

ESHB 3089 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.94.524 and 1991 c 202 s 11 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

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

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

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

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

29 (4) "Person hours of delay" means the daily person hours of delay

1 per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated
2 using the best available methodology by the department of
3 transportation.

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

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

9 ~~((+6))~~ (7) "Commute trip vehicle miles traveled per employee"
10 means the sum of the individual vehicle commute trip lengths in miles
11 over a set period divided by the number of full-time employees during
12 that period.

13 ~~((+7))~~ (8) "Base year" means the ((year January 1, 1992, through
14 December 31, 1992, on which goals for vehicle miles traveled and
15 single-occupant vehicle trips shall be based. Base year goals may be
16 determined using the 1990 journey to work census data projected to the
17 year 1992 and shall be consistent with the growth management act. The
18 task force shall establish a method to be used by jurisdictions to
19 determine reductions of vehicle miles traveled)) twelve-month period
20 commencing when a major employer is determined to be participating by
21 the local jurisdiction, on which commute trip reduction goals shall be
22 based.

23 (9) "Growth and transportation efficiency center" means a defined,
24 compact, mixed-use urban area that contains jobs or housing and
25 supports multiple modes of transportation. For the purpose of funding,
26 a growth and transportation efficiency center must meet minimum
27 criteria established by the commute trip reduction board under RCW
28 70.94.537, and must be certified by a regional transportation planning
29 organization as established in RCW 47.80.020.

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

31 (i) An urban growth area, designated pursuant to RCW 36.70A.110,
32 containing a state highway segment that exceeds the one hundred person
33 hours of delay threshold calculated by the department of
34 transportation, and any contiguous urban growth areas; and

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

1 (b) Affected urban growth areas must be listed by the department of
2 transportation in the rules for this act using the criteria identified
3 in (a) of this subsection.

4 (11) "Certification" means a determination by a regional
5 transportation planning organization that a locally designated growth
6 and transportation efficiency center program meets the minimum criteria
7 developed in a collaborative regional process and the rules established
8 by the department of transportation.

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

11 ~~(1) Each county ((with a population over one hundred fifty~~
12 ~~thousand, and each city or town within those counties containing a~~
13 ~~major employer shall, by October 1, 1992, adopt by ordinance and~~
14 ~~implement a commute trip reduction plan for all major employers. The~~
15 ~~plan shall be developed in cooperation with local transit agencies,~~
16 ~~regional transportation planning organizations as established in RCW~~
17 ~~47.80.020, major employers, and the owners of and employers at major~~
18 ~~worksites)) containing an urban growth area, designated pursuant to RCW~~
19 ~~36.70A.110, and each city within an urban growth area with a state~~
20 ~~highway segment exceeding the one hundred person hours of delay~~
21 ~~threshold calculated by the department of transportation, as well as~~
22 ~~those counties and cities located in any contiguous urban growth areas,~~
23 ~~shall adopt a commute trip reduction plan and ordinance for major~~
24 ~~employers in the affected urban growth area by a date specified by the~~
25 ~~commute trip reduction board. Jurisdictions located within an urban~~
26 ~~growth area with a population greater than seventy thousand that~~
27 ~~adopted a commute trip reduction ordinance before the year 2000, as~~
28 ~~well as any jurisdiction within contiguous urban growth areas, shall~~
29 ~~also adopt a commute trip reduction plan and ordinance for major~~
30 ~~employers in the affected urban growth area by a date specified by the~~
31 ~~commute trip reduction board. Jurisdictions containing a major~~
32 ~~employment installation in a county with an affected urban growth area,~~
33 ~~designated pursuant to RCW 36.70A.110, shall adopt a commute trip~~
34 ~~reduction plan and ordinance for major employers in the major~~
35 ~~employment installation by a date specified by the commute trip~~
36 ~~reduction board. The ordinance shall establish the requirements for~~
37 ~~major employers and provide an appeals process by which major~~

1 employers, who as a result of special characteristics of their business
2 or its locations would be unable to meet the requirements of the
3 ordinance, may obtain waiver or modification of those requirements.
4 The plan shall be designed to achieve reductions in the proportion of
5 single-occupant vehicle commute trips and ~~((the commute trip vehicle~~
6 ~~miles traveled per employee by employees of major public and private~~
7 ~~sector employers in the jurisdiction))~~ be consistent with the rules
8 established by the department of transportation. The county, city, or
9 town shall submit its adopted plan to the regional transportation
10 planning organization. The county, city, or town plan shall be
11 included in the regional commute trip reduction plan for regional
12 transportation planning purposes, consistent with the rules established
13 by the department of transportation in RCW 70.94.537.

14 (2) All other counties, ~~((and))~~ cities, and towns ~~((in those~~
15 ~~counties,))~~ may adopt and implement a commute trip reduction plan
16 consistent with department of transportation rules established under
17 RCW 70.94.537. Tribal governments are encouraged to adopt a commute
18 trip reduction plan for their lands. State investment in voluntary
19 commute trip reduction plans shall be limited to those areas that meet
20 criteria developed by the commute trip reduction board.

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

28 (4) A commute trip reduction plan shall be consistent with the
29 ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include
30 but is not limited to (a) goals for reductions in the proportion of
31 single-occupant vehicle commute trips ~~((and the commute trip vehicle~~
32 ~~miles traveled per employee))~~ consistent with the state goals
33 established by the commute trip reduction board under RCW 70.94.537 and
34 the regional commute trip reduction plan goals established in the
35 regional commute trip reduction plan; (b) ~~((designation of commute trip~~
36 ~~reduction zones; (c))~~ a description of the requirements for major
37 public and private sector employers to implement commute trip reduction
38 programs; ~~((d))~~ (c) a commute trip reduction program for employees of

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

26 ~~(5) A county, city, or town may, as part of its commute trip~~
27 ~~reduction plan, require commute trip reduction programs for employers~~
28 ~~with ten or more full time employees at major worksites in federally~~
29 ~~designated nonattainment areas for carbon monoxide and ozone. The~~
30 ~~county, city or town shall develop the programs in cooperation with~~
31 ~~affected employers and provide technical assistance to the employers in~~
32 ~~implementing such programs)).~~ The plan shall be developed in
33 consultation with local transit agencies, the applicable regional
34 transportation planning organization, major employers, and other
35 interested parties.

36 ~~((+6+))~~ (5) The commute trip reduction plans adopted by counties,
37 cities, and towns under this chapter shall be consistent with and may
38 be incorporated in applicable state or regional transportation plans

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

24 (6) Each affected regional transportation planning organization
25 shall adopt a commute trip reduction plan for its region consistent
26 with the rules and deadline established by the department of
27 transportation under RCW 70.94.537. The plan shall include, but is not
28 limited to: (a) Regional program goals for commute trip reduction in
29 urban growth areas and all designated growth and transportation
30 efficiency centers; (b) a description of strategies for achieving the
31 goals; (c) a sustainable financial plan describing projected revenues
32 and expenditures to meet the goals; (d) a description of the way in
33 which progress toward meeting the goals will be measured; and (e)
34 minimum criteria for growth and transportation efficiency centers. (i)
35 Regional transportation planning organizations shall review proposals
36 from local jurisdictions to designate growth and transportation
37 efficiency centers and shall determine whether the proposed growth and
38 transportation efficiency center is consistent with the criteria

1 defined in the regional commute trip reduction plan. (ii) Growth and
2 transportation efficiency centers certified as consistent with the
3 minimum requirements by the regional transportation planning
4 organization shall be identified in subsequent updates of the regional
5 commute trip reduction plan. These plans shall be developed in
6 collaboration with all affected local jurisdictions, transit agencies,
7 and other interested parties within the region. The plan will be
8 reviewed and approved by commute trip reduction board as established
9 under RCW 70.94.537. Regions without an approved regional commute trip
10 reduction plan shall not be eligible for state commute trip reduction
11 program funds.

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

15 (7) Each ~~((county, city, or town))~~ regional transportation planning
16 organization implementing a regional commute trip reduction program
17 shall, ~~((within thirty days submit a summary of its plan along with~~
18 ~~certification of adoption))~~ consistent with the rules and deadline
19 established by the department of transportation, submit its plan as
20 well as any related local commute trip reduction plans and certified
21 growth and transportation efficiency center programs, to the commute
22 trip reduction ~~((task force))~~ board established under RCW 70.94.537.
23 The commute trip reduction board shall review the regional commute trip
24 reduction plan and the local commute trip reduction plans. The
25 regional transportation planning organization shall collaborate with
26 the commute trip reduction board to evaluate the consistency of local
27 commute trip reduction plans with the regional commute trip reduction
28 plan. Local and regional plans must be approved by the commute trip
29 reduction board in order to be eligible for state funding provided for
30 the purposes of this chapter.

31 (8) Each ~~((county, city, or town))~~ regional transportation planning
32 organization implementing a regional commute trip reduction program
33 shall submit an annual progress report to the commute trip reduction
34 ~~((task force))~~ board established under RCW 70.94.537. The report shall
35 be due ~~((July 1, 1994, and each July 1st thereafter through July 1,~~
36 ~~2006))~~ at the end of each state fiscal year for which the program has
37 been implemented. The report shall describe progress in attaining the
38 applicable commute trip reduction goals ~~((for each commute trip~~

1 ~~reduction zone))~~ and shall highlight any problems being encountered in
2 achieving the goals. The information shall be reported in a form
3 established by the commute trip reduction ~~((task force))~~ board.

4 (9) Any waivers or modifications of the requirements of a commute
5 trip reduction plan granted by a jurisdiction shall be submitted for
6 review to the commute trip reduction ~~((task force))~~ board established
7 under RCW 70.94.537. The commute trip reduction ~~((task force))~~ board
8 may not deny the granting of a waiver or modification of the
9 requirements of a commute trip reduction plan by a jurisdiction but
10 they may notify the jurisdiction of any comments or objections.

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

15 ~~(11) Each county, city, or town implementing a commute trip~~
16 ~~reduction program shall ensure that employers that have modified their~~
17 ~~employees' work schedules so that some or all employees are not~~
18 ~~scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are~~
19 ~~provided credit when calculating single occupancy vehicle use and~~
20 ~~vehicle miles traveled at that worksite. This credit shall be awarded~~
21 ~~if implementation of the schedule change was an identified element in~~
22 ~~that worksite's approved commute trip reduction program or if the~~
23 ~~schedule change occurred because of impacts associated with chapter~~
24 ~~36.70A RCW, the growth management act.~~

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

27 ~~((13))~~ (11) Plans implemented under this section shall not apply
28 to construction worksites when the expected duration of the
29 construction project is less than two years.

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

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

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

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

10 (b) In order to be eligible for state funding provided for the
11 purposes of this section, designated growth and transportation
12 efficiency centers shall be certified by the applicable regional
13 transportation organization to: (i) Meet the minimum land use and
14 transportation criteria established in collaboration among local
15 jurisdictions, transit agencies, the regional transportation planning
16 organization, and other interested parties as part of the regional
17 commute trip reduction plan; and (ii) have established a transportation
18 demand management program that includes the elements identified in (c)
19 of this subsection and is consistent with the rules established by the
20 department of transportation in RCW 70.94.537(2). If a designated
21 growth and transportation efficiency center is denied certification,
22 the local jurisdiction may appeal the decision to the commute trip
23 reduction board.

24 (c) Transportation demand management programs for growth and
25 transportation efficiency centers shall include, but are not limited
26 to: (i) Goals for reductions in the proportion of single-occupant
27 vehicle trips that are more aggressive than the state program goal
28 established by the commute trip reduction board; (ii) a sustainable
29 financial plan demonstrating how the program can be implemented to meet
30 state and regional trip reduction goals, indicating resources from
31 public and private sources that are reasonably expected to be made
32 available to carry out the plan, and recommending any innovative
33 financing techniques consistent with chapter 47.29 RCW, including
34 public/private partnerships, to finance needed facilities, services,
35 and programs; (iii) a proposed organizational structure for
36 implementing the program; (iv) a proposal to measure performance toward
37 the goal and implementation progress; and (v) an evaluation to which
38 local land use and transportation policies apply, including parking

1 policies and ordinances, to determine the extent that they complement
2 and support the trip reduction investments of major employers. Each of
3 these program elements shall be consistent with the rules established
4 under RCW 70.94.537.

5 (d) A designated growth and transportation efficiency center shall
6 be consistent with the land use and transportation elements of the
7 local comprehensive plan.

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

12 (2) A county, city, or town that has established a growth and
13 transportation efficiency center program shall support vehicle trip
14 reduction activities in the designated area. The implementing
15 jurisdiction shall adopt policies, ordinances, and funding strategies
16 that will lead to attainment of program goals in those areas.
17 Jurisdictions may apply but are not limited to any of the following
18 strategies, as long as the minimum state requirements are met:

- 19 (a) Lowering the size threshold of a major employer; and
- 20 (b) Adjusting the morning commute window.

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

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

25 (2) Not more than (~~six months~~) ninety days after the adoption of
26 (~~the~~) a jurisdiction's commute trip reduction plan (~~by a~~
27 ~~jurisdiction~~), each major employer in that jurisdiction shall perform
28 a baseline measurement consistent with the rules established by the
29 department of transportation under RCW 70.94.537. Not more than ninety
30 days after receiving the results of the baseline measurement, each
31 major employer shall develop a commute trip reduction program and shall
32 submit a description of that program to the jurisdiction for review.
33 The program shall be implemented not more than (~~six months~~) ninety
34 days after (~~submission to~~) approval by the jurisdiction.

35 (~~(+2)~~) (3) A commute trip reduction program of a major employer
36 shall consist of, at a minimum (a) designation of a transportation
37 coordinator and the display of the name, location, and telephone number

1 of the coordinator in a prominent manner at each affected worksite; (b)
2 regular distribution of information to employees regarding alternatives
3 to single-occupant vehicle commuting; (c) (~~an annual~~) a regular
4 review of employee commuting and reporting of progress toward meeting
5 the single-occupant vehicle reduction goals to the county, city, or
6 town consistent with the method established in the commute trip
7 reduction plan and the rules established by the department of
8 transportation under RCW 70.94.537; and (d) implementation of a set of
9 measures designed to achieve the applicable commute trip reduction
10 goals adopted by the jurisdiction. Such measures may include but are
11 not limited to:

12 (i) Provision of preferential parking or reduced parking charges,
13 or both, for high occupancy vehicles and motorcycles;

14 (ii) Instituting or increasing parking charges for single-occupant
15 vehicles;

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

18 (iv) Provision of subsidies for transit fares;

19 (v) Provision of vans for van pools;

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

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

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

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

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

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

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

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

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

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

4 ~~((3))~~ (4) Employers or owners of worksites may form or utilize
5 existing transportation management associations or other
6 transportation-related associations authorized by RCW 35.87A.010 to
7 assist members in developing and implementing commute trip reduction
8 programs.

9 ~~((4))~~ (5) Employers shall make a good faith effort towards
10 achievement of the goals identified in RCW 70.94.527(4)~~((g))~~ (d).

11 **Sec. 5.** RCW 70.94.534 and 1997 c 250 s 4 are each amended to read
12 as follows:

13 (1) Each jurisdiction implementing a commute trip reduction plan
14 under this chapter or as part of a plan or ordinance developed under
15 RCW 36.70A.070 shall review each employer's initial commute trip
16 reduction program to determine if the program is likely to meet the
17 applicable commute trip reduction goals. The employer shall be
18 notified by the jurisdiction of its findings. If the jurisdiction
19 finds that the program is not likely to meet the applicable commute
20 trip reduction goals, the jurisdiction will work with the employer to
21 modify the program as necessary. The jurisdiction shall complete
22 review of each employer's initial commute trip reduction program within
23 ~~((three months))~~ ninety days of receipt.

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

28 (a) The employer has met the minimum requirements identified in RCW
29 70.94.531; ~~((and))~~

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

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

36 (d) The employer is working collaboratively with its jurisdiction

1 to continue its existing program or is developing and implementing
2 program modifications likely to result in improvements to the program
3 over an agreed upon length of time.

4 (3) Each jurisdiction shall (~~annually~~) review at least once every
5 two years each employer's progress and good faith efforts toward
6 meeting the applicable commute trip reduction goals. If an employer
7 makes a good faith effort, as defined in this section, but is not
8 likely to meet the applicable commute trip reduction goals, the
9 jurisdiction shall work collaboratively with the employer to make
10 modifications to the commute trip reduction program. Failure of an
11 employer to reach the applicable commute trip reduction goals is not a
12 violation of this chapter.

13 (4) If an employer fails to make a good faith effort and fails to
14 meet the applicable commute trip reduction goals, the jurisdiction
15 shall work collaboratively with the employer to propose modifications
16 to the program and shall direct the employer to revise its program
17 within thirty days to incorporate those modifications or modifications
18 which the jurisdiction determines to be equivalent.

19 (5) Each jurisdiction implementing a commute trip reduction plan
20 pursuant to this chapter may impose civil penalties, in the manner
21 provided in chapter 7.80 RCW, for failure by an employer to implement
22 a commute trip reduction program or to modify its commute trip
23 reduction program as required in subsection (4) of this section. No
24 major employer may be held liable for civil penalties for failure to
25 reach the applicable commute trip reduction goals. No major employer
26 shall be liable for civil penalties under this chapter if failure to
27 achieve a commute trip reduction program goal was the result of an
28 inability to reach agreement with a certified collective bargaining
29 agent under applicable laws where the issue was raised by the employer
30 and pursued in good faith.

31 (6) Jurisdictions shall notify major employers of the procedures
32 for applying for goal modification or exemption from the commute trip
33 reduction requirements based on the guidelines established by the
34 commute trip reduction (~~task-force~~) board authorized under RCW
35 70.94.537.

36 **Sec. 6.** RCW 70.94.537 and 1997 c 250 s 5 are each amended to read
37 as follows:

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

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

5 (b) (~~The director of the department of ecology or the director's~~
6 ~~designee;~~

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

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

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

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

15 (i) Department of general administration;
16 (ii) Department of ecology;
17 (iii) Department of community, trade, and economic development;

18 (d) Three representatives from cities and towns or counties
19 appointed by the governor for staggered four-year terms from a list
20 (~~of at least six~~) recommended by the association of Washington cities
21 or the Washington state association of counties;

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

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

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

31 (g) Four representatives of employers at or owners of major
32 worksites in Washington, or transportation management associations,
33 business improvement areas, or other transportation organizations
34 representing employers, appointed by the governor (~~from a list~~
35 ~~recommended by the association of Washington business or other~~
36 ~~statewide business associations representing major employers, provided~~
37 ~~that every affected county shall have at least one representative; and~~
38 (~~(i) Three~~) for staggered four-year terms; and

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

3 Members of the commute trip reduction ~~((task-force))~~ board shall
4 serve without compensation but shall be reimbursed for travel expenses
5 as provided in RCW 43.03.050 and 43.03.060. Members appointed by the
6 governor shall be compensated in accordance with RCW 43.03.220. The
7 ~~((task-force))~~ board has all powers necessary to carry out its duties
8 as prescribed by this chapter. The ~~((task-force))~~ board shall be
9 dissolved on July 1, ~~((2006))~~ 2014.

10 (2) By March 1, ~~((1992))~~ 2007, the ~~((commute-trip-reduction-task~~
11 ~~force))~~ department of transportation shall establish ~~((guidelines))~~
12 rules for commute trip reduction plans and implementation procedures.
13 The commute trip reduction board shall advise the department on the
14 content of the rules. The ~~((guidelines))~~ rules are intended to ensure
15 consistency in commute trip reduction plans and goals among
16 jurisdictions while fairly taking into account differences in
17 employment and housing density, employer size, existing and anticipated
18 levels of transit service, special employer circumstances, and other
19 factors the ~~((task-force))~~ board determines to be relevant. The
20 ~~((guidelines))~~ rules shall include:

21 (a) Guidance criteria for ~~((establishing-commute-trip-reduction~~
22 ~~zones))~~ growth and transportation efficiency centers;

23 (b) ~~((Methods-and-information-requirements-for-determining-base~~
24 ~~year-values-of-the-proportion-of-single-occupant-vehicle-commute-trips~~
25 ~~and-the-commute-trip-vehicle-miles-traveled-per-employee))~~ Data
26 measurement methods and procedures for determining the efficacy of
27 commute trip reduction activities and progress toward meeting commute
28 trip reduction plan goals;

29 (c) Model commute trip reduction ordinances;

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

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

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

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

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

11 ~~(i) Methods to insure that employers receive credit for scheduling~~
12 ~~changes enacted pursuant to the criteria identified in RCW~~
13 ~~70.94.527(11).~~

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

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

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

23 (i) Guidelines and deadlines for creating and updating local
24 commute trip reduction plans, including guidance to ensure consistency
25 between the local commute trip reduction plan and the transportation
26 demand management strategies identified in the transportation element
27 in the local comprehensive plan, as required by RCW 36.70A.070.

28 (j) Guidelines for creating and updating regional commute trip
29 reduction plans, including guidance to ensure the regional commute trip
30 reduction plan is consistent with and incorporated into transportation
31 demand management components in the regional transportation plan;

32 (k) Methods for regional transportation planning organizations to
33 evaluate and certify that designated growth and transportation
34 efficiency center programs meet the minimum requirements and are
35 eligible for funding;

36 (l) Guidelines for creating and updating growth and transportation
37 efficiency center programs; and

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

7 (3) The board shall create a state commute trip reduction plan that
8 shall be updated every four years as discussed in subsection (5) of
9 this section. The state commute trip reduction plan shall include, but
10 is not limited to: (a) Statewide commute trip reduction program goals
11 that are designed to substantially improve the mobility of people and
12 goods; (b) identification of strategies at the state and regional
13 levels to achieve the goals and recommendations for how transportation
14 demand management strategies can be targeted most effectively to
15 support commute trip reduction program goals; (c) performance measures
16 for assessing the cost-effectiveness of commute trip reduction
17 strategies and the benefits for the state transportation system; and
18 (d) a sustainable financial plan. The board shall review and approve
19 regional commute trip reduction plans, and work collaboratively with
20 regional transportation planning organizations in the establishment of
21 the state commute trip reduction plan.

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

27 ~~((4) The task force shall assess the commute trip reduction~~
28 ~~options available to employers other than major employers and make~~
29 ~~recommendations to the legislature by October 1, 1992. The~~
30 ~~recommendations shall include the minimum size of employer who shall be~~
31 ~~required to implement trip reduction programs and the appropriate~~
32 ~~methods those employers can use to accomplish trip reduction goals.))~~

33 (5) The board shall evaluate and update the commute trip reduction
34 program plan and recommend changes to the rules every four years, with
35 the first assessment report due July 1, 2011, to ensure that the latest
36 data methodology used by the department of transportation is
37 incorporated into the program and to determine which areas of the state
38 should be affected by the program. The board shall review the

1 definition of a major employer no later than December 1, 2009. The
2 board shall regularly identify urban growth areas that are projected to
3 be affected by this act in the next four-year period and may provide
4 advance planning support to the potentially affected jurisdictions.

5 (6) The ((task force)) board shall review progress toward
6 implementing commute trip reduction plans and programs and the costs
7 and benefits of commute trip reduction plans and programs and shall
8 make recommendations to the department by October 15, the governor by
9 November 1, and the legislature by December 1, ((1995, December 1,
10 1999, December 1, 2001, December 1, 2003, and December 1, 2005))
11 beginning in 2009, and every two years thereafter. In assessing the
12 costs and benefits, the ((task force)) board shall consider the costs
13 of not having implemented commute trip reduction plans and programs.
14 The ((task force)) board shall examine other transportation demand
15 management programs nationally and incorporate its findings into its
16 recommendations to the legislature. The recommendations shall address
17 the need for continuation, modification, or termination or any or all
18 requirements of this chapter. ((The recommendations made December 1,
19 1995, shall include recommendations regarding extension of the
20 requirements of this chapter to employers with fifty or more full-time
21 employees at a single worksite who begin their regular work day between
22 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous
23 months.))

24 (7) The board shall invite personnel with appropriate expertise
25 from state, regional, and local government, private, public, and
26 nonprofit providers of transportation services, and employers or owners
27 of major worksites in Washington to act as a technical advisory group.
28 The technical advisory group shall advise the board on the
29 implementation of local and regional commute trip reduction plans and
30 programs, program evaluation, program funding allocations, and state
31 rules and guidelines.

32 **Sec. 7.** RCW 70.94.541 and 1996 c 186 s 515 are each amended to
33 read as follows:

34 (1) ~~((A technical assistance team shall be established under the~~
35 ~~direction of the department of transportation and include~~
36 ~~representatives of the department of ecology.))~~ The ((team))
37 department of transportation shall provide staff support to the commute

1 trip reduction (~~((task force))~~) board in carrying out the requirements of
2 RCW 70.94.537 (~~((and to the department of general administration in~~
3 ~~carrying out the requirements of RCW 70.94.551))~~).

4 (2) The (~~((team))~~) department of transportation shall provide
5 technical assistance to regional transportation planning organizations,
6 counties, cities, and towns, the department of general administration,
7 other state agencies, and other employers in developing and
8 implementing commute trip reduction plans and programs. The technical
9 assistance shall include: (a) Guidance in (~~((determining base and~~
10 ~~subsequent year values of single-occupant vehicle commuting proportion~~
11 ~~and commute trip reduction vehicle miles traveled to be used in~~
12 ~~determining progress in attaining plan goals))~~) single measurement
13 methodology and practice 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 regional transportation planning organizations,
20 local governments, transit agencies, and employers.

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

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

27 A portion of the funds made available for the purposes of this
28 chapter shall be used to fund the commute trip reduction (~~((task force))~~)
29 board in carrying out the responsibilities of RCW (~~((70.94.541))~~)
30 70.94.537, and the (~~((interagency technical assistance team))~~) department
31 of transportation, including the activities authorized under RCW
32 70.94.541(2), and to assist regional transportation planning
33 organizations, counties, cities, and towns implementing commute trip
34 reduction plans. The commute trip reduction board shall determine the
35 allocation of program funds made available for the purposes of this
36 chapter to regional transportation planning organizations, counties,
37 cities, and towns implementing commute trip reduction plans. If state

1 funds for the purposes of this chapter are provided to those
2 jurisdictions implementing voluntary commute trip reduction plans, the
3 funds shall be disbursed based on criteria established by the commute
4 trip reduction board under RCW 70.94.537.

5 **Sec. 9.** RCW 70.94.547 and 1991 c 202 s 18 are each amended to read
6 as follows:

7 The legislature hereby recognizes the state's crucial leadership
8 role in establishing and implementing effective commute trip reduction
9 programs. Therefore, it is the policy of the state that the department
10 of general administration and other state agencies, including
11 institutions of higher education, shall aggressively develop
12 substantive programs to reduce commute trips by state employees.
13 Implementation of these programs will reduce energy consumption,
14 congestion in urban areas, and air and water pollution associated with
15 automobile travel.

16 **Sec. 10.** RCW 70.94.551 and 1997 c 250 s 6 are each amended to read
17 as follows:

18 (1) ~~The director of ((general administration, with the concurrence~~
19 ~~of an interagency task force established for the purposes of this~~
20 ~~section, shall coordinate a commute trip reduction plan for state~~
21 ~~agencies which are phase 1 major employers by January 1, 1993)) the~~
22 department of general administration may coordinate an interagency
23 board for the purpose of developing policies or guidelines that promote
24 consistency among state agency commute trip reduction programs required
25 by RCW 70.94.527 and 70.94.531. The ~~((task force))~~ board shall include
26 representatives of the departments of transportation ~~((and))~~, ecology,
27 and community, trade, and economic development and such other
28 departments and interested groups as the director of the department of
29 general administration determines to be necessary ~~((to be generally~~
30 ~~representative of state agencies. The state agency plan shall be~~
31 ~~consistent with the requirements of RCW 70.94.527 and 70.94.531 and~~
32 ~~shall be developed in consultation with state employees, local and~~
33 ~~regional governments, local transit agencies, the business community,~~
34 ~~and other interested groups. The plan shall consider and recommend))~~.
35 Policies and guidelines shall be applicable to all state agencies
36 including but not limited to policies and guidelines regarding parking

1 and parking charges, employee incentives for commuting by other than
2 single-occupant automobiles, flexible and alternative work schedules,
3 alternative worksites, and the use of state-owned vehicles for car and
4 van pools and guaranteed rides home. The ~~((plan))~~ policies and
5 guidelines shall also consider the costs and benefits to state agencies
6 of achieving commute trip reductions and consider mechanisms for
7 funding state agency commute trip reduction programs. ~~((The department~~
8 ~~shall, within thirty days, submit a summary of its plan along with~~
9 ~~certification of adoption to the commute trip reduction task force~~
10 ~~established under RCW 70.94.537.))~~

11 (2) ~~((Not more than three months after the adoption of the commute~~
12 ~~trip reduction plan, each state agency shall, for each facility which~~
13 ~~is a major employer, develop a commute trip reduction program. The~~
14 ~~program shall be designed to meet the goals of the commute trip~~
15 ~~reduction plan of the county, city, or town or, if there is no local~~
16 ~~commute trip reduction plan, the state. The program shall be~~
17 ~~consistent with the policies of the state commute trip reduction plan~~
18 ~~and RCW 70.94.531. The agency shall submit a description of that~~
19 ~~program to the local jurisdiction implementing a commute trip reduction~~
20 ~~plan or, if there is no local commute trip reduction plan, to the~~
21 ~~department of general administration. The program shall be implemented~~
22 ~~not more than three months after submission to the department. Annual~~
23 ~~reports required in RCW 70.94.531(2)(c) shall be submitted to the local~~
24 ~~jurisdiction implementing a commute trip reduction plan and to the~~
25 ~~department of general administration. An agency which is not meeting~~
26 ~~the applicable commute trip reduction goals shall, to the extent~~
27 ~~possible, modify its program to comply with the recommendations of the~~
28 ~~local jurisdiction or the department of general administration.~~

29 ~~(3))~~ State agencies sharing a common location ~~((may))~~ in affected
30 urban growth areas where the total number of state employees is one
31 hundred or more shall, with assistance from the department of general
32 administration, develop and implement a joint commute trip reduction
33 program ((or may delegate the development and implementation of the
34 commute trip reduction program to the department of general
35 administration)). The worksite shall be treated as specified in RCW
36 70.94.531 and 70.94.534.

37 ~~((4))~~ (3) The department of general administration ~~((in~~
38 ~~consultation with the state technical assistance team))~~ shall review

1 the initial commute trip reduction program of each state agency subject
2 to the commute trip reduction plan for state agencies to determine if
3 the program is likely to meet the applicable commute trip reduction
4 goals and notify the agency of any deficiencies. If it is found that
5 the program is not likely to meet the applicable commute trip reduction
6 goals, the ~~((team))~~ department of general administration will work with
7 the agency to modify the program as necessary.

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

15 ~~(6))~~ (4) Each state agency implementing a commute trip reduction
16 plan shall report at least once per year to its agency director on the
17 performance of the agency's commute trip reduction program as part of
18 the agency's quality management, accountability, and performance system
19 as defined by RCW 43.17.385. The reports shall assess the performance
20 of the program, progress toward state goals established under RCW
21 70.94.537, and recommendations for improving the program.

22 (5) The department of general administration shall review the
23 agency performance reports defined in subsection (4) of this section
24 and submit ~~((an annual progress))~~ a biennial report for state agencies
25 subject to ~~((the state agency commute trip reduction plan to the
26 commute trip reduction task force established under RCW 70.94.537. The
27 report shall be due April 1, 1993, and each April 1st through 2006.
28 The report shall report progress in attaining the applicable commute
29 trip reduction goals for each commute trip reduction zone and shall
30 highlight any problems being encountered in achieving the goals))~~ this
31 chapter to the governor and incorporate the report in the commute trip
32 reduction board report to the legislature as directed in RCW
33 70.94.537(6). The report shall include, but is not limited to, an
34 evaluation of the most recent measurement results, progress toward
35 state goals established under RCW 70.94.537, and recommendations for
36 improving the performance of state agency commute trip reduction
37 programs. The information shall be reported in a form established by
38 the commute trip reduction ~~((task force))~~ board."

ESHB 3089 - S COMM AMD

By Committee on Transportation

1 On page 1, line 1 of the title, after "reduction;" strike the
2 remainder of the title and insert "amending RCW 70.94.524, 70.94.527,
3 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, and
4 70.94.551; and adding a new section to chapter 70.94 RCW."

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