

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5768

61st Legislature
2009 Regular Session

Passed by the Senate April 24, 2009
YEAS 39 NAYS 9

President of the Senate

Passed by the House April 22, 2009
YEAS 53 NAYS 43

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5768** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5768

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

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; providing an effective date; 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 no more than
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 (3) The department shall provide updated cost estimates for
27 construction of the bored tunnel and also for the full Alaskan Way
28 viaduct replacement project to the legislature and governor by January
29 1, 2010. The department must also consult with independent tunnel
30 engineering experts to review the estimates and risk assumptions. The
31 department shall not enter into a design-build contract for
32 construction of the bored tunnel until the report in this section has
33 been submitted.

34 (4) Any contract the department enters into related to construction
35 of the deep bored tunnel must include incentives and penalties to
36 encourage on-time completion of the project and to minimize the
37 potential for cost overruns.

(5) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, construction of all aspects of the project, specifically including but not limited to information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(6)(a) The city and county departments of transportation shall be responsible for the cost, delivery, and associated risks of the project components for which each department is responsible, as outlined in the January 13, 2009, letter of agreement signed by the governor, city, and county.

(b) The state's contribution shall not exceed two billion four hundred million dollars. If costs exceed two billion four hundred million dollars, no more than four hundred million of the additional costs shall be financed with toll revenue. Any costs in excess of two billion eight hundred million dollars shall be borne by property owners in the Seattle area who benefit from replacement of the existing viaduct with the deep bore tunnel.

(7) Compression brakes may be used by authorized motor vehicles in the deep bore tunnel in a manner consistent with the requirements of RCW 46.37.395.

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

1 (1) An analysis of the potential diversion from state route number
2 99 to other parts of the transportation system resulting from tolls on
3 the facility;

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

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

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

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

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 July 1, 2009.

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