

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Discussion of Potential 145th Street Annexation
DEPARTMENT: Public Works
PRESENTED BY: Mark Relph, Public Works Director
Kirk McKinley, Transportation Services Manager
Alicia McIntire, Senior Transportation Planner

ACTION: ☐ **Ordinance** ☐ **Resolution** ☐ **Motion** ☒ **Discussion**

PROBLEM/ISSUE STATEMENT:

The intent of this agenda item is to brief the Council on the status of negotiations with Seattle, King County and the Washington State Department of Transportation (WSDOT) regarding the possible annexation of 145th by the City of Shoreline.

145th Street forms the southernmost border of Shoreline and is a complicated street to operate and improve. The City of Seattle owns the eastbound lanes, while the westbound lanes are in unincorporated King County. From SR 99 to SR 522, 145th Street is a state highway (SR 523), thus WSDOT is involved with corridor operations. Shoreline does not own any of the right-of-way but experiences significant traffic and safety issues associated with this street, including the lack of a sidewalk system that is Americans with Disabilities Act (ADA) accessible. Furthermore, Shoreline cannot improve the sidewalks on the north side of this street without coordination with King County. With the potential location of a light rail station on I-5 at NE 145th Street and overall regional growth, traffic volumes are expected to increase on this roadway, and improvements will be needed.

Both the City of Seattle and King County have indicated that improvements to 145th Street are a low priority for them and are interested in relinquishing jurisdiction over the roadway. It is clear that the only way improvements to 145th Street will be undertaken anytime in the near future is if the City of Shoreline owns the roadway and takes the lead. While Sound Transit is likely to construct some limited improvements near I-5 in conjunction with development of the light rail station, corridor-wide improvements developed by all affected jurisdictions and agencies are needed to achieve effective, multi-modal improvements that address the needs of all users.

The City of Shoreline has been discussing annexation with the City of Seattle, including associated issues such as costs of maintenance and operations, future capital project development and liability for roadway safety. Additionally, staff has discussed current and future plans for improvements with other agencies that have jurisdiction over or an interest in the design and operation of the roadway including WSDOT, Metro Transit and Sound Transit. The proposed 2013-2018 Capital Improvement Plan (CIP) includes

a budget request of \$250,000 for creation of a route development plan (RDP) for this corridor. This study would be undertaken with these agencies, with the intent of ensuring that the RDP results in a future project that is approved by all involved parties.

RESOURCE/FINANCIAL IMPACT:

Although annexation of the roadway does not require payment to Seattle or King County there would be on going maintenance and public safety response costs. Some of the maintenance responsibility may be negotiated with Seattle as part of the agreement to annex. Future capital projects would also be the responsibility of the City of Shoreline and would need to be funded as part of the City's capital budget, through grant acquisition and/or in partnership with other agencies (WSDOT, Sound Transit, City of Seattle, etc.). In addition, assuming the successful SPU vote in November, the City will need to construct two sections of water trunk lines within the 145th right-of-way.

The proposed 2013-2018 Capital Improvement Plan includes a budget request of \$250,000 for creation of a route development plan (RDP) for this corridor. The scope of work associated with this project would include public outreach/agency coordination, data gathering for existing conditions, development and evaluation of different project scenarios and development of a recommended project description and cost estimates. Upon completion of the RDP, the City would pursue grant funding for the environmental review and design of the project. This effort would include development of a local match and/or securing match funding from our partner agencies. It is staff's recommendation that the RDP would not proceed until the Council is comfortable with the progress of the annexation agreement.

RECOMMENDATION

It is staff's recommendation that Council direct staff to proceed with further negotiations with the City of Seattle regarding annexation of 145th Street. Staff should work to further clarify the details associated with an annexation agreement. Once negotiations with City of Seattle are complete, staff should return to Council for approval of the agreement and direction regarding proceeding with annexation.

Approved By: City Manager ***JU*** City Attorney ***IS***

INTRODUCTION

On February 27, staff made a presentation to Council outlining the issues associated with acquisition of 145th Street by the City of Shoreline. This presentation described the existing infrastructure and services, traffic volumes and accidents, transit usage, critical areas and contamination. Staff also described a future vision for the corridor that includes the light rail station and the anticipated volumes anticipated with the station for all travel modes. The roadway is owned by both King County and the City of Seattle, neither of which consider improvements to this corridor a high priority. It is staff's conclusion that the only way improvements to the corridor will be made is for Shoreline to annex the roadway and undertake them.

At the February meeting, Council expressed interest in exploring the idea of annexation further. Council's primary concerns associated with the annexation include maintenance costs, liability for unsafe conditions and funding for large capital projects. Staff committed to discussing these issues further with the other agencies interested in the future of 145th Street including City of Seattle, WSDOT, Metro Transit and Sound Transit. Staff has since had several meetings with these agencies to further examine the issues associated with annexation of the roadway and discuss current studies and future plans for the corridor.

BACKGROUND

The 145th Street corridor is in need of significant capital improvements to address existing issues, such as sidewalk upgrades, as well as future needs resulting from increased traffic, bicycle and pedestrian volumes, diversion resulting from tolling of the Lake Washington bridges and the operation of light rail. Improvements to this corridor are low priorities for both the City of Seattle and King County. They have expressed their interest in relinquishing jurisdiction over the roadway, which would allow the City of Shoreline to annex the roadway and design and construct improvements.

The current co-ownership of the roadway, along with the interest from other jurisdictions, makes it very complicated to plan for improvements. A corridor study that involves WSDOT, the City of Seattle, Sound Transit and Metro Transit will help ascertain the needs of each agency and comprehensively identify the improvements to address them. Issues that are known which would be addressed as part of a study include sidewalk improvements, additional traffic capacity, improvements to transit speed and reliability and improved space and locations for police to perform traffic enforcement actions. Pre-design, public outreach, the development of a conceptual idea for the corridor, the preparation of environmental analysis documents, and creation of a funding strategy are all aspects of the corridor study work. Next steps would include design and engineering, right-of-way acquisition and construction. Similar to the Aurora Corridor project, improvements may be constructed in phases.

Additional background information for this discussion item, including the issues described at the February 27 meeting, can be viewed at <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2012/Staffreport022712-9a.pdf>.

DISCUSSION

Financial Follow Up

When staff presented this item in February, one of the primary discussion topics focused on the costs associated with ownership of the roadway. Staff explained that it is estimated it would cost approximately \$60,000 annually to operate and maintain 145th, including sweeping, plowing, catch basin maintenance, striping, and pavement repair. Seattle's response to the operation and maintenance issue will very likely influence staff's initial estimate for the City to maintain the corridor. There may be hard costs for some activities, but others may be absorbed into the existing budget. In some cases, absorbing the responsibility may result in a slight decrease in the level of service to other streets, but the City may ultimately find that acceptable. (Currently, the City has approximately 364 lane miles of streets. Annexation of the 13 lane miles of 145th Street represents a 3.5% increase in lane miles in Shoreline.)

City of Seattle Discussions

Staff met with several representatives from the City of Seattle on June 14, including the director of the Seattle Department of Transportation (SDOT). Discussion topics included the following:

- **Maintenance and Operations:** The cities discussed responsibility for the costs associated with roadway maintenance and operations including stormwater facility maintenance, snow plowing, signal maintenance, striping/signage, sweeping and street lighting. Seattle staff was hesitant to commit to indefinite maintenance of the corridor. However, another option discussed was for the City of Seattle to maintain the roadway until it is improved, at which time Shoreline would take responsibility for the improved section. (This approach provides Seattle with added incentive to work with Shoreline to pursue funding to make improvements.) Both cities agreed that an interlocal agreement that identifies mutually agreed upon levels of service for the various areas of maintenance would be required. Seattle would ensure that the necessary private property easements are in place for the stormwater management system. A recent October 4 email from Peter Hahn, Seattle Transportation Director, indicated that Seattle would consider continuing maintenance responsibility for three to six months after annexation.
- **Roadway Improvements:** Staff explained that the Shoreline envisions a stakeholder group that would participate in the development of a route development plan (RDP) and identification of future improvements to the corridor. The group would include the cities of Shoreline and Seattle, King County Department of Transportation, WSDOT, Metro and Sound Transit. Shoreline would assume responsibility for inter-jurisdictional coordination, design, right-of-way acquisition and construction of major capital improvements. The financial responsibility for these improvements would rest substantially, if not entirely, with the City of Shoreline. Shoreline would be responsible for the costs of the corridor study. Seattle would provide supporting letters for grant applications and sign on as a project partner, as needed. Additionally, Seattle would exact dedications from property owners and/or ensure

proper setbacks in order to prevent conflicts with the future roadway cross-section. When required by their development code, Seattle would require frontage improvements in accordance with the agreed upon corridor design. Seattle would also assist with right-of-way acquisition and condemnation if necessary.

- Land Use: Seattle would continue to regulate land use on the south side of the street, however, right-of-way permits would be acquired from Shoreline. Seattle would coordinate with Shoreline regarding driveway locations. Dedications, setbacks and frontage improvements would be required by Seattle as stated above.
- Liability: Absent an indemnity agreement, liability is determined by case law that allows a grace period for the annexing jurisdiction to discover and correct defects in design, construction or maintenance of a roadway. Seattle and King County will remain liable for any unsafe conditions in the roadway until Shoreline “has been afforded a reasonable opportunity to discover and remedy any unsafe conditions.” *Olson v. Bellevue*, 93 Wn.App. 154, 163, 968 P.2d 894 (1998). The length of the reasonable period is determined by the trier of fact. In *Olson*, the court determined two years afforded the City of Bellevue a reasonable opportunity to discover and remedy unsafe conditions in a roadway that contributed to an auto accident. Bellevue had conducted a number of roadway tests and in fact had increased the speed limit and removed King County warning signs. Latent design defects not disclosed by the transferring jurisdiction may result in a longer period before liability transfers. Consequently, Shoreline would not be immediately liable for any unsafe conditions on 145th, but would likely start being liable within two years of annexation. An annexation agreement addressing operations and maintenance after annexation would include indemnification from Seattle to the extent it accepts those responsibilities.

WSDOT is responsible for the roadway surface, and would continue to be liable for the curb to curb section as long as the roadway remains a state highway. WSDOT is also responsible for curb ramp improvements to meet ADA requirements in association with a street overlay. Although WSDOT has not programmed overlay funds, it is likely that they would undertake an overlay by 2020.

- Police: Shoreline would assume responsibility for accident responses and investigations and traffic enforcement.

Staff from Shoreline and Seattle participated in a conference call on August 2 to follow up on several of the issues discussed previously and clarify additional procedural requirements including:

- Condemnation authority and applicable statute: The City of Shoreline can condemn property within the City of Seattle for the purpose of roadway improvements. The specifics of this process should be clarified in a Memorandum of Agreement or other similar agreement between Shoreline and Seattle.

- Modification of city boundaries in conjunction with right-of-way acquisition: The boundary between the cities will automatically move in conjunction with future right-of-way acquisition by the City of Shoreline.
- Capital project phasing and maintenance costs: Until the RDP is completed, it is difficult to know. The RDP will help assess future project needs and the extent of the improvements, which will in turn affect project timing.
- Existing maintenance of the roadway: The City of Seattle does not have an interlocal agreement with King County to maintain the northern half of the roadway.

The process required to annex 145th Street would be a simultaneous or near simultaneous de-annexation on the part of Seattle and an annexation by Shoreline. Both cities would adopt separate ordinances detailing the new corporate boundaries, which would then be approved by King County. The agencies would also need to enter into an agreement setting forth their respective responsibilities and commitments. Shoreline, Seattle and King County attorneys have talked conceptually about what would be required in ordinances for the exchange of jurisdictional boundaries, should the City decide to move forward with the annexation. Once the jurisdictions reach agreement regarding the conditions of the annexation, residents along the corridor would be notified of the change and be given an opportunity to comment prior to completion of the process.

SDOT has assigned a project manager and an attorney to work with Shoreline staff on the jurisdiction analysis effort. We have worked with them and King County to generate a tentative schedule to complete the annexation process in early 2013. Neither Seattle nor King County councils will have time this year to take formal action on annexation/jurisdictional change ordinances. The Seattle Transportation Subcommittee has a placeholder item for this issue at its December 11 meeting.

WSDOT Projects and Plans

As part of the 2012 budget, the State legislature appropriated \$300,000 to WSDOT for a study on the corridor. This appropriation began as a larger request (\$700,000) from the City of Shoreline to prepare a full corridor study that would address the City's vision for the roadway. Staff from WSDOT developed a scope for this work that includes an analysis of the existing pedestrian and traffic conditions as well as the development of a cost estimate to bring the curb ramps and sidewalks along SR 523 up to WSDOT and ADA standards. The funding allocated to this project does not include any resources for capital improvements. Shoreline and WSDOT staff have met several times to discuss this scope of work. Shoreline staff have explained the City's desire to see multi-modal corridor improvements along the length of the roadway that improve pedestrian access and safety, vehicular flow and safety and transit improvements, all of which would be designed to accommodate future volumes associated with growth, tolling diversion and the future light rail station. The WSDOT scope is focused on existing conditions only and staff has suggested to WSDOT that they apply their funding toward the first stages of a route development plan for long range improvements. These suggestions have not been accepted by WSDOT.

On September 11, WSDOT convened an inter-jurisdictional meeting with several agencies to discuss on-going and future planning for the corridor. Attendees included representatives from WSDOT, the cities of Shoreline, Seattle and Lake Forest Park, Metro Transit, Sound Transit and PSRC. Shoreline staff explained the City's long term vision for the corridor, including its relationship to the future light rail station and the needed improvements associated with the potential acquisition of the SPU water system. Sound Transit staff provided an overview and timeline of the Lynnwood Link extension project, which includes a possible station at 145th Street. WSDOT staff explained the purpose of their study. The attendees discussed the various projects, existing conditions and anticipated future changes. Representatives from Seattle and Lake Forest Park stated they felt the WSDOT study is short sighted and does not address future needs for the already congested corridor, especially since WSDOT has no funding to implement their findings. Seattle and King County also expressed doubts about the utility of this study.

Sound Transit Evaluation

As part of the Lynnwood Link Light Rail extension Draft Environmental Impact Statement (DEIS), Sound Transit will be performing extensive transportation analyses along the 145th Street corridor for both existing and future conditions. The future analyses will examine conditions as part of a no build scenario, as well as conditions with the presence of a light rail station at 145th Street. Elements of the analyses include intersection performance at signalized and unsignalized intersections along the corridor, traffic volumes, nonmotorized transportation facilities and conditions and bus service. These analyses will provide a comprehensive picture of what future multi-modal transportation needs will be along the corridor, including the improvements needed to respond to the presence of the light rail station.

Conclusion

Pros

- It is likely the only way improvements to 145th Street will be undertaken is if the City of Shoreline instigates, designs and constructs them. Improvements to this corridor are not a current priority for any of the jurisdictions with authority over the roadway and are not likely to become a priority any time in the foreseeable future. Sound Transit is likely to construct some limited improvements near I-5 in conjunction with development of the light rail station. However, the only way to achieve effective, multi-modal improvements that address the needs of all users is to implement them corridor wide, involving all affected jurisdictions and agencies. Once grants are awarded, Shoreline could charge against the grants to support staff efforts.
- Shoreline residents are significantly impacted by changes to traffic volumes and the lack of nonmotorized amenities along the corridor. Conditions for all users along this corridor are likely to deteriorate unless Shoreline annexes the roadway and coordinates improvements. With the construction of capital improvements on the roadway, Shoreline residents would realize enhanced quality of service and transportation improvements that complement each other. For example, the distance from 15th Ave NE (a high density node) to the light rail station at I-5 is approximately

½ mile, a comfortable walking distance when sidewalks are present along such a busy roadway.

- Currently ADA access is limited or non-existent in many sections of 145th Street due to narrow walkways, utility pole placement and lack of curb ramps. This limits the ability for Shoreline residents with physical challenges to use the sidewalks or access the transit system. Several of the transit stops are not accessible to wheelchairs due to the conditions of the pedestrian system. The WSDOT corridor study will identify these deficiencies but there is no secure funding for construction of improvements.
- There are five areas along 145th Street with significant redevelopment potential. These commercially zoned areas include Westminster/Greenwood, Aurora, 15th Avenue NE and Bothell Way NE. The area around 5th Avenue NE where the light rail station is likely to be constructed has potential for redevelopment as well. From the economic development perspective, and based on input from the Economic Development Manager, improvements to 145th Street would benefit property owners by eliminating the cost of frontage improvements for future redevelopment projects. In addition, it would lower the costs for future development by eliminating the number of parties involved in permit review, thereby shortening the time required -- and usually the dollars spent -- for permitting. Having a single organization responsible for improvements, maintenance, and public inquiries is desirable.

Cons

- The City has an increased level of responsibility to address existing safety issues and will work to resolve them as part of a large capital project. By undertaking the planning process and working towards a solution, this may lessen the liability. The City would also be required to address emergency circumstances as they arise.
- The City would be subject to potential liability related to claims from vehicular and pedestrian accidents, similar to other roadways in the City.
- There will be a need to secure funding for capital projects and it is assumed that grants will be the primary resource. Without grant funding, the City will be unable to accomplish much of the needed improvements. The City will also need to identify a minimal level of matching funding to work towards leveraging grants in the future.

Acquisition of 145th Street is a complicated issue and merits evaluation by the City Manager and Shoreline City Council before staff pursues the matter further with Seattle.

If Council concurs, the next step would be for staff to proceed with further negotiations with the City of Seattle and clarify the details associated with an annexation agreement. Upon completion of the negotiations, staff would return to Council for approval of the agreement and additional direction regarding proceeding with annexation.

STAKEHOLDER OUTREACH

During the SE Neighborhood Subarea planning effort many residents expressed a desire for the City to address the roadway, making it safer for motorists, pedestrians, and bicyclists. In fact, as part of the Subarea Plan, the Council adopted the following recommended policy statement:

T11: Encourage the City to work with Seattle, King County, Sound Transit, and WSDOT to undertake a corridor study on 145th St. that would result in a plan for the corridor to improve safety, efficiency, and modality for all users. This plan should include adjacent neighborhoods in the process, and should have a proposed funding strategy for implementation.

COUNCIL GOAL(S) ADDRESSED

This issue addresses Council Goal 2: “Improve Shoreline's utility, transportation, and environmental infrastructure”. One of the action steps associated with this goal is “Work with the City of Seattle, King County and Washington State Department of Transportation on a plan that will improve safety, efficiency and modes of transportation for all users of 145th Street.

RESOURCE/FINANCIAL IMPACT

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RECOMMENDATION

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