



SEATTLE CITY COUNCIL

Legislative Summary

CB 118896

Record No.: CB 118896

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125251

In Control: City Clerk

File Created: 11/18/2016

Final Action: 02/02/2017

Title: AN ORDINANCE amending Section 15.04.100 of the Seattle Municipal Code to allow the Director of Transportation the authority to credit certain use fees in exchange for voluntary transportation improvements of equal value in the public right-of-way.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: cheryl.swab@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	11/22/2016	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	11/22/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	11/23/2016	sent for review	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee						
	Notes:						
1	Full Council	01/17/2017	referred	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was referred. to the Sustainability and Transportation Committee						

Notes:

1 Sustainability and Transportation Committee 01/20/2017 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 2 Chair O'Brien, Vice Chair Johnson
Opposed: 0

1 Full Council 01/30/2017 passed as amended Pass
Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:
Notes: ACTION 1:

Motion was made and duly seconded to pass Council Bill 118896.

ACTION 2:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Council Bill 118896, by adding a new Section 2, as shown in the underlined language below, and by renumbering the remaining sections accordingly.

Section 2. The Seattle Department of Transportation shall provide a written report on the implementation of this ordinance to the Sustainability and Transportation Committee, no later than January 31, 2018. The report shall describe: (1) the Department's use of Subsection 15.04.100.D of the Seattle Municipal Code during 2017, including a description of each project improvement and the amount of use fees credited to each project; and (2) the Department's methods and criteria for prioritizing and selecting projects for the use fee credit.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 118896 as amended.

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0

2 City Clerk 02/01/2017 submitted for Mayor's signature Mayor
2 Mayor 02/02/2017 Signed
2 Mayor 02/02/2017 returned City Clerk

2 City Clerk 02/02/2017 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125251

COUNCIL BILL 118896

AN ORDINANCE amending Section 15.04.100 of the Seattle Municipal Code to allow the Director of Transportation the authority to credit certain use fees in exchange for voluntary transportation improvements of equal value in the public right-of-way.

WHEREAS, entities that use the right-of-way for other than transportation purposes are required to pay a fee as reflected in Section 15.04.074 of the Seattle Municipal Code; and

WHEREAS, the Seattle Department of Transportation (SDOT) has a compelling interest to ensure that its public right-of-way assets are protected and to avoid multiple intrusions into the pavement, especially new pavement, whenever possible; and

WHEREAS, in the spirit of partnership, SDOT can partner with such entities to improve the right-of-way through voluntary transportation improvements that are in the best interest of both the project and the traveling public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.04.100 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.04.100 Exception—Waiver—Fees; surety bond

A. The authorizing official may grant an exception from paying fees, making an indemnity deposit, posting a surety bond, or providing liability insurance from the United States of America.

B. The authorizing official may grant an exception from paying fees, making an indemnity deposit, posting a surety bond, or providing liability insurance when the primary

1 purpose of the project is environmental remediation and the project is being conducted in
2 compliance with 42 U.S.C. §9621 and is subject to 42 U.S.C. §9621(e).

3 C. The authorizing official may grant an exception from paying fees, making an
4 indemnity deposit, posting a surety bond, or providing liability insurance when the use is for a
5 public transportation-related-infrastructure project, like light rail, and is authorized under a
6 separate ordinance; or when the use is for a Seattle Department of Transportation project.

7 D. The Director of Transportation may credit up to \$300,000 in use fees from an
8 individual project in exchange for voluntary transportation improvements of equal value.
9 Improvements may include but are not limited to pavement, sidewalk, and accessible curb
10 ramps; street trees and street tree maintenance; signals and street lighting; or other
11 transportation-related infrastructure installations or improvements beyond local, state, or federal
12 requirements. The improvements shall be located in the immediate geographic area of the project
13 for which use fees are credited.

14 E. The \$300,000 limit shall be adjusted annually based on the percent change in the
15 Consumer Price Index for All Urban Consumers in Seattle-Tacoma-Bremerton (CPI-U-Seattle)
16 for the 12-month period ending in June of the current budget year relative to the 12-month period
17 ending in June of the prior year.

18 ~~((D:))~~ F. An authorizing official may waive the requirement for an indemnity
19 deposit or surety bond for a use by the State of Washington or a local government.

20 Section 2. The Seattle Department of Transportation shall provide a written report on the
21 implementation of this ordinance to the Sustainability and Transportation Committee, no later
22 than January 31, 2018. The report shall describe: (1) the Department's use of Subsection
23 15.04.100.D of the Seattle Municipal Code during 2017, including a description of each project

improvement and the amount of use fees credited to each project; and (2) the Department's methods and criteria for prioritizing and selecting projects for the use fee credit.

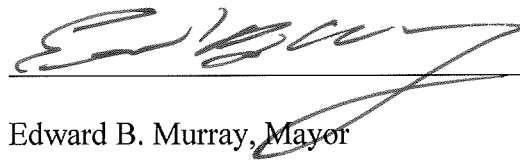
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 30th day of January, 2017,
and signed by me in open session in authentication of its passage this 30th day of January, 2017.



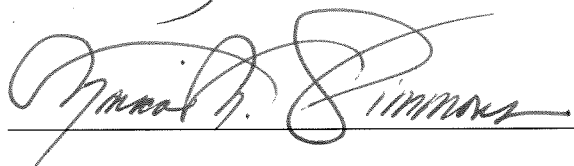
President _____ of the City Council

Approved by me this 2nd day of February, 2017.



Edward B. Murray, Mayor

Filed by me this 2nd day of February, 2017.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Department of Transportation	Heather Marx/615-0801	Christie Parker/684-5211

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE amending Section 15.04.100 of the Seattle Municipal Code to allow the Director of Transportation the authority to credit certain use fees in exchange for voluntary transportation improvements of equal value in the public right-of-way.

Summary and background of the Legislation: The legislation amends the Seattle Municipal Code (SMC) Section 15.04.100 to permit the Director of Transportation to credit use fees to projects in exchange for voluntary transportation improvements. Use fees are charged to projects using the right-of-way for a non-transportation purpose. Developers and utilities pay use fees to SDOT when they use the right-of-way for construction or materials staging. The purpose of this legislation is to deploy use fees in the area where the disruption occurred and to encourage right-of-way improvements that are in the best interests of projects and the traveling public.

Significant changes to the current SMC Chapter 15.04 include:

- The Director of Transportation may credit up to \$300,000 in use fees from an individual project in exchange for voluntary transportation improvements of equal value. The \$300,000 limit will be adjusted annually based on changes to the Consumer Price Index.
- Permitted improvements include transportation-related infrastructure installations or improvements to existing infrastructure that are beyond local, state, or federal requirements.
- Improvements must be in the immediate geographic area of the project for which the use fees are credited.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

☒ This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?
No.

b) Is there financial cost or other impacts of not implementing the legislation?

Because this legislation allows use fees to be credited rather than charged, this proposed legislation will likely reduce Street Use Cost Center revenue. The amount of forgone revenue will be factored into future cost center expenditure decisions.

c) Does this legislation affect any departments besides the originating department?

Yes, all city departments working in the right-of-way will be eligible to receive use fee credits if they agree to make voluntary transportation improvements as part of a street use-permitted project.

d) Is a public hearing required for this legislation?

No.

e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes, publication of the Determination of Non-Significance (DNS) for this legislation ran in the *Daily Journal of Commerce* beginning October 17, 2016. The comment and appeal period ended November 7, 2016. There were no comments.

g) Does this legislation affect a piece of property?

This legislation is not site-specific.

h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation will benefit the immediate surroundings of a given project by utilizing credited use fees for transportation-related improvements. Historically disadvantaged communities may or may not be directly impacted by this legislation as improvements are tied directly to a given project.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

The City will see transportation-related improvements near projects working in the right-of-way. By crediting use fees for this type of work, SDOT can continue to foster partnerships for improvements such as pavement, sidewalks, accessible curb ramps, street trees, traffic signal improvements and street lighting in the right-of-way. These partnerships can reduce costs to the city, improve the transportation infrastructure in areas that have been disrupted, and enhance opportunities for project coordination.

j) Other Issues:

SDOT has drafted a template Memorandum of Agreement (MOA) for crediting use

fees/shared restoration work. This MOA requires all parties subject to the agreement to act in compliance with relevant laws related to public works.

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

346287

No. 125249,20,51,52,53,54,55

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

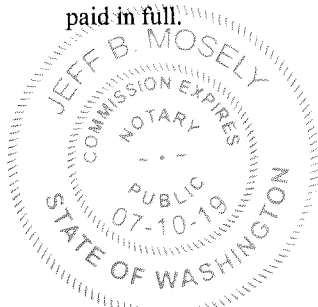
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

02/14/17

The amount of the fee charged for the foregoing publication is the sum of \$208.65 which amount has been paid in full.



A handwritten signature in black ink, appearing to be "M. B. Mosely", written over a horizontal line.

Subscribed and sworn to before me on

02/14/2017

A handwritten signature in black ink, appearing to be "Jeff B. Mosely", written over a horizontal line.
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on January 30, 2017, and published below by title only, will be mailed upon request, or can be accessed at <https://seattle.legistar.com/Legislation.aspx>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 125249

AN ORDINANCE amending Ordinance 124874; modifying the use of the open space improvements over and across Utah Avenue South between South Stacy Street and South Lander Street for First and Utah Street Associates, LLC; and ratifying and confirming certain prior acts.

Ordinance 125250

AN ORDINANCE relating to Seattle Public Utilities; harmonizing the City Position List and the Seattle Municipal Code; amending Sections 3.32.010, 3.32.020 and 3.32.030 of the Seattle Municipal Code, and adding a new Section 3.32.011 to the Seattle Municipal Code.

Ordinance 125251

AN ORDINANCE amending Section 15.04.100 of the Seattle Municipal Code to allow the Director of Transportation the authority to credit certain use fees in exchange for voluntary transportation improvements of equal value in the public right-of-way.

Ordinance 125252

AN ORDINANCE accepting various deeds for street or alley purposes and a limited purpose easement for public access, use, and maintenance; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds and easement under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: the alley in Block 21, North Seattle; University Way Northeast, Northeast 50th Street, and Brooklyn Avenue Northeast abutting Block 6, University Heights; the alley in Block 24, Addition to the Town of Seattle, as laid out by A. A. Denny (Commonly known as A. A. Denny's 3rd Addition to the City of Seattle); the alley in Block 23 and Block 51, Second Addition to the Town of Seattle as laid off by the Heirs of Sara A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle); the alley in Block 4, University Heights; the alley in Block 12, North Seattle; the alley in Block 91, Woodlawn Addition to Green Lake; the alley in Block

18, University Park Addition to the City of Seattle; the alley in Section 5, Township 24 North, Range 4 East, W. M.; the alley in Block 50, Boston Co's Plat of West Seattle; the alley in Block 15, Hillman City Addition to the City of Seattle, Division Number 6; the alley in Block 2, Harvard Heights; the alley in Block 46, Central Seattle; South Holgate Street abutting Block 46, Central Seattle; the alley in Block 82, D. T. Denny's Home Addition to the City of Seattle; the alley in Block 5, Supplemental Plat of Blocks 5-8 & 17 of Eastern Addition; the alley in Block 25, Brooklyn Addition to Seattle; the alley in Block 2, Capitol Hill Addition to the City of Seattle, Division No. 1; the alley in Block 107, David T. Denny's First Addition to North Seattle; Mercer Street abutting Block 107, David T. Denny's First Addition to North Seattle; and public access to public benefit areas in the Yesler Terrace Community Platt as set forth in King County Recording Number 20141209001425.)

Ordinance 125253

AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.660, 11.60.570, 11.66.025, 11.60.240, 11.60.370,

11.60.420, 11.82.180, 11.84.020 and 11.84.400 of the Seattle Municipal Code, adding Sections 11.14.083 and 11.66.060 to the Seattle Municipal Code and repealing Sections 11.86.020 and 11.86.040 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 125254

AN ORDINANCE relating to the City's criminal code; amending Sections 3.33.030, 12A.08.140, 12A.08.170, 12A.10.150, 12A.14.010, 12A.14.160, and 12A.16.040 of the Seattle Municipal Code; adding Sections 12A.08.165, 12A.08.180, 12A.08.190, and 12A.10.160 to the Seattle Municipal Code; and repealing Sections 6.36.010, 6.36.020, 6.36.030, 6.36.040, 6.36.050, 6.36.060, 6.36.070, and 6.36.080 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 125255

AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Swan property in King County, Washington, the Bettys Family Trust, Bettys Trust, Crossman, Farm and Fowl, LLC, Frol, James, Jones, Learned's Little Houses, LLC, Nelson, Trowbridge, and Weatherburn properties in Skagit County, Washington, and the Watkins et al. property in Snohomish County, Washington; accepting a quit claim deed to Skagit Land Trust properties in Skagit County, for salmonid habitat protection purposes; declaring certain real property rights surplus and no longer required for providing public utility service or other municipal purposes; ratifying the grants of Deeds of Right to the State of Washington on the Bettys Family Trust, Bettys Trust, Crossman, Frol, Jones, Nelson, and Watkins et al. properties for salmon recovery and conservation purposes; placing said lands under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, February 14, 2017.
2/14(346287)