



SEATTLE CITY COUNCIL

Sustainability and Transportation Committee

Agenda

Tuesday, March 5, 2019

2:00 PM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

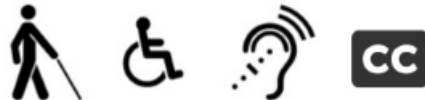
Mike O'Brien, Chair
Rob Johnson, Vice Chair
Kshama Sawant, Member
Bruce Harrell, Alternate

Chair Info: 206-684-8800; mike.obrien@seattle.gov

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SEATTLE CITY COUNCIL
Sustainability and Transportation Committee
Agenda
March 5, 2019 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council/committees/transportation>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Please Note: Times listed are estimated

A. Call To Order

B. Chair's Report

(5 minutes)

C. Public Comment

(8 minutes)

D. Items of Business

1. Pike/Pine Protected Bike Lane Design Workshop Update

Supporting Documents: [presentation](#)

Briefing and Discussion (20 minutes)

Presenters: Brie Gyncild, Central Seattle Greenways; Joel Sisolak, Capitol Hill Housing; Clara Cantor, Seattle Neighborhood Greenways

2. **Seattle Department of Transportation Vision Zero Update**

Supporting Documents: [Presentation](#)

Briefing and Discussion (20 minutes)

Presenters: Jim Curtin and Allison Schwartz, Seattle Department of Transportation (SDOT)

3. [CB 119473](#) **AN ORDINANCE granting the University of Washington permission to maintain and operate a pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.**

Supporting Documents: [Summary and Fiscal Note](#)
[Summary Att A – UW Pedestrian Tunnel Area Map](#)
[Summary Att B – UW Pedestrian Tunnel Photo](#)
[Summary Att C – UW Pedestrian Tunnel Fee Assessment](#)

Briefing, Discussion, and Possible Vote (10 minutes)

Presenter: Amy Gray, SDOT

4. [CB 119434](#) **AN ORDINANCE** relating to appropriations for the Delridge Multimodal Corridor Project; amending the 2018 Budget (Ordinance 125475), as amended by Ordinance 125635, to lift the proviso on 2018 Mobility-Capital Budget Control Level expenditures.

Supporting Documents:

[Proposed Amendment 1 Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote (20 minutes)

Presenters: Lorelei Williams, CJ Holt, Maria Koengeter, and Ben Hansen, SDOT

E. Adjournment



Legislation Text

File #: Inf 1331, **Version:** 1

Pike/Pine Protected Bike Lane Design Workshop Update

Capitol Hill Housing, Central Seattle Greenways,
and Seattle Neighborhood Greenways present:

Pike/Pine
Protected Bike Lane

Community Design Workshop

October 25th, 2018

A Capitol Hill EcoDistrict Forum

CO-HOSTED BY



CAPITOL HILL
ECODISTRICT



cascade
BICYCLE CLUB



feet first
promoting walking communities

G S B A
GROWTH STRATEGY ALLIANCE



Pike/Pine Protected Bike Lanes Community Design Workshop

Brie Gyncild

Central Seattle Greenways

Joel Sisolak

Capitol Hill Housing/Capitol Hill EcoDistrict

Clara Cantor

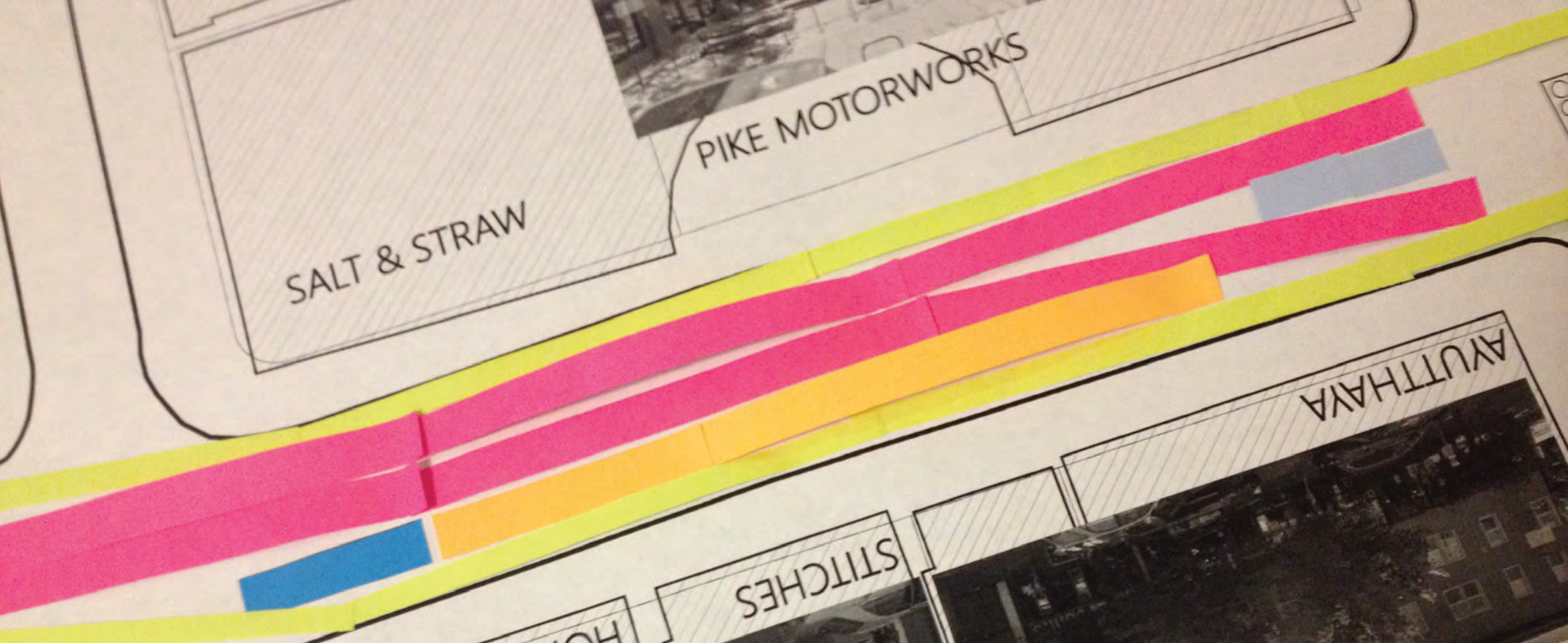
Seattle Neighborhood Greenways





SALT & STRAW

PIKE MOTORWORKS



AYUTHAYA



STITCHES

HONEY HOLE



STON

What perspectives do you represent, and how do you interact with the Pike/Pine corridor?



Walking



Business-owner



Resident



Biking



Senior



Working



Using transit



Deaf



Dining



Driving or riding



Parent



Shopping



Using a wheelchair



Blind



Playing



Student

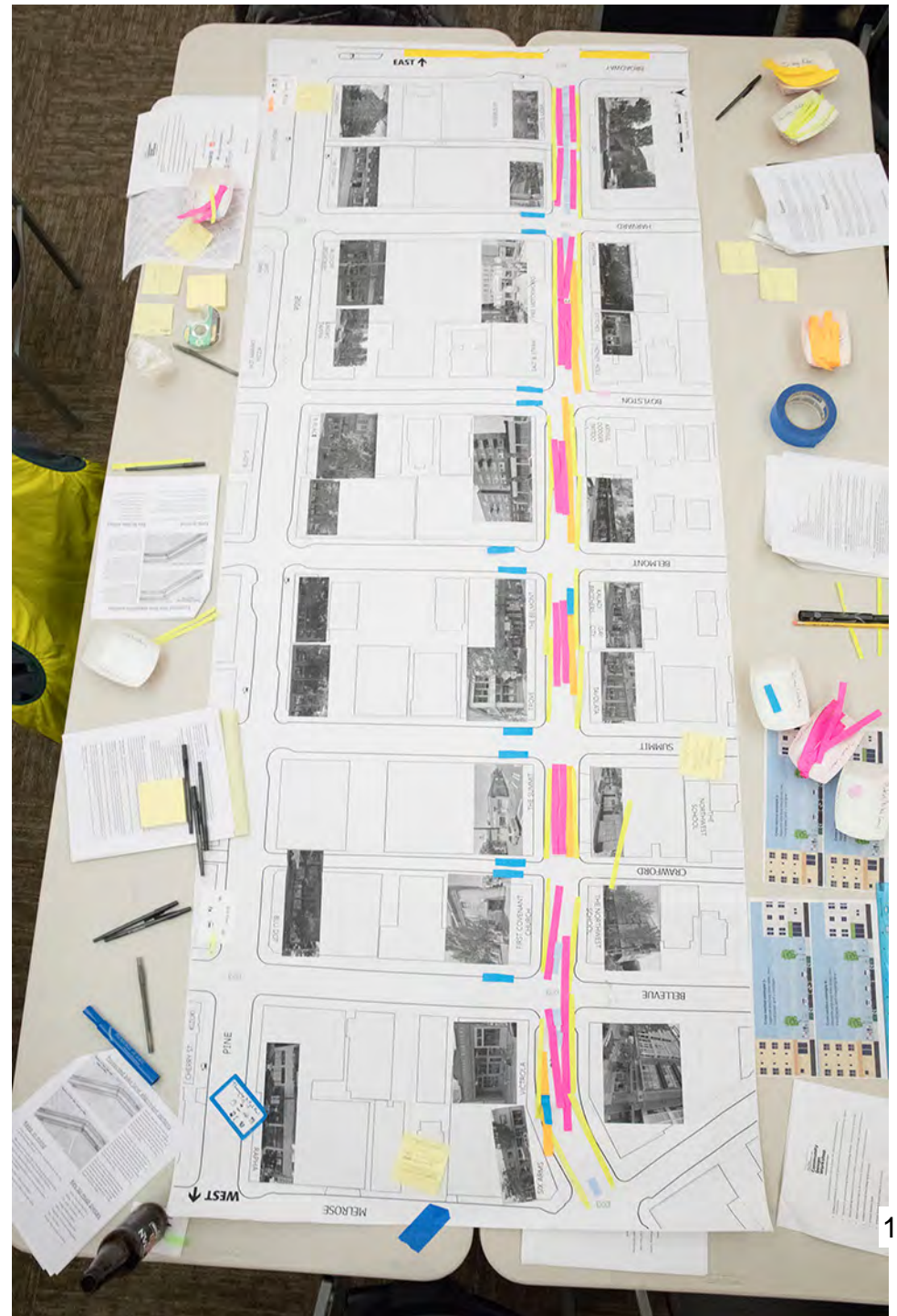
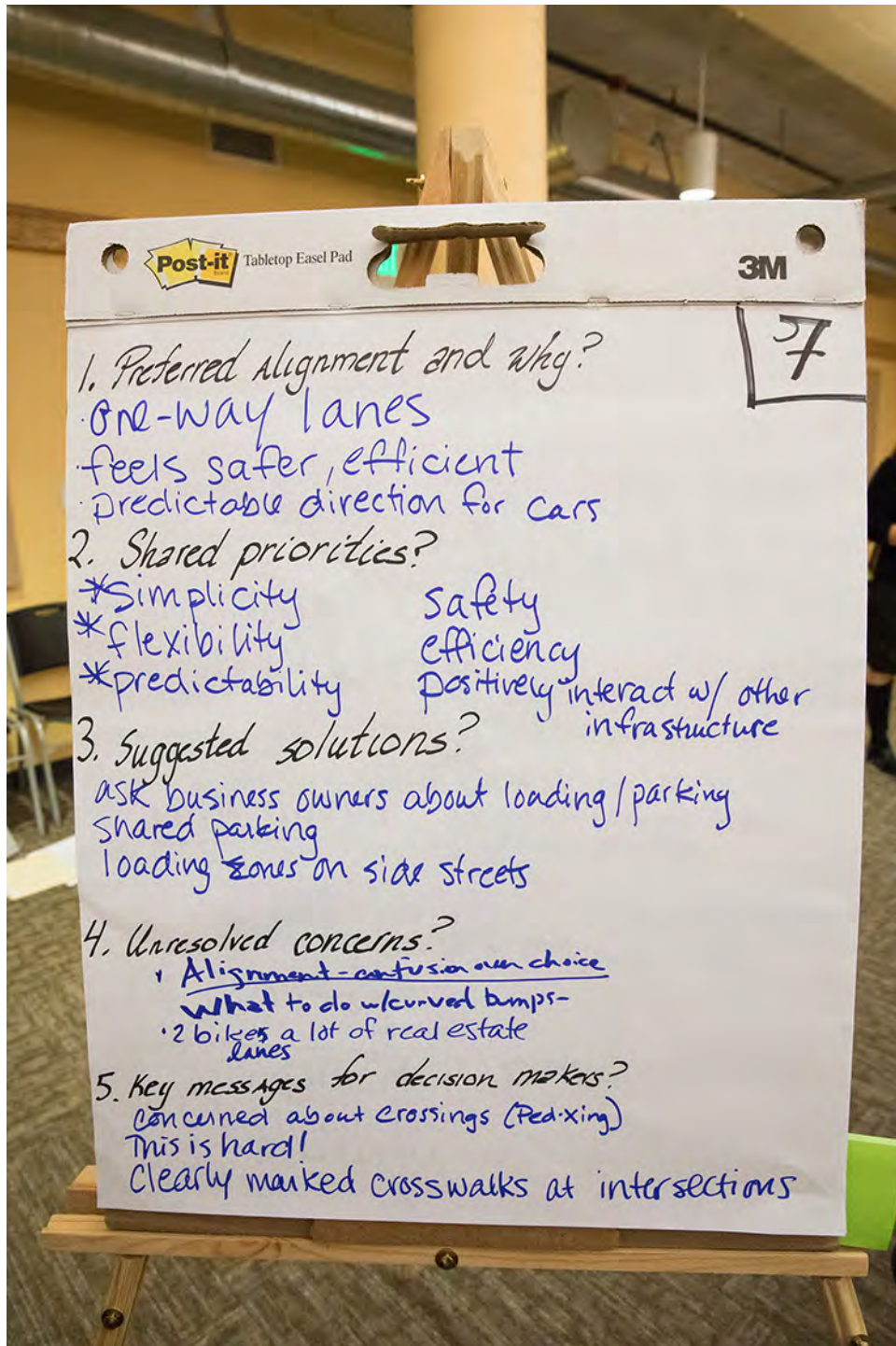


Walking a dog

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Community Priorities

- **Pedestrian safety, comfort, and convenience**
- **A continuous, safe, intuitive bike route**
- **Ample, convenient loading zones for businesses and passengers**
- **Clear, predictable traffic flow for all users**

Capitol Hill Housing, Central Seattle Greenways,
and Seattle Neighborhood Greenways present:

Pike/Pine
Protected Bike Lane

Community Design Workshop

October 25th, 2018

A Capitol Hill EcoDistrict Forum

CO-HOSTED BY



Pike/Pine Protected Bike Lanes Community Design Workshop

More info: bit.ly/PikePineWorkshop

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Clara Cantor

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Legislation Text

File #: Inf 1332, **Version:** 1

Seattle Department of Transportation Vision Zero Update



Vision Zero

Safer Streets for Seattle

Council Transportation Committee
Jim Curtin and Allison Schwartz
03/05/19



Our mission, vision, and core values

Mission: deliver a high-quality transportation system for Seattle

Vision: connected people, places, and products

Committed to 5 core values to create a city that is:

- Safe
- Interconnected
- Affordable
- Vibrant
- Innovative

For all

Presentation overview

- Background
- Data and trends
- Priority projects
- New initiatives
- Next steps
- Questions



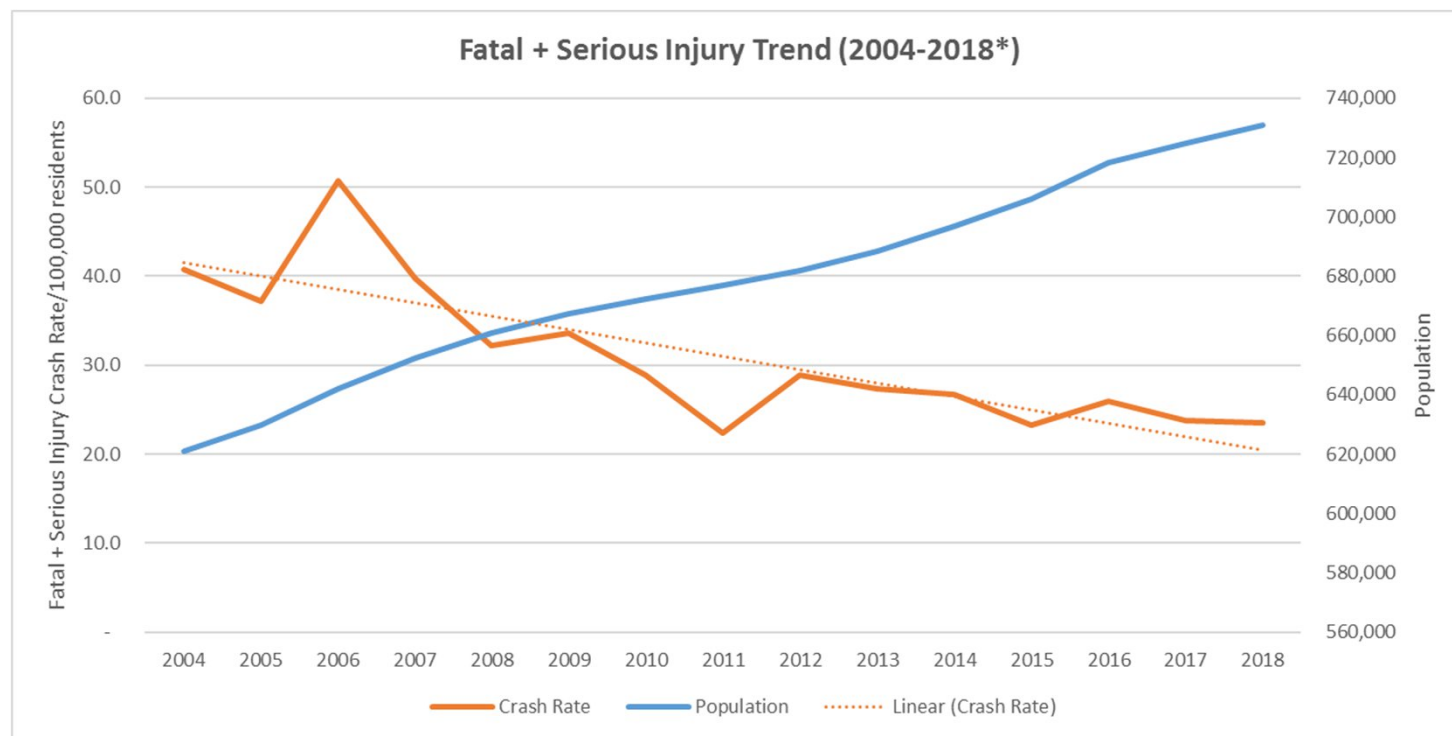
Background

- 1997: Vision Zero starts in Sweden
- 2000: WA State Target Zero
- 2012: Seattle Road Safety Action Plan
- 2015: Seattle launches Vision Zero
- 2016: Codified through Comp Plan update
- 2016: Lower citywide speed limits
- 2017: Bicycle and Pedestrian Safety Analysis
- 2018: BPSA assessment → Complete Streets Checklist



Data and trends

- Despite massive growth, Seattle continues to be on the right track
- Seattle amongst safest cities in US

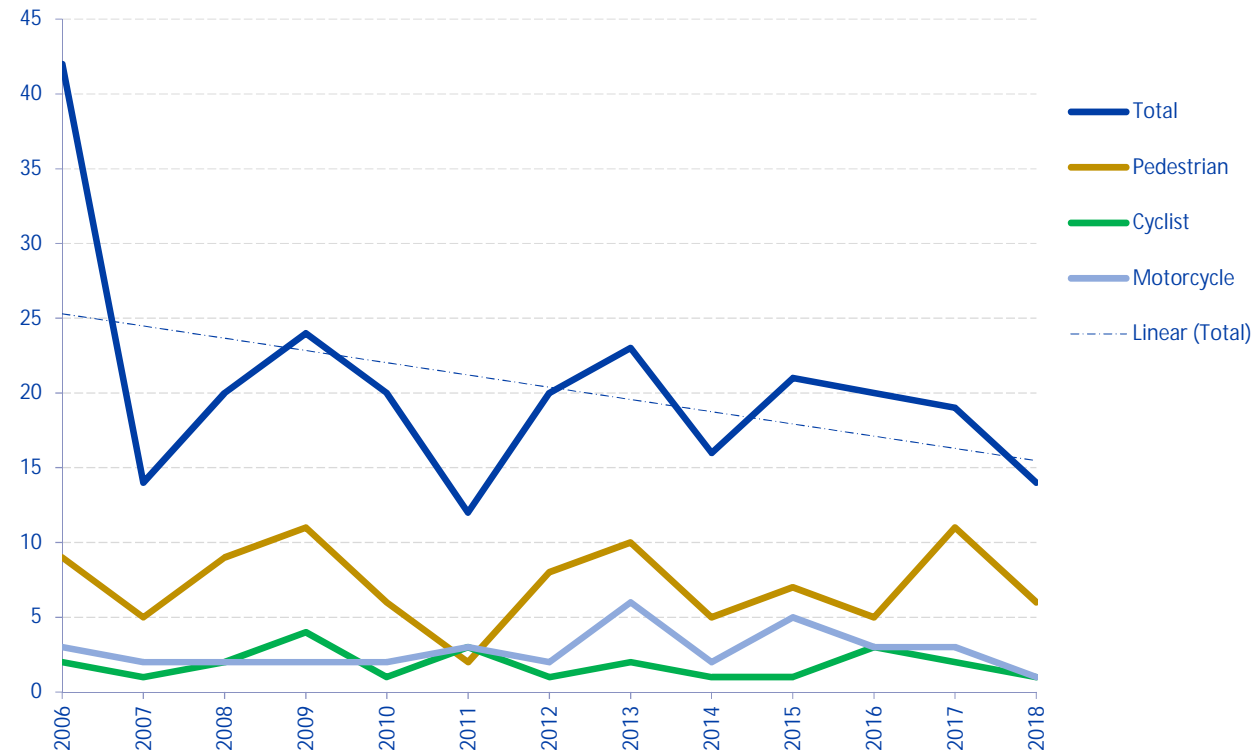


*2018 data is preliminary and may change

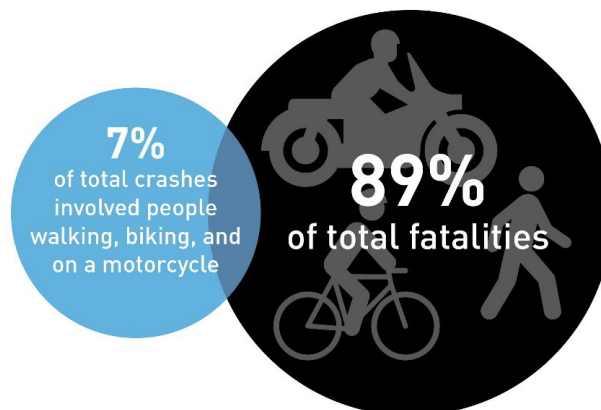
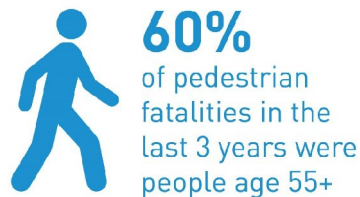
Data and trends

- 2018 preliminary data
 - 25% reduction in fatalities between 2017 and 2018
 - 14 total fatalities
 - 170 serious injuries
 - Pedestrians continue to be overrepresented

Traffic Fatalities on Seattle Streets



Data and trends



CONTRIBUTING FACTORS TO CRASHES IN SEATTLE



Distraction

Here at home, we've seen a 300% increase in distracted driving over the past 3 years, contributing to 3,000 crashes annually (30% of total crashes)



Impairment

Impairment contributes to an average of 500 crashes annually, and 20% of fatal crashes each year



Speeding

20% of fatal crashes involve speeding



Failure to Yield to Pedestrians

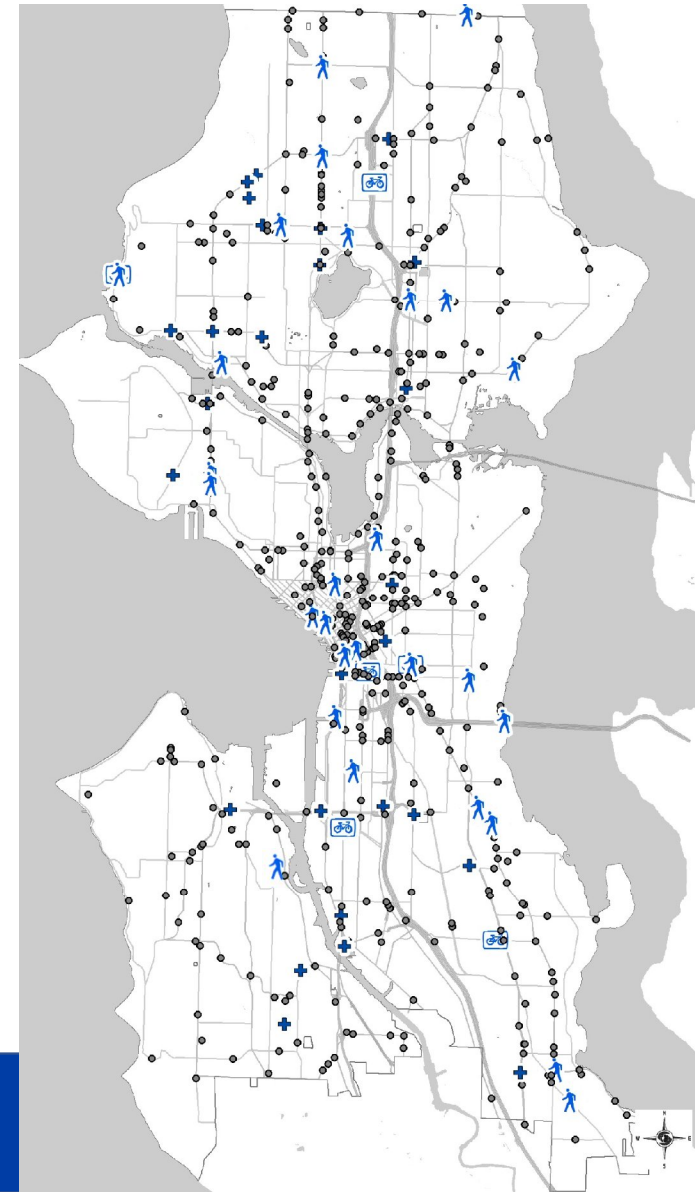
More than 200 injury collisions, and 10% of fatal pedestrian collisions each year



Data and trends

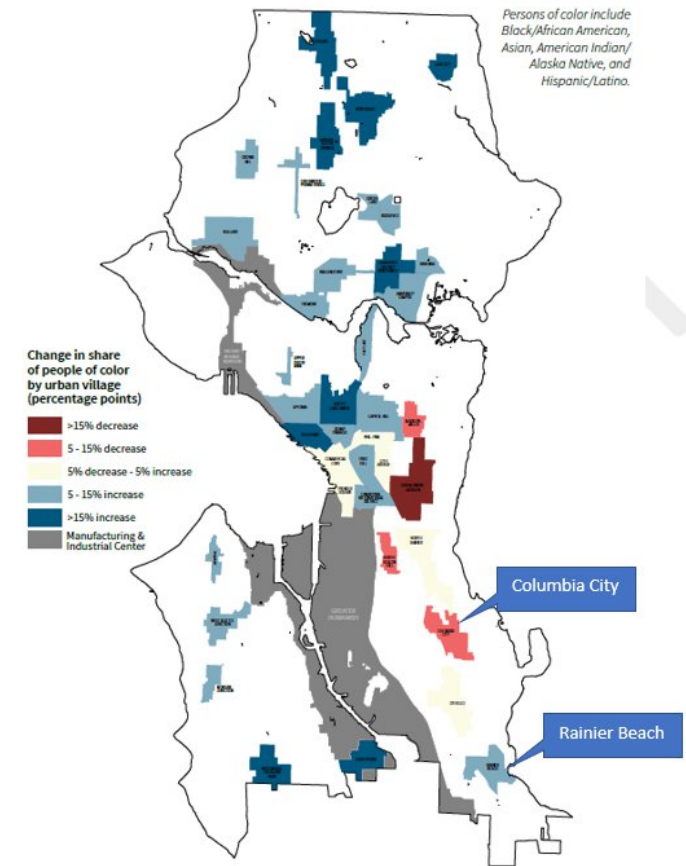
Fatal and Serious Injury Collisions (2016-2018)

- m** Pedestrian fatality
- ©** Bicycle fatality
- E** Driver/passenger fatality
- Serious injury collision



Equity

- Focus investments on highest need areas
- Enforcement RET in progress in partnership with SPD
- Tracking the neighborhoods, communities, and people adversely affected by collisions
- Reaching historically underrepresented communities with safety resources



Source: Seattle Comprehensive Plan (Growth and Equity, May 2016)

Rainier Corridor RET

Safety corridors

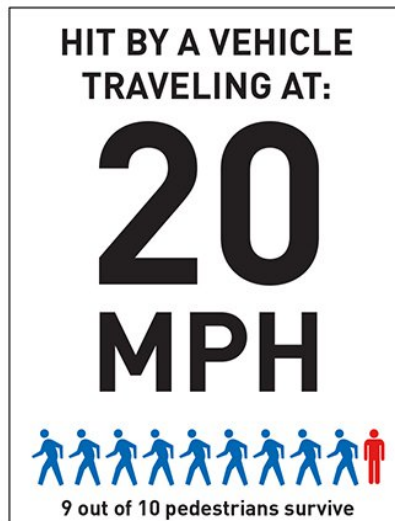
- Six projects completed in last 2 years
- 2019 projects
 - Rainier Phase 2
 - 35th SW Phase 2
 - NE 65th St
 - Greenwood-Phinney
 - SW Roxbury St
 - 23rd Phase 3
 - CBD Safety



Banner Way NE

Speed limits

- Critical factor in frequency and severity of crashes
- Seattle a leader in speed limit policy



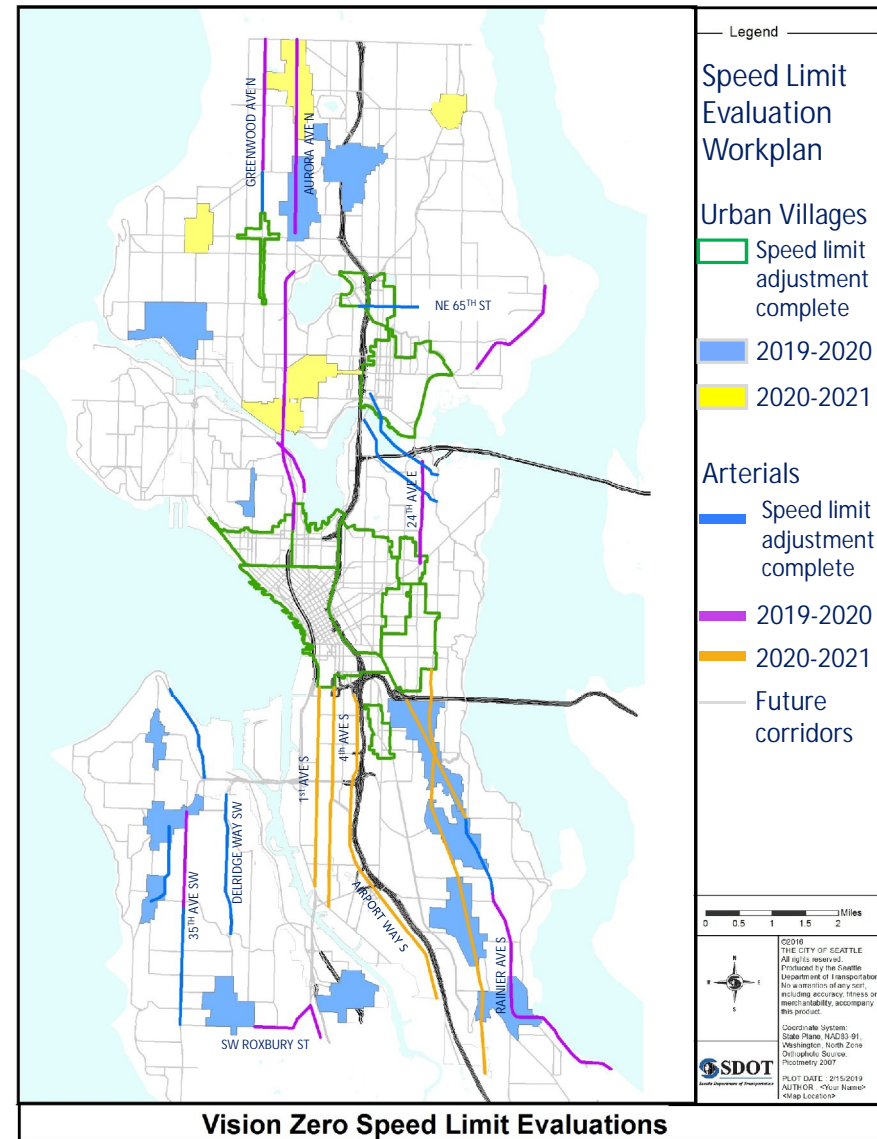
Speed limits

- Reduced speed limits on all non-arterial streets to 20 mph (2016)
- Reduced speed limits on nearly 200 miles of arterials last two years
- Focus on urban villages



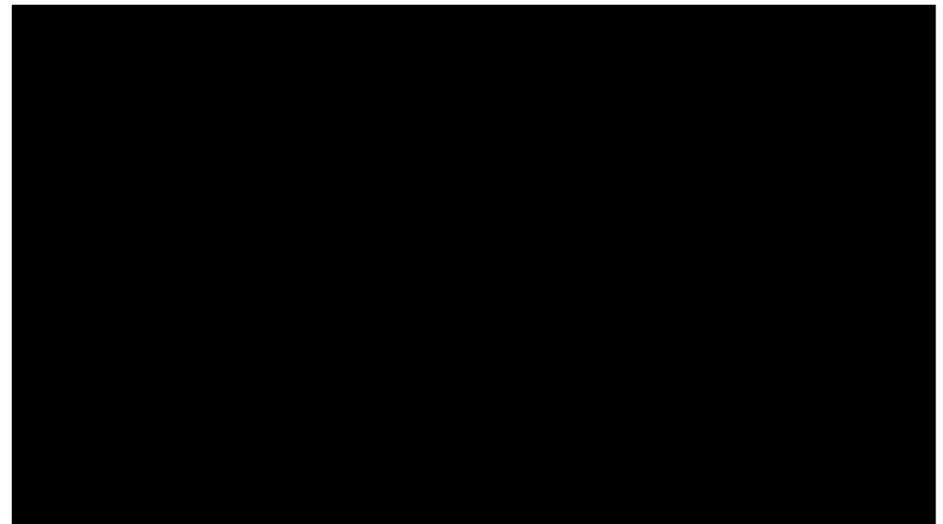
80%
of pedestrian collisions occur within or near our city's urban villages

Department of Transportation



Leading pedestrian intervals (LPIs)

- Pedestrian signal provides “walk” signal 3 – 7 seconds prior to vehicular green light
- 40 to 60% reduction in ped-vehicle collisions
- 30 existing LPIs
- 50 locations in queue for 2019
- More than 100 intersections under evaluation



Education

- Build awareness
- Shift attitudes
- Change behavior
- Metrics and research



Education

- Focus areas
 - Impairment
 - Pedestrian safety
 - Speeding
 - Distraction
- Partnerships
 - TNCs
 - Insurance companies
 - MADD
 - Ethnic media
 - Washington Traffic Safety Commission



New initiatives

- Bicycle and Pedestrian Safety Analysis Phase 2
- Seattle's Safest Driver 2.0
- New online dashboard
- Pedestrian safety emphasis patrols

Next steps

Date	Activity/action
Spring 2019	Vision Zero Progress Report
Spring 2019	Seattle's Safest Driver 2.0
Summer 2019	Vision Zero Dashboard
Starting Summer 2019	Pedestrian safety emphasis patrols and communications

Questions?

jim.curtin@seattle.gov | (206) 684-8874
allison.schwartz@seattle.gov | (206) 386-4654

www.seattle.gov/visionzero





Legislation Text

File #: CB 119473, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting the University of Washington permission to maintain and operate a pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

WHEREAS, the Seattle City Council passed Ordinance 112410 granting approval to the University of

Washington to construct, maintain and operate a pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast and a vehicular tunnel under and across Northeast Pacific Place at Rainier Vista, for a ten-year term, with two renewable ten-year terms; and

WHEREAS, the vehicular tunnel under and across Northeast Pacific Street at Rainier Vista was removed as part of constructing access to the Link Light Rail University of Washington station on Montlake Boulevard; and

WHEREAS, the University of Washington has applied for permission to continue to maintain and operate the remaining pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast; and

WHEREAS, the pedestrian tunnel provides a pedestrian connection between the University of Washington Medical Center and the Triangle Parking Garage; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to the University of Washington, and its

successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance (the party named above and each such approved successor and assign is referred to as “Permittee”), to maintain and operate a pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast, adjacent in whole or in part to the property described as 1959 Northeast Pacific Street.

Section 2. **Term.** The permission granted to Permittee is for a term of ten years starting on September 18, 2015 and ending at 11:59 p.m. on September 17, 2025. Upon written application made by the Permittee at least 180 days before expiration of the term, the Director or the City Council may renew the permit twice, each time for a successive ten-year term, subject to the right of the City to require the removal of the pedestrian tunnel or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years. The Permittee shall submit any application for a new permission no later than 180 days prior to the expiration of the then-existing term.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the utilities, and the Permittee being responsible for any damage to the utilities due to the repair, reconstruction, maintenance, operation, or removal of the pedestrian tunnel and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, public place) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian tunnel, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense in the event that:

- (a) the City Council determines by ordinance that the space occupied by the pedestrian tunnel is

necessary for any public use or benefit or that the pedestrian tunnel interferes with any public use or benefit; or

(b) the Director determines that use of the pedestrian tunnel has been abandoned; or

(c) the Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the pedestrian tunnel interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee's obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the pedestrian tunnel, the Permittee shall, at its own expense, remove the pedestrian tunnel and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the pedestrian tunnel in as good condition for public use as existed prior to construction of the pedestrian tunnel and in at least as good condition in all respects as the abutting portions of the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the pedestrian tunnel as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the pedestrian

tunnel and restore the public place at the Permittee's expense and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. Repair or reconstruction. The pedestrian tunnel shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pedestrian tunnel in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the pedestrian tunnel except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the pedestrian tunnel reconstructed or repaired at the Permittee's cost and expense because of: the deterioration or unsafe condition of the pedestrian tunnel; the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. Failure to correct unsafe condition. After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the pedestrian tunnel be closed or removed at the Permittee's expense if the Director deems that the pedestrian tunnel has become unsafe or creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. Continuing obligations. Notwithstanding termination or expiration of the permission granted, or closure or removal of the pedestrian tunnel, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. Notwithstanding the issuance of that

certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 17 of this ordinance.

Section 9. **Release, hold harmless, indemnification, and duty to defend.** The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description arising out of or by reason of the pedestrian tunnel or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

(a) the existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the pedestrian tunnel or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

(b) anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

(c) the Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the pedestrian tunnel or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the

Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

- (a) Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the pedestrian tunnel or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian tunnel;
- (b) The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and
- (c) Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$2,000,000 per Occurrence; \$4,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the “City of Seattle, its officers, officials, employees and agents” as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City’s Risk Manager. The letter of certification must provide all information required by the City’s Risk Manager and document, to the satisfaction of the City’s Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days’ prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its

contractors performing work on any premises contemplated by this permit name the “City of Seattle, its officers, officials, employees and agents” as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington that is in the amount of \$140,000 and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney’s Office may be substituted for the bond. In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. **Consent for and conditions of assignment or transfer.** The permission granted by this ordinance shall not be assignable or transferable by operation of law; nor shall the Permittee transfer, assign, mortgage, pledge or encumber the same without the Director’s consent, which the Director shall not

unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has accepted in writing all of the terms and conditions of the permission granted by this ordinance; has provided, at the time of the acceptance, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the pedestrian tunnel.

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the pedestrian tunnel during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the pedestrian tunnel by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the pedestrian tunnel. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- (a) describes the physical dimensions and condition of all load-bearing elements;
- (b) describes any damages or possible repairs to any element of the pedestrian tunnel;
- (c) prioritizes all repairs and establishes a timeframe for making repairs; and
- (d) is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of this ordinance; subsequent reports shall be submitted every two years, within 30 days prior to the anniversary date of the last inspection report; provided that, in the event of a natural disaster or other event that may have

damaged the pedestrian tunnel, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the pedestrian tunnel. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 17. **Annual fee.** Beginning on September 18, 2015 and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an annual fee of \$1,680, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the annual fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-Bremerton Area, All Urban Consumers, All Products, Not Seasonally Adjusted. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. **Compliance with other laws.** Permittee shall construct, maintain and operate the pedestrian tunnel in compliance with all applicable federal, state, County and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian tunnel, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, SMC Chapter 14.04, and Fair Contracting Practices code, SMC Chapter 14.10 (or successor provisions).

Section 19. **Acceptance of terms and conditions.** The Permittee shall deliver to the Director its written signed acceptance of the terms of this ordinance within 60 days after the effective date of this ordinance. The

Director shall file the written acceptance with the City Clerk. If no such acceptance is received within that 60-day period, the privileges conferred by this ordinance shall be deemed declined or abandoned and the permission granted deemed lapsed and forfeited and the Permittee shall, at its own expense, remove the pedestrian tunnel and all of the Permittee's equipment and property and replace and restore all portions of the public place as provided in Section 5 of this ordinance.

Section 20. Obligations run with the Property. The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian tunnel and legally described in Section 1 of this ordinance (the "Property"), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder's Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. Section titles. Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 22. Ratify and confirm. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 23. 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 _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE granting the University of Washington permission to maintain and operate a pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

This legislation will allow the University of Washington to continue maintaining and operating the existing pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast. The pedestrian tunnel is for a period of ten years, commencing on the expiration of the last term on September 18, 2015. The permit may be extended for two successive 10-year terms. The legislation specifies the conditions under which permission is granted.

The City originally granted permission for the pedestrian tunnel by Ordinance 112410 in August 1985. The ratify and confirm clause is required in order to grant permission for the existing pedestrian tunnel retroactively to September 19, 2015.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes **X** No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes **X** No

Appropriation change (\$):	General Fund \$		Other \$	
	2019	2020	2019	2020
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2019	2020	2019	2020
			\$12,720	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2019	2020	2019	2020

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

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

If the legislation is not enacted by City Council, the City of Seattle will not receive the 2015 fee of \$1,680, the 2016 fee of \$2,320, the 2017 fee of \$2,320, the 2018 fee of \$2,400, or the 2019 fee of \$4,000.

3.d. Appropriations

This legislation adds, changes, or deletes appropriations.

3.e. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2019 Revenue	2020 Estimated Revenue
Transportation Fund	SDOT	Annual Fee	2015 fee: \$1,680 2016 fee: \$2,320 2017 fee: \$2,320 2018 fee: \$2,400 2019 fee: \$4,000	TBD
TOTAL			\$12,720	TBD

Is this change one-time or ongoing?

On-going

Revenue/Reimbursement Notes:

3.f. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

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

No.

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

No.

e. Does this legislation affect a piece of property?

Yes, the University of Washington location as legally described in Section 1 of the Council Bill.

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

There are no perceived implications for the principles of the Race and Social Justice Initiative. This legislation does not impact vulnerable or historically disadvantaged communities.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

N/A

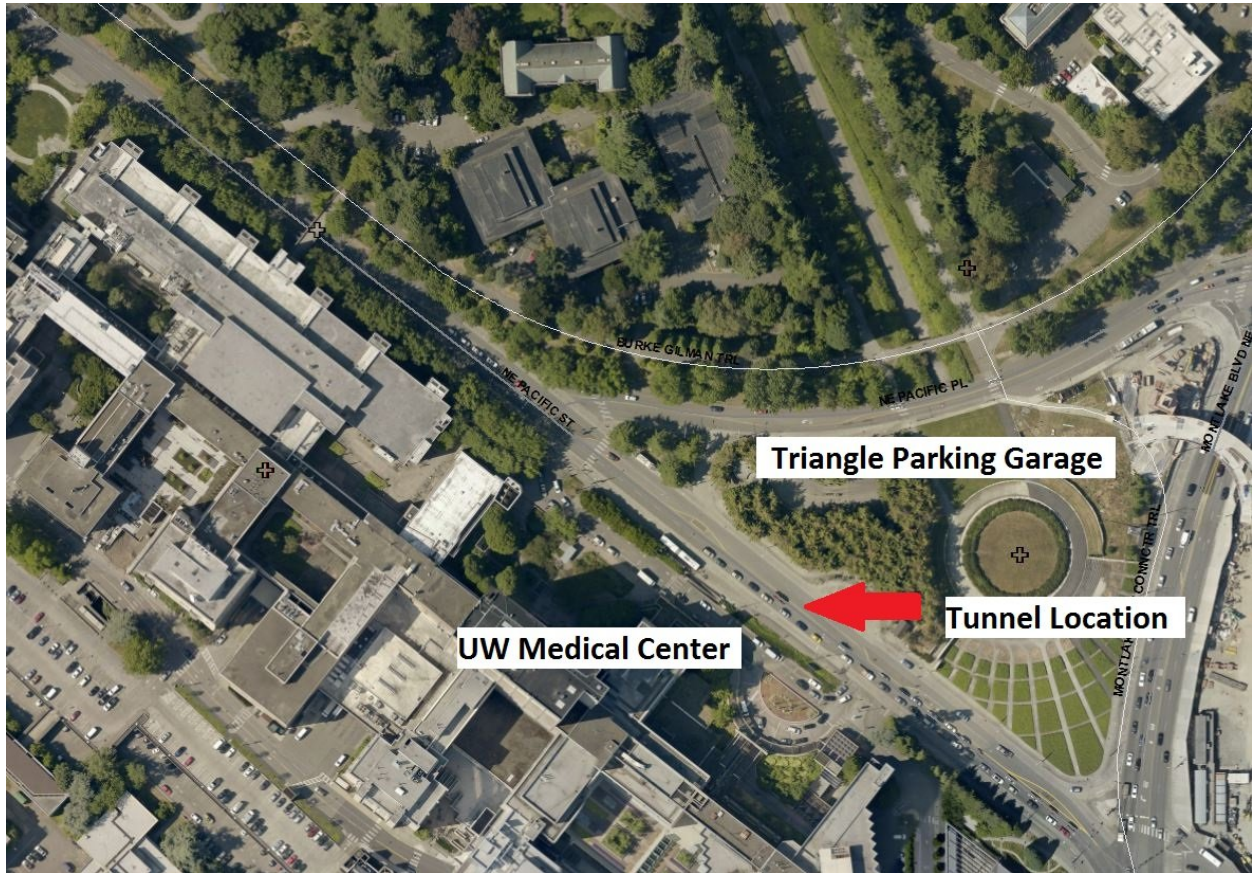
List attachments/exhibits below:

Summary Attachment A – University of Washington Pedestrian Tunnel Area Map

Summary Attachment B – University of Washington Pedestrian Tunnel Photo

Summary Attachment C – University of Washington Pedestrian Tunnel Annual Fee Assessment

Attachment A – University of Washington Pedestrian Tunnel Area Map



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

Attachment B – University of Washington Pedestrian Tunnel Photo



Attachment C - Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 2/22/19

<p><u>Summary:</u> 2015 Land Value: \$105/SF 2015 Permit Fee: \$1,680</p>
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I. Property Description:

Existing pedestrian tunnel under and across Northeast Pacific Street, west of Montlake Boulevard Northeast. The pedestrian tunnel provides a pedestrian connection between the main UW Hospital building and the parking garage north of Northeast Pacific Street and the main campus. The skybridge area is **800 square feet**.

Applicant:

University of Washington

Abutting Parcels, Property Size, Assessed Value:

1. Parcel 4092301105; Lot size: 4,750 square feet

Tax year 2015 Appraised Land Value: \$498,700
Tax year 2016 Appraised Land Value: \$688,700
Tax year 2017 Appraised Land Value: \$688,700
Tax year 2018 Appraised Land Value: \$712,500
Tax year 2019 Appraised Land Value: \$1,187,500

2. Parcel 4092301090; Lot size: 5,000 square feet

Tax year 2015 Appraised Land Value \$525,000
Tax year 2016 Appraised Land Value: \$725,000
Tax year 2017 Appraised Land Value: \$725,000
Tax year 2018 Appraised Land Value: \$750,000
Tax year 2019 Appraised Land Value: \$1,250,000

Average 2015 Tax Assessed Land Value: \$105/SF
Average 2016 Tax Assessed Land Value: \$145/SF
Average 2017 Tax Assessed Land Value: \$145/SF
Average 2018 Tax Assessed Land Value: \$150/SF
Average 2019 Tax Assessed Land Value: \$250/SF

II. Annual Fee Assessment:

The 2015 permit fee is calculated as follows:

Pedestrian Tunnel:

$(\$105/\text{SF}) \times (800 \text{ SF}) \times (25\%) \times (8\%) = \$1,680$ where 25% is the degree of alienation for below-grade pedestrian tunnels and 8% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, 124532, 125185, and 125452.



Legislation Text

File #: CB 119434, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to appropriations for the Delridge Multimodal Corridor Project; amending the 2018 Budget (Ordinance 125475), as amended by Ordinance 125635, to lift the proviso on 2018 Mobility-Capital Budget Control Level expenditures.

WHEREAS, The City of Seattle’s 2018 Adopted Budget included a proviso on funds allocated to the Seattle Department of Transportation (SDOT) concerning the design of the Delridge Multimodal Corridor Project; and

WHEREAS, the proviso in Green Sheet 49-1-A-1-2018 stated that “[n]o more than \$1.4 million of the funds appropriated in the Mobility-Capital Budget Control Level may be expended for the Delridge Multimodal Corridor Project (TC367810) (adopted in the 2018-2023 Capital Improvement Program), until authorized by future ordinance”; and

WHEREAS, the City Council adopted Ordinance 125635 in August 2018, lifting the 2018 budget proviso but limiting any further expenditure of 2018 Mobility-Capital funds on the project to no more than \$3.4 million until authorized by ordinance, anticipating that SDOT would report to the Sustainability & Transportation Committee on “the 30% design baseline package, including a clear definition of the sidewalk and bicycle infrastructures improvements in the project scope ... reflect[ing] continued community engagement and input in the project development”; and

WHEREAS, after additional community engagement and input, SDOT reported to the Sustainability & Transportation Committee on the 30% design of the Delridge project on December 18, 2018, including planned pedestrian and bicycle improvements, in accordance with Ordinance 125635; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The restrictions on 2018 Mobility-Capital Budget Control Level expenditures imposed by the following budget proviso are removed because the conditions set forth in the proviso have been satisfied and are no longer restrictions for any purpose, including those set forth in Section 2 of Ordinance 125635:

Item	Department	Ordinance	Proviso
1.1	Seattle Department of Transportation	125635	“No more than \$3.4 million of the funds appropriated in the Mobility-Capital Budget Control Level in the 2018 Budget may be expended for the Delridge Multimodal Corridor Project (TC367810) (adopted in the 2018-2023 Capital Improvement Program), until authorized by future ordinance. It is anticipated that such authorization will not be granted until the Seattle Department of Transportation reports to the Sustainability & Transportation Committee, or its successor committee, on the 30% design baseline package, including a clear definition of the sidewalk and bicycle infrastructure improvements in the project scope. City Council anticipates that the 30% design baseline package will reflect continued community engagement and input in the project development.”

Section 2. Before appropriating funds for construction of the Delridge Multimodal Corridor Project in the 2020 budget, it is the City Council’s intent to review the project to ensure that the final scope and design reflect continued community engagement and input in the project development.

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 _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)

Revise Section 2 as follows:

Section 2. Before appropriating funds for construction of the Delridge Multimodal Corridor Project in the 2020 budget, it is the City Council's intent to review the project to ensure that the final scope and design reflect continued community engagement and input in the project development. The City Council anticipates that SDOT will continue to evaluate issues identified by the community, including: a) utilizing 16th Ave SW for a more direct greenway connection; b) relocating the SW Findlay St. RapidRide station to SW Brandon St.; c) extending the northbound bus lane south of SW Alaska St.; d) allowing night and weekend parking by the Youngstown Cultural Center; e) adding traffic calming measures in the White Center business district; and f) improving the 26th Ave. SW greenway to current standards.

The City Council anticipates that SDOT will complete a stormwater compliance agreement with Seattle Public Utilities and a funding agreement with King County Metro in advance of seeking appropriations for construction of the project.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Transportation	CJ Holt/3-1556	Michael McVicker/4-5339

** 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 relating to appropriations for the Delridge Multimodal Corridor Project; amending the 2018 Budget (Ordinance 125475), as amended by Ordinance 125635, to lift the proviso on 2018 Mobility-Capital Budget Control Level expenditures.

Summary and background of the Legislation: As part of its capital project oversight work, Council passed a proviso of the 2018 budget so that “no more than \$1.4 million of the funds appropriated in the Mobility-Capital Budget Control Level may be expended for the Delridge Multimodal Corridor Project (TC367810) (adopted in the 2018-2023 Capital Improvement Program), until authorized by future ordinance. It is anticipated that such authorization will not be granted until the Seattle Department of Transportation reports to the Sustainability & Transportation Committee, or its successor committee, on the 10% design baseline package.”

After SDOT project staff presented the 10% design to the Sustainability & Transportation Committee on July 16, 2018, Council agreed to lift the proviso but amended Council Bill 119306 to again limit 2018 expenditures on the project, this time at a level of \$3.4 million until authorized by future ordinance. Council intended the 30% design as another stage-gate for Council approval in part to ensure SDOT incorporated community-generated input on pedestrian and bicycle safety improvements on the Delridge RapidRide corridor.

This project is working in partnership with King County Metro (KCM) to upgrade the existing Route 120 to the RapidRide “H” Line by 2021. The project team has worked closely with the Delridge community and bike and pedestrian advocates to incorporate many of their priorities into the 30% design, including revised project scope that includes pavement reconstruction as well as transit, bike and pedestrian improvements.

With the project now at 30% design and with \$19.5 million in secured funding, SDOT would like to continue advancing the design to 100% to by June 2019 in order to maintain schedule requirements for secured grants.

2. CAPITAL IMPROVEMENT PROGRAM

a. Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. **Does this legislation amend the Adopted Budget?** Yes No

The legislation removes a \$3.4 million limitation on spending Council amended to Council Bill 119306, adopted as Ordinance 125635.

- b. **Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

All anticipated costs to the Seattle Department of Transportation have been included in the 2018 Adopted Budget and are reflected in the CIP.

- c. **Is there financial cost or other impacts of *not* implementing the legislation?**

By not lifting the proviso, the project design would be delayed. Design and construction costs would increase due to inflation, as well as labor and construction cost increases.

The project is in partnership with King County Metro. As one of three RapidRide lines on which the City is partnering with King County Metro, SDOT needs to meet several schedule delivery commitments through the remainder of 2018 and 2019. The project also has grant commitment to complete 90% design by June 2019. Not lifting the proviso would jeopardize these commitments.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**

No

- b. **Is a public hearing required for this legislation?**

No

- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No

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

No

- e. **Does this legislation affect a piece of property?**

No

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

Compared to the city as a whole, the Delridge Way SW corridor population has more ethnic diversity, a higher percentage of households below 200% of the poverty line, more young people (more people under 18 and fewer people over 64), greater access to

automobiles, and a higher obesity rate. The 3.8-mile corridor houses some of Seattle’s most diverse neighborhoods, including North Delridge, South Delridge, Pigeon Point, Puget Ridge, High Point, Sunrise Heights, Westwood, and Highland Park and is considered a food desert, meaning people living in the area lack convenient access to affordable, healthy food. Limited access to frequent transit service compounds this problem. For these reasons, the Delridge Way SW Multimodal Corridor Project serves a critical need to ensure people have a variety of well-connected and affordable transportation choices—options that have the potential to reduce health and wealth disparities.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).**

The project will upgrade KC Metro’s Route 120 to the RapidRide H Line and add a bike facility on Delridge Ave SW that connects to the existing neighborhood greenways. The goal is to decrease transit travel time by 10%, improve reliability, and increase transit ridership and people using the corridor on bikes and on foot.

List attachments/exhibits below: