
HOUSE BILL 1645

State of Washington 54th Legislature 1995 Regular Session

By Representatives K. Schmidt, R. Fisher and Mitchell

Read first time 02/02/95. Referred to Committee on Transportation.

1 AN ACT Relating to transportation planning; amending RCW
2 36.70A.040, 36.70A.070, 36.70A.200, 36.70A.210, 36.70A.280, 47.05.021,
3 47.05.030, 47.80.023, 47.80.030, and 82.02.090; adding a new section to
4 chapter 47.06 RCW; and adding a new section to chapter 47.80 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
7 read as follows:

8 (1) Each county that has both a population of fifty thousand or
9 more and has had its population increase by more than ten percent in
10 the previous ten years, and the cities located within such county, and
11 any other county regardless of its population that has had its
12 population increase by more than twenty percent in the previous ten
13 years, and the cities located within such county, shall conform with
14 all of the requirements of this chapter. However, the county
15 legislative authority of such a county with a population of less than
16 fifty thousand population may adopt a resolution removing the county,
17 and the cities located within the county, from the requirements of
18 adopting comprehensive land use plans and development regulations under
19 this chapter if this resolution is adopted and filed with the

1 department by December 31, 1990, for counties initially meeting this
2 set of criteria, or within sixty days of the date the office of
3 financial management certifies that a county meets this set of criteria
4 under subsection (5) of this section.

5 Once a county meets either of these sets of criteria, the
6 requirement to conform with all of the requirements of this chapter
7 remains in effect, even if the county no longer meets one of these sets
8 of criteria.

9 (2) The county legislative authority of any county that does not
10 meet either of the sets of criteria established under subsection (1) of
11 this section may adopt a resolution indicating its intention to have
12 subsection (1) of this section apply to the county. Each city, located
13 in a county that chooses to plan under this subsection, shall conform
14 with all of the requirements of this chapter. Once such a resolution
15 has been adopted, the county and the cities located within the county
16 remain subject to all of the requirements of this chapter.

17 (3) Any county or city that is initially required to conform with
18 all of the requirements of this chapter under subsection (1) of this
19 section shall take actions under this chapter as follows: (a) The
20 county legislative authority shall adopt a county-wide planning policy
21 under RCW 36.70A.210; (b) the county and each city located within the
22 county shall designate critical areas, agricultural lands, forest
23 lands, and mineral resource lands, and adopt development regulations
24 conserving these designated agricultural lands, forest lands, and
25 mineral resource lands and protecting these designated critical areas,
26 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
27 take other actions related to urban growth areas under RCW 36.70A.110;
28 (d) if the county has a population of fifty thousand or more, the
29 county and each city located within the county shall adopt a
30 comprehensive plan under this chapter and development regulations that
31 are consistent with and implement the comprehensive plan on or before
32 July 1, 1994, and if the county has a population of less than fifty
33 thousand, the county and each city located within the county shall
34 adopt a comprehensive plan under this chapter and development
35 regulations that are consistent with and implement the comprehensive
36 plan by January 1, 1995, but if the governor makes written findings
37 that a county with a population of less than fifty thousand or a city
38 located within such a county is not making reasonable progress toward
39 adopting a comprehensive plan and development regulations the governor

1 may reduce this deadline for such actions to be taken by no more than
2 one hundred eighty days. Any county or city subject to this subsection
3 may obtain an additional six months before it is required to have
4 adopted its development regulations by submitting a letter notifying
5 the department of community, trade, and economic development of its
6 need prior to the deadline for adopting both a comprehensive plan and
7 development regulations.

8 (4) Any county or city that is required to conform with all the
9 requirements of this chapter, as a result of the county legislative
10 authority adopting its resolution of intention under subsection (2) of
11 this section, shall take actions under this chapter as follows: (a)
12 The county legislative authority shall adopt a county-wide planning
13 policy under RCW 36.70A.210; (b) the county and each city that is
14 located within the county shall adopt development regulations
15 conserving agricultural lands, forest lands, and mineral resource lands
16 it designated under RCW 36.70A.060 within one year of the date the
17 county legislative authority adopts its resolution of intention; (c)
18 the county shall designate and take other actions related to urban
19 growth areas under RCW 36.70A.110; and (d) the county and each city
20 that is located within the county shall adopt a comprehensive plan and
21 development regulations that are consistent with and implement the
22 comprehensive plan not later than four years from the date the county
23 legislative authority adopts its resolution of intention, but a county
24 or city may obtain an additional six months before it is required to
25 have adopted its development regulations by submitting a letter
26 notifying the department of community, trade, and economic development
27 of its need prior to the deadline for adopting both a comprehensive
28 plan and development regulations.

29 (5) If the office of financial management certifies that the
30 population of a county that previously had not been required to plan
31 under subsection (1) or (2) of this section has changed sufficiently to
32 meet either of the sets of criteria specified under subsection (1) of
33 this section, and where applicable, the county legislative authority
34 has not adopted a resolution removing the county from these
35 requirements as provided in subsection (1) of this section, the county
36 and each city within such county shall take actions under this chapter
37 as follows: (a) The county legislative authority shall adopt a county-
38 wide planning policy under RCW 36.70A.210; (b) the county and each city
39 located within the county shall adopt development regulations under RCW

1 36.70A.060 conserving agricultural lands, forest lands, and mineral
2 resource lands it designated within one year of the certification by
3 the office of financial management; (c) the county shall designate and
4 take other actions related to urban growth areas under RCW 36.70A.110;
5 and (d) the county and each city located within the county shall adopt
6 a comprehensive land use plan and development regulations that are
7 consistent with and implement the comprehensive plan within four years
8 of the certification by the office of financial management, but a
9 county or city may obtain an additional six months before it is
10 required to have adopted its development regulations by submitting a
11 letter notifying the department of community, trade, and economic
12 development of its need prior to the deadline for adopting both a
13 comprehensive plan and development regulations.

14 (6) A copy of each document that is required under this section
15 shall be submitted to the department at the time of its adoption.

16 (7) Cities and counties planning under this chapter must amend the
17 transportation element of the comprehensive plan to be in compliance
18 with this chapter and chapter 47.80 RCW no later than December 31,
19 1996.

20 **Sec. 2.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
21 amended to read as follows:

22 The comprehensive plan of a county or city that is required or
23 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
24 and descriptive text covering objectives, principles, and standards
25 used to develop the comprehensive plan. The plan shall be an
26 internally consistent document and all elements shall be consistent
27 with the future land use map. A comprehensive plan shall be adopted
28 and amended with public participation as provided in RCW 36.70A.140.

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

31 (1) A land use element designating the proposed general
32 distribution and general location and extent of the uses of land, where
33 appropriate, for agriculture, timber production, housing, commerce,
34 industry, recreation, open spaces, public utilities, public facilities,
35 and other land uses. The land use element shall include population
36 densities, building intensities, and estimates of future population
37 growth. The land use element shall provide for protection of the
38 quality and quantity of ground water used for public water supplies.

1 Where applicable, the land use element shall review drainage, flooding,
2 and storm water run-off in the area and nearby jurisdictions and
3 provide guidance for corrective actions to mitigate or cleanse those
4 discharges that pollute waters of the state, including Puget Sound or
5 waters entering Puget Sound.

6 (2) A housing element recognizing the vitality and character of
7 established residential neighborhoods that: (a) Includes an inventory
8 and analysis of existing and projected housing needs; (b) includes a
9 statement of goals, policies, and objectives for the preservation,
10 improvement, and development of housing; (c) identifies sufficient land
11 for housing, including, but not limited to, government-assisted
12 housing, housing for low-income families, manufactured housing,
13 multifamily housing, and group homes and foster care facilities; and
14 (d) makes adequate provisions for existing and projected needs of all
15 economic segments of the community.

16 (3) A capital facilities plan element consisting of: (a) An
17 inventory of existing capital facilities owned by public entities,
18 showing the locations and capacities of the capital facilities; (b) a
19 forecast of the future needs for such capital facilities; (c) the
20 proposed locations and capacities of expanded or new capital
21 facilities; (d) at least a six-year plan that will finance such capital
22 facilities within projected funding capacities and clearly identifies
23 sources of public money for such purposes; and (e) a requirement to
24 reassess the land use element if probable funding falls short of
25 meeting existing needs and to ensure that the land use element, capital
26 facilities plan element, and financing plan within the capital
27 facilities plan element are coordinated and consistent.

28 (4) A utilities element consisting of the general location,
29 proposed location, and capacity of all existing and proposed utilities,
30 including, but not limited to, electrical lines, telecommunication
31 lines, and natural gas lines.

32 (5) Counties shall include a rural element including lands that are
33 not designated for urban growth, agriculture, forest, or mineral
34 resources. The rural element shall permit land uses that are
35 compatible with the rural character of such lands and provide for a
36 variety of rural densities.

37 (6) A transportation element that implements, and is consistent
38 with, the land use element. (a) The transportation element shall
39 include the following subelements:

1 ~~((a))~~ (i) State-owned transportation facilities within the
2 planning city or county's jurisdictional boundaries;
3 (ii) Land use assumptions used in estimating travel;
4 ~~((b))~~ (iii) Estimated traffic impacts resulting from land use
5 assumptions on state-owned transportation facilities;
6 (iv) Facilities and services needs, including:
7 ~~((i))~~ (A) An inventory of air, water, and land transportation
8 facilities and services, including transit alignments, to define
9 existing capital facilities and travel levels as a basis for future
10 planning;
11 ~~((ii))~~ (B) For state-owned transportation facilities, level of
12 service standards as prescribed in chapter 47.80 RCW, for ~~((all~~
13 arterials and transit routes)) highways to serve as a gauge to judge
14 performance of the system~~((— These standards should be regionally~~
15 coordinated)));
16 ~~((iii))~~ (C) Level of service standards for locally owned
17 transportation facilities, including arterials and transit routes, to
18 serve as a gauge to judge performance of the system. These standards
19 should be regionally coordinated;
20 (D) Specific actions and requirements for bringing into compliance
21 ~~((any)) locally-owned transportation facilities or services that are~~
22 below an established level of service standard;
23 ~~((iv))~~ (E) Forecasts of traffic for at least ten years based on
24 the adopted land use plan to provide information on the location,
25 timing, and capacity needs of future growth;
26 ~~((v))~~ (F) Identification of state and local system expansion
27 needs and transportation system management needs to meet current and
28 future demands. State-identified needs must be consistent with the
29 state-wide multimodal plan required under chapter 47.06 RCW;
30 ~~((e))~~ (v) Finance, including:
31 ~~((i))~~ (A) An analysis of funding capability to judge needs
32 against probable funding resources;
33 ~~((ii))~~ (B) A multiyear financing plan based on the needs
34 identified in the comprehensive plan, the appropriate parts of which
35 shall serve as the basis for the six-year street, road, or transit
36 program required by RCW 35.77.010 for cities, RCW 36.81.121 for
37 counties, and RCW 35.58.2795 for public transportation systems. The
38 multiyear financing plan should be coordinated with the six-year

1 improvement program developed by the department of transportation as
2 required by RCW 47.05.030;

3 ~~((iii))~~ (C) If probable funding falls short of meeting identified
4 needs, a discussion of how additional funding will be raised, or how
5 land use assumptions will be reassessed to ensure that level of service
6 standards will be met;

7 ~~((d))~~ (vi) Intergovernmental coordination efforts, including an
8 assessment of the impacts of the transportation plan and land use
9 assumptions on the transportation systems of adjacent jurisdictions;

10 ~~((e))~~ (vii) Demand-management strategies.

11 (b) After adoption of the comprehensive plan by jurisdictions
12 required to plan or who choose to plan under RCW 36.70A.040, local
13 jurisdictions must adopt and enforce ordinances which prohibit
14 development approval if the development causes the level of service on
15 a locally owned transportation facility to decline below the standards
16 adopted in the transportation element of the comprehensive plan, unless
17 transportation improvements or strategies to accommodate the impacts of
18 development are made concurrent with the development. These strategies
19 may include increased public transportation service, ride sharing
20 programs, demand management, and other transportation systems
21 management strategies. For the purposes of this subsection (6)
22 "concurrent with the development" shall mean that improvements or
23 strategies are in place at the time of development, or that a financial
24 commitment is in place to complete the improvements or strategies
25 within six years.

26 (c) The transportation element described in this subsection (6),
27 and the six-year plans required by RCW 35.77.010 for cities, RCW
28 36.81.121 for counties, ~~((and))~~ RCW 35.58.2795 for public
29 transportation systems, and RCW 47.05.030 for the state, must be
30 consistent.

31 **Sec. 3.** RCW 36.70A.200 and 1991 sp.s. c 32 s 1 are each amended to
32 read as follows:

33 (1) The comprehensive plan of each county and city that is planning
34 under this chapter shall include a process for identifying and siting
35 essential public facilities. Essential public facilities include those
36 facilities that are typically difficult to site, such as airports,
37 state education facilities and state or regional transportation
38 facilities as defined in section 8 of this act, state and local

1 correctional facilities, solid waste handling facilities, and in-
2 patient facilities including substance abuse facilities, mental health
3 facilities, and group homes.

4 (2) The office of financial management shall maintain a list of
5 those essential state public facilities that are required or likely to
6 be built within the next six years. The office of financial management
7 may at any time add facilities to the list. No local comprehensive
8 plan or development regulation may preclude the siting of essential
9 public facilities.

10 **Sec. 4.** RCW 36.70A.210 and 1994 c 249 s 28 are each amended to
11 read as follows:

12 (1) The legislature recognizes that counties are regional
13 governments within their boundaries, and cities are primary providers
14 of urban governmental services within urban growth areas. For the
15 purposes of this section, a "county-wide planning policy" is a written
16 policy statement or statements used solely for establishing a county-
17 wide framework from which county and city comprehensive plans are
18 developed and adopted pursuant to this chapter. This framework shall
19 ensure that city and county comprehensive plans are consistent as
20 required in RCW 36.70A.100. Nothing in this section shall be construed
21 to alter the land-use powers of cities.

22 (2) The legislative authority of a county that plans under RCW
23 36.70A.040 shall adopt a county-wide planning policy in cooperation
24 with the cities located in whole or in part within the county as
25 follows:

26 (a) No later than sixty calendar days from July 16, 1991, the
27 legislative authority of each county that as of June 1, 1991, was
28 required or chose to plan under RCW 36.70A.040 shall convene a meeting
29 with representatives of each city located within the county for the
30 purpose of establishing a collaborative process that will provide a
31 framework for the adoption of a county-wide planning policy. In other
32 counties that are required or choose to plan under RCW 36.70A.040, this
33 meeting shall be convened no later than sixty days after the date the
34 county adopts its resolution of intention or was certified by the
35 office of financial management.

36 (b) The process and framework for adoption of a county-wide
37 planning policy specified in (a) of this subsection shall determine the
38 manner in which the county and the cities agree to all procedures and

1 provisions including but not limited to desired planning policies,
2 deadlines, ratification of final agreements and demonstration thereof,
3 and financing, if any, of all activities associated therewith.

4 (c) If a county fails for any reason to convene a meeting with
5 representatives of cities as required in (a) of this subsection, the
6 governor may immediately impose any appropriate sanction or sanctions
7 on the county from those specified under RCW 36.70A.340.

8 (d) If there is no agreement by October 1, 1991, in a county that
9 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
10 or if there is no agreement within one hundred twenty days of the date
11 the county adopted its resolution of intention or was certified by the
12 office of financial management in any other county that is required or
13 chooses to plan under RCW 36.70A.040, the governor shall first inquire
14 of the jurisdictions as to the reason or reasons for failure to reach
15 an agreement. If the governor deems it appropriate, the governor may
16 immediately request the assistance of the department of community,
17 trade, and economic development to mediate any disputes that preclude
18 agreement. If mediation is unsuccessful in resolving all disputes that
19 will lead to agreement, the governor may impose appropriate sanctions
20 from those specified under RCW 36.70A.340 on the county, city, or
21 cities for failure to reach an agreement as provided in this section.
22 The governor shall specify the reason or reasons for the imposition of
23 any sanction.

24 (e) No later than July 1, 1992, the legislative authority of each
25 county that was required or chose to plan under RCW 36.70A.040 as of
26 June 1, 1991, or no later than fourteen months after the date the
27 county adopted its resolution of intention or was certified by the
28 office of financial management the county legislative authority of any
29 other county that is required or chooses to plan under RCW 36.70A.040,
30 shall adopt a county-wide planning policy according to the process
31 provided under this section and that is consistent with the agreement
32 pursuant to (b) of this subsection, and after holding a public hearing
33 or hearings on the proposed county-wide planning policy.

34 (3) A county-wide planning policy shall at a minimum, address the
35 following:

36 (a) Policies to implement RCW 36.70A.110;

37 (b) Policies for promotion of contiguous and orderly development
38 and provision of urban services to such development;

1 (c) Policies for siting public capital facilities of a county-wide
2 or state-wide nature, including transportation facilities of state-wide
3 significance as defined in section 8 of this act;

4 (d) Policies for county-wide transportation facilities and
5 strategies;

6 (e) Policies that consider the need for affordable housing, such as
7 housing for all economic segments of the population and parameters for
8 its distribution;

9 (f) Policies for joint county and city planning within urban growth
10 areas;

11 (g) Policies for county-wide economic development and employment;
12 and

13 (h) An analysis of the fiscal impact.

14 (4) Federal agencies and Indian tribes may participate in and
15 cooperate with the county-wide planning policy adoption process.
16 Adopted county-wide planning policies shall be adhered to by state
17 agencies.

18 (5) Failure to adopt a county-wide planning policy that meets the
19 requirements of this section may result in the imposition of a sanction
20 or sanctions on a county or city within the county, as specified in RCW
21 36.70A.340. In imposing a sanction or sanctions, the governor shall
22 specify the reasons for failure to adopt a county-wide planning policy
23 in order that any imposed sanction or sanctions are fairly and
24 equitably related to the failure to adopt a county-wide planning
25 policy.

26 (6) Cities and the governor may appeal an adopted county-wide
27 planning policy to the growth management hearings board within sixty
28 days of the adoption of the county-wide planning policy.

29 (7) Multicounty planning policies shall be adopted by two or more
30 counties, each with a population of four hundred fifty thousand or
31 more, with contiguous urban areas and may be adopted by other counties,
32 according to the process established under this section or other
33 processes agreed to among the counties and cities within the affected
34 counties throughout the multicounty region.

35 **Sec. 5.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to
36 read as follows:

37 (1) A growth management hearings board shall hear and determine
38 only those petitions alleging either:

1 (a) That a state agency, county, or city is not in compliance with
2 the requirements of this chapter, or chapter 43.21C RCW as it relates
3 to plans, regulations, or amendments, adopted under RCW 36.70A.040; or

4 (b) That the twenty-year growth management planning population
5 projections adopted by the office of financial management pursuant to
6 RCW 43.62.035 should be adjusted.

7 (2) A petition may be filed only by the state, a county or city
8 that plans under this chapter, a person who has either appeared before
9 the county or city regarding the matter on which a review is being
10 requested or is certified by the governor within sixty days of filing
11 the request with the board, or a person qualified pursuant to RCW
12 34.05.530.

13 (3) If the department and the governing regional transportation
14 planning organization fail to adopt a mutually agreed upon level of
15 service standard as required in RCW 47.80.030(5)(c), either the
16 department of transportation or the governing regional transportation
17 planning organization may file a petition.

18 (4) If the affected jurisdiction disagrees with the level of
19 service standard set by the department of transportation for
20 transportation facilities of state-wide significance located within the
21 affected jurisdiction, the affected city or county may file a petition.

22 (5) If the affected jurisdiction disagrees with the level of
23 service standard jointly set by the regional transportation planning
24 organization and the department for state-owned transportation
25 facilities located within the affected jurisdiction, the affected city
26 or county may file a petition.

27 (6) For purposes of this section "person" means any individual,
28 partnership, corporation, association, governmental subdivision or unit
29 thereof, or public or private organization or entity of any character.

30 ~~((4))~~ (7) When considering a possible adjustment to a growth
31 management planning population projection prepared by the office of
32 financial management, a board shall consider the implications of any
33 such adjustment to the population forecast for the entire state.

34 The rationale for any adjustment that is adopted by a board must be
35 documented and filed with the office of financial management within ten
36 working days after adoption.

37 If adjusted by a board, a county growth management planning
38 population projection shall only be used for the planning purposes set
39 forth in this chapter and shall be known as a "board adjusted

1 population projection(("-))." None of these changes shall affect the
2 official state and county population forecasts prepared by the office
3 of financial management, which shall continue to be used for state
4 budget and planning purposes.

5 **Sec. 6.** RCW 47.05.021 and 1993 c 490 s 2 are each amended to read
6 as follows:

7 (1) The transportation commission is hereby directed to conduct
8 periodic analyses of the entire state highway system, report thereon to
9 the chairs of the transportation committees of the senate and house of
10 representatives, including one copy to the staff of each of the
11 committees, biennially and based thereon, to subdivide, classify, and
12 subclassify according to their function and importance all designated
13 state highways and those added from time to time and periodically
14 review and revise the classifications into the following three
15 functional classes:

16 (a) The "principal arterial system" shall consist of a connected
17 network of rural arterial routes with appropriate extensions into and
18 through urban areas, including all routes designated as part of the
19 interstate system, which serve corridor movements having travel
20 characteristics indicative of substantial state-wide and interstate
21 travel;

22 (b) The "minor arterial system" shall, in conjunction with the
23 principal arterial system, form a rural network of arterial routes
24 linking cities and other activity centers which generate long distance
25 travel, and, with appropriate extensions into and through urban areas,
26 form an integrated network providing interstate and interregional
27 service; and

28 (c) The "collector system" shall consist of routes which primarily
29 serve the more important intercounty, intracounty, and intraurban
30 travel corridors, collect traffic from the system of local access roads
31 and convey it to the arterial system, and on which, regardless of
32 traffic volume, the predominant travel distances are shorter than on
33 arterial routes.

34 (2) In making the functional classification the transportation
35 commission shall adopt and give consideration to criteria consistent
36 with this section and federal regulations relating to the functional
37 classification of highways, including but not limited to the following:

1 (a) Urban population centers within and without the state
2 stratified and ranked according to size;

3 (b) Important traffic generating economic activities, including but
4 not limited to recreation, agriculture, government, business, and
5 industry;

6 (c) Feasibility of the route, including availability of alternate
7 routes within and without the state;

8 (d) Directness of travel and distance between points of economic
9 importance;

10 (e) Length of trips;

11 (f) Character and volume of traffic;

12 (g) Preferential consideration for multiple service which shall
13 include public transportation;

14 (h) Reasonable spacing depending upon population density; and

15 (i) System continuity.

16 (3) The transportation commission shall designate (~~(a system of)~~)
17 state highways (~~(that have)~~) of state-wide significance under section
18 8 of this act, and shall submit a list of such facilities for adoption
19 by the 1996 legislature. This state-wide system shall include at a
20 minimum interstate highways and other state-wide principal arterials
21 that are needed to connect major communities across the state and
22 support the state's economy.

23 (4) The transportation commission shall designate a freight and
24 goods transportation system. This state-wide system shall include
25 state highways, county roads, and city streets. The commission, in
26 cooperation with cities and counties, shall review and make
27 recommendations to the legislature regarding policies governing weight
28 restrictions and road closures which affect the transportation of
29 freight and goods. The first report is due by December 15, 1993, and
30 biennially thereafter.

31 **Sec. 7.** RCW 47.05.030 and 1993 c 490 s 3 are each amended to read
32 as follows:

33 The transportation commission shall adopt a comprehensive six-year
34 investment program specifying program objectives and performance
35 measures for the preservation and improvement programs defined in this
36 section. In the specification of investment program objectives and
37 performance measures, the transportation commission, in consultation
38 with the Washington state department of transportation, shall define

1 and adopt standards for effective programming and prioritization
2 practices including a needs analysis process. The needs analysis
3 process shall ensure the identification of problems and deficiencies,
4 the evaluation of alternative solutions and trade-offs, and estimations
5 of the costs and benefits of prospective projects. The investment
6 program shall be revised biennially, effective on July 1st of odd-
7 numbered years. The investment program shall be based upon the needs
8 identified in the state-owned highway component of the state-wide
9 multimodal transportation plan as defined in RCW 47.01.071(3).

10 (1) The preservation program shall consist of those investments
11 necessary to preserve the existing state highway system and to restore
12 existing safety features, giving consideration to lowest life cycle
13 costing. The comprehensive six-year investment program for
14 preservation shall identify projects for two years and an investment
15 plan for the remaining four years.

16 (2) The improvement program shall consist of investments needed to
17 address identified deficiencies on the state highway system to improve
18 mobility, safety, support for the economy, and protection of the
19 environment. The six-year investment program for improvements shall
20 identify projects for two years and major deficiencies proposed to be
21 addressed in the six-year period giving consideration to relative
22 benefits and life cycle costing. The transportation commission shall
23 give higher priority for correcting identified deficiencies on those
24 facilities classified as facilities of state-wide significance as
25 defined in section 8 of this act.

26 The transportation commission shall approve and present the
27 comprehensive six-year investment program to the legislature in support
28 of the biennial budget request under RCW 44.40.070 and 44.40.080.

29 NEW SECTION. Sec. 8. A new section is added to chapter 47.06 RCW
30 to read as follows:

31 The legislature declares the following transportation facilities
32 and services to be of state-wide significance: The interstate highway
33 system, interregional state principal arterials including ferry
34 connections that serve state-wide travel, intercity passenger rail
35 services, intercity high-speed ground transportation, major passenger
36 intermodal terminals, the freight railroad system, the Columbia/Snake
37 navigable river system, marine ports engaging in international and
38 interstate trade, and high-capacity transportation systems serving

1 regions as defined in RCW 81.104.015. The department shall lead
2 efforts, in cooperation with regional transportation planning
3 organizations, counties, cities, transit agencies, public ports, and
4 the private sector, to effectively plan for and include improvements to
5 transportation facilities and services of state-wide significance into
6 the state-wide multimodal plan. Improvements to facilities and
7 services of state-wide significance identified in the state-wide
8 multimodal plan developed under RCW 47.01.071(3) are considered to be
9 essential state public facilities under RCW 36.70A.200.

10 The department of transportation shall set level of service
11 standards for transportation facilities of state-wide significance. In
12 establishing level of service standards for transportation facilities
13 of state-wide significance, the department shall consider the necessary
14 balance between providing for the free interjurisdictional movement of
15 people and goods and the needs of local commuters using these
16 facilities.

17 **Sec. 9.** RCW 47.80.023 and 1994 c 158 s 2 are each amended to read
18 as follows:

19 Each regional transportation planning organization shall have the
20 following duties:

21 (1) Prepare and periodically update a transportation strategy for
22 the region. The strategy shall address alternative transportation
23 modes and transportation demand management measures in regional
24 corridors and shall recommend preferred transportation policies to
25 implement adopted growth strategies. The strategy shall serve as a
26 guide in preparation of the regional transportation plan.

27 (2) Prepare a regional transportation plan as set forth in RCW
28 47.80.030 that is consistent with county-wide planning policies if such
29 have been adopted pursuant to chapter 36.70A RCW, with county, city,
30 and town comprehensive plans, and state transportation plans.

31 (3) Certify by December 31, 1996, that the transportation elements
32 of comprehensive plans adopted by counties, cities, and towns within
33 the region reflect the guidelines and principles developed pursuant to
34 RCW 47.80.026, are consistent with the adopted regional transportation
35 plan, and, where appropriate, conform with the requirements of RCW
36 36.70A.070.

1 (4) Where appropriate, certify that county-wide planning policies
2 adopted under RCW 36.70A.210 and the adopted regional transportation
3 plan are consistent.

4 (5) Develop, in cooperation with the department of transportation,
5 operators of public transportation services and local governments
6 within the region, a six-year regional transportation improvement
7 program which proposes regionally significant transportation projects
8 and programs and transportation demand management measures. The
9 regional transportation improvement program shall be based on the
10 programs, projects, and transportation demand management measures of
11 regional significance as identified by transit agencies, cities, and
12 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,
13 respectively. The program shall include a priority list of projects
14 and programs, project segments and programs, transportation demand
15 management measures, and a specific financial plan that demonstrates
16 how the transportation improvement program can be funded. The program
17 shall be updated at least every two years for the ensuing six-year
18 period.

19 (6) Designate a lead planning agency to coordinate preparation of
20 the regional transportation plan and carry out the other
21 responsibilities of the organization. The lead planning agency may be
22 a regional organization, a component county, city, or town agency, or
23 the appropriate Washington state department of transportation district
24 office.

25 (7) Coordinate level of service methodologies used by cities and
26 counties planning under chapter 36.70A RCW to ensure a consistent
27 regional evaluation of transportation facilities and corridors.

28 (8) Work with cities, counties, transit agencies, the department of
29 transportation, and others to develop alternative transportation
30 performance measures in addition to the level of service standard.

31 **Sec. 10.** RCW 47.80.030 and 1994 c 158 s 4 are each amended to read
32 as follows:

33 (1) Each regional transportation planning organization shall
34 develop in cooperation with the department of transportation, providers
35 of public transportation and high capacity transportation, ports, and
36 local governments within the region, adopt, and periodically update a
37 regional transportation plan that:

1 (a) Is based on a least cost planning methodology that identifies
2 the most cost-effective facilities, services, and programs;

3 (b) Identifies existing or planned transportation facilities,
4 services, and programs, including but not limited to major roadways
5 including state highways and regional arterials, transit and
6 nonmotorized services and facilities, multimodal and intermodal
7 facilities, marine ports and airports, railroads, and noncapital
8 programs including transportation demand management that should
9 function as an integrated regional transportation system, giving
10 emphasis to those facilities, services, and programs that exhibit one
11 or more of the following characteristics:

12 (i) ~~((Physically))~~ Crosses member county lines;

13 (ii) Is or will be used by a significant number of people who live
14 or work outside the county in which the facility, service, or project
15 is located;

16 (iii) Significant impacts are expected to be felt in more than one
17 county;

18 (iv) Potentially adverse impacts of the facility, service, program,
19 or project can be better avoided or mitigated through adherence to
20 regional policies; ~~((and))~~

21 (v) Transportation needs addressed by a project have been
22 identified by the regional transportation planning process and the
23 remedy is deemed to have regional significance; and

24 (vi) Provides for system continuity;

25 (c) Establishes level of service standards ~~((at a minimum for all))~~
26 for state highways and state ferry routes, with the exception of
27 transportation facilities of state-wide significance as defined in
28 section 8 of this act. These regionally established level of service
29 standards for state highways and state ferries shall be developed
30 jointly with the department of transportation, to encourage consistency
31 across jurisdictions. In establishing level of service standards for
32 state highways and state ferries, consideration shall be given for the
33 necessary balance between providing for the free interjurisdictional
34 movement of people and goods and the needs of local commuters using
35 state facilities;

36 (d) Includes a financial plan demonstrating how the regional
37 transportation plan can be implemented, indicating resources from
38 public and private sources that are reasonably expected to be made
39 available to carry out the plan, and recommending any innovative

1 financing techniques to finance needed facilities, services, and
2 programs;

3 (e) Assesses regional development patterns, capital investment and
4 other measures necessary to:

5 (i) Ensure the preservation of the existing regional transportation
6 system, including requirements for operational improvements,
7 resurfacing, restoration, and rehabilitation of existing and future
8 major roadways, as well as operations, maintenance, modernization, and
9 rehabilitation of existing and future transit, railroad systems and
10 corridors, and nonmotorized facilities; and

11 (ii) Make the most efficient use of existing transportation
12 facilities to relieve vehicular congestion and maximize the mobility of
13 people and goods;

14 (f) Sets forth a proposed regional transportation approach,
15 including capital investments, service improvements, programs, and
16 transportation demand management measures to guide the development of
17 the integrated, multimodal regional transportation system; and

18 (g) Where appropriate, sets forth the relationship of high capacity
19 transportation providers and other public transit providers with regard
20 to responsibility for, and the coordination between, services and
21 facilities.

22 (2) The organization shall review the regional transportation plan
23 biennially for currency and forward the adopted plan along with
24 documentation of the biennial review to the state department of
25 transportation.

26 (3) All transportation projects, programs, and transportation
27 demand management measures within the region that have an impact upon
28 regional facilities or services must be consistent with the plan and
29 with the adopted regional growth and transportation strategies.

30 NEW SECTION. **Sec. 11.** A new section is added to chapter 47.80 RCW
31 to read as follows:

32 (1) The level of service standards jointly adopted by the
33 department of transportation and the regional transportation planning
34 organization must be consistent with the level of service standards
35 required under RCW 36.70A.070(6).

36 (2)(a) A city or county that disagrees with the level of service
37 standard set jointly by the department and regional transportation

1 planning organization may appeal to the growth management hearings
2 board.

3 (b) A city or county that disagrees with the level of service
4 standards set solely by the department for those facilities classified
5 as transportation facilities of state-wide significance, may appeal to
6 the growth management hearings board.

7 (3) If the department of transportation and the governing regional
8 transportation planning organization are unable to mutually agree upon
9 the level of service standards to be adopted for all state-owned
10 transportation facilities, other than those facilities classified as
11 transportation facilities of state-wide significance, the department or
12 the organization may appeal to the growth management hearings board.

13 **Sec. 12.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
14 amended to read as follows:

15 Unless the context clearly requires otherwise, the following
16 definitions shall apply in RCW 82.02.050 through 82.02.090:

17 (1) "Development activity" means any construction or expansion of
18 a building, structure, or use, any change in use of a building or
19 structure, or any changes in the use of land, that creates additional
20 demand and need for public facilities.

21 (2) "Development approval" means any written authorization from a
22 county, city, or town which authorizes the commencement of development
23 activity.

24 (3) "Impact fee" means a payment of money imposed upon development
25 as a condition of development approval to pay for public facilities,
26 including state-owned transportation facilities, needed to serve new
27 growth and development, and that is reasonably related to the new
28 development that creates additional demand and need for public
29 facilities, that is a proportionate share of the cost of the public
30 facilities, and that is used for facilities that reasonably benefit the
31 new development. "Impact fee" does not include a reasonable permit or
32 application fee.

33 (4) "Owner" means the owner of record of real property, although
34 when real property is being purchased under a real estate contract, the
35 purchaser shall be considered the owner of the real property if the
36 contract is recorded.

1 (5) "Proportionate share" means that portion of the cost of public
2 facility improvements that are reasonably related to the service
3 demands and needs of new development.

4 (6) "Project improvements" mean site improvements and facilities
5 that are planned and designed to provide service for a particular
6 development project and that are necessary for the use and convenience
7 of the occupants or users of the project, and are not system
8 improvements. No improvement or facility included in a capital
9 facilities plan approved by the governing body of the county, city, or
10 town shall be considered a project improvement.

11 (7) "Public facilities" means the following capital facilities
12 owned or operated by government entities: (a) Public streets ((and)),
13 roads, and highways, ferries, transit, park and ride facilities, and
14 transportation demand management strategies; (b) publicly owned parks,
15 open space, and recreation facilities; (c) school facilities; and (d)
16 fire protection facilities in jurisdictions that are not part of a fire
17 district.

18 (8) "Service area" means a geographic area defined by a county,
19 city, town, or intergovernmental agreement in which a defined set of
20 public facilities provide service to development within the area.
21 Service areas shall be designated on the basis of sound planning or
22 engineering principles.

23 (9) "System improvements" mean public facilities that are included
24 in the capital facilities plan and are designed to provide service to
25 service areas within the community at large, in contrast to project
26 improvements.

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