

# HOUSE BILL REPORT

## 2SHB 1565

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### As Amended by the Senate

**Title:** An act relating to multimodal concurrency strategies.

**Brief Description:** Addressing transportation concurrency strategies.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Jarrett, Moeller, Tom, Simpson, Appleton, Linville, Sommers, Lantz and Dunshee).

#### **Brief History:**

##### **Committee Activity:**

Local Government: 2/7/05, 3/2/05 [DPS];

Transportation: 3/5/05 [DP2S(w/o sub LG)].

##### **Floor Activity:**

Passed House: 3/10/05, 94-0.

Senate Amended.

Passed Senate: 4/15/05, 44-0.

#### **Brief Summary of Second Substitute Bill**

- Specifies that concurrency compliance improvements or strategies may include qualifying multimodal transportation improvements or strategies.
- Requires jurisdictions implementing new concurrency improvements or strategies after December 31, 2005, to prepare and submit annual performance reports to the Department of Community, Trade and Economic Development (DCTED).
- Requires regional transportation plans to include provisions for regional growth centers addressing concurrency strategies, measurements for vehicle level of service, and total multimodal capacity.
- Requires the Department of Transportation (DOT) to administer a study to examine multimodal transportation improvements or strategies to comply with the concurrency requirements of the Growth Management Act.
- Requires the study to be completed by one or more regional transportation planning organizations (RTPOs) electing to participate in the study.

- Requires the DOT, in coordination with participating RTPOs, to submit a report of findings and recommendations to the appropriate committees of the Legislature by December 31, 2006.

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko, and Woods.

**Staff:** Ethan Moreno (786-7386).

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by 25 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Curtis, Dickerson, Ericksen, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

**Staff:** Beth Redfield (786-7347).

### **Background:**

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

The Department of Community, Trade, and Economic Development is charged with providing technical and financial assistance to jurisdictions implementing the GMA.

### *Comprehensive Plan Elements*

Among numerous requirements, planning jurisdictions must adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must satisfy requirements for specified "elements," including land use and transportation elements, each of which is a planning subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan.

### *Transportation Element/Concurrency*

The transportation element of a comprehensive plan must include sub-elements that address, in part, transportation mandates for forecasting, finance, coordination, and facilities and services needs. A provision of the sub-element for facilities and services needs requires planning jurisdictions to adopt level of service (LOS) standards for all locally owned arterials and transit routes. These standards are used to measure performance of the transportation system and should be regionally coordinated. The facilities and services needs sub-element must include specific actions and requirements for bringing into compliance locally owned transportation facilities or services failing to meet an established LOS.

Planning jurisdictions must adopt and enforce ordinances prohibiting development approval if the development causes the LOS on a locally owned transportation facility to decline below standards adopted in the transportation element. Exemptions to this prohibition may be made if improvements or strategies to accommodate development impacts are made concurrent with the development. These strategies may include:

- increased public transportation service;
- ride sharing programs;
- demand management; and
- other transportation systems management strategies.

"Concurrent with the development" means improvements or strategies that are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

#### *Buildable Lands Program*

The GMA requires six western Washington counties (i.e., Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation "buildable lands" program. The purpose of the program is to determine whether a county and its cities are achieving urban densities, and identify reasonable measures, subject to statutory provisions, that will be taken to comply with requirements of the GMA.

#### *Regional Transportation Planning Organizations*

Legislation enacted in 1990 authorized the creation of regional transportation planning organizations (RTPOs). The RTPOs are formed through the voluntary association of local governments within a county or within geographically contiguous counties, as provided by law. The RTPOs have duties prescribed in statute, including preparing and updating regional transportation strategies, and certifying that GMA transportation elements reflect guidelines and principles adopted to provide direction for the development and evaluation of these elements.

The RTPOs must also prepare and update a regional transportation plan (plan) that is consistent with certain provisions of the GMA. The plan must be developed in cooperation with the Department of Transportation, the agency that owns and manages the state's highway system. The plan must also be developed in cooperation with transportation providers, local

governments, and other specified entities. In addition to satisfying other requirements, the plan must:

- be based upon a least cost planning methodology;
- identify existing or planned transportation facilities, services and programs;
- establish regional LOS standards for qualifying highways and ferry routes;
- include a financial plan; and
- assess regional development patterns and capital investments.

The plan must also set forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of an integrated, multimodal regional transportation system.

All transportation projects, programs, and demand management measures within the region must be consistent with the plan and adopted regional growth and transportation strategies.

### **Summary of Second Substitute Bill:**

#### *Growth Management Act*

The transportation element of a comprehensive plan may include, in addition to improvements or strategies to accommodate the impacts of development authorized under specified provisions of the Growth Management Act (GMA), multimodal transportation improvements or strategies that are made concurrent with the development. These improvements or strategies may include, but are not limited to, measures implementing or evaluating:

- multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and
- modal performance standards meeting the peak and nonpeak hour capacity performance standards.

In accordance with specified concurrency provisions, jurisdictions implementing new transportation improvements or strategies after December 31, 2005, must prepare and submit annual performance reports to the Department of Community, Trade and Economic Development (DCTED). These reports must, at a minimum, include an evaluation of the effectiveness of the improvements or strategies.

Nothing within specified provisions of the GMA or the bill may be construed as prohibiting a county or city that is fully planning under the GMA from exercising its authority to develop multimodal improvements or strategies to satisfy the concurrency requirements of the GMA. Nothing within specified provisions is intended to effect or otherwise modify the authority of jurisdictions fully planning under the GMA.

#### *Regional Transportation Planning Organizations*

New requirements for regional transportation plans (plans) adopted by regional transportation planning organizations (RTPOs) are set forth. The proposed regional transportation approach of the plan must, for regional growth centers, address transportation concurrency strategies

required by the GMA and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods.

Multimodal Concurrency Study

The Department of Transportation (DOT) must administer a study to examine multimodal transportation improvements and strategies to comply with concurrency requirements of the GMA, subject to the availability of amounts appropriated for this specific purpose. The study must be completed by one or more RTPOs electing to participate in the study. The DCTED must provide technical assistance with the study.

The DOT must, in consultation with members from each of the two largest caucuses of the Senate, and members from each of the two largest caucuses of the House of Representatives, approve the scope of the study.

The study must, at a minimum, include:

- an assessment and comprehensive summary of studies or reports examining concurrency requirements and practices in Washington;
- an examination of existing or proposed multimodal transportation improvements or strategies employed by a city in a county with a population of one million or more residents;
- recommendations for statutory and administrative rule changes that will further the promotion of effective multimodal transportation improvements and strategies that are consistent with provisions of the GMA;
- recommendations for improving the coordination of concurrency practices in jurisdictions subject to the buildable lands requirements of the GMA;
- an identification of effective multimodal transportation improvements and strategies employed by jurisdictions subject to the buildable lands requirements of the GMA; and
- recommendations for model multimodal transportation improvements and strategies that may be employed by counties and cities.

The DOT must, in coordination with participating RTPOs, submit a report of findings and recommendations to the appropriate committees of the Legislature by December 31, 2006.

**EFFECT OF SENATE AMENDMENT(S):**

Removes the section: (1) specifying that concurrency compliance strategies may include qualifying multimodal transportation improvements or strategies; and (2) requiring jurisdictions implementing new concurrency improvements or strategies after December 31, 2005, to prepare and submit annual performance reports to the DCTED.

Removes the section requiring regional transportation plans to include provisions for regional growth centers addressing concurrency strategies, measurements for vehicle level of service, and total multimodal capacity.

Adds additional criteria that the multimodal transportation improvements and strategies study (study) must comprise, including: (1) an examination of transit services and how these

services promote multimodal transportation improvements or strategies for qualifying jurisdictions; (2) an examination of multimodal infrastructure needs and how these needs can be better identified in the transportation element of comprehensive plans; and (3) recommendations on a methodology that jurisdictions may use to evaluate the effectiveness of multimodal concurrency strategies in jurisdictions subject to specific provisions of the GMA.

Modifies study criteria to specify that it must comprise recommendations for improving the coordination of concurrency practices in all jurisdictions, rather than only jurisdictions subject to the buildable lands requirements of the GMA.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (Local Government) (Original bill) A transportation strategy requires a balance of vehicle and transit approaches, yet mechanisms for guiding this balance do not exist. Additionally, concurrency measurements are lacking, as evaluation benchmarks are based upon level of service provisions. This bill suggests an alternative measurement approach that will give transit agencies data to work with. Along with granting concurrency capacity credit, this bill permits a two-tiered concurrency measurement standard: standards for the day and standards for transit peak periods. This is not a perfect bill, but rather a way to begin a needed conversation. Incorporating transit options for level of service requirements and provisions for complying with concurrency are positive steps, but the reporting requirement of the bill may be an unfunded mandate. Bellevue needs assistance meeting the concurrency standards mandated by the GMA. Input from transit agencies is needed. Support exists for efforts that alleviate concurrency concerns for infill development.

**Testimony For:** (Transportation) How do we define what we want the transportation system to do? Since the 1930s, the measure has been based on vehicles. We have been failing to make growth, planning and transportation come together in some way. There is a conceptual absence of measures that reflect multiple modes of transportation. The bill attempts to find a way to do that. We need to see if there are ideas for ways to measure concurrency by looking at peak and off-peak, as well as general purpose and transit. Cities that choose to try these ideas can test whether they will reward developers who build to those standards. The discussion should not be about roads versus transit, but about how we create a defined balance system that has roads and transit, by meeting environmental and economic development goals, and addresses cost of operation issues.

**Testimony Against:** (Local Government) None.

**Testimony Against:** (Transportation) None.

**Persons Testifying:** (Local Government) Representative Jarrett, prime sponsor; Ashley Probart, Association of Washington Cities; Bob Mack, City of Bellevue; Genesee Adkins,

Futurewise; Andy Cook, Building Industry Association of Washington; and Scott Hildebrand, Master Building Association of King and Snohomish County.

**Persons Testifying:** (Transportation) Representative Jarrett, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** (Local Government) None.

**Persons Signed In To Testify But Not Testifying:** (Transportation) None.