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**ENGROSSED SUBSTITUTE SENATE BILL 5768**

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

33 (1) An analysis of the potential diversion from state route number  
34 99 to other parts of the transportation system resulting from tolls on  
35 the facility;

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

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

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

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

7           NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and takes effect  
10 immediately.

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