
ENGROSSED SUBSTITUTE SENATE BILL 6566

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe; by request of Department of Transportation)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to commute trip reduction; amending RCW 70.94.524,
2 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544,
3 70.94.547, and 70.94.551; and adding new sections to chapter 70.94 RCW.

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

5 **Sec. 1.** RCW 70.94.524 and 1991 c 202 s 11 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "A major employer" means a private or public employer,
10 including state agencies, that employs one hundred 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 at least twelve continuous
13 months during the year.

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

1 (3) (~~"Commute trip reduction zones" mean areas, such as census~~
2 ~~tracts or combinations of census tracts, within a jurisdiction that are~~
3 ~~characterized by similar employment density, population density, level~~
4 ~~of transit service, parking availability, access to high occupancy~~
5 ~~vehicle facilities, and other factors that are determined to affect the~~
6 ~~level of single occupancy vehicle commuting.~~

7 (4)) "Major employment installation" means a military base or
8 federal reservation, excluding tribal reservations, at which there are
9 one hundred or more full-time employees, who begin their regular
10 workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least
11 twelve continuous months during the year.

12 (4) "Person hours of delay" means the daily person hours of delay
13 per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated
14 using the best available methodology by the department of
15 transportation.

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

18 ((+5)) (6) "Proportion of single-occupant vehicle commute trips"
19 means the number of commute trips made by single-occupant automobiles
20 divided by the number of full-time employees.

21 ((+6)) (7) "Commute trip vehicle miles traveled per employee"
22 means the sum of the individual vehicle commute trip lengths in miles
23 over a set period divided by the number of full-time employees during
24 that period.

25 ((+7)) (8) "Base year" means the ((~~year January 1, 1992, through~~
26 ~~December 31, 1992, on which goals for vehicle miles traveled and~~
27 ~~single-occupant vehicle trips shall be based. Base year goals may be~~
28 ~~determined using the 1990 journey to work census data projected to the~~
29 ~~year 1992 and shall be consistent with the growth management act. The~~
30 ~~task force shall establish a method to be used by jurisdictions to~~
31 ~~determine reductions of vehicle miles traveled~~)) twelve-month period
32 commencing when a major employer is determined to be participating by
33 the local jurisdiction, on which commute trip reduction goals shall be
34 based.

35 (9) "Growth and transportation efficiency center" means a defined,
36 compact, mixed-use urban area that contains jobs or housing and
37 supports multiple modes of transportation. For the purpose of funding,
38 a growth and transportation efficiency center must meet minimum

1 criteria established by the commute trip reduction board under RCW
2 70.94.537, and must be certified by a regional transportation planning
3 organization as established in RCW 47.80.020.

4 (10)(a) "Affected urban growth area" means:

5 (i) An urban growth area, designated pursuant to RCW 36.70A.110,
6 whose boundaries contain a state highway segment exceeding the one
7 hundred person hours of delay threshold calculated by the department of
8 transportation, and any contiguous urban growth areas; and

9 (ii) An urban growth area, designated pursuant to RCW 36.70A.110,
10 containing a jurisdiction with a population over seventy thousand that
11 adopted a commute trip reduction ordinance before the year 2000, and
12 any contiguous urban growth areas.

13 (b) Affected urban growth areas will be listed by the department of
14 transportation in the rules for this act using the criteria identified
15 in (a) of this subsection.

16 (11) "Certification" means a determination by a regional
17 transportation planning organization that a locally designated growth
18 and transportation efficiency center program meets the minimum criteria
19 developed in a collaborative regional process and the rules established
20 by the department of transportation.

21 **Sec. 2.** RCW 70.94.527 and 1997 c 250 s 2 are each amended to read
22 as follows:

23 ~~(1) Each county ((with a population over one hundred fifty~~
24 ~~thousand, and each city or town within those counties containing a~~
25 ~~major employer shall, by October 1, 1992, adopt by ordinance and~~
26 ~~implement a commute trip reduction plan for all major employers. The~~
27 ~~plan shall be developed in cooperation with local transit agencies,~~
28 ~~regional transportation planning organizations as established in RCW~~
29 ~~47.80.020, major employers, and the owners of and employers at major~~
30 ~~worksites)) containing an urban growth area, designated pursuant to RCW~~
31 ~~36.70A.110, and each city within an urban growth area with a state~~
32 ~~highway segment exceeding the one hundred person hours of delay~~
33 ~~threshold calculated by the department of transportation, as well as~~
34 ~~those counties and cities located in any contiguous urban growth areas,~~
35 ~~shall adopt a commute trip reduction plan and ordinance for major~~
36 ~~employers in the affected urban growth area by a date specified by the~~
37 ~~commute trip reduction board. Jurisdictions located within an urban~~

1 growth area with a population greater than seventy thousand that
2 adopted a commute trip reduction ordinance before the year 2000, as
3 well as any jurisdiction within contiguous urban growth areas, shall
4 also adopt a commute trip reduction plan and ordinance for major
5 employers in the affected urban growth area by a date specified by the
6 commute trip reduction board. Jurisdictions containing a major
7 employment installation in a county with an affected growth area,
8 designated pursuant to RCW 36.70A.110, shall adopt a commute trip
9 reduction plan and ordinance for major employers in the major
10 employment installation by a date specified by the commute trip
11 reduction board. The ordinance shall establish the requirements for
12 major employers and provide an appeals process by which major
13 employers, who as a result of special characteristics of their business
14 or its locations would be unable to meet the requirements of the
15 ordinance, may obtain waiver or modification of those requirements.
16 The plan shall be designed to achieve reductions in the proportion of
17 single-occupant vehicle commute trips and (~~the commute trip vehicle~~
18 ~~miles traveled per employee by employees of major public and private~~
19 ~~sector employers in the jurisdiction)) be consistent with the rules
20 established by the department of transportation. The county, city, or
21 town shall submit its adopted plan to the regional transportation
22 planning organization. The county, city, or town plan shall be
23 included in the regional commute trip reduction plan for regional
24 transportation planning purposes, consistent with the rules established
25 by the department of transportation in RCW 70.94.537.~~

26 (2) All other counties, (~~and~~) cities, and towns (~~in those~~
27 ~~counties,~~) may adopt and implement a commute trip reduction plan
28 consistent with department of transportation rules established under
29 RCW 70.94.537. Tribal governments are encouraged to adopt a commute
30 trip reduction plan for their lands. State investment in voluntary
31 commute trip reduction plans shall be limited to those areas that meet
32 criteria developed by the commute trip reduction board.

33 (3) The department of ecology may, after consultation with the
34 department of transportation, as part of the state implementation plan
35 for areas that do not attain the national ambient air quality standards
36 for carbon monoxide or ozone, require municipalities other than those
37 identified in subsection (1) of this section to adopt and implement

1 commute trip reduction plans if the department determines that such
2 plans are necessary for attainment of said standards.

3 (4) A commute trip reduction plan shall be consistent with the
4 ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include
5 but is not limited to (a) goals for reductions in the proportion of
6 single-occupant vehicle commute trips ~~((and the commute trip vehicle
7 miles traveled per employee))~~ consistent with the state goals
8 established by the commute trip reduction board under RCW 70.94.537 and
9 the regional commute trip reduction plan goals established in the
10 regional commute trip reduction plan; (b) ~~((designation of commute trip
11 reduction zones; (c)))~~ a description of the requirements for major
12 public and private sector employers to implement commute trip reduction
13 programs; ~~((d))~~ (c) a commute trip reduction program for employees of
14 the county, city, or town; ~~((e) a review of local parking policies and
15 ordinances as they relate to employers and major worksites and any
16 revisions necessary to comply with commute trip reduction goals and
17 guidelines; (f) an appeals process by which major employers, who as a
18 result of special characteristics of their business or its locations
19 would be unable to meet the requirements of a commute trip reduction
20 plan, may obtain waiver or modification of those requirements; and
21 (g))~~ and (d) means, consistent with rules established by the
22 department of transportation, for determining base year values ~~((of the
23 proportion of single-occupant vehicle commute trips and the commute
24 trip vehicle miles traveled per employee))~~ and progress toward meeting
25 commute trip reduction plan goals ~~((on an annual basis. Goals which
26 are established shall take into account existing transportation demand
27 management efforts which are made by major employers. Each
28 jurisdiction shall ensure that employers shall receive full credit for
29 the results of transportation demand management efforts and commute
30 trip reduction programs which have been implemented by major employers
31 prior to the base year. The goals for miles traveled per employee for
32 all major employers shall not be less than a fifteen percent reduction
33 from the worksite base year value or the base year value for the
34 commute trip reduction zone in which their worksite is located by
35 January 1, 1995, twenty percent reduction from the base year values by
36 January 1, 1997, twenty five percent reduction from the base year
37 values by January 1, 1999, and a thirty five percent reduction from the
38 base year values by January 1, 2005.~~

1 ~~(5) A county, city, or town may, as part of its commute trip~~
2 ~~reduction plan, require commute trip reduction programs for employers~~
3 ~~with ten or more full time employees at major worksites in federally~~
4 ~~designated nonattainment areas for carbon monoxide and ozone. The~~
5 ~~county, city or town shall develop the programs in cooperation with~~
6 ~~affected employers and provide technical assistance to the employers in~~
7 ~~implementing such programs)).~~ The plan shall be developed in
8 consultation with local transit agencies, the applicable regional
9 transportation planning organization, major employers, and other
10 interested parties.

11 ~~((+6))~~ (5) The commute trip reduction plans adopted by counties,
12 cities, and towns under this chapter shall be consistent with and may
13 be incorporated in applicable state or regional transportation plans
14 and 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, ~~((+))~~ and towns adopting commute trip reduction
21 plans may enter into agreements through the interlocal cooperation act
22 or by resolution or ordinance as appropriate with other jurisdictions,
23 local transit agencies, transportation management associations or other
24 private or nonprofit providers of transportation services, or regional
25 transportation planning organizations to coordinate the development and
26 implementation of such plans. Transit agencies shall work with
27 counties, cities, and towns as a part of their six-year transit
28 development plan established in RCW 35.58.2795 to take into account the
29 location of major employer worksites when planning and prioritizing
30 transit service changes or the expansion of public transportation
31 services, including rideshare services. Counties, cities, or towns
32 adopting a commute trip reduction plan shall review it annually and
33 revise it as necessary to be consistent with applicable plans developed
34 under RCW 36.70A.070. Regional transportation planning organizations
35 shall review the local commute trip reduction plans during the
36 development and update of the regional commute trip reduction plan.

37 (6) Each affected regional transportation planning organization
38 shall adopt a commute trip reduction plan for its region consistent

1 with the rules and deadline established by the department of
2 transportation under RCW 70.94.537. The plan shall include, but is not
3 limited to: (a) Regional program goals for commute trip reduction in
4 urban growth areas and all designated growth and transportation
5 efficiency centers; (b) a description of strategies for achieving the
6 goals; (c) a sustainable financial plan describing projected revenues
7 and expenditures to meet the goals; (d) a description of the way in
8 which progress toward meeting the goals will be measured; and (e)
9 minimum criteria for growth and transportation efficiency centers. (i)
10 Regional transportation planning organizations shall review proposals
11 from local jurisdictions to designate growth and transportation
12 efficiency centers and shall determine whether the proposed growth and
13 transportation efficiency center is consistent with the criteria
14 defined in the regional commute trip reduction plan. (ii) Growth and
15 transportation efficiency centers certified as consistent with the
16 minimum requirements by the regional transportation planning
17 organization shall be identified in subsequent updates of the regional
18 commute trip reduction plan. These plans shall be developed in
19 collaboration with all affected local jurisdictions, transit agencies,
20 and other interested parties within the region. The plan will be
21 reviewed and approved by commute trip reduction board as established
22 under RCW 70.94.537. Regions without an approved regional commute trip
23 reduction plan shall not be eligible for state commute trip reduction
24 program funds.

25 The regional commute trip reduction plan shall be consistent with
26 and incorporated into transportation demand management components in
27 the regional transportation plan as required by RCW 47.80.030.

28 (7) Each (~~county, city, or town~~) regional transportation planning
29 organization implementing a regional commute trip reduction program
30 shall, (~~within thirty days submit a summary of its plan along with~~
31 ~~certification of adoption~~) consistent with the rules and deadline
32 established by the department of transportation, submit its plan as
33 well as any related local commute trip reduction plans and certified
34 growth and transportation efficiency center programs, to the commute
35 trip reduction (~~task force~~) board established under RCW 70.94.537.
36 The commute trip reduction board shall review the regional commute trip
37 reduction plan and the local commute trip reduction plans. The
38 regional transportation planning organization shall collaborate with

1 the commute trip reduction board to evaluate the consistency of local
2 commute trip reduction plans with the regional commute trip reduction
3 plan. Local and regional plans must be approved by the commute trip
4 reduction board in order to be eligible for state funding provided for
5 the purposes of this chapter.

6 (8) Each (~~county, city, or town~~) regional transportation planning
7 organization implementing a regional commute trip reduction program
8 shall submit an annual progress report to the commute trip reduction
9 (~~task force~~) board established under RCW 70.94.537. The report shall
10 be due (~~July 1, 1994, and each July 1st thereafter through July 1,~~
11 ~~2006~~) at the end of each state fiscal year for which the program has
12 been implemented. The report shall describe progress in attaining the
13 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~~) board.

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~~) board established
20 under RCW 70.94.537. The commute trip reduction (~~task force~~) board
21 may not deny the granting of a waiver or modification of the
22 requirements of a commute trip reduction plan by a jurisdiction but
23 they may notify the 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) Each county, city, or town implementing a commute trip~~
29 ~~reduction program shall ensure that employers that have modified their~~
30 ~~employees' work schedules so that some or all employees are not~~
31 ~~scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are~~
32 ~~provided credit when calculating single occupancy vehicle use and~~
33 ~~vehicle miles traveled at that worksite. This credit shall be awarded~~
34 ~~if implementation of the schedule change was an identified element in~~
35 ~~that worksite's approved commute trip reduction program or if the~~
36 ~~schedule change occurred because of impacts associated with chapter~~
37 ~~36.70A RCW, the growth management act.~~

1 ~~(12)~~) Plans implemented under this section shall not apply to
2 commute trips for seasonal agricultural employees.

3 ~~((13))~~ (11) Plans implemented under this section shall not apply
4 to construction worksites when the expected duration of the
5 construction project is less than two years.

6 (12) If an affected urban growth area has not previously
7 implemented a commute trip reduction program and the state has funded
8 solutions to state highway deficiencies to address the area's exceeding
9 the person hours of delay threshold, the affected urban growth area
10 shall be exempt from the duties of this section for a period not
11 exceeding two years.

12 NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW
13 to read as follows:

14 Nothing in this act preempts the ability of state employees to
15 collectively bargain over commute trip reduction issues, including
16 parking fees under chapter 41.80 RCW, or the ability of private sector
17 employees to collectively bargain over commute trip reduction issues if
18 previously such issues were mandatory subjects of collective
19 bargaining.

20 NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW
21 to read as follows:

22 (1) A county, city, or town may, as part of its commute trip
23 reduction plan, designate existing activity centers listed in its
24 comprehensive plan or new activity centers as growth and transportation
25 efficiency centers and establish a transportation demand management
26 program in the designated area.

27 (a) The transportation demand management program for the growth and
28 transportation efficiency center shall be developed in consultation
29 with local transit agencies, the applicable regional transportation
30 planning organization, major employers, and other interested parties.

31 (b) In order to be eligible for state funding provided for the
32 purposes of this section, designated growth and transportation
33 efficiency centers shall be certified by the applicable regional
34 transportation organization to: (i) Meet the minimum land use and
35 transportation criteria established in collaboration among local
36 jurisdictions, transit agencies, the regional transportation planning

1 organization, and other interested parties as part of the regional
2 commute trip reduction plan; and (ii) have established a transportation
3 demand management program that includes the elements identified in (c)
4 of this subsection and is consistent with the rules established by the
5 department of transportation in RCW 70.94.537(2). If a designated
6 growth and transportation efficiency center is denied certification,
7 the local jurisdiction may appeal the decision to the commute trip
8 reduction board.

9 (c) Transportation demand management programs for growth and
10 transportation efficiency centers shall include, but are not limited
11 to: (i) Goals for reductions in the proportion of single-occupant
12 vehicle trips that are more aggressive than the state program goal
13 established by the commute trip reduction board; (ii) a sustainable
14 financial plan demonstrating how the program can be implemented to meet
15 state and regional trip reduction goals, indicating resources from
16 public and private sources that are reasonably expected to be made
17 available to carry out the plan, and recommending any innovative
18 financing techniques consistent with chapter 47.29 RCW, including
19 public/private partnerships, to finance needed facilities, services,
20 and programs; (iii) a proposed organizational structure for
21 implementing the program; (iv) a proposal to measure performance toward
22 the goal and implementation progress; and (v) an evaluation to which
23 local land use and transportation policies apply, including parking
24 policies and ordinances, to determine the extent that they complement
25 and support the trip reduction investments of major employers. Each of
26 these program elements shall be consistent with the rules established
27 under RCW 70.94.537.

28 (d) A designated growth and transportation efficiency center shall
29 be consistent with the land use and transportation elements of the
30 local comprehensive plan.

31 (e) Transit agencies, local governments, and regional
32 transportation planning organizations shall identify certified growth
33 and transportation efficiency centers as priority areas for new service
34 and facility investments in their respective investment plans.

35 (2) A county, city, or town that has established a growth and
36 transportation efficiency center program shall support vehicle trip
37 reduction activities in the designated area. The implementing

1 jurisdiction shall adopt policies, ordinances, and funding strategies
2 that will lead to attainment of program goals in those areas.

3 **Sec. 5.** RCW 70.94.531 and 1997 c 250 s 3 are each amended to read
4 as follows:

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

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

17 (~~(+2)~~) (3) A commute trip reduction program of a major employer
18 shall consist of, at a minimum (a) designation of a transportation
19 coordinator and the display of the name, location, and telephone number
20 of the coordinator in a prominent manner at each affected worksite; (b)
21 regular distribution of information to employees regarding alternatives
22 to single-occupant vehicle commuting; (c) (~~an annual~~) a regular
23 review of employee commuting and reporting of progress toward meeting
24 the single-occupant vehicle reduction goals to the county, city, or
25 town consistent with the method established in the commute trip
26 reduction plan and the rules established by the department of
27 transportation under RCW 70.94.537; and (d) implementation of a set of
28 measures designed to achieve the applicable commute trip reduction
29 goals adopted by the jurisdiction. Such measures may include but are
30 not limited to:

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

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

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

37 (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+))~~ (4) Employers or owners of worksites may form or utilize
24 existing transportation management associations or other
25 transportation-related associations authorized by RCW 35.87A.010 to
26 assist members in developing and implementing commute trip reduction
27 programs.
- 28 ~~((+4+))~~ (5) Employers shall make a good faith effort towards
29 achievement of the goals identified in RCW 70.94.527(4)~~((+g+))~~ (d).

30 **Sec. 6.** RCW 70.94.534 and 1997 c 250 s 4 are each amended to read
31 as follows:

32 (1) Each jurisdiction implementing a commute trip reduction plan
33 under this chapter or as part of a plan or ordinance developed under
34 RCW 36.70A.070 shall review each employer's initial commute trip
35 reduction program to determine if the program is likely to meet the
36 applicable commute trip reduction goals. The employer shall be
37 notified by the jurisdiction of its findings. If the jurisdiction

1 finds that the program is not likely to meet the applicable commute
2 trip reduction goals, the jurisdiction will work with the employer to
3 modify the program as necessary. The jurisdiction shall complete
4 review of each employer's initial commute trip reduction program within
5 (~~three months~~) ninety days of receipt.

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

10 (a) The employer has met the minimum requirements identified in RCW
11 70.94.531; (~~and~~)

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

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

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

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

31 (4) If an employer fails to make a good faith effort and fails to
32 meet the applicable commute trip reduction goals, the jurisdiction
33 shall work collaboratively with the employer to propose modifications
34 to the program and shall direct the employer to revise its program
35 within thirty days to incorporate those modifications or modifications
36 which the jurisdiction determines to be equivalent.

37 (5) Each jurisdiction implementing a commute trip reduction plan
38 pursuant to this chapter may impose civil penalties, in the manner

1 provided in chapter 7.80 RCW, for failure by an employer to implement
2 a commute trip reduction program or to modify its commute trip
3 reduction program as required in subsection (4) of this section. No
4 major employer may be held liable for civil penalties for failure to
5 reach the applicable commute trip reduction goals. No major employer
6 shall be liable for civil penalties under this chapter if failure to
7 achieve a commute trip reduction program goal was the result of an
8 inability to reach agreement with a certified collective bargaining
9 agent under applicable laws where the issue was raised by the employer
10 and pursued in good faith.

11 (6) Jurisdictions shall notify major employers of the procedures
12 for applying for goal modification or exemption from the commute trip
13 reduction requirements based on the guidelines established by the
14 commute trip reduction (~~(task-force)~~) board authorized under RCW
15 70.94.537.

16 **Sec. 7.** RCW 70.94.537 and 1997 c 250 s 5 are each amended to read
17 as follows:

18 (1) A (~~(twenty-eight)~~) sixteen member state commute trip reduction
19 (~~(task-force)~~) board is established as follows:

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

22 (~~(The director of the department of ecology or the director's~~
23 ~~designee;~~

24 (~~(c) The director of the department of community, trade, and~~
25 ~~economic development or the director's designee;~~

26 (~~(d) The director of the department of general administration or the~~
27 ~~director's designee;~~

28 (~~(e) Three representatives from~~) One representative from the office
29 of the governor or the governor's designee;

30 (c) The director or the director's designee of one of the following
31 agencies, to be determined by the governor:

32 (i) Department of general administration;

33 (ii) Department of ecology;

34 (iii) Department of community, trade, and economic development;

35 (d) Three representatives from cities and towns or counties
36 appointed by the governor for staggered four-year terms from a list

1 (~~of at least six~~) recommended by the association of Washington cities
2 or the Washington state association of counties;

3 (~~(f) Three representatives from cities and towns appointed by the~~
4 ~~governor from a list of at least six recommended by the association of~~
5 ~~Washington cities~~;

6 ~~(g) Three~~) (e) Two representatives from transit agencies appointed
7 by the governor for staggered four-year terms from a list (~~of at least~~
8 ~~six~~) recommended by the Washington state transit association;

9 (~~(h) Twelve~~) (f) Two representatives from participating regional
10 transportation planning organizations appointed by the governor for
11 staggered four-year terms;

12 (g) Four representatives of employers at or owners of major
13 worksites in Washington, or transportation management associations,
14 business improvement areas, or other transportation organizations
15 representing employers, appointed by the governor (~~from a list~~
16 ~~recommended by the association of Washington business or other~~
17 ~~statewide business associations representing major employers, provided~~
18 ~~that every affected county shall have at least one representative; and~~
19 ~~(i) Three~~) for staggered four-year terms; and

20 (h) Two citizens appointed by the governor for staggered four-year
21 terms.

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

29 (2) By March 1, (~~1992~~) 2007, the (~~commute trip reduction task~~
30 ~~force~~) department of transportation shall establish (~~guidelines~~)
31 rules for commute trip reduction plans and implementation procedures.
32 The commute trip reduction board shall advise the department on the
33 content of the rules. The (~~guidelines~~) rules are intended to ensure
34 consistency in commute trip reduction plans and goals among
35 jurisdictions while fairly taking into account differences in
36 employment and housing density, employer size, existing and anticipated
37 levels of transit service, special employer circumstances, and other

1 factors the ~~((task force))~~ board determines to be relevant. The
2 ~~((guidelines))~~ rules shall include:

3 (a) Guidance criteria for ~~((establishing commute trip reduction~~
4 zones)) growth and transportation efficiency centers;

5 (b) ~~((Methods and information requirements for determining base~~
6 ~~year values of the proportion of single-occupant vehicle commute trips~~
7 ~~and the commute trip vehicle miles traveled per employee)) Data~~
8 measurement methods and procedures for determining the efficacy of
9 commute trip reduction activities and progress toward meeting commute
10 trip reduction plan goals;

11 (c) Model commute trip reduction ordinances;

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

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

20 (f) ~~((Methods to ensure that employers shall receive full credit~~
21 ~~for the results of transportation demand management efforts and commute~~
22 ~~trip reduction programs which have been implemented by major employers~~
23 ~~prior to the base year;~~

24 ~~(g) Alternative commute trip reduction goals for major employers~~
25 ~~which cannot meet the goals of this chapter because of the unique~~
26 ~~nature of their business;~~

27 ~~(h) Alternative commute trip reduction goals for major employers~~
28 ~~whose worksites change and who contribute substantially to traffic~~
29 ~~congestion in a trip reduction zone; and~~

30 ~~(i) Methods to insure that employers receive credit for scheduling~~
31 ~~changes enacted pursuant to the criteria identified in RCW~~
32 ~~70.94.527(11).~~

33 ~~(3))~~ Establishment of a process for determining the state's
34 affected areas, including criteria and procedures for regional
35 transportation planning organizations in consultation with local
36 jurisdictions to propose to add or exempt urban growth areas;

37 (g) Listing of the affected areas of the program to be done every
38 four years as identified in subsection (5) of this section;

1 (h) Establishment of a criteria and application process to
2 determine whether jurisdictions that voluntarily implement commute trip
3 reduction are eligible for state funding;

4 (i) Guidelines and deadlines for creating and updating local
5 commute trip reduction plans, including guidance to ensure consistency
6 between the local commute trip reduction plan and the transportation
7 demand management strategies identified in the transportation element
8 in the local comprehensive plan, as required by RCW 36.70A.070.

9 (j) Guidelines for creating and updating regional commute trip
10 reduction plans, including guidance to ensure the regional commute trip
11 reduction plan is consistent with and incorporated into transportation
12 demand management components in the regional transportation plan;

13 (k) Methods for regional transportation planning organizations to
14 evaluate and certify that designated growth and transportation
15 efficiency center programs meet the minimum requirements and are
16 eligible for funding;

17 (l) Guidelines for creating and updating growth and transportation
18 efficiency center programs; and

19 (m) Establishment of statewide program goals. The goals shall be
20 designed to achieve substantial reductions in the proportion of
21 single-occupant vehicle commute trips and the commute trip vehicle
22 miles traveled per employee, at a level that is projected to improve
23 the mobility of people and goods by increasing the efficiency of the
24 state highway system.

25 (3) The board shall create a state commute trip reduction plan that
26 shall be updated every four years as discussed in subsection (5) of
27 this section. The state commute trip reduction plan shall include, but
28 is not limited to: (a) Statewide commute trip reduction program goals
29 that are designed to substantially improve the mobility of people and
30 goods; (b) identification of strategies at the state and regional
31 levels to achieve the goals and recommendations for how transportation
32 demand management strategies can be targeted most effectively to
33 support commute trip reduction program goals; (c) performance measures
34 for assessing the cost-effectiveness of commute trip reduction
35 strategies and the benefits for the state transportation system; and
36 (d) a sustainable financial plan. The board shall review and approve
37 regional commute trip reduction plans, and work collaboratively with

1 regional transportation planning organizations in the establishment of
2 the state commute trip reduction plan.

3 (4) The ((task—force)) board shall work with affected
4 jurisdictions, major employers, and other parties to develop and
5 implement a public awareness campaign designed to increase the
6 effectiveness of local commute trip reduction programs and support
7 achievement of the objectives identified in this chapter.

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

14 (5) The board shall evaluate and update the commute trip reduction
15 program plan and recommend changes to the rules every four years, with
16 the first assessment report due July 1, 2011, to ensure that the latest
17 data methodology used by the department of transportation is
18 incorporated into the program and to determine which areas of the state
19 should be affected by the program. The board shall review the
20 definition of a major employer no later than December 1, 2009. The
21 board shall regularly identify urban growth areas that are projected to
22 be affected by this act in the next four-year period and may provide
23 advance planning support to the potentially affected jurisdictions.

24 (6) The ((task—force)) board shall review progress toward
25 implementing commute trip reduction plans and programs and the costs
26 and benefits of commute trip reduction plans and programs and shall
27 make recommendations to the legislature and the governor by December 1,
28 ~~((1995, December 1, 1999, December 1, 2001, December 1, 2003, and~~
29 ~~December 1, 2005))~~ 2009, and every two years thereafter. In assessing
30 the costs and benefits, the ((task—force)) board shall consider the
31 costs of not having implemented commute trip reduction plans and
32 programs with the assistance of the transportation performance audit
33 board authorized under chapter 44.75 RCW. The ((task—force)) board
34 shall examine other transportation demand management programs
35 nationally and incorporate its findings into its recommendations to the
36 legislature. The recommendations shall address the need for
37 continuation, modification, or termination or any or all requirements
38 of this chapter. ((The recommendations made December 1, 1995, shall

1 ~~include recommendations regarding extension of the requirements of this~~
2 ~~chapter to employers with fifty or more full time employees at a single~~
3 ~~worksite who begin their regular work day between 6:00 a.m. and 9:00~~
4 ~~a.m. on weekdays for more than twelve continuous months.))~~

5 (7) The board shall invite personnel with appropriate expertise
6 from state, regional, and local government, private, public, and
7 nonprofit providers of transportation services, and employers or owners
8 of major worksites in Washington to act as a technical advisory group.
9 The technical advisory group shall advise the board on the
10 implementation of local and regional commute trip reduction plans and
11 programs, program evaluation, program funding allocations, and state
12 rules and guidelines.

13 **Sec. 8.** RCW 70.94.541 and 1996 c 186 s 515 are each amended to
14 read as follows:

15 ~~(1) ((A technical assistance team shall be established under the~~
16 ~~direction of the department of transportation and include~~
17 ~~representatives of the department of ecology.))~~ The ~~((team))~~
18 department of transportation shall provide staff support to the commute
19 trip reduction ~~((task force))~~ board in carrying out the requirements of
20 RCW 70.94.537 ~~((and to the department of general administration in~~
21 ~~carrying out the requirements of RCW 70.94.551))~~.

22 (2) The ~~((team))~~ department of transportation shall provide
23 technical assistance to regional transportation planning organizations,
24 counties, cities, and towns, the department of general administration,
25 other state agencies, and other employers in developing and
26 implementing commute trip reduction plans and programs. The technical
27 assistance shall include: (a) Guidance in ~~((determining base and~~
28 ~~subsequent year values of single occupant vehicle commuting proportion~~
29 ~~and commute trip reduction vehicle miles traveled to be used in~~
30 ~~determining progress in attaining plan goals))~~ single measurement
31 methodology and practice to be used in determining progress in
32 attaining plan goals; (b) developing model plans and programs
33 appropriate to different situations; and (c) providing consistent
34 training and informational materials for the implementation of commute
35 trip reduction programs. Model plans and programs, training, and
36 informational materials shall be developed in cooperation with

1 representatives of regional transportation planning organizations,
2 local governments, transit agencies, and employers.

3 (3) In carrying out this section the department of transportation
4 may contract with statewide associations representing cities, towns,
5 and counties to assist cities, towns, and counties in implementing
6 commute trip reduction plans and programs.

7 **Sec. 9.** RCW 70.94.544 and 2001 c 74 s 1 are each amended to read
8 as follows:

9 A portion of the funds made available for the purposes of this
10 chapter shall be used to fund the commute trip reduction (~~(task force)~~)
11 board in carrying out the responsibilities of RCW (~~(70.94.541)~~)
12 70.94.537, and the (~~(interagency technical assistance team)~~) department
13 of transportation, including the activities authorized under RCW
14 70.94.541(2), and to assist regional transportation planning
15 organizations, counties, cities, and towns implementing commute trip
16 reduction plans. The commute trip reduction board shall determine the
17 allocation of program funds made available for the purposes of this
18 chapter to regional transportation planning organizations, counties,
19 cities, and towns implementing commute trip reduction plans. If state
20 funds for the purposes of this chapter are provided to those
21 jurisdictions implementing voluntary commute trip reduction plans, the
22 funds shall be disbursed based on criteria established by the commute
23 trip reduction board under RCW 70.94.537.

24 **Sec. 10.** RCW 70.94.547 and 1991 c 202 s 18 are each amended to
25 read as follows:

26 The legislature hereby recognizes the state's crucial leadership
27 role in establishing and implementing effective commute trip reduction
28 programs. Therefore, it is the policy of the state that the department
29 of general administration and other state agencies, including
30 institutions of higher education, shall aggressively develop
31 substantive programs to reduce commute trips by state employees.
32 Implementation of these programs will reduce energy consumption,
33 congestion in urban areas, and air and water pollution associated with
34 automobile travel.

1 **Sec. 11.** RCW 70.94.551 and 1997 c 250 s 6 are each amended to read
2 as follows:

3 (1) The director of (~~general administration, with the concurrence~~
4 ~~of an interagency task force established for the purposes of this~~
5 ~~section, shall coordinate a commute trip reduction plan for state~~
6 ~~agencies which are phase 1 major employers by January 1, 1993~~) the
7 department of general administration may coordinate an interagency
8 board for the purpose of developing policies or guidelines that promote
9 consistency among state agency commute trip reduction programs required
10 by RCW 70.94.527 and 70.94.531. The (~~task force~~) board shall include
11 representatives of the departments of transportation (~~and~~), ecology,
12 and community, trade, and economic development and such other
13 departments and interested groups as the director of the department of
14 general administration determines to be necessary (~~to be generally~~
15 ~~representative of state agencies. The state agency plan shall be~~
16 ~~consistent with the requirements of RCW 70.94.527 and 70.94.531 and~~
17 ~~shall be developed in consultation with state employees, local and~~
18 ~~regional governments, local transit agencies, the business community,~~
19 ~~and other interested groups. The plan shall consider and recommend~~),
20 Policies and guidelines shall be applicable to all state agencies
21 including but not limited to policies and guidelines regarding parking
22 and parking charges, employee incentives for commuting by other than
23 single-occupant automobiles, flexible and alternative work schedules,
24 alternative worksites, and the use of state-owned vehicles for car and
25 van pools and guaranteed rides home. The (~~plan~~) policies and
26 guidelines shall also consider the costs and benefits to state agencies
27 of achieving commute trip reductions and consider mechanisms for
28 funding state agency commute trip reduction programs. (~~The department~~
29 ~~shall, within thirty days, submit a summary of its plan along with~~
30 ~~certification of adoption to the commute trip reduction task force~~
31 ~~established under RCW 70.94.537.~~)

32 (2) (~~Not more than three months after the adoption of the commute~~
33 ~~trip reduction plan, each state agency shall, for each facility which~~
34 ~~is a major employer, develop a commute trip reduction program. The~~
35 ~~program shall be designed to meet the goals of the commute trip~~
36 ~~reduction plan of the county, city, or town or, if there is no local~~
37 ~~commute trip reduction plan, the state. The program shall be~~
38 ~~consistent with the policies of the state commute trip reduction plan~~

1 and RCW 70.94.531. The agency shall submit a description of that
2 program to the local jurisdiction implementing a commute trip reduction
3 plan or, if there is no local commute trip reduction plan, to the
4 department of general administration. The program shall be implemented
5 not more than three months after submission to the department. Annual
6 reports required in RCW 70.94.531(2)(c) shall be submitted to the local
7 jurisdiction implementing a commute trip reduction plan and to the
8 department of general administration. An agency which is not meeting
9 the applicable commute trip reduction goals shall, to the extent
10 possible, modify its program to comply with the recommendations of the
11 local jurisdiction or the department of general administration.

12 ~~((3))~~ State agencies sharing a common location (~~(may)~~) in affected
13 urban growth areas where the total number of state employees is one
14 hundred or more shall, with assistance from the department of general
15 administration, develop and implement a joint commute trip reduction
16 program ((or may delegate the development and implementation of the
17 commute trip reduction program to the department of general
18 administration)). The worksite shall be treated as specified in RCW
19 70.94.531 and 70.94.534.

20 ~~((4))~~ (3) The department of general administration (~~(in~~
21 ~~consultation with the state technical assistance team)) shall review~~
22 the initial commute trip reduction program of each state agency subject
23 to the commute trip reduction plan for state agencies to determine if
24 the program is likely to meet the applicable commute trip reduction
25 goals and notify the agency of any deficiencies. If it is found that
26 the program is not likely to meet the applicable commute trip reduction
27 goals, the ~~((team))~~ department of general administration will work with
28 the agency to modify the program as necessary.

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

36 ~~((6))~~ (4) Each state agency implementing a commute trip reduction
37 plan shall report at least once per year to its agency director on the
38 performance of the agency's commute trip reduction program as part of

1 the agency's quality management, accountability, and performance system
2 as defined by RCW 43.17.385. The reports shall assess the performance
3 of the program, progress toward state goals established under RCW
4 70.94.537, and recommendations for improving the program.

5 (5) The department of general administration shall review the
6 agency performance reports defined in subsection (4) of this section
7 and submit ((an annual progress)) a biennial report for state agencies
8 subject to ((the state agency commute trip reduction plan to the
9 commute trip reduction task force established under RCW 70.94.537. The
10 report shall be due April 1, 1993, and each April 1st through 2006.
11 The report shall report progress in attaining the applicable commute
12 trip reduction goals for each commute trip reduction zone and shall
13 highlight any problems being encountered in achieving the goals)) this
14 chapter to the governor and incorporate the report in the commute trip
15 reduction board report to the legislature as directed in RCW
16 70.94.537(6). The report shall include, but is not limited to, an
17 evaluation of the most recent measurement results, progress toward
18 state goals established under RCW 70.94.537, and recommendations for
19 improving the performance of state agency commute trip reduction
20 programs. The information shall be reported in a form established by
21 the commute trip reduction ((task force)) board.

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