



STATE OF WASHINGTON  
Office of the Governor

December 7, 2016

Ted Hunter  
Attorneys for Advocates for Regional Transport Efficiency  
Sound Law Center, LLC  
4500 9<sup>th</sup> Avenue NE - Suite 300  
Seattle, WA 98105

Dear Mr. Hunter:

On October 27, 2016, my office received the appeal letter you filed following the Washington State Department of Transportation's (WSDOT) denial of your petition to amend WAC 468-86-080, relating to least cost planning. Under RCW 34.05.330(3), I may consider appeals from petitions to amend or repeal existing administrative rules.

You argue on appeal that the existing WAC does not provide adequate guidance as to what it means to conduct a least cost planning analysis. At this time, I am denying your appeal, largely for the reasons outlined by WSDOT Secretary Roger Millar in his September 29, 2016, letter responding to your initial petition.

As articulated by Secretary Millar, the current WACs, along with informal policies and checklists, provide Washington's Regional Transportation Planning Organizations (RTPOs) much needed flexibility on their transportation projects. Because RTPOs are separate, unique agencies with their own priorities, processes, and project timelines, flexibility and adaptability is critical. The current guidance for RTPOs was created with input from these organizations, and I agree that these processes, which account for the varying circumstances and methodologies of these individual RTPOs, remain sufficient to develop regional plans and provide ample public accountability.

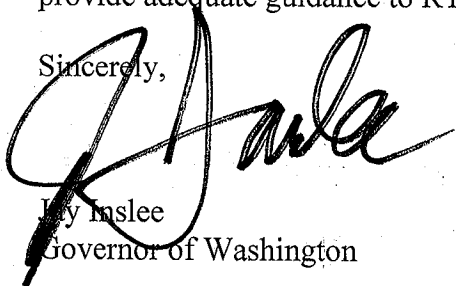
Moreover, I respectfully disagree with your contention that Secretary Millar's denial of your petition stems from a misunderstanding of state law. I do not interpret RCW 47.80.030 to be limited in scope only to those RTPOs that engage in high capacity transit planning. Rather, that statute expressly applies to "*each* regional transportation planning organization" that coordinates with "providers of public transportation *and* high capacity transportation, ports, and local governments." (emphasis added)



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Please realize that I appreciate your interest in identifying ways to improve current practices that may help RTPOs develop informed performance-based plans that are responsive to the public's needs and desires. But ultimately, I agree with WSDOT that the current rules and other protocols provide adequate guidance to RTPOs in least cost planning analysis.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Inslee". The signature is fluid and cursive, with a large initial "J" and "I".

Jay Inslee  
Governor of Washington