



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

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

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

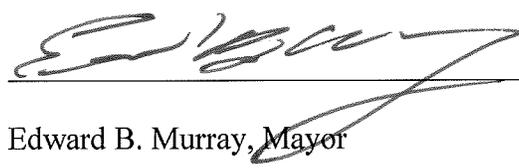
3 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

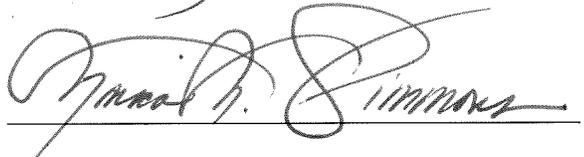
9 

10 President _____ of the City Council

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

12 
13 Edward B. Murray, Mayor

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

15 
16 Monica Martinez Simmons, City Clerk

17 (Seal)