SENATE BILL REPORT

SHB 1645

As Reported By Senate Committee On:
Transportation, April 3, 1995

Title: An act relating to transportation planning.

Brief Description: Enhancing transportation planning.

Sponsors: House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher and Mitchell).

Brief History:
Committee Activity: Transportation: 3/28/95, 4/3/95 [DPA, DNP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.
Signed by Senators Owen, Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Sellar and Wood.

Minority Report: Do not pass.
Signed by Senators Heavey, Vice Chair; Haugen and Schow.

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 for state facilities is unclear. 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."

The measurement commonly used in transportation to determine adequacy is the level of service (LOS) standard. 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." Some local jurisdictions have interpreted "arterial" to include state owned facilities while others have not.

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."

The 1994 Legislature approved a study to address how state transportation facilities should be treated in local comprehensive plans. 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, with recommendations, was completed in January 1995.

Summary of Amended Bill: By December 31, 1997, cities and counties planning under the Growth Management Act (GMA) are required to include state-owned transportation facilities in a sub-element to the transportation element of the comprehensive plan. However, local governments which have adopted comprehensive plans by January 1, 1995 that include state-owned transportation facilities need not create a sub-element of their existing transportation element, nor alter their adopted levels of service set for those facilities.

Local governments, in consultation with the Department of Transportation (DOT), are authorized to set level of service standards for state highways and state ferry routes. Setting of level of service standards for all other state-owned facilities continues to be set by regional transportation planning organizations, jointly with DOT (current law).

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.

The Transportation Commission is required to submit a list of facilities of statewide significance for adoption by the 1996 Legislature, and is required to give higher priority for correcting identified deficiencies on these facilities.

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

Amended Bill Compared to Substitute Bill: The five sections of the Growth Management Act (GMA) that were amended in the House version of the bill are stricken and, instead, one new section is created in the GMA.

Local governments which have adopted comprehensive plans by January 1, 1995 that include state-owned transportation facilities need not create a sub-element of their existing transportation element, nor alter their adopted levels of service set for those facilities.

Local governments, rather than the Department of Transportation (DOT), are responsible for setting level of service standards for state highways and state ferry routes of statewide significance. Although the local governments shall consult with the DOT when setting level of service standards for state highways and state ferry routes of statewide significance, local governments retain the authority to make final decisions regarding service standards for such facilities.

Provisions allowing aggrieved parties to appeal the adopted level of service standards to the Growth Management Hearings Board are repealed.

Airports are excluded from the bill as transportation facilities of statewide significance meriting treatment as essential state public facilities pursuant to RCW 36.70A.200.

Following an open public meeting preceded by notice via publication in a newspaper of general circulation, a county may vacate a public right of way that: (a) has been a right of way for at least ten consecutive years; (b) has not been opened for public use; (c) leads to a fresh water stream that is less than fifty feet wide measured between the mean high water marks on both sides of the stream bed, at the intersection of the center line of the right of way sought to be vacated and the stream bed; and (d) the center line of which right of way is within 1,000 feet of any part of another public right of way that is open for public use, is owned by the state or a municipal subdivision thereof or by the federal government, and that abuts or goes across the stream.

References to "transportation facilities" are changed to "state highways and state ferry routes."

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: An integrated network of highways, roads and streets needs to be planned for cooperatively if we are to maintain mobility. When the Growth Management Act passed, it did not deal very well with state facilities and how local governments and the state would work cooperatively to deal with those facilities that impact them both. It is difficult to assess the impacts of local developments on state roads, but the striking amendment is a step in the right direction. It is hard to hold developers accountable for improvements necessary to accommodate growth if local governments are not assured funding from the state. Regional coordination among neighboring jurisdictions, and permitting the state to be involved in planning levels of service is a much needed improvement. Ultimately, DOT would like to see concurrency on state facilities because it provides linkage between land use and transportation to ensure adequate public facilities, but DOT recognizes there are problems with concurrency, particularly in linking individual developments' impacts to freeways. The striking amendment represents a balanced approach which will prevent a land use moratorium. Impact fees for state highways run contrary to the pursuit of affordable housing. Additionally, impact fees put an undue burden on latecomers. The gas tax is the appropriate financing tool for these facilities. All marine ports have an interest in being

designated as transportation facilities of statewide significance, not just those that are located in counties with a population of over 450,000.

Testimony Against: None.

Testified: PRO: Eric Berger, County Road Administration Board; Dave Williams, Association of Washington Cities; Charlie Howard, Department of Transportation, Planning Manager; Dick Ducharme, Building Industry Association of Washington; Glen Hudson, Washington Association of Realtors; Scott Taylor, Washington Public Ports Association (pro with concerns).