

March 30, 2022

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120290 – Boeing Tunnels Term Permit

On April 5, 2022, the Transportation and Seattle Public Utilities Committee (Committee) will discuss and possibly vote on [Council Bill \(CB\) 120290](#), which would renew approval to the Boeing Corporation to maintain tunnels under 16th Avenue South and East Marginal Way South, south of their intersection. The tunnels connect Boeing facilities west of East Marginal Way South with the King County International Airport – Boeing Field. The legislation would renew an existing permit, first issued in 1955, for one 15-year term.

This memorandum describes term permit renewal standards and the Boeing Tunnel term permit.

Significant Structure Term Permit Renewals

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. [Seattle Municipal Code \(SMC\) Chapter 15.65](#) establishes the procedures and criteria for approval of and renewal of term permits for significant structures.

[SMC 15.65.073](#) states:

If the Director of Transportation determines at term renewal that the authorizing ordinance requires an amendment, the Director shall provide a recommendation to City Council as to whether an application for a significant structure term permit renewal should be granted or denied with the appropriate terms and conditions, and the Council shall decide on the renewal and establish the terms and conditions of that renewal consistent with [Section 15.65.080](#). Approval of an amended term renewal for a significant structure term permit shall be granted only by ordinance.

Section 15.65.080 provides the terms and conditions that may be included in a term permit ordinance. These include, but are not limited to:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the structure;

- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

Over the last few years, the Seattle Department of Transportation (SDOT) has been transitioning the length of the terms of significant structure term permits and skybridge permits. Instead of a ten-year term renewable twice for a maximum term of 30 years before a new permit is required, SDOT has been moving to a 15-year initial term for term permits, with one additional 15-year term upon renewal. This shift responds to the volume of term permits, the amount of work required to process a permit renewal, and the rarity of significant changes to approvals during term permit renewals.

Boeing Tunnels

The Boeing Corporation has had operations at the King County International Airport-Boeing Field since it opened in 1928. Since 1955, tunnels under 16th Avenue South and East Marginal Way South have connected Boeing facilities on the west side of 16th Avenue S to the airport, which is located on the east side of East Marginal Way South. The tunnels facilitate movement between the Boeing facilities.

Permission to build and use the tunnels was first granted in 1955 through [Ordinance 84493](#). That permission was granted again in 1981 by [Ordinance 109661](#) and in 2011 by [Ordinance 123540](#). CB 120290 would renew the term permit approval and amend Ordinance 123540, which granted approval to operate the tunnels between 2011 and 2021. Ordinance 123540 provided for up to two additional ten-year terms, requiring renewal in 2021 and 2031 and requiring re-permitting in 2041. CB 120290 would extend approval to Boeing to operate the tunnels for a new 15-year term, starting in 2022 and ending in 2037, at which time Boeing would need to seek a new permit.

Next Steps

If the Committee recommends approval of CB 120290 at its April 5 meeting, it could be considered by the City Council as early as April 12.

cc: Aly Pennucci, Deputy Director
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