



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Dick Nelson

Name of Organization Advocates for Regional Transport Efficiency (ARTE)

Mailing Address 4500 9th Ave NE, Suite 300

City Seattle State WA Zip Code 98105

Telephone 206-781-0915 Email dicknels@msn.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Department of Transportation (WSDOT)

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 468-86-080

- I am requesting the following change: See attached. The WAC should be updated to provide additional guidance on least cost planning requirements for regional transportation proposals.
- This change is needed because: See attached. Current WSDOT guidance on least cost planning requirements is not adequately captured in an agency rule.
- The effect of this rule change will be: See attached. The amended rule would provide RTPOs, providers of public and high capacity transportation, and voters with important information about the costs and benefits of transit proposals.
- The rule is not clearly or simply stated: See attached. The rule does not currently provide sufficient guidance about timing and requirements of least cost planning for transportation proposals.

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

- It does not do what it was intended to do.
- It is no longer needed because: _____
- It imposes unreasonable costs: _____
- The agency has no authority to make this rule: _____
- It is applied differently to public and private parties: _____
- It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____
- It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____
- Other (please explain): _____

Proposed Amendment to WAC 468-86-080
Washington State Department of Transportation

WAC 468-86-080 currently states:

Least-cost planning methodology.

The methodology shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives. The methodology shall treat demand and supply resources on a consistent and integrated basis. The regional transportation planning organizations shall consult the guidelines set forth by the department for implementing a least-cost planning methodology. Regional transportation plans should incrementally incorporate least-cost planning methodologies as these concepts are developed. The regional transportation plan adopted after July 1, 2000, shall be based on a least-cost planning methodology appropriate to the region.

WAC 468-86-080 should be amended to read:

Least-cost planning methodology.

The methodology shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives. The methodology shall treat demand and supply resources on a consistent and integrated basis. All regional transportation plans adopted after July 1, 2000, shall be based on a least-cost planning methodology appropriate to the region. The regional transportation planning organizations shall consult the following guidelines for implementing a least-cost planning methodology:

Timing and content of least cost planning review for regional transportation planning organizations.

(1) Least cost planning. Least cost planning review for regional transportation planning organizations (RTPO) consists of calculating the direct and indirect costs and benefits for all reasonable transportation options and alternatives to meet planning goals and objectives. It should identify the most cost-effective facilities, services, and programs. Least cost planning review shall be considered in a publically available Least Cost Planning Document (LCPD), in accordance with the expressed goals of WAC 468-86-080. The LCPD should be easily comprehensible to policymakers, interest groups, and voters and be neutral and unbiased with regard to outcomes. This rule specifies the timing and content of least cost planning review common to all transportation projects requiring least cost planning under RCW 47.80.030(1)(a).

(2) Timing of review of proposals. Least cost planning review should be integrated with the development of regional transportation plans and proposed projects at the earliest possible time to ensure that planning and decisions: reflect an adherence to least cost planning tenets and methodologies; avoid delays later in the planning process; and resolve potential problems. An LCPD shall be prepared at the earliest possible point in the planning and decision making process, when the principal features of a proposed transportation plan can be reasonably identified.

- a. A proposal exists when an RTPO has a transportation goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, or when a provider of public transportation and high capacity transportation implementing an RTPO's transportation goals is actively preparing to make a decision on one or more alternative means of accomplishing those goals.
- b. The fact that proposals may require future approvals by the RTPO, Regional Transit Authority (RTA), state or federal agencies, or taxpayers, or require future environmental review, shall not preclude consideration of the proposal using least cost planning review and an LCPD at the earliest possible point in the planning and decision making process by the RTPO.
- c. At a minimum, the LCPD shall be prepared *prior* to any RTPO, RTA, or provider of public transportation and high capacity transportation adopting a proposed transportation plan.

(3) Defining the scope of proposals. The LCPD shall make certain that the proposed transportation plan and all plan components subject to least cost planning review are properly defined.

- a. Proposals and their individual components should be described in ways that encourage considering and comparing all reasonable alternatives including enhancements to the existing transportation system and modifications to travel patterns. A proposal could be described, for example, as "reducing traffic congestion and increasing access between Ballard and the University District by one or a combination of the following means: increasing the frequency of current electric trolley bus service; adding express bus service; enhancing bus service to Metro King County Rapid Ride standards; alternative transit routing; improvements to non-motorized facilities, such as bike lanes; encouraging and incentivizing additional ride-sharing; or building a light rail line."
- b. Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single proposal should be evaluated in the same LCPD. Large-scale regional transportation plans should also be evaluated in the same LCPD.

(4) Content of LCPD. At a minimum, the LCPD should address the following:

- a. How the plan meets local and regional transportation planning goals and objectives.
- b. Whether performance measures indicate that the plan would meet local and regional transportation planning goals and objectives.

- c. Whether the plan meets the least cost planning requirement that all costs have been analyzed and the chosen plan provides the greatest public benefit net of all costs.
- d. What alternatives were addressed and dismissed in considering the plan and why alternatives were dismissed. This analysis should address direct costs and benefits, indirect and public costs, external costs, and time-related costs for each alternative.
 - i. Analysis of direct costs should include all quantifiable costs directly associated with the proposed alternative. For instance, for a proposed light rail line, direct costs would include construction and maintenance costs, electricity costs, operating costs, and insurance requirements.
 - ii. Analysis of indirect and public costs should include all quantifiable costs that would result indirectly from the proposed alternative. For instance, for a proposed light rail line, indirect costs would include the need for additional parking facilities near stops, the need to acquire easements or rights-of-way, and additional tax burdens placed on consumers.
 - iii. Analysis of external costs should include societal costs associated with the proposed alternative. For instance, increased air pollution for certain transportation modes or land loss (including wetland loss) should be evaluated. Costs associated with the release of greenhouse gases from construction activities should be estimated.
 - iv. The potentially disruptive nature of technological advances (i.e. self-driving vehicles) or innovative private enterprises (such as ridesharing services) should also be considered.
 - v. Analysis of time-related costs should include impacts on travel time and congestion for each proposed alternative. The impact of smartphones and other mobile communications devices on time-related costs should also be considered.
- e. How startup capital and lifetime operating costs were weighed against results.
- f. Synergies among and between options should be identified and their impact on costs and benefits should be calculated.
- g. Any political calculations that were considered, including public input on preferred transportation modes.

**The Need for More Detailed Regulation Addressing
Least Cost Planning Requirements**

August 9, 2016

TO: Washington State Department of Transportation

FROM: Advocates for Regional Transport Efficiency (ARTE)
Dick Nelson, John Niles

Introduction

LCP, or “least cost planning”, is an analytical tool for optimizing infrastructure investments. It was initially developed for use in the electrical utility industry. In 1994, the Washington State Legislature passed SHB 1928 (now codified as RCW 47.80.030) requiring Regional Transportation Planning Organizations (RTPOs) to “develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation. . . a regional transportation plan. . . based on a least cost planning methodology that identifies the most-cost effective facilities, services, and programs.” Senator Drew, who sponsored the legislation, responded to a question on the Senate Floor about the intent of the law. She stated:

I recognize that least-cost planning methodologies for transportation are just being developed, will need to be assessed and will take some time to validate. My intent with this amendment is for regional transportation planning organizations to incrementally implement these methodologies as they are developed, and to be at the forefront in developing and testing these least-cost planning methodologies. . . . Since regional transportation plans are to be reviewed at least every two years, there will be opportunity for least-cost planning methodologies to be implemented for future plan updates. It is my intent that the Department of Transportation should recognize this intent in implementing this bill.

Journal of the Senate, p. 540.

In 2009, fifteen years after RCW 47.80.030 was first codified, the Washington State Department of Transportation (WSDOT) promulgated WAC 468-86-080 to implement the legislation. WAC 468-86-080 states that LCP methodology:

... shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives. The methodology shall treat demand and supply resources on a consistent and integrated basis. The regional transportation planning organizations shall consult the guidelines set forth by the department for implementing a least-cost planning methodology. Regional transportation plans should incrementally incorporate least-cost planning methodologies as these

concepts are developed. The regional transportation plan adopted after July 1, 2000, shall be based on a least-cost planning methodology appropriate to the region.

Need for Amendment to the Rule

WSDOT has developed informal guidance for LCP, specifically noting that the approach should stress “planning decisions that consider a variety of conceptual solutions to achieve the desired system performance targets for the least cost” and use an “approach that engages the public, applies methods to evaluate planning options, and how to select options.” *See, e.g.,* <http://www.wsdot.wa.gov/Projects/PracticalDesign/lcp.htm>.

In addition, WSDOT prepared the following checklist for use by RTPOs in preparing regional transportation plans:

1. What are this Region’s objectives for this transportation plan?
2. What are the performance measures that indicate the RTPO has optimized its plan?
 - * Region-wide
 - * In specific sub-areas, if appropriate
3. What alternatives were developed initially for this plan?
4. How were the plan’s alternatives refined and evaluated?
5. How were the following factors addressed in creating and evaluating these alternatives?
 - * Life cycle costs
 - * Multiple modes
 - * Demand projects
 - * Supply side limitations
 - * Externalities
6. How were startup capital and lifetime operating costs weighed against results?
7. Did the planning process use benefit-cost analysis, and if so, what method(s) and what were the results?

Least Cost Planning Guidance, WSDOT, October 28, 2009 (page 4).

Despite this guidance from WSDOT, questions remain as to which organizations should employ LCP and when in the timing of any given transportation proposal LCP should occur. Amending WAC 468-86-080 so that it clearly delineates when LCP should occur and what requirements should be addressed in LCP analysis would go a long way toward ensuring that RCW 47.80.030, now over 20-years old, is fully implemented and that all major transportation proposals receive thorough review with LCP. In addition, requiring RTPOs to produce a publicly available, stand-alone LCP document would improve public access to important information that should be considered, especially for publicly funded proposals.