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[SEATTLE CITY CLERK SIGNS TUNNEL AGREEMENTS; 'SEINFELD REFERENDUM' TO APPEAR ON BALLOT](#)

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Seattle Clerk Monica Simmons signing AWV project agreements, 5/23/11 (Seattle City Council photo)

On Friday, May 20, Judge Laura Middaugh issued an order validating the Council's actions in approving an ordinance that authorizes signing three agreements with the State to protect Seattle during the design and construction of the Alaskan Way tunnel.

The judge's ruling was on a referendum petition asking that the whole ordinance be placed on the ballot. A coalition of organizations led by Mayor McGinn paid a signature gathering firm \$58,000 to gather 19,000 valid signatures. The judge agreed with City Attorney Pete Holmes that this ordinance and the three agreements were not subject to referendum.

Because signatures asking for a referendum on this ordinance had been submitted, the legislation was suspended pending the outcome of the litigation as to whether the ordinance was a legitimate subject for a referendum campaign. Following the judge's ruling, on Monday, May 23, City Clerk Monica Simmons signed the three agreements with the state, which the judge determined went into effect on March 30, the effective date of the ordinance. The State has been voluntarily complying with the agreements already, so the design of the tunnel continues to proceed on schedule.

The eight members of the Council who support moving the project forward continue to be committed to working with our State, Port, County, and other regional partners to advance this project. We look forward to continuing this partnership to address the safety issues around the viaduct, preserve mobility for freight and vehicles, ensure that bicycles, pedestrians, and transit can move safely and rapidly around downtown, and further the creation of a great urban waterfront.

The next step in project decision-making will be a Final Environmental Impact Statement (FEIS), expected to be issued in July, followed by the federal Record of Decision (ROD), expected in August. If there are no problematic issues that cannot be mitigated that are uncovered in the next few weeks, the State will then be in a position to issue a final decision on the tunnel and a notice to proceed to the contractors who are currently in the design process.

The Judge did order two sentences from that ordinance (of 140 pages) to appear on the ballot, and the Council approved a resolution placing on the ballot the following text:

CITY OF SEATTLE

REFERENDUM 1

The Seattle City Council passed Ordinance Number 123542 entering into agreements related to the Alaskan Way Viaduct replacement. Section 6 of that ordinance has been referred to the voters for approval or rejection.

Section 6, if approved, would authorize the City Council to give notice to proceed, beyond preliminary design work, with three agreements concerning the State’s proposal to replace the Alaskan Way Viaduct with a deep-bore tunnel. Section 6 states:

“The City Council is authorized to decide whether to issue the notice referenced in Section 2.3 of each Agreement. That decision shall be made at an open public meeting held after issuance of the Final Environmental Impact Statement.”

Should this ordinance section be:

Approved?

Rejected?

It is not clear what the vote on this ballot measure would actually do, but it clearly would not either stop or advance the tunnel project.

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