

SENATE BILL REPORT

ESSB 5768

As Amended by House, April 22, 2009

Title: An act relating to identifying the final design for the state route number 99 Alaskan Way viaduct replacement project as a deep bore tunnel.

Brief Description: Concerning the state route number 99 Alaskan Way viaduct replacement project.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles).

Brief History:

Committee Activity: Transportation: 2/10/09, 2/18/09 [DPS].

Passed Senate: 3/04/09, 43-6.

Passed House: 4/22/09, 53-43.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jarrett, Kastama, Kauffman, King and Ranker.

Staff: Kelly Simpson (786-7403)

Background: The State Route 99 (SR 99) Alaskan Way Viaduct is a major arterial serving significant numbers of freight and passenger vehicles through downtown Seattle. The facility sustained damage during the 2001 Nisqually earthquake, and is susceptible to damage, closure, or catastrophic failure from additional earthquakes and tsunamis. During a recent 13-month period, the Washington State Department of Transportation (WSDOT) facilitated a stakeholder advisory committee that analyzed various designs to replace the Viaduct. On January 13, 2009, the Governor, the City of Seattle, and King County agreed to a deep bore tunnel design, with four general purpose lanes in a stacked formation, to replace the Alaskan Way Viaduct.

Summary of Engrossed Substitute Bill: The Legislature finds that replacing the existing Alaskan Way Viaduct is a matter of urgency, and that the state must expedite the environmental review and design processes to replace the structure with a deep bore tunnel.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The tunnel must be located under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel, and must include four general purpose lanes in a stacked formation.

The SR 99 Alaskan Way Viaduct replacement project finance plan must include state funding not to exceed \$2.4B and must also include at least \$400M in toll revenue. These funds must be used solely to build a replacement tunnel and to remove the existing viaduct structure. State funding may not be used for any utility relocation costs, or for central seawall or waterfront promenade improvements. The City of Seattle must bear all city utility relocation costs associated with the state work on the viaduct replacement project.

The WSDOT must conduct a traffic and revenue study for a SR 99 deep bore tunnel for the purpose of determining the facility's potential to generate toll revenue. The study results are due to the Governor and the Legislature by January 2010.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: Decision makers have been debating the Viaduct replacement project for years. It is time to act to replace this vulnerable structure and to appropriately support the significant SR 99 corridor through downtown Seattle. The decision has now been made. The tunnel option appropriately addresses safety, capacity, and affordability concerns, and provides minimum construction impacts to businesses in the region. The corridor is a significant freight corridor and the Viaduct replacement project is critical for freight interests. The tunnel option opens up the waterfront which will help transit service. The tunnel option provides great economic benefits to the region. The tunnel design is financially feasible and environmentally friendly. The bill should address cost overruns.

CON: The tunnel provides two-thirds the capacity of the existing Viaduct. Seventy percent of Seattle voters have previously opposed a Viaduct replacement. Tolling the tunnel will force more congestion on I-5. The existing Viaduct should be retrofitted. Industrial areas around Ballard (the maritime industry) will not be adequately served by the tunnel design.

OTHER: There are questions regarding how the tunnel design proposes to mitigate traffic through the corridor to protect industrial area. Some environmental groups do not support any tunnel design. The tunnel proposal should be consistent with previously enacted tolling legislation and legislation addressing reductions in vehicle-miles-traveled. Tolling revenue from the tunnel should go to support transit services. AAA doesn't have the engineering expertise to adequately judge one design over the other, but requests that the final design be safe, reliable, and enhance mobility through the corridor.

Persons Testifying: PRO: Senator Murray, prime sponsor; Duke Schaub, Association of General Contractors; David Dye, WSDOT; Richard Prust, ARUP; Matt Rosenberg, Cascadia

Center for Regional Development; Dave Gering, Manufacturing Industrial Council; Ron Posthuma, King County; Vlad Oustimovitch, West Seattle; Tayloe Washburn, Greater Seattle Chamber of Commerce; Rob Sexton, Downtown Seattle Association; Maud Daudon, SNW Securities Corp; Charles Knutson (on behalf of former Governor Dan Evans), Seattle Chamber; Commissioner John Creighton, Port of Seattle; Nancy Hiteshue, Washington Roundtable.

CON: Eugene Wasserman, North Seattle Industrial Association; Art Skolink, Victor Gray, Viaduct Preservation Group; Gene Hoglund, Working Families for Elevated Solution.

OTHER: Dave Overstreet, AAA Washington; Morgan Ahouse, Sierra Club; Bill LaBorde, Transportation Choices Coalition; Herald Ugles, ILWU Local 19; April Putney, Futurewise.

House Amendment(s):

- Provides that if costs exceed the state cap of \$2.4 billion, no more than \$400 million must be financed with toll revenue.
- Establishes that any costs in excess of \$2.8 billion must be borne by property owners in the Seattle area who benefit from replacing the existing viaduct with the tunnel.
- Requires the state, city, and county departments of transportation to establish a single source of accountability for all elements of the Viaduct replacement project.
- Requires WSDOT to provide updated project cost estimates to the Legislature and the Governor by January 1, 2010.
- Requires WSDOT to include incentives and penalties in any project contract.
- Modifies the emergency clause to take effect on July 1, 2009, instead of immediately.
- Allows compression breaks in the tunnel.