

Alaskan Way Viaduct **REPLACEMENT** PROGRAM



SR 99 tunnel background and legal summary *Updated 12.11.2019*

State Route 99 is one of only two north/south highways through Seattle. From the 1950's through January 2019, the double-decked Alaskan Way Viaduct carried SR 99 above downtown. On Feb. 4, 2019, SR 99 traffic moved underneath downtown Seattle into a new, two-mile long, double-decked tunnel. The SR 99 tunnel is the largest machine-bored road tunnel in the world and carries tens of thousands of vehicles daily through Seattle.

A quick SR 99 tunnel history

In 2001, a 6.8 magnitude earthquake shook and damaged the Alaskan Way Viaduct. Some columns moved as much as five inches. The Washington State Department of Transportation (WSDOT) repaired and strengthened the viaduct. Replacing it became a critical public safety issue.

In 2009, the Washington State Legislature passed a bill instructing WSDOT to replace the Alaskan Way Viaduct with a double-decker tunnel, built with a tunnel-boring machine. Boring a large-diameter tunnel allowed SR 99 to remain open during construction as the machine tunneled below ground.

In 2010, WSDOT hired Seattle Tunnel Partners (STP) as the design/build contractor for the SR 99 Tunnel Project. STP is a joint venture of Dragados USA and Tutor Perini Corp. STP hired Hitachi Zosen USA, Ltd. to build what was then the world's largest tunneling machine - a 57.5-foot-diameter machine nicknamed Bertha, after Seattle's first female mayor, Bertha Knight Landes.

Tunneling started in July 2013. In December 2013, the tunneling machine overheated and stopped moving forward. STP later discovered broken seals on the machine's main bearing. [Extensive repairs](#) and reinforcements were completed in late 2015. Bertha [finished mining](#) in April 2017. The SR 99 tunnel opened Feb. 4, 2019, roughly three years later than the contractor's original estimate.

On February 15, 2019, crews [started demolishing](#) 1.4 miles of viaduct along Seattle's waterfront. Demolition wrapped up in November 2019 and the city of Seattle is now working on a [new Alaskan Way](#) and a reimagined waterfront.

Background on the legal dispute

The tunneling machine failed in December 2013. To repair it, STP built an 80-foot-wide, 120-foot-deep shaft [and lifted large pieces of the machine](#) to the surface. Preparation and repairs took two years. Seattle Tunnel Partners (STP) requested reimbursement for repair costs and delays. WSDOT declined, stating it was STP's contractual responsibility to repair the machine and complete the tunnel.

The design/build SR 99 Tunnel Contract is at the heart of the legal dispute between WSDOT and STP. In this design/build contract, the contractor is responsible for completing the design and for the means and methods of construction. This also includes the design, manufacture and operation of the SR 99 tunneling machine.

WSDOT believes the damage to the tunneling machine was a result of inadequate design and faulty operation, which caused the tunneling machine to clog and ultimately fail. In 2016, WSDOT sued STP for breach of contract for failing to meet the contract requirements, including completion deadlines.

WSDOT's breach of contract lawsuit, in Thurston County Superior Court, seeks \$57.2 million in "liquidated damages" for STP's failure to meet the deadlines set in the SR 99 Tunnel Contract (the contract specifies the formula for calculating liquidated damages).

STP counter-sued for damages, blaming WSDOT for a steel pipe in the tunnel's path. The 8-inch hollow pipe was a well previously used for groundwater testing and monitoring. STP claims the pipe damaged the machine. STP admitted in court it was aware of the well, had intended to close the well down before tunneling, but forgot to do so.

STP also sued Hitachi-Zosen, the manufacturer of the tunneling machine. Just before trial, STP and Hitachi-Zosen settled their legal dispute. The parties kept the settlement terms private.

Prior to trial, STP had filed a claim with WSDOT requesting \$642 million for repair costs and damages. During pre-trial, the court rejected portions of STP's claim. When the Breach of Contract trial began on Oct. 7, 2019, STP's ask of the jury was \$330 million.

There is a separate legal case pending in King County related to insurance claims under a builder's risk policy purchased for the SR 99 Tunnel Project.