

1 **CITY OF SEATTLE**

2 **ORDINANCE \_\_\_\_\_**

3 **COUNCIL BILL \_\_\_\_\_**

4 ..title

5 AN ORDINANCE relating to transportation; providing for the submission to the qualified  
6 electors of the City at an election to be held on November 3, 2015, a proposition  
7 authorizing the City to levy regular property taxes for up to nine years in excess of the  
8 limitation on levies in Chapter 84.55 RCW for the purpose of providing City facilities  
9 and services, including transportation improvements, both capital and operating, with  
10 possible debt financing; creating a new oversight committee; and ratifying and  
11 confirming certain prior acts.

12 ..body

13 WHEREAS, Seattle is one of the fastest-growing major cities in the country, gaining 100,000  
14 new residents and more than 50,000 jobs in the last 20 years, and this growth is a boon to  
15 our economy and a test for our transportation system; and

16 WHEREAS, as Seattle's Comprehensive Plan directs, two-thirds of these new residents and jobs  
17 have been located in urban centers and villages that are walkable and easy to serve with  
18 transit; and

19 WHEREAS, Seattle is currently updating its Comprehensive Plan for 2035 and the public  
20 feedback received to date supports continuing to concentrate Seattle's growth in  
21 walkable, mixed-use, transit-rich urban villages; and

22 WHEREAS, public surveys and feedback continue to rank transportation as the highest priority  
23 issue area in Seattle; and

24 WHEREAS, Seattle is a built-out city where it is difficult to widen existing streets or build new  
25 streets, and the existing network of streets needs to be able to carry as much of the  
26 increasing numbers of people and goods as efficiently as possible; and

27 WHEREAS, maintaining safe and accessible pedestrian routes for all residents is central to  
28 relieving congestion and improving mobility; and

1 WHEREAS, the City of Seattle is located in an active seismic zone with the potential for a major  
2 seismic event and reinforcing the City’s bridges and structures is a priority; and

3 WHEREAS, Seattle’s transportation system must help fight climate change, promote vibrant  
4 communities and improve public health; and

5 WHEREAS, the 2006 Bridging the Gap transportation levy contributed approximately  
6 \$365,000,000 to transportation investment, with a focus on maintenance; and

7 WHEREAS, Bridging the Gap has funded significant transportation system maintenance and  
8 upgrades, and is on target to meet or exceed nearly all of the commitments made as part  
9 of the voter-approved measure, including the paving of 225 lane-miles of streets,  
10 rehabilitation or seismic retrofit of 12 bridges, replacement of 90,000 street signs,  
11 enhancement of three transit corridors, construction of 120 blocks of new sidewalk,  
12 restriping of 5,000 crosswalks, implementation of 48 Safe Routes to School projects and  
13 30 Neighborhood Street Fund projects and development of a robust asset management  
14 program that has identified and catalogued the condition of transportation assets and their  
15 maintenance needs; and

16 WHEREAS, Bridging the Gap expires at the end of 2015 and the funding it provides needs to be  
17 replaced to continue critical maintenance and improvement of Seattle’s transportation  
18 system; and

19 WHEREAS, these critical maintenance and improvement needs include safety improvements  
20 that will keep bridges safe in an earthquake and help Seattle reach its goal of zero serious  
21 or fatal crashes on Seattle streets; and

22 WHEREAS, Seattle families’ transportation-related spending is second only to their spending on  
23 housing, and a well-functioning transportation system that provides many alternatives to

1 the expense of car ownership can make living and working in Seattle more affordable;  
2 and

3 WHEREAS, careful maintenance of transportation infrastructure today can lessen the expense of  
4 increased maintenance tomorrow; and

5 WHEREAS, Seattle has three adopted modal master plans including the Bicycle Master Plan  
6 adopted in 2014, the Transit Master Plan adopted in 2012, and the Pedestrian Master Plan  
7 adopted in 2009, as well as a Freight Master Plan currently in development; and

8 WHEREAS, it is the City's goal to prioritize Safe Routes to School investments in safe walking  
9 and biking routes within an approximate 1-mile radius of elementary schools,  
10 emphasizing connections to community amenities such as community centers, libraries,  
11 transit hubs, and neighborhood business districts; and

12 WHEREAS, The 10-year Move Seattle Strategy was created in 2015 to integrate and prioritize  
13 the implementation of the modal master plans through a comprehensive approach to the  
14 transportation system organized around five core values: a safe, affordable,  
15 interconnected, vibrant, and innovative city for all; and

16 WHEREAS, efficient and reliable movement of freight and goods is a hallmark of a vibrant city  
17 and the Freight Master Plan currently in development will recommend increased  
18 investment in freight and goods movement; and

19 WHEREAS, existing revenue available for transportation maintenance and improvements is  
20 insufficient; and

21 WHEREAS, in 2001 voters statewide approved Initiative 747 and in 2007 the Washington State  
22 Legislature reinstated the initiative, which capped the growth in property tax without  
23 special approval of the voters at 1 percent, below the rate of inflation; and

1 WHEREAS, State-shared gas tax revenues for Seattle do not keep up with inflation; and

2 WHEREAS, while the City is evaluating and developing a proposal for transportation impact  
3 fees in the City of Seattle, impact fees are neither sufficient nor appropriate to fund all  
4 transportation maintenance and system operation needs; and

5 WHEREAS, in 2014 Seattle voters approved Seattle Transportation Benefit District Proposition  
6 One, which will provide an estimated \$50,000,000 annually for additional transit service  
7 over six years, and in 2016 voters region-wide may be asked to consider a measure to  
8 expand light rail by funding Sound Transit 3, and both of these measures can be  
9 complemented and leveraged with additional Seattle investment through a levy; and

10 WHEREAS, in 2006 the City developed and City Council adopted Resolution 30915 which  
11 specified a 20-year funding plan for transportation and assumed a second property tax  
12 levy to follow Bridging the Gap; and

13 WHEREAS, on March 18, 2015, the City released a draft transportation levy proposal to replace  
14 the Bridging the Gap transportation levy organized around the core Move Seattle  
15 principles, and asked for community feedback on the priorities it funded; and

16 WHEREAS, three open house meetings, 35 community briefings attended by 750 people, five  
17 coffee hour discussions, one webinar, and drop-in sessions at libraries, community  
18 centers and farmers markets, along with an online survey, generated over 8,000  
19 comments and 5,300 survey responses on the proposed levy; and

20 WHEREAS, those comments have been incorporated and used to inform the proposal; and

21 WHEREAS, spending of future levy dollars will be directed by the City's commitment to social  
22 equity and equity in City contracting to advance the mission to promote race and gender  
23 equity in contracting as outlined in Executive Order 2014-03, Equity in City Contracting,

1 and Seattle Municipal Code Chapter 20.42, Equality in Contracting; NOW,

2 THEREFORE,

3 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

4 Section 1. Definitions. As used in this ordinance, the following words when capitalized  
5 have the following meanings:

6 "City" means The City of Seattle.

7 "Director" means the Director of Finance.

8 "Levy Proceeds" means that portion of regular property taxes levied and collected as  
9 authorized by voter approval pursuant to this ordinance that are above the growth limit on levies  
10 in RCW 84.55.010, and all interest and other earnings thereon, and, if the City issues bonds,  
11 notes, interfund loans, or other evidences of indebtedness payable wholly or in part from the  
12 additional taxes authorized under this ordinance, as permitted by Section 4 of this ordinance,  
13 then Levy Proceeds also includes the proceeds of those bonds, notes, interfund loans, or other  
14 evidences of indebtedness.

15 "Spending Breakdown" means the categories and elements included as Attachment A to  
16 this ordinance.

17 "Transportation Improvements" means the categories and program areas referred to in  
18 Section 6, with such modifications as the City may from time to time authorize by ordinance.

19 Section 2. Levy of Regular Property Taxes Submittal. The City hereby submits to the  
20 qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy  
21 limitation on regular property taxes contained in RCW 84.55.010 for property taxes levied in  
22 2015 through 2023 for collection in 2016 through 2024, respectively, solely for the purpose of  
23 raising up to \$930,000,000 in aggregate over a period of up to nine years for transportation

1 purposes. The proposition shall be limited so that the City shall not levy more than \$95,000,000  
2 in the first year, in addition to the maximum amount of regular property taxes it could have  
3 levied consistent with RCW Chapter 84.55 in the absence of this ordinance. Pursuant to RCW  
4 84.55.050(45), the maximum regular property taxes that may be levied in 2024 for collection in  
5 2025 and in later years shall be computed as if the limit on regular property taxes had not been  
6 increased under this ordinance.

7 Section 3. Deposit of Levy Proceeds. All Levy Proceeds shall be placed in and  
8 segregated within the Transportation Fund. The Levy Proceeds may be temporarily deposited or  
9 invested in such manner as may be lawful for the investment of City money and all investment  
10 earnings shall be deposited in the Transportation Fund. The Director of Finance is authorized to  
11 create other subfunds or accounts as may be needed to implement the purposes of this ordinance.

12 Section 4. Bond and Notes. To the extent permitted by applicable law the City may  
13 ~~issue bonds~~issue bonds, notes, or other evidences of indebtedness payable wholly or in part from  
14 the ~~additional taxes~~additional taxes authorized under this ordinance, and may pledge and may  
15 apply such taxes to the payment of principal of, interest on, and premium (if any) on such bonds,  
16 notes, or other evidences of indebtedness and to the payment of costs associated with them.

17 Section 5. Use of Levy Proceeds. The Levy Proceeds shall be used solely for  
18 Transportation Improvements in accordance with the provisions in Section 6 and in accordance  
19 with RCW 84.55.050. The Council expects to appropriate or transfer General Subfund (GSF)  
20 revenues in the annual budget for transportation purposes. The minimum expected annual  
21 appropriation or transfer (Minimum Annual GSF Appropriation) is \$40,000,000 in the first year  
22 of the levy; the Minimum Annual GSF Appropriation thereafter will be adjusted by an  
23 inflationary factor on an annual basis. If the Council does not appropriate at least the Minimum

1 Annual GSF Appropriation in a given year, then the Council may not levy any taxes authorized  
2 by this ordinance, for collection in the following budget year, unless the City Council by a 3/4  
3 vote determines that economic or financial conditions prevent the Council from appropriating the  
4 Minimum Annual GSF Appropriation. The annual inflationary factor will be the lesser of three  
5 percent or the percent change in the Consumer Price Index for All Urban Consumers in Seattle-  
6 Tacoma-Bremerton (CPI-U-Seattle) for the 12-month period ending in June of the current budget  
7 year relative to the 12-month period ending in June of the prior budget year.

8 Section 6. Transportation Improvements. Transportation improvements shall occur in  
9 three core categories: safe routes, congestion relief, and maintenance and repair. The City  
10 anticipates collecting \$930 million in Levy Proceeds over a nine-year span. The Levy Proceeds  
11 shall be appropriated in the following ways:

12 1. Safe Routes Programs. The City shall appropriate \$207 million in Levy Proceeds for safe  
13 routes. The Levy includes the following Safe Routes Programs:

- 14 • Safety Corridors
- 15 • Safe Routes to School
- 16 • Signs and Markings
- 17 • Transportation Operations
- 18 • Bicycle Safety
- 19 • Pedestrian Safety
- 20 • Neighborhood Projects

21 2. Congestion Relief Programs. The City shall appropriate \$303 million in Levy Proceeds  
22 for congestion relief. Of these appropriations, not less than \$20 million will be  
23 appropriated for the Lander Street grade separation project; or, in the event the Lander  
24 Street project is not funded, these appropriations will be used for other freight mobility  
25 improvements. The Levy includes the following Congestion Relief Programs:

- 26 • Multimodal Improvements

- 1           • Traffic Signal Timing
- 2           • Intelligent Transportation Systems
- 3           • Light Rail Connections: Graham Street Light Rail Station
- 4           • Northgate Bridge
- 5           • Light Rail Connections: Accessible Mt. Baker
- 6           • Bicycle and Walking Facilities
- 7           • New Sidewalks
- 8           • Partnership Improvements: Lander Street Overpass
- 9           • Heavy Haul Network: East Marginal Way Corridor
- 10          • Freight Spot Improvements

11           3. Maintenance and Repair Programs. The City shall appropriate \$420 million in Levy  
12           Proceeds for maintenance and repair. The Levy includes the following Maintenance and  
13           Repair programs:

- 14           • Bridge and Structures Maintenance
- 15           • Bridge Seismic Improvements
- 16           • Bridge Replacement
- 17           • Arterial Roadway Maintenance
- 18           • Paving Spot Improvements
- 19           • Drainage Partnerships
- 20           • Tree Trimming and Tree Planting

21           The nine-year appropriation amounts of Levy Proceeds for each core category established  
22           in this Section 6 may be changed by up to ten percent of the amount listed for each core category  
23           by separate ordinance, after the Levy Oversight Committee has been given an opportunity to  
24           comment. The nine-year appropriations amount of Levy Proceeds for each core category  
25           established in this Section 6 may be changed by more than ten percent of the amount listed for  
26           each core category by a 3/4 vote of City Council.

27           The Spending Breakdown (Attachment A) provides additional information about the  
28           anticipated deliverables, anticipated spending amounts, and the anticipated revenue sources; but  
29           the Spending Breakdown is illustrative only and shall not be mandatory. The City anticipates that

1 appropriations of Levy Proceeds will be consistent with the programs described in the Spending  
2 Breakdown attached to the ordinance.

3           In the annual City budget or by separate ordinance, the City shall from year-to-year  
4 determine the Transportation Improvements and funding allocations that will most effectively  
5 achieve the Levy goals and outcomes. Within a budget year the City is authorized to reallocate  
6 unexpended and unencumbered funds from one program to another within each of the three core  
7 categories by making operating budget transfers consistent with Seattle Municipal Code  
8 5.08.020.

9           The City will seek to maximize the potential of the Levy Proceeds by pursuing  
10 complementary grant funds, by engaging in partnerships with other agencies, and by identifying  
11 improvements in efficiencies and effectiveness.

12           Section 7. The Seattle Department of Transportation shall evaluate whether and how its  
13 projects advance the goals of the following initiatives: (1) the City's Vision Zero Plan; (2) the  
14 City's Safe Routes to School program; and (3) the City's Race and Social Justice Initiative. The  
15 Seattle Department of Transportation shall provide an annual report to the City Council  
16 documenting this evaluation for (a) every freight, transit, and safety corridor project and (b)  
17 every other transportation project with a total Capital Improvement Project budget that exceeds  
18 \$5 million.

19           Section 8. Use of Funds. Any proposal to use Levy Proceeds to build or operate  
20 streetcars must be accompanied by a narrative presented to the appropriate Council committee  
21 evaluating the proposal's geographic value, productivity, and effect relative to race and social  
22 justice implications. The narrative shall describe ~~describing~~ findings from applying the Racial

1 Equity Toolkit (or the successor thereto); ~~geographic value, and productivity to evaluate the~~  
2 ~~proposal's effects on historically marginalized populations.~~

3 Section 9. Oversight Committee. Conditioned upon voter approval of the ballot  
4 proposition submitted by this ordinance, there is established an Oversight Committee to monitor  
5 revenues, expenditures, and program and project implementation, and to advise the City Council,  
6 the Mayor, and the Seattle Department of Transportation on responding to program and project  
7 cost savings or overruns. The Committee will annually review the Seattle Department of  
8 Transportation's program and project priorities, spending, and revised financial plans. The  
9 Oversight Committee may make recommendations to the Mayor and City Council regarding the  
10 spending of Levy Proceeds.

11 The Oversight Committee shall consist of 16 members: a City Council member (the  
12 Chair of the City Council's Transportation Committee or its successor committee with  
13 responsibility for transportation); the City Budget Director; one representative each chosen by  
14 and from among the respective members of the Seattle Pedestrian Advisory Board, Seattle  
15 Bicycle Advisory Board, Seattle Transit Advisory Board, and Seattle Freight Board; five Seattle  
16 residents appointed by the City Council, including a licensed engineer with bridge and structures  
17 experience; and five Seattle residents appointed by the Mayor and subject to confirmation by the  
18 City Council.

19 The initial terms for appointed board members and residents shall be four years, except  
20 for two two-year terms (one mayoral appointee and one Council appointee) and four three-year  
21 terms (two mayoral appointees and two Council appointees). Subsequent terms for all appointed  
22 members shall be four years. The terms shall commence on January 1, 2016. Upon the  
23 resignation, retirement, death, incapacity, or removal of an Oversight Committee member, the

1 authority appointing such member may appoint a replacement for the balance of the term. Late  
2 appointments or confirmations shall also be for the balance of a term. Any vacancy in an  
3 unexpired term shall be filled in the same manner as the original appointment. A member whose  
4 term is ending may continue on an interim basis as a member with voting rights until such time  
5 as a successor for that position has been appointed or, for the five residents appointed by the  
6 Mayor, confirmed.

7       The Oversight Committee will select a chair and may adopt rules for its own procedures,  
8 including quorum requirements and the frequency of meetings. Meetings of the Oversight  
9 Committee will be open to the public consistent with the Open Public Meetings Act, RCW  
10 Chapter 42.30. The Oversight Committee will publish annual reports to the Mayor, City Council,  
11 and people of Seattle. Between January 1 and April 30 of 2024, the Oversight Committee is  
12 requested to make a recommendation to the Mayor and City Council regarding the advisability of  
13 proposing to the voters of Seattle another levy to authorize additional property taxes for  
14 implementation of transportation improvements.

15       The factors to be considered by the Oversight Committee in making any such  
16 recommendations will include, but are not limited to: (a) the City's success in project  
17 implementation, including its ability to manage and control project costs; (b) the availability of  
18 alternative revenue sources that provide a more direct link between the tax or fee paid and the  
19 use of the City's transportation system; and (c) the underlying need for funding to support the  
20 uses identified in Section 6. The Mayor and the Council will consider any timely  
21 recommendations that may have been made by the Oversight Committee.

22       The Seattle Department of Transportation shall provide staff and logistical support for the  
23 Oversight Committee. Members shall serve without pay but may be reimbursed for their

1 expenses, including payments for child care while attending meetings. The Oversight  
2 Committee shall continue in existence through December 31, 2024, and thereafter if so provided  
3 by ordinance.

4 Section 10. Reporting. The Director of Transportation will prepare and submit to the  
5 City Council, the Mayor, and the Oversight Committee an annual progress report on the  
6 implementation of improvements funded by the levy. For each element of the Spending  
7 Breakdown included as Attachment A to this ordinance, the annual progress report will include  
8 for each category and each element (detailed by levy, local, and leverage funding):

- 9 (a) the planned spending and planned deliverables;  
10 (b) actual annual spending and deliverables; and  
11 (c) actual cumulative spending and deliverables.

12 The report will include a narrative assessment comparing actual spending and  
13 deliverables to the original planned spending and deliverables, and it will explain why there are  
14 deviations (if any) from the originally planned spending and deliverables. Additionally, the  
15 annual progress report will summarize levy-supported investments implementing adopted modal  
16 plans, including details about the amounts of levy funding, local funding, and leverage funding.

17 In addition to the annual progress report, the Director of Transportation will prepare and  
18 submit an annual report focusing on bridges and structures including a narrative explaining in  
19 detail the condition of bridges and structures within the City of Seattle, especially the Ballard and  
20 Magnolia bridges, an assessment of known deficiencies and a funding plan to address known  
21 deficiencies.

22 The Director of Transportation will also annually revise and deliver to the City Council,  
23 the Mayor and the Oversight Committee a Transportation Improvements financial plan.

1 Section 11. Election Ballot Title. The City Council directs that the City Clerk file this  
2 ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of  
3 elections, requesting that the Director of Elections call and conduct a special election in the City  
4 in conjunction with the state general election to be held on November 3, 2015, for the purpose of  
5 submitting to the qualified electors of the City the proposition set forth in this ordinance.

6 The City Clerk is directed to certify to the King County Director of Elections the ballot  
7 title approved by the City Attorney in accordance with the City Attorney's responsibilities under  
8 RCW 29A.36.071 and RCW 29A.72.050. The following ballot title containing a statement of  
9 subject and concise description are submitted to the City Attorney for consideration:

10 CITY OF SEATTLE

11 PROPOSITION NO. 1

12 The City of Seattle's Proposition 1 concerns replacing funding for citywide transportation  
13 maintenance and improvements.

14 If approved, this proposition would replace an expiring levy and would fund bridge seismic  
15 upgrades, transit corridor and light rail ~~station~~-access projects, pedestrian and bicycle safety  
16 projects, ~~upgraded and~~-synchronized traffic signals, street maintenance and ~~improvements~~repair,  
17 freight ~~mobility~~ projects, and neighborhood street ~~fund~~ projects.

18 It authorizes regular property taxes above RCW 84.55 limits, allowing maximum collections of  
19 ~~up to~~ \$95,000,000 in 2016 and ~~up to~~ \$930,000,000 over nine years. The 2016 total regular tax  
20 limit would be \$3.60/\$1,000 assessed value, including approximately \$0.62/\$1,000 assessed  
21 value in additional taxes.

1 Should this levy be approved?

2 Levy, Yes

3 Levy, No

4

5 Section 12. Section Titles. Section titles are for convenient reference only and do not  
6 modify or limit the text of a section.

7 Section 13. Severability. In the event any one or more of the provisions of this  
8 ordinance shall for any reason be held to be invalid, such invalidity shall not affect any other  
9 provision of this ordinance or the levy of the additional taxes authorized herein, but this  
10 ordinance and the authority to levy those taxes shall be construed and enforced as if such invalid  
11 provisions were not contained in this ordinance; and any provision that may for any reason be  
12 held invalid shall be deemed to be in effect to the extent permitted by law.

13 Section 14. Ratification. The City Clerk's certification to the King County Director of  
14 Records and Elections of the proposition referred to in Section 11, and any other acts taken after  
15 the passage of this ordinance and consistent with its authority, are hereby ratified and confirmed.

16

