

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5768**

Chapter 458, Laws of 2009

61st Legislature  
2009 Regular Session

ALASKAN WAY VIADUCT REPLACEMENT PROJECT

EFFECTIVE DATE: 07/01/09

Passed by the Senate April 24, 2009  
YEAS 39 NAYS 9

BRAD OWEN

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**President of the Senate**

Passed by the House April 22, 2009  
YEAS 53 NAYS 43

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 12, 2009, 2:29 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5768** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

May 13, 2009

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5768**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Murray, Jarrett, Swecker, Haugen, and Kohl-Welles)

READ FIRST TIME 02/20/09.

1            AN ACT Relating to identifying the final design for the state route  
2 number 99 Alaskan Way viaduct replacement project as a deep bore  
3 tunnel; adding a new section to chapter 47.01 RCW; creating a new  
4 section; providing an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 47.01 RCW  
7 to read as follows:

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

16            Since 2001, the department has undertaken an extensive evaluation  
17 of multiple options to replace the Alaskan Way viaduct, including an  
18 initial evaluation of seventy-six conceptual alternatives and a more  
19 detailed analysis of five alternatives in 2004. In addition to a

1 substantial technical review, the department has also undertaken  
2 considerable public outreach, which included consultation with a  
3 stakeholder advisory committee that met sixteen times over a thirteen-  
4 month period.

5 Therefore, it is the conclusion of the legislature that time is of  
6 the essence, and that Washington state cannot wait for a disaster to  
7 make it fully appreciate the urgency of the need to replace this  
8 vulnerable structure. The state shall take the necessary steps to  
9 expedite the environmental review and design processes to replace the  
10 Alaskan Way viaduct with a deep bore tunnel under First Avenue from the  
11 vicinity of the sports stadiums in Seattle to Aurora Avenue north of  
12 the Battery Street tunnel. The tunnel must include four general  
13 purpose lanes in a stacked formation.

14 (2) The state route number 99 Alaskan Way viaduct replacement  
15 project finance plan must include state funding not to exceed two  
16 billion four hundred million dollars and must also include no more than  
17 four hundred million dollars in toll revenue. These funds must be used  
18 solely to build a replacement tunnel, as described in subsection (1) of  
19 this section, and to remove the existing state route number 99 Alaskan  
20 Way viaduct. All costs associated with city utility relocations for  
21 state work as described in this section must be borne by the city of  
22 Seattle and provided in a manner that meets project construction  
23 schedule requirements as determined by the department. State funding  
24 is not authorized for any utility relocation costs, or for central  
25 seawall or waterfront promenade improvements.

26 (3) The department shall provide updated cost estimates for  
27 construction of the bored tunnel and also for the full Alaskan Way  
28 viaduct replacement project to the legislature and governor by January  
29 1, 2010. The department must also consult with independent tunnel  
30 engineering experts to review the estimates and risk assumptions. The  
31 department shall not enter into a design-build contract for  
32 construction of the bored tunnel until the report in this section has  
33 been submitted.

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

1 (5) It is important that the public and policymakers have accurate  
2 and timely access to information related to the Alaskan Way viaduct  
3 replacement project as it proceeds to, and during, construction of all  
4 aspects of the project, specifically including but not limited to  
5 information regarding costs, schedules, contracts, project status, and  
6 neighborhood impacts. Therefore it is the intent of the legislature  
7 that the state, city, and county departments of transportation  
8 establish a single source of accountability for integration,  
9 coordination, tracking, and information of all requisite components of  
10 the replacement project, which must include, at minimum:

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

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

15 (6)(a) The city and county departments of transportation shall be  
16 responsible for the cost, delivery, and associated risks of the project  
17 components for which each department is responsible, as outlined in the  
18 January 13, 2009, letter of agreement signed by the governor, city, and  
19 county.

20 (b) The state's contribution shall not exceed two billion four  
21 hundred million dollars. If costs exceed two billion four hundred  
22 million dollars, no more than four hundred million of the additional  
23 costs shall be financed with toll revenue. Any costs in excess of two  
24 billion eight hundred million dollars shall be borne by property owners  
25 in the Seattle area who benefit from replacement of the existing  
26 viaduct with the deep bore tunnel.

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

30 NEW SECTION. **Sec. 2.** The department of transportation must  
31 prepare a traffic and revenue study for a state route number 99 deep  
32 bore tunnel for the purpose of determining the facility's potential to  
33 generate toll revenue. The department shall regularly report to the  
34 transportation commission regarding the progress of the study for the  
35 purpose of guiding the commission's toll setting on the facility. The  
36 study must include the following information:

1 (1) An analysis of the potential diversion from state route number  
2 99 to other parts of the transportation system resulting from tolls on  
3 the facility;

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

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

8 (4) An analysis of the impact of tolls on the performance of the  
9 facility.

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

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 July 1, 2009.

Passed by the Senate April 24, 2009.

Passed by the House April 22, 2009.

Approved by the Governor May 12, 2009.

Filed in Office of Secretary of State May 13, 2009.