 and APR 13(a).

Any request for reasonable attorney fees must be made pursuant to RAP 18.1.

At the appropriate time, usually sometime after the Respondent's response brief has been filed, a decision will be made by the Court as to whether or not direct review will be accepted. RAP 4.2.

Counsel are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. This office uses the e-mail address that appears on the Washington State Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L. Carlson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Susan L. Carlson  
Supreme Court Deputy Clerk

SLC:alb

Enclosure as referenced

THE SUPREME COURT OF WASHINGTON

CITY OF SEATTLE, a Washington municipal corporation, Respondent, v. SEATTLE CITIZENS AGAINST THE TUNNEL; ELIZABETH A. CAMPBELL, in her capacity as Seattle Citizens Against the Tunnel's Campaign Manager and the principal initiative petitioner, Appellants, and WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, Defendant.

NO. 86290-7

ORDER

King County Superior Court No. 11-2-13620-5 SEA

FILED SUPREME COURT WASHINGTON 2011 AUG -8 P 3:04 BY RONALD R. CARRENER CLERK

A Special Department of the Court, composed of Chief Justice Madsen and Justices Chambers, Owens, J.M. Johnson and Stephens, considered this matter at its August 8, 2011, Motion Calendar and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Appellants' Motion for Stay of Trial Court Decision is denied. The request for accelerated review is denied as moot.

DATED at Olympia, Washington this 8th day of August, 2011.

For the Court

Madsen, C.J. CHIEF JUSTICE

RECEIVED

JUL 19 2011

JUDGE JOAN E. DUBUQUE  
DEPARTMENT 27

RECEIVED

JUDGE  
DEPARTMENT 27

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

CITY OF SEATTLE, A Washington municipal )  
corporation, )

Plaintiff, )

vs. )

SEATTLE CITIZENS AGAINST THE )  
TUNNEL; ELIZABETH A. CAMPBELL, in )  
her capacity as Seattle Citizens Against the )  
Tunnel's Campaign Manager and the principal )  
initiative petitioner; WASHINGTON STATE )  
DEPARTMENT OF TRANSPORTATION. )

Defendants. )

No. 11-2-13620-5SEA

ORDER DENYING DEFENDANT )  
ELIZABETH CAMPBELL'S MOTION TO )  
STRIKE; DENYING DEFENDANT )  
WASHINGTON STATE DEPARTMENT )  
OF TRANSPORTATION'S REQUEST FOR )  
ATTORNEYS FEES; AND GRANTING )  
PLAINTIFF CITY OF SEATTLE'S )  
MOTION FOR SUMMARY JUDGMENT )  
AND DECLARATORY RELIEF )

(CLERK'S ACTION REQUIRED)

THIS COURT, having considered the following documents:

From Plaintiff City of Seattle ("City"):

- City's Complaint for Declaratory Judgment;
- City's Motion for Summary Judgment;
- Declaration of Carol Shenk with attachments re Motion to Summary Judgment;
- City's Opposition to Motion to Strike;
- City's Reply in support of Motion for Summary Judgment;

ORDER GRANTING SUMMARY JUDGMENT AND DECLARATORY  
RELIEF - 1

PETER S. HOLMES  
Seattle City Attorney  
600 Fourth Avenue, 4th Floor  
P.O. Box 94769  
Seattle, WA 98124-4769  
(206) 684-8200

- 1 • Declaration of Carol Shenk (7/13/2011) with attachments re Reply in support of Motion  
2 for Summary Judgment;

3 From Washington State Department of Transportation ('State'):

- 4 • State's Answer, Counterclaim, and Cross Claims;  
5 • State's Response to Motion to Dismiss;  
6 • Declaration of Bryce Brown with attachments re Response to Motion to Dismiss;  
7 • State's Response to Motion for Summary Judgment;  
8 • Declaration of Ronald Paananen with attachments re Response to Motion for Summary  
9 Judgment;  
10 • Declaration of Bryce Brown with attachments re Response to Motion for Summary  
11 Judgment;  
12 • State's Response in Opposition to Motion to Strike;  
13 • Declaration of Bryce Brown with attachments re Opposition to Motion to Strike;

14 From Elizabeth Campbell ('Campbell'):

- 15 • Campbell's Special Motion to Strike pursuant to RCW 4.24.525 ('Motion to Strike');  
16 • Declaration of Knoll Lowney with attachments re Motion to Strike;  
17 • Campbell's Reply in Support of Motion to Strike

18 From Seattle Citizens Against the Tunnel ('SCAT'):

- 19 • SCAT's Objection/Opposition to Motion for Summary Judgment  
20  
21  
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1 Having resolved all issues in this case, it is hereby **ORDERED, ADJUDGED, AND**  
2 **DECREED** that:

3 1. This lawsuit was not "based on an action involving public participation and petition," as  
4 required by RCW 4.24.525(4)(b) and Defendant Elizabeth Campbell's Special Motion to  
5 Strike is therefore **DENIED**;

6 2. Defendant Washington State Department of Transportation's request for attorneys' fees  
7 pursuant to RCW 4.24.525(6)(b) is **DENIED**;

8 3. There are no genuine issues of material fact regarding whether proposed Initiative 101 is  
9 beyond the scope of the local initiative power;

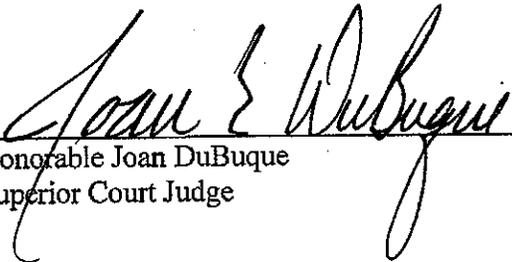
10 4. Proposed Initiative 101 is beyond the scope of the local initiative power, because it  
11 purports to exercise a power that the state legislature has directly delegated to cities'  
12 governing bodies;

13 5. Section 1 of Initiative 101 is not properly severable because it is inextricably intertwined  
14 with the other sections of the initiative;

15 6. The City's Motion for Summary Judgment is therefore **GRANTED** and the Court  
16 **DECLARES** that proposed Initiative 101 may not be placed on the ballot.

17 DATED this 19<sup>th</sup> day of July 2011.

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19  
20 By:

  
Honorable Joan DuBuque  
Superior Court Judge

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Presented by:

PETER S. HOLMES  
Seattle City Attorney



Jeff Slayton, WSBA No. 14215  
John B. Schochet, WSBA No. 35869  
Gary E. Keese, WSBA No. 19265  
Assistant City Attorneys  
Attorneys for Plaintiff City of Seattle

Agreed to and presentation waived by:

ROBERT M. MCKENNA  
Attorney General

By:  per authorization from

Bryce E. Brown, WSBA No. 21230  
Assistant Attorneys General  
Attorneys for WA State Dept. of Transportation

GROEN STEPHENS & KLINGE LLP

By:  per authorization from

Richard Stephens, WSBA No. 21776  
Attorney for Elizabeth Campbell and Seattle Citizens Against the Tunnel

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Honorable Joan DuBuque  
City's Scheduling Motion  
Noted for June 14, 2011  
Without argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

CITY OF SEATTLE, A Washington municipal corporation,	)	No. 11-2-13620-5SEA
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER ON PLAINTIFF
	)	CITY OF SEATTLE'S SCHEDULING
	)	MOTION
vs.	)	
	)	Noted for: June 14, 2011
SEATTLE CITIZENS AGAINST THE TUNNEL; ELIZABETH A. CAMPBELL, in her capacity as Seattle Citizens Against the Tunnel's Campaign Manager and the principal initiative petitioner; WASHINGTON STATE DEPARTMENT OF TRANSPORTATION.	)	Without Argument
	)	
Defendants.	)	(CLERK'S ACTION REQUIRED)

THIS COURT, having considered the City of Seattle's Scheduling Motion, the accompanying supporting documents, any responses and their accompanying supporting documents, any replies in support, and the other pleadings and documents on file with this Court,

ORDER ON CITY'S SCHEDULING MOTION- 1

ORIGINAL.

PETER S. HOLMES  
Seattle City Attorney  
600 Fourth Avenue, 4th Floor  
P.O. Box 94769  
Seattle, WA 98124-4769  
(206) 684-8200

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It is hereby ORDERED, ADJUDGED, AND DECREED that:

The following Schedule is adopted for the City's motion for summary judgment and Campbell's motion to strike under RCW 4.24.525:

[Option 1]

- 1. The hearing on the two motions is set for June 28, at 9:00 a.m.
- 2. The Seattle Charter time-line for the City Council to take action on proposed Initiative 101 is tolled for two weeks from the prior stipulated order timeframe of June 30<sup>th</sup> to July 14<sup>th</sup>.
- 3. With respect to Campbell's Motion to Strike under RCW 4.24.525 briefs are due as follows:
  - A. Monday, June 20: City of Seattle and WSDOT responses due by 4:30 p.m.
  - B. Friday, June 24: Campbell's reply is due by noon
- 4. With respect to the City's Motion for Summary Judgment briefs are due as follows:
  - A. Monday, June 20: Campbell's response is due by 4:30 p.m.
  - B. Monday, June 27: City's reply is due by noon.

[Option 2]

- 1. The hearing on the two motions is set for July 18, 2011, at ~~2:00~~ <sup>1:30 PM</sup> p.m.
- 2. The Seattle Charter time-line for the City Council to take action on proposed Initiative 101 is tolled until Monday, August 15, 2011.
- 3. With respect to Campbell's Motion to Strike under RCW 4.24.525 briefs are due as follows:
  - A. Thursday, July 7: City of Seattle and WSDOT responses due by 4:30 p.m.
  - B. Wednesday, July 13, 2011: Campbell's reply is due by 4:30 p.m.

*The court finds good cause for such tolling as the defendants filed the motion to strike on the day its response to*

*Plaintiff's summary judgment was due & noted the matter for hearing on a date the court was unavailable e.g. July 8, 2011 & without getting permission for oral arguments. Additionally, the court is accommodating defense scheduling conflicts.*

ORDER ON CITY'S SCHEDULING MOTION-2

PETER S. HOLMES  
Seattle City Attorney  
600 Fourth Avenue, 4th Floor  
P.O. Box 94769  
Seattle, WA 98124-4769  
(206) 684-8200

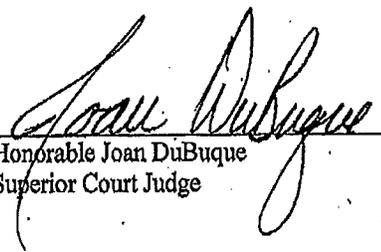
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4. With respect to the City's Motion for Summary Judgment briefs are due as follows:

A. Thursday, July 7: Campbell and SCAT's responses due by 4:30 p.m.

B. Wednesday, July 13, 2011: City of Seattle's reply is due by 4:30 p.m.

DATED this 14<sup>th</sup> day of June, 2011.

By:   
Honorable Joan DuBuque  
Superior Court Judge

Presented by:  
PETER S. HOLMES  
Seattle City Attorney

  
Jeff Stayton, WSBA No. 14215  
John B. Schochet, WSBA No. 35869  
Gary E. Keese, WSBA No. 19265  
Assistant City Attorneys  
Attorneys for Plaintiff City of Seattle

City of Seattle  
Legislative Department  
Office of the City Clerk

Monica Martinez Simmons, City Clerk

CF 310969  
#1



April 8, 2011

HAND DELIVERED

Ms. Sherril Huff, Director  
King County Elections  
9010 East Marginal Way So.  
Tukwila, WA 98108

SUBJECT: Initiative No. 101 Signature Transmittal

Dear Ms. Huff:

The proponents of City of Seattle Initiative No. 101 submitted their petitions with my office on Thursday, April 7, 2011, at approximately 1:00 p.m. Initiative No. 101 concerns prohibition of the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct. Elizabeth Campbell, representing Seattle Citizens Against the Tunnel, estimated the 338 petition pages contain approximately 3,182 signatures.

Accompanying this transmittal letter is one box containing 338 petition pages. The pages have been numbered sequentially, 1 through 338.

In accordance with King County Elections guidelines, please verify the validity of these signatures for determination of sufficiency/insufficiency for the purpose of Initiative No. 101. Please be advised that the Seattle City Charter requires Twenty Thousand Six Hundred Twenty-nine (20,629) valid signatures to qualify this initiative for presentation to the Seattle City Council. The number of validated signatures submitted in the first batch was Nineteen Thousand Four Hundred Fifty (19,450), and so One Thousand One Hundred Seventy Nine (1,179) additional signatures are required for the initiative to qualify.

The signatures being transmitted were gathered under the additional 20-day period allowed pursuant to the Seattle City Charter and City Clerk Rule No. 00-01. The notice of insufficiency of signatures was provided to the petitioner on March 21, 2011. Therefore, we request that you please also validate that the signatures were gathered between March 21, 2011, and April 10, 2011 (including March 21).

600 4<sup>th</sup> Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025  
email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

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Should you have any questions or if we can provide any assistance in this matter, please contact  
City Clerk Monica Martinez Simmons at (206) 684-8361.

Very truly yours,



Carol Shenk  
Information Manager  
Office of the City Clerk

Cc: Monica Martinez Simmons, City Clerk  
City Councilmembers  
Mayor Mike McGinn  
City Attorney Peter Holmes  
Wayne Barnett, Director, Ethics and Elections Commission  
Elizabeth Campbell, representing Seattle Citizens Against the Tunnel

600 4<sup>th</sup> Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025  
email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

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# receipt of petition acknowledgement



## submitter information

Submitter's name <i>Carol Shenk</i>		
Company/Organization <i>City of Seattle Office of the City Clerk</i>		
Address <i>600 4th Ave PO Box 94728 Seattle 98124</i>		
E-mail <i>shenkcc@seattle.gov</i>	Phone <i>206 684 5474</i>	Fax

sign here 

date here *4/8/2011*

## sponsor information (if applicable)

Initiative/Petition sponsor name <i>Elizabeth Campbell</i>		
Company/Organization <i>Seattle Citizens Against the Tunnel</i>		
Address		
E-mail	Phone	Fax

sign here

date here

## petition information

Formula, law citation, or city code reference determining the number of signatures required  
*Seattle City Charter*

Number of signatures submitted  
*estimated 3,182*

Number of pages submitted  
*338*

Notice: All information submitted on this form is a public record. King County Election will notify the petition submitter regarding the estimated start date of the petition within five business days of receipt. Petitions are processed in order of the date received.

## office use only

Date received <i>4/8/11</i>	Number of pages submitted <i>338</i>	Election staff signature <i>Caroline A. Timmer</i>
Date completed	Signatures verified	Election staff signature

City of Seattle  
Legislative Department  
Office of the City Clerk



Monica Martinez Simmons, City Clerk

SIGNATURE SUBMITTAL RECEIPT

Initiative Measure No. 101

On April 7, 2011 at 1:00 a.m./p.m. I filed 338  
Day/Date Time # of pages

Petition pages for 7-101 containing, 3,182 signatures\*, with the  
# of signatures

Seattle City Clerk, for transmission to the King County Records and Elections Division for signature verification.

Signed E. A. Campbell

ELIZABETH A. CAMPBELL  
Print Name

\*The number of signatures has not been verified by the City Clerk

City Clerk Staff Only

Page # 1 through 338

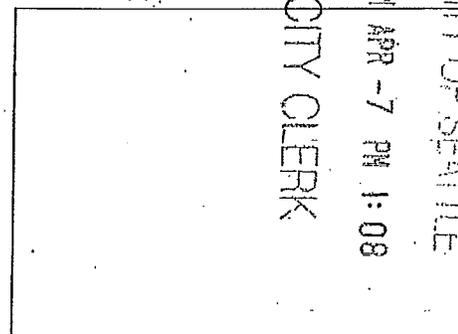
Batch # 2

Pages as numbered by Petitioner 338

Pages counted by City Clerk Staff 338

Carol Shea  
Received by (City Clerk)

Date/Time Stamp:



COPY TO INITIATIVE REPRESENTATIVE(S)  
RETAIN ORIGINAL FOR OFFICIAL FILE



**King County**

**Department of Elections**

RNT-EL-0100  
919 SW Grady Way  
Renton, WA 98057-2906  
**206-296-VOTE (8683)** TTY Relay: 711  
[www.kingcounty.gov/elections](http://www.kingcounty.gov/elections)

April 8, 2011

Monica Martinez Simmons  
Seattle City Clerk  
City Hall, Floor 3  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104-1859

RE: Certification of Terminal Date for Petition – Seattle Initiative No. 101 – Additional Signatures

Dear Ms. Simmons:

Effective 11:00 a.m., Friday, April 8, 2011, King County Elections will begin the determination of sufficiency on the additional signatures for Seattle Initiative Measure No. 101.

As prescribed by RCW 35A.01.040(4), the foregoing date is certified as the terminal date for the petition. No signer may withdraw his or her signature hereafter nor may any further signatures be added to the petition, unless otherwise determined by City Charter of the City of Seattle.

As referenced in your February 3, 2011 letter, a total of 20,629 valid signatures of City of Seattle registered voters are needed to meet the sufficiency requirement of the law.

If you have questions, please feel free to contact Jacqueline H. Timmons, Program Manager of Voter Services at 206-296-1608.

Sincerely,

Sherril Huff  
Elections Director

cc: Jacqueline Timmons, Program Manager of Voter Services

**City of Seattle  
Legislative Department  
Office of the City Clerk**



**Monica Martinez Simmons, City Clerk**

Via Certified Mail & Email Transmission

March 21, 2011

Ms. Elizabeth A. Campbell  
Seattle Citizens Against the Tunnel  
3213 W. Wheeler Street, #271  
Seattle, WA 98199

**SUBJECT: Notice of Insufficiency, Initiative Measure No. 101**

Dear Ms. Campbell:

Today I received written notification from King County Elections that they have completed the signature verification process and that there were an insufficient number of valid signatures submitted for Initiative Measure No. 101. Enclosed please find a copy of King County's notification of insufficiency.

Pursuant to your February 1, 2011, correspondence and related Article IV of the Seattle City Charter, upon notice of insufficiency, petitioners are allowed an additional 20-day period in which to complete such petition for the purpose of acquiring the required number of valid signatures. "City Clerk Rule No. 00-01, "Calculating the 20 Day Deadline for Submission of Additional Initiative Petition Signatures" (Clerk File Number: 303620), provides in Section 2:

2.0 For any particular petition drive, the additional twenty day period shall begin at the election of the principal petitioner, either:

1. Immediately after the expiration of the initial 180 day period (i.e. on the 181<sup>st</sup> day); or
2. on the day the petitioner is provided with the notice of insufficiency.

Since you elected the option of waiting to utilize the additional twenty days only if the County issued a Notice of Insufficiency, please be advised the 20-day start date for gathering additional signatures begins today, on the date of notification. Signatures can be gathered beginning today, Monday, March 21, 2011, and ending on Sunday, April 10, 2011. Pursuant to King County's notification, 19,450 signatures were determined to be registered voters of King County in the City of Seattle. The required number of signatures to certify Initiative Measure No. 101 is 20,629.

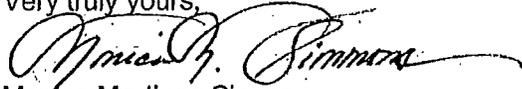
600 4<sup>th</sup> Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025  
email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

Accommodations for people with disabilities provided upon request. An equal opportunity employer

Ms. Elizabeth A. Campbell  
March 21, 2011

Should you have any questions regarding this matter, please contact me at (206) 684-8361 or via email at [Monica.simmons@seattle.gov](mailto:Monica.simmons@seattle.gov).

Very truly yours,



Monica Martinez Simmons  
City Clerk

Attachment (1)

cc: City Councilmembers  
Mayor Michael McGinn  
Peter Holmes, City Attorney  
Wayne Barnett, Ethics & Elections Commission

FILED  
CITY OF SEATTLE

2011 MAR 21 AM 10:32

CITY CLERK



**King County**  
Elections Department  
919 SW Grady Way  
Renton, WA 98057-2906  
206.296.8683 Fax 206.296.0108 TTY Relay: 711

March 18, 2011

Monica Martinez Simmons  
Seattle City Clerk  
600 Fourth Avenue, Floor 3  
Seattle, WA 98124

**RE: Seattle Petition I-101**

Dear Ms. Simmons:

The King County Elections Department examined the signatures contained on the City of Seattle Initiative 101 Petition. Of the signatures that were compared against those on file with our office, 19,450 were determined to be registered voters of King County in the City of Seattle. Since that number did not meet the requirement of 20,629 valid signatures to certify, it is determined that the petition is insufficient.

If you have questions, please contact Jacqueline H. Timmons, Program Manager of Voter Services at (206) 296-1608.

Sincerely,

Sherril Huff  
Elections Director

cc: Jacqueline H. Timmons, Voter Services Manager

enclosures: City of Seattle I-101-Petition

  
**King County**  
**Elections**  
**Elections Division**  
919 Southwest Grady Way  
Renton, WA 98057-2905

FILED  
CITY OF SEATTLE

2011 MAR 21 AM 10:32

CITY CLERK

E-504

Monica Simmons  
Confidential



**King County**

**Department of Elections**

RNT-EL-0100  
919 SW Grady Way  
Renton, WA 98057-2906  
206-296-VOTE (8683) TTY Relay: 711  
[www.kingcounty.gov/elections](http://www.kingcounty.gov/elections)

February 4, 2011

Monica Martinez Simmons  
Seattle City Clerk  
City Hall, Floor 3  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104-1859

RE: Certification of Terminal Date for Petition – Seattle Initiative No. 101

Dear Ms. Martinez Simmons:

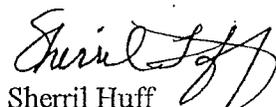
Effective 9:00 a.m., Monday, February 28, 2011, King County Elections will begin the determination of sufficiency for Seattle Initiative Measure No. 101.

As prescribed by RCW 35A.01.040(4), the foregoing date is certified as the terminal date for the petition. No signer may withdraw his or her signature hereafter nor may any further signatures be added to the petition, unless otherwise determined by City Charter of the City of Seattle.

As referenced in your February 3, 2011 letter, a total of 20,629 valid signatures of City of Seattle registered voters are needed to meet the sufficiency requirement of the law.

If you have questions, please feel free to contact me at 206-296-1608.

Sincerely,

  
Sherril Huff  
Elections Director

cc: Jacqueline Timmons, Program Supervisor of Voter Services  
Julie Wise, Program Supervisor of Voter Services  
File Copy



Elections Division  
919 Southwest Grady Way  
Renton, WA 98057-2905

FILED  
CITY OF SEATTLE

2011 FEB -9 PM 2: 58

CITY CLERK

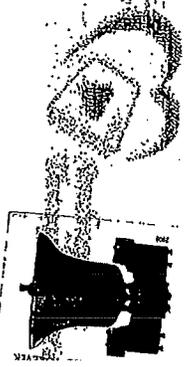
F-504

Monica Martinez Simmons  
Seattle City Clerk  
City Hall, Floor 3  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104-1859

98104-1859

11/11/11 11:11 AM

SEATTLE WA 98104  
9 FEB 2011 11:11 AM



IN PERSON OTC

FEB - 3 2011

City of Seattle  
Legislative Department  
Office of the City Clerk



Monica Martinez-Simmons, City Clerk

February 3, 2011

HAND DELIVERED

Ms. Sherril Huff, Director  
King County Elections  
9010 East Marginal Way So.,  
Tukwila, WA 98108

SUBJECT: Initiative Measure No. 101; Signature Transmittal - Batch 1

Dear Ms. Huff:

The proponents of City of Seattle Initiative Measure No. 101, concerning prohibiting replacing the Alaskan Way Viaduct with a tunnel, submitted their petitions with my office on Tuesday, February 1, 2011, at approximately 10:00 a.m. Ms. Elizabeth Campbell, Chair of Citizens Against the Tunnel, estimated the petition pages contain approximately 27,500 signatures.

Accompanying this transmittal letter are four (4) boxes containing 2,904 petition pages. The petition pages have been numbered sequentially beginning with #000001 and ending with #002904. The following petition pages have been packaged and delivered as follows:

Box 1 of 4 - Petition Nos. 000001 - 000750  
Box 2 of 4 - Petition Nos. 000751 - 001500  
Box 3 of 4 - Petition Nos. 001501 - 002250  
Box 4 of 4 - Petition Nos. 002251 - 002904

In accordance with King County Elections guidelines, please verify the validity of these signatures for determination of sufficiency/insufficiency for the purpose of Initiative Measure No. 101. Please be advised twenty thousand six hundred and twenty nine (20,629) valid signatures are required to qualify this initiative for presentation to the Seattle City Council and/or placement on an election ballot.

Should you have any questions or if I can provide any assistance in this matter, please do not hesitate to contact me at (206) 684-8361.

Very truly yours,

A handwritten signature in black ink, appearing to read "Monica Martinez-Simmons".

Monica Martinez Simmons  
City Clerk

Cc: Mayor Mike McGinn  
City Councilmembers  
City Attorney Peter Holmes  
Wayne Barnett, Director, Ethics and Elections Commission  
Elizabeth Campbell, Chair, SCAT, Initiative Measure No. 101

600 4<sup>th</sup> Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025  
email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

Accommodations for people with disabilities provided upon request. An equal opportunity employer

# receipt of petition acknowledgement



## submitter information

Submitter's name <i>Monica Martinez Simmons, City Clerk</i>		
Company/Organization <i>City of Seattle</i>		
Address <i>600 Fourth Avenue, Floor 3</i>		
E-mail <i>monica.simmons@seattle.gov</i>	Phone <i>206-684-8361</i>	Fax <i>206-386-9025</i>

sign here [ *Monica M. Simmons* ]

date here [ *Feb 3, 2011* ]

## sponsor information (if applicable)

Initiative/Petition sponsor name <i>Elizabeth Campbell, Chair, Seattle Citizens Against the Tunnel</i>		
Company/Organization <i>SCAT</i>		
Address <i>3213 W. Wheeler No. 271, Seattle, WA 98199</i>		
E-mail <i>campbell.beth@comcast.net</i>	Phone <i>206-769-8459</i>	Fax

sign here [ ]

date here [ ]

## petition information

Formula, law citation, or city code reference determining the number of signatures required  
*10% of total votes cast for mayor at the last mayoral election*

Number of signatures submitted  
*PAGES 2904*

Number of pages submitted

Notice: All information submitted on this form is a public record. King County Election will notify the petition submitter regarding the estimated start date of the petition within five business days of receipt. Petitions are processed in order of the date received.

## office use only

Date received <i>2/3/11</i>	Number of pages submitted <i>2904</i>	Election staff signature <i>Monica M. Simmons</i>
Date completed	Signatures verified	Election staff signature

City of Seattle  
Legislative Department  
Office of the City Clerk

Monica Martinez Simmons, City Clerk



SIGNATURE SUBMITTAL RECEIPT

Initiative Measure No. 101

On 15<sup>th</sup> February at 10:05 (p.m.), I filed 2900 approx  
Day/Date Time # of pages

Petition pages for I-101 containing 27,500 approx signatures\*, with the  
# of signatures

Seattle City Clerk, for transmission to the King County Records and Elections Division for signature verification.

Signed E. A. Campbell

ELIZABETH CAMPBELL  
Print Name

\*The number of signatures has not been verified by the City Clerk

City Clerk Staff Only

Page # 000001 through 002897

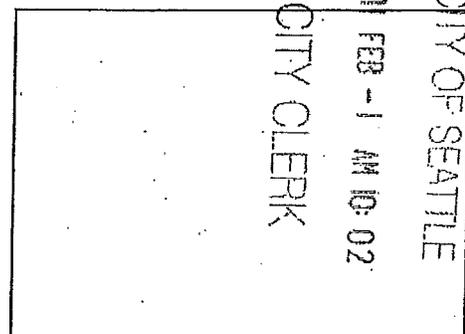
Batch # 1

Pages as numbered by Petitioner 000001 - 002897

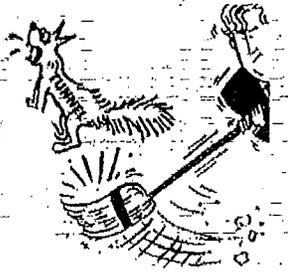
Pages counted by City Clerk Staff 000001-002904

Monica B. Simmons  
Received by (City Clerk)

Date/Time Stamp:



COPY TO INITIATIVE REPRESENTATIVE(S)  
RETAIN ORIGINAL FOR OFFICIAL FILE



# SCAT

SEATTLE CITIZENS AGAINST the TUNNEL

Tuesday, February 01, 2011

Ms. Monica Simmons  
Office of the City Clerk  
600 4th Avenue, Floor 3  
PO Box 94728  
Seattle, Washington 98124-4728

Dear Monica,

Please be advised that the proponents of I-101, Seattle Citizens Against the Tunnel, elects to choose the option of waiting until the initial petitions are verified, and then if we do not have sufficient verified signatures and upon notice of that eventuality, to proceed with the allowed additional 20 day period after receipt of such a notice to gather sufficient signatures for our measure to qualify for a ballot.

Sincerely Yours,

Elizabeth A. Campbell, Chair  
Seattle Citizens Against the Tunnel

CITY CLERK

2011 FEB - 1 AM 10:01

FILED  
CITY OF SEATTLE

**City of Seattle  
Legislative Department  
Office of the City Clerk**



**Monica Martinez Simmons, City Clerk**

August 6, 2010

Sherril Huff, Director  
King County Elections  
919 Southwest Grady Way  
Renton, WA 98057-2906

Subject: Initiative Measure No. 101

Dear Ms. Huff:

Please be advised that a proposed initiative measure was filed with my office on July 29, 2010, designated Initiative Measure No. 101. The subject initiative concerns prohibition of the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct.

The Seattle City Attorney's Office has provided the following ballot title:

**THE CITY OF SEATTLE  
INITIATIVE MEASURE NUMBER 101**

**The City of Seattle Initiative Measure Number 101 prohibits replacing the Alaskan Way Viaduct with a tunnel.**

**If enacted, the measure would prohibit the construction, operation or use of any City right-of-way or City-owned property wherever situated for a tunnel for vehicular traffic, or tunnel-related facility, to replace in whole or in part the Alaskan Way Viaduct. The measure also urges the Council to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement of the viaduct with an elevated structure.**

Should this measure be enacted into law?

Yes.....

No....."

Those in favor shall vote "Yes"; those opposed shall mark their ballot "No".

600 4<sup>th</sup> Avenue Floor 3, PO Box 94728, Seattle, Washington 98124-4728

(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025

Email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

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Page 2

Ms. Sherril Huff

August 6, 2010

Subject: Initiative Measure No. 101.

The initiative's proponents have been informed that the minimum number of resident registered voter signatures required is 20,629 and shall be filed with my office no later than end of business on February 1, 2011. The appropriate transmittal will subsequently be forwarded to your office for sufficiency verification.

Sherril, I look forward to working with your staff on this matter and appreciate the assistance they have provided me. Should you have any questions or require additional information at this time, please do not hesitate to contact me at (206) 684-8361 or [monica.simmons@seattle.gov](mailto:monica.simmons@seattle.gov).

Sincerely,



Monica Martinez Simmons  
City Clerk

Enc. (2)

cc: Wayne Barnett, Executive Director, SBEC

**City of Seattle**  
**Legislative Department**  
**Office of the City Clerk**



Monica Martinez Simmons, City Clerk

**CERTIFIED MAIL**  
70051820000339764441

August 5, 2010

Elizabeth A. Campbell  
3213 W. Wheeler Street, #271  
Seattle, WA 98199

Subject: *Initiative Measure No. 101*

Dear Ms. Campbell:

The subject initiative measure filed with my office on behalf of Seattle Citizens Against the Tunnel (SCAT) on July 29, 2010, designated Initiative Measure No. 101, has been reviewed and approved as to form. The ballot title has been prepared by the City Attorney's Office in accordance with SMC 2.08.020 and reads as follows:

**THE CITY OF SEATTLE**  
**INITIATIVE MEASURE NUMBER 101.**

The City of Seattle Initiative Measure Number 101 prohibits replacing the Alaskan Way Viaduct with a tunnel.

If enacted, the measure would prohibit the construction, operation or use of any City right-of-way or City-owned property wherever situated for a tunnel for vehicular traffic, or tunnel-related facility, to replace in whole or in part the Alaskan Way Viaduct. The measure also urges the Council to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement of the viaduct with an elevated structure.

Should this measure be enacted into law?

Yes

No

Those in favor shall vote "Yes;" those opposed shall mark their ballots "No."

600 4<sup>th</sup> Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025  
email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

Accommodations for people with disabilities provided upon request. An equal opportunity employer

Elizabeth A. Campbell  
August 5, 2010  
Page 2

The initiative process is outlined in Article IV, Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and the Washington State Code (RCW) 29.27.050. Please be advised the signed petitions for Initiative Measure No. 101 must be filed with the City Clerk within 180 days from approval notification. The 180-day count begins Friday, August 6, 2010. The number of signatures required shall be equal to or not less than ten (10) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election (2009). The minimum number of resident registered voter signatures required is 20,629 and shall be filed with my office no later than the end of the business day on Tuesday, February 1, 2011 at 5:00p.m. The appropriate documentation and petition signatures will then be transmitted to the King County Elections Department for verification of the sufficiency of signatures in accordance with state law.

Should you have any questions, please feel free to contact me at (206) 684-8361 or via e-mail at [Monica.simmons@seattle.gov](mailto:Monica.simmons@seattle.gov)

Very truly yours,



Monica Martinez Simmons  
City Clerk

Cc: Mayor McGinn  
City Councilmembers  
Peter Holmes, City Attorney  
Wayne Barnett, Director, EEC

FILED  
CITY OF SEATTLE

2010 AUG -4 PM 3:51

MEMORANDUM

CITY CLERK

TO: Monica Martinez Simmons, City Clerk  
FROM: Jeff Slayton, Assistant City Attorney   
SUBJECT: Ballot Title for Initiative 101 (Clerk File 310969)  
DATE: August 4, 2010

*Via e-mail and hand-delivered*

In response to your July 29, 2010 memorandum regarding proposed Initiative Measure 101, this office has established the following ballot title:

**THE CITY OF SEATTLE  
INITIATIVE MEASURE NUMBER 101**

The City of Seattle Initiative Measure Number 101 prohibits replacing the Alaskan Way Viaduct with a tunnel.

If enacted, the measure would prohibit the construction, operation or use of any City right-of-way or City-owned property wherever situated for a tunnel for vehicular traffic, or tunnel-related facility, to replace in whole or in part the Alaskan Way Viaduct. The measure also urges the Council to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement of the viaduct with an elevated structure.

Should this measure be enacted into law?

Yes

No

Those in favor shall vote "Yes;" those opposed shall mark their ballots "No."

If you have any questions, please contact me at 233-2154.

City of Seattle  
Legislative Department  
Office of the City Clerk

 COPY



Monica Martinez Simmons, City Clerk

CERTIFIED MAIL

August 2, 2010

Corrected Version

Ms. Elizabeth A. Campbell  
3213 W. Wheeler Street, #271  
Seattle, WA 98199

RE: Filing of Initiative Measure No. 101, July 29, 2010

Dear Ms. Campbell:

This acknowledges receipt and filing of the Seattle Citizens Against the Tunnel (SCAT) proposed initiative measure on Thursday, July 29, 2010, 9:56a.m. This proposed measure will be known and designated as Initiative Measure No.101 and relates to the following:

**"Initiative Measure No. 101, to prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct."**

The petition is currently being reviewed for compliance with the appropriate petition filing requirements. A duplicate has also been transmitted to the City Attorney for preparation of a ballot title. I will provide you with both written and telephonic notification no later than the end of business on **Thursday, August 5, 2010**, with the results of the petition compliance review and status of the ballot title preparation.

Should you have any questions regarding this initiative process or the information contained herein, please contact me at 206-684-8361 or via email at [monica.simmons@seattle.gov](mailto:monica.simmons@seattle.gov).

Sincerely,



Monica Martinez Simmons, MMC  
City Clerk



# Legislative Department

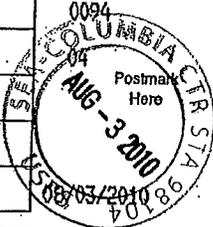
City Hall, Floor 2  
600 4th Avenue  
PO Box 34025  
Seattle, WA 98124-4025

## U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

SEATTLE WA 98199 **OFFICIAL USE**

Postage	\$	\$0.44
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.24



Ms. Elizabeth A. Campbell  
3213 W. Wheeler Street, #271  
Seattle, WA 98199

Sent To: *Ms Elizabeth Campbell*  
 Street, Apt. No.,  
 or PO Box No. *3213 W Wheeler St #271*  
 City, State, ZIP+4 *Seattle WA 98199*

PS Form 3800, June 2002 See Reverse for Instructions

4434 9456 0003 3976 5005 1620 0003 3976 4434



**Legislative Department  
Office of City Clerk  
Memorandum**

**Date:** July 29, 2010  
**To:** The Honorable Peter Holmes  
City Attorney  
**From:** Monica Martinez Simmons, City Clerk *MS*

I am forwarding with this memo Clerk File No. 310969, which contains Initiative Measure No. 101, a proposed ordinance to: "prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct."

The proposed initiative was filed with the Office of the City Clerk on Thursday, July 29, 2010, at 9:56a.m. and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The coordinating organization for the initiative is the Seattle Citizens Against the Tunnel (SCAT). The contact person on file is Elizabeth Campbell, 3213 W. Wheeler Street, #271, Seattle, WA 98199, telephone: 206-769-8459.

The title of the Clerk File (CF) is:

**"Initiative Measure No. 101, to prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct."**

The file is transmitted to you for preparation of a ballot title.

attachment (CF 310969)

cc: Mayor McGinn  
City Councilmembers  
Wayne Barnett, Executive Director Seattle Ethics and Elections Commission

City of Seattle  
Legislative Department  
Office of the City Clerk

Monica Martinez Simmons, City Clerk

COPY



CERTIFIED MAIL

July 29, 2010

Ms. Elizabeth A. Campbell  
3213 W. Wheeler Street, #271  
Seattle, WA 98199

RE: Filing of Initiative Measure No. 101, July 29, 2010

Dear Ms. Campbell:

This acknowledges receipt and filing of the Seattle Citizens Against the Tunnel (SCAT) proposed initiative measure on Thursday, July 29, 2010, 9:56a.m. This proposed measure will be known and designated as Initiative Measure No.101 and relates to the following:

**"Initiative Measure No. 101, to prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct."**

The petition is currently being reviewed for compliance with the appropriate petition filing requirements. A duplicate has also been transmitted to the City Attorney for preparation of a ballot title. I will provide you with both written and telephonic notification no later than the end of business on Tuesday, August 3, 2010, with the results of the petition compliance review and status of the ballot title preparation.

Should you have any questions regarding this initiative process or the information contained herein, please contact me at 206-684-8361 or via email at [monica.simmons@seattle.gov](mailto:monica.simmons@seattle.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Monica M. Simmons".

Monica Martinez Simmons, MMC  
City Clerk

600 4<sup>th</sup> Avenue, Floor 3, PO Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025  
email: [clerk@seattle.gov](mailto:clerk@seattle.gov)

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# SCAT

SEATTLE CITIZENS AGAINST THE TUNNEL

Thursday, July 29, 2010

City of Seattle  
Office of the City Clerk  
600 4th Avenue, Floor 3  
Seattle, Washington 98124-4728

Please find attached a proposed initiative petition. The following individual will be the contact person for this petition:

Elizabeth A. Campbell  
3213 W. Wheeler St. #271  
Seattle, WA 98199  
206-769-8459  
206-283-6300 FAX  
email: [campbell.beth@comcast.net](mailto:campbell.beth@comcast.net)

Thank you in advance for your time and consideration of this initiative.

Sincerely,

SEATTLE CITIZENS AGAINST THE TUNNEL



Elizabeth A. Campbell, Chair

Enclosure

FILED  
CITY OF SEATTLE  
2010 JUL 29 AM 9:56  
CITY CLERK  
*#101 - ma  
Petition Register*

# I ~~XX~~ STOP THE TUNNEL

## INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

To the City Council of The City of Seattle: We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. \_\_\_\_\_ entitled: "City of Seattle Initiative Measure [Insert City Title Here: \_\_\_\_\_]

\_\_\_\_\_," a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I am a legal voter of The City of Seattle, State of Washington. My residence address is correctly stated. I have personally signed this petition.

( \* Only Registered Seattle Voters Can Sign This Petition \* )

PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
1		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
2		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
3		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
4		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
5		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:

**COMPLETE TEXT OF INITIATIVE NO. \_\_\_\_\_**

**AN ORDINANCE** to prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property, wherever situated, above or below the ground, for the construction of and/or operation of a tunnel, and/or tunnel for vehicular traffic, or for tunnel-related facilities that replace in whole or in part that portion of SR 99 commonly known as the Alaskan Way Viaduct; **WHEREAS**, the City of Seattle, King County and Washington State executives have declared their intention to support and to take all necessary acts within their powers to cause a deep-bored tunnel to be built as a replacement for the Alaskan Way Viaduct (hereinafter "Viaduct"); and **WHEREAS**, the proposed tunnel will likely cause a significant expenditure of the public's funds, double the amount for two alternative options selected through the Alaskan Way Stakeholders Advisory Committee process in December, 2008, the hybrid elevated alternative and the hybrid surface alternative; and **WHEREAS**, public transportation tunnel projects of all kinds invariably, and significantly exceed in dollars and time their original estimates and budgets; and **WHEREAS**, the proposed tunnel project, if it is built, will likely cause significant inconvenience and loss, in time and money to thousands of present and future Viaduct users, over several years due to a lengthy construction time and/or because of likely construction delays; and/or due to the loss of the through capacity of the present Viaduct; and **WHEREAS**, the proposed tunnel will cause a significant disruption of and impacts to the scenic vistas now available to and/or enjoyed by the thousands of daily users of the Viaduct; and **WHEREAS**, it is not reasonable or practical to mitigate the above impacts and those related to the construction of a deep-bore tunnel that would replace the Viaduct if it is allowed to be constructed in the public right-of-way, or on public property, including those in the subterranean zones; **NOW, THEREFORE**, be it ordained by the City of Seattle as follows: Sec. 1. The City's approach to the repair or replacement of the Alaskan Way Viaduct has inappropriately favored replacement of the existing structure in part with a tunnel. For instance, references in the City's Comprehensive Plan purport to prohibit elevated structures, but allow tunnels with a surface roadway and a surface roadway without a tunnel, both of which are impractical to accommodate the level of traffic on the Alaskan Way Viaduct. The Council is urged to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement with an elevated structure. Additionally, the Alaskan Way Viaduct is an essential public facility both as a bypass highway and an access facility to downtown and northwest Seattle neighborhoods. The site for this essential public facility should not be eliminated. Section 2. A new Section 15.55 of the Seattle Municipal Code is added to read as follows: The construction, operation or use of any City right-of-way or City-owned property wherever situated for a tunnel for vehicular traffic, or tunnel-related facility, to replace in whole or in part the Alaskan Way Viaduct is hereby prohibited. Section 3. All ordinances and/or parts of ordinances in conflict with the provisions of this measure are hereby repealed. Section 4. If any provision of this ordinance or its application to any person or circumstances is declared illegal, the remainder of the ordinance or its application to other persons or circumstances shall not be affected thereby. Section 5. The City Attorney is directed to fully defend against any challenge to this ordinance and/or to its application to any person, property or circumstance.

"WARNING: "Ordinance 94289 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment petition by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle." The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment. "Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment."

**PLEASE RETURN THIS PETITION AS SOON AS POSSIBLE TO: Seattle Citizens Against the Tunnel  
3213 W. Wheeler St. #271 Seattle, WA 98199 or, CALL OR WRITE FOR PICKUP BY A SCAT MEMBER:  
206-660-8290 Phone 206-283-6300 Fax initiative@scatnow.com WWW.SCATNOW.COM**

# I xx STOP THE TUNNEL

## INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

To the City Council of The City of Seattle: We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. \_\_\_\_\_ entitled: "City of Seattle Initiative Measure [Insert City Title Here: \_\_\_\_\_],] a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I am a legal voter of The City of Seattle, State of Washington. My residence address is correctly stated. I have personally signed this petition.

( \* Only Registered Seattle Voters Can Sign This Petition \* )

PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
<b>1</b>		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>2</b> PETITIONER'S SIGNATURE	PRINTED NAME	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>3</b> PETITIONER'S SIGNATURE	PRINTED NAME	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>4</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER:
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>5</b> PETITIONER'S SIGNATURE	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>6</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>7</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
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<b>8</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
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<b>13</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
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<b>14</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
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<b>15</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
<b>16</b> PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:

COMPLETE TEXT OF INITIATIVE NO. \_\_\_\_\_

**AN ORDINANCE** to prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property, wherever situated, above or below the ground, for the construction of and/or operation of a tunnel, and/or tunnel for vehicular traffic, or for tunnel-related facilities that replace in whole or in part that portion of SR 99 commonly known as the Alaskan Way Viaduct;

**WHEREAS**, the City of Seattle, King County and Washington State executives have declared their intention to support and to take all necessary acts within their powers to cause a deep-bored tunnel to be built as a replacement for the Alaskan Way Viaduct (hereinafter "Viaduct"); and

**WHEREAS**, the proposed tunnel will likely cause a significant expenditure of the public's funds, double the amount for two alternative options selected through the Alaskan Way Stakeholders Advisory Committee process in December, 2008, the hybrid elevated alternative and the hybrid surface alternative; and

**WHEREAS**, public transportation tunnel projects of all kinds invariably, and significantly exceed in dollars and time their original estimates and budgets; and

**WHEREAS**, the proposed tunnel project, if it is built, will likely cause significant inconvenience and loss, in time and money to thousands of present and future Viaduct users, over several years due to a lengthy construction time and/or because of likely construction delays, and/or due to the loss of the through capacity of the present Viaduct; and

**WHEREAS**, the proposed tunnel will cause a significant disruption of and impacts to the scenic vistas now available to and/or enjoyed by the thousands of daily users of the Viaduct; and

**WHEREAS**, it is not reasonable or practical to mitigate the above impacts and those related to the construction of a deep-bore tunnel that would replace the Viaduct if it is allowed to be constructed in the public right-of-way, or on public property, including those in the subterranean zones;

**NOW, THEREFORE**, be it ordained by the City of Seattle as follows:

Sec. 1. The City's approach to the repair or replacement of the Alaskan Way Viaduct has inappropriately favored replacement of the existing structure in part with a tunnel. For instance, references in the City's Comprehensive Plan purport to prohibit elevated structures, but allow tunnels with a surface roadway and a surface roadway without a tunnel, both of which are impractical to accommodate the level of traffic on the Alaskan Way Viaduct. The Council is urged to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement with an elevated structure. Additionally, the Alaskan Way Viaduct is an essential public facility, both as a bypass highway and an access facility to downtown and northwest Seattle neighborhoods. The site for this essential public facility should not be eliminated.

Section 2. A new Section 15.55 of the Seattle Municipal Code is added to read as follows:

The construction, operation or use of any City right-of-way or City-owned property wherever situated for a tunnel for vehicular traffic, or tunnel-related facility, to replace in whole or in part the Alaskan Way Viaduct is hereby prohibited.

Section 3. All ordinances and/or parts of ordinances in conflict with the provisions of this measure are hereby repealed.

Section 4. If any provision of this ordinance or its application to any person or circumstances is declared illegal, the remainder of the ordinance or its application to other persons or circumstances shall not be affected thereby.

Section 5. The City Attorney is directed to fully defend against any challenge to this ordinance and/or to its application to any person, property or circumstance.

"WARNING: "Ordinance 94289 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment petition by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle." The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment. "Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment."

**PLEASE RETURN THIS SIGNED PETITION AS SOON AS POSSIBLE TO:**

Seattle Citizens Against the Tunnel (SCAT)  
3213 W. Wheeler St. #271  
Seattle, WA 98199

or, CALL OR WRITE FOR PICKUP BY A SCAT MEMBER:

206-660-8290 Phone initiative@scatnow.com E-Mail  
206-283-6300 Fax

WWW.SCATNOW.COM

