

TRANSIT SERVICE OVERLAY ZONE APPROACH

**A Concept for Legislative
Consideration**

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**Prepared for the Puget
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(PSRC) on behalf of
the Washington State
Legislature**

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EXECUTIVE SUMMARY

This report responds to a request by the 2011 Washington State Legislature to explore and develop an approach that will better link transit and land use planning decision making with a concept for a Transit Service Overlay Zone. The concept was developed by the Puget Sound Regional Council (PSRC) in collaboration with a Technical Advisory Committee.

The Transit Service Overlay Zone describes a procedure for improved collaboration between municipalities and transit agencies. This concept is intended to provide sufficient incentives and remove enough barriers to stimulate transit supportive development near high frequency bus transit corridors. The concept also helps better prioritize the allocation of new transit agency service hours, as well as ensure the reliability and productivity of existing higher capacity bus transit by engaging land use authorities in a local corridor planning processes.

To be eligible for the Transit Service Overlay Zone program, a corridor must meet an agreed upon set of criteria, including existing or planned frequent all-day, two-direction bus service which accesses a regional growth center.

An Overlay Zone would be implemented after a local planning process and resulting agreements between the local jurisdictions and local transit service provider.

- Local jurisdictions would agree to provide transit supportive land use plans within the corridor and incentives to developers to implement those land use plans.
- Transit agencies would commit to the provision of increased transit service levels as the corridor develops.

1 INTRODUCTION

A 2011 Washington State Legislature legislative proviso required the PSRC to identify obstacles to transit and land use integration and explore an approach to overcome those obstacles.

In the following report, a “**Transit Service Overlay Zone**” is defined as an area where transit agencies and their relevant land use authorities are encouraged to work together to achieve transit ridership increases, mitigate roadway congestion, and improve mobility. A locally based process reorients the Overlay Zone’s land use and regulatory framework to better support transit, and provides transit agencies with a mechanism to target increases in transit service to more productive areas.

This document addresses the Transit Service Overlay Zone concept under current Washington State law, as well as explores possible changes to the law which could facilitate use of the concept by transit agencies and local jurisdictions.

What is a Transit Corridor?

Transit Characteristics

While the integration of land use and transit is appropriate, and supports all types of transit, this study specifically addresses transit corridors with frequent bus service (15 minutes or less) and ridership spread throughout the day.

Local, high frequency bus service allows easy access for different kinds of trips, while moving along a variety of local and state-owned arterials. These continuous, linear travel corridors may achieve higher transit service frequencies either through a single high frequency transit route, or by including a collection of bus routes on the same corridor. In the latter case, express routes serve commuter travel, while local routes serve a variety of riders who take the bus for work or non-work purposes.

Land Use Characteristics

Land uses within, and adjacent to a transit corridor vary widely, from lower density, single use, suburban areas to higher density and mixed commercial zones. Some corridors may rely on street networks with limited accessibility into nearby neighborhoods, or intersections that make walking to and from a transit stop difficult. In other cases, transit corridors are located in mature neighborhoods with continuous sidewalks and active street life.

In all cases, a corridor is lined with hundreds of separate and individually owned properties, so that orchestrating any type of change would require both partnership with local government and incentives for private developers.

1.1 Related Efforts

A number of regional efforts are also engaged to better align our public transit systems with appropriate and supportive land use. The Transit Service Overlay Zone will build on and coordinate with these ongoing projects, including the following:

PSRC Multicounty Planning Policies: VISION 2040 and Transportation 2040

PSRC's VISION 2040 multicounty planning policies (MPP) provide a framework for the Transit Services Overlay Zone concept. These policies are grounded in an integrated approach to planning, regulations, and implementation actions for land use, transportation, air quality, and human health (PSRC, 2009). Multicounty planning policies guide the development of Transportation 2040 to promote a coordinated multimodal transportation system, integrated with and supported by more balanced and varied land use patterns.

VISION 2040 focuses future growth using a centers-based strategy. Centers are characterized by compact, pedestrian-oriented development with a mix of uses. With proximity to a collection of services, shopping, recreation, jobs, and housing, centers create environments of improved accessibility and mobility — especially for walking, biking, and transit — and, as a result, play a key transportation role.

In VISION 2040, 35 regional growth centers and manufacturing/industrial centers have been identified as areas that should accommodate a significant amount of future growth. In addition, VISION 2040 also recognizes that smaller hubs also serve important roles as places for jobs, housing, shopping, and recreational opportunities. "Each such center -- no matter how large or small -- should serve as a focal point of community, be walkable, and have easy access to transit." (PSRC, 2009 :49)

Transportation 2040 reaffirms this centers-based approach. Its regional guidance calls for new local transit to focus provision of frequent service in urban areas, particularly to and between local and regional centers in major travel corridors. While

there is a recognition that jobs are no longer located only in downtowns, policies encourage new transit service to be focused in locations that best support productive routes, promote convenient transfers between transit and other travel modes, serve local needs, and feed the high capacity system.

Bellevue Multimodal Concurrency Pilot Project (2008)

In 2008, the Washington State Legislature funded a study of multimodal concurrency to explore methods of quantifying alternative transportation modes and to incorporate them into local concurrency management programs. In response to this legislative proviso, the PSRC and City of Bellevue collaborated with King County Metro to develop multimodal measures for peak and off-peak periods; a concurrency approach for the Bellevue regional growth center; and a strategy for integrating all modes (roadways, transit, ferries, walk, and bike) into consideration for sustained mobility.

Community Transit's Long Range Plan, Transit Emphasis Corridors (2011)

This long range transit plan sets a strategic direction, calling for coordination between Community Transit, the State of Washington, Snohomish County, cities and other partners to focus planning, development and service implementation efforts into a series of "Transit Emphasis Corridors." These are corridors identified in the long range plan via a set of performance metrics that each stakeholder agrees are a priority for multi-modal transportation. The plan identifies the potential for future transit service improvements and documents corridor land use and infrastructure changes needed to support that service.

King County Metro's Service Guidelines (2010)

King County Metro's guidelines will be used to make decisions about expanding, reducing and managing transit service, to evaluate service productivity, and to determine if service revisions are needed because of changes in rider demand or route performance. Guidelines are also intended to help Metro respond

Issue Cities and counties planning under the Growth Management Act (GMA) are required to plan to accommodate designated levels of population growth. When planning for where that growth might go, the level of transit service may not be considered, or in some cases, increased transit service is assumed without involving the local transit provider in a realistic conversation about what is feasible.

Solution Improved regional and local coordination between land use decision-making and transit service provision can help cities ensure and support viable transit services for more balanced redevelopment in their existing urbanizing areas. A mutually agreed upon vision can also ensure that growth is focused in such a way as to improve transit productivity and efficiency.

Issue Roadway design, including its relationship to adjacent land use, is controlled by local jurisdictions. The combined result of transit and land use decisions affects not only transit productivity of a corridor, but also traffic congestion, livability, quality of life and how people choose to travel. Currently, few transit agencies and municipalities benefit from the predictability and commitments of long-term integrated planning. The separation of land use and transit planning is also ineffective at capturing the real value associated with private sector investments, such as Transit Oriented Development (TOD) which depends on long term assurance of the transit service.

Solution Transit services may undergo increased speed, reliability and productivity with the implementation of land use regulations that not only support transit but also enhance alternative modes, including cycling and walking. Land owners, the travelling public, transit agencies, cities, and counties can work together to make long term commitments and come up with a mutually agreed upon vision for a corridor. Jurisdictions and transit agencies in the central Puget Sound region have already begun to cooperate more closely in their planning efforts. One example of this is Community Transit's work with Snohomish County jurisdictions in development of its long range plan. The Transit Service Overlay Zone concept provides a framework to more systematically expand upon these coordinated planning efforts.

Issue Transportation concurrency is not as effective as it could be because concurrency requirements have been too often implemented with a sole focus on roadway solutions. The reality is that in many areas, there is no more room to widen streets, and therefore limited opportunities to address concurrency problems. Given this setting, particularly in urban growth areas, a broader multimodal view of concurrency is being explored, which considers land use, transit and non-motorized transportation in meeting current and future travel demand.

Solution Transit and land use coordination can help provide alternative solutions for concurrency, making infill projects more predictable for developers. A Transit Service Overlay Zone can take steps towards a process for transit service operating funds to be prioritized in designated corridors.

to changing financial conditions and to integrate its services with the regional transportation system.

The guidelines are designed to address productivity, social equity and geographic value. These factors are applied within the guidelines in a multi-step process to guide modifications to service.

Weighted Criteria used in these guidelines include:

- Density of jobs and housing within ¼ mile of the route
- Social equity and service to low income populations
- Connection to regional centers, manufacturing/ industrial centers or transit activity centers.

PSRC Growing Transit Communities (2010)

In 2010, PSRC received a Sustainable Communities Regional Planning grant from the U.S. Department of Housing and Urban Development. The Growing Transit Communities program funded by the grant is working to help local communities make the most of new light rail service, bus rapid transit and other transit investments, with the goal of putting jobs and opportunity closer to where people live.

The result will be communities that all people can afford to live in, where they can walk or take a train or a bus to work, and have good access to shopping and other activities.

Making sure that transit investments and the changes that come with them are as balanced and fair as possible, Growing Transit Communities is mobilizing residents and community groups representing diverse populations to participate in local planning and decision-making.

A major product of Growing Transit Communities will be Corridor Action Strategies. These will detail the actions and tools needed to make it easier to develop jobs and housing in areas associated with transit investments.

And, acknowledging the need for safe, secure and quality affordable housing in the region, Growing Transit Communities will develop funding and finance tools and offer technical assistance to housing providers and local jurisdictions.

Catalyst demonstration and case study projects in the corridor neighborhoods (Northgate in Seattle, and Tacoma's South Downtown) will implement existing plans and serve as templates for the region's sustainable development.

King County Right-Sized Parking Project (2011-2014)

King County Metro has been awarded a grant in the FHWA Value Pricing Program to address the issues around multifamily residential parking supply in King County.

Over-building of parking supply can lead to increased automobile ownership, vehicle miles traveled, congestion and housing costs. In addition, it presents barriers to smart growth and efficient transit service. King County Metro has an interest in encouraging land uses, policies, and development that overcome these barriers and lead to communities that transit can serve efficiently and effectively. Parking supply and pricing often have a direct impact on a jurisdiction's ability to create compact, healthy communities.

The Right Sized Parking Project will assemble local information on multifamily residential parking demand to guide parking supply and management decisions in the future. The project will also provide incentives for jurisdictions and developers to reduce parking supply or to manage the supply through a range of tools.

1.2 Transit Service Overlay Zone Legislative Proviso

The legislative proviso called for the Overlay Zone to explore ways to improve the coordination of land use and transportation decisions, improve the efficiency of transit service by encouraging transit-supportive development, provide incentives for developers, and support integrated regional growth, economic development and transportation plans. It also required that an Overlay Zone process be implemented at the local level. Therefore, this project has the distinct challenge of supporting integrated regional growth, yet limiting project implementation to the local level.

The Proviso also:

- provides direction on the make-up of an advisory committee
- requires a report to the Joint Transportation Committee
- requires a final report to the transportation committees of the Legislature by January 31, 2012

1.3 Background on Work Accomplished

Technical Expertise

Consultants supplied technical expertise to the process in the fields of land use, transportation planning, market/economic analysis, and legal advice.

Advisory Committee

The project consulted with an advisory committee with representation from transit agencies, municipal and county governments, private sector land developers, affordable housing representatives, the state Legislature, House Transportation Committee staff, and the University of Washington. Committee members offered an overarching vision as well as technical feedback on the concept as it was being developed. A full list of the Advisory Committee members is included in Appendix A. Advisory Committee members participated in four meetings held monthly beginning in September 2011.

TECHNICAL ADVISORY COMMITTEE MEETING TOPICS

Meeting 1 (October)

- Introductions and project kick-off
- Project goals
- Advisory Committee charge

Meeting 2 (November)

- Land use principles in support of transit
- Transit Service Typologies, coordination with regional transit service types, service planning goals and objectives
- Report from transit agencies

Meeting 3 (December)

- Eligibility and activation of an overlay zone via a local planning process
- Example corridors
- Developer incentives
- General concepts for potential changes to state law

Meeting 4 (December)

- Transit Service Overlay Zone prioritization
- Implementation tools - discussion of Concurrency and LOS provisions within an Overlay Zone
- Next Steps and recommendations

2 INTEGRATION OF TRANSIT AND LAND USE

This section addresses the two basic components of a transit service overlay zone: (1) transit service types where a transit service overlay would be most applicable; and (2) land use principles that support transit usage. The integration of transit and land use builds upon the well documented concept that housing and employment density, high quality urban design, and appropriate land use factors combine to not only support and encourage walking, but also increase the likelihood that people will use public transit.

Section 2.1 describes a local transit service typology where the Transit Service Overlay Zone concept may apply. Section 2.2 summarizes land use principles that are found to have a significant influence on transit ridership and may be appropriate for planning within an Overlay Zone.

The Technical Advisory Committee commented on and discussed both transit service typology and land use principles as presented.

2.1 Transit Service Typologies

As part of the regional planning effort, PSRC's Transportation 2040 divides transit service into three categories:

Core Transit Services – Includes light rail, bus rapid transit, and high frequency local buses. These routes provide service to or through areas with higher density population and/or employment. Service is expected to reach all-day, everyday frequency of every 15 minutes or less, although it is recognized that some of the frequencies under existing conditions could be less. These types of services are anticipated to be the focus of the Transit Service Overlay Zone.

Community Connector Transit Services – Transit services through areas not dense enough to warrant core services; this service is less frequent, especially during midday. These routes may evolve into core service where transit demand and land use changes warrant.

Specialized Transit Services – Serve very specific users at specific times, such as peak-period-only commuter services.

This categorization has been used in the region's planning efforts to understand the relative prioritization of both routes and corridors. Local transit authority service typologies are more varied than those listed above, though each of their service

typologies fit into the regional typologies listed above. Table 1 below highlights how the existing and planned service from the local agencies fits into the Transportation 2040 typologies.

As shown on the table at right, four of the six transit agencies currently have bus routes that would qualify as PSRC core service using the Transportation 2040 definition (Community Transit, Sound Transit, King County Metro, and Pierce Transit), while others have either planned or existing core transit services.

The consultant team reviewed the long range plans of the six central Puget Sound region transit agencies (identified in Table 1) and interviewed planning staff from several of them to develop recommended transit service typologies for technical advisory committee consideration. The Technical Advisory Committee agreed that the Transit Service Overlay Zone concept would most benefit from application to a subset of existing and planned core transit service type that includes two-direction, all-day frequent transit service. This type of core transit service, when anchored by an employment center, and connecting several key land use types, such as hospitals, community colleges and other education institutions, can provide both key employment-oriented commute-hour ridership, as well as all-day ridership for both work and non-work trips. More on transit service type can be found section 3.2 Transit Service Overlay Zone Eligibility Criteria.

TABLE 1. TRANSIT SERVICE TYPOLOGIES AND EXAMPLES

Local Transit Agency	Core Service (Existing)	Core Service (Planned)	Community Connector	Specialized
Community Transit	BRT (Swift, 10 minute all-day headways)	BRT (Swift expansion on identified Transit Emphasis Corridors, 10-15 minute all-day headways)	Local Service (Route 116, 30 minute midday headways)	Commuter Service (Route 405, no midday service)
Everett Transit	None	None	Local Circulator (Route 2, 45 minute midday headways)	Commuter Service (Route 79, no midday service)
Sound Transit	ST Express (Route 550, 15 minute all-day headways)	Bus Rapid Transit (Rail-Convertible BRT, Busway BRT, HOV BRT, 10-15 minute all-day headways)	ST Express (Route 522, 30 minute midday headways)	ST Express Peak-Only Service (Route 555, no midday service)
King County Metro	Very Frequent Service and BRT (RapidRide A,B / Route 7, 10-15 minute all-day headways)	Very Frequent Service and BRT (RapidRide C-F, 15 minute all-day headways)	Local Service (Route 238, 30 minute midday headways)	Peak Service (Route 257, no midday service)
Pierce Transit	Arterial Service (Route 1, 20 minute all-day headways)	Trunk/Core Service (Puyallup BRT)	Local Service (Route 56, 60 minute midday headways)	Express Commuter Service/Souder Connection (Route 496, no midday service)
Kitsap Transit	None	Potential BRT (SR 303 and SR 305 corridors, TBD)	Local Service (Route 17, 60 minute headways)	Commuter/Ferry Oriented Service (91, no midday service)

Source, Fehr & Peers (2011)

2.2 Transit and Land Use Integration Principles

Often scalable and synergistic, land use factors can work together to support transit use. The following section provides an overview and brief summary of six significant principles that are directly applicable to transit's mode share, including a diverse land use mix, good connectivity, a sense of pedestrian security and convenience, urban design quality, attention to population density and demographic mix, and the treatment and management of parking.

A voluminous assortment of studies explores this linked relationship providing decision-makers with a strong foundation for policies that can better tie land use planning to transit provision and service planning. However, care is always needed when applying these studies and measures to local conditions, much still depends on specific attributes, such as area demographics. Studies may also only apply to subset of total travel, such as local travel or commute travel.

People who live or work in accessible, multimodal communities, with a mixture of services and within convenient walking distance of transit tend to drive 20-40% less, and use alternative modes such as transit, walking and biking more than residents of conventional, automobile-oriented communities (Litman 2011).



Mixed-use environments are created by placing a variety of uses within walking distance of one another. Mixed-use environments can be vertical mixed –use (different uses in the same building), as shown above, or horizontal mixed use (mixing uses along the corridor).



PRINCIPLE ONE

Allow for Mixed-Use Development

Mixing land uses is a significant predictor of transit and walking trips, particularly when coupled with compact building design and higher densities (Frank and Pivo, 1994, Litman, 2011). Improved transit ridership results from effectively increasing the likelihood that transit patrons can walk to and from their destinations, and can complete multiple tasks via transit. Mixed-use also effectively contributes to reducing personal vehicle miles traveled by allowing residents and workers to meet many of their daily needs without needing an automobile (Frank and Pivo, 1994, Handy, 1993).

Uses that complement transit rich environments include housing, employment, medical or day care, schools and institutional uses, grocery stores and entertainment.

2 transit + land use



Shared right of way between buses, cyclists, automobiles and pedestrians has frequent opportunities to cross the street and gain access to the local neighborhood. Local street access can be designed to accommodate vehicles, pedestrians and cyclists.



PRINCIPLE TWO

Provide Good Street Connectivity and Access

People choose to walk, bike, and take transit more frequently in more connected neighborhoods. This principle refers to the quality and design of access characteristics along the corridor, and between a corridor transit stop and its supporting land uses. This principal is significant because the characteristics of the circulation network – street connectivity, number of intersections, and type of street pattern -- influences a person's choice to drive, walk, bike, or take transit (Marshall, 2009). Locations with a higher number of local routes and intersections can provide for more direct trips, more route choices and shorter distances between uses – all elements that encourage cyclists and pedestrians to travel locally to a bus stop.

A King County sponsored research paper found that residents in the most “interconnected” areas of King County travel 26% fewer vehicle miles per day compared to those that live in the least connected areas of the county. Additionally, the study indicates that a 10% increase in intersections per square mile reduces vehicle miles traveled (VMT) by about 0.5% (Frank 2005). High street connectivity and grid-like street patterns also give drivers multiple equivalent route options and may result in reduced congestion on arterials.



Pedestrian facilities within Transit Overlay corridors should include features that encourage walking to and from transit; for example, zebra striped cross walks, activated pedestrian signals and appropriate street designs that buffer pedestrians from vehicular traffic.

The type and design of adjacent land uses also contributes to the quality of a pedestrian experience. Buildings may be located at the street edge, with features that support walking, such as canopies for weather protection, residential stoops, and pedestrian oriented entrances.



PRINCIPLE THREE

Provide for Pedestrian Safety and Comfort

In some locations, arterial corridors suffer from less connected land uses, extensive parking lots, long distances between stores, and a lack of pedestrian buffers from vehicle traffic. This principle refers to the application of physical design improvements that enhance corridor aesthetics and livability, and ensure broad user safety and comfort when walking to and from transit stops. Design influences a person's positive perception of their physical environment which, in turn, influences their travel choices.

Many cities include land use code requirements for attributes such as cohesive building frontages and ground level interest, continuous sidewalks, pedestrian scaled lighting, street trees and landscaping in their transit supportive locations. Attention to these attributes that improve a sense of pedestrian safety and security encourages walking and transit use.

PRINCIPLE FOUR

Accommodate Appropriate Density to Support Transit Use

Density within walking distance (typically ½-mile for light rail regional service to ¼-mile for local bus service) to a bus stop or station is a good predictor of mode share, and is cited along with parking policies and transit quality as the factor that most influences ridership (TCRP 2008). However, studies also show that for density to influence increased transit use, it must also be combined with accessible commercial uses, high connectivity of the transportation network and generally adjusted for income and household size (Frank 2005, Cervero and Ewing 2010, Litman 2011). For example, long blocks, even in high density environments, do little to promote transit use or walking, because accessibility remains low. Similarly, people who can afford the costs of driving even in urban, high density locations may be less likely to use transit.

Research varies on the minimum number of jobs/housing units required to support higher frequency bus transit. Portland TriMet's Transit Oriented Development guidelines designate a minimum of 12 dwelling units per acre within a ¼-mile for bus transit. While Zupan and Pushkarev (1977), in one of the first studies correlating population density to transit service, find a minimum of 15 housing units per acre or 20-50 million square feet of office is required to support local bus service. PSRC VISION 2040 includes a description of transit-supportive densities that apply to both residential and employment density:

Household densities should reach, at minimum, 10 to 20 dwelling units per gross acre close to transit stations. Residential densities exceeding 15 to 20 homes per acre, as well as employment areas with densities of 50 jobs per acre and higher, are preferred targets for the higher frequency and high-volume service provided by high-capacity transit. (PSRC, 2009).

The demographic character of the population living near transit also influences transportation demand. Different household types have differing travel behaviors. Studies show that as housing diversity increases, per household transit trips also rise and per household car trips decrease.

In particular, lower income households own fewer vehicles and may be more transit dependent. By placing affordable housing close to transit it is possible to reduce individual household expenditures by reduced transportation costs, as well as generate riders. Including some measures assuring both equity and affordability within the Transit Service Overlay Zone is a key objective that supports both ridership and regional planning goals. Transit Oriented Development programs can provide low-interest loans for gap financing, mortgage assistance, and grants for the construction of mixed-income housing projects close to transit.



Housing placed within a transit corridor benefits from its location near transit and other non-motorized routes.

PRINCIPLE FIVE

Manage Parking Efficiently

The availability and supply of parking is one of the strongest indicators of a population's likely transit mode share (Litman, 2011). Un-managed parking is a substantial barrier to achieving the land use principles described above (in particular, land use principles two, three and four). Applying measures to manage parking efficiently achieves the broader planning objectives of supporting more compact development, encouraging transit use, and increasing development affordability.

The cost of building new parking also significantly influences the economic success of redeveloping areas, and negatively impacts prospects for focusing new development into transit supportive locations. Structured or underground parking, while hidden from sight, is extremely expensive to build (up to \$35,000 per space). As a result, to finance structured or underground parking, new development is often more intense (bigger or taller) with larger resulting revenue streams. This is because the costs of required off-street parking must be carried by the new development, while still resulting in lease rates that can be competitive with an existing surface-parking development nearby. As such, when shifting to a more compact, infill environment, development is risky. A developer is highly incentivized to neither over-build nor under-build parking, but to use all available parking as efficiently as possible.

Many transit supportive areas now provide a flexible range of parking solutions, to move away from one size fits all, standardized parking minimums. This might include district solutions where parking resources are shared efficiently between uses at differing times of day, car-sharing, and pricing parking to alter the cost of private vehicle travel relative to transit. Some local municipalities also choose to “unbundle” the parking requirement for off street parking completely from the building permit. In this situation, a developer could charge for the parking that they build at a fair market value rather than be required to provide parking as a free service.

The regulatory environment must take these factors into account in order to reinforce a supply of buildings and uses that are transit friendly, and economically feasible.



Parking management strategies such as pricing can lead to more efficient use of existing parking supply.



Shelters can reinforce community identity, protect against wind and rain, and offer passenger information and seating.



Passenger wayfinding, bus bulbs, lighting and bicycle racks

PRINCIPLE SIX

Support Passenger Comfort and Multimodal Transfers

This principle focuses on the specific design treatments and planning policies that help to attract and retain riders transferring between modes by creating inviting and comfortable places where modes interconnect (bus to rail; commuter to local bus; automobile to bus, bike to bus, etc.) to allow for smooth, quick transfers. This principle also encourages coordinated planning between agencies and among jurisdictions along the corridor.

Integration of different travel modes as designated in the Transit Service Overlay Zone might mean strategies crafted for better attention to signage, bus stop placement, and the location of passenger drop off areas to facilitate transfers between modes as well as enabling pedestrian and bicycle connections with public transport, bicycle storage locations and completing links to local bicycle routes.

3 TRANSIT SERVICE OVERLAY CONCEPT Existing State Law

The following section outlines the Transit Service Overlay concept reviewed by the Technical Advisory Committee. The first section highlights the purpose and objectives of a Transit Service Overlay Zone; subsequent sections sketch an Overlay Zone's eligibility, activation and implementation under existing Washington State law.

3.1 Purpose Statement

The Transit Service Overlay Zone initiates a collaborative, cross-agency and multi-jurisdictional corridor planning process resulting in commitments from both the local land use authority and transit planning agency. The process helps to prioritize service hours and potentially infrastructure investment dollars into those areas that have agreed to apply land use principles that are supportive of transit use. As such, the Overlay Zone prescribes an exchange; i.e., trading some measure of influence and predictability over a regional transit plan and service commitment for conducting a local planning process to encourage growth and development along frequent-transit corridors (whether within one jurisdiction, or across local agency boundaries).

The Overlay Zone can assist transit agencies as they balance future transit service investments between existing mature, high productivity transit markets, and emerging markets found outside of metropolitan centers. In the former case (mature markets), an Overlay Zone might focus on strategies that reinforce well used routes by maintaining and improving transit speed, reliability and productivity. A Transit Service Overlay Zone commitment could ensure that future infill development is matched by improvements that enhance transit access and reduce transit congestion. In the latter case (emerging markets), while there may be great potential for land use transformation, there is also greater financial risk for both the private sector in developing untested product, and for the public sector in subsidizing transit. In these emerging areas, maintained or increased transit frequency must be met by corresponding increases in accountability by the sponsoring municipality to promote the form and intensity of land use that has the greatest effect on transit ridership within a set of clearly articulated thresholds or commitments.

Stakeholders for this process include the public, transit agencies, municipal governments, transit users and land developers. Most of the following objectives are shared among stakeholders as they result in improved efficiencies, livability and achieve broad sustainability goals including the efficient use of resources. Objectives are summarized as follows:

Program Objectives

- Increase local transit ridership, route productivity and reliability along identified Transit Service Overlay Zone transit corridors.
- Impart longer term certainty for transit agency route planning and resource deployment based on jointly agreed upon metrics between transit agencies and land use authorities.
- Lessen congestion and environmental impacts on busy corridors via increased transit use and non-motorized accessibility to reduce both vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions while improving corridor livability.
- Improve public access to transit at a manageable cost, while making transit more attractive to users.
- Jointly plan for and receive commitments from local agencies to provide investments, such as transit signal priority, other capital improvements, and coordination of intermodal connections.
- Provide an accepted method to optimize bus stop spacing, and modify routes to improve transit function.
- Add to city tax revenue streams with responsible redevelopment in areas already supported by existing infrastructure.
- Provide improved predictability and risk management to support land redevelopment relative to the provision of higher frequency local transit.
- Provide a method to achieve appropriate local regulatory tools and incentives to support local redevelopment during a local planning process, such as lower parking requirements, planned action SEPA, concurrency relief, housing affordability or a combination of the above.

3.2 Transit Service Overlay Zone Eligibility

Designating a corridor’s potential for participation as an Overlay Zone is an important characteristic of the proposal. Eligibility criteria must realistically prioritize those locations that will benefit most from the program while responding to the concern from Advisory Committee members that allowing too many Transit Service Overlay Zones could overly burden a transit agency.

In order to balance these trade-offs, an Overlay Zone’s eligibility would be characterized first by its placement in an approved Regional Transportation Plan (e.g., Transportation 2040 in the central Puget Sound region). Once designated as eligible, corridors could be added, amended, or removed via an amendment to the regional plan. Positioning corridors under a regional transportation planning organization umbrella brings with it a broadened perspective, and the ability to vet corridor priority beyond the individual municipality or station stop and results in a situation where the full public benefit can be better expressed. The Advisory Committee agreed that the following minimum criteria be used to establish corridor eligibility.

(a) Corridor achieves current all-day frequent transit services (minimum 15 minute frequencies) or be within a transit agency’s long range plan for all-day frequent transit service meeting the PSRC “core transit services” definition.

Increased frequency reduces reliance upon schedules and better accommodates non-work travel. A corridor may achieve this frequent service by accommodating multiple routes with local and express bus service. These services can be further enhanced by linking different modes together (i.e., bikes on buses or being able to park once and walk/bus to multiple destinations). Regional light rail and commuter rail are not currently considered for the Overlay process since a parallel planning process (Growing Transit Communities) is already underway to coordinate land use planning around rail stations. At this time, the team is also excluding the all-day frequent transit service that operates predominantly on freeway corridors since that service provides limited opportunities for transit-oriented land use development along the corridor.

(b) Corridor provides a link to a high density employment/population centers.

At least one strong “anchor” should be required to ensure adequate transit ridership along the corridor. This criterion reinforces existing employment and residential growth centers, and builds upon the regional policy framework and smart growth initiatives. Higher density centers may include designated regional growth centers, manufacturing/industrial employment centers or other locally designated centers as applicable (see Figure 1). In some cases, a higher productivity corridor would not anchor at a regional growth center, but would be a feeder router to a light rail anchor, a community college or a hospital which would be part of locally designated centers.

(c) The corridor meets established targets for a minimum jobs/housing density to support high frequency transit.

The third criterion provides a basis for relative population density and whether it would support continued investments in transit service and infrastructure. An average linear density within the broader envelope of the identified corridor study area (up to ½-mile) permits variations along the line, but also ensures a minimum number of potential users to support higher frequency transit service. Further analysis is suggested before setting specific minimum targets. These targets could be set by the Metropolitan Planning Organization with input and agreement of the local jurisdictions and transit agencies through its eligible corridor planning process.

The above criteria build on efforts already underway around the region and the state. Transit agencies serving locations in the Puget Sound region have already begun to initiate analytical tools to track the performance of routes and better “right-size” their service for the existing market place. Congruence between resource expenditure and the need for enhanced service coverage is determined locally. Making use of the increased availability of data and use of GIS as an analytical tool, transit agencies, such as Community Transit, Pierce Transit and King County Metro use metrics and performance measures to plan future growth in their fixed routes.

Criteria evaluated during the transit agency service prioritization process typically include, but are not limited to, the following:

Quantitative criteria of a transit corridor generally include operational measures such as ridership and service levels and financial measures such as passengers per revenue-mile, passengers per revenue-hour, and subsidy per passenger.

Qualitative criteria, such as an analysis of transit-supportive land uses. Examples include density, demographic mix, mix of uses and local connectivity, presence of paid parking (i.e., driver pays for parking), regional transportation priorities, measures of equity and need, and quality of service.

In sum, during the regional planning process, municipalities and transit agencies would select corridor locations using a set of agreed upon metrics. These metrics and the joint dialogue itself provide the program with its first “filter” to prioritize corridors eligible for a Transit Service Overlay Zone designation. Inclusion in a regional plan as an eligible corridor prepares and validates these areas for higher capacity local transit services and forwards a city’s ability to make use of the benefits and tools defined in the following sections under “Activation” and “Implementation.” Eligibility is seen as an initial step for the program and does not necessarily require further action if there is no interest by a sponsoring municipality or joint partnership.

3.3 Transit Service Overlay Zone Activation

Under current Washington State law, all jurisdictions have the authority to voluntarily initiate a local corridor planning process such as is proposed for the Transit Service Overlay Zone, resulting in a mutual commitment between the local jurisdiction and transit agency. The activation of a corridor could occur via individual, negotiated local agreements between the transit agency(ies) and the relevant local jurisdictions (i.e., providing land use planning and implementation in the zone) . The interlocal agreement that triggers the Overlay Zone’s

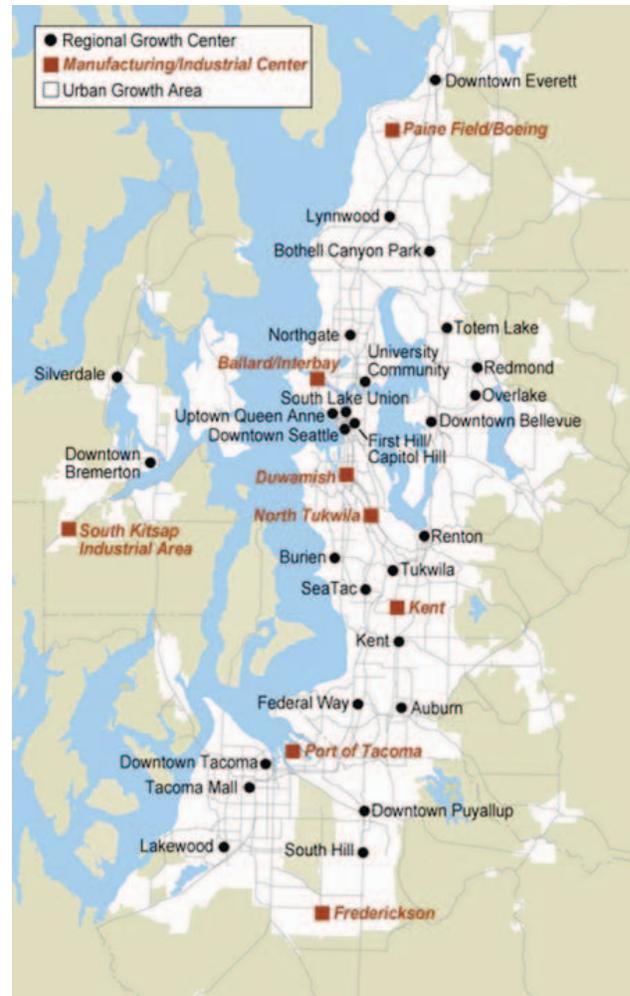


Figure 1. PSRC Regional Growth Centers, Manufacturing/Industrial Centers and Urban Growth Area (source PSRC)

“activation” must commit resources of the parties signing to a local land use planning process and formal implementation framework that initiates transit-supportive changes and actions. In this way, rather than a one-size-fits-all “model” zone, activation via a local planning process enables a forum for negotiation between the transit agency and land use authorities through a partnership framework.

3.3.1 The Local Planning Process

Jurisdictions address the transit supportive land use planning principles within the Overlay Zone study area during the local planning process. This process sets appropriate benchmarks to achieve service commitments and further defines areas applicable for the Overlay Zone strategies within the broader buffer area around the corridor. The local planning process should;

- Set land use principles for the applicable portion of an Overlay Zone study area as part of an activated Overlay Zone agreement.
- Facilitate communication among jurisdictions and between jurisdictions and their constituents.
- Enable discussion on the interconnectivity between local and regional transportation routes.
- Foster partnerships to pool and/or leverage funds to accomplish needed projects and provide service across jurisdictions.
- Implement corridor planning strategies as appropriate for each location.

There is strong interest in having the environmental review for the local planning process completed as a planned action or other “up-front SEPA” technique that would allow infill private development to occur without a separate environmental review. This option would be considered a key redevelopment incentive to support redevelopment along the corridor, reducing risk, and ensuring that policies are aligned.

3.3.2 Examples of Possible Corridors

Figures 3, 4 and 5 illustrate the sample routes chosen by the project team and Advisory Committee to explore route prioritization and future Overlay Zone implementation.

Routes display a diversity of land use conditions, and include conditions with both existing and planned core transit service. Community Transit’s Planned Swift Corridor 10 in particular (figure 3) was selected

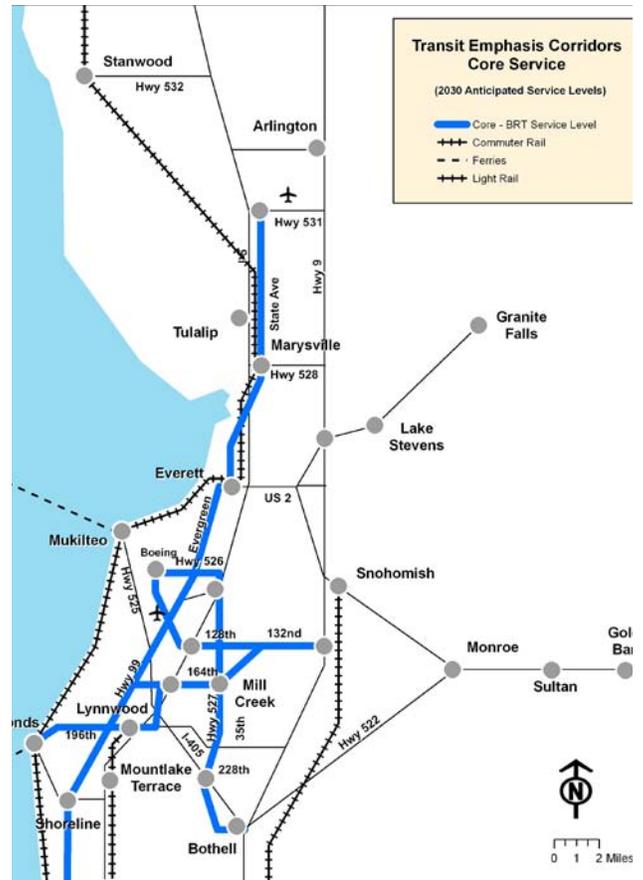


Figure 2. Figure 2. Community Transit Long Range Plan, Transit Emphasis Corridors are priority routes within Snohomish County. The long range plan resulted from a consensus between land use authorities and transit providers. (source Community Transit)

to highlight and coordinate with their ongoing Transit Emphasis Corridor concept.

Discussion by the Advisory Committee focused on both the process for a route’s initial selection and potential phasing of corridors, as well as how to tailor a local planning process to effectively respond to specific conditions along a route. Concerns were expressed about the difficulty of multi-jurisdictional planning, and the need to harmonize what could be a wide range of priorities along a single corridor.

Fig 3. Map of Community Transit’s Planned Swift Corridor 10 connecting Edmonds to Mill Creek

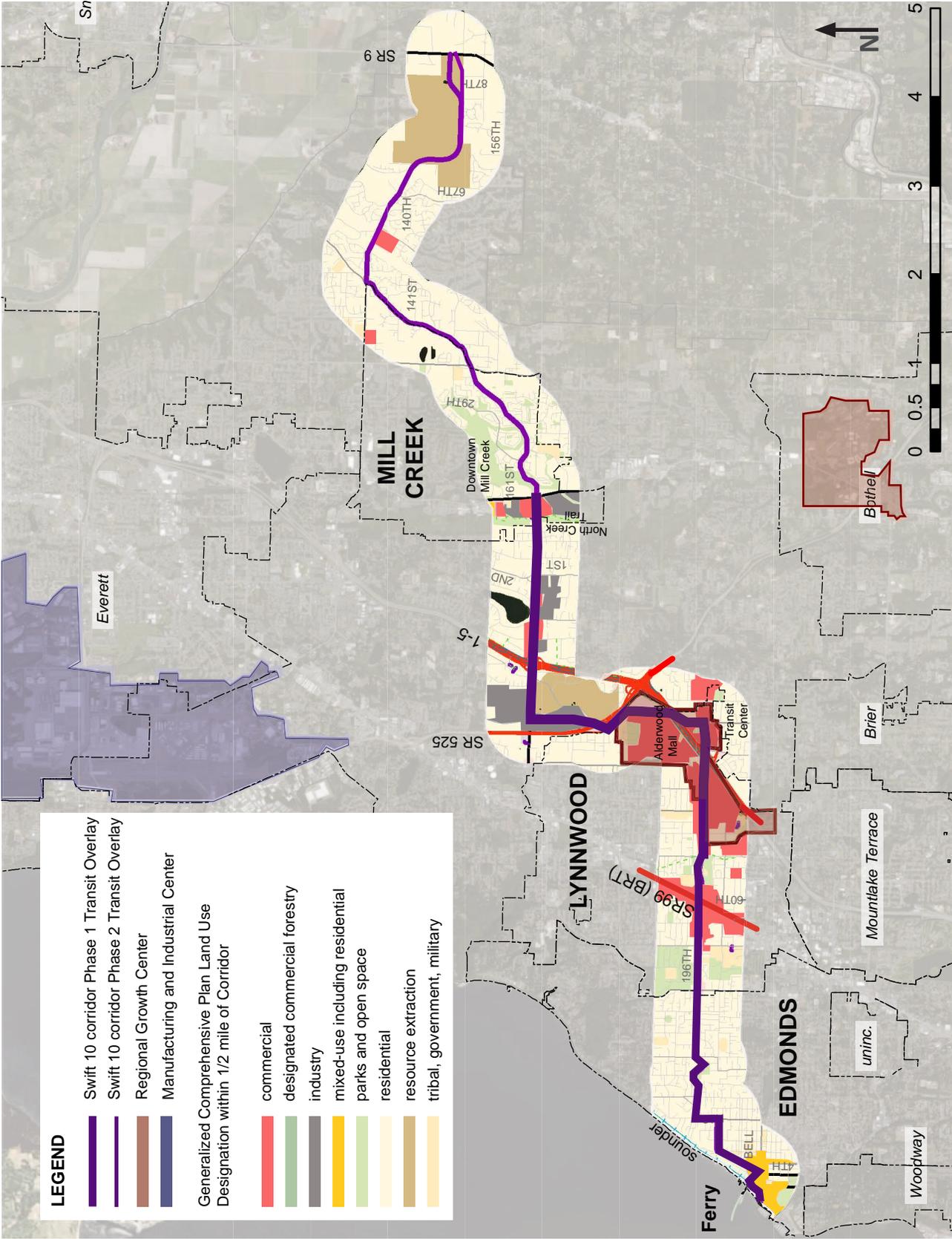


Fig 4. Map of King County Metro Route 48 in Seattle from the University District to Mt. Baker Light Rail Station

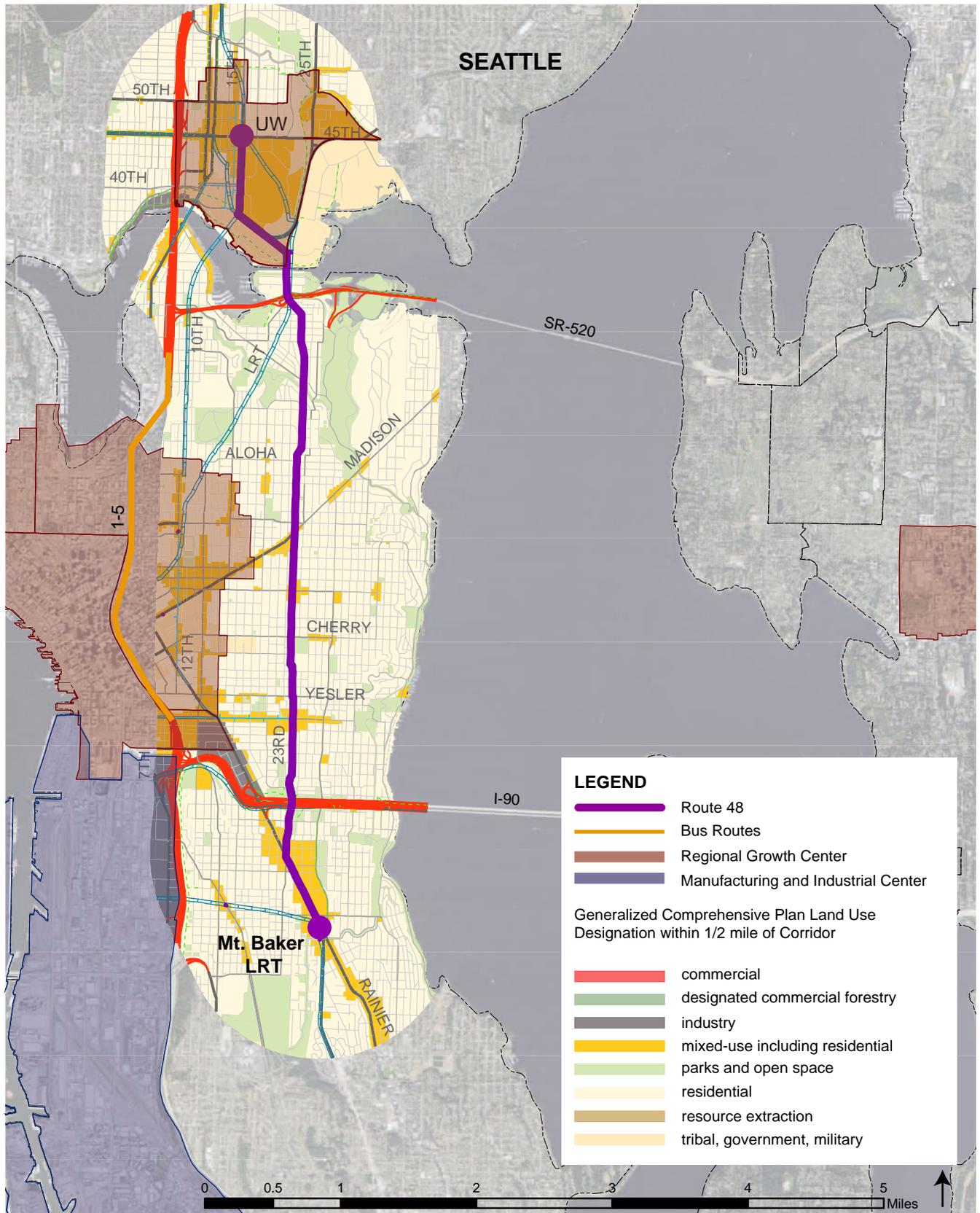
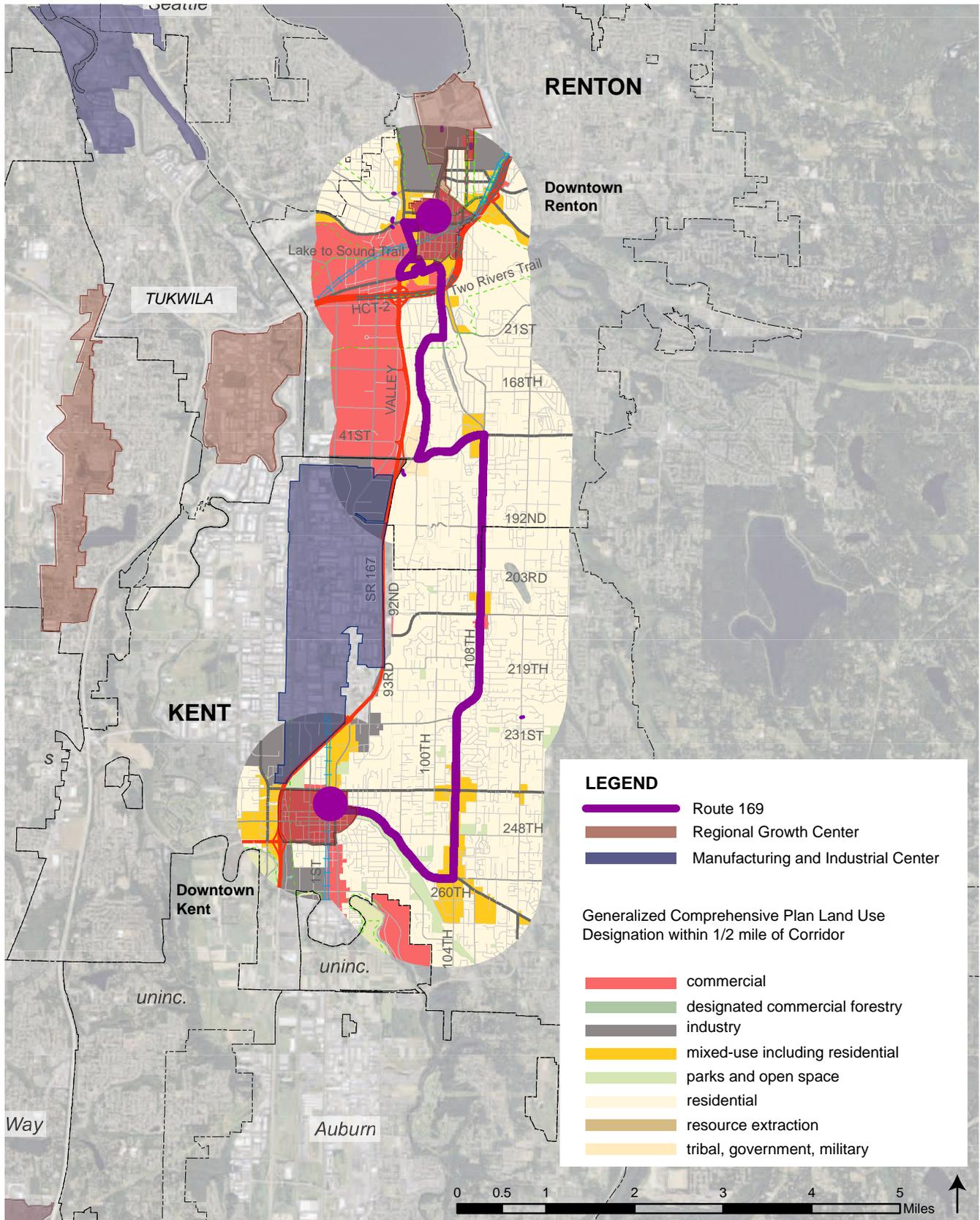


Fig 5. Map of King County Metro Route 169 from Kent to Renton



3.3.3 Sample Transit Service Overlay Zone Local Planning Process

The local planning process may be supported by the regional Metropolitan Planning Organization via transit corridor planning guidance or standardized templates such as the following sample outline:

Local planning process outline

1. Land Use: Mix and Appropriate Transit-Supportive Density Targets

- Adjust zoning and other relevant regulations to accommodate desired transit supportive densities and a mix of uses within the Overlay Zone (may be averaged along a corridor, or accommodated in nodes).

2. Circulation Characteristics and Efficient Roadway Operations

- Conduct a simple congestion analysis along the corridor, such as existing transit load factors and corridor traffic Level of Service.
- Survey Transit Supportive roadway features to achieve targeted ridership gains; such as optimal Bus Stop locations, designated Bus-Only Lanes, Intelligent Transportation Systems, Transit Queue Jump Lanes, Transit Signal Priority, Bus Stops in-lanes, etc.
- Identify route transfer points with other core transit services and needed improvements, and suggest alternative routing to achieve mutual goals, if necessary.

3. Local Connectivity and Access to Corridor

- Provide an analysis of number, spacing, and accessibility of local neighborhood street connections.
- Coordinate with non-motorized, cycling or other local mobility plans along the corridor, and provide strategies to improve local access, such as cycling facilities and “last mile” connections to neighborhoods.
- Provide an analysis of access management along corridor (curb cuts, turn lanes and driveways).

4. Pedestrian Comfort and Safety

- Identify key improvements and obstacles to pedestrian safety; for example, condition of the sidewalk network within Transit Service Overlay Area, real time bus arrival, waiting areas.
- Development standards and frontage improvements that line the corridor.

5. Infill Redevelopment Potential and Real Estate Market Feasibility

- Identify obstacles to achieve redevelopment, and future density targets (political, regulatory, market, or other) to indicate realistic expectations for future private sector redevelopment and appropriately scale public improvements.
- In the assessment of market areas, identify and measure the availability of land suitable for redevelopment and complete a formal market analysis.
- Identify potential infill opportunity sites.
- Identify and coordinate partnerships to locate affordable housing within the Overlay Zone.
- Identify appropriate private sector incentives as an implementation mechanism for the Overlay Zone (see also Section 5.0 Implementation Tools).

6. Parking Policy and Transportation Demand Measures

- Conduct analysis of parking capacity and usage along the corridor.
- Adjust on- and off-street parking requirements, and regularize standards along the corridor.
- Provide for comprehensive parking policies/regulations that support transit use within the corridor.
- Enable commute trip reduction programs that reduce peak hour commuting trips, and shift users to transit, such as Snohomish County's Curb the Congestion program.

7. Adjust Regulatory Provisions to Support Transit and Infill Redevelopment

- Reduce regulatory obstacles and align development mitigations in support of transit.
- Regularize level of service (LOS) standards (both existing conditions and future for level of service and concurrency) along the length of the corridor, and incorporate multimodal LOS, as appropriate.

4 TRANSIT SERVICE OVERLAY CONCEPT Changes to State Law

While corridor planning, and multi-jurisdictional cooperation is possible within Washington State, there are few precedent corridor joint-planning efforts in Washington State that do not involve a major capital project, such as a highway expansion. Identified obstacles include the following:

- competing priorities
- policies that differ significantly across jurisdictional boundaries, such as concurrency and level of service (LOS) standards
- development regulations

The following section explores possible modifications to the state law that would help to circumvent some of the above-identified obstacles for improved multi-jurisdictional corridor collaborations.

Changes to state law would help provide a sanctioned legal process for the Overlay Zone under GMA. Suggested changes are not a mandate to implement the Overlay Zone. Jurisdictions and transit agencies would still need to take action. The attached outline (Appendix B) explores a new legal framework that could help provide additional certainty in the desired outcomes for the Overlay Zone process. Alternatively, this framework could also be used to establish a pilot project, to test the Transit Service Overlay Zone program and to better establish protocol for proposed incentives, funding mechanisms and implementation tools.

4.1 Transit Service Overlay Zone in the GMA framework

A memorandum provided by Foster Pepper provides an initial framework for changes to the Growth Management Act to support the Transit Services Overlay Zone Approach. See memorandum attached in Appendix B, New GMA Section – RCW 36.70A.440 Transit Service Overlay Zones (Voluntary Planning Tool)

4.2 Transit Service Overlay Zone Other Legal Amendments

Other Potential Legislative Amendments might be explored to refine:

- SEPA categorical exemptions as related to a Transit Service Overlay Zone
- Level of Service/Concurrency (see discussion in section 5.1)

5 IMPLEMENTATION TOOLS

The Advisory Committee briefly discussed implementation and activation methods for the Overlay Zone. The Committee compared existing methods -- those typically used by land use and transit authorities -- with possible methods that could be available within a future Overlay Zone planning process. Potential implementation tools include:

Overlay Zone Regulatory Changes

- Amending land use zoning to achieve density targets
- Changes to Level of Service (LOS) standards, including multimodal LOS standards
- Concurrency/ Multimodal concurrency provisions
- Corridor Parking Districts and transit friendly parking standards, such as a model ordinance that relates parking requirements to amounts of transit service and or other nearby parking resources
- Model urban design or streetscape guidelines appropriate for the Transit Service Overlay corridors

Roadway and Circulation Infrastructure and Operational Improvements

- Creation of a new taxing authority, such as a transportation benefit district or other method to fund desired roadway and circulation improvements (e.g., waiting areas, bus stop station improvements, bus-only lanes, or queue jumps)

Incentives for Infill Redevelopment / friendly regulatory environment

The application of appropriate incentives can simplify project approvals and reduce development costs in the Transit Overlay Zones. Examples of incentives include:

- Commercial Tax exemptions for a limited amount of time (similar to multifamily tax exemptions)
- Multifamily tax abatements
- Administrative-only review for development permits
- SEPA relief, or possible expansion of categorical exemptions to Overlay Zones
- Public private partnerships
- Waved or reduced permit fees
- Streamlined project review

Advisory Committee members agreed that a thorough implementation tool-box would be a welcome next step. This tool box could lend a common basis of understanding and standardized set of tools for understanding the effects of corridor-wide development patterns on transit use.

5.1 Sample Implementation Tool: Level of Service Standards/Concurrency Provisions

Although an array of implementation tools are presented above, this section addresses one of these subjects in greater detail to provide a sense of the implementation issues that would be addressed in the Transit Service Overlay Zone concept. The Transit Service Overlay Zone approach offers opportunities to broaden the application of two primary GMA requirements: (1) level of service (LOS) standards and (2) concurrency provisions. Implementation options are discussed within this section.

5.1.1 Effects of the Transit Service Overlay Zone

The Transit Service Overlay Zone could change the modal mix and travel performance within the Overlay Zone. Some of these effects might include the following:

- Improve transit service and ridership within the Overlay Zone
- Result in a mode shift from auto to transit
- Reduce vehicle trip generation from new development
- Reduce need for auto-oriented roadway capacity
- Increase need for transit priority treatments
- Increase need for pedestrian accessibility to transit corridor

It is important to be able to measure the impacts of these changes within a community's comprehensive plan and its development review procedures. Both Level of service measures and concurrency are potentially affected by the Transit Service Overlay Zone concept.

5.1.2 Level of Service Standards

The performance of Transit Service Overlay Zones can best be measured in the context of multimodal level of service (LOS), which focuses on the movement of people rather than vehicles. Multimodal LOS can include the following types of measurements:

- Throughput (typically measured as person throughput by mode)
- Delay (measured by mode at intersections or along a corridor)
- Travel time (measured along a corridor by mode)
- Accessibility (measured by mode relative to key zone destinations)
- Comfort and safety (measured by mode for access to travel options within a corridor)

Several jurisdictions have implemented multimodal LOS methodologies and standards to better address the performance of non-auto modes within their communities. Such an approach would be important to the implementation of Transit Service Overlay Zones, which would require specific transit performance that could also affect the performance of other modes within the Overlay Zone.

5.1.3 Concurrency Provisions

The Transit Service Overlay Zone generates several questions about how a jurisdiction's concurrency program could be adapted to meet the needs of the zone. In this context, it is important to recognize that GMA concurrency comes in two forms:

Planning Concurrency -- Examines the capacity of a planned transportation network with forecasted land use growth (typically 20+ years)

Regulatory Concurrency -- Takes a short-term focus to determine if the level of service will be adequate for new development (6 years)

Within these two concurrency frameworks, multimodal concurrency measures can be applied to address the impact of all travel modes. A table included in Appendix C addresses the following questions posed by the Advisory Committee and identifies concurrency options to consider. Each option is included with its pros and cons, along with a set of actions that would need to occur for the option to be implemented.

What are the basic concurrency options available?

What about exempting concurrency within the overlay zone?

How can concurrency provisions work across jurisdictional boundaries?

How would local agencies include transit provisions within concurrency?

Based on input from the Advisory Committee, a possible framework for a concurrency program is outlined below.

1. Address concurrency from both a planning and regulatory perspective.

Planning concurrency fits well with the Transit Service Overlay Zone approach. The long-term growth within the Overlay Zone can be matched with needed transit service and infrastructure needs (e.g., roadway capacity, transit priority treatments, pedestrian and bicycle facilities). Development could

Concurrency Challenges:

- Concurrency is "Local"- Each jurisdiction along a corridor likely has a different LOS method, standard, and concurrency approach. Similarly, jurisdictions may have different planning horizons.
- Nexus relationships may be unclear- Jurisdictions need sound technical basis for granting "adjustments" to concurrency provisions.
- Local agencies have no control over transit providers- If the land use changes occur, will the transit service be there? What can the local agencies require of developers to help with transit?
- Funding is always a concern- Joint planning efforts need joint planning dollars to ensure that the overlay zone is structured fairly.

be approved if adequate progress is being made to implement the Overlay Zone improvements.

Regulatory concurrency can also be adapted to the concept. Development impacts could be measured against all modes using a multimodal LOS approach. Traditional intersection or corridor vehicle delay could still be addressed by developing vehicle trip reductions for the transit-oriented land uses within the Overlay Zone.

2. Consider concurrency exemptions for eligible land uses within the Overlay Zone.

Incentives for transit oriented land uses could include adopting specific concurrency exemptions. Exempted land uses would benefit from having a streamlined development review process. A concurrency exemption program should be limited to specific development types that are “transit focused.” Note that such developments would likely still need to pay any development impact fees and/or provide SEPA mitigation (unless project-level SEPA preapproval is conducted in a separate process, such as a planned action).

3. Develop a common concurrency approach within each Overlay Zone.

Because zones cross several jurisdictional boundaries, with each jurisdiction having its own concurrency methodology, it is important to establish a common concurrency approach throughout the zone. This would require participating agencies to agree on a methodology that could be uniformly applied by the participating agencies. It would be possible to establish this common concurrency approach within the zone while allowing each jurisdiction to retain its

own concurrency program for areas outside of the zone.

4. Establish clear agreement between local agencies and transit provider(s).

Concurrency requires the necessary infrastructure and services to be in place “concurrent” with the development (i.e., within six years). However, local agencies do not have control over transit service investments. At a minimum, the local agency and transit provider(s) should include goals within their respective plans specifying the expected level of transit services related to varying intensities of land development. A more effective strategy would be for the agencies to sign interlocal agreements that document planned land use density and a commitment on the part of the transit agency to provide the level of transit service required to meet resulting demand. Actual service implementation would match the pace of development. Such agreements would need to be closely monitored to account for land development activity, transit service levels, and changes in agency policies and/or funding priorities over time.

6 KEY FINDINGS AND NEXT STEPS TO ADVANCE THE CONCEPT

The Advisory Committee agreed that the Transit Service Overlay Zone concept was worthy of further exploration. Their key findings are summarized as follows:

- The Transit Service Overlay is a move in the right direction and can help achieve shared objectives.
- Continue exploring regional coordination on how to obtain transportation infrastructure that will accommodate land use plans, and land use plans that improve transit route productivity.
- Workable partnering is key to the concept. These are partnerships at a sub-regional scale between municipalities located along a corridor, as well as between those municipalities and transit service providers.
- Include the concept in the State Legislature's Transportation 2012 package.

The Transit Service Overlay Zone could be advanced without requiring changes to state law. The Advisory Committee expressed an interest in moving the concept forward in time for local jurisdictions to incorporate the Transit Service Overlay Zone concept into their next Comprehensive Plan update cycle (by 2015 for central Puget Sound counties and their incorporated cities).

Amendments to state law could add value, as well as clarify protocols, such as through development of standardized agreements.

In order to evaluate the concept, the Advisory Committee recommends that the state commit additional resources to developing the Transit Service Overlay Zone concept as follows:

- Further explore Overlay Zone eligibility criteria for potential use by the regional transportation planning organization technical committees and policy boards.
- Explore the Overlay Zone implementation via

demonstration projects on at least two different project corridors. Demonstration projects should include:

- o Existing core transit services (e.g., a corridor with existing frequent all-day bus service)
- o Planned core transit services (e.g., a corridor where frequent all-day bus service is planned, but not yet implemented)
- Test the implementation of the above demonstration projects with the application of suggested changes to state law if feasible, and continue to develop potential amendments to facilitate the concept.

Further research is also warranted in collaboration with other regional efforts to fully develop a set of implementation tools, in particular:

- A standardized interlocal agreement to simplify and support partnering between jurisdictions and transit agencies for the Transit Service Overlay Zone.
- A Transit Service Overlay Zone LOS Standards/Concurrency approach that evaluates person throughput rather than simply vehicular throughput.
- Develop a standardized set of guidelines/template to conduct the local planning process step.
- Standardized guidelines/template for other corridor-specific implementing tools such as strategies for parking districts, or transportation demand management programs.

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Appendix A

List of Advisory Committee Members

Name	Title	Agency
Deborah Eddy	Representative	Washington State Legislature
Harry Hoffman	Executive Director	Housing Development Consortium Seattle - King County
Roland Behee	Strategic Planning Unit Manager	Community Transit
June DeVoll	Manager of Strategic Planning and Grants	Community Transit
Bonnie Geers	Vice President of Community Development	Quadrant Homes
David Munnecke	Counsel	House Transportation Committee
Shane Hope	Community and Economic Development Director	Mountlake Terrace
Charlene Anderson	Planning Manager, Planning Services, Economic and Community Development Department	City of Kent
Jim Jacobson	Deputy General Manager	King County Metro
Steve Thomsen	Public Works Director	Snohomish County Public Works
Anne Vernez Moudon	Professor of Architecture, Landscape Architecture, and Urban Design and Planning; Adjunct Professor of Epidemiology and Civil and Environmental Engineering	University of Washington
Kevin O'Neill	Planning and Urban Design Manager	Seattle Department of Transportation
Kelly Mann	Executive Director	ULI Seattle
Paul Inghram	Comprehensive Planning Manager	City of Bellevue
Josh Brower	Partner, Brower Law PS	ULI Member
Peter Hahn	Director, Seattle Department of Transportation	City of Seattle

Appendix B

Legal Framework Discussion Points Presented to Transit Service Overlay Zone Advisory Committee (Source, Foster Pepper)

(Attached)

Memorandum

To: Puget Sound Regional Council

From: FOSTER PEPPER PLLC

Date: December 29, 2011

Subject: Potential Transit Service Overlay Legislative Amendments –
FOR DISCUSSION PURPOSES ONLY

The State Legislature appropriated funds and directed the Puget Sound Regional Council (“PSRC”) to establish a Transit Service Overlay Zone (“TSO”) framework. The overriding objective for the TSO is to integrate transit service with local land use planning. In addition to this overriding objective, PSRC’s lead TSO consultant, VIA Architecture, has prepared a comprehensive list of TSO objectives to guide the formation of the TSO.¹ These objectives were informed by regular meetings between VIA Architecture and PSRC’s TSO Advisory Committee.

VIA Architecture asked Foster Pepper to determine whether new legislation is required to implement the TSO. It appears that most of the TSO concepts may be implemented under existing law. However, PSRC may wish to request legislation to clarify the TSO objectives and to streamline TSO implementation at the local level.

Following below is draft legislation for consideration in PSRC’s implementation of the TSO. The draft legislation is based on the principle that the TSO is a *voluntary* planning tool. In other words, participation in the TSO will not be mandated under the Growth Management Act, or any other legal framework. The draft legislation would authorize the TSO for any eligible entity that completes certain steps. However, if PSRC so desires, the legislation’s scope may be amended to solely authorize one or more pilot projects. Such an amendment would require narrowing TSO eligibility to selected “pilot” transit corridors, as identified in section two of the draft legislation.

Please note: this is an *initial* TSO legal framework based upon PSRC’s preliminary TSO concepts. This memorandum is to be used for discussion purposes only. Prior to completing the legislation, there should be additional direction from the PSRC TSO Committee regarding TSO goals, objectives, and incentives. In addition, additional legal research and drafting is necessary to prepare this legislation for the State Legislature.

¹ VIA Architecture’s objective list is available in Appendix A.

New GMA Section - RCW 36.70A.440. Transit Service Overlay Zones
(Voluntary Planning Tool)

(1) - *The Purpose and Intent of the Transit Service Overlay*

[Insert the purpose and intent of the Transit Service Overlay Zone based upon PSRC's TSO Committee recommendations and findings.]

(2) - *Transit Service Overlay Eligibility*

[What the TSO Committee described as filter #1].

The Puget Sound Regional Council or, other regional planning agency, may establish eligibility criteria for transit agencies, cities and counties to enact Transit Service Overlay Zones. Such eligibility criteria should include, but not be limited to geographic boundaries ... *[Insert language establishing parameters of TSO boundaries. If PSRC wishes to solely authorize a pilot project(s), the eligibility criteria should be narrowed to the identified pilot transit corridor(s)].*

(3) - *Transit Service Overlay Activation*

[What the TSO Committee described as filter #2].

After coordinating with a transit service provider, cities or counties meeting Transit Service Overlay Zone eligibility criteria may activate Transit Service Overlay Zones by achieving the following criteria:

[Insert checklist/template of land use principles and other activation concepts:

- A (e.g. minimum density requirement);
- B (e.g. minimum jobs/housing density);

- C (e.g. street guidelines/standards for pedestrian related corridors);
- D (e.g. eliminate auto-related concurrency requirements. Alternatively, PSRC may seek funding to develop a model multi-modal concurrence ordinance as a new tool to address cross-jurisdictional level or service issues.)
- E. (e.g. reduce parking requirements for certain projects; and ...

(4) - *Transit Service Overlay Incentives*

Cities or counties that activate the Transit Service Overlay Zone by fulfilling the requirements set forth in (2) and (3) are / may be eligible for:

[*Insert identified incentives:*

- A (e.g. increased transit service as established in (5));
- B (e.g. eligible for corridor planning fund);
- C (e.g. new taxing authority, if authorized by the state legislature; for example, extended use of transportation benefit district taxing authority);
- D (e.g. increased flexibility with impact fee expenditures)
- E (e.g. SEPA relief identified in RCW 43.21C.110(1)(a)); and ...

(5) - *Transit Service Overlay - Transit Service Component*

(A) Transit agencies are authorized to act in their proprietary capacity to contract with local government(s) that has activated the Transit Service Overlay for predictable and increased transit service. The agreement may set benchmarks to achieve transit agency commitments to maintain or receive supplemental service hours.

(B) Nothing in this section diminishes or otherwise restricts a transit agency's authority to contract with local governments.

(6) - Expediting the Transit Service Overlay Interlocal Agreement Process

To facilitate the cooperation of local governments, the department shall develop and adopt by rule terms and conditions of a model interlocal agreement for a Transit Overlay Zone. Local governments participating in the Transit Overlay Zone have the option of adopting the rule by reference to activate the Overlay Zone as an alternative to entering into an interlocal agreement under chapter 39.34 RCW. Nothing in the section shall preclude local governments from enacting a separate interlocal agreement to implement the Transit Service Overlay Zone.

Amended Section. 36.70A.080 (Comprehensive plans - optional elements.)

(1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy; and
- (c) Recreation; and
- (d) Transit Service Overlay Zones, as established in RCW XXX.

Amended Section. RCW 43.21C.110(1) (a) (Content of state environmental policy act rules)

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters

90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment, including any project in a transit service overlay zone as authorized in RCW XXX that is less than 150 residential units and 100,000 commercial square feet. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department or this section may not be conditioned or denied under this chapter

Amended Section. RCW 82.02.020 (State preempts certain tax fields ...)

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees to recover fees associated with non-project environmental impact statements completed under RCW 43.21C.031, RCW 43.21C.229, or RCW 43.21C.420;~~that are consistent with RCW 43.21C.420(6);~~

Appendix C

**Concurrency Implementation Options Presented to Transit Service Overlay
Zone Advisory Committee (Source Fehr and Peers)**

(Attached)

Appendix C Transit Corridor Service Overlay Zone Concept Concurrency Questions

Question	Option	Pro	Con	Actions Needed
<p>What are the basic concurrency options available?</p>	<p>Planning Concurrency</p> <p>-Match growth expected within overlay zone to capacity provided</p> <p>-Allow development if land use (and trip generation) is consistent with growth expectations.</p>	<p>More flexibility to match growth to capacity provided (tied to planning process)</p> <p>Works well with multimodal concurrency</p> <p>Simpler development review process</p>	<p>Not currently consistent with most jurisdiction programs</p> <p>Requires good land use and transportation plan</p> <p>Likely require common approach among jurisdictions within corridor</p>	<p>Develop land use/ transportation plan within corridor</p> <p>Set up model plan-level concurrency process</p> <p>Identify incentives for TOD within planning area</p>
	<p>Regulatory Concurrency</p> <p>-Test development proposals against concurrency requirements in overlay zone</p>	<p>Consistent with most jurisdiction programs</p> <p>Could tie developments to specific impacts within corridor</p>	<p>More difficult to integrate multiple modes</p> <p>May not influence planning process within corridor</p>	<p>Develop vehicle trip reductions for development types within overlay zone</p> <p>Modify mode splits in multimodal concurrency programs</p>
<p>What about exempting concurrency within the overlay zone?</p>	<p>Exempt all development within overlay zone</p>	<p>Simple and consistent approach</p>	<p>Ignores modal impacts that would still occur (e.g. developments would still have traffic impacts)</p> <p>Difficult to create exemption nexus for all land use types</p> <p>Reduces/eliminates local agency ability to seek mitigation</p>	<p>Modify concurrency ordinances within jurisdictions</p>

Question	Option	Pro	Con	Actions Needed
	<p>Exempt development meeting ‘transit-oriented’ standards within overlay zone</p>	<p>Simple and consistent approach</p> <p>Easier to create nexus of impact for designated land uses</p>	<p>Ignores modal impacts that would still occur (e.g. developments would still have traffic impacts)</p> <p>Reduces/eliminates local agency ability to seek mitigation</p>	<p>Identify eligible land use types</p> <p>Modify concurrency ordinances within jurisdictions</p>
<p>How can concurrency provisions work across jurisdictional Boundaries?</p>	<p>Adopt corridor-level concurrency ‘overlay’ program applied uniformly within each jurisdiction’s overlay zone.</p> <p><u>Options:</u></p> <ol style="list-style-type: none"> 1. Concurrency method would be consistent within an overlay zone but could vary between zones 2. Concurrency method would be set regionally or in statute to be applied to all overlay zones 	<p>Consistent approach across jurisdictions within overlay zone</p> <p>Could possibly be implemented as part of a TBD</p>	<p>Overlay program may not be compatible with concurrency program elsewhere in jurisdiction</p> <p>Need interagency agreement on approach</p> <p>Option 2 would require regional agreement and possible changes to statute</p>	<p>Develop model overlay concurrency approach and ordinance</p> <p>Option 2- Establish common method to be applied regionally or statewide. Modify statute as needed.</p>

Question	Option	Pro	Con	Actions Needed
	<p>Agree on allowable concurrency adjustments to vehicle trip rates within corridor. Each jurisdiction retains its own concurrency program.</p>	<p>Trip adjustments can be developed using 'best practices'.</p> <p>Jurisdictions can integrate adjustments into existing concurrency programs</p>	<p>Concurrency approaches would still be variable within overlay zone</p>	<p>Develop 'best practices' trip rate adjustments</p> <p>Modify jurisdiction concurrency ordinances</p>
<p>How would local agencies include transit provisions within concurrency with assurances that transit service can be provided?</p>	<p>Local agencies and transit provider create interlocal agreement for transit service tied to land use provisions.</p>	<p>Agreement provides some certainty to jurisdictions (and developers) that transit service will actually be provided.</p>	<p>May be difficult to achieve agreements with all agencies along corridor.</p> <p>Transit agencies may be reluctant to commit to future services</p>	<p>Identify transit service level triggers tied to land use growth within overlay zone</p> <p>Prepare interagency agreements</p>
	<p>Local agency includes transit service goals for overlay corridor but no formal agreement is made.</p>	<p>Local agency has goals within comprehensive plan but no need to have interagency agreement</p>	<p>Agencies may be reluctant to grant concurrency without transit agency commitment for added bus service</p>	<p>Include transit service goals within comprehensive plan</p>
	<p>Local agency ties concurrency requirements within overlay zone to the existing transit level of service (frequency, span of service, etc.) along the corridor.</p>	<p>Development activity would be tied to the level of service provided by transit agency at the time of development.</p>	<p>May be cumbersome to administer and adjust at each increment of transit service.</p> <p>Favors existing core transit service over areas identified as future core transit service.</p>	<p>Amend concurrency ordinance.</p>

Impact Fee Provisions

Question	Option	Pro	Con	Actions Needed
<p>How can impact fees be used to be supportive of the transit overlay approach?</p>	<p>Modify GMA impact fee statute to explicitly allow transit capital projects to be eligible</p> <p>(note: preference would be to also include nonmotorized capital investments)</p>	<p>Transit capital investments in overlay zone could be eligible for impact fees from new development in corridor (note: could include rolling stock)</p> <p>Transit-oriented development would directly pay for its share of impacts on the transit system.</p>	<p>Local agencies would need to collect fees on behalf of transit agency</p> <p>Impact fee rates may go up as more capital projects are added to the impact fee list.</p>	<p>Modify state law</p> <p>Develop model program for multimodal impact fees</p>
	<p>Include transit (and related nonmotorized) infrastructure in street projects that are impact fee eligible (e.g. bus amenities, transit signal priority, sidewalk connections to transit)</p>	<p>Requires no change to state law</p> <p>Local agencies would be encouraged to coordinate with transit agencies to plan transit enhancements.</p>	<p>Does not include other transit capital investments not tied to street project (including rolling stock).</p> <p>Potentially increases impact fee costs</p>	<p>Plan and design appropriate transit infrastructure within corridor street projects.</p>