

Multimodal Concurrency Study

(2SHB 1565, 2005 Session)

Diverse Goals and Objectives for Concurrency: A Challenge for *Multi-Modal* Concurrency

TASK 5: TECHNICAL MEMO

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by

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INTRODUCTION

One major issue has become quite apparent to the consultant team while working with participating jurisdictions in this and previous concurrency projects is that different players in the concurrency process have different views of the goals concurrency is intended to accomplish. These differences help contribute to the many varied approaches and methodologies used for concurrency as described in earlier papers. While almost all participants agree with the basic legally defined end goal of concurrency (“to ensure that public infrastructure supports development as it occurs”), opinions diverge significantly in how to approach and define “acceptable level of service (LOS)” and “travel accommodation” as well as how to fund the transportation improvements required to provide the transportation services that allow jurisdictions to meet their concurrency goals.

Issues with transportation concurrency arise only when development within a jurisdiction reaches the point at which the transportation levels of service adopted by that jurisdiction have been exceeded or will be exceeded by proposed development. At that point, a jurisdiction has three distinct choices:

- development is denied/stopped,
- additional transportation facilities and/or services must be provided (funded), or
- the adopted LOS standard must be changed to accept lower levels of transportation system performance.

Differences in a jurisdiction’s objectives for concurrency become significant because the concurrency system sets the rules and defines the means under which a jurisdiction must make decisions on new developments. Underlying a jurisdiction’s concurrency system are its objectives and sense of vision for how it will resolve travel demand generated by new development, i.e. expectations for single-mode/roadway solutions or multi-modal solutions. Understanding how an agency wishes to resolve supply-demand imbalance when it occurs, without knowing in advance what specific development decisions will be reviewed, is key to developing an effective concurrency system.

In addition to the differences in opinion that occur when jurisdictions need to balance development interests against transportation system performance and financial constraints, the development of an effective multi-modal concurrency system must balance a variety of technical objectives. This short briefing paper is intended to define the various policy and technical objectives that must be considered when an approach to multi-modal concurrency is designed or selected.

In tasks 6 and 7 of this project, these objectives will be used to develop alternative approaches to multi-modal concurrency, develop the criteria against which those alternatives will be evaluated, and provide the initial evaluation of those alternative approaches.

CONCURRENCY OBJECTIVES

Primary Objectives

Put simply, transportation concurrency is the regulatory system designed to govern the intersection of land development and transportation system performance. Where concurrency is applied, development can only occur where adequate transportation facilities exist (or will exist shortly) to serve that development. “Adequate transportation facilities” are defined as “levels of service” that each jurisdiction adopts. Each jurisdiction is free to develop its own definition of “adequate transportation facilities.”

Controlling timing of development. The legislative code indicates that limits on development caused by an inability to meet adopted level of service standards are intended to be temporary, as additional transportation services are expected to be implemented to serve the adopted land use plan.¹ Thus, one objective of concurrency is to simply control the timing of development. This objective assumes that existing funding sources will eventually be available to increase transportation services and thus permit additional development that is acceptable within adopted comprehensive plans.

Support transportation system funding. Unfortunately, limits in transportation funding have frequently prevented many jurisdictions from adding the transportation system capacity necessary to maintain their adopted performance standards. As a result, some jurisdictions have used their concurrency systems to help generate additional developer contributions toward transportation system improvements. Thus, a second common objective of the concurrency systems implemented by jurisdictions is to provide a mechanism for generating additional transportation system funding for a jurisdiction. These funds can be used both to increase the amount of funding available for transportation improvements and to increase the speed with which desired transportation system improvements are implemented.

Subtle limitations on level of growth. In some jurisdictions, the adopted transportation level of service standards in the concurrency system, combined with the adopted transportation plans, do not allow authorizing development to the full level portrayed and assumed in the adopted comprehensive plan. For these jurisdictions, concurrency becomes a way to limit growth to levels below those adopted in the comprehensive plan without actually changing that plan. Essentially, development is permitted until the transportation level of service standards are reached, and later development is then denied.

Focus development in desired geography. By allowing level of service standards to differ by geographic area within a jurisdiction and/or by prioritizing transportation improvements within specific geographic areas, jurisdictions can also focus allowable development within limited geographic areas. Rather than denying all development, this approach allows continued

¹ The assumption is that the land use and transportation plans have been cooperatively developed and that the transportation system will at some point in the future be expanded to meet the needs of the adopted land use plan. WAC 365-195-510 (4) states: “To the extent that any jurisdiction uses denial of development as its regulatory response to the absence of concurrency, consideration should be given to defining this as an emergency for the purposes of the ability to amend or revise the comprehensive plan.”

development in some parts of the city while denying it in others. Such an approach can be closely or loosely tied to the adopted comprehensive plan.

Financial tool to focus development. A slight variation on the previous objective is to use the cost of necessary transportation system improvements to raise the price of development in one part of the city versus another part, in order to create financial incentives for developing in some areas and corresponding financial disincentives for developing in others.

Multi-Modal Objectives

While most jurisdictions have adopted transportation levels of service defined in terms of roadway level of service, the inability to increase roadway capacity because of financial constraints, political constraints, and/or simple lack of available right-of-way has caused many jurisdictions to look for more multi-modal solutions to their transportation problems. This fits well within the guidelines of the concurrency legislation, which specifically indicates that transportation level of service should be multi-modal. Translation of this desire for multi-modal solutions into concurrency system objectives is reflected in several variations in the primary concurrency objectives discussed above.

Channel development to increase system efficiencies. Some jurisdictions would like to use concurrency regulations to permit development where transportation alternatives to the single occupant vehicle (SOV) exist, regardless of (or in combination with) the level of roadway congestion. One form of this approach is to accept higher levels of congestion in geographic areas that contain higher levels of service for non-SOV transportation modes. For example, even if roadway congestion exceeded adopted concurrency standards, additional development would be permitted where completed pedestrian networks and urban design features encouraged walking and biking in lieu of driving a car, or where high quality transit service existed as an alternative to car use. A more stringent version of this approach permits development *only* where sufficiently high levels of service for alternative modes of travel exist. The basic objective of these requirements is to increase the system efficiencies and the percentage of travel using non-SOV modes.

Support travel demand management (TDM) strategies. Some jurisdictions use concurrency systems to require developers to adopt travel demand management (TDM) strategies in order to obtain development permits in geographic areas at or nearing their concurrency standards. In addition to placing specific requirements on developments to encourage multi-modal travel, concurrency regulations could be designed to lower the cost of meeting level of service standards by promoting TDM in areas that are well served by multiple modes of travel, as well as increasing the cost of development in areas not well served by multiple modes of travel.

Development by design to support expanded travel options. Finally, for jurisdictions looking to reduce traffic congestion levels, multi-modal concurrency is viewed as a process to increase the likelihood that new development can be efficiently served by transit, or to expand the transportation options of the growing state/regional population.

Regional Versus Local Concurrency Objectives

Local Control. Transportation concurrency legislation is currently oriented toward individual jurisdictions. The jurisdiction that controls the land use sets the concurrency standard. This is good from the perspective of local control over land use, which is a key prerogative of local jurisdictions. Thus, a key objective of concurrency is to allow local jurisdictions to maintain control of their own land use and development.

Local control is a very important political issue. And different localities select very different combinations of land use and transportation system performance. The current status of the variations in adopted concurrency procedures tends to suggest the desire for flexibility, such that it allows different jurisdictions to accommodate their different visions of the desired combination of land development and transportation system performance.

Regional system performance. In spite of the GMA's locally focused concurrency decision process, travel crosses jurisdictional boundaries, and the trips generated in one jurisdiction frequently affect the transportation system performance experienced in neighboring jurisdictions. One limitation in the current concurrency regulations is that regional impacts are neglected for the sake of very strong local control over land use. Ideally, transportation concurrency should also help to reduce regional congestion, encourage the efficient operation of the regional transportation system, and decrease the impacts of development on neighboring jurisdictions. Regional objectives for the outcome of multi-modal concurrency can include reducing per capita vehicle-miles-of-travel (VMT), facilitating the growth of non-motorized travel, decreasing the demand for congested regional roads, and increasing the mode split of shared ride travel.

The outcome of more regional objectives for transportation concurrency would be a change in development cost structure, which would discourage sprawl by increasing the cost of development in outlying areas and encourage infill by reducing the cost of development in urban centers that could be easily and effectively served by transit and other alternative forms of travel.

Secondary Objectives and Tough Trade-Offs

Limit costs of concurrency process. In addition to the more political or policy oriented objectives discussed above that drive the development and application of concurrency systems, jurisdictions and firms involved in developing and applying those concurrency systems consider a series of more technical objectives. These considerations apply less to the desired outcome from the adopted concurrency systems and more on the nature of the effort and process required to apply the system and the transparency and credibility of that system.

Developers, who must pay the cost of developing materials necessary to prove compliance with concurrency requirements, have an interest in limiting the cost of performing concurrency analyses, as do jurisdictions, which must both review those development applications and produce their own concurrency compliance reports. Thus, a secondary objective of any concurrency system is to limit the cost of performing concurrency analyses and reviews. These costs include collecting the necessary data, performing the required analyses, informing the decision making process, producing the relevant reports, and reviewing the entire process in a publicly transparent manner. All things being equal, a concurrency system that costs less to

apply is better than one that requires more staff time and resources to maintain. Having said that, an inexpensive system that does not serve the primary interests and objectives of the jurisdiction is less desirable than a more expensive system that produces the desired results.

Not surprisingly, the project team's review of existing concurrency systems generally found that jurisdictions attempting to use the concurrency regulations to more carefully control their development process tended to have more complex concurrency systems, whereas those relying less heavily on concurrency regulations to control or shape growth tended to select more simplistic, lower cost concurrency systems.

The cost of performing required concurrency computations tend to be driven by the following:

- the quantity of data needed in the analysis (Are only roadway performance data required, or are data needed to reflect all modes of travel?)
- the availability of those data (Are the data already produced/collected as a result of other activities already being performed by the developer/agency, or must new data be collected or computed specifically for the concurrency analysis? Are all of the data maintained by the jurisdiction, or must the data be assembled from multiple sources?)
- the complexity of the analyses required (Do new transportation modeling runs need to be performed, or can readily available data be used to meet analysis requirements?).

A corollary to lowering the cost of performing concurrency analyses is that all parties involved in concurrency prefer systems that are easy and fast to apply.

Transparent and easily understood. Next, jurisdictions generally prefer that the concurrency system be as transparent and easily understood as possible. A concurrency system that can be easily understood by political decision makers and the public is preferable to one viewed as a "black box." Easy to understand systems encourage better public support and understanding of the decision making process and are less likely to result in major challenges or litigation. They also reduce the cost of development by making it easy for a potential developer to compute the cost of development for a given project. This generally means that the more simplistic the system the better.

Unfortunately, simple systems also tend to be less flexible and act as relatively "blunt instruments" when jurisdictions try to balance development pressures against transportation system performance. Consequently, they tend to give jurisdictions less ability to fine tune developer actions to maximize the transportation performance improvements/land-use benefits obtained from each development and its associated transportation mitigation efforts.

Predictable and credible. The above discussion raises two other key objectives. The concurrency system needs to be predictable and credible. Simplicity tends to make the outcome of an analysis more predictable, but systems that are too simple can lose credibility if that simplicity means that key factors are not incorporated into the process. (For example, a concurrency system based exclusively on whether the number of roadway lanes called for in the transportation plan existed would be simple, predictable, and easily understood, but it might not

be a credible approach to concurrency if the local citizenry were upset with the level of congestion to be found on those roads.)

As a result, the desire for simplicity tends to be traded off against more costly and complex systems designed to provide more control over development, its impacts, and the resulting mitigation efforts.

NEED FOR CRITERIA TO EVALUATE ALTERNATIVES

Understanding the divergent outcomes described above that underlie the basic goal of concurrency allows the project team to develop criteria against which to compare the strengths and weaknesses of alternative approaches to multi-modal concurrency. All of the issues and objectives expressed above have been incorporated into the project team's 13 basic criteria. These will be further explored and refined within Task 6 of this project. The 13 areas of evaluation criteria are posed as questions below.

- Is it politically acceptable
- Is it intelligible and credible with the public
- Is it predictable
- Is it compatible with the current regulatory structure
- Is it relevant to the goals of the Growth Management Act
- Does it expand transportation options
- Is it a sustainable approach - legally, financially and structurally
- Does it lowers the cost to the private sector
- Does it produces funding for transportation improvements
- Is it compatible with current planning data and methodologies
- Can it be scaled effectively - both geographically and temporally
- Is it sensitive to local conditions
- Is it versatile enough for urban, suburban, and exurban jurisdictions