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ENGROSSED SUBSTITUTE SENATE BILL 6566

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AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe; by request of Department of Transportation)

READ FIRST TIME 02/02/06.

1            AN ACT Relating to commute trip reduction; amending RCW 70.94.524,  
2 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544,  
3 70.94.547, and 70.94.551; and adding new sections to chapter 70.94 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 70.94.524 and 1991 c 202 s 11 are each amended to read  
6 as follows:

7            Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9            (1) "A major employer" means a private or public employer,  
10 including state agencies, that employs one hundred or more full-time  
11 employees at a single worksite who begin their regular work day between  
12 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous  
13 months during the year.

14            (2) "Major worksite" means a building or group of buildings that  
15 are on physically contiguous parcels of land or on parcels separated  
16 solely by private or public roadways or rights of way, and at which  
17 there are one hundred or more full-time employees (~~(of one or more~~  
18 ~~employers)~~), who begin their regular work day between 6:00 a.m. and  
19 9:00 a.m. on weekdays, for at least twelve continuous months.

1           (3) (~~"Commute trip reduction zones" mean areas, such as census~~  
2 ~~tracts or combinations of census tracts, within a jurisdiction that are~~  
3 ~~characterized by similar employment density, population density, level~~  
4 ~~of transit service, parking availability, access to high occupancy~~  
5 ~~vehicle facilities, and other factors that are determined to affect the~~  
6 ~~level of single occupancy vehicle commuting.~~

7           (4)) "Major employment installation" means a military base or  
8 federal reservation, excluding tribal reservations, at which there are  
9 one hundred or more full-time employees, who begin their regular  
10 workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least  
11 twelve continuous months during the year.

12           (4) "Person hours of delay" means the daily person hours of delay  
13 per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated  
14 using the best available methodology by the department of  
15 transportation.

16           (5) "Commute trip" means trips made from a worker's home to a  
17 worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

18           ((+5)) (6) "Proportion of single-occupant vehicle commute trips"  
19 means the number of commute trips made by single-occupant automobiles  
20 divided by the number of full-time employees.

21           ((+6)) (7) "Commute trip vehicle miles traveled per employee"  
22 means the sum of the individual vehicle commute trip lengths in miles  
23 over a set period divided by the number of full-time employees during  
24 that period.

25           ((+7)) (8) "Base year" means the ((~~year January 1, 1992, through~~  
26 ~~December 31, 1992, on which goals for vehicle miles traveled and~~  
27 ~~single-occupant vehicle trips shall be based. Base year goals may be~~  
28 ~~determined using the 1990 journey to work census data projected to the~~  
29 ~~year 1992 and shall be consistent with the growth management act. The~~  
30 ~~task force shall establish a method to be used by jurisdictions to~~  
31 ~~determine reductions of vehicle miles traveled~~)) twelve-month period  
32 commencing when a major employer is determined to be participating by  
33 the local jurisdiction, on which commute trip reduction goals shall be  
34 based.

35           (9) "Growth and transportation efficiency center" means a defined,  
36 compact, mixed-use urban area that contains jobs or housing and  
37 supports multiple modes of transportation. For the purpose of funding,  
38 a growth and transportation efficiency center must meet minimum

1 criteria established by the commute trip reduction board under RCW  
2 70.94.537, and must be certified by a regional transportation planning  
3 organization as established in RCW 47.80.020.

4 (10)(a) "Affected urban growth area" means:

5 (i) An urban growth area, designated pursuant to RCW 36.70A.110,  
6 whose boundaries contain a state highway segment exceeding the one  
7 hundred person hours of delay threshold calculated by the department of  
8 transportation, and any contiguous urban growth areas; and

9 (ii) An urban growth area, designated pursuant to RCW 36.70A.110,  
10 containing a jurisdiction with a population over seventy thousand that  
11 adopted a commute trip reduction ordinance before the year 2000, and  
12 any contiguous urban growth areas.

13 (b) Affected urban growth areas will be listed by the department of  
14 transportation in the rules for this act using the criteria identified  
15 in (a) of this subsection.

16 (11) "Certification" means a determination by a regional  
17 transportation planning organization that a locally designated growth  
18 and transportation efficiency center program meets the minimum criteria  
19 developed in a collaborative regional process and the rules established  
20 by the department of transportation.

21 **Sec. 2.** RCW 70.94.527 and 1997 c 250 s 2 are each amended to read  
22 as follows:

23 ~~(1) Each county ((with a population over one hundred fifty~~  
24 ~~thousand, and each city or town within those counties containing a~~  
25 ~~major employer shall, by October 1, 1992, adopt by ordinance and~~  
26 ~~implement a commute trip reduction plan for all major employers. The~~  
27 ~~plan shall be developed in cooperation with local transit agencies,~~  
28 ~~regional transportation planning organizations as established in RCW~~  
29 ~~47.80.020, major employers, and the owners of and employers at major~~  
30 ~~worksites)) containing an urban growth area, designated pursuant to RCW~~  
31 ~~36.70A.110, and each city within an urban growth area with a state~~  
32 ~~highway segment exceeding the one hundred person hours of delay~~  
33 ~~threshold calculated by the department of transportation, as well as~~  
34 ~~those counties and cities located in any contiguous urban growth areas,~~  
35 ~~shall adopt a commute trip reduction plan and ordinance for major~~  
36 ~~employers in the affected urban growth area by a date specified by the~~  
37 ~~commute trip reduction board. Jurisdictions located within an urban~~

1 growth area with a population greater than seventy thousand that  
2 adopted a commute trip reduction ordinance before the year 2000, as  
3 well as any jurisdiction within contiguous urban growth areas, shall  
4 also adopt a commute trip reduction plan and ordinance for major  
5 employers in the affected urban growth area by a date specified by the  
6 commute trip reduction board. Jurisdictions containing a major  
7 employment installation in a county with an affected growth area,  
8 designated pursuant to RCW 36.70A.110, shall adopt a commute trip  
9 reduction plan and ordinance for major employers in the major  
10 employment installation by a date specified by the commute trip  
11 reduction board. The ordinance shall establish the requirements for  
12 major employers and provide an appeals process by which major  
13 employers, who as a result of special characteristics of their business  
14 or its locations would be unable to meet the requirements of the  
15 ordinance, may obtain waiver or modification of those requirements.  
16 The plan shall be designed to achieve reductions in the proportion of  
17 single-occupant vehicle commute trips and (~~the commute trip vehicle~~  
18 ~~miles traveled per employee by employees of major public and private~~  
19 ~~sector employers in the jurisdiction)) be consistent with the rules  
20 established by the department of transportation. The county, city, or  
21 town shall submit its adopted plan to the regional transportation  
22 planning organization. The county, city, or town plan shall be  
23 included in the regional commute trip reduction plan for regional  
24 transportation planning purposes, consistent with the rules established  
25 by the department of transportation in RCW 70.94.537.~~

26 (2) All other counties, (~~and~~) cities, and towns (~~in those~~  
27 ~~counties,~~) may adopt and implement a commute trip reduction plan  
28 consistent with department of transportation rules established under  
29 RCW 70.94.537. Tribal governments are encouraged to adopt a commute  
30 trip reduction plan for their lands. State investment in voluntary  
31 commute trip reduction plans shall be limited to those areas that meet  
32 criteria developed by the commute trip reduction board.

33 (3) The department of ecology may, after consultation with the  
34 department of transportation, as part of the state implementation plan  
35 for areas that do not attain the national ambient air quality standards  
36 for carbon monoxide or ozone, require municipalities other than those  
37 identified in subsection (1) of this section to adopt and implement

1 commute trip reduction plans if the department determines that such  
2 plans are necessary for attainment of said standards.

3 (4) A commute trip reduction plan shall be consistent with the  
4 ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include  
5 but is not limited to (a) goals for reductions in the proportion of  
6 single-occupant vehicle commute trips ~~((and the commute trip vehicle  
7 miles traveled per employee))~~ consistent with the state goals  
8 established by the commute trip reduction board under RCW 70.94.537 and  
9 the regional commute trip reduction plan goals established in the  
10 regional commute trip reduction plan; (b) ~~((designation of commute trip  
11 reduction zones; (c))~~ a description of the requirements for major  
12 public and private sector employers to implement commute trip reduction  
13 programs; ~~((d))~~ (c) a commute trip reduction program for employees of  
14 the county, city, or town; ~~((e) a review of local parking policies and  
15 ordinances as they relate to employers and major worksites and any  
16 revisions necessary to comply with commute trip reduction goals and  
17 guidelines; (f) an appeals process by which major employers, who as a  
18 result of special characteristics of their business or its locations  
19 would be unable to meet the requirements of a commute trip reduction  
20 plan, may obtain waiver or modification of those requirements; and  
21 (g))~~ and (d) means, consistent with rules established by the  
22 department of transportation, for determining base year values ((of the  
23 proportion of single-occupant vehicle commute trips and the commute  
24 trip vehicle miles traveled per employee)) and progress toward meeting  
25 commute trip reduction plan goals ((on an annual basis. Goals which  
26 are established shall take into account existing transportation demand  
27 management efforts which are made by major employers. Each  
28 jurisdiction shall ensure that employers shall receive full credit for  
29 the results of transportation demand management efforts and commute  
30 trip reduction programs which have been implemented by major employers  
31 prior to the base year. The goals for miles traveled per employee for  
32 all major employers shall not be less than a fifteen percent reduction  
33 from the worksite base year value or the base year value for the  
34 commute trip reduction zone in which their worksite is located by  
35 January 1, 1995, twenty percent reduction from the base year values by  
36 January 1, 1997, twenty five percent reduction from the base year  
37 values by January 1, 1999, and a thirty five percent reduction from the  
38 base year values by January 1, 2005.

1       ~~(5) A county, city, or town may, as part of its commute trip~~  
2 ~~reduction plan, require commute trip reduction programs for employers~~  
3 ~~with ten or more full time employees at major worksites in federally~~  
4 ~~designated nonattainment areas for carbon monoxide and ozone. The~~  
5 ~~county, city or town shall develop the programs in cooperation with~~  
6 ~~affected employers and provide technical assistance to the employers in~~  
7 ~~implementing such programs)).~~       The plan shall be developed in  
8 consultation with local transit agencies, the applicable regional  
9 transportation planning organization, major employers, and other  
10 interested parties.

11       ~~((+6))~~ (5) The commute trip reduction plans adopted by counties,  
12 cities, and towns under this chapter shall be consistent with and may  
13 be incorporated in applicable state or regional transportation plans  
14 and local comprehensive plans and shall be coordinated, and consistent  
15 with, the commute trip reduction plans of counties, cities, or towns  
16 with which the county, city, or town has, in part, common borders or  
17 related regional issues. Such regional issues shall include assuring  
18 consistency in the treatment of employers who have worksites subject to  
19 the requirements of this chapter in more than one jurisdiction.  
20 Counties, cities, ~~((or))~~ and towns adopting commute trip reduction  
21 plans may enter into agreements through the interlocal cooperation act  
22 or by resolution or ordinance as appropriate with other jurisdictions,  
23 local transit agencies, transportation management associations or other  
24 private or nonprofit providers of transportation services, or regional  
25 transportation planning organizations to coordinate the development and  
26 implementation of such plans. Transit agencies shall work with  
27 counties, cities, and towns as a part of their six-year transit  
28 development plan established in RCW 35.58.2795 to take into account the  
29 location of major employer worksites when planning and prioritizing  
30 transit service changes or the expansion of public transportation  
31 services, including rideshare services. Counties, cities, or towns  
32 adopting a commute trip reduction plan shall review it annually and  
33 revise it as necessary to be consistent with applicable plans developed  
34 under RCW 36.70A.070. Regional transportation planning organizations  
35 shall review the local commute trip reduction plans during the  
36 development and update of the regional commute trip reduction plan.

37       (6) Each affected regional transportation planning organization  
38 shall adopt a commute trip reduction plan for its region consistent

1 with the rules and deadline established by the department of  
2 transportation under RCW 70.94.537. The plan shall include, but is not  
3 limited to: (a) Regional program goals for commute trip reduction in  
4 urban growth areas and all designated growth and transportation  
5 efficiency centers; (b) a description of strategies for achieving the  
6 goals; (c) a sustainable financial plan describing projected revenues  
7 and expenditures to meet the goals; (d) a description of the way in  
8 which progress toward meeting the goals will be measured; and (e)  
9 minimum criteria for growth and transportation efficiency centers. (i)  
10 Regional transportation planning organizations shall review proposals  
11 from local jurisdictions to designate growth and transportation  
12 efficiency centers and shall determine whether the proposed growth and  
13 transportation efficiency center is consistent with the criteria  
14 defined in the regional commute trip reduction plan. (ii) Growth and  
15 transportation efficiency centers certified as consistent with the  
16 minimum requirements by the regional transportation planning  
17 organization shall be identified in subsequent updates of the regional  
18 commute trip reduction plan. These plans shall be developed in  
19 collaboration with all affected local jurisdictions, transit agencies,  
20 and other interested parties within the region. The plan will be  
21 reviewed and approved by commute trip reduction board as established  
22 under RCW 70.94.537. Regions without an approved regional commute trip  
23 reduction plan shall not be eligible for state commute trip reduction  
24 program funds.

25 The regional commute trip reduction plan shall be consistent with  
26 and incorporated into transportation demand management components in  
27 the regional transportation plan as required by RCW 47.80.030.

28 (7) Each (~~county, city, or town~~) regional transportation planning  
29 organization implementing a regional commute trip reduction program  
30 shall, (~~within thirty days submit a summary of its plan along with~~  
31 ~~certification of adoption~~) consistent with the rules and deadline  
32 established by the department of transportation, submit its plan as  
33 well as any related local commute trip reduction plans and certified  
34 growth and transportation efficiency center programs, to the commute  
35 trip reduction (~~task force~~) board established under RCW 70.94.537.  
36 The commute trip reduction board shall review the regional commute trip  
37 reduction plan and the local commute trip reduction plans. The  
38 regional transportation planning organization shall collaborate with

1 the commute trip reduction board to evaluate the consistency of local  
2 commute trip reduction plans with the regional commute trip reduction  
3 plan. Local and regional plans must be approved by the commute trip  
4 reduction board in order to be eligible for state funding provided for  
5 the purposes of this chapter.

6 (8) Each (~~county, city, or town~~) regional transportation planning  
7 organization implementing a regional commute trip reduction program  
8 shall submit an annual progress report to the commute trip reduction  
9 (~~task force~~) board established under RCW 70.94.537. The report shall  
10 be due (~~July 1, 1994, and each July 1st thereafter through July 1,~~  
11 ~~2006~~) at the end of each state fiscal year for which the program has  
12 been implemented. The report shall describe progress in attaining the  
13 applicable commute trip reduction goals (~~for each commute trip~~  
14 ~~reduction zone~~) and shall highlight any problems being encountered in  
15 achieving the goals. The information shall be reported in a form  
16 established by the commute trip reduction (~~task force~~) board.

17 (9) Any waivers or modifications of the requirements of a commute  
18 trip reduction plan granted by a jurisdiction shall be submitted for  
19 review to the commute trip reduction (~~task force~~) board established  
20 under RCW 70.94.537. The commute trip reduction (~~task force~~) board  
21 may not deny the granting of a waiver or modification of the  
22 requirements of a commute trip reduction plan by a jurisdiction but  
23 they may notify the jurisdiction of any comments or objections.

24 (10) (~~Each county, city, or town implementing a commute trip~~  
25 ~~reduction program shall count commute trips eliminated through work at-~~  
26 ~~home options or alternate work schedules as one and two tenths vehicle~~  
27 ~~trips eliminated for the purpose of meeting trip reduction goals.~~

28 (~~11) Each county, city, or town implementing a commute trip~~  
29 ~~reduction program shall ensure that employers that have modified their~~  
30 ~~employees' work schedules so that some or all employees are not~~  
31 ~~scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are~~  
32 ~~provided credit when calculating single occupancy vehicle use and~~  
33 ~~vehicle miles traveled at that worksite. This credit shall be awarded~~  
34 ~~if implementation of the schedule change was an identified element in~~  
35 ~~that worksite's approved commute trip reduction program or if the~~  
36 ~~schedule change occurred because of impacts associated with chapter~~  
37 ~~36.70A RCW, the growth management act.~~

1       ~~(12)~~) Plans implemented under this section shall not apply to  
2 commute trips for seasonal agricultural employees.

3       ~~((13))~~ (11) Plans implemented under this section shall not apply  
4 to construction worksites when the expected duration of the  
5 construction project is less than two years.

6       (12) If an affected urban growth area has not previously  
7 implemented a commute trip reduction program and the state has funded  
8 solutions to state highway deficiencies to address the area's exceeding  
9 the person hours of delay threshold, the affected urban growth area  
10 shall be exempt from the duties of this section for a period not  
11 exceeding two years.

12       NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW  
13 to read as follows:

14       Nothing in this act preempts the ability of state employees to  
15 collectively bargain over commute trip reduction issues, including  
16 parking fees under chapter 41.80 RCW, or the ability of private sector  
17 employees to collectively bargain over commute trip reduction issues if  
18 previously such issues were mandatory subjects of collective  
19 bargaining.

20       NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW  
21 to read as follows:

22       (1) A county, city, or town may, as part of its commute trip  
23 reduction plan, designate existing activity centers listed in its  
24 comprehensive plan or new activity centers as growth and transportation  
25 efficiency centers and establish a transportation demand management  
26 program in the designated area.

27       (a) The transportation demand management program for the growth and  
28 transportation efficiency center shall be developed in consultation  
29 with local transit agencies, the applicable regional transportation  
30 planning organization, major employers, and other interested parties.

31       (b) In order to be eligible for state funding provided for the  
32 purposes of this section, designated growth and transportation  
33 efficiency centers shall be certified by the applicable regional  
34 transportation organization to: (i) Meet the minimum land use and  
35 transportation criteria established in collaboration among local  
36 jurisdictions, transit agencies, the regional transportation planning

1 organization, and other interested parties as part of the regional  
2 commute trip reduction plan; and (ii) have established a transportation  
3 demand management program that includes the elements identified in (c)  
4 of this subsection and is consistent with the rules established by the  
5 department of transportation in RCW 70.94.537(2). If a designated  
6 growth and transportation efficiency center is denied certification,  
7 the local jurisdiction may appeal the decision to the commute trip  
8 reduction board.

9 (c) Transportation demand management programs for growth and  
10 transportation efficiency centers shall include, but are not limited  
11 to: (i) Goals for reductions in the proportion of single-occupant  
12 vehicle trips that are more aggressive than the state program goal  
13 established by the commute trip reduction board; (ii) a sustainable  
14 financial plan demonstrating how the program can be implemented to meet  
15 state and regional trip reduction goals, indicating resources from  
16 public and private sources that are reasonably expected to be made  
17 available to carry out the plan, and recommending any innovative  
18 financing techniques consistent with chapter 47.29 RCW, including  
19 public/private partnerships, to finance needed facilities, services,  
20 and programs; (iii) a proposed organizational structure for  
21 implementing the program; (iv) a proposal to measure performance toward  
22 the goal and implementation progress; and (v) an evaluation to which  
23 local land use and transportation policies apply, including parking  
24 policies and ordinances, to determine the extent that they complement  
25 and support the trip reduction investments of major employers. Each of  
26 these program elements shall be consistent with the rules established  
27 under RCW 70.94.537.

28 (d) A designated growth and transportation efficiency center shall  
29 be consistent with the land use and transportation elements of the  
30 local comprehensive plan.

31 (e) Transit agencies, local governments, and regional  
32 transportation planning organizations shall identify certified growth  
33 and transportation efficiency centers as priority areas for new service  
34 and facility investments in their respective investment plans.

35 (2) A county, city, or town that has established a growth and  
36 transportation efficiency center program shall support vehicle trip  
37 reduction activities in the designated area. The implementing

1 jurisdiction shall adopt policies, ordinances, and funding strategies  
2 that will lead to attainment of program goals in those areas.

3 **Sec. 5.** RCW 70.94.531 and 1997 c 250 s 3 are each amended to read  
4 as follows:

5 (1) State agency worksites are subject to the same requirements  
6 under this section and RCW 70.94.534 as private employers.

7 (2) Not more than (~~six months~~) ninety days after the adoption of  
8 (~~the~~) a jurisdiction's commute trip reduction plan (~~by a~~  
9 ~~jurisdiction~~), each major employer in that jurisdiction shall perform  
10 a baseline measurement consistent with the rules established by the  
11 department of transportation under RCW 70.94.537. Not more than ninety  
12 days after receiving the results of the baseline measurement, each  
13 major employer shall develop a commute trip reduction program and shall  
14 submit a description of that program to the jurisdiction for review.  
15 The program shall be implemented not more than (~~six months~~) ninety  
16 days after (~~submission to~~) approval by the jurisdiction.

17 (~~(+2)~~) (3) A commute trip reduction program of a major employer  
18 shall consist of, at a minimum (a) designation of a transportation  
19 coordinator and the display of the name, location, and telephone number  
20 of the coordinator in a prominent manner at each affected worksite; (b)  
21 regular distribution of information to employees regarding alternatives  
22 to single-occupant vehicle commuting; (c) (~~an annual~~) a regular  
23 review of employee commuting and reporting of progress toward meeting  
24 the single-occupant vehicle reduction goals to the county, city, or  
25 town consistent with the method established in the commute trip  
26 reduction plan and the rules established by the department of  
27 transportation under RCW 70.94.537; and (d) implementation of a set of  
28 measures designed to achieve the applicable commute trip reduction  
29 goals adopted by the jurisdiction. Such measures may include but are  
30 not limited to:

31 (i) Provision of preferential parking or reduced parking charges,  
32 or both, for high occupancy vehicles;

33 (ii) Instituting or increasing parking charges for single-occupant  
34 vehicles;

35 (iii) Provision of commuter ride matching services to facilitate  
36 employee ridesharing for commute trips;

37 (iv) Provision of subsidies for transit fares;

- 1 (v) Provision of vans for van pools;
- 2 (vi) Provision of subsidies for car pooling or van pooling;
- 3 (vii) Permitting the use of the employer's vehicles for car pooling  
4 or van pooling;
- 5 (viii) Permitting flexible work schedules to facilitate employees'  
6 use of transit, car pools, or van pools;
- 7 (ix) Cooperation with transportation providers to provide  
8 additional regular or express service to the worksite;
- 9 (x) Construction of special loading and unloading facilities for  
10 transit, car pool, and van pool users;
- 11 (xi) Provision of bicycle parking facilities, lockers, changing  
12 areas, and showers for employees who bicycle or walk to work;
- 13 (xii) Provision of a program of parking incentives such as a rebate  
14 for employees who do not use the parking facility;
- 15 (xiii) Establishment of a program to permit employees to work part  
16 or full time at home or at an alternative worksite closer to their  
17 homes;
- 18 (xiv) Establishment of a program of alternative work schedules such  
19 as compressed work week schedules which reduce commuting; and
- 20 (xv) Implementation of other measures designed to facilitate the  
21 use of high-occupancy vehicles such as on-site day care facilities and  
22 emergency taxi services.
- 23 ~~((+3+))~~ (4) Employers or owners of worksites may form or utilize  
24 existing transportation management associations or other  
25 transportation-related associations authorized by RCW 35.87A.010 to  
26 assist members in developing and implementing commute trip reduction  
27 programs.
- 28 ~~((+4+))~~ (5) Employers shall make a good faith effort towards  
29 achievement of the goals identified in RCW 70.94.527(4)~~((+g+))~~ (d).

30 **Sec. 6.** RCW 70.94.534 and 1997 c 250 s 4 are each amended to read  
31 as follows:

32 (1) Each jurisdiction implementing a commute trip reduction plan  
33 under this chapter or as part of a plan or ordinance developed under  
34 RCW 36.70A.070 shall review each employer's initial commute trip  
35 reduction program to determine if the program is likely to meet the  
36 applicable commute trip reduction goals. The employer shall be  
37 notified by the jurisdiction of its findings. If the jurisdiction

1 finds that the program is not likely to meet the applicable commute  
2 trip reduction goals, the jurisdiction will work with the employer to  
3 modify the program as necessary. The jurisdiction shall complete  
4 review of each employer's initial commute trip reduction program within  
5 (~~three months~~) ninety days of receipt.

6 (2) Employers implementing commute trip reduction programs are  
7 expected to undertake good faith efforts to achieve the goals outlined  
8 in RCW 70.94.527(4). Employers are considered to be making a good  
9 faith effort if the following conditions have been met:

10 (a) The employer has met the minimum requirements identified in RCW  
11 70.94.531; (~~and~~)

12 (b) The employer has notified the jurisdiction of its intent to  
13 substantially change or modify its program and has either received the  
14 approval of the jurisdiction to do so or has acknowledged that its  
15 program may not be approved without additional modifications;

16 (c) The employer has provided adequate information and  
17 documentation of implementation when requested by the jurisdiction; and

18 (d) The employer is working collaboratively with its jurisdiction  
19 to continue its existing program or is developing and implementing  
20 program modifications likely to result in improvements to the program  
21 over an agreed upon length of time.

22 (3) Each jurisdiction shall (~~annually~~) review at least once every  
23 two years each employer's progress and good faith efforts toward  
24 meeting the applicable commute trip reduction goals. If an employer  
25 makes a good faith effort, as defined in this section, but is not  
26 likely to meet the applicable commute trip reduction goals, the  
27 jurisdiction shall work collaboratively with the employer to make  
28 modifications to the commute trip reduction program. Failure of an  
29 employer to reach the applicable commute trip reduction goals is not a  
30 violation of this chapter.

31 (4) If an employer fails to make a good faith effort and fails to  
32 meet the applicable commute trip reduction goals, the jurisdiction  
33 shall work collaboratively with the employer to propose modifications  
34 to the program and shall direct the employer to revise its program  
35 within thirty days to incorporate those modifications or modifications  
36 which the jurisdiction determines to be equivalent.

37 (5) Each jurisdiction implementing a commute trip reduction plan  
38 pursuant to this chapter may impose civil penalties, in the manner

1 provided in chapter 7.80 RCW, for failure by an employer to implement  
2 a commute trip reduction program or to modify its commute trip  
3 reduction program as required in subsection (4) of this section. No  
4 major employer may be held liable for civil penalties for failure to  
5 reach the applicable commute trip reduction goals. No major employer  
6 shall be liable for civil penalties under this chapter if failure to  
7 achieve a commute trip reduction program goal was the result of an  
8 inability to reach agreement with a certified collective bargaining  
9 agent under applicable laws where the issue was raised by the employer  
10 and pursued in good faith.

11 (6) Jurisdictions shall notify major employers of the procedures  
12 for applying for goal modification or exemption from the commute trip  
13 reduction requirements based on the guidelines established by the  
14 commute trip reduction (~~(task-force)~~) board authorized under RCW  
15 70.94.537.

16 **Sec. 7.** RCW 70.94.537 and 1997 c 250 s 5 are each amended to read  
17 as follows:

18 (1) A (~~(twenty-eight)~~) sixteen member state commute trip reduction  
19 (~~(task-force)~~) board is established as follows:

20 (a) The secretary of the department of transportation or the  
21 secretary's designee who shall serve as chair;

22 (~~(The director of the department of ecology or the director's~~  
23 ~~designee;~~

24 (~~(c) The director of the department of community, trade, and~~  
25 ~~economic development or the director's designee;~~

26 (~~(d) The director of the department of general administration or the~~  
27 ~~director's designee;~~

28 (~~(e) Three representatives from~~) One representative from the office  
29 of the governor or the governor's designee;

30 (c) The director or the director's designee of one of the following  
31 agencies, to be determined by the governor:

32 (i) Department of general administration;

33 (ii) Department of ecology;

34 (iii) Department of community, trade, and economic development;

35 (d) Three representatives from cities and towns or counties  
36 appointed by the governor for staggered four-year terms from a list

1 (~~of at least six~~) recommended by the association of Washington cities  
2 or the Washington state association of counties;

3 (~~(f) Three representatives from cities and towns appointed by the~~  
4 ~~governor from a list of at least six recommended by the association of~~  
5 ~~Washington cities~~;

6 ~~(g) Three~~) (e) Two representatives from transit agencies appointed  
7 by the governor for staggered four-year terms from a list (~~of at least~~  
8 ~~six~~) recommended by the Washington state transit association;

9 (~~(h) Twelve~~) (f) Two representatives from participating regional  
10 transportation planning organizations appointed by the governor for  
11 staggered four-year terms;

12 (g) Four representatives of employers at or owners of major  
13 worksites in Washington, or transportation management associations,  
14 business improvement areas, or other transportation organizations  
15 representing employers, appointed by the governor (~~from a list~~  
16 ~~recommended by the association of Washington business or other~~  
17 ~~statewide business associations representing major employers, provided~~  
18 ~~that every affected county shall have at least one representative; and~~

19 ~~(i) Three~~) for staggered four-year terms; and

20 (h) Two citizens appointed by the governor for staggered four-year  
21 terms.

22 Members of the commute trip reduction (~~task force~~) board shall  
23 serve without compensation but shall be reimbursed for travel expenses  
24 as provided in RCW 43.03.050 and 43.03.060. Members appointed by the  
25 governor shall be compensated in accordance with RCW 43.03.220. The  
26 (~~task force~~) board has all powers necessary to carry out its duties  
27 as prescribed by this chapter. (~~The task force shall be dissolved on~~  
28 ~~July 1, 2006.~~)

29 (2) By March 1, (~~1992~~) 2007, the (~~commute trip reduction task~~  
30 ~~force~~) department of transportation shall establish (~~guidelines~~)  
31 rules for commute trip reduction plans and implementation procedures.  
32 The commute trip reduction board shall advise the department on the  
33 content of the rules. The (~~guidelines~~) rules are intended to ensure  
34 consistency in commute trip reduction plans and goals among  
35 jurisdictions while fairly taking into account differences in  
36 employment and housing density, employer size, existing and anticipated  
37 levels of transit service, special employer circumstances, and other

1 factors the ~~((task force))~~ board determines to be relevant. The  
2 ~~((guidelines))~~ rules shall include:

3 (a) Guidance criteria for ~~((establishing commute trip reduction~~  
4 zones)) growth and transportation efficiency centers;

5 (b) ~~((Methods and information requirements for determining base~~  
6 ~~year values of the proportion of single-occupant vehicle commute trips~~  
7 ~~and the commute trip vehicle miles traveled per employee)) Data~~  
8 measurement methods and procedures for determining the efficacy of  
9 commute trip reduction activities and progress toward meeting commute  
10 trip reduction plan goals;

11 (c) Model commute trip reduction ordinances;

12 (d) Methods for assuring consistency in the treatment of employers  
13 who have worksites subject to the requirements of this chapter in more  
14 than one jurisdiction;

15 (e) An appeals process by which major employers, who as a result of  
16 special characteristics of their business or its locations would be  
17 unable to meet the requirements of a commute trip reduction plan, may  
18 obtain a waiver or modification of those requirements and criteria for  
19 determining eligibility for waiver or modification;

20 (f) ~~((Methods to ensure that employers shall receive full credit~~  
21 ~~for the results of transportation demand management efforts and commute~~  
22 ~~trip reduction programs which have been implemented by major employers~~  
23 ~~prior to the base year;~~

24 ~~(g) Alternative commute trip reduction goals for major employers~~  
25 ~~which cannot meet the goals of this chapter because of the unique~~  
26 ~~nature of their business;~~

27 ~~(h) Alternative commute trip reduction goals for major employers~~  
28 ~~whose worksites change and who contribute substantially to traffic~~  
29 ~~congestion in a trip reduction zone; and~~

30 ~~(i) Methods to insure that employers receive credit for scheduling~~  
31 ~~changes enacted pursuant to the criteria identified in RCW~~  
32 ~~70.94.527(11).~~

33 ~~(3))~~ Establishment of a process for determining the state's  
34 affected areas, including criteria and procedures for regional  
35 transportation planning organizations in consultation with local  
36 jurisdictions to propose to add or exempt urban growth areas;

37 (g) Listing of the affected areas of the program to be done every  
38 four years as identified in subsection (5) of this section;

1 (h) Establishment of a criteria and application process to  
2 determine whether jurisdictions that voluntarily implement commute trip  
3 reduction are eligible for state funding;

4 (i) Guidelines and deadlines for creating and updating local  
5 commute trip reduction plans, including guidance to ensure consistency  
6 between the local commute trip reduction plan and the transportation  
7 demand management strategies identified in the transportation element  
8 in the local comprehensive plan, as required by RCW 36.70A.070.

9 (j) Guidelines for creating and updating regional commute trip  
10 reduction plans, including guidance to ensure the regional commute trip  
11 reduction plan is consistent with and incorporated into transportation  
12 demand management components in the regional transportation plan;

13 (k) Methods for regional transportation planning organizations to  
14 evaluate and certify that designated growth and transportation  
15 efficiency center programs meet the minimum requirements and are  
16 eligible for funding;

17 (l) Guidelines for creating and updating growth and transportation  
18 efficiency center programs; and

19 (m) Establishment of statewide program goals. The goals shall be  
20 designed to achieve substantial reductions in the proportion of  
21 single-occupant vehicle commute trips and the commute trip vehicle  
22 miles traveled per employee, at a level that is projected to improve  
23 the mobility of people and goods by increasing the efficiency of the  
24 state highway system.

25 (3) The board shall create a state commute trip reduction plan that  
26 shall be updated every four years as discussed in subsection (5) of  
27 this section. The state commute trip reduction plan shall include, but  
28 is not limited to: (a) Statewide commute trip reduction program goals  
29 that are designed to substantially improve the mobility of people and  
30 goods; (b) identification of strategies at the state and regional  
31 levels to achieve the goals and recommendations for how transportation  
32 demand management strategies can be targeted most effectively to  
33 support commute trip reduction program goals; (c) performance measures  
34 for assessing the cost-effectiveness of commute trip reduction  
35 strategies and the benefits for the state transportation system; and  
36 (d) a sustainable financial plan. The board shall review and approve  
37 regional commute trip reduction plans, and work collaboratively with

1 regional transportation planning organizations in the establishment of  
2 the state commute trip reduction plan.

3 (4) The ((task—force)) board shall work with affected  
4 jurisdictions, major employers, and other parties to develop and  
5 implement a public awareness campaign designed to increase the  
6 effectiveness of local commute trip reduction programs and support  
7 achievement of the objectives identified in this chapter.

8 ~~((4) The task force shall assess the commute trip reduction~~  
9 ~~options available to employers other than major employers and make~~  
10 ~~recommendations to the legislature by October 1, 1992. The~~  
11 ~~recommendations shall include the minimum size of employer who shall be~~  
12 ~~required to implement trip reduction programs and the appropriate~~  
13 ~~methods those employers can use to accomplish trip reduction goals.))~~

14 (5) The board shall evaluate and update the commute trip reduction  
15 program plan and recommend changes to the rules every four years, with  
16 the first assessment report due July 1, 2011, to ensure that the latest  
17 data methodology used by the department of transportation is  
18 incorporated into the program and to determine which areas of the state  
19 should be affected by the program. The board shall review the  
20 definition of a major employer no later than December 1, 2009. The  
21 board shall regularly identify urban growth areas that are projected to  
22 be affected by this act in the next four-year period and may provide  
23 advance planning support to the potentially affected jurisdictions.

24 (6) The ((task—force)) board shall review progress toward  
25 implementing commute trip reduction plans and programs and the costs  
26 and benefits of commute trip reduction plans and programs and shall  
27 make recommendations to the legislature and the governor by December 1,  
28 ~~((1995, December 1, 1999, December 1, 2001, December 1, 2003, and~~  
29 ~~December 1, 2005))~~ 2009, and every two years thereafter. In assessing  
30 the costs and benefits, the ((task—force)) board shall consider the  
31 costs of not having implemented commute trip reduction plans and  
32 programs with the assistance of the transportation performance audit  
33 board authorized under chapter 44.75 RCW. The ((task—force)) board  
34 shall examine other transportation demand management programs  
35 nationally and incorporate its findings into its recommendations to the  
36 legislature. The recommendations shall address the need for  
37 continuation, modification, or termination or any or all requirements  
38 of this chapter. ((The recommendations made December 1, 1995, shall

1 ~~include recommendations regarding extension of the requirements of this~~  
2 ~~chapter to employers with fifty or more full time employees at a single~~  
3 ~~worksite who begin their regular work day between 6:00 a.m. and 9:00~~  
4 ~~a.m. on weekdays for more than twelve continuous months.))~~

5 (7) The board shall invite personnel with appropriate expertise  
6 from state, regional, and local government, private, public, and  
7 nonprofit providers of transportation services, and employers or owners  
8 of major worksites in Washington to act as a technical advisory group.  
9 The technical advisory group shall advise the board on the  
10 implementation of local and regional commute trip reduction plans and  
11 programs, program evaluation, program funding allocations, and state  
12 rules and guidelines.

13 **Sec. 8.** RCW 70.94.541 and 1996 c 186 s 515 are each amended to  
14 read as follows:

15 ~~(1) ((A technical assistance team shall be established under the~~  
16 ~~direction of the department of transportation and include~~  
17 ~~representatives of the department of ecology.)) The ((team))~~  
18 department of transportation shall provide staff support to the commute  
19 trip reduction ~~((task force))~~ board in carrying out the requirements of  
20 RCW 70.94.537 ~~((and to the department of general administration in~~  
21 ~~carrying out the requirements of RCW 70.94.551))~~.

22 (2) The ~~((team))~~ department of transportation shall provide  
23 technical assistance to regional transportation planning organizations,  
24 counties, cities, and towns, the department of general administration,  
25 other state agencies, and other employers in developing and  
26 implementing commute trip reduction plans and programs. The technical  
27 assistance shall include: (a) Guidance in ~~((determining base and~~  
28 ~~subsequent year values of single occupant vehicle commuting proportion~~  
29 ~~and commute trip reduction vehicle miles traveled to be used in~~  
30 ~~determining progress in attaining plan goals))~~ single measurement  
31 methodology and practice to be used in determining progress in  
32 attaining plan goals; (b) developing model plans and programs  
33 appropriate to different situations; and (c) providing consistent  
34 training and informational materials for the implementation of commute  
35 trip reduction programs. Model plans and programs, training, and  
36 informational materials shall be developed in cooperation with

1 representatives of regional transportation planning organizations,  
2 local governments, transit agencies, and employers.

3 (3) In carrying out this section the department of transportation  
4 may contract with statewide associations representing cities, towns,  
5 and counties to assist cities, towns, and counties in implementing  
6 commute trip reduction plans and programs.

7 **Sec. 9.** RCW 70.94.544 and 2001 c 74 s 1 are each amended to read  
8 as follows:

9 A portion of the funds made available for the purposes of this  
10 chapter shall be used to fund the commute trip reduction (~~(task force)~~)  
11 board in carrying out the responsibilities of RCW (~~(70.94.541)~~)  
12 70.94.537, and the (~~(interagency technical assistance team)~~) department  
13 of transportation, including the activities authorized under RCW  
14 70.94.541(2), and to assist regional transportation planning  
15 organizations, counties, cities, and towns implementing commute trip  
16 reduction plans. The commute trip reduction board shall determine the  
17 allocation of program funds made available for the purposes of this  
18 chapter to regional transportation planning organizations, counties,  
19 cities, and towns implementing commute trip reduction plans. If state  
20 funds for the purposes of this chapter are provided to those  
21 jurisdictions implementing voluntary commute trip reduction plans, the  
22 funds shall be disbursed based on criteria established by the commute  
23 trip reduction board under RCW 70.94.537.

24 **Sec. 10.** RCW 70.94.547 and 1991 c 202 s 18 are each amended to  
25 read as follows:

26 The legislature hereby recognizes the state's crucial leadership  
27 role in establishing and implementing effective commute trip reduction  
28 programs. Therefore, it is the policy of the state that the department  
29 of general administration and other state agencies, including  
30 institutions of higher education, shall aggressively develop  
31 substantive programs to reduce commute trips by state employees.  
32 Implementation of these programs will reduce energy consumption,  
33 congestion in urban areas, and air and water pollution associated with  
34 automobile travel.

1       **Sec. 11.** RCW 70.94.551 and 1997 c 250 s 6 are each amended to read  
2 as follows:

3       (1) The director of (~~general administration, with the concurrence~~  
4 ~~of an interagency task force established for the purposes of this~~  
5 ~~section, shall coordinate a commute trip reduction plan for state~~  
6 ~~agencies which are phase 1 major employers by January 1, 1993)) the  
7 department of general administration may coordinate an interagency  
8 board for the purpose of developing policies or guidelines that promote  
9 consistency among state agency commute trip reduction programs required  
10 by RCW 70.94.527 and 70.94.531. The (~~task force~~) board shall include  
11 representatives of the departments of transportation (~~and~~), ecology,  
12 and community, trade, and economic development and such other  
13 departments and interested groups as the director of the department of  
14 general administration determines to be necessary (~~to be generally~~  
15 ~~representative of state agencies. The state agency plan shall be~~  
16 ~~consistent with the requirements of RCW 70.94.527 and 70.94.531 and~~  
17 ~~shall be developed in consultation with state employees, local and~~  
18 ~~regional governments, local transit agencies, the business community,~~  
19 ~~and other interested groups. The plan shall consider and recommend~~),  
20 Policies and guidelines shall be applicable to all state agencies  
21 including but not limited to policies and guidelines regarding parking  
22 and parking charges, employee incentives for commuting by other than  
23 single-occupant automobiles, flexible and alternative work schedules,  
24 alternative worksites, and the use of state-owned vehicles for car and  
25 van pools and guaranteed rides home. The (~~plan~~) policies and  
26 guidelines shall also consider the costs and benefits to state agencies  
27 of achieving commute trip reductions and consider mechanisms for  
28 funding state agency commute trip reduction programs. (~~The department~~  
29 ~~shall, within thirty days, submit a summary of its plan along with~~  
30 ~~certification of adoption to the commute trip reduction task force~~  
31 ~~established under RCW 70.94.537.))~~~~

32       (2) (~~Not more than three months after the adoption of the commute~~  
33 ~~trip reduction plan, each state agency shall, for each facility which~~  
34 ~~is a major employer, develop a commute trip reduction program. The~~  
35 ~~program shall be designed to meet the goals of the commute trip~~  
36 ~~reduction plan of the county, city, or town or, if there is no local~~  
37 ~~commute trip reduction plan, the state. The program shall be~~  
38 ~~consistent with the policies of the state commute trip reduction plan~~

1 and RCW 70.94.531. The agency shall submit a description of that  
2 program to the local jurisdiction implementing a commute trip reduction  
3 plan or, if there is no local commute trip reduction plan, to the  
4 department of general administration. The program shall be implemented  
5 not more than three months after submission to the department. Annual  
6 reports required in RCW 70.94.531(2)(c) shall be submitted to the local  
7 jurisdiction implementing a commute trip reduction plan and to the  
8 department of general administration. An agency which is not meeting  
9 the applicable commute trip reduction goals shall, to the extent  
10 possible, modify its program to comply with the recommendations of the  
11 local jurisdiction or the department of general administration.

12 ~~((3))~~ State agencies sharing a common location (~~(may)~~) in affected  
13 urban growth areas where the total number of state employees is one  
14 hundred or more shall, with assistance from the department of general  
15 administration, develop and implement a joint commute trip reduction  
16 program ((or may delegate the development and implementation of the  
17 commute trip reduction program to the department of general  
18 administration)). The worksite shall be treated as specified in RCW  
19 70.94.531 and 70.94.534.

20 ~~((4))~~ (3) The department of general administration (~~(in~~  
21 ~~consultation with the state technical assistance team)) shall review~~  
22 the initial commute trip reduction program of each state agency subject  
23 to the commute trip reduction plan for state agencies to determine if  
24 the program is likely to meet the applicable commute trip reduction  
25 goals and notify the agency of any deficiencies. If it is found that  
26 the program is not likely to meet the applicable commute trip reduction  
27 goals, the ~~((team))~~ department of general administration will work with  
28 the agency to modify the program as necessary.

29 ~~((5))~~ For each agency subject to the state agency commute trip  
30 reduction plan, the department of general administration in  
31 consultation with the technical assistance team shall annually review  
32 progress toward meeting the applicable commute trip reduction goals.  
33 If it appears an agency is not meeting or is not likely to meet the  
34 applicable commute trip reduction goals, the team shall work with the  
35 agency to make modifications to the commute trip reduction program.

36 ~~((6))~~ (4) Each state agency implementing a commute trip reduction  
37 plan shall report at least once per year to its agency director on the  
38 performance of the agency's commute trip reduction program as part of

1 the agency's quality management, accountability, and performance system  
2 as defined by RCW 43.17.385. The reports shall assess the performance  
3 of the program, progress toward state goals established under RCW  
4 70.94.537, and recommendations for improving the program.

5 (5) The department of general administration shall review the  
6 agency performance reports defined in subsection (4) of this section  
7 and submit ((an annual progress)) a biennial report for state agencies  
8 subject to ((the state agency commute trip reduction plan to the  
9 commute trip reduction task force established under RCW 70.94.537. The  
10 report shall be due April 1, 1993, and each April 1st through 2006.  
11 The report shall report progress in attaining the applicable commute  
12 trip reduction goals for each commute trip reduction zone and shall  
13 highlight any problems being encountered in achieving the goals)) this  
14 chapter to the governor and incorporate the report in the commute trip  
15 reduction board report to the legislature as directed in RCW  
16 70.94.537(6). The report shall include, but is not limited to, an  
17 evaluation of the most recent measurement results, progress toward  
18 state goals established under RCW 70.94.537, and recommendations for  
19 improving the performance of state agency commute trip reduction  
20 programs. The information shall be reported in a form established by  
21 the commute trip reduction ((task force)) board.

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