

SUMMARY and FISCAL NOTE*

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** 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: