

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1513

Chapter 250, Laws of 1997

55th Legislature
1997 Regular Session

TRANSPORTATION DEMAND MANAGEMENT--ENCOURAGING COMMUTE TRIP
REDUCTION PROGRAMS

EFFECTIVE DATE: 7/27/97

Passed by the House March 13, 1997
Yeas 77 Nays 19

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 18, 1997
Yeas 40 Nays 6

BRAD OWEN
President of the Senate

Approved May 5, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1513** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 5, 1997 - 4:25 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1513

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives Radcliff, Scott, Sterk, O'Brien, Robertson, Hatfield, Skinner, Murray, Cairnes, Wolfe and Wensman; by request of Commute Trip Reduction Task Force)

Read first time 03/05/97.

1 AN ACT Relating to transportation demand management; amending RCW
2 70.94.521, 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.551,
3 46.74.010, 46.74.030, and 51.08.013; and reenacting and amending RCW
4 42.17.310.

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

6 **Sec. 1.** RCW 70.94.521 and 1991 c 202 s 10 are each amended to read
7 as follows:

8 The legislature finds that automotive traffic in Washington's
9 metropolitan areas is the major source of emissions of air
10 contaminants. This air pollution causes significant harm to public
11 health, causes damage to trees, plants, structures, and materials and
12 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
16 agencies, and individuals in terms of lost working hours and delays in
17 the delivery of goods and services. Traffic congestion worsens
18 automobile-related air pollution, increases the consumption of fuel,
19 and degrades the habitability of many of Washington's cities and

1 suburban areas. The capital and environmental costs of fully
2 accommodating the existing and projected automobile traffic on roads
3 and highways are prohibitive. Decreasing the demand for vehicle trips
4 is significantly less costly and at least as effective in reducing
5 traffic congestion and its impacts as constructing new transportation
6 facilities such as roads and bridges, to accommodate increased traffic
7 volumes.

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

14 The legislature further finds that reducing the number of commute
15 trips to work made via single-occupant cars and light trucks is an
16 effective way of reducing automobile-related air pollution, traffic
17 congestion, and energy use. Major employers have significant
18 opportunities to encourage and facilitate reducing single-occupant
19 vehicle commuting by employees. In addition, the legislature also
20 recognizes the importance of increasing individual citizens' awareness
21 of air quality, energy consumption, and traffic congestion, and the
22 contribution individual actions can make towards addressing these
23 issues.

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 worksites to implement programs to
29 reduce single-occupant vehicle commuting by employees at major
30 worksites. Local governments in counties experiencing significant but
31 less severe automobile-related air pollution and traffic congestion may
32 implement such plans. State agencies shall implement programs to
33 reduce single-occupant vehicle commuting at all major worksites
34 throughout the state.

35 **Sec. 2.** RCW 70.94.527 and 1996 c 186 s 513 are each amended to
36 read as follows:

37 (1) Each county with a population over one hundred fifty thousand,
38 and each city or town within those counties containing a major employer

1 shall, by October 1, 1992, adopt by ordinance and implement a commute
2 trip reduction plan for all major employers. The plan shall be
3 developed in cooperation with local transit agencies, regional
4 transportation planning organizations as established in RCW 47.80.020,
5 major employers, and the owners of and employers at major worksites.
6 The plan shall be designed to achieve reductions in the proportion of
7 single-occupant vehicle commute trips and the commute trip vehicle
8 miles traveled per employee by employees of major public and private
9 sector employers in the jurisdiction.

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

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

19 (4) A commute trip reduction plan shall be consistent with the
20 guidelines established under RCW 70.94.537 and shall include but is not
21 limited to (a) goals for reductions in the proportion of single-
22 occupant vehicle commute trips and the commute trip vehicle miles
23 traveled per employee; (b) designation of commute trip reduction zones;
24 (c) requirements for major public and private sector employers to
25 implement commute trip reduction programs; (d) a commute trip reduction
26 program for employees of the county, city, or town; (e) a review of
27 local parking policies and ordinances as they relate to employers and
28 major worksites and any revisions necessary to comply with commute trip
29 reduction goals and guidelines; (f) an appeals process by which major
30 employers, who as a result of special characteristics of their business
31 or its locations would be unable to meet the requirements of a commute
32 trip reduction plan, may obtain waiver or modification of those
33 requirements; and (g) means for determining base year values of the
34 proportion of single-occupant vehicle commute trips and the commute
35 trip vehicle miles traveled per employee and progress toward meeting
36 commute trip reduction plan goals on an annual basis. Goals which are
37 established shall take into account existing transportation demand
38 management efforts which are made by major employers. Each
39 jurisdiction shall ensure that employers shall receive full credit for

1 the results of transportation demand management efforts and commute
2 trip reduction programs which have been implemented by major employers
3 prior to the base year. The goals for miles traveled per employee for
4 all major employers shall not be less than a fifteen percent reduction
5 from the worksite base year value ((of)) or the base year value for the
6 commute trip reduction zone in which their worksite is located by
7 January 1, 1995, ((~~twenty-five~~)) twenty percent reduction from the base
8 year values by January 1, 1997, ((~~and thirty-five~~)) twenty-five percent
9 reduction from the base year values by January 1, 1999, and a thirty-
10 five percent reduction from the base year values by January 1, 2005.

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

18 (6) The commute trip reduction plans adopted by counties, cities,
19 and towns under this chapter shall be consistent with and may be
20 incorporated in applicable state or regional transportation plans and
21 local comprehensive plans and shall be coordinated, and consistent
22 with, the commute trip reduction plans of counties, cities, or towns
23 with which the county, city, or town has, in part, common borders or
24 related regional issues. Such regional issues shall include assuring
25 consistency in the treatment of employers who have worksites subject to
26 the requirements of this chapter in more than one jurisdiction.
27 Counties, cities, or towns adopting commute trip reduction plans may
28 enter into agreements through the interlocal cooperation act or by
29 resolution or ordinance as appropriate with other jurisdictions, local
30 transit agencies, or regional transportation planning organizations to
31 coordinate the development and implementation of such plans. Transit
32 agencies shall work with counties, cities, and towns to take into
33 account the location of major employer worksites when planning transit
34 service changes or the expansion of public transportation services.
35 Counties, cities, or towns adopting a commute trip reduction plan shall
36 review it annually and revise it as necessary to be consistent with
37 applicable plans developed under RCW 36.70A.070.

38 (7) Each county, city, or town implementing a commute trip
39 reduction program shall, within thirty days submit a summary of its

1 plan along with certification of adoption to the commute trip reduction
2 task force established under RCW 70.94.537.

3 (8) Each county, city, or town implementing a commute trip
4 reduction program shall submit an annual progress report to the commute
5 trip reduction task force established under RCW 70.94.537. The report
6 shall be due July 1, 1994, and each July 1st thereafter through July 1,
7 (~~2000~~) 2006. The report shall describe progress in attaining the
8 applicable commute trip reduction goals for each commute trip reduction
9 zone and shall highlight any problems being encountered in achieving
10 the goals. The information shall be reported in a form established by
11 the commute trip reduction task force.

12 (9) Any waivers or modifications of the requirements of a commute
13 trip reduction plan granted by a jurisdiction shall be submitted for
14 review to the commute trip reduction task force established under RCW
15 70.94.537. The commute trip reduction task force may not deny the
16 granting of a waiver or modification of the requirements of a commute
17 trip reduction plan by a jurisdiction but they may notify the
18 jurisdiction of any comments or objections.

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

23 (11) Each county, city, or town implementing a commute trip
24 reduction program shall ensure that employers that have modified their
25 employees' work schedules so that some or all employees are not
26 scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are
27 provided credit when calculating single-occupancy vehicle use and
28 vehicle miles traveled at that worksite. This credit shall be awarded
29 if implementation of the schedule change was an identified element in
30 that worksite's approved commute trip reduction program or if the
31 schedule change occurred because of impacts associated with chapter
32 36.70A RCW, the growth management act.

33 (12) Plans implemented under this section shall not apply to
34 commute trips for seasonal agricultural employees.

35 (~~(12)~~) (13) Plans implemented under this section shall not apply
36 to construction worksites when the expected duration of the
37 construction project is less than two years.

1 **Sec. 3.** RCW 70.94.531 and 1991 c 202 s 13 are each amended to read
2 as follows:

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

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

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

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

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

27 (iv) Provision of subsidies for transit fares;

28 (v) Provision of vans for van pools;

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

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

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

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

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

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

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

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

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

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

11 (3) Employers or owners of worksites may form or utilize existing
12 transportation management associations to assist members in developing
13 and implementing commute trip reduction programs.

14 (4) Employers shall make a good faith effort towards achievement of
15 the goals identified in RCW 70.94.527(4)(g).

16 **Sec. 4.** RCW 70.94.534 and 1991 c 202 s 14 are each amended to read
17 as follows:

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

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

33 (a) The employer has met the minimum requirements identified in RCW
34 70.94.531; and

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

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

9 (~~(3)~~) (4) If an employer fails to make a good faith effort and
10 fails to meet the applicable commute trip reduction goals, the
11 jurisdiction shall work collaboratively with the employer to propose
12 modifications to the program and shall direct the employer to revise
13 its program within thirty days to incorporate those modifications or
14 modifications which the jurisdiction determines to be equivalent.

15 (~~(4)~~) (5) Each jurisdiction implementing a commute trip reduction
16 plan pursuant to this chapter may impose civil penalties, in the manner
17 provided in chapter 7.80 RCW, for failure by an employer to implement
18 a commute trip reduction program or to modify its commute trip
19 reduction program as required in subsection (~~(3)~~) (4) of this
20 section. No major employer may be held liable for civil penalties for
21 failure to reach the applicable commute trip reduction goals. No major
22 employer shall be liable for civil penalties under this chapter if
23 failure to achieve a commute trip reduction program goal was the result
24 of an inability to reach agreement with a certified collective
25 bargaining agent under applicable laws where the issue was raised by
26 the employer and pursued in good faith.

27 (6) Jurisdictions shall notify major employers of the procedures
28 for applying for goal modification or exemption from the commute trip
29 reduction requirements based on the guidelines established by the
30 commute trip reduction task force.

31 **Sec. 5.** RCW 70.94.537 and 1996 c 186 s 514 are each amended to
32 read as follows:

33 (1) A (~~twenty-two~~) twenty-eight member state commute trip
34 reduction task force (~~shall be~~) is established as follows:

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

37 (b) The director of the department of ecology or the director's
38 designee;

1 (c) The director of the department of community, trade, and
2 economic development or the director's designee;

3 (d) The director of the department of general administration or the
4 director's designee;

5 (e) Three representatives from counties appointed by the governor
6 from a list of at least six recommended by the Washington state
7 association of counties;

8 (f) Three representatives from cities and towns appointed by the
9 governor from a list of at least six recommended by the association of
10 Washington cities;

11 (g) Three representatives from transit agencies appointed by the
12 governor from a list of at least six recommended by the Washington
13 state transit association;

14 (h) (~~Six~~) Twelve representatives of employers at or owners of
15 major worksites in Washington appointed by the governor from a list
16 (~~of at least twelve~~) recommended by the association of Washington
17 business or other state-wide business associations representing major
18 employers, provided that every affected county shall have at least one
19 representative; and

20 (i) Three citizens appointed by the governor.

21 Members of the commute trip reduction task force shall serve
22 without compensation but shall be reimbursed for travel expenses as
23 provided in RCW 43.03.050 and 43.03.060. Members appointed by the
24 governor shall be compensated in accordance with RCW 43.03.220. The
25 task force has all powers necessary to carry out its duties as
26 prescribed by this chapter. The task force shall be dissolved on July
27 1, (~~2000~~) 2006.

28 (2) By March 1, 1992, the commute trip reduction task force shall
29 establish guidelines for commute trip reduction plans. The guidelines
30 are intended to ensure consistency in commute trip reduction plans and
31 goals among jurisdictions while fairly taking into account differences
32 in employment and housing density, employer size, existing and
33 anticipated levels of transit service, special employer circumstances,
34 and other factors the task force determines to be relevant. The
35 guidelines shall include:

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

37 (b) Methods and information requirements for determining base year
38 values of the proportion of single-occupant vehicle commute trips and

1 the commute trip vehicle miles traveled per employee and progress
2 toward meeting commute trip reduction plan goals;

3 (c) Model commute trip reduction ordinances;

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

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

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

16 (g) Alternative commute trip reduction goals for major employers
17 which cannot meet the goals of this chapter because of the unique
18 nature of their business; ~~((and))~~

19 (h) Alternative commute trip reduction goals for major employers
20 whose worksites change and who contribute substantially to traffic
21 congestion in a trip reduction zone; and

22 (i) Methods to insure that employers receive credit for scheduling
23 changes enacted pursuant to the criteria identified in RCW
24 70.94.527(11).

25 (3) The task force shall work with jurisdictions, major employers,
26 and other parties to develop and implement a public awareness campaign
27 designed to increase the effectiveness of local commute trip reduction
28 programs and support achievement of the objectives identified in this
29 chapter.

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

36 ~~((+4))~~ (5) The task force shall review progress toward
37 implementing commute trip reduction plans and programs and the costs
38 and benefits of commute trip reduction plans and programs and shall
39 make recommendations to the legislature by December 1, 1995, ((and))

1 December 1, 1999, December 1, 2001, December 1, 2003, and December 1,
2 2005. In assessing the costs and benefits, the task force shall
3 consider the costs of not having implemented commute trip reduction
4 plans and programs. The task force shall examine other transportation
5 demand management programs nationally and incorporate its findings into
6 its recommendations to the legislature. The recommendations shall
7 address the need for continuation, modification, or termination or any
8 or all requirements of this chapter. The recommendations made December
9 1, 1995, shall include recommendations regarding extension of the
10 requirements of this chapter to employers with fifty or more full-time
11 employees at a single worksite who begin their regular work day between
12 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous
13 months.

14 **Sec. 6.** RCW 70.94.551 and 1996 c 186 s 516 are each amended to
15 read as follows:

16 (1) The director of general administration, with the concurrence of
17 an interagency task force established for the purposes of this section,
18 shall coordinate a commute trip reduction plan for state agencies which
19 are phase 1 major employers by January 1, 1993. The task force shall
20 include representatives of the departments of transportation and
21 ecology and such other departments as the director of general
22 administration determines to be necessary to be generally
23 representative of state agencies. The state agency plan shall be
24 consistent with the requirements of RCW 70.94.527 and 70.94.531 and
25 shall be developed in consultation with state employees, local and
26 regional governments, local transit agencies, the business community,
27 and other interested groups. The plan shall consider and recommend
28 policies applicable to all state agencies including but not limited to
29 policies regarding parking and parking charges, employee incentives for
30 commuting by other than single-occupant automobiles, flexible and
31 alternative work schedules, alternative worksites, and the use of
32 state-owned vehicles for car and van pools. The plan shall also
33 consider the costs and benefits to state agencies of achieving commute
34 trip reductions and consider mechanisms for funding state agency
35 commute trip reduction programs. The department shall, within thirty
36 days, submit a summary of its plan along with certification of adoption
37 to the commute trip reduction task force established under RCW
38 70.94.537.

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

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

23 (4) The department of general administration in consultation with
24 the state technical assistance team shall review the initial commute
25 trip reduction program of each state agency subject to the commute trip
26 reduction plan for state agencies to determine if the program is likely
27 to meet the applicable commute trip reduction goals and notify the
28 agency of any deficiencies. If it is found that the program is not
29 likely to meet the applicable commute trip reduction goals, the team
30 will work with the agency to modify the program as necessary.

31 (5) For each agency subject to the state agency commute trip
32 reduction plan, the department of general administration in
33 consultation with the technical assistance team shall annually review
34 progress toward meeting the applicable commute trip reduction goals.
35 If it appears an agency is not meeting or is not likely to meet the
36 applicable commute trip reduction goals, the team shall work with the
37 agency to make modifications to the commute trip reduction program.

38 (6) The department of general administration shall submit an annual
39 progress report for state agencies subject to the state agency commute

1 trip reduction plan to the commute trip reduction task force
2 established under RCW 70.94.537. The report shall be due April 1,
3 1993, and each April 1st through ((2000)) 2006. The report shall
4 report progress in attaining the applicable commute trip reduction
5 goals for each commute trip reduction zone and shall highlight any
6 problems being encountered in achieving the goals. The information
7 shall be reported in a form established by the commute trip reduction
8 task force.

9 **Sec. 7.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
10 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
11 follows:

12 (1) The following are exempt from public inspection and copying:

13 (a) Personal information in any files maintained for students in
14 public schools, patients or clients of public institutions or public
15 health agencies, or welfare recipients.

16 (b) Personal information in files maintained for employees,
17 appointees, or elected officials of any public agency to the extent
18 that disclosure would violate their right to privacy.

19 (c) Information required of any taxpayer in connection with the
20 assessment or collection of any tax if the disclosure of the
21 information to other persons would (i) be prohibited to such persons by
22 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
23 in unfair competitive disadvantage to the taxpayer.

24 (d) Specific intelligence information and specific investigative
25 records compiled by investigative, law enforcement, and penology
26 agencies, and state agencies vested with the responsibility to
27 discipline members of any profession, the nondisclosure of which is
28 essential to effective law enforcement or for the protection of any
29 person's right to privacy.

30 (e) Information revealing the identity of persons who are witnesses
31 to or victims of crime or who file complaints with investigative, law
32 enforcement, or penology agencies, other than the public disclosure
33 commission, if disclosure would endanger any person's life, physical
34 safety, or property. If at the time a complaint is filed the
35 complainant, victim or witness indicates a desire for disclosure or
36 nondisclosure, such desire shall govern. However, all complaints filed
37 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

3 (f) Test questions, scoring keys, and other examination data used
4 to administer a license, employment, or academic examination.

5 (g) Except as provided by chapter 8.26 RCW, the contents of real
6 estate appraisals, made for or by any agency relative to the
7 acquisition or sale of property, until the project or prospective sale
8 is abandoned or until such time as all of the property has been
9 acquired or the property to which the sale appraisal relates is sold,
10 but in no event shall disclosure be denied for more than three years
11 after the appraisal.

12 (h) Valuable formulae, designs, drawings, and research data
13 obtained by any agency within five years of the request for disclosure
14 when disclosure would produce private gain and public loss.

15 (i) Preliminary drafts, notes, recommendations, and intra-agency
16 memorandums in which opinions are expressed or policies formulated or
17 recommended except that a specific record shall not be exempt when
18 publicly cited by an agency in connection with any agency action.

19 (j) Records which are relevant to a controversy to which an agency
20 is a party but which records would not be available to another party
21 under the rules of pretrial discovery for causes pending in the
22 superior courts.

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

26 (l) Any library record, the primary purpose of which is to maintain
27 control of library materials, or to gain access to information, which
28 discloses or could be used to disclose the identity of a library user.

29 (m) Financial information supplied by or on behalf of a person,
30 firm, or corporation for the purpose of qualifying to submit a bid or
31 proposal for (i) a ferry system construction or repair contract as
32 required by RCW 47.60.680 through 47.60.750 or (ii) highway
33 construction or improvement as required by RCW 47.28.070.

34 (n) Railroad company contracts filed prior to July 28, 1991, with
35 the utilities and transportation commission under RCW 81.34.070, except
36 that the summaries of the contracts are open to public inspection and
37 copying as otherwise provided by this chapter.

38 (o) Financial and commercial information and records supplied by
39 private persons pertaining to export services provided pursuant to

1 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
2 export projects pursuant to RCW 43.23.035.

3 (p) Financial disclosures filed by private vocational schools under
4 chapters 28B.85 and 28C.10 RCW.

5 (q) Records filed with the utilities and transportation commission
6 or attorney general under RCW 80.04.095 that a court has determined are
7 confidential under RCW 80.04.095.

8 (r) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
11 or during application for economic development loans or program
12 services provided by any local agency.

13 (s) Membership lists or lists of members or owners of interests of
14 units in timeshare projects, subdivisions, camping resorts,
15 condominiums, land developments, or common-interest communities
16 affiliated with such projects, regulated by the department of
17 licensing, in the files or possession of the department.

18 (t) All applications for public employment, including the names of
19 applicants, resumes, and other related materials submitted with respect
20 to an applicant.

21 (u) The residential addresses and residential telephone numbers of
22 employees or volunteers of a public agency which are held by the agency
23 in personnel records, employment or volunteer rosters, or mailing lists
24 of employees or volunteers.

25 (v) The residential addresses and residential telephone numbers of
26 the customers of a public utility contained in the records or lists
27 held by the public utility of which they are customers.

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.140 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency
26 employee: (i) Seeks advice, under an informal process established by
27 the employing agency, in order to ascertain his or her rights in
28 connection with a possible unfair practice under chapter 49.60 RCW
29 against the person; and (ii) requests his or her identity or any
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency
32 conducting a current investigation of a possible unfair practice under
33 chapter 49.60 RCW or of a possible violation of other federal, state,
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510, regardless of which agency is in possession of the
6 information and documents.

7 (ii) Personal information in files maintained in a data base
8 created under RCW 43.07.360.

9 (jj) The names, residential addresses, residential telephone
10 numbers, and other individually identifiable records held by an agency
11 in relation to a vanpool, carpool, or other ride-sharing program or
12 service. However, these records may be disclosed to other persons who
13 apply for ride-matching services and who need that information in order
14 to identify potential riders or drivers with whom to share rides.

15 (2) Except for information described in subsection (1)(c)(i) of
16 this section and confidential income data exempted from public
17 inspection pursuant to RCW 84.40.020, the exemptions of this section
18 are inapplicable to the extent that information, the disclosure of
19 which would violate personal privacy or vital governmental interests,
20 can be deleted from the specific records sought. No exemption may be
21 construed to permit the nondisclosure of statistical information not
22 descriptive of any readily identifiable person or persons.

23 (3) Inspection or copying of any specific records exempt under the
24 provisions of this section may be permitted if the superior court in
25 the county in which the record is maintained finds, after a hearing
26 with notice thereof to every person in interest and the agency, that
27 the exemption of such records is clearly unnecessary to protect any
28 individual's right of privacy or any vital governmental function.

29 (4) Agency responses refusing, in whole or in part, inspection of
30 any public record shall include a statement of the specific exemption
31 authorizing the withholding of the record (or part) and a brief
32 explanation of how the exemption applies to the record withheld.

33 **Sec. 8.** RCW 46.74.010 and 1996 c 244 s 2 are each amended to read
34 as follows:

35 The definitions set forth in this section shall apply throughout
36 this chapter, unless the context clearly indicates otherwise.

37 (1) "Commuter ride sharing" means a car pool or van pool
38 arrangement whereby a fixed group not exceeding fifteen persons

1 including the driver, and (a) not fewer than five persons including the
2 driver, or (b) not fewer than four persons including the driver where
3 at least two of those persons are confined to wheelchairs when riding,
4 is transported in a passenger motor vehicle with a gross vehicle weight
5 not exceeding ten thousand pounds, excluding special rider equipment,
6 between their places of abode or termini near such places, and their
7 places of employment or educational or other institutions, in a single
8 daily round trip where the driver is also on the way to or from his or
9 her place of employment or educational or other institution.

10 (2) "Flexible commuter ride sharing" means a car pool or van pool
11 arrangement whereby a group of at least two but not exceeding fifteen
12 persons including the driver is transported in a passenger motor
13 vehicle with a gross vehicle weight not exceeding ten thousand pounds,
14 excluding special rider equipment, between their places of abode or
15 termini near such places, and their places of employment or educational
16 or other institutions, where the driver is also on the way to or from
17 his or her place of employment or educational or other institution.

18 (3) "Ride sharing for persons with special transportation needs"
19 means an arrangement whereby a group of persons with special
20 transportation needs, and their attendants, is transported by a public
21 social service agency or a private, nonprofit transportation provider
22 as defined in RCW 81.66.010(3) in a passenger motor vehicle as defined
23 by the department to include small buses, cutaways, and modified vans
24 not more than twenty-eight feet long: PROVIDED, That the driver need
25 not be a person with special transportation needs.

26 ((+3)) (4) "Ride-sharing operator" means the person, entity, or
27 concern, not necessarily the driver, responsible for the existence and
28 continuance of commuter ride sharing, flexible commuter ride sharing,
29 or ride sharing for persons with special transportation needs. The
30 term "ride-sharing operator" includes but is not limited to an
31 employer, an employer's agent, an employer-organized association, a
32 state agency, a county, a city, a public transportation benefit area,
33 or any other political subdivision that owns or leases a ride-sharing
34 vehicle.

35 ((+4)) (5) "Ride-sharing promotional activities" means those
36 activities involved in forming a commuter ride-sharing arrangement or
37 a flexible commuter ride-sharing arrangement, including but not limited
38 to receiving information from existing and prospective ride-sharing
39 participants, sharing that information with other existing and

1 prospective ride-sharing participants, matching those persons with
2 other existing or prospective ride-sharing participants, and making
3 assignments of persons to ride-sharing arrangements.

4 (6) "Persons with special transportation needs" means those persons
5 defined in RCW 81.66.010(4).

6 **Sec. 9.** RCW 46.74.030 and 1996 c 244 s 3 are each amended to read
7 as follows:

8 The operator and the driver of a commuter ride-sharing vehicle or
9 a flexible commuter ride-sharing vehicle shall be held to a reasonable
10 and ordinary standard of care, and are not subject to ordinances or
11 regulations which relate exclusively to the regulation of drivers or
12 owners of motor vehicles operated for hire, or other common carriers or
13 public transit carriers. No person, entity, or concern may, as a
14 result of engaging in ride-sharing promotional activities, be liable
15 for civil damages arising directly or indirectly (1) from the
16 maintenance and operation of a commuter ride-sharing or flexible
17 commuter ride-sharing vehicle; or (2) from an intentional act of
18 another person who is participating or proposing to participate in a
19 commuter ride-sharing or flexible commuter ride-sharing arrangement,
20 unless the ride-sharing operator or promoter had prior, actual
21 knowledge that the intentional act was likely to occur and had a
22 reasonable ability to prevent the act from occurring.

23 **Sec. 10.** RCW 51.08.013 and 1995 c 179 s 1 are each amended to read
24 as follows:

25 (1) "Acting in the course of employment" means the worker acting at
26 his or her employer's direction or in the furtherance of his or her
27 employer's business which shall include time spent going to and from
28 work on the jobsite, as defined in RCW 51.32.015 and 51.36.040, insofar
29 as such time is immediate to the actual time that the worker is engaged
30 in the work process in areas controlled by his or her employer, except
31 parking area. It is not necessary that at the time an injury is
32 sustained by a worker he or she is doing the work on which his or her
33 compensation is based or that the event is within the time limits on
34 which industrial insurance or medical aid premiums or assessments are
35 paid.

36 (2) "Acting in the course of employment" does not include:

1 (a) Time spent going to or coming from the employer's place of
2 business(~~(i) In commuter ride sharing, as defined in RCW~~
3 ~~46.74.010(1), notwithstanding any participation by the employer in the~~
4 ~~ride sharing arrangement; or (ii) on a public transport system using a~~
5 ~~pass provided in whole or part by the employer)) in an alternative
6 commute mode, notwithstanding that the employer (i) paid directly or
7 indirectly, in whole or in part, the cost of a fare, pass, or other
8 expense associated with the alternative commute mode; (ii) promoted and
9 encouraged employee use of one or more alternative commute modes; or
10 (iii) otherwise participated in the provision of the alternative
11 commute mode.~~

12 (b) An employee's participation in social activities, recreational
13 or athletic activities, events, or competitions, and parties or
14 picnics, whether or not the employer pays some or all of the costs
15 thereof, unless: (i) The participation is during the employee's
16 working hours, not including paid leave; (ii) the employee was paid
17 monetary compensation by the employer to participate; or (iii) the
18 employee was ordered or directed by the employer to participate or
19 reasonably believed the employee was ordered or directed to
20 participate.

21 (3) "Alternative commute mode" means (a) a carpool or vanpool
22 arrangement whereby a group of at least two but not more than fifteen
23 persons including passengers and driver, is transported between their
24 places of abode or termini near those places, and their places of
25 employment or educational or other institutions, where the driver is
26 also on the way to or from his or her place of employment or
27 educational or other institution; (b) a bus, ferry, or other public
28 transportation service; or (c) a nonmotorized means of commuting such
29 as bicycling or walking.

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