
HOUSE BILL 3130

State of Washington

56th Legislature

2000 Regular Session

By Representative Fortunato

Read first time 02/08/2000. Referred to Committee on Transportation.

1 AN ACT Relating to commute trip reduction; and amending RCW
2 70.94.521, 70.94.527, 70.94.531, 70.94.534, 70.94.541, and 70.94.544.

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

4 **Sec. 1.** RCW 70.94.521 and 1997 c 250 s 1 are each amended to read
5 as follows:

6 The legislature finds that automotive traffic in Washington's
7 metropolitan areas is the major source of emissions of air
8 contaminants. This air pollution causes significant harm to public
9 health, causes damage to trees, plants, structures, and materials and
10 degrades the quality of the environment.

11 Increasing automotive traffic is also aggravating traffic
12 congestion in Washington's metropolitan areas. This traffic congestion
13 imposes significant costs on Washington's businesses, governmental
14 agencies, and individuals in terms of lost working hours and delays in
15 the delivery of goods and services. Traffic congestion worsens
16 automobile-related air pollution, increases the consumption of fuel,
17 and degrades the habitability of many of Washington's cities and
18 suburban areas. The capital and environmental costs of fully
19 accommodating the existing and projected automobile traffic on roads

1 and highways are prohibitive. Decreasing the demand for vehicle trips
2 is significantly less costly and at least as effective in reducing
3 traffic congestion and its impacts as constructing new transportation
4 facilities such as roads and bridges, to accommodate increased traffic
5 volumes.

6 The legislature also finds that increasing automotive
7 transportation is a major factor in increasing consumption of gasoline
8 and, thereby, increasing reliance on imported sources of petroleum.
9 Moderating the growth in automotive travel is essential to stabilizing
10 and reducing dependence on imported petroleum and improving the
11 nation's energy security.

12 The legislature further finds that reducing the number of commute
13 trips to work made via single-occupant cars and light trucks is an
14 effective way of reducing automobile-related air pollution, traffic
15 congestion, and energy use. Major employers have significant
16 opportunities to encourage and facilitate reducing single-occupant
17 vehicle commuting by employees. In addition, the legislature also
18 recognizes the importance of increasing individual citizens' awareness
19 of air quality, energy consumption, and traffic congestion, and the
20 contribution individual actions can make towards addressing these
21 issues.

22 The intent of this chapter is to require (~~local governments~~)
23 employers in those counties experiencing the greatest automobile-
24 related air pollution and traffic congestion to develop and implement
25 plans to reduce single-occupant vehicle commute trips. Such plans
26 shall require major employers and employers at major worksites to
27 implement programs to reduce single-occupant vehicle commuting by
28 employees at major worksites. Local governments in counties
29 experiencing significant but less severe automobile-related air
30 pollution and traffic congestion may implement such plans. State
31 agencies shall implement programs to reduce single-occupant vehicle
32 commuting at all major worksites throughout the state.

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

35 (1) Each county with a population over one hundred fifty thousand,
36 and each city or town within those counties containing a major employer
37 shall, by October 1, 1992, (~~adopt by ordinance and implement~~) review
38 and approve a commute trip reduction plan (~~for~~) that is developed by

1 all major employers. The plan shall be developed by major employers
2 and employers at major worksites in cooperation with local transit
3 agencies(~~(7)~~) and regional transportation planning organizations as
4 established in RCW 47.80.020(~~(7, major employers, and the owners of and~~
5 ~~employers at major worksites)~~). The plan shall be designed to achieve
6 reductions in the proportion of single-occupant vehicle commute trips
7 and the commute trip vehicle miles traveled per employee by employees
8 of major public and private sector employers in the jurisdiction.

9 (2) All other counties, and cities and towns in those counties, may
10 (~~adopt and implement~~) review and approve a commute trip reduction
11 plan proposed by major employers or employers at major worksites within
12 their jurisdictions.

13 (3) The department of ecology may, after consultation with the
14 department of transportation, as part of the state implementation plan
15 for areas that do not attain the national ambient air quality standards
16 for carbon monoxide or ozone, require (~~municipalities~~) employers
17 other than those identified in subsection (1) of this section to adopt
18 and implement commute trip reduction plans if the department determines
19 that such plans are necessary for attainment of said standards.

20 (4) A commute trip reduction plan shall be consistent with the
21 guidelines established under RCW 70.94.537 and shall include but is not
22 limited to (a) goals for reductions in the proportion of single-
23 occupant vehicle commute trips and the commute trip vehicle miles
24 traveled per employee; (b) designation of commute trip reduction zones;
25 (c) requirements by the department of transportation for major public
26 and private sector employers to implement commute trip reduction
27 programs; (d) a commute trip reduction program for employees of the
28 county, city, or town; (e) (~~a review of local parking policies and~~
29 ~~ordinances as they relate to employers and major worksites and any~~
30 ~~revisions necessary to comply with commute trip reduction goals and~~
31 ~~guidelines; (f)~~) an appeals process by which major employers, who as
32 a result of special characteristics of their business or its locations
33 would be unable to (~~meet the requirements of a commute trip reduction~~
34 ~~plan~~) obtain approval of their plan after review by their local
35 governmental entity, may obtain waiver or modification of those
36 requirements; and (~~(g)~~) (f) means for determining base year values of
37 the proportion of single-occupant vehicle commute trips and the commute
38 trip vehicle miles traveled per employee and progress toward meeting
39 commute trip reduction plan goals on an annual basis. Goals which are

1 established shall take into account existing transportation demand
2 management efforts which are made by major employers. ((Each
3 jurisdiction)) The department of transportation shall ensure that
4 employers shall receive full credit for the results of transportation
5 demand management efforts and commute trip reduction programs which
6 have been implemented by major employers prior to the base year. The
7 goals for miles traveled per employee for all major employers shall not
8 be less than a fifteen percent reduction from the worksite base year
9 value or the base year value for the commute trip reduction zone in
10 which their worksite is located by January 1, 1995, twenty percent
11 reduction from the base year values by January 1, 1997, twenty-five
12 percent reduction from the base year values by January 1, 1999, and a
13 thirty-five percent reduction from the base year values by January 1,
14 2005.

15 (5) (~~A county, city, or town~~) The department of transportation
16 may, as part of its commute trip reduction plan, require commute trip
17 reduction programs for employers with ten or more full time employees
18 at major worksites in federally designated nonattainment areas for
19 carbon monoxide and ozone. The (~~county, city or town~~) department of
20 transportation shall develop the programs in cooperation with affected
21 employers and provide technical assistance to the employers in
22 implementing such programs.

23 (6) The commute trip reduction plans (~~adopted~~) approved by
24 counties, cities, and towns under this chapter shall be consistent with
25 and may be incorporated in applicable state or regional transportation
26 plans and local comprehensive plans and shall be coordinated, and
27 consistent with, the commute trip reduction plans of (~~counties,~~
28 ~~cities, or towns with which the county, city, or town has, in part,~~
29 ~~common borders or related regional issues.~~ Such regional issues shall
30 ~~include assuring consistency in the treatment of employers who have~~
31 ~~worksites subject to the requirements of this chapter in more than one~~
32 ~~jurisdiction. Counties, cities, or towns adopting commute trip~~
33 ~~reduction plans may enter into agreements through the interlocal~~
34 ~~cooperation act or by resolution or ordinance as appropriate with other~~
35 ~~jurisdictions, local transit agencies, or regional transportation~~
36 ~~planning organizations to coordinate the development and implementation~~
37 ~~of such plans)) the department of transportation. Transit agencies
38 shall work with (~~counties, cities, and towns~~) major employers to take
39 into account the location of major employer worksites when planning~~

1 transit service changes or the expansion of public transportation
2 services. (~~Counties, cities, or towns adopting a commute trip~~
3 ~~reduction plan shall review it annually and revise it as necessary to~~
4 ~~be consistent with applicable plans developed under RCW 36.70A.070.)~~)

5 (7) Each (~~county, city, or town~~) major employer or employer at a
6 major worksite implementing a commute trip reduction program shall(~~(7)~~)
7 within thirty days submit a summary of its plan along with
8 certification of (~~adoption~~) approval to the commute trip reduction
9 task force established under RCW 70.94.537.

10 (8) (~~Each county, city, or town implementing a commute trip~~
11 ~~reduction program shall submit an annual progress report to the commute~~
12 ~~trip reduction task force established under RCW 70.94.537. The report~~
13 ~~shall be due July 1, 1994, and each July 1st thereafter through July 1,~~
14 ~~2006. The report shall describe progress in attaining the applicable~~
15 ~~commute trip reduction goals for each commute trip reduction zone and~~
16 ~~shall highlight any problems being encountered in achieving the goals.~~
17 ~~The information shall be reported in a form established by the commute~~
18 ~~trip reduction task force.~~)

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

27 (~~(10)~~) (9) Each (~~county, city, or town~~) employer implementing
28 a commute trip reduction program shall count commute trips eliminated
29 through work-at-home options or alternate work schedules as one and
30 two-tenths vehicle trips eliminated for the purpose of meeting trip
31 reduction goals.

32 (~~(11)~~) (10) Each (~~county, city, or town~~) employer implementing
33 a commute trip reduction program shall ensure that (~~employers that~~)
34 they have modified their employees' work schedules so that some or all
35 employees are not scheduled to arrive at work between 6:00 a.m. and
36 9:00 a.m. are provided credit when calculating single-occupancy vehicle
37 use and vehicle miles traveled at that worksite. This credit shall be
38 awarded if implementation of the schedule change was an identified
39 element in that worksite's approved commute trip reduction program or

1 if the schedule change occurred because of impacts associated with
2 chapter 36.70A RCW, the growth management act.

3 ~~((12))~~ (11) Plans implemented under this section shall not apply
4 to commute trips for seasonal agricultural employees.

5 ~~((13))~~ (12) Plans implemented under this section shall not apply
6 to construction worksites when the expected duration of the
7 construction project is less than two years.

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

10 (1) Not more than six months after the adoption of the commute trip
11 reduction ~~((plan))~~ program by ~~((a jurisdiction))~~ the department of
12 transportation, each major employer ~~((in that jurisdiction))~~ shall
13 develop a commute trip reduction program and shall submit a description
14 of that program to the local jurisdiction for review and approval. The
15 program shall be implemented not more than six months after
16 ~~((submission to))~~ approval by the local jurisdiction.

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

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

31 (ii) Instituting or increasing parking charges for single-occupant
32 vehicles;

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

35 (iv) Provision of subsidies for transit fares;

36 (v) Provision of vans for van pools;

37 (vi) Provision of subsidies for car pooling or van pooling;

1 (vii) Permitting the use of the employer's vehicles for car pooling
2 or van pooling;

3 (viii) Permitting flexible work schedules to facilitate employees'
4 use of transit, car pools, or van pools;

5 (ix) Cooperation with transportation providers to provide
6 additional regular or express service to the worksite;

7 (x) Construction of special loading and unloading facilities for
8 transit, car pool, and van pool users;

9 (xi) Provision of bicycle parking facilities, lockers, changing
10 areas, and showers for employees who bicycle or walk to work;

11 (xii) Provision of a program of parking incentives such as a rebate
12 for employees who do not use the parking facility;

13 (xiii) Establishment of a program to permit employees to work part
14 or full time at home or at an alternative worksite closer to their
15 homes;

16 (xiv) Establishment of a program of alternative work schedules such
17 as compressed work week schedules which reduce commuting; and

18 (xv) Implementation of other measures designed to facilitate the
19 use of high-occupancy vehicles such as on-site day care facilities and
20 emergency taxi services.

21 (3) Employers or owners of worksites may form or utilize existing
22 transportation management associations to assist members in developing
23 and implementing commute trip reduction programs.

24 (4) Employers shall make a good faith effort towards achievement of
25 the goals identified in RCW 70.94.527(4)((+g+)) (f).

26 **Sec. 4.** RCW 70.94.534 and 1997 c 250 s 4 are each amended to read
27 as follows:

28 (1) Each local jurisdiction (~~((implementing a))~~) in which an employer
29 has implemented a commute trip reduction plan under this chapter (~~((or~~
30 ~~as part of a plan or ordinance developed under RCW 36.70A.070))~~) shall
31 review and approve each employer's initial commute trip reduction
32 program to determine if the program is likely to meet the applicable
33 commute trip reduction goals. If the local jurisdiction approves the
34 employer's commute trip reduction plan, the employer shall forward the
35 plan to the department of transportation. The employer shall be
36 notified by the local jurisdiction of its (~~((findings))~~) approval or lack
37 of approval. If the local jurisdiction finds that the program is not
38 likely to meet the applicable commute trip reduction goals, the local

1 jurisdiction will notify the employer to work with the ((employer))
2 department of transportation to modify the program as necessary. The
3 local jurisdiction shall complete review of each employer's initial
4 commute trip reduction program within three months of receipt.

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

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

11 (b) The employer is working collaboratively with ~~((its~~
12 ~~jurisdiction))~~ the department of transportation to continue its
13 existing program or is developing and implementing program
14 modifications likely to result in improvements to the program over an
15 agreed upon length of time.

16 (3) ~~((Each jurisdiction))~~ The department of transportation shall
17 annually review each employer's progress and good faith efforts toward
18 meeting the applicable commute trip reduction goals. If an employer
19 makes a good faith effort, as defined in this section, but is not
20 likely to meet the applicable commute trip reduction goals, the
21 ~~((jurisdiction))~~ department of transportation shall work
22 collaboratively with the employer to make modifications to the commute
23 trip reduction program. Failure of an employer to reach the applicable
24 commute trip reduction goals is not a violation of this chapter.

25 (4) If an employer fails to make a good faith effort and fails to
26 meet the applicable commute trip reduction goals, the ~~((jurisdiction))~~
27 department of transportation shall work collaboratively with the
28 employer to propose modifications to the program and shall direct the
29 employer to revise its program within thirty days to incorporate those
30 modifications or modifications which the jurisdiction determines to be
31 equivalent.

32 (5) ~~((Each jurisdiction implementing a commute trip reduction plan~~
33 ~~pursuant to this chapter))~~ The department of transportation may impose
34 civil penalties, in the manner provided in chapter 7.80 RCW, for
35 failure by an employer to implement a commute trip reduction program or
36 to modify its commute trip reduction program as required in subsection
37 (4) of this section. No major employer may be held liable for civil
38 penalties for failure to reach the applicable commute trip reduction
39 goals. No major employer shall be liable for civil penalties under

1 this chapter if failure to achieve a commute trip reduction program
2 goal was the result of an inability to reach agreement with a certified
3 collective bargaining agent under applicable laws where the issue was
4 raised by the employer and pursued in good faith.

5 (6) (~~Jurisdictions~~) The department of transportation shall notify
6 major employers of the procedures for applying for goal modification or
7 exemption from the commute trip reduction requirements based on the
8 guidelines established by the commute trip reduction task force.

9 **Sec. 5.** RCW 70.94.541 and 1996 c 186 s 515 are each amended to
10 read as follows:

11 (1) A technical assistance team shall be established under the
12 direction of the department of transportation and include
13 representatives of the department of ecology. The team shall provide
14 staff support to the commute trip reduction task force in carrying out
15 the requirements of RCW 70.94.537 and to the department of general
16 administration in carrying out the requirements of RCW 70.94.551.

17 (2) The team shall provide technical assistance to counties,
18 cities, and towns, the department of general administration, other
19 state agencies, and other employers in developing and implementing
20 commute trip reduction (~~plans and~~) programs. The technical
21 assistance shall include: (a) Guidance in determining base and
22 subsequent year values of single-occupant vehicle commuting proportion
23 and commute trip reduction vehicle miles traveled to be used in
24 determining progress in attaining plan goals; (b) developing model
25 plans and programs appropriate to different situations; and (c)
26 providing consistent training and informational materials for the
27 implementation of commute trip reduction programs. Model (~~plans and~~)
28 programs, training and informational materials shall be developed in
29 cooperation with representatives of local governments, transit
30 agencies, and employers.

31 (~~(3) In carrying out this section the department of transportation
32 may contract with state wide associations representing cities, towns,
33 and counties to assist cities, towns, and counties in implementing
34 commute trip reduction plans and programs.~~)

35 **Sec. 6.** RCW 70.94.544 and 1991 c 202 s 17 are each amended to read
36 as follows:

1 A portion of the funds made available for the purposes of this
2 chapter shall be used to fund the commute trip reduction task force in
3 carrying out the responsibilities of RCW 70.94.541, and the interagency
4 technical assistance team, including the activities authorized under
5 RCW 70.94.541(2), and to assist employers, counties, cities, and towns
6 implementing commute trip reduction ((plans)) programs. ((Funds shall
7 be provided to the counties in proportion to the number of major
8 employers and major worksites in each county. The counties shall
9 provide funds to cities and towns within the county which are
10 implementing commute trip reduction plans in proportion to the number
11 of major employers and major worksites within the city or town.))

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