



**September 7, 2016**

**From: John S. Niles  
President of Smarter Transit  
Seattle**

**Subject: The ST3 plan is not in conformance with the PSRC T-2040 Metropolitan Transportation Plan**

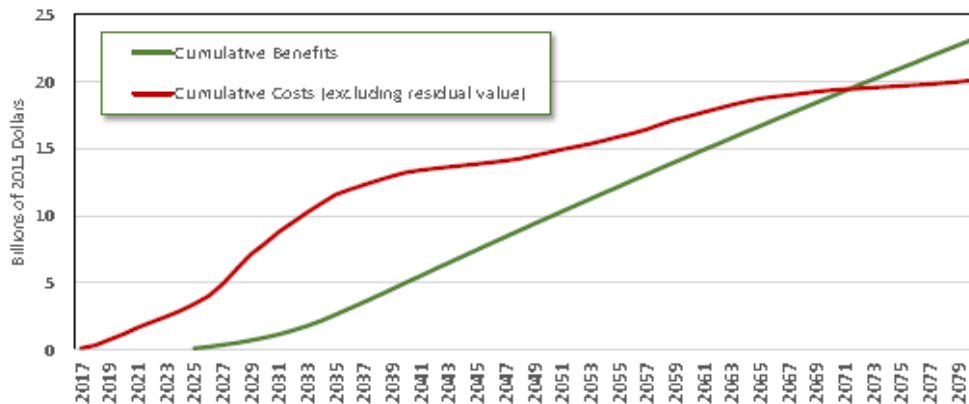
**Note: This is a comment to the PSRC Transportation Policy Board in time for availability to members at their meeting of September 8, 2016, and to be put into the record of the meeting.**

This comment follows up on a memo that seven present and former elected officials transmitted to the Sound Transit Board of Directors on August 25, 2016 (attached) noting that the ST3 tax proposition has been approved for the November ballot absent the certification of conformity with PSRC's Metropolitan Transportation Plan. That conformity was apparently assumed by Sound Transit to be forthcoming.

However, only superficially does the ST3 plan conform to the PSRC 2040 plan, which does include a regional high capacity transportation system. But conformity also requires the ST3 plan to support the PSRC's adopted goals and policies. **Contrary to what the PSRC staff claims in its September 1, 2016 action item for the TPB, the documented results of the ST3 high capacity transportation system do not support and even contradict the PSRC Transportation 2040 plan. Therefore a vote of conformity should be denied.**

One of the 2040 plan's overarching goals is a prosperous and sustainable regional economy. ST3 plan costs far exceed benefits well past the 2040 horizon year of the PSRC plan, as illustrated in this graphic, Exhibit B-6 from the benefit-cost analysis in the conformity package.

Exhibit B-6 — Cumulative Present Values of Benefits and Costs



Note that the cumulative benefits do not exceed the cumulative cost until 2072.

Instead of contributing to regional growth and prosperity the ST3 plan will drain billions of dollars from the regional economy for decades (the upper red line above) before cumulative benefits (the lower green line) finally begin to exceed cumulative costs in 2072, more than three decades beyond 2040. Sound Transit’s analysis shows that costs of construction and refurbishment are expected to be outrunning benefits for the next fifty five years, IF there are no cost overruns or delays, and IF ridership growth hits the target, two risky assumptions given the performance of the 1996 Sound Move plan. In the first phase of the Sound Transit plan costs were much higher, major plan elements were delayed, and ridership in 2016 still has not reached the levels that were “conservatively” forecast for year 2010. When it comes to achieving the region’s economic goals, the ST3 plan is not in conformance with the PSRC’s 2040 plan.

**Summing up on this point, Sound Transit’s own data in its unaudited benefit-cost analysis (independent audit in process) shows the ST3 plan would make the region’s taxpayers billions of dollars poorer for decades beyond the horizon year of the PSRC 2040 plan, contrary to the PSRC’s adopted regional economic goal of a sustainably prosperous region.**

But that’s not all: Transportation improvement is another overarching goal of the 2040 plan. The goal calls for a “...highly efficient multimodal transportation system that supports the regional growth strategy and promotes economic and environmental vitality...” The ST3 plan by most measures fails to improve transportation system efficiency. Sound Transit’s own analysis shows that it won’t reduce traffic congestion, which according to Sound Transit is expected to get much worse. ST3’s transit mode share does not significantly rise beyond single digit levels, while cost per passenger mile increases significantly, both trends the opposite of what a “highly efficient multimodal transportation system” would achieve. The 2040 plan also says “Developing particular facilities should not be the end goal; rather, the result should be improved mobility and accessibility.” Unfortunately, the ST3 plan does just the opposite by focusing on very costly “particular facilities” rather than improving system efficiency. **As a result, expenditures on public transportation would greatly increase but there would be little or no improvement in mobility for**

**the vast majority of residents. In short, it is impossible to reconcile the poor performance of the ST3 plan with the transportation goals of the PSRC's 2040 plan.**

But there's more: The adopted 2040 plan specifically seeks to "strengthen the linkages between transportation and land use planning." On this point, the ST3 plan doesn't match where much of the region's growth is actually occurring. Instead the ST3 plan focuses on areas that are already well served, leaving large areas with no improvement in transit connections to the rest of the region, and no resources of their own to provide those services. Such places will not be able to decrease their dependence on single occupant vehicles. Even in places where ST3 makes investments the projects are mostly far off in the future having minimal influence on the land use decisions that will be made over the next dozen years or more. A region-wide transit plan that conforms with the 2040 plan would do far more to help fast growing communities, especially in developing suburban areas, and would offer services much sooner. We can see just how weak the connection is between the ST3 plan and local land use plans by looking at future transit mode share for places such as Sammamish, Lakewood, Woodinville, Bonney Lake, and Newcastle. **Despite the \$54 billion ST3 plan, transit mode share is not expected to rise much above 2% for these and other communities, and does next to nothing to help them achieve land use intensity goals in their adopted plans. The ST3 plan may be in conformance for places it will serve in the near term, but at the local level there are many places it doesn't effectively support.**

And still more: Another way to gauge how well the ST3 plan conforms with the 2040 plan is to look at results of PSRC's prioritization score to cost evaluation. Using the adopted prioritization criteria the PSRC in 2014 scored eight projects including the Lynnwood to Everett light rail extension that is part of the ST3 plan. The results show the light rail extension ranked dead last with a score to cost ratio barely above zero. It is hard to see how the ST3 Plan with a worst-score project could be considered in conformance with the PSRC 2040 plan

**Conclusion: Before the PSRC Executive Board votes on this critical conformity question, members of the Transportation Policy Board have the opportunity to think carefully about PSRC's obligation to the region and take appropriate action.** Consider the credibility of the 2040 plan in light of the PSRC's responsibility for certifying local comprehensive plans. In the last review cycle PSRC has taken a hard-nosed approach and only granted "conditional certification" to nineteen jurisdictions, mostly smaller cities. In some instances the local plans anticipate growth that exceeds the PSRC targets by only a small amount, usually in response to growth that is already happening, but these plans were still judged to be non-compliant with the PSRC 2040 plan. It will reflect poorly on PSRC if the Transportation Policy Board now rubber stamps the ST3 plan despite the much bigger problems that are described in this comment.

**If conformity is so important for local comprehensive plans then surely it is just as important for a massive regional undertaking such as the ST3 plan. If PSRC finds it appropriate to force local jurisdictions to revise their plans to be in compliance, then PSRC can and should do the same for the ST3 plan. With so much at stake the PSRC should take this responsibility very seriously, and act responsibly.**

Questions or comments? Contact John Niles, 206-781-4475, [jniles@alum.mit.edu](mailto:jniles@alum.mit.edu)

August 25, 2016

**To the Sound Transit Board, the Puget Sound Regional Council Executive Board and Transportation Policy Board, the State Secretary of Transportation, and Members of the Washington State Legislature**

The two million dollar campaign for Mass Transit Now, the \$54 billion Sound Transit Phase 3 expansion, is underway. Before the campaign goes any further, we would like to be on record as identifying three Washington State laws that are being violated, as well as a fourth fatal flaw. Alone or in combination, these four flaws should have resulted in the Sound Transit Board rejecting the ST3 proposal by the Sound Transit Staff. *It is not too late.*

**Flaw One: ST3 must be in conformance with and consistent with the adopted official regional plans called the Puget Sound Metropolitan T-2040 Transportation Plan and Vision 2040 Land Use Plan. The official review certifying consistency and conformity is not scheduled to be completed until a September 22, 2016 vote of the Puget Sound Regional Council (PSRC) Executive Board.** This conformity and consistency is mandated by State Law, RCW 81.104.040 (2). The paperwork established by PSRC for this process is quite complex. It takes time.

Advancing a ballot measure to voter consideration before the completion of certification is a serious Sound Transit process error. The Puget Sound Regional Council and the Sound Transit Board apparently assume that conformity and consistency will be forthcoming. Instead of the tremendous scrutiny a plan this size would normally require, Sound Transit gets to bypass the officially established process. There is a reason this process was established.

**Flaw Two: An equally serious problem is lack of compliance with another State law, RCW 81.104.100(2)(b), which states high capacity transportation system planning shall include “development of options ... to ensure an appropriate range of technologies and service policies can be evaluated.” The law says “a do-nothing option and a low capital option that maximizes the current system shall be developed.”**

The ST3 tax proposition is essentially a choice between a \$54 billion high capital option (vote Yes) and a do-nothing option (vote No). However, the consequences of the do-

nothing option have never been clearly and explicitly defined in the ST3 Proposal described on the Sound Transit 3 website, or even referenced, except indirectly as a claim that Sound Transit is doing projects that ST3 builds upon.

If the Do-Nothing option is not described explicitly and clearly as the result of a “No” vote on ST3 in all voter materials, then Sound Transit is only describing the “Yes” position on the ST3 Proposition. This imbalance means Sound Transit is engaged in illegal campaigning for its own agency.

This ST3 advocacy by the Agency has been going on for months. This has contaminated the ballot proposition with what amounts to tax-funded campaigning for the ballot measure.

**Flaw Three. Still another flaw related to the previous one is non-adherence to the State's Least Cost Planning law.**

In 1994 the State Legislature overwhelmingly enacted a new high capacity public transportation planning law, RCW 47.80.030, based on the principle of cost/benefit analysis. The methodology, called least-cost planning, requires that all reasonable alternatives, including improvements to the current bus transit system and construction of light rail, be assessed and compared for the purpose of identifying the most cost-effective options.

This important planning methodology has languished as regional decision makers have consistently embraced light rail as the predominant transit mode. The Sound Transit 3 plan is not the result of applying the best analysis tools available.

Attracting new customers to public transit in the ST3 proposition is reported by Sound Transit to reach an extravagant cost of more than \$54 total cost for each new one-way trip on transit by an individual, a cost that serves as a startling example of how cost-effectiveness has not been studied. A critical step in the development of ST3 has been skipped. It's past time to call a halt to the agency's failure to assess less costly alternatives.

**Flaw 4 may be the most serious of all. The statewide educational funding question raised in the McCleary case remains unresolved.**

The State legislature, to put it diplomatically, has procrastinated in resolving the basic education-funding dilemma. It now faces a self-imposed deadline as soon as the 2017-18 school year to find revenues that, in the words of the State Supreme Court, are

Attachment

“regular and dependable.” Estimates vary, but most agree that at least \$3.5 billion will be needed in additional biennial funding. This is a significant sum equal to an approximate 20 percent increase in the current operating budget for public schools.

In an earlier time the revenue requirements for schools were seen as large, but they are obviously swamped in comparison with the ST3 ask. As State Senator Reuven Carlyle puts it, “we at the state level don’t have the same passion, spirit, energy and drive to build a world-class education system that has been displayed in Seattle to build a 21st Century transportation system.” However, the money to do both comes out of the same taxpayer wallet. It’s not right to submit a giant tax hike for ST3 to voters before solving the statewide education funding gap, which is likely by itself to require a tax hike.

In conclusion, any one of these four flaws individually damages the integrity of the ST3 tax proposition, even before considering the merits of the specific construction projects that Sound Transit proposes. We therefore want to be on record that the Sound Transit Board has been given this information prior to its meeting on August 25, 2016 – still in time to do the right thing, to comply with State law, and to recognize higher priorities for property taxes.

Respectfully,

State Senator Maralyn Chase

Dick Nelson, former State Legislator

Council Member Toby Nixon, City of Kirkland and former State Legislator

Deputy Mayor Ramiro Valderrama, City of Sammamish

Maggie Fimia, former King County Council Member

Dick Paylor, former Bothell City Council Member

Santos Contreras, former Kirkland City Council Member

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