

November 16, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Calvin Chow, Analyst
Subject: Street Use Code Indemnity Clarification (CB 120722)

On December 5, 2023, the Transportation and Seattle Public Utilities Committee will discuss and possibly vote on [Council Bill \(CB\) 120722](#) that would make technical amendments to the Seattle Municipal Code (SMC) to clarify indemnity and liability requirements for minor uses of the public right-of-way.

In December 2022, the Council passed [Ordinance 126732](#), which revised the street use permitting procedures and requirements for uses such as vending, merchandise display, outdoor cafes, and street closures that had been temporarily authorized during the Covid pandemic. The revised procedures rely on the use of Director's Rules to adjust permit requirements as the Seattle Department of Transportation (SDOT) gains more experience with novel uses of the right-of-way without future legislation.

The proposed legislation makes additional technical amendments to [SMC 15.04.060](#) to clarify that the user of the right-of-way carries the indemnity and liability requirements whether or not a permit for the use is required or if a permit has not yet been obtained. As an example, merchandise displays on the sidewalk are currently allowed without a permit, as long as the use meets specified clearance requirements for pedestrian mobility. The existing code language does not explicitly address this situation where a permit is not issued.

Central Staff has reviewed the legislation and has not identified any concerns.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Brian Goodnight, Lead Analyst