

Chapter 210

- 210.01 Introduction
- 210.02 Applicable Statutes and Regulations
- 210.03 Policy Guidance
- 210.04 Technical Guidance
- 210.05 Exhibits

Key to Icon

 Web site.*

210.01 Introduction

Transportation Planning, and Project Scoping and Programming, are driven to a large extent by federal and state requirements. WSDOT must comply with federal law because transportation is regulated by Congress as interstate commerce under the commerce clause of the Constitution. Furthermore, a substantial portion of WSDOT's budget comes from federal funds, and WSDOT must comply with various federal laws to receive and spend these funds. These funds and associated federal laws are administered by a variety of federal agencies including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA); and the Surface Transportation Board (STB).

State laws also govern transportation planning. WSDOT is a state agency and is funded through the state legislature. Numerous state laws govern WSDOT's planning activities.

This chapter reviews the primary federal and state legislation and WSDOT policy affecting transportation planning.

210.02 Applicable Statutes and Regulations

This section lists the primary statutes and regulations applicable to Transportation Planning. See **Appendix D** for a list of statutes referenced in the EPM.

(1) ***SAFETEA-LU – Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users***

SAFETEA-LU was enacted on August 10, 2005, as Public Law 109-59. It replaces the Transportation Equity Act for the 21st Century (TEA-21) of 1998 as the authorizing legislation for federal surface transportation

*Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the WSDOT Environmental Services Office (ESO) home page: <http://www.wsdot.wa.gov/environment/>

funding for highways, highway safety, and transit for the 5-year period 2005-2009. The full text of SAFETEA-LU may be found on the FHWA web site at:

☞ <http://www.fhwa.dot.gov/safetealu/index.htm>

The Transportation Planning provisions of SAFETEA-LU include:

(a) Statewide Transportation Planning (Sections 3006 and 6001)

As a condition for receiving federal surface transportation funding, states are required to:

- Develop a long-range statewide intermodal transportation plan that covers at least 20 years and includes a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain environmental functions affected by the plan.
- Develop statewide plans and programs for the development and integrated management and operation of intermodal surface transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities).
- Coordinate statewide transportation planning with metropolitan transportation planning and statewide trade and economic development planning.
- Develop the transportation portion of the State Implementation Plan (for air quality) as required by the Clean Air Act.
- Develop a Statewide Transportation Improvement Program (STIP) that includes the Transportation Improvement Programs (TIPs) developed by Metropolitan Planning Organizations (MPOs).

(b) Goals of Transportation Planning (Sections 3005 and 6001)

SAFETEA-LU directs states to carry out a statewide transportation planning process that provides for the consideration and implementation of projects, strategies, and services that will:

- Support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency.
- Increase the safety of the transportation system for motorized and non-motorized users.
- Increase the security of the transportation system for motorized and non-motorized users.
- Increase the accessibility and mobility of people and freight.

- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.
- Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight.
- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.

FHWA guidance materials for implementing SAFETEA-LU, including its Section 6001 Transportation Planning provisions, are available at:

☞ <http://www.fhwa.dot.gov/safetealu/reference.htm>

Other environmental provisions of SAFETEA-LU are discussed in **Chapter 410** and in various FHWA guidance documents at:

☞ <http://www.fhwa.dot.gov/environment/index.htm>

(2) **Clean Air Act**

Under the federal Clean Air Act (42 USC 7401 et seq.), each state must develop a state implementation plan (SIP) for controlling criteria air pollutants including those released by vehicles. USEPA recently set new standards for ozone and particulate matter, two pollutants partially caused by motor vehicles. There are transportation funding implications for “nonattainment” areas not meeting the standards. If a region in nonattainment does not show progress in moving towards attainment, federal transportation funds for non-exempt projects can be withheld under certain conditions. In addition, transportation projects requiring federal funding in nonattainment and maintenance areas must go through a federal “conformity” process and can have the funds withheld if they will further worsen air quality beyond allowed limits. For details, see **Section 425.02**.

(3) **Statewide Multi-Modal Transportation Plan (RCW 47.06)**

Under this law, WSDOT is responsible for developing a statewide multi-modal transportation plan, in conformance with federal requirements. The plan is “to ensure the continued mobility of people and goods within regions and across the state in a safe, cost-effective manner.” In 2006, the Washington State Transportation Commission and WSDOT adopted the current Washington Transportation Plan for the years 2007 to 2026, in part to comply with this mandate. The WTP is updated on a regular basis, and the next update is scheduled to be completed in December 2010. The WTP is discussed further in **Chapter 240** and can be viewed online at:

☞ <http://www.wsdot.wa.gov/planning/wtp/>

(4) **Growth Management Act**

The GMA (RCW 36.70A), adopted in 1990, requires cities and counties with significant population growth to prepare comprehensive plans composed of six elements including a transportation element. The transportation element must document the 20 year transportation infrastructure needs that are consistent with the other plan elements. The jurisdiction must show how it will pay for the level of services it is providing and any new facilities or service must be concurrent with the development driving the need. For details, see **Chapter 450**.

An implementation guidance manual, *Coordinating Transportation with Growth Management Planning* under 1998 legislation, HB 1487, the “level of service bill,” is available on the WSDOT Web site at:

☞ <http://www.wsdot.wa.gov/NR/rdonlyres/043A2A9F-8BB3-43B5-8679-65526C95DB17/0/CoordinatingTransportationandGrowthMngPlanning.pdf>

Both the GMA and statewide transportation planning statute require WSDOT to comply with local comprehensive plans and development regulations. The GMA requires local governments to develop a process for siting “essential public facilities,” which (according to RCW 36.70A.200) “include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.”

RCW 47.06.140 (the statewide transportation planning statute) indicates that improvements to facilities and services of statewide significance identified in the statewide multimodal plan (i.e., WTP) are essential public facilities, and it says that the following transportation facilities and services are of statewide significance: the interstate highway system, interregional state principal arterials including ferry connections that serve state-wide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015.

(5) **Regional Transportation Planning Organizations (RCW 47.80)**

This statute was adopted as part of the GMA in 1990 to facilitate coordination and cooperation among state and local jurisdictions and establish a coordinated planning program for regional transportation systems and facilities throughout the state. It authorizes the creation of regional transportation planning organizations (RTPOs) with multiple duties, not the

least of which are to prepare a regional transportation plan as set forth in the statute, as well as a six-year regional transportation improvement program, which must be updated at least every two years. RTPOs and Regional Transportation Plans are further discussed in **Chapter 230**.

(6) Washington Clean Air Act (RCW 70.94)

Washington adopted a Clean Air Act to implement requirements of the federal CAA and protect air quality in Washington. The Washington Clean Air Act provides authority to the Washington State Department of Ecology over air pollution sources and to develop the State Implementation Plan for Air Quality (SIP) and SIP amendments as mandated by the federal CAA. For details, see **Section 425.02**.

(7) Salmon Recovery Act (RCW 77.85)

This act, adopted in 1998, is an action plan from the Joint Natural Resources Cabinet. Its focus is new actions or modifications to existing activities that provide additional protection for salmon.

It is a combination of priority actions for short-term implementation and a scorecard to track implementation of strategies.

The act will lead to defined criteria and analysis that will be required on land use and road projects in the coming years. These will be folded in with any regional or state agreements on the 4(d) rule. For details, see **Chapter 436**.

210.03 Policy Guidance

The policy guidance summarized in this section is applicable to transportation planning.

(1) WSDOT Policy

WSDOT policies are guiding principles to accomplish broad objectives and/or specific direction in support of the department's vision, mission, and goals, and they are established in the form of an Executive Order or Policy Statement, which must be authorized by the Office of the Secretary. A WSDOT Environmental Policy Statement issued by executive order that applies to transportation planning is provided at:

<http://www.wsdot.wa.gov/environment/policystatement.htm>

210.04 Technical Guidance

FHWA has some proposed rules, interim guidance, and other guidance documents available to help states and Metropolitan Planning Organizations implement Section 6001 of SAFETEA-LU. Look for the "Sec. 6001 - Transportation planning" portion of their Web page at:

<http://www.fhwa.dot.gov/safetealu/reference.htm>

210.05 Exhibits

None.