

1 (1) "Adjacent jurisdictions" include contiguous counties, cities,
2 and federally recognized Indian tribes.

3 (2) "Adopt a comprehensive land use plan" means to enact a new
4 comprehensive land use plan or to update an existing comprehensive land
5 use plan.

6 (~~(2)~~) (3) "Agricultural land" means land primarily devoted to the
7 commercial production of horticultural, viticultural, floricultural,
8 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
9 straw, turf, seed, Christmas trees not subject to the excise tax
10 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has
11 long-term commercial significance for agricultural production.

12 (~~(3)~~) (4) "Board" means the growth management board established
13 to review plans and regulations established under this chapter.

14 (5) "City" means any city or town, including a code city.

15 (~~(4)~~) (6) "Committee" means the interagency committee for outdoor
16 recreation established under chapter 43.99 RCW.

17 (7) "Comprehensive land use plan," "comprehensive plan," or "plan"
18 means a generalized coordinated land use policy statement of the
19 governing body of a county or city that is adopted pursuant to this
20 chapter.

21 (~~(5)~~) (8) "Critical areas" include the following areas and
22 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
23 on aquifers used for potable water; (c) critical fish and wildlife
24 habitat (~~(conservation areas)~~); (d) frequently flooded areas; and (e)
25 geologically hazardous areas.

26 (~~(6)~~) (9) "Department" means the department of community
27 development.

28 (~~(7)~~) (10) "Development regulations" means any controls placed on
29 development or land use activities by a county or city, including, but
30 not limited to, zoning ordinances, official controls, planned unit

1 development ordinances, subdivision ordinances, and binding site plan
2 ordinances.

3 ~~((8))~~ (11) "Forest land" means land primarily useful for growing
4 trees, including Christmas trees subject to the excise tax imposed
5 under RCW 84.33.100 through 84.33.140, for commercial purposes, and
6 that has long-term commercial significance for growing trees
7 commercially.

8 ~~((9))~~ (12) "Geologically hazardous areas" means areas that
9 because of their susceptibility to erosion, sliding, earthquake, or
10 other geological events, are not suited to the siting of commercial,
11 residential, or industrial development consistent with public health or
12 safety concerns.

13 ~~((10))~~ (13) "Long-term commercial significance" includes the
14 growing capacity, productivity, and soil composition of the land for
15 long-term commercial production, in consideration with the land's
16 proximity to population areas, and the possibility of more intense uses
17 of the land.

18 ~~((11))~~ (14) "Mineral~~((s))~~ resource lands" include those lands
19 identified and devoted to the long-term commercial extraction of
20 gravel, sand, rock, and valuable metallic substances.

21 ~~((12))~~ (15) "Natural resource lands" means agricultural lands,
22 forest lands, and mineral resource lands.

23 (16) "New community" means a comprehensive development providing
24 for a mixture of land uses which includes the following: (a) A mix of
25 jobs, housing, and public facilities needed for a self-contained
26 community; (b) preservation of open spaces within and around the
27 community; (c) an internal and external transportation system
28 supportive of pedestrian access and transit; (d) the new infrastructure
29 needed to serve the proposed community; and (e) the mitigation of off-
30 site impacts.

1 (17) "Open space lands" include land areas, the protection of which
2 would: (a) Conserve and enhance scenic, or viewshed resources; (b)
3 provide scenic amenities and community identity within and between
4 areas of urban development; (c) protect physical and/or visual buffers
5 within and between areas of urban and rural development, or along
6 transportation corridors; (d) protect lakes, rivers, streams,
7 watersheds, or water supply; (e) promote conservation of critical
8 areas, natural resource lands, soils, geologically hazardous areas, or
9 tidal marshes, beaches, or other shoreline areas; (f) enhance the value
10 to the public of abutting or neighboring parks, forests, wildlife
11 habitat, trails, or other open space; (g) enhance visual enjoyment and
12 recreation opportunities, including public access to shoreline areas;
13 (h) protect natural areas and environmental features with significant
14 educational, scientific, wildlife habitat, historic, or scenic value;
15 or (i) retain in its natural state tracts of land not less than five
16 acres situated in an urban environment.

17 (18) "Public facilities" include streets, roads, highways, public
18 transit facilities, sidewalks, street and road lighting systems,
19 traffic signals, domestic water systems, storm and sanitary sewer
20 systems, parks and recreational facilities, and schools.

21 ~~((13))~~ (19) "Public services" include fire protection and
22 suppression, law enforcement, public health, education, public transit
23 services, recreation, environmental protection, and other governmental
24 services.

25 ~~((14))~~ (20) "Region" means one or more counties and the cities
26 within the county or counties, including, as a local option,
27 multicounty regions.

28 (21) "Special district" means every municipal and quasi-municipal
29 corporation other than a county or city. Special districts shall
30 include, but are not limited to: Water districts, sewer districts,

1 public transit districts, fire protection districts, port districts,
2 library districts, school districts, public utility districts, county
3 park and recreation service areas, flood control zone districts,
4 irrigation districts, diking districts, and drainage improvement
5 districts.

6 (22) "State agencies" means all departments, boards, commissions,
7 institutions of higher education, and offices of state government,
8 except those in the legislative or judicial branches, except to the
9 extent otherwise required by law.

10 (23) "Urban growth" refers to growth that makes intensive use of
11 land for the location of buildings, structures, and impermeable
12 surfaces to such a degree as to be incompatible with the primary use of
13 such land for the production of food, other agricultural products, or
14 fiber, or the extraction of mineral resources. When allowed to spread
15 over wide areas, urban growth typically requires urban governmental
16 services. "Characterized by urban growth" refers to land having urban
17 growth located on it, or to land located in relationship to an area
18 with urban growth on it as to be appropriate for urban growth.

19 ~~((15))~~ (24) "Urban growth areas" means those areas designated by
20 a county pursuant to RCW 36.70A.110.

21 ~~((16))~~ (25) "Urban governmental services" include those
22 governmental services historically and typically delivered by cities,
23 and include storm and sanitary sewer systems, domestic water systems,
24 street cleaning services, fire and police protection services, public
25 transit services, and other public utilities associated with urban
26 areas and normally not associated with nonurban areas.

27 ~~((17))~~ (26) "Wetland" or "wetlands" means areas that are
28 inundated or saturated by surface water or ground water at a frequency
29 and duration sufficient to support, and that under normal circumstances
30 do support, a prevalence of vegetation typically adapted for life in

1 saturated soil conditions. Wetlands generally include swamps, marshes,
2 bogs, and similar areas. Wetlands do not include those artificial
3 wetlands intentionally created from nonwetland sites, including, but
4 not limited to, irrigation and drainage ditches, grass-lined swales,
5 canals, detention facilities, wastewater treatment facilities, farm
6 ponds, and landscape amenities. However, wetlands may include those
7 artificial wetlands intentionally created from nonwetland areas created
8 to mitigate conversion of wetlands, if permitted by the county or city.

9 **Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
10 amended to read as follows:

11 PLANNING GOALS. The following goals are adopted to guide the
12 development and adoption of comprehensive plans and development
13 regulations of those counties and cities that are required or choose to
14 plan under RCW 36.70A.040. The following goals are not listed in order
15 of priority and shall be used ((~~exclusively~~)) for the purpose of
16 guiding the development of comprehensive plans and development
17 regulations. However, plans, regulations, and actions, including
18 expenditures of state-appropriated funds, of state agencies, counties,
19 and cities required or choosing to plan, and special districts shall
20 conform to and support these goals:

21 (1) Urban growth areas. ((~~Encourage~~)) Urban development shall
22 occur in urban growth areas where adequate public facilities and
23 services exist or can be provided in an efficient manner.

24 Urban growth areas should be compact, have concentrated employment
25 centers, and provide opportunities for people to live in a variety of
26 housing types close to where they work. Plans should ensure an
27 adequate supply of land for projected jobs considering the nature and
28 diversity of economic activity and for a variety of housing types.
29 Development densities should be sufficient to: (a) Protect open space,

1 natural features and parks, natural resource lands and critical areas
2 within and outside of urban growth areas; (b) promote affordable
3 housing; and (c) promote transit. Large land areas characterized by
4 significant natural limitations such as steep slopes, seismic hazard
5 areas, flood plains, and wetlands should not be designated for urban
6 growth.

7 New development should be designed to respect the planned and
8 existing character of neighborhoods. Open spaces and natural features
9 should be preserved within urban areas.

10 (2) Reduce sprawl. Reduce the inappropriate conversion of
11 undeveloped land into sprawling, low-density development.

12 (3) Transportation. ~~((Encourage))~~ (a) Coordinate the planning,
13 programming, and development of transportation facilities and services
14 between jurisdictions; (b) develop efficient multimodal transportation
15 systems to move people and goods that are based on regional priorities
16 ~~((and)),~~ are coordinated with county and city comprehensive plans,
17 include alternatives to single occupant automobile travel, and support
18 the state's economic development objectives; (c) link transportation
19 systems and land use to maintain acceptable levels of transportation
20 service, to promote housing density, employment concentration and joint
21 development to support efficiency and affordability of transit service,
22 and institute policies complementary to demand-management strategies;
23 (d) protect the natural environment and improve the built environment
24 when planning, designing, constructing, and maintaining transportation
25 facilities; and (e) preserve the operational and structural integrity
26 of the transportation system.

27 (4) Housing. Encourage ~~((the availability of))~~ and participate in
28 making available affordable housing ~~((to))~~ for all economic segments of
29 the population of this state, promote a variety of residential
30 densities and housing types, ~~((and))~~ encourage preservation of existing

1 housing stock, promote the state and federal fair housing goals, and
2 provide for a fair share of housing needs.

3 (5) Economic development. Encourage economic development
4 throughout the state that is consistent with adopted comprehensive
5 plans, promote economic opportunity for all citizens of this state,
6 especially for unemployed and for disadvantaged persons, build a
7 network of strong regional economies, identify and focus assistance on
8 priority economic development areas where there is a need for growth
9 and where there is the realistic capacity and broad local support for
10 such growth, and encourage growth in areas experiencing insufficient
11 economic growth, all within the capacities of the state's natural
12 resources, public services, and public facilities.

13 (6) Property rights. Private property shall not be taken for
14 public use without just compensation having been made. The property
15 rights of landowners shall be protected from arbitrary and
16 discriminatory actions.

17 (7) Permits. Applications for both state and local government
18 permits should be processed in a timely and fair manner to ensure
19 predictability.

20 (8) Natural resource industries. Maintain and enhance natural
21 resource-based industries, including productive timber, agricultural,
22 and fisheries industries. Encourage the conservation of productive
23 forest lands and productive agricultural lands, and discourage
24 incompatible uses.

25 (9) Open space and recreation. (~~Encourage the retention of open~~
26 ~~space and development of recreational opportunities, conserve fish and~~
27 ~~wildlife habitat, increase access to natural resource lands and water,~~
28 ~~and develop parks.)) Protect open space and where possible link open
29 space into regional and state-wide networks. Permanent open space
30 networks should separate neighboring cities, where possible, and define~~

1 distinct urban growth areas to prevent their merging into large
2 continuous urban areas. Open space should be used to: Protect fish
3 and wildlife habitat; protect environmentally sensitive land and water
4 areas; provide park and outdoor recreational opportunities; protect
5 scenic areas and viewsheds; accommodate nonmotorized recreational
6 corridors and trails; and protect views and vistas within and around
7 cities.

8 (10) Environment. Protect the environment and enhance the state's
9 high quality of life, including air and water quality, and the
10 availability of water.

11 (11) Citizen participation and coordination. (~~Encourage~~) Ensure
12 the involvement of citizens in the planning process and ensure
13 coordination between communities and jurisdictions to reconcile
14 conflicts.

15 (12) Public facilities and services. Ensure that those public
16 facilities and services necessary to support development shall be
17 adequate to serve the development at the time the development is
18 available for occupancy and use without decreasing current service
19 levels below locally established minimum standards. Public facilities
20 shall be sited in such a manner to best utilize existing public
21 infrastructure including transportation facilities and services.

22 (13) Historic preservation. Identify and encourage the
23 preservation of lands, sites, and structures, that have historical or
24 archaeological significance.

25 (14) Fair share. Ensure the siting of regional and state public
26 facilities, so that each county and its cities accepts their fair share
27 of public facilities and no community is overburdened.

28 (15) Water Resources. Land use planning and permit decisions that
29 will both protect water and create demand for water must be compatible
30 with water resource plans. New growth must be related to water

1 availability. Each county and its cities must integrate water resource
2 planning for consumptive and nonconsumptive uses into its land use
3 plan. Water is key for fish, wildlife, domestic use, industrial use,
4 power, agriculture, aesthetics, and recreation.

5 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
6 amended to read as follows:

7 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of
8 a county or city that is required or chooses to plan under RCW
9 36.70A.040 shall consist of a map or maps, and descriptive text
10 covering objectives, principles, and standards used to develop the
11 comprehensive plan. The plan shall be an internally consistent
12 document and all elements shall be consistent with the future land use
13 map. A comprehensive plan shall be adopted and amended with public
14 participation as provided in RCW 36.70A.140.

15 Each comprehensive plan shall include a plan, scheme, or design for
16 each of the following:

17 (1) A land use element designating the proposed general
18 distribution and general location and extent of the uses of land, where
19 appropriate, for agriculture, timber production, housing, commerce,
20 industry, recreation, open spaces, public utilities, public facilities,
21 and other land uses. The land use element shall provide for sufficient
22 developable land and densities for a range of housing types. The land
23 use element shall include population densities, building intensities,
24 and estimates of future population growth. The land use element shall
25 include designation of natural resource lands and lands for outdoor
26 recreation as provided in RCW 36.70A.060. Each county shall include
27 urban growth areas as established in RCW 36.70A.110 in its
28 comprehensive land use plan. The land use element shall provide for
29 protection of the quality and quantity of ground and surface water used

1 for public water supplies and shall recognize that water availability
2 and quality are key factors in determining the extent, location,
3 distribution, and intensity of land uses. Where applicable, the land
4 use element shall review drainage, flooding, and storm water run-off in
5 the area and nearby jurisdictions and provide guidance for corrective
6 actions to mitigate or cleanse those discharges that pollute waters of
7 the state, including Puget Sound or waters entering Puget Sound. The
8 element shall incorporate noise exposure standards as defined by the
9 department of ecology, identification of sources, including those from
10 transportation facilities, and noise mitigation measures.

11 (2) A housing element recognizing the vitality and character of
12 established residential neighborhoods that: (a) Includes an inventory
13 and analysis of existing and projected housing needs; (b) includes a
14 statement of goals, policies, and objectives for the preservation,
15 improvement, and development of housing and for meeting fair share
16 housing obligations within the county and/or jurisdictions; (c)
17 identifies sufficient land and densities for housing; (d) identifies
18 the existing and projected fair share accommodation of low-income
19 moderate-income housing, including, but not limited to, government-
20 assisted housing, housing for low-income families, manufactured
21 housing, multifamily housing, and group homes and foster care
22 facilities; ((and (d))) (e) makes adequate provisions for existing and
23 projected needs of all economic segments of the community; (f) promotes
24 housing that is affordable; and (g) minimizes the displacement of
25 residents from housing.

26 (3) A capital facilities plan element consisting of: (a) An
27 inventory of existing capital facilities owned by public entities,
28 showing the locations and capacities of the capital facilities; (b) a
29 forecast of the future needs for such capital facilities; (c) the
30 proposed locations and capacities of expanded or new capital

1 facilities; (d) at least a six-year plan that will finance such capital
2 facilities within projected funding capacities and clearly identifies
3 sources of public money for such purposes; and (e) a requirement to
4 reassess the land use element if probable funding falls short of
5 meeting existing needs and to ensure that the land use element, capital
6 facilities plan element, and financing plan within the capital
7 facilities plan element are coordinated and consistent.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed utilities,
10 including, but not limited to, electrical lines, telecommunication
11 lines, and natural gas lines.

12 (5) Counties shall include a rural element including lands that
13 are not designated for urban growth, agriculture, forest, or mineral
14 resources. The rural element shall permit land uses that are
15 compatible with the rural character of such lands and provide for a
16 variety of rural densities and do not foster urban growth.

17 (6) A transportation element that implements, and is consistent
18 with, the land use element. The transportation element shall include
19 the following subelements:

20 (a) Land use assumptions used in estimating travel;

21 (b) Facilities and services needs, including:

22 (i) An inventory of air, water, and land transportation facilities
23 and services, including transit alignments, to define existing capital
24 facilities and travel levels as a basis for future planning;

25 (ii) Level of service standards for all arterials and transit
26 routes to serve as a gauge to judge performance of the system. These
27 standards ~~((should))~~ shall, when practicable, address mode split and
28 vehicle occupancy goals and also be regionally coordinated;

1 (iii) Specific actions and requirements for bringing into
2 compliance any facilities or services that are below an established
3 level of service standard;

4 (iv) Forecasts of traffic for at least ten years, and twenty years
5 if practicable, based on the adopted land use plan to provide
6 information on the location, timing, and capacity needs of future
7 growth;

8 (v) Identification of transportation system management and system
9 expansion needs ((and transportation system management needs)) to meet
10 current and future demands, including system management or facilities
11 needed for regional or state-wide purposes;

12 (vi) Identification of noise mitigation measures needed for
13 existing or planned transportation facilities as identified in the land
14 use element;

15 (c) Finance, including:

16 (i) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (ii) A multiyear financing plan based on the needs identified in
19 the comprehensive plan, the appropriate parts of which shall serve as
20 the basis for the six-year street, road, or transit program required by
21 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
22 35.58.2795 for public transportation systems;

23 (iii) If probable funding falls short of meeting identified needs,
24 a discussion of how additional funding will be raised, or how land use
25 assumptions will be reassessed to ensure that level of service
26 standards will be met;

27 (d) Intergovernmental coordination efforts, including an assessment
28 of the impacts of the transportation plan and land use assumptions on
29 the transportation systems of adjacent jurisdictions;

30 (e) Demand-management strategies.

1 After adoption of the comprehensive plan by jurisdictions required
2 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
3 must adopt and enforce ordinances which prohibit development approval
4 if the development causes the level of service on a transportation
5 facility to decline below the standards adopted in the transportation
6 element of the comprehensive plan, unless transportation improvements
7 or strategies to accommodate the impacts of development are made
8 concurrent with the development. (~~These strategies~~) Jurisdictions
9 may exempt limited high density areas from the level of service
10 standards requirement provided that the level of service for nonsingle
11 occupant vehicles is improved through strategies which may include
12 increased public (~~transportation~~) transit service, ride sharing
13 programs, demand management, and other transportation systems
14 management strategies. The purpose of the exemption is to permit
15 higher density development in certain areas which is conducive to
16 alternatives to the single-occupant vehicle, including public transit.
17 For the purposes of this subsection (6) "concurrent with the
18 development" shall mean that improvements or strategies are in place at
19 the time of development, or that a financial commitment is in place to
20 complete the improvements or strategies within six years.

21 The transportation element described in this subsection, and the
22 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
23 counties, and RCW 35.58.2795 for public transportation systems, must be
24 consistent.

25 (7) A design element that enables communities to harmoniously fit
26 new development with planned or existing community character and
27 vision.

28 (8) An environmental management element that minimizes development
29 and growth impacts on the environment and enhances the quality of air,
30 water, and land resources.

1 (9) An open space and outdoor recreation element that provides for
2 local and regional parks, outdoor recreation facilities, trails,
3 resource conservation, natural vistas, and open space.

4 (10) An annexation element for cities and incorporation element
5 for counties to clearly delineate a local government service delivery
6 plan.

7 (11) A fair share element for siting state and regional public
8 facilities.

9 NEW SECTION. Sec. 4. NEW COMMUNITIES. A county required or
10 choosing to plan pursuant to the provisions of RCW 36.70A.040 shall
11 establish a process for reviewing proposals for new communities. A new
12 community may be permitted by a county when the new community is
13 included in its comprehensive plan prepared pursuant to RCW 36.70A.040
14 and is consistent with the requirements of this chapter. However, new
15 communities may only be approved if the following criteria are met:

16 (1) New infrastructure and off-site impact are fully considered and
17 provision is made for such infrastructure consistent with the
18 requirements of this chapter and RCW 82.02.050;

19 (2) Transit-oriented site planning and traffic demand management
20 efforts are implemented;

21 (3) Buffers are provided between the new community and adjacent
22 urban development;

23 (4) Provisions are made for a balance of jobs and housing;

24 (5) Sufficient affordable housing is provided within the new
25 community;

26 (6) Environmental protections have been adequately addressed and
27 provided for;

1 (7) Sufficient protection is provided to ensure the new community
2 is self-contained and will not stimulate or accelerate urban growth in
3 adjacent nonurban areas;

4 (8) Provision is made to minimize impacts on designated natural
5 resource lands; and

6 (9) The plan for the new community is consistent with the
7 development regulations established for the protection for critical
8 areas by the county pursuant to RCW 36.70A.170.

9 NEW SECTION. **Sec. 5.** PLANS AND REGULATIONS--SPECIAL DISTRICTS.

10 (1) All special districts shall perform all of their activities which
11 affect land use in conformity with the state policy goals contained in
12 RCW 36.70A.020, and the land use plans and zoning ordinances of the
13 county or city having jurisdiction in the area where the activities
14 occur.

15 (2) Not later than one year after the adoption of development
16 regulations by a county or city pursuant to RCW 36.70A.120, each
17 special district located within such a county or city, that provides
18 one or more of the public facilities or public services listed in this
19 subsection, shall adopt or amend a capital facilities plan for its
20 facilities that is consistent with the comprehensive plan and
21 development regulations and indicates the existing and projected
22 capital facilities that are necessary to serve the projected growth for
23 the area that is served by the special district. These public
24 facilities or public services are: (a) Sanitary sewers; (b) potable
25 water facilities; (c) park and recreation facilities; (d) fire
26 suppression; (e) libraries; (f) schools; and (g) transportation,
27 including public transit.

1 NEW SECTION. **Sec. 6.** RULE MAKING. (1) In addition to the rules
2 adopted by the department under RCW 36.70A.050 regarding natural
3 resource lands and critical areas as defined in RCW 36.70A.030, the
4 department shall adopt guidelines, requirements, and minimum standards
5 as rules under chapter 34.05 RCW to assist local governments in
6 implementing this chapter.

7 (2) As used in this chapter, the term "guidelines" is intended to
8 describe performance standards or parameters which guide local planning
9 while at the same time allow the exercise of local government direction
10 in choosing among planning and regulatory options. Guidelines are
11 intended to encourage creative and locally appropriate responses to
12 achieving the goals established in RCW 36.70A.020.

13 (3) As used in this chapter, the terms "requirements" and "minimum
14 standards" are intended to prescribe specific standards, requirements,
15 or procedures that must be followed by local governments in complying
16 with this chapter.

17 (4) In addition to other guidelines required to be developed by the
18 department, guidelines shall be adopted for the following processes in
19 the following priority order:

20 (a) To designate and manage urban growth areas, including the
21 phasing of development, determining service levels, and cumulative
22 effects;

23 (b) To integrate transportation and transit into land use planning
24 and site planning;

25 (c) To address the fair sharing and siting of regionally needed
26 facilities;

27 (d) To address housing supply, density, and fair sharing of housing
28 needs, including low-income and moderate-income housing;

29 (e) To address the following plan elements: Land use, annexation
30 and incorporation, and open space and outdoor recreation;

1 (f) To address regional open space and economic development plans;

2 (g) To address the need for buffers to minimize conflicts adjacent
3 to resource lands;

4 (h) To assess the adequacy of public facilities and the phasing of
5 growth and development approvals;

6 (i) To address mobility and facility needs for low-income and
7 physically challenged persons; and

8 (j) Other processes as determined by the department.

9 (5) In addition to other requirements and minimum standards
10 required to be developed by the department, requirements and minimum
11 standards shall be adopted for the following:

12 (a) Interim controls to protect critical areas and natural resource
13 lands state-wide; and

14 (b) Procedures, which may include timeframes.

15 (6) Guidelines, requirements, and minimum standards and regulations
16 adopted under this act shall be issued in a timely manner so that local
17 governments are afforded sufficient time to comply with the
18 requirements of this act.

19 (7) In carrying out its responsibilities under this section, the
20 department shall coordinate with other state agencies and consult with
21 interested parties as provided in RCW 36.70A.050. Advisory groups
22 shall be used in development of the rules under this act.

23 **Sec. 7.** RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each
24 amended to read as follows:

25 PROJECT CRITERIA--RURAL ARTERIAL PROGRAM. In preparing their
26 respective six-year programs relating to rural arterial improvements,
27 counties shall select specific priority improvement projects for each
28 functional class of arterial based on the rating of each arterial

1 section proposed to be improved in relation to other arterial sections
2 within the same functional class, taking into account the following:

3 (1) Its structural ability to carry loads imposed upon it;

4 (2) Its capacity to ~~((move traffic at reasonable speeds;~~

5 ~~(3)))~~ provide efficient, dependable, and rapid accessibility for
6 movement of people and goods including access management provisions
7 under chapter 47.26 RCW;

8 (3) Its consistency with local and regional transportation and land
9 use plans;

10 (4) Its consistency with state, regional, and local transit plans,
11 where applicable;

12 (5) Its consistency with state, regional, and local freight rail
13 considerations;

14 (6) Its adequacy of alignment and related geometrics;

15 ~~((4)))~~ (7) Its accident experience; and

16 ~~((5)))~~ (8) Its fatal accident experience.

17 With assistance from regional transportation planning
18 organizations, where applicable, adjacent counties, and the county road
19 administration board, long-term plans shall be used to guide
20 development of the six-year programs. The six-year construction
21 programs shall remain flexible and subject to annual revision as
22 provided in RCW 36.81.121.

23 **Sec. 8.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each
24 amended to read as follows:

25 SIX-YEAR COUNTY ROAD PLANS. (1) Before July 1st of each year, the
26 legislative authority of each county with the advice and assistance of
27 the county road engineer, and pursuant to one or more public hearings
28 thereon, shall prepare and adopt a comprehensive road program for the
29 ensuing six calendar years. If the county has adopted a comprehensive

1 plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of
2 a charter county derived from its charter, or chapter 36.70A RCW, the
3 program shall be consistent with this comprehensive plan.

4 The program shall include proposed road and bridge construction
5 work, and for those counties operating ferries shall also include a
6 separate section showing proposed capital expenditures for ferries,
7 docks, and related facilities. Copies of the program shall be filed
8 with the county road administration board (~~and with~~), the state
9 secretary of transportation, and the regional transportation planning
10 organization, where applicable, not more than thirty days after its
11 adoption by the legislative authority. The purpose of this section is
12 to assure that each county shall perpetually have available advanced
13 plans looking to the future for not less than six years as a guide in
14 carrying out a coordinated road construction program that reflects the
15 transportation goals set forth in chapter 36.70A RCW. The program may
16 at any time be revised by a majority of the legislative authority but
17 only after a public hearing thereon.

18 (2) The six-year program of each county having an urban area within
19 its boundaries shall contain a separate section setting forth the six-
20 year program for arterial road construction based upon its long-range
21 construction plan and formulated in accordance with regulations of the
22 transportation improvement board. The six-year program for arterial
23 road construction shall be submitted to the transportation improvement
24 board forthwith after its annual revision and adoption by the
25 legislative authority of each county. The six-year program for
26 arterial road construction shall be based upon estimated revenues
27 available for such construction together with such additional sums as
28 the legislative authority of each county may request for urban
29 arterials from the urban arterial trust account or the transportation
30 improvement account for the six-year period. The arterial road

1 construction program shall provide for a more rapid rate of completion
2 of the long-range construction needs of principal arterial roads than
3 for minor and collector arterial roads, pursuant to regulations of the
4 transportation improvement board.

5 (3) Each six-year program forwarded to the secretary in compliance
6 with subsection (1) of this section shall contain information as to how
7 a county will expend its moneys, including funds made available
8 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
9 equestrian purposes.

10 **Sec. 9.** RCW 47.05.030 and 1987 c 179 s 2 are each amended to read
11 as follows:

12 PRIORITY PROGRAMMING FOR STATE HIGHWAYS. The transportation
13 commission shall adopt and periodically revise, after consultation with
14 the legislative transportation committee, a comprehensive six-year
15 program and financial plan for highway improvements specifying program
16 objectives for each of the highway categories, "A," "B," "C," and "H,"
17 defined in this section, and within the framework of estimated funds
18 for such period. The program and plan shall be based upon the
19 improvement needs (~~((for state highways as determined by the department~~
20 ~~from time to time))~~) identified in the state highway system plan, as
21 required under section 18 of this act.

22 With such reasonable deviations as may be required to effectively
23 utilize the estimated funds and to adjust to unanticipated delays in
24 programmed projects, the commission shall allocate the estimated funds
25 among the following described categories of highway improvements, so as
26 to carry out the commission's program objectives:

27 (1) Category A shall consist of those improvements necessary to
28 sustain the structural, safety, and operational integrity of the
29 existing state highway system (other than improvements to the

1 interstate system to be funded with federal aid at the regular
2 interstate rate under federal law and regulations, and improvements
3 designated in subsections (2) through (4) of this section).

4 (2) Category B shall consist of improvements for the continued
5 development of the interstate system to be funded with federal aid at
6 the regular interstate rate under federal law and regulations.

7 (3) Category C shall consist of the development of major
8 transportation improvements (other than improvements to the interstate
9 system to be funded with federal aid at the regular interstate rate
10 under federal law and regulations) including designated but
11 unconstructed highways which are vital to the state-wide transportation
12 network.

13 (4) Category H shall consist of those improvements necessary to
14 sustain the structural and operational integrity of existing bridges on
15 the highway system (other than bridges on the interstate system or
16 bridge work included in another category because of its association
17 with a highway project in such category).

18 Projects which are financed one hundred percent by federal funds or
19 other agency funds shall, if the commission determines that such work
20 will improve the state highway system, be managed separately from the
21 above categories.

22 **Sec. 10.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to read
23 as follows:

24 PROJECT CRITERIA--TRANSPORTATION IMPROVEMENT ACCOUNT. The
25 transportation improvement account is hereby created in the motor
26 vehicle fund. The board shall adopt rules and procedures which shall
27 govern the allocation of funds in the transportation improvement
28 account at such time as funds become available.

1 The board shall allocate funds from the account by June 30 of each
2 year for the ensuing fiscal year and shall endeavor to provide
3 geographical diversity in selecting improvement projects to be funded
4 from the account.

5 Of the amount made available to the transportation improvement
6 board from the transportation improvement account for improvement
7 projects:

8 (1) Eighty-seven percent shall be allocated to counties, to cities
9 with a population of over five thousand, and to transportation benefit
10 districts. Improvement projects may include, but are not limited to,
11 multi-agency and suburban arterial improvement projects.

12 ~~((To be eligible to receive these funds, a project must be (a)~~
13 ~~consistent with state, regional, and local transportation plans and~~
14 ~~consideration shall be given to the project's relationship, both actual~~
15 ~~and potential, with rapid mass transit and at such time as a rail plan~~
16 ~~is developed by the rail development commission, projects must be~~
17 ~~consistent therewith, (b) necessitated by existing or reasonably~~
18 ~~foreseeable congestion levels attributable to economic development or~~
19 ~~growth, and (c) partially funded by local government or private~~
20 ~~contributions, or a combination of such contributions.)) Before~~
21 awarding funding for any specific project the transportation
22 improvement board shall determine if the following criteria have been
23 considered:

24 (a) The project is necessitated by existing or reasonably
25 foreseeable congestion levels attributable to economic development or
26 growth;

27 (b) The project emphasizes the movement of people and goods rather
28 than vehicles;

1 (c) The project includes, where appropriate, other modes of
2 transportation such as transit, high occupancy vehicle lanes, and high
3 capacity transit;

4 (d) The project conforms to local and regional transportation and
5 land use plans including access management provisions;

6 (e) The project is consistent with local and regional high-capacity
7 transportation considerations;

8 (f) The project is consistent with state, regional, and local
9 freight rail considerations in accordance with RCW 47.80.030; and

10 (g) The project is partially funded by local government or private
11 contributions, or a combination of such contributions.

12 The board shall, for those projects meeting the eligibility
13 criteria, determine what percentage of each project is funded by local
14 and/or private contribution. Priority consideration shall be given to
15 those projects with the greatest percentage of local and/or private
16 contribution.

17 Within one year after board approval of an application for funding,
18 a county, city, or transportation benefit district shall provide
19 written certification to the board of the pledged local and/or private
20 funding. Funds allocated to an applicant that does not certify its
21 funding within one year after approval may be reallocated by the board.

22 (2) Thirteen percent shall be allocated by the board to cities
23 with a population of five thousand or less for street improvement
24 projects in a manner determined by the board.

25 **Sec. 11.** RCW 47.26.220 and 1989 c 160 s 1 are each amended to read
26 as follows:

27 PROJECT CRITERIA--URBAN ARTERIAL TRUST ACCOUNT. Counties and
28 cities, in preparing their respective six year programs relating to
29 urban arterial improvements to be funded by the urban arterial trust

1 account, shall select specific priority improvement projects for each
2 functional class of arterial based on the rating of each arterial
3 section proposed to be improved in relation to other arterial sections
4 within the same functional class, taking into account the following:

5 (1) Its structural ability to carry loads imposed upon it;

6 (2) Its capacity to ~~((move traffic and persons at reasonable speeds
7 without undue congestion))~~ provide efficient, dependable, and rapid
8 accessibility for movement of people and goods;

9 (3) Its adequacy of alignment and related geometrics;

10 (4) Its accident experience; ~~((and))~~

11 (5) Its fatal accident experience;

12 (6) Its consistency with local and regional transportation and land
13 use plans including access management provisions;

14 (7) Its consistency with regional and local high-capacity
15 transportation considerations;

16 (8) Its consistency with state, regional, and local freight rail
17 considerations. The six-year construction programs shall remain
18 flexible and subject to annual revision as provided in RCW 36.81.121
19 and 35.77.010.

20 **Sec. 12.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
21 amended to read as follows:

22 SIX-YEAR TRANSIT PLANS. By April 1st of each year, the legislative
23 authority of each municipality, as defined in RCW 35.58.272, shall
24 prepare a six-year transit development and financial program for that
25 calendar year and the ensuing five years. The program shall be
26 consistent with the comprehensive plans adopted by counties, cities,
27 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
28 inherent authority of a first class city or charter county derived from
29 its charter, or chapter 36.70A RCW. The program shall contain

1 information as to how the municipality intends to meet state and local
2 long-range priorities for public transportation, capital improvements,
3 significant operating changes planned for the system, and how the
4 municipality intends to fund program needs. Each municipality shall
5 file the six-year program with the state department of transportation,
6 the transportation improvement board, and cities, counties, and
7 regional transportation planning ~~((councils))~~ organizations within
8 which the municipality is located.

9 In developing its program, the municipality shall consider those
10 policy recommendations affecting public transportation contained in the
11 state transportation policy plan approved by the state transportation
12 commission and, where appropriate, adopted by the legislature. The
13 municipality shall conduct one or more public hearings while developing
14 its program and for each annual update.

15 **Sec. 13.** RCW 35.58.2796 and 1989 c 396 s 2 are each amended to
16 read as follows:

17 ANNUAL TRANSIT REPORTS. The department of transportation shall
18 develop an annual report summarizing the status of public
19 transportation systems in the state. By September 1st of each year,
20 copies of the report shall be submitted to the legislative
21 transportation committee and to each municipality, as defined in RCW
22 35.58.272, and to individual members of the municipality's legislative
23 authority. ~~((The department shall prepare and submit a preliminary
24 report by December 1, 1989.))~~

25 To assist the department with preparation of the report, each
26 municipality shall file a system report by ~~((April))~~ May 1st of each
27 year with the state department of transportation identifying its public
28 transportation services for the previous calendar year and its
29 objectives for improving the efficiency and effectiveness of those

1 services. The system report shall address those items required for
2 each public transportation system in the department's report.

3 The department report shall describe individual public
4 transportation systems, including contracted transportation services
5 and dial-a-ride services, and include a state-wide summary of public
6 transportation issues and data. The descriptions shall include the
7 following elements and such other elements as the department deems
8 appropriate after consultation with the municipalities and the
9 legislative transportation committee:

10 (1) Equipment and facilities, including vehicle replacement
11 standards;

12 (2) Services and service standards;

13 (3) Revenues, expenses, and ending balances, by fund source;

14 (4) Policy issues and system improvement objectives, including
15 community participation in development of those objectives and how
16 those objectives address state-wide transportation priorities;

17 (5) Operating indicators applied to public transportation services,
18 revenues, and expenses. Operating indicators shall include, but not be
19 limited to, operating cost per unlinked passenger trip, operating cost
20 per ((revenue)) passenger vehicle service hour, unlinked passenger
21 trips per ((revenue)) passenger vehicle service hour, unlinked
22 passenger trips per passenger vehicle service mile, passenger vehicle
23 service hours per employee, change in unlinked passenger trips compared
24 to change in population, and farebox revenue as a percent of operating
25 costs;

26 (6) Mode split trends and objectives that shall be addressed for
27 those public transportation systems deemed appropriate by the
28 department, and on a regional basis as warranted.

1 **Sec. 14.** RCW 36.57A.060 and 1975 1st ex.s. c 270 s 16 are each
2 amended to read as follows:

3 COMPREHENSIVE TRANSIT PLANS--NEW SYSTEMS. The public
4 transportation benefit area authority authorized pursuant to RCW
5 36.57A.050 shall develop a comprehensive transit plan for the area.
6 Such plan shall include, but not be limited to the following elements:

7 (1) The levels of transit service that can be reasonably provided
8 for various portions of the benefit area.

9 (2) The funding requirements, including local tax sources, state
10 and federal funds, necessary to provide various levels of service
11 within the area.

12 (3) The identification of transportation elements of the county,
13 city, or town comprehensive plans and regional transportation plans
14 with which the comprehensive transit plan must be consistent.

15 (4) The impact of such a transportation program on other transit
16 systems operating within that county or adjacent counties.

17 (~~(4)~~) (5) The future enlargement of the benefit area or the
18 consolidation of such benefit area with other transit systems.

19 **Sec. 15.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each
20 amended to read as follows:

21 PLANNING ORGANIZATION BOARD. Each regional transportation planning
22 organization shall create a transportation policy board.
23 Transportation policy boards shall provide policy advice to the
24 regional transportation planning organization and shall allow
25 representatives of major employers within the region, the department of
26 transportation, transit districts, port districts, and member cities,
27 towns, and counties within the region to participate in policy making.
28 Citizens or citizen organizations may also be represented on the board.

NEW SECTION. **Sec. 16.** PLANNING GUIDELINES. The legislature recognizes that the ownership and operation of Washington's transportation system is spread among federal, state, and local government agencies, regional transit agencies, port districts, and the private sector. Therefore, transportation planning must be a comprehensive and coordinated effort. The specific role of the department in transportation planning shall be (1) ongoing coordination and development of state-wide transportation policies that guide all Washington transportation providers, (2) ongoing system planning for state transportation systems that identifies investment needs and meets federal requirements for state-wide transportation plans, (3) coordinating the state high capacity transportation planning and regional transportation planning programs, and (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation issues of state-wide significance. Specific requirements for each of these state transportation planning components are described in this chapter.

NEW SECTION. **Sec. 17.** TRANSPORTATION POLICY PLAN. The department shall develop a state transportation policy plan that (1) establishes a vision and goals for the development of the state-wide transportation system consistent with the state's growth management goals, (2) identifies significant state-wide transportation policy issues, and (3) recommends state-wide transportation policies and strategies to the legislature to fulfill the requirements of RCW 47.01.071(1). The state transportation policy plan shall be the product of an ongoing process that shall involve representatives of significant transportation interests and the general public from across the state.

1 NEW SECTION. **Sec. 18.** TRANSPORTATION SYSTEM PLAN. The department
2 shall produce a state-wide transportation plan under RCW 47.01.071(3)
3 consisting of a highway system plan, ferry system plan, airport system
4 plan, freight rail plan, and bicycle plan. These plans shall guide
5 state investment in transportation facilities to ensure the continued
6 mobility of people and goods within regions across the state in a cost-
7 effective manner. These plans must be consistent with the state
8 transportation policy plan and with each other, and shall reflect
9 public involvement and be coordinated with regional transportation
10 planning, high capacity transportation planning, and local
11 comprehensive plans. The specific requirements for these plans are:

12 (1) State highway system plan - A plan that identifies program
13 needs and specific improvements recommended to preserve the structural
14 integrity of the state highway system and ensure acceptable operating
15 conditions. The state highway system plan must contain the following
16 elements:

17 (a) System preservation - This element establishes structural
18 preservation standards for the state highway system including bridges,
19 identifies current and future structural deficiencies based upon
20 analysis of current condition and engineering analysis of future
21 deterioration, and recommends program funding levels and specific
22 improvements necessary to preserve the structural integrity of the
23 state highway system at adopted standards. This element shall serve as
24 the basis for the preservation component of the six-year highway
25 construction program.

26 (b) Capacity and operational improvement - This element establishes
27 operational standards, including safety considerations, for moving
28 people and goods on the state highway system, identifies current and
29 future capacity and operational and safety deficiencies, and proposes
30 program funding levels and specific improvements and strategies

1 necessary to maintain the established operational standards. Forecasts
2 of travel shall be based upon adopted local land use plans, and shall
3 be consistent with those developed for regional transportation
4 planning. Capacity and operational improvement plans shall first
5 assess strategies that enhance the operational efficiency of the
6 existing system before recommending system expansion. Capacity
7 improvement recommendations shall be based upon which alternative moves
8 the most people or goods, or both. Strategies that enhance the
9 operational efficiency include access management, transportation system
10 management, demand management, and high occupancy vehicle facility
11 development.

12 The capacity and operational improvement element must conform to
13 the state implementation plan for air quality, and be consistent with
14 regional transportation plans adopted under chapter 47.80 RCW, and
15 provide the basis for the capacity and operational improvement portions
16 of the highway construction program.

17 (c) Scenic and recreational highways element - This element shall
18 identify and recommend designation of scenic and recreational highways,
19 provide for enhanced access to scenic, recreational, and cultural
20 resources associated with designated routes, and ensure, through a
21 variety of appropriate management strategies, the protection,
22 preservation, and enhancement of these resources. The department,
23 affected local governments, regional transportation planning
24 organizations, and other state or federal agencies shall jointly
25 develop this element.

26 (2) The Washington state ferry system plan - A plan to guide state
27 investments in the Washington state ferry system to ensure a mobility
28 link across Puget Sound. The plan shall establish service standards
29 for state ferry routes, forecast travel demand for the various markets
30 served by the state ferry system, and develop strategies for ferry

1 system investment that consider both vehicle and passenger needs, meet
2 regional and state-wide travel purposes, support local land use plans,
3 and are fully integrated into land transportation connections.

4 The Washington state ferry system plan shall be developed in
5 conjunction with the regional transportation planning organizations
6 designated for counties served by the Washington state ferry system and
7 the ferry advisory committees.

8 (3) The airport systems plan - A plan to identify the program needs
9 for public use airports in the state, and to fulfill the state-wide
10 aviation planning requirements of the federal government.

11 (4) The state freight rail plan - A plan to identify light density
12 freight rail lines threatened with abandonment, establish criteria for
13 the importance of preserving the service or line, recommend priorities
14 for the use of state rail assistance and state rail banking program
15 funds, and fulfill federal state-wide rail planning requirements.

16 (5) The state bicycle plan - A plan to identify bicycling needs on
17 the state transportation systems and to provide a basis for the
18 investment of state highway funds dedicated to bicycling facilities
19 under chapter 47.30 RCW.

20 NEW SECTION. **Sec. 19.** HIGH CAPACITY TRANSPORTATION PLANNING--
21 DEPARTMENT OF TRANSPORTATION. The department's role in high capacity
22 transportation planning and regional transportation planning is to
23 administer state planning grants for these purposes, participate in
24 these regional planning processes, and coordinate other department
25 planning with these regional efforts including the provisions of RCW
26 81.104.060.

27 NEW SECTION. **Sec. 20.** SPECIAL PLANNING STUDIES. The department
28 may carry out special transportation planning studies to resolve

1 specific issues with the development of the state transportation system
2 or other state-wide transportation issues.

3 HIGHWAY ACCESS MANAGEMENT

4 NEW SECTION. **Sec. 21.** LEGISLATIVE FINDINGS--ACCESS. (1) The
5 legislature finds that:

6 (a) Regulation of access to the state highway system is necessary
7 in order to protect the public health, safety, and welfare, to preserve
8 the functional integrity of the state highway system, and to promote
9 the safe and efficient movement of people and goods within the state;

10 (b) The development of an access management program, in accordance
11 with this chapter, which coordinates land use planning decisions by
12 local governments and investments in the state highway system, will
13 serve to control the proliferation of connections and other access
14 approaches to and from the state highway system. Without such a
15 program, the health, safety, and welfare of the residents of this state
16 are at risk, due to the fact that uncontrolled access to the state
17 highway system is a significant contributing factor to the congestion
18 and functional deterioration of the system; and

19 (c) The development of an access management program in accordance
20 with this chapter will enhance the development of an effective
21 transportation system and increase the traffic-carrying capacity of the
22 state highway system and thereby reduce the incidences of traffic
23 accidents, personal injury, and property damage or loss; mitigate
24 environmental degradation; promote sound economic growth and the growth
25 management goals of the state; reduce highway maintenance costs and the
26 necessity for costly traffic operations measures; lengthen the
27 effective life of transportation facilities in the state, thus

1 preserving the public investment in such facilities; and shorten
2 response time for emergency vehicles.

3 (2) In furtherance of these findings, all state highways are hereby
4 declared to be controlled access facilities as defined in section 22 of
5 this act, except those highways that are defined as limited access
6 facilities in chapter 47.52 RCW.

7 (3) It is the policy of the legislature that:

8 (a) The access rights of an owner of property abutting the state
9 highway system are subordinate to the public's right and interest in a
10 safe and efficient highway system; and

11 (b) Every owner of property which abuts a state highway has a right
12 to reasonable access to that highway, unless such access has been
13 acquired pursuant to chapter 47.52 RCW, but may not have the right of
14 a particular means of access. The right of access to the state highway
15 may be restricted if, pursuant to local regulation, reasonable access
16 can be provided to another public road which abuts the property.

17 (4) The legislature declares that it is the purpose of this chapter
18 to provide a coordinated planning process for the permitting of access
19 points on the state highway system to effectuate the findings and
20 policies under this section.

21 (5) Nothing in this chapter shall affect the right to full
22 compensation under section 16, Article I of the state Constitution.

23 NEW SECTION. **Sec. 22.** DEFINITIONS--ACCESS. Unless the context
24 clearly requires otherwise, the definitions in this section apply
25 throughout this chapter.

26 (1) "Controlled access facility" means a transportation facility to
27 which access is regulated by the governmental entity having
28 jurisdiction over the facility. Owners or occupants of abutting lands
29 and other persons have a right of access to or from such facility at

1 such points only and in such manner as may be determined by the
2 governmental entity.

3 (2) "Connection" means approaches, driveways, streets, turnouts, or
4 other means of providing for the right of access to or from controlled
5 access facilities on the state highway system.

6 (3) "Permitting authority" means the department or city or town
7 authorized to regulate access to the state highway system pursuant to
8 this chapter.

9 NEW SECTION. **Sec. 23.** REGULATING CONNECTIONS. (1) Vehicular
10 access and connections to or from the state highway system shall be
11 regulated by the permitting authority in accordance with the provisions
12 of this chapter in order to protect the public health, safety, and
13 welfare.

14 (2) The department shall, no later than July 1, 1992, adopt by rule
15 administrative procedures, which establish access standards and rules
16 for its issuance and modification of access permits, closing of
17 unpermitted connections, and revocation of permits in accordance with
18 this chapter. The department shall consult with the association of
19 Washington cities in the development of access standards for city
20 streets designated as state highways under chapter 47.24 RCW.

21 (3) Cities and towns shall, no later than July 1, 1993, adopt
22 standards for access permitting on streets designated as state highways
23 which meet or exceed the department's standards, provided that such
24 standards may not be inconsistent with standards adopted by the
25 department.

26 NEW SECTION. **Sec. 24.** ACCESS PERMITS. (1) No connection to a
27 state highway shall be constructed or altered without obtaining an
28 access permit in accordance with this chapter in advance of such

1 action. A permitting authority has the authority to deny access to the
2 state highway system at the location specified in the permit until the
3 permittee constructs or alters the connection in accordance with the
4 permit requirements.

5 (2) The cost of construction or alteration of a connection shall be
6 borne by the permittee, except for alterations which are not required
7 by law or administrative rule, but are made at the request of and for
8 the convenience of the permitting authority. The permittee, however,
9 shall bear the cost of alteration of any connection which is required
10 by the permitting authority due to increased or altered traffic flows
11 generated by changes in the facilities or nature of business conducted
12 at the location specified in the permit.

13 (3) Except as otherwise provided in this chapter, an unpermitted
14 connection is subject to closure by the appropriate permitting
15 authority which shall have the right to install barriers across or
16 remove the connection. When the permitting authority determines that
17 a connection is unpermitted and subject to closure, it shall provide
18 reasonable notice of its impending action to the owner of property
19 served by the connection. The permitting authority's procedures for
20 providing notice and preventing the operation of unpermitted
21 connections shall be adopted by rule.

22 NEW SECTION. **Sec. 25.** PERMIT FEE. The department shall establish
23 by rule a schedule of fees for permit applications made to the
24 department. The fee shall be nonrefundable and shall be used to offset
25 the costs of administering the access permit review process and the
26 costs associated with administering the provisions of this chapter.

27 NEW SECTION. **Sec. 26.** PERMIT REVIEW PROCESS. The review process
28 for access permit applications made by the department shall be as

1 follows: Any person seeking an access permit shall file an application
2 with the department. The department by rule shall establish
3 application form and content requirements. The fee required by section
4 25 of this act must accompany the applications.

5 NEW SECTION. **Sec. 27.** PERMIT CONDITIONS. (1) The permitting
6 authority may issue a permit subject to any conditions necessary to
7 carry out the provisions of this chapter, including, but not limited
8 to, requiring the use of a joint-use connection. The permitting
9 authority may revoke a permit if the applicant fails to comply with the
10 conditions upon which the issuance of the permit was predicated.

11 (2) All permits issued under this chapter shall automatically
12 expire and become invalid if the connection is not constructed within
13 one year after the issuance of the permit.

14 NEW SECTION. **Sec. 28.** PERMIT REMOVAL. (1) Unpermitted
15 connections to the state highway system in existence on July 1, 1991,
16 which have been in continuous use for a period of one year or more
17 shall not require the issuance of a permit and may continue to provide
18 access to the state highway system, unless the permitting authority
19 determines that such a connection does not meet minimum acceptable
20 standards of highway safety. However, a permitting authority may
21 require that a permit be obtained for such a connection if a
22 significant change occurs in the use, design, or traffic flow of the
23 connection or of the state highway to which it provides access. If a
24 permit is not obtained, the connection may be closed pursuant to
25 section 24 of this act.

26 (2) Access permits in effect on July 1, 1991, shall remain valid
27 until modified or revoked. The permitting authority may, after written
28 notification, under rules adopted in accordance with section 23 of this

1 act, modify or revoke an access permit granted prior to July 1, 1991,
2 by requiring relocation, alteration, or closure of the connection if a
3 significant change occurs in the use, design, or traffic flow of the
4 connection.

5 (3) The permitting authority may issue a nonconforming access
6 permit after finding that to deny an access permit would leave the
7 property without a reasonable means of access to the public roads of
8 this state. Every nonconforming access permit shall specify limits on
9 the maximum vehicular use of the connection and shall be conditioned on
10 the availability of future alternative means of access for which access
11 permits can be obtained.

12 NEW SECTION. **Sec. 29.** ACCESS MANAGEMENT STANDARDS. (1) The
13 department shall develop, adopt, and maintain an access control
14 classification system for all routes on the state highway system, the
15 purpose of which shall be to provide for the implementation and
16 continuing applications of the provision of this chapter.

17 (2) The principal component of the access control classification
18 system shall be access management standards, the purpose of which shall
19 be to provide specific minimum standards to be adhered to in the
20 planning for and approval of access to state highways.

21 (3) The control classification system shall be developed consistent
22 with the following:

23 (a) The department shall, no later than July 1, 1993, adopt rules
24 setting forth procedures governing the implementation of the access
25 control classification system required by this chapter. The rule shall
26 provide for input from the entities described in (b) of this subsection
27 as well as for public meetings to discuss the access control
28 classification system. Nothing in this chapter shall affect the
29 validity of the department's existing or subsequently adopted rules

1 concerning access to the state highway system. Such rules shall remain
2 in effect until repealed or replaced by the rules required by this
3 chapter.

4 (b) The access control classification system shall be developed in
5 cooperation with counties, cities and towns, the state department of
6 community development, regional transportation planning organizations,
7 and other local governmental entities.

8 (c) The rule required by this section shall provide that assignment
9 of a road segment to a specific access category be made in
10 consideration of the following criteria:

11 (i) Local land use plans and zoning, as set forth in comprehensive
12 plans;

13 (ii) The current functional classification as well as potential
14 future functional classification of each road on the state highway
15 system;

16 (iii) Existing and projected traffic volumes;

17 (iv) Existing and projected state, local, and metropolitan planning
18 organization transportation plans and needs;

19 (v) Drainage requirements;

20 (vi) The character of lands adjoining the highway;

21 (vii) The type and volume of traffic requiring access;

22 (viii) Other operational aspects of access;

23 (ix) The availability of reasonable access by way of county roads
24 and city streets to a state highway; and

25 (x) The cumulative effect of existing and projected connections on
26 the state highway system's ability to provide for the safe and
27 efficient movement of people and goods within the state.

28 (d) Access management standards shall include, but not be limited
29 to, connection location standards, safety factors, design and
30 construction standards, desired levels of service, traffic control

1 devices, and effective maintenance of the roads. The standards shall
2 also contain minimum requirements for the spacing of connections,
3 intersecting streets, roads, and highways.

4 (e) An access control category shall be assigned to each segment of
5 the state highway system by July 1, 1993.

6 LOCAL ACCESS MANAGEMENT

7 NEW SECTION. **Sec. 30.** LEGISLATIVE FINDINGS--LOCAL ARTERIALS. The
8 legislature finds that:

9 (1) Regulation of access to city and county arterials is desirable
10 in order to protect the public health, safety, and welfare, to preserve
11 the functional integrity of the city and county arterials, and to
12 promote the safe and efficient movement of people and goods within the
13 state regions; and

14 (2) The development of access management programs, in accordance
15 with section 31 of this act, which coordinates land use planning
16 decisions and investments in city and county arterials by local
17 governments and the state, will serve to control the proliferation of
18 connections and other access approaches to and from the local arterial
19 system.

20 NEW SECTION. **Sec. 31.** LOCAL ACCESS GUIDELINES. (1) The city
21 design standards committee under RCW 35.78.030 and the county design
22 standards committee under RCW 43.32.020, shall by December 31, 1992,
23 adopt guidelines for access regulation on city and county arterials.

24 (2) Cities and counties are authorized to develop access management
25 policies, which may be based on these guidelines to regulate access to
26 city and county arterials in order to enhance the safety and traffic
27 carrying capacity of local arterials.

1 Moderating the growth in automotive travel is essential to stabilizing
2 and reducing dependence on imported petroleum and improving the
3 nation's energy security.

4 The legislature further finds that reducing the number of commute
5 trips to work made via single occupant cars and light trucks is an
6 effective way of reducing automobile-related air pollution, traffic
7 congestion, and energy use. Major employers have significant
8 opportunities to encourage and facilitate reducing single occupant
9 vehicle commuting by employees.

10 The intent of this chapter is to require local governments in those
11 counties experiencing the greatest automobile-related air pollution and
12 traffic congestion to develop and implement plans to reduce single
13 occupant vehicle commute trips. Such plans shall require major
14 employers and employers at major work sites to implement programs to
15 reduce single occupant vehicle commuting by employees at major work
16 sites. Local governments in counties experiencing significant but less
17 severe automobile-related air pollution and traffic congestion may
18 implement such plans. State agencies shall implement programs to
19 reduce single occupant vehicle commuting at all major work sites
20 throughout the state.

21 NEW SECTION. **Sec. 34.** DEFINITIONS. Unless the context clearly
22 requires otherwise, the definitions in this section apply throughout
23 this chapter.

24 (1) "Phase 1 major employer" means a private or public employer
25 that employs one hundred or more full-time employees at a single work
26 site who begin their regular work day between 6:00 a.m. and 10:00 a.m.
27 on weekdays for at least six continuous months during the year.

28 (2) "Phase 2 major employer" means a private or public employer
29 that employs fifty to ninety-nine full-time employees at a single work

1 site who begin their regular work day between 6:00 a.m. and 10:00 a.m.
2 on weekdays for at least six continuous months during the year.

3 (3) "Major work site" means a building or group of buildings that
4 are on physically contiguous parcels of land or on parcels separated
5 solely by private or public roadways or rights of way, and at which
6 there are fifty or more full-time equivalent employees of one or more
7 employers, who begin their regular work day between 6:00 a.m. and 10:00
8 a.m. on weekdays, for at least six continuous months.

9 (4) "Commute trip reduction zones" mean areas, such as census
10 tracts or combinations of census tracts, within a jurisdiction that are
11 characterized by similar employment density, population density, level
12 of transit service, parking availability, access to high occupancy
13 vehicle facilities, and other factors that are determined to affect the
14 level of single occupancy vehicle commuting.

15 (5) "Commute trip" means trips made from a worker's home to a work
16 site during the peak period of 6 a.m. to 10 a.m. on weekdays.

17 (6) "Proportion of single occupant vehicle commute trips" means the
18 number of commute trips made by single occupant automobiles divided by
19 the number of full-time equivalent employees.

20 (7) "Commute trip vehicle miles traveled per employee" means the
21 sum of the individual vehicle commute trip lengths in miles over a set
22 period divided by the number of full-time equivalent employees during
23 that period.

24 (8) "Base year" means the year January 1, 1992, through December
25 31, 1992, on which goals for vehicle miles traveled and single occupant
26 vehicle trips shall be based. Base year goals may be determined using
27 the 1990 journey-to-work census data projected to the year 1992 and
28 shall be consistent with the growth management act. The task force
29 shall establish a method to be used by jurisdictions to determine
30 reductions of vehicle miles traveled.

1 NEW SECTION. **Sec. 35.** REQUIREMENTS FOR COUNTIES AND CITIES. (1)

2 Each county with a population over one hundred fifty thousand, and each
3 city or town within those counties containing a phase 1 major employer
4 shall, by July 1, 1992, adopt by ordinance and implement a commute trip
5 reduction plan for all phase 1 employers. Each county with a
6 population over one hundred fifty thousand, and each city or town
7 within those counties containing a phase 2 major employer shall, by
8 July 1, 1994, adopt by ordinance and implement a commute trip reduction
9 plan for all phase 2 employers. The plan shall be developed in
10 cooperation with local transit agencies, regional transportation
11 planning organizations as established in RCW 47.80.020, phase 1 or
12 phase 2 major employers, and the owners of and employers at major work
13 sites. The plan shall be designed to achieve reductions in the
14 proportion of single occupant vehicle commute trips and the commute
15 trip vehicle miles traveled per employee by employees of phase 1 and
16 phase 2 major public and private sector employers in the jurisdiction.

17 (2) All other counties, and cities and towns in those counties, may
18 adopt and implement a commute trip reduction plan.

19 (3) The department of ecology may, after consultation with the
20 state energy office, as part of the state implementation plan for areas
21 that do not attain the national ambient air quality standards for
22 carbon monoxide or ozone, require municipalities other than those
23 identified in subsection (1) of this section to adopt and implement
24 commute trip reduction plans if the department determines that such
25 plans are necessary for attainment of said standards.

26 (4) A commute trip reduction plan shall be consistent with the
27 guidelines established under section 38 of this act and shall include
28 but is not limited to (a) goals for reductions in the proportion of
29 single occupant vehicle commute trips and the commute trip vehicle
30 miles traveled per employee; (b) designation of commute trip reduction

1 zones; (c) requirements for major public and private sector employers
2 to implement commute trip reduction programs; (d) a commute trip
3 reduction program for employees of the county, city, or town; (e) a
4 review of local parking policies and ordinances as they relate to
5 employers and major work sites and any revisions necessary to comply
6 with commute trip reduction goals and guidelines; and (f) means for
7 determining base year values of the proportion of single occupant
8 vehicle commute trips and the commute trip vehicle miles traveled per
9 employee and progress toward meeting commute trip reduction plan goals
10 on an annual basis. Goals which are established shall take into
11 account existing transportation demand management efforts which are
12 made by phase 1 and phase 2 major employers. The goals for miles
13 traveled per employee for all phase 1 employers shall not be less than
14 a fifteen percent reduction from the base year value of the commute
15 trip reduction zone in which their work site is located by January 1,
16 1994, twenty-five percent reduction from the base year values by
17 January 1, 1996, and thirty-five percent reduction from the base year
18 values by January 1, 1998. The goals for miles traveled per employee
19 for all phase 2 employers shall not be less than a fifteen percent
20 reduction from the base year values of the commute trip reduction zone
21 in which their work site is located by January 1, 1996, twenty-five
22 percent reduction from the base year values by January 1, 1998, and
23 thirty-five percent reduction from the base year values by January 1,
24 2000.

25 (5) A county, city, or town may, as part of its commute trip
26 reduction plan, require commute trip reduction programs for other than
27 phase 1 and phase 2 major employers for major work sites if the county,
28 city, or town determines such programs are necessary to address local
29 transportation or air quality problems.

1 (6) The commute trip reduction plans adopted by counties, cities,
2 and towns under this chapter shall be consistent with and may be
3 incorporated in applicable state or regional transportation plans and
4 local comprehensive plans and shall be coordinated, and consistent
5 with, the commute trip reduction plans of counties, cities, or towns
6 with which the county, city, or town has, in part, common borders or
7 related regional issues. Counties, cities, or towns adopting commute
8 trip reduction plans may enter into agreements through the interlocal
9 cooperation act with other jurisdictions, local transit agencies, or
10 regional transportation planning organizations to coordinate the
11 development and implementation of such plans. Counties, cities, or
12 towns adopting a commute trip reduction plan shall review it annually
13 and revise it as necessary to be consistent with applicable plans
14 developed under RCW 36.70A.070.

15 (7) Each county, city, or town implementing a commute trip
16 reduction program shall, by July 15, 1992, for phase 1 employers and by
17 July 15, 1994, for phase 2 employers submit a summary of its plan along
18 with certification of adoption to the commute trip reduction task force
19 established under section 38 of this act.

20 (8) Each county, city, or town implementing a commute trip
21 reduction program shall submit an annual progress report to the commute
22 trip reduction task force established under section 38 of this act.
23 The report shall be due July 1, 1993, and each July 1 thereafter
24 through July 1, 2000. The report shall describe progress in attaining
25 the applicable commute trip reduction goals for each commute trip
26 reduction zone and shall highlight any problems being encountered in
27 achieving the goals. The information shall be reported in a form
28 established by the commute trip reduction task force.

1 NEW SECTION. **Sec. 36.** REQUIREMENTS FOR EMPLOYERS. (1) Not more
2 than six months after the adoption of the commute trip reduction plan
3 by a jurisdiction, each phase 1 and phase 2 major employer in that
4 jurisdiction shall develop a commute trip reduction program and shall
5 submit a description of that program to the jurisdiction for review.
6 The program shall be implemented not more than six months after
7 submission to the jurisdiction.

8 (2) A commute trip reduction program shall consist of, at a minimum
9 (a) designation of an on-site transportation coordinator; (b) regular
10 distribution of information to employees regarding alternatives to
11 single occupant vehicle commuting; (c) an annual review of employee
12 commuting and reporting of progress toward meeting the single occupant
13 vehicle reduction goals to the county, city, or town consistent with
14 the method established in the commute trip reduction plan; and (d)
15 implementation of a set of measures designed to achieve the applicable
16 commute trip reduction goals adopted by the jurisdiction. Such
17 measures may include but are not limited to:

18 (i) Provision of preferential parking or reduced parking charges,
19 or both, for high occupancy vehicles;

20 (ii) Instituting or increasing parking charges for single occupant
21 vehicles;

22 (iii) Provision of commuter ride matching services to facilitate
23 employee ridesharing for commute trips;

24 (iv) Provision of subsidies for transit fares;

25 (v) Provision of vans for van pools;

26 (vi) Provision of subsidies for car pooling or van pooling;

27 (vii) Permitting the use of the employer's vehicles for car pooling
28 or van pooling;

29 (viii) Permitting flexible work schedules to facilitate employees'
30 use of transit, car pools, or van pools;

1 (ix) Cooperation with transportation providers to provide
2 additional regular or express service to the work site;

3 (x) Construction of special loading and unloading facilities for
4 transit, car pool, and van pool users;

5 (xi) Provision of bicycle parking facilities, lockers, changing
6 areas, and showers for employees who bicycle or walk to work;

7 (xii) Provision of a program of parking incentives such as a rebate
8 for employees who do not use the parking facility;

9 (xiii) Establishment of a program to permit employees to work part
10 or full time at home or at an alternative work site closer to their
11 homes;

12 (xiv) Establishment of a program of alternative work schedules such
13 as compressed work week schedules which reduce commuting; and

14 (xv) Implementation of other measures designed to facilitate the
15 use of high-occupancy vehicles such as on-site day care facilities and
16 emergency taxi services.

17 (3) Employers or owners of work sites may form or utilize existing
18 transportation management associations to assist members in developing
19 and implementing commute trip reduction programs.

20 NEW SECTION. **Sec. 37.** JURISDICTIONS' REVIEW AND PENALTIES. (1)

21 Each jurisdiction implementing a commute trip reduction plan under this
22 chapter or as part of a plan or ordinance developed under RCW
23 36.70A.070 shall review each employer's initial commute trip reduction
24 program to determine if the program is likely to meet the applicable
25 commute trip reduction goals. The employer shall be notified by the
26 jurisdiction of its findings. If the jurisdiction finds that the
27 program is not likely to meet the applicable commute trip reduction
28 goals, the jurisdiction will work with the employer to modify the
29 program as necessary. The jurisdiction shall complete review of each

1 employer's initial commute trip reduction program within six months of
2 receipt.

3 (2) Each jurisdiction shall annually review each employer's
4 progress toward meeting the applicable commute trip reduction goals.
5 If it appears an employer is not likely to meet the applicable commute
6 trip reduction goals, the jurisdiction shall work with the employer to
7 make modifications to the commute trip reduction program.

8 (3) If an employer fails to meet the applicable commute trip
9 reduction goals, the jurisdiction shall propose modifications to the
10 program and direct the employer to revise its program within thirty
11 days to incorporate those modifications or modifications which the
12 jurisdiction determines to be equivalent.

13 (4) Each jurisdiction implementing a commute trip reduction plan
14 pursuant to this chapter may impose civil penalties, in the manner
15 provided in chapter 7.80 RCW, for failure by an employer to implement
16 a commute trip reduction program or to modify its commute trip
17 reduction program as required in subsection (3) of this section.

18 NEW SECTION. **Sec. 38.** COMMUTE TRIP REDUCTION TASK FORCE. (1) A
19 commute trip reduction task force shall be established by the state
20 energy office. The task force shall be composed of one representative
21 from the state energy office who shall serve as chair; one
22 representative from each of the departments of transportation, ecology,
23 community development, and general administration; three
24 representatives from counties, based on recommendations from the
25 Washington state association of counties; three representatives from
26 cities or towns, based on recommendations from the association of
27 Washington cities; three representatives from transit agencies
28 recommended by Washington State Transit Association; three interested

1 citizens; and six representatives from major employers. The task force
2 shall be dissolved on July 1, 2000.

3 (2) By January 1, 1992, the commute trip reduction task force shall
4 establish guidelines for commute trip reduction plans. The guidelines
5 are intended to ensure consistency in commute trip reduction plans and
6 goals among jurisdictions while fairly taking into account differences
7 in employment and housing density, employer size, existing and
8 anticipated levels of transit service, and other factors the task force
9 determines to be relevant. The guidelines shall include criteria for
10 establishing commute trip reduction zones, allowances for employers
11 that have implemented trip reduction programs prior to the base year,
12 and the information requirements for determining progress in meeting
13 the commute trip reduction goals. The task force may also develop
14 alternative but equivalent trip reduction criteria for phase 1 and
15 phase 2 major employers, which cannot meet the goals of this chapter
16 because of the unique nature of their business. For example, the task
17 force may develop alternate but equivalent criteria for major employers
18 whose major work sites change, and who contribute substantially to
19 traffic congestion in a trip reduction zone.

20 (3) The task force shall review the costs and benefits of commute
21 trip plans and programs and shall make recommendations to the
22 legislature by December 1, 1993, December 1, 1995, December 1, 1997,
23 and December 1, 1999. In assessing the costs and benefits, the task
24 force shall also consider the costs of not having implemented commute
25 trip reduction plans and programs. The recommendations shall address
26 the need for continuation, modification, or termination of any or all
27 requirements of this chapter.

28 NEW SECTION. **Sec. 39.** TECHNICAL ASSISTANCE TEAM. (1) A technical
29 assistance team shall be established under the direction of the state

1 energy office and include representatives of the departments of
2 transportation and ecology. The team shall provide staff support to
3 the commute trip reduction task force in carrying out the requirements
4 of section 38 of this act and to the department of general
5 administration in carrying out the requirements of section 42 of this
6 act.

7 (2) The team shall provide technical assistance to counties,
8 cities, and towns, the department of general administration, other
9 state agencies, and other employers in developing and implementing
10 commute trip reduction plans and programs. The technical assistance
11 shall include: (a) Guidance in determining base and subsequent year
12 values of single occupant vehicle commuting proportion and commute trip
13 reduction vehicle miles traveled to be used in determining progress in
14 attaining plan goals; (b) developing model plans and programs
15 appropriate to different situations; and (c) providing consistent
16 training and informational materials for the implementation of commute
17 trip reduction programs. Model plans and programs, training and
18 informational materials shall be developed in cooperation with
19 representatives of local governments, transit agencies, and employers.

20 NEW SECTION. **Sec. 40.** USE OF FUNDS. A portion of the funds made
21 available for the purposes of this chapter shall be used to fund the
22 commute trip reduction task force in carrying out the responsibilities
23 of section 39 of this act, and the interagency technical assistance
24 team and to assist counties, cities, and towns implementing commute
25 trip reduction plans. Funds shall be provided to the counties in
26 proportion to the number of major employers and major work sites in
27 each county. The counties shall provide funds to cities and towns
28 within the county which are implementing commute trip reduction plans

1 in proportion to the number of major employers and major work sites
2 within the city or town.

3 NEW SECTION. **Sec. 41.** LEGISLATIVE INTENT--STATE LEADERSHIP. The
4 legislature hereby recognizes the state's crucial leadership role in
5 establishing and implementing effective commute trip reduction
6 programs. Therefore, it is the policy of the state that the department
7 of general administration and other state agencies shall aggressively
8 develop substantive programs to reduce commute trips by state
9 employees. Implementation of these programs will reduce energy
10 consumption, congestion in urban areas, and air and water pollution
11 associated with automobile travel.

12 NEW SECTION. **Sec. 42.** GENERAL ADMINISTRATION. (1) The director
13 of general administration, with the concurrence of an interagency task
14 force established for the purposes of this section, shall coordinate a
15 commute trip reduction plan for state agencies which are phase 1 major
16 employers by July 1, 1992, and for state agencies which are phase 2
17 major employers by July 1, 1994. The task force shall include
18 representatives of the state energy office, the departments of
19 transportation and ecology and such other departments as the director
20 of general administration determines to be necessary to be generally
21 representative of state agencies. The state agency plan shall be
22 consistent with the requirements of sections 35 and 36 of this act and
23 shall be developed in consultation with state employees, local and
24 regional governments, local transit agencies, the business community,
25 and other interested groups. The plan shall consider and recommend
26 policies applicable to all state agencies including but not limited to
27 policies regarding parking and parking charges, employee incentives for
28 commuting by other than single-occupant automobiles, flexible and

1 alternative work schedules, alternative work sites, and the use of
2 state-owned vehicles for car and van pools. The plan shall also
3 consider the costs and benefits to state agencies of achieving commute
4 trip reductions and consider mechanisms for funding state agency
5 commute trip reduction programs. The department shall, by July 15,
6 1992, for phase 1 major employers and by July 15, 1994, for phase 2
7 major employers submit a summary of its plan along with certification
8 of adoption to the commute trip reduction task force established under
9 section 38 of this act.

10 (2) Not more than three months after the adoption of the commute
11 trip reduction plan, each state agency shall, for each facility which
12 is a phase 1 or phase 2 major employer, develop a commute trip
13 reduction program. The program shall be designed to meet the goals of
14 the commute trip reduction plan of the county, city, or town or, if
15 there is no local commute trip reduction plan, the state. The program
16 shall be consistent with the policies of the state commute trip
17 reduction plan and section 36 of this act. The agency shall submit a
18 description of that program to the local jurisdiction implementing a
19 commute trip reduction plan or, if there is no local commute trip
20 reduction plan, to the department of general administration. The
21 program shall be implemented not more than three months after
22 submission to the department. Annual reports required in section
23 36(2)(c) of this act shall be submitted to the local jurisdiction
24 implementing a commute trip reduction plan and to the department of
25 general administration. An agency which is not meeting the applicable
26 commute trip reduction goals shall, to the extent possible, modify its
27 program to comply with the recommendations of the local jurisdiction or
28 the department of general administration.

29 (3) State agencies sharing a common location may develop and
30 implement a joint commute trip reduction program or may delegate the

1 development and implementation of the commute trip reduction program to
2 the department of general administration.

3 (4) The department of general administration in consultation with
4 the state technical assistance team shall review the initial commute
5 trip reduction program of each state agency subject to the commute trip
6 reduction plan for state agencies to determine if the program is likely
7 to meet the applicable commute trip reduction goals and notify the
8 agency of any deficiencies. If it is found that the program is not
9 likely to meet the applicable commute trip reduction goals, the team
10 will work with the agency to modify the program as necessary.

11 (5) For each agency subject to the state agency commute trip
12 reduction plan, the department of general administration in
13 consultation with the technical assistance team shall annually review
14 progress toward meeting the applicable commute trip reduction goals.
15 If it appears an agency is not meeting or is not likely to meet the
16 applicable commute trip reduction goals, the team shall work with the
17 agency to make modifications to the commute trip reduction program.

18 (6) The department of general administration shall submit an annual
19 progress report for state agencies subject to the state agency commute
20 trip reduction plan to the commute trip reduction task force
21 established under section 38 of this act. The report shall be due
22 April 1, 1993, and each April 1 through 2000. The report shall report
23 progress in attaining the applicable commute trip reduction goals for
24 each commute trip reduction zone and shall highlight any problems being
25 encountered in achieving the goals. The information shall be reported
26 in a form established by the commute trip reduction task force.

27 NEW SECTION. **Sec. 43.** A new section is added to chapter 70.94 RCW
28 to read as follows:

1 CONFORMITY. No state agency, metropolitan planning organization,
2 or local government shall approve or fund a transportation plan,
3 program, or project unless a determination has been made that the plan,
4 program, or project conforms with the state implementation plan for air
5 quality.

6 (1) "Conformity to the state implementation plan" means:

7 (a) Conformity to the state implementation plan's purpose of
8 eliminating or reducing the severity and number of violations of the
9 national ambient air quality standards and achieving expeditious
10 attainment of such standards; and

11 (b) Ensuring that a proposed transportation plan, program, or
12 project will not:

13 (i) Cause or contribute to any new violation of any standard in any
14 area;

15 (ii) Increase the frequency or severity of any existing violation
16 of any standard in any area; or

17 (iii) Delay timely attainment of any standard or any required
18 interim emission reductions or other milestones in any area.

19 Conformity determination shall be made by the state or local
20 government or metropolitan planning organization administering or
21 developing the plan, program, or project. The determination of
22 conformity shall be based on the most recent estimates of emissions,
23 and such estimates shall be determined from the most recent
24 population, employment, travel, and congestion estimates as determined
25 by the metropolitan planning organization or other agency authorized to
26 make such estimates.

27 (2) Plans and programs conform if:

28 (a) Emissions resulting from such plans and programs are consistent
29 with baseline emission inventories and emission reduction projections

1 and schedules assigned to those plans and programs in the state
2 implementation plan; and

3 (b) The plans and programs provide for the timely implementation of
4 the transportation provisions in the approved or promulgated state
5 implementation plan.

6 (3) A project conforms if:

7 (a) It is a control measure from the state implementation plan; or

8 (b) It comes from a conforming plan and program, and the design and
9 scope of such project has not changed significantly since the plan and
10 program from which the project derived was found to conform.

11 (c) A project other than one referred to in (a) and (b) of this
12 subsection conforms if it is demonstrated that the project either does
13 not contribute to increased emissions in the nonattainment area, or
14 that offsetting emission reductions for the project are specifically
15 provided for in the transportation plan and program, or are otherwise
16 enforceable through the state implementation plan, before the project
17 is approved.

18 (d) No later than eighteen months after the effective date of this
19 section, the director of the department of ecology and the secretary of
20 transportation, in consultation with other state, regional, and local
21 agencies as appropriate, shall adopt by rule criteria and guidance for
22 demonstrating and assuring conformity of plans, programs, and projects.

23 (4) A project with a scope that is limited to safety, preservation,
24 or maintenance, or any combination thereof, shall be exempted from a
25 conformity determination requirement.

26 NEW SECTION. **Sec. 44.** CODIFICATION. Sections 4 through 6 of this
27 act are each added to chapter 36.70A RCW.

1 NEW SECTION. **Sec. 45.** CODIFICATION. Sections 16 through 20 of
2 this act shall constitute a new chapter in Title 47 RCW.

3 NEW SECTION. **Sec. 46.** CODIFICATION. Sections 21 through 29 of
4 this act shall constitute a new chapter in Title 47 RCW.

5 NEW SECTION. **Sec. 47.** CODIFICATION. Sections 30 through 32 of
6 this act are each added to chapter 47.26 RCW.

7 NEW SECTION. **Sec. 48.** CODIFICATION. Sections 33 through 42 of
8 this act shall constitute a new chapter in Title 81 RCW.

9 NEW SECTION. **Sec. 49.** HEADINGS. Section captions and part
10 headings as used in this act do not constitute any part of the law.

11 NEW SECTION. **Sec. 50.** TDM--NULL AND VOID. If funding for the
12 purposes of sections 33 through 42 of this act is not provided by June
13 30, 1991, sections 33 through 43 and 48 of this act shall be null and
14 void.

15 NEW SECTION. **Sec. 51.** EMERGENCY CLAUSE. This act is necessary
16 for the immediate preservation of the public peace, health, or safety,
17 or support of the state government and its existing public
18 institutions, and shall take effect July 1, 1991.

19 NEW SECTION. **Sec. 52.** SEVERABILITY CLAUSE. If any provision of
20 this act or its application to any person or circumstance is held
21 invalid, the remainder of the act or the application of the provision
22 to other persons or circumstances is not affected.