

**City of Seattle**  
**COMPREHENSIVE PLAN AMENDMENT APPLICATION**

(Please Print or Type)

Date: 5/15/10

Applicant: Chris Leman

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Name of general area, location, or site that would be affected by this proposed change in text (attach additional sheets if necessary) If the application is approved for further consideration by the City Council, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist: Seattle as a whole.

Acceptance of this application does not guarantee final approval.

Applicant Signature:

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

Date: 5/15/10

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## **REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment**

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

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

To the Transportation Element, after policy T-69 add the following new policy: Minimize damage that is caused by vehicles that are heavier than would normally be allowed on Seattle's roads and bridges, especially those vehicles that are owned by the City, County, School District, and Port, and their contractors. Accordingly: (1) encourage the use of buses that are no heavier than would be allowable without a legislative exemption; (2) establish rules and incentives to discourage City agencies and contractors from using trucks that are heavier than would be allowable without a legislative exemption, (3) establish incentives to discourage the City's solid waste contractors from using trucks that are so heavy as to need the state's solid waste vehicle exemption that allows weights higher than for other trucks; (4) establish incentives to discourage the City's Fire Department from using the state exemption that allows fire trucks to be heavier than any other truck; and (5) effectively regulate all vehicle weights to ensure that no vehicle illegally exceeds legal limits.

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

According to SDOT's own studies, some of the worst damage to Seattle's roads and bridges is caused by Metro buses. This finding is echoed in other

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cities; Austin, Texas, for example, found that 70 to 90 percent of the damage to its arterial is caused by transit buses. The evidence is all around us, as the streets that the buses use have cracked the concrete pavement, and the asphalt pavement is curled up as if by a plow. The weight of these buses would cause them to be prohibited from our streets if the state legislature and then Congress had not completely exempted them from any weight regulations. Seattle's streets and taxpayers are thus hostages to the bus purchasing choices of King County Metro. Although some of Metro's buses are within reasonable weight limits, most are not, including virtually all that it has purchased in recent years. The "hybrid electric" buses that Metro is now purchasing are especially expensive because they are both diesel and battery/electric motor powered--and thus even when empty, are the heaviest vehicles on the road, every trip doing measurable damage to Seattle's roads and bridges.

By contrast, the popular electric trolley buses are Metro's lightest, and they do the least damage to Seattle streets. It is not by chance that these electric trolley buses are now in danger of being discontinued, because Seattle has failed to communicate to Metro a preference against extra-heavy buses that exceed normal weight limits and could not be on the road without a legislative exemption, and a preference for buses like the electric trolley buses that are easily within normal weight limits

The other heaviest vehicles that are legally on the road are Seattle's own fire trucks, which enjoy a state exemption from any weight limits. Most of the operation of Seattle's fire trucks at weights that require use of this legislative exemption, is other than during emergency runs. Because Seattle has not acted to ensure reasonable limits on the Fire Department's use of the legislative exemption on truck weight, damage to roads and bridges from extra-heavy fire trucks is much more extensive than is necessary for public safety, and there is less incentive for the Fire Department to operate its trucks at weights that do not require the legislative exemption, or to purchase trucks and aid cars that do not require the legislative exemption.

Another very extensive instance of City-sponsored use of extra-heavy trucks are its contractors' garbage and recycling waste trucks, which under state law enjoy a special exemption allowing them to weigh considerably more than any other truck (other than fire trucks). Studies by the Washington State Department of Transportation find that solid waste trucks do more road and bridge damage than any other kind of truck, and for this reason, WSDOT does not allow these trucks on state highways when they are using the special exemption for more weight. Seattle has no such prohibition, nor even any incentive for its own solid waste contractors not to use the special exemption

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for more weight. These trucks are everywhere, especially on roads and alleys that are already in the worst shape, and for which there are virtually no restoration funds available from the Bridging the Gap levy, which are going almost exclusively to arterials.

If it chooses to exert it, the City has total control over the weights of the garbage and recycling trucks that operate under a detailed contract with the City. The City should either require its contractors not to operate at a weight more than the normal state limits (that is, so that they would not use the state's exception for overweight solid waste trucks), or should provide them financial incentives not to make use of this exception.

In 2001, after the author suggested this policy, Seattle Public Utilities' Solid Waste Contract Manager replied as follows:

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

It will surprise no one who understands how things work in City government to learn that this gentleman retired, and those who replaced him were not of the same mind. Recent requests for proposals, and recent contracts, have contained none of the promised improvements.

In addition to the above instances of extra-heavy vehicles that, because of legislative exemptions, are on the road but should not be, there are other extra-heavy vehicles (mostly trucks) that are illegally violating state weight limits. Because of the costly road damage that results, the City should more

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aggressively be acting against these weight violations, especially for its own trucks and those of its contractors.

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

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

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

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

This proposal is a broad policy for protecting the City's infrastructure, and it needs to be in the Comprehensive Plan. Also, without this change, the Comprehensive Plan is unbalanced and incomplete. As mentioned in (2) above, the current language of the Comprehensive Plan addresses only paying for the damage, and not the need to prevent the damage; without the proposed change, the Comprehensive Plan's treatment of road damage from heavy vehicles does not make sense; it keeps taxpayers on the hook but does nothing to reduce the expensive damage that is at issue.

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Of course, it would be desirable for the Mayor to issue an executive order, for the City Council to pass an ordinance or resolution, and for SDOT to adopt various administrative policies, but none of these actions would obviate the need to amend the Comprehensive Plan. In fact, King County Metro's current wave of purchases of super-heavy buses, which has occurred without any attempted intervention by any level of City government, suggests that it is simply not working to leave this important new policy out of the Comprehensive Plan.

While a proposal on this topic was proposed and dropped by the City Council in 2008 and 2009, this proposal is somewhat different. More importantly, the executive branch did not diligently examine the amendments that were proposed in 2008 and 2009, and the City Council never received detailed input from SDOT. The City Council needs to ensure that it hears directly from SDOT for its analysis and recommendations regarding the present proposal. And as there are political constraints against the executive branch acknowledging the amount of road and bridge damage being done by extra-heavy vehicles, the City Council should seek outside advice, including from engineers in professional associations and universities.

Some have claimed that this issue should be addressed only in the Transportation Strategic Plan, not in the Seattle Comprehensive Plan. But oversight of compliance with the Transportation Strategic Plan is notoriously lax, with none of the enforcement mechanisms available for the Comprehensive Plan. Only the Comprehensive Plan is governed by state law, with requirements for public notice and comment, and the opportunity to enforce it through the Growth Management hearings board and the courts.

The Transportation Strategic Plan supposedly addresses the issue of extra-heavy vehicles, but it has not led to any action by the City. Demonstration enough of the ineffectiveness of sole reliance on the Transportation Strategic Plan is that Seattle has allowed to pass without comment Metro's steady replacement of its reasonably weighted bus fleet with buses that, even when empty, are heavier than would be allowed on Seattle streets without the legislative exemption. There is every reason to address this problem in the Transportation Strategic Plan, but only if the proposed amendment is included in the Comprehensive Plan.

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

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

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

The Comprehensive Plan is full of good rhetoric about proper stewardship of Seattle's capital facilities, but has not produced the proactive efforts that are needed to ensure protection of City infrastructure. This small amendment will give some practical and positive meaning and result to the rhetoric. The data and research cited above about street damage from extra-heavy vehicles is un rebuttable.

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

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

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