



CO00023331

COUNTY COUNCIL

Snohomish County, Washington

AMENDED
ORDINANCE NO. 92-163

RELATING TO COMMUTE TRIP REDUCTION PROGRAMS AND ACTIONS BY AFFECTED EMPLOYERS TO IMPROVE AIR QUALITY AND REDUCE TRAFFIC CONGESTION; AMENDING SNOHOMISH COUNTY CODE TITLE 32

WHEREAS, increases in the amount and rate of urban growth within Snohomish County have directly contributed to higher levels of traffic congestion and delay; and

WHEREAS, the public's health, safety and welfare are threatened by increases in vehicular travel and petroleum fuel consumption that negatively impact traffic safety, air quality and neighborhood noise levels; and

WHEREAS, traffic congestion and delay harm the county's economy by impeding the delivery of goods and services and causing working hours to be lost; and

WHEREAS, the Legislature has enacted the Commute Trip Reduction Law (RCW 70.94.521-551) which enables the county in 1992 to establish commute trip reduction plans that require affected employers to prepare commute trip reduction programs for their employees; and

WHEREAS, the 1990 Growth Management Act requires the county to implement transportation demand management measures (TDM) as part of the transportation element of its comprehensive plan,

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter 32.40 is added to Snohomish County code Title 32 as follows:

CHAPTER 32.40

Commute Trip Reduction

Sections:

- 32.40.010 Legislative Findings
- 32.40.020 Intent and Performance Objectives
- 32.40.030 Definitions
- 32.40.040 Applicability
- 32.40.050 Notification
- 32.40.060 CTR Program Requirements
- 32.40.070 CTR Program Administration Requirements
- 32.40.080 Transportation Management Organizations
- 32.40.090 Credit For Prior Trip Reduction Efforts
- 32.40.100 Program Exemptions and Modifications and Performance Target Modifications
- 32.40.110 Enforcement
- 32.40.120 Appeals of Violation Determinations and Penalties
- 32.40.130 Uniformity Among Jurisdictions
- 32.40.140 Liberal Construction and Severability

32.40.010 Legislative Findings

(1) Reducing commuter vehicle miles traveled (VMT) and the proportion of single-occupant vehicle (SOV) trips will help mitigate poor levels of service (LOS) on county-wide arterials and at urban intersections.

(2) Reductions in traffic congestion and the excessive vehicle miles traveled associated with commuter SOV use will help mitigate detrimental levels of petroleum fuel consumption, air pollution and noise.

(3) Deferring or delaying expensive transportation capital and operating costs will likely be possible with a significant shift of commuter trips from SOV's to high-occupancy vehicles (HOV) and other modes of travel.

(4) Reducing traffic congestion will improve the county-wide level of service on arterials and prevent the diversion of traffic through neighborhoods, thereby maintaining their livability.

(5) Affected employers at major employment sites have significant opportunities to encourage and support commuter travel by public transportation, carpools, vanpools, pedestrian and bicycle modes while at the same time discouraging SOV use.

32.40.020 Intent and Performance Objectives

(1) The intent of this chapter is to implement the county's strategy for achieving performance objectives for commute trip reduction as follows: (a) Reduce by 15 percent the VMT per employee and proportion of SOV trips from the 1992 base-year values within designated trip reduction zones for each affected employer by January 1, 1995; (b) Reduce by 25 percent the VMT per employee and proportion of SOV trips from the 1992 base-year values within designated trip reduction zones for each affected employer by January 1, 1997; and (c) Reduce by 35 percent the VMT per employee and proportion of SOV trips from the 1992 base-year values within designated trip reduction zones for each affected employer by January 1, 1999.

(2) This chapter references the county commute trip reduction plan adopted by Council Motion 92-429 that includes: (a) the county's goals, objectives and policies for achieving commuter trip reductions, (b) designated commute trip reduction zones, (c) methods for determining base-year values for proportion of single-occupant vehicle trips and vehicle miles traveled per employee, (d) performance targets for proportion of single-occupant vehicle trips and vehicle miles traveled per employee, (e) methods for determining progress towards performance targets, (f) the county's own commute trip reduction program, (g) a review of the county's parking policies as they relate to major employers and work sites including proposed amendments to the county's off-street parking ordinance chapter 18.45 SCC, and (h) other relevant information.

32.40.030 Definitions As used in this chapter the following terms shall have the meanings set forth in this section:

(1) "Affected Employee" means a full-time employee whose regular work day begins at a single work site between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve continuous months. The employee will only be counted at the primary work site. Seasonal agricultural employees, including seasonal employees of processors of agricultural products are excluded from the count of affected employees.

(2) "Affected Employer" means an employer that employs 100 or more affected employees at a single work site. Construction sites, when the duration of the construction is less than two years, are excluded from this definition.

(3) "Alternative Mode" means any mode of commute transportation in which the dominant mode is other than a single-occupant motor vehicle, including telecommuting and alternative work schedules in which the result is reduced vehicle trips.

(4) "Alternative Work Schedules" mean programs such as compressed work weeks that eliminate commute trips for affected employees.

(5) "Area-wide Enhancement" means a commute trip reduction measure as described in the county's commute trip reduction plan that may be required for affected employers that fail to meet performance targets. Examples include TDM/HOV facilities and mixed land use adaptations.

(6) "Average Trip Length" means the average length in miles of commute trips for all employees in a particular CTR Zone or for affected employees of a particular affected employer.

(7) "Base Year" means the period from January 1, 1992 through December 31, 1992, on which performance targets for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips shall be based.

(8) "Base-Year Value" means the average vehicle miles traveled per employee and percentage of single-occupant vehicle commute trips for all employees arriving at work sites in a commute trip reduction zone as computed for the base year.

(9) "Basic Measure" means a commute trip reduction measure that is required by this chapter to be implemented by all affected employers.

(10) "Carpool" means a motor vehicle occupied by two to six people traveling together for their commute trip resulting in the reduction of a minimum of one motor vehicle commute trip.

(11) "Commute Trip" means a trip made from a worker's home to a work site in which the regular workday begins between 6:00 a.m. and 9:00 a.m. (inclusive) on weekdays.

(12) "Commute Trip Reduction" (CTR) means the use of measures which reduce vehicle miles traveled and proportion of single-occupant vehicles (SOV) for commuter travel, while promoting and marketing travel by alternative modes.

(13) "CTR Plan" means the county's commute trip reduction plan adopted by Council Motion 92-429.

(14) "CTR Program" means a written document submitted by affected employers describing measures that will be implemented to reduce affected employees' SOV use and VMT per employee. The written CTR program documents shall be submitted on standard forms provided by the county and shall meet the requirements for CTR programs as established by this chapter.

(15) "CTR Zone" means an area designated as such by the CTR plan, such as a census tract or combination of census tracts characterized by similar employment density, population density, level of transit service, parking availability, access to high-occupant vehicle facilities, and/or other factors that are determined to affect the level of SOV commuting.

(16) "Compliance" shall mean fully meeting all requirements of this chapter.

(17) "Compressed Work Week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements. Compressed work weeks shall be an ongoing arrangement.

(18) "Dominant Mode" means the mode of travel used for the greatest distance of a commute trip.

(19) "Employee Transportation Coordinator" (ETC) means a designated employee responsible for distributing information on alternative modes, filing annual progress reports, promoting CTR programs, and other duties associated with CTR programs.

(20) "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit, or private, that employs affected employees.

(21) "Exemption" means a waiver from CTR program requirements granted to an employer by the county.

(22) "Flexible Work Schedule" means an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

(23) "Full-Time Employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.

(24) "Hearing Examiner" means the Snohomish County hearing examiner as created by chapter 2.02 SCC, or his or her duly authorized representative.

(25) "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and this chapter as evidenced by appointment of an employee transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its CTR program.

(26) "Mode" is the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool or vanpool), transit, ferry, bicycle, walking, or other.

(27) "New Affected Employer" means an employer that first meets the definition of "affected employer" after the effective date of this chapter either by moving into the unincorporated county or by growing in employment at a work site to one hundred (100) or more affected employees.

(28) "Peak Period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

(29) "Performance Objectives" mean reductions from base-year values of 15% by 1995, 25% by 1997, and 35% by 1999 of vehicle miles traveled per employee and proportion of single-occupant vehicle trips.

(30) "Performance Targets" mean the values for proportion of single-occupant vehicle trips and vehicle miles traveled per employee for the most recent performance year for each CTR Zone as determined by applying the performance objectives to the base-year values.

(31) "Performance Year" means the years 1995, 1997, and 1999 in which performance on trip reduction will be evaluated.

(32) "Proportion of Single-Occupant Vehicle Trips" or "SOV Rate" means the number of peak period commute trips over a set of days made by affected employees in single-occupant vehicles divided by the total number of commute trips by affected employees during that same set of days.

(33) "Selectable Measure " means a commute trip reduction measure included in addition to basic measures in a commute trip reduction program.

(34) "Single-Occupant Vehicle (SOV)" means a motor vehicle, including a motorcycle, occupied by one (1) employee for commute purposes.

(35) "Single-Occupant Vehicle (SOV) Trips" means commute trips made by affected employees in SOV's.

(36) "Single Worksite" means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way occupied by one or more affected employers.

(37) "TDM/HOV Facilities" means off-site physical improvements contributed or funded in part by affected employers and/or property owners. These are improvements expected to accommodate trip reduction measures and can include walkways, bikeways, HOV lanes and treatments at intersections, bus stops and shelters, park-and-ride lots and other infrastructure.

(38) "Telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

(39) "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

(40) "Transportation Management Organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. TMOs can develop trip reduction programs, do promotional and marketing programs, perform surveys to gauge achievement of performance objectives, serve as central coordinating agencies for a part or an entire trip reduction zone, or other activities that promote compliance with this chapter.

(41) "Trip" means travel by a person from a place of origin to a destination unless otherwise denoted as a "vehicle" trip.

(42) "Vanpool" means a vehicle occupied by seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip.

(43) "Vehicle Miles Traveled" (VMT) means the sum of the individual motor vehicle commute trip lengths in miles made by affected employees over a set period of time.

(44) "Vehicle Miles Traveled per Employee" means the sum of vehicle miles traveled by affected employees over a set period divided by the number of affected employees during that period. For calculation purposes VMT per employee is computed as the average trip length multiplied by the number of vehicle trips per employee.

(45) "Vehicle Trip" means travel by a vehicle from a place of origin to a destination.

(46) "Vehicle Trips per Employee" means the sum of commute vehicle trips by affected employees over a set period, adjusted for weighted trips, and divided by the number of affected employees for that period.

(47) "Week" means a seven day calendar period, starting on Monday and continuing through Sunday.

(48) "Weekday" means any day of the week except Saturday or Sunday.

(49) "Weighted trips" mean walking, bicycling, telecommuting, and alternative work week trips which count as zero vehicle trips plus a 20 percent credit (i.e., each trip using nonmotorized modes is counted as 1.2 trips eliminated in calculating reductions for VMT and SOV use).

(50) "Writing," "Written," or "In Writing" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

32.40.040 Applicability

(1) The provisions of this chapter shall apply to all affected employers within unincorporated Snohomish County.

(2)(a) If an affected employer reduces the number of affected employees to below 100 and expects not to employ 100 or more affected employees for the next 12 months following such reduction of employees, that employer is no longer an affected employer. (b) If the same employer returns to the level of 100 or more affected employees within the same 12 month period, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers. (c) If the same employer returns to the level of 100 or more affected employees but not within the same 12 month period, that employer shall be treated as a new affected employer and will be subject to the same program requirements as other new affected employers.

(3) It is the responsibility of an affected employer to notify the county planning department in writing within 30 days of reducing its number of affected employees to less than 100.

(4) The date upon which an employer is considered a new affected employer is the due date for the next quarterly submittal of the Washington Department of Employment Security's "Employer's Quarterly Report of Employee's Wages" after having achieved affected employer status.

(5) New affected employers shall identify themselves to the planning department within six months of the date they become a new affected employer.

(6) Employers not subject to this chapter may implement a CTR program on a voluntary basis. The county will provide such employers with limited technical assistance and advice. Employers who are no longer affected employers may continue their CTR programs on a voluntary basis and continue to receive limited technical assistance and information from the county.

32.40.050 Notification

(1) The county shall give public notice of the adoption of this chapter and its requirements for affected employers in a newspaper of general circulation in the county not more than 30 days after passage of this chapter. Such notice shall also be given for amendments to this chapter.

(2) The county shall give written notice to known affected employers that they are subject to the requirements of this chapter not more than 30 days after the effective date of this chapter.

32.40.060 CTR Program Requirements

(1) Affected employers shall have six months from the effective date of this chapter to submit CTR programs to the county planning department.

(2) New affected employers shall have six months from the date they become a new affected employer to submit CTR programs to the county planning department.

(3) A CTR program must include commute trip reduction measures to be implemented by an affected employer. The purpose of such measures is to achieve the performance targets for the affected employer's CTR Zone for the applicable performance year as follows:

a) Performance Targets by Zone and Performance Year

CTRZ A - Rural North and East Zone

<u>Year</u>	<u>VMT/emp</u>	<u>SOV%</u>
1992 (Base)	7.7	82%
1995	6.5	69%
1997	5.8	61%
1999	5.0	53%

CTRZ B - Southwest Zone

<u>Year</u>	<u>VMT/emp</u>	<u>SOV%</u>
1992 (Base)	7.3	82%
1995	6.2	69%
1997	5.5	61%
1999	4.7	53%

CTRZ C - Everett-Mukilteo Zone

<u>Year</u>	<u>VMT/emp</u>	<u>SOV%</u>
1992 (Base)	8.5	80%
1995	7.2	68%
1997	6.4	60%
1999	5.5	52%

(4) Employers are encouraged to consider innovative measures and strategies and combine program measures in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. The county and employers will strive to select mutually enhancing measures and measures that are most effective for the particular employer. Employers have three options for defining a set of commute trip reduction measures designed to meet the applicable performance targets. These options are set forth in subsections (5) through (10) below.

(5) Affected employers choosing option 1 shall select their commute trip reduction measures from the "Commute Trip Reduction Measures Selection Menu", Table 1. Employers may substitute innovative trip reduction measures not found in the menu if the employer can substantiate or demonstrate the effectiveness of such measure(s). An employer may substitute one trip reduction measure in place of more than one selectable measure if the employer can substantiate or demonstrate the effectiveness of such measure. Under option 1 a CTR program must contain all basic measures including:

a) Appoint Transportation Coordinator. This measure refers to the designation of an Employee Transportation Coordinator (ETC). The ETC is an individual appointed by an employer to manage the implementation and ongoing operation of commute trip reduction programs. Affected employers must designate at least one ETC for every affected work site and post the ETC's name in a conspicuous location. Typical tasks include analyzing the organization's transportation needs and making program recommendations to management, actively matching employees who wish to rideshare, coordinating production and distribution of promotional materials, maintaining the commuter information bulletin board, selling passes, organizing promotional activities, managing parking programs, conducting employee surveys, maintaining commuter data, maintaining records, coordinating annual program review, and filing the annual report. Level of effort by the ETC depends on the size of the company though the rule of thumb is one full time position for every 4,000 employees.

b) Transportation Information Distribution. The employer must provide to employees periodic information on ridesharing, public transportation and other alternatives to driving alone, and information on the benefits of the employer's commute trip reduction program. Information can take the form of brochures, flyers, company newsletter articles, and/or announcements. Information distribution must also include a well-located bulletin board or "information center" containing such items as ETC name and location, flyers, bus schedules, ridematch boards, etc. Level of effort will depend on the size of the company and number of employees. Affected employers must implement a regular program to provide new employees with alternative commute information and materials on the employer's CTR program. Such information may be provided during regular new employee

TABLE 1

COMMUTE TRIP REDUCTION MEASURES SELECTION MENU

CTRZ A	BASIC MEASURES	SELECTABLE MEASURES	AREAWIDE ENHANCEMENTS
Rural Zone	<ol style="list-style-type: none"> 1. Appoint Transportation Coordinator 2. Transportation Information Distribution 3. Annual Report on Performance 4. Ridematching Program (Personalized/Regional) 	<p>Performance Category 1 — Programmatic/Minor Capital</p> <ol style="list-style-type: none"> 1. Preferential HOV and Bicycle Parking 2. Telecommuting 3. Modified or Flexible Work Schedules 4. Guaranteed Ride Home 5. Enhanced Promotions and Marketing 6. Commuter Information Centers 7. Subsidize Ridesharing 8. Provision of Vans for Vanpools 9. Subsidize Custom Bus Service 10. Other Innovative Measures 	<ol style="list-style-type: none"> 1. Contribute Financially to Area-wide Walkways and Bikeways 2. Contribute Financially to Area-wide P&R and HOV Facilities or Treatments 3. Mixed Land Use Adaptation (i.e., add services and retail uses) 4. Housing Relocation Assistance
CTRZ B & C			
Southwest Zone & Everett Zone	<ol style="list-style-type: none"> 1. Appoint Transportation Coordinator 2. Transportation Information Distribution 3. Annual Report on Performance 4. Ridematching Program (Personalized/Regional) 	<p>Performance Category 1 — Programmatic/Minor Capital</p> <ol style="list-style-type: none"> 1. Restrictions on Parking Availability 2. Telecommuting 3. Modified or Flexible Work Schedules 4. Guaranteed Ride Home 5. Enhanced Promotions and Marketing 6. Commuter Information Centers 7. Participate in TMOs 8. Bicycle Facilities (e.g. lockers and/or showers) 9. Preferential HOV and Bicycle Parking 10. Other Innovative Measures <p>Performance Category 2 — Services/Major Capital</p> <ol style="list-style-type: none"> 1. Dedicated ETC. 2. Subsidize Bus Service 3. Subsidize Ridesharing (fuel, insurance, parking) 4. Provision of Vans for Vanpools 5. Design or Redesign Site for Transit and HOV Compatibility 6. Redesign Site for Pedestrian and Bicycle Accessibility and Circulation 7. On-site Day Care Facilities 8. Construct Transit/Rideshare Shelters or Loading Areas 9. Monetary Incentives 10. Instituting or Increasing Parking Charges 11. Employer Vehicles for Employee Ridesharing 12. Other Innovative Measures 	<ol style="list-style-type: none"> 1. Contribute Financially to Area-wide Walkways and Bikeways 2. Contribute Financially to Area-wide P&R and HOV Facilities or Treatments 3. Mixed Land Use Adaptation (i.e., add services and retail uses) 4. Housing Relocation Assistance

orientation. Employers must conduct at least two promotional activities each year to increase awareness of the employer's CTR Program and educate the employees on the incentives being offered to commute to work other than by driving alone.

c) Annual Report on Performance. This measure refers to the annual progress Report that affected employers will complete and submit to the county. The county will use the report to gauge an employer's progress toward meeting trip reduction performance targets. Maintaining a tracking and record-keeping system from the beginning of the trip reduction program will also be required to aid employers in preparing their annual progress reports and demonstrating progress toward trip reduction performance targets. The reports will include results of surveys to be accomplished in 1995, 1997 and 1999. The Washington State Energy Office will provide technical assistance in accomplishing this series of surveys. The surveys will provide basic information about employee travel characteristics and will allow the employer to monitor achievement of trip reduction performance objectives. Baseline surveys for 1992 will be encouraged for Snohomish County affected employers to accurately determine base-year values.

d) Ridematching Program (Personalized/Regional). Employers must implement a combination of "in-house" ridematching and "regional" ridematching. The employer's in-house ridematching will match employees with other employees interested in carpooling or vanpooling. This effort would be scaled to the size of the employer and thus could involve computer processing of ridematch requests or be as simple as a list of names and zip codes that the ETC could use to match employees. The emphasis here is on personalized attention to the employee's ongoing transportation needs and attempting to match them with a fellow employee with compatible travel needs. The employer's ridematch program will also include utilization of the Regional Ridematch System. With the consent of the individual employee, information for ridematching will be entered into the regional matching program via Community Transit. Large employers, with 1,000 or more affected employees, may, with reasonable cause, substitute regional ridematching for personalized/regional ridematching.

(6) Under option 1 a A CTR program shall also include additional selectable measures to meet the following requirements:

a) The minimum number of required selectable measures will depend on the CTR Zone in which the employer is located and the size of the employer in terms of small, medium, or large categories. Small employers are those with 100-400 affected employees, medium employers are those with 401-1000 affected employees, and large employers are those with 1001 or more affected employees.

b) The minimum number of selectable measures required for CTR programs are as follows:

<u>By CTR Zone and Size of Employer</u>			
CTR ZONE	Small Employer (100-400 Emp.)	Medium Employer (401-1000 Emp.)	Large Employer (1001+ Emp.)
Rural	2 from Cat. 1	3 from Cat. 1	4 from Cat. 1
Southwest	2 from Cat. 1	3 from Cat. 1 1 from Cat. 2	3 from Cat. 1 2 from Cat. 2
Everett/ Mukilteo	2 from Cat. 1	3 from Cat. 1 1 from Cat. 2	3 from Cat. 1 2 from Cat. 2

c) An employer located on a boundary adjacent to another CTR zone may be required to meet the selectable requirements for that other zone.

(7) Under option 1 selectable measures may include, but are not limited to, one or more of the following:

a) **Restrictions on Parking Availability.** This measure entails a reduction in the supply of parking spaces provided on-site for employees. Restrictions could also involve limiting employee parking to a specific number of spaces and to specific locations to prevent parking in undesignated areas and prevent unintentional increases in parking availability.

b) **Telecommuting.** This measure refers to programs by employers that use telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a place closer to home, reducing the distance traveled in a commute trip by at least in half.

c) **Modified or Flexible Work Schedules.** This measure would entail changes in employee schedules to reduce commute trips or facilitate ridesharing. Commute trips can be reduced through compressed work weeks that regularly allow full-time employees to eliminate at least one day every two weeks by working longer hours during the remaining workdays. Peak period commute trips can be eliminated by modifying work schedules such that the regular workday begins before the peak at 5:30 a.m. or after the peak at 9:30 a.m. Ridesharing and transit use can be facilitated through the offering of flexible schedules which allow employees to shift starting and ending times to meet rideshare partners or meet bus schedules.

d) **Guaranteed Ride Home.** This measure entails the provision of taxi rides or other guaranteed rides home to employees (non-SOV commuters) who are called away from work unexpectedly by emergencies or other unforeseen circumstances. The program could

also apply to employees who are have to work unscheduled overtime. Employees are thus more able to rideshare or use transit because they will not need to have a car at work in case of emergencies.

e) Enhanced Promotions and Marketing. This measure refers to promotions in addition to the basic semi-annual promotions. Enhanced promotions are usually more narrow in focus and select a specific target group. Increased marketing activities and more frequent targeted promotions enhance employee awareness of commute options. An Example might be a transit fair or bag lunch aimed specifically at potential carpoolers who live in the same zip code.

f) Commute Information Center. This measure refers to a permanent display of information explaining commute modes and transportation programs available to employees at the site. The center typically includes pockets for transit route information, brochures, and an area to display posters and flyers. It should be located in a prominent location such as the employer's lobby, coffee area or lunch room. The "commute information center" is differentiated from the "information center" described above (Transportation Information Distribution) in that it usually requires some capital investment to achieve a permanent and professional appearance along with a commitment to keep materials updated and available.

g) Participate in TMOs. This measure refers to participation by affected employers in local transportation management organizations (TMOs) or transportation management associations (TMAs). These organizations are made up of groups of employers within a specific geographic area such as a city or business park. TMOs provide a forum for transportation issues, a network for employers involved in CTR programs, and a clearinghouse for information and ideas.

h) Bicycle Facilities (e.g. lockers and/or showers). This measure refers to capital provisions to facilitate commuting by bicyclists other than simple racks. Such facilities could include bicycle lockers which provide greater security and protection for bicycles and facilities for bicyclists to shower and change clothes before starting work.

i) Preferential HOV and Bicycle Parking. This measure entails reserving or designating convenient or even covered parking close to building entrances for carpool and vanpool vehicles and providing bicycle racks in a safe and secure location near building entrances. Bicycle parking would preferably be covered and afford security from theft.

j) Dedicated ETC. This measure refers to provision of at least a half-time person (20 hours/week) dedicated exclusively to CTR program activities. Employers of more that 3,000 affected employees would need at least a full-time ETC. The ETC would

attend all mandatory training and attend other special workshops as they became available.

k) Subsidize Bus Service. This measure refers to employer provision of free or subsidized bus passes to encourage employees to use buses already scheduled on routes near the employment site. It can also refer to employer provision of subsidy for METRO "custom" bus service for employees of one company or a group of neighboring companies. Custom bus routes and schedules are tailored to the particular commuting needs of the employees using the services. Routes are usually more than ten miles and serve locations unable to support regular fixed-route bus services.

l) Subsidized Ridesharing. This measure entails a financial contribution by the employer to defray the fuel, parking or insurance costs of employee carpools or vanpools. Registration and eligibility guidelines will likely be needed to identify and monitor ridesharing employees.

m) Provisions of Vans for Vanpooling. This measure is differentiated from subsidized ridesharing in that it involves the actual purchasing and/or leasing, operation, and maintenance of passenger vans for use by employees for commuting to work. This measure could be implemented "in-house" by large employers or could be a contracted venture with a private operator or public transportation operator. Cost of the vehicle, insurance, maintenance and administration need to be considered when using this measure.

n) Design or Redesign Site for Transit and HOV Compatibility. This measure refers to capital improvements at the employment site to provide better access for buses and/or rideshare vehicles. Examples include providing main entrances with covered loading zones for conveniently picking up or dropping off passengers or re-striping parking lots to allow buses to easily access the work site.

o) Redesign Site for Pedestrian and Bicycle Accessibility and Circulation. This measure refers to capital improvements at work sites to provide better access for pedestrians or bicyclists. An example might be building a commuter trail that directly accesses the employment site from an adjacent regional trail.

p) Construct Transit/Rideshare Shelters or Loading Areas. This measure refers to capital improvements at the employment site or at nearby bus stops to provide covered, comfortable, and secure waiting and loading areas for transit or rideshare users.

q) Monetary Incentives. This measure refers to any employer-provided monetary incentives intended to encourage persons to commute other than by driving alone. An example is the "commuter allowance" which gives each employee a fixed

monthly allowance for commuting costs which is used in conjunction with parking charges for persons driving alone.

r) Instituting or Increasing Parking Charges. This measure refers to any employer programs to charge for parking at the employment site, including provisions for differential rate structures for SOVs and HOVs which provide incentives for persons to use HOVs.

s) Employer Vehicles for Employee Ridesharing. This measure refers to the provision of employer-owned vehicles to groups of employees who agree to carpool to and from work.

(t) Other Innovative Measures. Employers may substitute innovative trip reduction measures not found in the menu in place of selectable measures if the employer can substantiate or demonstrate the effectiveness of such measure(s).

(8) For affected employers choosing option 2 their commute trip reduction program shall consist of the following basic measures as described in subsection (5) above; a) Appoint Transportation Coordinator; b) Transportation Information Distribution; c) Annual Report on Performance. An option 2 program shall also include one or more of the following packages of measures;

a) Ridesharing Package. This package includes as a minimum the following measures as described in subsection (5) above: Ridematching (personalized/regional), Preferential HOV Parking, Subsidized Ridesharing, and Guaranteed Ride Home.

b) Vanpooling Package. This package includes as a minimum the following measures as described in subsection (5) above: Provision of Vans, Preferential HOV Parking, Subsidized Ridesharing, and Guaranteed Ride Home.

c) Transit Package. This package includes as a minimum the following measures as described in subsection (5) above: Subsidized Bus Service, Design or Redesign Site for Transit Compatibility, Construction of Transit Shelters or Loading Areas, and Guaranteed Ride Home.

d) Marketing Package. This package includes as a minimum the following measures as described in subsection (5) above: Commuter Information Center, Enhanced Promotions, Participation in TMO, and Dedicated ETC.

e) Bicycle/Pedestrian Package. This package includes as a minimum the following measures as described in subsection (5) above: Restrictions on parking availability, Bicycle Facilities, Redesign site for Pedestrian and Bicycle Accessibility and Circulation, and Housing Relocation Assistance.

(9) For affected employers choosing option 3, their commute trip reduction program shall consist of the following basic measures as described in subsection (5) above; a) Appoint Transportation Coordinator; b) Transportation Information Distribution; c) Annual Report on Performance. An option 3 program shall also include a set of measures designed to achieve the applicable commute trip reduction targets.

(10) Employers choosing option 3 must substantiate that the set of measures is likely to achieve a 35% reduction by 1999 from base-year values of VMT/employee and SOV rate with intermediate reductions of 15% by 1995 and 25% by 1997. Such documentation shall include detailed data on the travel characteristics of the affected employees, identification of the selected CTR measures and their relationship to the travel characteristics of the affected employees, specification of the percent reduction likely for each of the selected CTR measures, and supporting documentation which may include case studies, available research, or other data and information showing that the selected measures are likely to meet the indicated reductions.

(11) Under all three options a CTR program must also include, at minimum: (a) a general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees; (b) the number of employees affected by the CTR program; (c) documentation of intent to implement basic CTR program measures; (d) documentation of intent to implement additional selected measures; (e) a schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

(12) In performance years, affected employers may be required to implement additional measures or enhance existing measures when their performance year surveys indicate they have not met applicable performance targets.

(13) In performance years, affected employers will not be required to implement additional measures or enhance existing measures when their performance year surveys indicate they have exceeded their performance targets and are making progress towards their next performance target.

(14) Area-wide enhancement measures may be required by the county in performance years if an employer has a significant shortfall in achieving the applicable performance targets. Area-wide enhancements may include:

a) Contribute Financially to Area-wide Walkways and Bikeways. This measure refers to efforts by employers to support the construction of commuter trails that connect groups of employers with residential areas or cities.

b) Contribute Financially to Area-wide P&R and HOV Facilities or Treatments. This measure refers to efforts by employers to support the construction of area-wide park and ride lots or facilities on the arterial system that give preference to high-occupancy vehicles.

c) Mixed Land Use Adaptation (i.e., add services and retail uses). This measure refers to the provision of on-site services such as restaurants or child-care services which promote ridesharing by diminishing the need of employees to drive alone to work.

d) Housing Relocation Assistance. This measure refers to efforts by employers to help employees move closer to the work site through information on housing or assistance with housing finance. Financial assistance would be optional, not mandatory. Such efforts can reduce vehicle-miles traveled and/or allow employees to walk or bicycle to work.

(15) Affected employers shall have six months from the date of their initial CTR program submittal to implement approved CTR programs. Affected employers shall have six months from the date of their annual progress report submittal to implement required modifications of their CTR programs.

(16) Each affected employer shall submit an annual progress report to the planning department fully documenting the implementation of its CTR program, its progress toward meeting performance targets, and results of its surveys in performance years.

(17) The reporting date for each affected employer's annual progress report will be established by the county in its initial CTR program review.

(18) Employers shall maintain all records of their CTR program for a minimum of 48 months.

32.40.070 CTR Program Administration Requirements

(1) Upon receipt of an employer's initial CTR program the planning department shall review it for compliance with this chapter. The planning department shall notify the employer in writing within three months of submittal stating if the CTR program is approved or not approved. If the CTR program is not approved the written notification will give cause and make a request for revision of the CTR program.

(2) The following criteria shall be used to determine if modifications of employer CTR programs will be required: (a) If an employer meets the applicable performance target for VMT per employee, then the employer has satisfied the requirements of this chapter and will not be required to modify its CTR program; (b) If an employer meets the applicable performance target for

proportion of SOV trips but not for VMT per employee, then the county may recommend program modifications but, in recognition of the employer's successful efforts in reducing SOV trips, will not require the employer to modify its CTR program. (c) If an employer fails to meet the applicable performance targets for both the VMT per employee objective and the SOV rate objective, the county shall propose modifications to the CTR program and direct the employer to revise its program, and may penalize the employer if it does not implement recommended modifications.

(3) In response to notice from the county requesting modifications an employer shall submit to the planning department within 30 days a revised CTR program, including the requested modifications or equivalent measures. The county shall review the revisions and notify the employer of acceptance or rejection of the revised program. If the revised program is not acceptable the county will send notice in writing to that effect to the employer within 30 days, scheduling a conference with program review staff which the employer may attend for the purpose of reaching a consensus on the commute trip reduction program. A final decision stating the required program will be issued in writing by the county within 10 working days of the scheduled conference.

(4) Upon receipt of an employer's annual progress report the planning department shall review it for compliance with this chapter. The planning department will determine if the employer has fully implemented its approved CTR program and, during performance years, if the employer has achieved its applicable performance targets. The planning department shall notify the employer in writing within 3 months of submittal stating: (a) if the annual progress report is adequate; (b) if the employer has fully implemented its CTR program; and (c) any requested or required CTR program modifications.

(5) New affected employers shall have two years from the date they become a new affected employer to meet applicable CTR performance targets.

(6) An affected employer, at any time other than while an appeal is pending, may request an administrative conference with the planning director as a way to improve communications and resolve any outstanding disagreements or misunderstandings regarding administrative decisions. An administrative conference is the preferred action before a violation determination is made by the county or an appeal hearing is requested by the affected employer.

(7) An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing no less than 30 days before the due date for which the extension is being requested. Extensions not to exceed three months shall be considered for reasonable causes. The county shall grant or deny

the employer's extension request in writing within 10 working days of receipt. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting performance targets. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program measures. An employer's annual progress report date shall not be adjusted permanently as a result of these extensions.

(8) The county planning director may, for reasonable cause, extend the review deadline up to three months for review of CTR programs or review of annual progress reports.

32.40.080 Transportation Management Organizations

(1) Employers are encouraged to cooperate with each other and to form or use transportation management organizations (TMOs) in developing and implementing CTR programs.

(2) Transportation management organizations or other business partnerships, may submit a single CTR program that describes common program elements. The CTR program shall also describe specific program elements at individual employer's work sites. The transportation management organizations, as agents for their members, shall provide individual performance data for each affected employer. Each affected employer shall remain accountable for compliance with this chapter. Program modifications shall be specific to the employer.

32.40.090 Credit For Prior Trip Reduction Efforts.

(1) As public recognition for their efforts, employers with VMT per employee and proportion of SOV trips lower than the zone average will receive a commute trip reduction certificate of achievement from the county.

(2) Employers with successful TDM programs implemented prior to the 1992 base year are eligible to apply for prior program credit. Affected employers may apply for prior program credit by applying to the county in their initial program description. Application shall include results from a base-year survey of employees, or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to the guidelines documented within the county's commute trip reduction plan. Employers applying for prior program credit shall be considered to have met the 1995 performance targets if their VMT per employee and proportion of SOV trips are equivalent to a 12 percent or greater reduction from the base-year zone values. This three percentage point credit applies only to the 1995 performance targets. The county will accept the existing CTR programs of any employers considered to meet the 1995 performance targets, as meeting all initial CTR program requirements except

for the following basic measures; a) Appoint Transportation Coordinator; b) Transportation Information Distribution; c) Annual Report on Performance.

32.40.100 Program Exemptions and Modifications and Performance Target Modifications

(1) An affected employer may request that the county grant an exemption from or modification of individual CTR program requirements other than designation of the ETC, transportation information distribution, and annual progress reports. The employer must demonstrate that it would experience undue hardship in complying with particular requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s).

(2) Modification of individual program measures shall not exempt an affected employer from complying with other required program measures.

(3) Affected employers may request CTR program exemptions or modifications at any time. The planning department shall review such requests and notify the employer of its decision in writing within 30 days of receipt of a written request for exemption or modification. The planning department shall review annually all employers receiving exemptions and modifications and shall determine whether they will remain in effect during the following program year.

(4) A total program exemption may be granted if and only if an affected employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that would reduce the proportion of SOV trips and VMT per employee.

(5) The county may grant requests for modifications or exemptions if one of the following conditions exist: (a) The employer can demonstrate it would be unable to comply with specific CTR program measures for reasons beyond the control of the employer; or (b) The employer can demonstrate that compliance with specific program measures would constitute an undue hardship. This may include evidence from employee surveys administered at the work site: first, in the base year, showing that the employer's own base-year values of VMT per employee and SOV rates were significantly higher than the CTR zone average; and subsequently, in the performance year(s) showing that the employer has achieved reductions from its own base-year values that meet the performance objectives established for the applicable performance year, or (c) An affected employer demonstrates that opportunities for alternative commute modes do not exist due to factors related to the work site, its work force, or characteristics of the business that are beyond the employer's control, or (d) Affected employers whose work site changes and that contributes substantially to traffic congestion in a CTR zone may request a

program modification to adapt to the new work site, or (e) Any other condition that can be demonstrated by an affected employer to warrant a modification.

(6) Any affected employer may request from the county a modification of performance targets. Modifications of performance targets may not be requested until the first performance year (1995). Grounds for granting modifications and the associated modifications are limited to the following: (a) An affected employer can demonstrate it requires significant numbers of its employees to use the vehicles they drive to work during the work day for work purposes. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode exists for these employees and/or that the vehicles cannot reasonably be used for carpools or vanpools. Under this condition the applicable performance targets will not be changed but those employees who need daily access to the vehicles they drive to work will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress. (b) An affected employer demonstrates that its work site is contiguous with a CTR zone boundary and that the work site conditions affecting alternative commute options are similar to those for employers in the adjoining CTR zone. Under this condition, the employer's work site may be made subject to the same performance targets as employers in the adjoining CTR zone.

32.40.110 Enforcement

(1) Enforcement of this chapter shall be pursuant to Title 28 of the Snohomish county code.

(2) Each of the following shall constitute separate violations if compliance with this chapter is not met: (a) failure to submit on time a complete commute trip reduction program; (b) failure to fully implement on time an approved CTR program; (c) failure to modify on time an unacceptable CTR program as required by the planning department; (d) failure to implement on time required CTR program modifications; (e) failure to submit on time an adequate annual progress report; (f) failure of a new affected employer to identify themselves on time to the planning department; and (g) submission of fraudulent data, with each day from the date of receipt of such data constituting a separate violation.

(3) Each day of each violation shall constitute a separate violation as per SCC Title 28. Fines for violations shall be \$125.

(4) An employer shall not be liable for civil penalties if failure to implement an individual element of a CTR program was the result of an inability to reach agreement within the preceding twelve-month period with a certified collective bargaining agent under applicable laws where the issue was raised

by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they: (a) propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and (b) advise the union of the existence of the statute and the mandates of the CTR program approved by county and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

32.40.120 Appeals of Violation Determinations and Penalties

(1) Appeals can be made by employers as per SCC Title 28 except that appeals of the hearing examiner's decision shall be made to the county council pursuant to chapter 2.02 of the Snohomish county code.

(2) Appeals will be evaluated by determining if the county's decisions were consistent with this chapter. Appeals may be granted if the employer can show the violations for which the penalties were imposed occurred for reasons beyond the control of the affected employer, or the penalties were imposed for the failure of the affected employer to revise its CTR program as directed by county and the affected employer can demonstrate that measures the county directed the affected employer to incorporate in its CTR program will not reduce the proportion of SOV trips and/or VMT per employee.

32.40.130 Uniformity Among Jurisdictions

(1) The county, as allowed by the interlocal cooperation act, will attempt to achieve uniformity of trip reduction plans among county, city, and tribal governments through interlocal agreements that interrelate each jurisdiction's work programs, performance objectives, CTR Plan requirements and geographic coverage. Jurisdictions may also, through interlocal agreement, establish procedures whereby the CTR programs of employers with multiple affected work sites are administered by a single, lead jurisdiction.

(2) Interlocal agreement between Snohomish County, Community Transit (CT) and affected cities should establish a process for coordinated CTR planning efforts and consensus on actions required for trip reduction plans and programs. Provisions for sharing revenues and impact mitigation fees can also be established through the interlocal agreement.

(3) Coordination of field surveys, sharing of monitoring data and joint data collection are activities in which the county should participate with other local governments and transit agencies.

32.40.140 Liberal Construction and Severability

(1) The provisions of this chapter shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare, and convenience.

(2) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or application of the provision to other persons or circumstances is not affected. The county council hereby declares that it would have adopted this chapter and each part or portions thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts and portions thereof be declared invalid or unconstitutional.

Section 2. This ordinance shall be effective on March 1, 1993.

PASSED this 24th day of February 1993.

SNOHOMISH COUNTY COUNCIL, Snohomish County, Washington

Karen Miller 2-24-93
for Chairperson Date

Approved as to form:

Gord V. St. J.
Deputy Prosecuting Attorney Date

ATTEST:

Barbara Silvestri 2-24-93
Clerk of Council, Ass Date

- () APPROVED
- () VETOED
- () EMERGENCY

[Signature] MAR 3 1993
County Executive Date

ATTEST:

Maureen B. Abel

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