

SENATE BILL REPORT

SB 6296

AS REPORTED BY COMMITTEE ON TRANSPORTATION, FEBRUARY 7, 1994

**Brief Description:** Paying for improvements to state transportation facilities.

**SPONSORS:** Senator Skratek

**SENATE COMMITTEE ON TRANSPORTATION**

**Majority Report:** That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass.

Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Nelson, Prentice, M. Rasmussen, Schow, Sheldon and Winsley.

**Minority Report:** Do not pass.

Signed by Senator Haugen.

**Staff:** Robin Rettew (786-7306)

**Hearing Dates:** February 1, 1994; February 7, 1994

**BACKGROUND:**

Cities and counties planning under the Growth Management Act (GMA) are required to coordinate their land use plans with their transportation plans. A transportation element is required in the comprehensive plan. The transportation element requires that level of service standards be adopted for all "arterials and transit routes." It is unclear at this time whether or not state-owned or operated transportation facilities are captured under the definition of "arterials." Some cities and counties are including state-owned facilities in the transportation element of the comprehensive plan, while others are not.

The GMA also specifies that "specific actions and requirements" be made for bringing into compliance any facilities or services that are below established level of service standards. Yet, it also requires local governments to adopt and enforce ordinances which prohibit development (or require mitigation) only if the development causes the level of service standard to fall below the adopted standards. Since many facilities are already below the adopted level of service standards, there is no mechanism to require mitigation of the development, or to restrict the development, since the level of service is not exceeded by the development.

**SUMMARY:**

Cities and counties planning under the Growth Management Act (GMA) are required to include state-owned or operated transportation facilities when they adopt their level of service standards contained within the transportation element of the comprehensive plan. Cities and counties are required to use the Department of Transportation (DOT) level of service standards for state-owned or operated transportation facilities within the local government's jurisdictional boundary, but they may appeal the use of such standards through the Growth Management Hearings Board.

Cities and counties planning under GMA must adopt and enforce ordinances which prohibit development approval if the level of service standard is 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 impact fees, increased public transportation service, ride sharing programs, demand management, and other strategies.

The authority for cities and counties planning under the GMA to impose impact fees is extended to cover state-owned or operated transportation facilities.

Provisions are set forth for developers to appeal impact fees assessed for state-owned or operated transportation facilities to the Growth Management Hearings Board.

Level of service is defined. State-owned or operated transportation facilities are defined. Transportation improvements are defined.

It is clarified that the six-year street, road, or transit program contained within the transportation element of the comprehensive plan is to be contained within the capital facilities element of the comprehensive plan as well.

**EFFECT OF PROPOSED SUBSTITUTE:**

Level of service standards for state-owned or operated transportation facilities shall be determined collaboratively by the relevant local government and the state Department of Transportation.

The definition of level of service is eliminated.

A clarification is made that local jurisdictions planning under the Growth Management Act will either restrict development or require mitigation if the level of service standards are or would be below those adopted in the transportation element of the comprehensive plan.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**TESTIMONY FOR:**

There is not currently a mechanism in place under the Growth Management Act to require cities and counties to include state-owned or operated transportation facilities in the transportation element of the comprehensive plan. This was not the original intent of the Growth Management Act. The intent was to consider all transportation facilities and to coordinate all transportation facilities with land use plans and development regulations. This bill is necessary to ensure state-owned or operated facilities are also considered by those cities and counties planning under the Growth Management Act.

**TESTIMONY AGAINST:**

It is not appropriate for the state Department of Transportation to mandate the adoption of level of service standards for cities and counties planning under the Growth Management Act; such standards should be negotiated. Level of service should not be defined since there are many methods for calculating it. The deadlines for the adoption of comprehensive plans and development regulations should not be changed.

**TESTIFIED:** Senator Skratek, prime sponsor (pro); Toby Rickman, DOT (pro); Steve Gorcester, Pierce County (con); Curt Eschels, Association of Counties; Dave Williams, Association of WA Cities; Lisa Clausen, City of Auburn