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HOUSE BILL 1754

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives R. Fisher, Betrozoff, Nelson, Horn, Cantwell and Heavey.

Read first time February 7, 1991.                      Referred to Committee on Transportation.

1            AN ACT Relating to transportation strategies for reducing the  
2 impact of motor vehicles; amending RCW 70.120.010; adding a new section  
3 to chapter 82.44 RCW; adding a new section to chapter 70.94 RCW; adding  
4 a new chapter to Title 81 RCW; adding a new chapter to Title 82 RCW;  
5 creating a new section; providing penalties; providing an effective  
6 date; and declaring an emergency.

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

8            NEW SECTION.    **Sec. 1.**    The legislature finds that automotive  
9 traffic in Washington's metropolitan areas is the major source of  
10 emissions of air contaminants. This air pollution causes significant  
11 harm to public health, causes damage to trees, plants, structures, and  
12 materials and degrades the quality of the environment.

13            Increasing automotive traffic is also aggravating traffic  
14 congestion in Washington's metropolitan areas. This traffic congestion  
15 imposes significant costs on Washington's businesses, governmental

1 agencies, and individuals in terms of lost working hours and delays in  
2 the delivery of goods and services. Traffic congestion worsens  
3 automobile-related air pollution and increases the consumption of fuel.  
4 This same traffic congestion also degrades the livability of many of  
5 Washington's cities and suburban areas. The capital and environmental  
6 costs of fully accommodating the existing and projected automobile  
7 traffic on roads and highways are prohibitive. Decreasing the demand  
8 for vehicle trips is significantly less costly and at least as  
9 effective in reducing traffic congestion and its impacts as  
10 constructing new transportation facilities such as roads and bridges,  
11 to accommodate increased traffic volumes.

12 The legislature also finds that increasing automotive  
13 transportation is a major factor in increasing consumption of gasoline  
14 and, thereby, increasing reliance on imported sources of petroleum.  
15 Moderating the growth in automotive travel is essential to stabilizing  
16 and reducing dependence on imported petroleum and improving the  
17 nation's energy security.

18 The legislature further finds that reducing the number of commuter  
19 trips to work made via single occupant cars and light trucks is an  
20 effective way of reducing automobile-related air pollution, traffic  
21 congestion, and energy use. Major employers have significant  
22 opportunities to encourage and facilitate reducing single occupant  
23 vehicle commuting by employees.

24 The intent of this chapter is to require local governments in those  
25 counties experiencing the greatest automobile-related air pollution and  
26 traffic congestion to develop and implement plans to reduce single  
27 occupant vehicle commute trips. Such plans shall require major  
28 employers and employers at major work sites to implement programs to  
29 reduce single occupant vehicle commuting by employees at major work  
30 sites. Local governments in counties experiencing significant but less

1 severe automobile-related air pollution and traffic congestion may  
2 implement such plans. State agencies shall implement programs to  
3 reduce single occupant vehicle commuting at all major work sites  
4 throughout the state.

5 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
6 otherwise, the definitions in this section apply throughout this  
7 chapter.

8 (1) "Major employer" means a private or public employer which  
9 employs fifty or more full-time employees at a single work site who  
10 begin their regular work day between 6:00 a.m. and 10:00 a.m. on  
11 weekdays for at least six continuous months during a year.

12 (2) "Major work site" 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 fifty or more full-time equivalent employees of one or more  
16 employers, who begin their regular work day between 6:00 a.m. and 10:00  
17 a.m. on weekdays, for at least six continuous months.

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

23 (4) "Commute trip" means trips made from a worker's home to a work  
24 site during the peak period of 6 a.m. to 10 a.m. on week days.

25 (5) "Proportion of single occupant vehicle commute trips" means the  
26 number of commute trips made by single occupant automobiles divided by  
27 the number of full-time equivalent employees.

28 (6) "Commute trip vehicle miles traveled per employee" means the  
29 sum of the undivided vehicle commute trip lengths in miles divided by

1 the number of full-time equivalent employees. Commute trips made by  
2 transit shall not be counted as a vehicle commute trip.

3 (7) "Base year" means the year January 1, 1992, through December  
4 31, 1992.

5 NEW SECTION. **Sec. 3.** (1) Each county with a population over one  
6 hundred twenty-five thousand, and each city or town within those  
7 counties containing a major employer shall, by July 1, 1992, adopt by  
8 ordinance and shall implement a commute trip reduction plan. The plan  
9 shall be developed in cooperation with local transit agencies, regional  
10 transportation planning organizations as established in RCW 47.80.020,  
11 major employers, and the owners of and employers at major work sites.  
12 The plan shall be designed to achieve reductions in the proportion of  
13 single occupant vehicle commute trips and the commute trip vehicle  
14 miles traveled per employee by employees of major public and private  
15 sector employers in the jurisdiction.

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

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

25 (4) A commute trip reduction plan shall be consistent with the  
26 guidelines established under section 6 of this act and shall include  
27 but is not limited to (a) goals for reductions in the proportion of  
28 single occupant vehicle commute trips and the commute trip vehicle  
29 miles traveled per employee; (b) designation of commuter trip reduction

1 zones; (c) requirements for major public and private sector employers  
2 to implement commute trip reduction programs; (d) a commute trip  
3 reduction program for employees of the county, city, or town; (e) a  
4 review of local parking policies and ordinances as they relate to  
5 employers and major work sites and any revisions necessary to comply  
6 with commute trip reduction goals and guidelines; and (f) means for  
7 determining base year values of the proportion of single occupant  
8 vehicle commute trips and the commute trip vehicle miles traveled per  
9 employee and progress toward meeting commute trip reduction plan goals  
10 on an annual basis. In establishing goals for reductions in single  
11 occupant vehicle trip proportion and vehicle miles traveled per  
12 employee, the county, city, or town shall take into account the  
13 considerations of RCW 81.100.040. The goals for miles traveled per  
14 employee shall not be less than a fifteen percent reduction from the  
15 base year values for all major employers in a work trip reduction zone  
16 by January 1, 1994, twenty-five percent reduction from the base year  
17 values by January 1, 1996, and thirty-five percent reduction from the  
18 base year values by January 1, 1998.

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

24 (6) The commute trip reduction plans adopted by counties, cities,  
25 and towns under this chapter shall be consistent with and may be  
26 incorporated in applicable state or regional transportation plans and  
27 local comprehensive plans and shall be coordinated, and consistent  
28 with, the commute trip reduction plans of counties, cities, or towns  
29 with which the county, city, or town has, in part, common borders or  
30 related regional issues. Counties, cities, or towns adopting commute

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

8 (7) Each county, city, or town implementing a commute trip  
9 reduction program shall, by July 15, 1992, submit a summary of its plan  
10 along with certification of adoption to the commute trip reduction task  
11 force established under section 6 of this act.

12 (8) Each county, city, or town implementing a commute trip  
13 reduction program shall submit an annual progress report to the commute  
14 trip reduction task force established under section 6 of this act. The  
15 report shall be due July 1, 1993, and each July 1 thereafter through  
16 July 1, 1998. The report shall describe progress in attaining the  
17 applicable commute trip reduction goals for each commuter trip  
18 reduction zone and shall highlight any problems being encountered in  
19 achieving the goals. The information shall be reported in a form  
20 established by the commute trip reduction task force.

21 NEW SECTION. **Sec. 4.** (1) Not more than six months after the  
22 adoption of the commute trip reduction plan by a jurisdiction, each  
23 major employer in that jurisdiction shall develop a commute trip  
24 reduction program and shall submit a description of that program to the  
25 jurisdiction for review. The program shall be implemented not more  
26 than three months after submission to the jurisdiction.

27 (2) A commute trip reduction program shall consist of, at a minimum  
28 (a) designation of an on-site transportation coordinator; (b) regular  
29 distribution of information to employees regarding alternatives to

1 single occupant vehicle commuting; (c) an annual survey of employee  
2 commuting and reporting of progress toward meeting the single occupant  
3 vehicle reduction goals to the county, city, or town consistent with  
4 the method established in the commute trip reduction plan; and (d)  
5 implementation of a set of measures designed to achieve the applicable  
6 commute trip reduction goals adopted by the jurisdiction. Such  
7 measures may include but are not limited to:

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

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

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

14 (iv) Provision of subsidies for transit fares;

15 (v) Provision of vans for van pools;

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

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

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

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

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

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

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

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

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

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

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

12 NEW SECTION. **Sec. 5.** (1) Each jurisdiction implementing a  
13 commute trip reduction plan under this chapter or as part of a plan or  
14 ordinance developed under RCW 36.70A.070 shall review each employer's  
15 initial commute trip reduction program to determine if the program is  
16 likely to meet the applicable commute trip reduction goals. The  
17 employer shall be notified by the jurisdiction of its findings. If the  
18 jurisdiction finds that the program is not likely to meet the  
19 applicable commute trip reduction goals, the jurisdiction will work  
20 with the employer to modify the program as necessary. The jurisdiction  
21 shall complete review of each employee's initial commute trip reduction  
22 program within six months of receipt.

23 (2) Each jurisdiction shall annually review each employer's  
24 progress toward meeting the applicable commute trip reduction goals.  
25 If it appears an employer is not likely to meet the applicable commute  
26 trip reduction goals, the jurisdiction shall work with the employer to  
27 make modifications to the commute trip reduction program.

28 (3) If an employer fails to meet the applicable commute trip  
29 reduction goals, the jurisdiction shall propose modifications to the



1 program and direct the employer to revise its program to incorporate  
2 those modifications or modifications which the jurisdiction determines  
3 to be equivalent within thirty days.

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

9 NEW SECTION. **Sec. 6.** (1) A commute trip reduction task force  
10 shall be established by the state energy office. The task force shall  
11 be composed of one representative from the state energy office who  
12 shall serve as chair; one representative from each of the departments  
13 of transportation, ecology, community development, and general  
14 administration; three representatives from counties, based on  
15 recommendations from the Washington state association of counties;  
16 three representatives from cities or towns, based on recommendations  
17 from the association of Washington cities; three representatives from  
18 transit agencies recommended by Washington State Transit Association;  
19 three interested citizens; and six representatives from major  
20 employers. The task force shall be dissolved on July 1, 1999.

21 (2) By January 1, 1992, the commute trip reduction task force shall  
22 establish guidelines for commute trip reduction plans. The guidelines  
23 are intended to ensure consistency in commute trip reduction plans and  
24 goals among jurisdictions while fairly taking into account differences  
25 in employment and housing density, employer size, existing and  
26 anticipated levels of transit service, and other factors the task force  
27 determines to be relevant. The guidelines shall include criteria for  
28 establishing commuter trip reduction zones and the information

1 requirements for determining progress in meeting the commute trip  
2 reduction goals.

3 (3) The task force shall review the costs and benefits of commute  
4 trip plans and programs and shall make recommendations to the  
5 legislature by December 1, 1994, December 1, 1996, and December 1,  
6 1998. In assessing the costs and benefits, the task force shall also  
7 consider the costs of not having implemented commute trip reduction  
8 plans and programs. The recommendations shall address the need for  
9 continuation, modification, or termination of any or all requirements  
10 of this chapter.

11 NEW SECTION. **Sec. 7.** (1) A technical assistance team shall be  
12 established under the direction of the state energy office and include  
13 representatives of the departments of transportation and ecology. The  
14 team shall provide staff support to the commute trip reduction task  
15 force in carrying out the requirements of section 6 of this act and to  
16 the department of general administration in carrying out the  
17 requirements of section 10 of this act.

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

1 informational materials shall be developed in cooperation with  
2 representatives of local governments, transit agencies, and employers.

3 NEW SECTION. **Sec. 8.** A portion of the funds collected under  
4 section 16 of this act shall be used to fund the commute trip reduction  
5 task force in carrying out the responsibilities of section 7 of this  
6 act, and the interagency technical assistance team and to assist  
7 counties, cities, and towns implementing commute trip reduction plans.  
8 Funds shall be provided to the counties in proportion to the number of  
9 major employers and major work sites in each county. The counties  
10 shall provide funds to cities and towns within the county which are  
11 implementing commute trip reduction plans in proportion to the number  
12 of major employers and major work sites within the city or town.

13 NEW SECTION. **Sec. 9.** The legislature hereby recognizes the  
14 state's crucial leadership role in establishing and implementing  
15 effective commuter trip reduction programs. Therefore, it is the  
16 policy of the state that the department of general administration and  
17 other state agencies shall aggressively develop substantive programs to  
18 reduce commuter trips by state employees. Implementation of these  
19 programs will reduce energy consumption, congestion in urban areas, and  
20 air and water pollution associated with automobile travel.

21 NEW SECTION. **Sec. 10.** (1) The director of general  
22 administration, with the concurrence of an interagency task force  
23 established for the purposes of this section, shall coordinate a  
24 commute trip reduction plan for state facilities by July 1, 1992. The  
25 task force shall include representatives of the state energy office,  
26 the departments of transportation and ecology and such other  
27 departments as the director of general administration determines to be

1 necessary to be generally representative of state agencies. The state  
2 agency plan shall be consistent with the requirements of sections 3 and  
3 4 of this act and shall be developed in consultation with state  
4 employees, local and regional governments, local transit agencies, the  
5 business community, and other interested groups. The plan shall  
6 consider and recommend policies applicable to all state agencies  
7 including but not limited to policies regarding parking and parking  
8 charges, employee incentives for commuting by other than single-  
9 occupant automobiles, flexible and alternative work schedules,  
10 alternative work sites, and the use of state-owned vehicles for car and  
11 van pools. The plan shall also consider the costs and benefits to  
12 state agencies of achieving commute trip reductions and consider  
13 mechanisms for funding state agency commute trip reduction programs.  
14 The department shall, by July 15, 1992, submit a summary of its plan  
15 along with certification of adoption to the commute trip reduction task  
16 force established under section 6 of this act.

17 (2) Not more than three months after the adoption of the commute  
18 trip reduction plan, each state agency shall, for each facility which  
19 is a major employer, develop a commute trip reduction program. The  
20 program shall be designed to meet the goals of the commute trip  
21 reduction plan of the county, city, or town or, if there is no local  
22 commute trip reduction plan, the state. The program shall be  
23 consistent with the policies of the state commute trip reduction plan  
24 and section 4 of this act. The agency shall submit a description of  
25 that program to the local jurisdiction implementing a commute trip  
26 reduction plan or, if there is no local commute trip reduction plan, to  
27 the department of general administration. The program shall be  
28 implemented not more than three months after submission to the  
29 department. Annual reports required in section 4(2)(c) of this act  
30 shall be submitted to the local jurisdiction implementing a commute

1 trip reduction plan and to the department of general administration.  
2 An agency which is not meeting the applicable commute trip reduction  
3 goals shall, to the extent possible, modify its program to comply with  
4 the recommendations of the local jurisdiction or the department of  
5 general administration.

6 (3) State agencies sharing a common location may develop and  
7 implement a joint commute trip reduction program or may delegate the  
8 development and implementation of the commute trip reduction program to  
9 the department of general administration.

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

18 (5) For each agency subject to the state agency commute trip  
19 reduction plan, the department of general administration in  
20 consultation with the technical assistance team shall annually review  
21 progress toward meeting the applicable commute trip reduction goals.  
22 If it appears an agency is not meeting or is not likely to meet the  
23 applicable commute trip reduction goals, the team shall work with the  
24 agency to make modifications to the commute trip reduction program.

25 (6) The department of general administration shall submit an annual  
26 progress report for state agencies subject to the state agency commute  
27 trip reduction plan to the commute trip reduction task force  
28 established under section 6 of this act. The report shall be due April  
29 1, 1993, and each April 1 through 1998. The report shall report  
30 progress in attaining the applicable commute trip reduction goals for

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

5 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act shall  
6 constitute a new chapter in Title 81 RCW.

7 NEW SECTION. **Sec. 12.** The long-range health and environmental  
8 goals for the state of Washington require the protection of the state's  
9 air quality for the health, safety, and enjoyment of its people. It is  
10 the purpose of this chapter to encourage the purchase of efficient, low  
11 emission motor vehicles.

12 NEW SECTION. **Sec. 13.** Unless the context clearly requires  
13 otherwise, the definitions in this section apply throughout this  
14 chapter.

15 (1) "Motor vehicle" means all motor vehicles of the type designed  
16 primarily to be used upon the public streets and highways, for the  
17 convenience or pleasure of the owner, or for the conveyance, for hire  
18 or otherwise, of persons or property, including automobiles, light  
19 trucks, fixed loads and facilities for human habitation; but shall not  
20 include (a) dock and warehouse tractors and their cars or trailers,  
21 lumber carriers of the type known as spiders, and all other automotive  
22 equipment not designed primarily for use upon public streets, or  
23 highways, (b) mobile home and travel trailers as defined in RCW  
24 82.50.010, or (c) farm vehicles as defined in RCW 46.04.181.

25 (2) "New motor vehicle dealer" means the initial retail seller of  
26 motor vehicles as defined in subsection (1) of this section.

1 (3) "Purchase price" means the price paid by a new motor vehicle  
2 dealer to a manufacturer, or distribution company of a manufacturer,  
3 for a motor vehicle delivered to the dealer for subsequent resale.

4 NEW SECTION. **Sec. 14.** An excise tax is imposed on the  
5 privilege of selling by manufacturers or the distribution companies of  
6 manufacturers new motor vehicles to the new motor vehicle dealers in  
7 the state or directly to persons, if a new motor vehicle dealer is not  
8 involved. The excise tax shall consist of two parts and shall be  
9 computed as follows:

10 (1) Part one shall be an amount equal to thirty-seven one-  
11 hundredths percent of the purchase price of the vehicle and shall be  
12 based on information provided pursuant to section 17 of this act; and

13 (2) Part two shall be an amount computed by section 15 of this act.

14 NEW SECTION. **Sec. 15.** The tax under section 14(2) of this act  
15 will be based on a vehicle's emissions of hydrocarbons, carbon  
16 monoxide, oxides of nitrogen, and carbon dioxide weighted relative to  
17 the emissions of other new motor vehicles in the class. The state  
18 energy office shall calculate the tax for each new vehicle based on its  
19 total emissions relative to other vehicles in the same class. In  
20 calculating a schedule of taxes, the state energy office shall, in  
21 consultation with the department of ecology, utilize United States  
22 environmental protection agency estimates of emissions per mile of each  
23 pollutant. The schedule shall be updated annually, in order to  
24 incorporate new information on emissions. The maximum tax imposed on  
25 a new vehicle under this section is two hundred fifty dollars, except  
26 this maximum tax shall be adjusted annually to account for inflation as  
27 determined by the state office of the economic and revenue forecast  
28 council.

1        NEW SECTION.    **Sec. 16.**        The excise tax imposed by section 14(2)  
2 of this act is due and payable by the vehicle manufacturer to the  
3 department of revenue or its agents quarterly as determined by the  
4 department of revenue.    Automobiles and light pick-up trucks will be  
5 considered separate classes for the purposes of the emission fee  
6 imposed by section 14(2) of this act.

7        NEW SECTION.    **Sec. 17.**        (1) Each new motor vehicle dealer in  
8 the state shall before the twenty-fifth day of February, May, August,  
9 and November of each year, commencing with November 1991, advise the  
10 department of revenue of the make, model, body type, engine type, and  
11 displacement and transmission type as specified on the United States  
12 environmental protection agency fuel economy label of the new motor  
13 vehicles delivered to them by vehicle manufacturers or the distribution  
14 companies of manufacturers during the preceding calendar quarter ending  
15 on the last day of March, June, September, and December, respectively.  
16 The department of revenue may collect the excise tax imposed by section  
17 14(1) of this act based upon the information provided by the new motor  
18 vehicle dealers.

19        (2) Chapter 82.32 RCW applies to the tax imposed by this chapter,  
20 in addition to any other provisions of law for the payment and  
21 enforcement of the tax imposed by this chapter.    The department of  
22 revenue shall by rule provide for the effective administration of this  
23 chapter.

24        NEW SECTION.    **Sec. 18.**        (1)(a) The air pollution control  
25 account is established in the state treasury.    The moneys deposited  
26 into the air pollution control account from revenues under section 14  
27 of this act may be used by the state energy office, the department, and



1 local air authorities to develop and implement the provisions of this  
2 chapter.

3 (b) Money in the air pollution control account shall be expended by  
4 the state energy office or the department of ecology subject to  
5 legislative appropriation. All earnings of investments of balances in  
6 the air pollution control account shall be credited to the general  
7 fund. The amounts collected and allocated in accordance with this  
8 section shall be expended upon appropriation and in accordance with the  
9 following limitations:

10 Portions of moneys received by the department from the air  
11 pollution control account shall be distributed by the department to  
12 local authorities based on:

13 (i) The level and extent of motor vehicle related air quality  
14 problems within such authority's jurisdiction;

15 (ii) The costs associated with implementing motor vehicle related  
16 programs by such authority; and

17 (iii) The amount of funding available to such authority from other  
18 sources, whether state, federal, or local, that could be used to  
19 implement motor vehicle related programs.

20 (2) On the first day of the months of January, April, July, and  
21 October of each year the department of revenue shall deposit all excise  
22 taxes collected under this chapter into the air pollution control  
23 account.

24 NEW SECTION. **Sec. 19.** The state energy office shall publish  
25 annually, for each new automobile and light truck make, model, body  
26 type, engine type, and displacement and transmission type, the  
27 emissions excise tax for that vehicle; the maximum and minimum  
28 emissions excise tax for vehicles of the same vehicle class as defined  
29 by the United States environmental protection agency; the estimated

1 total emissions of hydrocarbons, carbon monoxide, oxides of nitrogen  
2 and carbon dioxide for that vehicle over one hundred thousand miles;  
3 and the maximum and minimum total emissions for vehicles of the same  
4 vehicle class. This information shall be distributed to all new motor  
5 vehicle dealers along with a form for the display of this information.  
6 New motor vehicle dealers shall prominently display this information  
7 for each new vehicle on the vehicle using the prescribed form.

8 NEW SECTION. **Sec. 20.** Sections 12 through 19 of this act  
9 shall constitute a new chapter in Title 82 RCW.

10 NEW SECTION. **Sec. 21.** The department of ecology shall  
11 contract with Western Washington University for the biennium ending  
12 June 30, 1993, for research and development of alternative fuel and  
13 solar powered vehicles. A report on the progress of such research  
14 shall be presented to the standing transportation and environmental  
15 committees and the department by January 1, 1994.

16 **Sec. 22.** RCW 70.120.010 and 1979 ex.s. c 163 s 1 are each amended  
17 to read as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

20 (1) "Department" means the department of ecology.

21 (2) "Director" means the director of the department of ecology.

22 (3) "Fleet" means a group of twenty-five or more motor vehicles  
23 owned or leased concurrently by one person.

24 (4) "Motor vehicle" means any self-propelled vehicle required to be  
25 licensed pursuant to chapter 46.16 RCW.

26 (5) "Motor vehicle dealer" means a motor vehicle dealer, as defined  
27 in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

1 (6) "Person" means an individual, firm, public or private  
2 corporation, association, partnership, political subdivision of the  
3 state, municipality, or governmental agency.

4 (7) The terms "air contaminant," "air pollution," "air quality  
5 standard," "ambient air," "emission," and "emission standard" have the  
6 meanings given them in RCW 70.94.030.

7 (8) "Clean fuel vehicle" means a vehicle certified by the  
8 department based on designation by the United States environmental  
9 protection agency as a "clean-fuel vehicle."

10 NEW SECTION. Sec. 23. A new section is added to chapter 82.44 RCW  
11 to read as follows:

12 The annual excise tax specified in RCW 82.44.020 shall be waived  
13 for any clean-fuel vehicle, as defined in RCW 70.120.010, whose  
14 registration expires prior to January 1, 2000.

15 NEW SECTION. Sec. 24. A new section is added to chapter 70.94 RCW  
16 to read as follows:

17 No state agency, metropolitan planning organization, or local  
18 government shall approve or fund a transportation plan, program, or  
19 project unless a determination has been made that the plan, program, or  
20 project conforms with the state implementation plan for air quality.

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

22 (a) Conformity to the state implementation plan's purpose of  
23 eliminating or reducing the severity and number of violations of the  
24 national ambient air quality standards and achieving expeditious  
25 attainment of such standards; and

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

1 (i) Cause or contribute to any new violation of any standard in any  
2 area;

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

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

7 Conformity determination shall be made by the state or local  
8 government or metropolitan planning organization administering or  
9 developing the plan, program, or project. The determination of  
10 conformity shall be based on the most recent estimates of emissions,  
11 and such estimates shall be determined from the most recent  
12 population, employment, travel, and congestion estimates as determined  
13 by the metropolitan planning organization or other agency authorized to  
14 make such estimates.

15 (2) Plans and programs conform if:

16 (a) Emissions resulting from such plans and programs are consistent  
17 with baseline emission inventories and emission reduction projections  
18 and schedules assigned to those plans and programs in the state  
19 implementation plan; and

20 (b) The plans and programs provide for the timely implementation of  
21 the transportation provisions in the approved or promulgated state  
22 implementation plan.

23 (3) A project conforms if:

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

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

28 (c) A project other than one referred to in (a) and (b) of this  
29 subsection conforms if it is demonstrated that the project either does  
30 not contribute to increased emissions in the nonattainment area, or

1 that offsetting emission reductions for the project are specifically  
2 provided for in the transportation plan and program, or are otherwise  
3 enforceable through the state implementation plan, before the project  
4 is approved.

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

10 (4) A project with a scope that is limited to preservation or  
11 maintenance, or both, shall be exempted from a conformity determination  
12 requirement.

13 NEW SECTION. **Sec. 25.** This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of the  
15 state government and its existing public institutions, and shall take  
16 effect July 1, 1991.