

The public wants congestion relief, not social engineering; a review of bills that seek to change state transportation policy goals

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Key Findings

1. HB 2461 and SB 6452 would add “health” to the state transportation policy goals, a term that is redundant, unnecessary, and unmeasurable.
2. The Department of Transportation says the bills would have no fiscal impact because they “already consider health implications in active transportation in their work.”
3. House Bill 2688 and its companion, Senate Bill 6398, would modify the existing transportation policy goals, 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.
4. Transportation officials say HB 2688 supports the agency’s strategic plan, which is similarly broad and expands the agency’s power far beyond what it is supposed to do.
5. HB 2285 would serve the public by promoting maintenance and preservation, which would meet WSDOT’s goal of reducing the state’s growing maintenance and preservation backlog.
6. Rather than broadening or changing existing goals, lawmakers should consider how these goals can be made more narrow, measurable and achievable. WSDOT should not engage in public health or social engineering, while neglecting its responsibility to improve mobility for all Washingtonians.

Introduction

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 the public’s need 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 following¹:

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 and public accountability. 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 again include congestion relief.

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>.

As currently written in statute, those goals include:

1. **Economic vitality:** to promote and develop transportation systems that stimulate, support and enhance the movement of people and goods to ensure a prosperous economy;
2. **Preservation:** to maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;
3. **Safety:** to provide for and improve the safety and security of transportation customers and the transportation system;
4. **Mobility:** to improve the predictable movement of goods and people throughout Washington state, including congestion relief and improved freight mobility.
5. **Environment:** to enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and
6. **Stewardship:** to continuously improve the quality, effectiveness, and efficiency of the transportation system.

Though congestion relief is a key policy goal, WSDOT officials are pursuing the policy of managing, rather than reducing congestion. WSDOT Secretary Roger Millar has declared that “traffic congestion is a problem we simply cannot solve.”² 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 for to access employment. Between 2011 and 2017, traffic delays in our state increased 108 percent.³

Washington Policy Center has, for years, supported congestion relief as a core policy goal, as well as the reinstatement of the Blue Ribbon Commission performance benchmarks that ensure WSDOT performs its core responsibility to the public.

There are bills being considered during the 2020 legislative session that seek to change the state's transportation policy goals, with most of the legislation seeking to dilute the goals even further. This study outlines each of these bills and provides a brief analysis on whether they represent good public policy. Good transportation policy is that which uses tax money responsibly to meet the public's need for congestion relief.

Bill summaries

There are several proposals this year in both the Senate and House of Representatives, and more may be offered during the second half of the 60-day 2020 legislative session. Below is a list of bills that seek to change and weaken the transportation policy goals currently in state law.

2 “Fixing traffic congestion ‘impossible,’ says Washington transportation chief,” The Seattle P.I., 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>.

House Bill 2461⁴ and its companion, Senate Bill 6452⁵, would add “health” to the state transportation policy goals, “to improve the health of Washington’s residents, by considering health implications and encouraging active transportation when designing, building, and maintaining Washington’s transportation system.”

House Bill 2688⁶ and its companion, Senate Bill 6398⁷, 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. These bills would 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.

House Bill 2285⁸ would elevate maintenance and preservation in transportation planning, “with preservation and safety being the preeminent priority.” Preservation is defined as “maintain[ing], preserv[ing], and extend[ing] the life and utility of prior investments in transportation systems and services.” The bill would also direct the executive branch, during the 2022 legislative session, to “establish objectives and plan in furtherance of reducing the preservation and maintenance backlog in the transportation system.”

Bill analysis

House Bill 2461 and its companion, Senate Bill 6452, which seek to add “health” to the state transportation policy goals, are redundant, unnecessary, and unmeasurable. Public health is already covered in the existing transportation policy goals, under the goal of environment, which includes “enhancing healthy communities.” The Department of Transportation indicated there is no fiscal impact for this legislation because they “already consider health implications in active transportation in their work and they could establish measurable objectives and related performance measures within existing resources.”⁹

Further, the goal of health in both existing and proposed versions of the transportation policy goals is not useful or measurable, especially in terms of travel, in helping WSDOT achieve its core function of safely moving people and goods throughout our state.

The proposed bills seek to improve health by “considering health implications” and “encouraging active transportation” when projects are designed and added to the transportation system. This bill tries to use the value of health as a qualitative, vague goal that policymakers could appeal to for the purpose of advancing projects they like (such as pedestrian trails or bike facilities, which are not widely used for work commutes). At a practical level, adding health would lengthen a list of goals WSDOT already struggles to meet (see “congestion relief”).

Rather than adding to the list, WSDOT should seek to make the existing list more measurable, and thus more meaningful in practice.

4 House Bill 2461, Washington State Legislature, introduced January 14, 2020, at <https://app.leg.wa.gov/bills/summary?BillNumber=2461&Year=2019&Initiative=false>.

5 Senate Bill 6452, Washington State Legislature, introduced January 17, 2020, at <https://app.leg.wa.gov/bills/summary?BillNumber=6452&Chamber=Senate&Year=2019>.

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

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

8 House Bill 2285, Washington State Legislature, introduced January 2, 2020, at <https://app.leg.wa.gov/bills/summary?BillNumber=2285&Initiative=false&Year=2019>.

9 Public hearing on House Bill 2461, TVW, January 22, 2020, at <https://www.tvw.org/watch/?clientID=9375922947&eventId=2020011238&startStreamAt=2503&autoStartStream=true>.

House Bill 2688 and its companion, Senate Bill 6398, would completely modify the existing transportation policy goals, most notably removing the goal of mobility and congestion relief, replacing the goals with even more broad and vague language, and shifting power from the legislature to cabinet agencies with regard to funding transportation projects.

These two bills represent bad public policy on many levels. First, this would effectively solidify WSDOT not as a transportation agency with a specified servant role, but as a large and amorphous government body that would grant mobility to people only to the extent government agencies determine it is appropriate in accordance with planning ideology.

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 would also have to be included in a regional transportation planning organization’s existing plan.

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 would be 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 nor advisable for WSDOT to have authority to determine whether how someone chooses to travel or live is healthy or promotes sufficient physical activity. It is also not possible for WSDOT, or any agency, to measure whether a community is adequately “connected.”

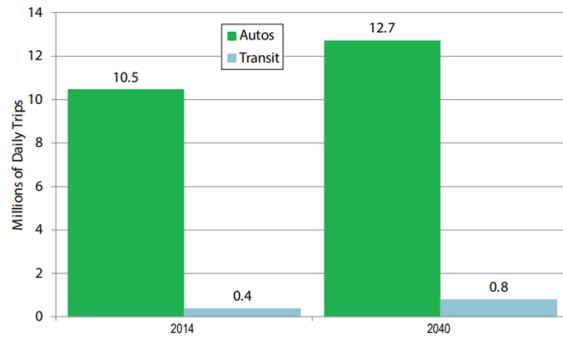
The goal of “equity and environmental justice” is similarly vague and impossible to implement. The goal seeks to “eliminate historic and persistent barriers and prioritize investments meeting the goals in this section for highly impacted communities and vulnerable populations...” How would WSDOT eliminate historic and persistent barriers? Who determines what those barriers are? Why should policymakers or agency officials have the authority to determine transportation goals for vulnerable populations?

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

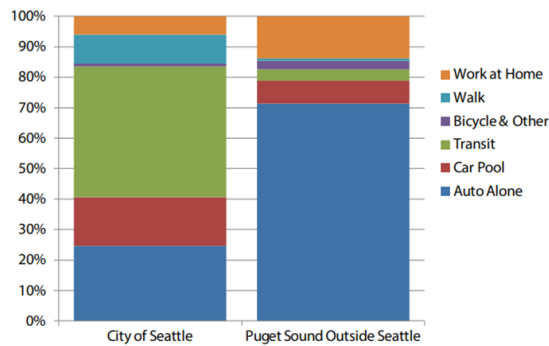
Puget Sound Daily Trips: 2014-2040 AUTO & TRANSIT



Derived from PSRC, Sound Transit & FTA

Figure 19

Employment & Transit Commuting Change PUGET SOUND: 2010-2017 PERCENTAGE



Derived from American Community Survey

Figure 10

other toxic pollutants declined by 89 percent.¹⁰ This reduction was achieved by improving 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 individual vehicles more fuel-efficient or emission-free.

Using the environment as a way to justify the restriction of personal mobility, coupled with the goal of “accessibility,” provides a revealing picture of what the sponsors of these bills seek to accomplish. The goal of “accessibility,” would be 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.

In the Puget Sound region, transit makes up 48 percent of work trips into downtown Seattle, but it is a niche market, because only about 12 percent of regional employment is located in Seattle. Outside of Seattle, 76 percent of work trips are made by car, and only 3.5 percent of work trips are on transit.¹¹

¹⁰ “National Tier 1 Caps” Excel spreadsheet, United States Environmental Protection Agency (EPA), March 8, 2019, at https://www.epa.gov/sites/production/files/2018-04/national_tier1_caps.xlsx.

¹¹ “Moving toward more accessible and productive transportation in the Puget Sound,” by Wendell Cox, Policy Brief, Washington Policy Center, October 2019, at <https://www.washingtonpolicy.org/library/doclib/Cox-Toward-More-Accessible-and-Productive-Transportation-in-the-Puget-Sound-REVISED.pdf>.

The Puget Sound Regional Council (PSRC) reports that transit made up only five percent of personal (non-work commute) trips in 2014, and in any scenario, would only increase by one percent.

Even under an optimistic scenario for 2050, transit mode share would increase just one percent during work commute hours – and would stay flat for non-commute trips.¹²

Further, people need more than just “access” to a particular travel mode. They need competitive access to the greatest number of jobs within 30 minutes. 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 challenge of low-income people to access “distant jobs on difficult schedules.” The authors of the study report:

“Prosperity in America has always been strongly related to mobility and poor people work hard for access to opportunities. For both the rural and inner-city poor, access means being able to reach the prosperous suburbs of our booming metropolitan economies, and mobility means having the private automobile necessary for the trip. The most important response to the policy challenge of job access for those leaving welfare is the continued and expanded use of cars by low-income workers.”¹³

The perception that expanding transit would reduce how much people drive and would make a significant impact on environment is wrong. There is no regional projection, even from the PSRC, that indicates that this vision will materialize, suggesting that driving reduction and transit expansion goals serve a narrow political purpose.

More broadly, “no major metropolitan area in the world has seriously considered a system that would achieve auto-competitiveness” and efforts to achieve this “could consume most or all of the household income of a metropolitan area.”¹⁴

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.

Concerningly, WSDOT testified in support of this legislation as it supports the agency’s new strategic plan (represented by the image to the right, from WSDOT), which is similarly broad and expands the agency’s role far outside the bounds what it was intended to do. Rather than growing WSDOT even further and allowing it to abandon its role as the state’s only agency that



12 “Regional planners show after billions spend, traffic congestion gets worse,” by Eastside Transportation Association, April 22, 2019, at <https://www.eastsidetransportation.org/post/regional-planners-show-after-billions-spent-traffic-congestion-gets-worse>.

13 “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.

14 Ibid.

expands and maintain roads and bridges, lawmakers should instead look at policies that would get WSDOT back on track.

House Bill 2285, which would elevate maintenance and preservation in transportation planning, seems most responsive to both the public and to WSDOT's emphasis on the need to reduce the state's growing maintenance and preservation backlog. Ongoing maintenance is necessary to keep our existing infrastructure working. Though codifying that preservation and safety should be the preeminent priority for WSDOT is sensible, there is no need to reorder the goals as the bill does, since they are not listed in a ranked order. It is worth noting there is no fiscal impact for this bill either, because "the requirements of the bill are consistent with current agency work."¹⁵

Policy recommendation

State transportation officials are having enough problems in meeting existing policy goals – specifically the goal of reducing traffic congestion, which is a basic function of our state DOT. 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 veer 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 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

Of all the bills being considered to change the state's transportation policy goals, House Bill 2285 is the only one that responds to the need to get the state's transportation system repaired so that it safely serves the public that has paid for it.

Proposals that add to the state's transportation policy goals, remove the goal of mobility and congestion relief, reduce legislative authority to fund transportation projects or expand goals so that WSDOT would be nearly unrecognizable as a road and bridge agency – ultimately seek to impose unpopular and contradictory political ideology rather than meaningful transportation policy. This is not in the public interest. WSDOT's support of such legislation, especially as it would give the agency comparably greater power than the legislature to fund transportation projects, should concern state lawmakers and citizens.

Mariya Frost is the director of the Coles Center for Transportation at Washington Policy Center. Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.

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¹⁵ Public hearing on House Bill 2285, TVW, January 22, 2020, at <https://www.tvw.org/watch/?clientID=9375922947&eventID=2020011238&startStreamAt=2440&autoStartStream=true>.