

"In an era of ever tighter public budgets and voter resistance to tax proposals, the actual occurrence of funding shortfalls for public facility improvements becomes a very realistic scenario. If "probable funding" for programmed improvements fails to materialize, whether through failure of grant funding or voter disapproval or otherwise, the responsible jurisdiction must raise additional funds, reassess its land use assumptions, or reduce the facility level of service.

PROVIDING PUBLIC FACILITIES UNDER THE GROWTH MANAGEMENT ACT:
CONFLICTS, OBSTACLES, AND REMEDIES
A WHITE PAPER

Perkins Coie LLP Seattle, Washington January 2003

In addition, the transportation element must include financial provisions that explain how deficiencies will be remedied. RCW 36.70A.070(6)(a)(iv) requires:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW

35.77.010<<http://app.leg.wa.gov/RCW/default.aspx?cite=35.77.010>> for cities, RCW

36.81.121<<http://app.leg.wa.gov/RCW/default.aspx?cite=36.81.121>> for counties, and RCW

35.58.2795<<http://app.leg.wa.gov/RCW/default.aspx?cite=35.58.2795>> for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW

47.05.030<<http://app.leg.wa.gov/RCW/default.aspx?cite=47.05.030>>;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met.

Subsection (C) indicates that taking no action with respect to level of service deficiencies is not a permitted option under the GMA. The GMA requires cities to plan for growth. In the course of doing so, a city has some discretion with respect to the areas in which growth will be encouraged and the rate at which growth will take place.

State GMA regulations even more **explicitly prohibit use of concurrency to prevent growth**. WAC 365-196-

840<<http://app.leg.wa.gov/wac/default.aspx?cite=365-196-840>>(3)(c) provides:

“Counties and cities should set level of service to reflect realistic expectations consistent with the achievement of growth aims. Setting levels of service too high could, under some regulatory strategies, result in no growth. **As a deliberate policy, this would be contrary to the act.**”

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“From a legal standpoint, I would be concerned about a situation where a city was not taking active steps to alleviate level of service deficiencies. If the existence of level of service deficiencies becomes a basis for denying development applications, it would likely lead to legal claims against a city that it is not meeting its responsibilities under the GMA.

This type of situation also should be carefully reviewed by a city’s legal counsel.”

Legal Consultants, MRSC

Obligation to Address Deficiencies:

The information provided on concurrency above shows that cities with transportation level of service deficiencies are required to plan and take steps to address those deficiencies. Those steps can include implementing transportation improvements or recalibrating service levels. RCW 36.70A.060(6)(b) provides some flexibility regarding the timing of installation of level of service improvements:

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040<<http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.040>>, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service 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" means 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. If the collection of impact fees is delayed under RCW 82.02.050<<http://app.leg.wa.gov/RCW/default.aspx?cite=82.02.050>>(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. [emphasis added]

**“As part of the transportation element, a city must adopt
“level of service standards for all locally owned arterials
and transit routes” to gauge performance of the system.
Under RCW 36.70A.070(6)(a)(iii)(b), the standards
should be regionally coordinated.”**

Legal Consultants, MRSC

Congestion in Model

January 16, 2018

Congestion is measure - (i.e. length of the queue and delay) due to inadequate capacity at the intersection

Kendra said that Synchro does calculate congestion due to inadequate capacity at the intersection and didn't assume that at a Green light traffic goes forward. Synchro does calculate the length of the queue.

Limitation of the model is model doesn't do well in estimating the delay at an intersection if it's due to congestion at a downstream intersection.

T-8 and its prescriptions - use on our streets

The only concurrency projects we could confirm that built sidewalks were 244th - NE 8th to SE 8th, and ELSP - Inglewood to SE 24th. None built trails.

Cheryl Paston Public Works

Concurrency - Constructions Due to City Standards

There are several other concurrency projects which were scheduled to install sidewalks as part of the past handful of TIPs under the existing concurrency program. Some were removed from concurrency like the 2 ELSP projects while others were put on hold like Sahalee. These projects include :

- * other 2 phases of ELSP
- * Sahalee
- * 2 phases of IPLR