

Access Control on State Highways

While growth and development are usually good for the local economy, they may result in too many access points located too close together along a highway. This increases the likelihood of safety hazards and traffic congestion which reduces the level of service on the state highway. Reduced levels of service may then increase demand for transportation system improvements. Access management tempers this cycle by managing the traffic movements onto and off of the state system in order to minimize conflict and increase traffic flow. This contributes to the longevity of the highway by preserving its safety and capacity. Typical access management techniques include minimum spacing between signalized intersections and driveways, dedicated turning lanes, roundabouts, and median treatments.

In Washington, state highways are classified as either limited access or managed access. The basic policy for limited access highways was established in 1951 and is based on the purchase of access property rights from the owners of property abutting the highway.¹⁸ There are three levels of control for limited access with progressive restrictions. WSDOT controls approaches to limited access routes, with the exception of Interstate approaches which must be approved by the Federal Highway Administration.

The second type of access regulation, managed access, was enacted in 1991 to address the portion of the state transportation system that is not limited access.¹⁹ Managed access regulation is based upon the premise that the access rights of a property owner are subordinate to the public's right and interest in a safe and efficient highway system. An abutting property owner has a right to reasonable access to a state highway, but may not have the right of a particular means of access.²⁰ Therefore, access may be restricted if reasonable access can be provided to another public road which abuts the property. There are five levels of control for managed access highways. Managed-access highways in unincorporated areas require a state-issued access permit. However, cities are the permitting authority for managed access routes within their boundaries. State statute requires city permitting standards to meet or exceed WSDOT's standards.²¹

Coordinated state and local transportation planning, the environmental mitigation of the traffic impacts of local land use decisions on the state highway system, and access control all help protect the safety and capacity of the state transportation system and reduce or delay the need for additional transportation investments.

18. RCW 47.52
 19. RCW 47.50.010(2)
 20. RCW 47.50.010(3)
 21. RCW 47.50.030(3)

WHAT IS ACCESS?

Access is the ability to enter or leave a public street or highway from an abutting property or another public street or highway.



ACCESS CONTROL....

- Reduces crashes as much as 50%
- Increases road capacity by 23% to 45%
- Reduces travel time and delay as much as 40% to 60%

Access Regulation- A Balancing Act Between Access & Mobility. WSDOT. 2005.

WSDOT controls access to state highways to:

- increase the highway's capacity
- reduce traffic accidents
- mitigate environmental degradation
- promote sound economic growth
- promote growth management goals
- reduce highway maintenance costs
- lengthen the highway's effective life
- shorten emergency vehicle response time

RCW 47.50.010(1)(c)

SUMMARY OF STATUTORY REFERENCES

- GMA.....RCW 36.70A
- SEPA.....RCW 43.21C
- RTPO.....RCW 47.80
- Access.....RCW 47.50, 47.52

Concurrency, Land Use, and the State Transportation System

May, 2007

In Washington, the responsibility for land use planning and regulation resides with local governments. While local land use choices directly affect the capacity and safety of the state transportation system, the role of the Washington State Department of Transportation (WSDOT) in local land use is largely advisory. WSDOT encourages local governments to preserve the public's investment in the state transportation system and delay the need for costly improvements by adopting transportation-efficient land use policies, mitigating development impacts on the state system, and practicing appropriate access control.

The Growth Management Act

Most cities and counties plan under the Growth Management Act (GMA), adopted by the Washington State Legislature in 1990. The GMA is a state policy framework for local comprehensive planning and land use regulation. The GMA identifies 14 statewide planning goals and prescribes a process and certain minimum requirements for the adoption and update of land use plans and development regulations by local governments.

The GMA emphasizes local discretion over state control. Local land use plans and regulations do not require state approval, with the exception of Shoreline Master Programs. The GMA does require local governments to submit proposed land use plans and regulations to state agencies for review. During review, WSDOT can encourage good local land use decisions by providing technical assistance, written comment, or oral testimony to cities and counties. Local governments are not required to take action based on agency comments. However, state agencies or other parties with standing can appeal a locally adopted plan or regulation to one of three regional growth management hearings boards.

The GMA Concurrency Goal

Under the GMA, concurrency is one of 14 goals local governments must consider in land use planning. The concurrency goal is intended to ensure public facilities and services (such as sewer, water, roads, parks and schools) are adequate to serve new development at the time of occupancy without decreasing service levels below locally established minimum standards.¹ The concurrency goal does not apply to state highways.²

To address the concurrency goal, local governments must craft a capital facilities plan that lists all public facilities and services, establishes minimum standards for their performance,³ connects them to a clear and specific funding strategy,⁴ and identifies those that are necessary to support development. Public facilities and services necessary to support development must be regulated by a concurrency or adequacy mechanism that triggers a policy or regulatory reassessment if the minimum standard is not met.⁵

1. RCW 36.70A.020(12)
 2. *The Building Association of Clark County et al. v. Clark County and the State of Washington, Office of Financial Management.* 04-2-0038c, WWGMHB (November 23, 2005).
 3. *McVittie, et al. v. Snohomish County*, 99-3-0016c, CPSGMHB (February 9, 2000).
 4. *Taxpayers for Responsible Govt. v. City of Oak Harbor*, 96-2-0002, WWGMHB (July 16, 1996).
 5. *McVittie, et al. v. Snohomish County*, 99-3-0016c, CPSGMHB (February 9, 2000).



WHO PLANS UNDER THE GMA?

Currently, 29 counties and 218 cities, representing 95% of the state's population, fully plan under the GMA. The remaining 10 counties and 63 cities plan for resource lands and critical areas only.

"What the GMA's concurrency principle guarantees is "truth in planning." That is: local governments must disclose the amount and quality of the services they will provide, how and where they will be provided, how much they will cost, and how they will be funded."

BACC. v. Clark County, 04-2-0038c, WWGMHB (2005).

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The Transportation Concurrency Requirement

The GMA also defines a specific transportation concurrency requirement. First, local governments must set level of service (LOS) standards, or minimum benchmarks of performance, for transportation facilities and services. Once the LOS standard is established, the local government must adopt an ordinance to deny proposed developments if they cause the LOS on a locally-owned transportation facility to decline below the adopted standard, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development.⁶ Concurrent with development means improvements or strategies are in place at the time of development, or a financial commitment has been made to complete them within six years. Local governments may accommodate development impacts by changing the phasing or timing of new development, improving transportation facilities or services to serve the new development, reducing the LOS standard, or revising their land use policies.

A common misconception is that concurrency guarantees some uniform minimum level of governmental services. The state has not specified any such minimums. Local governments have the authority and responsibility to provide acceptable levels of service for their communities resulting in a wide variety of methodologies and standards. This discretion is constrained by the growth management hearings board finding that local governments cannot avoid the concurrency requirement entirely by manipulating the standards to allow uncontrolled development despite identified deficiencies.⁷ Neither can local governments avoid the concurrency requirement by crafting exemptions of any kind.⁸

Concurrency and State-Owned Transportation Facilities

When initially enacted, the GMA transportation concurrency requirement was silent on whether or not local governments were required to enforce the transportation concurrency requirement on state-owned transportation facilities within their boundaries. The ensuing confusion and inconsistency led the 1998 Washington State Legislature to amend the GMA. This amendment, referred to as the “Level of Service” bill, required the Transportation Commission to designate and the Legislature to adopt a list of Highways of Statewide Significance (HSS). Approximately half of the state’s highways are designated to be of statewide significance. The bill specifically exempted HSS from the concurrency requirement, except in Island and San Juan counties. The Legislature did not specifically address concurrency for state-owned transportation facilities that are not of statewide significance.

Local Planning and State-Owned Transportation Facilities

The 1998 Level of Service bill also required local governments to do some additional planning for state-owned transportation facilities in their comprehensive plans, including:

- inventorying the state-owned facilities within their boundaries,
- estimating the traffic impacts to state-owned facilities resulting from their land use assumptions,
- listing the state transportation system improvements needed to meet demand, and
- identifying the adopted LOS standards for state-owned highways and ferry routes.⁹

Level of service standards for highways and ferry routes of statewide significance are adopted by WSDOT, in consultation with local governments.¹⁰ Level of service standards for other state-owned facilities are jointly set by WSDOT and the Regional Transportation Planning Organizations (RTPOs). RTPOs are voluntary associations of local governments authorized by the GMA to coordinate transportation planning on a regional level.

6. RCW 36.70A.070(6)

7. *Eugene Butler et al. v. Lewis County*, 99-2-0027c, WWGMHB (June 20, 2000).

8. *Bennett et al. v. City of Bellevue*, 49852-5-1, 119 Wn. App. 405 (December 15, 2003).

9. RCW 36.70A.070(6)

10. RCW 47.06.140

LOS measures may be based on:

- traffic volume compared to facility capacity
- travel time
- multiple variables (e.g. distance traveled, road conditions, safety hazards)

LOS may be measured at:

- an intersection
- a road segment
- a traffic corridor
- a traffic zone

HOW IS LOS REPORTED?

LOS standards are often translated from numeric values to letter grades, with an “A” representing freely flowing traffic and an “F” indicating traffic at a standstill.

HSS routes include:

- the interstate highway system
- interregional state principal arterials
- major ferry routes

Non-HSS routes include:

- collector routes
- principal arterials that are not inter-regional
- minor ferry routes



Regional Coordination of Planning

The GMA requires local governments with common borders or related regional issues to ensure their plans are coordinated and consistent.¹¹ Regional coordination and consistency are implemented primarily through county-wide planning policies. A county and the cities within it must all agree on the county-wide planning policies, which provide procedural and substantive direction to the comprehensive plans of each jurisdiction.

Additionally, the GMA defines several specific regional transportation planning requirements. Local governments must:

- coordinate level of service standards within the region,
- assess the impacts of their transportation and land use policies on the transportation systems of adjacent jurisdictions, and
- describe their other intergovernmental coordination efforts.¹²

Finally, the transportation elements of local comprehensive plans and county-wide planning policies related to transportation must be certified by an RTPO to ensure regional consistency.¹³ The certification is based on the consistency of the local policies with the RTPO’s adopted regional transportation plan as well as the general conformity of the local policies with GMA requirements.¹⁴

Other Ways WSDOT Influences Local Land Use

In addition to its advisory role under the GMA, WSDOT can influence local land use through environmental review under the State Environmental Policy Act (SEPA) and access control.

The State Environmental Policy Act

The primary purpose of the 1971 State Environmental Policy Act is to determine whether a proposed state or local government action would result in significant adverse environmental impacts, to identify reasonable measures to mitigate those impacts, and to determine whether those measures are sufficient.¹⁵ Additionally, SEPA gives state and local governments the substantive authority to act on the basis of the impacts disclosed¹⁶ by denying or imposing conditions on government actions.¹⁷

All local government actions (with limited exemptions) are subject to SEPA, including the adoption and amendment of comprehensive plans and development regulations and the approval of private development permits. One of the environmental impacts that must be addressed during the SEPA review process is traffic. This provides WSDOT with an opportunity to voice concerns regarding the impact of local plans, regulations, and development approvals on the state transportation system. WSDOT can request that local governments abandon, alter, or mitigate their land use policies or regulations to avoid or minimize their adverse impacts on state highways. Likewise, WSDOT can ask local governments to deny or condition a development permit to prevent or mitigate specific adverse impacts to state highways. Local governments must consider WSDOT’s SEPA requests, but are not required to comply with them.

11. RCW 36.70A.100

12. RCW 36.70A.070(6)(a)

13. RCW 47.80.023

14. RCW 47.80.023(3)

15. RCW 43.21C.060

16. *The Polygon Corporation v. The City of Seattle, et al.*, 44536, Supreme Court of Washington (May 18, 1978)

17. RCW 43.21C.060

County-Wide Planning Policies must:

- meet a legitimate regional objective
- provide substantive direction only to comprehensive plans and not to implementing regulations or other exercises of land use power
- be consistent with other relevant provisions in the GMA

City of Snoqualmie v. King County, 92-3-0004, CPSGMHB (June 1, 1993).

WSDOT WORKS WITH REGIONS

WSDOT coordinates the activities of the 14 RTPOs that cover 38 of the 39 counties in Washington. WSDOT participates in the regional planning process through the RTPOs in order to ensure statewide consistency.



SEPA MITIGATION = SAFETY & MOBILITY

The goal of WSDOT’s SEPA review process is to ensure the state highway system remains safe and has the capacity to move people and goods efficiently.