

## 2.0 Administrative Guidelines

### 2.1 Preamble

This chapter contains administrative direction from the Task Force to help provide consistency in the adoption and administration of CTR ordinances by cities and counties.

### 2.2 Purpose

The purpose of this chapter is to suggest language for jurisdictions to use in their letters of transmittal attached to local ordinances; to state general goals and objectives; to define terms used throughout these guidelines; to outline jurisdiction CTR plan requirements; and to recommend administrative procedures for jurisdictions.

### 2.3 Findings

This section provides language that jurisdictions may find appropriate to use in letters of transmittal attached to local ordinances. Suggested language:

“Automotive traffic is a major source of emissions that pollute the air. Air pollution causes significant harm to public health and degrades the quality of the environment.”

“Increasing automotive traffic aggravates traffic congestion in *(city/county)*. Traffic congestion imposes significant costs on *(city/county)* business, government, and individuals in terms of lost working hours and delays in the delivery of goods and services. Traffic congestion worsens automobile-related air pollution and increases fuel consumption, making *(city/county)* a less desirable place to live, work, visit, and do business. Capital and environmental costs of fully accommodating the existing and projected automobile traffic on roads and highways are prohibitive. Decreasing the demand for vehicle trips is significantly less costly and is at least as effective in reducing traffic congestion and its impacts as constructing new transportation facilities.”

“Increasing automotive transportation is a major factor in the increasing consumption of gasoline and reliance on imported sources of petroleum. Moderation in the growth of automotive travel is essential to stabilizing and reducing dependence on imported petroleum and improving the nation's energy security.”

“(City/County) finds that reducing the number of commute trips to work made in single-occupant vehicles (SOVs) is an effective way to reduce automobile-related air pollution, traffic congestion, and energy use. Employers have significant opportunities to encourage and facilitate the reduction of SOV commuting by employees.”

“State policy, as set forth in RCW 70.94.521-551 and the guidelines of the CTR Task Force, requires (city/county) developing and implementing a plan to reduce SOV commute trips. The plan must require affected employers to implement programs to reduce vehicle miles traveled per employee and the number of SOVs used for commuting purposes by their employees.”

“CTR efforts implemented under this ordinance may be incorporated in the State Implementation Plan for the attainment of federal standards for ozone and carbon monoxide. CTR efforts implemented under this ordinance meet, in part, the transportation demand management requirements of the Washington State Growth Management Act (GMA -- RCW 36.70A.070[6][e]).”

“RCW 70.94.527[6] calls for consistency with related plans including ‘local comprehensive plans’ required under the GMA.”

“Adoption of this ordinance will promote the public health, safety, and general welfare within (city/county) and the region.”

## **2.4 General Goals and Objectives**

The Task Force recommends that jurisdictions' ordinances be consistent with the following general goals and objectives:

### **2.4.1 General Goals**

1. Reduce automobile-generated air and water pollution, relieve traffic congestion, reduce energy consumption, and reduce air pollution-related health problems.
2. Reduce peak period motor vehicle trips and the amount of VMT associated with commute trips.

3. Make optimal use of existing and future transportation systems to minimize costs and preserve business opportunities in Washington State.
4. Treat affected employers in a fair and reasonable manner.
5. Establish a plan consistent with the guidelines set by the Task Force, as well as CTR plans of counties, cities, or towns sharing common borders or common regional transportation and growth issues.
6. Minimize the administrative burden of local jurisdictions and affected employers in achieving CTR goals.
7. Promote consistency among jurisdictions statewide with respect to implementing the CTR law.

## **2.4.2 Objectives**

1. To require all affected employers to develop and implement CTR programs designed to:
  - a. Reduce the VMT per employee from the 1992 base year value established for each CTR zone. These reductions shall be at least 15 percent by January 1, 1995; 20 percent by January 1, 1997; 25 percent by January 1, 1999; and 35 percent by January 1, 2005.

*RCW 70.94.527[4g] requires that goals for reductions in VMT per employee be "not less than" 15, 20, 25, and 35 percent in the stated years.*

- b. Reduce the proportion of SOV trips from the base year value established for each CTR zone. These reductions shall be at least 15 percent by January 1, 1995; 25 percent by January 1, 1997; 25 percent by January 1, 1999; and 35 percent by January 1, 2005.

*RCW 70.94.527[4a] requires local governments to adopt specific goals for reductions in SOV trips. The Task Force determined that these goals should be the same percentage reductions as set in RCW 70.94.527 for VMT. Also see Measurements and Evaluations Guidelines, Chapter 3.0.*

- c. Inform and educate employees about commute alternatives.
2. To establish, consistent with the guidelines, the following:
    - a. CTR zones.
    - b. Base year values for the proportion of SOV commute trips and the commute trip VMT per employee for each CTR zone.
    - c. A means for measuring progress toward meeting CTR goals.
    - d. Methods for assuring consistent treatment of employers that have worksites subject to the requirements of CTR ordinances in more than one jurisdiction.
    - e. An appeals process by which affected employers may obtain an exemption from, or a modification of, CTR ordinance requirements.
    - f. Methods to ensure that employers receive credit for the results of TDM efforts and CTR programs implemented prior to the base year.
    - g. A method to set alternative CTR goals for affected employers that cannot meet the goals because of the unique nature of their business.
    - h. A method to set alternative CTR goals for affected employers that undergo worksite changes that contribute substantially to traffic congestion in a CTR zone.

## **2.5 Definitions**

### **2.5.1 Affected Employee**

A full-time employee who begins his or her regular work day at a single worksite between 6:00 and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months, who is not an independent contractor, and who is scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week. *Based on RCW 70.94.524[1].*

The employee will only be counted at his or her primary worksite.

Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees. *RCW 70.94.527[11]*

## **2.5.2 Affected Employer**

An employer is a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit, or private, that employs (100) or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months.

*This term is based on the law's definition of "major employer" (RCW 70.94.524[11]) but accommodates the possibility that the employer size threshold may be lowered locally or by the state in the future. If a qualified local jurisdiction decides to lower the employee threshold as permitted under RCW 70.94.527[5], it should change the number of employees in parentheses to the appropriate number.*

Construction worksites, when the expected duration of the construction project is less than two years, are excluded from this definition. *RCW 70.94.527[12]*

## **2.5.3 Alternative Mode**

Any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including teleworking and compressed work weeks, which results in fewer commute trips.

## **2.5.4 Alternative Work Schedules**

Programs such as compressed work weeks that eliminate work trips for affected employees.

### **2.5.5 Base Year**

The period from January 1, 1992, through December 31, 1992, on which goals for VMT per employee and proportion of SOV trips shall be based. *RCW 70.94.524[7]*

### **2.5.6 Carpool**

A motor vehicle occupied by two to six people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

### **2.5.7 Chief Executive Officer (CEO)**

Is the highest-ranking official at an employer worksite, who may or may not be the company CEO. This term is understood to encompass other official designations or job titles.

### **2.5.8 Commute Trips**

Trips made from a worker's home to a worksite with a regularly scheduled arrival time between 6:00 and 9:00 a.m. (inclusive) on weekdays. *Based on 70.94.524[5], with clarification that "scheduled arrival time" conforms to other definitions that refer to the time employees "begin their regular work day."*

### **2.5.9 CTR Plan**

A local jurisdiction's plan and ordinance to regulate and administer the CTR programs of affected employers within its jurisdiction.

### **2.5.10 CTR Program**

Is an employer's strategies to reduce affected employees' SOV use and VMT per employee.

### **2.5.11 CTR Zone**

An area, such as a census tract or combination of census tracts, within a local jurisdiction, characterized by similar employment density, population density, level of transit service, parking availability, access to high-occupancy vehicle (HOV) facilities, and other factors that are determined to affect the level of SOV commuting. *RCW 70.94.524[3]*

### **2.5.12 Commuter Matching Service or Ride matching**

A system that assists in matching commuters for the purpose of commuting together.

### **2.5.13 Compressed Work Week**

An alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four ten-hour days or 80 hours in nine days, but may also include other arrangements. *Defined in response to RCW 70.94.527[10], which requires a special method of measuring eliminated commute trips.*

### **2.5.14 Custom Bus/Bus Pool**

A commuter bus service arranged specifically to transport employees to work.

### **2.5.15 Dominant Mode**

The mode of travel used for the greatest distance of a commute trip. *Defined to conform to the measurement and survey requirements contained in the Measurements and Evaluation Guidelines, Chapter 3.0.*

## **2.5.16 Employer**

A sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit, or private, that employs workers.

## **2.5.17 Employer Exemption**

A waiver from CTR program requirements granted to an employer by a local jurisdiction, based on unique conditions that apply to the employer or employment site.

## **2.5.18 Flextime**

An employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

## **2.5.19 Full-Time Employee**

A person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.

## **2.5.20 Good Faith Effort**

An employer's act of meeting the minimum requirements identified in RCW 70.94.531 and working collaboratively with the local jurisdiction to continue their existing program or to develop and implement program modifications likely to result in improvements to the program over an agreed-upon length of time. *RCW 70.94.534[2]*

## **2.5.21 Implementation**

Active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and the guidelines, as evidenced by appointment of an employee transportation coordinator (ETC), distribution of information to employees regarding alternatives to SOV

commuting, and commencement of other measures according to their CTR program and schedule. *RCW 70.94.534[5] permits civil penalties for "failure by an employer to implement a commute trip reduction program..." The Task Force interpreted "implementation" in conformance with employer requirements in RCW 70.94.531.*

### **2.5.22 Measurement Week**

The period of time about which employees are asked to report when being surveyed about their travel habits.

### **2.5.23 Mode**

The means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, and walking.

### **2.5.24 Peak Period**

The hours from 6:00 to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

### **2.5.25 Peak Period Trip**

Any employee trip that delivers an employee to his or her worksite to begin his or her regular workday between 6:00 and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays. *From the definition of commute trip in RCW 70.94.524[4]*

### **2.5.26 Proportion of Single-Occupant Vehicle Trips (SOV Rate)**

The number of commute trips over a set period made by affected employees in SOVs divided by the number of affected employees working during that period. *RCW 70.94.524[5]*

### **2.5.27 SOV**

A motor vehicle occupied by one employee for commute purposes, including a motorcycle.

### **2.5.28 SOV Trips**

Trips made by affected employees in SOVs.

### **2.5.29 Single Worksite**

A building or group of buildings on physically contiguous parcels of land, or on parcels separated solely by private or public roadways or rights-of-way, occupied by one or more affected employers. *Defined to distinguish "single worksite," referred to in RCW 70.94.524[1], from "major worksite," defined in RCW 70.94.524[2].*

### **2.5.30 Telecommuting/Teleporting**

The use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half. *Defined in response to RCW 70.94.527[10], which requires a special method of measuring eliminated commute trips.*

### **2.5.31 Transit**

A multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

### **2.5.32 Transportation Management Organization/Association (TMO/TMA)**

A group of employers, or a group representing employers, located in a defined geographic area. A TMO or TMA may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.

### **2.5.33 Vanpool**

A vehicle occupied by seven to 15 people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

### **2.5.34 VMT Per Employee**

The sum of the individual motor vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period.

### **2.5.35 Week**

A seven-day calendar period, starting on Monday and continuing through Sunday.

### **2.5.36 Weekday**

Any day of the week except Saturday or Sunday.

### **2.5.37 Writing (Written/In Writing)**

Original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

## **2.6 Local Jurisdiction CTR Plan**

### **2.6.1 Local Jurisdiction Plan to Task Force**

Not more than 30 days after adoption of a CTR plan and ordinance, the local jurisdiction shall submit its CTR plan or summary and certification of its adoption to the Task Force. The CTR plan or summary will include:

1. Goals for reduction in SOV rates and VMT per employee;

2. Designation of CTR zones;
3. Requirements for affected employers;
4. A commitment to develop a CTR program for its own employees;
5. A commitment to review local parking policies and ordinances as they relate to affected employers and affected worksites and to make any revisions necessary to comply with CTR goals and guidelines in a period consistent with the time lines of the GMA review process;
6. An appeals process for affected employers; and
7. A means to determine base year values for the SOV rate, VMT per employee, and progress toward meeting CTR goals.

*Based on RCW 70.94.527[7], local jurisdictions must submit a plan to the Task Force 30 days after passing their CTR ordinances. RCW 70.94.527[4] lists all the elements of the plan.*

## **2.6.2 CTR Program for Local Jurisdiction Employees**

Any jurisdiction adopting a CTR ordinance with at least one affected employer must implement a program at each of its own employee worksites that meet the definition of affected employer. If the jurisdiction has no such worksite(s), a program must be implemented at the worksite with the largest affected employee population. The jurisdiction will submit the program to the jurisdiction(s) in which its affected worksites are located within six months after the adoption of the applicable CTR ordinance(s). The local jurisdiction will implement a CTR program within six months after submittal. *RCW 70.94.527[4][d]*

## **2.6.3 Annual Report to the Task Force**

Each year on July 1, beginning in 1994 through 2005, affected local jurisdictions shall report to the Task Force on the progress towards plan goals in each CTR zone. *RCW 70.94.527[8]. Costs incurred by all government agencies, including but not limited to cities, counties, transit agencies, RTPOs, municipal planning organizations (MPOs), and the state, shall also be*

*reported to the Washington State Department of Transportation (WSDOT) and will be released as part of the CTR program evaluation.*

## **2.7 Recommended Administrative Procedures**

Jurisdictions should be consistent with the following administrative processes:

### **2.7.1 Annual Progress Report Procedures**

The format for employers' annual progress reports will be approved by the WSDOT Technical Assistance Team (hereinafter referred to as the TAT). The requirements for the annual progress report shall be consistent with information necessary for a rigorous assessment of the statewide costs and benefits of the CTR law. As part of the annual progress report, affected employers will be asked but not required to complete a survey on costs associated with the administration of the CTR program at their worksites (except as specified below in the Document Review and Program Modifications section). This cost survey will be sent directly to WSDOT for evaluation purposes and will be kept confidential to the extent possible but will be subject to public disclosure. Cost information on specific employers will not be released to local jurisdictions or any other party without prior notification of the employer. When evaluation results are released by WSDOT, cost information will be reported only in aggregate form, and no single employer or worksite will be identifiable. *RCW 70.94.537[5]*

### **2.7.2 Employers with Worksites in Multiple Jurisdictions**

Employers and jurisdictions are to work collaboratively and in good faith so that the administrative burden on employers implementing CTR programs at worksites in multiple jurisdictions can be lessened.

Employers with worksites subject to CTR requirements in multiple jurisdictions may request that a consistent program reporting and/or survey date(s) be established for all or any of its worksites in all or any of the affected jurisdictions.

Employers may also request that the appropriate jurisdictions collaborate during the program review process and/or that jurisdictions accept a single CTR program for all of the employer's worksites if it can be determined that the proposed CTR program is likely to achieve the applicable CTR goals at each of the worksites.

At least 60 days prior to the first scheduled program reporting date for the employer in a given calendar year, employers must make such requests in writing to the jurisdiction with the largest number of the employer's worksites or to the jurisdiction with the largest number of the employer's employees. The employer must send copies of the request to all other jurisdictions where the employer has a worksite subject to CTR requirements.

Requests from state agencies with worksites in multiple jurisdictions are to be made to and coordinated by the State Department of General Administration's State Agency CTR program staff, who will work collaboratively with the requesting agency and with all jurisdictions involved.

The jurisdiction receiving the original request shall be the coordinating jurisdiction and shall establish a process so that a solution acceptable to the employer and the affected jurisdictions can be reached. The process must convene within 30 days from the date the employer's request is received and shall be completed within 60 days of receiving the original request.

Jurisdictions shall notify the TAT when they receive a request. RCW 70.94.527[9] requires that any requests for modifications of the requirements of a CTR plan be submitted to the Task Force for review. The TAT, as staff to the Task Force, may act on behalf of the Task Force. Neither the Task Force nor the TAT may grant or deny employer requests. They shall, however, make comments and/or suggestions to promote statewide consistency in implementing the CTR law. Jurisdictions shall also notify the TAT as to the disposition of any requests. The TAT shall provide regular updates to the Task Force on the disposition of employer requests. A list of current TAT members is included in Appendix D.

### **2.7.3 Appeal of Administrative Decisions**

Affected employers may appeal administrative decisions regarding exemptions, modification of goals, CTR program elements, and violations to the local jurisdiction's appeals body named in the ordinance.

Any affected employer may appeal the imposition of penalties to the local jurisdiction's designated appeal body. Such appeal may be granted if:

1. The employer can show the violations for which the penalties were imposed occurred for reasons beyond the control of the employer; and/or

2. The penalties were imposed for the failure of the employer to revise its CTR program as directed by the local jurisdiction, and the employer can demonstrate that the measures the local jurisdiction directed the employer to incorporate in its CTR program are unlikely to reduce the proportion of SOV trips and/or VMT per employee. It is anticipated that the information to support such an appeal will be developed as part of the CTR program evaluation.

#### **2.7.4 Document Review and Program Modifications**

The local jurisdiction shall review each employer's CTR program description and/or annual report within 90 days of submittal. If the local jurisdiction is unable to review the employer's CTR program description within 90 days, it shall notify the employer in writing of its intention to extend the review period for up to 90 days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

The jurisdiction shall review each employer's program description and annual report to determine if the program is likely to meet the applicable CTR goals. *Based on RCW 70.94.534[3]*. Until 1995 (or the employer's first goal year) the local jurisdiction will notify the employer of any comments or suggested modifications. In and after 1995 (or the employer's first goal year) the jurisdiction may suggest or require program modifications within the following guidelines:

1. If the employer meets or exceeds either or both the SOV rate and the VMT per employee goal(s), the jurisdiction shall not require program modifications.
2. If the employer achieves neither the SOV rate nor the VMT per employee goal but is making a good faith effort as defined in RCW 70.94.534[2], the jurisdiction shall work collaboratively with the employer to continue the existing program or implement program modifications likely to result in improvements to the program over an agreed upon length of time.
3. If an employer achieves neither the SOV rate nor the VMT per employee goal and has not made a good faith effort as defined in RCW 70.94.534[2], the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within 30 days.

If an employer fails to meet both the SOV rate and the VMT per employee goals, the employer may be required to provide the local jurisdiction with information regarding subsidies to their employees participating in the CTR program. That is, the

employer must include a per participating employee subsidy level, for each mode of transportation, and for each period of time the subsidy covers. (Example: Each employee using transit can receive a \$21 per month transit subsidy if they sign up with the ETC.)

### **2.7.5 Employer and Employee Exemptions**

An affected employer may request that its jurisdiction grant an exemption from all CTR program requirements or penalties for a particular worksite. An exemption may be granted if the employer is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. *The Task Force believes it will be extremely rare for a situation to arise in which it is impossible to take any steps to improve the proportion of SOV trips and VMT per employee.*

An exemption from the requirements of a CTR ordinance may be granted to a worksite if the employer can illustrate how the business conditions, site characteristics, and organizational factors at the worksite make it infeasible for that worksite to implement even the minimum requirements of a CTR program. Examples of conditions that may qualify a worksite for an exemption include bankruptcy; financial reorganization; significant employee reductions; or a protracted labor strike by a significant portion of the worksite's employees. Exemptions granted by jurisdictions shall remain in effect as long as the condition, which led to the granting of the exemption, is present. All exemptions shall be reviewed annually by the jurisdiction.

The process of exempting some affected employees from the requirements of a CTR program is sometimes known as an affected employee adjustment. Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employee who work variable shifts throughout the year and who do not rotate as a group to identical shifts. Conditions which should be considered in assessing requests for employee exemptions include but are not limited to: employee flexibility in scheduling start time; ability to telework or utilize alternative work schedules; the number of employees on similar schedules; and the need for private vehicles to conduct work activities. Affected employees who are exempted from a worksite's CTR program should be counted when determining the total number of affected employees at the worksite. Affected worksites that receive exemptions for some employees based on the conditions identified above shall measure progress towards the applicable SOV or VMT goals based on the employees who remain affected by the program, even if this number is less than 100 employees.

## 2.7.6 Goal Modifications

An affected employer may request that its jurisdiction modify its CTR program goals. An employer seeking a goal modification should file its request in writing with the local jurisdiction at least 60 days prior to the date which the worksite is required to submit its annual report. The goal modification request should clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate to the jurisdiction that it has implemented all of the elements contained in its approved CTR program. RCW 70.94.527[4][f] allows employers, which, as a result of special characteristics of their business or location, would be unable to meet the requirements of a CTR, plan to appeal for a waiver or modification of those requirements. “Special characteristics” include such things as changes in a worksite’s workforce, and limited availability of public transportation services including ridesharing vehicles.

Upon receiving a request for a goal modification, the jurisdiction shall inform the TAT of the request. RCW 70.94.527(9) requires that any requests for modifications of the requirements of a CTR plan shall be submitted to the Task Force for review. As staff to the Task Force, the TAT is responsible for acting on behalf of the Task Force on such requests. The Task Force (through the TAT) may not grant nor deny a waiver or modification, but shall make comments and suggestions to promote statewide consistency in implementing the CTR law. Jurisdictions shall also inform the TAT of all approvals or denials of requests for goal modifications, and the TAT will provide regular updates to the Task Force on goal modifications granted or denied.

Jurisdictions should reply to request for goal modification in writing within 30 days of receiving such a request. The jurisdiction must clearly document the factors which went into its decision to grant or deny the request. Requests for goal modifications which are granted by a jurisdiction shall be reviewed annually and considered valid if the worksite continues to face the same special characteristics or location barriers which led to the initial approval of the modification. The Task Force encourages jurisdictions to work collaboratively with employers, local transportation providers, and the TAT to resolve barriers which prevent worksites from reaching the applicable CTR goals.

Jurisdictions may grant the types of goal modifications shown in Table 2 below in accordance with the specified criteria.

### Table 2. Modifications

Type of Modification	Criteria
Worksite measured against base year values of contiguous CTR zone	Worksite is within three blocks (1/4 mile) of another CTR zone and the conditions in that zone are more similar to the site characteristics than the conditions in the designated zone. The site characteristics will be compared to its designated zone and the adjoining zone in terms of accessibility of facilities and services; level of transit service and amenities; location of sidewalks/pedestrian trails and bicycle facilities; parking costs and availability; and employment density.
Worksite measured against site specific base year value	No formal request necessary. Granted automatically through baseline survey for newly affected sites and retroactively granted for sites that conducted baseline surveys in 1992/1993. For sites which did not conduct a baseline survey in 1992/1993, or which failed to achieve a 70 percent response rate on its base year survey, a surrogate worksite base year value will be calculated by adding the average change in SOV or VMT reduction between 1993 and 1995 for the zone in which the worksite is located to the measured 1995 SOV or VMT rate for the worksite.

**Table 2. Modifications (Continued)**

Type of Modification	Criteria
Minor goal modification	<p>A five percent reduction (e.g., reducing the 1997 goal from 25 to 20 percent) may be granted from the applicable SOV or VMT rates after considering all of the following factors:</p> <ul style="list-style-type: none"> <li>• transit access to the site</li> <li>• frequency of transit service during peak periods</li> <li>• potential for internal ride matching opportunities</li> <li>• potential for ride matching with other employers in the area</li> <li>• access to the site for bicyclists and pedestrians</li> <li>• ability to implement compressed work weeks and/or teleworking</li> <li>• ETC/employer participation in trainings, events, promotions, and networking</li> </ul>

	<p>activities</p> <ul style="list-style-type: none"> <li>• utilization of services provided by the local jurisdiction, transit agencies, and TMAs</li> </ul>
Major goal modification	<p>A ten percent reduction may be granted from the applicable SOV or VMT goal (e.g., reducing the 1997 goal from 25 to 15 percent) if all of the following conditions apply:</p> <ul style="list-style-type: none"> <li>• no transit access within 1/4 mile of the site</li> <li>• limited potential for internal ride matching opportunities</li> <li>• no potential for ride matching with other employers in the area</li> <li>• no reasonable access to the site for bicyclists and pedestrians</li> <li>• limited ability to implement compressed work weeks and/or teleworking due to characteristics of the business</li> <li>• ETC/employer has actively participated in trainings, events, promotions and networking activities</li> <li>• worksite has utilized services provided by the local jurisdiction, transit agency, or TMA</li> </ul>

### 2.7.7 Goal Assessment

Each employer's progress toward attaining its zone's CTR goals shall be assessed in 1995, 1997, 1999, 2001, 2003, and 2005, if that employer was an affected employer at the time the jurisdiction's ordinance was adopted. Employers that later become subject to the terms of the CTR ordinance ("newly affected employers," as described in the CTR law) shall be assessed according to the same goals two years, four years, six, eight, ten, and 12 years after their CTR program was first approved by the local jurisdiction. Goal attainment shall be measured using the method required by the Task Force. *Based on RCW 70.94.527[4][g] and the method prescribed by the Task Force to identify newly affected employers.*

## **2.7.8 Parking Space Requirements**

In working toward the CTR goals, a property owner, as an employer on a single-tenant site, or on behalf of employers on a multiple-employer site, may request from the local jurisdiction a reduction in the parking space requirements for a particular worksite. *Local jurisdictions are encouraged by the Task Force to use an administrative review process by which employers may request a reduction in parking space requirements for a particular worksite. Refer to Chapter 5.0, Parking Guidelines.*

## **2.7.9 Penalties**

The local jurisdiction may impose civil penalties in the manner provided in RCW 7.80 for violations. The intent of the CTR law is to bring about the implementation of effective CTR programs. Penalties should be used only as a last resort.

## **2.7.10 Record Keeping**

The local jurisdiction and the employer shall agree on the record keeping requirements as part of the accepted CTR program. The local jurisdiction will not request additional or different records except as part of a required modification of the employer's CTR program (see Document Review and Program Modifications section above). The local jurisdiction shall not require proprietary information, including personal identification of individual employees. The local jurisdiction will acknowledge the need for consistent record keeping by employers with worksites in multiple jurisdictions.

## **2.7.11 Technical Guidance and Support**

Technical guidance and support may be provided directly by staff of the local jurisdiction or other organizations, agencies, or consultants as contracted by the local jurisdiction.

The local jurisdiction shall work collaboratively with affected employers to provide basic services to help employers set up and maintain their CTR programs and to reach the applicable program goals. Jurisdictions are considered to be working collaboratively with employers if, at a minimum, the following basic services are provided:

1. Written information on basic requirements of the CTR ordinance, CTR zones, and an explanation of how the plan is intended to achieve its goals;
2. Basic training for ETCs;
3. Informational materials that explain a range of measures and activities that may help the employer achieve the CTR goals of the ordinance (which may include model employer programs);
4. Forms for annual progress reports that are consistent with the Task Force requirements;
5. Guidance for employers to prepare their CTR program descriptions and annual program reports;
6. State-supplied employee survey forms;
7. Annual review of an employer's CTR program including a determination of whether the employer is acting in good faith to meet the goals established by the CTR law;
8. Professional assistance in developing, implementing, and/or modifying an employer's CTR program;
9. Regular opportunities for an employer's ETC to network with other local ETCs; and
10. Promotional material such as posters, clip art, or articles which will assist the employer in implementing a worksite CTR program.

After the initial training offered to ETCs at no charge, periodic and regular training should be provided for which the local jurisdiction, state, and employers share the cost. *Chapter 4.0, Training Guidelines, contains more specific information about technical assistance, training, and materials.*

### **2.7.12 TMOs/TMAs**

TMOs, TMAs, or other business partnerships may submit a single program description that describes the common program elements. The program should also describe specific program elements at individual employers' worksites. The TMO/TMA, as an agent for its members, should provide individual performance data for each company as well as combined measurements to the jurisdiction. Each employer shall remain accountable for the success of its program. Adjustment of a program that does not meet the goals shall be specific to that employer; it shall not apply to other employer members. TMOs/TMAs that straddle jurisdictional boundaries shall submit the employer members' CTR programs to the appropriate jurisdiction(s).