

ESSB 5768 - H COMM AMD
By Committee on Transportation

ADOPTED AS AMENDED 04/22/2009

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

6 NEW SECTION. **Sec. 2.** The department of transportation must
7 prepare a traffic and revenue study for a state route number 99 deep
8 bore tunnel for the purpose of determining the facility's potential to
9 generate toll revenue. The department shall regularly report to the
10 transportation commission regarding the progress of the study for the
11 purpose of guiding the commission's toll setting on the facility. The
12 study must include the following information:

13 (1) An analysis of the potential diversion from state route number
14 99 to other parts of the transportation system resulting from tolls on
15 the facility;

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

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

20 (4) An analysis of the impact of tolls on the performance of the
21 facility.

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

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01 RCW
25 to read as follows:

26 (1) The legislature finds that the city of Seattle has agreed to
27 pay for and ensure the adequate and efficient access for freight and
28 vehicles, and adequate and efficient access to neighborhoods along the
29 state route number 99 corridor, as part of their responsibilities in
30 the Alaskan Way viaduct replacement project as recommended by the
31 governor, King county, and the city of Seattle in the letter of
32 agreement dated January 13, 2009. The elements of the city's plan
33 include:

34 (a) Performing all work necessary to ensure that the Alaskan Way
35 surface street is an efficient alternative access route for freight and
36 vehicles, including:

1 (i) Operating the four-lane Alaskan Way surface street between
2 Holgate Street via Elliot Avenue and Western Avenue to Denny Way in a
3 manner that optimizes through traffic and freight movement to and
4 through the surface street corridor along the waterfront, including
5 synchronizing traffic lights and traffic control devices and erecting
6 additional traffic lights and traffic control devices if necessary;

7 (ii) Synchronizing traffic lights and traffic control devices along
8 state route number 99 between Spokane Street and the Aurora Avenue
9 Bridge, and erecting additional traffic lights and control devices, if
10 necessary, to prioritize vehicular and freight traffic flow;

11 (iii) Providing for reliable and effective access to the port of
12 Seattle and other major destinations south of the port, including
13 implementing measures to facilitate efficient traffic flow along
14 Alaskan Way by way of the state route number 99 and state route number
15 519 interchange; and

16 (iv) Providing for reliable and effective access to and from state
17 route number 99 and to and from the Mercer corridor for the port of
18 Seattle and other residents and businesses in northwest Seattle;

19 (b) Working with the state department of transportation and, prior
20 to removal of the viaduct, developing a plan that optimizes traffic
21 flow from neighborhoods in northwest Seattle to the deep bored tunnel,
22 including:

23 (i) Providing for the efficient movement of traffic along major
24 arterials including, but not limited to, North 46th Street, North 39th
25 Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West
26 Mercer Street; and

27 (ii) Providing for traffic light synchronization, and addressing
28 on-street parking, congestion near the Aurora Avenue bridge related to
29 the Queen Anne Drive and 6th Avenue North turnaround, and bridge
30 policies that affect congestion and traffic flow; and

31 (c) Prior to removal of the viaduct, developing and implementing a
32 plan that maximizes safe and efficient vehicle throughput on Mercer
33 Street, including: Optimizing traffic flow on Mercer Street, which
34 includes two-way West Mercer Street improvements, and from Elliott
35 Avenue to state route number 99; and providing safe and efficient
36 access to state route number 99 and the deep bored tunnel.

37 (2) In order to ensure that the city of Seattle complies with its
38 commitment as described in subsection (1) of this section, the state

1 shall make fifty million dollars of the transportation partnership
2 account--state appropriation as provided in the 2009-2011 omnibus
3 transportation appropriations act, or as much thereof as is
4 appropriated from this account, whichever is smaller, available for
5 contribution to the south Spokane Street viaduct component of the
6 Alaskan Way viaduct replacement project, contingent on the city of
7 Seattle complying with this section.

8 (3) All costs related to the work performed by the city of Seattle
9 to provide adequate and efficient access for freight and vehicles along
10 the state route number 99 corridor, as described in subsection (1) of
11 this section, shall be borne by the city.

12 (4) The city of Seattle may comply with this section by entering
13 into an agreement with the department of transportation in which the
14 city agrees to make all improvements identified in subsection (1) of
15 this section and to be solely responsible for all costs associated with
16 the listed improvements.

17 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 July 1, 2009."

21 Correct the title.

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