

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Metropolitan Area Transportation Plan Briefing
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Kirk McKinley, Planning Manager Rocky Piro, Growth Strategies Manager, Puget Sound Regional Council

EXECUTIVE / COUNCIL SUMMARY

The purpose of this workshop is to brief your Council on the update of the Metropolitan Area Transportation Plan (MTP). This update is intended to direct and guide transportation investments for the region over the next 30 years. On August 31, 2000 the Draft Environmental Impact Statement (DEIS) for the MTP update was released for public and community review. The DEIS analyzes three different approaches to addressing the transportation and mobility needs for all transportation modes to serve the Comprehensive Plans of the region. The MTP update is being led by Puget Sound Regional Council (PSRC) staff. It is being guided by several PSRC committees including the Regional Staff Committee, the Growth Management Policy Board, the Transportation Policy Board, and the Executive Committee. Councilmember Montgomery represents your Council on the Transportation Policy Board. Your Planning Manager represents you on the Regional Staff Committee. The PSRC manages the allocation of federal transportation funds including federal grant distribution. The scoring criteria for the grant programs are based in large part on the MTP and Vision 2020 (the regional policy framework plan) plans.

At your workshop Rocky Piro of the PSRC staff will review with your Council the MTP process to date, the remainder of the process leading to adoption, and will also summarize the three DEIS alternatives, their effectiveness, and costs. The period for commenting on the DEIS closes on October 16, 2000. The DEIS review process will result in the creation of a recommended transportation plan. The current schedule calls for adoption of the MTP in spring 2001 by the Executive Board. Your Council may want to forward comments on the MTP alternatives, or on transportation needs in general for consideration in the MTP update.

Attachment A is an Executive Summary of the MTP and the DEIS. The three alternatives are:

1. Updated 1995 MTP: This alternative takes the policies and projects in the existing MTP and carries them forward to 2030. It includes completion of the entire Sound

Transit Plan (including light rail from Everett to Tacoma and across Lake Washington).

2. Current Law Revenue: This alternative reflects current funding levels extended to 2030. Impacts of I-695 are reflected in this alternative. It is generally a lower level of transportation investment than the first alternative.
3. MTP "Plus": Is segmented into to sub-alternatives (3A, and 3B). 3A focuses on improved transportation system performance by adding roadway capacity beyond that which is called for in the current MTP. Alternative 3B emphasizes improved system performance through system management, transit service, and growth management provisions in addition to roadway capacity.

At your Workshop, PADS staff will delve deeper into how the DEIS options affect Shoreline. In addition, staff has identified several general areas that your Council may want to include in your recommendations on the MTP:

- *Ensure that transportation infrastructure funding policies and priorities emphasize completion of multi-modal arterial corridor projects (such as Aurora, 145th, 15th NE).* Much of the focus in the current MTP appears to revolve around the 21 "urban centers" designated in the Vision 2020 land use plan. Shoreline is not an "urban center", and therefore will have to compete against these centers for funding. It is important to emphasize "corridors" in the MTP as corridors are the routes by which "urban centers" and activity centers are connected for automobile trips, transit trips, and freight and truck movement. Part of the preliminary work on the MTP update has been to look at other compact urban centers characterized as "suburban clusters".
- *Provide improved mobility for transit vehicles on major corridors and provide efficient access between these transit trunklines and the community.* In Shoreline this policy could include direct transit or high occupancy vehicle (HOV) access ramps (or freeway flyer stops) on I-5 at 185th and 145th. Because the HOV lanes on I-5 are the inside lanes of the freeway, transit providers (Metro, Sound Transit, Community Transit) are disinclined to serve outside transit stops such as 145th because of the time lost in crossing the general purpose lanes to reach the outside stop and to re-enter the HOV flow. Over 600 buses per day run through Shoreline on I-5, and a small number actually stop at 145th. Your Council included the potential for a similar direct transit access project at 185th in the Comprehensive Plan.
- *Provide a regional transportation concurrency methodology that acknowledges the multi-modal aspect of transportation and which can be applied universally across jurisdictional lines.* The Growth Management Act requires each jurisdiction to have a concurrency management system that supports the Comprehensive Plan, and leaves the methodology and level of service goals up to jurisdictions to develop themselves. Consequently, almost every jurisdiction has a different methodology, different goals, and standards. If we are to plan transportation regionally (and the demand for transportation infrastructure does not respect jurisdictional boundaries), then it is logical to develop a set of regional guidelines to implement concurrency management systems.

There are other comments which your Council may want to forward to the PSRC as part of the MTP, but which relate more to regional housing allocation formulas and to the land use/transportation relationship. As you recall, the King County Growth Management Planning Council is currently considering King County countywide planning policies for the housing allocation "quotas" for King County jurisdictions. Since this allocation is directly related to the regional land use plan (Vision 2020), and we are commenting here on the regional transportation plan, it is logical to push for allocation of housing units based on the infrastructure in place or funded. That is, develop a policy supporting new housing allocations to areas that have the transportation infrastructure (and other urban infrastructure) to support it. If Shoreline is to absorb a greater amount of housing, then it should receive a greater proportion of transportation funding to support this growth.

There is some mention in the DEIS about development or physical design guidelines that may require local jurisdictions to implement in order to have Comprehensive Plan Transportation Elements eligible for PSRC certification. If the PSRC doesn't certify the Transportation Element, then the local jurisdiction is not eligible to receive state or federal transportation funds. Your Council may wish to express concern about this "prescriptive" approach at a regional level, or at least ask for clarification on this issue.

Finally, your Council may want to comment on the need to work toward a transportation system that supports the jobs/housing balance. One way to reduce demand on the transportation system is to shorten the length of trips. If affordable and appropriate housing is located near employment and activity centers, then the potential to reduce the commute distance is supported. Incentives to provide the housing stock near employment can be a part of the MTP. These incentives may include subsidies, low-interest loans, or mixed use projects (like Transit Oriented Development).

In summary, it is important that we review and provide official input on the DEIS for the MTP. Staff will return to your Council in early October with recommended comments, or will work with the Mayor to prepare a comment letter.

RECOMMENDATION

Provide initial input to staff so that they can prepare a draft recommendation or comments from your Council to PSRC on the MTP DEIS.

Approved By: City Manager



City Attorney



Attachment

Attachment A – Executive Summary 2001 Metropolitan Transportation Plan Alternatives Analysis and Draft Environmental Impact Statement

Executive Summary

2001 Metropolitan Transportation Plan Alternatives Analysis and Draft Environmental Impact Statement

Introduction

This document is about choices and preferences for how the central Puget Sound region should implement strategies and select major transportation investments to shape the region's mobility and development patterns over the next 30 years. Given the continued population and employment growth facing the region in coming decades, the challenge to maintain and enhance mobility and access is monumental. In response, the Puget Sound Regional Council is updating the Metropolitan Transportation Plan (MTP). The MTP serves as a detailed, long-range plan for future investments in the central Puget Sound region's transportation system. As the transportation element of VISION 2020, and the region's economic and growth strategy, the MTP provides a comprehensive statement of the region's future transportation needs and contains policies, programs, and strategies aimed at improving mobility and access.

The MTP also responds to federal and state mandates, including the Transportation Equity Act for the 21st Century (TEA-21), the 1990 Clean Air Act Amendments, the state's Growth Management Act, and state requirements governing regional transportation plans. These requirements specify that planning factors be considered that provide a context for linking transportation planning and programs with growth and development. The MTP explicitly defines long-term transportation strategies, opportunities and proposed investments for the Metropolitan Transportation System of King, Kitsap, Pierce and Snohomish counties.

In addition to defining a regional long-term transportation investment strategy, the MTP must identify means to raise revenues to pay for the transportation system improvements it contains. By March of 2001, the region will have developed and adopted a preferred package of improvements and programs addressing the region's highest transportation priorities. Failure to make significant new investments in the region's transportation systems most likely would be unacceptable. However, funding these improvements in an efficient and fair manner will continue to be a considerable challenge.

The timing is right for the region to take strong steps forward. Strong economic growth finds the region in a position to be able to tackle tough problems. Our current transportation systems are still reasonably well maintained, and their deficiencies are not so great as to prevent decisive action from improving the future state of our region's mobility. The state's Blue Ribbon Commission on Transportation is actively seeking new approaches

to addressing transportation funding, programming, and administration. Major corridor studies, designed to deal with some of the region's largest bottlenecks (I-405 and TransLake Washington Study), are underway. The state is engaged in a new round of systems planning, and Sound Transit is looking to its next steps even as many of its first round of investments are being successfully used and others are being implemented. Coordinating these major efforts, in a manner that effectively addresses the full range of the region's mobility and access needs, is a real challenge. But the time is right to tackle real challenges. This document attempts to provide a structure for open discussion of how this region's future transportation system can be financed and implemented for greatest effectiveness. It provides a framework for addressing the complex choices that the region faces.

The Current Update of The MTP

In May 1995, the Puget Sound Regional Council's General Assembly adopted the Metropolitan Transportation Plan as a comprehensive statement of long-range transportation planning objectives and actions for the central Puget Sound region. The Metropolitan Transportation Plan is required to be formally reviewed every two years under state law, and every three years under federal law. The 1995 plan was reviewed and reaffirmed in 1998.

In addition to legal updating requirements, the timing is right for the central Puget Sound region to update its transportation plan in 2001. State, regional, and local transportation agencies are much further along in identifying specific transportation solutions for many of the region's most notorious bottlenecks. Since 1995 there are also more specific plans to relieve congested regional roadways, improve ferries, and target transit systems to better support updated local plans. A new regional transit system, Sound Transit, is moving forward on schedule. Additional ideas and solutions from every part of the region can find a home in the updated plan.

Concerns the Region's MTP Will Address

Implementation

Multicounty policies included in the VISION 2020 1995 Update provide direction for transportation planning and investment decisions and form the policy framework for development of the Metropolitan Transportation Plan. The multicounty policies provide direction for development in urban growth areas, contiguous and orderly development, siting of regional capital facilities, housing, growth in rural areas, open space and resource protection, economic development, and transportation.

The 2001 MTP Update provides an opportunity to reflect updated population, employment and travel forecasts, and to incorporate regionally significant programs and provisions that have been developed since the 1995 MTP was adopted. The 2001 MTP Update also assesses the region's progress toward implementing policies, programs and projects that were identified in the 1995 MTP. Most importantly, it takes a significant step in providing implementation strategies in an effort to improve the region's ability to finance its transportation system.

To address regional transportation problems more effectively, the 2001 MTP will strive to meet the following objectives:

- Coordinate among cities, towns, counties, the ports, the state, and transit agencies to clearly define transportation priorities;
- Link the transportation system and land use development to encourage growth within defined urban areas;
- Address congestion and improve mobility for residents of the region;
- Preserve the region's environmental quality and its neighborhoods;
- Improve the region's long-term financial capacity to fund needed investments;
- Maintain & preserve existing transportation infrastructure and services;
- Balance investments in multimodal transportation improvements;
- Tailor recommendations to subregional and corridor levels, in recognition of the region's social, physical and cultural diversity;
- Lay out a course of action with specific short-term and long-term implementation steps.

Least Cost Planning and Full Cost Analysis

In the State of Washington, Regional Transportation Planning Organizations are required, under RCW 47.80.030, to apply least-cost planning to transportation investment strategies. Least-cost planning places all alternatives on an equivalent analytical footing through the application of the principles of benefit/cost analysis. This may enable potential investments in transportation facilities and programs to reduce demand for capital intensive investments.

Least-cost planning brings an additional analytical step into the mix of planning analyses conducted by the Regional Council, by requiring that planning alternatives be evaluated from a full resource cost perspective. This means that least-cost planning attempts to answer the following questions:

- Which alternative investments or policies will realize the greatest net benefits to society (net benefits are the value of benefits of a particular investment or policy minus the costs of implementation and the costs that result from the investment or policy); and
- How will alternative investments or policies effect the distribution of benefits and costs within society?

A final benefit-cost calculation provides information about the relative resource intensity of different transportation alternatives being analyzed. Analysis that considers all appropriate costs and benefits helps to answer the question of which alternative will provide people with the most value, or under which scenario is society better off than it would be under the other alternatives considered. It is important to remember that this type of analysis is not an exact science, and is subject to uncertainty. It is not meant to be a substitute for common

sense, or political judgement. By seeking to reflect true full public and private costs that all households and businesses are really spending on personal and freight transportation every year, it is meant to supplement the available information that can aid decision-makers as they face complex choices about alternative investments in future transportation systems.

The Region Needs an Investment Phasing Strategy

A preferred plan alternative and the final adopted MTP that will be recommended by the end of this year, after the public review period this fall, will address the phasing of transportation projects over time. The preferred MTP alternative will include information about project phasing, with the greatest level of detail pertaining to the first 10 years. In addition to the MTP, the Regional Council develops a Short-Range Action Strategy (6 to 10 years), which establishes the first phase of transportation investment priorities and implementation steps. The regional Transportation Improvement Program (TIP) is a three year programming document that lists all regionally significant projects or programs (involving a major expansion or improvement to the metropolitan transportation system) that are being funded and approved to move to an implementation phase (e.g., environmental planning, preliminary engineering, final design, land acquisition and construction). All such project or program phases must demonstrate that they are financially feasible and meet regional air quality requirements. In total, these documents help to describe the manner by which regional transportation priorities are identified and projects are implemented.

Considerations in Developing a Transportation Financial Strategy

Several aspects of MTP financing are addressed in the 2001 MTP Alternatives Analysis and Draft Environmental Impact Statement (DEIS prepared under the State Environmental Policy Act. These are:

- Principles to guide development of a financial strategy
- Short-term and long-term financial strategy options
- Least/full cost planning analysis

A final financial strategy for the 2001 MTP Update will respond to the particular characteristics of a selected preferred plan alternative. Financial considerations also need to be part of the deliberation that leads to the identification of a preferred alternative. As a result, descriptions are included of financial strategy options that could relate to all three plan alternatives evaluated within the 2001 MTP Alternatives Analysis and DEIS.

Seriously limited public financial capacity for transportation infrastructure investment has encouraged transportation professionals and regional policy makers to begin discussing the potential benefits associated with reforming the way we pay for, and finance, transportation. Market pricing approaches are based on a sound long-standing business and public utility principle that we pay for what we use. Pricing policies can reduce congestion on major transportation facilities and reduce vehicle emissions associated with engine starts and fuel consumption. Prices tied to use can also help ensure that revenues are available for maintenance, preservation, and capacity expansion when and where they are most needed.

Growing travel demand and limited improvement in transportation system performance, despite major investments in infrastructure and services, makes a compelling case for some type of pricing and finance reform in the region's future. In addition, the major funding shortfalls associated with meeting the region's identified transportation needs adds even greater rationale for doing something other than "business as usual."

The discussion of transportation pricing/finance reform in our region was initiated by policies contained in the 1995 Metropolitan Transportation Plan (MTP) calling on the region to examine reform and initiate public dialogue on the subject. As a first step, the Regional Council created a Transportation Pricing Task Force in 1995 to initiate carrying out the MTP's policy directives. The Task Force is comprised primarily of local elected officials and state-appointed transportation officials who report directly to the Regional Council's Transportation Policy Board.

The subject of transportation pricing/finance reform is an extremely complex one. The Regional Council, through its Pricing Task Force, has been engaged in studying and discussing the subject for several years. The topic has recently been discussed at deliberations of the State's Blue Ribbon Commission on Transportation as part of a much broader effort aimed at meeting the State's long-term transportation needs. The Pricing Task Force has worked closely with those involved in the Blue Ribbon Commission's work to ensure that the Commission has been provided with information and analysis resulting from the Pricing Task Force's work on this subject.

There is general agreement that the introduction of new transportation pricing mechanisms will be incremental and targeted, focusing increased attention on the possibility of developing implementation pilot programs, possibly with assistance from Federal Highway Administration funds. And in the summer of 2000 the Transportation Pricing Task Force adopted principles to guide future regional efforts relating to analysis and application of market-based finance mechanisms, including the eventual consideration of more specific projects that might test pricing approaches in the real world.

The Transportation Pricing Task Force is continuing its analysis of market financing approaches, and is drafting a report for submission to the Regional Council's Transportation Policy Board prior to the adoption of the 2001 Metropolitan Transportation Plan.

The Purpose of this Document

The primary purpose of this document is to identify alternative transportation, growth and financial strategies available to the region to improve the effectiveness of its current MTP. This document is not a "draft plan," but should be viewed as a tool to help the region's policymakers craft a draft plan in the coming months. The focus of the options is on implementation of the region's transportation and growth strategy and local comprehensive plans. This document consists of an alternatives analysis for the 2001 MTP, and a Draft Environmental Impact Statement (DEIS), prepared consistent with the State Environmental Policy Act (SEPA) (RCW 43.21.C) and SEPA Rules (WAC 197-11-210).

The Regional Council determined that some elements of the draft MTP's implementation alternatives may have a significant impact on the environment and issued a Determination

of Significance (DS). The Regional Council then undertook an environmental scoping process to narrow the focus of the EIS to significant environmental issues related to plan implementation, and to identify alternatives to be analyzed in the EIS. Potential impacts and issues identified during the environmental review scoping process are addressed in this combined alternatives analysis and DEIS, which contains three alternatives that represent a broad array of options that the region may consider in trying to address funding shortfalls and improve system performance beyond that which is forecasted in the 1995 MTP. The analysis of the alternatives provides insight into the results of employing various options and their respective impacts on the region's environment.

What Will Happen Next

The Regional Council's approach to SEPA and development of the MTP is one that evolves as the work moves forward. Environmental analysis and public comment on the broad program alternatives contained in the Draft EIS will be used to help refine and combine individual strategies to form a preferred MTP alternative. A preferred alternative will be evaluated further in a Final Environmental Impact Statement. It is likely that the region's preferred strategy will ultimately represent a composite of various elements and options from all three alternatives evaluated in this document.

The SEPA Alternatives

The process that resulted in a definition of three MTP alternatives began in August 1999, and was formalized in December 1999 when the Regional Council's Transportation and Growth Management Policy Boards approved the *Scope of the Environmental Review for the 2001 Update of the Metropolitan Transportation Plan*. This scoping document, a result of extensive public outreach, set in motion an analysis structure that, over the past six months, examined a number of "test packages" and used what was learned to help define three MTP alternatives. The analytical packages did not represent "plan alternatives," but were designed to test the effects of specific investment and management approaches on the region's growth, transportation, environmental, and financial goals and objectives. For more complete descriptions of the assumptions and analysis of the analytical test packages, and of supplemental roadway capacity analysis conducted by the Regional Council, see Appendix 3 and Appendix 4 contained in Volume 2 of the 2001 MTP Alternatives Analysis/DEIS document.

Major findings of the test packages include:

- Current levels of investment in transportation projects and programs result in continued deterioration of transportation system performance.
- Significant investments in roadway expansion reduce future congestion problems, but also result in increased vehicle miles traveled, and great difficulty in meeting air quality conformity requirements.
- Significant investments in local transit service reduce future congestion problems, and help to decrease the growth of vehicle miles traveled. These investments also result in a more

balanced multimodal transportation system that offers choices between single occupancy vehicles, carpools, and transit.

- Paying for transportation through user fees and charges can significantly reduce congestion on roadway facilities.
- Compact land development patterns have a significant and positive effect upon transportation system performance.

These results helped regional leaders to craft three alternatives that addressed the full range of choices for environmental and policy analysis.

Descriptions of the Alternatives

The three MTP alternatives were developed to stimulate discussion of wide-ranging transportation choices and options for funding them. Public and agency participation during the autumn of 2000 will help craft an efficient and fiscally sound "preferred alternative" comprised of the best elements from the alternatives studied.

Within the agreed-upon environmental scope, the alternatives provide a focus for environmental and technical analysis of a comprehensive set of choices that range from taking no action (the current law revenue option), extending the currently adopted MTP to 2030, to expanding roadway and/or transit capacity and/or emphasizing better management of transportation systems.

The three MTP/State Environmental Policy Act (SEPA) alternatives are:

1. **Updated 1995 Metropolitan Transportation Plan**
2. **Current Law Revenue**
3. **Metropolitan Transportation Plan "Plus"**
 - 3A - Enhanced Performance/Infrastructure Emphasis
 - 3B - Enhanced Performance/System Management Emphasis

Each of the alternatives is briefly discussed below.

Updated 1995 MTP. The Updated 1995 MTP alternative contains policies, programs and projects in the 1995 MTP, with the addition of projects completed or underway since 1995, extended to year 2030. The plan calls for the development of a region-wide multi-modal transportation system that links urban centers with transit-oriented investments and serves compact communities. The system envisioned in the plan emphasizes accessibility, includes a variety of mobility options, and enables the efficient movement of people, goods, freight, and information. Increased capacity is reflected by the addition of 290 general purpose freeway lane miles, 950 arterial lane miles, 308 freeway HOV lane miles, and 95 arterial HOV lane miles. The Updated MTP alternative also assumes full build-out of the Sound Transit Long Range Vision Plan, with light rail extensions fully connecting north-south

from Everett to Tacoma and east-west connecting from Seattle across Lake Washington on I-90 to Issaquah and Redmond. State intercity rail service from Vancouver, Canada to Portland, Oregon is also improved.

Current Law Revenue. The Current Law Revenue alternative is limited to those elements of the 1995 MTP with committed or identified funding sources, extended to year 2030. Projects, programs, and levels of service reflect revenue reductions resulting from the fall 1999 ballot initiative, which eliminated the state motor vehicle excise tax (MVET). Increased capacity is added to the current Metropolitan Transportation System in the form of an additional 68 freeway, 83 arterial, and 72 high occupancy vehicle (HOV) lane miles. These additional lane miles all represent a reduction from the extent of facilities planned in the Updated 1995 MTP alternative. Very little ferry service is assumed after year 2010, and only Phase I of the *Sound Transit LongRange Vision* plan is completed. The alternative assumes no changes in taxes, tax rates, or the system of allocating tax revenues to various transportation uses.

Metropolitan Transportation Plan "Plus." The MTP Plus alternative has been divided for technical analysis purposes into two versions. 3A focuses on improved system performance by adding roadway capacity beyond that called for in the current MTP. 3B emphasizes improved system performance through system management, transit service, and growth management provisions in addition to roadway capacity. Both represent the same alternative of providing additional transportation capacity, but by different means.

The infrastructure emphasis of the MTP Plus alternative includes all of the elements of the 1995 MTP, with the addition of projects completed or underway since 1995, extended to year 2030. In addition, increased capacity is added to the 1995 MTP in the form of an additional 396 freeway lane miles, 245 arterial, and 53 high occupancy vehicle (HOV) lane miles. Roadway capacity is also extended through HOV system operation enhancements and ferry system improvements. Commuter rail service miles and hours are the same as in the Updated 1995 MTP. The MTP Plus alternative assumes full build-out of the Sound Transit's Long Range Vision Plan, as in the Updated 1995 MTP alternative.

The system management emphasis of the MTP Plus alternative also includes all of the elements of the 1995 MTP, with the addition of projects completed or underway since 1995, extended to year 2030. Increased capacity is added to the 1995 MTP in the form of an additional 52 general purpose freeway, and 157 high occupancy vehicle (HOV) lane miles. In addition, increased capacity is added to the MTP through System Management (including Intelligent Transportation Systems and Smart Travel programs), and through transit system improvements beyond those identified in the 1995 MTP. This model run also assumes full build-out of the Sound Transit Sound Move plan. In addition to current levels of bus transit service, bus transit routes (service miles) and service hours are substantially increased beyond those in the 1995 MTP, by 55 percent and 52 percent, respectively. Ferry service miles and service hours are increased by 65 percent and 47 percent, respectively. Commuter rail service miles and hours are slightly higher than in the Updated 1995 MTP. The HOV system is completed, expanded, and operationally enhanced. Concentration of housing, population and jobs in centers, station areas and activity areas is more aggressively

pursued, market mechanisms increasingly manage parking in the most intensively developed areas, and the ferry system is expanded and improved.

What the Three Alternatives Have in Common

- 2030 socio-economic forecasts
- Regional policy structure (VISION 2020 and MTP policies)
- Current law revenue forecasts (based on adopted plans)
- Federal and state statutory requirements (TEA-21, Clean Air Act, Growth Management Act, Regional Transportation Planning Organization (RTPO) requirements, State Environmental Policy Act (SEPA) requirements, etc.)

Major Differences Between the Three Alternatives

- Population and employment distribution
- Number of freeway and arterial lane miles
- Amount of future ferry service
- Amount of future transit service
- Extent of the region's future HOV system
- Extent of the region's future non-motorized system

Summary of Alternative Investment Approaches

UPDATED 1995 MTP	CURRENT LAW REVENUE	MTP PLUS
Balanced multi-modal investments.	Lack of balance in modal investments. Transportation viewed in isolation.	Balanced multi-modal investments.
Infrastructure & system management expansion. Large public capital expenditure.	Limited Infrastructure & system management expansion. Low public capital expenditure.	Major infrastructure & system management expansion. Large public capital expenditure.
Prioritizes infrastructure & programs to actively advance growth strategy.	Does not actively advance growth strategy.	More effective growth management & transportation integration, advancing growth strategy.
Designed to support air quality conformity requirements.	Not supportive of air quality conformity requirements.	Designed to support air quality conformity requirements.

Analysis of the SEPA Alternatives

In developing the scope for the 2001 MTP Update, regional elected officials agreed that existing policies accurately reflect growth and transportation objectives, but that a more detailed implementation strategy is needed. In keeping with this scope, the Draft Environmental Impact Statement contains evaluative analysis of the planning alternatives using the multicounty framework policies as an analysis tool to consider the planning factors set forth in the Transportation Efficiency Act for the 21st Century (TEA-21), as well as Regional Transportation Planning Organization guidelines spelled out in state growth management legislation. The policy analysis considers broad categories of transportation policy, within which all of the above mentioned policies and factors have been consolidated. A detailed summary of the performance data output from the regional travel demand model can be found in Appendix 9, contained in Volume 2 of the 2001 MTP Alternatives Analysis and DEIS. Appendix 9 also contains a complete description of the assumptions inherent in the SEPA Alternatives, and preliminary conclusions drawn from the policy analysis.

Accessibility and Mobility

The region's adopted growth strategy of focusing development in compact communities seeks to efficiently provide mobility options while improving people's access to activities through a mixing of uses. Access is improved both through investments in transportation infrastructure, and through appropriate patterns of land development. Traditionally, transportation plans have focused on the issue of mobility, particularly for automobiles, and improving mobility through transportation infrastructure. Measures of mobility, such as facility level of service standards, travel time, and measures of travel delay have been employed to evaluate plan alternatives.

It is also important to be able to understand the degree to which residents of the region have access to vital activities through a broad array of travel options. This is especially important for populations who are unable to rely upon the flexibility of the personal automobile. For example, today approximately 10 percent of the region's population is 65 years old or older, by 2030 this population will nearly triple in absolute size and represent 18 percent of the regional total population. An aging population will have different transportation needs. Automobile travel will remain centrally important to this region, but we must also make sure that a full array of transportation services, and appropriately designed communities, are available to meet the needs of all the people in the region.

Much of the region cannot currently be served by transit. Over the life of this plan, some parts of the region will become more transit-accessible as land use patterns continue to evolve under managed growth. Other parts of the region will not support transit service, even in the future. These areas of the region must have adequate infrastructure to support auto accessibility, and must also limit the degree to which transportation infrastructure induces unintended growth in less infrastructure-intensive communities.

An overall summary of the modeled performance of each of the three alternatives is shown in the following table.

System Performance Data of 1998 Baseline and SEPA Alternatives

PERFORMANCE INDICATOR	1998 BASELINE	UPDATED 1995 MTP	CURRENT LAW REVENUE	MTP PLUS - A	MTP PLUS - B
Daily vehicle miles traveled (millions) on arterial/freeway network					
During AM-peak period	14,545,127	20,436,210	22,077,406	20,782,398	19,880,174
During PM-peak period	18,129,734	25,937,332	27,712,666	26,334,198	25,181,962
During Off-peak period	44,490,684	65,303,960	67,356,064	66,447,680	63,494,592
Total	77,165,545	111,677,502	117,146,136	113,564,276	108,556,728
DAILY VEHICLE MILES TRAVELED PER CAPITA	23.7	23.7	24.9	24.1	23.1
Average vehicle speed (mph) on arterial/freeway network					
During AM-peak period	31.5	29.2	25.3	30.9	29.7
During PM-peak period	30.4	27.5	24.2	29.2	28.0
During Off-peak period	31.5	28.3	26.8	30.0	28.7
Hours of delay on arterial/freeway network					
During AM-peak period	31,116	55,015	156,997	42,164	46,358
During PM-peak period	48,878	106,721	233,448	86,451	93,411
During Off-peak period	69,040	195,474	290,087	152,870	171,101
Total	149,034	357,211	680,533	281,485	310,870
DAILY VEHICLE MILES TRAVELED PER CAPITA	2.7	4.6	8.7	3.6	4.0
Percent of network experiencing congestion					
During AM-peak period					
Freeways	26.22%	23.04%	39.11%	17.74%	19.57%
Regional Arterials	2.18%	3.83%	7.21%	2.95%	3.13%
Overall	4.06%	5.79%	9.37%	4.54%	4.88%
Freeways	34.17%	37.29%	61.91%	27.72%	32.37%
Regional Arterials	3.38%	7.09%	11.68%	5.39%	6.17%
Overall	5.77%	10.24%	15.32%	7.97%	9.05%
During Off-peak period					
Freeways	25.87%	30.46%	49.82%	23.45%	26.91%
Regional Arterials	1.39%	4.19%	7.01%	2.76%	3.58%
Overall	3.54%	7.34%	10.63%	5.53%	6.48%
Percent Mode Choice					
All Trips					
SOV	62.48%	55.58%	56.54%	55.40%	54.22%
Carpool	34.75%	39.37%	38.73%	39.58%	39.95%
Transit	2.77%	5.04%	4.73%	5.02%	5.83%
Work Trips					
SOV	72.24%	55.97%	60.44%	55.56%	54.38%
Carpool	20.54%	32.55%	30.51%	33.13%	33.29%
Transit	7.21%	11.48%	9.06%	11.31%	12.33%
Non-work Trips					
SOV	59.75%	55.48%	55.47%	55.35%	54.17%
Carpool	38.73%	41.26%	41.00%	41.37%	41.80%
Transit	1.53%	3.27%	3.53%	3.28%	4.03%
Person Trips					
All Trips					
SOV	6,391,095	9,108,530	9,244,296	9,078,246	8,881,607
Carpool	3,554,548	6,452,176	6,331,287	6,486,617	6,544,371
Transit	283,429	826,315	773,625	822,156	955,725
All Motorized Modes	10,229,072	16,387,021	16,349,208	16,387,019	16,381,703
Work Trips					
SOV	1,616,630	1,984,120	2,142,041	1,969,564	1,937,403
Carpool	459,690	1,153,809	1,081,255	1,174,342	1,186,031
Transit	161,433	406,884	321,057	400,908	439,154
All Motorized Modes	2,237,753	3,544,814	3,544,352	3,544,814	3,562,588
Non-work Trips					
SOV	4,774,465	7,124,410	7,102,255	7,108,682	6,944,205
Carpool	3,094,858	5,298,367	5,250,032	5,312,275	5,358,340
Transit	121,996	419,431	452,568	421,248	516,571
All Motorized Modes	7,991,319	12,842,207	12,804,856	12,842,205	12,819,115

The personal automobile continues to offer significant flexibility and convenience. Most activities in the region are accessible by automobile, yet not all persons in the region can use an automobile, and not all communities in the region can continue to accommodate increasing automobile traffic. One approach to better understanding how accessible activities are to the region's households is to measure the percent of households that can reasonably walk or take transit to a fixed number of jobs or other trip-attracting activities. This is a measure of both transportation supply and the spatial distribution of activities within the regional geography.

The table below summarizes this analysis comparing the plan alternatives with the current conditions. It is important to note that the accessibility measures summarized below represent opportunities to use transit or to walk to jobs and services, and do not account for frequency of service or how transit-oriented or pedestrian-friendly actual concentrations of activity may be. Reasonable walk access is assumed to be a quarter of a mile, or approximately a ten-minute walk, and reasonable transit access is assumed to be a thirty-minute transit trip. The numbers of jobs and other trip-attracting activities used in these measures were selected to be consistent with the planning guidelines for town centers and urban centers established in VISION 2020. Altogether, the MTP planning alternatives show greater degrees of accessibility to activities over current conditions. In large measure this is a function of increased density of activity within the urban areas in the year 2030, in each alternative. These measures are meant to illustrate relative, not absolute, degrees of accessibility to vital activities across the MTP planning alternatives.

Percent of Region's Households with Access to Jobs and Activities

TYPE OF ACCESS	1998 BASE	UPDATED 1995 MTP	CURRENT LAW REVENUE	MTP PLUS A	MTP PLUS B
Walk access to 2,000 jobs (EQUIVALENT OF A LOCAL EMPLOYMENT CENTER)	13.86%	24.36%	24.99%	24.36%	25.88%
Walk access to 2,000 service/retail jobs (EQUIVALENT OF A LOCAL SERVICE CENTER)	12.20%	23.16%	24.24%	23.16%	23.73%
Transit access to 15,000 jobs (EQUIVALENT OF A URBAN EMPLOYMENT CENTER)	9.38%	14.08%	14.18%	14.03%	16.97%
Transit access to 15,000 service/retail jobs (EQUIVALENT OF A URBAN SERVICE CENTER)	5.88%	11.00%	12.64%	11.00%	13.59%

WALK ACCESS = 10 MINUTES, OR APPROXIMATELY 1/4 MILE DISTANCE
 TRANSIT ACCESS = MAXIMUM OF 30 MINUTES WITHOUT USING A PARK-AND-RIDE LOT

Updated 1995 MTP. The continued development of a comprehensive region-wide multi-modal transportation system will result in less dependence on auto travel and greater transit and pedestrian-friendly development activity. In particular, suburban locations receiving future investments in high capacity transit could support more concentrated development patterns in their jurisdictions. Some parts of the urban area would have lower levels of traffic congestion than they might otherwise have had because of the existence of alternative travel options. Substantial investments in bicycle and pedestrian facilities will encourage non-motorized access to activities as a mix of land uses are developed within urban centers. Multimodal transportation systems will be in place to serve the highest concentrations of

residential and employment density. Local transit service, however, may not prove sufficient to satisfy the basic mobility needs of transit dependent populations. The level of transit service under this alternative, in 2030, with a substantially larger population base, is roughly comparable to existing service today.

Current Law Revenue: Although this alternative includes the completion of Phase I of Sound Transit's Sound Move plan, local transit service is reduced to 75 percent of 1998 levels, and ferry service is largely discontinued by the year 2010. Without the necessary investments in transit and other alternative travel modes, this alternative would not provide strong support for travel using anything other than the personal automobile. The lack of a region-wide multimodal transportation system will result in greater dependence on auto travel and less transit and pedestrian-friendly development activity. In particular, suburban locations that would not receive future investments in high capacity transportation (HCT) would have a difficult time supporting more concentrated development patterns in their jurisdictions. Parts of the urban areas with existing higher densities would have much higher levels of traffic congestion because of the lack of alternative travel options. This higher congestion would, in turn, compromise the performance of the transit service that remains, limiting transit's ability to compete with single occupant vehicles. Access to regional transportation systems will diminish as new development occurs removed from adequate multimodal transportation connections, and as congestion levels continue to increase. Transportation systems will not be able to keep pace with growing population and employment.

MTP Plus: The continued development of a comprehensive region-wide multimodal transportation system would provide more transportation options, better mobility and accessibility, and greater transit and pedestrian-friendly development activity. The package of improvements and programs represented by MTP Plus model run 3A completes missing links in the regional roadway system to provide existing urban development better auto and transit access, and better access for all modes when road projects incorporate sidewalks and bike lanes. The improvements and programs contained in MTP Plus model run 3B complete missing links in the nonmotorized network to provide better bicycle and pedestrian access, especially in the vicinity of transit stations and urban centers. In particular, suburban locations receiving future investments in local roadways and in high capacity transit (HCT) could support more concentrated development patterns in certain districts within their jurisdictions. Transportation alternatives, other than the personal vehicle, would serve a broad array of mobility needs. Parts of the urban area, with existing higher densities, would have lower levels of traffic congestion than they otherwise would because of the existence of alternative travel options, as well as through the existence of alternate local routes for cars.

Substantial investments in bicycle and pedestrian facilities will encourage non-motorized access to activities as a mix of land uses are developed within urban centers. Multimodal transportation systems will be in place to serve the highest concentrations of residential and employment density. Under model run 3B, significant increases in the level of local transit service will help to satisfy the basic mobility needs of transit dependent populations. The level of transit service under model run 3B, in 2030, with a substantially larger population base, is roughly a 50 percent increase over existing service today.

Regional growth and transportation policies encourage the availability of alternatives to driving alone. Performance data can demonstrate changes to the share of trips made by different modes. MTP Plus model run 3B results in the greatest mode share for transit work trips. The MTP Plus Alternative also provides the greatest array of non-motorized choices, with increased investments in bicycle and pedestrian facilities and better access to transit stations and ferry terminals.

Comparing Today's Congestion to Future Congestion

Updated 1995 MTP. When comparing future congestion of the regional transportation network to present levels, it is important to remember that the 1998 Baseline Year represents the trip making and movement of 1.5 million fewer residents, and 800,000 fewer jobs. A highly visible indicator of regional transportation system performance is freeway congestion. A useful measure for comparing the three alternatives is the percentage of the freeway portion of the network that is congested during the 3 to 6 PM Peak travel period. In the Updated 1995 MTP alternative, the freeway network as a whole becomes slightly more congested as the region grows in population over the 30 years of the plan, even with significant improvements to the system. PM Peak freeway congestion grows from 31.5 percent in 1998, to 37.3 percent in 2030. Mobility benefits from this alternative can be better understood through examining individual sub-area performance. PM Peak congestion levels all show significant improvements in the Northwest King County, East King, and King County subareas, while congestion in the South King, Snohomish, Pierce and Kitsap County subareas worsens. The Subareas that are forecast to have greater congestion levels than today still show significant improvement over the levels of congestion they would have experienced with no action and current levels of investment. Congestion levels by subarea are summarized in the table below.

Current Law Revenue: Congestion of the freeway network as a whole nearly doubles over current levels in the Current Law Alternative, increasing from (31.5 percent to 61.9 percent), even with significant improvements to the transportation system. As with the other alternatives, mobility effects can be more clearly seen through examining individual sub-area performance. All of the subareas become much more congested than levels observed in the 1998 Base Year, some to dramatic levels. The Northwest King County and Pierce County subareas, for example, are 81.6 percent and 70.4 percent congested during the PM Peak period, respectively.

MTP Plus: The two separate model runs that represent the different program emphases of the MTP Plus Alternative generally maintain current (1998) levels of congestion in the year 2030. The 3A model run forecasts slightly lower congestion rates than the 3B model run. It is important to note, however, that the increase is slight, even with over 1.5 million more residents and new 800,000 jobs in the region. Mobility benefits from this alternative can be better understood through examining performance in individual sub-areas. Most subareas under both modeling scenarios show reductions in forecast congestion, some quite dramatic.

The MTP Plus alternative does a better job at reducing congestion levels in more subareas than does the Updated 1995 MTP alternative. The few subareas that are forecast to have greater

congestion levels than today still show significant improvement over the levels of congestion they would have experienced with no action and current levels of investment, as well as improvement over congestion relief resulting from the Updated 1995 MTP alternative.

Congestion levels by subarea are summarized in the table below:

Percent of Freeway Network Congestion During PM Peak (3PM to 6PM)

SUB- REGION	1998 BASELINE	UPDATED 1995 MTP	CURRENT LAW REVENUE	MTP PLUS A	MTP PLUS B
Region	31.5%	37.3%	61.9%	27.7%	32.4%
Northwest King County	59.1%	36.7%	81.6%	26.3%	29.4%
East King County	40.3%	38.3%	58.1%	28.5%	28.4%
South King County	36.4%	43.4%	63.0%	30.8%	39.8%
King County	42.6%	40.0%	65.2%	28.8%	33.4%
Snohomish County	32.4%	34.3%	55.0%	28.8%	34.3%
Pierce County	25.5%	42.9%	70.4%	32.4%	38.0%
Kitsap County	0.0%	8.5%	39.7%	5.1%	4.8%

Each Alternative's Impact on Regional Growth

Through the adoption of the Growth Management Act and VISION 2020, both the State of Washington and the central Puget Sound region have recognized the beneficial impacts of controlling the location and phasing of growth. Regional growth management and transportation policies also recognize that transportation infrastructure can have a dramatic impact on the distribution and character of new development. Although the metropolitan transportation plan that the region adopts will have little influence over the rate of population and employment growth, it can improve mobility and accessibility through strategic investments, and respond to growth policies by encouraging development in patterns and locations that make the most efficient use of the regional transportation system.

Updated 1995 MTP: The Updated 1995 MTP alternative was developed with consideration of locally adopted growth management plans and provides a broad link between land use and transportation planning. Provisions and policies support pedestrian-friendly and transit-oriented development as part of the region's strategy for improving accessibility and mobility. However, there is little specificity provided for particular actions to promote the types of development that reduce the need to drive alone. While employment targets would likely be met in the 21 designated urban centers within the region, population targets for these areas would be more elusive. The policy direction provided in the current MTP would not change, remaining broad and general with few specifics concerning strategic actions. Protection of rural areas is supported by the policy focus of prioritizing development opportunities within the urban growth area, and limiting extension of urban services that might support inappropriate development of rural and resource lands.

Current Law Revenue: Growth-related policies and provisions in the 1995 MTP will remain in effect, providing broad, general principles and policies linking land use and transportation planning. These provisions support pedestrian-friendly and transit-oriented development as part of the region's strategy for improving accessibility and mobility. However, there is little specificity provided to outline particular actions to promote the types of development that reduce the need to drive alone. Jurisdictions will most likely have limited funds to make investments in infrastructure and services that support centers and compact communities.

The Current Law Revenue alternative lacks balanced support for urban center growth in those parts of the region with marginal development markets. The severe reduction of state ferry service will significantly limit Kitsap County's ability to meet growth targets. One response to diminished access might be a reduction in the ability of local jurisdictions to accommodate planned housing development and job growth, reflecting limitations in local mobility infrastructure. Kitsap County will be particularly challenged to meet its growth targets and planning objectives. Decreased accessibility will limit the abilities of people to live in places where they do not have to rely exclusively on cars.

The alternative will likely exacerbate problems with concurrency throughout the region. Concurrency requirements may force jurisdictions to revisit land use assumptions, accept lower level-of-service standards (including increased congestion, delay, fewer transit options), and/or seek funding from new sources. A possible result is that new development would either be delayed or locate in lower priority areas within the region. Lowering level-of-service standards might result in increased congestion and delay, and could also frustrate efforts to maintain local and regional growth strategies.

MTP Plus: The system management component of the MTP Plus alternative contains a more aggressive concentration of residential population and employment into areas with designated urban centers, transit station areas, and other areas of concentrated development, reinforcing the VISION 2020 strategy of increasing densities in central places and decreasing pressure to convert rural and resource lands to urban uses and intensities. Increased transportation alternatives will support more intense development within designated centers, compact communities and transit station areas. Emphasis on demand-focused transit service may encourage increased development in already urbanized areas, helping to make compact communities, walking, biking, and transit options more attractive. The system management component of the MTP Plus alternative supports multi-nucleated concentrations of jobs and housing throughout the region, more closely reflecting the regional growth vision.

The infrastructure emphasis component of the alternative increases the mobility of outlying areas, enabling longer commutes to the central part of region where jobs will increasingly locate, and possibly increasing pressure to convert rural and resource lands to urban uses and intensities. Analysis of data from the regional travel demand and land use allocation models shows that increased accessibility in east King County and south Snohomish County may result in greater growth pressures in these areas. Region-wide expansion of highway capacity could place increased growth pressure on the periphery of the region's urban growth area. As has been well documented across the country, low intensity development typically follows new roadways that are constructed into less developed areas. This scenario might frustrate

local and regional growth management efforts to support the development of centers as well defined mixed-use activity areas. However, if most lane mile improvements are located primarily as links between designated urban centers within the designated urban growth area, additional development pressure may then shift to urbanized areas along roadway corridors, helping to achieve the regional goal of converting major urban corridors from auto-oriented commercial strips into more multi-modal, mixed-use environments. Appropriate phasing of investments over time can support local and regional growth plans by ensuring that transportation infrastructure serves growth when and where it occurs.

Efforts to concentrate development will be supported by increased investments in multi-modal transportation options, especially in MTP Plus model run 3B with its 50 percent increase in local transit service and full build out of the missing links in the bicycle and pedestrian network. New capacity comes balanced in the form of new roads, expanded local transit service, and better bicycle and pedestrian facilities connecting urban centers, transit stations and activity areas. This multimodal focus would help achieve the regional goal of converting major urban corridors from auto-oriented commercial strips into more multi-modal, mixed-use environments.

Costs Associated with the Alternatives

The SEPA alternatives represent different levels of investment in the region's transportation system. The region is constrained, however, by current levels of transportation funding. In order to implement a transportation plan, financial resources must be matched with the selected transportation investments. The region will need to address the financial requirements of any plan that is selected. The costs of the three alternatives are summarized by program area in the table below.

Financial Impacts of the Alternatives

	SYSTEM EXPANSION	BASIC NEEDS	TOTAL PLANNED INVESTMENTS	CURRENT LAW REVENUE 2001-2030	FUNDING SHORTFALL
Updated 1995 MTP (MILLIONS OF YEAR 2000 DOLLARS)					
City Streets	8,469	6,111	14,580	12,659	1,921
County Roads	5,827	4,279	10,106	9,445	661
Public Transit	14,522	21,138	35,660	23,314	12,346
State Ferries	1	5,297	5,298	2,806	2,491
State Highways	9,540	3,948	13,488	2,979	10,509
Total	38,359	40,772	79,132	51,203	27,928
Current Law Revenue (MILLIONS OF YEAR 2000 DOLLARS)					
City Streets	6,548	6,111	12,659	12,659	-
County Roads	5,166	4,279	9,445	9,445	-
Public Transit	6,411	16,904	23,314	23,314	-
State Ferries	1	2,805	2,806	2,806	-

Financial Impacts of the Alternatives . . . continued

	SYSTEM EXPANSION	BASIC NEEDS	TOTAL PLANNED INVESTMENTS	CURRENT LAW REVENUE 2001-2030	FUNDING SHORTFALL
State Highways	-	3,948	2,979	2,979	-
Total	18,126	34,046	51,203	51,203	-
MTP Plus - Infrastructure Emphasis (MILLIONS OF YEAR 2000 DOLLARS)					
City Streets	9,390	6,111	15,501	12,659	2,842
County Roads	5,941	4,279	10,220	9,445	775
Public Transit	14,522	21,138	35,660	23,314	12,346
State Ferries	1,034	6,507	7,541	2,806	4,735
State Highways	24,763	3,948	28,711	2,979	25,732
Total	55,650	41,983	97,633	51,203	46,430
MTP Plus - System Management Emphasis (MILLIONS OF YEAR 2000 DOLLARS)					
City Streets	8,525	6,111	14,636	12,659	1,977
County Roads	5,906	4,279	10,185	9,445	740
Public Transit	15,850	25,300	41,150	23,314	17,836
State Ferries	1,034	6,507	7,541	2,806	4,735
State Highways	21,045	3,948	24,993	2,979	22,014
Total	52,360	46,145	98,505	51,203	47,302

Updated 1995 MTP: The Updated 1995 MTP alternative will cost the region \$79.1 billion in system investments through the year 2030. A majority of the new investments identified under this alternative remain without funding, and significant portions of basic needs are unfunded within the state managed program areas.

Current Law Revenue: The Current Law Revenue alternative will cost the region \$51.2 billion in system investments through the year 2030. This alternative chooses living within the region's current financial capacity over identifying new sources of funding. There is no funding shortfall to address, but significant and necessary investments in maintaining existing transportation systems at their current levels of operation will not be made. Very few resources are available to address increased travel demand through system expansion.

MTP Plus: The MTP Plus alternative will cost the region in excess of \$98 billion in system investments through the year 2030. This alternative aggressively looks to address increasing travel demand through system expansion and management. Yet a majority of the new investments identified under this alternative remain without funding, and significant portions of basic needs are unfunded within the state managed program areas.

No new financial resources are required to implement the Current Law Revenue alternative, however transportation investments are extremely limited. The Updated 1995 MTP alternative requires that, on average, approximately \$975 million be identified, within the region, above current transportation revenue levels each year of the plan. The MTP Plus alternative

requires that approximately \$1.4 billion annually be identified above current transportation revenue levels. Financial needs of this magnitude will seriously challenge the limits of traditional transportation finance approaches.

Environmental and Air Quality Impacts

The environmental review of the alternatives for the 2001 update of the MTP builds on the environmental work completed for VISION 2020 (1990) and the existing MTP and update to VISION 2020 (1995). The Regional Council seeks to use the environmental review process to update and provide new data and information; to stimulate discussion on implications and impacts of alternatives; and to provide an additional avenue for agencies, tribes, organizations and individual citizens to be involved in the update of the MTP.

The analysis examines the following impact areas:

- Transportation
- Air Quality/Global Warming
- Land Use
- Natural Resources/ESA Issues
- Cultural Resources, Aesthetics, Noise, and Other
- Environmental Justice

Generally, the analysis shows that alternatives that do the least to provide for the region's growing transportation needs are most damaging to the environment. Alternatives that provide greater support and investments for implementing the development strategy embodied in VISION 2020 and local comprehensive plans are the least damaging to the environment. The following table summarizes the environmental analysis conducted for the three alternatives under the State Environmental Policy Act (SEPA).

Summary of SEPA Analysis

ELEMENT OF THE ENVIRONMENT		ALTERNATIVE 1 UPDATED 1995 MTP	ALTERNATIVE 2 CURRENT LAW REVIEW (NO ACTION)	ALTERNATIVE 3 MTP PLUS 3A: INFRASTRUCTURE EMPHASIS	3B: SYSTEM MNGMNT EMPHASIS
TRANSPORTATION	IMPACTS	Improved transportation system performance reflecting increased investment in transportation facilities. Less adverse impact on movement of freight compared to Alternative 2. Emphasis would be on providing opportunities to walk and bike between communities and urban centers as a substitute for auto trips under five miles. Non-motorized transportation would play an integral role in the transportation system.	Significant adverse transportation impacts compared to the 1998 base year and Alternative 1 and 3. Movement of freight on roadways would be directly adversely affected. Rail and sea freight would be similarly impacted. Emphasis on recreation multi-use trails with some improvement in bicycle access to Sound Transit stations would result in multi-use and bicycle lanes. Non-motorized transportation would be relegated primarily to recreational functions.	Similar to Alternative 1 but with more significant improvement in VMT and hours of delay.	
	MITIGATION MEASURES	Mitigation would be inherent with adoption of this alternative.	Adoption of Alternatives 1 or 3 would mitigate impacts.	Same as Alternative 1.	
AIR QUALITY	IMPACTS	Impacts would be similar, but less adverse than Alternative 2.	Would exceed pollutant budgets for CO, VOCs, and NOx by the greatest amount. Also would result in greatest impacts on health and economy related to air pollution and would have the greatest potential for loss of federal funding for transportation projects due to conformity failures.	Impacts would be similar but less adverse than Alternative 1. Alternative 3 would result in the least adverse impacts on air quality.	
	MITIGATION MEASURES	The adopted MTP alternative will need to meet federal air quality conformity requirements and should incorporate characteristics of Alternatives 1 and 3 that would result in lower emissions.			
GLOBAL WARMING	IMPACTS	Less adverse impact on global warming than Alternative 2, but greater impact than Alternative 3.	Greater adverse impact on global warming.	Least adverse impact on global warming. Greater adverse impact on global warming compared to Alternative 3B.	Less adverse impact on global warming compared to Alternative 3A.
	MITIGATION MEASURES	Measures that reduce VMT would reduce burning of fossil fuels. Transportation investments that support transit use, HOV use, and non motorized travel would reduce VMT and related fossil fuel burning impacts			
LAND & SHORELINE USE	IMPACTS	The regional land use pattern would generally follow VISION 2020; land use impacts would generally be as identified in the environmental documents for VISION 2020 countywide planning policies for the region's counties, and city and county comprehensive plans.	The region's planned growth and land use pattern, at currently adopted levels of service, may not be supported. Traffic congestion would increase over current levels and transportation deficiencies would require local and regional action in response. Local government's	Impacts would be similar to Alternative 1. Increased transportation capacity and system expansion, particularly relative to existing conditions or Alter-	Alternative 3B would be most supportive of the land use pattern embodied in the GMA, Vision 2020, and adopted local land use plans.

Summary of SEPA Analysis...continued

ELEMENT OF THE ENVIRONMENT	ALTERNATIVE 1 UPDATED 1995 MTP	ALTERNATIVE 2 CURRENT LAW REVIEW (NO ACTION)	ALTERNATIVE 3 MTP PLUS 3A: INFRASTRUCTURE EMPHASIS 3B: SYSTEM MANAGEMENT EMPHASIS
LAND & SHORELINE USE IMPACTS CONTINUED...		ability to implement their land use plans would be constrained; development that did not meet level of service standards would have to be denied. Growth within the entire region might be inhibited, either de factor or through deliberate actions.	native 2, would tend to support the region's planned land use pattern.
	MITIGATION MEASURES	All alternatives are intended to implement regional policy and mitigate potential impacts associated with urban growth from a regional perspective. At a local level jurisdictions with land use planning responsibilities would identify discrete actions to mitigate the direct impacts of urbanization.	
ENVIRONMENTAL JUSTICE IMPACTS		Given the fairly broad distribution of low-income and minority populations throughout the central Puget Sound region, compared to other major U.S. metropolitan areas, and the broad distribution of projects and programs in each of the SEPA alternatives, there is no evidence that any alternative would result in systematic disproportionate adverse impacts upon low-income and minority populations. This is not to say that individual projects and programs would have no adverse effects on these populations. A determination of no adverse effects, or identification of mitigation of adverse effects, necessarily must be made on a project by project basis, and would need to be evaluated during project level environmental analysis.	
	MITIGATION MEASURES	Individual projects and programs would need to be evaluated and mitigated as appropriate.	

NATURAL RESOURCES / ESA ISSUES

WATER QUANTITY	IMPACTS	All alternatives would result in a small incremental increase in the total extent of impervious surfaces within the region. As a result, it is unlikely that significant impacts to water quantity characteristics would occur on a regional basis or for individual watersheds within the region.
	MITIGATION MEASURES	Mitigation measures involve stormwater management actions, primarily those designed to control peak flows under post-development conditions. Current technical standards for stormwater management measures in the Central Puget Sound region are established in the Stormwater Management Manual for the Puget Sound Basin (WDOE, 1992). WDOE has developed and is refining the 1999 draft manual, in conjunction with recovery planning efforts for Puget Sound chinook salmon; the final updated manual will be issued by WDOE and approved by National Marine Fisheries Service as sufficiently protective of salmon and their habitat. Water Quality
WATER QUALITY	IMPACTS	All alternatives would result in an incremental increase to the existing volume of water pollutants generated by new transportation facilities within the region. Each project would need site-specific analysis of potential water quality impacts and application of mitigation measures prior to approval for construction. Airborne emissions from vehicles are not among the major sources of water quality impacts and this source would likely be a minor contributor to long-term water quality impacts within the region. Substantial new urban development would likely occur under all alternatives. As a result, there would be relatively small incremental differences among the alternatives, in the level of direct water quality impacts. Although water quality impacts can be limited by the mitigation described below, there would still be some unavoidable residual impacts.
	MITIGATION MEASURES	Mitigation measures intended to address water quality impacts involve stormwater management actions, particularly those designed to provide source control of runoff pollution and water quality treatment of stormwater. Current technical standards for stormwater management measures in

Summary of SEPA Analysis...continued

ELEMENT OF THE ENVIRONMENT	ALTERNATIVE 1 UPDATED 1995 MTP	ALTERNATIVE 2 CURRENT LAW REVIEW (NO ACTION)	ALTERNATIVE 3 MTP PLUS 3A: INFRASTRUCTURE EMPHASIS 3B: SYSTEM MNGMNT EMPHASIS
NATURAL RESOURCES / ESA ISSUES			
	MITIGATION MEASURES	the Central Puget Sound region are established in the Stormwater Management Manual for the Puget Sound Basin (WDOW, 1992). WDOE has developed and is refining the 1999 draft manual in conjunction with recovery planning efforts for Puget Sound chinook salmon; a final updated manual will be issued by WDOE and approved by National Marine Fisheries Service as sufficiently protective of salmon and their habitat.	
WILDLIFE	IMPACTS	Removal of vegetation and loss of wetland area through construction of transportation system projects would result in loss of existing wildlife habitat. The greatest habitat loss and disturbance effects would likely be concentrated within the urbanized portions of the region with relatively low-value habitat. However, transportation improvements that would be located in less-developed areas would have greater potential to affect natural vegetation and higher-quality wildlife habitat. Indirect impacts on wildlife would likely be of greater concern than direct impacts. Habitat loss and disturbance effects from the spread of urban development would likely be greater than from regional transportation projects. These indirect effects would more likely occur in less-developed and/or rural areas.	
	MITIGATION MEASURES	Mitigation would include measures such as limiting the extent of right-of-way expansion and leaving existing vegetation within the right-of-way where possible. It may be feasible to relocate transportation facility alignments to avoid relatively rare or high quality wildlife habitats, particularly in site-specific cases such as bald eagle nest or great blue heron rookeries. Transportation projects can also incorporate design features such as berms, walls, and vegetative screening that reduce the disturbance effects on wildlife and habitat. Mitigation funding could be allocated by local governments and agencies to acquire off-site lands that provide quality wildlife habitat, and to enhance the habitat on those lands or existing protected lands, as compensatory mitigation.	
FISH	IMPACTS	Impacts on fish could include worsening habitat conditions in some areas that have already been degraded, plus new threats to some aquatic systems that are currently in relatively good condition. Direct effects on fish would likely consist of small incremental impacts in the form of water quality and quantity changes and the loss or physical degradation of fish habitat. Indirect impacts of the same types would likely be of greater concern than direct impacts. Indirect impacts would occur on a more widespread basis through expanded urban areas and particularly into rural areas.	
	MITIGATION MEASURES	<p>Construction and maintenance of projects will be subject to careful review for compliance with the "4(d) rule" issued by the NMFS in June 2000 to protect listed fish and their habitat. Typical construction mitigation includes:</p> <ul style="list-style-type: none"> • Seasonal restrictions on in-channel work. • Requirements for temporary erosion and sedimentation control plans. • Spill prevention and control plans. • Inspection and enforcement provisions. <p>In addition, specific requirements promulgated under the ESA requires jurisdictions within the Puget Sound ESU to apply road maintenance Best Management Practices.</p>	
VEGETATION AND WETLANDS	IMPACTS	All alternatives would likely result in a relatively small incremental increase in the development-related loss of vegetation within the region. Mandatory wetland mitigation provisions, including replacement ratios for lost wetland area, would reduce the significance of wetland impacts and could result in a numeric increase in wetland area. Impacts on existing vegetation and wetlands from expansion of the regional transportation system will be evaluated on a project-specific basis as individual actions are implemented in the future. Indirect impacts to vegetation and wetlands are likely to be of greater concern than direct impacts. Alternatives 2 and 3A would have the greatest likelihood that resulting development would affect natural vegetation and relatively high-value wetlands, as opposed to vegetative and wetland communities that have already been disturbed by development.	

Summary of SEPA Analysis...continued

ELEMENT OF THE ENVIRONMENT	ALTERNATIVE 1 UPDATED 1995 MTP	ALTERNATIVE 2 CURRENT LAW REVIEW (NO ACTION)	ALTERNATIVE 3 MTP PLUS 3A: INFRASTRUCTURE EMPHASIS	3B: SYSTEM MNGMNT EMPHASIS
MITIGATION MEASURES	Mitigation would include measures such as limiting the extent of right-of-way expansion, leaving existing vegetation within the right-of-way where possible, and salvage of native vegetation that must be removed for transplanting to other sites. It may be feasible to relocate transportation facility alignments to avoid relatively rare or high value vegetative communities. Federal, state and local laws and regulations would provide an extensive framework for mitigation of wetland impacts. Indirect impacts to wetlands associated with changes in land use patterns would be subject to similar mitigation provisions administered by respective local land use jurisdictions.			
HISTORIC AND CULTURAL RESOURCES	<p data-bbox="483 716 542 732">IMPACTS</p> <p data-bbox="573 716 834 1667">Construction impacts could include:</p> <ul style="list-style-type: none"> • Physical destruction, damage, or alteration. • Isolation from historic setting or changing the setting's character. • Restriction of access. • Out-of-character visual or noise disruptions. • Deterioration of property or setting through, settlement, erosion, etc. <p data-bbox="573 1024 834 1667">During operation, programs and projects under all alternatives could intrude on historic districts or disturb the setting of individual sites. Impacts to historic or cultural properties are defined as those that would result in the following:</p> <ul style="list-style-type: none"> • Isolation of the resource or alteration of the historic setting. • Economic deterioration of historic commercial districts or the deterioration of livability of historic residential districts through traffic pattern changes. • Out-of-character visual or noise disruptions. • Deterioration of property or setting through, settlement, erosion, etc. <p data-bbox="573 1570 834 1667">Potential impacts could be greatest in urban areas where the highest concentrations of resources are located.</p>			
MITIGATION MEASURES	<p data-bbox="573 1717 1451 1755">Specific mitigation measures will depend on specific impacts to identified resources determined during project-level planning. Mitigation measures could include the following:</p> <ul style="list-style-type: none"> • Locate facilities to avoid historic property destruction or alteration. • Provide landscape elements to lessen noise and visual impacts. • Assure design compatibility of facilities near historic district sites. 			

Summary of SEPA Analysis...continued

ELEMENT OF THE ENVIRONMENT		ALTERNATIVE 1 UPDATED 1995 MTP	ALTERNATIVE 2 CURRENT LAW REVIEW (NO ACTION)	ALTERNATIVE 3 MTP PLUS 3A: INFRASTRUCTURE EMPHASIS 3B: SYSTEM MNGMNT EMPHASIS
HISTORIC AND CULTURAL RESOURCES ...CONTINUED	MITIGATION MEASURES	<ul style="list-style-type: none"> • Monitor construction to identify and mitigate unforeseen adverse impacts. • Relocate historic properties if necessary. • Make an appropriate record of historic properties if no alternative to demolition exist. <p>While federal and State governments provide guidelines and incentives for preservation, local governments make the final decisions. Local governments should evaluate the following strategies to preserve historic, archaeological and cultural resources:</p> <ul style="list-style-type: none"> • Local policies should be developed to identify and protect resources. • A review board or commission should provide review and comment on proposed projects. • Property taxes on historic properties can be assessed by their current use rather than highest and best use or market value. • Governments or public interest groups could consider purchase of historic properties to ensure against their destruction through development. 		
VISUAL QUALITY		IMPACTS		
		Although congestion would improve in some areas, more land would be developed for transportation facilities. As a result, the potential for visual quality impacts would increase.	The potential for visual quality impacts would be similar to, but less than, under the Updated 1995 MTP. Less land would be developed for transportation facilities.	Visual quality impacts would be similar to, but greater than, under Alternative 1. Although regional airport expansion would be less than the amount of land that would be used for transportation facilities would be even greater.
		<p>MITIGATION MEASURES Specific mitigation measures would be developed during project-level planning. Visual impacts during operation could be mitigated through proper design of facilities, including landscaping, special signage, lighting, and compatible scale and building materials.. Landscaping would replace lost vegetation and reduce the scale of parking facilities and stations. Night illumination should be designed to minimize spillover into residential areas. Parking lots should be located and designed to be compatible with adjacent residential areas. Structures should complement the architectural character of the surrounding area. Berms, trees, and shrubs could be placed to mask vehicle facilities. Stations could be designed for visual orientation. Design should emphasize quality as well as safety and separate vehicle areas and pedestrian areas. Alignments should avoid or minimize impact to viewpoints, parks, view corridors, and scenic routes. Stations and support facilities should fit into neighborhood service and retail areas adjacent to, rather than within, residential development. Height, scale, landscaping, built form, materials, paving, and street furniture should relate to preexisting architectural features. Landscaping and vegetative screening could reduce the visual impacts and enhance views.</p>		

Air Quality

Each of the MTP alternatives was modeled to ascertain whether it would enable the region to comply with relevant air quality conformity requirements (see the Air Quality table, below). If the regional budgets for carbon monoxide (CO), and for the ozone precursors volatile organic compounds (VOCs) and nitrogen oxides (NOx) are exceeded, there is risk that federal air quality standards could be exceeded. If air quality standards are exceeded, the region is subject to economic and health risks associated with air pollution. Additionally, if federal air quality conformity requirements are exceeded, federal law dictates that the region, including cities and counties, cannot receive federal funding to expand any roads, freeways, or other transportation projects that add capacity. The adopted MTP alternative will need to meet federal air quality conformity requirements and should incorporate characteristics of Alternatives 1 and 3 that would result in lower emissions.

Air Quality Modeling Results and Conformity Requirements for Year 2030*

YEAR 2030 BUDGET	ALTERNATIVE 1 UPDATED MTP	ALTERNATIVE 2 CURRENT LAW REVENUE (NO ACTION)	ALTERNATIVE 3 MTP PLUS	
			3A	3B
CARBON MONOXIDE				
1,358,055,000 GRAMS/DAY	1,475,242,624	1,658,771,200	1,395,791,104	1,425,228,416
EXCEEDS BUDGET BY	8.6%	22.1%	2.8%	4.9%
VOLATILE ORGANIC COMPOUNDS				
144,995,337 GRAMS/DAY	163,033,312	180,976,160	158,290,640	156,820,320
EXCEEDS BUDGET BY	12.4%	24.8%	9.2%	8.2%
NITROGEN OXIDES				
194,720,644 GRAMS/DAY	206,416,816	218,015,456	210,514,208	200,299,152
EXCEEDS BUDGET BY	6.0%	12%	8.1%	2.9%

SOURCE: PSRC, 2000

*THE PUGET SOUND CLEAN AIR AGENCY HAS ADOPTED MAINTENANCE PLANS FOR THE THREE AREAS CURRENTLY DESIGNATED AS NON ATTAINMENT FOR PM₁₀. THERE PLANS HAVE BEEN FORWARDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, WHICH HAS MADE A FORMAL REQUEST OF EPA TO REVOKE THE NON ATTAINMENT CLASSIFICATION OF THE THREE AREAS. DUE TO EXPECTED REVOCATION OF NON ATTAINMENT STATUS, PM₁₀ ANALYSES WERE NOT CONDUCTED ON THE THREE ALTERNATIVES.

Implementing Local Growth Plans

Details, tools, and implementation actions are introduced for consideration in the 2001 MTP Update alternatives analysis to help carry out the existing Growth Management Act and VISION 2020 growth management policy direction contained in the 1995 MTP. The system management emphasis of the MTP Plus alternative contains a more aggressive concentration of residential population and employment in the 2010 to 2030 time period into designated urban centers, transit station areas, and other areas of concentrated develop-

ment. This concentration is consistent with the VISION 2020 strategy of increasing densities in central places and decreasing pressure to convert rural and resource lands to urban uses and intensities. In addition, analysis shows transportation system performance benefits from more concentrated growth patterns. Three categories of new growth strategies initiatives will provide a framework to help advance the development of designated urban centers, transit station areas, and other compact communities. The three categories, Physical Design Guidelines and Strategies, Financial Incentives, and Development Strategies, are described in Appendix 5 of the DEIS.

Physical Design Guidelines and Strategies. New physical design guidelines for designated urban centers and high capacity transit station areas would help provide increased mobility and access throughout the region. The design guidelines encourage best design practices to achieve desired densities, urban form, and mixed uses in areas of concentrated development. The guidelines provide needed support at the regional level to encourage local jurisdictions to incorporate design practices in local comprehensive plans that foster urban environments that are less reliant on car travel.

Financial Incentives. Information is included in the alternative about financing approaches that local jurisdictions can use to encourage the support and development of urban centers and compact communities. The strategies range from local actions to those that may require regional, or statewide, cooperation. Such strategies include: Tax Increment Financing; Multi-family Tax Abatement Programs; Transit Tax Incentives; Location Efficient Mortgages; Revenue Sharing; and Land Value Taxation. The Regional Council will work with member jurisdictions to explore the feasibility of using these financial incentives in the region and how the Regional Council could assist these efforts.

Development Strategies. Similarly, descriptive information is incorporated into the alternative about development strategies that can help to advance both local and regional growth plans. These strategies are designed to provide information about overcoming institutional and regulatory barriers that jurisdictions have encountered in their growth management planning efforts, and may assist the region to achieve its goals for growth and development. The descriptive information includes strategies that address: Concurrency Barriers; Streamlined Review Processes; Factoring Transit Oriented Development into Local Permitting; "Salmon-Friendly" Development Practices; Benefit Assessment Districts; Transfer of Development Rights; Using Interlocal Agreements and Memoranda of Understanding to Address Land Use and Growth Management; and Affordable Housing.

Next Steps

The draft MTP/SEPA document has been designed to provide the general public, planning agencies, and elected officials with information to help shape the 2001 MTP. The three alternatives presented in the document are intended to stimulate discussion, debate and comment that will be used to craft a "preferred alternative" during the autumn months of 2000. Following additional public feedback and input on the "preferred alternative," a final recommendation will be developed for consideration by the region's elected officials in March 2001.

Public Review

Throughout September 2000 and extending through mid-October, the Regional Council will conduct an intensive public review and outreach process on the Draft Environmental Impact Statement. The effort will include public meetings geographically distributed throughout the region, as well as a series of targeted "brown bag" meetings aimed at special interest and special needs groups. Direct mail, telephone calls, display advertisements in daily regional newspapers, and a feature article in the Regional Council's newsletter *Regional View* (over 8,000 circulation) will be used to announce the availability of the draft environment impact statement (DEIS) and identify how the public can participate in its review and stay involved throughout the adoption process. (Additional information on "Outreach" is highlighted below.)

In addition, the public is always welcome to attend and address monthly meetings of the Regional Council's two policy boards and Executive Board. The Regional Council's web site, www.psrc.org, contains information on the schedule and agendas for these meetings, the complete text of the DEIS, and other helpful information on the process and substantive issues associated with the MTP Update.

Comments on the 2001 MTP Alternative analysis and Draft Environmental Impact Statement must be received in writing by October 20, 2000.

Developing a "Preferred Alternative"

This fall the Regional Staff Committee and the Policy Boards will begin crafting a "preferred alternative" that will become the draft MTP and draft Final Environmental Impact Statement (FEIS) to be released in December 2000. The preferred alternative will incorporate comments and feedback received on the Draft MTP Alternatives and Draft EIS during the public review period. The Regional Council will continue to work extensively with elected officials and their staffs at local, regional and state levels to develop the preferred alternative.

As opposed to a series of options outlined in the draft MTP/SEPA document, the preferred alternative will describe a single comprehensive strategy to address mobility and accessibility needs for the next 30 years. The preferred alternative will provide specificity and detail around existing policies, outline key growth management initiatives to support the region's transportation strategy, identify specific projects and programmatic actions, and present an integrated approach to financing the region's transportation needs.

The release of a draft plan with the preferred alternative, along with the draft FEIS, will provide additional opportunity for public comment and reaction prior to the development of a final recommendation concerning the 2001 MTP. This draft is scheduled to be completed in December, with public review taking place in early 2001.

Developing a Recommended 2001 MTP

Following a second round of intensive public review and outreach, a recommended 2001 MTP will be released in February 2001, along with the Final Environmental Impact Statement (FEIS). In addition to reflecting the results of participation and comment from the general public and various planning agencies, this recommendation will be presented to the countywide policy groups in each of the four counties in the region, and to the Regional Council's two policy boards for reaction. The Regional Council's Executive Board will make the recommendation on the 2001 MTP for consideration by the General Assembly at its March 2001 meeting.

Once adopted, this Update – with its comprehensive financial strategy, detailed growth management initiatives, and specific project improvements and programmatic actions – will serve as the region's official transportation plan and program for the next three years. As required by state and federal law, various local, regional and state transportation planning decisions in the four-county region will be guided and directed by this updated MTP. It is critical that individuals and communities with an interest in the region's transportation future participate to the fullest extent in shaping the 2001 MTP.

Outreach

The following steps have been designed to better assure early and continuous opportunities for public involvement have been closely coordinated with the update of the region's MTP. These actions will be reflected in the current review of the plan and be used to consider revisions:

Web Site. A web site to provide access to information on the 2001 MTP to people around the clock – www.psrc.org

Direct mail. To get specific information on the 2001 MTP, or to have your name listed on one of the Regional Council's regular mailing lists, please call (206) 464-7090 or by e-mail at destination2030@psrc.org. You can also write for information, in care of Information Center, Puget Sound Regional Council, 5th Floor, 1011 Western Avenue, Seattle, WA 98104.

Note: The Regional Council recently adopted a policy that all its publications are free of charge.

Outreach to Native Tribes. The Regional Council seeks membership from tribal governments within the region and has made special efforts to keep Tribal governments informed and involved in the 2001 MTP.

Special News Media Efforts. The Regional Council routinely mails notice of all major decision-making processes to all news media serving the region, including publications serving minority and low income populations. Monthly newsletters are sent to all news media. News releases are faxed and mailed. Display advertisements are placed in newspapers when appropriate.

Cable TV: The region is richly served by government sponsored cable television programming. Many Regional Council meetings are taped for distribution to cable stations serving diverse parts of the region and the state, by working with local and state cable operators. For the past year, cable television programming involving the Regional Council has been focused on activities relating to the 2001 MTP.

Outreach to member agencies: The Regional Council has sought to be placed on the agendas of local and state agencies to assure understanding and involvement in the 2001 MTP. Formal presentations have been made at a wide variety of city and county councils, the state transportation commission and other bodies. Many of these presentations have been carried by local and state government cable television services.

Meetings and Brownbags. The Regional Council has made special efforts to schedule public meetings associated with the update of the MTP in places convenient to citizen from throughout the region. See the list of "Community Meetings" provided below.

Community Meetings

The elected leaders of the Puget Sound regional Council invite you to attend a community meeting in late September to help shape the region's 2001 Metropolitan Transportation Plan (MTP).

King County

September 21st, 7-10 pm
Tillicum Middle School
16020 Southeast 16th Street
Bellevue

September 26th, 7-10 pm
Miller Community Center
301 20th Avenue
Seattle

Kitsap County

September 26th, 7-10 pm
Mountain View Middle School
2400 Perry Avenue
Bremerton

Pierce County

September 28th, 7-10 pm
Gault Middle School
1115 East Division Lane
Tacoma

Snohomish County

September 25th, 7-10 pm
Evergreen Middle School
7621 Beverly Lane
Everett

For maps and directions to any of these meeting places, please call Sylvia Nelson at (206) 464-7518. To be included in mailings that will keep you continuously informed about the 2001 MTP call (206) 464-7090, e-mail: destination2030@psrc.org, or check out the Web at psrc.org.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. ____ Granting Metromedia Fiber Network Services, Inc. A Franchise To Operate An Underground Fiber Optic Telecommunications System
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Kristoff T. Bauer, Assistant to the City Manager

EXECUTIVE / COUNCIL SUMMARY

Metromedia Fiber Network Services (MFNS), a Delaware Corp. traded on the Nasdaq stock exchange, applied for a franchise to install fiber optic communications cable in Shoreline in August of 1999. Staff's discussions with MFNS have been unusually protracted due to changes in MFNS's representation, changes in state law, and a protracted discussion regarding MFNS's status under state law. Those issues having been resolved to the degree possible, staff is presenting a proposed franchise ordinance for Council consideration.

MFNS is a communications capacity provider. At this time in this region they are simply constructing infrastructure for communications (i.e. conduit or fiber-optic cable) that they then lease capacity on or the use of this infrastructure to traditional telecommunications providers (e.g. GTE). This is referred to in the industry as a "dark fiber" company. US Crossing, who the City franchised last July, is the most similar provider that the City has seen in the past. As your Council may recall, US Crossing was granted a limited franchise to install conduit and fiber-optic cable through Shoreline down the center of Aurora as part of an international ring connecting Washington to Japan. If you analogize US Crossing to a builder of interstate freeways, then MFNS would be analogous to a builder of local highways and arterials. MFNS has built or is building fiber-optic rings in New York, Philadelphia, Washington DC, Boston, Chicago, Seattle, San Francisco, Los Angeles, Dallas/Ft. Worth, Houston, and Atlanta.

Unlike US Crossing, MFNS plans to grow its local service area and services potentially even moving at some point from a dark fiber company to a direct service provider. For this reason they have requested a general franchise rather than the limited (route specific) franchise granted to US Crossing. Initial construction would come north from Seattle on Aurora and then circle the King County park and ride lot utilizing N. 185th, Linden Ave. N., and N. 192nd.

The proposed ordinance is the standard 10-year term franchise that the City has been developing since incorporation. The franchise fee or utility tax is the unique issue presented by MFNS. Both franchise fees and utility taxes are usually based upon the gross revenue generated by an entity within the City. Since MFNS does not plan, at this

time, to have any retail customers within Shoreline, there is no expectation of "gross revenue" upon which to base either a franchise fee or utility tax, again just like US Crossing.

The proposed ordinance addresses this issue by setting an annual charge based upon the linear feet of infrastructure installed by MFNS in the City's right of way. (See Schedule of right of way Use Charges at the end of the proposed ordinance) As your Council may recall, US Crossing provided an in-kind franchise fee (conduit & manholes) that they valued at \$600,000. The annual charge schedule is designed such that if a second company built the exact same system as US Crossing, they would contribute approximately \$600,000 to the City over the 10-year term of the franchise. The franchise also provides an option for in-kind offset consistent with City regulations¹ and the City's treatment of US Crossing.

State law does restrict the City's ability to charge franchise fees on those utilities that cities are authorized to tax as utilities² (i.e. electricity, natural gas & telephone businesses). Staff and MFNS representatives concur that MFNS is not currently a "telephone business" falling within this authority. The proposed franchise provides that should MFNS's services evolve such that it becomes a "telephone business" and, thus, subject to the City's utility tax, then all obligation to pay a franchise fee to the City would cease consistent with state law.

The remaining terms of the franchise are standard, consistent with past Council action including terms relating to undergrounding (MFNS will only be installing its facilities underground), relocation of its facilities, providing the City with information regarding its construction plans, and safety and enforcement provisions.

Staff has reviewed MFNS's financial position and they appear to have sufficient resources to satisfy their obligations under the franchise. A performance bond will also secure their performance under the franchise.

Granting MFNS a franchise has the potential to bring additional communications capacity to the residents and businesses in Shoreline potentially allowing existing communications providers to offer additional, new, or improved service. If MFNS does evolve into a direct service provider then Shoreline customers would benefit from both new capacity and a more competitive service environment.

Staff recommends that Ordinance No. ___ be placed on your Council's October 16, 2000 agenda for adoption.

RECOMMENDATION

This item is presented for discussion purposes only. Staff is asking for Council consensus supporting staff's recommendation to bring the proposed ordinance back to your Council for approval on October 16, 2000.

Approved By:

City Manager LB

City Attorney [Signature]

¹ SMC 12.25.090

² RCW 35.21.860

BACKGROUND / ANALYSIS

In December 1999 your Council adopted Ordinance 221 amending SMC 12.25.090 to require all franchises to include a 6% franchise fee or other comparable compensation. The language of this section reads as follows:

"All franchises or right-of-way use agreements executed by the City shall include terms requiring a grantee to pay a fee in consideration of the privilege granted under a franchise or right-of-way use agreement to use the public right-of-way and the privilege to construct and/or operate in the City. Said franchise fee shall provide the City with compensation equal to 6% of the gross revenues generated by the grantee within the City unless limited by state or federal law. Provided, however, that this fee may be offset by any utility tax paid by grantee or in-kind facilities or services provided to the City. *Any Grantee that does not provide revenue-generating services within the City shall provide alternate compensation as set out in the franchise or right-of-way use agreement.*"
(Emphasis Added)

Consistent with the policy established in this ordinance, staff has sought to ensure that all entities that utilize the City's right of way contribute to the operations of the City in an amount equal to 6% of their gross revenues generated within the City either through a franchise fee or the City's utility tax. The only entities operating in the right of way that are not in compliance with this policy are Seattle City Light and the Shoreline Water District and Shoreline Wastewater Management District.

State law is fairly consistent in granting cities the right to charge an entity operating in their right of way either a utility tax or a franchise fee³. The definitions utilized in the provision granting cities the authority to collect a utility tax on "natural gas, electricity, and telephone business," RCW 35.21.865, are the same definitions utilized to restrict authority to charge franchise fees, RCW 82.04.065. Some argue, however, that these regulations were impacted by recent legislation.

In July, staff discussed many of the changes in municipal franchising authority related to telecommunication companies included in ESSB 6676 (effective June 8, 2000), the "Right-of-Way" bill. One of these changes is the introduction of a new definition for a "Service Provider." While this definition is not synonymous with the definition of "Telephone Business," municipal authority to charge a franchise fee on a "Service Provider" is similarly restricted⁴. This definition was not, however, added to the section of state law that grants the City authority to collect a utility tax, which does specifically reference "Telephone Business."

There is a third definition "Telephone Company" utilized by the Washington Utilities and Transportation Commission (WUTC) to identify companies that fall within its regulatory authority. This definition is not consistent with either the definitions of "Telephone Business" or "Service Provider." MFNS is registered with the WUTC as a "Telephone Company," but they do not provide any services that are regulated by the WUTC.

What Is MFNS?

MFNS asserts that it is a "Service Provider," but that it is not a "Telephone Business." In addition, despite their registration with the WUTC as a "Telephone Company" they

³ Cable TV and Solid Waste Collection services are exceptions. City's can charge these entities both a franchise fee and a utility tax, but consistent with Council policy, Shoreline collects a maximum of 6% from these providers as well.

⁴ ESSB 6676 added "Service Provider" to RCW 82.04.065, which restricts cities' authority to charge franchise fees.

claim not to provide any regulated services. If this is the case then MFNS would be subject to neither a utility tax nor a franchise fee and would not be regulated by the WUTC. Staffs, including the City Attorney and those from other cities do not concur with this position.

The proposed ordinance is based on the position that MFNS is neither a "Service Provider" nor a "Telephone Business." Thus the City has a right to charge a franchise fee. If, however, in the evolution of MFNS's services they begin to provide telecommunications services to retail customers in Shoreline, then they would clearly be both a "Service Provider" and a "Telephone Business." If this occurs then the City would have the authority to collect a utility tax on their sales, but would no longer have the authority to collect a franchise fee of any kind.

Section 15 of the proposed ordinance is structured to handle both the current situation and the potential evolution of MFNS's operations. It initially charges a franchise fee based upon the linear feet of right of way utilized by MFNS (discussed further below). This charge is then eliminated when MFNS conducts business consistent with it being a "Telephone Business," i.e. it begins to pay the City's utility tax on revenue generated within the City. Very similar language was included in the amendment to the City's franchise with Metricom⁵ earlier this year.

Per Linear Foot Franchise Fee

A number of cities have been working on developing this kind of fee in order to resolve the dilemma raised by pass through companies, i.e. companies that utilize a city's right of way but have no customers within the city, thereby generating no revenue upon which to levy either a tax or franchise fee. US Crossing is the purest example of "pass through" company. The difficulty with per linear foot charges is selecting an appropriate basis for the charge, that is, valuing the use.

Lake Forest Park has enacted a per linear foot charge that is based upon the average land valuation within their City. This average value is then attributed to the right of way on a per square foot basis and each use is charged a fee based upon both the square feet of the use and its estimated duration. While this methodology starts with a readily available basis (assessed valuation) the resulting fee is rather nominal (around \$2,000 per year for a three-mile use) and does not appear to result in a good proxy for the use value.

The standard method of valuation used throughout the real estate industry is the utilization of comparables (what was another buyer willing to pay for a similar property?). In this case perhaps the best analogy would be what would the utility pay a private property owner for an easement across their property? The variables that determine this value, however, are diverse. The number of bedrooms, bathrooms, existence of a garage, and lot size are all analogous variables used to determine whether a home sale is truly comparable.

In this case, Shoreline has one truly comparable transaction and that is the in-kind contribution of US Crossing made in exchange for its 10-year franchise that they valued at \$600,000. Staff started with this figure, spread it over the life of the 10-year franchise, and then allocated it to the facilities installed by US Crossing based upon the volume of usable space provided by each to the user. This methodology resulted in a

⁵ Metricom is the small antenna wireless internet service provider that has operated in the City since 1996.

value per interior square foot of usable space (\$30) which then was allocated on a per linear foot basis to conduit of different circumferences installed by directional boring. A second calculation utilizing exterior space occupied, that is how many cubic feet of the right of way is actually occupied, resulted in a lower value (\$1.20). This calculation was derived from and applied to open trench installation and is significantly lower due to the larger cubic foot calculation per linear foot resulting from this installation method.

The point is that if you applied the Schedule of Right-of-Way Use Charges attached at the end of the proposed ordinance to US Crossing's installation, then the resulting payment will approximate their \$600,000 in-kind contribution over a 10-year period.

While staff is recommending this methodology at this time, it is recognized that significant uncertainty regarding the best, fairest, most supportable and legally sustainable methodology of establishing a per linear foot charge remains. It is for this reason that the Schedule is referenced, but not incorporated in the franchise leaving some ability to adjust this methodology based upon future experience and new information.

Review of Franchise Application

Staff reviewed significant information provided by MFNS to support a finding that they have the technical and financial ability to comply with the terms of the proposed franchise. MFNS has been granted franchises in several other cities in the region and is already operating in 10 other major urban areas across the nation. MFNS is a publicly owned corporation traded on the Nasdaq market. One of its more significant commercial relationships is a \$10.8 million agreement to provide dark fiber capacity to America Online. They have also already received a commitment from GTE to purchase capacity on the trunk line that they plan to install in Shoreline.

Despite this breadth of activity and apparent financial health, new entrants to a dynamic industry carry increased risk. To mitigate this risk, the proposed franchise includes both a performance bond requirement and updated insurance requirements.

SUMMARY

Except for the franchise fee/utility tax issue, the proposed franchise is standard and consistent with past City actions and current City policies. Additional discussion regarding MFNS's position on the proposed application of franchise fee will be provided to your Council during an Executive Session.

RECOMMENDATION

This item is presented for discussion purposes only. Staff is asking for Council consensus supporting staff's recommendation to bring the proposed ordinance back to your Council for approval on October 16, 2000.

ATTACHMENTS

Attachment A – Proposed Ordinance No. ____ Granting Metromedia Fiber Network, Inc.
A Franchise To Install A Fiber Optic Telecommunications System

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING METROMEDIA FIBER NETWORK SERVICES, INC. A NON-EXCLUSIVE FRANCHISE FOR TEN YEARS, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR AN UNDERGROUND FIBER OPTIC TELECOMMUNICATIONS SYSTEM, IN, ALONG, UNDER, THROUGH AND BELOW PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON.

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public Right-of-Way; and

WHEREAS, RCW 35A.47.040 grants the City broad authority to grant non-exclusive franchises; and

WHEREAS, the Council finds that it is in the best interests of the health, safety and welfare of residents of the Shoreline community to grant a non-exclusive franchise to Metromedia Fiber Network Services, Inc. ("MFNS"), for the operation of an underground fiber optic telecommunications system within the City Right-of-Way; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1 Definitions.

The following terms contained herein, unless otherwise indicated, shall be defined as follows:

- 1.1 City: The City of Shoreline, a municipal corporation of the State of Washington, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.
- 1.2 Days: Calendar days.
- 1.3 Facilities: All of the plant, equipment, fixtures, appurtenances, and other facilities necessary to furnish and deliver Telecommunications Services, including but not limited to wires, lines, conduits, cables, communication and signal lines and equipment, fiber optic cable, anchors vaults, and all attachments, appurtenances, and appliances necessary or incidental to distribution and use of Telecommunications Services. all other facilities associated with the Telecommunications System located in the Right-of-Way, utilized by MFNS in the operation of activities authorized by this Ordinance. The abandonment by MFNS of any Facilities as defined herein shall not act to remove the same from this definition.

- 1.4 **MFNS:** Metromedia Fiber Network Services, Inc., a Delaware corporation, and its respective successors and assigns.
- 1.5 **Permitting Authority:** The head of the City department authorized to process and grant permits required to perform work in the City's Right-of-Way, or the head of any agency authorized to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.
- 1.6 **Person:** An entity or natural person.
- 1.7 **Public Works Director or Director:** The head of the Public Works department of the City, or in the absence thereof, the head of the Permitting Authority, or the designee of either of these individuals.
- 1.8 **Right-of-Way:** As used herein shall refer to the surface of and the space along and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement, and/or road Right-of-Way now or hereafter held or administered by the City of Shoreline.
- 1.9 **Telecommunications Service:** The transmission of information by wire, optical cable, or other similar means. For the purpose of this subsection, "information" means knowledge or intelligence represented by and form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this ordinance, Telecommunications Service excludes wireless communications, over-the-air transmission of broadcast television or broadcast radio signals.
- 1.10 **Telecommunications System:** The system of conduit, fiber optic cable, and supporting Facilities in the Rights-of-Way associated with MFNS's provision of Telecommunications Services.

Section 2 Franchise Granted.

- 2.1 Pursuant to RCW 35A.47.040 and SMC Chapter 12.25, the City hereby grants to MFNS, its heirs, successors, and assigns, subject to the terms and conditions hereinafter set forth, a franchise for a period of ten (10) years, beginning on the effective date of this Ordinance.
- 2.2 This franchise shall grant MFNS the right, privilege and authority to locate construct, operate, maintain, replace, acquire, sell, lease, and use a Telecommunications System in the Right-of-Way as approved under City permits issued by the Permitting Authority pursuant to this franchise and City ordinances.

Section 3 Nonexclusive Franchise Grant.

This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in any Right-of-Way. This franchise shall in no way prevent or prohibit the City from using any Right-of-Way or

other public property or affect its jurisdiction over them or any part of them, and the City shall retain the authority to make all necessary changes, relocations, repairs, maintenance, establishment, improvement or dedication of the same as the City may deem appropriate.

Section 4 Relocation of Facilities.

- 4.1 MFNS agrees and covenants at its sole cost and expense, to relocate its Facilities when requested to do so by the City for a public project, provided that, MFNS shall in all such cases have the privilege, upon approval by the City, to temporarily bypass, in the authorized portion of the same Right-of-Way any Facilities required to be relocated.
- 4.2 If the City determines that a public project necessitates the relocation of MFNS's existing Facilities, the City shall:
 - 4.2.1 At least sixty (60) days prior to the commencement of such project, provide MFNS with written notice of known Facilities requiring such relocation; and
 - 4.2.2 Provide MFNS with copies of any plans and specifications pertinent to the requested relocation and a proposed temporary or permanent relocation for MFNS's Facilities.
 - 4.2.3 After receipt of such notice and such plans and specifications, MFNS shall complete relocation of its Facilities at no charge or expense to the City at least ten (10) days prior to commencement of the project.
- 4.3 MFNS may, after receipt of written notice requesting a relocation of its Facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise MFNS in writing as soon as practicable if any of the alternatives is suitable to accommodate the work that otherwise necessitates the relocation of the Facilities. If so requested by the City, MFNS shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by MFNS as full and fair a consideration as the project schedule will allow. In the event the City ultimately determines that there is no other reasonable alternative, MFNS shall relocate its Facilities as directed by the City and in accordance with Section 4.2.3.
- 4.4 The City will notify MFNS as soon as practical of any facilities that are not identified during the design of the public project, but are discovered during the course of construction and need to be relocated. MFNS will work with the City to design and complete a relocation to facilitate the completion of the public project with minimum delay.
- 4.5 Failure to complete a relocation requested by the City in accordance with 4.2 above by the date included in the notice provided for thereby may subject MFNS to liquidated damages in the amount of \$100 per day of actual delay in progress of the public project related to the untimely relocation.
- 4.6 The provisions of this Section shall in no manner preclude or restrict MFNS from making any arrangements it may deem appropriate when responding to a request for relocation of

its Facilities by any person other than the City, where the improvements to be constructed by said person are not or will not become City-owned, operated or maintained, provided that such arrangements do not unduly delay a City construction project.

Section 5 MFNS's Maps and Records.

As a condition of this franchise, and at its sole expense, MFNS shall provide the City with typicals and as-built plans, maps, and records that show the vertical and horizontal location of its Facilities within the Right-of-Way using a minimum scale of one inch equals one hundred feet (1"=100'), measured from the center line of the Right-of-Way, which maps shall be in hard copy format acceptable to the City and in Geographical Information System (GIS) or other digital electronic format acceptable to the City. This information shall be provided no later than one hundred eighty (180) days after the effective date of this Ordinance and shall be updated within ten (10) business days of a reasonable request of the City.

Section 6 Incorporation By Reference and Guarantor.

SMC Chapter 12.25, Establishing Minimum Requirements, Procedures, And Application Information For Franchises Within Shoreline (as amended), is hereby incorporated herein by this reference. In the event of a conflict between that Chapter and this Ordinance, this Ordinance shall control. In addition, the following limitations to the requirements of that Chapter shall apply:

- 6.1 MFNS is a wholly owned subsidiary of Metromedia Fiber Network Inc., a publicly traded corporation. MFNS, as a condition of this franchise, shall secure and deliver to the City prior to the effective date of this Ordinance, an irrevocable commitment from Metromedia Fiber Network to act as MFNS's guarantor for all its obligations hereunder. For this reason, the reporting requirements stated in SMC 12.25.100 subsections (A)(2) and (A)(6) shall be satisfied for all purposes under this Ordinance by Metromedia Fiber Networks Inc.'s annual report filed with the Securities Exchange Commission;

Section 7 Undergrounding.

The franchise granted herein is subject to Shoreline City Ordinance No. 82, Establishing Minimum Requirements And Procedures For The Underground Installation Of Electric And Communication Facilities Within Shoreline. Consistent with that Ordinance, MFNS shall install all of its Facilities underground in accordance with relevant road and construction standards. MFNS will also share information necessary to facilitate joint-trenching and other undergrounding projects, and will otherwise cooperate with the City and other utility providers to serve the objectives of Ordinance No. 82.

Section 8 Excavation And Notice Of Entry.

- 8.1 During any period of relocation or maintenance, all surface structures, if any, shall be erected and used in such places and positions within the Right-of-Way so as to minimize interference with the passage of traffic and the use of adjoining property. MFNS shall at

all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or state law, including RCW 39.04.180, for the construction of trench safety systems.

- 8.2 Whenever MFNS excavates in any Right-of-Way for the purpose of installation, construction, repair, maintenance or relocation of its Facilities, it shall apply to the City for a permit to do so in accordance with the ordinances and regulations of the City requiring permits to operate in the Right-of-Way. In no case shall any work commence within any Right-of-Way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, MFNS shall not unnecessarily obstruct the passage or use of the Right-of-Way, and shall provide the City with plans, maps, and information showing the proposed and final location of any Facilities in accordance with Section 5 of this Ordinance.
- 8.3 At least five (5) days prior to construction of Facilities consisting of digging, trenching, cutting, or other activities that may impact the utilization of the Right-of-Way for more than a four (4) hour period, MFNS shall take reasonable steps to inform all apparent owners or occupiers of property within fifty (50) feet of said activities, that a construction project will commence. The notice shall include, at a minimum, the dates and nature of the project and a toll-free or local telephone number that the resident may call for further information. A pre-printed door hanger may be used to satisfy MFNS's obligations under this Section.
- 8.4 At least twenty-four (24) hours prior to entering Right-of-Way within ten (10) feet of private property to perform other than Minor Activities or Blanket Activities that will not impact the private property owner for greater than one (1) hour or result in a permanent alteration in the appearance of the Right-of-Way, MFNS shall post a written notice describing the nature and location of the work to be performed adjacent to the affected private property as well as the information listed in Section 8.3. MFNS shall make a good faith effort to comply with the property owner/resident's preferences, if any, regarding the location or placement of Facilities that protrude above the prior ground surface level, if any, consistent with sound engineering practices.

Section 9 Blanket Permit.

The terms "Minor Activities" and "Blanket Activities" shall be defined in a specifically negotiated "Blanket Permit Definitions", a copy of which has been filed with the City Clerk and identified by Clerk's Receiving Number _____. MFNS shall be authorized to perform Minor Activities without a City permit of any kind and Blanket Activities under the terms and conditions of this Section. All other activities will require a separate permit in accordance with City ordinances.

- 9.1 MFNS shall pay the City a permit inspection/processing fee in the amount set out in Blanket Permit Definitions.
- 9.2 MFNS shall provide a monthly list of permit construction activity by the 10th of the following month listing the previous month's activity authorized under this Section.

- 9.3 MFNS shall provide payment of inspection fees for the monthly activity on a monthly basis. No statement will be provided by the City.
- 9.4 For each separate use of the Right-of-Way for Blanket Activities under this Section, and prior to commencing any work on the Right-of-Way, MFNS shall:
- 9.4.1 Fax or otherwise deliver to the Permitting Authority, at least twenty-four (24) hours in advance of entering the Right-of-Way, a City Inspection Request Form, as provided by the Permitting Authority, which shall include at a minimum the following information: franchise ordinance number, street address nearest to the proposed work site; parcel number and description of work to be performed.
- 9.4.2 Fax or deliver to the Permitting Authority a notice of completion in the form provided by the Permitting Authority within twenty-four (24) hours after completing work.
- 9.5 In the event MFNS fails to comply with any of the material conditions set forth in this Section, the City is authorized to terminate MFNS's authority to operate under this Section by providing MFNS ten (10) day advance written notice of such termination and the basis therefore. The standards for revocation of Utility in Good Standing (UGS) as established by City ordinance shall inform this termination decision.
- 9.6 The City reserves the right to alter the terms and conditions of Section 9 and of Blanket Permit Definitions by providing thirty (30) days written notice to MFNS. Any change made pursuant to this Paragraph, including any change in the inspection fee stated in Blanket Permit Definitions, shall thereafter apply to all subsequent work performed pursuant to this Section. Further, the City may terminate MFNS's authority to work in the City's Right-of-Way under the terms of this Section at any time without cause by providing thirty (30) days written notice to MFNS. Notwithstanding any termination, MFNS will not be relieved of any liability to the City unless otherwise provided in this franchise.

Section 10 Emergency Work, Permit Waiver.

In the event of any emergency where any Facilities located in the Right-of-Way are broken or damaged, or if MFNS's construction area for their Facilities is in such a condition as to place the health or safety of any person or property in imminent danger, MFNS shall immediately take any necessary emergency measures to repair or remove its Facilities without first applying for and obtaining a permit as required by this Ordinance. However, this emergency provision shall not relieve MFNS from later obtaining any necessary permits for the emergency work. MFNS shall apply for the required permits not later than the next business day following the emergency work.

Section 11 Recovery of Costs.

MFNS shall be subject to all permit fees associated with activities undertaken pursuant to the franchise granted herein or other ordinances of the City. If the City incurs any costs and/or expenses for review, inspection or supervision of activities undertaken pursuant to

the franchise granted herein or any ordinances relating to a subject for which a permit fee is not established, MFNS shall pay the City's reasonable costs and reasonable expenses. In addition, MFNS shall promptly reimburse the City for any costs the City reasonably incurs in responding to any emergency involving MFNS's Facilities. If the emergency involves the facilities of other utilities operating in the Right-of-Way, then the City will allocate costs among parties involved in good faith. Said costs and expenses shall be paid by MFNS after submittal by the City of an itemized billing by project of such costs.

Section 12 Dangerous Conditions, Authority for City to Abate.

- 12.1 Whenever installation, maintenance or excavation of Facilities authorized by the franchise granted herein causes or contributes to a condition that appears to substantially impair the lateral support of the adjoining Right-of-Way, public or private property, or endangers any person, the Public Works Director may direct MFNS, at MFNS's expense, to take actions to resolve the condition or remove the endangerment. Such directive may include compliance within a prescribed time period.
- 12.2 In the event MFNS fails or refuses to promptly take the directed action, or fails to fully comply with such direction, or if emergency conditions exist which require immediate action to prevent injury or damages to persons or property, the City may take such actions as it believes are necessary to protect persons or property and MFNS shall reimburse the City for all costs incurred.

Section 13 Safety.

- 13.1 MFNS, in accordance with applicable federal, state, and local safety rules and regulations shall, at all times, employ ordinary care in the installation, maintenance, and repair of its Facilities utilizing methods and devices commonly accepted in their industry of operation to prevent failures and accidents that are likely to cause damage, injury, or nuisance to persons or property.
- 13.2 All of MFNS's Facilities in the Right-of-Way shall be constructed and maintained in a safe and operational condition, in accordance with applicable federal, state, and local safety rules and regulations.
- 13.3 The City reserves the right to ensure that MFNS's Facilities are constructed and maintained in a safe condition. If a violation of any applicable safety regulation is found to exist, the City will notify MFNS in writing of said violation and establish a reasonable time for MFNS to take the necessary action to correct the violation. If the correction is not made within the established time frame, the City, or its authorized agent, may make the correction. MFNS shall reimburse the City for all reasonable costs incurred by the City in correcting the violation.

Section 14 Authorized Activities.

The franchise granted herein is solely for the location, construction, installation, ownership, operation, replacement, repair, maintenance, acquisition, sale, lease, and use

of the Telecommunications System and associated Facilities for providing Wholesale and Retail Telecommunications Services. MFNS shall obtain a separate franchise for any operations or services other than authorized activities.

Section 15 Franchise Fee & Utility Tax.

The City has adopted SMC 12.25.090 (Franchise Fee) & 3.32.010 (Utility Tax) in order to support City efforts to manage the Right-of-Way and to provide additional resources to support municipal services to the extent allowed by law.

- 15.1 In accordance with SMC 12.25.090, MFNS shall make a quarterly payment to the City. Said payment shall be based upon MFNS's use of the Right-of-Way calculated in accordance with the Schedule of Right-of-Way Use Charges filed with the City Clerk under Clerk's Receiving Number _____. Said payment shall be due by the 15th day of the months of April, July, October, and January for the previous quarter's activity. Provided, however, that:
 - 15.1.1 The payment required by Paragraph 15.1 may be offset for a period of time based upon the value of specific improvements constructed by MFNS in the Right-of-Way at the request of the City and agreement of MFNS. All terms of this offset must be specifically articulated in writing.
 - 15.1.2 MFNS will be exempted from the payment required by Paragraph 15.1 at such time as it becomes subject to and actually pays the City Utility Tax in accordance with SMC 3.32.010.

Section 16 Indefeasible Rights of Use.

- 16.1 An Indefeasible Right of Use ("IRU") is an interest in MFNS's Facilities which gives MFNS's customer the right to use certain Facilities for the purpose of providing Telecommunication Services; an IRU does not provide the customer with any right to control the Facilities, or any right of physical access to the Facilities to locate, construct, replace, repair or maintain the Facilities, or any right to perform work within the Right-of-Way.
- 16.2 A lease or grant of an IRU regarding MFNS's Facilities shall not require that the holder of the lease or IRU to obtain its own franchise or pay any fee to the City, PROVIDED THAT, under such lease or grant of an IRU, MFNS: (i) retains exclusive control over such Telecommunications System and Facilities, (ii) remains responsible for the location, relocation, construction, replacement, repair and maintenance of the Telecommunications and Facilities pursuant to the terms and conditions of the franchise granted herein, and (iii) remains responsible for all other obligations imposed by the franchise.

Section 17 Indemnification.

- 17.1 MFNS hereby releases and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, and agents from any and all claims, costs, judgments,

awards or liability to any person, including claims by MFNS's own employees to which MFNS might otherwise be immune under Title 51 RCW, for injury, sickness, or death of any person or damage to property arising from the negligent acts or omissions of MFNS, its agents, servants, officers or employees in performing activities authorized by this franchise except to the extent that such arise from the grossly negligent or intentional acts or omissions of the City. MFNS further releases and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, and agents from any and all claims, costs, judgments, awards or liability to any person (including claims by MFNS's own employees, including those claims to which MFNS might otherwise have immunity under Title 51 RCW) arising against the City solely by virtue of the City's ownership or control of the Right-of-Ways or other public properties, by virtue of MFNS's exercise of the rights granted herein, or by virtue of the City's permitting MFNS's use of the Right-of-Way or other public property based upon the inspection or lack of inspection of work performed by MFNS, its agents and servants, officers or employees in connection with work authorized on the City's property or property over which the City has control, pursuant to this franchise or pursuant to any other permit or approval issued in connection with this franchise except to the extent that such arise from the grossly negligent or intentional acts or omissions of the City. This covenant of indemnification shall include, but not be limited by this reference to, claims against the City arising as a result of the negligent acts or omissions of MFNS, its agents, servants, officers or employees in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction, or work in any Right-of-Way or other public place in performance of work or services permitted under this franchise. If final judgment is rendered against the City, its elected officials, employees, and agents, or any of them in connection with a type of claim referenced in this Section, MFNS shall satisfy the same pursuant to this Section.

- 17.2 Inspection or acceptance by the City of any work performed by MFNS at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims that are not reduced to a suit and any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation provided that MFNS consents to such compromise.
- 17.3 In the event MFNS refuses to undertake the defense of any suit or any claim, after the City's request for defense and indemnification has been made pursuant to the indemnification clauses contained herein, and MFNS's refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of MFNS, then MFNS shall pay all of the City's reasonable costs and reasonable expenses for defense of the action, including reasonable attorneys' fees of recovering under this indemnification clause, as well as any judgment against the City.
- 17.4 Should a court of competent jurisdiction or such other tribunal as the parties agree shall decide the matter determine that this franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to

property caused by or resulting from the concurrent negligence of MFNS and the City, its officers, employees and agents, MFNS's liability hereunder shall be only to the extent of MFNS's negligence. It is further specifically and expressly understood that the indemnification provided in Section 17 constitutes MFNS's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

Section 18 Insurance.

- 18.1 MFNS shall procure and maintain for the duration of the franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to MFNS, its agents or employees. MFNS shall provide to the City an insurance certificate naming the City as additional insured, for its inspection prior to the commencement of any work or installation of any Facilities pursuant to this franchise, and such insurance shall evidence:
 - 18.1.1 Automobile Liability insurance for owned, non-owned and hired vehicles with limits no less than \$1,000,000 Combined Single Limit per accident for bodily injury and property damage; and
 - 18.1.2 Commercial General Liability insurance policy, written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include blanket contractual liability and employer's liability.
- 18.2 Payment of deductible or self-insured retention shall be the sole responsibility of MFNS.
- 18.3 The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, or employees. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. MFNS's insurance shall be primary insurance for the City. Any insurance maintained by the City shall be excess of MFNS's insurance and shall not contribute with it. Coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.

Section 19 Abandonment of MFNS's Facilities.

No portion of the Facilities laid, installed, or constructed in the Right-of-Way by MFNS may be abandoned by MFNS without the express written consent of the City. Any plan for abandonment or removal of MFNS's Facilities must be first approved by the Public Works Director, which shall not be unreasonably withheld or delayed, and all necessary permits must be obtained prior to such work.

Section 20 Restoration after Construction.

- 20.1 MFNS shall, after any abandonment approved under Section 19, or any installation, construction, relocation, maintenance, or repair of Facilities within the franchise area, restore the Right-of-Way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair pursuant to City standards. All concrete encased monuments which have been disturbed or displaced by such work shall be restored pursuant to all federal, state and local standards and specifications. MFNS agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.
- 20.2 If it is determined that MFNS has failed to restore the Right-of-Way in accordance with this Section, the City shall provide MFNS with written notice including a description of actions the City believes necessary to restore the Right-of-Way. If the Right-of-Way is not restored in accordance with the City's notice within fifteen (15) Days of that notice, the City, or its authorized agent, may restore the Right-of-Way. MFNS is responsible for all reasonable costs and expenses incurred by the City in restoring the Right-of-Way in accordance with this Section. The rights granted to the City under this paragraph shall be in addition to those otherwise provided herein.

Section 21 Bond.

Before undertaking any of the work, installation, improvements, construction, repair, relocation or maintenance authorized by this franchise, MFNS shall furnish a bond executed by MFNS and a corporate surety authorized to do a surety business in the State of Washington, in a sum to be set and approved by the Director of Public Works as sufficient to ensure performance of MFNS's obligations under this franchise. The bond shall be conditioned so that MFNS shall observe all the covenants, terms and conditions and faithfully perform all of the obligations of this franchise, and to erect or replace any defective work or materials discovered in the replacement of the City's streets or property within a period of two years from the date of the replacement and acceptance of such repaired streets by the City. MFNS may meet the obligations of this Section with one or more bonds acceptable to the City. In the event that a bond issued pursuant to this Section is canceled by the surety, after proper notice and pursuant to the terms of said bond, MFNS shall, prior to the expiration of said bond, procure a replacement bond which complies with the terms of this Section.

Section 22 Recourse Against Bonds and Other Security.

So long as the bond is in place, it may be utilized by the City as provided herein for reimbursement of the City by reason of MFNS's failure to pay the City for actual costs and expenses incurred by the City to make emergency corrections under Section 12 of this Ordinance, to correct franchise violations not corrected by MFNS after notice, and to compensate the City for monetary remedies or damages reasonably assessed against MFNS due to material default or violations of the requirements of City ordinances.

- 22.1 In the event MFNS has been declared to be in default of a material provision of this franchise by the City and if MFNS fails, within thirty (30) days of mailing of the City's default notice, to pay the City any penalties, or monetary amounts, or fails to perform any of the conditions of the franchise granted herein, or fails to begin to perform any condition that may take more than 30 days to complete, the City may thereafter obtain from the bond, after a proper claim is made to the surety, an amount sufficient to compensate the City for its damages. Upon such withdrawal from the bond, the City shall notify MFNS in writing, by First Class Mail, postage prepaid, of the amount withdrawn and date thereof.
- 22.2 Thirty (30) days after the City's mailing of notice of the bond forfeiture or withdrawal authorized herein, MFNS shall deposit such further bond, or other security, as the City may require, which is sufficient to meet the requirements of this Ordinance.
- 22.3 The rights reserved to the City with respect to any bond are in addition to all other rights of the City whether reserved by this Ordinance or authorized by law, and no action, proceeding, or exercise of a right with respect to any bond shall constitute an election or waiver of any rights or other remedies the City may have.

Section 23 Modification.

The City and MFNS hereby reserve the right to alter, amend or modify the terms and conditions of the franchise granted herein upon written agreement of both parties to such amendment.

Section 24 Remedies to Enforce Compliance.

In addition to any other remedy provided herein, the City and MFNS each reserve the right to pursue any remedy to compel the other to comply with the terms of this franchise, and the pursuit of any right or remedy by a party shall not prevent such party from thereafter declaring a breach or revocation of the franchise.

Section 25 Force Majeure.

The franchise provided herein shall not be revoked due to any violation or breach that occurs without fault of MFNS or occurs as a result of circumstances beyond MFNS's reasonable control.

Section 26 City Ordinances and Regulations.

Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any reasonable ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control, by appropriate regulations, the location, elevation, and manner of construction and maintenance of any fiber optic cable or of other Facilities by MFNS. MFNS shall promptly conform to all such regulations, unless compliance would cause MFNS to violate other requirements of law. Nothing in this

Section shall require MFNS to relocate Facilities installed in compliance with then existing City regulations.

Section 27 Acceptance/Liaison.

After the passage and approval of this Ordinance and within sixty (60) days after such approval, the franchise granted herein shall be accepted by MFNS by its filing with the City Clerk an unconditional written acceptance thereof. MFNS's written acceptance shall include the identification of an official liaison who will act as the City's contact for all issues regarding this franchise. MFNS shall notify the City of any change in the identity of its liaison. MFNS shall accept this franchise in the manner hereinafter provided in Section 35.

Section 28 Survival.

All of the provisions, conditions and requirements of Sections 4, Relocation of Facilities; 8, Excavation And Notice Of Entry; 12, Dangerous Conditions; 17, Indemnification; 19, Abandonment of MFNS's Facilities; and 20, Restoration After Construction, of this franchise shall be in addition to any and all other obligations and liabilities MFNS may have to the City at common law, by statute, or by contract, and shall survive the City's franchise to MFNS and any renewals or extensions thereof. All of the provisions, conditions, regulations and requirements contained in this franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of the parties and all privileges, as well as all obligations and liabilities of each party shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever such party is named herein.

Section 29 Severability.

If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this franchise Ordinance. In the event that any of the provisions of this franchise Ordinance or of the franchise granted herein are held to be invalid by a court of competent jurisdiction, the City reserves the right to reconsider the grant of this franchise and may amend, repeal, add, replace or modify any other provision of this franchise Ordinance or of the franchise granted herein, or may terminate this franchise.

Section 30 WUTC Tariff Filings, Notice Thereof.

If MFNS intends to file, pursuant to Chapter 80.28 RCW, with the Washington Utilities and Transportation Commission (WUTC), or its successor, any tariff affecting the City's rights arising under this franchise MFNS shall provide the City with fourteen (14) days written notice.

Section 31 Assignment.

The franchise granted herein shall not be sold, transferred, assigned, or disposed of in whole or in part either by sale or otherwise, without the written approval of the City. The City's approval shall not be unreasonably withheld or delayed. Any reasonable costs associated with the City's review of any transfer proposed by MFNS shall be reimbursed to the City by the new prospective franchisee, if the City approves the transfer, or by MFNS if said transfer is not approved by the City.

- 31.1 Except as otherwise provided herein, MFNS shall promptly notify the City prior to any proposed change in, or transfer of, or acquisition by any other party of control of MFNS. Neither approval nor notification shall be required for mortgaging purposes.
- 31.2 A change in control shall be deemed to occur if there is an actual change in control or where ownership of fifty percent (50%) or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as used herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.
- 31.3 A lease or grant of an Indefeasible Right of Use ("IRU") in the Telecommunications System, the associated Facilities, or any portion thereof, to another Person, or an offer or provision of capacity or bandwidth from the Telecommunications System or associated Facilities shall not be considered an assignment for purposes of this Section, PROVIDED THAT, under such lease, IRU, or offer, MFNS: (i) retains exclusive control over the Telecommunications System, (ii) remains responsible for the location, construction, replacement, repair and maintenance of the Telecommunications System pursuant to the terms and conditions of the franchise granted herein, and (iii) remains responsible for all other obligations imposed hereunder.

Section 32 Notice.

Any notice or information required or permitted to be given to the City or to MFNS under this franchise may be sent to the following addresses unless otherwise specified:

Metromedia Fiber Network Services, Inc.
V.P. Legal Affairs
360 Hamilton Avenue
White Plains, NY 10601
Phone: (??)
Fax: (??)

City of Shoreline
Director of Public Works
17544 Midvale Ave. NE
Shoreline, WA 98133
Office 206-546-1700
Fax 206-546-2200

Section 33 Alternate Dispute Resolution.

If the City and MFNS are unable to resolve disputes arising from the terms of the franchise granted herein, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to an alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.

Section 34 Entire Agreement.

The franchise granted herein constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.

Section 35 Directions to City Clerk.

The City Clerk is hereby directed to publish this Ordinance in full and forward certified copies of this ordinance to MFNS. MFNS shall have sixty (60) days from receipt of the certified copy of this ordinance to accept in writing the terms of the franchise granted hereby. If MFNS fails to accept this franchise in accordance with the above provisions, but thereafter applies for a permit to perform work within the Right-of-Way, then such application shall be deemed to be acceptance in full by MFNS of the terms and conditions hereof.

Section 36 Publication Costs.

MFNS shall reimburse the City for the cost of publishing this franchise ordinance within thirty (30) Days of receipt of the City's invoice.

Section 37 Effective Date.

This ordinance shall take effect and be in full force five (5) Days after the date of publication.

PASSED BY THE CITY COUNCIL ON _____, 2000.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: , 2000
Effective Date: , 2000

Schedule of Right-of-Way Use Charges

September 7, 2000

Type of Facility	Size	Annual Charge/Linear Ft.	Basis (\$/Cu. Ft)
Conduit (no trench)	1.25" Dia. or less	\$.26	\$30
	1.5" Dia.	\$.37	\$30
	1.75" Dia.	\$.50	\$30
	2"Dia.	\$.65	\$30
Open Trench (Width X Depth of CDF)	1.5'X 2'	\$3.59	\$1.20
	2'X 2'	\$4.78	\$1.20
	2.5'X 2'	\$5.98	\$1.20
	3'X 2'	\$7.17	\$1.20
Vault/Manhole	Interior Size	Annual Charge	
Lane of travel	4'X 4'	\$2,000	\$30
Outside Lane of travel	4'X 4'	\$1,000	\$15

The rates articulated in the table above shall apply to all facilities installed or otherwise placed in use by Franchisee for the duration of the Franchise agreement. The City may change this schedule upon 30 days advance notice, but the new rates will only apply to facilities installed or placed in use after the new rates become effective.