

SENATE BILL REPORT

ESB 6628

As Passed Senate, February 17, 1998

Title: An act relating to the state-owned facilities component of the state-wide transportation plan and intercity passenger rail.

Brief Description: Clarifying transportation planning.

Sponsors: Senators Benton, Finkbeiner, Anderson, Zarelli and Schow.

Brief History:

Committee Activity: Transportation: 2/9/98, 2/10/98 [DP, DNP].
Passed Senate, 2/17/98, 49-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Minority Report: Do not pass.

Signed by Senators Haugen and Prentice.

Staff: Ashley Probart (786-7319)

Background: In 1993, the Washington State Department of Transportation, in conformance with federal requirements, was required to develop a statewide multimodal transportation plan that would ensure the continued mobility of people and goods in a safe, cost-effective manner. This multimodal plan, commonly known as *Washington's Transportation Plan*, identifies transportation needs for all modes, provides financial targets for the transportation commission, and identifies responsibilities for its implementation. *Washington's Transportation Plan* addresses transportation modes in two broad categories: a state-owned component and a state interest component.

The state-owned component guides state investment in state highways including bicycles and pedestrian facilities, and state ferries. Both the state highways element and the state ferries element are structured to have maintenance, preservation, and improvement programs.

The state-interest component defines the state's interest in aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation. The state interest component is developed in conjunction with the appropriate public and private transportation providers to ensure the state's interest in these modes is being met. The state interest component has different program structures, depending upon the needs and functions of each transportation mode.

Washington's Transportation Plan includes long range transportation plans and investment needs for each mode; it does not compare combinations of modal investments within a state transportation corridor. Comparison between transportation modes is difficult because of different service objectives, program structures, and funding mechanisms between the state-owned transportation component and the state interest transportation component.

Prior to the 1993 requirement for the 1993 multimodal transportation plan, the 1991 state Legislature found that regulating access to the state highway system was necessary in order to protect the public's health and safety, and to preserve the functional integrity of moving people and goods on the state highway system. The Legislature also required an access management program, and declared all state highways to be controlled access facilities, except for highways already defined as limited access facilities. An access management program's primary functions are to increase the traffic carrying capacity of the highway, reduce traffic accidents, mitigate environmental degradation, and reduce highway maintenance costs. Access standards are based on criteria that focuses on the minimum distance between driveways, topography, traffic volume, and the cumulative effects to the highway.

The Legislature declared the access rights of property owners abutting the state highway system to be subordinate to the public's right and interest in a safe and efficient highway system.

Property owners abutting a state-controlled access highway have a right to reasonable highway access, but may not have the right to a particular access. The state highway access right may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

Controlled access facilities are structured around a permitting process that went into effect on July 1, 1990. Access permits are required after July 1, 1990 for all planned connections to the state highway system. Access standards are adopted with the consent of local county governments, and cities retain all access permitting authority within their city limits. The state can deny access to a permit applicant and can require a permit applicant to pay for construction costs or alterations that will affect the traffic flow of the connection. Permit applicants are not required to pay for alterations that are made at the request of and for the convenience of the permitting authority.

State law allows unpermitted access connections to the state highway system that were in existence prior to July 1, 1990. However, an originally unpermitted access may require a permit if the connection does not meet minimum acceptable highway safety standards, or if a significant change occurs in the use, design or traffic flow of the connection, or the adjacent highway.

Access permits granted prior to the adoption of the permitting authority's access standards remain valid, unless modified or revoked. After written notification, the permitting authority may modify or revoke an access permit, including the alteration or closure of a connection if a significant change occurs in its use, design, or traffic flow.

Summary of Bill: The state-owned facilities component of the statewide multimodal transportation plan (*Washington's Transportation Plan*) is required to identify the most cost-

effective combination of highway, ferry, passenger rail, and high-capacity transportation improvements that maximizes the efficient movement of people, freight, and goods within state transportation corridors.

The intercity passenger rail plan, which is a state interest component of the statewide multimodal plan, is required to include a service preservation element, and a service improvement element. The service preservation element must outline trackage, depots, and train investments needed to maintain and establish service levels. The service improvement element must establish service improvement objectives that outlines the trackage, depot, and train investments needed to meet improvement service objectives.

State law regulating access management is modified. Existing law is changed to require the access rights of property owners abutting the state highway system to be fairly considered with, instead of subordinate to, the public's right and interest in a safe and efficient highway system.

Every property owner who has access to the state highway must be notified of proposed changes to their access.

The access management planning process is expanded to include a public involvement process. The public involvement process must include abutting property owners, business owners, and emergency services that may require access to the affected property. The public involvement process must provide the affected ownership with standards and principles of access management. The public involvement process may include, but is not limited to, public notices, public meetings, public hearings, written notification, and individual meetings with the affected ownership.

Permittees must bear the cost of construction or alteration of their connection to the highway. This includes alterations of their connection that are required due to increased or altered traffic flows generated by the nature of the business conducted at the location specified in the permit. The permittee is not required to pay for alterations that are not required by law or administrative rule, but are made at the request of and the convenience of the permitting authority. The permittee is not required to pay for connection alterations that are required by the permitting authority due to increased or altered traffic flows along the state highway, or in the general area of the permittee's facility.

Unpermitted connections on the state highway system that were in existence and in active use prior to July 1, 1990 are not required to have a permit and can continue to have access to the state highway system, unless the permitting authority determines the connection does not meet minimum acceptable highway safety and mobility standards. These standards are based on accident data, traffic data, and accepted traffic engineering criteria. A copy of these standards must be provided to the property owner, upon written request.

Access permits granted prior to adoption of the permitting authorities' standards remain valid until modified or revoked as provided in highway access management law. Revoking or modification of this type of permit can only occur if: a significant change occurs in the use, design or traffic flow of the connection, or if a change occurs in the use, design, or traffic flow of the highway in the general area of the permittee's facility, and if the connection does not meet minimum acceptable standards of highway safety and mobility based on accident

and traffic data and accepted traffic engineering criteria.

Appropriation: None.

Fiscal Note: None.

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

Testimony For: The Department of Transportation believes the bill's intent is consistent with the Transportation Commission's ongoing efforts to improve its ability to compare investments across modes and to maximize the effectiveness of the transportation system. The Department of Transportation intends to move ahead, as resources allow, to develop the needed data and technical methods that will lead to the most cost-effective state investment strategies within transportation corridors.

Testimony Against: None.

Testified: Senator Benton, prime sponsor; Charlie Howard, WSDOT (pro).

House Amendment(s): The statewide multimodal plan is modified to place a primary emphasis on congestion relief, the preservation of existing investments, the improvement of traveler safety, and the efficient movement of freight and goods.

In addition, the state-owned component of the statewide multimodal plan is required to place a primary emphasis on congestion relief.

Services that can be provided at public transit centers are expanded to include limited retail services, professional services, limited banking services, day care services, and any other use necessary and convenient for the users of the public transportation system operating at the transportation center.

Modifications to access management are removed.

House Amendment(s): A section is removed that would have expanded services that could be provided at public transit centers.

A new section is added that requires the Central Puget Sound Regional Transit Authority (RTA) to consult with the Department of Community, Trade, and Economic Development to explore the potential for developing contracting methods that encourage development of a manufacturing base in Washington for commuter and light rail train sets and components. The RTA must report its findings to the Legislative Transportation Committee by January 1, 1999.