Council Meeting Date: June 4, 2001 **Agenda Item: 6(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion Regarding the Establishment of Financial Policies Regarding Grant Applications
DEPARTMENT:	Office of Health and Human Services
PRESENTED BY:	Rob Beem, Health and Human Services Manager Bethany Wolbrecht-Dunn, Grant Specialist

EXECUTIVE / COUNCIL SUMMARY

As part of a recent review of our Grants Management Procedures and Policies staff has determined the need to bring the City's Financial Policies in line with current practice. In pursuing grants and loans staff is now operating within guidelines established with your Council in the process of developing the Capital Improvement Program and Annual Operating budgets. These guidelines call for staff to pursue grants that are anticipated in the adopted Operating and Capital Improvement Program budgets. For items not in these budgets and for loans, staff seeks separate Council concurrence before submitting any applications. This requirement has resulted in staff's opting not to pursue otherwise promising grant opportunities. The proposed policy provides direction to staff to not only seek grants specifically identified in the budgets but also to seek funding that will enhance an existing program or policy initiative.

The proposed Grants Policy outlines the decision making and approval process for potential grant and loan applications and incorporates that policy into the City's Financial Policies. This policy and the implementing procedures codify the current practice of evaluating each opportunity for grants and other outside funding by balancing the value of the additional resources with the City's ability to effectively manage the funds and sustain any activities begun with outside funding. The proposed policy calls for staff to seek Council approval prior to submission of a grant or loan application in instances where:

- The grant will support programs or policies not specifically included in the Annual Operating or Capital Improvement Program budgets
- The grant or loan will require repayment to the funding agency
- The funding agency requires approval by the City Council

RECOMMENDATION

This item is for discussion and comment. No action is required at this time. Staff will return to your Council for approval of the final Grants Policy and inclusion of this policy into the City's Financial Polices at a future Council meeting.

Approved By: City Manager City Attorney

BACKGROUND/ANALYSIS

The City of Shoreline seeks grants to allow the City to provide services, programs and capital projects otherwise outside of its resources. During the preparation of the 1997 budget, your Council supported incorporating grants development into the Grants Specialist position in the Office of Health and Human Services. The objective in doing so was to have a centralized grants development program and to be aggressive in seeking grants that support City programs, services and initiatives. Since 1997, over 90 grant applications have been submitted, and approximately 47% have been funded. These grant funds have supported and continue to support many projects and programs, including:

- Aurora Avenue North
- Interurban Trail
- 15th Avenue NE
- Richmond Beach Overcrossing
- North 175th Avenue Sidewalks
- Curb Ramp Program
- Critical Areas Planning
- Late night programs at The Rec
- Adult Community Choices, for developmentally disabled residents
- Health and Human Services funding

In implementing your Council's direction to aggressively seek grant opportunities, City staff developed and is using the current working grants policy. This policy calls for staff to seek outside funding that is specifically identified in the Capital Improvement Program (CIP) or the Operating Budget. Staff routinely submits these applications without seeking further Council review. The Council's adoption of the Budget and the CIP supports the submittal of grant applications to fund these existing programs and approved projects. However, in instances where unanticipated opportunities arise to use grant funds to support current programs or to initiate new activities, your Council's approval is sought. From time to time staff has opted not to pursue promising grants that could enhance service delivery because the grant funding was not explicitly anticipated in the budget. This has occurred either due to the grantor's deadline not allowing time for Council review or the amount was of a size that it did not justify the expense of taking an item to your Council. Recently this resulted in a decision not to pursue a $10,000 addition to the street tree program.

To remedy this, staff recommends the following guidelines to govern when staff will seek your Council's separate approval prior to submission of grant or loan applications:

- Applications for grants to support program or policies not included in the Annual Operating or Capital Improvement Program budgets
- Applications for a grant or a loan which requires repayment to the funding agency
- If so required by the funding agency

In addition, staff is taking this opportunity to review the process we use to implement the proposed grants policy and to evaluate potential outside funding opportunities. This is for your information and input and does not require your Council action. These

procedures and the policy are the product of a team of staff from City departments involved in grant submission or management. The team looked at:

- roles and responsibilities of particular staff
- decision making criteria
- circumstances that require your Council approval for submission of a grant

The proposed policy provides staff with clearer guidance to determine when your Council approval is needed. In seeking grants and other outside the funding staff's work is guided by the need to balance the value of the additional resources with City's ability to effectively manage the funds and sustain any activities begun with outside funding. The City Manager is charged with the responsibility of determining which grants and loans to seek as long as these grants will support programs and policies that are consistent with your Council's overall policy and budget direction.

For each potential grant application, a grant team is created that includes the Grant Specialist, project manager, finance representative, and other applicable staff to plan and prepare the grant application for funding. The grant team examines six specific issues when evaluating a funding opportunity and making their recommendation to the Department Director and City Manager. The decision to apply or to seek Council's concurrence rests with the City Manager. These six considerations are:

Match: The match amount needed and type of match allowed for a grant application varies significantly depending on the source of the funds. For some grants, the match amount must be in the form of cash; other sources want to supply no more than 50% of the total cost of the project or a phase of the project; while still others allow in-kind matches or matches of ineligible costs. When analyzing the match requirements, staff must clearly examine the impact of the match, and determine if it can be absorbed by the particular department's budget.

Cost/Benefit: Is the benefit to the City and its residents worth the investment required? The benefits include the funding amount, the value of the work to be accomplished and continued relationship with the grantor. The investment by the City may include time to complete the application, comply with regulations and additional costs imposed by the type of funding, and potential delay of the project due to funder's timelines.

Consistency with Work Plan: Is the project to be assisted by this funding within the scope of the particular department's work plan and the timeframe of the funding? If the project is not, would it significantly impact their workplan negatively? While the availability of particular funding may cause a department to rearrange their workplan, it may be in the best interest of the City to do so.

Sustainability of Activity: This issue can pertain to both ongoing programs and new programs. For ongoing programs, will the grant funding increase the capacity of the program to such an extent that if the funding is not available in future years the City will be expected to replace the lost grant support? For

funding to support a new program that citizens may come to expect from the City, will the City be able to support the program in the future without continued funding from the grant source? Or will the funding support a one-time program? These questions are closely examined as the City seeks to use grant resources to support current programs, plans, and policies (generally, grant follows program, not programs follow grant).

Consistency with Council Goals: Staff will seek opportunities that support your Council goals, initiatives and directives.

Consistency with City Roles and Responsibilities: If the funding would provide for a new program or project, is the activity consistent with the outlined City roles and responsibilities? This issue receives close scrutiny in instances where the grant would be for a new program or project.

The grant team examines these issues and makes a recommendation to the Department Director and/or the City Manager whether or not to proceed with the development of the grant application. If the Department Director and/or the City Manager concur with the grant team recommendation, the team either prepares and submits the application or takes the item forward to your Council in conformance with the Grants Policy.

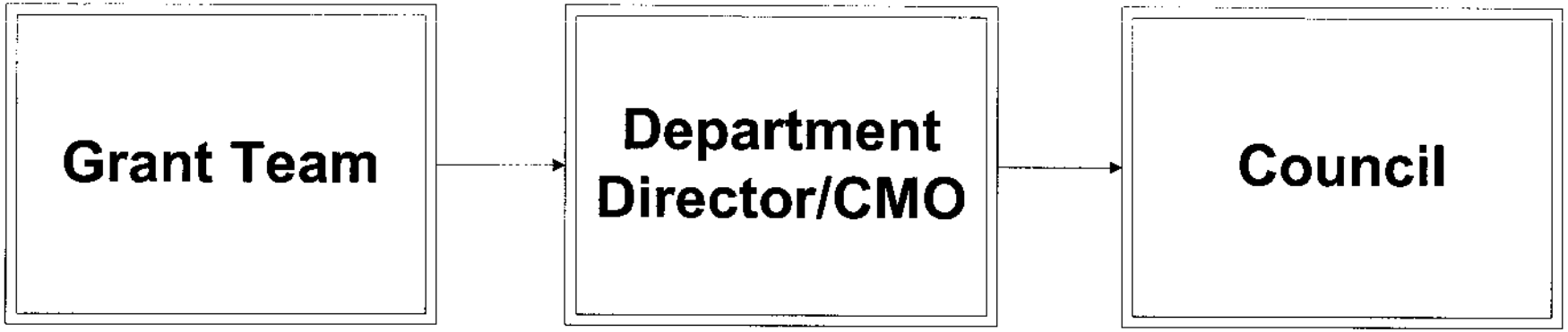
RECOMMENDATION

This item is for discussion and comment. No action is required at this time. Staff will return to your Council for approval of the final Grants Policy and inclusion of this policy into the City's Financial Polices at a future Council meeting.

ATTACHMENTS

Attachment A: Decision Making Process for Grants

Decision Making Process for Grants



Grant Team Considerations:

- match
- cost/benefit
- consistency with work plan
- sustainability of activity
- consistency with Council goals
- consistency with City roles and resposibilities

Council Approvel Required:

- for programs or projects not included in the Annual Operating or CIP budget
- when a grant or loan requires repayment
- when required by the funder

Council Meeting Date: June 4, 2001 **Agenda Item: 6(b)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Status Report on Street Lighting Elements for the Aurora Corridor Project
DEPARTMENT:	Public Works
PRESENTED BY:	William L. Conner, Public Works Director WLC Anne Tonella-Howe, Aurora Corridor Project Manager

EXECUTIVE / COUNCIL SUMMARY

The purpose of this report is to review key options for street lighting for the Aurora Corridor project and to obtain your Council's consensus regarding these options. Street lighting will be used to support a visually unified, coherent design throughout the length of the entire Aurora Corridor. The Lighting Concept (Attachment A) identifies the lighting approach for the whole corridor. As with the paving and landscaping, lighting will be installed in the amenity zone throughout the entire length of the corridor to help unify the entire corridor. Pedestrian lighting and other special accent lighting will differentiate unique areas of the corridor such as the Civic Hub and other areas of high pedestrian activity.

Lighting is one of the urban design elements that will implement the City's Comprehensive Plan vision for Aurora Avenue and support the Citizens Advisory Task Force (CATF) recommendations developed during the Multimodal Pre-Design Study. Using the CATF recommendations and the Comprehensive Plan as guidance, staff developed three options for Council consideration. These options are described in more detail in the Background/Analysis section of this staff report. In summary the options include:

1) Use Seattle City Light standard stock lighting for both roadway and pedestrian lighting. (Estimated construction cost $772,000 - $926,000 per mile. Estimated maintenance cost, including electricity is $11,000 per year)
2) Use Seattle City Light standard stock lighting for roadway lighting and select a distinct pedestrian lighting treatment for pedestrian lighting. (Estimated construction cost $700,000 - $1,000,000 per mile. Estimated maintenance cost, including electricity is $11,000 per year)
3) Use a distinct lighting treatment for both roadway and pedestrian lighting. (Estimated construction cost $601,000 - $1,773,000 per mile. Estimated maintenance cost, including electricity is $11,000 to $20,000 per year)

Option 1) as shown on Attachment B would be possible without further research concerning designs. Options 2) and 3) as shown on Attachments C – E may require further time to review designs with your Council. Council input would be helpful if Options 2) or 3) are to be pursued.

For all options, the City would purchase and install the lights under the construction contract. Estimated construction costs range from $601,000 to $1,773,000 per mile. Maintenance of Seattle City Light standard stock fixtures non-standard pedestrian scale lighting would be provided by City Light based upon their standard streetlight service rates, which are based upon wattage and type of fixture. Maintenance costs for non-standard roadway lighting, especially if above average height, may need to be negotiated with City Light. Maintenance of distinctive lighting fixtures could also be provided by a private contractor, but would have to be negotiated and City Light rates for electricity would still apply. Estimated maintenance costs, including electricty, range from $11,000 to $20,000 per year depending on the number of lights and the maintenance provider.

There are approximately 80 streetlights currently installed along Aurora Avenue. This number is expected to triple with the Aurora improvements. The annual maintenance and electricity cost of these fixtures is currently about $3,600 per year. Using a distinct lighting treatment will require that the City purchase and stock any non-standard fixtures and allow maintenance crews access to that inventory. Based on discussions with other jurisdictions, it would be appropriate to stock 2 – 5 poles (depending on style) and up to 5 fixtures per style. Hamlin yard has space available to stock this quantity of material. Total maintenance and electrical costs to operate the new street lighting system would be expected to increase with any of these options because additional fixtures will be added to bring the lighting level up to a higher standard.

A significant level of effort including additional research and discussions with City Light and other contractors will be required to determine the cost to construct, operate and maintain (O/M) the new street light system. These costs are dependent on the type of poles and fixtures selected which determines the lighting layout and in-turn the number of poles and fixtures required. To move forward with the design in an efficient manner staff recommends that a preferred option be identified that would allow staff to move forward with a design, initiate discussions with City Light and/or other contractors, and identify preliminary costs.

Staff is aware of community concerns regarding light intrusion into the neighborhoods and avoiding a "sky glow" effect. To prevent this, fixtures will be selected with "cut-off" lenses to shield or direct the light onto the sidewalks and roadway and away from adjacent properties or into the night sky. Additionally, fixtures will be carefully selected to provide appropriate color and levels of lighting to avoid glare.

Staff's recommendation below for Option 2) is based on the goals of obtaining effective and cost efficient roadway lighting plus adding distinctive lighting features for pedestrian scale uses. This option allows us to create a lighting system that enhances Aurora's appearance while still paying attention to the practical need for cost effective and safe lighting.

RECOMMENDATION

No Council action is required at this time. Staff is seeking Council consensus to support Option 2) and to provide direction about the style of distinctive pedestrian lighting staff should pursue for future review with Council.

Approved By: City Manager City Attorney

BACKGROUND / ANALYSIS

Existing street lighting fixtures provided by Seattle City Light are standard "cobra head" fixtures on wood poles. The overall appearance of the existing lighting does not provide the desired appearance and cohesiveness that welcomes and invites people to the City.

The City of Shoreline Comprehensive Plan and the Citizen's Advisory Task Force (CATF) recommendations developed during the Aurora Corridor Multimodal Pre-Design Study provide guidance on the development of Aurora Avenue and the use of lighting, in concert with the other urban design elements, to meet the goals of the project.

32 Points

The CATF developed a recommendation made up of 32 points addressing the range of issues and comments received in the Aurora Corridor public meetings during the Multimodal Pre-Design Study. Your Council accepted these recommendations in whole on August 23, 1999 as guidance in the development, design and implementation of the Aurora Corridor Project.

Four of the 32 points provide guidance on the use of street lighting to meet the goals of the Aurora Corridor Project.

#10 Unify the corridor by adding art, special light fixtures, pavement patterns, street furniture, banners, unique bus shelters, etc. to dramatically enhance image and uniqueness of the streetscape and develop it differently than the standard design that has been constructed for most streets.

#11 Unify the entire corridor by the use of street trees, lighting, special paving, bus zone design, and other elements to visually connect the corridor along its length.

#13 Develop signature gateway design at 145th and 205th with special interest landscaping, lighting, and paving and public art to provide a visual cue to drivers that they have entered a special place.

#19 The preferred design shall include:

- Continuous illumination for traffic safety and pedestrian scale lighting.

Lighting Options

Three options were developed for consideration along Aurora Avenue. The options are described below and will be presented at the Council meeting. All of the options use a combination of roadway lights, pedestrian lights, and accent lighting in areas of high pedestrian concentrations. All options also meet required illumination standards for the project.

LIGHTING OPTIONS

	Considerations	Maintenance
1. Use Seattle City Light standard stock poles and fixtures for both roadway and pedestrian lighting.	• Materials available are utilitarian and generic. • SCL maintains lighting including stocking poles and fixtures. • Minimum variety available. All poles are spun aluminum. 3 roadway pole types and 5 pedestrian fixture types are currently available • Easily modified to add art and wireless telecommunication facilities that won't detract from the pole/fixture character.	• Provided by SCL
2. Use Seattle City Light standard stock poles and fixtures for roadway lighting. Select a distinct pole and fixture for pedestrian lighting.	• SCL maintains roadway lighting. Pedestrian lighting maintenance may need to be negotiated. • 3 roadway pole types available. Large number of pedestrian lighting poles and fixtures available. • City will need to stock pedestrian lighting fixtures for maintenance.	• Provided by SCL • Could negotiate contract with a private contractor to maintain pedestrian lighting.
3. Select a distinct pole and fixture for both roadway and pedestrian lighting.	• More opportunities available to create visual appeal with poles and fixtures and provide distinct look along Aurora. • City will need to stock poles/fixtures for maintenance. • Carries some risk that selected pole will no longer be carried by manufacturer in the future. • Poles may be modified to add public art or wireless telecommunications facilities although these added elements may detract from the distinct character of the pole and fixture	• Negotiate maintenance contract with either SCL or private contractor to maintain both roadway and pedestrian lighting.

For all options, the City would purchase and install the lights under the construction contract. Estimated costs per mile range from $601,000 to $1,773,000 and vary due to both differences in unit cost per fixture and the number of poles needed to achieve appropriate lighting levels. *Note: Costs are provided to compare level of magnitude only and are not intended to be used for budgeting purposes. Costs for electrical connections, bollards, signalization and special lighting/focal points are not included.*

Research from local municipalities indicates that cities spend on average $50 per streetlight per year on maintenance (for those pedestrian or roadway lights the City owns, operates, and maintains). This figure includes labor costs, replacement costs, electricity, and supplies. The general maintenance activity includes bulb replacement, painting poles, and minor electrical work. It would be reasonable to expect that contracted maintenance costs through either Seattle City Light or a private contractor could range from $11,000 to $20,000 per year. There are approximately 80 streetlights currently installed along Aurora Avenue, mostly located at intersections. It is reasonable

to expect the number of streetlights will triple along Aurora as the lighting system is designed to meet appropriate light levels for safety.

Total electrical costs to operate the new street lighting system are expected to increase with any of these options because additional fixtures will be added to bring the light level up to a higher standard.

Staff has met with City Light officials who indicated that they are willing to work with the City on the use of non-stock fixtures for Aurora. If Seattle City Light provides maintenance of these non-stock fixtures they will most likely require that the City purchase and stock these fixtures and allow City Light Maintenance crews access to that City property. Based on discussions with other jurisdictions, it would be appropriate to stock 2 – 5 poles (depending on style) and up to 5 fixtures per style. Hamlin yard has space available to stock this quantity of material.

Staff has also met with WSDOT officials who have also agreed that the type of fixture selected is not a concern to them as long as their requirements for lighting levels and safety considerations (i.e. breakaway poles in the median, clear zone distances) are met. Beyond these terms the City is free to select the fixture that works best with the overall urban design concept for the corridor.

Lighting Concept

As shown in Attachment A, the lighting concept identifies the lighting approach for the whole corridor. As with the paving and landscaping, roadway and pedestrian lighting will be installed in the amenity zone throughout the entire length of the corridor. Additional pedestrian lighting and other accent lighting will be used to differentiate the unique areas of the corridor such as the Civic Hub and other areas of high pedestrian activity.

The new street lighting will create a positive presence on the street both at night and during the day, by improving safety for vehicles and pedestrians, and as a visually unifying element in the overall appearance of the corridor. Pedestrian scale lighting will be either integrated with the roadway lighting in one fixture or added as separate fixtures to complement the overhead street lighting. Additional lighting treatments will be added in areas of high pedestrian activity to accentuate transit stops and pedestrian crossings.

Staff proposes that the Civic Hub area could be distinguished from the rest of the corridor through the use of roadway lights located in the median area accompanied by pedestrian scaled lighting in the amenity zone. The roadway and/or pedestrian lights in the Civic Hub could also include special added features to the light fixtures to further distinguish the Civic Hub from the rest of the corridor, such as: special color, tapered pole, enhanced base or a "light window".

Four lighting treatments have been selected to stimulate conversation and for potential consideration as an appropriate street light treatment that could implement the lighting concept. The four treatments are summarized below, and are graphically shown on Attachments B – E. Lighting treatments were selected to meet the following objectives:

- To provide desired illumination levels,
- To be simple and easy to maintain,
- To distinguish areas of high pedestrian and transit activity,
- To achieve longevity by a "timeless" aesthetic quality (not placing the look in one time period only),
- To provide safety and comfort while being low glare, to avoid light intrusion into adjacent residential neighborhoods,
- To create regularity by coordinating with sign and signal poles, banners and baskets
- To create a unique and distinctive identity for the Aurora corridor.

LIGHTING TREATMENTS

ELEMENTS	Basic	Distinctive	Versatile	Traditional
High mast street lights both sides of road	●	● *(urbi-2 option)*		
Pedestrian lighting between high mast, both sides of road	●	● *(urbi-2 option)*		
Medium mast light serves as both street light and pedestrian lights, both sides of road		● *(solitaire option)*	●	●
Double lighting in median in Civic Hub	●	●	●	●
Pedestrian lighting in civic hub, both sides of road	●	●	●	●
Special Lighting/Focal Points	●	●	●	●
Meets Comp Plan and CATF Recommendations		●	●	●

Special Lighting Considerations

Staff is aware of community concerns regarding light intrusion into the neighborhoods and avoiding "sky glow" effect with inefficient fixtures adjacent to the Aurora corridor. To prevent this, all fixtures will be designed with "cut-off" lenses which will direct light onto the sidewalks and roadway and away from the back of the properties or into the night sky. Additionally, the light sources will be carefully selected to provide appropriate color and levels of lighting to avoid glare.

RECOMMENDATION

No Council action is required at this time. Staff is seeking Council consensus to support Option 2) and to provide direction about the style of distinctive pedestrian lighting staff should pursue for future review with Council.

ATTACHMENTS

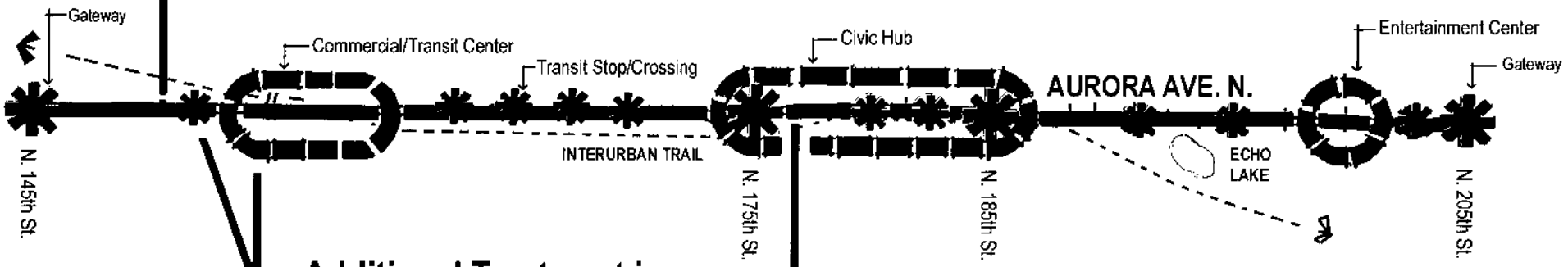
Attachment A: Lighting Concept
Attachment B: *'Basic Option'* Lighting Treatment
Attachment C: *'Distinctive Option'* Lighting Treatment
Attachment D: *'Versatile Option'* Lighting Treatment
Attachment E: *'Traditional Option'* Lighting Treatment
Attachment F: Special Lighting/Focal Point Options

LIGHTING CONCEPT

DRAFT *Attachment 'A'*

Treatment Throughout Corridor

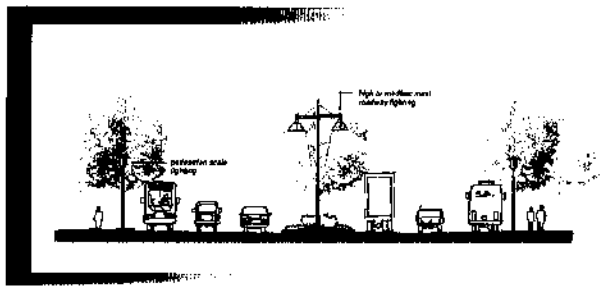
- Roadway/pedestrian lighting located in 4' Amenity Zone
- High or medium mast roadway lighting based on Lighting Treatment Option selected



Additional Treatment in High Pedestrian Areas

- Special lighting/focal points, art elements, bollards & other accent lighting used to highlight Transit Stops/Crossings & areas of high pedestrian activity

Treatment in Civic Hub



- Roadway lighting located in Median/Refuge Area
- High or medium mast roadway lighting based on Lighting Treatment Option selected
- Separate pedestrian scale lighting located in 4' Amenity Zone
- Additional features incorporated into light fixtures, such as: special color, tapered pole, enhanced base, 'light windows', etc.

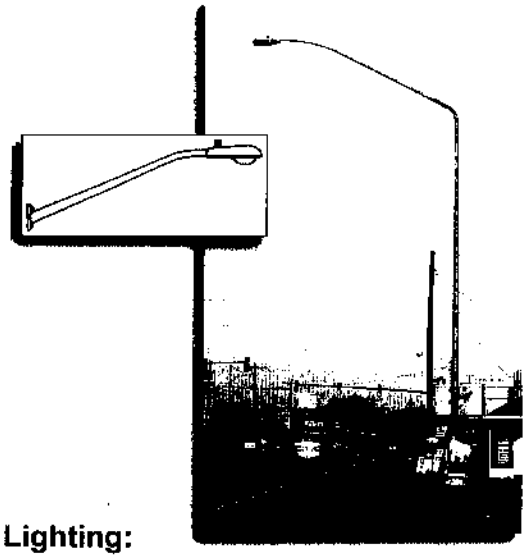
04/18/01

LIGHTING TREATMENTS

DRAFT *Attachment 'B'*

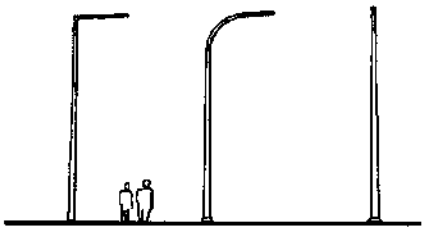
basic option - Seattle City Light Standard *(Estimated Cost: $772,000 - $926,000 per mile*)*

'cobra' fixture



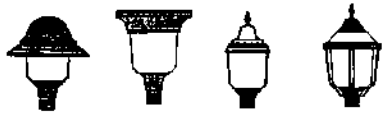
Roadway Lighting:

- *'cobra' fixture*, high mast (32' - 34' height), requires separate pedestrian scale light
- Located throughout Corridor
- Limited additional features available for Civic Hub



pole options

'lumec' fixtures



A. B. C. D.

Accent Lighting:

- *'lumec' fixtures*, pedestrian scale (12' - 14' height)
- Located between *'cobra' fixtures*, at Transit Stops/Crossings & areas of high pedestrian activity

04/18/01

*NOTE: Preliminary costs are provided to compare order of magnitude only. Costs do not include electrical connections, additional features for Civic Hub, bollards or other special feature/focal point lighting.

LIGHTING TREATMENTS

DRAFT

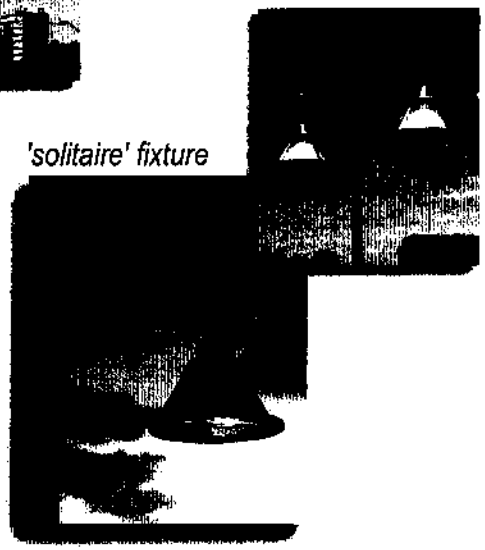
Attachment 'C'

distinctive option (Estimated Cost: $875,000 - $1,773,000 per mile*)

'urbi-2' fixture

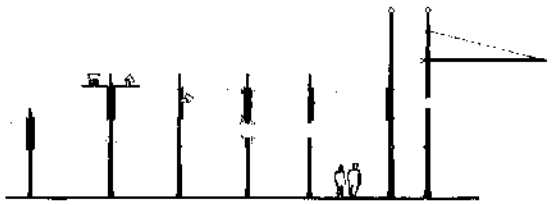
semi-transparent fixture provides subtle glow

'solitaire' fixture



Roadway/Pedestrian Lighting:

- *'urbi-2' fixture*, high mast (32' - 34' height), requires separate pedestrian scale light
- *'solitaire' fixture*, medium mast (20' - 24' height) serves both pedestrian & roadway
- Located throughout Corridor
- Variety of additional features available for Civic Hub

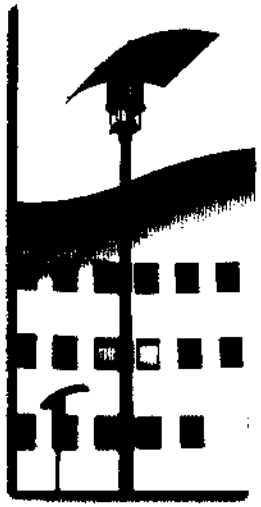


family of poles

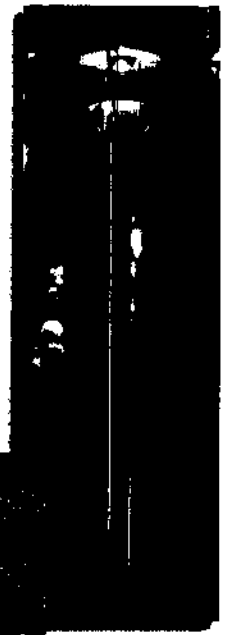
Accent Lighting:

- *'cosmo'* or *'lampus' fixture*, pedestrian scale (12' - 14' height)
- *'lampus' bollard*
- Located at Transit Stops/Crossings, & areas of high pedestrian activity

'cosmo' fixture



'lampus' fixture



'lampus' bollard

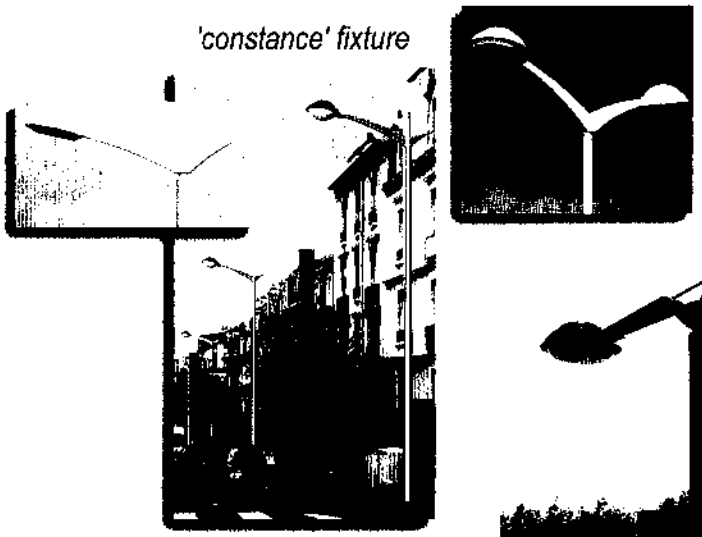
*NOTE: Preliminary costs are provided to compare order of magnitude only. Costs do not include electrical connections, additional features for Civic Hub, bollards or other special feature/focal point lighting.

LIGHTING TREATMENTS

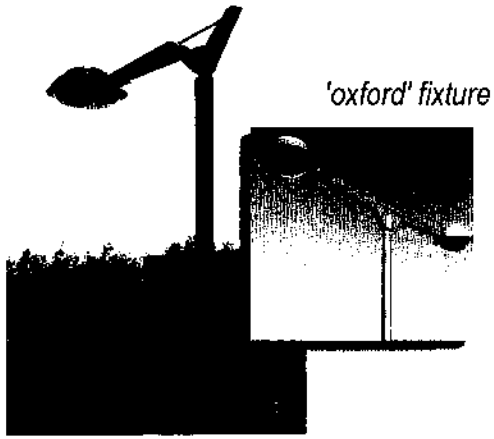
DRAFT *Attachment 'D'*

versatile option *(Estimated Cost: $664,000 - $797,000 per mile*)*

'constance' fixture



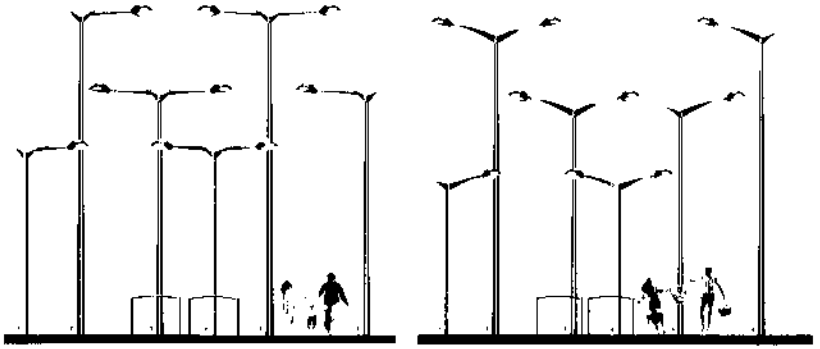
'oxford' fixture



Roadway/Pedestrian Lighting:

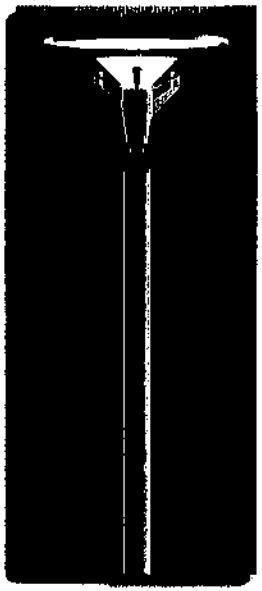
- *'constance'* or *'oxford' fixture*, medium mast (20' - 24' height), serves both pedestrian & roadway
- Located throughout Corridor
- Variety of additional features & 'kit of parts' available for Civic Hub

color & lense type variations



family of poles

'kipp' fixture



Accent Lighting:

- *'kipp' fixture*, pedestrian scale (12' - 14' height)
- *'kipp' bollard*
- Located at Transit Stops/Crossings & areas of high pedestrian activity

'kipp' bollard

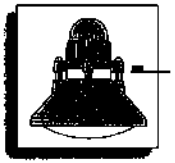
*NOTE: Preliminary costs are provided to compare order of magnitude only. Costs do not include electrical connections, additional features for Civic Hub, bollards or other special feature/focal point lighting.

LIGHTING TREATMENTS

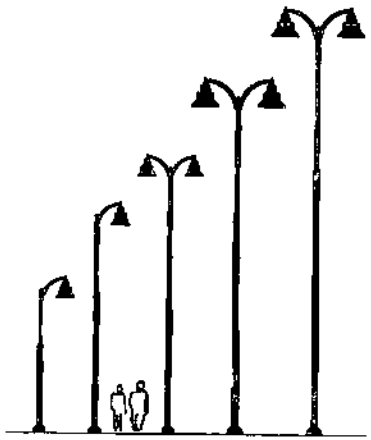
DRAFT *Attachment 'E'*

traditional option *(Estimated Cost: $601,000 - $721,000 per mile*)*

'era' fixture



'light window'

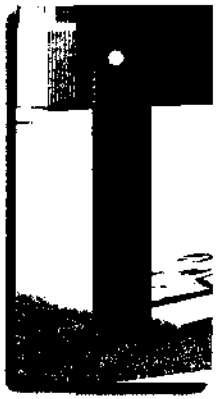


family of poles

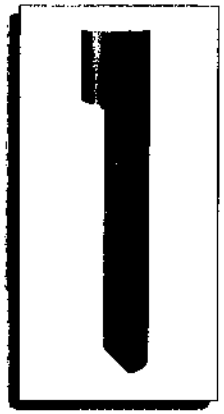
Roadway/Pedestrian Lighting:

- *'era' fixture*, medium mast (20' - 24' height), serves both pedestrian & roadway
- Located throughout Corridor
- Variety of additional features available for Civic Hub

'era' fixture



'kim' bollards



Accent Lighting:

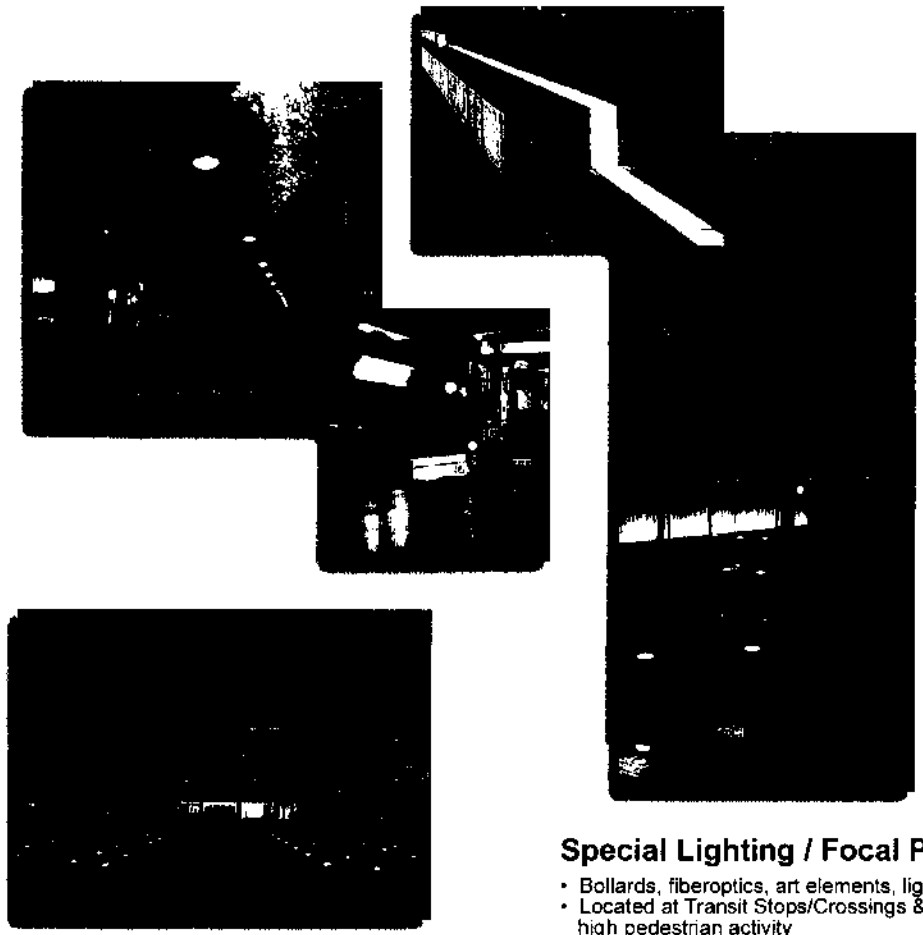
- *'era' fixture*, pedestrian scale (12' - 14' height)
- *'kim' bollard*
- Located at Transit Stops/Crossings & areas of high pedestrian activity

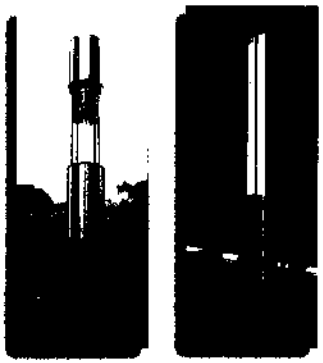
*NOTE: Preliminary costs are provided to compare order of magnitude only. Costs do not include electrical connections, additional features for Civic Hub, bollards or other special feature/local point lighting.

LIGHTING TREATMENTS

DRAFT *Attachment 'F'*

special lighting / focal point options





Special Lighting / Focal Points:

- Bollards, fiberoptics, art elements, light poles, etc.
- Located at Transit Stops/Crossings & areas of high pedestrian activity
- Used to highlight special features, pedestrian areas, mid-block crossings, etc.

Council Meeting Date: June 4, 2001 **Agenda Item: 6(c)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Review of Proposal for Regional Road Maintenance Endangered Species Act Program Guidelines
DEPARTMENT:	Public Works
PRESENTED BY:	Edward Mulhern, Surface Water Coordinator George Dicks, Roads Supervisor

EXECUTIVE / COUNCIL SUMMARY

We are presenting this report to brief Council on a statewide road maintenance program that was developed in response to the Endangered Species Act (ESA). ESA compliance includes a broad range of measures designed to ensure no harm (purposeful or inadvertent) is done to endangered species or their habitat. As you know, our overall strategy regarding ESA compliance has been to take a median level response approach that includes following accepted practices while balancing costs, benefit, know science and ability to pay. In our ESA report of May 15, 2000, we informed you that a program was being developed to address one specific and manageable area of compliance - that of road maintenance practices. Since that time, a regional working group, consisting of the Washington Department of Transportation (WSDOT) and local jurisdictions, has developed this program, under the guidance of the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS).

This regional method is called the "Plug and Play Framework" because it allows local jurisdictions to "plug" into the model program to receive ESA coverage. The Regional Road Maintenance ESA Program Guidelines (Regional Guidelines), if approved by NMFS, would allow the City to adopt and implement standard road maintenance practices that would qualify for a take limit under the ESA Section 4(d) rule for threatened salmonids.

The Regional Guidelines consist of three parts:

Part 1 - The Regional Program - Provides a basic umbrella of ten program elements that are goals and outcomes for the program. Jurisdictions seeking coverage under the ESA 4(d) Rule for their road maintenance practices must comply with each of these program elements. This program part includes a well defined training program for staff, including a regional training body (WSDOT Technology Transfer Center, in cooperation with the University of Washington), and specific courses.

Part 2 - Best Management Practices (BMPs) - These outcome based guidelines provide detailed Best Management Practices references for crews, supervisors, environmental support staff, design personnel and managers.

Part 3 - Individual Jurisdiction Program - This is the "Plug and Play" part that allows individual jurisdictions to "plug" into NMFS and USFWS approved Parts 1 and 2 of the Regional Program, and tie them to its own agency approved Part 3. Staff has prepared a draft Part 3 document for the City of Shoreline.

CONCLUSION

The Regional Guidelines are being established as a statewide standard for road maintenance work. Adopting these guidelines is beneficial to Shoreline's Road Maintenance program. The Regional Guidelines framework has already been established, under the guidance of the NMFS and USFWS, and some of the development costs have been absorbed by WSDOT, King County and other local jurisdictions that have participated in the Regional Road Maintenance Technical Working Group. The Regional Guidelines include a comprehensive training program, and the procedures are well defined and practicable. Our participation at this time will allow Shoreline's specific application of the guidelines to be approved by NMFS in a timely manner. A commitment to implementing the Regional Guidelines will allow Shoreline to perform routine maintenance work, and provide a measure of legal protection to both the City and staff.

RECOMMENDATION

No action is required at this time. Staff seeks Council's consensus and direction on adopting the proposed Regional Guidelines as an operational manual for City road maintenance work, and to submit the Guidelines to NMFS.

Approved By: City Manager KTB City Attorney

BACKGROUND

In March of 1999, the National Marine Fisheries Service (NMFS) announced, in the Federal Register, the listing of Puget Sound chinook salmon as "threatened" under the Federal Endangered Species Act (ESA). In November 1999, the bull trout was also listed by the United States Fish and Wildlife Service as "threatened" in the Puget Sound region. In response to these listings, local governments in the Puget Sound area formed a coalition, known as the Tri-County ESA Response Effort, with the objective of responding to the listings by implementing programs to aid in the conservation of listed species. The Tri-County ESA Response Effort identified a number of government agency program areas with the potential to contribute to conservation of the listed species. Road Maintenance is one of these program areas.

On July 10, 2000, the National Marine Fisheries Service (NMFS) issued guidance under the 4(d) Rule (50 CFR 223.203) addressing requirements under the ESA with which public entities responsible for routine road maintenance must comply in order to be exempted from the "take" provisions of the ESA. The Regional Road Maintenance ESA Program Guidelines (Regional Guidelines) described below were developed to serve as a model program that, if approved, local jurisdictions could adopt and implement to qualify for a take limit, under Limit (10)(ii) of this 4 (d) rule. With support from the Washington Department of Transportation (WSDOT), the scope of the program has expanded beyond the Tri-County region to become a statewide program.

The Regional Road Maintenance Technical Working Group developed the Regional Guidelines in order to achieve conservation outcomes when doing road maintenance work. The Regional Road Maintenance Technical Working Group is a team of road maintenance managers and technical staff from cities and counties in the "Tri-county" region. Additionally, Thurston, Clallum, and Mason counties are active participants. The NMFS and the United States Fish and Wildlife Service (USFWS) worked with this regional group to ensure that the proposed program appropriately addresses conservation issues. Other regulatory authorities as well as Puget Sound area tribes, environmental interest groups, and business groups, also provided input and assistance.

OVERVIEW OF THE REGIONAL GUIDELINES

The Regional Guidelines were configured so that they can be implemented by jurisdictions statewide. With statewide standards there can be a consistent approach to performing road maintenance activities in a way that protects properly functioning conditions in watercourses used by listed species. The Regional Guidelines procedures are well defined, and consist of three parts. Part 1 and Part 2 are a regional umbrella program and set of standard Best Management Practices and Conservation Outcomes that individual jurisdictions can "plug" into. The conservation outcomes include minimizing erosion and sedimentation, containing pollutants, and maximizing opportunities for habitat maintenance and protection. Part 3 is a document prepared by individual jurisdictions that describes how they will implement the program. It will also include a letter of commitment.

An important feature of the Regional Guidelines is the training program. The WSDOT Technology Transfer Center (T2), in conjunction with the Regional Road Maintenance Technical Working Group and the University of Washington (UW), is developing a curriculum that will be taught by T2 and UW instructors or other approved trainers. The training program provides assurance to the federal services that participating jurisdictions are committed to developing the knowledge and expertise within their organizations that are needed to implement the program. As the ESA poses a legal risk, the training program is designed to be an effective way to reduce the risk of legal liability to both the jurisdiction and its staff.

Part 1 - The Regional Program - Consists of ten program elements that provide the basic umbrella for the Regional Road Maintenance ESA Program. Those agencies seeking coverage under the 4(d) Rule for their road maintenance practices must comply with each of these program elements. Each agency will implement suggested operating procedures within the framework of the Regional Program, according to its own organizational structure and resources. This regional program applies to roadway maintenance operations, utility maintenance, and maintenance of stormwater facilities.

The ten program elements of Part 1 are:

1 - Regional Forum: Each agency seeking coverage under Section 4(d) of the ESA, by means of the Regional Guidelines, will appoint a member to the Managers' Committee. The Managers' Committee provides a regional forum for ESA Program discussion, coordination, and adaptive management. This committee is expected to include many of the participants in the Regional Road Maintenance Technical Working Group, providing a desirable consistency from development to implementation.

2 - Program Review and Approval: The program review and approval process will require that each agency participating in the Regional Program comply with the ten program elements.

3 - Best Management Practices and Conservation Outcomes: BMPs and desired conservation outcomes have been developed for all road maintenance activities. These include 14 maintenance categories, 8 BMP outcome categories, procedures for selecting and implementing BMPs, and activity/BMP checklists. The BMPs will be reviewed and updated annually by the Road Maintenance Managers' Committee. The changes recommended by the Managers' Committee will be reviewed by local agencies and the federal services prior to adoption.

4 - Training: Courses will include: basic ESA, design, biological review, permit activities, maintenance activities/BMPs, and monitoring work activities. The training program will be approved by NMFS and USFWS.

5 - Compliance Monitoring: Compliance monitoring will take place at several levels that may include local agency supervisory staff, local agency permitting authorities, and State/Federal permitting authorities. Each local jurisdiction will establish a formal compliance monitoring program.

6 - Scientific Research: Case studies in the field, as well as literature research of studies done by others, are included in this program element. The research will serve to verify effectiveness of BMPs, and update BMPs based on latest technologies.

7 - Adaptive Management: The adaptive management philosophy will apply to all elements of the Regional Road Maintenance ESA Program. The training, research, biological data collection, and program monitoring elements in particular will provide a basis for the Adaptive Management element.

8 - Emergency Response: This element provides a framework and guidelines under which road maintenance organizations can operate during emergencies.

9 - Biological Data Collection: This element includes habitat inventory within the ROW and evaluation of impact of road maintenance activities. The City's year 2001 Stream and Wetland Inventory project will directly address compliance with this element.

10 - Bi-annual Reports: The Managers' Committee will provide bi-annual (every two years) reports to NMFS and USFWS: including a review of the ten elements, update on research, and adaptive management decisions, BMP changes, and updates on each program element.

Part 2 - Best Management Practices - The Regional Road Maintenance Managers' Committee developed, with the approval of the federal services, a standard set of detailed outcome based Best Management Practices (BMPs) to be utilized by road maintenance agencies while performing maintenance activities. Part 2 is organized by Outcome Category (i.e., Keeping Water From Work Area, Reduce Soil From Becoming Air Borne, Reduce Contaminants Falling Into Water), to aid road crew supervisors, environmental support staff, and design engineers in selecting BMPs which achieve the desired outcome(s). The intent of these BMPs is to minimize impacts to water quality and habitat resulting from maintenance activities. The BMPs are flexible and adaptive in nature, allowing the outcome to be used as the measure of performance. The Regional Road Maintenance Managers' Committee will provide a forum for review, update, adoption of the BMPs, and the development of a training program outlined in Part 1, Program Element 4. The Managers' Committee, through adaptive management (including monitoring of the training program), will make changes to incorporate new information into the program as needed.

Part 3 - Individual Jurisdiction Program - This is an Individual Agency application for exemption of 4(d) Rule take prohibitions under the model program. Part 3, known as the "Plug and Play" element of the program, allows local jurisdictions to "plug" into the model program (Parts 1 and 2) to receive 4(d) coverage. Part 3 is a document that demonstrates how a specific jurisdiction will comply with the ten program elements contained in Part 1. Staff has prepared a draft Part 3 document for the City of Shoreline.

Part 3 includes a commitment to participate in the Regional Road Maintenance Managers' Committee discussions and activities as they pertain to the regional program. Part 3 also includes a commitment to develop a City Stormwater Forum that would include assigned maintenance and operation supervisors and environmental personnel. The City Stormwater Forum's role is to coordinate implementation of the City of Shoreline's Part 3 program, which includes review, coordination, and adaptive management (including preparing periodic reports for the Regional Road Maintenance Committee meetings). This Forum is an interdepartmental working group that is similar to Shoreline's Sidewalk and Curb Ramp Repair, and Drainage Task Teams.

Each agency's individual written program will be reviewed by the Washington State Department of Transportation (WSDOT) Highways and Local Program, Olympia Service Center to ensure that all ten program elements are included. NMFS and USFWS will issue approval for each Agency to receive a take limit.

Aquatic Programmatic Routine Road Maintenance Biological Review for WA State

The Regional Road Maintenance Technical Working Group has contracted with URS Greiner Woodward Clyde to conduct a biological review to determine if the Regional Guidelines program will maintain properly functioning habitat conditions and help determine if the Guidelines are an acceptable instrument for granting 4(d) coverage. *NMFS defines "properly functioning habitat conditions" as the sustained presence of natural habitat-forming processes that are necessary for the long-term survival of salmonids through the full range of environmental variation.* The aquatic programmatic biological review was prepared with the assistance of WSDOT and King County biologists under the guidance of the Services (NMFS and USFWS).

This biological review was designed to address many of the non-federal routine road maintenance activities that are conducted within Washington State. It is a non-location specific biological review within Washington State for any jurisdiction desiring its routine road maintenance activities to qualify under section 4 (d) Limit (10)(ii). The biological review covers any jurisdiction that submits a Part 3 program that is reviewed by Washington State Department of Transportation (WSDOT) and approved by NMFS or USFWS to plug into The Regional Road Maintenance Endangered Species Act Program Guidelines (Program).

OREGON DEPARTARTMENT OF TRANSPORTATION (ODOT) BMP MANUAL IS NOT AN OPTION

Some jurisdictions in Washington State have investigated whether adopting the ODOT Manual would be a viable option for protection under the 4(d) Rule, because this manual is listed as a reference in the Federal Register publication of the 4(d) Rule. Limit No. 10(i) of the 4(d) Rule issued by NMFS on July 10, 2000 exempts the Oregon Department of Transportation (ODOT) from take prohibitions for routine road maintenance activities. This exemption applies to work conducted by ODOT employees (or their agents), that complies with ODOT's Transportation Maintenance Management System Water Quality and Habitat Guide (July, 1999). However, NMFS has made it clear that this is not an option in Washington, as the ODOT Manual does not cover all the provisions for the acceptance by NMFS of another jurisdiction's adoption of the Oregon plan.

In a 10/23/00 letter to the WSDOT, Robert Turner, NMFS Washington Area Director, makes it clear that adopting the ODOT Manual is not appropriate in Washington State.

> *"NMFS believes the emerging road maintenance programs in Washington [i.e. the Regional Guidelines] provide the best paths to a limitation within the 4(d) Rule. Anything less than the programs developed within Washington*

simply would not be found to meet properly functioning habitat conditions and would not warrant a limitation of the take prohibition."

The NMFS acceptance of the Oregon plan is based on many specific evaluations of ODOT staffing, training, tracking and reporting capabilities. According to NMFS, it would be problematic for another jurisdiction to adopt the ODOT program because the ODOT Manual includes agency-specific Standard Operating Procedures (SOP), as opposed to a regional, umbrella program approach (such as that of the Regional Guidelines program). NMFS has confidence in these SOPs as a result of having spent significant time and analysis to developing the program with ODOT. Due to staffing limitations, NMFS does not anticipate developing the same level of expertise with a variety of program's of each of the jurisdictions in Washington that are now interested in coverage under the 4(d) Rule for road maintenance programs.

The Regional Road Maintenance Technical Working Group has determined that the ODOT program would be difficult for field staff in Washington State to implement (as compared to the Regional Guidelines program) due to the way the manual is written. There is very little definition in the ODOT Manual (a lot of words like "if feasible", "where appropriate", and "where practicable" are used). NMFS prefers that other jurisdictions adopt a program like the Regional Guidelines program because it is based on outcomes specific BMP guidelines, and it includes provisions, such as training and monitoring, within the body of the program.

IMPLEMENTATION COSTS

A significant benefit to adopting the Regional Guidelines is that WSDOT and King County have absorbed the development costs for this program. There is also significant benefit from economies of scale savings that would be derived from distributing costs associated with Part 1, Elements 5, 6, 7, 9, and 10 among the jurisdictions participating in the Road Maintenance Managers' Committee.

There would be increased costs to the City's Road Maintenance Program to implement the program. However, many of these costs would occur anyway in order to maintain historic levels of service while adapting field operations procedures to protect against take of a listed species. Some of these costs were anticipated and incorporated into the year 2001 Budget, but there are additional unbudgeted costs discussed in the following paragraph. Also, the ongoing Stream and Wetland Inventory and the Drainage Infrastructure Inventory that are included in the year 2001 Budget will directly address compliance with the biological data collection requirement of the Regional Program (Part 1, Element 9).

Below are estimates of additional costs for implementing the Regional Guidelines Program. The unanticipated costs for implementing Part 1 of the Regional Program will result from increased training of staff (Element 4), increased staffing hours (approximately 200 hrs/yr) for participation in the Road Maintenance Managers' Committee (Element 1), participation in research (Element 6), and preparing reports (Element 10). The annual roads operating cost increase (for road maintenance operations and maintenance of stormwater facilities) are associated with implementing Part 2 (BMPs). The 2001 road maintenance operations budget for maintenance staff,

operating supplies, small tools and equipment, and repairs and maintenance is $164,170. Estimated additional costs related to the implementation of the proposed program are summarized below. Public Works staff has had preliminary discussions with the Finance Department and will return with specific cost figures as part of the 2002 budget submission.

Annual Roads Operating Cost Increase:	
Staff Administration	$ 4,925
Implementation	16,417
Annual Costs Associated with Implementing Part 1*	4,792
Total Annual Road Maintenance Cost Increase	$26,134

* *This includes Participation in the Road Maintenance Managers' Committee and research projects, and preparing quarterly reports.*

Training Costs (one time)	$49,796

There may also be additional road maintenance costs associated with the anticipated update of the Washington Department of Ecology's Storm Water Manual. The approved manual update may include requirements that would set time frame and quantity benchmarks for maintenance of roads and drainage systems. These could require the need for more maintenance in areas that we previously had not planned for.

PROGRAM REVIEW

The Regional Guidelines, Part 2 Element 2, "*Program Review and Approval*", was suggested by NMFS as a means of providing a preliminary screening of local jurisdiction' individual agency road maintenance programs to ensure that each jurisdiction seeking 4(d) coverage under the Regional Guidelines has a plan to implement each of the program elements. The Regional Road Maintenance Working Group is coordinating a "batch" review of Part 3 documents from participating jurisdictions to test the screening process they have set up with WSDOT and NMFS. An advantage to participating in the test review is that NMFS has agreed to expedite this first batch. Late comers may have to fall in line behind other NMFS review tasks, including their workload for reviewing federal nexus projects under Section 7 of the ESA. The NMFS's approval process includes publishing individual jurisdiction's Part 3 documents in the Federal Register for a 30-day public review. This will include a reference to the biological review to determine if the program is adequate to protect functioning habitat conditions. The Regional Working Group is now finalizing this biological review with NMFS.

Concurrent Activities for Review Process:

The NMFS publishes Part 1 & Part 2 of the Regional Guidelines in the Federal Register for a 30-day public review.

The WSDOT and Regional Working Group screening review of Part 3 documents submitted by participating jurisdictions. The reviewers will then highlight issues and walk through the reviews with NMFS.

Next Steps for Review Process:

Jurisdictions that complete the screening review process would then submit to NMFS their Part 3 documents and letters of commitment to implement the Regional Guidelines. After review and approval, NMFS will publish these submittals in the Federal Register for a 30-day comment period.

CONCLUSION

The Regional Guidelines are being established as a statewide standard for road maintenance work. Adopting these guidelines is beneficial to Shoreline's Road Maintenance program. The Regional Guidelines framework has already been established, under the guidance of NMFS and USFWS, and the development costs have been absorbed by WSDOT, King County and other local jurisdictions that have participated in the Regional Road Maintenance Technical Working Group. The Regional Guidelines include a comprehensive training program, and the procedures are well defined and practicable. Our participation at this time will allow Shoreline's specific application of the guidelines to be approved by NMFS in a timely manner. A commitment to implementing the Regional Guidelines will allow Shoreline to perform routine maintenance work, and provide a measure of legal protection to both the City and staff.

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