
SENATE BILL 5646

State of Washington

64th Legislature

2015 Regular Session

By Senators Baumgartner and Ericksen

Read first time 01/27/15. Referred to Committee on Transportation.

1 AN ACT Relating to the cessation of the state route number 99
2 Alaskan Way viaduct replacement project; adding a new section to
3 chapter 47.01 RCW; creating a new section; and repealing RCW
4 47.01.402, 47.56.862, and 47.56.864.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the state route
7 number 99 Alaskan Way viaduct replacement project has failed. The
8 legislature also finds that the project as it is currently designed
9 cannot be justified financially and is not in the best interest of
10 the public. Despite good intentions and the expenditure of over two
11 billion dollars, the tunnel boring machine dubbed, "Bertha," was
12 damaged during its initial operation in drilling after completing
13 only one thousand twenty-six feet of a nearly two-mile tunnel. The
14 tunnel boring machine has ceased to function for over one year and is
15 not anticipated to resume functioning at any time in the near future.

16 The legislature further finds that the contractor's plan to dig a
17 "rescue pit" for Bertha has been plagued with delays due to the
18 discovery of artifacts, soil conditions, and water levels. The
19 dewatering of large portions of downtown Seattle has likely caused
20 over an inch of settling, thereby endangering structures of historic
21 and cultural importance. According to engineer reports and

1 correspondence with the city of Seattle, concerns have arisen about
2 whether continued excavation could lead to "a significant impact on
3 the structural, geotechnical, and hydraulic adequacy of the shaft
4 structure." Ironically, this activity has caused concerns regarding
5 the sinking of part of the viaduct itself, despite the fact that the
6 questionable structural integrity of the viaduct was one of the main
7 reasons initially given for the need for the project. Additionally,
8 significant questions have continued to be raised about whether the
9 tolls to be generated by the project would either be too low to cover
10 operating expenses or too high and cause added traffic diversion on
11 Seattle's already congested city streets.

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

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01
24 RCW to read as follows:

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

1 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
2 each repealed:
3 (1) RCW 47.01.402 (Alaskan Way viaduct replacement project—Deep
4 bore tunnel option—Funding, accountability, and responsibility) and
5 2009 c 458 s 1;
6 (2) RCW 47.56.862 (State route number 99, deep bore tunnel—Tolls
7 authorized—Eligible toll facility—Toll revenue—Toll rate schedule)
8 and 2012 c 83 s 2; and
9 (3) RCW 47.56.864 (Alaskan Way viaduct replacement project
10 account—Deposits—Use and transfer of funds) and 2012 c 83 s 3.

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