



Legislation Details (With Text)

**File #:** CB 118896    **Version:** 2    **Name:** CB 118896  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk  
**On agenda:** 1/30/2017  
**Final Action:** 2/2/2017    **Ord. No.** Ord 125251  
**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.  
**Sponsors:** Mike O'Brien  
**Indexes:**  
**Attachments:** 1. Summary and Fiscal Note, 2. Proposed Amendment (added: 1/31/17), 3. Presentation, 4. Signed Ord 125251, 5. Affidavit of Publication

Date	Ver.	Action By	Action	Result
2/2/2017	2	City Clerk	attested by City Clerk	
2/2/2017	2	Mayor	Signed	
2/2/2017	2	Mayor	returned	
2/1/2017	2	City Clerk	submitted for Mayor's signature	
1/30/2017	1	City Council	passed as amended	Pass
1/20/2017	1	Sustainability and Transportation Committee	pass	Pass
1/17/2017	1	City Council	referred	
11/23/2016	1	Council President's Office	sent for review	
11/22/2016	1	City Clerk	sent for review	
11/22/2016	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

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 purpose of the project is environmental remediation and the project is being conducted in compliance with 42 U.S.C. §9621 and is subject to 42 U.S.C. §9621(e).
- C. The authorizing official may grant an exception from paying fees, making an indemnity deposit, posting a surety bond, or providing liability insurance when the use is for a public transportation-related-infrastructure project, like light rail, and is authorized under a separate ordinance; or when the use is for a Seattle Department of Transportation project.
- D. 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. Improvements may include but are not limited to pavement, sidewalk, and accessible curb ramps; street trees and street tree maintenance; signals and street lighting; or other transportation-related infrastructure installations or improvements beyond local, state, or federal requirements. The improvements shall be located in the immediate geographic area of the project for

which use fees are credited.

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

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

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.

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 \_\_\_\_\_, 2017, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Monica Martinez Simmons, City Clerk

(Seal)