

# 1.0

# Introduction

Washington State's Commute Trip Reduction (CTR) Law was adopted by the 1991 Legislature (*Chapter 202, Sections 10 to 19*) and incorporated into the Washington Clean Air Act as RCW 70.94.521-551. Its intent is to improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single-occupant vehicle (SOV) for the commute trip. These strategies are also known as transportation demand management (TDM). These acronyms, as well as others referred to in this document, are included in Table 1 below.

**Table 1. Abbreviations**

SEPA	(Washington) State Environmental Policy Act
CTR	Commute trip reduction
DOE	(Washington State) Department of Ecology
DOR	(Washington State) Department of Revenue
ETC	Employee transportation coordinator
GMA	(Washington State) Growth Management Act
HOV	High-occupancy vehicle
ISTEA	(United States) Intermodal Surface Transportation Efficiency Act
MPO	Municipal planning organization
RCW	Revised Code of Washington
RTPO	Regional transportation planning organization
SOV	Single-occupant vehicle
TAT	(Washington State Department of Transportation) Technical Assistance Team
TAZ	Traffic analysis zone
TDM	Transportation demand management
TMA	Transportation management association
TMO	Transportation management organization
VMT	Vehicle miles traveled
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

The law applies to employers with 100 or more full-time employees at a single worksite who are scheduled to begin their workdays between 6:00 and 9:00 a.m. weekdays and that are located in counties with populations of over 150,000 (Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties). The law establishes goals for reducing commute trip vehicle miles traveled (VMT) by the employees of affected employers. These goals were established in 1991 as a 15 percent reduction by 1995, a 25 percent reduction by 1997, and a 35 percent reduction by 1999, measured against the 1992 average in the area where the site is located. The law, including 1997 amendments, is reproduced in Appendix A.

An initial CTR Task Force (hereinafter referred to as “Task Force”) was appointed by then-Governor Booth Gardner pursuant to the requirements of RCW 70.94.537. The primary responsibility of the Task Force was to establish guidelines for the development of CTR plans by affected local jurisdictions. Current members of the Task Force are listed in Appendix B.

In 1997, the Legislature passed amendments to the law which changed the SOV and VMT reduction goals from 25 percent to 20 percent in 1997, 35 percent to 25 percent in 1999, and extended the program and established a 35 percent reduction goal in 2005. Additionally, the amendments:

- Specify that employers are required to make a good faith effort to implement CTR at their worksites;
- Clarify that failure to achieve the SOV and VMT reduction goals is not a violation;
- Expand the size of the Task Force to 28 members, adding an additional six employer representatives, and broadens the employer nomination process; and
- Direct the Task Force to develop a statewide public awareness campaign.

This edition of the guidelines reflects changes resulting from these amendments.

## 1.1 Guiding Principles

In developing these guidelines, the Task Force examined the experience of others around the country with similar laws and arrived at a set of "guiding principles" it believed would help ensure the success of CTR plans and programs in Washington. The key elements of these guiding principles are:

- The law must be implemented cooperatively in a process that involves state and local governments, employers, transit agencies and citizens. That is the primary reason for the broad public-private composition of the Task Force. That same cooperative approach is essential as local jurisdictions develop and implement their plans.
- There must be sufficient flexibility in the local government plans to allow employers to design programs that work for their employees and situation, while at the same time ensuring consistency and fairness. One program will not fit all.
- In order to be fair and effective, many state and local government agencies are also subject to the requirements of the law.
- Because of the strong link between this law and other land use and growth management laws, coordination with regional transportation planning organizations (RTPOs) is essential in developing and implementing commute trip reduction plans. The link with the Growth Management Act (GMA) is a prime example. The GMA (*RCW 36.70A.070 [6][e]*) requires

coordination of land use and transportation plans and calls for a TDM element in local comprehensive plans.

- CTR plans and programs must be developed in such a way that the benefits to the community, employers, and employees are clear. Efforts under this law will succeed to the extent they are seen as providing benefits. The advantages to the community will be evident in terms of reduced air pollution, traffic congestion, and energy consumption. Benefits to employers and employees, however, may initially be less apparent; and care must be taken to make those benefits both real and obvious.
- The success of programs like The Economic Development Council of Seattle and King County's "Commuter Challenge," under which employers have voluntarily undertaken efforts to reduce commute trips, is an indication that CTR efforts work. Programs that offer employees real options can have benefits for both employer and employee.
- Eliminating motor vehicle trips is the most effective way to meet clean air, traffic congestion, and energy goals through CTR. Therefore, alternative modes such as teleworking, walking, bicycling and compressed work weeks should be given priority.

## 1.2 Authority and Consistency

The Task Force feels strongly about promoting consistent implementation of the law and believes that to ensure consistency, these guidelines should be accepted in their entirety. In 1992, inquiries were made about adopting the guidelines into the Washington Administrative Code (WACs). At that time, the assistant attorney general for the Washington State Energy Office determined that the Task Force did not have the authority to establish WACs. However, in 1997, Governor Locke (*Executive Order 97-02, Regulatory Improvement*) directed, in part, that "...each [state] agency shall review its existing policy and interpretive statements or similar documents to determine whether or not they must, by law, be adopted as rules." The Task Force will work with WSDOT to determine the impact of this order on these guidelines.

### 1.2.1 Authority

The law provides for the creation of the Task Force. The Task Force "shall establish guidelines for commute trip reduction plans." *RCW 70.94.537[2]* These guidelines are promulgated for the purpose of fostering consistency among the CTR plans of local jurisdictions. They are not "rules" in the legal sense of the word. The Task Force cannot require local jurisdictions' compliance with the terms of the Guidelines. However, because one of the primary purposes behind the CTR law and these guidelines is to promote consistency, the Task Force strongly recommends that local jurisdictions follow the guidelines and the model CTR ordinance (see Appendix C).

Local jurisdictions should recognize that, at this time, the only legally binding aspects of the guidelines are those that restate the requirements of the CTR law.

## 1.2.2 Consistency

The primary charge to the Task Force was to develop guidelines for the CTR plans of affected jurisdictions. "The guidelines are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the task force determines are relevant." *RCW 70.94.537[2]* Stated another way, the intent of the guidelines is to ensure that employers facing similar circumstances that might affect employee commuting behavior are treated the same in all important respects, regardless of the jurisdiction in which they are located.

These guidelines are the primary means for ensuring consistent treatment of employers. The specific mechanisms to ensure consistency include:

- A model ordinance on which local CTR ordinances should be based.
- Methods for establishing CTR zones. These are areas in which all affected employers are to have the same goals for vehicle miles traveled (VMT) per employee and proportion of SOV trips.
- Methods for determining the CTR zones' base year values for VMT per employee and proportion of SOV trips, from which the goals are derived.
- Methods for determining employers' progress toward the goals and the reporting requirements with which affected employers must comply.
- Methods to ensure that employers receive credit for the results of TDM efforts undertaken prior to the time they became subject to local CTR ordinances.
- Training requirements for employees of jurisdictions that will be enforcing CTR ordinances.

## 1.3 Relation to Other TDM Requirements

The Task Force strongly recommends that local jurisdictions make existing TDM efforts compatible with the requirements of RCW 70.94.521-551 and these guidelines. Several jurisdictions have implemented, or are considering implementation of, TDM requirements for employers and/or developers through the permitting of new facilities under the State Environmental Policy Act (SEPA). Many of these efforts have been and continue to be quite successful. The Task Force recognizes that jurisdictions may use TDM to satisfy different goals than those in the CTR law because of other considerations. The Task Force encourages jurisdictions to review existing and

proposed TDM requirements that are based on SEPA and make them compatible with the CTR law where feasible. The Task Force recommends that property owners and employers be treated equitably and that, wherever possible, jurisdictions reduce the conflict, duplication and higher cost of separate or conflicting TDM requirements at the same worksite. To this end, SEPA-based TDM requirements for employers and/or developers should, as with the CTR law, be based primarily on performance goals rather than specific program elements, with progress measured using the same instruments, methodologies, and reporting requirements used for employers subject to the jurisdiction's CTR ordinance as recommended by these guidelines.

## **1.4 Interjurisdictional Cooperation**

The Task Force strongly recommends that, to the extent possible, jurisdictions in the affected counties enter into cooperative arrangements for the implementation of their CTR plans. This is particularly critical for jurisdictions that contain relatively few affected employers. Such arrangements may be made with the county, other cities, transit agencies, regional councils or RTPOs, or other entities, as appropriate. The arrangements may be entered into through interlocal agreements or contracts. *RCW 70.94.527[6]*

This recommendation is made both to stretch the limited resources available for implementing the CTR law and to facilitate consistent treatment of employers across jurisdictional boundaries. Significant economies of scale can be achieved through cooperation. In addition, minimizing the number of entities administering and enforcing CTR plans will likely increase the consistent application of ordinance and plan requirements.

## **1.5 Cooperation Among Affected Employers**

Affected employers are encouraged to enter into cooperative arrangements with other affected employers in their immediate vicinity for the development and implementation of CTR programs. These arrangements could be through the formation of transportation management organizations (TMOs), or they could be less formal. *RCW 70.94.531[3]* This would be particularly appropriate for smaller affected employers. The advantages of such cooperation include economies of scale, the potential for sharing resources, and the formation of a larger "critical mass" of employees, making ridesharing arrangements or special transit services easier.

## **1.6 Employer Size Threshold**

Affected local jurisdictions may, as part of their CTR plans, "require commute trip reduction programs for employers with ten or more full-time employees at major worksites in federally designated non-attainment areas for [both] carbon monoxide and ozone." *RCW 70.94.527[5]* The Task Force, however, was charged with recommending to the Legislature by October 1, 1992, the "minimum size employer who shall be required to implement [commute] trip reduction programs..." *RCW 70.94.537[3]*

In 1992, the Task Force recommended that jurisdictions not consider applying their option of lowering the employee threshold below 100 employees until after the second review of employer programs has been completed and reported to the Task Force. After reviewing program data, they subsequently recommended in December 1995 that the Legislature and local jurisdictions not lower the employer size threshold at that time. Their reasoning was that the administrative costs of expanding the program were greater than the probable benefits. The Task Force also pledged to review the recommendation and offer guidance to the Legislature on this issue as part of their 1999 legislative report.