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Local

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Seattle council puts tunnel measure on ballot

By Lynn Thompson and Mike Lindblom
Seattle Times staff reporters

The Seattle City Council voted unanimously Monday to place a narrow provision about the Highway 99 tunnel on the Aug. 16 ballot — and then immediately disagreed about what a vote would mean.

Tunnel opponents, who sought a referendum, want the citywide vote viewed in broad terms, as either an embrace or a rejection of the whole \$2.1 billion state project.

Tunnel supporters — who went to court to try to keep a referendum off the ballot — believe it should be seen narrowly, since the measure mentions only one specific procedural step and not the entire project.

"Some of us are calling it the 'Seinfeld referendum,' " said City Council President Richard Conlin, a tunnel supporter. "It's going to be a referendum about nothing," referring to the popular 1990s sitcom famously described by its creators as a show "about nothing."

On the other hand, the council's lone tunnel opponent, Mike O'Brien, said the referendum will allow Seattle residents to weigh in before the council gives its final notice to the state to proceed later this summer.

"The citizens have been very clear that because there is still a policy decision to be made, that they want a say in that decision," O'Brien said.

The final wording of the measure will be issued by City Attorney Pete Holmes on Tuesday, the deadline to place an item on the ballot.

In deciding what would go to the ballot, King County Superior Court Judge Laura Gene Middaugh said Friday this referendum would not halt the state's project.

State officials also say the referendum would not affect work on the tunnel.

Middaugh ruled that only two sentences of a 140-page agreement between the city and state covering preliminary design and engineering work could go to voters.

She ruled the council already made its major policy decision on the project when it voted in 2009 to select the tunnel as the preferred way to replace the Alaskan Way Viaduct.

But Middaugh ruled that the section of a council ordinance detailing how members would give final notice to the state was a policy decision subject to referendum.

That provision, Section 6, says: "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."

A draft of the ballot measure circulating among council members Monday contained only Section 6 text and the choice for voters to approve or reject it.

O'Brien objected to that wording. He said it was confusing and didn't go to the heart of what the referendum was actually about, "the council's decision to proceed with the tunnel."

Anti-tax activist Tim Eyman, wearing a "Let the Voters Decide" T-shirt, testified in favor of the measure and said after the hearing that the exact text won't matter.

"Whatever the wording, it's a vote on the tunnel," Eyman said.

Referendum backers, including the Sierra Club and Real Change newspaper, applauded the council for sending the measure to voters.

"The state chose a poor option with no public involvement, and city voters are today empowered to say they want a better solution," said campaign spokesman Ben Schiendelman.

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GREG GILBERT / THE SEATTLE TIMES

City Council President Richard Conlin watches City Clerk Monica Martinez Simmons sign documents after the vote.

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