

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
SDOT	Alyse Nelson	Christie Parker

*\* 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 related to street and sidewalk use; expanding the indemnification and hold-harmless requirements, which are currently directed toward permittees, to include all those making use of public place, as use is defined in Seattle Municipal Code 15.02.048; and amending Section 15.04.060 of the Seattle Municipal Code.

**Summary and Background of the Legislation:** Ordinance 126732, effective January 14, 2023, updated SMC Section 15.04-Use and Occupation Permits. One intended effect of this change was to enable the Director of Transportation (the Director) to authorize the use of Director’s Rules in lieu of permits for minor uses of the public right-of-way. This flexibility was deemed necessary to appropriately adapt permitting requirements to the widely varying impacts of use types.

Ordinance 126732, however, did not sufficiently update the related code section covering indemnity agreements and covenants to make these permit adaptations possible without weakening the language regarding the right-of-way user’s liability. The new legislation seeks to strengthen this language by clearly tying liability to the user of the public place whether or not a permit is required or a permit is required but has not been obtained.

### 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

**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

**Are there financial costs or other impacts of *not* implementing the legislation?**  
Yes. If the Director determines that a permit will not be required for a specific use, and the language in this section of code is unchanged and thus continues to tie liability to the permittee, then there is insufficient to no liability tied to the unpermitted user of right-of-way.

#### 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. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No
- d. **Does this legislation affect a piece of property?**  
No
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
There is no immediate effect of this legislation on anyone unless and until the Director determines that the change allows the Director to alter permit requirements. This will occur by preparing an SDOT Director's Rule. If and when that occurs, the potential effect of permit requirements on specific communities will be considered and appropriate steps will be taken to ensure outreach and communication are inclusive and meet the requirements of processing Director's Rules found in the Seattle Municipal Code.
- f. **Climate Change Implications**
1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
No
  2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
No
- 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