

DRAFT

ASSESSMENT OF THE WASHINGTON
STATE TRANSPORTATION COMMISSION

Joint Transportation Committee

October 31, 2017

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1 EXECUTIVE SUMMARY

In May 2017, the State of Washington Legislature included a budget proviso in the 2017 transportation budget directing the Joint Transportation Committee (JTC) to conduct an assessment of the roles and responsibilities of the Washington State Transportation Commission (WSTC or Commission). The full text of the budget proviso is included in Appendix A. The JTC issued a competitive Request for Proposals (RFP) and selected Morningside Research and Consulting, Inc. (Morningside) to conduct the assessment over a four-month period beginning in July 2017 and concluding in November 2017, with presentations of the final report occurring in early 2018.

1.1 GOALS AND OBJECTIVES

According to the RFP, the goal of the assessment is to review the roles and responsibilities, operations, budget, and Commission membership of WSTC to identify any areas that need adjustment. The scope of work in the RFP guides this assessment and includes requirements to:

1. Review the current membership, functions, powers and duties of the Transportation Commission beyond: those granted as the tolling authority, and for the adoption of ferry fares and pricing policies, and for work related the road usage charge pilot project as directed by the Legislature.
2. Evaluate the extent to which current powers and duties overlap and/or duplicate those of other agencies, or are of limited value to the Legislature and Governor.
3. Review the Commission's budget to ensure it is appropriate for the roles and responsibilities it is directed to do by statute, and by the Legislature and Governor.
4. Consider alternative roles for the Transportation Commission that better suit the needs of the Legislature and Governor, and provide for a more stable and productive Commission.
5. Recommend changes, as appropriate, to the operations, duties, membership and/or budget of the Commission to make it better fit today's needs.¹

1.2 METHODOLOGY

An assessment of the type requested in the RFP is qualitative in nature. In keeping with this methodology, the assessment involved onsite fieldwork and observation, interviews, document review, and collection and aggregation of information from research.

At the beginning of the assessment, the consultant team observed a day-long Commission meeting. The team then proceeded to interview by phone or in person more than 50 individuals from WSTC staff, state employees from several state agencies, all current and several former Commissioners, representatives from local governments and local and regional organizations, and other individuals involved in transportation policy and planning in the state of Washington. To grant interviewees the opportunity to speak freely, the consultant team agreed not to quote or otherwise identify the views of any individual.

The team also administered an electronic open-ended questionnaire, inviting comments on the roles and responsibilities of the Commission through widely distributed email invitations to state employees, local and regional planning organizations, and other public and private entities. Forty-four people responded to the survey. In addition, the team developed information from Internet research and other sources comparing the roles of transportation commissions in all 50 states.

The interviews, review of data and documents, and follow-up calls and emails all were essential in educating the consultant team on the operations of WSTC and providing information for analysis. The detail and comprehensiveness of this report is possible because of the willingness of WSTC staff, Commissioners, and other stakeholders to readily offer information and insight.

1.3 SUMMARY OF FINDINGS AND RECOMMENDATIONS

The RFP underlying this assessment requires the consultant to “recommend changes, if appropriate, to the operations, duties, membership, and/or budget of the Commission to make the necessary adjustments to better fit today’s needs. The Consultant also should identify the statutes that would need to be changed to implement the recommendations.” The following findings and recommendations are presented to the Washington State Legislature.

Statewide Transportation Planning

In 2005, the Legislature removed the Commission as the policy body overseeing WSDOT and structured WSDOT as a cabinet agency headed by a Governor-appointed Secretary of Transportation. The newly separated Commission retained statutory authority to develop the “comprehensive and balanced statewide transportation plan,” known as the Washington Transportation Plan or WTP while WSDOT still operated under the statutory requirement to develop a statewide multimodal transportation plan.

The governance change made in 2005 continues today, and old statutory language continues to leave a statutory gray area and a continuing point of contention between WSDOT and WSTC by failing to specify the process for preparing a federally compliant transportation plan.

FINDINGS

- The lack of a clear role for the statewide transportation policy plan of the Commission complicates cooperation and coordination between the Commission and the Washington State Department of Transportation (WSDOT).
- Statute sets a four-year timeframe for the Commission to update its policy plan, but remains silent on the timeframe for WSDOT to develop its multimodal plan. The omission of statutory language syncing the timeframes for preparation of the two complementary plans has created difficulties in integrating the plans together.
- Stakeholders are not in agreement about which state entity should prepare and submit a federally compliant transportation plan.
- Stakeholders indicated the Commission-developed statewide transportation policy plan does not drive transportation decision-making.
- An earlier JTC study of transportation planning in Washington published in 2011 identified several issues with the bifurcated transportation planning structure similar to those identified here.
- No other state has an independent transportation commission similar to Washington and none have responsibility for the type of transportation plan the Commission develops.
- Some stakeholders expressed concern about the commitment of WSDOT to incorporate broad transportation planning, particularly local issues and concerns, in their planning efforts.

RECOMMENDATIONS

- R.A.1 Transfer from the Commission to WSDOT the responsibility for developing the statewide transportation policy plan.
- R.A.2 Require WSDOT to adopt a rule specifying a timeframe for its review and update of the integrated statewide transportation plan referenced above.

FISCAL IMPACT

Eliminating the transportation planning function at the Commission and consolidating state-level planning within WSDOT would save the \$350,000 appropriated for the vendor every four years, but would otherwise have minimal effect on the budget or staffing at the Commission.

Transportation Policy Development and Community Engagement

State statute gives both the Commission and WSDOT important powers and duties in policy development as well as planning. In addition, both the Commission and WSDOT have statutory responsibility for seeking community input. Statute requires each agency to gather input from residents of Washington to support planning efforts. Commission outreach includes local meetings, held around the state four to five times each year, intended to provide an opportunity for local officials to give input on transportation issues important to their local communities.

FINDINGS

- A group of stakeholders believes the Commission offers a welcoming venue for local organizations and the general public to voice their thoughts and does not believe WSDOT achieves that level of connection across governments and transportation sectors.
- Several stakeholders who support having an independent body to conduct policy development and planning separate from WSDOT lamented the lack of attention paid to the work of the Commission. Others questioned the value of the policy and planning activities of the Commission.
- The Commission's local meetings, designed to gather input from local communities on local transportation issues, lack a clear focus and outcome.
- Commissioner turnover is high compared to other state commissions. Local meetings contribute to this turnover and take up too much time for the value they produce in developing policies that actually guide legislative decisions.
- The local meetings of the Commission overlap and duplicate the extensive public outreach effort the Commission conducts every four years with consultant support for development of the policy plan of the Commission.
- WSDOT consults with many of the same stakeholders as the Commission during WSDOT community engagement activities.

RECOMMENDATIONS

- R.B.1. Eliminate the involvement of the Commission in transportation policy development and associated community engagement efforts.
- R.B.2. Require WSDOT to assume the responsibility for the local meetings, whose purpose is to provide an opportunity for local officials to present information about transportation issues important to their communities.

FISCAL IMPACT

Eliminating the community engagement function conducted by the Commission during the local meetings would reduce the number of Commission meetings from about 11 to about 6 per year, reducing travel expenses, payments to Commissioners for these meetings, and staff at WSTC.

Governance and Administrative Operations

FINDINGS

The assessment of WSTC indicated a need to develop a more defined and formal operating structure for the governance and internal operating structure of WSTC. Findings are indicative of an organization overly reliant on the institutional memories of long-time employees and their interpretation of the roles and responsibilities of the Commission rather than on adopted policies

and procedures that establish an objective and ongoing framework for implementing statutory requirements and measuring agency outcomes.

RECOMMENDATIONS

- R.C.1 Formalize communication among the Commission, the Legislature, and the Governor's office.
- R.C.2 Adopt internal policies and procedures for engaging the Legislature and Governor on the issues within the purview of the Commission.
- R.C.3 Match expertise of Commission members to the roles and responsibilities of the Commission.
- R.C.4 Focus Commissioner orientation and training more sharply on the substantive roles and responsibilities of WSTC.
- R.C.5 Ensure the Commission is complying with open meetings requirements for the entire time that a quorum of Commissioners is together.
- R.C.6 Clarify the differing roles of Commissioners and staff.
- R.C.7 Conduct an annual review of the executive director of the Commission.
- R.C.8 Create separate and complete administrative rules for the Commission.
- R.C.9 Update, expand, and periodically review internal policies and procedures.
- R.C.10 Revisit the base budget of the Commission to determine whether agency programs are appropriately funded.
- R.C.11 Develop performance measures for the agency covering the breadth of its operations.

FISCAL IMPACT

These recommendations need to be implemented regardless of the size of the Commission and may require some upfront resources for a one-time effort to put the policies and systems in place.

Statutory Changes

The full report summarizes the changes that would need to be made to existing statutes to implement the recommendations above.

Overall Impact of Recommendations on WSTC

Eliminating the functions of the Commission in statewide planning, policy development, and community engagement, as recommended above, would result in a Commission with a narrow set of responsibilities. The budget proviso and the Request for Proposals for the WSTC assessment prohibited the consultant team from reviewing the toll rate and ferry fare setting functions of the Commission and the role of the Commission in the road usage charge study. The consultant team therefore makes no recommendations on these functions or the viability of the agency without transportation planning and outreach responsibilities. However, the consultant

team believes that the disparate functions that remain with the Commission after the planning and outreach functions are removed likely could be performed by other state entities, and the Legislature may wish to consider this possibility.

2 INTRODUCTION

In May 2017, the State of Washington Legislature included a budget proviso in the 2017 transportation budget directing the Joint Transportation Committee (JTC) to conduct an assessment of the roles and responsibilities of the Washington State Transportation Commission (WSTC or Commission).² The full text of the budget proviso is included in Appendix A. The JTC issued a competitive Request for Proposals (RFP) and selected Morningside Research and Consulting, Inc. (Morningside) to conduct the assessment over a four-month period beginning in July 2017 and concluding in November 2017, with presentations of the final report occurring in early 2018.

2.1 GOAL OF THE ASSESSMENT

According to the RFP, the goal of the assessment is to “recommend adjustments to WSTC’s statutory responsibility, budget, operations, and/or membership, to better suit today’s needs.”³ Since 2005, WSTC has undergone a sea change in its operation and place in the state’s transportation structure. Before 2005, WSTC was more closely aligned with the Washington State Department of Transportation (WSDOT), with WSTC appointing the executive head of the department, called the Secretary of Transportation, and acting as WSDOT’s board of directors. The move to the current role of WSTC, as independent of WSDOT, occurred when the Legislature transformed WSDOT to a cabinet-level agency in which the Secretary of Transportation is appointed by the Governor and serves at the Governor’s pleasure.

2.2 OBJECTIVES

The scope of work in the RFP guides this assessment and includes requirements to:

1. Review the current membership, functions, powers and duties of the Transportation Commission beyond: those granted as the tolling authority, and for the adoption of ferry fares and pricing policies, and for work related the road usage charge pilot project as directed by the Legislature.
2. Evaluate the extent to which current powers and duties overlap and/or duplicate those of other agencies, or are of limited value to the Legislature and Governor.
3. Review the Commission’s budget to ensure it is appropriate for the roles and responsibilities it is directed to do by statute, and by the Legislature and Governor.
4. Consider alternative roles for the Transportation Commission that better suit the needs of the Legislature and Governor, and provide for a more stable and productive Commission.

5. Recommend changes, as appropriate, to the operations, duties, membership and/or budget of the Commission to make it better fit today's needs.⁴

The organization of the report follows this task structure, with each subsequent chapter addressing the tasks in the order shown above.

2.3 METHODOLOGY

An assessment of the type requested in the RFP is qualitative and relies on information collected through fieldwork and observation, interviews, document review, and collection and aggregation of information from research. To ensure a high-quality assessment, interviews are carefully structured to elicit detailed, objective, and comprehensive information. Interview guides developed before each interview cover general information desired from each interviewee as well as information based on each interviewee's specific knowledge and expertise.

The consultant team has extensive experience in the assessment of government policy and planning functions and the administrative operations of public agencies. The team is skilled in conducting interviews and analyzing qualitative data to identify the issues, themes, and patterns that emerge from a review of the data collected. The analysis of the data results in findings from which the team derives recommendations for addressing the issues identified.

Morningside began the assessment in July 2017 and was onsite in Olympia twice for a total of seven days. The team completed the following activities to gather information for the assessment.

Commission Meeting Observation

The consultant team attended a day-long Commission meeting in Kent, Washington, in July 2017 to observe the work of the Commission. The team also facilitated a discussion with current Commissioners during the lunch break to help understand their perspectives on the operations of WSTC.

Interviews

Morningside interviewed, by phone and in person, more than 50 individuals. Interviewees included WSTC staff, state employees from several state agencies, all current and several former Commissioners, representatives from local governments and local and regional organizations, and other individuals involved in transportation policy and planning in the state of Washington. The team made follow-up telephone calls and sent emails seeking clarification or additional information on many points. To grant interviewees the opportunity to speak freely, the consultant team agreed not to quote or otherwise identify the views of any individual. The team

verified information from interviewees by reviewing supporting documentation and corroborating information from other interviewees.

Questionnaire

As an opportunity for a wider range of individuals to provide input on the assessment, the consultant team administered an on-line questionnaire asking open-ended questions about the respondent's relationship to the Commission and views on the roles and responsibilities of the Commission. The team widely distributed email invitations for the questionnaire to state employees, local and regional planning organizations, and other public and private entities. The Commission provided a list of stakeholders, all of whom received an email invitation from the consulting team to provide input. Forty-four people responded to the survey.

Data Review

The consultant team reviewed data and documents WSTC and other state agencies provided, as well as many documents available on-line describing staffing levels, work assignments, WSTC agendas, policies and procedures, revenue and expenses, and operational and administrative processes.

Benchmarking

The consultant team conducted a comprehensive review of the transportation commissions in the 49 other states to identify the roles and responsibilities of those commissions, their relationship to the department of transportation in those states, and the administrative structure, including board composition and meeting frequency.

The interviews, review of data and documents, and follow-up calls and emails all were essential in educating the consultant team on the operations of WSTC and providing data for analysis. The detail and comprehensiveness of this report is possible because of the willingness of WSTC staff, Commissioners, and other stakeholders to readily offer information and insight.

2.4 ASSESSMENT LIMITATIONS

As directed by the Legislature and specified in the RFP, this assessment does not include the powers and duties granted WSTC for setting toll rates and adopting ferry fares and pricing policies, or for the work of the agency on the road usage charge study and pilot project. However, as stated in the RFP, the consultant team should understand these responsibilities because they have budget implications, a topic of the assessment. The consultant team also needs to understand how these functions interact with other agency responsibilities. For these reasons, this report includes descriptions of toll rate and ferry fare functions.

3 OVERVIEW OF AGENCY OPERATIONS

3.1 AGENCY STRUCTURE

The Washington State Transportation Commission (WSTC or Commission) is a seven-member policy body with a staff of five full-time employees. The agency operates on a budget of about \$2.5 million for the 2017-19 biennium.⁵ The responsibilities of the Commission include setting ferry fares and toll rates, soliciting public input on the transportation system, producing a comprehensive and balanced statewide transportation plan, developing transportation policy recommendations, conducting transportation-related studies, and other smaller functions as described later.

Commission

The seven-member Commission consists of citizen members appointed by the Governor for six-year terms, with those terms limited to two consecutive appointments. The Secretary of Transportation of the Washington State Department of Transportation (WSDOT) and a representative from the Governor's office also serve as ex officio nonvoting members. Statute requires that four Commissioners reside to the west of the Cascade mountains, with the other three members residing to the east of the mountain range. No more than two members can reside in the same county.⁶ At one point, statute specified that no more than four members could be from the same political party, but the Legislature removed that provision in 2006.⁷ Statute does not include specific expertise requirements in selection of a member.

Statute also requires the Commission to meet at least quarterly in different parts of the state and elect its own chair for a one-year term.⁸ In actuality, the Commission meets much more frequently than quarterly, annually holding 11 or 12 meetings, typically every month with the exception of August. The Commission convenes four or five meetings in local communities around the state and the remainder of its meetings in Olympia.

Statute requires the Commission to meet at least quarterly in different parts of the state. In actuality, the Commission meets much more frequently than quarterly, holding 11 or 12 meetings annually.

The Commission divides into subcommittees to expedite its workload as need indicates. As of May 2017, the Commission had active teams working on ferry matters, public surveys, tolling, and transportation planning.⁹

The following table shows Commissioners serving at the time of this assessment.

Commissioners Serving as of August 2017

Commissioner	County	East / West of Cascades	Ending Date of Term
Jerry Litt, Chair	Grant County	East	June 2023
Roy Jennings, Vice Chair	Clark County	West	June 2019
Shiv Batra	King County	West	June 2019
Joe Tortorelli	Spokane County	East	June 2020
Hester Serebrin	King County	West	June 2021
Debbie Young	San Juan County	West	June 2022
Vacant seat	NA	East	Seat vacated December 2016

Staff and Other Support

The Commission hires an executive director who serves at the pleasure of the Commission.¹⁰ The other four staff of the Commission include the deputy director, a senior financial analyst who works primarily with toll rates and ferry fares, an executive assistant, and an administrative assistant.

Statute authorizes the Commission to contract with the Governor’s Office of Financial Management or other appropriate agencies for administrative support services such as accounting and computer services.¹¹ WSDOT is the major provider of support services to the Commission. The Commission and WSDOT maintain a memorandum of understanding stipulating that the Commission receives at no cost routine staff and administrative support for a host of WSTC programs and administrative services, such as ferry fare setting, toll setting functions, budget, accounting, contract services, information technology, and personnel administration.¹²

The Commission and WSDOT maintain a memorandum of understanding stipulating that the Commission receives at no cost routine staff and administrative support for a host of WSTC programs and administrative services.

Consultants also assist the Commission in carrying out its duties. The agency contracts with consultants to advise on the agency’s special study of the road usage charge assessment and to develop and administer surveys of ferry riders or surveys of statewide audiences on issues of transportation policy. Consultants also support the development and outreach for the production of the statewide transportation plan and assist in other activities of the agency. The Commission spent about \$1.8 million in the 2013-15 biennium and about \$797,000 in the 2015-17 biennium on consultants for a total of \$2.6 million over these two biennia as shown below.¹³

Consultant Contract Expenditures

Purpose	2013-15 Biennium	2015-17 Biennium	Grand Total
Road usage charge assessment study	\$849,960	\$300,000	\$1,149,960
Ferry Riders Opinion Group survey	\$395,167	\$302,495	\$697,662
Voice of Washington State survey	\$255,874	\$174,140	\$430,014
Washington Transportation Plan	\$249,496		\$249,496
Commission retreats	\$7,590	\$7,180	\$14,770
Graphic services	\$5,570	\$5,680	\$11,250
Training		\$7,544	\$7,544
Grand Total	\$1,763,657	\$797,039	\$2,560,696

2005 Changes to the Commission

Before 2005, the Commission had a broad role overseeing the functions, budget, and legislative interests of WSDOT. This expansive role changed in 2005 when the Legislature made WSDOT a cabinet-level agency, removing the Commission from its oversight of WSDOT and transferring that responsibility to a Governor-appointed Secretary of Transportation.¹⁴

This modification in governance marked a sea change in the duties of the Commission, which transitioned from overseeing a department of close to 7,000 full-time employees to an agency of five full-time employees.¹⁵ The Legislature scaled back the functions of the Commission largely to what they are

today, with responsibilities such as setting toll rates and ferry fares, soliciting public input on the transportation system, transportation planning, and other duties discussed below.

Before 2005, the Commission had a broad role overseeing the functions, budget, and legislative interests of WSDOT. This expansive role changed in 2005 when the Legislature made WSDOT a cabinet-level agency.

3.2 DEVELOP AND ADVISE ON TRANSPORTATION POLICY

The responsibility of the Commission to develop and advise on transportation policy extends back to 1977 when the Legislature combined various transportation agencies, creating the Commission as the policy body over the newly created WSDOT. The Legislature directed the Commission “to propose policies to be adopted by the Legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services.”¹⁶ This language remains almost the same today, the only exception being a 2005 update that included the Governor as a recipient of policies to be adopted.¹⁷

Since 2005, the Legislature also has given the Commission permissive authority to “offer policy guidance and make recommendations to the Governor and Legislature” in various categories. These categories include, among others, transportation finance, preservation, maintenance, and operation of the statewide transportation system.¹⁸

Products

The Commission has taken these directives to heart, engaging in outreach activities to gather input for developing transportation policy guidance, as discussed in the following section. Although policy guidance can occur in various ways, the annual reports of the Commission and its statutorily required “comprehensive and balanced statewide transportation plan,” known as the Washington Transportation Plan (WTP), are the primary vehicles for communicating this guidance.

Looking at some examples of policy guidance from annual reports, the agency’s 2014 annual report recommended a 2015 revenue proposal including a 15-cent fuel tax increase for maintenance and preservation.¹⁹ The 2015 annual report recommended investing more in maintenance and preservation, addressing congestion in key corridors in stages, and improving state financial sustainability for transportation needs.²⁰ The 2016 annual report recommended developing a long-term tolling policy plan and taking various steps to ensure land use decisions are supported with adequate transportation facilities and services.²¹

3.3 CONDUCT OUTREACH

As with policy development, the authority for the Commission to reach out to the public extends back to 1977. Statute from that date, still in effect today, assigns the Commission the function of providing “for public involvement in transportation designed to elicit the public’s views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs.”²²

Legislative action starting in 2005 and amended in 2006 and 2007 directs the Commission to provide “a public forum” for developing transportation policy and to “coordinate with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens.” The Commission must consider this input in developing a comprehensive and balanced statewide transportation plan.²³ Law further indicates this plan must result from an ongoing process involving significant transportation interests and the general public from across the state.²⁴

As with policy development, the authority for the Commission to reach out to the public extends back to 1977.

The Commission has engaged in outreach in four distinct ways: on-going public meetings around the state; surveys, including a survey of ferry riders and a survey of Washington residents on transportation issues; outreach conducted in conjunction with a consulting firm for the development of the WTP; and targeted outreach for gathering public input on toll rate setting and ferry fare setting as well as road usage charging.

Public Meetings

As noted earlier, the Commission holds at least four public meetings around the state (“local meetings”) and six or seven public meetings in Olympia annually. In meetings outside Olympia, the Commission invites community representatives such as county and city elected officials and their staff, local and regional transportation-related organizations, state transportation officials, providers of transportation services, and others, to present information about transportation issues important to their communities. The more frequent meetings in Olympia tend to emphasize statewide or regional matters and attention to the Commission’s own functional responsibilities such as transportation planning or ferry and toll rate setting. The Commission typically structures its local meetings to hear presentations on topics selected collaboratively to address local priorities and Commission interests.

Commission agendas from fiscal years 2016 and 2017 show about 110 hours across both years combined devoted to local meetings. While a precise measure is not available, the Commission clearly devotes a large portion of this time to receiving local, regional, or state input on transportation issues. These issues cover the gamut of transportation modes and concerns at all levels of government.

Ferry Riders Opinion Group Survey

In 2007, the Legislature directed the Commission to conduct, with the involvement of WSDOT, a survey to gather information on ferry users. Statute specified the survey must address topics including, among others, recreational use, walk-on customer use, vehicle customer use, and reaction to pricing policies. The Legislature required the survey to be updated every two years and used to support decisions on level of service, operations, pricing, and other factors.²⁵

The Legislature required the FROG survey to be updated every two years and used the information from the survey to support decisions on level of service, operations, pricing, and other factors

The Commission initially used paper survey forms distributed on ferries, but found that approach unwieldy and not appropriate for some issues that required assessment over time. To address these concerns, in 2010 the Commission launched the Ferry Riders Opinion Group survey (FROG),

an online survey panel of ferry users surveyed electronically over the internet.²⁶ Surveys of the panel provide most of the information the agency gathers on ferry users. A second survey, called the Voice of Washington State (VOWS) survey, was used to collect additional ferry-related data in the past and is discussed further below.²⁷

In 2011, the Legislature added a directive on the use of the FROG survey. As part of a larger effort to measure performance of the ferry system, the Legislature required the Commission to collect data on passenger satisfaction. The Commission must evaluate this data using the services of a contracted market research company.²⁸

The FROG survey panel includes about 27,000 ferry users largely made up of regular ferry riders and commuters, recreational riders, occasional riders, and freight movers who volunteer to participate in the panel.²⁹ The Commission recruits and refreshes the membership of the panel by periodically reaching out to ferry riders via email lists available through the Washington State Ferries program of WSDOT, posters placed on ferries and at ferry booths, going on-board ferries, and asking FROG members to send “recruit a friend” emails.

The Commission collects survey information on various user groups and topics, as required in statute, at different points in the year. For example, in 2016, the Commission produced a summer ferry performance survey, a winter ferry performance survey, and a freight customer survey, to name a few. The Commission also uses the FROG panel to conduct surveys on specific topics containing only a few questions.

The Washington State Ferries (WSF) division of WSDOT is a major user of the FROG survey data to help guide decisions on its ferry service and to comply with statutory requirements to report on ferry system performance to the Legislature.

The Washington State Ferries (WSF) division of WSDOT is a major user of this survey data. WSF uses survey data to help guide decisions on its ferry service and to comply with statutory requirements to report on ferry system performance to the Legislature.³⁰ WSF indicates that, of 17 reported measures, four relate to customer satisfaction as measured through the FROG survey.

The Legislature funded the FROG survey at \$200,000 for the 2015-17 biennium. WSTC staff reports that this amount is \$150,000 less than the agency received in prior biennia going back to 2009. During the 2015-17 biennium, the Commission partnered with WSF at WSDOT to fund the annual FROG winter performance satisfaction survey to ensure data was collected per requirements in current law. Each agency contributed \$9,500 to fund the 2017 winter survey. For the 2016 winter survey, WSTC contributed \$20,000 and WSF contributed \$10,000 in funding. These funds came from the general budgets of the two agencies rather than funds the Legislature

specifically earmarked for the surveys. The funding for these surveys covers the costs of consultant support to design and administer the survey; collect, tabulate, and analyze the data; and report the results and findings to WSTC, WSF, the Legislature, and Governor.

Voice of Washington State Survey

Unlike the FROG survey, the Voice of Washington State (VOWS) survey does not have a specific statutory basis but has been authorized through transportation budgets. A survey of “users of the statewide transportation system” was first authorized in the 2011-13 transportation budget and eventually became known as the VOWS survey panel.

The purpose of the first initial survey, developed using consultant support services, was to assess attitudes and opinions of Washington citizens on transportation funding alternatives to inform and support the work of the Connecting Washington Task Force. In this survey, respondents were asked if they would like to participate in future research on transportation issues, and many answered affirmatively. The Legislature provided funding the following session to move forward with the development of the VOWS panel and to conduct subsequent surveys on transportation policy, funding issues and alternatives, and investment priorities.³¹

WSTC recruited citizen volunteers for the survey panel by reaching out with postcards, emails, or other means. As of March 2017, the panel had a membership of about 30,000 citizens who had volunteered to participate in VOWS surveys.³²

The Commission has conducted about one survey a year using the services of a consultant. The majority of surveys fall into two categories: those looking at broad transportation questions such as funding alternatives, and those gathering information from occasional users of the state-run ferry system across the state. The FROG survey panel is not appropriate for this second task because identified ferry users, not occasional users statewide, make up the panel.

The VOWS survey panel began with a sampling process that produced a random selection of citizens to participate in the panel. Over time the panel lost that critical characteristic and was no longer representative of the demographics of the state, therefore skewing results.

Appropriation bills show the Commission received the following amounts for VOWS surveys of transportation users in the indicated years: \$169,000 in 2011, \$160,000 in 2012, \$174,000 in 2013, and \$150,000 in 2015.³³ The Commission has received no funding for the VOWS surveys since that time. This elimination of funding coincides with legislative concerns on the validity of the survey panel to reflect statewide opinions accurately. Addressing this concern, the Commission hired an independent consultant to assess the reliability of the survey panel. Findings from the assessment concluded that, while

the survey panel began with a sampling process that produced a random selection of citizens to participate in the panel, over time the panel lost that critical characteristic and was no longer representative of the demographics of the state, therefore skewing results.³⁴

Washington Transportation Plan Outreach

The Commission contracts every four years with a vendor to support the development of the WTP. The scope of work for the vendor is significant and includes a requirement to submit an outreach plan to gather input specific to the WTP. The current RFP for the 2018 WTP, released August 25, 2017, includes the following expectation:

7.1.3 (M) Communication and Outreach Strategies. The Vendor will provide communication and public outreach support to provide comprehensive, coordinated and consistent information to the public, the Commission, the WTP Steering Committee, the Advisory Group, federal, state, local and private interests. The Vendor shall assist staff in developing a public outreach program utilizing a variety of approaches and tools, including traditional in-person public meetings, on-line surveys, social media and networking, e-town hall meetings, knowledge networks, and open houses.

Vendor should consider in its proposal how the Commission's existing outreach program and research from other Commission activities, including the road usage charge Assessment and the Ferry Riders' Opinion Group panel, can be used to inform and support public outreach and the gathering of public input for this project.

The outreach program also should specify how to document, consider, and respond to public comment and input.

The Vendor will develop and implement a Media Plan in consultation with Staff. At a minimum, the Media Plan shall include media strategies that complement and enhance the public outreach components. The Media Plan shall include a roll-out strategy following the plan's adoption, beginning in January 2019, aimed at the general public, the Legislature, and the Governor. This may include planning, scheduling and preparing Commissioners to engage editorial boards and radio talk shows, as well as social media, and op-ed pieces for newspapers.

The media plan developed by the vendor in 2014 detailed several outreach components, including a project website, a web-based community survey, stakeholder roundtables, open houses and on-line events and meetings, and media communication.³⁵

Toll Rate and Ferry Fare Setting Outreach

When setting toll rates and ferry fares, the Commission engages in an outreach effort in coordination with WSDOT to hear from affected communities. In July 2017, the Commission held four, two-hour evening meetings in various ferry communities to gather public input on the proposed changes to ferry rates. A final hearing was held in the daytime near the ferry terminal in Seattle after the four public input sessions. The Commission holds these meetings and hearings every two years when the agency adjusts ferry fares.

When adjusting toll rates, the Commission holds public input sessions in affected areas to give residents the opportunity to comment on proposed changes to toll rates, and a final public hearing in Olympia. In fiscal years 2016 and 2017, the Commission held four public hearings over several months, setting aside five and one-half hours for the public to comment on proposed toll changes for various bridges and roads.

3.4 PREPARE A COMPREHENSIVE AND BALANCED STATEWIDE TRANSPORTATION PLAN

Before 2005

In 1977, the Legislature created the Commission as the policy body overseeing the operations of the newly established WSDOT. This Commission and WSDOT acted as a unit to form and administer transportation policies and programs in the state.

Prior to 2005, state-level transportation planning operated through a unified structure.

State-level transportation planning operated through this unified structure. As noted earlier, the 1977 law charged the Commission with developing a “comprehensive and balanced statewide transportation plan.” State law required the plan to take into account federal requirements for transportation facilities.³⁶ WSDOT prepared the plan under the direction of the Commission, which reviewed the plan, held public hearings, and approved it. The agency forwarded the plan, known as the WTP, to the Legislature and the federal department of transportation.³⁷

In 1993, the Legislature added to state planning requirements, charging WSDOT with preparing a “statewide multimodal transportation plan” that conformed to federal requirements. The plan included a “state-owned facilities component” to guide investment for state highways, including bicycle and pedestrian facilities and state ferries; and a “state-interest component” defining state interest in various transportation modes including aviation, marine ports and navigation, and public transportation, among others. The plan had to be consistent with the “state transportation policy plan” the Commission was charged with developing.³⁸

The Commission and WSDOT operated seamlessly to integrate the legislatively required statewide transportation “policy plan” of the Commission with the multimodal plan of WSDOT into the WTP. The agency forwarded the plan to the federal government to comply with applicable federal requirements. This arrangement continued until 2005.³⁹

After 2005

The statutory language referenced above has remained essentially unchanged since 1977 with the exception of transportation planning governance. This structure changed substantially in 2005 when the Legislature removed the Commission as the policy body overseeing WSDOT and structured WSDOT as a cabinet agency headed by a Governor-appointed Secretary of Transportation. The newly separated Commission retained authority to develop the WTP policy plan as initially directed in 1977 while WSDOT still operated under the 1993 requirement to develop the statewide multimodal transportation plan.

In 2005, the newly separated Commission retained authority to develop the WTP policy plan as initially directed in 1977 while WSDOT still operated under the 1993 requirement to develop the statewide multimodal transportation plan.

With planning split in two agencies, the virtually automatic integration of the two plans to form the WTP ceased. With the possibility of two separate plans, the question then arose as to when and how the state would update and deliver the federally compliant document. The governance change made in 2005 continues today, and old statutory language continues to leave a statutory gray area and a continuing point of contention between WSDOT and WSTC by failing to specify the process for preparing the federally compliant document.⁴⁰

Plan Comparisons

The planning function of the Commission cannot be assessed alone but must be viewed in the context of the WSDOT multimodal plan and the federally compliant plan the state must develop. Some of the key attributes in the preparation of these plans are:

- **Scope.** Both WTP and the WSDOT multimodal plan have a broad statutory planning scope, including state, regional, and local levels. Statutory language for the WTP has a heavier emphasis on policy, hence the frequent reference to the plan as a “policy plan.” Both plans address regional needs and multimodal planning.⁴¹
- **Outreach.** Both plans have requirements that result in reaching out to a spectrum of planning interests such as metropolitan planning organizations and regional transportation planning organizations, transportation stakeholders, governmental officials, and the general public.⁴²

- **Federal compliance.** Statutory language requires both plans to take into account or conform to federal requirements.⁴³
- **Time frame.** Statute requires the WTP to be reviewed and revised every four years.⁴⁴ State law or regulations do not specify how often WSDOT must update its multimodal plan. Federal law requires a federally compliant state long-range plan to be updated periodically to reflect changes in transportation planning law and span a minimum 20-year forecast period, the time horizon the WTP is designed to meet.⁴⁵

The following table summarizes these attributes.

Selected Key State Transportation Plan Attributes

Plan Attribute	WSTC Washington Transportation Plan	WSDOT Statewide Multimodal Transportation Plan
Broad scope covering state, regional, and local levels and multimodal planning	Yes	Yes
Provides for outreach to regional planning entities, the general public, and other stakeholders	Yes	Yes
Statute requires consideration of federal laws	Yes	Yes
Establishes an update timeframe	Yes. Four years.	No

WSDOT has vastly more resources than the Commission for planning. An overall picture of the agencies' resources gives an indication of this imbalance. For the 2017-19 biennium, WSDOT has an operating budget of about \$1.8 billion compared to the Commission budget of \$2.5 million.⁴⁶ In the 2015-17 biennium, WSDOT had more than 6,600 full-time employees compared to five full-time Commission employees.⁴⁷ The WSDOT budget dedicated to planning for the 2017-19 biennium is just under \$20 million and includes 72.8 FTEs. WSDOT assists the Commission in its planning efforts, as directed by statute.⁴⁸

The Washington Transportation Plan since 2005

The Commission has spearheaded the development and planning for four iterations of the WTP. A brief discussion of these plans follows with a summary chart presented after the discussion.

WTP 2026. This plan covers the 2007-2026 planning period. The preparation and adoption of the plan spanned the time before and after the separation of the Commission from WSDOT. This WTP, as those before it, integrated the multimodal plan and was compliant with federal laws, thus satisfying the state statutory requirements for two state plans and a federally compliant 20-year long-range plan. Neither the Commission nor WSDOT has developed a federally compliant document since the issuance of WTP 2026 in 2007.

WTP 2030. This plan, prepared four years after WTP 2026 as required by state law, covered the 2010-2030 forecast period. The Commission prepared the plan as an update to WTP 2026 and adopted the plan in December 2010. The Commission advises the plan was not developed with the intent to satisfy federal long-range statewide planning requirements after learning changes to federal planning laws were imminent.

WTP 2035. This next four-year update for the WTP spans the 2015-2035 forecast horizon. The Commission and WSDOT have been working under the informal, but generally accepted understanding, of building one integrated and federally compliant plan in two phases. According to this agreement, the Commission was to complete Phase 1 with the development of its required statewide policy plan, a step the Commission completed with adoption of the WTP 2035 document in January 2015. The agreement specifies that WSDOT will develop an implementation plan for Phase 2 that meets its state multimodal planning obligation and satisfies federal requirements. The targeted completion date for Phase 2 is currently the end of 2017. The two agencies have formed a three-person WTP steering committee whose members include the chair of the Commission as chair, a high-level representative from WSDOT, and a member representing regional or metropolitan planning organizations.

Although the Commission and WSDOT have indicated their intent for using this combined plan for federal compliance, a definite, clear, and mutually agreed-upon detailed roadmap for reaching this goal does not appear to exist at this late stage.⁴⁹ This lack of clarity is the result of the timing of the two reports and the challenges coordinating between two independent agencies.

WTP 2040. The Commission started developing WTP 2040 in the summer of 2017 to cover the 20-year forecast period of 2020-2040 and will complete the WTP update by December 2018 as state law requires. The Commission issued a request for proposal (RFP) at the end of August 2017 seeking vendor proposals to update WTP 2035 to WTP 2040. The RFP indicates the consultant will work with a steering committee of the same structure used for WTP 2035. According to the RFP, “[t]he steering committee, under the oversight of the Commission, will collaboratively guide the development of a long-range transportation plan that meets the requirements of state law and is consistent with federal requirements for statewide long-range transportation plans.” The level of interaction between the Commission and WSDOT in mapping the course for this new plan is not clear. The issuance of the RFP by the Commission

The issuance of the RFP by the Commission creates a peculiar situation in which the Commission is working productively on its policy plan for WTP 2040 when WSDOT’s Phase 2 for WTP 2035 is not yet complete.

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History of Washington Transportation Plans

Washington Transportation Plan*	Completion Date	Plan Satisfies State and Federal Long-Range Planning Requirements**	Plan Recognized as Federally Compliant
WTP 2026	November 2006	Yes	Yes
WTP 2030	December 2010	No	No
WTP 2035 Phase 1 (Commission “policy plan”)	January 2015	The Commission and WSDOT are considering merging Phase 1 and Phase 2 of this plan to meet their respective state long-range planning requirements and the requirements of the federal government for a 20-year long range plan.	Phase 2 of the plan is not yet complete. While WSDOT expects its Phase 2 document to be federally compliant, a definite, clear, and mutually agreed-upon detailed roadmap for merging the Commission’s Phase 1 policy plan and WSDOT’s Phase 2 implementation plan into one single integrated plan for submission to the federal government does not appear to exist.
Phase 2 (WSDOT “implementation plan”)	Projected for December 2017	The Commission has taken the first steps to prepare this plan with the intention of following the same collaborative approach used for WTP 2035.	The use of this plan to satisfy federal requirements is unclear because of its recent inception and the lack of a conclusion to WTP 2035.
WTP 2040	Projected for December 2018	Discussions appear preliminary at this point. Questions as to how the plan might synchronize with WTP 2035, which still lacks the planned inclusion of Phase 2, remain to be answered.	

* Washington statute refers to this state-required policy plan as the “comprehensive and balanced statewide transportation plan.”

** State statute requires the Commission to prepare a comprehensive statewide transportation plan every four years, and WSDOT to prepare a statewide multimodal transportation plan on no particular time frame. Federal statute requires the state to develop a long-range statewide transportation plan with a minimum forecast period of 20 years that complies with all federal requirements, but does not set a submission deadline.

3.5 DEVELOP FERRY FARES AND TOLL RATES

Although the role of the Commission in establishing ferry fares and toll rates is not part of this assessment, as established by legislative directive, these functions are briefly described here to complete the overall picture of the operations of the Commission. As stated in the RFP, “the Consultant will need to understand those responsibilities in order to understand budget implications and develop recommendations for adjustments.” Budget implications and recommendations are included in later chapters.

Ferry Fares

In 1977, the Legislature gave the newly established Commission, then the policy body over the newly created WSDOT, authority to set tolls and charges on toll bridges and ferries, including the Washington state ferries.⁵⁰ Legislation in 2007 also assigned the function to the Commission, now separate from WSDOT.⁵¹

The Commission reviews and sets ferry rates and fare policies each biennium.

The Commission reviews and sets ferry rates and fare policies each biennium. The Commission employs one full-time senior financial analyst to work directly on this task along with toll rate analysis, among other responsibilities. In addition, the Commission has a subcommittee of three Commissioners to help analyze fares, monitor the fare setting process, and make recommendations back to the full Commission.

Although the Commission sets the final fares, other entities have essential roles to play in reaching this final point. In addition to WSTC, the following entities have responsibilities in the process of setting ferry fares.

- **Washington Legislature.** The Legislature begins the biennial fare-setting process by setting a revenue requirement for the operation of the state ferry system for the next biennium. About 75 percent of the operating costs of the system comes from ferry fares and other small funding sources, while about 25 percent of these revenues is derived from state tax funding. Projected fare revenues must meet the revenue requirement the Legislature sets. The revenue requirement set for the 2017-18 revenue cycle was \$381.3 million in operating revenue.⁵² In addition to this operating revenue, \$8.2 million also is expected to be generated for the capital budget through a surcharge of \$0.25.⁵³
- **Washington State Department of Transportation Ferries Division.** This division, whose program and work typically go by the name “Washington State Ferries,” leads in taking the revenue requirement from the Legislature and developing a fare proposal for the Commission to consider. WSF relies on the FROG survey of the Commission to help guide fare revisions. WSF presented its fare proposal to the Commission in May 2017 for the 2017-18 tariff cycle.

WSF remains a key partner with the Commission throughout the remainder of the fare setting procedure.

- **Ferry Advisory Committee–Tariff (FAC-T).** The Commission and WSF created this advisory body to assist and advise in the fare setting process. The committee is made up of representatives of the various ferry advisory committees who represent ferry-served communities throughout the system, along with a WSTC Commissioner serving as an ex-officio member. FAC-T participates as an important partner in advising WSF and the Commission in developing its fare proposal and monitoring fare operations generally.

After receiving the fare proposal from WSF and the FAC-T, the Commission adjusts the proposal as it sees necessary and moves the proposal forward to gather public input through community meetings. Fares must ultimately be adopted in rule, so at least one hearing occurs to comply with rulemaking requirements of the state. The Commission held four public meetings to gather public input on the fare proposal for the 2017-18 cycle plus the final required hearing. The Commission then adopted fares to go into effect in October 2017.

Toll Rates

As with ferries, in 1977 the Legislature delegated to the Commission authority over setting tolls as one of its responsibilities overseeing the newly established WSDOT.⁵⁴ In 2008, after the separation of the Commission as the policy body for WSDOT, the Legislature adopted new tolling policies in statute, declaring that tolls be used as a source of transportation funding and to encourage effective use of the transportation system. The Legislature further declared that it alone could authorize tolls on eligible toll facilities and named the Commission as the tolling authority for the state unless these powers were otherwise delegated. All toll revenues from a facility must be used for construction, operation, or other obligations related to that facility.⁵⁵ These provisions remain in place today.

Unlike the state ferry system, each toll project has its own statutory requirements and particular process.

While this statutory structure mirrors in some ways the authority of the Commission to set ferry fares, the toll rate-setting process unfolds differently. Unlike the state ferry system, each toll project has its own statutory requirements and particular process. In addition to WSTC, major actors in tolling and their responsibilities are:

- **Washington Legislature.** As reflected above, the Legislature must designate eligible toll projects, provide tolling and bond authorization, and appropriate expenditures of toll revenues.
- **Toll division of WSDOT.** The toll division operates the toll operations of the state. Among these responsibilities, the division typically develops the basic financial documents and traffic

and revenue studies for setting rates at the necessary level to fund operations of the toll project. The division works closely with the senior financial analyst of the Commission, the tolling subcommittee of three Commissioners, and the full Commission, providing them with financial documents and other information.

- **State treasurer.** The State Treasurer’s Office is involved in toll rate setting when the financing of toll facilities is through general obligation bonds backed first by toll revenue, then motor vehicle fuel taxes, then the full faith and credit of the state. These bond covenants require the state to set, adjust, and maintain toll revenue sufficient to pay operating and maintenance expenses on the bonds. These bond covenants drive toll rates and limit the authority of the Commission to set tolls. The State Route 520 floating bridge toll facility is financed through general obligation bonds with backing of this nature.

The Commission uses information received from these entities to analyze toll project funding and, working closely with the toll division and the Office of the State Treasurer, sets toll rates and toll policies and determines the need for adjustment of toll rates. If toll rate adjustments are needed, the Commission follows the process and requirements outlined in the Administrative Procedures Act and holds several public input meetings and a final public hearing that ultimately results in revised tolls and toll policies set in rule.

The chart below identifies some of the different toll-related responsibilities of the Legislature, WSDOT, the Commission, and the State Treasurer.⁵⁶

Responsibilities of Entities Involved in Toll Rate Setting

Washington Legislature	State Treasurer	WSDOT	Commission
<ul style="list-style-type: none"> • Designates toll corridors and use of toll revenues • Authorizes tolling • Establishes the legal toll framework • Authorizes financing plans, such as for bonding authority • Appropriates toll operation budget 	<ul style="list-style-type: none"> • Develops bond covenants, including those where the financing of toll facilities is through general obligation bonds backed by toll revenue, motor fuel taxes, and the full faith and credit of the state 	<ul style="list-style-type: none"> • Assesses financial feasibility of toll projects • Collects tolls • Plans, analyzes, and constructs facilities • Finances improvements • Builds and operates toll collection systems 	<ul style="list-style-type: none"> • Sets toll rates and related fees to meet funding requirements • Sets toll exemptions • Establishes advisory committees to provide input on tolls and toll projects

The tolled facilities for which the Commission currently reviews and sets rates on a periodic basis, and the date they opened for traffic with toll implementation, follow.

Toll Projects in Current Operation

Toll Project	Date Opened
Tacoma Narrows Bridge – eastbound bridge	July 2007
State Route 167 high occupancy toll lanes	May 2008
State Route 520 floating bridge	December 2011
State Route 405 express toll lanes – Bellevue to Lynnwood	September 2015

The Commission is also involved in planning for anticipated toll projects.

3.6 SPECIAL STUDIES AND PROJECTS

Over time, the Legislature has enacted law directing the Commission to study specific transportation topics. In addition, in 2006 the Legislature gave the Commission general authority to conduct transportation studies, specifying that the Commission would have as one of its functions the following:

To conduct transportation-related studies and policy analysis to the extent directed by the Legislature or Governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose.⁵⁷

Examples of these studies and the year of legislative assignment include:

- A comprehensive study on tolling (2005)
- An analysis of statewide rail capacity and system needs (2005)
- A review of regional prioritized projects as part of the Commission’s development of the WTP (2010)
- An assessment of the feasibility of adopting a road usage charge in the state (2012)
- An assessment of options for long-term toll payer relief from increasing toll rates on the Tacoma Narrows Bridge (2017)

The last two studies are ongoing, with the road usage charge assessment receiving considerable attention. The following chapter presents a full list of projects assigned to the Commission.

The Commission also has based some of its recommendations to the Legislature on what might be considered self-initiated transportation-related studies, which are within the legal authority of the Commission. One example is the Commission’s revenue proposal to the Legislature, first submitted in 2013 and followed by a revised proposal in 2015. The Commission’s earlier proposal

built on the work of the Connecting Washington Task Force.⁵⁸ The later proposal occurred while the Legislature also was considering a transportation funding initiative that resulted in the Connecting Washington Act of 2015.⁵⁹

3.7 SMALLER PROGRAMS

The Commission carries out several programs that are smaller or which do not generate much activity. These are described below.

Transportation Innovative Partnerships Program

This function of the Commission derives from its role in the development of public private partnerships (P3s) under the state Transportation Innovative Partnerships Act.⁶⁰

Legislative enactments beginning as early as 1993 set out provisions for P3s in the state.⁶¹ The Legislature determined that this earlier law had “not met the needs and expectations of the public or private sectors for the development of transportation projects” and revised P3 laws starting in 2005.⁶²

The 2005 statute maps an involved process for approving transportation-related P3s. The Commission, WSDOT, the attorney general, and Governor all have roles in the current P3 law. Statute directs the Commission to approve or review contracts or agreements for transportation projects and adopt rules governing the program.⁶³ The Commission also may, among its duties, solicit concepts or proposals for eligible projects, direct WSDOT to evaluate the concepts or proposals received, and select potential projects from this group.⁶⁴

The Commission carries out several programs that are smaller or which do not generate much activity.

The Legislature placed a moratorium on unsolicited P3 projects coming under these statutes beginning in 2005 and continuing today.⁶⁵ The Legislature and other interested parties have not yet found answers to legislative concerns.

Route Jurisdiction Transfer Program

In 1991, the Legislature codified a procedure for cities, counties, or the state to petition the Transportation Improvement Board to request additions or deletions from the state highway system.⁶⁶ In 2009, the Legislature transferred this responsibility to the Commission.⁶⁷ The Commission reviews these requests and forwards any recommendations for jurisdictional transfers to the Legislature by November 15 each year.

The Commission has made recommendations for transfers on two such requests since it took over this program in 2009, and the Legislature enacted the recommended changes in both cases. The Commission has received a few other requests, but determined these petitions did not require Commission review and approval.

Naming State Highways, Bridges, and Ferries

In 2007, the Legislature authorized the Commission to name or rename state transportation facilities, including state highways and bridges, structures, and facilities; state rest areas; ferries; and state roadside facilities such as viewpoints. Statute requires the Commission to consult with WSDOT before taking final action on a name.⁶⁸

Any government agency, citizen organizations, or person may start the procedure to name or rename a transportation facility. A requestor needs to show sufficient evidence of community support for the name. After making a decision, the Commission forwards the name to WSDOT and requests that the agency apply the designation, which then occurs as a routine matter. The Commission receives a few requests each year, both from the Legislature and from private citizen groups. This process resulted in four highway segments and one ferry being named in 2016.

4 BUDGET OVERVIEW

4.1 BUDGET PROCESS

Budget Appropriation

The State of Washington appropriates funds to state agencies through a biennial budget process. Every two years, agencies submit a maintenance-level budget to the Governor's Office of Financial Management (OFM) along with any requests for new funding. The Governor's office submits a budget to the Legislature in December for its review, modification, and adoption before the start of the next biennium on July 1. Ideally, the Legislature adopts the budget in April or May before the start of the biennium.

After receiving the Governor's budget proposal, the Legislature reviews it and develops its own budget during the legislative session, which begins in January. Final legislative appropriations are contained in appropriation bills that indicate the total spending authority agencies are to receive. The bill also includes budget provisos to indicate any requirements or limitations on how an agency can spend the funds. Although the state appropriates funds on a biennial cycle, the Legislature customarily develops annual supplemental budgets that modify the biennial appropriations.⁶⁹

The state of Washington creates biennial budgets through an incremental process that adds new funding to a carry-forward, or "base" budget. The carry-forward budget is used as the basis for determining the maintenance-level budget, which is "calculated using current appropriations, the bow wave of legislative intentions assumed in existing appropriations (costs or savings) and adjustments for trends in entitlement caseload/enrollment and other mandatory expenses. This number establishes a theoretical base from which changes are made to create a new budget."⁷⁰

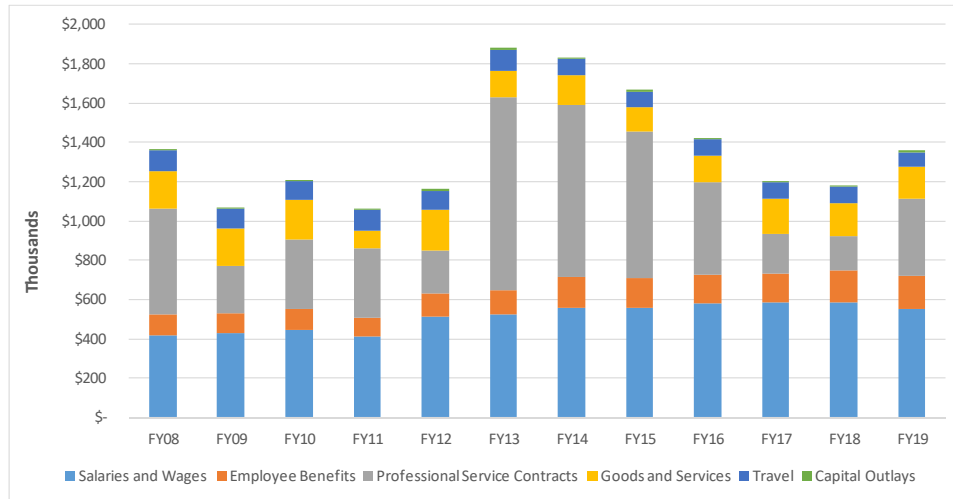
Annual Budget Allotments

Once the legislative appropriation bill is adopted, state agencies work with OFM to develop an annual allotment by category, or "object," of expenditure for each of the two years of the biennium. Allotments provide a way of examining an agency budget in more detail than allowed by the lump-sum appropriation.

The Washington State Transportation Commission (WSTC or Commission) has a memorandum of understanding with the Washington State Department of Transportation (WSDOT) whereby WSDOT assists the Commission with "accounting and budget support."⁷¹ As part of this support, WSDOT helps the Commission develop its annual budget allotments for submission to OFM.

The Commission is currently funded at \$1,178,800 for fiscal year (FY) 2018 and \$1,357,200 for FY 2019. The graph below displays annual allotments by object of expenditure for FY 2008 through FY 2019.

Allotments by Fiscal Year (FY08-FY19)



Source: Office of Financial Management.

The large increase in the allotment beginning in FY 2013 is due primarily to the road usage charge (RUC) study that the Legislature assigned the Commission. The Legislature originally appropriated \$775,000 for the study with additional, reduced amounts in subsequent years.

Budget Provisos

The Washington Legislature issues directives to state agencies through budget provisos in appropriation bills. The budget provisos for the Commission listed in the table below fund research studies, planning, and surveys, and demonstrate the breadth and scope of the work the Legislature has assigned to the Commission since 2005. The amounts shown are included in the annual allotments of the Commission.

Budget Provisos for Studies Since Fiscal Year 2005

Purpose	Year	Amount
1. Comprehensive tolling study	2005 - 07	\$1,500,000
2. Statewide rail capacity and needs analysis	2005 - 07	\$1,150,000
3. Survey of ferry customers	2007 - 09	\$350,000
4. Planning grade tolling study (see note)	2007 - 09	\$275,000
5. Potential revenue sources for the ferry system	2008 Supplemental	\$205,000
6. Washington State Transportation Plan	2009 - 11	\$350,000

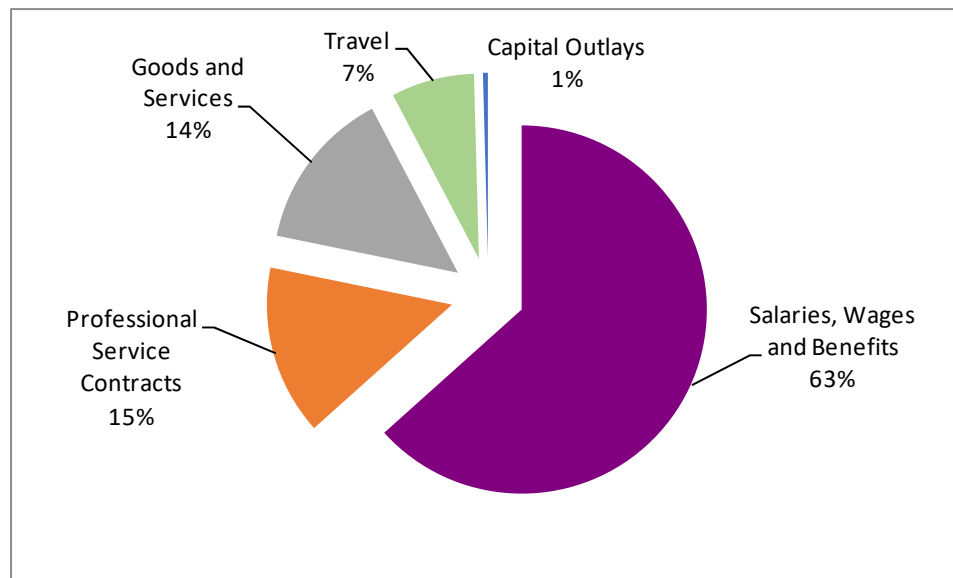
Purpose	Year	Amount
7. Review prioritized projects, including preservation and maintenance projects, from regional transportation and metropolitan planning organizations to identify statewide transportation needs	2010 Supplemental	\$0
8. Work with WSDOT to conduct a best practices review of non-toll, public-private partnerships	2010 Supplemental	\$0
9. Conduct a survey to gather data on users of the statewide transportation system	2011-13	\$169,000
10. Road usage charge study	2012 Supplemental	\$775,000
11. Establish statewide transportation panel and conduct 2 surveys on transportation funding and policy issues	2012 Supplemental	\$160,000
12. Road usage charge study	2013 - 15	\$400,000
13. Voice of Washington survey (VOWS)	2013 - 15	\$174,000
14. Road usage charge study	2014 Supplemental	\$450,000
15. Study the urban and rural financial and equity implications of a potential road usage charge	2014 Supplemental	\$0
16. Road usage charge study	2015 - 17	\$300,000
17. Three transportation surveys	2015 - 17	\$150,000
18. Expedite consideration of the elimination of some tolls on Interstate 405	2016 Supplemental	\$0
19. Road usage charge study (federal funds)	2016 supplemental	\$500,000
20. Pursue grants to fund a road usage charge pilot project	2017 - 19	\$0
21. Convene a workgroup to study fares on Tacoma Narrows bridge	2017 - 19	\$0

Source: State of Washington Appropriation Bills. Note: Funding for the planning grade tolling study is not included in the proviso, but is included in the 2007 Legislative Budget Notes for “continuation of the tolling study.”

4.2 BUDGET COMPONENTS

Commission budgets are allocated among salaries and wages, employee benefits, professional service contracts, goods and services, travel, and capital outlays. The percentage shares allocated in FY 2018 Commission budget are shown below.

Category Allotments for Fiscal Year 2018



Source: Analysis of Budget Allotments from the Office of Financial Management.

Salaries and Wages

The largest expenditure category for the Commission is salaries and wages; 63 percent (\$747,000) of the FY 2018 Commission budget goes to salaries, wages, and benefits for the five staff members as well as the seven Commissioners.

Commission members serve part time and receive a salary as allowed by Washington state statutes. Statute limits compensation for part-time, “class four groups”, which includes the Commission, to an aggregated total of 1,230 days annually.⁷² Statute also specifies that Commissioners may receive no more than \$100 in compensation for each day worked.⁷³ Commission policy further limits the days worked to 150 per year per Commissioner, with the chair of the Commission authorized to work up to 180 days annually.⁷⁴ The table below shows the maximum payments that can be made to the Commissioners annually based on these policies.

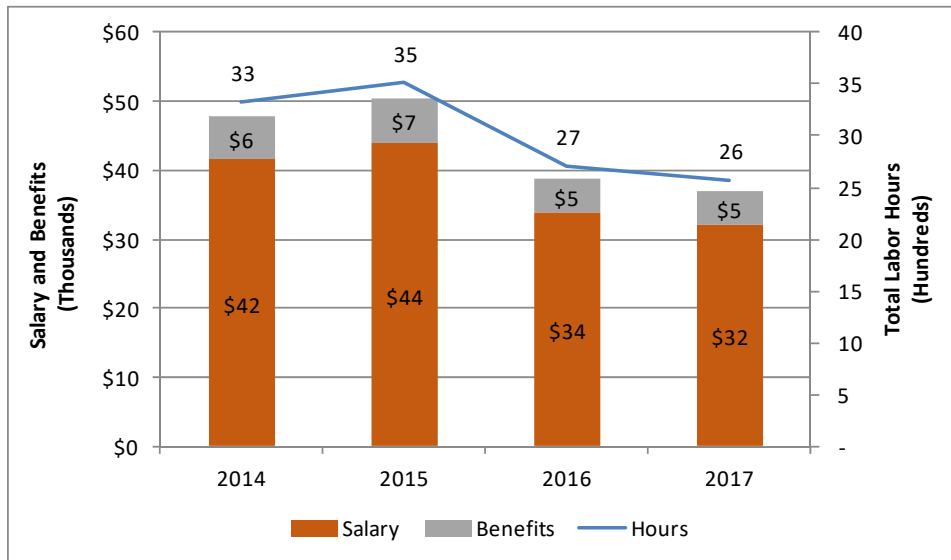
Maximum Commissioner Compensation

Position	Maximum Days Worked	Compensation	Maximum Compensation
Commission Chair	180	\$100/day	\$18,000
Commissioners (6)	150 x 6 = 900	\$100/day	\$90,000
Total Maximum Compensation			\$108,000

Source: Washington State Transportation Commission Policy Documents.

Salary payments to Commissioners have historically been less than this maximum amount, as shown in the chart below.

Salary Payments to Commissioners and Labor Hours by Fiscal Year



Source: State of Washington Data Warehouse, Transportation Reporting and Accounting Information System (TRAINS). Benefit payments include OASI, Medical and Medicare for fiscal years 2014-17. Commissioners do not receive medical insurance benefits.

Professional Service Contracts

The second largest area of expenditure is professional service contracts, which are about 15 percent (\$174,900) of the FY 2018 Commission budget. The table below shows the contract expenditures over the last two biennia by project. These amounts are included in the annual Commission allotments.

Consultant Contract Expenditures

Purpose	2013-15 Biennium	2015-17 Biennium	Grand Total
Road usage charge assessment study	\$849,960	\$300,000	\$1,149,960
Ferry Riders Opinion Group survey	\$395,167	\$302,495	\$697,662
Voice of Washington State survey	\$255,874	\$174,140	\$430,014
Washington Transportation Plan	\$249,496	\$0	\$249,496
Commission retreats	\$7,590	\$7,180	\$14,770
Graphic services	\$5,570	\$5,680	\$11,250
Training		\$7,544	\$7,544
Grand Total	\$1,763,657	\$797,039	\$2,560,696

Source: Washington State Transportation Commission and Washington State Department of Transportation.

Goods and Services

Goods and services make up about 14 percent (\$166,300) of the FY 2018 Commission budget, and include expenses such as rent, maintenance, supplies, printing services, staff development and training, and other routine contractual services. Much of these expenditures are for allocated funds, paid by each state agency, for the statewide services provided by the Washington Department of Enterprise Services, the Office of the Attorney General for legal services, and Washington Technology Solutions (WaTech), which provides technology support to state agencies.

Travel

Seven percent (\$85,600) of the FY 2018 Commission budget is for travel. Commission staff and Commissioners travel to monthly Commission meetings. Staff also travel to participate in professional development opportunities and Commissioners incur travel expenses when representing the Commission on external boards and Commissions. The chart below shows travel expenditures for staff and Commissioners over the last four fiscal years. Direct payments to vendors are for the purchase of airline tickets, hotel accommodations, and catering, for example, paid directly to the vendors providing the service. A vacant Commissioner position for most of FY 2017 is the primary reason for the reduction in travel expenses over this period.

Travel Expenditures by Fiscal Year

Payee	FY 2014	FY 2015	FY 2016	FY 2017
Commissioner reimbursement	\$33,166	\$32,309	\$32,094	\$23,244
Staff reimbursement	\$18,633	\$15,212	\$16,568	\$17,148
Direct payments to vendors	37,327	33,200	\$31,933	\$25,441
Total	\$89,126	\$80,721	\$80,594	\$65,833

Source: State of Washington Data Warehouse, Financial Information Retrieval System (FIRS).

4.3 BUDGET ALLOCATION BY FUNCTION

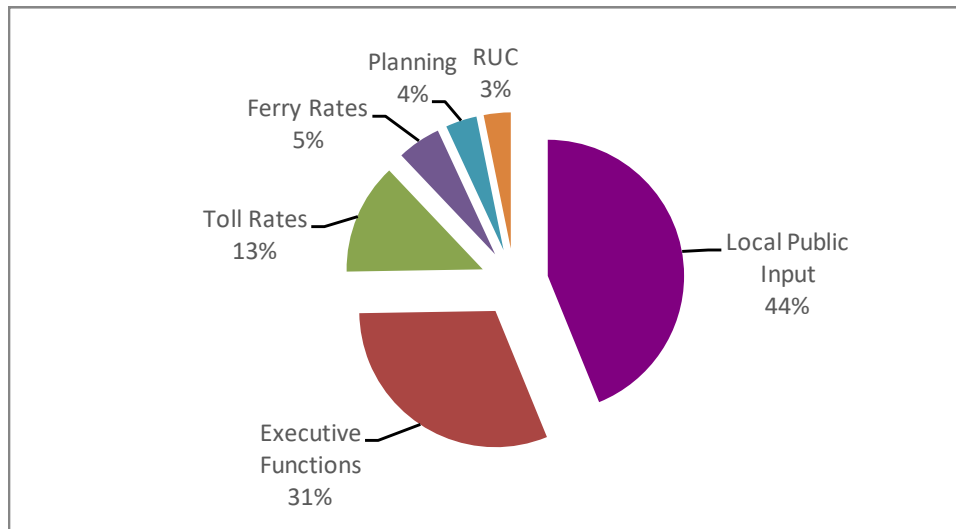
Budget information for the Commission is not available by program or function such as planning, outreach, or ratemaking activities for toll facilities and ferries. Instead, available information focuses on “objects of expense,” such as overall salaries and wages and travel. Two surrogate approaches together provide an approximate idea of how the Commission’s budget ties to its functions.

Commission Meetings

The first approach considers time spent on various Commission functions during Commission meetings. The assumption is that time allocated to a function in Commission meetings is at least a partial reflection on the Commission’s allocation of human and financial resources. Information about the frequency, length, and attendance at subcommittee meetings is not available from Commission staff and therefore is not included in this analysis.

The Commission meets 11 or 12 time per year, typically once per month. The Commission holds four or five meetings in local communities around the state (“local meetings”) and the remainder in Olympia. In addition, the Commission meets several times a year to hold hearings for toll rate-setting and ferry fare-setting (only every two years). Meeting agendas for monthly meetings as well as rate-setting public hearings in FY 2016 and FY 2017 show that Commissioners’ time in these meetings is spent on the activities shown in the chart below.

Commission Total Meeting Time by Function, 2015-17 Biennium
(as % of total meeting hours)



Source: Washington State Transportation meeting agendas and minutes (FY16 and FY17).
Web <http://wstc.wa.gov/Meetings/AgendasMinutes/default.htm>. Accessed August 2017.

The graph indicates that the largest portion of total meeting time is allotted to local meetings where input is received from the public and from local and regional transportation organizations on a variety of transportation topics. The second largest portion of total meeting time is spent on agenda items classified as executive functions, as described below. Tolling follows in third place, with 13 percent, after which percentages fall below 10 percent for remaining functions. The significant amount of time spent hearing from the public is consistent with the outreach emphasis of the Commission.

The percentages in the chart above were obtained by categorizing the time allocated on agenda items over the two-year period into six categories:

1. **Local public input** includes invited speakers on local transportation topics and time allotted for public comment. This category does not include public hearings for tolls and ferries, which are included in those respective categories described below.
2. **Executive functions** include Commission business reports and discussions, Secretary of Transportation reports, Commission legislative reports, and breaks.
3. **Toll rates** include activities related to the tolling authority functions of the Commission, including public hearings on tolls.
4. **Ferry rates** include activities related to setting ferry rates, including public hearings.
5. **Planning** includes time spent hearing presentations and discussing the annual report and the Washington Transportation Plan (WTP).
6. **RUC** refers to items on the agenda related to keeping the Commissioners informed about the road usage charge study and pilot project.

As indicated above, this analysis does not include time spent in subcommittee meetings. The current subcommittees of the Commission are Washington state ferries, surveys, tolling, and the WTP. In addition, Commissioners represent the Commission on the following external committees and boards:

- Seashore Transportation Forum
- South County Area Transportation Board
- Ferry Advisory Committee – Tariff (FAC-T)
- PSRC Executive Board and Transportation Policy Board
- Road Usage Charge Steering Committee
- Women in Transportation
- Spokane Regional Transportation Council
- Gateway Program (SR 167/ SR 509) Executive Advisory Committee
- I-405 Executive Advisory Committee
- Next-Gen. Orca Regional Fares Executive Committee

Staff Time Allocation

The second surrogate for allocating commission costs by function examines how staff spends their time. The table below shows an estimated allocation of staff time using the same functions displayed previously in the pie chart, with the addition of transportation policy as a category for staff. Columns of the chart are arranged in the order of most time spent to least time spent in aggregate on a function.

Staff Time Allocation by Function

Position	Local Public Input	Admin/ Other	Toll Rates	RUC	Ferry Rates	Planning	Transportation Policy
Executive Director	5%	10%	10%	50%	10%	5%	10%
Deputy Director	20%	10%	10%	15%	10%	20%	15%
Senior Financial Analyst	5%	5%	60%	10%	10%	5%	5%
Executive Assistant	40%	40%	5%	5%	5%	5%	0%
Administrative Assistant	60%	40%	0%	0%	0%	0%	0%
Average Percent Time	26%	21%	17%	16%	7%	7%	6%

Source: Washington State Transportation Commission.

This analysis is limited in that the complex work of Commission staff does not fall neatly into the categories shown. Accurate and specific measures of time spent on the work of the Commission are difficult to calculate with a small staff sharing the workload. However, the above chart, showing estimated Commission staff time allocation by category, does provide some useful information. The analysis shows that, as with the meeting time of Commissioners, staff spends considerable effort on local meetings to gather local public input. Administrative functions, toll rate setting, and the RUC study are the other significant components of staff time.

Budget Allocation by Function

The Commission does not budget by program or function. The Commission performs many disparate functions and mapping spending to those functions with a high degree of accuracy is challenging given information available for this assessment. The calculations shown in the table below are rough approximations based on the extensive analysis conducted for this assessment. While not exact, the analysis provides a general range of expenditures by function that the consultant team believes demonstrates generally how the Commission expends funds.

To approximate the budget allocation by function, the average percent time from the staff time allocation table above is applied to all of the budget allocation categories except professional service contracts. For professional service contracts, the table below includes each contract from the table in Section 4.2 listed earlier in this chapter in the function column to which it corresponds. As a result, the RUC contract is included in the RUC column and the VOWS survey

contract is shown in the transportation policy column. For two smaller contracts, the table below includes one for graphic design of the annual report in the planning column and one for training in the administration column. Contract information from Section 4.2 above is available by biennium and the amounts are divided approximately in half to equal the FY 2017 allocation for professional services contracts (\$202,000).

Estimated Budget Allocation by Function for Fiscal Year 2017

FY 2017 Category of Expense	Local Public Input	Tolls	Ferries	Planning	RUC	Transportation Policy	Admin/ Other	Total Allocation
Salaries and Benefits	\$190,840	\$ 124,780	\$ 51,380	\$ 51,380	\$ 117,440	\$ 44,040	\$ 154,140	\$ 734,000
Goods and Services	\$ 46,280	\$ 30,260	\$ 12,460	\$ 12,460	\$ 28,480	\$ 10,680	\$ 37,380	\$ 178,000
Travel	\$ 21,320	\$ 13,940	\$ 5,740	\$ 5,740	\$ 13,120	\$ 4,920	\$ 17,220	\$ 82,000
Capital Outlays	\$ 2,080	\$ 1,360	\$ 560	\$ 560	\$ 1,280	\$ 480	\$ 1,680	\$ 8,000
Professional Service Contracts				\$ 2,840	\$ 108,318	\$ 87,070	\$ 3,772	\$ 202,000
Total	\$260,520	\$ 170,340	\$ 70,140	\$ 72,980	\$ 268,638	\$ 147,190	\$ 214,192	\$1,204,000

Notes: Professional service contract amounts in the function columns are based on available expenditure data by biennium and are roughly halved to show an approximate amount for FY 2017. The total allocation amount for all categories of expense in the far right column are budgeted allocations, not expenditures. The amounts in each function column total the total allocation amount shown. The only professional services contract under planning is for the design and layout of the Commission's annual plan. The only contract in the admin/other column is for staff training. The contract amount for RUC is reauthorized each biennium and is not part of the on-going budget of the Commission. The single contract under transportation policy is for the VOWS survey, which the Legislature has discontinued.

This assessment uses these budget allocation calculations in later chapters of the report to calculate the impact of the consultant team's recommendations.

5 OVERLAP OR DUPLICATION

5.1 OVERVIEW AND DEFINITIONS

The Request for Proposals underlying this assessment requires an evaluation of the extent to which current Commission powers and duties overlap and/or duplicate those of other agencies, or are of limited value to the Legislature and the Governor. “Limited value” in this assessment refers to current powers and duties of the Washington State Transportation Commission (WSTC or Commission) that have little measurable, tangible, or discernible value to the Legislature. “Overlap and duplication” refers to activities of the Commission that may significantly overlap or duplicate those of other state-level entities.

Overlap and duplication, used here as a single concept, can occur in many ways and be the source of long debate as to its definition and implications for a government function.

As applied in this assessment, overlap or duplication occurs when two or more entities have the same or similar *function*. Further, overlap or duplication may also occur when entities have the same or similar *topical* focus. For example, separate occupational licensing agencies regulating plumbers, barbers, and cosmetologists all have licensing functions that overlap or duplicate. Some also would argue that the two agencies regulating barbers and cosmetologists have a topical focus that overlaps or duplicates because of the similarity of the activity being regulated.

Overlap or duplication occurs when two or more entities have the same or similar *function* or when entities have the same or similar *topical* focus.

Pure overlap and duplication rarely exists. Differences almost always can be identified in how entities perform the same or similar functions or in the focus of those functions. Ultimately, whether overlap or duplication is acceptable or not depends on a value judgment that weighs the possibility of gaining greater efficiency or effectiveness through combining or eliminating functions against other tradeoffs such as the greater autonomy or attention a separate entity enjoys.

The following sections of this chapter specifically address overlap and duplication in policy development and transportation planning, outreach through community engagement, and special studies, with the degree of overlap and duplication in these areas meriting comment. This chapter does not discuss the Commission’s involvement in the Transportation Innovative Partnerships Program relating to public private partnerships (P3), route jurisdiction transfers, or the naming of state highways, bridges, and ferries. A partial moratorium on the P3 program (on “unsolicited proposals”) has been in place since 2005 and will continue at least until July 1, 2018, making any assessment problematic; and the route transfer and naming activities exhibit little or

no overlap and duplication with other state-level programs. Finally, the assessment omits consideration of powers and duties of the Commission as the tolling authority, for the adoption of ferry fares and pricing policies, and for work related to the road usage charge pilot project. These activities are specifically excluded from consideration in the Request for Proposals issued by the Joint Transportation Committee.⁷⁵

5.2 TRANSPORTATION POLICY DEVELOPMENT AND TRANSPORTATION PLANNING

Two important functions of WSTC include its responsibilities for transportation policy development and transportation planning. WSDOT also engages in transportation policy development and planning, and key provisions of state statute suggesting overlap are presented below.

Policy Development

State statute gives both the Commission and WSDOT important powers and duties in policy development and planning. These responsibilities represent functional planning overlap as well as topical overlap in transportation policy.

Statute, major parts of which predate 2005 and the Commission's separation from WSDOT, defines in some detail the policy role of the Commission in planning. The Commission is:

State statute gives both the Commission and WSDOT important powers and duties in policy development and planning.

*To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services.*⁷⁶

Statute then directs the Commission to develop a "comprehensive and balanced statewide transportation plan," addressing several points, one of these being to "recommend statewide transportation policies and strategies to the legislature" in partial fulfillment of its policy-making requirement quoted above.⁷⁷ Other related provisions require the Commission to offer a public forum for developing transportation policy, with that input to be considered in developing the statewide transportation plan (discussed in more detail later in the chapter).⁷⁸

Moving to WSDOT, the most specific statutory provisions related to transportation policy were initially enacted in 1993 and are bolded in the following paragraph.

The specific role of the department in transportation planning must be, consistent with the policy goals described under RCW 47.04.280: (1) Ongoing coordination and development of statewide transportation policies that guide all Washington transportation providers; (2) ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high capacity transportation planning and regional transportation planning programs; (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance; and (5) assisting the transportation commission in the development of the statewide transportation plan required under RCW47.01.071(4). Specific requirements for each of these state transportation planning components are described in this chapter.⁷⁹

Transportation Planning

The Commission and WSDOT also have closely related responsibilities in transportation planning. As referenced above, statute requires the Commission to develop a statewide transportation plan, often referred to as the “policy plan” of the Commission.⁸⁰

Statute dating to 1993 also requires WSDOT to prepare a statewide multimodal transportation plan “under” the policy plan of the Commission and in conformance with federal requirements.⁸¹ This provision is stated again in statutory language referenced above that indicates one of the roles of WSDOT in transportation planning is “ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and service.”⁸² Requirements for content of the plan are extensive. The state-owned facilities component of the plan must include a state highway system plan and a state ferry system plan. The state interest component of the multimodal plan must include a freight mobility plan, an aviation plan, a state marine ports and navigation plan, a freight rail plan, an intercity passenger rail plan, a bicycle transportation and pedestrian walkways plan, and a state public transportation plan.⁸³

5.3 OUTREACH THROUGH COMMUNITY ENGAGEMENT

Community engagement is an integral component of transportation policy and planning activities, with both the Commission and WSDOT having overlapping statutory responsibility for seeking community input. Statute requires each agency to gather input from residents of Washington to support planning efforts. The chart below shows the agencies’ respective statutory requirements for community engagement.

Statutory Requirements for Community Engagement

Revised Code of Washington (RCW) Citation	Reference to Community Engagement	Responsibility
47.01.071 (3) Commission— Functions, Powers, and Duties	In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;	Washington State Transportation Commission
47.01.075 (1) Transportation Policy Development	The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens . At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).	Washington State Transportation Commission
47.06.040 (2) Statewide Multimodal Transportation Plan	The plans developed under each component must be consistent with the state transportation policy plan and with each other, reflect public involvement , be consistent with regional transportation planning, high capacity transportation planning, and local comprehensive plans prepared under chapter 36.70A RCW, and include analysis of intermodal connections and choices.	Washington State Department of Transportation

Revised Code of Washington (RCW) Citation	Reference to Community Engagement	Responsibility
47.06.110 Public Transportation Plan	In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation , including but not limited to the departments of commerce, trade, and economic development, social and health services, and ecology, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.	Washington State Department of Transportation

In addition to these state statutory requirements, WSDOT must adhere to extensive federal requirements for how and when to engage with other governmental entities, transportation organizations, and the general public when conducting transportation planning.

Commission Community Engagement

The Commission engages in two distinct outreach efforts to engage the public for the development of the Commission’s annual report and the statewide transportation policy plan, referred to as the Washington Transportation Plan (WTP), which is developed every four years.

Community engagement during Commission meetings. In addition to the meetings in Olympia where an opportunity to provide public comment is posted on the agenda, the Commission holds four or five meetings each year in local communities around the state. For these “local meetings,” the Commission invites local elected officials, businesses and community organizations, and local transportation organizations to present on issues important to their community. These organizations also lead the Commission on tours of local transportation projects and infrastructure. Commission staff summarizes the input in detailed minutes for every meeting, and in annual reports, and Commission staff indicates these presentations help inform the Washington Transportation Plan (WTP), which is developed every four years.

Specific outreach efforts for the WTP. The Commission engages a vendor every four years to support the WTP planning efforts. The scope of work for the vendor includes facilitation and meeting management, assisting with the development and delivery of the draft plan, providing extensive communication and public outreach support, and producing the draft and final plans that incorporate the public input received.

WSDOT Community Engagement

WSDOT carries out several community engagement efforts to support various planning projects, including the statewide multimodal plan, the Statewide Transportation Improvement Program (STIP), and the many multi-modal plans WSDOT develops. WSDOT is guided in these efforts by state and federal requirements for community engagement and must comply with federal civil rights laws. WSDOT has documented its community engagement efforts and their commitment to meeting federal requirements in the following guiding documents.

Community Engagement Plan. This plan is an overarching document that identifies guiding principles for community engagement beyond state and federal regulations. The plan describes how WSDOT will engage with community stakeholders to build informed consent during planning and project development stages. The plan highlights various tools and strategies including best practices to measure the effectiveness of outreach. This document establishes expectations for employees throughout the agency in public engagement activities.⁸⁴

The Process for Consulting with Non-Metropolitan Local Officials, Tribes, and Federal Land Management Agencies. This document describes how WSDOT solicits participation from non-metropolitan local officials, tribes and federal land management agencies in the development of the long-range statewide transportation plan (WTP 2035 Phase 2) and the STIP. This solicitation process should occur every five years and gives concerned stakeholders an opportunity to offer comments. This consultation is separate and discrete from the public consultation addressed in the Community Engagement Plan.⁸⁵

Communication Protocol Between WSDOT and Tribal Governments with Interests in Washington State. This document sets out the protocols WSDOT staff should follow when communicating with tribal governments during consultation on statewide or policy issues. The document lists protocols for consultation meetings, tribal review of draft documents, tribal participation on formal WSDOT Committees, and implementation and resolution of issues. These protocols aim to bring consistency in WSDOT's consultations with tribal governments.⁸⁶

The Washington Transportation Plan 2035, Phase 2 Outreach Plan. The Outreach Plan gives specific details for who, when, how and where outreach will be conducted for the WTP, Phase 2. WSDOT will use this information to identify key decision points that influence achievement of Phase 2 development targets. This document includes a list of outreach activities conducted to date.⁸⁷

Community Engagement for the Statewide Transportation Improvement Program. This document details the steps to be followed in the community engagement process during development of the STIP. Specifically, local agencies, metropolitan planning organizations

(MPOs), and regional transportation planning organizations (RTPOs) must seek public participation in their respective transportation programs before their projects are incorporated in the STIP. WSDOT also encourages public participation at the state level during the biennial and supplemental budget development and approval stage. Finally, WSDOT invites public review and comments during a 30-day review of the draft STIP.⁸⁸

Together, these documents lay out WSDOT’s community engagement goals, priority outcomes, and strategies for achieving the outcomes. These documents provide guidance, expectations, and processes for ensuring that community engagement is inclusive, meets state and federal laws and expectations, and is effective.

5.4 SPECIAL STUDIES AND PROJECTS

The Commission has specific statutory authority to conduct special studies and projects as directed by the Governor or Legislature, or on the Commission’s own volition. This assessment examined other major state-level entities with direct and significant statutory authority to undertake transportation-related studies, these being WSDOT and the legislative JTC.

Other entities also may conduct investigation into, or studies of, transportation-related subjects. However, because no other state-level entities have the significant and direct general statutory authority for studying the transportation systems of the state, they are not considered here.

The chart below sets out the general study-related statutory responsibilities of the Commission, WSDOT, and JTC.

General Statutory Provisions for Special Studies and Projects

Revised Code of Washington (RCW) Citation	Reference to Studies	Responsibility
47.01.071(8) Commission— Functions, Powers, and Duties	The transportation commission shall have the following functions, powers, and duties: ... To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose;	Washington State Transportation Commission

Revised Code of Washington (RCW) Citation	Reference to Studies	Responsibility
47.01.075(3) Transportation policy development	In order to promote a better transportation system, the commission may offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to: (a) Transportation finance; (b) Preserving, maintaining, and operating the statewide transportation system; (c) Transportation infrastructure needs; (d) Promoting best practices for adoption and use by transportation-related agencies and programs; (e) Transportation efficiencies that will improve service delivery and/or coordination; (f) Improved planning and coordination among transportation agencies and providers; and (g) Use of intelligent transportation systems and other technology-based solutions.	Washington State Transportation Commission
47.06.020(4) Role of department	The specific role of the department in transportation planning must be, consistent with the policy goals described under RCW 47.04.280: ... conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance;	Washington State Department of Transportation*
47.06.130(1) Special planning studies	The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other statewide transportation issues.	Washington State Department of Transportation
44.04.300 Joint Transportation Committee— Created—Duties	The joint transportation committee shall review and research transportation programs and issues in order to educate and promote the dissemination of transportation research to state and local government policymakers, including legislators and associated staff. All four members of the executive committee shall approve the annual work plan. Membership of the committee may vary depending on the subject matter of oversight and research projects. The committee may also make recommendations for functional or performance audits to the transportation performance audit board.	Washington State Legislature, Joint Transportation Committee

*Please note: WSDOT has multiple state and federal statutory requirements to study or plan for various kinds of specific transportation-related projects or services. These references are not included here.

These statutes differ in several ways. For example, statutes require transportation-related studies from both legislative and executive branches, with JTC being a legislative agency and WSTC and WSDOT being executive branch agencies. Also, statutes direct the Commission and JTC to carry out studies with specific target audiences in mind, those being generally the Legislature, the Governor, or state and local government policy makers. The statutes of WSDOT speak directly

to transportation planning studies. However, studies from these entities overlap in addressing transportation-related functions.

Detrimental overlap and duplication is not likely to occur as a result of these three agencies having authority to conduct studies. Overlapping functions are not particularly meaningful unless combined with inefficient overlap on a topic under study at any one point. Legislatively assigned topics, by definition, come from one source, the Legislature, minimizing the possibility of duplicating studies unintentionally. More opportunity for duplicated subject matter derives from self-initiated studies, but this type of overlap and duplication appears to happen infrequently.

Certain benefits also result from having several agencies with broad authority to conduct special studies and projects. The Commission, WSDOT, and JTC each bring a different perspective to their work and vary in their suitability for given assignments, giving the Legislature choices for matching research projects to the agencies' particular characteristics. For example, the Commission is suited for longer, in-depth projects such as the road usage charge study, and topics in which it has direct administrative responsibilities such as tolling and ferry matters. The JTC is well positioned for studies that can be completed in one or two years, conforming to legislative sessions, and topics the Legislature wants to keep in-house for a variety of reasons. WSDOT has in-depth knowledge of the issues and operations of the state-owned highway system and other transportation topics, and access to many professionals with specialized skills on transportation matters.

5.5 FINDINGS

Most significant questions of overlap and duplication revolve around the highly related areas of transportation policy development, planning, and associated outreach. Special studies and projects, while exhibiting overlap and duplication, do not directly raise issues of such significance. The ferry rider survey the Commission conducts does not appear to overlap or duplicate outreach efforts by any other entities.

Most significant questions of overlap and duplication revolve around the highly related areas of transportation policy development, planning, and associated outreach.

The following discussion begins with an historical basis for overlap and duplication in the areas of policy, planning, and outreach mentioned above, and then goes on to cover findings from the assessment in these areas as well as special studies and projects. Much of the information summarized here comes from voluminous input from more than 50 in-person or telephone interviews with legislative staff and legislative members; state, regional, or local agency officials involved in transportation; current and former transportation Commissioners; review of documents and data; and literature

research. The assessment also received input through electronic questionnaires returned by 44 individuals.

Changing Responsibilities

Statutory provisions setting up the areas of overlap or duplication in transportation planning and related areas generally predate the separation of the Commission and WSDOT in 2005. Before that year, the Commission had a direct role in the governance and operation of WSDOT. In 1977, statute required the Commission to direct the Secretary of Transportation to prepare and submit to the Commission the statewide transportation policy plan.⁸⁹ Then, in 1993, statute required WSDOT to develop a statewide multimodal transportation plan.⁹⁰ The organizational connection between the Commission and WSDOT expedited the integration of these plans into one document.

The overlap and duplication of transportation policy and planning between WSTC and WSDOT resulting from legislative changes in 2005 remains in place today.

As discussed in earlier chapters, organizational dynamics surrounding transportation policy making and planning changed substantially after 2005 with the restructuring of the Commission and WSDOT into two distinct agencies, those being an independent Commission and a newly created cabinet-level WSDOT. Each agency acquired elements of policy development, transportation planning, and outreach according to the old statutory division predating 2005, but neither agency had clear authority over the other to integrate those functions as had occurred in the earlier structure of the Commission and WSDOT.

As an important part of this division, the Commission kept responsibility for the statewide transportation policy plan but lost the authority to direct WSDOT to prepare the plan.⁹¹ WSDOT, for its part, retained responsibility over the statewide multimodal plan. This situation, characterized by functional and topical overlap and duplication in two agencies with major transportation policy making and planning responsibilities, remains in place today.

The Legislature and the Governor's office have shown interest before this assessment in the statutory structure created in 2005 that separated the Commission and WSDOT, as well as the preparation of state-level transportation plans generally. In 2005, a budget proviso directed JTC to review the statutory duties, roles, and functions of the Commission and WSDOT to determine which responsibilities could possibly be transferred to the executive or legislative branch. The Governor, however, vetoed funding for the study.⁹² Then, in 2010, another budget proviso directed JTC to evaluate the preparation of state-level transportation plans, including the policy plan the Commission prepares.⁹³ The JTC conducted this study, which was completed in 2011.

The 2011 study concluded that:

*State-level transportation planning in Washington State is complex, with federal and state requirements for plans to be developed by the Washington State Department of Transportation (WSDOT), the Washington State Transportation Commission (WSTC), eleven (11) metropolitan planning organizations (MPOs), and fourteen (14) regional transportation planning organizations (RTPOs). Statutes require a statewide transportation plan referred to as the Washington Transportation Plan (WTP) produced as a “policy” plan for 2010, a statewide multimodal plan, eleven (11) state agency mode plans, and regional/metropolitan transportation plans. **The result of this complexity is a planning process described as frustrating by planners and stakeholders, in which there is confusion even among transportation planners in the state as to what planning is required and by which agency, and with an end product of limited utility to legislators [emphasis added].**⁹⁴*

The Legislature considered addressing major JTC recommendations resulting from the 2011 study of transportation plans in 2011 and 2012. Legislation passed the Senate in 2011 but only received a hearing in the House. Considered again in 2012, the Legislature still failed to come to final agreement.⁹⁵ The situation of overlap and duplication remains much the same today.

Benefits and Drawbacks of Overlap and Duplication in Transportation Planning and Related Areas

Overlap and duplication is not necessarily negative or positive. The benefits and drawbacks from the bifurcation of policy making, planning, and outreach in two agencies are summarized below.

Inclusive transportation policy and planning. Many stakeholders said the Commission takes a wide-ranging and comprehensive view of transportation successes and challenges at all levels of government and across all transportation modes. A group of stakeholders also believes that the Commission provides a more frequent and more welcoming venue for local governments to voice their thoughts about transportation policy and planning than WSDOT, structuring at least four meetings across the state each year to gain broad input. WSDOT has more targeted outreach efforts related to modal planning efforts and meets with local transportation organizations on a quarterly basis. Stakeholders acknowledge that WSDOT is understandably focused on implementation of state funded projects, which some believe dilutes

Stakeholders believe the Commission provides a more frequent and more welcoming venue for local governments to voice their thoughts about transportation policy and planning than WSDOT.

the ability of the agency to focus on and prioritize a broader view of transportation. Even stakeholders who are not advocates for the Commission acknowledge that opportunities to present issues to WSDOT may be more limited and more daunting.

Questionable value of products and outreach. Most stakeholders agree that the quality of the Washington Transportation Plan (WTP) and the annual reports prepared by the Commission is high. Several stakeholders who support having an independent body to conduct policy development and planning separate from WSDOT lamented the lack of attention paid to the work of the Commission on these products, saying this information is generally overlooked. Others directly questioned the value of the Commission policy and planning activities, pointing to the tendency of the Legislature to select the projects to be funded from member priorities and the lack of direct authority of the Commission to fund or implement state transportation projects. Given this backdrop, stakeholders indicated the extensive public input components of local Commission meetings seemed pointless.

Communication challenges. Communication between WSTC and WSDOT on their interrelated and important responsibilities for transportation planning and policy making should reflect a high level of cooperation and coordination by involved staff at all levels in both organizations. However, many stakeholders commented that having policy making and planning responsibilities divided between the Commission and WSDOT results in miscommunication and misunderstandings that distract from efficient and effective coordinated planning. The level of resulting disconnection can vary depending on leadership in the two agencies and the timing of planning efforts.

Communication challenges are currently heightened due to the overlap in timing of the updated Commission policy plan and the updated WSDOT multimodal plan.

Communication challenges are currently heightened due to the overlap in timing of the updated Commission policy plan and the updated WSDOT multimodal plan, intended by informal agency agreement to be combined to produce an integrated 20-year Washington Transportation Plan. The Commission, responsible for Phase 1 of the WTP, finished its part of its 2015-2035 policy plan in January 2015 and is embarking on the development of the new WTP in compliance with state statute. WSDOT, with no timing constraints in state law, is in the process of completing Phase 2 of the last plan and expects to conclude by the end of calendar year 2017.

As an example of coordination falling short of the mark, the Commission and WSDOT have conflicting perceptions of the level of communication about the recent preparation and release of the Commission's Request for Proposals for engaging a planning consultant for its next WTP. The Commission reports frequent and well-documented interaction with WSDOT while certain

key WSDOT staff indicated surprise at the release of the RFP. Three key WSDOT staff learned of the release of the RFP from the consulting team conducting the assessment of the Commission.

Confusion. Many stakeholders consulted for this assessment reported that they or their constituents are confused by which agency has what responsibility and authority. Reflecting this confusion, stakeholders tend to accept any invitation to present before the Commission and WSDOT to ensure they do not miss an opportunity to advocate for their local or regional transportation needs. Based on observations by the consultant team, some presenters at a Commission meeting thanked Commissioners for projects under WSDOT's authority and other presenters made requests to the Commission, seeming not to understand the limits of the authority of the Commission. The Secretary of Transportation, an ex officio member of the Commission, participated in this meeting, which could have contributed to confusion about the roles of the two agencies.

Stakeholder overload. Offering input to two entities, rather than one, multiple times also can become burdensome, according to stakeholders who often are on point to advocate or explain the interests of their organization. The Commission and WSDOT engage many of the same organizations and local communities. For example, the Commission regularly consults with metropolitan and regional transportation organizations and WSDOT meets quarterly with these same organizations.

Multiple consultations with stakeholders by multiple agencies is not a best practice. A review of several guides for engaging the public in various regulatory efforts cautions against consultation fatigue. This phenomenon occurs when stakeholders find themselves engaged in "separate consultation processes on the same subject led by two or more government departments or agencies," a circumstance that can jeopardize the relationship between the government and stakeholders⁹⁶ Another study notes that fatigue can occur "when the same stakeholders are consulted regarding multiple developments from many agencies."⁹⁷ Finally, "[i]t is important to keep the stakeholders interested and involved in the process but not to over-burden them."⁹⁸

One reason for stakeholder fatigue is engaging too often with stakeholders with "insufficiently precise plans and information"⁹⁹ and when the engagement did not lead to tangible outcomes.¹⁰⁰ Providing tangible, demonstrable results helps prevent consultation fatigue. "Groups and individuals have a limited capacity for involvement.... Good use must be made of their time, and results must be demonstrable if they are to continue to be motivated to participate."¹⁰¹ Organizations involved in public engagement activities should "ensure there will be tangible benefits for stakeholders from engaging".¹⁰² Stakeholder interest may diminish "if they feel that their opinions are not being heard or taken seriously."¹⁰³

Coordination between entities engaging similar stakeholders can mitigate the effects of stakeholder fatigue. “Coordination across departments allows the government to speak with one voice and to convey consistent messages. It also shows respect for stakeholders, particularly in light of the time and resources they invest in preparing for and participating in consultations [and] can provide for the effective and efficient use of government resources.”¹⁰⁴

Overlap and Duplication in Special Studies and Projects

The assessment found few issues in this area. Many stakeholders emphasized the high-quality work the Commission produces on special studies mandated by the Legislature, expressing support. Some stakeholders expressed concern that the Commission could undertake self-initiated studies or projects that could conflict with legislative initiatives, although recognizing the statutory authority of the Commission to do so. Stakeholders pointed out one such possible situation. The Commission initiated a study without legislative direction that resulted in a proposed revenue package to increase funding for transportation-related needs in 2013, followed by a revised package in 2015, all within its statutory authority to offer policy guidance to the Legislature. The Legislature was still examining and debating a revenue package of its own making that eventually became the Connecting Washington Act at the time of the Commission’s 2015 proposal, and stakeholders found the Commission’s proposals not helpful in advancing the Legislature’s work.

6 ALTERNATIVE ROLES FOR THE WASHINGTON STATE TRANSPORTATION COMMISSION

6.1 OVERVIEW

The Request for Proposals (RFP) underlying this assessment requires consideration of whether potential alternative roles exist for the Washington State Transportation Commission (WSTC or Commission). For this effort, the consultant team reviewed the role of transportation commissions in each of the 50 states. In addition, the consultant team posed questions in an on-line questionnaire and to interviewees about other activities that, according to the RFP, might be “a good fit for WSTC and provide for a more stable and productive Commission, and at the same time better suit the needs of the Legislature and the Governor.”

6.2 REVIEW OF STATE TRANSPORTATION COMMISSIONS

Beginning with a report from the American Association of State Highway and Transportation Officials (AASHTO), *a 50-State Review of State Legislatures and Departments of Transportation*, from November 2016¹⁰⁵ and a report prepared by WSTC, the consultant team compiled information about the transportation commissions in each state. Based on this research, the table below shows that 20 states do not have a transportation commission and 16 states have a transportation commission that governs the department of transportation (DOT) and selects the Secretary of Transportation. This latter structure is similar to the structure that existed in the state of Washington prior to 2005.

Two states have transportation commissions that differ somewhat from the other 14 states in which the transportation commission has governance responsibility for the transportation department and selects the Secretary of Transportation. In Florida and Pennsylvania, the transportation commissions provide three Secretary candidates to the Governor for selection of one to lead the department. In these states, the transportation commissions appear in organizational charts with a dotted line leading horizontally to the Secretary of Transportation rather than over the Secretary. However, documents related to both commissions characterize them as serving as the board of directors for the department, and in Pennsylvania, the Secretary chairs the commission.¹⁰⁶ These similarities result in their inclusion with transportation commissions that govern the departments of transportation.

Eleven states, including the state of Washington, have an independent transportation commission.

Three states have a transportation commission located within the transportation department and 11 states, including the state of Washington, have an independent transportation commission. An independent transportation commission is a commission that does not govern the transportation department, does not select the Secretary of Transportation, and is not subsumed in the transportation department.

Transportation Commissions Across the United States

No Transportation Commission	Transportation Commission Governs the Department of Transportation and Selects the Secretary of Transportation	Independent Transportation Commission	Transportation Commission Within the Department of Transportation
Alabama	Arkansas	Arizona	Maryland
Alaska	Florida	California	Ohio
Connecticut	Georgia	Colorado	South Dakota
Delaware	Idaho	Iowa	
Hawaii	Massachusetts	Michigan	
Illinois	Mississippi	Montana	
Indiana	Missouri	New Mexico	
Kansas	Nebraska	Utah	
Kentucky	Nevada	Vermont	
Louisiana	North Carolina	Virginia	
Maine	Oklahoma	Washington	
Minnesota	Oregon		
New Hampshire	Pennsylvania		
New Jersey	South Carolina		
New York	Texas		
North Dakota	Wyoming		
Rhode Island			
Tennessee			
West Virginia			
Wisconsin			

6.3 STATES WITH INDEPENDENT TRANSPORTATION COMMISSIONS

The table below shows the roles and responsibilities of the 10 states with independent transportation commissions, excluding the state of Washington, and sets out details about the membership of each commission. As the table shows, WSTC is a very different type of commission than the 10 other independent transportation commissions included in the table below, with a more limited role in the state of Washington transportation system.

States with Independent Transportation Commissions

State	Roles and Responsibilities	Membership
Arizona State Transportation Board ¹⁰⁷	<ul style="list-style-type: none"> ▪ Establish policy. ▪ Act as advisor to the department of transportation. ▪ Work with the department of transportation on transportation planning, including development of a 20-year plan. ▪ Determine priority planning with respect to transportation facilities. ▪ Adopt five-year construction plan annually. ▪ Establish complete system of state highway routes. ▪ Award construction contracts. ▪ Monitor status of construction projects. ▪ Issue revenue bonds for transportation financing. ▪ Distribute funds appropriated from the state aviation fund for planning design, development, land acquisition, construction, and improvement of publicly owned airport facilities. ▪ Approve airport construction. 	<p>Board has seven members, one from each of Arizona's transportation districts, serving staggered six-year terms. Appointed by the Governor and confirmed by the Senate.</p> <p>Hold three public hearings per year and meet at least once a month for general meetings (frequency not specified in statute).</p>
California Transportation Commission ¹⁰⁸	<ul style="list-style-type: none"> ▪ Advise and assist in the formulation and evaluation of state transportation policies and plans. ▪ Adopt transportation programs and assist with facilitation of input and development of transportation plans. ▪ Approve programming and allocation of funds for construction of highways, passenger rail, active transportation, aeronautics, and transit improvements. ▪ Participate in the initiation and development of state and federal legislation to secure financial stability for the transportation needs of the state. 	<p>Commission has 11 voting members and two non-voting ex-officio members serving four-year terms. Nine are appointed by the Governor, one is appointed by the Senate Rules Committee, and one is appointed by the Speaker of the Assembly. The two ex-officio non-voting members are appointed from the State Senate and Assembly, usually the respective chairs of the transportation policy committee in each house. Meet seven times each year.</p>

State	Roles and Responsibilities	Membership
Colorado Transportation Commission ¹⁰⁹	<ul style="list-style-type: none"> ▪ Advise and recommend to the Governor and the general assembly on transportation policy. ▪ Formulate general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state. ▪ Review and adopt the statewide transportation improvement plan (STIP). ▪ Promote and adopt department of transportation budgets and programs, including construction priorities and approval of extensions or abandonments of the state highway system. 	<p>Commission has 11 commissioners representing specific districts serving four-year terms. Appointed by the Governor and confirmed by the Senate. Meet two days per month (one regular meeting, one day for committees and workgroups) except December.</p>
Iowa Transportation Commission ¹¹⁰	<ul style="list-style-type: none"> ▪ Develop, coordinate, and annually update a comprehensive transportation policy and plan. ▪ Prepare, adopt, and cause to be published a long-range program for the primary road system. ▪ Make major investment policy decisions ▪ Review department programs. ▪ Adopt rules establishing criteria for allocating funds as a result of any long-range planning process. 	<p>Commission has seven members; no more than four may represent the same political party. Serve four-year terms. Appointed by the Governor and confirmed by the Senate. Meet monthly, no minimum frequency in statute.</p>
Michigan State Transportation Commission ¹¹¹	<ul style="list-style-type: none"> ▪ Provide a public forum for transportation policy development. ▪ Monitor progress toward broad policy goals. ▪ Adopt short-term and long-term transportation plans, and the STIP. ▪ Develop policy for department of transportation in relation to transportation programs and facilities. ▪ Develop and implement comprehensive plans for aeronautics, and bus and rail transit. ▪ Provide professional and technical assistance for programs. ▪ Oversee administration of state and federal funds allocated for programs. ▪ Audit and evaluate operations of the department of transportation through its Office of Commission Audits. 	<p>Commission has six members serving staggered three-year terms; no more than three may be from the same political party. Appointed by Governor with advice and consent of the Senate. Meet five times per year.</p>
Montana Transportation Commission ¹¹²	<ul style="list-style-type: none"> ▪ Select and prioritize projects for construction and maintenance. ▪ Award monthly contracts. ▪ Allocate federal highway funds. ▪ Designate highways by system. ▪ Designate special speed zones and maximum speeds on bridges and overpasses. ▪ Designate access control highways or facilities. ▪ Decide on outdoor advertising campaigns. ▪ Decide on abandonment of highway right of way. 	<p>Commission has five members appointed by the Governor and confirmed by the Senate for four-year terms. At least one member must have knowledge of Indian culture and tribal transportation needs. Other specifications for membership are included in statute. Meet about six times per year.</p>

State	Roles and Responsibilities	Membership
New Mexico Transportation Commission ¹¹³	<ul style="list-style-type: none"> ▪ Approve the Governor’s appointment of Secretary of Transportation. ▪ Set policy for the department. ▪ Make rules and regulations governing the method of construction. 	<p>Commission has six commissioners, one from each of the state's legislated highway districts, serving staggered six-year terms. No more than four commissioners may belong to the same political party. Appointed by the Governor with the advice and consent of the Senate.</p>
Utah Transportation Commission ¹¹⁴	<ul style="list-style-type: none"> ▪ Advise the department of transportation in state transportation systems policy. ▪ Make policies and rules. ▪ Determine priorities and funding levels for transportation projects each fiscal year. ▪ Hold public hearings to solicit input from the public. ▪ Appoint a commissioner to serve as a nonvoting, ex officio member or a voting member on the board of trustees of the public transit board. ▪ Review short-term and long-term public transit plans annually. ▪ Review administrative rules made, amended, or repealed by the department. ▪ Review and may approve plans for the construction of a highway facility over sovereign lakebed. ▪ Review and approve the STIP. ▪ Determine additions and deletions to state highways. ▪ Approve certain settlement agreements. ▪ Review transit plans and administrative rules. ▪ Administer funding to preserve corridors and designate high priority corridor preservation projects. ▪ Review and approve state infrastructure loan requests. 	<p>Commission includes seven members serving six-year terms; geographic diversity is required. Appointed by the Governor and confirmed by the Senate. Meet monthly.</p>
Vermont Transportation Board ¹¹⁵	<ul style="list-style-type: none"> ▪ Provide appellate review regarding issues of transportation when requested. ▪ Develop regulations and policies for the department. ▪ Name transportation facilities owned, controlled, or maintained by the state. ▪ Hold public hearings, in coordination with the department, to obtain public comment on the development of state transportation policy, the mission of the DOT, state transportation planning, capital programming, and program implementation. Prepares findings in an annual report to the Legislature. ▪ When requested by the Secretary, conduct public hearings on matters of public interest. 	<p>Board has seven members serving three-year terms. Appointed by the Governor with the advice and consent of the Senate. Board meets monthly.</p>

State	Roles and Responsibilities	Membership
Virginia Commonwealth Transportation Board ¹¹⁶	<ul style="list-style-type: none"> ▪ Promulgate public policies and regulations. ▪ Undertake all acts necessary or convenient for constructing, improving, and maintaining the roads in the Commonwealth. ▪ Fund DOT projects and has direct authority to approve the policies and objectives of the DOT. ▪ Allocate funds to other agencies through the funding mechanism established by statute. ▪ Oversee transportation projects and initiatives. ▪ Develop criteria for selection of projects for transportation planning. ▪ Allocate funds to interstate, primary, secondary, and urban highway systems, public transit, ports and airports, and other programs for the immediate fiscal year. ▪ Adopt six-year Improvement plan annually. 	Board has 17 members appointed by the Governor. The Secretary of Transportation serves as chair of the Board and has voting privileges only in the event of a tie. Board has 11 non-legislative members, one from each of the highway districts and five selected at-large. Terms limited to two successive four-year terms. Board meets monthly.

6.4 FINDINGS

All 10 of the independent transportation commissions have wide-ranging responsibilities closely aligned with their state transportation departments, including budget and funding approval, selection of projects, and in some cases, quasi-judicial functions. Most of these boards, like WSTC, are involved in transportation policy and planning to varying degrees, advising the department, the Governor, and the Legislature.

None of these independent commissions are involved in toll or ferry rate setting. A review of state tolling authorities in the 30 states that set tolls indicates that no state tolling authorities are structured like WSTC, with responsibility solely for rate setting. State tolling authorities have wide-ranging responsibilities for development, funding, construction, operation, and maintenance of tolled facilities.

Authority

The WSTC has a more limited role in the State of Washington transportation system than any other state transportation commission. Many stakeholders are aware of the limited authority of WSTC and commented that WSTC does not have “teeth” to ensure that their policy and planning activities are considered or implemented.

Some stakeholders view WSTC as a “watchdog”, providing a check and balance to WSDOT activities.

However, when asked, no one could articulate how WSTC performs this role in any of its

Although some stakeholders view WSTC as a “watchdog”, providing a check and balance to WSDOT activities, the consultant team did not identify any areas where WSTC has the authority to meaningfully constrain WSDOT operations.

authority. In observing and reviewing the activities and functions of WSTC, the consultant team did not identify any areas where WSTC has the authority to meaningfully constrain WSDOT operations.

Alternative Roles

When asked about alternative roles for WSTC, several stakeholders suggested expanding the agency's current functions to give it primary authority for state and federal transportation planning. Some stakeholders also suggested extending WSTC authority to set tolling and ferry fare rates and policies to include more authority to oversee or influence actual tolling and ferry revenue needs and operations currently the responsibility of WSDOT. Two stakeholders suggested giving WSTC audit and evaluation authority over WSDOT; the Michigan Transportation Commission has this responsibility.

No stakeholders suggested adding responsibilities to WSTC that would bring the organization in line with the broader scope of the more extensive planning or operating functions carried out in the 10 independent transportation commissions operating in other states. The consultant team did not identify any substantial benefit the state would realize from such a change. Putting the Commission in charge of transportation planning and selected operating functions, such as budgeting or project selection and approval, would significantly alter the distribution of state-level transportation authority initiated in 2005. In addition, a significant shift in authority between WSTC and WSDOT would necessitate a corresponding significant increase in resources at WSTC and changes in staff and commissioner skills and expertise. Therefore, the consultant team does not suggest adding functions to WSTC comparable to the responsibilities of the independent transportation commissions in other states.

The consultant team does not suggest adding functions to WSTC comparable to the responsibilities of the independent transportation commissions in other states.

7 FINDINGS AND RECOMMENDATIONS

The Request for Proposals underlying this assessment requires the consultant to “recommend changes, if appropriate, to the operations, duties, membership, and/or budget of the Commission to make the necessary adjustments to better fit today’s need. The Consultant also should identify the statutes that would need to be changed to implement the recommendations.”

The following findings and recommendations are presented to the Washington State Legislature based on the research conducted to assess the roles and responsibilities of the Washington State Transportation Commission (WSTC or Commission). Please note that recommendations are labeled as either “management directive” or “statutory directive”. Management directives are directives to modify some aspect of agency operations but not requiring, or appropriate for, the weight of statute. Statutory directives require drafting of legislation and legislative adoption.

A FINDINGS AND RECOMMENDATIONS RELATED TO STATEWIDE TRANSPORTATION PLANNING

Findings

As discussed in Chapter 5 of this report, the assessment of WSTC raised a number of issues regarding transportation planning in Washington. Those findings are summarized here.

- F.A.1. The Legislature provides the Commission about \$350,000 every four years to review and revise its statutorily required “comprehensive and balanced statewide transportation plan,” often referred to as the policy plan of the Commission. The Commission contracts with a consultant to plan and execute an outreach plan, develop the draft plan, and provide other support to the Commission in developing the plan.

The omission of statutory language syncing the timeframes for preparation of the two complementary plans has created difficulties in integrating the plans.

- F.A.2. The lack of a clear role for the Commission policy plan creates tension between the Commission and the Washington State Department of Transportation (WSDOT). Stakeholder interviews indicated that the Governor’s office and the Legislature have intervened at times to help smooth this tension.
- F.A.3. Statute requires WSDOT to develop a “statewide multimodal transportation plan” consistent with the state transportation policy plan of the Commission. Statute sets a four-year timeframe for the Commission to update its policy plan, but remains silent

on the timeframe for WSDOT to develop its multimodal plan. The omission of statutory language syncing the timeframes for preparation of the two complementary plans has created difficulties in integrating the plans. Integration of the plans had occurred when the Commission had governance responsibility for WSDOT.

F.A.4. Stakeholders are not in agreement about which state entity should prepare and submit a federally compliant transportation plan.

F.A.5. Stakeholders indicated the Commission-developed statewide transportation policy plan does not drive transportation decision-making.

No other state has an independent transportation commission similar to Washington.

F.A.6. An earlier study of transportation planning in Washington published in 2011 identified several issues with the bifurcated transportation planning structure similar to those identified here. Although not resulting in any statutory directives related to the planning structure, the study did help advance an informal agreement between the Commission and WSDOT, which in part established a three-member steering committee composed of representatives from WSDOT, WSTC, and regional and metropolitan planning organizations. The role of the steering committee is to recommend a consolidated Washington Transportation Plan to the Commission for adoption. Despite this structure, tensions between WSTC and WSDOT have persisted.

F.A.7. No other state has an independent transportation commission similar to Washington and none have responsibility for the type of transportation plan the Commission develops.

F.A.8. Some stakeholders expressed concern about the commitment of WSDOT to understand and incorporate broad transportation planning, particularly local issues and concerns, in their planning efforts.

Recommendations

R.A.1. **Transfer from the Commission to WSDOT the responsibility for developing the statewide transportation policy plan (statutory directive).** Under this recommendation, statute would require WSDOT to prepare both the policy plan currently the responsibility of the Commission and the statewide multimodal transportation plan already within the purview of WSDOT. Statute would be modified as necessary to ensure the policy plan includes a broad and comprehensive view of transportation that demonstrates local issues and concerns at all levels of government and across transportation modes. The plans should be integrated to produce a federally compliant statewide transportation plan.

This change would end the divided state-level planning responsibilities created in 2005 when the Legislature made the Commission an independent entity with no governance responsibility for WSDOT. Consolidation of transportation planning in WSDOT would end the confusion as to who and how a federally compliant state transportation plan would be developed, eliminate nonproductive tensions between WSDOT and the Commission, more closely tie policy planning and implementation roles together in one agency, and bring transportation planning generally in line with states having cabinet-level departments of transportation.

R.A.2. Require WSDOT to adopt a rule specifying a timeframe for its review and update of the integrated statewide transportation plan referenced above (statutory directive).

A specific timeframe established in rule, such as five years, would ensure WSDOT reviews and updates the plan in a timely and predictable manner. Some stakeholders indicated that a four-year time period is too short.

Fiscal Impact

Eliminating the transportation planning function at the Commission and consolidating state-level planning within WSDOT would save the \$350,000 appropriated for the planning vendor every four years, but would otherwise have minimal effect on the budget or staffing at the Commission.

B FINDINGS AND RECOMMENDATIONS RELATED TO TRANSPORTATION POLICY DEVELOPMENT AND COMMUNITY ENGAGEMENT

Findings

As discussed in Chapter 5 of this report, the assessment of WSTC raised a number of issues about the usefulness of transportation policies developed by the Commission and the Commission's procedures for reaching out to communities to inform those policies. These issues are summarized here.

F.B.1. Many stakeholders said the Commission takes a wide-ranging and comprehensive view of transportation at all levels of government and across all transportation modes. A group of stakeholders believes the Commission offers a welcoming venue for local organizations and the general public to voice their thoughts. These stakeholders do not believe WSDOT achieves that level of connection across governments and transportation sectors.

F.B.2. Many current and former Commissioners reported finding the local meetings worthwhile and believe they provide good background and information for the Commissioners to fully understand statewide transportation issues. Some current and

former Commissioners questioned whether some of the presentations are truly relevant to the work of the Commission.

F.B.3. Several stakeholders who support having an independent body to conduct policy development and planning separate from WSDOT lamented the lack of attention paid to the work of the Commission. Others questioned the value of the policy and planning activities of the agency, pointing to the tendency of the Legislature to select the projects to be funded from member priorities and the lack of ongoing and direct statutory authority for the Commission to fund or implement state transportation projects.

F.B.4. The local meetings, designed to gather input from local communities on local transportation issues, lack a clear focus and outcome. The meetings also create confusion for some stakeholders about the authority and responsibilities of WSTC. Some stakeholders reached the conclusion that extensive public input on statewide transportation matters as gathered through the local meetings of the Commission seemed pointless.

F.B.5. Local meetings of the Commission consume about 45 percent of Commission meeting time annually, requiring a considerable amount of staff resources and transportation costs.

Local meetings take up too much time for the value they produce in developing policies that actually guide legislative decisions.

F.B.6. Commissioner turnover is high compared to other state commissions and affects continuity of the work of the Commission and other agencies with which WSTC interacts. One reason for this turnover identified through stakeholder interviews is the heavy workload and time commitment Commissioners carry. Local meetings contribute to this burden and take up too much time for the value they produce in developing policies that actually guide legislative decisions.

F.B.7. The local community outreach meetings of the Commission overlap and duplicate the extensive public outreach effort the Commission conducts every four years with consultant support for development of the policy plan of the Commission.

F.B.8. WSDOT consults with many of the same stakeholders as the Commission during WSDOT community engagement activities. Offering input to two entities multiple times can become burdensome to stakeholders. Multiple consultations with stakeholders by multiple agencies on similar topics are not a best practice.

Recommendations

R.B.1. Eliminate the involvement of the Washington State Transportation Commission in transportation policy development and associated community engagement efforts (statutory directive). This change, along with the transfer of responsibility for the statewide policy plan from the Commission to WSDOT, would remove statutory authority for involvement of WSTC in general transportation planning and policy development. The WSTC would no longer engage in tasks associated with these functions such as community outreach, local meetings devoted primarily to gathering information for transportation planning and policy development, and incorporation of recommendations about transportation policies unrelated to ferry or tolling operations in the agency's annual report.

This recommendation would not affect WSTC responsibilities for ferry or tolling operations; route jurisdiction transfer; naming of state highways, bridges, and ferries; or the Transportation Innovative Partnership Program related to public-private partnerships. If desired, the Legislature could continue to assign special transportation projects and studies to WSTC, but the agency would not have the authority to undertake transportation studies and projects on its own initiative. Given the agency's reduced workload and functions, the agency's statutory mandate to meet in different parts of the state may no longer be necessary and could be made permissive at the Commission's discretion

The recommendation would end a Commission function that, while seen as a receptive forum for communicating stakeholder transportation needs and successes, nevertheless appears to have little influence over policies the Legislature ultimately adopts. The recommendation also has the side effect of reducing Commission member workload through eliminating the need for local meetings and other avenues of community engagement designed to gather stakeholder input on broad transportation matters. Reduced workload would help lessen the importance of this factor in Commission member turnover.

R.B.2. Require WSDOT to assume the responsibility for the local meetings (statutory directive). The Commission receives high marks for listening to local transportation needs of all sorts. This type of open-minded and receptive forum should be continued in WSDOT and used for input on all transportation planning and policy development, whether the concerns and issues relate to the statewide transportation plan, the federally required Statewide Transportation Improvement Program, or other existing planning efforts. The nature of WSDOT, as the primary entity responsible for statewide transportation concerns and operations, affords the opportunity for broad input to influence

transportation planning and policy development in a meaningful way, both within WSDOT and the Legislature.

WSDOT should establish by rule the process for gathering input, including the number of meetings to be conducted and other important procedures of interest to stakeholders. A mechanism for replacing this popular component of the Commission's work could be accomplished through the creation of a citizen's advisory committee at WSDOT or could occur with the Secretary and key staff in attendance at meetings for local input. If established, a citizen's advisory committee could have regional representation and could be appointed by the Secretary, although the exact composition and appointment structure would need to be developed in conjunction with the Governor and Legislature.

Fiscal Impact

Eliminating the community engagement function conducted by the Commission during the local meetings would reduce the number of Commission meetings from about 11 to about 6 per year, reducing travel expenses, payments to Commissioners for these meetings, and staff at WSTC. The Assistant Director and the Administrative Assistant positions devote more than half their time to transportation policy, planning, and local meetings. These positions may not be justified if the community engagement function of the Commission, along with the Commission's four-year requirement for reviewing and updating the statewide transportation policy plan, are eliminated.

Using the table from Chapter 4, Section 4.2 showing budget allocation by function, moving transportation policy, planning, and community engagement from the Commission could potentially save about \$400,000 in on-going annual expenditures. These savings could be transferred to WSDOT, but with regional offices across the state and a robust community engagement effort already in place at the department, WSDOT should be able to absorb these incremental expenses.

C FINDINGS AND RECOMMENDATIONS RELATED TO GOVERNANCE AND ADMINISTRATIVE OPERATIONS

Findings

The assessment of WSTC indicated a need to develop a more defined and formal operating structure for the governance and internal operating structure of WSTC. The findings below are indicative of an organization overly reliant on the institutional memories of long-time employees and their interpretation of the roles and responsibilities of the Commission rather than on adopted

WSTC is overly reliant on the institutional memories of long-time employees.

policies and procedures that establish an objective and ongoing framework for implementing statutory requirements and measuring agency outcomes. Without a more formal framework for administrative operations, turnover in long-term staff could jeopardize the integrity of the organization. The findings below detail the ways in which the governance and administrative operations of the Commission fall short.

F.C.1. External Communication

- a. Communication among the Commission, the Legislature, and the Governor’s office regarding Commission operations is generally informal and has resulted in misunderstandings and a degree of tension.
- b. The Commission’s government relations effort is neither sufficiently systematic nor in-depth to resolve what at times appears to be a detachment from critical legislative transportation priorities and issues.

F.C.2. Commissioners and Commission Meetings

- a. Expertise of Commissioners is not necessarily matched to the functions performed by the Commission. For example, no current Commissioners have strong financial expertise directly applicable to toll and ferry fare setting.
- b. On-boarding and training of commissioners does not seem sufficient for the roles and responsibilities of Commissioners. The orientation for Commissioners focuses on ethical and administrative matters rather than the substantive content of their work.
- c. Comments from current Commissioners suggest that Commissioners may discuss Commission business at meals during or after posted Commission meetings. Dinners after Commission meetings are not posted on Commission agendas. Commissioners are also together on tours scheduled before meetings held outside of Olympia, which are not posted on Commission agendas.

F.C.3. Relationship between the Commissioners and Staff

- a. The separation of the governing and policy functions of the Commissioners and the operations role of staff is not clear. Observations and comments from stakeholders indicate, for example, that staff sometimes participates in asking questions of speakers or responding to questions posed to the Commission, behavior unusual in most Commission and staff relationships. In addition, the Commissioners have input into policy and budgeting through the subcommittee structure of the Commission, but the full Commission does not formally set priorities and content of the work of the Commission by vote. For example, the Commission does not formally adopt the Commission budget and does not approve vendor contracts or consulting project budgets.

The separation of the governing and policy functions of the Commissioners and the operations role of staff is not clear.

- b. The Commissioners have never conducted a performance review of the executive director of the Commission. An annual performance review is essential for communicating areas of satisfaction and areas of improvement. The process provides an opportunity to set goals and objectives for the executive director and to hold the director accountable for achieving stated expectations.

F.C.4. Rules and Policies and Procedures

- a. Administrative rules, which interpret governing statutes, have not been developed for the Commission, as they commonly are for various other small agencies. Some rules for the Commission do exist in sections of the administrative code for WSDOT, an example being an administrative rule dealing with Commission meetings, but this provision is out of date.
- b. The internal policies and procedures of the Commission are outdated and are not sufficiently comprehensive. For example, the Commission does not have policies on contracting, such as contract approval, vendor selection, and conflict of interest provisions.

F.C.5. Budget

The budget proviso for this assessment raises the issue of the appropriateness of the Commission’s budget. Some stakeholders had opinions on this topic, questioning whether the budget sufficiently reflects statutory requirements for the Commission. Because the Commission does not budget by program or function, a review of the budget did not reveal clear linkages between expenditures and program outcomes. As a result, the review could not conclude whether the Commission budget contains excess funds.

Because the Commission does not budget by program or function, a review of the budget did not reveal clear linkages between expenditures and program outcomes.

F.C.6. Outcomes

The Commission reports one performance measure to the Governor’s Office of Financial Management: “Commission accessibility and interaction with the public”. This metric measures the satisfaction reported by stakeholders who are surveyed after presenting to the Commission during a local meeting. The metric shows high satisfaction, but the survey does not ask more nuanced questions, such as “Is the purpose of your presentation to the commission clear to you?”, “Do you know how the information you have presented will be used by the Commission?”, or “Do you believe the information you have presented will result in action by the Commission?”

Recommendations

The following recommendations would ensure that the Commission operates professionally, efficiently, and transparently.

- R.C.1. **Formalize communication among the Commission, the Legislature, and the Governor's office (management directive).** Important communication should be formal, written, and clear. Misunderstanding could be avoided by clearly documenting expectations and instances where expectations have not been met.
- R.C.2. **Adopt internal policies and procedures for engaging the Legislature and Governor on the issues within the purview of the Commission (management directive).** The policies should specify the role of staff versus Commissioners and should establish frequency, method, purpose, and outcomes of the government relations effort.
- R.C.3. **Match expertise of Commission members to the roles and responsibilities of the Commission (statutory directive).** Commissioners should bring to their position knowledge and expertise that assists the work of Commission staff. These requirements should be addressed in statute, which should provide broad guidelines for the desired skills and knowledge of Commissioners.
- R.C.4. **Focus Commissioner orientation and training more sharply on the substantive roles and responsibilities of WSTC (management directive).** While orientation and training should still cover ethical and administrative responsibilities of Commissioners, additional focus on substantive roles of Commissioners, such as setting ferry fares and tolls, would better prepare Commissioners for their job.
- R.C.5. **Ensure the Commission is complying with open meetings requirements for the entire time that a quorum of Commissioners is together (management directive).** Postings would include all meals, bus tours, and other formal and informal gatherings.
- R.C.6. **Clarify the differing roles of Commissioners and staff (statutory directive).** Statute should direct the Commission to develop and implement policies that clearly separate the policymaking responsibilities of the Commission and the management responsibilities of the executive director and the staff of the Commission. Such provisions would help guide Commissioners and staff in carrying out their respective and appropriate responsibilities. The Commission should adopt policies and procedures to define, for example, the Commission's leadership role in reviewing and adopting the budget and developing the work plan for the agency.
- R.C.7. **Conduct an annual review of the executive director of the Commission (management directive).** The review should be initiated by a subcommittee of Commissioners, including the chair of the Commission, with the full Commission reviewing the results with the director. The review should be based on an objective, best practices tool approved by the

state human resources department. The timing, content, and process for conducting this review should be included in the adopted policies and procedures of the Commission.

- R.C.8. **Create separate and complete administrative rules for the Commission (statutory directive).** This change would require development of a body of administrative rules for WSTC structurally separate from those of WSDOT. The few existing rules related to WSTC currently subsumed within WSDOT's body of rules would be either updated or eliminated as needed. Rules of the Commission should provide further detail for statutory directives of the agency and address subjects such as meeting frequency, public participation in meetings, and other operations of the agency important to stakeholders' understanding of how WSTC carries out its functions.
- R.C.9. **Require the Commission to update, expand, and periodically review internal policies and procedures (statutory directive).** The policies and procedures of the Commission should be immediately updated and expanded to more clearly articulate how the Commission conducts its work internally and should clearly delineate the roles of staff versus Commissioners. The policies and procedures should be reviewed regularly and updated as needed. These policies and procedures, as well as later changes to them, should be formally adopted by Commission vote. Some of the areas in which policies and procedures need to be updated or developed include government relations, procurement, travel reimbursement, and payments to Commissioners. Many other areas need to be covered and a best practices review of policies and procedures for similar organizations should be conducted.
- R.C.10. **Revisit the base budget of the Commission to determine whether agency programs are appropriately funded (management directive).** Expenditures should be justified based on statutory requirements and anticipated future expenditures. The budget should be programmatic, separating expenditures for the distinct responsibilities of the Commission. This effort should include the Governor's Office of Financial Management, Legislative budget staff, WSDOT, and Commission staff.
- R.C.11. **Develop performance measures for the agency covering the breadth of its operations (management directive).** Performance measures should be developed for the Commission that more appropriately reflect the priorities and expectations of the Legislature and the Governor.

Fiscal Impact

These recommendations need to be implemented regardless of the size of the Commission and may require some upfront resources for a one-time effort to put the policies and systems in place, but will not require additional funding or staffing to maintain these administrative structures.

D STATUTORY CHANGES

Statutory Changes

The table below indicates the basic changes that would need to be made to existing statutes to implement the recommendations above. Although not indicated in the table below, the term “Commission” or “Transportation Commission” would need to be changed to “department” for provisions transferring to WSDOT. Also, changes indicated in the table address major sections of law that recommendations affect. Other sections may need to be cleaned up to reflect, in particular, transfer of planning, policy development, and community engagement from WSTC to WSDOT.

Finally, the consultant team has suggested possible placement of statutory modifications in the Revised Code of Washington and language that shows the general intent of major recommended changes. The consultant team recognizes that legislative staff has a much better working knowledge of the mechanics of statutory revision and emphasizes that suggestions in the table are preliminary.

In making the changes, the team suggests that the Commission’s various statutory provisions be separated from those of WSDOT and placed in a separate chapter in statute. The current construction appears to be a vestige of the past and contributes to the confusion regarding each agency’s responsibilities.

Potential Statutory Changes

Revised Code of Washington (RCW) Citation	Current Provision	Recommended Change
47.01.051 Commission created – Appointment of members – Terms – Qualifications - Removal	This section specifies composition of the Commission, including directing that four members must live west of the Cascades and three must live east of the Cascades.	Add language that encourages appointment of members whose expertise and geographic representation match the roles and responsibilities of the Commission.
47.01.061 Commission – Procedures and internal operations	This section specifies certain operating procedures for the Commission such as specifying the Commission meet at least quarterly with meetings held in different parts of the state.	Possibly add to this section, or another section(s) if more appropriate, new language as follows: <ol style="list-style-type: none">1. Focus Commissioner Orientation and training more sharply on the substantive roles and responsibilities of WSTC.2. Require the Commission to develop and implement policies that clearly separate

[47.01.071](#)
Commission—
Functions,
Powers, and
Duties

This section sets out Commission functions, powers, and duties in a number of key areas related to policy development, planning, and public involvement, those being summarized below:

1. To propose and develop policies designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system.
2. To provide for coordinating state transportation planning with various other national, state, local, and regional policies and plans.
3. To provide for public involvement in transportation designed to elicit the public's views.
4. To prepare a comprehensive and balanced statewide transportation plan to be reviews and revised every four years.
5. To adopt rules to carry out its functions delegated in statute.
6. To recommend to the Governor and Legislature a budget for its operation each regular session held in an odd-numbered year.
7. To contract with the Office of Financial Management or other appropriate state agencies for administrative support
8. To conduct transportation-related studies and policy analysis as directed by the Legislature or Governor in the

the policymaking responsibilities of the Commission and the management responsibilities of the executive director and the staff of the Commission.

3. Require WSTC to update, expand, and periodically review its internal policies and procedures.
4. Eliminate the current provision requiring the Commission to meet in different parts of the state. Instead, direct the Commission to meet in different parts of the state as necessary to carry out its functions.

1. Transfer requirements 1 through 4 to WSDOT statutory responsibilities.
2. Eliminate the four-year time frame for reviewing and revising a comprehensive and balanced statewide transportation plan (Item 4).
3. Leave requirements 5 through 9 with the Commission. However, modify provision 8 related to transportation studies to ensure the Commission does not undertake general transportation-related studies on its own initiative.
4. Include new language indicating that the policy plan transferred to WSDOT must include a broad and comprehensive view of transportation that demonstrates local issues and concerns at all levels of government and across transportation modes.
5. Require WSDOT to adopt administrative rules specifying a time frame (i.e., five years) for completing the plan mentioned above.

Revised Code of Washington (RCW) Citation	Current Provision	Recommended Change
47.01.075 Transportation Policy Development	<p>biennial transportation budget act or as otherwise specified in law.</p> <p>9. To exercise other specific powers and duties vested in the Commission by law.</p> <p>10. This section sets out Commission duties for transportation policy development as summarized below:</p> <ol style="list-style-type: none"> 1. Requires the Commission to provide a public forum for the development of transportation policy in Washington State to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. 2. Authorizes the creation of ad hoc committees to fulfill its responsibilities under this section. 3. Authorizes the Commission to offer policy guidance and recommendations to the Governor and the Legislature in several key issue areas such as transportation finance. 	Transfer this requirement to WSDOT statutory responsibilities.
47.01.250 Consultation with designated state officials	<p>This outdated provision, last amended in 2008, establishes certain agency heads as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with responsibilities of WSDOT.</p>	Clean up this outdated language so consultation is only with WSDOT and not the Commission.
47.04.280 Transportation system policy goals	<p>This section establishes policy goals for the transportation system and specifies these goals are intended to be a basis for establishing measurable objectives and related performance measures for state transportation agencies, including WSDOT. The Office of Financial Management is to consult with the Commission in establishing these objectives and performance measures and to submit copies of these objectives and performance measures each regular session to the Commission for review</p>	<ol style="list-style-type: none"> 1. Eliminate the Commission’s involvement in this process and transfer its responsibilities for consulting on and reviewing objectives and performance measures to WSDOT. 2. Revise to require that the Governor’s Office review WSDOT objectives and performance measures.
47.06.020	<p>This section establishes the role of WSDOT in transportation planning. One provision of</p>	Eliminate the provision requiring WSDOT to provide this assistance to the Commission.

Revised Code of Washington (RCW) Citation	Current Provision	Recommended Change
Role of department	the section directs WSDOT to assist the Commission in the development of the statewide transportation plan.	
New provision located as appropriate	NA	Require WSDOT to review and update the integrated statewide transportation plan referenced in recommendations every five years.
New provision located as appropriate	NA	<ol style="list-style-type: none"> 1. Require WSDOT to hold public meetings in different parts of the state to obtain broad-based input from all governmental and transportation sectors as to their transportation needs, challenges, and successes. 2. Require WSDOT to develop rules outlining how these meetings would be conducted, including the number of meetings to be held and other important procedural aspects of interest to stakeholders.

E OVERALL IMPACT OF RECOMMENDATIONS ON WSTC

Eliminating the functions of the Commission in statewide planning, policy development, and community engagement, as recommended above, would result in a Commission with a narrow set of responsibilities. Major responsibilities remaining would relate to setting ferry fares and toll rates and special studies. Less significant responsibilities would include the Commission’s involvement in the Transportation Innovative Partnership Program related to public private partnerships, currently inactive; route jurisdiction transfers; and the naming of state highways, bridges and ferries; all functions that generate little activity.

The consultant team is aware of the diminished capacity of a Commission charged primarily with ongoing operational responsibility for setting ferry fares and toll rates, and has considered that recruiting and retaining staff and Commissioners may be difficult in an agency responsible for these difficult and technical functions that impact primarily the urban areas of the state. However, the budget proviso and the Request for Proposals for the WSTC assessment prohibited the consultant team from reviewing the toll rate and ferry fare setting functions of the Commission and the role of the Commission in the road usage charge study. The consultant team therefore makes no recommendations on these functions or the viability of the agency without transportation planning and outreach responsibilities. However, the consultant team believes that the disparate functions that remain with the Commission after the planning and outreach

functions are removed likely could be performed by other state entities, and the Legislature may wish to consider this possibility.

8 APPENDIX A: BUDGET PROVISIO

4) \$100,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

Source: 2017 Transportation Budget, ESB 5096 Section 204(4).

9 ENDNOTES

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- ²⁴ RCW 47.01.071(4).
- ²⁵ RCW 47.60.286.
- ²⁶ *Washington State Ferries 2016 Customer Research: Summary of Findings Report*. Prepared for WSTC by EMC Research, January 2017, p. 15. PDF file. Web. http://www.wstc.wa.gov/StudiesSurveys/FROGSurvey/documents/2016_WSFCumulative_Report.pdf. Accessed August 31, 2017.
- ²⁷ Although most ferry user data come from the FROG survey, the agency uses another survey called the Voice of Washington State (VOWS) survey to collect information from occasional ferry users across the state. Unlike the FROG survey, the VOWS survey panel comprises people from the general public who represent no particular ferry user group.
- ²⁸ RCW 47.64.355(2).
- ²⁹ *Washington State Ferries 2016 Customer Research: Summary of Findings Report*. Prepared for WSTC by EMC Research, January 2017, p. 15. PDF file. Web. http://www.wstc.wa.gov/StudiesSurveys/FROGSurvey/documents/2016_WSFCumulative_Report.pdf. Accessed October 30, 2017.
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- ⁷⁸ RCW 47.01.075(1).
- ⁷⁹ RCW 47.06.020.
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