

ESSB 5768 - H AMD TO TR COMM AMD (H-3051.1/09) **815**

By Representative Morris

NOT ADOPTED 4/22/2009

1 On page 1, beginning on line 21 of the striking amendment, strike
2 all material through "improvements." on page 2, line 12, and insert
3 "While the department and stakeholder process considered many options,
4 including the deep bore tunnel alternative, as jointly proposed by the
5 state, city, and county departments of transportation and recommended
6 by the governor, King County, and city of Seattle in a letter of
7 agreement dated January 13, 2009, there still remain many concerns
8 regarding the deep bore tunnel's cost, capacity to adequately and
9 efficiently move people and goods, and access to the state route 99
10 corridor.

11 Notwithstanding these concerns, the legislature finds that time is
12 of the essence, and that the state cannot wait for a disaster to make
13 it fully appreciate the urgency of the need to replace this vulnerable
14 structure.

15 (2) Subject to subsections (3) and (4) of this section, the state
16 shall take the necessary steps to expedite the environmental review
17 and design processes to replace the Alaskan Way viaduct with a deep
18 bore tunnel under First Avenue from the vicinity of the sports
19 stadiums in Seattle to Aurora Avenue north of the Battery Street
20 tunnel. The tunnel must include four general purpose lanes in a
21 stacked formation.

22 (3)(a) The state route number 99 Alaskan Way viaduct replacement
23 project finance plan must include state funding not to exceed two
24 billion four hundred million dollars. For purposes of this section,
25 the state route number 99 Alaskan Way viaduct replacement project
26 includes all building blocks and elements of the Alaskan Way viaduct
27 replacement project along the state route 99 corridor, as proposed by

1 the state and affected city and county departments of transportation
2 and as described in the January 13, 2009, letter, including but not
3 limited to construction of the deep bore tunnel, removal of the
4 existing viaduct structure, right of way purchase, design,
5 engineering, environmental review, surface street and transit
6 enhancements, and any related work north and south of the existing
7 viaduct structure.

8 (b) State funding for the Alaskan Way viaduct replacement project
9 is subject to the following requirements and limitations:

10 (i) State funding for any aspect of the replacement project shall
11 not be increased for any reason, including but not limited to revised
12 costs or revenue estimates, cost overruns, or unforeseen
13 circumstances;

14 (ii) All costs associated with city utility relocations for state
15 work as described in this section must be borne by the city of Seattle
16 and provided in a manner that meets project construction schedule
17 requirements as determined by the department; and

18 (iii) State funding is not authorized for any utility relocation
19 costs, or for central seawall or waterfront promenade improvements.

20 (4)(a) The department is authorized to work on any element of the
21 Alaskan way viaduct replacement project that is consistent with its
22 responsibilities as defined in the January 13, 2009, letter of
23 agreement, described in subsection (1) of this section, and is also
24 design neutral and compatible with any replacement design alternative
25 for the existing viaduct structure. The department is also authorized
26 to proceed with preliminary design, engineering, and other work
27 necessary to prepare for construction of the tunnel, including but not
28 limited to conducting test boring, environmental impact analysis, and
29 soil analysis, and executing a contract for construction of the deep
30 bore tunnel machine.

31 (b) Except as provided in (a) of this subsection, the department
32 is not authorized to work on any element of the Alaskan way viaduct
33 replacement project that is inconsistent with its responsibilities as
34 outlined in the January 13, 2009, letter of agreement, described in

1 subsection (1) of this section, and is not design neutral or
2 compatible with any replacement design alternative for the existing
3 viaduct structure, and state funding shall not be obligated and shall
4 remain in an unallotted status until the following conditions are met:

5 (i) The department and the city of Seattle execute a binding
6 agreement in which the city agrees to fund any cost overruns related
7 to work undertaken by the department on the Alaskan Way viaduct
8 replacement project that exceed two billion four hundred million
9 dollars;

10 (ii) The city of Seattle develops a finance plan that fully
11 secures local funding sources sufficient to meet its pledged
12 contribution to the project of over nine hundred thirty million
13 dollars and any additional risk or contingency funding necessary to
14 provide for potential cost overruns described in (a) of this
15 subsection. For purposes of this subsection, "fully secures" means
16 that the legislative authority of the city has taken every step
17 necessary to approve, implement, and obligate any funding source
18 necessary to meet the city's obligations as described in this
19 subsection, including obtaining, if necessary, voter approval of any
20 funding source included in the finance plan; and

21 (iii) The agreement and finance plan as described in (b)(i) and
22 (ii) of this subsection have been approved by the legislature during
23 the 2010 regular legislative session."

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25 Renumber the remaining subsections consecutively and correct any
26 internal references accordingly.

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28 On page 3, beginning on line 1, strike all of subsection (6)

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30 On page 3, beginning on line 6, strike all of section 2 and insert
31 the following:

32 "NEW SECTION. **Sec. 2.** (1) The state department of transportation
33 and affected city and county departments of transportation must
34 jointly prepare an access study for a state route number 99 deep bore

1 tunnel for the purpose of evaluating how access for neighborhoods
2 along the state route 99 corridor will be impacted by the deep bore
3 tunnel alternative. In evaluating the impact on access, the
4 departments of transportation must conduct public outreach with
5 affected neighborhoods and property owners and develop recommendations
6 for preserving neighborhood access to state route 99.

7 (2) By December 1 2009, the departments must submit a joint report
8 on the results of the access study described in subsection (1) of this
9 section, including recommendations for preserving neighborhood access,
10 to the governor and the legislature."

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12 On page 3, beginning on line 24, strike all of section 3

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14 Renumber the sections consecutively and correct any internal
15 references accordingly.

EFFECT:

(1) Strikes the existing provisions establishing that the state will proceed with construction of a deep bore tunnel at a cost not to exceed \$2.4 billion plus \$400 million in tolls, and provides the following:

- Provides that state funding, not to exceed \$2.4 billion, for a deep bore tunnel shall not be increased for any reason, including cost overruns.
- Authorizes the Department of Transportation to work on any element of the replacement project consistent with its responsibilities, as agreed to by the Governor, city, and county, if such work is design neutral and compatible with any viaduct replacement alternative. Further authorizes the Department to proceed with preliminary work necessary to construct the tunnel, including conducting test boring and executing a contract for construction of the deep bore tunnel machine.
- Makes the Department's authorization to work on elements of the project that are not design-neutral subject to several conditions, including: the Department and city of Seattle must execute a binding agreement in which the city agrees to fund any cost overruns related to work undertaken by the Department; the city must develop a finance plan that fully secures funding for its commitment to the project and also any additional potential cost overruns related to work undertaken

by the Department; and both the agreement and finance plan must be approved by the legislature during the 2010 legislative session.

- Removes the provision providing that at least \$400 million in toll revenue must be included in the project finance plan.
- Removes the provision establishing that the state, city, and county departments of transportation are responsible for the cost, delivery, and associated risks of the project components for which each department is responsible.

(2) Removes the traffic and revenue plan, and directs the state, city, and county departments of transportation to jointly prepare an access study to evaluate how access for neighborhoods along the state route 99 corridor will be impacted by the deep bored tunnel alternative. Requires that a joint report be submitted to the legislature by December 1, 2009.

(3) Strikes the provision that conditions the state's contribution of up to \$50 million to the South Spokane viaduct project on the city's completion of certain city street improvements.

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