
SENATE BILL 5901

State of Washington

52nd Legislature

1991 Regular Session

By Senators Skratek, Erwin, Vognild, Bluechel, Pelz, Murray, Niemi and A. Smith.

Read first time March 1, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to transportation; amending RCW 36.70A.070 and
2 82.44.150; adding a new section to chapter 39.12 RCW; adding a new
3 section to chapter 70.94 RCW; adding a new chapter to Title 43 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** Land use decisions play a fundamental
7 role in improving or degrading our transportation systems. The
8 legislature believes that competent long-range planning can ultimately
9 reduce the state's future needs in transportation spending. Land use
10 planning can reduce the negative impacts on communities and enhance the
11 positive impacts of the transportation facilities that are built. The
12 integration of transportation decisions and land use planning will
13 improve our access to employment, homes, and recreation and, by
14 managing travel demands, we will improve our state's air quality and
15 conserve badly needed resources through increased efficiency.

1 It is the intent of the legislature that all land use decisions be
2 made following full consideration of: (1) The availability of
3 transportation to an area being considered for development; (2) the
4 community disruption such development may cause; (3) the environmental
5 impact to an area under consideration; and (4) close scrutiny of areas
6 offering services already in place.

7 The intent of the legislature shall be incorporated into the
8 provisions of RCW 35.77.010 and 36.81.121 and be made part of the
9 perpetual advanced six-year plans of the cities and counties in the
10 affected areas.

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

13 The comprehensive plan of a county or city that is required or
14 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
15 and descriptive text covering objectives, principles, and standards
16 used to develop the comprehensive plan. The plan shall be an
17 internally consistent document and all elements shall be consistent
18 with the future land use map. A comprehensive plan shall be adopted
19 and amended with public participation as provided in RCW 36.70A.140.

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

22 (1) A land use element designating the proposed general
23 distribution and general location and extent of the uses of land, where
24 appropriate, for agriculture, timber production, housing, commerce,
25 industry, recreation, open spaces, public utilities, public facilities,
26 and other land uses. The land use element shall include population
27 densities, building intensities, and estimates of future population
28 growth. The land use element shall provide for protection of the
29 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,

1 including, but not limited to, electrical lines, telecommunication
2 lines, and natural gas lines.

3 (5) Counties shall include a rural transportation element including
4 lands that are not designated for urban growth, agriculture, forest, or
5 mineral resources. The rural element shall permit land uses that are
6 compatible with the rural character of such lands and provide for a
7 variety of rural densities and do not foster urban growth.

8 (6) Site planning that is transit-oriented, with the sites to be
9 served by public transportation, toward the goal of having traffic
10 demand management efforts being implemented.

11 (7) A transportation element that implements, and is consistent
12 with, the land use element. The transportation element shall include
13 the following subelements:

14 (a) Land use assumptions used in estimating travel, including:

15 (i) Vehicle miles traveled. It is state policy to limit increases
16 in motor vehicle miles driven in urban and suburban areas of the state
17 and in other areas which do not meet the most stringent air quality
18 standards. Counties in which inspection and maintenance of exhaust
19 controls are required, or whose population is more than one hundred
20 thousand, shall, in consultation with local governments, establish a
21 ceiling on vehicle miles traveled within two years after the effective
22 date of this act, both on average and at peak hours, and shall adopt a
23 strategy for keeping within this ceiling, including means of
24 influencing land use decisions and investments in transportation
25 capital improvements. In counties that do not attain air quality
26 standards, the air pollution control agency may impose this ceiling if
27 the county does not do so. Counties and air pollution control agencies
28 may divide their territory into zones or subregions that may receive
29 varying levels of regulation. Counties that do not adopt a ceiling on
30 vehicle miles traveled will not be eligible for state funds nor will

1 they be allowed to undertake bond issues for transportation
2 improvements.

3 (ii) Planning for alternative means of transportation. It is
4 recognized as state policy that the protection of future air quality
5 makes it essential to promote alternatives to use of the automobile.
6 The legislature declares it to be state policy that by the year 2000 at
7 least fifty percent of passenger trips shall be other than by the
8 single-occupant vehicle. The department of transportation and each
9 unit of local government shall adopt long-range plans for achieving
10 this goal, along with interim goals toward that end.

11 (iii) Fuel combustion charges. Local governments may charge a
12 sales tax on gasoline and diesel fuel that shall have the purpose of
13 creating an incentive to use less-polluting automobiles and creating a
14 funding base for transit and other alternatives to the automobile, for
15 air pollution control by state and local agencies.

16 (iv) Decisions on service level improvements in streets, roads, and
17 highways that must consider long-term consequences of increased vehicle
18 capacity and vehicle use. Service level improvements which encourage
19 more single-occupant vehicle use and result in increasing long-term
20 congestion and decreased air quality shall be denied funding from state
21 revenues until alternative means of improving corridor capacity such as
22 car pooling, transit, demand management, and bicycling are responsible
23 for fifty percent of the passenger miles within the corridor.

24 (v) A showing that regional transportation planning agencies have
25 relied upon local air quality district findings concerning the
26 consistency of the proposed transportation projects with air quality
27 plans required by this chapter.

28 (vi) Offsets and litigation elements. Local land use and
29 transportation plans, transportation projects, and building permits
30 must mitigate any expected violations of air quality standards of

1 health thresholds that are a direct or indirect result of a proposed
2 project or decision. Projected increases in vehicle miles traveled and
3 air pollution may be offset by trip reductions in a ratio of at least
4 two trips reduced to the one created. Thus, for example, a project may
5 improve transit service, improve pedestrian and bicycle access,
6 increase parking charges or reduce parking availability. The regional
7 air pollution control agency shall monitor compliance by public
8 agencies and private developers with planned offsets and mitigation;
9 the agencies shall have authority to deny permits to those which have
10 grossly and willfully failed to provide the promised offsets and
11 mitigation. Measures of the effectiveness of offsets and mitigation
12 will be based upon emission density formulas which specifically
13 quantify the emissions in the area affected by a project before and
14 after the completion of the project.

15 (vii) Trip reduction ordinances. All counties, cities, and towns
16 which are located in areas whose air quality problems are deemed
17 serious enough to require inspection and maintenance of exhaust
18 controls are required, within one year of the effective date of this
19 act, to establish a transportation demand management plan, and within
20 three years of the effective date of this act, to establish a
21 transportation demand management ordinance;

22 (b) Facilities and services needs, including:

23 (i) An inventory of air, water, and land transportation facilities
24 and services, including transit alignments, to define existing capital
25 facilities and travel levels as a basis for future planning;

26 (ii) Level of service standards for all arterials and transit
27 routes to serve as a gauge to judge performance of the system. These
28 standards should be regionally coordinated every two years under RCW
29 35.77.010 and 36.81.121;

1 (iii) Specific actions and requirements for bringing into
2 compliance any facilities or services that are below an established
3 level of service standard;

4 (iv) Forecasts of traffic for at least ten years based on the
5 adopted land use plan to provide information on the location, timing,
6 and capacity needs of future growth;

7 (v) Identification of system expansion needs and transportation
8 system management needs to meet current and future demands;

9 (c) Finance, including:

10 (i) An analysis of funding capability to judge needs against
11 probable funding resources;

12 (ii) A multiyear financing plan based on the needs identified in
13 the comprehensive plan, the appropriate parts of which shall serve as
14 the basis for the six-year street, road, or transit program required by
15 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
16 35.58.2795 for public transportation systems;

17 (iii) If probable funding falls short of meeting identified needs,
18 a discussion of how additional funding will be raised, or how land use
19 assumptions will be reassessed to ensure that level of service
20 standards will be met;

21 (d) Elements to meet the requirements under sections 3 through 6
22 and 8 of this act and RCW 82.44.150;

23 (e) Intergovernmental coordination efforts, including an assessment
24 of the impacts of the transportation plan and land use assumptions on
25 the transportation systems of adjacent jurisdictions;

26 ~~((e))~~ (f) Demand-management strategies. These shall include:

27 (i) Transportation demand management planning. Each major state
28 agency shall adopt for its own employees, facilities, and vehicles a
29 transportation demand management plan, and shall submit it no later

1 than January 1, 1992, for approval of the transportation demand
2 management team.

3 In the agencies' six-year transportation improvement plans, all
4 local governments are required to consider measures to moderate
5 transportation demand.

6 (ii) Transportation demand management interagency team. A state-
7 wide transportation demand management interagency team shall be
8 established. Its members shall include one representative each from
9 the department of ecology, the state energy office, the department of
10 transportation, and one representative from a regional air agency. The
11 transportation demand management interagency team's members shall be
12 appointed by the governor. The role of the transportation demand
13 management interagency team is to:

14 (A) Develop model programs which meet the criteria under this
15 subsection. The programs shall be such that they may be adopted by
16 various types of employers both in the public and private sectors;

17 (B) Develop model ordinances, and review and approve the local
18 ordinances required in this subsection (f);

19 (C) Approve the transportation demand management plans prepared by
20 state agencies.

21 (iii) Including demand management in transportation planning.
22 Planning by state agencies and by units of local government shall
23 consider and, to the greatest extent feasible, include mechanisms to
24 address the following:

25 (A) Measures to encourage pedestrians, such as paths, bridges, and
26 mixed-use projects;

27 (B) Measures to encourage bicycling, such as bicycle lanes and
28 paths, covered and secure bicycle storage, and shower facilities;

29 (C) Measures to encourage car pooling, such as making car pooling
30 mandatory for public agencies. These measures may include preferred

1 and subsidized parking, with higher prices for single-occupant
2 vehicles;

3 (D) Measures to encourage public transit, such as preferential
4 access to buildings and highways or free or subsidized passes;

5 (iv) Demand management. It is recognized that air quality is best
6 served if the need for automobile transportation is reduced. Toward
7 this end, the department of transportation and local governments are
8 required to develop and update biennially a demand management plan that
9 includes the following elements:

10 (A) Reduction of the effective distance between residential,
11 retail, and employment centers;

12 (B) Promotion of telecommuting work and establishment of telework
13 centers;

14 (C) Employee incentives to accommodate car pool, van pool, and
15 transit schedules, ride matching services, guaranteed ride home
16 insurance for emergencies, on-site services, e.g. convenience stores
17 and loaner vehicles for work-related trips during the day.

18 (D) Preferential parking for car and van pools, reduced parking
19 rates for car and van pools, subsidized van pools, subsidized transit
20 passes, paycheck incentives for car pooling and bicycling.

21 (E) Efficient use of existing roadways such as congestion tolls,
22 conversion of general purpose lanes to high-occupancy vehicle lanes and
23 nontruck lanes, and incentive payments to users of nonsingle-occupancy
24 vehicle modes of travel; and

25 (F) Measures which provide alternatives to everyday commuting, such
26 as flextime, staggered hours, shortened work week, and other reduced
27 work week options.

28 After adoption of the comprehensive plan by jurisdictions required
29 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
30 must adopt and enforce ordinances which prohibit development approval

1 if the development causes the level of service on a transportation
2 facility to decline below the standards adopted in the transportation
3 element of the comprehensive plan, unless transportation improvements
4 or strategies to accommodate the impacts of development are made
5 concurrent with the development. These strategies ~~((may))~~ shall
6 include increased public transportation service, ride sharing programs,
7 demand management, and other transportation systems management
8 strategies. For the purposes of this subsection ~~((+6))~~ (7)
9 "concurrent with the development" shall mean that improvements or
10 strategies are in place at the time of development ~~((, or that a
11 financial commitment is in place to complete the improvements or
12 strategies within six years))~~.

13 The transportation element described in this subsection, and the
14 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
15 counties, and RCW 35.58.2795 for public transportation systems, must be
16 consistent.

17 (8) A design element that enables communities to harmoniously fit
18 new development with planned or existing community character and
19 vision.

20 (9) An environmental management element that minimizes development
21 and growth impacts on the environment and enhances the quality of air,
22 water, and land resources. This element shall conform with section 9
23 of this act.

24 (10) An open space and outdoor recreation element that provides for
25 local and regional parks, outdoor recreation facilities, trails,
26 resource conservation, natural vistas, and open space.

27 (11) An annexation element for cities and incorporation element for
28 counties to clearly delineate a local government service delivery plan.

29 (12) A public education element which encourages walking,
30 bicycling, mass transit, ridesharing, and other single-occupancy

1 vehicle trip reduction measures. These efforts shall include seasonal
2 campaigns that promote changes in transportation behavior specifically
3 as a response to local air pollution problems.

4 NEW SECTION. Sec. 3. The department of community development
5 shall administer grants to local jurisdictions to conduct the review
6 process to conduct a community assessment process. The department
7 shall have rule-making authority concerning the administration of
8 grants, community assessment surveys, and the local government review
9 process.

10 NEW SECTION. Sec. 4. The community assessment fund is hereby
11 established in the custody of the state treasurer. The department of
12 community development shall deposit in the fund all moneys received
13 from the distribution of funds under RCW 82.44.150(2). Moneys in the
14 fund may be spent only for administration and funding of the grant
15 program established by this chapter. Disbursements from the fund shall
16 be on authorization of the director of community development or the
17 director's designee. The fund is subject to the allotment procedure
18 provided under chapter 43.88 RCW, but no appropriation is required for
19 disbursements.

20 NEW SECTION. Sec. 5. The local government decision process
21 shall include at a minimum the following elements:

- 22 (1) Preservation of open space lands.
- 23 (2) Preservation of historic properties and properties that are
24 deemed to be significant assets to the community.
- 25 (3) Zoning standards.
- 26 (4) Infrastructure requirements.
- 27 (5) Comprehensive planning.

1 (6) The results of the community assessment process.

2 NEW SECTION. **Sec. 6.** (1) The department of community
3 development shall establish and administer the community assessment
4 process. The department shall contract with local governments to
5 perform the community assessment survey.

6 (2) Notice of the pendency of the community assessment process
7 shall be published at least twice in major newspapers of general
8 circulation in the jurisdiction, and in addition the local government
9 may provide notice through other media.

10 (3) The local governments shall establish a transportation land use
11 assessment board. The transportation land use assessment board shall
12 consist of ten members. The members shall be appointed by the
13 legislative authorities under RCW 35.77.010 and 36.81.121. The board
14 shall make a recommendation to the legislative authority at the
15 conclusion of the assessment study.

16 (4) The survey required by this section shall solicit the opinions
17 of citizens on the impact of the proposed major transportation corridor
18 on the following:

19 (a) The preservation of open space lands.

20 (b) The preservation of historic properties and properties that are
21 deemed to be assets to the community.

22 (c) Zoning standards.

23 (d) Infrastructure requirements.

24 (e) Comprehensive planning.

25 (5) Results of the survey shall be reported to affected local
26 governments and the department of community development, and shall be
27 a part of the local government decision process.

1 **Sec. 7.** RCW 82.44.150 and 1990 c 42 s 308 are each amended to read
2 as follows:

3 (1) The director of licensing shall, on the twenty-fifth day of
4 February, May, August, and November of each year, advise the state
5 treasurer of the total amount of motor vehicle excise taxes remitted to
6 the department during the preceding calendar quarter ending on the last
7 day of March, June, September, and December, respectively, except for
8 those payable under RCW 82.44.030, from motor vehicle owners residing
9 within each municipality which has levied a tax under RCW 35.58.273,
10 which amount of excise taxes shall be determined by the director as
11 follows:

12 The total amount of motor vehicle excise taxes remitted to the
13 department, except those payable under RCW 82.44.030, from each county
14 shall be multiplied by a fraction, the numerator of which is the
15 population of the municipality residing in such county, and the
16 denominator of which is the total population of the county in which
17 such municipality or portion thereof is located. The product of this
18 computation shall be the amount of excise taxes from motor vehicle
19 owners residing within such municipality or portion thereof. Where the
20 municipality levying a tax under RCW 35.58.273 is located in more than
21 one county, the above computation shall be made by county, and the
22 combined products shall provide the total amount of motor vehicle
23 excise taxes from motor vehicle owners residing in the municipality as
24 a whole. Population figures required for these computations shall be
25 supplied to the director by the office of financial management, who
26 shall adjust the fraction annually.

27 (2) On the first day of the months of January, April, July, and
28 October of each year, the state treasurer based upon information
29 provided by the department shall, from motor vehicle excise taxes

1 deposited in the general fund, under RCW 82.44.110(7), make the
2 following deposits:

3 (a) To the high capacity transportation account created in RCW
4 47.78.010, a sum equal to four and five-tenths percent of the special
5 excise tax levied under RCW 35.58.273 by those municipalities
6 authorized to levy a special excise tax within a class AA county, or
7 within a class A county contiguous to a class AA county, or within a
8 second class county contiguous to a class A county that is contiguous
9 to a class AA county;

10 (b) To the community assessment fund under section 4 of this act a
11 sum equal to one percent of the motor vehicle excise taxes;

12 (c) To the central Puget Sound public transportation account
13 created in RCW 82.44.180, for revenues distributed after December 31,
14 1992, within a class AA county or within a class A county contiguous to
15 a class AA county, a sum equal to the difference between (i) the
16 special excise tax levied and collected under RCW 35.58.273 by those
17 municipalities authorized to levy and collect a special excise tax
18 subject to the requirements of subsections (3) and (4) of this section
19 and (ii) the special excise tax that the municipality would otherwise
20 have been eligible to levy and collect at a tax rate of .815 percent
21 and been able to match with locally generated tax revenues, other than
22 the excise tax imposed under RCW 35.58.273, budgeted for any public
23 transportation purpose. Before this deposit, the sum shall be reduced
24 by an amount equal to the amount distributed under (a) and (b) of this
25 subsection for each of the municipalities within the counties to which
26 this subsection (2)((~~b~~))(c) applies; however, any transfer under this
27 subsection (2)((~~b~~))(c) must be greater than zero;

28 ((~~e~~)) (d) To the public transportation systems account created in
29 RCW 82.44.180, for revenues distributed after December 31, 1992, within
30 counties not described in ((~~b~~)) (c) of this subsection, a sum equal

1 to the difference between (i) the special excise tax levied and
2 collected under RCW 35.58.273 by those municipalities authorized to
3 levy and collect a special excise tax subject to the requirements of
4 subsections (3) and (4) of this section and (ii) the special excise tax
5 that the municipality would otherwise have been eligible to levy and
6 collect at a tax rate of .815 percent and been able to match with
7 locally generated tax revenues, other than the excise tax imposed under
8 RCW 35.58.273, budgeted for any public transportation purpose. Before
9 this deposit, the sum shall be reduced by an amount equal to the amount
10 distributed under (a) of this subsection for each of the municipalities
11 within the counties to which this subsection ~~(2)(e)~~(d) applies;
12 however, any transfer under this subsection ~~(2)(e)~~(d) must be
13 greater than zero; and

14 ~~(d)~~ (e) To the transportation fund created in RCW 82.44.180,
15 for revenues distributed after June 30, 1991, a sum equal to the
16 difference between (i) the special excise tax levied and collected
17 under RCW 35.58.273 by those municipalities authorized to levy and
18 collect a special excise tax subject to the requirements of subsections
19 (3) and (4) of this section and (ii) the special excise tax that the
20 municipality would otherwise have been eligible to levy and collect at
21 a tax rate of .815 percent notwithstanding the requirements set forth
22 in subsections (3) through (6) of this section, reduced by an amount
23 equal to distributions made under (a), ~~(b)~~ (c), and ~~(e)~~ (d) of
24 this subsection.

25 (3) On the first day of the months of January, April, July, and
26 October of each year, the state treasurer, based upon information
27 provided by the department, shall remit motor vehicle excise tax
28 revenues imposed and collected under RCW 35.58.273 as follows:

29 (a) The amount required to be remitted by the state treasurer to
30 the treasurer of any municipality levying the tax shall not exceed in

1 any calendar year the amount of locally-generated tax revenues,
2 excluding the excise tax imposed under RCW 35.58.273 for the purposes
3 of this section, which shall have been budgeted by the municipality to
4 be collected in such calendar year for any public transportation
5 purposes including but not limited to operating costs, capital costs,
6 and debt service on general obligation or revenue bonds issued for
7 these purposes; and

8 (b) In no event may the amount remitted in a single calendar
9 quarter exceed the amount collected on behalf of the municipality under
10 RCW 35.58.273 during the calendar quarter next preceding the
11 immediately preceding quarter.

12 (4) At the close of each calendar year accounting period, but not
13 later than April 1, each municipality that has received motor vehicle
14 excise taxes under subsection (3) of this section shall transmit to the
15 director of licensing and the state auditor a written report showing by
16 source the previous year's budgeted tax revenues for public
17 transportation purposes as compared to actual collections. Any
18 municipality that has not submitted the report by April 1 shall cease
19 to be eligible to receive motor vehicle excise taxes under subsection
20 (3) of this section until the report is received by the director of
21 licensing. If a municipality has received more or less money under
22 subsection (3) of this section for the period covered by the report
23 than it is entitled to receive by reason of its locally-generated
24 collected tax revenues, the director of licensing shall, during the
25 next ensuing quarter that the municipality is eligible to receive motor
26 vehicle excise tax funds, increase or decrease the amount to be
27 remitted in an amount equal to the difference between the locally-
28 generated budgeted tax revenues and the locally-generated collected tax
29 revenues. In no event may the amount remitted for a calendar year
30 exceed the amount collected on behalf of the municipality under RCW

1 35.58.273 during that same calendar year. At the time of the next
2 fiscal audit of each municipality, the state auditor shall verify the
3 accuracy of the report submitted and notify the director of licensing
4 of any discrepancies.

5 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and
6 required to be remitted under this section shall be remitted without
7 legislative appropriation.

8 ~~((6) Any municipality levying and collecting a tax under RCW
9 35.58.273 which does not have an operating, public transit system or a
10 contract for public transportation services in effect within one year
11 from the initial effective date of the tax shall return to the state
12 treasurer all motor vehicle excise taxes received under subsection (3)
13 of this section.))~~

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 39.12 RCW
15 to read as follows:

16 The prevailing rate of wage as determined by this chapter shall be
17 paid on all public works projects for the development and construction
18 of rapid rail transportation.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.94 RCW
20 to read as follows:

21 No state agency, metropolitan planning organization, or local
22 government may approve or fund a transportation plan, program, or
23 project unless a determination has been made that the plan, program, or
24 project conforms with the state implementation plan for air quality.

25 (1) "Conforms with the state implementation plan" means:

26 (a) Conformity to the state implementation plan's purpose of
27 preventing, eliminating, or reducing the severity and number of current

1 or future violations of the national ambient air quality standards and
2 achieving expeditious attainment of such standards; and

3 (b) Ensuring that a proposed transportation plan, program, or
4 project will not:

5 (i) Cause or contribute to any new violation of any standard in any
6 area;

7 (ii) Increase the frequency or severity of any existing violation
8 of any standard in any area; or

9 (iii) Delay timely attainment of any standard or any required
10 interim emission reductions or other milestones in any area.

11 Conformity determination shall be made by the state or local
12 government or metropolitan planning organization administering or
13 developing the plan, program, or project. The determination of
14 conformity shall be based on the most recent estimates and forecasts of
15 current and expected future emissions, and such estimates and forecasts
16 shall be determined from the most recent population, employment,
17 travel, and congestion estimates and forecasts as determined by the
18 metropolitan planning organization or other agency authorized to make
19 such estimates.

20 (2) Plans and programs conform if:

21 (a) Expected current and future emissions resulting from
22 implementation of such plans and programs are consistent with baseline
23 emission inventories and forecasts and emission reduction projections
24 and schedules assigned to those plans and programs in the state
25 implementation plan; and

26 (b) The plans and programs provide for the timely implementation of
27 the transportation provisions in the approved or adopted state
28 implementation plan.

29 (3) A project conforms if:

30 (a) It is a control measure from the state implementation plan; or

1 (b) It comes from a conforming plan and program, and the design and
2 scope of such project has not changed significantly since the plan and
3 program from which the project derived was found to conform.

4 (c) A project other than one referred to in (a) or (b) of this
5 subsection conforms if it is demonstrated that the project either does
6 not contribute to increased current and future emissions in the
7 nonattainment area, or that offsetting emission reductions for the
8 project are specifically provided for in the transportation plan,
9 program, or are otherwise enforceable through the state implementation
10 plan, before the project is approved.

11 (d) No later than eighteen months after the effective date of this
12 act, the director of the department of ecology and the secretary of
13 transportation, in consultation with other state, regional, and local
14 agencies as appropriate, shall adopt by rule criteria and guidance for
15 demonstrating and assuring conformity of plans, programs, and projects.

16 (4) A project with a scope that is limited to preservation or
17 maintenance, or both, shall be exempted from a conformity determination
18 requirement.

19 (5) The department shall develop emission density formulas and
20 other modelling devices which the department shall make available for
21 use by federal, state, and local agencies and units of government in
22 evaluating the conformity of proposed projects, programs, and plans.

23 NEW SECTION. **Sec. 10.** Sections 3 through 6 of this act shall
24 constitute a new chapter in Title 43 RCW.