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SENATE BILL 5340

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Horn, Haugen and T. Sheldon; by request of Governor Locke

Read first time 01/22/2003. Referred to Committee on Highways & Transportation.

1            AN ACT Relating to modifying the commute trip reduction program;  
2 amending RCW 70.94.527, 82.08.0287, 82.12.0282, and 82.44.015;  
3 repealing RCW 47.01.900 and 82.67.050; providing an effective date; and  
4 declaring an emergency.

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

6            **Sec. 1.** RCW 70.94.527 and 1997 c 250 s 2 are each amended to read  
7 as follows:

8            (1) Each county with a population over one hundred fifty thousand,  
9 and each city or town within those counties containing a major employer  
10 (~~(shall, by October 1, 1992,)~~) may adopt by ordinance and implement a  
11 commute trip reduction plan for all major employers. The plan shall be  
12 developed in cooperation with local transit agencies, regional  
13 transportation planning organizations as established in RCW 47.80.020,  
14 major employers, and the owners of and employers at major worksites.  
15 The plan shall be designed to achieve reductions in the proportion of  
16 single-occupant vehicle commute trips and the commute trip vehicle  
17 miles traveled per employee by employees of major public and private  
18 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 department of transportation, as part of the state implementation plan  
5 for areas that do not attain the national ambient air quality standards  
6 for 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 RCW 70.94.537 and shall include but is not  
12 limited to (a) goals for reductions in the proportion of single-  
13 occupant vehicle commute trips and the commute trip vehicle miles  
14 traveled per employee; (b) designation of commute trip reduction zones;  
15 (c) requirements for major public and private sector employers to  
16 implement commute trip reduction programs; (d) a commute trip reduction  
17 program for employees of the county, city, or town; (e) a review of  
18 local parking policies and ordinances as they relate to employers and  
19 major worksites and any revisions necessary to comply with commute trip  
20 reduction goals and guidelines; (f) an appeals process by which major  
21 employers, who as a result of special characteristics of their business  
22 or its locations would be unable to meet the requirements of a commute  
23 trip reduction plan, may obtain waiver or modification of those  
24 requirements; and (g) means for determining base year values of the  
25 proportion of single-occupant vehicle commute trips and the commute  
26 trip vehicle miles traveled per employee and progress toward meeting  
27 commute trip reduction plan goals on an annual basis. Goals which are  
28 established shall take into account existing transportation demand  
29 management efforts which are made by major employers. Each  
30 jurisdiction shall ensure that employers shall receive full credit for  
31 the results of transportation demand management efforts and commute  
32 trip reduction programs which have been implemented by major employers  
33 prior to the base year. The goals for miles traveled per employee for  
34 all major employers shall not be less than a fifteen percent reduction  
35 from the worksite base year value or the base year value for the  
36 commute trip reduction zone in which their worksite is located by  
37 January 1, 1995, twenty percent reduction from the base year values by

1 January 1, 1997, twenty-five percent reduction from the base year  
2 values by January 1, 1999, and a thirty-five percent reduction from the  
3 base year values by January 1, 2005.

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

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

31 (7) Each county, city, or town implementing a commute trip  
32 reduction program shall, within thirty days submit a summary of its  
33 plan along with certification of adoption to the commute trip reduction  
34 task force established under RCW 70.94.537.

35 (8) Each county, city, or town implementing a commute trip  
36 reduction program shall submit an annual progress report to the commute  
37 trip reduction task force established under RCW 70.94.537. The report  
38 shall be due July 1, 1994, and each July 1st thereafter through July 1,

1 2006. The report shall describe progress in attaining the applicable  
2 commute trip reduction goals for each commute trip reduction zone and  
3 shall highlight any problems being encountered in achieving the goals.  
4 The information shall be reported in a form established by the commute  
5 trip reduction task force.

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

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

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

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

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

32 **Sec. 2.** RCW 82.08.0287 and 2001 c 320 s 4 are each amended to read  
33 as follows:

34 The tax imposed by this chapter shall not apply to sales of  
35 passenger motor vehicles which are to be used for commuter ride sharing  
36 or ride sharing for persons with special transportation needs, as

1 defined in RCW 46.74.010, if the vehicles are used as ride-sharing  
2 vehicles for thirty-six consecutive months beginning from the date of  
3 purchase.

4 To qualify for the tax exemption, those passenger motor vehicles  
5 with five or six passengers, including the driver, used for commuter  
6 ride-sharing, must be operated (~~((either))~~) within the state's (~~((eight))~~)  
7 nine largest counties that (~~((are required to))~~) develop commute trip  
8 reduction plans as directed by chapter 70.94 RCW or in other counties,  
9 or cities and towns within those counties, that elect to adopt and  
10 implement a commute trip reduction plan. Additionally at least one of  
11 the following conditions must apply: (1) The vehicle must be operated  
12 by a public transportation agency for the general public; or (2) the  
13 vehicle must be used by a major employer, as defined in RCW 70.94.524  
14 as an element of its commute trip reduction program for their  
15 employees; or (3) the vehicle must be owned and operated by individual  
16 employees and must be registered either with the employer as part of  
17 its commute trip reduction program or with a public transportation  
18 agency serving the area where the employees live or work. Individual  
19 employee owned and operated motor vehicles will require certification  
20 that the vehicle is registered with a major employer or a public  
21 transportation agency. Major employers who own and operate motor  
22 vehicles for their employees must certify that the commuter ride-  
23 sharing arrangement conforms to a carpool/vanpool element contained  
24 within their commute trip reduction program or used primarily for van  
25 or car pooling purposes.

26 **Sec. 3.** RCW 82.12.0282 and 2001 c 320 s 5 are each amended to read  
27 as follows:

28 The tax imposed by this chapter shall not apply with respect to the  
29 use of passenger motor vehicles used as ride-sharing vehicles by not  
30 less than five persons, including the driver, with a gross vehicle  
31 weight not to exceed 10,000 pounds where the primary usage is for  
32 commuter ride-sharing, as defined in RCW 46.74.010, by not less than  
33 four persons including the driver when at least two of those persons  
34 are confined to wheelchairs when riding, or passenger motor vehicles  
35 where the primary usage is for ride-sharing for persons with special  
36 transportation needs, as defined in RCW 46.74.010, if the vehicles are

1 used as ride-sharing vehicles for thirty-six consecutive months  
2 beginning with the date of first use.

3 To qualify for the tax exemption, those passenger motor vehicles  
4 with five or six passengers, including the driver, used for commuter  
5 ride-sharing, must be operated (~~((either))~~) within the state's (~~((eight))~~)  
6 nine largest counties that (~~((are required to))~~) develop commute trip  
7 reduction plans as directed by chapter 70.94 RCW or in other counties,  
8 or cities and towns within those counties, that elect to adopt and  
9 implement a commute trip reduction plan. Additionally at least one of  
10 the following conditions must apply: (1) The vehicle must be operated  
11 by a public transportation agency for the general public; or (2) the  
12 vehicle must be used by a major employer, as defined in RCW 70.94.524  
13 as an element of its commute trip reduction program for their  
14 employees; or (3) the vehicle must be owned and operated by individual  
15 employees and must be registered either with the employer as part of  
16 its commute trip reduction program or with a public transportation  
17 agency serving the area where the employees live or work. Individual  
18 employee owned and operated motor vehicles will require certification  
19 that the vehicle is registered with a major employer or a public  
20 transportation agency. Major employers who own and operate motor  
21 vehicles for their employees must certify that the commuter ride-  
22 sharing arrangement conforms to a carpool/vanpool element contained  
23 within their commute trip reduction program or used primarily for van  
24 or car pooling purposes.

25 **Sec. 4.** RCW 82.44.015 and 1996 c 244 s 7 are each amended to read  
26 as follows:

27 For the purposes of this chapter, in addition to the exclusions  
28 under RCW 82.44.010, "motor vehicle" shall not include passenger motor  
29 vehicles used primarily for commuter ride sharing and ride sharing for  
30 persons with special transportation needs, as defined in RCW 46.74.010.  
31 The registered owner of one of these vehicles shall notify the  
32 department of licensing upon termination of primary use of the vehicle  
33 in commuter ride sharing or ride sharing for persons with special  
34 transportation needs and shall be liable for the tax imposed by this  
35 chapter, prorated on the remaining months for which the vehicle is  
36 licensed.

1 To qualify for the tax exemption, those passenger motor vehicles  
2 with five or six passengers, including the driver, used for commuter  
3 ride-sharing, must be operated (~~((either))~~) within the state's (~~((eight))~~)  
4 nine largest counties that (~~((are required to))~~) develop commute trip  
5 reduction plans as directed by chapter 70.94 RCW or in other counties,  
6 or cities and towns within those counties, that elect to adopt and  
7 implement a commute trip reduction plan. Additionally at least one of  
8 the following conditions must apply: (1) The vehicle must be operated  
9 by a public transportation agency for the general public; or (2) the  
10 vehicle must be used by a major employer, as defined in RCW 70.94.524  
11 as an element of its commute trip reduction program for their  
12 employees; or (3) the vehicle must be owned and operated by individual  
13 employees and must be registered either with the employer as part of  
14 its commute trip reduction program or with a public transportation  
15 agency serving the area where the employees live or work. Individual  
16 employee owned and operated motor vehicles will require certification  
17 that the vehicle is registered with a major employer or a public  
18 transportation agency. Major employers who own and operate motor  
19 vehicles for their employees must certify that the commuter ride-  
20 sharing arrangement conforms to a carpool/vanpool element contained  
21 within their commute trip reduction program or used primarily for van  
22 or car pooling purposes.

23 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
24 repealed:

25 (1) RCW 47.01.900 (Commute trip reduction program--Transfer from  
26 state energy office--References to director or state energy office) and  
27 1998 c 245 s 93 & 1996 c 186 s 301; and

28 (2) RCW 82.67.050 (Commute trip reduction task force report) and  
29 2002 c 203 s 6.

30 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 July 1, 2003.

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