

HOUSE BILL REPORT

HB 1645

As Reported By House Committee On:

Transportation

Title: An act relating to transportation planning.

Brief Description: Enhancing transportation planning.

Sponsors: Representatives K. Schmidt, R. Fisher and Mitchell.

Brief History:

Committee Activity:

Transportation: 2/15/95, 2/22/95 [DPS].

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Ogden; Quall; Robertson; Romero; Scott and Tokuda.

Minority Report: Do not pass. Signed by 4 members: Representatives Benton, Vice Chairman; Koster; McMahan and Patterson.

Staff: Robin Rettew (786-7306).

Background: There are a number of unanswered questions regarding the treatment of state transportation facilities in the comprehensive plans and development regulations required to be developed by cities and counties under the state's Growth Management Act (GMA).

Linking transportation and land use decisions is a goal of the GMA, but how to accomplish this is less definitive. For example, one of the goals of the GMA is to "encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner."

What constitutes an adequate public facility or service? The tool commonly used in transportation to measure adequacy is called level of service (LOS) standards. The

LOS is an engineering formula that measures the flow of traffic on a particular facility. An LOS standard "A" means traffic is free flowing; an LOS standard "F" means traffic is at a standstill.

Cities and counties planning under the GMA are required to develop level of service standards for all "arterials and transit routes."

Are state-owned highways, roads and ferries "arterials?" A number of local jurisdictions argued they were not. Was it the intent of the GMA to include state-owned transportation facilities? If the intent was to include them in local comprehensive plans, was it also the intent that cities and counties should set the level of service standards for state-owned transportation facilities?

Determining the level of service standard establishes the benchmark for determining whether or not the transportation facilities are adequate to support development.

The "concurrency" provision of the GMA states in part: "...local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development."

Was it legislative intent that state facilities would be subject to concurrency as well as locally-owned facilities? If yes, what is the state's responsibility for providing transportation improvements or strategies to accommodate the impacts of development? Would the state have to change the way it currently prioritizes state-owned transportation facilities for improvement funds? Would the state be responsible for paying for all of the costs related to the necessary improvements needed to permit development to continue; or would the state share in such costs with local jurisdictions and private developers? If the state does not have adequate resources to meet an adopted level of service standard, would the state still be liable?

The 1994 Legislature approved a study to address these questions. Representatives from cities, counties, regional transportation planning organizations, the Department of Transportation, the Department of Community, Trade and Economic Development, representatives from the private sector, and Legislative Transportation Committee members and staff participated. The study was completed in January 1995. Many of the recommendations are incorporated in HB 1645.

Summary of Substitute Bill: Cities and counties planning under the Growth Management Act (GMA) are required to include state transportation facilities in the transportation element of the comprehensive plan.

Transportation facilities of statewide significance are set forth. These include the interstate, interregional state principal arterials, including ferry connections that serve statewide travel; intercity passenger rail services, intercity high speed ground transportation, major passenger intermodal facilities, the freight railroad system, the Columbia/Snake navigable river system, marine ports engaging in international and interstate trade, and high capacity transportation systems serving certain regions.

Transportation facilities of statewide significance are defined as essential public facilities under the GMA. (Note: Under current law, no local comprehensive plan or development regulation may preclude the siting of essential public facilities.)

The Transportation Commission (TC) is required to submit a list of facilities of statewide significance for adoption by the 1996 Legislature.

The TC is required to give higher priority for correcting identified deficiencies on facilities of statewide significance.

The Department of Transportation (DOT) is authorized to set level of service standards for transportation facilities of statewide significance.

Setting of level of service standards for all other state-owned facilities continues to be set by the regional transportation planning organizations, jointly with the DOT (current law).

Provisions are made for any aggrieved party to appeal the adopted level of service standard to the Growth Management Hearings Board.

All state-owned facilities are exempt from the concurrency requirements of the GMA.

Cities and counties are authorized to collect impact fees on behalf of the state for state-owned transportation facilities.

Substitute Bill Compared to Original Bill: The substitute bill eliminates the language that would have allowed local governments to impose impact fees on behalf of the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Coordinated and comprehensive planning between all units of government is essential. State facilities are critical to local jurisdictions and should be included in local comprehensive plans for planning purposes.

Testimony Against: Even though state facilities are not subject to concurrency in this bill, the effect of planning for state facilities could have the effect of concurrency. Also, it was not the intent of the original drafters of the Growth Management Act to include those facilities classified as "transportation facilities of state significance" as essential public facilities.

Testified: Curt Eschels, Washington State Association of Counties (pro with amendment); Stan Finkelstein, Association of Washington Cities (con); Eric Berger, County Road Administration Board (pro with amendment); Charlie Howard, Department of Transportation (pro with amendment); Dick Ducharme, Building Industry Association of Washington (pro with amendment); and Glen Hudson, Realtors of State of Washington (pro with amendment).