



# Transportation Concurrency Analysis State-Owned Facilities

## Oversight Committee Meeting 3

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# Balancing State Transportation Infrastructure and Investment

The most stable way of addressing community transportation needs in Washington is to ensure:

1. Coordinated state, regional and local transportation **planning**
2. Adequate **funding**
3. Adequate **governance** systems to effectively implement planning and funding policies

“The Three-Legged Stool”



# Review - Identified Gaps in Law and Practice

## Planning Gaps

1. Transportation planning guidance documents and WAC procedural criteria have not been recently updated due to limited resources.
2. Local plans and regulations are not consistently submitted by local governments to the state.
3. Only the most important local plans and regulations are reviewed by the state due to limited staff resources.
4. Inconsistent and uncoordinated local and state planning results from the lack of a systematic process for WSDOT to review, respond, and incorporate the information from local plans.
5. Inconsistent regional planning and certification process result from lack of minimum performance requirements, political sensitivity due to the voluntary nature of RTPOs, and varied RTPO staffing levels.
6. Inconsistent local access permitting practices as well as grandfathered, illegal, and mandatory accesses exacerbate land use impacts on state highways.
7. Depending on local resources and political will, local government planning and impact analysis for state-owned facilities varies widely and sometimes results in decisions that exacerbate traffic problems on state highways and ferry routes.
8. Cities under 22,500 do not control all maintenance of the state highways within their boundaries.

## Funding Gaps

1. The state's ability to collect mitigation is limited by the type of mitigation tool used (some tools do not allow collection for state-owned facilities) and the willingness of a local agency to condition development approval and collect on behalf of the state.
2. Mitigation tools that focus on direct impacts (land dedication, voluntary agreements, and SEPA) and have time limits for the expenditure of funds (all except SEPA) tend to result in either small mitigation projects or minimal developer contributions to larger projects which are still funded primarily through general resources.
3. SEPA is a tool intended to address gaps and overlaps. It is costly to implement on a case-by-case basis for every project.
4. Some mitigation opportunities are lost because local governments do not consistently submit relevant plan, regulation, and project information to WSDOT for SEPA review.
5. Lack of a systematic process for requesting SEPA mitigation results in inconsistent WSDOT requests for and collection of mitigation funds.
6. Insufficient state transportation funding has led to little new capacity in the state's highway system, particularly in the secondary system of state routes.
7. Legislature may not consistently direct transportation investments toward planned growth areas.

## Governance Gaps

1. Concurrency does not apply to jurisdictions that are not fully planning (10 counties, 63 cities) or to transportation facilities and services of statewide significance (HSS), except in Island and San Juan counties.
2. The law is silent on whether to include state-owned transportation facilities and services not of statewide significance (non-HSS) in local concurrency systems.
3. Concurrency only applies to new development which does not address existing transportation infrastructure deficiencies.
4. Concurrency does not guarantee a uniform minimum level of service.
5. Because targeted concurrency exemptions are not allowed (e.g. for infill), concurrency requirements can trigger inefficient land use.
6. Local governments cannot respond to concurrency failures by saying "no" to more people because they are required by the GMA to accommodate projected population growth.
7. The property tax structure encourages local governments to seek new development because new construction is not subject to the 1% limitation.
8. The State's influence over local land use plans and regulations is limited because they are presumed valid upon adoption.

# Today's Meeting - Legislative and Administrative Policy Concepts

**Planning.** Facilitate better local government planning to minimize adverse impacts of local land use decisions on state highways and ferry routes by helping local governments do a better job:

- monitoring the impacts of development on state highway and ferry capacity
- incorporating state highway and ferry data in local traffic modeling and decisions
- coordinating local and state transportation planning
- designing policies and regulations that minimize adverse impacts of growth on state transportation facilities
- using best practice access management strategies
- taking advantage of local funding opportunities for state transportation system improvements needed as a result of development

## Implementation Options:

**A. Technical Assistance.** Increase technical assistance provided by CTED, WSDOT and/or RTPOs including the provision of

- i. updated guidance documents
- ii. expert advice and analysis
- iii. educational programs

**B. WSDOT Plan Review.** Increase WSDOT participation in local planning through

- i. consistent review and comment on local comprehensive plans and development regulations in writing and at key meetings
- ii. developing productive and collaborative relationships with local planners and elected officials
- iii. tracking, reporting, and following up on local government responses to comments

**Funding.** Improve the state's ability to secure adequate investment so state highways and ferry routes function for planned growth.

## Implementation Options:

**A. WSDOT Development Review.** Improve WSDOT development review processes including

- i. working with local governments to reliably identify and submit to WSDOT plans, regulations, and projects that impact state highways or ferry routes
- ii. developing consistent methods of analyzing and assessing development impacts
- iii. entering into mitigation agreements with local governments
- iv. requesting mitigation to address adverse impacts
- v. tracking, reporting and following up on the mitigation requested and received

**B. Redirect State Funding.** Set aside a portion of the monies allocated to other state infrastructure funding sources (e.g. CERB, TIB, PWB, FMSIB) for funding state highway capacity and safety improvements needed because of the impacts of growth

**C. State Collects Mitigation.** Amend state law as appropriate to allow WSDOT to collect mitigation fees directly from the developer

**D. State Collects Impact Fees.** Amend state law as appropriate to allow WSDOT to establish and collect impact fees directly from the developer

**Governance.** Strengthen the state's ability to hold local governments accountable for their planning and funding decisions that impact state highways and ferry routes.

## Implementation Options:

**A. Local Incentives.** Provide incentives for local governments to adopt best practice planning access management, and mitigation strategies by

- i. allowing limited concurrency exemptions
- ii. modifying the criteria of transportation funding programs to give higher priority to local governments that have adopted best practices
- iii. modifying the criteria of state transportation grants to consider whether the local government has adopted best practices

**B. Mandatory Good Planning Practices.** Require local governments to adopt best practice planning and access management strategies by

- i. adding new requirements to the GMA comprehensive planning process
- ii. clarifying RTPO certification requirements
- iii. adding WSDOT certification requirements

**C. Mandatory Local Enforcement of State Requested Mitigation.** Require local governments to condition development approval on and collect WSDOT mitigation fund requests.

**D. Expansion of Concurrency to State Highways and Ferry Routes.** Amend the GMA by

- i. requiring local governments to deny development if it causes the LOS on state-owned highways or ferry routes to fall below the adopted standard (HSS and/or non-HSS), or
- ii. requiring local governments to participate in a regional concurrency system that includes state-owned highways and ferry routes (HSS and/or non-HSS)

# Today's Policy Discussion: Evaluating Impacts

## Review of Analysis Objectives:

### Analysis Objective

The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat the growth management act concurrency goals. [SSB 6241 Sec. 224]

### GMA Concurrency Goal:

Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing service levels below locally established minimum standards. [RCW 36.70A.020(12)]

### Concurrency Objectives

- Encourage land use patterns that allow infrastructure to be provided in an efficient manner
- Provide appropriate infrastructure at the time of new development
- Prevent new development from degrading local service standards for existing residents

## Proposed Criteria for Evaluation:

1. To what extent will the policy concept meet the concurrency objectives?
  - More transportation efficient land use
  - Prevention of the degradation of state highway capacity and safety
  - Better provision of infrastructure through more effective state transportation funding
2. To what extent will the policy:
  - Increase intergovernmental collaboration?
  - Generate immediate results?
  - Proactively address land use impacts early in the process?
3. What is the governance structure of the policy? How does it balance the political tradeoffs between:
  - State control versus local autonomy?
  - Statewide consistency and predictability versus local sensitivity and flexibility?

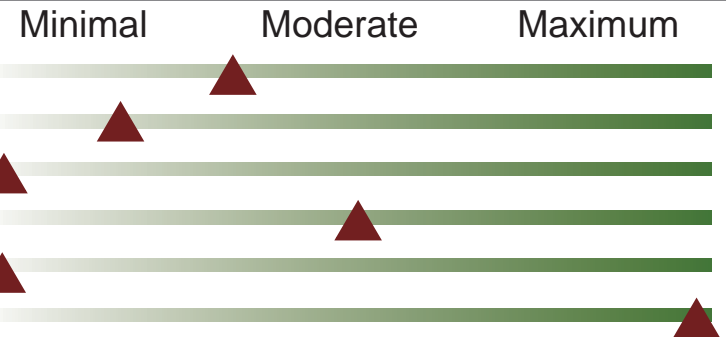
# Reading the Sliding Scales

- The sliding scales reflect the relative degree of effectiveness within the closed context of this analysis (i.e. effectiveness ratings are based on a comparison to the other policies being considered).
- The relative importance of the criteria is not reflected in the analysis (i.e. you can't sum the ratings to pick the best policy).

## EXAMPLE:

*To what extent will the policy:*

- Result in more transportation efficient land use?
- Prevent the degradation of state highway capacity and safety?
- Provide for more effective state transportation funding?
- Increase intergovernmental collaboration?
- Generate immediate results?
- Proactively address land use impacts early in the process?



*How does the policy balance the tradeoffs between:*



# Planning: Technical Assistance

**Who:** CTED, WSDOT and/or RTPOs

**What:** Increase technical assistance to cities and counties

**Why:** To provide local governments with the information and resources they need to make land use decisions that minimize adverse impacts on state highways and ferry routes

**How:**

- Develop an updated guidebook on local planning, access management, and development review for state highways and ferry routes
- Devote additional staffing to provide individual, timely expert advice and analysis to local governments
- Periodically offer workshops across the state on best practice planning, access management and development review for state highways and ferry routes

**Pros:**

- Relatively inexpensive
- Local governments are seeking information and guidance
- Builds on existing GMA framework

**Cons:**

- Results not immediate due to 7-year comprehensive plan update cycles
- Local governments may disregard assistance
- Ensuring consistent guidance that is also sensitive to regional considerations is challenging

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# Planning: WSDOT Plan Review

**Who:** WSDOT

**What:** Increase WSDOT participation in local land use processes

**Why:** To more effectively communicate the state's interest in protecting the capacity and safety of the highway and ferry system so local planners, elected officials and the public are aware of the consequences of their decisions, and so the state is on record if an appeal is appropriate

**How:**

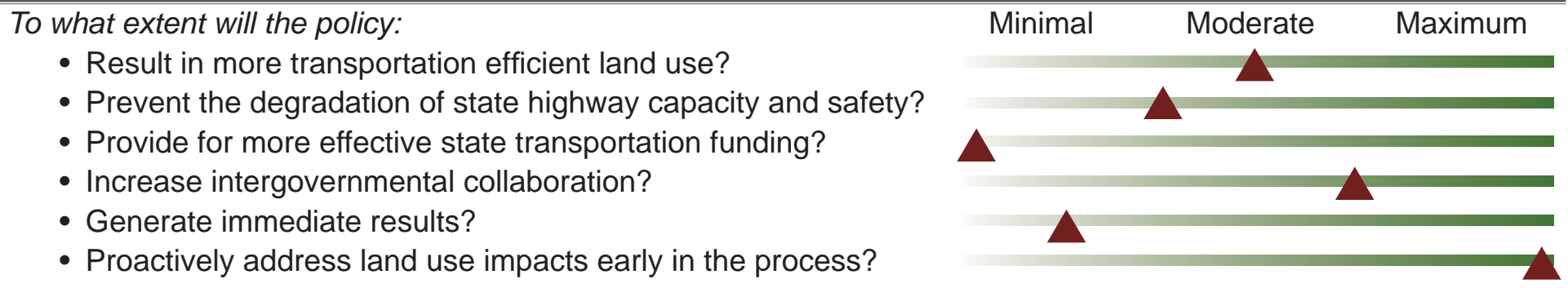
- Devote additional staffing to comprehensive plan and development regulation review and comment
- Develop productive and collaborative relationships with local planners and elected officials
- More consistently track, report and follow-up on local governments' responses to comments

**Pros:**

- Relatively inexpensive
- Builds on existing GMA framework
- More effective than technical assistance alone because comments address specific local proposals and receive wider exposure through the public involvement process
- Sets the stage for state appeals of local government decisions when needed

**Cons:**

- Results not immediate due to 7-year comprehensive plan update cycles
- Local governments may disregard comments
- May lead to more state appeals of local government decisions



# Funding: WSDOT Development Review

**Who:** WSDOT

**What:** Improve WSDOT development review processes

**Why:** To more consistently and fairly assess developments for their impacts on state highways and ferry routes and more effectively fund transportation capacity and safety improvements needed because of growth

**How:**

- Develop and distribute guidelines for local submittal of development proposals, standards for private traffic analyses, instructions for state review and formulas for impact assessment
- Devote additional staffing to develop intergovernmental agreements with local governments for development mitigation and to the review of development proposals
- More consistently track, report and follow-up on local government responses to mitigation requests

**Pros:**

- Relatively inexpensive
- Builds on existing SEPA framework

**Cons:**

- Local governments may disregard mitigation requests
- Only cost-effective to collect mitigation from larger developments
- Mitigation is generally less predictable for private sector than impact fees
- Transportation projects funded through mitigation tend to be smaller project-related fixes
- Total amount collected does not approach unfunded transportation system needs

*To what extent will the policy:*

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# Funding: Redirect State Funding

- Who:** CTED, WSDOT, CERB, CRAB, TIB, PWB, FMSIB, RTPOs
- What:** Redirect state infrastructure funding to transportation improvements needed because of growth
- Why:** To improve the function of state highways and ferry routes for planned growth
- How:** Direct the Community, Trade and Economic Development Department, the Washington State Department of Transportation, the Community Economic Revitalization Board, the County Road Administration Board, the Transportation Improvement Board, the Public Works Board, the Freight Mobility Strategic Investment Board, and Regional Transportation Planning Organizations to set aside a portion of their state or federal discretionary infrastructure grant and loan funding for capacity or safety improvements needed because of growth
- Pros:** - Uses existing state resources to address growth-related transportation needs on the state system
- Cons:** - Reduces the resources available for other infrastructure needs  
- Total amount available would not approach the unfunded transportation system needs

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# Funding: State Collects Mitigation

**Who:** WSDOT

**What:** Authorize WSDOT to collect SEPA mitigation fees directly from the developer

**Why:** To more consistently and fairly collect mitigation and more effectively fund transportation capacity and safety improvements needed because of growth

**How:** Amend the State Environmental Policy Act

**Pros:**

- Relieves local governments of the responsibility for collecting mitigation on behalf of the state
- More consistent and predictable state mitigation collection for growth-related transportation needs

**Cons:**

- State mitigation assessments would not be considered in the broader SEPA context that considers and balances all potential impacts
- Only cost-effective to collect mitigation for larger developments
- Mitigation is generally less predictable for private sector than impact fees
- Transportation projects funded through mitigation tend to be smaller project-related fixes
- Total amount collected does not approach the unfunded transportation system needs
- May contribute to sprawl

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# Funding: State Collects Impact Fees

**Who:** WSDOT

**What:** Authorize WSDOT to collect impact fees directly from the developer

**Why:** To more predictably assess development for growth impacts and more effectively fund state highway and ferry route capacity and safety improvements needed because of growth

**How:** Amend the Growth Management Act (GMA) section on Impact Fees, the Local Transportation Act (LTA), or the Transportation Benefit District (TBD) Act or enact new legislation

- Pros:**
- Impact fees are generally more predictable for private sector than mitigation
  - Collecting state impact fees would create a more consistent statewide revenue stream
  - Impact fees are generally more useful for funding area-wide system improvements
  - Unlike mitigation, impact fees do not require individualized assessments of a project's direct impact
  - May be designed to incentivize transportation efficient land use practices through waivers or discounts

- Cons:**
- Setting up a fair impact fee system is technically challenging and may be costly if frequently appealed
  - Existing time limitations for expenditure may preclude the use of impact fees for some projects
  - Using existing impact fee tools may result in the inability to collect fees in cities or counties that are ineligible for or have chosen not to use certain fees
  - Total amount collected would not approach the unfunded transportation system needs

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# Governance: Local Incentives

- Who:** Legislature, WSDOT, CTED, RTPOs, CERB, CRAB, TIB, PWB, FMSIB
- What:** Provide incentives for local governments to adhere to best practices in planning, mitigation, and access management
- Why:** To encourage local governments to make land use choices that will protect the capacity and safety of the state highway and ferry systems
- How:**
- Amend the GMA to allow local governments who have adopted best practice planning, access management and/or mitigation strategies to allow limited concurrency exemptions for urban infill
  - Modify the criteria of existing state transportation funding processes and/or state infrastructure grant and loan programs to give higher priority to local governments that have adopted best practices
- Pros:**
- Limited concurrency exemptions for infill may encourage denser urban development and discourage sprawl as well as reward local governments that implement best practices
  - Local governments are more likely to implement best practices if incentives are provided
  - Builds on existing planning and mitigation frameworks
- Cons:**
- Most state transportation funding has been determined for the next 16 years, minimizing the incentive
  - Reprioritizing state funding would reduce resources available for other needs
  - Total amount available would not approach the unfunded transportation system needs

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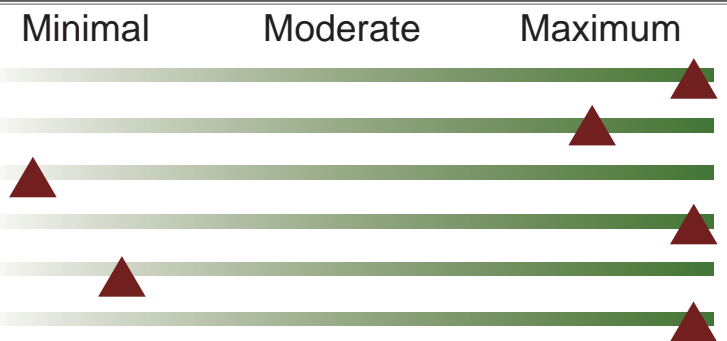


# Governance: Mandatory Good Planning Practices

- Who:** WSDOT, CTED, RTPOs
- What:** Require local governments to adhere to best practices in planning and access management
- Why:** To ensure the protection of the capacity and safety of the state highway and ferry systems
- How:**
- Clarify RTPO certification requirements
  - Add new requirements to the GMA comprehensive planning process, or
  - Create new WSDOT certification requirements
- Pros:**
- Ensures that state transportation resources are protected
- Cons:**
- Reduces local flexibility and autonomy in land use planning and access management
  - Existing enforcement mechanisms are weak
  - Results not immediate due to 7-year comprehensive plan update cycles

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# Governance: Mandatory Local Enforcement of State Mitigation

**Who:** WSDOT, Local Governments

**What:** Require local governments to condition development approvals and collect mitigation requests for WSDOT

**Why:** To more consistently and fairly collect development mitigation and more effectively fund transportation capacity and system improvements needed because of growth

**How:** Amend the State Environmental Policy Act

**Pros:** - More consistent and predictable state mitigation collection for growth-related transportation needs

**Cons:**

- Local governments may be subject to more frequent appeals which are costly
- May not require the state's mitigation requests to be balanced with other SEPA identified impacts
- Only cost-effective to collect mitigation for larger developments
- Mitigation is generally less predictable for private sector than impact fees
- Transportation projects funded through mitigation tend to be smaller project-related fixes
- Total amount collected does not approach the unfunded transportation system needs

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# Governance: Expansion of Concurrency to State Highways & Ferries

**Who:** WSDOT, Local Governments

**What:** Expand the GMA transportation concurrency requirement to state-owned highways and ferry routes

**Why:** To ensure that the state highways and ferry routes necessary to support development are adequate to serve the development at the time of occupancy and use without decreasing levels of service (LOS) below the adopted standards of the state or region

**How:**

- Amend the GMA to require local governments to deny development if it causes the LOS on state-owned highways or ferry routes to fall below the adopted standard (may apply to HSS and/or non-HSS)
- Amend the GMA to require local governments to participate in a regional concurrency system that includes state-owned highways and ferry routes (may apply to HSS and/or non-HSS)

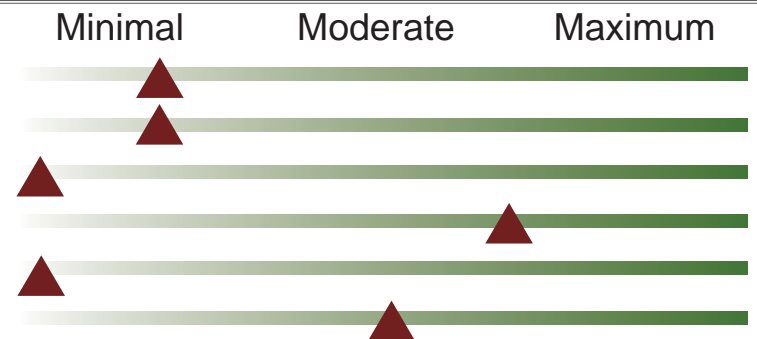
**Pros:** - Requires local governments to maintain LOS standards while allowing them some flexibility

**Cons:**

- Local governments would not have the option of reducing LOS standards (accepting congestion)
- May result in moratoriums due to limited transportation funding or sprawl to avoid congested corridors
- Implementation would be expensive for local governments
- Penalizes communities with high levels of pass-through traffic beyond their control
- May lead to prioritization of avoiding traffic congestion above other state policy goals
- Very difficult to establish a fair concurrency system, costs of appeals may be high

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# Reality Check - US 2 in Monroe

## The Situation:

- Since 1990, Monroe's population almost quadrupled from 4,200 to 16,000. It is projected to increase to 26,590 by 2025.
- Average daily traffic has increased more than 54%, resulting in traffic diversion onto local roadways and even through parking lots to avoid congestion.
- From 1999 to 2005 there have been 1,110 collisions, including 5 fatalities. Collisions are significantly higher than the statewide average (4.53 collisions per vehicle mile compared to 1.11 statewide average).
- In 2006, WSDOT invested \$3.2 million constructing medians and traffic curbs, widened intersections and upgraded traffic signals along US 2 in Monroe to improve safety and mobility. Despite local support for a US 2 bypass, additional significant state funded improvements are unlikely to be made over the next 15 years, unless additional transportation funding is approved by the legislature.

## The Gaps:

- US 2 in Monroe is a highway of state-wide significance statutorily exempt from concurrency.
- Existing access points along US 2 in Monroe are well below access management standards (driveways are 50 feet apart in places; current standards require 660 feet).
- Monroe included a very minimal amount of planning for state-owned facilities in its comprehensive plan update in 2005, and proposed expanding its UGA by 285 acres.
- WSDOT did not comment on Monroe's 2005 update. CTED and PSRC both commented but no one discussed the impact of expanding the UGA on US 2.
- WSDOT has had a mitigation agreement with Monroe since 1990, but has collected only 0.2% of the \$100 million needed for a US 2 bypass.
- Snohomish County must accept and plan for its projected population growth.

## The Policy Concepts Applied:

- Planning. WSDOT expert advice and analysis could have provided better information about the impact of a UGA expansion on US 2. This may or may not have resulted in a different outcome, but at a minimum the information could have been included in the record increasing public awareness and local accountability.
- Funding. Better analytical methods for assessing development impacts and the ability to directly collect mitigation or impact fees may have resulted in better funding for incremental safety and mobility improvements to US 2. However, it is highly unlikely that it could have made a significant enough contribution to the cost of a potential US 2 bypass to make it a feasible project.
- Governance. Because Monroe is seeking funding for a US 2 bypass, funding or grant incentives would likely have been a strong motivator for adopting best practices. Expansion of concurrency might have slowed growth or spread development further out along the highway.

## Next Steps

### Discussion-

- What's missing?
- Should we consider any other policy concepts? Are some more important than others?
- Draft recommendations November 17, 2006
- Final report December 1, 2006