

1 (b) The development of an access management program, in accordance
2 with this chapter, which coordinates land use planning decisions by
3 local governments and investments in the state highway system, will
4 serve to control the proliferation of connections and other access
5 approaches to and from the state highway system. Without such a
6 program, the health, safety, and welfare of the residents of this state
7 are at risk, due to the fact that uncontrolled access to the state
8 highway system is a significant contributing factor to the congestion
9 and functional deterioration of the system; and

10 (c) The development of an access management program in accordance
11 with this chapter will enhance the development of an effective
12 transportation system and increase the traffic-carrying capacity of the
13 state highway system and thereby reduce the incidences of traffic
14 accidents, personal injury, and property damage or loss; mitigate
15 environmental degradation; promote sound economic growth and the growth
16 management goals of the state; reduce highway maintenance costs and the
17 necessity for costly traffic operations measures; lengthen the
18 effective life of transportation facilities in the state, thus
19 preserving the public investment in such facilities; and shorten
20 response time for emergency vehicles.

21 (2) In furtherance of these findings, all state highways are hereby
22 declared to be controlled access facilities as defined in section 2 of
23 this act, except those highways that are defined as limited access
24 facilities in chapter 47.52 RCW.

25 (3) It is the policy of the legislature that:

26 (a) The access rights of an owner of property abutting the state
27 highway system are subordinate to the public's right and interest in a
28 safe and efficient highway system; and

29 (b) Every owner of property which abuts a state highway has a right
30 to reasonable access to that highway, unless such access has been

1 acquired pursuant to chapter 47.52 RCW, but may not have the right of
2 a particular means of access. The right of access to the state highway
3 may be restricted if, pursuant to local regulation, reasonable access
4 can be provided to another public road which abuts the property.

5 (4) The legislature declares that it is the purpose of this chapter
6 to provide a coordinated planning process for the permitting of access
7 points on the state highway system to effectuate the findings and
8 policies under this section.

9 (5) Nothing in this chapter shall affect the right to full
10 compensation under section 16, Article I of the state Constitution.

11 NEW SECTION. **Sec. 2.** DEFINITIONS--ACCESS. Unless the context
12 clearly requires otherwise, the definitions in this section apply
13 throughout this chapter.

14 (1) "Controlled access facility" means a transportation facility to
15 which access is regulated by the governmental entity having
16 jurisdiction over the facility. Owners or occupants of abutting lands
17 and other persons have a right of access to or from such facility at
18 such points only and in such manner as may be determined by the
19 governmental entity.

20 (2) "Connection" means approaches, driveways, streets, turnouts, or
21 other means of providing for the right of access to or from controlled
22 access facilities on the state highway system.

23 (3) "Permitting authority" means the department or city or town
24 authorized to regulate access to the state highway system pursuant to
25 this chapter.

26 NEW SECTION. **Sec. 3.** REGULATING CONNECTIONS. (1) Vehicular
27 access and connections to or from the state highway system shall be
28 regulated by the permitting authority in accordance with the provisions

1 of this chapter in order to protect the public health, safety, and
2 welfare.

3 (2) The department shall, no later than July 1, 1992, adopt by rule
4 administrative procedures, which establish access standards and rules
5 for its issuance and modification of access permits, closing of
6 unpermitted connections, and revocation of permits in accordance with
7 this chapter. The department shall consult with the association of
8 Washington cities in the development of access standards for city
9 streets designated as state highways under chapter 47.24 RCW.

10 (3) Cities and towns shall, no later than July 1, 1993, adopt
11 standards for access permitting on streets designated as state highways
12 which meet or exceed the department's standards, provided that such
13 standards may not be inconsistent with standards adopted by the
14 department.

15 NEW SECTION. **Sec. 4.** ACCESS PERMITS. (1) No connection to a
16 state highway shall be constructed or altered without obtaining an
17 access permit in accordance with this chapter in advance of such
18 action. A permitting authority has the authority to deny access to the
19 state highway system at the location specified in the permit until the
20 permittee constructs or alters the connection in accordance with the
21 permit requirements.

22 (2) The cost of construction or alteration of a connection shall be
23 borne by the permittee, except for alterations which are not required
24 by law or administrative rule, but are made at the request of and for
25 the convenience of the permitting authority. The permittee, however,
26 shall bear the cost of alteration of any connection which is required
27 by the permitting authority due to increased or altered traffic flows
28 generated by changes in the facilities or nature of business conducted
29 at the location specified in the permit. The cost of a change to a

1 permitted access required for safety reasons shall be at the expense of
2 the department.

3 (3) Except as otherwise provided in this chapter, an unpermitted
4 connection is subject to closure by the appropriate permitting
5 authority which shall have the right to install barriers across or
6 remove the connection. When the permitting authority determines that
7 a connection is unpermitted and subject to closure, it shall provide
8 reasonable notice of its impending action to the owner of property
9 served by the connection. The permitting authority's procedures for
10 providing notice and preventing the operation of unpermitted
11 connections shall be adopted by rule.

12 NEW SECTION. **Sec. 5.** PERMIT FEE. The department shall establish
13 by rule a schedule of fees for permit applications made to the
14 department. The fee shall be nonrefundable and shall be used to offset
15 the costs of administering the access permit review process and the
16 costs associated with administering the provisions of this chapter.

17 NEW SECTION. **Sec. 6.** PERMIT REVIEW PROCESS. The review process
18 for access permit applications made by the department shall be as
19 follows: Any person seeking an access permit shall file an application
20 with the department. The department by rule shall establish
21 application form and content requirements. The fee required by section
22 5 of this act must accompany the applications.

23 NEW SECTION. **Sec. 7.** PERMIT CONDITIONS. (1) The permitting
24 authority may issue a permit subject to any conditions necessary to
25 carry out the provisions of this chapter, including, but not limited
26 to, requiring the use of a joint-use connection. The permitting

1 authority may revoke a permit if the applicant fails to comply with the
2 conditions upon which the issuance of the permit was predicated.

3 (2) All permits issued under this chapter shall automatically
4 expire and become invalid if the connection is not constructed within
5 one year after the issuance of the permit.

6 NEW SECTION. **Sec. 8.** PERMIT REMOVAL. (1) Unpermitted connections
7 to the state highway system in existence on July 1, 1991, which have
8 been in continuous use for a period of one year or more shall not
9 require the issuance of a permit and may continue to provide access to
10 the state highway system, unless the permitting authority determines
11 that such a connection does not meet minimum acceptable standards of
12 highway safety. However, a permitting authority may require that a
13 permit be obtained for such a connection if a significant change occurs
14 in the use, design, or traffic flow of the connection or of the state
15 highway to which it provides access. If a permit is not obtained, the
16 connection may be closed pursuant to section 4 of this act.

17 (2) Access permits in effect on July 1, 1991, shall remain valid
18 until modified or revoked. The permitting authority may, after written
19 notification, under rules adopted in accordance with section 3 of this
20 act, modify or revoke an access permit granted prior to July 1, 1991,
21 by requiring relocation, alteration, or closure of the connection if a
22 significant change occurs in the use, design, or traffic flow of the
23 connection. The cost of a change to a permitted access required for
24 safety reasons shall be at the expense of the department.

25 (3) The permitting authority may issue a nonconforming access
26 permit after finding that to deny an access permit would leave the
27 property without a reasonable means of access to the public roads of
28 this state. Every nonconforming access permit shall specify limits on
29 the maximum vehicular use of the connection and shall be conditioned on

1 the availability of future alternative means of access for which access
2 permits can be obtained.

3 NEW SECTION. **Sec. 9.** ACCESS MANAGEMENT STANDARDS. (1) The
4 department shall develop, adopt, and maintain an access control
5 classification system for all routes on the state highway system, the
6 purpose of which shall be to provide for the implementation and
7 continuing applications of the provision of this chapter.

8 (2) The principal component of the access control classification
9 system shall be access management standards, the purpose of which shall
10 be to provide specific minimum standards to be adhered to in the
11 planning for and approval of access to state highways.

12 (3) The control classification system shall be developed consistent
13 with the following:

14 (a) The department shall, no later than July 1, 1993, adopt rules
15 setting forth procedures governing the implementation of the access
16 control classification system required by this chapter. The rule shall
17 provide for input from the entities described in (b) of this subsection
18 as well as for public meetings to discuss the access control
19 classification system. Nothing in this chapter shall affect the
20 validity of the department's existing or subsequently adopted rules
21 concerning access to the state highway system. Such rules shall remain
22 in effect until repealed or replaced by the rules required by this
23 chapter.

24 (b) The access control classification system shall be developed in
25 cooperation with counties, cities and towns, the state department of
26 community development, regional transportation planning organizations,
27 and other local governmental entities.

1 (c) The rule required by this section shall provide that assignment
2 of a road segment to a specific access category be made in
3 consideration of the following criteria:

4 (i) Local land use plans and zoning, as set forth in comprehensive
5 plans;

6 (ii) The current functional classification as well as potential
7 future functional classification of each road on the state highway
8 system;

9 (iii) Existing and projected traffic volumes;

10 (iv) Existing and projected state, local, and metropolitan planning
11 organization transportation plans and needs;

12 (v) Drainage requirements;

13 (vi) The character of lands adjoining the highway;

14 (vii) The type and volume of traffic requiring access;

15 (viii) Other operational aspects of access;

16 (ix) The availability of reasonable access by way of county roads
17 and city streets to a state highway; and

18 (x) The cumulative effect of existing and projected connections on
19 the state highway system's ability to provide for the safe and
20 efficient movement of people and goods within the state.

21 (d) Access management standards shall include, but not be limited
22 to, connection location standards, safety factors, design and
23 construction standards, desired levels of service, traffic control
24 devices, and effective maintenance of the roads. The standards shall
25 also contain minimum requirements for the spacing of connections,
26 intersecting streets, roads, and highways.

27 (e) An access control category shall be assigned to each segment of
28 the state highway system by July 1, 1993.

1 NEW SECTION. **Sec. 10.** LEGISLATIVE FINDINGS--LOCAL ARTERIALS. The
2 legislature finds that:

3 (1) Regulation of access to city and county arterials is desirable
4 in order to protect the public health, safety, and welfare, to preserve
5 the functional integrity of the city and county arterials, and to
6 promote the safe and efficient movement of people and goods within the
7 state regions; and

8 (2) The development of access management programs, in accordance
9 with section 11 of this act, which coordinates land use planning
10 decisions and investments in city and county arterials by local
11 governments and the state, will serve to control the proliferation of
12 connections and other access approaches to and from the local arterial
13 system.

14 NEW SECTION. **Sec. 11.** LOCAL ACCESS GUIDELINES. (1) The city
15 design standards committee under RCW 35.78.030 and the county design
16 standards committee under RCW 43.32.020, shall by December 31, 1992,
17 adopt guidelines for access regulation on city and county arterials.
18 To the extent possible, the guidelines for city and county arterials
19 shall be consistent.

20 (2) Cities and counties are authorized to develop access management
21 policies, which may be based on these guidelines to regulate access to
22 city and county arterials in order to enhance the safety and traffic
23 carrying capacity of local arterials.

24 NEW SECTION. **Sec. 12.** PROJECT FUNDING. Projects funded through
25 the transportation improvement account, the urban arterial trust
26 account, and the rural arterial trust account shall be consistent with
27 guidelines developed under section 11(1) of this act.

1
2 NEW SECTION. **Sec. 13.** FINDINGS--DEMAND MANAGEMENT. The
3 legislature finds that automotive traffic in Washington's metropolitan
4 areas is the major source of emissions of air contaminants. This air
5 pollution causes significant harm to public health, causes damage to
6 trees, plants, structures, and materials and degrades the quality of
7 the environment.

8 Increasing automotive traffic is also aggravating traffic
9 congestion in Washington's metropolitan areas. This traffic congestion
10 imposes significant costs on Washington's businesses, governmental
11 agencies, and individuals in terms of lost working hours and delays in
12 the delivery of goods and services. Traffic congestion worsens
13 automobile-related air pollution, increases the consumption of fuel,
14 and degrades the habitability of many of Washington's cities and
15 suburban areas. The capital and environmental costs of fully
16 accommodating the existing and projected automobile traffic on roads
17 and highways are prohibitive. Decreasing the demand for vehicle trips
18 is significantly less costly and at least as effective in reducing
19 traffic congestion and its impacts as constructing new transportation
20 facilities such as roads and bridges, to accommodate increased traffic
21 volumes.

22 The legislature also finds that increasing automotive
23 transportation is a major factor in increasing consumption of gasoline
24 and, thereby, increasing reliance on imported sources of petroleum.
25 Moderating the growth in automotive travel is essential to stabilizing
26 and reducing dependence on imported petroleum and improving the
27 nation's energy security.

28 The legislature further finds that reducing the number of commute
29 trips to work made via single occupant cars and light trucks is an

1 effective way of reducing automobile-related air pollution, traffic
2 congestion, and energy use. Major employers have significant
3 opportunities to encourage and facilitate reducing single occupant
4 vehicle commuting by employees.

5 The intent of this chapter is to require local governments in those
6 counties experiencing the greatest automobile-related air pollution and
7 traffic congestion to develop and implement plans to reduce single
8 occupant vehicle commute trips. Such plans shall require major
9 employers and employers at major work sites to implement programs to
10 reduce single occupant vehicle commuting by employees at major work
11 sites. Local governments in counties experiencing significant but less
12 severe automobile-related air pollution and traffic congestion may
13 implement such plans. State agencies shall implement programs to
14 reduce single occupant vehicle commuting at all major work sites
15 throughout the state.

16 NEW SECTION. **Sec. 14.** DEFINITIONS. Unless the context clearly
17 requires otherwise, the definitions in this section apply throughout
18 this chapter.

19 (1) "Phase 1 major employer" means a private or public employer
20 that employs one hundred or more full-time employees at a single work
21 site who begin their regular work day between 6:00 a.m. and 10:00 a.m.
22 on weekdays for at least six continuous months during the year.

23 (2) "Phase 2 major employer" means a private or public employer
24 that employs fifty to ninety-nine full-time employees at a single work
25 site who begin their regular work day between 6:00 a.m. and 10:00 a.m.
26 on weekdays for at least six continuous months during the year.

27 (3) "Major work site" means a building or group of buildings that
28 are on physically contiguous parcels of land or on parcels separated
29 solely by private or public roadways or rights of way, and at which

1 there are fifty or more full-time equivalent employees of one or more
2 employers, who begin their regular work day between 6:00 a.m. and 10:00
3 a.m. on weekdays, for at least six continuous months.

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

10 (5) "Commute trip" means trips made from a worker's home to a work
11 site during the peak period of 6 a.m. to 10 a.m. on weekdays.

12 (6) "Proportion of single occupant vehicle commute trips" means the
13 number of commute trips made by single occupant automobiles divided by
14 the number of full-time equivalent employees.

15 (7) "Commute trip vehicle miles traveled per employee" means the
16 sum of the individual vehicle commute trip lengths in miles over a set
17 period divided by the number of full-time equivalent employees during
18 that period.

19 (8) "Base year" means the year January 1, 1992, through December
20 31, 1992, on which goals for vehicle miles traveled and single occupant
21 vehicle trips shall be based. Base year goals may be determined using
22 the 1990 journey-to-work census data projected to the year 1992 and
23 shall be consistent with the growth management act. The task force
24 shall establish a method to be used by jurisdictions to determine
25 reductions of vehicle miles traveled.

26 NEW SECTION. **Sec. 15.** REQUIREMENTS FOR COUNTIES AND CITIES. (1)
27 Each county with a population over one hundred fifty thousand, and each
28 city or town within those counties containing a phase 1 major employer
29 shall, by July 1, 1992, adopt by ordinance and implement a commute trip

1 reduction plan for all phase 1 employers. Each county with a
2 population over one hundred fifty thousand, and each city or town
3 within those counties containing a phase 2 major employer shall, by
4 July 1, 1994, adopt by ordinance and implement a commute trip reduction
5 plan for all phase 2 employers. The plan shall be developed in
6 cooperation with local transit agencies, regional transportation
7 planning organizations as established in RCW 47.80.020, phase 1 or
8 phase 2 major employers, and the owners of and employers at major work
9 sites. The plan shall be designed to achieve reductions in the
10 proportion of single occupant vehicle commute trips and the commute
11 trip vehicle miles traveled per employee by employees of phase 1 and
12 phase 2 major public and private sector employers in the jurisdiction.

13 (2) All other counties, and cities and towns in those counties, may
14 adopt and implement a commute trip reduction plan.

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

22 (4) A commute trip reduction plan shall be consistent with the
23 guidelines established under section 18 of this act and shall include
24 but is not limited to (a) goals for reductions in the proportion of
25 single occupant vehicle commute trips and the commute trip vehicle
26 miles traveled per employee; (b) designation of commute trip reduction
27 zones; (c) requirements for major public and private sector employers
28 to implement commute trip reduction programs; (d) a commute trip
29 reduction program for employees of the county, city, or town; (e) a
30 review of local parking policies and ordinances as they relate to

1 employers and major work sites and any revisions necessary to comply
2 with commute trip reduction goals and guidelines; and (f) means for
3 determining base year values of the proportion of single occupant
4 vehicle commute trips and the commute trip vehicle miles traveled per
5 employee and progress toward meeting commute trip reduction plan goals
6 on an annual basis. Goals which are established shall take into
7 account existing transportation demand management efforts which are
8 made by phase 1 and phase 2 major employers. The goals for miles
9 traveled per employee for all phase 1 employers shall not be less than
10 a fifteen percent reduction from the base year value of the commute
11 trip reduction zone in which their work site is located by January 1,
12 1994, twenty-five percent reduction from the base year values by
13 January 1, 1996, and thirty-five percent reduction from the base year
14 values by January 1, 1998. The goals for miles traveled per employee
15 for all phase 2 employers shall not be less than a fifteen percent
16 reduction from the base year values of the commute trip reduction zone
17 in which their work site is located by January 1, 1996, twenty-five
18 percent reduction from the base year values by January 1, 1998, and
19 thirty-five percent reduction from the base year values by January 1,
20 2000.

21 (5) A county, city, or town may, as part of its commute trip
22 reduction plan, require commute trip reduction programs for other than
23 phase 1 and phase 2 major employers for major work sites if the county,
24 city, or town determines such programs are necessary to address local
25 transportation or air quality problems.

26 (6) The commute trip reduction plans adopted by counties, cities,
27 and towns under this chapter shall be consistent with and may be
28 incorporated in applicable state or regional transportation plans and
29 local comprehensive plans and shall be coordinated, and consistent
30 with, the commute trip reduction plans of counties, cities, or towns

1 with which the county, city, or town has, in part, common borders or
2 related regional issues. Counties, cities, or towns adopting commute
3 trip reduction plans may enter into agreements through the interlocal
4 cooperation act with other jurisdictions, local transit agencies, or
5 regional transportation planning organizations to coordinate the
6 development and implementation of such plans. Counties, cities, or
7 towns adopting a commute trip reduction plan shall review it annually
8 and revise it as necessary to be consistent with applicable plans
9 developed under RCW 36.70A.070.

10 (7) Each county, city, or town implementing a commute trip
11 reduction program shall, by July 15, 1992, for phase 1 employers and by
12 July 15, 1994, for phase 2 employers submit a summary of its plan along
13 with certification of adoption to the commute trip reduction task force
14 established under section 18 of this act.

15 (8) Each county, city, or town implementing a commute trip
16 reduction program shall submit an annual progress report to the commute
17 trip reduction task force established under section 18 of this act.
18 The report shall be due July 1, 1993, and each July 1 thereafter
19 through July 1, 2000. The report shall describe progress in attaining
20 the applicable commute trip reduction goals for each commute trip
21 reduction zone and shall highlight any problems being encountered in
22 achieving the goals. The information shall be reported in a form
23 established by the commute trip reduction task force.

24 (9) 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 (10) Plans implemented under this section shall not apply to
29 commute trips for seasonal agricultural employees.

1 NEW SECTION. **Sec. 16.** REQUIREMENTS FOR EMPLOYERS. (1) Not more
2 than six months after the adoption of the commute trip reduction plan
3 by a jurisdiction, each phase 1 and phase 2 major employer in that
4 jurisdiction shall develop a commute trip reduction program and shall
5 submit a description of that program to the jurisdiction for review.
6 The program shall be implemented not more than six months after
7 submission to the jurisdiction.

8 (2) A commute trip reduction program shall consist of, at a minimum
9 (a) designation of an on-site transportation coordinator; (b) regular
10 distribution of information to employees regarding alternatives to
11 single occupant vehicle commuting; (c) an annual review of employee
12 commuting and reporting of progress toward meeting the single occupant
13 vehicle reduction goals to the county, city, or town consistent with
14 the method established in the commute trip reduction plan; and (d)
15 implementation of a set of measures designed to achieve the applicable
16 commute trip reduction goals adopted by the jurisdiction. Such
17 measures may include but are not limited to:

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

20 (ii) Instituting or increasing parking charges for single occupant
21 vehicles;

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

24 (iv) Provision of subsidies for transit fares;

25 (v) Provision of vans for van pools;

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

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

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

1 (ix) Cooperation with transportation providers to provide
2 additional regular or express service to the work site;

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

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

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

9 (xiii) Establishment of a program to permit employees to work part
10 or full time at home or at an alternative work site closer to their
11 homes;

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

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

17 (3) Employers or owners of work sites may form or utilize existing
18 transportation management associations to assist members in developing
19 and implementing commute trip reduction programs.

20 NEW SECTION. **Sec. 17.** JURISDICTIONS' REVIEW AND PENALTIES. (1)
21 Each jurisdiction implementing a commute trip reduction plan under this
22 chapter or as part of a plan or ordinance developed under RCW
23 36.70A.070 shall review each employer's initial commute trip reduction
24 program to determine if the program is likely to meet the applicable
25 commute trip reduction goals. The employer shall be notified by the
26 jurisdiction of its findings. If the jurisdiction finds that the
27 program is not likely to meet the applicable commute trip reduction
28 goals, the jurisdiction will work with the employer to modify the
29 program as necessary. The jurisdiction shall complete review of each

1 employer's initial commute trip reduction program within six months of
2 receipt.

3 (2) Each jurisdiction shall annually review each employer's
4 progress toward meeting the applicable commute trip reduction goals.
5 If it appears an employer is not likely to meet the applicable commute
6 trip reduction goals, the jurisdiction shall work with the employer to
7 make modifications to the commute trip reduction program.

8 (3) If an employer fails to meet the applicable commute trip
9 reduction goals, the jurisdiction shall propose modifications to the
10 program and direct the employer to revise its program within thirty
11 days to incorporate those modifications or modifications which the
12 jurisdiction determines to be equivalent.

13 (4) Each jurisdiction implementing a commute trip reduction plan
14 pursuant to this chapter may impose civil penalties, in the manner
15 provided in chapter 7.80 RCW, for failure by an employer to implement
16 a commute trip reduction program or to modify its commute trip
17 reduction program as required in subsection (3) of this section.

18 NEW SECTION. **Sec. 18.** COMMUTE TRIP REDUCTION TASK FORCE. (1) A
19 commute trip reduction task force shall be established by the state
20 energy office. The task force shall be composed of one representative
21 from the state energy office who shall serve as chair; one
22 representative from each of the departments of transportation, ecology,
23 community development, and general administration; three
24 representatives from counties, based on recommendations from the
25 Washington state association of counties; three representatives from
26 cities or towns, based on recommendations from the association of
27 Washington cities; three representatives from transit agencies
28 recommended by Washington State Transit Association; three interested

1 citizens; and six representatives from major employers. The task force
2 shall be dissolved on July 1, 2000.

3 (2) By January 1, 1992, the commute trip reduction task force shall
4 establish guidelines for commute trip reduction plans. The guidelines
5 are intended to ensure consistency in commute trip reduction plans and
6 goals among jurisdictions while fairly taking into account differences
7 in employment and housing density, employer size, existing and
8 anticipated levels of transit service, and other factors the task force
9 determines to be relevant. The guidelines shall include criteria for
10 establishing commute trip reduction zones, allowances for employers
11 that have implemented trip reduction programs prior to the base year,
12 and the information requirements for determining progress in meeting
13 the commute trip reduction goals. The task force may also develop
14 alternative but equivalent trip reduction criteria for phase 1 and
15 phase 2 major employers, which cannot meet the goals of this chapter
16 because of the unique nature of their business. For example, the task
17 force may develop alternate but equivalent criteria for major employers
18 whose major work sites change, and who contribute substantially to
19 traffic congestion in a trip reduction zone.

20 (3) The task force shall review the costs and benefits of commute
21 trip plans and programs and shall make recommendations to the
22 legislature by December 1, 1993, December 1, 1995, December 1, 1997,
23 and December 1, 1999. In assessing the costs and benefits, the task
24 force shall also consider the costs of not having implemented commute
25 trip reduction plans and programs. The recommendations shall address
26 the need for continuation, modification, or termination of any or all
27 requirements of this chapter.

28 NEW SECTION. **Sec. 19.** TECHNICAL ASSISTANCE TEAM. (1) A technical
29 assistance team shall be established under the direction of the state

1 energy office and include representatives of the departments of
2 transportation and ecology. The team shall provide staff support to
3 the commute trip reduction task force in carrying out the requirements
4 of section 18 of this act and to the department of general
5 administration in carrying out the requirements of section 22 of this
6 act.

7 (2) The team shall provide technical assistance to counties,
8 cities, and towns, the department of general administration, other
9 state agencies, and other employers in developing and implementing
10 commute trip reduction plans and programs. The technical assistance
11 shall include: (a) Guidance in determining base and subsequent year
12 values of single occupant vehicle commuting proportion and commute trip
13 reduction vehicle miles traveled to be used in determining progress in
14 attaining plan goals; (b) developing model plans and programs
15 appropriate to different situations; and (c) providing consistent
16 training and informational materials for the implementation of commute
17 trip reduction programs. Model plans and programs, training and
18 informational materials shall be developed in cooperation with
19 representatives of local governments, transit agencies, and employers.

20 NEW SECTION. **Sec. 20.** USE OF FUNDS. A portion of the funds made
21 available for the purposes of this chapter shall be used to fund the
22 commute trip reduction task force in carrying out the responsibilities
23 of section 19 of this act, and the interagency technical assistance
24 team and to assist counties, cities, and towns implementing commute
25 trip reduction plans. Funds shall be provided to the counties in
26 proportion to the number of major employers and major work sites in
27 each county. The counties shall provide funds to cities and towns
28 within the county which are implementing commute trip reduction plans

1 in proportion to the number of major employers and major work sites
2 within the city or town.

3 NEW SECTION. **Sec. 21.** LEGISLATIVE INTENT--STATE LEADERSHIP. The
4 legislature hereby recognizes the state's crucial leadership role in
5 establishing and implementing effective commute trip reduction
6 programs. Therefore, it is the policy of the state that the department
7 of general administration and other state agencies shall aggressively
8 develop substantive programs to reduce commute trips by state
9 employees. Implementation of these programs will reduce energy
10 consumption, congestion in urban areas, and air and water pollution
11 associated with automobile travel.

12 NEW SECTION. **Sec. 22.** GENERAL ADMINISTRATION. (1) The director
13 of general administration, with the concurrence of an interagency task
14 force established for the purposes of this section, shall coordinate a
15 commute trip reduction plan for state agencies which are phase 1 major
16 employers by July 1, 1992, and for state agencies which are phase 2
17 major employers by July 1, 1994. The task force shall include
18 representatives of the state energy office, the departments of
19 transportation and ecology and such other departments as the director
20 of general administration determines to be necessary to be generally
21 representative of state agencies. The state agency plan shall be
22 consistent with the requirements of sections 15 and 16 of this act and
23 shall be developed in consultation with state employees, local and
24 regional governments, local transit agencies, the business community,
25 and other interested groups. The plan shall consider and recommend
26 policies applicable to all state agencies including but not limited to
27 policies regarding parking and parking charges, employee incentives for
28 commuting by other than single-occupant automobiles, flexible and

1 alternative work schedules, alternative work sites, and the use of
2 state-owned vehicles for car and van pools. The plan shall also
3 consider the costs and benefits to state agencies of achieving commute
4 trip reductions and consider mechanisms for funding state agency
5 commute trip reduction programs. The department shall, by July 15,
6 1992, for phase 1 major employers and by July 15, 1994, for phase 2
7 major employers submit a summary of its plan along with certification
8 of adoption to the commute trip reduction task force established under
9 section 18 of this act.

10 (2) Not more than three months after the adoption of the commute
11 trip reduction plan, each state agency shall, for each facility which
12 is a phase 1 or phase 2 major employer, develop a commute trip
13 reduction program. The program shall be designed to meet the goals of
14 the commute trip reduction plan of the county, city, or town or, if
15 there is no local commute trip reduction plan, the state. The program
16 shall be consistent with the policies of the state commute trip
17 reduction plan and section 16 of this act. The agency shall submit a
18 description of that program to the local jurisdiction implementing a
19 commute trip reduction plan or, if there is no local commute trip
20 reduction plan, to the department of general administration. The
21 program shall be implemented not more than three months after
22 submission to the department. Annual reports required in section
23 16(2)(c) of this act shall be submitted to the local jurisdiction
24 implementing a commute trip reduction plan and to the department of
25 general administration. An agency which is not meeting the applicable
26 commute trip reduction goals shall, to the extent possible, modify its
27 program to comply with the recommendations of the local jurisdiction or
28 the department of general administration.

29 (3) State agencies sharing a common location may develop and
30 implement a joint commute trip reduction program or may delegate the

1 development and implementation of the commute trip reduction program to
2 the department of general administration.

3 (4) The department of general administration in consultation with
4 the state technical assistance team shall review the initial commute
5 trip reduction program of each state agency subject to the commute trip
6 reduction plan for state agencies to determine if the program is likely
7 to meet the applicable commute trip reduction goals and notify the
8 agency of any deficiencies. If it is found that the program is not
9 likely to meet the applicable commute trip reduction goals, the team
10 will work with the agency to modify the program as necessary.

11 (5) For each agency subject to the state agency commute trip
12 reduction plan, the department of general administration in
13 consultation with the technical assistance team shall annually review
14 progress toward meeting the applicable commute trip reduction goals.
15 If it appears an agency is not meeting or is not likely to meet the
16 applicable commute trip reduction goals, the team shall work with the
17 agency to make modifications to the commute trip reduction program.

18 (6) The department of general administration shall submit an annual
19 progress report for state agencies subject to the state agency commute
20 trip reduction plan to the commute trip reduction task force
21 established under section 18 of this act. The report shall be due
22 April 1, 1993, and each April 1 through 2000. The report shall report
23 progress in attaining the applicable commute trip reduction goals for
24 each commute trip reduction zone and shall highlight any problems being
25 encountered in achieving the goals. The information shall be reported
26 in a form established by the commute trip reduction task force.

27 NEW SECTION. **Sec. 23.** A new section is added to chapter 70.94 RCW
28 to read as follows:

1 CONFORMITY. No state agency, metropolitan planning organization,
2 or local government shall approve or fund a transportation plan,
3 program, or project unless a determination has been made that the plan,
4 program, or project conforms with the state implementation plan for air
5 quality.

6 (1) "Conformity to the state implementation plan" means:

7 (a) Conformity to the state implementation plan's purpose of
8 eliminating or reducing the severity and number of violations of the
9 national ambient air quality standards and achieving expeditious
10 attainment of such standards; and

11 (b) Ensuring that a proposed transportation plan, program, or
12 project will not:

13 (i) Cause or contribute to any new violation of any standard in any
14 area;

15 (ii) Increase the frequency or severity of any existing violation
16 of any standard in any area; or

17 (iii) Delay timely attainment of any standard or any required
18 interim emission reductions or other milestones in any area.

19 Conformity determination shall be made by the state or local
20 government or metropolitan planning organization administering or
21 developing the plan, program, or project. The determination of
22 conformity shall be based on the most recent estimates of emissions,
23 and such estimates shall be determined from the most recent
24 population, employment, travel, and congestion estimates as determined
25 by the metropolitan planning organization or other agency authorized to
26 make such estimates.

27 (2) Plans and programs conform if:

28 (a) Emissions resulting from such plans and programs are consistent
29 with baseline emission inventories and emission reduction projections

1 and schedules assigned to those plans and programs in the state
2 implementation plan; and

3 (b) The plans and programs provide for the timely implementation of
4 the transportation provisions in the approved or promulgated state
5 implementation plan.

6 (3) A project conforms if:

7 (a) It is a control measure from the state implementation plan; or

8 (b) It comes from a conforming plan and program, and the design and
9 scope of such project has not changed significantly since the plan and
10 program from which the project derived was found to conform.

11 (c) A project other than one referred to in (a) and (b) of this
12 subsection conforms if it is demonstrated that the project either does
13 not contribute to increased emissions in the nonattainment area, or
14 that offsetting emission reductions for the project are specifically
15 provided for in the transportation plan and program, or are otherwise
16 enforceable through the state implementation plan, before the project
17 is approved.

18 (d) No later than eighteen months after the effective date of this
19 section, the director of the department of ecology and the secretary of
20 transportation, in consultation with other state, regional, and local
21 agencies as appropriate, shall adopt by rule criteria and guidance for
22 demonstrating and assuring conformity of plans, programs, and projects.

23 (4) A project with a scope that is limited to safety, preservation,
24 or maintenance, or any combination thereof, shall be exempted from a
25 conformity determination requirement.

26 NEW SECTION. **Sec. 24.** CODIFICATION. Sections 1 through 9 of this
27 act shall constitute a new chapter in Title 47 RCW.

1 NEW SECTION. **Sec. 25.** CODIFICATION. Sections 10 through 12 of
2 this act are each added to chapter 47.26 RCW.

3 NEW SECTION. **Sec. 26.** CODIFICATION. Sections 13 through 22 of
4 this act shall constitute a new chapter in Title 81 RCW.

5 NEW SECTION. **Sec. 27.** HEADINGS. Section captions and part
6 headings as used in this act do not constitute any part of the law.

7 NEW SECTION. **Sec. 28.** TDM--NULL AND VOID. If funding for the
8 purposes of sections 13 through 22 of this act is not provided by June
9 30, 1991, sections 13 through 23 and 26 of this act shall be null and
10 void.

11 NEW SECTION. **Sec. 29.** EMERGENCY CLAUSE. This act is necessary
12 for the immediate preservation of the public peace, health, or safety,
13 or support of the state government and its existing public
14 institutions, and shall take effect July 1, 1991.

15 NEW SECTION. **Sec. 30.** SEVERABILITY CLAUSE. If any provision of
16 this act or its application to any person or circumstance is held
17 invalid, the remainder of the act or the application of the provision
18 to other persons or circumstances is not affected.