

ESSB 5768 - H COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 4/22/09

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.01 RCW
4 to read as follows:

5 (1) The legislature finds that the replacement of the vulnerable
6 state route number 99 Alaskan Way viaduct is a matter of urgency for
7 the safety of Washington's traveling public and the needs of the
8 transportation system in central Puget Sound. The state route number
9 99 Alaskan Way viaduct is susceptible to damage, closure, or
10 catastrophic failure from earthquakes and tsunamis. Additionally, the
11 viaduct serves as a vital route for freight and passenger vehicles
12 through downtown Seattle.

13 Since 2001, the department has undertaken an extensive evaluation
14 of multiple options to replace the Alaskan Way viaduct, including an
15 initial evaluation of seventy-six conceptual alternatives and a more
16 detailed analysis of five alternatives in 2004. In addition to a
17 substantial technical review, the department has also undertaken
18 considerable public outreach, which included consultation with a
19 stakeholder advisory committee that met sixteen times over a thirteen-
20 month period.

21 Therefore, it is the conclusion of the legislature that time is of
22 the essence, and that Washington state cannot wait for a disaster to
23 make it fully appreciate the urgency of the need to replace this
24 vulnerable structure. The state shall take the necessary steps to
25 expedite the environmental review and design processes to replace the
26 Alaskan Way viaduct with a deep bore tunnel under First Avenue from the
27 vicinity of the sports stadiums in Seattle to Aurora Avenue north of
28 the Battery Street tunnel. The tunnel must include four general
29 purpose lanes in a stacked formation.

1 (2) The state route number 99 Alaskan Way viaduct replacement
2 project finance plan must include state funding not to exceed two
3 billion four hundred million dollars and must also include no more than
4 four hundred million dollars in toll revenue. These funds must be used
5 solely to build a replacement tunnel, as described in subsection (1) of
6 this section, and to remove the existing state route number 99 Alaskan
7 Way viaduct. All costs associated with city utility relocations for
8 state work as described in this section must be borne by the city of
9 Seattle and provided in a manner that meets project construction
10 schedule requirements as determined by the department. State funding
11 is not authorized for any utility relocation costs, or for central
12 seawall or waterfront promenade improvements.

13 (3) The department shall provide updated cost estimates for
14 construction of the bored tunnel and also for the full Alaskan Way
15 viaduct replacement project to the legislature and governor by January
16 1, 2010. The department must also consult with independent tunnel
17 engineering experts to review the estimates and risk assumptions. The
18 department shall not enter into a design-build contract for
19 construction of the bored tunnel until the report in this section has
20 been submitted.

21 (4) Any contract the department enters into related to construction
22 of the deep bored tunnel must include incentives and penalties to
23 encourage on-time completion of the project and to minimize the
24 potential for cost overruns.

25 (5) It is important that the public and policymakers have accurate
26 and timely access to information related to the Alaskan Way viaduct
27 replacement project as it proceeds to, and during, construction of all
28 aspects of the project, specifically including but not limited to
29 information regarding costs, schedules, contracts, project status, and
30 neighborhood impacts. Therefore it is the intent of the legislature
31 that the state, city, and county departments of transportation
32 establish a single source of accountability for integration,
33 coordination, tracking, and information of all requisite components of
34 the replacement project, which must include, at minimum:

35 (a) A master schedule of all subprojects included in the full
36 replacement project or program; and

37 (b) A single point of contact for the public, media, stakeholders,
38 and other interested parties.

1 (6)(a) The city and county departments of transportation shall be
2 responsible for the cost, delivery, and associated risks of the project
3 components for which each department is responsible, as outlined in the
4 January 13, 2009, letter of agreement signed by the governor, city, and
5 county.

6 (b) The state's contribution shall not exceed two billion four
7 hundred million dollars. If costs exceed two billion four hundred
8 million dollars, no more than four hundred million of the additional
9 costs shall be financed with toll revenue. Any costs in excess of two
10 billion eight hundred million dollars shall be borne by property owners
11 in the Seattle area who benefit from replacement of the existing
12 viaduct with the deep bore tunnel.

13 (7) Compression brakes may be used by authorized motor vehicles in
14 the deep bore tunnel in a manner consistent with the requirements of
15 RCW 46.37.395.

16 NEW SECTION. **Sec. 2.** The department of transportation must
17 prepare a traffic and revenue study for a state route number 99 deep
18 bore tunnel for the purpose of determining the facility's potential to
19 generate toll revenue. The department shall regularly report to the
20 transportation commission regarding the progress of the study for the
21 purpose of guiding the commission's toll setting on the facility. The
22 study must include the following information:

23 (1) An analysis of the potential diversion from state route number
24 99 to other parts of the transportation system resulting from tolls on
25 the facility;

26 (2) An analysis of potential mitigation measures to offset or
27 reduce diversion from state route number 99;

28 (3) A summary of the amount of revenue generated from tolling the
29 deep bore tunnel; and

30 (4) An analysis of the impact of tolls on the performance of the
31 facility.

32 The department must provide the results of the study to the
33 governor and the legislature by January 2010.

34 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2009."

3 Correct the title.

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