

# EXECUTIVE SUMMARY

## A review and analysis of transit agency intergovernmental approaches for major transportation investments

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## DISCLAIMER

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This project was conducted under the mentorship of TransLink staff. The opinions and recommendations in this report and any errors are those of the author and do not necessarily reflect the views of TransLink or the University of British Columbia.

## INTRODUCTION

To support the success of major transportation investments, TransLink and a project's host municipality sign multi-agreement Partnership Agreements. A Supportive Policies Agreement (SPA) is a key component of these Partnership Agreements, which are called for by the 10-Year Vision for Metro Vancouver Transit and Transportation (2014) and are required prior to funding approval for major transportation projects in the region. The SPAs are legal documents that include commitments from each party for actions that are outside the direct project scope but will have significant influence on the achievement of project objectives with the ultimate goal being increased mode shift to more sustainable modes of travel. A number of the SPA commitments include sustainable city-building initiatives such as the development of cycling and walking strategies, affordable housing strategies, and other transit-oriented community initiatives such as rapid transit-supportive population and job densities.

## PURPOSE, SCOPE AND METHODS

The main objective of the report is to understand best practices for advancing what TransLink SPAs are meant to achieve, and to consider those best practices against what has been done for the three completed SPAs, with the intent to inform future SPAs and how TransLink might consider improving on the development process, content and implementation/monitoring. The methods for this study included desk research on various agreements and urban planning documents, followed by virtual interviews<sup>1</sup> with planning professionals involved in approaches documented in the following case studies. Four case studies from across North and South America were analyzed:

1. The San Francisco Bay Area (California, USA);
2. San Diego (California, USA);
3. Seattle (Washington, USA); and
4. Bogotá (Colombia)

## SUMMARY OF FINDINGS

### ***The California Approach: applicable to Case Studies 1 and 2.***

California's approach for ensuring supportive policies and measures for major transit investments stems from key State-mandated laws that include the 1970 California Environmental Quality Act (CEQA), 2006 Assembly Bill 32 (AB 32) - California's Global Warming Solutions Act and the 2008 Senate Bill 375 (SB 375) Sustainable Communities and Climate Protection Act. SB 375 assigned a GHG reduction target established by the California Air Resources Board (CARB) (associated with emissions from cars and light trucks) to each region in the State. These regions are each represented by a Metropolitan Planning Organization (MPO).

Under SB 375, the coordination between land use policies and transportation investments was mandated via: 1) the requirement for each MPO to include a "**Sustainable Communities Strategy**" (**SCS**) in the Regional Transportation Plan (RTP) that demonstrates how the region will meet the GHG reduction targets, 2) the requirement that decisions relating to the allocation of transportation funding must be consistent with the SCS and, 3) includes the possibility for local governments to

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<sup>1</sup> Interviews conducted with staff to inform the San Francisco Bay Area case study and the Seattle case study.

offer CEQA incentives (specifically, streamlining of the environmental impact review processes) for projects that are consistent with the SCS (Institute For Local Government, 2011) (Transbay Blog, 2020).

### ***CASE STUDY 1: San Francisco Bay Area – Plan Bay Area 2040’s Sustainable Communities Strategy (SCS)***

Both the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) jointly developed *Plan Bay Area 2040* with its SCS and are equally responsible for implementing it. The Plan is a regional planning document that identifies coordinated regional land use and transportation strategies. While the recommendations and findings from the Plan Bay Area process are not considered legally-binding, it nonetheless is a vital component to how transportation funding is allocated in the region.

The *Plan Bay Area 2040* SCS identified two primary tools to support integrated land use and transportation planning, namely the Priority Conservation Areas (PCAs) and Priority Development Areas (PDAs), both of which are identified<sup>2</sup> in the Regional Transportation Plan and can be nominated<sup>3</sup> by local jurisdictions (i.e. a local city council or board of supervisors), as possible areas that could have land use policy changes.

1. PDAs are existing areas (typically a sub-area of a city) served by public transit and are suitable for walkable, transit-oriented growth.
  - a. PDA’s must have the following 3 criteria: be within an existing community, within a half mile (approximately 800 meters) of frequent transit and in an area planned for future housing and job growth (Association of Bay Area Governments, 2020).
  - b. *Plan Bay Area 2040* committed \$310 million to facilitate the development of PDAs over a 5-year period. It is in the best interest of municipalities to work with ABAG to identify and subsequently nominate PDAs as this brings more grant and funding opportunities<sup>4</sup> for community-driven planning efforts or infrastructure improvements (Livinston & Baker, 2016).
2. PCAs are regionally significant open spaces that have local support for conservation – *Plan Bay Area 2040* committed \$10 million in new funding for conservation planning and land protection (Livinston & Baker, 2016).

*Plan Bay Area 2040* established targets and indicators related to transportation, land and people, economy, environment, and equity. A key tool for monitoring progress is MTC’s publicly available online “Vital Signs” dashboard (Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), 2020).

***Limitations:*** Although SB 375 integrates land use, housing and transportation planning by mandating the inclusion of the SCS into the RTP, it does not change local jurisdiction over land use decisions. PDA designation is a voluntary and incentive-based program that does not override any local land use or zoning control, nor require any particular land use outcome. Although MTC may ask local governments to nominate PDAs according to the development scenario approved in the RTP-SCS, the City Council has the final decision on its approval. As such, PDAs are just one optional tool to

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<sup>2</sup> The Plan’s SCS identifies the specific locally nominated PCAs and PDAs on a map.

<sup>3</sup> During the process of developing the RTP with the SCS, local governments can identify PDAs to be included in the RTP, opening the future possibility at council level to make future land use changes in those areas.

<sup>4</sup> Incentives included: technical assistance, prioritization for regional and state transportation and housing funds and streamlining of the environmental review process which can be time-consuming and expensive.

meet the CARB's GHG reduction targets. If the SCS will not meet the GHG reduction targets, an Alternative Planning Strategy must be created (Institute for Local Government, 2015).

**Strengths:** 1) Public engagement and participation is a key part of the overall process - ABAG and MTC engaged the public and key stakeholders during the Plan's overall development process. Obtaining buy-in at all levels is a key component to ensuring the success of the Plan and specifically the achievement of the established performance targets (related to transportation, land and people, economy, environment, and equity). 2) Funding allocation at the regional level - MTC is responsible for distributing federal and state funds to Bay area transit agencies. This is a key driver for municipalities to align with the provisions set out in *Plan Bay Area 2040* and its SCS. 3) Additional financial and other supportive resources can come from the CEQA incentives for projects that demonstrate being aligned with the GHG emission reduction target, if the local government chooses to offer them.

### ***CASE STUDY 2: San Diego, CA – 2050 Regional Transportation Plan***

The San Diego Association of Governments (SANDAG) developed and approved in 2011 their *2050 Regional Transportation Plan* with the SCS being a 40-year strategy for more sustainable communities within the San Diego region. It was California's first RTP that included the SCS mandated by SB 375. The GHG targets set for the San Diego region called for a 7% per capita reduction by 2020, and a 13% per capita reduction by 2035. However, the Plan set higher targets: by 2020 they proposed to increase the target set by CARB from 7% to 14%.

After the RTP's approval, the Plan's Environmental Impact Report (EIR), which is a separate but legally required document that analyzes the RTP's environmental impacts, was legally challenged. In order to demonstrate that the GHG emissions targets could be achieved, the EIR plays an important role, as it includes the environmental impact analysis and technical support related to the planning process and to the decisions taken within the RTP. More specifically, the EIR process requires public visibility into the detailed evaluation of the land use and transportation-related environmental impacts (in addition to other resource areas) of a proposed RTP (SANDAG, 2015).

This process offers the potential to identify early mitigation measures and also serves to cross-check the Plan's internal consistency between proposed land use and transportation strategies. For example, policies or projects that would promote sprawl or increase vehicle miles traveled (VMT) should not be eligible for funding, if feasible alternatives are available.

**Limitations:** In terms of land use, the SCS must also reflect local land use planning assumptions and scenarios for years to come, which brings in an element of uncertainty given that local land use plans are not legally required to align with the RTP-SCS.

**Strengths:** 1) While the EIR process can highlight any potentially unsustainable components of the RTP-SCS, the provision for "feasible" alternatives also requires a financial lens to be considered. This means that the RTP cannot include projects or programs that the region cannot afford, based on expected available funding through the Plan's horizon year. 2) The EIR process includes critical analysis of proposed strategies that will shape future regional land use and transportation decisions/investments. The identification of alternative approaches and mitigation measures offers the public and decision-makers insights regarding associated trade-offs (e.g. financial, social, or environmental). This analysis can also offer a technical framework to review local land use and transportation-related scenarios and thus potentially support decision-making processes at various levels.

### ***CASE STUDY 3: Seattle, WA – Partnering Agreement and Development Agreement***

In order to plan and develop successful transit projects, the Central Puget Sound Regional Transit Authority (Sound Transit) and the City of Seattle sign different agreements throughout the overall process of every project, two of which include Partnering and Development Agreements. These agreements are part of internal policy direction at Sound Transit that includes new approaches to working with project partners, stakeholders and local jurisdictions to efficiently deliver transit projects and ensure desired transit-oriented development on station-adjacent land (City of Seattle, 2020).

#### Partnering Agreement (PA)

The Partnering Agreement analyzed is for the West Seattle and Ballard Link Extensions Project, signed December 2017. The PA was executed at the very beginning of the project. It was the first PA that underscores the commitment between the two parties to collaborate, in a new way of doing business, so that together they can deliver as efficient as possible the projects approved under the ST3<sup>5</sup>. Part of the commitment is regarding the process for permitting and land use policy changes needed to develop the transportation project in an integral fashion, per the Agreement the intent is to: “Provide a process for streamlined permit review and processing, including land use decisions within time periods agreed upon as provided in this Agreement and/or the Permitting Plan” (City of Seattle, 2017). However, the actual changes in land use are not part of this agreement, as it only addresses the engagement process for future changes if/when needed

The efficacy of the PA depends on the follow up project phases and associated agreements/plans, as it works as a general commitment framework between Sound Transit and the City of Seattle.

#### Development Agreement (DA):

The Development Agreement analyzed is for the construction of the Capitol Hill Station Transit Oriented Development (TOD), signed in October 2013. A DA is executed at the start of construction and covers one specific construction component of the project, such as a station or a segment of the transit line. In the case of the Capitol Hill Station TOD, the DA contains very detailed information on the development of station-adjacent land. Specifics comprise the types of uses to be included on the subject properties, including the number of affordable housing units, their specifications and conditions for occupancy<sup>6</sup>, as well as general construction specifications and development standards. (City of Seattle, 2013)

Limitations: The PA offers a “means” framework but does not include the “ends” or desired outcomes (i.e. land use-transportation outcomes); it only outlines the process piece. The DA is very specific and does not have much flexibility or range, which has the potential to be a key limiting factor in case new information may become available or additional/alternate needs identified.

Strengths: The PA is the formal framework that sets out a collaboration process between project partners to ensure the on time and efficient delivery of transportation projects. It serves as a “how we work together” guidance that clearly states partner roles and responsibilities. Having this clarity at the outset of a project can support the realization of successful partnerships for what are often complex projects. The DA has the potential to offer a lot of certainty on desired outcomes given the level of detail it encompasses.

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<sup>5</sup> The ST3 is the mass transit system expansion plan approved by voters in November 2016

<sup>6</sup> For the purposes of the Agreement, “Affordable Housing” means affordable housing as defined in the Seattle Municipal Code, for households with incomes not exceeding 60% of “median income”, as defined in the Seattle Municipal Code.

## ***CASE STUDY 4: Bogotá, Colombia – Plan de Ordenamiento Territorial (POT) or Land Management Plan***

The POT is the result of collaborative work of all the public entities attached to the Mayor's office, and it is led by the Planning Secretary, mandated by the national Law 388 of 1997. Once the Plan with all its supportive documents has covered all phases of development, it is presented to the city's Council. If approved, it is signed by both the Mayor and the Council (Secretaria del Senado, 2020).

The Plan must include the land use zoning and the major transportation projects to be developed in the following 12 years within the city. It is legally-binding and must be followed by the three local governments 4-year general plans, as well as linked to governments and transportation agencies annual funding and budget. In addition, public engagement is mandatory throughout the development process. Although it is legally binding, monitoring its progress and compliance during the 12 years may have different obstacles, as it contains both technical high-level information (i.e. major transportation projects mentioned but without specific detailed design level and urban integration information) as well as very specific land use regulations applicable to each lot in the city. For that matter, the Plan would need to have flexible land use regulations (i.e. range of permitted densities) that can easily adapt and integrate with the transportation projects during its the planning and developing phase.

*Limitations:* Challenges can arise with full implementation and compliance of the POT due to the 12-year planning horizon, given the level of specificity of the land use policies. More specifically, the potential for flexibility is constrained and this may limit the feasibility for full compliance.

*Strengths:* The POT offers a legally binding approach to coordinated land use regulations and major transportation projects during its period of validity (i.e. 12 years), which can provide increased certainty regarding compliance.

## **CONCLUSIONS**

The following conclusions can be made from the case studies analyzed and outline some of the best practices regarding inter-agency partnership to support the success of major transportation investments through coordinated land use and transportation planning:

1. A legal framework (Federal or Provincial legislation) that mandates coordination between transportation agencies and municipalities represents a key component to ensure compliance and effective planning between major transit investments and land use policy.
2. Public engagement combined with collaborative work between the different organizations as part of the agreement development helps ensure future compliance with the final agreements' commitments.
3. Funding<sup>7</sup> distribution for major transportation projects at the regional level represents a key driver for municipalities to align with the policies and/or commitments in the plans and/or agreements.
4. The inclusion of specific targets and measurables which use available analytic tools and are expressed in numeric ranges based on technical analysis (rather than arbitrarily determined values) helps support monitoring and helps determine if any adjustments are needed during

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<sup>7</sup> Funding sources could include local, regional and senior levels of government.

implementation to ensure final compliance. The delineation of target ranges offers flexibility, whilst simultaneously embedding a level of certainty to the desired outcomes.

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