

HOUSE BILL REPORT

SSB 5785

As Reported by House Committee On: Transportation

Title: An act relating to reconvening the Alaskan Way viaduct and Seattle Seawall replacement project expert review panel.

Brief Description: Reconvening an Alaskan Way viaduct and Seattle Seawall replacement project expert review panel.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Murray, Kohl-Welles, White, Kline, Prentice, Nelson, Brown, McAuliffe and Keiser).

Brief History:

Committee Activity:

Transportation: 3/10/11, 3/30/11 [DPA].

Brief Summary of Substitute Bill (As Amended by House)

- Requires the Washington State Department of Transportation to reconvene an expert review panel (ERP) for the purpose of updating the work that was completed by the 2006 ERP for the Alaskan Way Viaduct and Seattle Seawall Replacement Project (Project) and ensuring an appropriate and viable financial plan is created and regularly reviewed.
- Limits the ERP to three members.
- Requires the ERP to report its findings and recommendations by October 2011 and annually thereafter until the Project is complete.
- Requires the Joint Transportation Committee (JTC) to consider the findings and recommendations of the ERP at a public meeting, and requires the JTC to forward any concerns with the financial plan that are presented at its meeting to the Governor.

HOUSE COMMITTEE ON TRANSPORTATION

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.

Majority Report: Do pass as amended. Signed by 16 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Eddy, Finn, Fitzgibbon, Jinkins, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Rolfes, Ryu, Takko and Upthegrove.

Minority Report: Do not pass. Signed by 13 members: Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Johnson, Klippert, Kristiansen, McCune, Overstreet, Rivers, Rodne, Shea and Zeiger.

Staff: Wendy Malkin (786-7114).

Background:

The State Route (SR) 99 Alaskan Way Viaduct (Viaduct) is a major arterial serving significant numbers of freight and passenger vehicles through downtown Seattle. Studies in the mid-1990s showed that the 1950s-era Viaduct was nearing the end of its useful life. In early 2001 a team of design and seismic experts began work to determine whether it was feasible and cost-effective to strengthen the Viaduct by retrofitting it. During this investigation, the 6.8 magnitude Nisqually earthquake further damaged the Viaduct. Since 2001 substantial work has been done to identify a replacement option for the Viaduct.

The Alaskan Way seawall holds the soil in place along Seattle's waterfront. The seawall also holds in place the Alaskan Way surface street. The Viaduct's foundations are embedded in the soil held back by the seawall. Periodic investigations conducted to assess the seawall's condition have revealed that the seawall is in poor condition, continues to deteriorate, and needs to be replaced.

In 2006 the Legislature created an expert review panel (ERP) to review finance and project implementation planning processes and assumptions for the two Viaduct replacement alternatives, an elevated structure and a cut and cover tunnel, that were carried forward in a 2006 Supplemental Draft Environmental Impact Statement (SDEIS). Based on the results of that review, the Governor was asked to make a finding as to whether each finance plan was feasible and sufficient to complete the project. However, in March 2007 an advisory ballot was submitted to Seattle voters and both options were rejected.

In 2007 the Legislature directed the Governor to convene a collaborative process involving key leaders to determine the final project design for the Viaduct replacement. Over the course of 18 months, the Governor, the King County Executive, and the Mayor of Seattle met with interested parties throughout the Puget Sound Region to discuss replacement alternatives, and a stakeholder advisory committee was formed that held 11 public events. In addition, outside transportation experts and engineers evaluated various replacement options. On January 13, 2009, the Governor, the City of Seattle, and King County agreed to replace the Viaduct with a bored tunnel.

In 2009 the Legislature passed Engrossed Substitute Senate Bill 5768 in which it declared that the state intends to move forward with a bored tunnel as its preferred option for replacing the Viaduct. In addition, the Legislature stated that there will be a maximum of \$2.8 billion in state funding, which includes no more than \$400 million raised from tolling.

Governor Gregoire established the Alaskan Way Viaduct Program Oversight Committee (Committee) in 2010 to serve as a single point of accountability for cost and schedule issues related to the Alaskan Way Viaduct Replacement Project (Project). The nine members comprise of the Governor, the chairs of the Senate and House Transportation committees, and various state and local officials from Seattle and King County.

The 2010 SDEIS, which analyzes the bored tunnel alternative for replacing the Viaduct's central waterfront section, was released in October 2010. The final Environmental Impact Statement (FEIS) is scheduled for release in mid-2011.

In January 2011 the Washington State Department of Transportation (WSDOT) signed a design-build contract with Seattle Tunnel Partners for the SR 99 bored tunnel. The tunnel will be approximately two miles long with two lanes in each direction, and it will be built beneath downtown Seattle. The tunnel is scheduled to be complete in 2015.

Summary of Amended Bill:

The WSDOT is required to reconvene an ERP for the purpose of updating the work completed by the 2006 ERP for the Project and for the purpose of ensuring that an appropriate and viable financial plan is created and regularly reviewed.

The ERP is limited to three members, and the members are selected cooperatively by the chairs of the Transportation committees of the House of Representatives and the Senate, the Secretary of Transportation, and the Governor.

The ERP must report its findings and recommendations to the Transportation committees of the Legislature, the Washington State Transportation Commission, the Governor's Committee, and the Joint Transportation Committee (JTC) by October 2011. Findings and recommendations must be reported annually until the Project is complete. Upon receipt of the findings and recommendations, the JTC must consider the findings and recommendations at a public meeting, which includes hearing an evaluation of whether the financial plan is feasible and sufficient to complete the Project as described in the FEIS. The JTC must forward any concerns with the financial plan that are presented at its meeting to the Governor.

The WSDOT must consider ways to minimize the cost of the ERP, such as use of teleconferencing. Anticipated expenditures related to the ERP must be included in its findings and recommendations reports.

Amended Bill Compared to Substitute Bill:

The amendment makes the following changes to the substitute bill:

- removes the statutory reference to the 2006 ERP;
- limits the ERP to three members;
- removes the Speaker of the House of Representatives and the Senate Majority Leader from the group that must select the ERP members;

- removes the requirement on the Governor to determine whether the financial plan for the Project is feasible and sufficient to complete the Project as described in the FEIS; and
 - requires the JTC to consider the findings and recommendations of the ERP at a public meeting, and requires the Committee to forward any concerns with the financial plan that are presented at its meeting to the Governor.
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Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Viaduct must be replaced. The 10-year anniversary of the Nisqually earthquake has passed, and we have made substantial progress toward replacement. We are underway to take down the southern mile of the Viaduct. We also have a contract in place for the bored tunnel. Work has begun on preliminary design of the bored tunnel. The WSDOT wants to be a high-performance organization that is accountable to the Legislature, the public, and the Governor. The ERP will help us be an accountable organization. The ERP brings the unique perspective of outside experts looking over our shoulder.

The Viaduct is in danger of falling. In 2006 the Legislature established an independent review board. At that time, the board found that the financial plan was sound. However, things have changed. We need a new ERP to watch the financial plan for the life of the project. Sound Transit is digging a tunnel in Seattle, and it has an ERP. We need to do the same for the Viaduct.

(Opposed) None.

Persons Testifying: Senator Murray, prime sponsor; and Ron Paananen, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.