

- Final Draft -

MULTIMODAL CONCURRENCY STUDY

(2SHB 1565, 2005 Session)

Concurrency Practices in Washington State

Task 2: Technical Memo

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by

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EXECUTIVE SUMMARY

The purpose of this technical memo is to document concurrency practices in Washington State,¹ with a particular focus on current implementation of multimodal concurrency.

Though a majority of jurisdictions in the state that are planning under all requirements in the Growth Management Act (GMA) report implementation of transportation concurrency ordinances, none can be said to have put into practice an effective, regionally-aware multimodal transportation concurrency plan.

This failure does not reflect a lack of interest on the part of jurisdictions—cities want to have more multimodal concurrency systems; rather, it reflects the significant difficulties associated with numerous challenges to implementation, including historic and legal precedents, interrelated governmental policies and practices, agreement on intent, jurisdiction coordination, lack of control over transit service levels and routes, and lack of successfully demonstrated examples of innovative approaches due to institutionalized separation of decision-making between those making land-use/development decisions and those making transit decisions.

Numerous options for realizing the potential of concurrency exist at the local, regional, and state levels; a variety of approaches exist for removing the barriers to creating truly multimodal systems that work.

MEMO OUTLINE

The memo is comprised of five sections:

1. The first section briefly explains the *context* of transportation concurrency in Washington State, with special emphasis placed on multimodal concurrency.
2. The second section provides an overview of *current practice*, briefly noting general transportation concurrency practice before emphasizing implementation and planning for multimodal concurrency.²
3. The third section presents *emerging issues* in transportation concurrency ordinance, discussing the limitations of formal implementation and relative lack of innovative planning noted in the previous section.

¹ It is worth noting that few other states have implemented explicit growth management laws. New Jersey, California (limited to Los Angeles), Maryland, and Florida have some form of growth controls, though only those of Florida are comparable to legislation passed in the State of Washington (viz. Florida's Multimodal Transportation District initiatives). In contrast, Oregon, the state best known for growth control, has historically implemented growth management through comprehensive planning.

² This section is informed by assessments of concurrency practice completed in 2002-2003 by the Washington State Transportation Research Center (TRAC) and by the Puget Sound Regional Council (PSRC) in cooperation with its Regional Staff Committee.

4. The fourth section reviews potential *areas of improvement*, offering strategies to strengthen core transportation concurrency, as well as recommendations specific to developing multimodal concurrency.
5. The fifth section offers a *conclusion* to the report with a general summary and an outline of the next steps in the Multimodal Concurrency Study (2SHB 1565).

1 – INTRODUCTION

THE CONTEXT OF CONCURRENCY IN WASHINGTON STATE

Transportation Concurrency

The Growth Management Act (GMA) introduced the idea of “concurrency” in 1990 as a way of more effectively linking land-use and infrastructure planning. The term reflects the law’s goal of ensuring that development does not outpace the provision of infrastructure, particularly for transportation.³ The transportation infrastructure that a jurisdiction may examine to determine what might be required to serve new development can include roads, transit service and facilities, or other modes of travel, depending on the nature of the city/county in which the development will occur.

The GMA directs jurisdictions to define and establish level of service (LOS) standards for their transportation systems. The transportation LOS standards serve as a baseline for determining whether current transportation facilities can accommodate the transportation impacts associated with new development. If the projected new development would cause performance of the transportation system to exceed pre-determined LOS standards, the jurisdiction must deny the development unless transportation improvements and strategies are made to accommodate the development within six years, a process known as *concurrency mitigation*.

Multimodal Aspect of Transportation Concurrency

The overarching goals of the GMA focus on making land development more efficient, conserving rural land, and reducing urban sprawl. Transportation concurrency aims to ensure that development occurring in developed areas does not place undue burdens on people already living and working in that area who rely on the existing and funded transportation facilities. Transportation concurrency also calls for transportation improvements to be similarly funded and built to serve growth occurring in less developed areas.

Creating more dense, livable communities requires a careful linking of transportation and land use in a manner that must include attention to a wider range of transportation modes.

Transportation concurrency can be an effective tool for promoting these goals, but, as currently applied by most jurisdictions, its application is largely focused on measuring roadway traffic, and this tends to result in roadway-types of outcomes that are often counter to the intent of the GMA. Densification of development (a desired outcome of the GMA and incorporated in most regional plans seeking to contain unplanned growth) increases the likelihood of roadway congestion (i.e., poor levels of service on roads). In

³ This *concurrency* requirement applies to all aspects of a local government’s infrastructure, including roadways, sewers, and water. However, the Act requires jurisdictions to adopt ordinances that establish a concurrency *measurement* system only for transportation. As a result, the ability of the transportation system to support new development has become the primary test for whether development and infrastructure are “concurrent.”

dense regions with increased levels of congestion, mobility is maintained through the provision of transportation infrastructure that allows a combination of transportation modes to meet the travel needs of residents and businesses. Thus, multimodal transportation concurrency (i.e., a concurrency system that determines whether the transportation infrastructure/service required by new development, regardless of mode, is in place) is a key element in fulfilling the promise of the GMA.

Unfortunately, multimodal solutions that address LOS deficiencies remain largely absent in the current ordinances of jurisdictions in Washington State. Other than in a few cities that use simplistic modeling techniques to decrease the assumed vehicle trip generation rates for proposed development based on current transit usage rates, the concurrency decision making approaches applied by the vast majority of Washington jurisdictions essentially do not examine the extent, performance, capacity, or effectiveness of current or future proposed transit systems. Most concurrency systems are typically silent in examining options to meet growth in travel demand by testing modal travel shifts that might reduce auto travel and offer transit, pedestrian or bicycle travel options.

Similarly while many cities include multimodal infrastructure in their comprehensive plans and development codes (e.g., requiring sidewalks and other multimodal transportation infrastructure as part of the site development), the adequacy, performance, and use of these facilities are not included in the transportation concurrency calculations. When these facilities are included in the concurrency process at all, their absence or existence is simply used as a travel baseline condition from which one might modify the assumed roadway capacity of monitored roads. That is, a road with a completed sidewalk is given a higher vehicle capacity value than the identical road with incomplete or non-existent sidewalks. This approach to “pedestrian infrastructure” for transportation concurrency allows slightly higher levels of development in areas with sidewalks than in areas without sidewalks by increasing the assumed number of vehicles that can efficiently use the roads in that area. Outside of the mathematical effects on vehicle capacity, this approach does not measure the “adequacy” of those multimodal transportation facilities.

However, this situation is not intractable: recent legislation⁴ may provide the catalyst needed to convince local jurisdictions and regional transportation planning organizations (RTPOs) to implement multimodal concurrency approaches currently under consideration.

⁴ Public Law 2SHB1565 passed during the 2005 Legislative Session requires that regional planning authorities create a measurement of total multimodal capacity for regional growth centers during the peak hours.

2 – REVIEW OF CONCURRENCY IN WASHINGTON STATE

CURRENT TRANSPORTATION CONCURRENCY PRACTICES⁵

As part of a major concurrency study performed in 2003, the Puget Sound Regional Council (PSRC) surveyed its jurisdictions to determine the procedures they used to compute transportation concurrency. The PSRC project, “Implementing Destination 2030: Monitoring Regional Progress—Assessing the Effectiveness of Concurrency” was performed in three phases.

Phase I – Survey Results: The goals of Phase I were to survey jurisdictions in the four-county region to determine whether they have programs in place, how they are using them, whether they are working collaboratively, and to understand whether they believe changes are necessary. To meet these goals, the Regional Council inventoried 86 jurisdictions' programs and approaches.

Phase II – Analysis of Practice: The goals of Phase II were to review and analyze the concurrency programs for a selected group of 19 jurisdictions. The Phase II work included focus group meetings, case study reviews of the selected jurisdictions' concurrency programs, and a review of concurrency-related case law. The goals were to highlight innovative methods, describe best practices, and to assess the different approaches in place.

Phase III – Workshop Results: The goals of Phase III, the final investigative phase, were to work with practitioners, elected officials, and interested parties in conducting a hands-on workshop to develop recommendations for how concurrency might be further refined at the local and regional levels, and to develop recommendations for legislative changes that might be necessary at the state level. A workshop was held in November 2002 with over 80 stakeholder attendees.

This section draws heavily on the results of those surveys and workshops. A short follow-up inquiry performed as part of this project suggests that few, if any, important changes to concurrency practice have been implemented since the PSRC's effort, although a number of jurisdictions are considering making such revisions as part of updates to their comprehensive and transportation plans. Several of those jurisdictions have concluded that their current transportation concurrency processes will not result in the transportation system needed to serve their planned growth, in large part because those processes do not adequately reflect the multimodal nature of the transportation system needed to serve urban centers.

OVERVIEW OF CURRENT PRACTICE, GENERAL CONCURRENCY

Tools. Most jurisdictions in the region are conducting some level of concurrency-related work, whether through formally adopted programs or through other administrative

⁵ Replies to Sec.3.3.a of 2SHB 1565: *Assessment of current concurrency practices used and developed by local governments in Washington State that are subject to GMA planning requirements.*

processes. Generally, larger jurisdictions are more likely to be formally implementing concurrency than smaller ones.

Implementation. Most jurisdictions indicated that their concurrency programs have had little impact on development; however, a small number of jurisdictions indicated that there has been a meaningful impact.

Legislation. There was strong support for Regional Council involvement, with most jurisdictions indicating that numerous roles were appropriate, including information sharing, providing assistance, and facilitating coordination.

Measurement Systems. The details of a jurisdiction's concurrency measurement system can greatly affect what mitigation is required. Reliance on volume-to-capacity ratios (as measurements of LOS) can direct the expenditure of development mitigation funds to roadway capacity expansion, even in situations where a long-term view of jurisdictional mobility requirements suggests that more multimodal improvements are actually required.

Initial Innovations. Some jurisdictions have successfully focused growth in their centers by changing how they measured congestion or by reducing concurrency requirements. Some have built projects by implementing concurrency impact fees. Some have supported uses that are important to them - such as daycares or outdoor cafés) by granting exemptions to concurrency requirements. However this practice recently has been deemed illegal by a State Appellant Court requiring those jurisdictions still allowing exemptions to eventually modify and update this aspect of their concurrency system.. Some have adopted transportation concurrency standards that essentially remove transportation as a barrier to development. Others have used transportation concurrency measures as a mechanism to slow or stop growth in their jurisdiction.

Tailored Implementations. Each jurisdiction has developed its own approach for implementing concurrency. To estimate LOS, both Bellevue and Kirkland measure traffic volumes at designated groups of intersections and compare those volumes to the theoretical capacity of the road infrastructure. Both allow a designated number of the intersections to be overly congested. However, the actual mathematics used and the standard against which results are measured differ for the two cities. King County chooses to apply selective volume standards based on the type of development being requested. For example, schools and shopping centers can create greater congestion than office buildings and industrial sites without being forced to mitigate. In fact, the PSRC found that in general, the common element of concurrency implementations across the four-county region is their differences.

OVERVIEW OF CURRENT PRACTICE, MULTIMODAL CONCURRENCY, PUBLIC TRANSIT SERVICES AND MULTIMODAL INFRASTRUCTURE NEEDS⁶

The most common standards adopted for transportation concurrency are roadway LOS standards based on the procedures found in one of the editions of the AASHTO Highway Capacity Manual (HCM). All of these standards are computed by measuring current vehicle volume, adding the expected number of vehicle trips a new development will generate, and comparing the result to some measure of theoretical roadway capacity. The output measure may differ from application to application, (i.e., the output produced by some HCM procedures is the actual volume/capacity measurement, but others produce estimates of delay or travel time), but the basis of the procedures are the same from jurisdiction to jurisdiction. What differs are the standards against which those computed values are compared.

While no two implementation approaches to concurrency are the same, a large proportion do share a relative disregard for non-automobile transportation.⁷ In practice, concurrency is almost exclusively an automobile measurement system. Yet, when asked in the PSRC Phase 1 survey, 13 jurisdictions (19 percent of the jurisdictions surveyed) indicated that they addressed transit in their concurrency ordinance, many claiming to use a “multimodal” approach to level-of-service computation. At first glance, these numbers seem at odds with the dominant form of determining concurrency, which is based exclusively on roadway v/c.

Cities answered “multimodal” to the PSRC questionnaire because in their procedures, mode split is calculated when the trips to be added by a development are estimated, and “non-driver” trips are removed from the vehicle volume estimates. However, the process removes the effects of transit usage, walking, biking, and other forms of transportation to and from new developments from the v/c calculations used to compute roadway level-of-service (LOS). Some jurisdictions also allow for mitigation that supports other modes of transportation, and some authorize trip reduction credits for transportation demand management (TDM).

The few jurisdictions that have incorporated non-motorized modes of travel into their programs, including consideration of capacity for bicycles and pedestrians, have done so by prescribing treatments for sidewalks and shoulders.

Consequently, the current processes are indeed “multimodal.”

This definition of “multimodal” appears to have an interesting effect. In theory, for some jurisdictions that base concurrency on road-related measures, if the roads serving a geographic area were “congested” to exceed LOS standards, no development might be

⁶ Replies to Sec.3.3.c of 2SHB 1565: *Assessment of how public transit services are considered and the extent to which multimodal infrastructure needs are identified in local comprehensive plans required under the Growth Management Act.*

⁷ However, as noted earlier, many jurisdictions factor multimodal transportation issues into the development review process and comprehensive plans, but not their concurrency system.

permitted in that area, even if it were served by a rail transit line where “extra” capacity existed and 95 percent of new peak period trips were served by that rail line (unless the developer was somehow able to build additional roadway “capacity”). When jurisdictions incorporate only roadway congestion in the “definition” of concurrency, their process may be considered “multimodal” technically speaking, but functionally the *determination of concurrency* for resolution of LOS is based strictly on roadway conditions.

Instead of actually measuring the presence and effectiveness of the facilities and services needed to serve non-automobile travel within their concurrency system, most larger jurisdictions define different LOS standards in different geographic areas. These geographic stratifications of their standards allow a city to permit more congestion, and thus denser development, in regional growth centers than in single-family neighborhoods. In this way, greater congestion is permitted in areas where the level of mass-transit service is assumed to be greater. However, no standard reviewed by this project team actually measured the amount or nature of the assumed transit service.

Though participants in the 2003 PSRC workshops indicated that they were considering moving toward a greater consideration of transit, preliminary follow-up canvassing suggests that few if any formal changes have yet been made in this direction.

IMPROVEMENTS TO MULTIMODAL CONCURRENCY MEASURES AND STRATEGIES⁸

Since its inception, concurrency has been implemented cautiously. The tool is not being used to its greatest potential. What innovation was reported in 2003 seems to have stalled, yet contacts with jurisdictions undertaken as part of the Task 2 study suggest that larger jurisdictions are interested in expanding their multimodal efforts by using new tools and are considering interjurisdictional collaboration. However, those jurisdictions are looking for guidance from the state in selecting ways to make those changes politically possible.

A number of options are discussed further below in the *Targets for Improvement* section.

MULTIMODAL INFRASTRUCTURE NEEDS AND LOCAL COMPREHENSIVE PLANS⁹

Multimodal infrastructure, in terms of facility needs, has sometimes been addressed in local comprehensive plans and transportation plans, but rarely formally within concurrency procedures. Where present at all, these facilities are simply used to “give credit” as additional roadway capacity, which is to say that adjustments are made to the calculation of volume to capacity ratio. So, for example, in Issaquah, a road with a bike path and/or sidewalks is given a higher vehicle capacity rating than a similar road without those multimodal features.

⁸ Replies to Sec.3.3.g of 2SHB 1565: *Identification of effective multimodal improvements and strategies employed by local governments.*

⁹ Replies to Sec.3.3.i of 2SHB 1565: *Examination of multimodal infrastructure needs and how these needs can be identified in local comprehensive plans required under the Growth Management Act.*

Reasons for this generally limited implementation are discussed in the *Emergent Issues* section below; suggestions for improvements follow.

REGIONAL GROWTH CENTERS AND TRANSPORTATION CONCURRENCY¹⁰

Most jurisdictions with designated regional growth centers have set differential LOS values for their roadways within those centers to allow greater levels of roadway congestion in those areas. Rarely do cities actually look at the performance, effectiveness, or even existence of multimodal transportation alternatives.

The other common case is that cities have essentially defined concurrency in such a way that it becomes a “non-issue” within those designated growth areas. In this case, the cities are assuming that current development codes and available transit service will provide the required mobility. Few (if any) jurisdictions have used concurrency to actively require or encourage more multimodal travel solutions.

Again, reasons for this generally limited implementation are discussed in the *Emergent Issues* section below; suggestions for improvements follow.

¹⁰ Replies to: *Summary of how jurisdictions throughout the State are planning for “regional growth centers” and how the concept is applied to transportation concurrency.*

3 – EMERGING ISSUES

LIMITATIONS AND CHALLENGES, GENERAL CONCURRENCY

Limitations Arising from a Lack of Agreement on Intent

The survey of jurisdictions by the PSRC revealed a diversity of implementation approaches. Of greater concern is the implicit divergence of intentions: different jurisdictions use concurrency ordinances to different ends. Certain jurisdictions are clearly using concurrency as it was intended under the GMA, that is, as a tool to direct development and prevent sprawl. Other jurisdictions seem to see concurrency as a tool for increasing revenue through mitigation requirements (though no jurisdiction requires new growth to pay its fair share, with few collecting even half of the rate they calculate it will cost to serve the new development). At least one jurisdiction, Issaquah, has a concurrency ordinance that has become an unofficial growth cap it has set its LOS so low that no new development can be built without running afoul of concurrency requirements.

Limitations Arising from a Lack of Jurisdictional Coordination

Because local jurisdictions make their own concurrency regulations, once traffic crosses the jurisdictional boundary, it is no longer a concurrency issue for the jurisdiction that generates the traffic. However, that new traffic can be a problem for regional roads and/or roads in neighboring jurisdictions. Thus, many of our congestion problems are regional (or at least highly related to regional movements), and concurrency, when written entirely from the local point of view, exacerbates those regional problems, as the current law does not provide for review of the impacts of local development on regional transportation facilities.

Roads not under the control of a given jurisdiction (e.g., roads under the control of WSDOT) are generally not covered by concurrency for that jurisdiction, thus local jurisdictions are not obliged to consider the “spill over effects” of their development. Local agency coordination agreements between neighboring jurisdictions are necessary to address this problem, but the issues inherent in establishing such agreements significantly limit the use of concurrency as an additional mechanism for generating money to improve roads serving major regional movements.

Redmond provides an excellent example of how land-use decisions can be made separately from their traffic impacts. Commuters to Redmond take advantage of infrastructure provided by other jurisdictions, including Bellevue, King County, and Washington State. Development in Redmond increases through-traffic in Bellevue, forcing Bellevue to either accept more congestion or prohibit development within its borders, yet Redmond is not required under concurrency law to consider this externality when making its own concurrency calculations. Similarly, Redmond is not required to consider congestion problems on SR 520, given the legal exemption of state-owned facilities of statewide significance from concurrency. Consideration of any congestion

that development within Redmond causes for its neighbors is dealt with *outside* of Redmond’s transportation concurrency regulations.

Limitations Arising from a Lack of Innovation in Implementation Tools

The GMA requires jurisdictions to establish a Level of Service (LOS) as part of their concurrency tests to assure keeping growth in balance with transportation infrastructure. Because the vast majority of cities have chosen to define “adequate transportation facilities” in terms of roadway level of service, cities cannot permit development if congestion is higher than their defined LOS allows. When roadway congestion is the only statistic measured, funding roadway capacity improvements is the only way to “improve” a concurrency score if development is in an area that exceeds the adopted standard and generates *any* additional vehicle trips. In some cases, the standard is impossible to meet, and a moratorium on new permits becomes the de-facto state of affairs until a politically acceptable new standard can be adopted. As infrastructures approach the limits set by adopted LOS standards, mitigation measures based on capacity building generally become very expensive in developed urban areas.

Bellevue is a typical example of the disconnect between land-use policy and transportation policy. Bellevue has established and modified its LOS standards over the years and has chosen to tolerate levels of congestion in GMA-related plans adopted through a public involvement process. However, when transit plans are developed by agencies other than Bellevue, but that directly impact Bellevue, such transit plans are not tied into or related to the public involvement processes and deliberations associated with the city’s plans and LOS standards for roadways in its comprehensive plan. Adopted transportation concurrency and associated LOS standards tend to achieve, psychologically if not politically, the status of a covenant between the city and its citizens: that traffic will never get worse. Given that increased growth generates increased travel demand cities such as Bellevue that have land-use plans calling for increased density can be assured to see greater levels of travel demand that will eventually require adjustments to concurrency to go beyond roadway dependency.

Standards for “acceptable” auto traffic congestion levels are often set independently from the land-use visioning work that accomplished with the public. Most of the cities that we have examined cannot build even close to all of the development allowed in their comprehensive plans – given the roadway facilities specified in their transportation plans—at their adopted traffic levels of service. Essentially, there is a disconnect between the comprehensive plan, the transportation plan, and the concurrency standard. This is especially true in suburban and ex-urban areas, and even more so if the effects that growth in the suburban and ex-urban areas will have on highways of statewide significance are taken into account.

The current system’s approach frequently works in exact opposition to the Growth Management Act’s intent to limit sprawl. Because roadway capacity mitigation is less necessary in less developed areas (and less costly when it is required), growth in urban centers is discouraged (or made more expensive) relative to growth in under-developed areas. The true mitigation costs for development in suburban/ex-urban areas then fall on

the state and general taxpayers, since the roads that need improvements to serve those new trips are often state routes and/or regional highways controlled by other non-local jurisdictions. This state of affairs also prevents addressing transit or non-motorized travel as a way to accommodate new growth.

LIMITATIONS AND CHALLENGES- MULTIMODAL CONCURRENCY

In order to serve people with uncongested car movements, land must be developed at very low densities (meaning a lot of land must be left undeveloped or under-developed). This development must then be served with extensive regional road networks because low-density development, at least in the State's major urban areas, is only economically viable well away from major urban services and employment sites, which forces people to drive long distance to reach work and other activities (and conventional fixed-route transit service performs very poorly and requires higher subsidies in low density development). In fact, neither of these conditions is likely to—or should—occur in any thriving urban area in this state for very long.

While concurrency law allows jurisdictions to consider transit performance or availability in their concurrency standards, the cities do not control transit routing, service levels, or operations, as these are the responsibilities of transit agencies. So the cities cannot guarantee that a specified level of service will exist when a development is completed (or at any other time in the future). Because cities have relatively little control over the transit service provided to a given development, there is concern that reliance on transit as a long-term travel mitigation measure is impermanent and therefore risky.

With the rare exceptions of city-owned/operated transit systems, the provision of mass transit in Washington is legally defined to be controlled by federated multi-jurisdictional boards or a multi-county regional board, whose decision-making responsibility is formally and functionally separated from the jurisdictions responsible for land-use planning. For example, King County Metro provides bus service for the whole county and plans its routes by giving consideration to actual transit demand, independent citizen input, and policy direction intended to achieve a sense of geographic equity in service allocation. This may be technically and politically rational, but it does not link land-use and development demand projected by local planners. This lack of linkage is pretty typical for most counties having transit authorities. Thus the level of transit service ultimately provided for new development, particularly in suburban areas, is often significantly less than that envisioned in local plans.

This situation creates an institutional challenge in which decisions from two different decision making bodies need to correspond, but the funding sources and decision-making priorities of those entities are very different.

The GMA requirement that mitigation for concurrency be limited to *in-place* financial commitment encourages physical projects, most notably roadway capacity building, as the singular mode of transportation felt to be *in-place* and under control of cities and counties. Restricting mitigation to capital expenses for transit means that development does not pay for actual service. At best, new development can pay for minimal transit

infrastructure (e.g., bus pullouts), but there is no guarantee that bus service will ever be provided to use those facilities, nor is it reasonable to expect permanent annual assessments on such new developments to be collected and dedicated solely to a given level of transit service.

From the perspective of relatively short-term, fixed costs, physical improvements (such as the addition of a turn lane) are advantageous. Many cities are content to hand over a list of desired physical improvements to private developers to fund and/or construct. These suggestions tend to become de facto limits to mitigation options, in large part because they are a one-time cost that can be readily accounted for in the business decision making process followed by developers. Additionally, these suggestions offer greater assurance of legality since they are more easily shown to be a reasonably necessary response to the direct impacts of the development. Improvements benefiting pedestrians and bicycles are harder to legally justify because the number and proportion of trips by ped-bike modes is typically quite significantly lower than auto-vehicle trips. Consequently, innovative ideas - such as funding of transit service or van pools, which require continual funding - and allowing greater sidewalk connectivity and bicycle facility access/travel to centers from neighborhoods to “count” towards meeting LOS deficiencies are left largely untried.

One final point is that increasing transit services and facilities are key transportation options only for some forms of developments (e.g., those in more densely developed areas that have characteristics of a “transit-market”). Also, while use of park-and-ride facilities in some cases could extend the areas for which transit is a rational mode of choice, at least for jurisdictions in outlying areas, these facilities may also be remote from the site of a proposed development, and the primary benefactors of the use of those facilities are regional trips that may have little or almost no impact on the local jurisdiction that generates them.

4 – TARGETS FOR IMPROVEMENT

The earlier noted PSRC concurrency workshops and TRAC’s eastside (Bellevue-Kirkland-Redmond) study developed suggestions for changes to the current concurrency system. These suggestions are presented below. The elements derived from the PSRC reports bear a single asterisk, and those derived from the TRAC study show two asterisks.

OVERALL IMPROVEMENTS

*The law needs no major changes.** Though most participants in the PSRC workshop believed that the concurrency requirement, on the whole, is not working as well as they would like, there was strong majority support for leaving the requirement as it is and for letting jurisdictions continue to work together (in other words, letting the state of the practice mature).¹¹

*Concurrency should remain a local tool but should better recognize interjurisdictional implications.** Most participants acknowledged that cross-jurisdictional impacts created problems but indicated that resolving these remained a local matter and local choice. Clearly, while most jurisdictions are concerned with regional traffic, they are even more concerned about retaining control over their own development decisions and do not wish to see their “development destiny” controlled by decisions made by other political organizations.

*Public understanding and acceptance continues to grow in importance.** Participants agreed that programs should be more easily understood by the public and that decisions should be more fact-driven (with consistent definitions), as opposed to negotiated. Ultimately, concurrency should be implemented in a manner that promotes transparency and predictability.

*Concurrency efforts should be used to encourage individuals to use roads less.*** Monetary rewards and/or forms of economic incentives can be offered for residents who reduce SOV usage. Variable roadway pricing based on time of day congestion can be introduced. It is recognized that such changes are difficult to achieve at the time of land use permitting, especially for smaller projects.

*Inter-jurisdictional action should be increased and organized.*** Developer agreements can be expanded to include transportation systems and services across city boundaries. Subregional transportation concurrency can be tackled through formation of multi-city Transportation Benefit Districts that rationalize varying LOS standards and set subregional performance targets and rewards. A region-wide transportation concurrency authority can be created to establish and manage regional vehicle miles traveled (VMT) reduction and mode-split credits. However, such “regionalization” to manage a VMT

¹¹ It is worth noting that at the time of the PSRC workshops, there was active legislative consideration of actions that could have “gutted” both GMA and concurrency. Resistance to changing concurrency law despite respondents’ dissatisfaction with its implementation suggests that planners valued concurrency, and did not want to accept undue political risk to change minor imperfections associated with “growing pains.”

objective might be better considered in the context of implementation, monitoring and distribution of funding to support TDM and alternative forms of transportation as “rewards” for land use action rather than trying to link to development permitting.

LOCAL IMPROVEMENTS

*Jurisdictions should work toward more consistent and compatible methodologies.** Opinions were mixed, some wanting more consistency, some cautioning against a one-size-fits-all approach. Participants indicated that jurisdictions would need technical assistance and resources, which may require additional funding.

*Coordination is necessary but should be pursued locally.** Participants felt that coordination is very important, and that the most effective approach would be to work with adjacent jurisdictions. Long-term, however, many felt that coordinating at the corridor or the subarea level would become more important. In general, participants believed that issues should be addressed in a non-prescriptive manner when specific issues arise.

*Programs should become more tailored and recover more funds.** Jurisdictions should tailor their programs to focus growth within their centers. Jurisdictions should consider being more aggressive in requiring new growth to more fully pay for its impacts outside of centers. Jurisdictions should consider working together on both tailoring and funding.

REGIONAL IMPROVEMENTS

*The Regional Council has an important support role to play.** Participants strongly supported the Regional Council in continuing the work it is doing and in being a forum for discussions. Participants primarily supported technical assistance, information sharing on best practices, monitoring, and other data efforts. Where feasible, incentives should be used to improve local programs.

*The Regional Council may have a larger role in relation to regionally significant issues.** Participants did not see the need for a regional concurrency program; however, many participants agreed that some issues (such as regional growth centers or corridor planning) would benefit from the larger perspective that the Regional Council can offer.

STATE IMPROVEMENTS

*The State Department of Transportation’s role in concurrency should not change.** Jurisdictions continue to be concerned regarding the state’s ability to fund transportation projects, especially those that would provide some relief from the impacts of traffic on local roads that access and intersect state facilities. However, participants were unanimous in thinking that the state should not have a role in local concurrency determinations. Participants are interested in greater clarity regarding highways that are not of statewide significance, but they did not specifically decide what the role should be.

MULTIMODAL-SPECIFIC IMPROVEMENTS

Concurrency should be more multimodal. * This primarily translates into better integrating transit service into concurrency programs, despite the host of complicated issues that need to be resolved. Participants also indicated support for nonmotorized modes and demand management at a conceptual level; however, skepticism existed as to whether these were significant enough to warrant the effort.

Exemptions can be useful and should be permitted in some fashion. * Almost all the participants agreed on the value of exemptions.¹² Discussions were mixed regarding the types of uses that should be exempted, but most felt that one characteristic should be that the uses should have a small impact. There was some support for exemptions for districts such as regional growth centers or downtowns. There was near consensus that transit facilities should be exempt from the development approval component of concurrency, but not necessarily the mitigation component. Furthermore, most felt that mitigation should perhaps occur through the State Environmental Policy Act (SEPA) process.

Transit should receive increased funding. ** Where feasible developer agreements should be used to fund Transportation Management Associations and transit service. New development should be concentrated in transit-friendly nodes and corridors, thereby building ridership, leading to increased frequency of transit service. Transit service can be underwritten with *Flexpass* and other tools until routes important to each city reach core status and attain a higher level of permanence.

¹² After the PRSC workshop took place, a State Appellant Court has found that exemptions to concurrency requirements violate the Growth Management Act. *City of Bellevue v. E. Bellevue Cmty. Mun. Corp.*, 119 Wn. App. 405 (2003). In order to allow jurisdictions the flexibility valued by participants at the workshop, the current law would have to be changed.

5 – CONCLUSION

SUMMARY

A majority of jurisdictions have implemented transportation concurrency ordinances, though far fewer have addressed multimodal concurrency. With the exception of Island County (which must include Ferry Service in its concurrency system), “multi-modalism” in concurrency generally only exists to the extent that ongoing availability of alternative modes of travel may be used to limit the number of vehicle trips a proposed development contributes to the monitored roadways.

Each jurisdiction has developed an individually tailored ordinance, yet most use a fairly similar approach to calculating level of service, which focuses exclusively on traffic volumes in comparison to roadway capacities.

Notwithstanding widely held ambivalence about the effects and implementation of concurrency, planners and administrators who participated in the PSRC effort are not generally supportive of significant changes to the law, preferring minor and incremental improvements (“tweaks”). This sentiment in the mid-1990s reflected the earlier noted context regarding legislative/initiative challenges be proposed that could have gutted the foundations of GMA and many were very reluctant to open up the legislation for fear of having it weakened.

Outstanding problems with the current implementation and structure of concurrency can be grouped into three categories:

1. Limitations arising from the different interpretations of the primary purpose of the concurrency regulations, which lead to divergent motivation for implementing concurrency ranging from those genuinely seeking to achieve the legal purpose of balancing growth with infrastructure, to using it for revenue generation, congestion abatement, creating an unofficial growth cap..
2. Limitations arising from a lack of jurisdictional coordination, both among local jurisdictions and between local and regional jurisdictions. In particular, distributing decision-making among multiple jurisdictions encourages decisions that externalize costs (i.e., forcing costs onto others not involved in the development decision), which in turn undermines the goals of the GMA.
3. Limitations arising from a lack of innovation in implementation tools, such as level of service (LOS) calculations that continue to focus exclusively on roadway congestion, and mitigation strategies that focus on capacity building.
4. A political/institutional “approach-avoidance” phenomenon exists in relation to multimodal and intergovernmental concurrency issues. Local, regional, and state jurisdictions all tend to recognize the need for and benefits of more direct relationships between land-use/development decisions and multimodal (especially transit) and state highway decisions. However, all these independent parties (local government, transit agencies, ports, and the state DOT) also seem quite reluctant to

change current practices in a manner that involves sharing their independent decision-making authority over their respective jurisdictional missions. Local governments are reluctant allow their development decisions to be dependent upon what they feel are “*not-in-place*” transit service and facility improvement decisions, and transit agencies are likewise reluctant to have service/facility decisions about resource allocations delegated to independent land-use decision making bodies that may not be able to “deliver” on land use/development patterns that assure a productive market for transit (there are 86 independent land use decision making bodies within the central Puget Sound region).

The flexibility of laws requiring concurrency, coupled with a growing concern on the part of local and regional planners and policy makers, suggests that many of the larger jurisdictions are poised to expand their multimodal concurrency efforts. Public Law 2SHB 1565, passed in 2005, which requires that regional planning authorities create a measurement of total multimodal capacity for regional growth centers during the peak hours, may prove to be a catalyst for such a change.

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LIST OF ACRONYMS

GMA: Growth Management Act (RCW 36.70A)

HOV: High-Occupant Vehicle

LOS: Level of Service; standard by which transportation system performance is assessed

MPO: Metropolitan Planning Organization (federally defined, similar to RTPO)

PSRC: Puget Sound Regional Council

RCW: Revised Code of Washington

SEPA: State Environmental Policy Act (RCW 43.21c)

SOV: Single-Occupant Vehicle

RTPO: Regional Transportation Planning Organization (state defined, similar to MPO)

TDM: Transportation Demand Management

TRAC: Washington State Transportation Research Center

WAC: Washington Administrative Code

WSDOT: Washington State Department of Transportation