

# HOUSE BILL REPORT

## ESB 6628

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**As Reported By House Committee On:**  
Transportation Policy & Budget

**Title:** An act relating to the state-owned facilities component of the state-wide transportation plan and intercity passenger rail.

**Brief Description:** Clarifying transportation planning.

**Sponsors:** Senators Benton, Finkbeiner, Anderson, Zarelli and Schow.

**Brief History:**

**Committee Activity:**

Transportation Policy & Budget: 2/25/98, 2/26/98 [DPA].

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### HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

**Majority Report:** Do pass as amended. Signed by 25 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Fisher, Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Constantine; DeBolt; Gardner; Hatfield; Johnson; McCune; Murray; O'Brien; Ogden; Radcliff; Robertson; Romero; Scott; Skinner; Sterk; Wood and Zellinsky.

**Staff:** Ashley Probart (786-7319).

**Background:** In 1993 the Washington State Department of Transportation (WSDOT), in conformance with federal requirements, was required to develop a statewide multimodal transportation plan that would ensure the continued mobility of people and goods in a safe, cost-effective manner. This multimodal plan, commonly known as *Washington's Transportation Plan (WTP)*, identifies transportation needs for all modes, provides financial targets for the Transportation Commission, and identifies responsibilities for its implementation. *WTP* addresses transportation modes in two broad categories: a state-owned component and a state-interest component.

The state-owned component guides state investment in state highways, including bicycle and pedestrian facilities, and state ferries. Both the state highways element and the state ferries element are structured to include maintenance, preservation and improvement programs.

The state-interest component defines the state's interest in aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation. The state-interest component is developed in conjunction with the appropriate public and private transportation providers to ensure the state's interest in these modes is being met. The state-interest component has different program structures, depending upon the needs and functions of each transportation mode.

*WTP* includes long range transportation plans and investment needs for each mode; it does not compare combinations of modal investments within a state transportation corridor. Comparison between transportation modes is difficult because of different service objectives, program structures, and funding mechanisms between the state-owned transportation component and the state-interest transportation component.

Prior to the 1993 requirement for the 1993 multimodal transportation plan, the 1991 state Legislature found that regulating access to the state highway system was necessary in order to protect the public's health and safety, and to preserve the functional integrity of moving people and goods on the state highway system. The Legislature also required an access management program and declared all state highways to be controlled access facilities, except for highways already defined as limited access facilities. An access management program's primary functions are to increase the traffic carrying capacity of the highway, reduce traffic accidents, mitigate environmental degradation, and reduce highway maintenance costs. Access standards are based on criteria that focus on the minimum distance between driveways, topography, traffic volume, and the cumulative effects to the highway.

The Legislature declared the access rights of property owners abutting the state highway system to be subordinate to the public's right and interest in a safe and efficient highway system.

Property owners abutting a state-controlled access highway have a right to reasonable highway access, but may not have the right to a particular access. The state highway access right may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

Controlled access facilities are structured around a permitting process that went into effect on July 1, 1990. Access permits are required after July 1, 1990, for all planned connections to the state highway system. Access standards are adopted with the consent of local county governments, and cities retain all access permitting authority within their city limits. The state can deny access to a permit applicant and can require a permit applicant to pay for construction costs or alterations that will affect the traffic flow of the connection. Permit applicants are not required to pay for alterations that are made at the request of and for the convenience of the permitting authority.

State law allows unpermitted access connections to the state highway system that were

in existence prior to July 1, 1990. However, an originally unpermitted access may require a permit if the connection does not meet minimum acceptable highway safety standards, or if a significant change occurs in the use, design or traffic flow of the connection or the adjacent highway.

Access permits granted prior to the adoption of the permitting authority's access standards remain valid, unless modified or revoked. After written notification, the permitting authority may modify or revoke an access permit, including the alteration or closure of a connection, if a significant change occurs in its use, design or traffic flow.

**Summary of Amended Bill:** The statewide multimodal plan (*WTP*) is modified to place a primary emphasis on congestion relief, the preservation of existing investments, the improvement of traveler safety, and the efficient movement of freight and goods.

The state-owned facilities component of the statewide multimodal transportation plan is required to identify the most cost-effective combination of highway, ferry, passenger rail, and high-capacity transportation improvements that maximizes the efficient movement of people, freight and goods within state transportation corridors. In addition, congestion relief must be a primary emphasis of the capacity and operational improvement element.

The intercity passenger rail plan, which is a state-interest component of the statewide multimodal plan, is required to include a service preservation element and a service improvement element. The service preservation element must outline trackage, depots and train investments needed to maintain and establish service levels. The service improvement element must establish service improvement objectives that outline the trackage, depot and train investments needed to meet improvement service objectives.

Services that can be provided at public transit centers are expanded to include limited retail services, professional services, limited banking services, day care services, and any other use necessary and convenient for the users of the public transportation system operating at the transportation center.

**Amended Bill Compared to Engrossed Bill:** The statewide multimodal plan or *WTP* is modified to place a primary emphasis on congestion relief, the preservation of existing investments, the improvement of traveler safety, and the efficient movement of freight and goods.

In addition, the state-owned component of the statewide multimodal plan is required to place a primary emphasis on congestion relief.

Services that can be provided at public transit centers are expanded to include limited retail services, professional services, limited banking services, day care services, and any other use necessary and convenient for the users of the public transportation system operating at the transportation center.

Modifications to access management are removed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The WSDOT believes the bill's intent is consistent with the Transportation Commission's ongoing efforts to improve its ability to compare investments across modes and to maximize the effectiveness of the transportation system. The department intends to move ahead, as resources allow, to develop the needed data and technical methods that will lead to the most cost-effective state investment strategies within transportation corridors.

This bill ensures access points cannot be modified or revoked by the state unless a significant change occurs in the use, design or traffic flow of the connect or highway, and if minimum acceptable highway safety and mobility standards are met. This ensures property rights are being fairly considered when a change to a business or property owner's access connection is proposed.

**Testimony Against:** None.

**Testified:** Senator Don Benton, prime sponsor (pro/striking amendment); Senator Marilyn Rasmussen (pro/bill; con/striking amendment); Representative Roger Bush (pro/bill; con/striking amendment); Carolyn Lake, Parkland/Spanaway Access & Safety Association (PSASA) (pro/bill; con/striking amendment); Scott Vanderflute, PSASA (pro/bill; con/striking amendment); and Charlie Howard, WSDOT (pro/sections 1 and 2 of bill).