S-1056.2

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**SENATE BILL 5646**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Baumgartner and Ericksen

AN ACT Relating to the cessation of the state route number 99 Alaskan Way viaduct replacement project; adding a new section to chapter 47.01 RCW; creating a new section; and repealing RCW 47.01.402, 47.56.862, and 47.56.864.

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

NEW SECTION. **Sec.**  The legislature finds that the state route number 99 Alaskan Way viaduct replacement project has failed. The legislature also finds that the project as it is currently designed cannot be justified financially and is not in the best interest of the public. Despite good intentions and the expenditure of over two billion dollars, the tunnel boring machine dubbed, "Bertha," was damaged during its initial operation in drilling after completing only one thousand twenty-six feet of a nearly two-mile tunnel. The tunnel boring machine has ceased to function for over one year and is not anticipated to resume functioning at any time in the near future.

The legislature further finds that the contractor's plan to dig a "rescue pit" for Bertha has been plagued with delays due to the discovery of artifacts, soil conditions, and water levels. The dewatering of large portions of downtown Seattle has likely caused over an inch of settling, thereby endangering structures of historic and cultural importance. According to engineer reports and correspondence with the city of Seattle, concerns have arisen about whether continued excavation could lead to "a significant impact on the structural, geotechnical, and hydraulic adequacy of the shaft structure." Ironically, this activity has caused concerns regarding the sinking of part of the viaduct itself, despite the fact that the questionable structural integrity of the viaduct was one of the main reasons initially given for the need for the project. Additionally, significant questions have continued to be raised about whether the tolls to be generated by the project would either be too low to cover operating expenses or too high and cause added traffic diversion on Seattle's already congested city streets.

Due to these overwhelming circumstances, the project has created great anxiety and frustration, and has lost the political support of the people of Seattle, its council, as well as the people of the state and its legislature. The legislature, therefore, finds that the most prudent way forward is to cease all construction related to the state route number 99 Alaskan Way viaduct replacement project and prohibit the continued expenditure of funds on this project. The legislature further finds that any previously appropriated funds should be devoted to concluding the project with the least expense and researching alternative proposals for the viaduct, including a retrofit or construction of a new structure.

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

The department must terminate the state route number 99 Alaskan Way viaduct replacement project construction contract upon the effective date of this section. To this end, the department must exercise all legal remedies available to cease work on the construction of the deep bore tunnel. The department must protect the public interest and funds to the greatest extent possible and find the most cost‑effective means to conclude the project. Within the remaining amounts appropriated for the project, the department must begin researching construction options to replace or rebuild the viaduct that utilize the completed portions of the project at the north and south ends of the previous project to the greatest extent possible. The department must report back to the transportation committees of the legislature with viable construction options by December 1, 2016.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 47.01.402 (Alaskan Way viaduct replacement project—Deep bore tunnel option—Funding, accountability, and responsibility) and 2009 c 458 s 1;

(2)RCW 47.56.862 (State route number 99, deep bore tunnel—Tolls authorized—Eligible toll facility—Toll revenue—Toll rate schedule) and 2012 c 83 s 2; and

(3)RCW 47.56.864 (Alaskan Way viaduct replacement project account—Deposits—Use and transfer of funds) and 2012 c 83 s 3.

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