

King County Ombudsman “Whistle-Blowers” Office Complaint

Filed by:

Ho-Chuan Chen, Ph.D., P.E., Supervisor, Travel Forecasting and Data Management Group (TFDM)
Hossein Barahimi, Transportation Planner III, TFDM
Jim Ishimaru, Transportation Planner III, TFDM
Sean Wellander, Transportation Planner III, TFDM
Jim Davis, Transportation Planner II, TFDM

*Travel Forecasting and Data Management group
King County Department of Transportation
Road Services Division, CIP and Planning Section
201 South Jackson Street, KSC-TR-0317
Seattle, WA 98104-3856*

February 28, 2003

Purpose:

The purpose of this document is to present information that has led us to conclude that individual managers and/or employees within the King County Department of Transportation, Road Services Division have committed improper actions which constitute an abuse of authority, have potentially resulted in a gross waste of public funds, and have possibly violated County, State or Federal law.

In summary, the Travel Forecasting and Data Management group (TFDM) repeatedly warned the Transportation Concurrency Management program that they were using processes and procedures in the development of their travel model which are highly unusual and non-standard for the modeling held. No clear justification or documentation has ever been produced regarding these methods; followup communications and additional warnings (internal "whistle-blowing"), have resulted in punitive and retaliatory action being taken against the TFDM.

Documentation of all points in this report are available. This document is necessarily a draft prepared in the time available; we will add to or expand our information as time allows.

This document is organized into four parts; **Purpose, Background/Context Issues and Conclusions.**

Background/Context:

The TFDM is part of the King County Department of Transportation, Road Services Division, CIP & Planning Section. It includes six King County Employees:

Ho-Chuan Chen, Ph.D., P.E., Supervisor

Hossein Barahimi, TP III, Lead for Project Applications

Jim Ishimaru, TP III, Lead for Land use and Data Management

Sean Wellander, TP III, Lead for Model Development and Research

Jim Davis, TP II, Travel data collection and analysis

Michael Ritz, TP II, Travel model applications and GIS

- The TFDM is responsible for developing the base travel model for all KCDOT travel model applications. The TFDM is the County expert in the field of travel demand modeling.
- The job of the TFDM is to produce impartial travel forecast information that can withstand scrutiny, make recommendations on procedures and critically review others work within our area of expertise. This information is then provided to decision makers.
- The TFDM develops and maintains a single countywide travel forecasting model for all King County Roads Division projects: The KC DOT travel model. It is used for all KC Comprehensive Plan, CIP road projects, Concurrency/MPS programs, Regional Transportation Planning (RTID, TIP), and other County programs. This model is also provided to consultants and other jurisdictions for their use. The TFDM group manages this program.
- The Concurrency program starts with the KC DOT Model, and modifies it with their own unique methodologies and processes. The result is used for processing concurrency applications/development proposals. The Concurrency group manages this program.
- Both Concurrency and the TFDM work under one manager in the CIP & Planning Section.

Initially, the TFDM responded to requests from the Concurrency team to review and establish consistency between the KC DIP model and the Concurrency model. As more time passed, and more serious TFDM concerns were brought to the attention of the concurrency team and section management, the environment became increasingly hostile for the TFDM. Pressure increased to “buy off” on processes, practices and results. When it became clear that we would not “buy off”, exclusion and isolation from the Concurrency program was the result. Following this was a cumulative pattern of isolation and segregation not only from the

Concurrency program, but also from other work programs which involve Travel forecasting. A situation of unequal treatment and exclusion is the current environment for the TFDM. The following are a selection of specific examples illustrating the points above:

- Recommendation relating to Travel Forecasting on major King County projects have been ignored. Even when TFDM recommendations were not followed, ultimate responsibility was still expected to lie with the TFDM.
- Travel Forecasting work which the TFDM should perform has been contracted out, sometimes without the TFDM's knowledge.
- The TFDM has been excluded from participating in major programs with Travel Forecasting components requiring the TFDM's unique expertise and knowledge – yet these programs were making decisions which determine, in some cases, the future direction and work of the TFDM group.
- The TFDM has been subject to unprofessional behavior in meetings with management.
- When recommendations are made by the TFDM which are different than predetermined courses of action on a project, substantial pressure is brought to change our recommendation or “buy off” on the predetermined alternative. To do this, however, would be a violation of professional standards of conduct.
- When we have not changed our recommendations, the TFDM group has been portrayed as “hard to work with”, “hard to get along with”, and “unreasonable”.
- When we have raised these issues to our management, the typical pattern of behavior is to initially ignore our concerns, then after following up with additional communication about our concerns, we are pressured to “stop using email” to communicate our concerns.

Issues:

1. The Concurrency model is described in King County Code as being calibrated to Federal Highway Administration (FHWA) standards.

King County Code, Chapter 14.70, "Transportation Concurrency Management", 14.70.210 Definition X: "Traffic model" means the computer program and data used to forecast traffic volumes and is calibrated to Federal Highway Administration (FHWA) standards."

For this to be an accurate statement, the concurrency model would have been re-calibrated to FHWA standards once Concurrency program modifications were made. We believe this has not occurred.

2. The Concurrency model is described in King County Code 14.70.270 as conforming with the guidelines and procedures of the FHWA.

King County Code, Chapter 14.70, "Transportation Concurrency Management", 14.70.270, titled, "Update and use of the traffic model", states that: The traffic model shall conform to the guidelines and procedures described by the Federal Highway Administration in its publication entitled Calibration and Adjustment of System Planning Models dated December 1990 or its successor."

Known assumptions and processes used in the Concurrency model are not consistent with FHWA guidelines. The concurrency program has lane capacities of 1,750 vehicle/lane/peak hour for the road adjacent to the Redmond Ridge development (Novelty Hill Road) in Northeast King County. The calibration process did not follow FHWA processes.

3. Development and application of the Concurrency model has not followed the conclusions and recommendations made by the County Auditor's office in their July 13, 1999 study.

In the King County Auditor's office report No. 99-04, titled, "Special Study – King County Traffic Volume Forecast Model", the Department of Transportation was asked to have internal controls to assure the quality and integrity of the model results. Internal controls need to be established for data input, data output, and model validation and calibration.

Internal controls are as critical today as they were at the time the County Auditor's report was produced. Today, there is a Travel Forecasting group within King County which did not exist at the time of the Auditor's report. This group (TFDM) is responsible for model development and travel

forecasting within King County. For “Internal control”, it is crucial that this group be involved with all relevant KC travel forecasting and modeling work, and be allowed to provide an impartial evaluation and make recommendations on improvements to meet national standards. The TFDM has warned the Concurrency program about its unusual and non-standard modeling practices; however, these warnings have been ignored.

The TFDM (Travel Forecasting and Data Management) group has the greatest travel model expertise, knowledge, and experience in King County. After reviewing available Concurrency model development processes, the TFDM provided concerns and error warnings to the Concurrency program. However, these warnings were ignored. The group was then isolated from any future involvement with the Concurrency program. The TFDM is the best and most logical option currently available for “internal control”, as defined by the County Auditor’s report. However, it was excluded from input on Concurrency issues from that point on.

4. The Concurrency program approved the Redmond Ridge East development based on known incorrect land use and capacity assumptions.

The concurrency program has knowingly processed applications using methodology and assumptions that are incorrect. Variables such as the number of lanes and lane capacity are incorrect in the area of the Redmond Ridge East development in Northeast King County; in addition, Snohomish County growth was not included. Recommendations provided by the TFDM group to correct these errors and inconsistencies were ignored. Management told us that there was “no risk” in continuing to use their assumptions.

The number of Single Family (SF) units approved by Concurrency (1,325 + 183=1,508) for the “Panhandle development” in the Redmond Ridge East is based on the Concurrency Model, which is based on a number of incorrect assumptions and processes. For example, the Concurrency Model assumes 1,750 vehicles per direction in the PM peak hour for Novelty Hill road, the main arterial roadway directly adjacent to the development. This is not consistent with FHWA’s capacity recommendations (Arterial, with left turn bays, 20 – 45 mph, 700 – 1,000 per lane). County traffic engineers have pointed out that the capacity value is more closely associated with a freeway, with no intersections.

Conclusions:

1. The Concurrency program failed to follow FHWA Guidelines as stated in the concurrency ordinance.
2. They are not currently following County auditor recommendations.
3. They presented false information to the King County Council, in order to pass a concurrency ordinance.
4. They issued concurrency certificates for 1,508 single family unit in the Redmond Ridge East area, using a model that was not re-calibrated, which does not include Snohomish County growth, and which has inconsistent link capacity assumptions.
5. They presented incorrect information in the Analysis and Alternative Transportation Concurrency Measures study presented to the King County Council for adoption of a new ordinance.
6. The concurrency group assembled an advisory committee to provide guidance to the County on the process of updating the concurrency model. Available County staff with extensive travel model development and travel forecasting background (TFDM) were not included in this committee.
7. The TFDM is the only technical group within King County responsible for travel model development and travel forecasting, and is the most appropriate group to be involved with the development of any new travel model with King County. In spite of this, the TFDM has been isolated and deliberately prevented from participating in the development of a new concurrency model.
8. The TFDM has been isolated and deliberately prevented from participating in all King County travel forecasting programs (retaliation).
9. The actions of the Concurrency Program are unethical, unprofessional, and may be illegal.
10. These actions have tremendous potential to damage the County's reputation.
11. These actions have tremendous potential budgetary/economic impacts on King County and its citizens.