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**SHB 2762** - H AMD **860**

By Representative Ross

**FAILED 03/04/2014**

 On page 36, line 31, decrease the state vehicle parking account--state appropriation by $754,000

 On page 37, line 3, decrease the multimodal transportation account--state appropriation by $6,724,000

 On page 37, line 8, correct the total.

 On page 39, beginning on line 23, strike all of subsection (7) and insert the following:

 "((~~(7) 6,122,000 of the total appropriation in this section is provided solely for CTR grants and activities. Of this amount:~~

 ~~(a) $3,900,000 of the multimodal transportation account--state appropriation is provided solely for grants to local jurisdictions, selected by the CTR board, for the purpose of assisting employers meet CTR goals;~~

 ~~(b) $1,770,000 of the multimodal transportation account--state appropriation is provided solely for state costs associated with CTR. The department shall develop more efficient methods of CTR assistance and survey procedures; and~~

 ~~(c) $452,000 of the state vehicle parking account--state appropriation is provided solely for CTR-related expenditures, including all expenditures related to the guaranteed ride home program and the STAR pass program.~~))"

 Renumber the remaining subsections consecutively and correct any internal references accordingly.

 On page 40, beginning on line 8, strike all of subsection (10)

 Renumber the remaining subsections consecutively and correct any internal references accordingly.

 On page 86, after line 16, insert the following:

"**Sec. 710.** RCW 70.94.531 and 2013 c 26 s 1 are each amended to read as follows:

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

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

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

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

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

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

 (iv) Provision of subsidies for transit fares;

 (v) Provision of vans for van pools;

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 711.** RCW 70.94.534 and 2006 c 329 s 6 are each amended to read as follows:

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

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

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

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

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

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

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

 (4) ((~~If an employer fails to make a good faith effort and fails to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.~~
 ~~(5) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (4) of this section.~~)) No participating major employer may be held liable for civil penalties for failure to reach the applicable commute trip reduction goals. No participating major employer shall be liable for civil penalties ((~~under this chapter~~)) if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

 ((~~(6)~~)) (5) Jurisdictions shall notify participating major employers of the procedures for applying for goal modification or exemption from the commute trip reduction requirements based on the guidelines established by the commute trip reduction board authorized under RCW 70.94.537.

NEW SECTION. **Sec. 712.** A new section is added to chapter 70.94 RCW to read as follows:

 The secretary of the department of transportation may, within existing resources, coordinate an interagency board or other interested parties for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required under RCW 70.94.527 and 70.94.531.

**Sec. 713.** RCW 43.01.225 and 2011 1st sp.s. c 43 s 253 are each amended to read as follows:

 There is hereby established an account in the state treasury to be known as the "state vehicle parking account." All parking rental income resulting from parking fees established by the department of enterprise services under RCW 46.08.172 at state-owned or leased property shall be deposited in the "state vehicle parking account." Revenue deposited in the "state vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state vehicle parking account" may be used to:

 (1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities; and

 (2) Support the lease costs and/‌‌or capital investment costs of vehicle parking and parking facilities((~~; and~~
 ~~(3) Support agency commute trip reduction programs under RCW 70.94.521 through 70.94.551~~)).

**Sec. 714.** RCW 43.01.240 and 1998 c 245 s 46 are each amended to read as follows:

 (1) There is hereby established an account in the state treasury to be known as the state agency parking account. All parking income collected from the fees imposed by state agencies on parking spaces at state-owned or leased facilities, including the capitol campus, shall be deposited in the state agency parking account. Only the office of financial management may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. No agency may receive an allotment greater than the amount of revenue deposited into the state agency parking account.

 (2) An agency may, as an element of the agency's commute trip reduction program to achieve the goals set forth in RCW 70.94.527, impose parking rental fees at state-owned and leased properties. These fees will be deposited in the state agency parking account. Each agency shall establish a committee to advise the agency director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. The agency shall solicit representation of the employee population including, but not limited to, management, administrative staff, production workers, and state employee bargaining units. Funds shall be used by agencies to: (a) ((~~Support the agencies' commute trip reduction program under RCW 70.94.521 through 70.94.551; (b)~~)) Support the agencies' parking program; or ((~~(c)~~)) (b) support the lease or ownership costs for the agencies' parking facilities.

 (3) In order to reduce the state's subsidization of employee parking, after July 1997 agencies shall not enter into leases for employee parking in excess of building code requirements, except as authorized by the director of ((~~general administration~~)) enterprise services. In situations where there are fewer parking spaces than employees at a worksite, parking must be allocated equitably, with no special preference given to managers.

**Sec. 715.** RCW 43.41.140 and 1993 c 394 s 3 are each amended to read as follows:

 Pursuant to policies and regulations promulgated by the office of financial management, an elected state officer or delegate or a state agency director or delegate may permit an employee to commute in a state-owned or leased vehicle if such travel is on official business, as determined in accordance with RCW 43.41.­130, and is determined to be economical and advantageous to the state((~~, or as part of a commute trip reduction program as required by RCW 70.94.551~~)).

**Sec. 716.** RCW 43.01.230 and 1995 c 215 s 1 are each amended to read as follows:

 (1) State agencies may, under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

 (2) This section has no force or effect until after June 30, 2015.

**Sec. 717.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to read as follows:

 (1) The secretary of the department of transportation may coordinate an interagency board or other interested parties for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required by RCW 70.94.527 and 70.94.531 or developed under the joint comprehensive commute trip reduction plan described in this section. The board shall include representatives of the departments of transportation, \*general administration, ecology, and \*\*community, trade, and economic development and such other departments and interested groups as the secretary of the department of transportation determines to be necessary. Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs.

 (2) State agencies sharing a common location in affected urban growth areas where the total number of state employees is one hundred or more shall, with assistance from the department of transportation, develop and implement a joint commute trip reduction program. The worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

 (3) The department of transportation shall develop a joint comprehensive commute trip reduction plan for all state agencies, including institutions of higher education, located in the Olympia, Lacey, and Tumwater urban growth areas.

 (a) In developing the joint comprehensive commute trip reduction plan, the department of transportation shall work with applicable state agencies, including institutions of higher education, and shall collaborate with the following entities: Local jurisdictions; regional transportation planning organizations as described in chapter 47.80 RCW; transit agencies, including regional transit authorities as described in chapter 81.112 RCW and transit agencies that serve areas within twenty- five miles of the Olympia, Lacey, or Tumwater urban growth areas; and the capitol campus design advisory committee established in RCW 43.34.080.

 (b) The joint comprehensive commute trip reduction plan must build on existing commute trip reduction programs and policies. At a minimum, the joint comprehensive commute trip reduction plan must include strategies for telework and flexible work schedules, parking management, and consideration of the impacts of worksite location and design on multimodal transportation options.

 (c) The joint comprehensive commute trip reduction plan must include performance measures and reporting methods and requirements.

 (d) The joint comprehensive commute trip reduction plan may include strategies to accommodate differences in worksite size and location.

 (e) The joint comprehensive commute trip reduction plan must be consistent with jurisdictional and regional transportation, land use, and commute trip reduction plans, the state six-year facilities plan, and the master plan for the capitol of the state of Washington.

 (f) Not more than ninety days after the adoption of the joint comprehensive commute trip reduction plan, state agencies within the three urban growth areas must implement a commute trip reduction program consistent with the objectives and strategies of the joint comprehensive commute trip reduction plan.

 (4) The department of transportation shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the department of transportation will work with the agency to modify the program as necessary.

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

 (6) The department of transportation shall review the agency performance reports defined in subsection (5) of this section and submit a biennial report for state agencies subject to this chapter to the governor and incorporate the report in the commute trip reduction board report to the legislature as directed in RCW 70.94.537(6). The report shall include, but is not limited to, an evaluation of the most recent measurement results, progress toward state goals established under RCW 70.94.537, and recommendations for improving the performance of state agency commute trip reduction programs. The information shall be reported in a form established by the commute trip reduction board.

 (7) This section has no force or effect until after June 30, 2015.

**Sec. 718.** RCW 70.94.555 and 2006 c 329 s 3 are each amended to read as follows:

 (1) Nothing in chapter 329, Laws of 2006 preempts the ability of state employees to collectively bargain over commute trip reduction issues, including parking fees under chapter 41.80 RCW, or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining.

 (2) This section has no force or effect until after June 30, 2015.

 NEW SECTION. **Sec. 719.** Sections 710 through 715 of this act expire June 30, 2015."

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|  |  EFFECT: Makes the following changes, for the length of the current biennium, to the state commute trip reduction (CTR) program:(1) Eliminates WSDOT funding for CTR. (2) Eliminates funding for the Whatcom smart trips CTR program. (3) Makes the current CTR program voluntary and eliminates penalties for noncompliance. (4) Allows the WSDOT secretary, within existing resources, to coordinate the state CTR program.(5) Removes the state CTR program as an item for which state imposed vehicle parking fees may be expended.(6) Removes the state CTR program as a purpose for which a state employee may use a state-owned or leased vehicle.(7) Suspends the ability of the state to use public funds to support the state CTR program, the current state CTR board's ability to develop policies and guidelines for the state CTR program, the state's obligation to develop a CTR program for state agencies in Thurston County, and the RCW stating that the ability of employees to bargain over CTR is not preempted.   FISCAL IMPACT: Reduces the multimodal transportation account - state appropriation by $6,724,000. Reduces the state vehicle parking account - state appropriation by $754,000. |

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