

# HOUSE BILL REPORT

## ESHB 1071

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### As Amended by the Senate

**Title:** An act relating to creating a complete streets grant program.

**Brief Description:** Creating a complete streets grant program.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Moeller, Fitzgibbon and Frockt).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 1/17/11, 1/27/11 [DPS].

##### **Floor Activity:**

Passed House: 2/28/11, 56-41.

Senate Amended.

Passed Senate: 4/4/11, 29-19.

#### **Brief Summary of Engrossed Substitute Bill**

- Requires the Washington State Department of Transportation (WSDOT) to establish a Complete Streets Grant Program.
- Creates the Complete Streets Grant Program Account in the State Treasury.
- Requires the WSDOT to consult with local jurisdictions prior to any design work when constructing or making major repairs to city streets that are part of a state highway.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Eddy, Finn, Fitzgibbon, Jinkins, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Ryu, Takko and Upthegrove.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Johnson, Klippert, Kristiansen, McCune, Overstreet, Rivers, Rodne, Shea and Zeiger.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Debbie Driver (786-7143).

**Background:**

Executive Order E 1028, adopted by the Secretary of Transportation on November 24, 2003, directs the Washington State Department of Transportation (WSDOT) employees to implement a context sensitive solutions approach for all department projects. A context sensitive solutions approach means that the WSDOT employees working on projects and facilities should engage affected communities, assure the transportation objectives are clearly described and discussed with the local communities, recognize and address community and citizen concerns, and ensure the project is a safe facility for both the user and community.

The WSDOT's Office of Highways and Local Programs and the State Design Engineer are responsible for carrying out this Executive Order. One approach to context sensitive design is provided by the Institute of Transportation Engineers' (ITE) publication entitled *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities*. The publication provides context sensitive design principles and guidelines that can be implemented when designing major urban thoroughfares. This approach features community involvement throughout the planning process and addresses all modes of travel within the thoroughfare. "Complete streets" refers to the practice of designing and operating streets so that safe access is provided to all users, including motorists, bicyclists, pedestrians, and transit users. With regard to city streets that are part of a state highway system, currently local communities have jurisdiction and responsibility for curb maintenance and improvements while the WSDOT is responsible for maintaining and preserving the street itself. The WSDOT can relinquish control of street maintenance to the local jurisdiction.

**Summary of Engrossed Substitute Bill:**

Complete Streets Grant Program.

The Complete Streets Grant Program (Grant Program) is established in the WSDOT's Highways and Local Programs Division. The purpose of the Grant Program is to encourage local governments to adopt urban arterial retrofit street ordinances to provide safe access to all users including pedestrians, bicyclists, motorists, and public transportation users. When developing the complete streets grant program, the Department is to include local governments and other organizations and groups that are interested in the program. Eligible projects:

- must be from a local government that has adopted a jurisdiction-wide complete streets ordinance that plans for the needs of all users and is consistent with sound engineering principles; and
- must be a street retrofit project that includes the addition of, or significant repair to, facilities that provide street access with all users in mind including pedestrians, bicyclists, and public transportation users, or
- must be a retrofit project on city streets that are part of a state highway that includes the addition of, or significant repair to, facilities that provide street access with all users in mind.

Sound engineering principles are defined as peer-reviewed context sensitive solution guides, reports and publications including the 2006 Urban Design Principles and Guidelines found in

the publication developed by the ITE entitled *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities*. The Complete Streets Grant Program Account (Account) is created in the state treasury. The WSDOT may solicit and receive gifts, grants, or endowments from private and other sources and deposit those funds into the Account. Moneys in the Account may only be spent after appropriation. The WSDOT must report annually to the transportation committees of the Legislature on the status of any grant projects funded by the grant program.

State Highways that Include City Streets.

For the new construction or major street repair projects, which include city streets that are part of state highways and are initially planned or scoped after July 1, 2011, the WSDOT must consult with the local jurisdiction in the design and planning phase. This consultation must include public outreach, meetings with stakeholders, and identification of community goals and priorities. The WSDOT must consider the needs of all users by applying context sensitive design solutions consistent with peer-reviewed context sensitive solutions guides, reports, and publications, including the ITE publication. The Department may use Grant Program funds for city streets that are part of a state highway.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment: (1) adds the Department of Archaeology and Historic Preservation to the list of entities that the WSDOT must include in development of the Grant Program; (2) removes references to the 2006 Urban Design Principles and Guidelines developed by the ITE entitled *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities*; and (3) modifies the requirement that the WSDOT consult with local jurisdictions and apply complete street design standards when they are reconstructing or making major improvements as opposed to when they are retrofitting or making major repairs to eligible street projects.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill increases options and choices for moving people and goods on urban streets. Public rights of way should be safe and accessible to everyone in the public and complete streets ordinances support accessibility for all. Currently, 11 communities have adopted complete street ordinances and this bill incentivizes other communities to develop such ordinances. Complete streets are safer, preserve local character, promote healthy communities, and help to improve the environment by incentivizing non-motorized transportation that reduces air pollution. In addition, the bill is one piece of an overall approach to reducing diseases (such as obesity), and encouraging physical activities such as walking and cycling. Furthermore, the bill would provide incentives for municipalities to

adopt ordinances to be eligible for the funds and would strongly position Washington to compete for designated federal funds for complete street projects.

(In support with concerns) Expanding the definition of eligible projects by allowing all cities and towns with a complete streets ordinance to be able to apply would improve the bill. Definitions of sound engineering principles and context sensitive solutions are too narrowly defined in the bill by referencing the ITE publication. A preferred option is language that references other peer-reviewed sources as well as the ITE resources.

(Opposed) None.

**Persons Testifying:** (In support) Representative Moeller, prime sponsor; Carrie Dolwick, Transportation Choices Coalition; David Hiller, Cascade Bicycle Club; Victor Colman, Childhood Obesity Prevention Coalition; and Doug Levy, Washington Recreation and Park Association, City of Renton, and City of Everett.

(In support with concerns) Aaron Butters, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.