Summaries of 2010 Joint Transportation Committee Studies

January 5, 2011

Local Transportation Agency Efficiencies

The Legislature directed JTC to identify efficiencies in the delivery of transportation services and funding to local governments, while meeting local governments' needs. This study evaluated the County Road Administration Board (CRAB); the Freight Mobility Strategic Investment Board (FMSIB); the Transportation Improvement Board (TIB); and WSDOT's Highways and Local Programs (H&LP) division.

The study had several components, including:

- Analyzing the technical, regulatory and funding assistance provided by each agency;
- Analyzing the financial management, governance and organizational structure of each agency;
- Evaluating alternative models to provide assistance and funding, and alternative organizational and governance models; and
- Developing recommendations to increase efficiencies while meeting local governments' needs.

A Berk & Associates consultant team began work in May, led by Brian Murphy. The study was guided by a Policy Workgroup comprised of legislators and a member of the Governor's staff. A Technical Staff Workgroup provided information and feedback to the consultants; membership included the leaders of the four entities under study, representatives from the cities, counties and ports associations, and legislative and OFM staff.

Analysis for the study was conducted in a number of ways, including document review, budget and financials review, interviews with agency staff, focus groups with stakeholders, and discussion with legislators and staff. Agencies were very responsive to the consultants' requests, contributing significantly to the study's success.

STUDY OUTCOMES

Education. A major outcome of the study was one of education. The final report includes succinct descriptions of the four agencies, the services and programs they provide, and their funding, governance, and staffing.

The study addressed some common misperceptions about the agencies. For example, while some believe administrative costs eat up 25 cents on the dollar, in fact overhead is just 1% across the four agencies. It also addressed concerns such as CRAB's large funding balance – why it built up, and what CRAB is doing to better manage it.

MAJOR FINDINGS

Based on the following major findings, the consultants did not see a need for nor benefit from fundamental changes to the current model to serve local transportation, unless there are significant changes in the environment.

1. The current system with its mix of direct distribution and competitive funding programs has many benefits.

2. Agencies are meeting the objectives they were established to fulfill -- providing assistance to local jurisdictions, especially small jurisdictions.

3. Customers generally are very satisfied, and understand the various programs and eligibility requirements.

4. Programs are operating efficiently with minimal overhead costs – 1% overall across the four agencies.

5. The four agencies manage to unique project funding requirements and budget constraints. While policy changes could improve metrics like appropriations vs. expenditures, they would affect the type of project and jurisdiction that receives funding. For example, CRAB could be directed to be a "last in" funder similar to TIB so as to increase the pace at which its funds are used by recipient jurisdictions. This would have alter the types of projects and jurisdictions that benefit from the program, and could hurt rural counties in particular.

However, some significant changes are underway which could necessitate another look at the structure and intent of the agencies.

1. **Diminished state gas tax revenues.** Revised forecasts using a new methodology show declines in projected gas tax revenues of $1.8 billion over 16 years. If the forecasts are correct, this will reduce the direct allocation to cities and counties, and will directly reduce CRAB and TIB's revenues. CRAB and TIB may not be able to finance new projects, and may have trouble servicing previously-awarded projects and bond obligations. If so, consolidation may become viable.
2. **Funding needed for preservation.** Throughout the study, local jurisdictions spoke of significant and immediate preservation needs. Without new money, the consultants recommend that existing resources be incrementally shifted to address preservation needs.
3. **Shifts in federal and state transportation funding and policy direction.** A federal shift to performance-based funding appears likely, and may well lead to a similar shift at the state. If this comes to pass, the consultants recommend continuing the current competitive grant model with its focus on competition and accountability.

RECOMMENDATIONS

The consultants made 23 recommendations, which are condensed and summarized below.

Addressing unmet preservation needs

1. Local preservation and maintenance needs are great. If new money becomes available, new resources should be directed to maintenance and preservation. Absent new money, existing resources should be reallocated to preservation, and agency personnel should use flexibility within existing programs to focus on maintenance and preservation.

Strengthening funding programs and technical assistance

2. CRAB should continue to function as a first-in funder, and TIB should consider changing to a first-in funder in its Urban Arterial and Urban Corridor programs.

3. FMSIB and WSDOT'S H&LP should be given final project approval authority, to speed up project delivery.

4. Consider creating a combined quarterly project update so a jurisdiction with a project funded by multiple sources could complete a single update.

Improving financial management, portfolio management and performance measures

5. Agencies should track and manage their project portfolios to targets acceptable for their program and customer needs; in particular, CRAB should use enhanced portfolio management (as with its proposed WAC changes) to improve project timeliness, and manage financial performance based on real time information about project timeliness.

6. TIB's two accounts (UATA and TIA) should be merged to allow for simpler cash management.

7. WSDOT rather than CRAB should be responsible for cash advances of emergency funds, allowing CRAB to use existing emergency funds to address county preservation needs.

8. Agencies should link program outcome measures to program objectives and project selection criteria, and the same set of outcome measures should be tracked over time to allow for comparison over time and to identify trends.

9. Institute a manageable set of internal performance measures consistent across the four agencies related to financial management, portfolio management, and customer service.

Communicating more effectively

10. Agencies should improve communication with decision-makers to ensure that their reports and briefings fully describe their roles, programs, benefits and challenges.

11. CRAB, FMSIB and H&LP should use their websites to communicate more timely information and project and portfolio status.

Developing agency leadership and succession plans

12. CRAB and TIB should develop formal plans for leadership development and succession.

Study origin:	2010 Transportation Budget, ESSB 6381, Sec. 204(8)
Report:	Final draft report due December 15, 2010
Appropriation:	$200,000
Expenditure:	$145,644 through November 30, 2010
Project Manager:	Mary Fleckenstein (360)786-7312
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Identifying the State Role in Public Transportation

The Legislature directed JTC to conduct a study to develop a statewide blueprint to guide future state investments in public transportation programs. This study was to:

- Identify unmet public transportation capital and operating needs;
- Assess the current state role in public transportation;
- Identify efficiency and accountability measures to inform future state investment in public transportation; and
- Create a blueprint to establish state investment priorities in public transportation.

A 29-member Advisory Panel was appointed by the JTC to assist the study. Its membership, specified in the 2010 supplemental transportation budget, included legislators, transit managers, riders, major employers, labor, private operators, and others. Four Advisory Panel meetings were held on June 29, August 6, September 29, and October 27. Panel briefings, discussions and breakout sessions addressed study approach, the current and future state role in public transportation, other states' programs, unmet public transportation needs, and accountability measures to assess state involvement. The October 27 agenda also included a discussion of initial findings and recommendations.

THE REPORT

A Parsons Brinckerhoff consultant team began work in May, 2010, led by Sheila Dezarn as Project Manager and Barbara Gilliland as Deputy Project Manager. The team developed working papers which were discussed at Advisory Panel meetings. The Draft Final Report Summary was presented at the JTC's December 8th meeting. The report includes a summary and appendices addressing:

- A synopsis of Advisory Panel meetings,
- A working paper on Unmet Needs,
- A working paper on the Current State Role,
- A working paper on Efficiency and Accountability Measures, and
- A Peer Analysis (other states) Summary Report.

STUDY FINDINGS AND RECOMMENDATIONS

The Report's primary finding is that the State does not have the institutional or information framework or tools to allow decision makers to consider public transportation in the broader context of the state's overall transportation system. The recommendations are built to begin a process of a integrating public transportation issues and investments in the overall state transportation decision-making structure.

The primary finding leads to the Report's five key recommendations themes:

1. ***Transportation Integration***

   In each WSDOT region, and where necessary at the sub-region, the State should institute a new regional integration role to better integrate public transportation into state transportation planning and programming activities, and to foster greater partnerships between the State and public transportation providers. This position would

- Act as a change agent within WSDOT to better integrate public transportation in WSDOT efforts;
- Focus on partnership opportunities among systems, modes, and public and private services; and

- Bring public transportation providers together to address connectivity, service gaps, and access, and to participate in regional planning activities.

In addition, the State should build on the Main Streets Highway program that addresses the needs of all users in transportation corridors. This would involve multiple jurisdictions using money available in new federal funding programs.

2. ***Policy Refinement***

The State should develop, enhance and revise policies that promote the use of public transportation, maximize its effectiveness and eliminate barriers to its use. This includes

- Broadening the essential public facilties definition to include public transportation elements;
- Codifying requirement that State work sites and state-permitted public facilities be located where effective public transportation services can serve them, where possible. This is especially important for medical and social service facilities, which should sited where they are accessible by special needs transportation services; and
- Developing incentives that encourage public/private partnerships among public transportation providers, the private sector, and local jurisdictions. This would include directing WSDOT to work with stakeholders to establish conditions for private operators to use public facilities such as park and rides and HOV lanes.

3. ***Refocus Resources***

The State should assess the adequacy of funding sources, re-evaluate the focus and distribution of existing state funding resources, consider increasing existing state revenues, and in the long term, provide new resources to meet statewide public transportation needs. This includes

- Focusing existing Regional Mobility Funds and additional state funding sources to explicitly target state priorities, and to regularly reassess allocation of funds based on indicators developed to measure effectiveness of state expenditures in meeting state goals;
- Providing a predictable source of funds for health and human service and rural services;
- Identifying pilot innovations to encourage transit-related development, technical innovations to improve public transportation, and alternative fuel developments; and
- Developing new sources of state transportation funding not restricted to highway purposes by the 18th amendment. The State should also provide new local tax and fee options for alternative funding streams in order to reduct transit revenue volatility.

4. ***Align Reporting***

The State should align reporting and data collection with the federal process, consolidate public transportation planning and reporting processes, and focus on identifying overall trends in order to provide a more useful and comprehensive picture of public transportation. This includes

- Broadening the current *Annual Summary of Public Transportation* into a more comprehensive analysis of all public transportation services including state, local, and special transportation services, both public and private;
- Better aligning state and federal transit planning and reporting requirements; and

- Integrating the MPO Commute Trip Reduction and the Coordinated Human Service Transportation planning efforts as part of the state reporting and performance measurement process.

5. ***Focus on Performance***

   The State should develop a consistent set of measures that are applied to all state, regional and local public transportation modes, and integrate those into the State's transportation reporting framework. This would enable policy leaders to identify public transportation trends in the broader context of the overall transportation system and goals. In addition, this should include adopting a simple set of measures that align with state transportation goals, and a focus on measures that allow for evaluation against multiple goals.

Study origin:	2010 Transportation Budget, ESSB 6381, Sec. 204(5).
Report:	Final report due December 15, 2010
Appropriation:	$350,000
Contract:	$307,516
Expenditure:	$278,260 through November 26, 2010
Project Manager:	Gene Baxstrom (360) 786-7398
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Evaluation of state-level transportation plans

The 2010 supplemental transportation budget directed JTC to evaluate preparation of state-level transportation plans. The key objectives of the study were to

- Recommend appropriate assignment and coordination of state-level planning responsibilities, and
- Identify necessary or desirable planning elements; and
- Identify methods to develop state level plans more efficiently.

The first phase of the study produced a white paper reviewing federal and state planning requirements. The second phase analyzed allocation of state-level planning responsibilities, the efficiency of the planning process, and the utility of planning documents.

RECOMMENDATIONS

The consultants presented three draft recommendations at the December 8, 2010, JTC meeting:

1. ***Streamline Planning Statutes.*** Current statutes require a federally compliant statewide long-range transportation plan and 11 modal plans. The consultants recommend that state planning statutes should focus on a single statewide long-range transportation plan. No other state-level transportation plans should be statutorily required. Other plans will still be prepared, as needed. Removing the statutory requirement will make it easier coordinate the preparation and interaction of the plans.

2. ***Clarify Plan Requirements.*** Statutory requirements for the statewide long-range transportation plan should establish broad requirements, specify accountability for preparation and approval of the plan, and provide a link to statewide performance measurement and attainment reporting. As part of implementing this recommendation, the Legislature should:
    - Statutorily designate a structure for developing and approving a statewide plan; and
    - Require Governor-approval of the plan.

    The consultants presented two alternative structures to develop the statewide plan. Their preference was for blended responsibility among WSDOT, the Transportation Commission and local MPO/RTPO organizations. An alternative is for WSDOT to prepare the plan, based on Transportation Commission policy forums and recommendations, and on the regional plans developed by MPOs and RTPOs.

3. ***Increase Transparency of Planning Budget.*** The Legislature should require a comparison of the proposed biennial budget with the statewide long-range transportation plan's performance goals and financial plan; greater transparency of the state-level planning budget, including the use of federal planning dollars and the corresponding state match; and periodic reporting on the status of plans that it has funded, addressing whether the plans are "on-time, on-schedule, and within budget."

Study origin:	2010 Transportation Budget, ESSB 6381, Sec. 204(7).
Report:	Final report due December 15, 2010.
Appropriation:	$125,000
Contract:	$120,000
Expenditure:	$109,167 through November 30, 2010
Project Manager:	Paul Neal (360) 786-7327
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Two ferry system studies: Comparison of PERC and MEC; and Industrial Insurance vs. the Jones Act for Ferry System Employees

From 2006 through 2009, JTC conducted an extensive review of the Washington State Ferry (WSF) system and its financing. That review produced a number of recommendations, some of which were adopted in statute. The 2009-11 transportation budget directed the JTC to monitor implementation of those recommendations and directions. That work was mostly completed by the end of the 2010 session.

The Legislature directed JTC to conduct two additional studies in the 2010 supplemental transportation budget. In addition to continuing to monitor the WSF reservation system and assist the Senate and House Transportation Committees on ferry issues as needed, JTC was directed to study:

- The relative processing times for grievances and hearings for the Marine Employees' Commission (MEC) and the Public Employment Relations Commission (PERC), including an analysis of whether PERC has the necessary expertise to process claims currently administered by MEC.

- A comparison of benefits and costs of providing compensation to ferry workers for work-related injuries under the federal Jones Act and Washington's Industrial Insurance Act;

Comparing PERC and MEC for administration of labor issues. The consultants found:

1. PERC generally has shorter processing times than MEC;
2. PERC possesses the necessary expertise to process claims currently administered by MEC.

Comparing State Industrial Insurance to the federal Jones Act. The consultants found that whether an injured ferry worker is better compensated under the Jones Act or state industrial insurance depends upon the worker's particular circumstances. The findings are summarized below:

1. *The policies underlying industrial insurance and the federal Jones Act are different*.

   Industrial insurance provides no-fault benefits to workers who are injured on the job or have an occupational illness. General maritime law provides seamen with no-fault benefits that are less extensive than those provided by industrial insurance. The Jones Act gives employees the right to sue for damages – a right that is not extended to employees under industrial insurance because they receive much greater no-fault benefits.

2. *There is a trade-off for employees between industrial insurance and the federal Jones Act.*

   Benefits under industrial insurance are no-fault and include both short term benefits, and in the event of more severe injuries or illness, long-term disability, vocational training, pensions and survivor benefits. Jones Act employees receive much lower no-fault benefits and all of them are short-term. Long-term disability, pensions, vocational training, and survivor benefits are not included.

3. *In some cases the Jones Act provides higher compensation.*

   If Jones Act employees sue, they can get a larger - and sometimes substantially larger - total payment, but they have to wait on average 31 months between the incident and receiving the settlement which can impose a hardship on the employee.

4. *In some cases industrial insurance provides higher compensation.*

   Employees who do not sue the state – or have relatively less time-off and less severe injuries – can receive greater total compensation under industrial insurance.

5. *Moving to industrial insurance could save money.*

   Depending on the outcome of collective bargaining, the State would save between $400,000 and $1.2 million per year if Jones Act employees were in the industrial insurance program, and potentially reduce its marine insurance policy cost.

6. *Moving to industrial insurance could cost employees money.*

   Depending on the outcome of collective bargaining, employees could have a payroll deduction of approximately $500 per year per employee for industrial insurance.

Study origin:	2009-11 Transportation Budget Agency Detail, Report, p. 39, and 2010 Transportation Budget, ESSB 6381, Sec. 204(9).
Report:	Reservation Proposal Delivered December 15, 2009
Appropriation:	$200,000 for ferry studies specified in 2009 and 2010 budget
Expenditures to Date:	$199,967 through November 30th 2010
Project Manager:	Paul Neal (360) 786-7327
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Fuel Tax Refunds for Non-highway or Off-road Use

The Legislature directed the JTC to review fuel tax refunds for non-highway or off-road use, and to describe the programs funded from these refunds, analyze funding and expenditures from the various accounts, and to document future identified off-road, snowmobile and marine funding needs.

Fuel taxes are user fees that support the highway system. Some fuel taxes are paid for non-highway use such as fuel used in snowmobiles, boats and off-road vehicles. State law provides for a portion of fuel taxes paid by these users to be refunded and/or transferred to recreation programs to benefit users.

The study was conducted with the input of a staff working group representing legislative and executive branch agencies including the Departments of Fish and Wildlife, Licensing, Natural Resources and Transportation, as well as the Office of Financial Management, Recreation and Conservation Office, State Parks and Recreation Commission, and the Governor's Office. A large stakeholder group representing users of the various recreation services and facilities also provided considerable information, project lists and feedback.

FINDINGS

Nonhighway and off-road fuel tax refunds are calculated using a lower fuel tax rate than the actual motor vehicle fuel tax rate. As a result, some fuel taxes paid by these off-road users are incorporated into the transportation budget and used for highway purposes.

As of July 1, 2011, refunds to non-highway accounts will amount to 23 cents per gallon, with the remaining 14.5 cents used for highway purposes. The 14.5 cents pays for highway projects and activities approved in the 2003 and 2005 revenue packages, as well as a penny split between the cities and counties. If the Legislature were to increase refunds to non-highway users without a corresponding increase in other transportation taxes or revenues, there would be reductions in highway spending.

IDENTIFIED NEED FOR ADDITIONAL RECREATION SPENDING

While the study was not an exhaustive survey of recreation need, it illustrates need for additional recreation spending. The final report includes a 90-page list of projects showing past and future unmet need. Examples include the following:

BOATING: $30 million in State Parks for maintenance, piers, pump-out stations; $19 million for Fish and Wildlife boat ramps, toilet replacements and gates.

OFF-ROAD FACILITIES: $142 million at DNR to renovate trails and facilities, create 15 new recreation areas, and replace deferred infrastructure; $4.5 million at Fish and Wildlife facilities including toilet replacements, parking lot maintenance, access gates; 300 projects identified by the Back Country Horsemen; and projects at 18 off-road sites identified by the Pacific NW Four-Wheel Drive Association.

SNOWMOBILE FACILITIES: $10 million identified by State Parks as operating need for trail grooming, education and enforcement and site monitoring, and $2 million for equipment replacements

Study origin:	2010 Transportation Budget, ESSB 5352, Sec. 204(4).
Report:	Final report due December 15, 2010.
Appropriation:	Within existing funds
Project Manager:	Mary Fleckenstein (360) 786-7312
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Vehicle and Vessel Licensing Statute Rewrite

The 2010 Legislature significantly revised vehicle licensing statutes in 2010 by enacting SB 6379. The intent of the bill was to clarify and streamline the statutes without changing their substantive effect, except as noted. To insure there were no unintended consequences, the bill's effective date was delayed until July 1, 2011. The Legislature then directed the JTC to work with the Code Reviser, the Department of Licensing and staff from the House and Senate Transportation Committees to evaluate whether the 300-page bill has any unintended effects , and to draft any needed corrective legislation by December 1, 2010.

The JTC staff workgroup gathered input from stakeholders to accomplish this project. The group identified a handful of statutes where further clarification would be beneficial. Department of Licensing staff worked work with the Code Reviser to provide an initial bill draft, which was circulated to stakeholders for comment in the Fall of 2010.

The technical corrections identified include the following:

- Internal reference corrections, mostly due to recodification from SB 6379
- Technical updates and corrections mostly due to SB 6379 drafting oversights
- Edits due to changes made by other bills adopted in 2010, incluing HB 2617, 2SHB 2436, SSB 6207, ESSB 6499, SB 6826 and SSB 5902

One substantive change was also indentified. In 2008, the Legislature adopted ESB 5179 which removed the requirement to register snowmobiles in storage. It did not however amend the requirement that snowmobiles be registered prior to sale. Therefore, it arguably required unused snowmobiles to be registered before being sold. This is contrary to the intent of the 2008 legislation, and the corrective legislation addresses this oversight.

The final corrective bill draft is 130+ pages long. It has an emergency clause with an effective date of July 1, 2011, so that it takes effect at the same time as the original bill, SB 6379.

Project origin:	ESSB 6381 §204 (6)
Report:	December 1, 2010
Appropriation:	Within existing funds
Project Manager:	Paul Neal (360) 786-7327
STC Staff:	Kelly Simpson
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Update of the Transportation Resource Manual

The Transportation Resource Manual is a compilation of information for use by policy makers in understanding Washington's transportion system and making informed decisions. It includes a comprehensive overview of the structure of transportation governance in Washington and traces transportation revenues from sources through expenditures. The manual is designed to provide policy makers with the most up-to-date information going into biennial budget sessions. It is updated every two years to incorporate changes in transportation law, including a summary of the most recent Transportation budget.

Legislative Transportation Committee staff began producing the Transportation Resource Manual in 1989, with biennial updates thereafter. Shortly after its formation in 2005, the JTC assumed responsibility for maintaining and updating the Transportation Resource Manual. While the JTC acts as clearinghouse and project leader on the update, much of the work is done by transportation agency staff. Without their assistance the manual might not get updated.

The 2011-13 Transportation Resource Manual is available in two formats. A hard copy is currently at the printers. An on-line version is available at the JTC website http://www.leg.wa.gov/JTC/Pages/TRM.aspx. The on-line version includes a hyperlinked Table of Contents to enable readers to quickly access the specific information sought.

Project origin:	Updates are a recurring responsibility of the JTC
Report:	Update manual due the first week of January
Appropriation:	Within existing funds
Project Manager:	Paul Neal (360) 786-7327
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