
CHAPTER NINE

IMPROVING MOBILITY AND TRANSPORTATION SERVICES

1. Policy recommendation: Direct public spending to traffic congestion relief and increasing mobility rather than reducing trips

Providing traffic congestion relief is the most basic tenet in transportation policy, yet state officials do not actually tie annual spending to measurable benchmarks of progress that would require them to improve mobility and reduce people's commute times.

In 2000, Washington's Blue Ribbon Commission on Transportation identified several ways to measure the effectiveness of the state's transportation system. These performance measures were very specific and some were adopted into law. They included:

- Traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean.
- Delay per driver shall be significantly reduced and no worse than the national mean.

Lawmakers repealed benchmarks

However, in 2007 lawmakers repealed those benchmarks and replaced them with five vague transportation policy goals. Lawmakers added a sixth goal in 2010. Only one of the six policy goals sought to reduce travel times. "Mobility," as the legislature defines it, is an effort to "improve the predictable movement of goods and people throughout Washington State," not necessarily improve travel times.

Lawmakers enhanced the policy goal of better mobility as part of the 2015 transportation package by adding Washington Policy Center recommendations to improve congestion relief and speed freight mobility, but they decided against continuing the performance-based benchmarks that had previously been part of the law.

The continued lack of performance benchmarks is based on the Washington State Department of Transportation (WSDOT) Secretary's pessimistic view that "Traffic congestion...is a problem we simply cannot solve."¹

Failing to report traffic delays

WSDOT officials have even stopped reporting statewide delay altogether, despite being required by statute to reduce traffic congestion. The agency is, instead, focused on reducing vehicle trips, managing congestion through tolls, and encouraging transit expansion and use. This policy of reducing rather than accommodating people's daily trips, promoted by broad moral and environmental claims about vehicle pollution, is counterproductive to a growing and healthy economy.

Rather than spending billions of dollars on alternatives most working families will not use, any pollution or access-related problems with automobiles should be solved head-on (for example, by making automobiles cleaner, and by allowing safe deployment of automated vehicles to enhance mobility for low-income, disabled and senior communities).

Reducing traffic congestion by 20%

1 "WSDOT's Roger Millar: 'We must become stewards of the transportation system,'" American Association of State Highway and Transportation Officials (AASHTO) Journal, July 20, 2018, at <https://news.transportation.org/Pages/072018millar.aspx#.W1XWL6CGBNA.twitter>.

The Washington State Auditor's office determined in 2007 that over a five-year period, if congestion relief were prioritized, it could be reduced up to 20 percent, lowering vehicle emissions and saving travelers up to \$400 million.² The Auditor's Office said that transportation spending "should be measured, in part, based on how many hours of delay can be reduced for each million dollars" spent.³

The Auditor also recommended lawmakers, "Apply congestion-related goals, objectives and benchmarks to all highway and transit-related investments" and "elevate congestion reduction benefits in all decision-making processes."⁴

Conclusion

Lawmakers should amend current transportation law to return to a system based on performance metrics like those identified by Governor Locke's Blue Ribbon Commission. Reinstating these measures would show the public that policymakers are committed to reducing traffic congestion and making trips quicker, to increase mobility in ways that serve the public interest.

2. Policy recommendation: use more public-private partnerships to improve roads and reduce costs

Officials in Washington state say they need more money to pay for transportation infrastructure. They claim traditional funding methods like state and federal gas taxes are not keeping up with the rising cost of Washington's transportation program, resulting in

2 "Washington State Department of Transportation, Managing and Reducing Congestion in Puget Sound," Performance Audit Report, Washington State Auditor's Office, October 10, 2007, at <http://portal.sao.wa.gov/ReportSearch/Home/ViewReportFile?arn=1000006&isFinding=false&sp=true#search=congestion%20relief>

3 Ibid.

4 Ibid.

growing problems in meeting the state's transportation expansion, maintenance and safety needs.

Artificial cost increases, however, like rules that inflate prevailing wages, excessive planning, permitting mandates and the practice of state officials taxing their own construction projects, continue to put pressure on budgets to maintain and expand infrastructure. As public demand for highway travel outpaces the supply of travel lanes, drivers experience increased traffic congestion. As an example, the city of Seattle ranks sixth for worst traffic congestion in the United States, with drivers wasting 138 hours each year sitting in traffic.⁵

Tapping the private sector

In many states, officials are tapping the private sector to maintain and expand public roads and increase mobility, while reducing costs. Public-private partnerships are a popular way to build public roads both in other countries and in states like Virginia, Texas, Florida and California.

A public-private partnership is a legal contract between government officials and private companies to design, build, operate, maintain and finance needed public infrastructure. In short, public-private partnerships allow the public sector to shift financial risk from taxpayers to private investors.

Blocking innovative partnerships

In Washington, however, state officials are reluctant to use private financing to build public infrastructure. Washington was one of the first states to adopt a public-private partnership law in 1993, but changing political circumstances led to the law's repeal with passage of the Transportation Innovations Partnerships Act of

5 "INRIX 2018 Global Traffic Scorecard," INRIX Analytics, Kirkland, Washington, 2018, at <http://inrix.com/scorecard/#>.

2005.

The bill's title indicated intent to attract private capital for highway projects, but the text of the law has had the opposite result, effectively blocking private investment in building public infrastructure in Washington.

Officials say traffic congestion in the Puget Sound region will continue to worsen, raising costs and stifling economic growth. Congestion also harms the environment, as cars, trucks and buses idle in traffic, leading to lower air quality and increased public health risks.

Conclusion

Lawmakers should recognize the positive role private finance can play in building public infrastructure and improving mobility in our state. Amending the restrictive 2005 law would attract private investment to public projects, get badly needed road projects built, and protect taxpayers from higher taxes and bailouts.

3. Policy recommendation: Improve Sound Transit's accountability and governance

The regional transit authority in the Puget Sound region known as Sound Transit is governed by a board of 18 appointed members, including the Secretary of the Washington State Department of Transportation (WSDOT). Fourteen of these members are local elected officials who are hand-picked by just three people – the county executives of King, Pierce, and Snohomish counties. The majority (nine) of the board member appointments are controlled by one person – the King County Executive.

Not accountable to voters

Like any other legislative body, the Sound Transit Board meets regularly, is subject to transparency and open meeting laws, has taxing authority, and makes policy and budget decisions for the agency. Unlike a legislative body, however, the board is appointed and not directly accountable to voters.

The practice of appointing board members to a powerful public agency, especially when most appointments are controlled by one person, shields Sound Transit officials from the direct accountability one might expect from a large, multi-billion-dollar government agency.

Weak public oversight

Sound Transit's accountability arm, the Citizen's Oversight Panel (COP), is supposed to be an independent group of citizen experts that serve a watchdog role, yet its members are hand-picked by the very officials the COP is intended to watch, the unelected Sound Transit Board of Directors. This presents a serious ethics conflict.

In 2012, the State Auditor found many conflicts of interest both within the Board and its Citizen Oversight Panel, which was packed with former board members and favored individuals who worked for companies that profited from Sound Transit contracts.⁶

Violating the “one person one vote” principle

In addition, Sound Transit's federated board violates the “one person one vote” principle, because some residents have several

⁶ “Sound Transit: Performance Audit of the Citizen Oversight Panel, Adjustments to Planned Investments, Construction Management and Ridership Forecasts,” Washington State Auditor, October 25, 2012, at <http://portal.sao.wa.gov/ReportSearch/Home/ViewReportFile?isFinding=false&arn=1008277>.

board members representing their interests, while others may only have one. For example, under the Sound Transit's Board structure (as of late 2019), a West Seattle resident has three people representing his interests on Sound Transit's Board, while a resident of Mill Creek only has one.

The Washington State Auditor looked at Sound Transit's governance in 2012 and found that:

“When citizens cast their votes for most of these city and county officials, they have no way of knowing whether or not they will one day serve on Sound Transit's Board, or the positions they may take if appointed.”

“Sound Transit voters have no say regarding who will represent them and limited recourse if they are dissatisfied with the decisions of Sound Transit's Board.”⁷

Therefore, the public is unable to hold Sound Transit directly accountable for cost overruns, delayed projects, and concerns over subarea equity and sweeping eminent domain decisions.

Conclusion – don't put Washington's reputation for honest government at risk

The state of Washington has long had a reputation for clean, honest local government. That image is put at risk when a powerful and well-funded public agency like Sound Transit is controlled by the political allies of three country executives, and when the majority of its board members are personally appointed by one elected official.

A new governance structure for Sound Transit would reduce favoritism and special interest influence, would be more

⁷ Ibid.

democratic, and would enable citizens to have a greater voice and equal representation on the governing Board.

4. Policy recommendation: Reform state toll policy to benefit drivers, rather than government agencies

In 1921, officials imposed Washington's first gas tax of one cent per gallon. With this new revenue stream, state leaders were able to build, maintain, and expand Washington's highway network. As the state's transportation infrastructure needs increased, so did the gas tax rate.

Today, Washington's gas tax rate of 49.4 cents, coupled with the federal gas tax rate of 18.4 cents, is 67.8 cents per gallon, the fourth highest in the nation.

Protecting gas tax revenue

Eighty years ago, as they often do today, politicians saw a new and stable revenue stream and began to divert gas tax collections to programs and services not related to roads and highways.

More than \$10 million in gas taxes were diverted to other purposes in the 10 years between 1933 and 1943. Washington voters saw this diversion as unfair and dishonest. In 1944 they voted to add the 18th Amendment to the state constitution to fix the problem. The amendment legally protects fuel taxes and vehicle license fees deposited into the Motor Vehicle Fund, which must be used for highway purposes only.

Adding tolls to public roads

Yet as costs have increased due to wasteful policies, state transportation officials looked to tolls as both a new funding source and a way to manage travel behavior.

People intuitively support public programs and services funded through direct user fees. Road tolls are no exception. When tolls are used to pay for a piece of public infrastructure, like a bridge or a length of highway, and are removed once the project is paid off, drivers naturally understand and generally support the added temporary cost.

Similarly, when tolls are imposed to manage demand and the revenue is spent on the highway where it was collected, users reluctantly agree to pay. For the payer, tolls fund a visible project that results in a tangible benefit.

Diverting road toll revenue

However, as Washington's early experience with gas taxes illustrates, the public becomes less supportive when officials divert toll money to benefit other user groups. People naturally see diversion of toll revenue as unfair.

State lawmakers have authorized tolling on five highway facilities:

- Tacoma Narrows Bridge;
- State Route 167 HOT lanes;
- Interstate 405 Express Toll Lanes;
- State Route 520 floating bridge;
- State Route 99 deep-bore tunnel in Seattle.⁸

Yet only toll revenues from the Tacoma Narrows Bridge and the Interstate 405 Express Toll Lanes are sent to the Motor Vehicle

⁸ Lawmakers authorized tolling on the Columbia River Crossing project in 2012, but authority was cancelled on December 31, 2015 as the project was dismantled.

Fund and are protected for highway purposes only.⁹

Officials divert the toll money taken from drivers using the State Route 520 Bridge, the State Route 167 HOT lanes, and the State Route 99 tunnel in Seattle outside the Motor Vehicle Fund and spend them on non-highway purposes.

This diverted revenue can be used for the “operation of conveyance of people or goods,” suggesting toll revenue not in the Motor Vehicle Fund could be diverted to transit, a non-highway purpose.

Instead of diverting taxes and fees drivers pay to non-highway purposes like transit, officials should constitutionally protect toll revenue for highway purposes only, as is done with gas tax revenue. An even better policy would be to direct road toll revenue to the state Motor Vehicle Fund, thus making sure it is constitutionally protected.

Using tolls to manage travel behavior

In addition to being a major funding source for public officials, tolls are used by the Washington State Department of Transportation (WSDOT) to manage traffic congestion (rather than reduce it) and control driver behavior.

This practice is most evident on Interstate 405, where WSDOT officials have wrongly taken existing, paid-for travel lanes and imposed tolls. Officials had promised that the toll program was a temporary pilot program, dependent on performance and specific requirements.

In 2018, the toll program failed to meet state and federal

9 “Transportation Resource Manual,” Joint Transportation Committee, Washington State Legislature, page 233, January 2015, at http://leg.wa.gov/JTC/trm/Documents/TRM_2015%20Update/CompleteTRM2015.pdf.

requirements that the toll lanes move vehicles 45 miles per hour at least 90 percent of the time. Instead of ending tolls as promised, state officials expanded the tolls and made them permanent.

Even worse, WSDOT and lawmakers nullified the speed requirement on which future toll operation depended, by making it obsolete.¹⁰ Further, they allowed the state to take out loans against future toll revenue – borrowing money and promising to pay it back with tolls that drivers would pay over the next few decades.

On Interstate 405 in particular, the legislation sets up a conflict between WSDOT and the traveling public they are supposed to serve. If the tolls are tied up in paying back long-term debt, WSDOT officials have to maintain gridlock in no-toll general-purpose lanes to make their costly toll lanes look attractive by comparison.

A better approach to tolling policy

Officials should reconsider this self-serving approach to tolling policy and review real alternatives that respond sincerely to public need – alternatives that increase travel choices for all drivers, including those who cannot afford to pay tolls every day.

Washington Policy Center recommends the following five guidelines for implementing tolls that are fair for everyone:

1. The state should have the sole authority to impose tolls, unless otherwise delegated through a defined public-private partnership;

¹⁰ Senate Bill 5825, “Addressing the tolling of Interstate 405, state route number 167, and state route number 509,” Washington State Legislature, 2018 Legislative Session, at <https://app.leg.wa.gov/billssummary?BillNumber=5825&Year=2019&Initiative=false>.

2. Tolls should only be implemented on new lane capacity or to replace an existing public facility. Converting existing, underused HOV lanes to tolled HOT lanes qualifies because it adds new capacity for single-occupant vehicles. Early tolling on an existing roadway should be prohibited, since taxpayers have already paid for it. Imposing tolls on existing infrastructure should be prohibited for the same reason;
3. If the goal of pricing a roadway is to manage demand, the tolled facility must provide drivers a reliable non-tolled alternative;
4. Toll revenue should be constitutionally protected by the state's 18th amendment and reserved for highway purposes only;
5. Money from tolls should be spent only on the same road on which the tolls were collected. Only the new capacity or the replaced facility that provided the toll should benefit from the revenue. Applying tolls to a broadly defined corridor is not fair to drivers who pay the toll.

Conclusion

To earn the trust and support of the public, lawmakers should set the priority for spending toll revenue in the following order: 1) Pay off debt on new roadways; 2) Maintain an existing roadway; 3) Expand a new roadway.

5. Policy recommendation: Reduce the cost of building roads and ferries

One of the most significant obstacles to building transportation infrastructure in Washington state is the ever-rising cost of public projects. To re-build public trust and restore accountability, lawmakers must reduce regulatory delay and lower construction costs, before they seek to increase the financial burden they impose on taxpayers.

Imposing artificial costs on public projects

In a broad sense, there are two drivers of costs in transportation projects: natural and unnatural. Natural cost drivers occur as a result of normal economics, and they apply equally to the private and public sectors. These include inflation, material expenses, market labor costs, and higher costs for new technology.

Unnatural costs are imposed by government officials when their chosen policies artificially increase expenses on public works projects. These policies are implemented for reasons that are completely unrelated to actually building a public project.

Unnatural cost drivers include prevailing wage rules, imposing taxes on state projects, apprenticeship requirements, inefficient permitting, environmental compliance, setting aside money for public art, “Build in Washington” provisions, and requiring that mass transit be included in highway projects.

A real-world model for cutting artificial costs

On May 23, 2013 the Skagit River Bridge, which carries Interstate 5, was hit by a truck and the structure collapsed. Three people suffered minor injuries, and the main road connection between Vancouver, B.C. and Seattle was severed.¹¹

The governor and all the members of the state’s elected leadership rushed to replace this essential link. They eliminated the artificial policies that normally add lengthy delay and increased costs to any public project. Intense media and public interest allowed state officials to suspend normal practice and repair the road connection quickly and efficiently.

¹¹ “I-5 bridge collapses over Skagit River; possibly triggered by truck,” by Brian M. Rosenthal, *The Seattle Times*, May 23, 2013, at <http://blogs.seattletimes.com/today/2013/05/bridge-collapses-on-interstate-5-over-skagit-river/>.

Officials had a temporary replacement bridge open in less than a month, on June 19th, and a permanent span was open to traffic by September 15, 2013. The public saw first-hand how eliminating inefficient and artificial rules can get a road project completed and provide immediate mobility benefits.

Important reforms

After the collapse, the public demanded reforms to reduce unnatural costs and political delays on transportation projects. In their 2015 transportation package, lawmakers chose to keep taxes paid on highway projects in the transportation account, reducing the diversion of tax revenue.

Lawmakers also created a limited-open bidding system for ferry construction, and they worked to streamline permitting on bridge replacements.

Conclusion

The reforms were a good first step but they do not go far enough to cut artificial costs, improve service and re-build trust with the public. Lawmakers should continue to reduce unnatural cost drivers to provide mobility and congestion relief to the public for less money.

6. Policy recommendation: Ensure that any proposed mileage-based user fee directly benefits and protects drivers

Ease of travel and mobility, and the road construction and maintenance that it requires, is the key to economic strength and security in the modern world. People are willing to pay gas taxes and fees if they trust that officials will provide a direct mobility benefit in return. In Washington, this public-trust model has not

worked, as taxpayers have been told repeatedly to pay more into a system that fails to reduce traffic congestion and improve mobility for everyone.

Proposing a new tax

The Road Usage Charge (RUC) Pilot Project in Washington is the newest funding proposal, promoted by officials as a “user fee” and “gas tax replacement.”

This pilot project took place in 2018, led by the Washington State Transportation Commission (WSTC) and involved about 2,000 participants. The project was intended to test the idea of imposing a mileage tax on Washington drivers and to see whether it would be politically feasible to do so. In the experiment, volunteers received simulated invoices based on a flat charge of 2.4 cents for each mile they drove on public roads.

Drivers had five reporting options, including pre-paying for number of miles they wished to drive, submitting mileage by taking pictures of their odometers, or installing a GPS-enabled transponder in their vehicles.

Some transportation analysts see a mileage-based user fee (also known as a miles-traveled tax) as a fair and even ideal way of paying for public roads. This method is technically feasible, and even politically feasible if the state gas tax is entirely eliminated, administrative costs are significantly lowered, and privacy and security safeguards are in place.

These policy parameters are critical because, implemented the wrong way, this tax is certain to worsen the problem public officials say they want to solve – namely the funding and maintenance of our road system.

Used for spending unrelated to roads, a Road Usage Charge

would not be a targeted user fee or true gas tax replacement (as asserted by the WSTC and others), but a new general mileage tax on the public. To be a user fee, the money must be directed into the Motor Vehicle Fund and protected by the state constitution's 18th Amendment, like the gas tax is, and used for highway purposes only.

A social policy to change people's behavior

Additionally, social policy objectives revealed by the WSTC in 2013 suggest officials would attempt to use a mileage tax to change people's driving behavior, which would be in line with current state policy that seeks to reduce per-capita driving by 50 percent by 2050.¹²

However, any reduction in driving would reduce either fuel or mileage tax revenue, meaning this state policy conflicts with the mileage tax objective of generating more revenue than the current fuel tax.

It is unlikely this policy conflict would be resolved in a way that is favorable to the public.

There are only two ways a mileage tax would not undermine state driving reduction targets, which are questionable and likely unachievable to begin with.¹³ First, lawmakers could make the per-mile rate progressively higher, perhaps by indexing it to inflation and eliminating any need for future public votes on rate increases.

12 "Washington State Road Usage Charge Assessment: Feasibility Assessment, Work Plan, and Budget Report to the Legislature," Washington State Transportation Commission, January 23, 2013, at https://wstc.wa.gov/StudiesSurveys/RoadUsage/RUC2012/documents/2013_02_WARoadUsageChargeAssessment.pdf.

13 Revised Code of Washington 47.01.440, "Adoption of statewide goals to reduce annual per capita vehicle miles traveled by 2050 – Department's duties – Reports to the legislature," Washington State Legislature, 2008, at <https://apps.leg.wa.gov/RCW/default.aspx?cite=47.01.440>.

Second, they could impose a carbon tax to make driving less fuel-efficient cars less attractive as a means of escaping payment of a higher mileage tax (which is intended to collect dollars from the owners of more fuel-efficient vehicles). People would then be left with either paying a very high gas tax (inclusive of a carbon tax), or a very high mileage tax.

Concerns about loss of privacy and reduced mobility

The 18th amendment trust fund debate, as well as the social impact of a potential mileage tax, have controversial policy implications that could end any possibility of adopting a true mileage-based user fee. The idea will fail if people believe government officials will collect mileage tax money from drivers and then spend it in any way they want to, with little or no public accountability. Even more worrisome is the great social cost the public would pay in the form of lost personal privacy, autonomy, and mobility.

A Road Usage Charge, as a policy in Washington state, is not likely to represent a true and fair user fee and should be rejected if designed as a general mileage tax.

Conclusion

If lawmakers consider a gas tax replacement in the form of a true per-mile user fee, the aforementioned policy concerns should be resolved first, and the policy should be presented to the public in the form of a referendum for voter approval, rather than imposed as a top-down legislative mandate.

7. Policy recommendation: Ensure Washington regulations support the safe testing and use of automated control in cars, buses and trucks

The development of automated transportation, including personal vehicles and new forms of transit, are changing the transportation landscape. Automated transportation, which allows some or all driving functions to be performed by the vehicle, has the potential to increase safety, efficiency, access, and mobility for everyone.

Automated driver assistance in vehicles is now going beyond anti-lock braking systems (ABS) and electronic stability control to adding new features like automatic lane-keeping ability and adaptive cruise control. These innovations are already reducing accidents and speeding up traffic.

Automation also creates a market opportunity for people to simply buy the rides they need rather than a buying car. According to experts, “both [ride-share and car buying markets] will be significant, mutually competitive, and demanding of space, infrastructure, regulation, and investment.”¹⁴ Thus, whether people buy trips or cars, “the total economic position of the automotive industry will strengthen.”¹⁵

Need for updated regulations

While there are still many unknowns, the “advent of highly automated vehicle may require modernization of our motor vehicle codes, auto safety regulations, infrastructure investment, products liability law, and location transportation service regulations” to

14 “The End of Driving: Transportation Systems and Public Policy Planning for Autonomous Vehicles,” by Bern Grush and John Niles, Elsevier press, 2018, page 74.

15 Ibid.

help people adapt to this new way of looking at mobility.”¹⁶

In June 2017, Governor Jay Inslee issued Executive Order 17-02, which established the state’s first Autonomous Vehicle Work Group to advance the Governor’s objective of “enabling safe testing and operation of autonomous vehicles on public roadways,” the benefits of which include the reduction of collisions caused by human error, improving mobility for those who are elderly or disabled, and “maximizing our ability to move people and goods quickly and safely throughout the state.”¹⁷

In 2018, Governor Inslee signed Substitute House Bill 2970, which required the Washington State Transportation Commission (WSTC) to “convene a work group to develop policy recommendations to address the operation of AVs on public roadways in the state.”¹⁸

Washington Policy Center is a working member of the work group’s subcommittee on infrastructure and systems, focusing on roadway infrastructure, traffic management, transit service and vehicles, advertising, right of way, multi-modal transportation and mobility as a service (MaaS).¹⁹

16 “Self-Driving Regulation, Pro-Market Policies Key to Automated Vehicle Innovation,” by Marc Scribner, On Point No. 192, Competitive Enterprise Institute, April 23, 2014, at <https://cei.org/sites/default/files/Marc%20Scribner%20-%20Self-Driving%20Regulation.pdf>.

17 “Autonomous Vehicle Testing and Technology in Washington State and Autonomous Vehicle Work Group,” Executive Order 17-02, Governor Jay Inslee, Washington, June 2017, at http://governor.wa.gov/sites/default/files/exe_order/17-02AutonomouVehicles.pdf?utm_medium=email&utm_source=govdelivery.

18 “SHB 2970, Establishing an autonomous vehicle work group,” Final Bill Report, Washington State Legislature, June 7, 2018, at <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/House/2970-S%20HBR%20FBR%2018.pdf>.

19 “Infrastructure and Systems Subcommittee,” Washington State Transportation Commission, at <https://wstc.wa.gov/Meetings/AVAgenda/Documents/InfrastructureSystemsSubcommittee.htm>.

New rules should not be too restrictive

Through the AV Work Group and this subcommittee, officials at the Washington State Department of Transportation (WSDOT) and volunteer members are working to finalize a policy framework for “cooperative automated transportation” in our state. While this is a meaningful exercise, many of the policy goals that have been drafted are either unnecessary or too prescriptive at such an early stage.

An example would be the draft policy specifying that “particular emphasis should be given to buttress effective and convenient high capacity public transit,” and that automated transportation should “not compete with it.” Another example would be that the policy should empower “local partners to achieve their economic vitality and livability goals” and “meet the needs of traditionally marginalized communities.”²⁰

To facilitate the safe testing and deployment of automated transportation in our state, it is critical that laws and regulatory systems do not impose restrictions that “narrow the scope of permissible development” or unnecessarily delay adoption, thereby increasing costs to the public.²¹

Protecting the traveling public

At the same time, roads are used by the general public in a variety of ways, and reasonable steps to maintain public safety are

20 “Cooperative Automated Transportation (CAT) Draft Policy Framework – Working Document,” by Ted Bailey and Daniela Bremmer, Washington State Department of Transportation, November 26, 2018, at <https://www.wsdot.wa.gov/sites/default/files/2019/01/22/Cooperative-Automated-Transportation-Policy-Framework-for-AASHTO-20181126.pdf>.

21 “Self-Driving Regulation, Pro-Market Policies Key to Automated Vehicle Innovation,” by Marc Scribner, On Point No. 192, Competitive Enterprise Institute, April 23, 2014, at <https://cei.org/sites/default/files/Marc%20Scribner%20-%20Self-Driving%20Regulation.pdf>.

warranted.

For example, policymakers should maintain the rules for illuminating cars at night with functioning headlights and taillights, even as technology is being deployed to make that lighting more effective. Some of the state responsibility for protecting the public on public roads will be carried out as a result of the state synchronizing its motor vehicle code with other jurisdictions to reflect new technology applications. This should be done through national professional interaction based on agreement among the states.

WSDOT should focus on a concise set of policies that are useful and practical today, working closely with national efforts from well-established public interest and professional groups such as the National Council of State Legislatures, the American Association of Motor Vehicle Administrators, and the Governors Highway Safety Association (GHSA).

Legislators should eliminate regulations that are too restrictive and confusing, and pass new laws if experience shows they are needed to protect the public.

Conclusion – advancing personal freedom

The vision for automated transportation and personal mobility must be neutral as to travel mode, focused on the advancement of personal freedom, choice and movement across all available travel choices, and include public transportation, cars, light trucks, electric and human-powered bicycles, and motorcycles.

Government management of the public right of way should protect public safety while recognizing the importance of car and truck mobility in supporting the economic life of the region. Prioritizing policies that support agency and infrastructure readiness would commit officials to policies that are actionable, and would be the best approach.

Additional resources:

“I-405 toll lanes are not working, alternatives should be considered, by Mariya Frost, Policy Brief,” Washington Policy Center, April 2018

“WSDOT demonstrates that adding general purpose capacity on I-405 reduces traffic congestion and toll rates,” by Mariya Frost, Washington Policy Center, July 14, 2017

“The Road Usage Charge: To impose a tax on every mile you drive,” by Mariya Frost, Policy Brief, Washington Policy Center, June 2017

“Voters should elect Sound Transit board members directly,” by Mariya Frost, Policy Notes, Washington Policy Center, August 2016

“Five Principles of Responsible Transportation Policy,” by Bob Pishue, Policy Brief, March 2015

“Ending ‘Build in Washington’ rule would cut ferry construction by 30%,” by Bob Pishue, Legislative Memo, Washington Policy Center, March 2015

“How to reduce the cost of highway projects,” by Bob Pishue, Legislative Memo, Washington Policy Center, February 2014