

# KITSAP TRANSIT

## RESOLUTION SUMMARY

**TITLE:** Resolution adopting State Environmental Policy Act procedures and policies governing actions by Kitsap Transit.

**RESOLUTION NO. 03-53**

**AGENDA OF: 10/07/03**

**EXHIBITS:** Exhibit A is attached.

**SUBMITTED BY:** Wendy A. Clark-Getzin,  
Capital Facilities Director  
and  
Darryl Piercy  
Transportation/Land Use  
Planner

**DATE:** 08/26/03  
Revised 09/15/03

**DEPARTMENT OF ORIGIN:** Capital Facilities

**DEPARTMENT(S) IMPACTED:** All

**BUDGETED AT:** There is no budgeted amount. **CAPITAL** \_\_ **OPERATING** \_\_

**EXPENDITURE REQUIRED:** There is no expenditure required.

**REVIEWED BY**  
Citizens Advisory Committee

**RECOMMENDED**  
Date:

**COMMENTS**

### SUMMARY STATEMENT:

This resolution allows Kitsap Transit, as the SEPA lead agency, to adopt formal policies to conduct SEPA discussions and actions required by state statutes.

**RECOMMENDED ACTION:** Motion to Adopt Resolution

RESOLUTION ADOPTING STATE ENVIRONMENTAL POLICY ACT PROCEDURES  
AND POLICIES GOVERNING ACTIONS BY KITSAP TRANSIT

**RESOLUTION 03-53**

WHEREAS, Kitsap Transit is a Washington municipal corporation and Public Transportation Benefit Area Authority under Ch. 36.57A RCW, organized for the purpose of providing a public transportation system and service for the residents of Kitsap County, and;

WHEREAS, Kitsap Transit regularly engages in projects to develop and improve the public transportation system in Kitsap County, and;

WHEREAS, many of Kitsap Transit's projects must be completed in compliance with the State Environmental Policy Act (SEPA), Chapter 43.21C of the Revised Code of Washington (RCW), and;

WHEREAS, many of Kitsap Transit's projects are governmental proposals that require Kitsap Transit to assume Lead Agency status under SEPA, such that Kitsap Transit must adopt policies and procedures as required and authorized under RCW 43.21C.120, and;

WHEREAS, the adoption of SEPA policies and procedures, in accordance with Washington Administrative Code (WAC) 197-11-902 and WAC 197-11-904 is an action that is procedural in nature and therefore categorically exempt from SEPA review under WAC 197-11-800(20), and;

WHEREAS, staff now recommend adoption of the SEPA procedures and policies outlined in Exhibit A, attached and incorporated by reference herein;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Kitsap Transit that Kitsap Transit hereby adopts the attached Kitsap Transit SEPA Procedures and Policies document.

ADOPTED by the Board of Commissioners of Kitsap Transit at a regular meeting thereof, held on the 7<sup>th</sup> day of October, 2003.

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Will Maupin, Chairperson

ATTEST:

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Cathie Knox-Browning  
Clerk of the Board

*Resolution 03-53*

## **EXHIBIT A**

### **KITSAP TRANSIT State Environmental Protection Act PROCEDURES AND POLICIES**

#### **1. AUTHORITY**

- 1.1** Pursuant to the State Environmental Policy Act ("SEPA"), RCW 43.21C.120, and Chapter 197-11 of the Washington Administrative Code ("WAC"), Kitsap Transit is required, and is otherwise authorized, to adopt policies and procedures with respect to its performance of or participation in environmental review of actions subject to the requirements of SEPA.
- 1.2** The SEPA rules set forth in Chapter 197-11 WAC must be used in conjunction with these policies and procedures. These policies and procedures are intended to be and shall be construed in a manner which is consistent with the SEPA rules set forth in Chapter 197-11 WAC. Any inconsistencies will be resolved in favor of the applicable SEPA rules.
- 1.3** These SEPA Policies and Procedures supersede and replace any prior SEPA policies or procedures previously adopted by Kitsap Transit.
- 1.4** If any provision of these SEPA procedures and policies or the application of these procedures and policies to any person or circumstance is held invalid, the remainder of these procedures and policies, or the application of such provision to other persons or circumstances, shall not be affected.

#### **2. SEPA PROCEDURES**

Kitsap Transit adopts all of the SEPA procedures set forth in Chapter 197-11 WAC, as applicable and amended, with the following exceptions and clarifications

##### **2.1 Exceptions**

The following sections of Chapter 197-11 WAC are excluded from Kitsap Transit's adoption by reference of Chapter 197-11 WAC, and shall not apply to actions and decisions by Kitsap Transit:

WAC 197-11-158	GMA Project Review
WAC 197-11-164	Planned Actions – Definitions & Criteria
WAC 197-11-168	Ordinances or Resolutions Designating Planned Actions
WAC 197-11-172	Planned Actions – Project Review

WAC 197-11-355	Optional DNS Process
WAC 197-11-908	Critical Areas
WAC 197-11-917	Relationship to Chapter 197-10 WAC
WAC 197-11-955	Effective Date

## **2.2 Clarifications**

Kitsap Transit's adoption by reference of Chapter 197-11 WAC, with exceptions, is further qualified by the following clarifications:

- 2.2.1 The responsible official for Kitsap Transit's decisions or actions subject to SEPA is the Executive Director of Kitsap Transit or the Executive Director's designee.
- 2.2.2 Environmental documents prepared for purposes of compliance with SEPA may be prepared by Kitsap Transit or by consultants or other persons selected and/or retained by Kitsap Transit with the understanding that the responsible official for Kitsap Transit retains ultimate responsibility for approving the content of environmental documents prepared by or for Kitsap Transit. When Kitsap Transit prepares an environmental document with the assistance of a third party, a copy of these SEPA Procedures and Policies shall be provided to that person or entity assisting Kitsap Transit.

## **3. SEPA POLICIES**

For purposes of exercising substantive and mitigation authority under SEPA, it is the policy of Kitsap Transit that significant adverse economic, social, and environmental effects relating to any proposed Kitsap Transit action should be fully considered in planning and implementing such action, and that final decisions on such action should be made in the best overall public interest after taking into consideration the following factors:

- 3.1 The goals and policies set forth in the Kitsap Transit Mission Statement attached hereto and as hereafter amended;
- 3.2 The need for fast, safe, efficient, and economical public transportation that is responsive to the needs of the public served by Kitsap Transit;
- 3.3 The adverse environmental, social, and economic effects of a proposed action and alternative courses of action;
- 3.4 The costs of eliminating or minimizing such adverse effects.
- 3.5 The goal of minimizing total single-occupancy-vehicle trips and miles traveled in and beyond the service area of Kitsap Transit.

- 3.6 The goal of using new, cleaner, and more efficient transportation technology when the technology has proven reliable and it is cost-effective in achieving the mission of Kitsap Transit.

#### **4. APPEALS**

A SEPA determination by the Responsible Official may be appealed to the Kitsap Transit Board of Commissioners (the "Board") in the manner prescribed below.

- 4.1 Appeals of a SEPA determination must be filed with the Clerk of the Board on or before 14 days from the date of issuance. For the purpose of this section, the first day following issuance of a SEPA determination shall count as day one. In the event the appeal period ends on a date on which Kitsap Transit Offices are closed, the date of appeal shall be extended to the close of business on the next date in which Kitsap Transit Offices are open.
- 4.2 Appeals shall be submitted in writing and must include the following information:
1. The case number or project name identified in the SEPA determination.
  2. The name and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate one party as the contact representative for all contact. All contact regarding the appeal, including notice of hearing date, shall be with this contact representative;
  3. The specific aspects of the SEPA determination being appealed, the reasons why each is claimed to be in error as a matter of fact or law; and
  4. The appeal fee adopted by the Board.
- 4.3 The Board shall hear all appeals of a determination of the responsible official. Appeals are conducted in a *de novo* hearing. The Board may appoint a presiding officer to manage the appeal process, conduct the hearing, and compile the record on appeal. Notice of an appeal hearing shall be mailed to the designated contact representative, but need not be posted or published. An appeal hearing shall be conducted at the earliest possible date providing the contact representative shall be given at least 15 days written notice of the hearing date, time and location.
- 4.4 The contact representative may testify and may call upon others for testimony in support of alleged errors in the SEPA determination.
- 4.5 The responsible official or designee shall have the opportunity to address the issues raised in the appeal and may call witnesses to provide testimony in support of the SEPA determination.

- 4.6 The Board will afford a fair hearing of the issues, but may limit the time for testimony.
- 4.7 The Board shall mail notice of decision on the merits of an appeal to the contact representative. The notice shall include identification of the case by number or name of the project, and a summary of the Board's decision. The notice shall also include a statement that the Board's decision can be appealed to Superior Court within twenty-one days and, where applicable, shall comply with the official notice provisions of RCW 43.21C.075.
- 4.8 The Fee for the filing of an appeal of a SEPA determination shall be \$250.00

## EXHIBIT B

# KITSAP TRANSIT MISSION STATEMENT

- To provide excellent customer service to various publics with a variety of needs.
- To provide a primary commuter resource that is competitive with the car in key target areas, especially major employer work sites and ferry terminals.
- To provide a basic transportation network for those who cannot or choose not to use an automobile.
- To help local governments manage anticipated Kitsap County growth in a manner that minimizes the negative environmental and social consequences.

*Added points for each of the above:*

### **1. Competitive with the car:**

- a. As reliable, including backups
- b. As convenient, including late evening, mid-day and emergencies (Guaranteed Ride Home)
- c. As fast if not faster in major corridors via transit advantages (Opticom, HOV treatments/lanes)
- d. As comfortable

### **2. Transportation network for those who are without or who are unable to use a car:**

- a. Safe and comfortable
- b. Reasonable hours: 8:00 a.m. to between 6:00 p.m. and 8:30 p.m. (depending upon area density)
- c. Maintain reasonable rates
- d. Convenient, especially to local shopping and medical (maximum of two transfers)
- e. Reasonable speed (half-hour wait time and trip times from two to three times as long as single occupant vehicle trip)
- f. Fully accessible and supportive of those who are disabled or frail elderly

### **3. Help manage Kitsap County anticipated growth:**

- a. Provide higher service levels at and to "centers" within urban growth areas and along major transit corridors (per regional and local land-use plans)
- b. Integrate transit services into land-use (planning and practice)
- c. Provide for amenities which attract more transit users and enhance their commute experience
- d. Minimize investments in and expansion of road system
- e. Maximize open and green spaces
- f. Minimize air and water pollution