

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5748

Chapter 189, Laws of 2002

57th Legislature
2002 Regular Session

TRANSPORTATION--LAND USE PLANNING

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002
YEAS 41 NAYS 4

BRAD OWEN
President of the Senate

Passed by the House March 8, 2002
YEAS 71 NAYS 25

FRANK CHOPP
**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5748** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

Approved March 27, 2002

FILED

March 27, 2002 - 9:09 a.m.

GARY LOCKE
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5748

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to integration of transportation and land use
2 planning; amending RCW 35.63.060, 35A.63.060, 47.05.051, and 47.06.040;
3 and adding a new section to chapter 47.26 RCW.

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

5 **Sec. 1.** RCW 35.63.060 and 1988 c 127 s 1 are each amended to read
6 as follows:

7 The commission may act as the research and fact finding agency of
8 the municipality. To that end it may make such surveys, analyses,
9 researches and reports as are generally authorized or requested by its
10 council or board, or by the state with the approval of its council or
11 board. The commission, upon such request or authority may also:

12 (1) Make inquiries, investigations, and surveys concerning the
13 resources of the county, including but not limited to the potential for
14 solar energy development and alternative means to encourage and protect
15 access to direct sunlight for solar energy systems;

16 (2) Assemble and analyze the data thus obtained and formulate plans
17 for the conservation of such resources and the systematic utilization
18 and development thereof;

1 (3) Make recommendations from time to time as to the best methods
2 of such conservation, utilization, and development;

3 (4) Cooperate with other commissions and with other public agencies
4 of the municipality, state and United States in such planning,
5 conservation, and development; and

6 (5) In particular cooperate with and aid the state within its
7 territorial limits in the preparation of the state master plan provided
8 for in RCW 43.21A.350 and in advance planning of public works programs.

9 In carrying out its powers and duties, the commission should
10 demonstrate how land use planning is integrated with transportation
11 planning.

12 **Sec. 2.** RCW 35A.63.060 and 1967 ex.s. c 119 s 35A.63.060 are each
13 amended to read as follows:

14 Every code city, by ordinance, shall direct the planning agency to
15 prepare a comprehensive plan for anticipating and influencing the
16 orderly and coordinated development of land and building uses of the
17 code city and its environs. The comprehensive plan may be prepared as
18 a whole or in successive parts. The plan should integrate
19 transportation and land use planning.

20 **Sec. 3.** RCW 47.05.051 and 2002 c 5 s 406 (ESB 2304) are each
21 amended to read as follows:

22 (1) The comprehensive six-year investment program shall be based
23 upon the needs identified in the state-owned highway component of the
24 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
25 and priority selection systems that incorporate the following criteria:

26 (a) Priority programming for the preservation program shall take
27 into account the following, not necessarily in order of importance:

28 (i) Extending the service life of the existing highway system,
29 including using the most cost-effective pavement surfaces, considering:

30 (A) Life-cycle cost analysis;

31 (B) Traffic volume;

32 (C) Subgrade soil conditions;

33 (D) Environmental and weather conditions;

34 (E) Materials available; and

35 (F) Construction factors;

36 (ii) Ensuring the structural ability to carry loads imposed upon
37 highways and bridges; and

1 (iii) Minimizing life cycle costs. The transportation commission
2 in carrying out the provisions of this section may delegate to the
3 department of transportation the authority to select preservation
4 projects to be included in the six-year program.

5 (b) Priority programming for the improvement program must be based
6 primarily upon the following, not necessarily in order of importance:

7 (i) Traffic congestion, delay, and accidents;

8 (ii) Location within a heavily traveled transportation corridor;

9 (iii) Except for projects in cities having a population of less
10 than five thousand persons, synchronization with other potential
11 transportation projects, including transit and multimodal projects,
12 within the heavily traveled corridor; and

13 (iv) Use of benefit/cost analysis wherever feasible to determine
14 the value of the proposed project.

15 (c) Priority programming for the improvement program may also take
16 into account:

17 (i) Support for the state's economy, including job creation and job
18 preservation;

19 (ii) The cost-effective movement of people and goods;

20 (iii) Accident and accident risk reduction;

21 (iv) Protection of the state's natural environment;

22 (v) Continuity and systematic development of the highway
23 transportation network;

24 (vi) Consistency with local comprehensive plans developed under
25 chapter 36.70A RCW including the following if they have been included
26 in the comprehensive plan:

27 (A) Support for development in and revitalization of existing
28 downtowns;

29 (B) Extent that development implements local comprehensive plans
30 for rural and urban residential and nonresidential densities;

31 (C) Extent of compact, transit-oriented development for rural and
32 urban residential and nonresidential densities;

33 (D) Opportunities for multimodal transportation; and

34 (E) Extent to which the project accommodates planned growth and
35 economic development;

36 (vii) Consistency with regional transportation plans developed
37 under chapter 47.80 RCW;

38 (viii) Public views concerning proposed improvements;

39 (ix) The conservation of energy resources;

1 (x) Feasibility of financing the full proposed improvement;

2 (xi) Commitments established in previous legislative sessions;

3 (xii) Relative costs and benefits of candidate programs.

4 (d) Major projects addressing capacity deficiencies which
5 prioritize allowing for preliminary engineering shall be reprioritized
6 during the succeeding biennium, based upon updated project data.
7 Reprioritized projects may be delayed or canceled by the transportation
8 commission if higher priority projects are awaiting funding.

9 (e) Major project approvals which significantly increase a
10 project's scope or cost from original prioritization estimates shall
11 include a review of the project's estimated revised priority rank and
12 the level of funding provided. Projects may be delayed or canceled by
13 the transportation commission if higher priority projects are awaiting
14 funding.

15 (2) The commission may depart from the priority programming
16 established under subsection (1) of this section: (a) To the extent
17 that otherwise funds cannot be utilized feasibly within the program;
18 (b) as may be required by a court judgment, legally binding agreement,
19 or state and federal laws and regulations; (c) as may be required to
20 coordinate with federal, local, or other state agency construction
21 projects; (d) to take advantage of some substantial financial benefit
22 that may be available; (e) for continuity of route development; or (f)
23 because of changed financial or physical conditions of an unforeseen or
24 emergent nature. The commission or secretary of transportation shall
25 maintain in its files information sufficient to show the extent to
26 which the commission has departed from the established priority.

27 (3) The commission shall identify those projects that yield freight
28 mobility benefits or that alleviate the impacts of freight mobility
29 upon affected communities.

30 **Sec. 4.** RCW 47.06.040 and 1998 c 199 s 1 are each amended to read
31 as follows:

32 The department shall develop a statewide multimodal transportation
33 plan under RCW 47.01.071(3) and in conformance with federal
34 requirements, to ensure the continued mobility of people and goods
35 within regions and across the state in a safe, cost-effective manner.
36 The statewide multimodal transportation plan shall consist of:

1 (1) A state-owned facilities component, which shall guide state
2 investment for state highways including bicycle and pedestrian
3 facilities, and state ferries; and

4 (2) A state-interest component, which shall define the state
5 interest in aviation, marine ports and navigation, freight rail,
6 intercity passenger rail, bicycle transportation and pedestrian
7 walkways, and public transportation, and recommend actions in
8 coordination with appropriate public and private transportation
9 providers to ensure that the state interest in these transportation
10 modes is met.

11 The plans developed under each component must be consistent with
12 the state transportation policy plan and with each other, reflect
13 public involvement, be consistent with regional transportation
14 planning, high-capacity transportation planning, and local
15 comprehensive plans prepared under chapter 36.70A RCW, and include
16 analysis of intermodal connections and choices. A primary emphasis for
17 these plans shall be the relief of congestion, the preservation of
18 existing investments and downtowns, ability to attract or accommodate
19 planned population, and employment growth, the improvement of traveler
20 safety, the efficient movement of freight and goods, and the
21 improvement and integration of all transportation modes to create a
22 seamless intermodal transportation system for people and goods.

23 In the development of the statewide multimodal transportation plan,
24 the department shall identify and document potential affected
25 environmental resources, including, but not limited to, wetlands, storm
26 water runoff, flooding, air quality, fish passage, and wildlife
27 habitat. The department shall conduct its environmental identification
28 and documentation in coordination with all relevant environmental
29 regulatory authorities, including, but not limited to, local
30 governments. The department shall give the relevant environmental
31 regulatory authorities an opportunity to review the department's
32 environmental plans. The relevant environmental regulatory authorities
33 shall provide comments on the department's environmental plans in a
34 timely manner. Environmental identification and documentation as
35 provided for in RCW 47.01.300 and this section is not intended to
36 create a private right of action or require an environmental impact
37 statement as provided in chapter 43.21C RCW.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.26 RCW
2 to read as follows:

3 In any project funded by the transportation improvement board,
4 except for projects in cities having a population of less than five
5 thousand persons, and in addition to any other items required to be
6 considered by statute, the board also shall consider the land use
7 implications of the project, such as whether the programs and projects:

8 (1) Support development in and revitalization of existing
9 downtowns;

10 (2) Implement local comprehensive plans for rural and urban
11 residential and nonresidential densities;

12 (3) Have land use planning and regulations encouraging compact
13 development for rural and urban residential and nonresidential
14 densities; and

15 (4) Promote the use of multimodal transportation.

Passed the Senate March 11, 2002.

Passed the House March 8, 2002.

Approved by the Governor March 27, 2002.

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