

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 1671**

Chapter 202, Laws of 1991  
(partial veto)

52nd Legislature  
1991 Regular Session

HIGHWAY ACCESS CONTROL AND TRANSPORTATION DEMAND MANAGEMENT

EFFECTIVE DATE: 7/1/91

Passed by the House March 19, 1991  
Yeas 84 Nays 14

JOE KING  
**Speaker of the  
House of Representatives**

Passed by the Senate April 19, 1991  
Yeas 45 Nays 1

JOEL PRITCHARD  
**President of the Senate**

Approved May 15, 1991, with  
the exception of sections 21  
and 23, which are vetoed.

BOOTH GARDNER  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1671** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 15, 1991 - 2:27 p.m.

Secretary of State  
State of Washington



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SECOND SUBSTITUTE HOUSE BILL 1671

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AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Riley, R. Meyers, Jacobsen, Heavey, Roland, Hine, O'Brien, Rust, Betrozoff, Paris, Scott, Fraser and Wineberry).

Read first time March 11, 1991.

1 AN ACT Relating to growth strategies; adding a new chapter to Title  
2 47 RCW; adding a new chapter to Title 81 RCW; creating new sections;  
3 prescribing penalties; providing an effective date; and declaring an  
4 emergency.

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

6 HIGHWAY ACCESS MANAGEMENT

7 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS--ACCESS. (1) The  
8 legislature finds that:

9 (a) Regulation of access to the state highway system is necessary  
10 in order to protect the public health, safety, and welfare, to preserve  
11 the functional integrity of the state highway system, and to promote  
12 the safe and efficient movement of people and goods within the state;

13 (b) The development of an access management program, in accordance  
14 with this chapter, which coordinates land use planning decisions by

1 local governments and investments in the state highway system, will  
2 serve to control the proliferation of connections and other access  
3 approaches to and from the state highway system. Without such a  
4 program, the health, safety, and welfare of the residents of this state  
5 are at risk, due to the fact that uncontrolled access to the state  
6 highway system is a significant contributing factor to the congestion  
7 and functional deterioration of the system; and

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

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

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

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

27 (b) Every owner of property which abuts a state highway has a right  
28 to reasonable access to that highway, unless such access has been  
29 acquired pursuant to chapter 47.52 RCW, but may not have the right of  
30 a particular means of access. The right of access to the state highway

1 may be restricted if, pursuant to local regulation, reasonable access  
2 can be provided to another public road which abuts the property.

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

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

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

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

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

21 (3) "Permitting authority" means the department for connections in  
22 unincorporated areas or a city or town within incorporated areas which  
23 are authorized to regulate access to state highways pursuant to chapter  
24 47.24 RCW.

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

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

3 (2) The department shall by July 1, 1992, adopt administrative  
4 procedures pursuant to chapter 34.05 RCW which establish state highway  
5 access standards and rules for its issuance and modification of access  
6 permits, closing of unpermitted connections, revocation of permits, and  
7 waiver provisions in accordance with this chapter. The department  
8 shall consult with the association of Washington cities and obtain  
9 concurrence of the city design standards committee as established by  
10 RCW 35.78.030 in the development and adoption of rules for access  
11 standards for city streets designated as state highways under chapter  
12 47.24 RCW.

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

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

25 (2) The cost of construction or alteration of a connection shall be  
26 borne by the permittee, except for alterations which are not required  
27 by law or administrative rule, but are made at the request of and for  
28 the convenience of the permitting authority. The permittee, however,  
29 shall bear the cost of alteration of any connection which is required

1 by the permitting authority due to increased or altered traffic flows  
2 generated by changes in the permittee's facilities or nature of  
3 business conducted at the location specified in the permit.

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

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

18 NEW SECTION. **Sec. 6.** PERMIT REVIEW PROCESS. The review process  
19 for access permit applications made by the department shall be as  
20 follows: Any person seeking an access permit shall file an application  
21 with the department. The department by rule shall establish  
22 application form and content requirements. The fee required by section  
23 5 of this act must accompany the applications.

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

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

3 NEW SECTION. **Sec. 8.** PERMIT REMOVAL. (1) Unpermitted connections  
4 to the state highway system in existence on July 1, 1990, shall not  
5 require the issuance of a permit and may continue to provide access to  
6 the state highway system, unless the permitting authority determines  
7 that such a connection does not meet minimum acceptable standards of  
8 highway safety. However, a permitting authority may require that a  
9 permit be obtained for such a connection if a significant change occurs  
10 in the use, design, or traffic flow of the connection or of the state  
11 highway to which it provides access. If a permit is not obtained, the  
12 connection may be closed pursuant to section 4 of this act.

13 (2) Access permits granted prior to adoption of the permitting  
14 authorities' standards shall remain valid until modified or revoked.  
15 Access connections to state highways identified on plats and  
16 subdivisions approved prior to July 1, 1991, shall be deemed to be  
17 permitted pursuant to chapter \_\_\_\_, Laws of 1991 (this act). The  
18 permitting authority may, after written notification, under rules  
19 adopted in accordance with section 3 of this act, modify or revoke an  
20 access permit granted prior to adoption of the standards by requiring  
21 relocation, alteration, or closure of the connection if a significant  
22 change occurs in the use, design, or traffic flow of the connection.

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



1        NEW SECTION.        **Sec. 9.**        ACCESS MANAGEMENT STANDARDS.        (1) The

2 department shall develop, adopt, and maintain an access control  
3 classification system for all routes on the state highway system, the  
4 purpose of which shall be to provide for the implementation and  
5 continuing applications of the provision of this chapter.

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

10        (3) The control classification system shall be developed consistent  
11 with the following:

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

22        (b) The access control classification system shall be developed in  
23 cooperation with counties, cities and towns, the state department of  
24 community development, regional transportation planning organizations,  
25 and other local governmental entities, and for city streets designated  
26 as state highways pursuant to chapter 47.24 RCW, adopted with the  
27 concurrence of the city design standards committee.

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

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

3 (ii) The current functional classification as well as potential  
4 future functional classification of each road on the state highway  
5 system;

6 (iii) Existing and projected traffic volumes;

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

9 (v) Drainage requirements;

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

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

12 (viii) Other operational aspects of access;

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

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

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

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

26 TRANSPORTATION DEMAND MANAGEMENT

27 NEW SECTION. **Sec. 10.** FINDINGS--DEMAND MANAGEMENT. The  
28 legislature finds that automotive traffic in Washington's metropolitan

1 areas is the major source of emissions of air contaminants. This air  
2 pollution causes significant harm to public health, causes damage to  
3 trees, plants, structures, and materials and degrades the quality of  
4 the environment.

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

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

25 The legislature further finds that reducing the number of commute  
26 trips to work made via single occupant cars and light trucks is an  
27 effective way of reducing automobile-related air pollution, traffic  
28 congestion, and energy use. Major employers have significant  
29 opportunities to encourage and facilitate reducing single occupant  
30 vehicle commuting by employees.

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

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

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

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

25       (3) "Commute trip reduction zones" mean areas, such as census  
26 tracts or combinations of census tracts, within a jurisdiction that are  
27 characterized by similar employment density, population density, level  
28 of transit service, parking availability, access to high occupancy

1 vehicle facilities, and other factors that are determined to affect the  
2 level of single occupancy vehicle commuting.

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

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

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

11 (7) "Base year" means the year January 1, 1992, through December  
12 31, 1992, on which goals for vehicle miles traveled and single occupant  
13 vehicle trips shall be based. Base year goals may be determined using  
14 the 1990 journey-to-work census data projected to the year 1992 and  
15 shall be consistent with the growth management act. The task force  
16 shall establish a method to be used by jurisdictions to determine  
17 reductions of vehicle miles traveled.

18 NEW SECTION. **Sec. 12.** REQUIREMENTS FOR COUNTIES AND CITIES. (1)  
19 Each county with a population over one hundred fifty thousand, and each  
20 city or town within those counties containing a major employer shall,  
21 by October 1, 1992, adopt by ordinance and implement a commute trip  
22 reduction plan for all major employers. The plan shall be developed in  
23 cooperation with local transit agencies, regional transportation  
24 planning organizations as established in RCW 47.80.020, major  
25 employers, and the owners of and employers at major worksites. The  
26 plan shall be designed to achieve reductions in the proportion of  
27 single occupant vehicle commute trips and the commute trip vehicle  
28 miles traveled per employee by employees of major public and private  
29 sector employers in the jurisdiction.

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

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

10 (4) A commute trip reduction plan shall be consistent with the  
11 guidelines established under section 15 of this act and shall include  
12 but is not limited to (a) goals for reductions in the proportion of  
13 single occupant vehicle commute trips and the commute trip vehicle  
14 miles traveled per employee; (b) designation of commute trip reduction  
15 zones; (c) requirements for major public and private sector employers  
16 to implement commute trip reduction programs; (d) a commute trip  
17 reduction program for employees of the county, city, or town; (e) a  
18 review of local parking policies and ordinances as they relate to  
19 employers and major worksites and any revisions necessary to comply  
20 with commute trip reduction goals and guidelines; (f) an appeals  
21 process by which major employers, who as a result of special  
22 characteristics of their business or its locations would be unable to  
23 meet the requirements of a commute trip reduction plan, may obtain  
24 waiver or modification of those requirements; and (g) means for  
25 determining base year values of the proportion of single occupant  
26 vehicle commute trips and the commute trip vehicle miles traveled per  
27 employee and progress toward meeting commute trip reduction plan goals  
28 on an annual basis. Goals which are established shall take into  
29 account existing transportation demand management efforts which are  
30 made by major employers. Each jurisdiction shall ensure that employers

1 shall receive full credit for the results of transportation demand  
2 management efforts and commute trip reduction programs which have been  
3 implemented by major employers prior to the base year. The goals for  
4 miles traveled per employee for all major employers shall not be less  
5 than a fifteen percent reduction from the base year value of the  
6 commute trip reduction zone in which their worksite is located by  
7 January 1, 1995, twenty-five percent reduction from the base year  
8 values by January 1, 1997, and thirty-five percent reduction from the  
9 base year values by January 1, 1999.

10 (5) A county, city, or town may, as part of its commute trip  
11 reduction plan, require commute trip reduction programs for employers  
12 with ten or more full time employees at major worksites in federally  
13 designated non-attainment areas for carbon monoxide and ozone. The  
14 county, city or town shall develop the programs in cooperation with  
15 affected employers and provide technical assistance to the employers in  
16 implementing such programs.

17 (6) The commute trip reduction plans adopted by counties, cities,  
18 and towns under this chapter shall be consistent with and may be  
19 incorporated in applicable state or regional transportation plans and  
20 local comprehensive plans and shall be coordinated, and consistent  
21 with, the commute trip reduction plans of counties, cities, or towns  
22 with which the county, city, or town has, in part, common borders or  
23 related regional issues. Such regional issues shall include assuring  
24 consistency in the treatment of employers who have worksites subject to  
25 the requirements of this chapter in more than one jurisdiction.  
26 Counties, cities, or towns adopting commute trip reduction plans may  
27 enter into agreements through the interlocal cooperation act or by  
28 resolution or ordinance as appropriate with other jurisdictions, local  
29 transit agencies, or regional transportation planning organizations to  
30 coordinate the development and implementation of such plans. Counties,

1 cities, or towns adopting a commute trip reduction plan shall review it  
2 annually and revise it as necessary to be consistent with applicable  
3 plans developed under RCW 36.70A.070.

4 (7) Each county, city, or town implementing a commute trip  
5 reduction program shall, within thirty days submit a summary of its  
6 plan along with certification of adoption to the commute trip reduction  
7 task force established under section 15 of this act.

8 (8) Each county, city, or town implementing a commute trip  
9 reduction program shall submit an annual progress report to the commute  
10 trip reduction task force established under section 15 of this act.  
11 The report shall be due July 1, 1994, and each July 1 thereafter  
12 through July 1, 2000. The report shall describe progress in attaining  
13 the applicable commute trip reduction goals for each commute trip  
14 reduction zone and shall highlight any problems being encountered in  
15 achieving the goals. The information shall be reported in a form  
16 established by the commute trip reduction task force.

17 (9) Any waivers or modifications of the requirements of a commute  
18 trip reduction plan granted by a jurisdiction shall be submitted for  
19 review to the commute trip reduction task force established under  
20 section 15 of this act. The commute trip reduction task force may not  
21 deny the granting of a waiver or modification of the requirements of a  
22 commute trip reduction plan by a jurisdiction but they may notify the  
23 jurisdiction of any comments or objections.

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

28 (11) Plans implemented under this section shall not apply to  
29 commute trips for seasonal agricultural employees.



1 (12) Plans implemented under this section shall not apply to  
2 construction worksites when the expected duration of the construction  
3 project is less than two years.

4 NEW SECTION. **Sec. 13.** REQUIREMENTS FOR EMPLOYERS. (1) Not more  
5 than six months after the adoption of the commute trip reduction plan  
6 by a jurisdiction, each major employer in that jurisdiction shall  
7 develop a commute trip reduction program and shall submit a description  
8 of that program to the jurisdiction for review. The program shall be  
9 implemented not more than six months after submission to the  
10 jurisdiction.

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

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

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

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

29 (iv) Provision of subsidies for transit fares;

- 1 (v) Provision of vans for van pools;
- 2 (vi) Provision of subsidies for car pooling or van pooling;
- 3 (vii) Permitting the use of the employer's vehicles for car pooling  
4 or van pooling;
- 5 (viii) Permitting flexible work schedules to facilitate employees'  
6 use of transit, car pools, or van pools;
- 7 (ix) Cooperation with transportation providers to provide  
8 additional regular or express service to the worksite;
- 9 (x) Construction of special loading and unloading facilities for  
10 transit, car pool, and van pool users;
- 11 (xi) Provision of bicycle parking facilities, lockers, changing  
12 areas, and showers for employees who bicycle or walk to work;
- 13 (xii) Provision of a program of parking incentives such as a rebate  
14 for employees who do not use the parking facility;
- 15 (xiii) Establishment of a program to permit employees to work part  
16 or full time at home or at an alternative worksite closer to their  
17 homes;
- 18 (xiv) Establishment of a program of alternative work schedules such  
19 as compressed work week schedules which reduce commuting; and
- 20 (xv) Implementation of other measures designed to facilitate the  
21 use of high-occupancy vehicles such as on-site day care facilities and  
22 emergency taxi services.
- 23 (3) Employers or owners of worksites may form or utilize existing  
24 transportation management associations to assist members in developing  
25 and implementing commute trip reduction programs.

26 NEW SECTION. **Sec. 14.** JURISDICTIONS' REVIEW AND PENALTIES. (1)  
27 Each jurisdiction implementing a commute trip reduction plan under this  
28 chapter or as part of a plan or ordinance developed under RCW  
29 36.70A.070 shall review each employer's initial commute trip reduction

1 program to determine if the program is likely to meet the applicable  
2 commute trip reduction goals. The employer shall be notified by the  
3 jurisdiction of its findings. If the jurisdiction finds that the  
4 program is not likely to meet the applicable commute trip reduction  
5 goals, the jurisdiction will work with the employer to modify the  
6 program as necessary. The jurisdiction shall complete review of each  
7 employer's initial commute trip reduction program within three months  
8 of receipt.

9 (2) Each jurisdiction shall annually review each employer's  
10 progress toward meeting the applicable commute trip reduction goals.  
11 If it appears an employer is not likely to meet the applicable commute  
12 trip reduction goals, the jurisdiction shall work with the employer to  
13 make modifications to the commute trip reduction program.

14 (3) If an employer fails to meet the applicable commute trip  
15 reduction goals, the jurisdiction shall propose modifications to the  
16 program and direct the employer to revise its program within thirty  
17 days to incorporate those modifications or modifications which the  
18 jurisdiction determines to be equivalent.

19 (4) 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 (3) of this section. No  
24 major employer shall be liable for civil penalties under this chapter  
25 if failure to achieve a commute trip reduction program goal was the  
26 result of an inability to reach agreement with a certified collective  
27 bargaining agent under applicable laws where the issue was raised by  
28 the employer and pursued in good faith.

1        NEW SECTION.    **Sec. 15.**    (1) A twenty-three member state commute

2 trip reduction task force shall be established as follows:

3        (a) The director of the state energy office or the director's  
4 designee who shall serve as chair;

5        (b) The secretary of the department of transportation or the  
6 secretary's designee;

7        (c) The director of the department of ecology or the director's  
8 designee;

9        (d) The director of the department of community development or the  
10 director's designee;

11       (e) The director of the department of general administration or the  
12 director's designee;

13       (f) Three representatives from counties appointed by the governor  
14 from a list of at least six recommended by the Washington state  
15 association of counties;

16       (g) Three representatives from cities and towns appointed by the  
17 governor from a list of at least six recommended by the association of  
18 Washington cities;

19       (h) Three representatives from transit agencies appointed by the  
20 governor from a list of at least six recommended by the Washington  
21 state transit association;

22       (i) Six representatives of employers at or owners of major work  
23 sites in Washington appointed by the governor from a list of at least  
24 twelve recommended by the association of Washington business; and

25       (j) Three citizens appointed by the governor.

26       Members of the commute trip reduction task force shall serve  
27 without compensation but shall be reimbursed for travel expenses as  
28 provided in RCW 43.03.050 and 43.03.060. Members appointed by the  
29 governor shall be compensated in accordance with RCW 43.03.220. The  
30 task force has all powers necessary to carry out its duties as

1 prescribed by this chapter. The task force shall be dissolved on July  
2 1, 2000.

3 (2) By March 1, 1992, the commute trip reduction task force shall  
4 establish guidelines for commute trip reduction plans. The guidelines  
5 are intended to ensure consistency in commute trip reduction plans and  
6 goals among jurisdictions while fairly taking into account differences  
7 in employment and housing density, employer size, existing and  
8 anticipated levels of transit service, special employer circumstances,  
9 and other factors the task force determines to be relevant. The  
10 guidelines shall include:

11 (a) Criteria for establishing commute trip reduction zones;

12 (b) Methods and information requirements for determining base year  
13 values of the proportion of single-occupant vehicle commute trips and  
14 the commute trip vehicle miles traveled per employee and progress  
15 toward meeting commute trip reduction plan goals;

16 (c) Model commute trip reduction ordinances;

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

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

25 (f) Methods to ensure that employers shall receive full credit for  
26 the results of transportation demand management efforts and commute  
27 trip reduction programs which have been implemented by major employers  
28 prior to the base year;

1 (g) Alternative commute trip reduction goals for major employers  
2 which cannot meet the goals of this chapter because of the unique  
3 nature of their business; and

4 (h) Alternative commute trip reduction goals for major employers  
5 whose worksites change and who contribute substantially to traffic  
6 congestion in a trip reduction zone.

7 (3) The task force shall assess the commute trip reduction options  
8 available to employers other than major employers and make  
9 recommendations to the legislature by October 1, 1992. The  
10 recommendations shall include the minimum size of employer who shall be  
11 required to implement trip reduction programs and the appropriate  
12 methods those employers can use to accomplish trip reduction goals.

13 (4) The task force shall review progress toward implementing  
14 commute trip reduction plans and programs and the costs and benefits of  
15 commute trip reduction plans and programs and shall make  
16 recommendations to the legislature by December 1, 1995, and December 1,  
17 1999. In assessing the costs and benefits, the task force shall  
18 consider the costs of not having implemented commute trip reduction  
19 plans and programs. The task force shall examine other transportation  
20 demand management programs nationally and incorporate its findings into  
21 its recommendations to the legislature. The recommendations shall  
22 address the need for continuation, modification, or termination or any  
23 or all requirements of this chapter. The recommendations made December  
24 1, 1995, shall include recommendations regarding extension of the  
25 requirements of this chapter to employers with fifty or more full-time  
26 employees at a single worksite who begin their regular work day between  
27 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous  
28 months.

1        NEW SECTION.    **Sec. 16.**    TECHNICAL ASSISTANCE TEAM.    (1) A technical  
2 assistance team shall be established under the direction of the state  
3 energy office and include representatives of the departments of  
4 transportation and ecology.    The team shall provide staff support to  
5 the commute trip reduction task force in carrying out the requirements  
6 of section 15 of this act and to the department of general  
7 administration in carrying out the requirements of section 19 of this  
8 act.

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

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

26        NEW SECTION.    **Sec. 17.**    USE OF FUNDS.    A portion of the funds made  
27 available for the purposes of this chapter shall be used to fund the  
28 commute trip reduction task force in carrying out the responsibilities  
29 of section 16 of this act, and the interagency technical assistance

1 team, including the activities authorized under section 16(2) of this  
2 act, and to assist counties, cities, and towns implementing commute  
3 trip reduction plans. Funds shall be provided to the counties in  
4 proportion to the number of major employers and major worksites in each  
5 county. The counties shall provide funds to cities and towns within  
6 the county which are implementing commute trip reduction plans in  
7 proportion to the number of major employers and major worksites within  
8 the city or town.

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

18 NEW SECTION. **Sec. 19.** GENERAL ADMINISTRATION. (1) The director  
19 of general administration, with the concurrence of an interagency task  
20 force established for the purposes of this section, shall coordinate a  
21 commute trip reduction plan for state agencies which are phase 1 major  
22 employers by January 1, 1993. The task force shall include  
23 representatives of the state energy office, the departments of  
24 transportation and ecology and such other departments as the director  
25 of general administration determines to be necessary to be generally  
26 representative of state agencies. The state agency plan shall be  
27 consistent with the requirements of sections 12 and 13 of this act and  
28 shall be developed in consultation with state employees, local and



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

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

1 the recommendations of the local jurisdiction or the department of  
2 general administration.

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

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

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

22 (6) The department of general administration shall submit an annual  
23 progress report for state agencies subject to the state agency commute  
24 trip reduction plan to the commute trip reduction task force  
25 established under section 15 of this act. The report shall be due  
26 April 1, 1993, and each April 1 through 2000. The report shall report  
27 progress in attaining the applicable commute trip reduction goals for  
28 each commute trip reduction zone and shall highlight any problems being  
29 encountered in achieving the goals. The information shall be reported  
30 in a form established by the commute trip reduction task force.

1        NEW SECTION.    **Sec. 20.**    CODIFICATION.    Sections 1 through 9 of this  
2    act shall constitute a new chapter in Title 47 RCW.

3        *\*NEW SECTION.    Sec. 21.*    CODIFICATION.    *Sections 10 through 19 of*  
4    *this act shall constitute a new chapter in Title 81 RCW.*

5    *\*Sec. 21 was vetoed, see message at end of chapter.*

6        NEW SECTION.    **Sec. 22.**    HEADINGS.    Section captions and part  
7    headings as used in this act do not constitute any part of the law.

8        *\*NEW SECTION.    Sec. 23.*    TDM--NULL AND VOID.    *If funding for the*  
9    *purposes of sections 10 through 19 of this act is not provided by June*  
10    *30, 1991, sections 10 through 19 and 21 of this act shall be null and*  
11    *void.*

12    *\*Sec. 23 was vetoed, see message at end of chapter.*

13        NEW SECTION.    **Sec. 24.**    EMERGENCY CLAUSE.    This act is necessary  
14    for the immediate preservation of the public peace, health, or safety,  
15    or support of the state government and its existing public  
16    institutions, and shall take effect July 1, 1991.

17        NEW SECTION.    **Sec. 25.**    SEVERABILITY CLAUSE.    If any provision of  
18    this act or its application to any person or circumstance is held  
19    invalid, the remainder of the act or the application of the provision  
20    to other persons or circumstances is not affected.

21        Passed the House March 19, 1991.

22        Passed the Senate April 19, 1991.

      Approved by the Governor May 15, 1991, with the exception of  
      certain items which were vetoed.

      Filed in Office of Secretary of State May 15, 1991.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 21 and  
3 23, Second Substitute House Bill No. 1671 entitled:

4 "AN ACT Relating to growth strategies."

5 This bill establishes two innovative approaches to dealing with  
6 some of the problems associated with the rapid growth in this state:  
7 highway access control and transportation demand management (TDM).

8 Motor vehicles generate over 40% of the air pollution in our state.  
9 For this reason, I included TDM as one of the key strategies in  
10 addressing the major sources of pollution in the clean air bill I  
11 submitted to the 1991 Legislature. Reducing the number of vehicles on  
12 our roads, particularly single-occupant vehicles, through TDM measures  
13 is an effective way to reduce automobile-related air pollution, traffic  
14 congestion, and energy use.

15 Examples of TDM measures include carpools, vanpools, employer-  
16 subsidized transit passes, parking fees at market rates, work-at-home  
17 options and alternative work schedules. This bill allows public and  
18 private employers to choose the options that best suit their particular  
19 work situation while working toward reducing the number of their  
20 employees who drive alone to work.

21 TDM generated considerable interest and support among a broad range  
22 of interests, including local governments, business and environmental  
23 organizations. This bill has the imprint of all these groups.

24 During the legislative process, the TDM provisions were separated  
25 from the clean air bill and incorporated in Second Substitute House  
26 Bill No. 1671. Due to an oversight, the appropriate linkages were not  
27 made between the two bills to provide funding for the TDM program. I  
28 am vetoing sections 21 (codification) and 23 (null and void) to ensure  
29 that the revenue raised in Engrossed Substitute House Bill No. 1028,  
30 the clean air bill, may be used for the TDM activities prescribed in  
31 this bill as intended.

32 Section 21 codifies the TDM provisions of this bill in Title 81  
33 (Transportation). Funds intended for air pollution control activities,  
34 such as TDM, are provided in Engrossed Substitute House Bill No. 1028,  
35 section 228. However, section 228 permits expenditures only for the  
36 clean air bill, of which TDM was originally a part, and RCW Chapters  
37 70.94 and 70.120.

38 In vetoing section 21, I am requesting the Code Reviser to place  
39 the TDM sections of this bill into RCW Chapter 70.94, Washington Clean  
40 Air Act. This would allow TDM activities to be funded from the  
41 revenues raised in Engrossed Substitute House Bill No. 1028 for air  
42 pollution control. This action is consistent with legislative intent  
43 and the purposes for which these revenues were originally intended.

44 I am vetoing section 23, the null and void clause, in order to  
45 protect the significant public policy established by this bill. While  
46 the 1991-93 biennium budget has not yet been adopted, funding for TDM  
47 activities has been included from the air pollution control account in  
48 previous versions of both the House and Senate budgets.

1           With the exception of sections 21 and 23, Second Substitute House  
2 Bill No. 1671 is approved."