

Land Use & Climate Change Advisory Committee

**Background Paper: Recommendation Statement
with Preliminary Cost Information
Transportation Concurrency – Amend the Growth
Management Act to require or encourage
multimodal transportation concurrency**

Recommendation 4b

Amend the Growth Management Act (GMA) to require local governments to provide level of service (LOS) standards for all available or planned modes of transportation and to require local governments to consider multimodal improvements or strategies in their transportation concurrency regulations. The LUCC recommends the Growth Management Act (GMA) be amended at RCW 36.70A.070(6)(a)(iii)(B) to require use-consideration of a multimodal approach as part of ~~to~~-establishing levels of service standards and at RCW 36.70A.070(6)(b) to require consideration of multimodal improvements or strategies as part of a local government’s concurrency analysis.

The intent would be to write legislation that recognizes the benefit and availability of capacity in the multiple modes available in the urban center or area targeted for compact development.

Please note the draft legislation is only meant to convey the intent. It would need to be reviewed with transportation planners, public transportation providers, Regional Transportation Planning Organizations, and cities and counties.

To support this objective, RCW 36.70A.070(6)(a)(iii)(B) could be **amended** as follows (new proposed text is shown in underline text and proposed deleted text is shown in ~~striketrough~~ text):

(B) Level of service standards for all modes of transportation available or planned in the jurisdiction on locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

RCW 36.70A.070(6)(b) could be amended as follows:

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service for modes of transportation included in the jurisdiction’s comprehensive plan on a locally owned transportation facility to decline below the standards adopted in the transportation element of the

comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development 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. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies 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.

General assessment of state and local resources needed, financial and otherwise, needed to fully implement the idea.

Recommendation 4b would amend 36.70A.070 (6) RCW to require consideration of a multimodal approach as part of establishing levels of service standards and to require consideration of multimodal improvements or strategies as part of a local government's concurrency analysis. This would address the mandatory transportation element of each plan to set LOS standards for "all modes of transportation available or planned in the jurisdiction".

Background:

Since the adoption of the GMA in 1990 counties and cities in Washington State have engaged in coordinated planning activities. The plans are defined by 14 goals within the GMA and a variety of recommendations. Each county adopts its own county-wide planning policies (CWPPs) with the framework of the GMA to provide parameters for comprehensive plans and development regulations within the county. The cities and county government planning bodies arrive at a comprehensive plan through a complex process. The plans coordinate the many aspects of planning for growth including land use planning, transportation, water and sewer, preservation of open space, preservation of farm lands, and concentrating development at higher densities. Development regulations are then adopted to implement the county-wide policies and entity specific comprehensive plan.

Every plan is subject to review by the public, other governments and interest groups via hearings boards and the courts. In this way "case law" is developed about the GMA and the planning process.

Local governments are currently required to establish level of service (LOS) standards for vehicle traffic. The current standard is interpreted as pertaining to vehicle count and vehicle wait time only. This means single passenger cars, carpool vehicles, and transit vehicles all are counted the same. Each arterial and transit route is given a letter grade from A to F.

Under this proposal each local government would need to take all forms of transportation into account, this would include: pedestrians, bicycles, and transit vehicles and presumably provide LOS standards separate from passenger cars. This provides challenges in some areas. For example, most sidewalks are going to be rated A as they are not likely to be too full, however, if there are no sidewalks in an area, in order to go from F to A there would need to be a build out.

This could lead to increased development costs for builders and the eventual owners of the property.

Determining how to monitor LOS will be another challenge. Counting vehicle traffic and wait times is a fairly straightforward proposition. New formulas and strategies will need to be established for each mode of transportation. This will require staff time, hearings and meetings. There is also the possibility of appeal and litigation costs associated with any new standard, where an interest group or individual has a different perspective than the standard addresses.

Mitigation fees are usually used to address poorly rated systems. An arterial with LOS C or D qualifies for the attention and spending of mitigation fees. Most bike paths and sidewalks would need to be very crowded before they could reach LOS of C or lower. It isn't clear how the transit system would be addressed under LOS standards or how the ratings would be determined once the number of passengers served was a factor.

The Puget Sound Regional Council (PSRC) has adopted three multi-county planning policies related to multimodal concurrency. The PSRC serves King, Kitsap, Pierce, and Snohomish counties.

MPP-DP-54 Develop concurrency programs and methods that fully consider growth targets, service needs, and level-of-service standards. Focus level-of-service standards for transportation on the movement of people and goods instead of only on the movement of vehicles.

MPP-DP-55 Address non-motorized, pedestrian, and other multimodal types of transportation options in concurrency programs – both in assessment and mitigation.

MPP-DP-56 Tailor concurrency programs for centers and other subareas to encourage development that can be supported by transit.

The PSRC did not have information concerning the cost of development of these policies and do not plan to develop the monitoring methodology until the next budget cycle. They report that there was some opposition to the proposals expressed in hearings but that the time for appeal has lapsed with no appeals or petitions to the hearings board.

Analysis:

Recommendation 4b requires Policies for addressing a change in transportation methodology, thus tasking each of the planning organizations with new work, although the amount and timing of the work will vary by planning entity depending on their update cycle.

All 39 counties and 281 cities are planning under the GMA process. However, those that are “fully” planning under the GMA would be required to respond to this requirement. There are 219 cities and 29 counties fully planning.

Most counties and cities will not have adopted this change in LOS standards prior to the legislation. They will have the advantage of being able to examine the work and policies of the PSRC as a starting point. This could reduce some of the first step effort involved in adopting new requirements.

For all counties and cities, expenses could include staff time for research and drafting of proposed language, additional hearings and meetings, and additional constituent work. There are many tools available to help governments with proposed solutions and methodologies. Entities that have not previously addressed this type of transportation issue they may be faced with additional effort to address the new language.

Possible costs:

This process will be experienced by all planning entities at some level over the next seven years.

Policy adoption, comprehensive plan changes and development regulation amendment:

The primary area of focus will be LOS for multimodal transportation. Entities that have not previously addressed these issues through transportation or land use planning would have higher costs for research, drafting, hearings, and meetings. Planning costs will be highly variable and depend on the status of current planning efforts, any guidance adopted by CTED, and other factors. Rough estimates were developed based on: a review of recent GMA Planning Grant Closeout and cost figures for new comprehensive plan elements; conversations with planning staff from various jurisdictions, local government associations; and a brief review of the literature related to climate change and transportation planning. These are rough estimates only and were developed to help define a sense of the overall scale of the potential direct short term expenditure impacts.

Appeals and litigation:

This is an indeterminate but potentially large cost. In addition to adoption costs there may also be appeal and litigation costs. Every policy is subject to review by the public, other governments and interest groups via hearings boards and the courts. In this way “case law” is developed about the GMA and the planning process. Once the new CWPP is adopted and accompanying changes are made to comprehensive plans and development regulations, there will be a chance for appeals and litigation from persons or organizations that have a different vision on the topic than that adopted by the county. It is not possible to predict the costs but the process often stretches out over several years and involves the usual costs associated with preparing for court.

Concurrency can be development regulations to establish and maintain. CTED is currently seeking additional cost information which will be included once it becomes available.