

City of Seattle
2016 COMPREHENSIVE PLAN AMENDMENT APPLICATION

Applicant: Chris Leman

Date: May 15, 2016

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Name of general area, location, or site that would be affected by this proposed change in text (attach additional sheets if necessary): Seattle as a whole.

Applicant Signature:

A handwritten signature in black ink that reads "Chris Leman". The signature is written in a cursive style with a large initial "C".

Date: 5/15/16

REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application

Please answer the following questions in text and attach them to the application. Supporting maps or graphics may be included. Please answer all questions separately and reference the question number in your answer. The Council will consider an application incomplete unless all the questions are answered. When proposing an amendment, you must show that a change to the Comprehensive Plan is required.

1. Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc.) you propose to amend.

To the Transportation Element, after policy T-69 add the following new policy: Minimize damage from vehicles that are heavier than would normally be allowed on Seattle's roads and bridges, especially those vehicles that are owned, franchised, or contracted by the City, counties, Sound Transit, and Seattle School District.

Explanation: According to engineering studies conducted by WSDOT, SDOT, and many universities and professional organizations, an unusual proportion of damage to our roads and bridges is caused by heavy vehicles. The damage increases exponentially with weight--that is, at heavy vehicle weights, a slight increase in weight causes a substantial increase in damage. Thus an unusual amount of damage is done by those vehicles that exceed the normal weight limits established by state law. Vehicles exceed the normal weight limits either because they are breaking the law, or because state or federal law includes exemptions that allow certain types of vehicles to be heavier than would normally be allowed.

According to studies that SDOT did nearly 30 years ago, some of the worst damage to Seattle's roads and bridges is caused by extra-heavy Metro buses. This finding is echoed in other cities. Austin, Texas, for example, found a few years ago that 70 to 90 percent of the damage to its arterials is caused by transit buses. The evidence is all around us, as the streets that the buses use have cracked the concrete pavement, and the asphalt pavement is curled up as if by a plow. The weight of these buses would cause them to be prohibited from our streets if the state legislature and then Congress had not completely exempted them from weight regulations. Seattle's streets and taxpayers are thus hostages to the bus purchasing choices of the counties, Sound Transit, the School District or their contractors. Although some transit buses are within reasonable weight limits, most are not, including most that King County Metro has purchased in recent years—and indeed the average weight of the buses that Metro is purchasing is going up every year. The

"hybrid electric" buses that are now popular are especially heavy because they are both diesel and battery/electric motor powered--and thus even when empty, are the heaviest vehicles on the road, with every trip doing measurable damage to Seattle's roads and bridges, and a steady increase in the overall damage done each year. Even Metro's electric trolley buses, which once were well within the weight limits that would apply if buses were not exempt, are creeping up in weight. Seattle can no longer afford to sit on its hands, and fail to firmly communicate to Metro and the other public transit agencies a strong preference against extra-heavy buses that exceed normal weight limits, could not even be on the road without a legislative exemption, and therefore assuredly are doing huge damage every day to Seattle's roads and bridges.

The other heaviest vehicles that are legally on the road are Seattle's own fire trucks, which enjoy a state exemption from any weight limits. No one questions that, in emergency runs, some road and bridge damage is acceptable. But most of the operation of Seattle's fire trucks at weights that require use of this legislative exemption is other than during emergency runs. Because Seattle has done little to ensure reasonable limits on the Fire Department's non-emergency exploitation of the legislative exemption on truck weight, damage to roads and bridges from extra-heavy fire trucks is far more extensive than is necessary for public safety, and there is no incentive for the Fire Department to operate its trucks at weights that do not require the legislative exemption, or to purchase trucks and aid cars that do not require the legislative exemption.

Another very extensive instance of City-sponsored use of extra-heavy trucks are its own contractors' garbage and recycling waste trucks, which under state law enjoy a special exemption allowing them to weigh considerably more than any other truck (other than fire trucks). Studies by the Washington State Department of Transportation find that solid waste trucks do more road and bridge damage than any other kind of truck, and for this reason, WSDOT does not allow these trucks on state highways when they would need the special exemption for more weight. Seattle has no such prohibition, and does not even provide an incentive for its own solid waste contractors not to use the special exemption for more weight. These trucks are everywhere, especially on roads and alleys that are already in the worst shape, and for which there are virtually no restoration funds available from transportation levy funds, which go almost exclusively to arterials.

Instead of long opting to abdicate its power and responsibility, the City of Seattle could assert total control over the weights of the garbage and recycling trucks that operate on City streets, by placing these weight limits in the City's contract with these operators. The City should either require its contractors not to operate at a weight more than the normal state limits (that is, so that

they would not use the state's exception for overweight solid waste trucks), or the City should provide them financial incentives not to make use of this exception.

In 2001 (yes, 15 years, and tens or hundreds of millions of dollars in road and bridge damage, ago), after the author suggested this policy, Seattle Public Utilities' Solid Waste Contract Manager replied as follows:

Your suggestion on contract incentives to use smaller trucks is an excellent one. Our current contracts did not contain this incentive in the Request for Proposals and there is no contract language covering this issue. However, we can and will include this type of incentive in any new contract offerings. We could also ask for differing proposals and prices. One proposal and price would require that the contractors only use collection vehicles that do not exceed a certain weight. An alternate proposal could encourage the incentive of "bonus" payments if the use of large overweight trucks were kept to a minimum. Asking for two proposals and prices, one of which would be for light trucks, would enable the City to see the different collections prices and compare it to the cost of road deterioration/maintenance. Other advantages of using lighter, smaller trucks are that there should be fewer incidences of property damage and fewer trucks in a collection area (as a smaller truck can serve the narrow alleys and streets). It is unfortunate that we did not include this type of language in our current contracts. This issue was just not on our radar screen as we were preparing the RFP.

Unfortunately, this gentleman retired, and those who replaced him were not of the same mind. Since then, the many requests for proposals, and contracts, that SPU has issued contained none of the promised improvements, with the result of huge and completely unnecessary damage to our roads and bridges.

The City's drain and sewer-cleaning vactor trucks reach the legal weight limit when they are only half full of water, and there is no legislative exemption available allowing them to be heavier. Yet it is common for the vactor trucks to be operated well over half full, at weights that are illegal and are causing serious damage to City streets. Illegal truck weights are also reached by City solid waste contractors, as SDOT and SPU found a decade ago when the City Council insisted on surprise weight checks, which showed that a number of the solid waste trucks were heavier than was allowed, even with the legislative exemption.

2. Describe how the issue is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

The Comprehensive Plan's Policy T-70 commits the City to "pursue strategies to finance repair of road damage from heavy vehicles in a way that is equitable for Seattle's taxpayers." However, the Comprehensive Plan lacks any provision to discourage road damage from heavy vehicles *before* it happens. It is not rational to be concerned about road damage from heavy buses but to do nothing to prevent it. It is even harder to justify that some of the worst damage is being done by trucks that are owned by the City (such as fire trucks and drain and sewer-cleaning vacuor trucks) or by its own solid waste contractors.

It is much easier, wiser, and more affordable to prevent expensive damage than to try to fix it once it has occurred. Unfortunately, Comprehensive Plan Policy T-70 is only to pursue funding from the agencies whose heavy vehicles cause damage to Seattle's roads and bridges, with no policy to discourage that damage from being done in the first place. Clearly, the Comprehensive Plan is out of balance, with the needed correction being the current proposal, a new policy to "Minimize damage from vehicles that are heavier than would normally be allowed on Seattle's roads and bridges, especially those vehicles that are owned, franchised, or contracted by the City, counties, Sound Transit, and Seattle School District."

3. Describe why the proposed change meets the criteria adopted in Resolution 30662 for considering an amendment to the Comprehensive Plan. (The criteria are listed at the end of this application form.) Is a Comprehensive Plan amendment the best means for meeting the identified public need? What other options are there for meeting the identified public need?

This proposed amendment to add a new policy after Policy T-69 will protect the City's infrastructure, and it can do so only by being in the Comprehensive Plan. The Comprehensive Plan has many references to public infrastructure and how to fund its repair, but nothing really on how to prevent unnecessary damage in the first place. The current language in Policy T-70 addresses only paying for the damage, and not the need to prevent the damage. Without the proposed addition, the Comprehensive Plan's treatment of road damage from heavy vehicles will continue to not make sense; it will keep taxpayers on the hook for expensive damage while still not engaging in the far more cost-effective step of discouraging this damage in the first place. Without this change, the Comprehensive Plan is unbalanced and incomplete.

Of course, it would be desirable for the Mayor to issue an executive order and to demand more from his Department heads and from Metro, for the City Council to pass an ordinance or resolution, and for SDOT to adopt various administrative policies, but none of these actions would obviate the need to amend the Comprehensive Plan. The ongoing purchase of increasingly super-

heavy buses by Metro and other transit agencies, without any attempted intervention by any level of City government, shows that it is simply not working to leave this important new policy out of the Comprehensive Plan.

It is long past time for the City Council to receive candid engineering advice from SDOT, whose lack of advocacy against the current City's lack of stewardship of its roads and bridges will continue or even increase the road and bridge maintenance gap. If there are political constraints against the executive branch acknowledging the amount of road and bridge damage being done by extra-heavy vehicles, the City Council should not be afraid to seek outside advice, including from engineers in professional associations and universities.

Some have claimed that this issue should be addressed only in the Transportation Strategic Plan, not in the Seattle Comprehensive Plan. But oversight of compliance with the Transportation Strategic Plan is notoriously lax, with none of the enforcement mechanisms available for the Comprehensive Plan. Procedures for adopting, revising, and implementing the Transportation Strategic Plan are notoriously lax, with none of the procedural protections that apply to the Comprehensive Plan. Only the Comprehensive Plan is governed by state law, the Growth Management hearings boards and the courts, and only it has strong requirements for public notice and comment and against changing it more than once a year.

4. What do you anticipate will be the impacts caused by the change in text, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?

Expensive and growing damage to our streets and bridges will be reduced by this change in the Comprehensive Plan. By avoiding unnecessary damage, funds that would otherwise be needed for repair will be available for other needs, or can stay in the taxpayers' pockets. There will also be benefits to safety. Bridges will be less likely to fall, and roads will be safer to navigate for motor vehicles, bicycles, and pedestrians.

5. How would the proposed change comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? Please include any data, research, or reasoning that supports the proposed amendments.

The Comprehensive Plan is full of good rhetoric about proper stewardship of Seattle's capital facilities, but has not produced the proactive efforts that are needed to ensure protection of City infrastructure. This brief but important policy will give some practical and positive meaning and result to the

rhetoric. The huge and growing street damage from extra-heavy vehicles discussed above is well documented by many public agencies and academic researchers.

6. Is there public support for this proposed text amendments (i.e. have you conducted community meetings, etc.)? Note: The City will provide a public participation process, public notice, and environmental review for all applications.

Because of the high cost of this unnecessary bus and truck damage to Seattle's roads and bridges, taxpayers will support this text amendment by a wide margin. When, under the leadership of City Council President Jeannette Williams, Seattle pressed this issue with Metro in the 1980s, it received wide public support. It has been over 30 years since Seattle City government has fostered serious study and discussion of the issue, and when it does, the wide public support will be clear.

A failure of Seattle to act on this issue has caused literally hundreds of millions of dollars in unnecessary road damage, much of it self-inflicted by government vehicles. Not to adopt this amendment will condemn the City to continued unnecessary road damage to its roads, at the very time when maintenance funds are tight and public confidence is needed to enlarge them. "When you are in a hole, the first thing is to stop digging." By adopting this Comprehensive Plan amendment, the City will and must take that first step to stop the unnecessary damage to its streets and bridges.