

City of Seattle
COMPREHENSIVE PLAN AMENDMENT APPLICATION

Use this application to propose an amendment to the goals, policies, Future Land Use Map, appendices, or other components of the adopted City of Seattle Comprehensive Plan.

Applications are due to the Seattle City Council (sent electronically to: compplan@seattle.gov) no later than 5:00 p.m. on May 15th for consideration in the next annual review cycle. Any proposals received after May 15th will be considered in the review process for the following year. *(Please Print or Type)*

Applicant: Chris Leman

Date: 5/15/20

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City: Seattle

State: WA

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Contact person (if not the applicant): none

Name of general area, location, or site that would be affected by this proposed amendment (attach additional sheets if necessary):

Seattle as a whole

If the application is approved for further consideration by the City Council, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist.

Acceptance of this application does not guarantee final approval.

Applicant Signature:



Date: 5/15/20

REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application

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 section on Operating and Maintaining the Transportation System Transportation Element, add the following new policy:

It is far more cost-effective, when possible, to reduce or avoid road and bridge damage than to repair it afterwards. Thus (for example) place a high priority on minimizing damage from vehicles that are heavier than would normally be allowed on Seattle's roads and bridges (especially some vehicles that are owned, franchised, or contracted by the City, counties, School District, and Sound Transit).

Explanation: According to engineering studies conducted by WSDOT, the Puget Sound Regional Council, SDOT, and many universities and professional organizations, the overwhelming majority of damage to our roads and bridges is caused by heavy vehicles. A number of the key sources are cited and summarized in a May 21, 2007 SDOT memorandum which is posted at <http://public-interest.oo.net/SDOTmemo2007>, on the web site of the Public Interest Clearinghouse (<http://public-interest.oo.net>).

Road and bridge damage tends to increase exponentially with weight--at heavy vehicle weights, a slight increase in weight causes a substantial increase in damage. Much of the damage is done by loads that exceed road and bridges' engineered capacity of roads and bridges' because vehicles are exceeding legal weight limits, or because state or federal exemptions allow certain types of vehicles to be heavier than is otherwise allowed.

This damage to roads and bridges is being done by several different types of heavy vehicles (see below), but the studies agree that the damage in large cities like Seattle is largely by public transit buses. The 2007 SDOT memo points out (p. 6) that these buses "constitute the majority of heavy vehicle traffic on many of Seattle's streets", and the damage is worsened by constant stopping and starting. This finding is echoed in other cities. Austin, Texas, for example, has found that 70 to 90 percent of its arterial street damage is caused by transit buses.

The evidence of the road and bridge damage done by transit buses is all around us. The streets that the buses use have cracks in the concrete pavement, and asphalt pavement that is curled up as if by a plow. The 2007 SDOT report warns (p. 6) that "To continue to deploy heavier buses will result in a significant acceleration in the deterioration rate on bridges." And indeed, in 2020 SDOT acknowledged that heavy transit buses were one of the likely contributors to premature cracking of the West Seattle high bridge such that it is now unsafe to drive on, and possibly in danger of collapse.

The weight of public transit buses would cause them to be prohibited from Seattle streets if the state legislature and then Congress had not completely exempted them from per-axle weight regulations—and if Metro and other transit agencies were not exploiting this exemption by purchasing extra-heavy buses that would otherwise be banned. According to the 2007 SDOT

report, in 1993 none of Metro's buses exceeded the recommended single-axle maximum of 24,000 pounds, but by the time the report was written, 47 percent of Metro's fleet exceeded that weight.

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 unnecessary damage to Seattle's roads and bridges. Even the electric trolley buses, once well within the weight limits that would apply if buses were not exempt, are creeping up in weight because Metro has no incentive to choose models that will do minimal damage to roads and bridges.

The City of Seattle can no longer afford to sit on its hands, and must insist to Metro and the other public transit agencies that they reduce or eliminate their use of extra-heavy buses that exceed recommended engineering weight limits, and could not even be on the road without a legislative exemption.

Significant road and bridge damage is done as well by other vehicles that are government-owned or franchised but which enjoy exemptions from recommended engineering weight limits. Seattle's own fire trucks 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, street damage from extra-heavy fire trucks is far more extensive than necessary for public safety. Until the Mayor, City Council, and SDOT insist, there is no incentive for the Fire Department to operate its trucks at weights that do not require the legislative exemption, or to purchase vehicles that do not require the legislative exemption.

Unnecessary damage to Seattle streets is also caused by the City's own contractors' garbage and recycling waste trucks, which under state law enjoy a state exemption allowing them to weigh considerably more than any other truck (except for the unlimited regulation of the weight of fire trucks). The Washington State Department of Transportation has found that solid waste trucks damage more roads and bridges than any other kind of truck, and WSDOT does not allow them on Interstate highways when they would need the special exemption for more weight. In contrast, Seattle neither orders its own solid waste contractors not to use the special exemption for more weight; nor does it incentivize them not to. These solid waste 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.

The City of Seattle must cease its long abdication of responsibility, and place a weight limit on its solid waste contractors. The City should either require its contractors not to operate at a weight more than the normal state limits (that is, the contractors would not use the state's exemption for overweight solid waste trucks), or the City should provide them financial incentives not to make use of this exception.

In 2001 (yes, 19 years, and hundreds of millions of dollars in unnecessary 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, the gentleman retired, and those who replaced him did not implement this wise policy. Since then, the many requests for proposals, and contracts, that SPU has issued have contained none of the promised improvements, with the result of mounting and unnecessary damage to our roads and bridges caused by the City's own contractors.

The City's drain and sewer-cleaning vactor trucks reach the legal weight limit when they are only half full, 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 more than a decade ago when the City Council insisted on surprise weight checks, showing that many solid waste trucks were heavier than was allowed, even with the legislative exemption.

2. *For amendments to goals and policies only: Describe how the issue is currently addressed in the Comprehensive Plan. Why is a change needed?*

Until it was repealed in the 2016 Comp Plan update, policy T-70 committed 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 did not then, and does not now have any provision to discourage road damage from heavy vehicles *before* it happens. It did not make sense prior to 2016 for the Comp Plan to be concerned about road damage from heavy buses but to do nothing to prevent it; it makes even less sense for the current Comp Plan to ignore the problem completely. And it is hardest 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 vactor trucks) or by its own solid waste contractors.

As stated in the transportation policy proposed here, "It is far more cost-effective, when possible, to reduce or avoid road and bridge damage than to repair it afterwards...." The Comprehensive Plan will continue to be out of balance until it adopts this policy and its continuation: "... Thus (for example) place a high priority on minimizing damage from vehicles that are heavier than would

normally be allowed on Seattle's roads and bridges (especially some vehicles that are owned, franchised, or contracted by the City, counties, School District, and Sound Transit.”

3. *Describe why the proposed change meets the criteria adopted in Resolution 31807 which sets criteria for Council to consider an amendment to the Comprehensive Plan.*

This proposed policy amendment fully meets all of the criteria of Res. 31807. It is consistent with the Growth Management Act, with state and local law, and with countywide and multicounty policies; it cannot be addressed through regulations, budgets, programs, or neighborhood planning; it meets the four elements of practicality; and it is likely to make a material difference in a future City regulatory or funding decision.

4. *What other options are there for meeting the goal or objectives of the amendment? Why is a Comprehensive Plan amendment needed to meet the goals or objectives?*

This proposed amendment to add a new transportation policy will protect the City's infrastructure, and it can do so only by being in the Comprehensive Plan. The Comp Plan has many references to public infrastructure and how to fund its repair, but nothing on the more cost-effective measure of preventing unnecessary damage in the first place. Until it corrects this long-standing omission, the Comp Plan will continue to keep taxpayers on the hook for expensive damage that could be avoided in the first place.

Some have claimed that this issue should be addressed only in the Transportation Strategic Plan, not in the Seattle Comprehensive Plan. But 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, and only it has strong requirements for public notice and comment and against changing it more than once a year.

Of course, it would be desirable for the Mayor to issue an executive order and to demand more from Department heads and from Metro, for the City Council to pass an ordinance or resolution, and for SDOT to stand up for its roads and bridges. But none of these actions would obviate the need to amend the Comprehensive Plan as proposed here. That the City has ignored the powerful 2007 SDOT memo in failing to address ongoing purchase of super-heavy buses by Metro and other transit agencies, shows that it is simply not working to leave this important new policy out of the Comprehensive Plan.

If the Comprehensive Plan does not task the Mayor and City Council with engaging sound engineering advice from SDOT, the road and bridge maintenance gap will continue to widen. If there are political constraints against the executive branch acknowledging the amount of road and bridge damage by extra-heavy vehicles, being recognized in the Comp Plan will help motivate the Mayor and City Council to seek outside advice, including from engineers in professional associations and universities.

5. *What do you anticipate will be the impacts of the proposed amendment, including impacts to the geographic area affected? Why will the proposed amendment result in a net benefit to the*

community? Please include any data, research, or analysis that supports the proposed amendments.

Expensive and growing damage to our streets and bridges will be reduced by this proposed policy for 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.

The huge and growing street damage from extra-heavy vehicles discussed above is well documented by many public agencies and academic researchers, including documents in SDOT's own files. We refer again to the May 21, 2007 memo which states that with the increase in average single axle bus weight between 1993 and 2007, "the average pavement damage factor per bus is estimated to have increased by around 30% since 1993, with a corresponding decrease in pavement expected as a result." The memo is available at <http://public-interest.oo.net/SDOTmemo2007>.

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. The brief transportation policy proposed here will give practical meaning and result to the rhetoric.

6. How does the proposed amendment support the existing goals and policies of the Comprehensive Plan? If the proposal would change existing goals and policies or add new goals and policies to the Comprehensive Plan, describe how the proposed amendment is consistent with the Washington State Growth Management Act (<http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A>), the Puget Sound Regional Council's Vision 2040 (<http://www.psrc.org/growth/vision2040/>), and the King County Countywide Planning Policies (<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.aspx>).

Decades of failure by Seattle government has caused hundreds of millions of dollars in unnecessary road and bridge damage, much of it self-inflicted by vehicles owned or contracted by government. Not to adopt the proposed Comprehensive Plan amendment will condemn the City to continued unnecessary road and bridge damage, at the very time when maintenance funds are tight and public confidence is needed to enlarge them. As has so wisely been said, "When you are in a hole, the first thing is to stop digging." By adopting this Comp Plan amendment, the City must begin to reverse practices that unnecessarily damage its streets and bridges. Doing so will free up many public funds that otherwise are being spent to repair unnecessary street damage.

The proposed amendment is completely consistent with the Washington State Growth Management Act, the Puget Sound Regional Council's Vision 2040, and the King County Countywide Planning Policies. Its adoption would place Seattle in a leadership role regionally and nationally in addressing this problem.

7. *Is there public support for this proposed amendment? If the amendment would change the Future Land Use Map or a Neighborhood Plan, please list any meetings that you have held or other communication you have had with the community about the amendment. If the amendment would have a citywide impact, please list any organizations that you have discussed the amendment with. Note: please attach any letters of support or other documentation of community support or concerns. The City will provide public notice and opportunity for public comment, and environmental review for all applications. As it reviews docketed amendment proposals, the City may request additional community engagement by applicants on an as needed basis.*

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 almost 40 years since Seattle City government has led serious study and discussion of the issue at the local, state, and federal levels. When Seattle begins to take the lead again, the wide public support will be clear.

8. *Has the proposed amendment been considered before by the Council? If so, when was it considered and what was the outcome? If the amendment has been previously rejected, please explain either:*

- *How the proposal has changed since it was last rejected, or*
- *Changed circumstances since the proposal was last considered that support reconsideration of the proposal*

A related amendment was docketed for study in the mid-1990s, and the City Council actually adopted it as a part of the Comprehensive Plan. But this good language was gradually weakened over the years, being completely eliminated in the 2016 Comp Plan update, never with any documented analysis. An earlier version of the present proposal that was submitted in the 2019 annual amendment process was not docketed for study, and we can find no evidence that either the City Councilmembers, their staffs, or City departments or the Planning Commission conducted any analysis of the proposal before the decision was made not to docket.

Unnecessary and expensive damage to City streets and bridges is continuing, and it is more urgent than ever for the Comprehensive Plan to have a policy to discourage such damage before it happens, especially when this is by vehicles that are largely publicly owned or chartered and are heavier than the City would otherwise allow on its streets and bridges.