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

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

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

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

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

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees (of one or more employers), who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.
(3) "Commute trip reduction zones" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

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

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

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

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

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

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

(9) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum
criteria established by the commute trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

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

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

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

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

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

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

(1) Each county (with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer) shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites) containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions located within an urban
growth area with a population greater than seventy thousand that
adopted a commute trip reduction ordinance before the year 2000, as
well as any jurisdiction within contiguous urban growth areas, shall
also adopt a commute trip reduction plan and ordinance for major
employers in the affected urban growth area by a date specified by the
commute trip reduction board. Jurisdictions containing a major
employment installation in a county with an affected growth area,
designated pursuant to RCW 36.70A.110, shall adopt a commute trip
reduction plan and ordinance for major employers in the major
employment installation by a date specified by the commute trip
reduction board. The ordinance shall establish the requirements for
major employers and provide an appeals process by which major
employers, who as a result of special characteristics of their business
or its locations would be unable to meet the requirements of the
ordinance, may obtain waiver or modification of those requirements.
The plan shall be designed to achieve reductions in the proportion of
single-occupant vehicle commute trips and ((the commute trip vehicle
miles traveled per employee by employees of major public and private
sector employers in the jurisdiction)) be consistent with the rules
established by the department of transportation. The county, city, or
town shall submit its adopted plan to the regional transportation
planning organization. The county, city, or town plan shall be
included in the regional commute trip reduction plan for regional
transportation planning purposes, consistent with the rules established
by the department of transportation in RCW 70.94.537.

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

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

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

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

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

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, and towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, transportation management associations or other private or nonprofit providers of transportation services, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public transportation services, including rideshare services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070. Regional transportation planning organizations shall review the local commute trip reduction plans during the development and update of the regional commute trip reduction plan.

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

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

(7) Each ((county, city, or town)) regional transportation planning
organization implementing a regional commute trip reduction program
shall, ((within thirty days submit a summary of its plan along with
certification of adoption)) consistent with the rules and deadline
established by the department of transportation, submit its plan as
well as any related local commute trip reduction plans and certified
growth and transportation efficiency center programs, to the commute
trip reduction ((task force)) board established under RCW 70.94.537.
The commute trip reduction board shall review the regional commute trip
reduction plan and the local commute trip reduction plans. The
regional transportation planning organization shall collaborate with
the commute trip reduction board to evaluate the consistency of local 
commute trip reduction plans with the regional commute trip reduction 
plan. Local and regional plans must be approved by the commute trip 
reduction board in order to be eligible for state funding provided for 
the purposes of this chapter.

(8) Each ((county, city, or town)) regional transportation planning 
organization implementing a regional commute trip reduction program 
shall submit an annual progress report to the commute trip reduction 
((task force)) board established under RCW 70.94.537. The report shall 
be due ((July 1, 1994, and each July 1st thereafter through July 1, 
2006)) at the end of each state fiscal year for which the program has 
been implemented. The report shall describe progress in attaining the 
applicable commute trip reduction goals ((for each commute trip 
reduction zone)) and shall highlight any problems being encountered in 
achieving the goals. The information shall be reported in a form 
established by the commute trip reduction ((task force)) board.

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

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

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

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Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

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

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

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

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

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

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

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

(b) In order to be eligible for state funding provided for the purposes of this section, designated growth and transportation efficiency centers shall be certified by the applicable regional transportation organization to: (i) Meet the minimum land use and transportation criteria established in collaboration among local jurisdictions, transit agencies, the regional transportation planning
organization, and other interested parties as part of the regional commute trip reduction plan; and (ii) have established a transportation demand management program that includes the elements identified in (c) of this subsection and is consistent with the rules established by the department of transportation in RCW 70.94.537(2). If a designated growth and transportation efficiency center is denied certification, the local jurisdiction may appeal the decision to the commute trip reduction board.

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

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

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

(2) A county, city, or town that has established a growth and transportation efficiency center program shall support vehicle trip reduction activities in the designated area. The implementing
jurisdiction shall adopt policies, ordinances, and funding strategies that will lead to attainment of program goals in those areas.

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

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

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

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

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

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

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

(iv) Provision of subsidies for transit fares;
(v) Provision of vans for van pools;
(vi) Provision of subsidies for car pooling or van pooling;
(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;
(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and
(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(4) Employers or owners of worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by RCW 35.87A.010 to assist members in developing and implementing commute trip reduction programs.

(5) Employers shall make a good faith effort towards achievement of the goals identified in RCW 70.94.527(4) (((9))) (d).

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

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

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

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

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

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

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

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

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

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

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

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

(1) A (twenty-eight) sixteen member state commute trip reduction
(task force) board is established as follows:
(a) The secretary of the department of transportation or the
secretary's designee who shall serve as chair;
(b) (The director of the department of ecology or the director's
designee;
(c) The director of the department of community, trade, and
economic development or the director's designee;
(d) The director of the department of general administration or the
director's designee;
(e) Three representatives from)) One representative from the office
of the governor or the governor's designee;
(c) The director or the director's designee of one of the following
agencies, to be determined by the governor:
(i) Department of general administration;
(ii) Department of ecology;
(iii) Department of community, trade, and economic development;
(d) Three representatives from cities and towns or counties
appointed by the governor for staggered four-year terms from a list
((of at least six)) recommended by the association of Washington cities or the Washington state association of counties;

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

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

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

(g) Four representatives of employers at or owners of major worksites in Washington, or transportation management associations, business improvement areas, or other transportation organizations representing employers, appointed by the governor ((from a list recommended by the association of Washington business or other statewide business associations representing major employers, provided that every affected county shall have at least one representative; and

(i) Three)) for staggered four-year terms; and

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

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

(2) By March 1, (1992) 2007, the ((commute trip reduction task force)) department of transportation shall establish ((guidelines)) rules for commute trip reduction plans and implementation procedures. The commute trip reduction board shall advise the department on the content of the rules. The ((guidelines)) rules are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other
factors the (task force) board determines to be relevant. The ((guidelines)) rules shall include:

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

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

(c) Model commute trip reduction ordinances;

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

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

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

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

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

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

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

(g) Listing of the affected areas of the program to be done every four years as identified in subsection (5) of this section;
(h) Establishment of a criteria and application process to determine whether jurisdictions that voluntarily implement commute trip reduction are eligible for state funding;

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

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

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

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

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

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

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

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

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

(6) The board shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature and the governor by December 1, ((1995, December 1, 1999, December 1, 2001, December 1, 2003, and December 1, 2005)) 2009, and every two years thereafter. In assessing the costs and benefits, the board shall consider the costs of not having implemented commute trip reduction plans and programs with the assistance of the transportation performance audit board authorized under chapter 44.75 RCW. The board shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. ((The recommendations made December 1, 1995, shall...})

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

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

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

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

(2) The ((team)) department of transportation shall provide
technical assistance to regional transportation planning organizations,
counties, cities, and towns, the department of general administration,
other state agencies, and other employers in developing and
implementing commute trip reduction plans and programs. The technical
assistance shall include: (a) Guidance in ((determining base and
subsequent year values of single-occupant vehicle commuting proportion
and commute trip reduction vehicle miles traveled to be used in
determining progress in attaining plan goals)) single measurement
methodology and practice to be used in determining progress in
attaining plan goals; (b) developing model plans and programs
appropriate to different situations; and (c) providing consistent
training and informational materials for the implementation of commute
trip reduction programs. Model plans and programs, training, and
informational materials shall be developed in cooperation with
representatives of regional transportation planning organizations, local governments, transit agencies, and employers.

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

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

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

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

The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies, including institutions of higher education, shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.
Sec. 11. RCW 70.94.551 and 1997 c 250 s 6 are each amended to read as follows:

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

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

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

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

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

(6) Each state agency implementing a commute trip reduction plan shall report at least once per year to its agency director on the performance of the agency's commute trip reduction program as part of
the agency's quality management, accountability, and performance system as defined by RCW 43.17.385. The reports shall assess the performance of the program, progress toward state goals established under RCW 70.94.537, and recommendations for improving the program.

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