



## Legislation Details (With Text)

**File #:** CB 119215    **Version:** 1    **Name:** CB 119215  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk  
**On agenda:** 3/26/2018  
**Final Action:** 3/30/2018    **Ord. No.** Ord 125554  
**Title:** AN ORDINANCE relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program; authorizing the Mayor or the Mayor's designees to execute an agreement with the State of Washington to set forth roles and responsibilities for the State of Washington's project to decommission the Battery Street Tunnel once the bored tunnel is open to drivers.  
**Sponsors:** Mike O'Brien  
**Indexes:**

**Attachments:** 1. Att 1 - Memorandum of Understanding, 2. Summary and Fiscal Note, 3. Presentation, 4. Signed Ordinance 125554, 5. Affidavit of Publication

Date	Ver.	Action By	Action	Result
3/30/2018	1	City Clerk	attested by City Clerk	
3/30/2018	1	Mayor	returned	
3/30/2018	1	Mayor	Signed	
3/28/2018	1	City Clerk	submitted for Mayor's signature	
3/26/2018	1	City Council	passed	Pass
3/15/2018	1	Sustainability and Transportation Committee	pass	Pass
3/12/2018	1	City Council	referred	
3/9/2018	1	Council President's Office	sent for review	
3/6/2018	1	City Clerk	sent for review	
3/6/2018	1	Mayor	Mayor's leg transmitted to Council	

## CITY OF SEATTLE

## ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program; authorizing the Mayor or the Mayor's designees to execute an agreement with the State of Washington to set forth roles and responsibilities for the State of Washington's project to decommission the Battery Street Tunnel once the bored tunnel is open to drivers.

WHEREAS, by Letter of Agreement ("LOA") dated January 13, 2009, the Governor, the King County

Executive, and the Mayor of The City of Seattle ("City") recommended replacement of the existing

Alaskan Way Viaduct structure in the central waterfront area with a bored tunnel and associated improvements to City streets and transit (“Alaskan Way Viaduct and Seawall Replacement Program” or “Program”); and

WHEREAS, the LOA allocated responsibility to the State of Washington (“State”) for demolishing the existing Alaskan Way Viaduct structure once the bored tunnel is opened to drivers; and

WHEREAS, the LOA also allocated responsibility to the State for decommissioning the Battery Street Tunnel (“Project”); and

WHEREAS, the State Legislature, by enacting RCW 47.01.402 in 2009, endorsed the bored tunnel as the preferred alternative and authorized State funding; and

WHEREAS, the State Route 99 Tunnel Final Environmental Impact Statement (EIS), signed by the State and the City (“Parties”), identified the Tolled Bored Tunnel Alternative as the preferred alternative, which included decommissioning the Battery Street Tunnel; and

WHEREAS, in October 2009 the Parties entered into agreement GCA 6366, which was authorized by Seattle City Council Ordinance 123133, and which confirmed the State’s responsibility for decommissioning the Battery Street Tunnel, and set forth the Parties’ roles and responsibilities for the Program; and

WHEREAS, completion of projects identified in GCA 6366 included the Project; and

WHEREAS, in May 2011, the Parties entered into agreement GCA 6486, which was accepted by Seattle City Council Ordinance 123542, and which recognized that the Project would be subject to a future agreement between the Parties; and

WHEREAS, on August 2, 2017, the Parties executed agreement GCA 1271, a Funding Agreement for the Alaskan Way Reconstruction Project (“Funding Agreement”); and

WHEREAS, in December 2017, the Parties entered into Agreement GCB 1970 which was accepted by Seattle City Council Ordinance Number 125501 and which set forth Parties’ roles and responsibilities for the Alaskan Way Viaduct demolition; and

WHEREAS, the Funding Agreement commits the Parties to complete an agreement, prior to City Council approval, related to permitting and construction of the Project; and

WHEREAS, the Parties have been working diligently and completed the good faith negotiations regarding the Project, and Memorandum of Agreement GCB 1217, SR 99 Alaskan Way Viaduct Replacement Program Battery Street Tunnel Decommissioning Project (“Decommissioning Agreement”), is intended to identify roles and responsibilities for the implementation of the Project; and to satisfy the agreement requirement in the Funding Agreement; and

WHEREAS, the Project may be a part of a Design-Build Contract, as defined in the Decommissioning Agreement, that will also include demolishing the existing Alaskan Way Viaduct and construction of the surface streets north of the Battery Street Tunnel; and

WHEREAS, the Project will require the use of existing City street right-of-way; and

WHEREAS, the City and the State agree to work collaboratively toward the successful completion of the Project; and

WHEREAS, the City and the State will work together to coordinate construction activities that are happening simultaneously in the Project area; and

WHEREAS, the construction of the surface streets north of the Battery Street Tunnel is addressed in GCA 6486; and

WHEREAS, the State and the City, through the Seattle Department of Transportation, Seattle Public Utilities, and Seattle City Light, are entering into this agreement; and

WHEREAS, some of the work covered by this agreement may be accomplished by executed Task Order documents; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The Mayor of Seattle or the Mayor’s designees are hereby authorized to execute, for and on behalf of The City of Seattle (“City”), the “Memorandum of Agreement No. GCB 1217 SR 99, Alaskan Way

Viaduct Replacement Program Battery Street Tunnel Decommissioning Project,” between the City and the State of Washington, substantially in the form attached to this ordinance as Attachment 1.

Section 2. 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 \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**

Attachment 1 - Memorandum of Agreement No. GCB 1217, SR 99 Alaskan Way Viaduct Replacement Program Battery Street Tunnel Decommissioning Project

Exhibit A -

Exhibit A-1 - Project Description and Scope

Exhibit A-2 - Depiction of Seattle City Light Scope of Work

Exhibit A-3 - South Portal Battery Street Tunnel Concept Plan

Exhibit B - Task Order Procedures

Exhibit C - Design Review, Construction Management, Inspection, Redline and  
Drawings, and Acceptance Procedures

Record

Exhibit D - Portion of GCA 5739, Project Services Agreement

Exhibit E - Section 1-07.18 of the draft Design-Build Contract, Insurance

Exhibit F - GCA 6486, Exhibit D