

## HB 2688 and SB 6398, to remove congestion relief as a transportation policy goal and reduce legislative authority to fund transportation projects

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### Key Facts

1. Though traffic congestion relief is a policy goal, WSDOT officials are pursuing the policy of managing, rather than reducing congestion. Between 2011 and 2017, traffic delays increased 108 percent.
2. There are bills being considered during the 2020 legislative session that would change the state's transportation policy goals; most of the legislation seeks to dilute the goals even further.
3. House Bill 2688 and its companion, Senate Bill 6398, would remove and replace existing goals with redefined and expanded policy goals that include: accessibility, safety, environment and climate, health and resilience, equity and environmental justice, preservation, and economic vitality. Most notably, this legislation would remove the goal of mobility and congestion relief and would shift power from the Legislature to cabinet agencies for funding transportation projects.
4. Legislation that limits legislative authority to fund transportation projects, removes the goal of mobility and congestion relief from the state's transportation policy goals, and expands the goals so that WSDOT would be nearly unrecognizable as a road and bridge agency – is legislation that seeks to impose unpopular and contradictory political ideology rather than meaningful transportation policy.

### Background

Traffic relief is the most basic goal of any transportation policy and is one of the core responsibilities of the Washington State Department of Transportation (WSDOT). It is the role of state transportation agencies to build safe roads that respond to public demand for capacity and mobility.

In 2000, two final recommendations to the Governor and Legislature from Governor Locke's Blue Ribbon Commission on Transportation included the following<sup>1</sup>:

1. Traffic congestion on urban interstate highways will be significantly reduced and be no worse than the national mean.
2. Delay per driver will be significantly reduced and be no worse than the national mean.

Establishing the reduction of traffic congestion and driver delay as a goal effectively tied transportation spending to increased mobility. Unfortunately, in 2007, these specific benchmarks were replaced with broad transportation policy goals, which included mobility. In 2015, the goal of mobility was amended to include congestion relief. As currently written in statute, those goals include economic vitality, preservation, safety, mobility (congestion relief), environment, and stewardship.

Though congestion relief is a policy goal, WSDOT officials are pursuing the policy of managing, rather than reducing congestion. WSDOT Secretary Roger Millar has noted

1 "Final Recommendations to the Governor and Legislature," The Blue Ribbon Commission on Transportation, November 29, 2000, at <http://leg.wa.gov/JTC/Documents/BlueRibbonCommissionFinalReport.pdf>.

that “traffic congestion is a problem we simply cannot solve.”<sup>2</sup> Efforts to manage travel behavior through tolls, and promoting transit use and walking/biking, have proven to be a disservice to the public, most of whom depend on highways to access employment. Between 2011 and 2017, traffic delays increased 108 percent.<sup>3</sup>

There are bills being considered during the 2020 legislative session that seek to change the state’s transportation policy goals, most of the legislation seeking to dilute the goals even further. This Legislative Memo outlines House Bill 2688 and its companion, Senate Bill 6398, and provides a brief analysis as to whether this legislation represents good public policy.

### Bill summary

House Bill 2688<sup>4</sup> and its companion, Senate Bill 6398,<sup>5</sup> remove and replace existing goals with redefined and expanded policy goals that include: accessibility, safety, environment and climate, health and resilience, equity and environmental justice, preservation, and economic vitality. These bills also establish vague, qualitative metrics, and attempt to prohibit legislative authority in funding transportation projects, instead requiring all transportation projects be vetted and scored by multiple state agencies in accordance with the new goals and metrics. WSDOT testified in support of this legislation.

### Bill analysis

This legislation would completely modify the existing transportation policy goals, most

notably removing the goal of mobility and congestion relief, replacing the goals with vague language, and shifting power from the Legislature to cabinet agencies for funding transportation projects.

This represents bad policy on many levels. First, it effectively solidifies WSDOT not as a transportation agency with a specified servant role, but as a large and amorphous government body that grants the right of mobility to people only insofar as government agencies determine it is appropriate in accordance with planning ideology. Most concerning is that WSDOT testified in support of this legislation and said the new policy goals are in line with the agency’s new strategic plan, which is similarly broad and expands the agency’s role far outside the bounds what it was intended to do.

These bills also attempt to limit legislative authority to fund transportation projects. A project would first have to “undergo an evaluation, guided by the goals,” reviewed by multiple public agencies, and scored accordingly. The projects must also be included in a regional transportation planning organization’s existing plan. This shift in authority – away from the Legislature and the people to the executive branch – raises serious concerns about constitutionality and accountability.

Additionally, the metrics established in the legislation are nebulous and could be easily abused.

For example, the goal of “health and resilience” seeks to “promote healthy people and communities through pollution-free transportation, multimodal transportation, integrated land use and transportation projects, clean active transportation, and appropriate infrastructure.” The way that goal is measured is through things like: “promotion of healthy communities,” “the ability of pedestrians to use the built environment,” “increasing opportunities for physical activity,” and “prevention of displacement and increases in community connectedness.” It is not appropriate or advisable for WSDOT to have authority to determine whether how someone travels or lives is healthy or promotes sufficient physical activity. It is also not possible for

2 “Fixing traffic congestion ‘impossible,’ says Washington transportation chief,” Seattle PI, July 26, 2018, at <https://www.seattlepi.com/local/transportation/article/traffic-congestion-seattle-impossible-roger-millar-13108176.php>.

3 “2018 Biennial Transportation Attainment Report,” Washington State Department of Transportation, October 2018, at <https://www.wsdot.wa.gov/publications/fulltext/LegReports/17-19/2018AttainmentReport.pdf>.

4 House Bill 2688, Washington State Legislature, Introduced January 17, 2020, at <https://app.leg.wa.gov/billsummary?BillNumber=2688&Initiative=false&Year=2019>.

5 Senate Bill 6398, Washington State Legislature, Introduced January 16, 2020, at <https://app.leg.wa.gov/billsummary?BillNumber=6398&Chamber=Senate&Year=2019>.

WSDOT, or any agency, to measure whether a community is adequately “connected.”

The goal of “equity and environmental justice” is similarly vague and impossible to implement. The goal seeks to “eliminate historic and persistent barriers and prioritize investments meeting the goals in this section for highly impacted communities and vulnerable populations...” How would WSDOT eliminate historic and persistent barriers? Who determines what those barriers are? The metrics for this goal are also problematic, and include things like “targeting system investments for the reduction of harm” – giving policymakers the right and power to determine what is harmful for people who should be encouraged to make that determination for themselves.

Another metric includes “equitable participation in system decision making by vulnerable populations.” Ironically, this legislation overhauls the state transportation policy goals having had no process in place for examining the goals and including the public, much less vulnerable populations, in evaluating whether they need to be changed in the first place.

Another goal targets “environment and climate” and is measured, in part, by how well it decreases vehicle miles traveled. The connection made between environmental impact and reducing how much people drive is not meaningful, especially as vehicles are increasingly fuel-efficient. According to the Environmental Protection Agency, though driving between 1970 and 2018 increased about 90 percent nationally, the sum total of carbon monoxide, particulate matter, and other toxic pollutants declined by 89 percent.<sup>6</sup> This reduction was achieved by targeting the technology of individual cars – not overall travel behavior.

If reducing greenhouse gas emissions is a sincere goal, the way to achieve it is not to reduce driving through policies that increase traffic congestion and fuel consumption – but

to support innovation that will make vehicles more fuel-efficient or emission-free.

Some policymakers advocate that transit is also a way to be more energy-efficient, compared to driving. However, the National Transit Database (NTD) reveals that since 2016, “transit has used more energy than the average of cars and light trucks together.”<sup>7</sup> The reason for this is that transit requires more energy to move one person per mile. Looking at just the top 100 urban areas in the nation, “transit emits more greenhouse gases per passenger mile than the average car in 93 of them and more than the average truck in 90 of them.” This is happening because ridership is declining, “but transit agencies aren’t proportionately reducing miles of transit service.” Instead, transit agencies are spending more public money on electric buses, but the efficiencies simply do not compensate for the continued ridership decline.

Using the environment as a way to justify the restriction of personal mobility, coupled with the goal of “accessibility,” paints a telling picture of what these bills seek to accomplish. The goal of “accessibility,” is measured, in part, by how well it expands public transportation. However, despite decades of spending on the expansion of transit, people continue to depend on their vehicles for work and personal trips.

Further, people need more than just “access” to a particular travel mode. They need *competitive* access to the greatest number of jobs and opportunities within 30 minutes, which is overwhelmingly provided by automobiles. In other words, coercing a working family out of a car and into transit may reduce the number of jobs they can access in the shortest period of time, and could ultimately reduce their quality of life.

According to a Progressive Policy Institute study on transportation and welfare reform, the bias of policymakers toward access to public transit systems does not address the

6 “National Tier 1 Caps” Excel Spreadsheet, Environmental Protection Agency, March 8, 2019, at [https://www.epa.gov/sites/production/files/2018-04/national\\_tier1\\_caps.xlsx](https://www.epa.gov/sites/production/files/2018-04/national_tier1_caps.xlsx).

7 “Urban transit is an energy hog,” by Randal O’Toole, Policy Brief, The Antiplanner, December 24, 2019, at <https://ti.org/antiplanner/?p=16709>.

challenge of low-income people to access “distant jobs on difficult schedules.”<sup>8</sup>

In sum, these two bills codify political ideology, and are in no way meaningful or helpful to the core objectives laid out in law for the Washington State Department of Transportation. Rather than growing WSDOT and allowing the agency to abandon its role as the state’s only agency that should expand and maintain roads and bridges, lawmakers should instead look at policies that would get WSDOT back on track.

## Policy recommendation

The state has enough of a challenge meeting existing policy goals – specifically the goal of reducing traffic congestion, which is a basic function of our state Department of Transportation. Rather than broadening or changing existing goals, in part or in whole, lawmakers should consider studying how these goals can be made more narrow, measurable and achievable. WSDOT is fundamentally a road and bridge agency, and should not extend into areas of public health or social engineering, while rejecting its responsibility for improving mobility for all Washingtonians.

A good place to start in narrowing existing goals would be to reinstate the two performance metrics for reducing traffic delays that were outlined in the 2000 Blue Ribbon Commission. This would ensure that WSDOT officials are fulfilling their core duty to the public and are able to be held accountable for what they do or do not accomplish with the tax dollars they receive.

## Conclusion

Legislation that limits legislative authority to fund transportation projects, removes the goal of mobility and congestion relief from the state’s transportation policy goals, and expands the goals so that WSDOT would be nearly unrecognizable as a road and bridge

agency – is legislation that seeks to impose unpopular and contradictory political ideology rather than meaningful transportation policy. It is not in the public interest. WSDOT’s support of such legislation, especially as it would give the agency and executive branch comparably greater power than the Legislature to fund transportation projects, should concern state lawmakers and citizens.

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8 “Working far from home: transportation and welfare reform in the ten big states,” by Margy Waller and Mark Alan Hughes, Progressive Policy Institute, August 1, 1999, at <https://www.progressivepolicy.org/wp-content/uploads/2014/06/1999.08.01-Waller-and-Alan-Hughes-Working-Far-From-Home-Transportation-and-Welfare-Reform-in-the-Ten-Big-States.pdf>.