

MEMORANDUM OF UNDERSTANDING
Initial Post-Damage Safety Evaluation of Facilities

Item No. 8d attach 1

Meeting Date: March 23, 2021

PURPOSE:

The purpose of this Memorandum of Understanding (MOU) between the Seattle Department of Construction and Inspections (SDCI) and the Port of Seattle is to document SDCI's agreement to establish policies and procedures for the Port of Seattle to conduct initial post-damage safety evaluations of buildings and structures it owns.

BACKGROUND:

Under RCW 19.27.050 and the Seattle Building Code, SDCI has direct responsibility and authority over the safety and inspection of structures within the city limits of Seattle. However, the Port of Seattle employs staff or consultants who have the skills and training to perform post-damage safety evaluations of the buildings and structures owned by the Port of Seattle. In a large-scale disaster, SDCI and the Port of Seattle both recognize these staff are likely to be able to conduct the necessary safety evaluations sooner than SDCI staff, which will aid the City in responding to and recovering from the disaster.

SDCI has designed policies and procedures to accommodate other entities who wish to conduct advisory safety evaluations of damaged buildings they own. These policies and procedures allow the entity, with SDCI approval as documented in a MOU, to post buildings and structures with "advisory tags" that effectively communicate their safety status, **but do not carry SDCI's authority**.

PROVISIONS:

The Port of Seattle is permitted to conduct initial safety evaluations of the buildings and structures it owns and post the results on the buildings, subject to the conditions documented in this MOU and only in the following circumstances:

1. When the City has declared an emergency or disaster because of an event that affected or may have affected the structural integrity of one or more of the Port of Seattle's buildings or structures; or
2. Following a significant event that gives the Port of Seattle concern for the structural integrity of one or more of the Port of Seattle's buildings or structures.

Safety evaluations following related subsequent events, such as earthquake aftershocks, are permitted to follow the initial evaluation policies and procedures in this MOU.

SDCI retains its authority to determine whether a building is or is not safe to occupy.

CONDITIONS:

1. Employees or consultants who conduct the initial safety evaluations for the Port of Seattle under this MOU shall not be considered employees or deputies of SDCI, and therefore, are not acting for or in lieu of SDCI.
 - a. Employees or consultants shall only conduct safety evaluations of buildings and structures owned by the Port of Seattle, unless they volunteer with SDCI.
 - b. Volunteers to SDCI must be formally deputized by SDCI before conducting any safety evaluations and are only authorized to act under SDCI's direction.
 - i. SDCI will not deputize volunteers before an event occurs.
2. Safety evaluations of damaged buildings shall be conducted and documented in accordance with the procedures of "ATC 20 – Post-Earthquake Safety Evaluation of Buildings" (hereinafter referred to as ATC 20) as published by the Applied Technology Council, with the following exceptions:
 - a. In lieu of the standard ATC 20 red/yellow/green placards, the Port of Seattle shall post an SDCI-approved "advisory tag" (using red, yellow, or green to indicate the level of concern) on the building to communicate the safety status to building occupants and visitors. Such an advisory tag shall contain a statement that the posting is advisory, shall not communicate any legal requirement or prohibition, and shall state: "This as an **ADVISORY BUILDING EVALUATION TAG** issued by the Port of Seattle and is not an evaluation by Seattle's Department of Construction and Inspection ("SDCI"). SDCI has not evaluated the structural integrity of this site. Dangerous conditions may exist in the tagged building." A form advisory tag is attached as Exhibit 1.
 - b. The Port of Seattle shall communicate the results of the evaluation(s), including the color of the advisory tag, to SDCI.
 - i. The results of buildings and structures posted with red or yellow advisory tags shall be communicated to SDCI as soon as reasonably practical.
 - ii. The results of buildings and structures posted with green advisory tags shall be communicated to SDCI on a regular schedule not to exceed 2 weeks.
 - c. SDCI will conduct its own safety evaluation of damaged buildings as time permits and will post a SDCI red, yellow, or green placard.

- i. SDCI will evaluate buildings and structures the Port of Seattle has posted with red or yellow advisory tags as soon as reasonably practical, within the priorities and procedures in the SDCI Emergency Response Plan.
 - ii. SDCI will evaluate buildings and structures the Port of Seattle has posted with green advisory tags as staffing and time permit.
3. The Port of Seattle will apply for reevaluation of SDCI placards and all required building permits related to work on the damaged building in compliance with normal SDCI procedures.
4. The Port of Seattle is responsible for ensuring employees or consultants conducting safety evaluations for the Port of Seattle have the necessary knowledge, skills, and training to properly conduct the evaluations in accordance with ATC 20.
 - a. ATC 20 procedures are predicated on the evaluator having some knowledge of construction or principles of structural behavior.
 - b. At a minimum, any person conducting evaluations shall have had an ATC 20 training or refresher training (or equivalent) within the 5 years preceding the time of conducting the evaluation.
5. This MOU does not preclude the Port of Seattle from establishing its own internal policies and procedures for evaluating damaged buildings and reporting damage, provided they are in general conformance with the principles in ATC 20 and this MOU.
6. The Port of Seattle is responsible for determining which buildings and structures to evaluate pursuant to this MOU and the schedule for such evaluations.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding by having their representatives affix their signatures below.

SEATTLE DEPARTMENT OF CONSTRUCTION AND
INSPECTIONS

PORT OF SEATTLE

By: _____
Kai Ki Mow, Principal Engineer

By: _____
Tina Soike, Director of Engineering Services

Date: _____

Date: _____



Exhibit 1 – Sample Unsafe (Red), Restricted Use (Yellow), and Inspected (Green) Advisory Tags:

See following pages for Advisory Tags to be used by the Port of Seattle

UNSAFE

DO NOT ENTER OR OCCUPY

This structure has been found to be seriously damaged and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized by the City of Seattle. Entry may result in death or injury.

Facility Name and Address:

Date _____
Time _____



This Port of Seattle owned facility was evaluated under emergency conditions for damage assessment.

This is an ADVISORY BUILDING EVALUATION TAG issued by the Port of Seattle and is not an evaluation by Seattle's Department of Construction and Inspections (SDCI). SDCI has not evaluated the structural integrity of this site. Dangerous conditions may exist in the tagged building.

Inspector ID

Do Not Remove, Alter, or Cover this Placard

RESTRICTED USE

Caution: This structure has been evaluated and found to be damaged as described below:

Date _____

Time _____

(Caution: Aftershocks since evaluation may increase damage and risk.)

Entry, occupancy, and use are restricted as indicated below:

Do not enter the following areas: _____

Brief entry allowed for access to contents: _____

Other restrictions: _____

Facility name and address:



This Port of Seattle owned facility was evaluated under emergency conditions for damage assessment.

*This is an ADVISORY BUILDING EVALUATION TAG issued by the **Port of Seattle** and is not an evaluation by Seattle's Department of Construction and Inspections (SDCI). SDCI has not evaluated the structural integrity of this site. Dangerous conditions may exist in the tagged building.*

Inspector ID

Do Not Remove, Alter, or Cover this Placard

NO APPARENT HAZARD

RE-ENTRY ALLOWED

This structure has been evaluated (as indicated below) and no apparent structural hazard has been found.

Date _____

Time _____

- Evaluated Exterior Only**
- Evaluated Exterior and Interior**

(Caution: Aftershocks since evaluation may increase damage and risk.)

Report any unsafe condition to local authorities; re-evaluation may be required.

Inspector Comments:

Facility Name and Address:



This Port of Seattle owned facility was evaluated under emergency conditions for damage assessment.

This is an ADVISORY BUILDING EVALUATION TAG issued by the Port of Seattle and is not an evaluation by Seattle's Department of Construction and Inspections (SDCI). SDCI has not evaluated the structural integrity of this site. Dangerous conditions may exist in the tagged building.

Inspector ID

Do Not Remove, Alter, or Cover this Placard