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Approved:
Effective:

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 99-018

*RELATING TO COMMUTE TRIP REDUCTION PROGRAMS FOR MAJOR EMPLOYERS:
AMENDING SNOHOMISH COUNTY CODE CHAPTERS 32.40 AND 26B.55
CONSISTENT WITH THE 1997 REVISIONS TO THE STATE COMMUTE TRIP
REDUCTION LAW*

WHEREAS, the Washington State (State) Commute Trip Reduction (CTR) Law was adopted by the 1991 Legislature (Chapter 202, Sections 10 to 19) and incorporated into the Washington Clean Air Act as RCW 70.94.521-551; and

WHEREAS, the intent of the state CTR Law is to improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single-occupant vehicle for the commute trip; and

WHEREAS, RCW 70.94.527 of the state CTR law requires each county with a population over one hundred fifty thousand to adopt by ordinance requirements for major employers to implement commute trip reduction programs; and

WHEREAS, Snohomish County adopted Ordinance 92-163, on February 24, 1993 (codified as chapter 32.40 SCC) consistent with the requirements of the state CTR law; and

WHEREAS, on May 5, 1997, Washington State Governor Locke signed Substitute House Bill 1513 into law amending the state CTR Law; and

WHEREAS, certain revisions to chapter 32.40 SCC are necessary to be consistent with the 1997 amendments to the state CTR Law; and

WHEREAS, certain other revisions to chapter 32.40 SCC are desired for purposes of greater consistency with the CTR ordinances of other affected jurisdictions (especially affected cities in Snohomish County); and

WHEREAS, certain other revisions to chapter 32.40 SCC are desired to eliminate unnecessary details and redundancy, to be consistent with actual implementation practices, and to be consistent with the Snohomish County Code Remodel project.

THEREFORE BE IT ORDAINED:

Section 1. Snohomish County Code Section 32.40.010, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.010 Legislative findings.

(1) The 1992 Washington State Commute Trip (CTR) Reduction Law, codified as RCW 70.94.521-551, amended in 1997, requires local governments to adopt ordinances requiring major employers to implement CTR programs.

(2) The Washington State CTR Task Force provides guidelines to local governments on implementation policies and procedures which are aimed at ensuring consistency among local governments.

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

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

~~(1)(3) Reducing commuter vehicle miles traveled (VMTs) and the proportion of single-occupant vehicle (SOV) trips will help mitigate poor levels of service (LOS) on countywide arterials and at urban intersections.~~

~~(2)(4) Reductions in traffic congestion and the excessive vehicle miles traveled VMTs associated with commuter SOV use will help mitigate detrimental levels of petroleum fuel consumption, air pollution and noise.~~

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

(6) Snohomish County (county) recognizes the importance of increasing individual citizen's awareness of air quality, energy consumption, and traffic congestion, and the contribution individual actions can make towards addressing these issues.

(7) The county recognizes that the goals of CTR will not be met without supportive land use development and major public investment in infrastructure (e.g., high-occupancy vehicle lanes, bicycle lanes, pedestrian facilities, park and pool lots, bus shelters, etc.) and transit (i.e., capital expenditures on buses and vans as well as revenue streams to subsidize operations).

Section 2. Snohomish County Code Section 32.40.020, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.02040 Intent and performance - Goals and Objectives.

(1) ~~The intent of this chapter is to implement the county's strategy for achieving performance objectives for commute trip reduction as follows: CTR, including the reduction of VMTs and proportion of SOVs, by collaborating with employers at major worksites to increase the use of alternative modes of transportation by employees. Alternative modes include any modes of commute transportation in which the dominant mode (the mode of travel used for the greatest distance of a commute trip) is other than a single-occupant motor vehicle, including teleworking and alternative work schedules which result in reduced vehicle trips. Alternate modes also include, but are not limited to, transit, carpools, vanpools, walking, and bicycling.~~

(2) Reductions will be measured against base-year values using VMTs per employee and/or proportion of SOV trips. The goals for reductions are (a) to 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:

(a) 15 percent by January 1, 1995;

(b) reduce by 20 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;

~~(c) 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~~

~~(d) 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~~2005.

(3) This chapter adopts by references the county commute trip reduction CTR plan, as adopted by Council Motion 92-429, including any subsequent amendments. The plan includes:

- (a) the county's goals, objectives and policies for achieving commuter trip reductions;
- (b) designated commute trip reduction CTR zones;
- (c) methods for determining base-year values for proportion of single-occupant vehicle SOV trips and vehicle miles traveled VMTs 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 worksites including proposed amendments to the county's off-street parking ordinance chapter 18.45 SCC; and~~
- ~~(h) other relevant information.~~

(4) It is the intent that this chapter satisfy the requirements of the 1992 Washington State CTR Law, codified as RCW 70.94.521-551, and as amended in 1997.

(5) It is the intent that this chapter be consistent with the guidelines adopted by the Washington State CTR Task Force.

Section 3. Snohomish County Code Section 32.40.030, last amended by Amended Ordinance No. 93-140, on December 20, 1993 is amended to read:

32.40.03140 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 12 continuous months. For the purposes of defining affected employees the following apply:

(a) A 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.

(b) A 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.

(c) The Affected employees that report to more than one work site will only be counted at the primary work site.

(d) Seasonal agricultural employees, including seasonal employees of processors of agricultural products are excluded from the count of affected employees.

(2) "Affected employer" means 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 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) For the purposes of this chapter, newly affected employer means an employer that first meets the definition of affected employer after March 1, 1993 either by moving into the unincorporated county or by growing in employment at a worksite to 100 or more affected employees.

~~(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" means 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.~~

(74) "CTR 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. For newly affected employers, the base year is the one-year period after becoming affected.

(85) "CTR Base-year value" means the average vehicle miles traveled VMTs per employee and percentage proportion of single occupant vehicle SOV commute trips at an affected worksite as determined in one of two ways. The first option is for an affected employer to use the zone average for all employees arriving at work-sites in a commute trip reduction the same CTR zone as computed by the county for the base year. The second option is for the affected

employer to use the individual worksite's average VMTs and proportion of SOV commute trips as computed from base-year measurements at the worksite.

~~(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.~~

(6) "CTR Good Faith Effort" means that an affected employer has met the minimum requirements identified in this chapter and is working in collaboration with the county to continue its existing program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

~~(15) "CTR zone" means an area designated as such by the County's 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) "Department" means the Snohomish county department of public works.

(19) "Director" means the director of Snohomish county department of public works or authorized designee.

(20) "Dominant mode" means the mode of travel use for the greatest distance of a commute trip.

(21) "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.

(22) "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.

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

(24) "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.

(25) "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.

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

(27) "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.551 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.

(28) "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.

(29) "Newly 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 worksite to 100 or more affected employees.

~~(30) "Peak period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.~~

~~(31) "Performance objectives" mean reductions from base year values of 15 percent by 1995, 25 percent by 1997, and 35 percent by 1999 of vehicle miles traveled per employee and proportion of single-occupant vehicle trips.~~

~~(32) "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.~~

~~(33) "Performance year" means the years 1995, 1997, and 1999 in which performance on trip reduction will be evaluated.~~

~~(34) "Proportion of single-occupant vehicle trips" or "SOV rate" means the number of peak period (6:00 am to 9:00 am) 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.~~

~~(35) "Selectable measure" means a commute trip reduction measure included in addition to basic measures in a commute trip reduction program.~~

~~(36) "Single-occupant vehicle" (SOV) means a motor vehicle, including a motorcycle, occupied by one employee for commute purposes.~~

~~(37) "Single-occupant vehicle (SOV) trips" means commute trips made by affected employees in SOVs.~~

~~(38) "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.~~

~~(39) "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.~~

~~(40) "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.~~

~~(41) "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.~~

~~(42) "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.~~

~~(43) "Trip" means travel by a person from a place of origin to a destination unless otherwise denoted as a "vehicle" trip.~~

~~(44) "Vanpool" means a vehicle occupied by seven to 15 people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip.~~

~~(45) 10 "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. (46) "Vehicle miles traveled per employee" means the sum of vehicle miles traveled VMTs 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.~~

~~(47) "Vehicle trip" means travel by a vehicle from a place of origin to a destination.~~

~~(48) "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.~~

~~(49) "Week" means a seven-day calendar period, starting on Monday and continuing through Sunday.~~

~~(50) "Weekday" means any day of the week except Saturday or Sunday.~~

~~(51) "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).~~

~~(52) "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.~~

Section 4. Snohomish County Code Section 32.40.040, last amended by Amended Ordinance No. 93-145, on December 20, 1993 is amended to read:

32.40.0420 Applicability.

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

(2) If an affected employer reduces the number of affected employees to below 100 the following provisions apply:

~~(3)~~(a) It is the responsibility of ~~an~~ the affected employer to notify the department of Public Works (DPW) in writing twice: first within 30 days of reducing its number of affected employees to less than 100; and second within 11 months of the first letter indicating if the total number of affected employees is still below 100. Failure to properly notify DPW will result in retention of affected employer status until proper notice is given.

(b) (i) 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)~~ (ii) If ~~an~~ the affected employer reduces the number of affected employees to below 100 and expects does not to employ a total of 100 or more affected employees for the next 12 months following such reduction of employees at the end of the same 12-month period, that employer is no longer an affected employer.

~~(c)~~ (iii) 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 newly affected employer and will be subject to the same program requirements as other newly affected employers.

(3) The following provisions apply to newly affected employers:

~~(4)~~(a) The date upon which an employer is considered a newly 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)~~(b) Newly affected employers shall identify themselves to the department DPW within six months of the date they become a newly affected employer.

~~(6)~~(4) 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.

(7)(5) Any other entities not subject to this chapter including, but not limited to commercial businesses, residential developments, institutions, or other organized sites of activity may voluntarily implement CTR programs under this chapter. Such entities may apply the general concepts and procedures established in this chapter to any persons making trips to or from the sites.

(a) Entities choosing to voluntarily implement CTR programs will not be subject to the enforcement provisions of this chapter. Developers proposing trip reduction programs based upon the concepts and procedures established in this chapter or CTR programs under this chapter for purposes of trip reduction credit against Title 26B SCC traffic impact mitigation obligations shall be subject to the enforcement provisions of Title 26B SCC for purposes of trip reduction credits.

(b) The county will provide such entities with limited technical assistance and advice.

Section 5. Snohomish County Code Section 32.40.050, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.0530 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.

Section 6. Snohomish County Code Section 32.40.060, last amended by Amended Ordinance No. 93-140, on December 20, 1993, is amended to read:

32.40.0650 CTR program - Requirements for Affected Employers.

(1) Affected employers are required to make a CTR good faith effort to develop and implement CTR programs that will encourage their employees to reduce VMT per employee and proportion of SOV commute trips. In order to satisfy implementation requirements the following time limits shall apply:

~~(1)(a)~~ Affected employers shall have six months from the effective date of this chapter to submit CTR programs to the DPW department. ~~(2)~~ Newly affected employers shall have six months from the date they become newly affected employers to submit CTR programs to the DPW department.

(15)(b) Affected employers shall have six months from the date of their initial CTR program submittal to implement approved CTR programs 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 the affected employer's CTR program.

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

(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~~

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

~~CTRZ B — Southwest Zone~~

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

~~CTRZ C — Everett Mukilteo Zone~~

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

(2) Every two years, affected employers are required to measure progress towards the CTR goals in reducing VMT per employee and SOV commute trips. Affected employers will measure progress through employee surveys using forms provided by the county or through equivalent data approved by the county. Base-year measurements are required of newly affected employers. CTR goals by zone and year are shown in Table 1.

Table 1: CTR Measurement Goals by Zone and Year

<u>CTR ZONE A — Rural North and East Zone</u>					
<u>Measure- ment Goal</u>	<u>Year</u>	<u>Newly Affected</u>	<u>% Goal Reductions</u>	<u>VMT/ Employee</u>	<u>SOV%</u>
<u>0</u>	<u>1992 (Base)</u>	<u>Year 0</u>		<u>7.7</u>	<u>82%</u>
<u>1</u>	<u>1995</u>	<u>Year 2</u>	<u>15%</u>	<u>6.5</u>	<u>69%</u>
<u>2</u>	<u>1997</u>	<u>Year 4</u>	<u>20%</u>	<u>6.1</u>	<u>65%</u>
<u>3</u>	<u>1999</u>	<u>Year 6</u>	<u>25%</u>	<u>5.7</u>	<u>61%</u>
<u>4</u>	<u>2001</u>	<u>Year 8</u>	<u>25%</u>	<u>5.7</u>	<u>61%</u>
<u>5</u>	<u>2003</u>	<u>Year 10</u>	<u>25%</u>	<u>5.7</u>	<u>61%</u>
<u>6</u>	<u>2005</u>	<u>Year 12</u>	<u>35%</u>	<u>5.0</u>	<u>53%</u>
<u>CTR ZONE B — Southwest Zone</u>					
<u>Measure- ment Goal</u>	<u>Year</u>	<u>Newly Affected</u>	<u>% Goal Reductions</u>	<u>VMT/ Employee</u>	<u>SOV%</u>
<u>0</u>	<u>1992 (Base)</u>	<u>Year 0</u>		<u>7.3</u>	<u>82%</u>
<u>1</u>	<u>1995</u>	<u>Year 2</u>	<u>15%</u>	<u>6.2</u>	<u>69%</u>
<u>2</u>	<u>1997</u>	<u>Year 4</u>	<u>20%</u>	<u>5.8</u>	<u>65%</u>
<u>3</u>	<u>1999</u>	<u>Year 6</u>	<u>25%</u>	<u>5.4</u>	<u>61%</u>
<u>4</u>	<u>2001</u>	<u>Year 8</u>	<u>25%</u>	<u>5.4</u>	<u>61%</u>
<u>5</u>	<u>2003</u>	<u>Year 10</u>	<u>25%</u>	<u>5.4</u>	<u>61%</u>
<u>6</u>	<u>2005</u>	<u>Year 12</u>	<u>35%</u>	<u>4.7</u>	<u>53%</u>
<u>CTR ZONE C — Everett-Mukilteo Zone</u>					
<u>Measure- ment Goal</u>	<u>Year</u>	<u>Newly Affected</u>	<u>% Goal Reductions</u>	<u>VMT/ Employee</u>	<u>SOV%</u>
<u>0</u>	<u>1992 (Base)</u>	<u>Year 0</u>		<u>8.5</u>	<u>80%</u>
<u>1</u>	<u>1995</u>	<u>Year 2</u>	<u>15%</u>	<u>7.2</u>	<u>68%</u>
<u>2</u>	<u>1997</u>	<u>Year 4</u>	<u>20%</u>	<u>6.8</u>	<u>64%</u>
<u>3</u>	<u>1999</u>	<u>Year 6</u>	<u>25%</u>	<u>6.3</u>	<u>60%</u>
<u>4</u>	<u>2001</u>	<u>Year 8</u>	<u>25%</u>	<u>6.3</u>	<u>60%</u>
<u>5</u>	<u>2003</u>	<u>Year 10</u>	<u>25%</u>	<u>6.3</u>	<u>60%</u>
<u>6</u>	<u>2005</u>	<u>Year 12</u>	<u>35%</u>	<u>5.5</u>	<u>52%</u>

(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~~

(3) A CTR program must contain all the following three basic measures elements, including:

(a) Appoint Designated Employee Transportation Coordinator. This measure refers to the designation of an Employee Transportation Coordinator (ETC). ~~The ETC is an individual appointed by an affected employer to manage the implementation and ongoing operation of the commute trip reduction CTR programs.~~

(i) Affected employers must designate at least one ETC for every affected worksite and post the ETC's name in a conspicuous location.

(ii) Typical tasks for the ETC 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.

(iii) 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 CTR program. Information distribution can take the form of include, but is not limited to, brochures, flyers, company newsletter articles, electronic mail 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 the 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 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) Employer Annual Report and Program Description 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. Each affected employer's program must include an annual review of employee commuting and of progress and CTR good faith efforts toward meeting the CTR goals.~~

~~(i) Each affected employer shall prepare and submit the report on a form provided by the county.~~

~~(ii) In the report, the affected employer will indicate which CTR measures comprised its CTR program during the previous year, any modifications of its CTR program for the next year, the results of measurements (i.e., employee surveys or equivalent data) during measurement years, information about the ETC, and information about the worksite.~~

~~(6)(4) Additional Measures. Under option 1 a CTR program shall also include additional selectable measures to meet the following requirements: aimed at reducing commute trips and helping to achieve the applicable CTR goals. Affected 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 employee commuting needs. Additional measures may include, but are not limited to, one or more of the following~~

~~(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 401-1,000 affected employees, and large employers are those with 1,001 or more affected employees.

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

CTR-ZONE	By CTR Zone and Size of Employer		
	Small Employer (100-400 Emp.)	Medium Employer (401-1,000 Emp.)	Large Employer (1,001+ Emp.)
Rural	2 from Cat. 1	3 from Cat. 1	4 from Cat. 1
Southwest	2 from Cat. 1	3 from Cat. 1	3 from Cat. 1
Everett/Mukilteo	2 from Cat. 1	1 from Cat. 2 3 from Cat. 1	2 from Cat. 2 3 from Cat. 1
		1 from Cat. 2	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) Telework/commuting. This measure refers to programs by affected 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 one half.

(c) Modified or Flexible Work Schedules. This measure would entail changes in employee schedules to reduce commute trips or facilitate ridesharing.

(i) 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.

(ii) Peak period commute trips can be eliminated through shifted trips by modifying work schedules such that the regular workday begins before the peak at 5:36:00 a.m. or after the peak at 9:39:00 a.m. (iii) 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 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 transportation management organizations (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 High-Occupancy Vehicle (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. ~~Affected~~ employers of more than 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 10 miles and serve locations unable to support regular fixed route bus services.~~

(l) **Subsidized Ridesharing.** This measure entails a financial contribution by the affected 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 worksite.

(o) **Redesign Site for Pedestrian and Bicycle Accessibility and Circulation.** This measure refers to capital improvements at worksites 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"~~ 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.

~~(d)~~(t) Ridematching Program (Personalized/ Regional). Affected ~~e~~Employers ~~must~~ are encouraged to implement a combination of "in-house" ridematching and "regional" ridematching. ~~The~~ An affected employer's in-house ridematching ~~will~~ would 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.~~

~~(t)~~(u) Other Innovative Measures. ~~Employers may substitute~~ Affected employers are encouraged to try other 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).~~ list above.

~~—(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 percent reduction by 1999 from base-year values of VMT/employee and SOV rate with intermediate reductions of 15 percent by 1995 and 25 percent 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)(5) Under all three options a Δ CTR program must also include, at the following minimum requirements:~~

~~(a) a general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the affected employer or its employees;~~

~~(b) the number of employees affected by the CTR program;~~

~~(c) documentation of intent to implement the three 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 childcare 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 worksite 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.~~

~~—(16) Each affected employer shall submit an annual progress report to the 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.~~

~~(17)~~ (6) Affected employers shall maintain all records of their CTR program for a minimum of 48 months.

Section 7. Snohomish County Code Section 32.40.070, last amended by Amended Ordinance No. 93-140, on December 20, 1993, is amended to read:

32.40.0760 CTR program administration requirements, review and modification requirements.

(1) DPW shall review affected employers' initial CTR program descriptions and annual reports for compliance with this chapter.

(a) Upon receipt of an affected employer's initial CTR program description ~~The department~~ DPW shall review it for compliance with this chapter.

(i) DPW shall notify the affected employer in writing within three months of submittal stating if whether the CTR program is approved or not approved.

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

(iii) If the CTR program is not approved the written notification will give cause therefore and make a request for revision of the CTR program.

~~(4)(b)~~ Upon receipt of an affected employer's annual report ~~the department~~ DPW shall review it for compliance with this chapter. ~~The DPW will determine~~ if the affected employer has fully implemented its approved CTR program and, during performance years, if the affected employer has achieved, or made progress towards its applicable CTR goals. ~~The DPW department~~ shall notify the employer in writing within three months of submittal stating:

(i) if the annual progress report is adequate;

(ii) if the affected employer has fully implemented its CTR program; and

(iii) any requested or required CTR program modifications.

(2) The following criteria shall be used to determine requirements for affected employer CTR program modifications.

(a) If an affected employer has met the applicable CTR goal for VMT per employee or proportion of SOV trips, 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;~~

(b) If an affected employer makes a CTR good faith effort, but has not met or is not likely to meet the applicable SOV or VMT CTR goals, the county shall work collaboratively with the employer to make modifications to the employer's CTR program. After agreeing on modifications, the affected employer shall within thirty days submit a revised CTR program description to the county for approval.

~~(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.~~

(c) If an affected employer fails to make a CTR good faith effort, and has failed to meet the applicable SOV or VMT CTR goal, the county shall work collaboratively with the employer to identify modifications to the employer's CTR program and shall direct the employer to revise its CTR program within 30 days to incorporate the modifications.

~~(3)(i) In response to notice from the county requesting modifications, within 30 days an affected employer shall submit to the department DPW within 30 days a revised CTR program, including the requested modifications or equivalent measures.~~

(ii) The county shall review the revisions and notify the employer of acceptance or rejection of the revised program.

(iii) 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 will be expected to attend for the purpose of reaching a consensus on the commute trip reduction CTR program.

(iv) A final decision stating the required program will be issued in writing by the county within 10 working days of the scheduled conference.

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

(6)(3) An affected employer, at any time other than while an appeal is pending, may request an administrative conference with the DPW 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)(4) An affected 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~~ prior to 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 will automatically be granted for 30 days. Extensions shall not exempt an affected employer from any responsibility in meeting ~~performance target~~ CTR goals. 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 affected employer's annual progress report date shall not be adjusted permanently as a result of these extensions.

~~(8)(5)~~ The DPW director may, ~~for~~ with reasonable cause, extend the review deadline up to three months for review of initial CTR programs or review of annual progress reports.

Section 8. Snohomish County Code Section 32.40.080, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.0870 Transportation management organizations.

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

~~(2) Transportation management organizations, TMOs, TMAs 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 worksites. The transportation management organization TMOs or TMAs, 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.~~

Section 9. Snohomish County Code Section 32.40.090, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.0980 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)~~ Affected employers with successful ~~TDM~~ trip reduction programs implemented prior to the 1992 their base year are eligible to apply for prior program credit.

(a) (1) 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 all applicable standards established in the CTR Task Force Guidelines, the guidelines documented within the county's commute trip reduction plan.

(b)(2) Affected employers applying for prior program credit shall be considered to have met the ~~1995 performance target~~ first measurement goals 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 first measurement goals, 1995 performance targets.

(c)(3) The county will accept the allow existing CTR trip reduction programs of any affected employers considered found to meet the 1995 performance target first measurement goals as to also 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. three basic elements: appointment of an ETC, transportation information distribution, and annual report on performance.

Section 10. Snohomish County Code Section 32.40.100, last amended by Amended Ordinance No. 93-140, on December 20, 1993, is amended to read:

32.40.1090 Program exemptions, employee exemptions and modifications and performance target modifications of CTR goals.

~~—(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) (1) Affected employers may request CTR program exemptions or modifications at any time. The department, DPW shall review such requests and notify the employer of its decision in writing within 30 days of receipt of a written request for a program exemption or modification. DPW will review a request for CTR exemptions or modifications in accordance with procedures and~~

criteria identified in the CTR Task Force Guidelines. The department DPW shall review annually all affected employers receiving program exemptions and/or modifications and shall determine whether they will remain in effect during the following program year.

~~(4)(a)~~ A total-program exemption may be granted if and only if an affected employer demonstrates that it faces an 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 worksite: 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 worksite, its work force; or characteristics of the business that are beyond the employer's control; or

~~(d)~~ affected employers whose worksite changes and that contributes substantially to traffic congestion in a CTR zone may request a program modification to adapt to the new worksite; or

~~(e)~~ any other condition that can be demonstrated by an affected employer to warrant a modification.

(b) Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group through identical shifts. Under this condition the applicable CTR goals will not be changed; instead exempted employees will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the affected employer's progress.

~~(6)(2) Any affected employer may request from the county a modification of performance targets. CTR goals. 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 th employer's~~

~~———— (b) an affected employer demonstrates that its worksite is contiguous with a CTR zone boundary and that the worksite conditions affecting alternative commute options are similar to those for employers in the adjoining CTR zone. Under this condition, the employer's worksite may be made subject to the same performance targets as employers in the adjoining CTR zone. Such request shall be made in writing at least 60 days prior to the date the worksite is required to submit its program description and annual report. The CTR goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program. Modifications of CTR goals may not be requested until one year after the county approval of the affected employer's initial program description and annual report.~~

Section 11. Snohomish County Code Section 32.40.110, last amended by Amended Ordinance No. 93-140, on December 20, 1993, is amended to read:

32.40.1400 Enforcement.

(1) Enforcement of this chapter shall be pursuant to Title 28 SCC.

(2) No affected employer may be held liable for failure to reach the applicable SOV or VMT CTR goals.

~~(2)(3) 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~~ CTR program;

(b) failure to fully implement on time an approved CTR program, unless the program elements carried out can be shown through quantifiable evidence to meet or exceed the CTR goals established in this chapter;

(c) failure to timely modify ~~on-time~~ an unacceptable CTR program as required by the ~~department~~DPW;

(d) failure to timely implement ~~on-time~~ required CTR program modifications;

(e) failure to timely submit ~~on-time~~ an adequate annual progress report;

(f) failure of a newly affected employer to timely identify ~~themselves~~itself ~~on-time to the department~~; and DPW;

(g) submission of fraudulent data, with each day from the date of receipt of such data constituting a separate violation; or

(h) failure to make a CTR good faith effort as defined in this chapter.

~~(3)~~(4) Each day of each violation shall constitute a separate violation as per Title 28 SCC. Fines for violations shall be \$125.00 per day, per violation.

~~(4)~~(5) An affected 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 12-month period with a certified collective bargaining agent under applicable laws where the issue was raised by the affected employer and pursued in good faith. Unionized affected employers shall be presumed to act in good faith compliance if they:

(a) propose to a recognized union any provision of the affected 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 the county and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

Section 12. Snohomish County Code Section 32.40.120, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.1210 Appeals of violation determinations and penalties.

(1) Appeals can be made by affected employers as per Title 28 SCC except that appeals of the Hearing Examiner's decision shall be made to the County Council pursuant to chapter 2.02 SCC.

(2) Appeals will be evaluated by determining if the county's decisions were consistent with this chapter. Appeals may be granted if the affected 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 the county and the affected employer can demonstrate

that measures the county directed the affected employer to incorporate in its CTR program ~~will~~ would not reduce the proportion of SOV trips and/or VMTs per employee.

Section 13. Snohomish County Code Section 32.40.130, adopted by Ordinance No. 92-163 on February 24, 1993, is amended to read:

32.40.1320 Uniformity among jurisdictions.

(1) The county, as allowed by the Interlocal Cooperation Act, chapter 39.34 RCW, will attempt to achieve uniformity of ~~trip reduction~~ CTR plans among the county, affected cities, 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 affected employers with multiple affected worksites are administered by a single, lead jurisdiction.

(2) Interlocal agreement between ~~Snohomish~~ the county, Community Transit (~~CT~~) and affected cities should establish a process for coordinated CTR planning efforts and consensus on actions required for ~~trip reduction~~ CTR 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.~~

Section 14. Snohomish County Code Section 32.40.140, adopted by Ordinance No. 92-163 on February 24, 1993, is renumbered to SCC 32.40.130.

Section 15. Snohomish County Code Section 26B.55.130, adopted by Ordinance No. 90-186 on November 14, 1990 and last amended by Amended Ordinance 95-039 on June 28, 1995 is amended to read:

26B.55.130 Transportation demand management (TDM).

(1) Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single-occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. This is a particularly important strategy in cases where road facilities have already reached the practical limit for physical expansion, congestion is severe and projections for future traffic indicate continued growth.

(2) TDM employs a wide range of measures to increase the use of ridesharing, carpools, vanpools, transit, and non-motorized transportation such as bicycling and walking. Transportation coordinators, ridematch assistance, preferential parking, flextime, transit subsidies, increased parking fees, reduced parking supply, and provision of shuttle services in areas lacking transit service are examples of TDM measures. TDM measures can be characterized as site-design features facilitating TDM compatibility which consist of fixed physical features in site design or capital facilities, and programmatic measures specific to users of the sites (e.g., employers, customers, clients).

(3) Trip Reduction Credits Procedures. Developers are encouraged to provide TDM measures to mitigate their traffic impacts and may be eligible for trip reduction credits.

(a) Developers will be informed of TDM options at the presubmittal conference.

(b) The department will help developers apply the on-site design principles of Sno-Trans' "A Guide to Land Use and Public Transportation" (document available for reference at the department) to facilitate compatibility with TDM.

(c) TDM measures eligible for trip reduction credits may include construction of on-site design features for TDM compatibility and/or implementation of voluntary trip reduction programs. Additional TDM measures with an area-wide impact may be eligible for trip reduction credits on a case-by-case basis.

(d) Developers wishing to receive credits by providing TDM measures must provide TDM plans with their initial development application. Such TDM plans will describe the TDM measures proposed for the development.

(e) The department will determine if a development application's TDM plan meets the requirements for on-site TDM compatibility and/or voluntary trip reduction programs and/or measures with an area-wide impact and will determine the amount of trip reduction credits allowed.

(f) A development proposing TDM measures shall include the TDM plan as part of a mitigation proposal under SCC 26B.55.010.

(g) The written submittal of voluntary trip reduction programs shall be provided in the TDM plan in a form acceptable to the department. When a traffic study is required the submittal will be part of that study.

(h) On-site features accepted for TDM compatibility in a mitigation proposal and/or measures with area-wide impacts allowed credits under this section must be constructed before any certificate of occupancy or final inspection will be issued.

(i) Special access easements accepted for TDM compatibility in a mitigation proposal must be recorded as restrictive covenants on the appropriate property title(s) before any certificate of occupancy or final inspection will be issued.

(j) Voluntary trip reduction programs accepted for TDM compatibility in a mitigation proposal must be recorded as restrictive covenants on the appropriate property title(s) before any certificate of occupancy or final inspection will be issued. Such restriction shall state that the owner agrees to the implementation and ongoing operation of a voluntary trip reduction program as per Title 32 SCC by the proposed occupant(s) of the site and by all subsequent occupants as a condition of use for that property.

(i) The department will release the owner from title restrictions after a six-year time period during which the owner of the development demonstrates satisfactory fulfillment of the terms of the voluntary trip reduction program as agreed upon in the TDM plan.

(ii) The department will determine fulfillment of the terms of the voluntary trip reduction program through the development's annual report and through verification by the department's monitoring program under SCC 26B.55.130(9)(d).

(iii) If the department determines that the terms of the voluntary trip reduction program are not being fulfilled the department will notify the developer or owner in writing.

(iv) After the determination of program fulfillment has been made for the sixth year of the voluntary trip reduction program, the department shall, within 90 days provide appropriate documentation enabling the owner to remove the voluntary trip reduction program title encumbrance.

(k) Voluntary trip reduction programs accepted for any development occupied by an affected, major employer subject to the provisions of the commute trip reduction ordinance, chapter 32.40 SCC, shall, in any cases of conflicting requirements, meet the requirements of chapter 32.40 SCC.

(4) Application of Trip Reduction Credits. Trip reduction credits allowed to developers will be used in determining the development's traffic impacts subject to mitigation.

(a) Approved trip reduction credits will be applied against a development's calculated vehicle trip generation including p.m. peak-hour trips and ADT. The adjusted vehicle trip generation number reflecting approved trip reduction credits may be used in one or more of the following ways:

(i) In determining any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads; and/or

(ii) In determining impacts for concurrency determinations as per SCC 26B.55.030; and/or

(iii) In determining peak-hour trips impacting inadequate road conditions as per SCC 26B.55.040(1); and/or

(iv) To determine a development's impacts on other jurisdiction's transportation facilities.

(b) Developers required to provide TDM in accordance with this title may use trip reduction credits approved under this section to satisfy those requirements as follows:

(i) Developers may use trip reduction credits approved under this section, equal to or greater than the minimum required trip reduction percentage to completely satisfy a requirement to provide TDM.

(ii) Developers may use trip reduction credits approved under this section, less than the minimum required trip reduction percentage, to partially satisfy a requirement to provide TDM. In this case, the amount of the developer's TDM obligation under SCC 26B.55.140(3) shall be reduced by a factor equal to the development's approved percent trip reduction credits divided by the minimum required trip reduction percentage.

(c) The department will encourage other jurisdictions to allow trip reduction credits granted to a development to apply against its calculated trip generation including p.m. peak-hour trips and ADT for use in determining impacts on state facilities as per SCC 26B.55.070 or other jurisdiction's facilities as per SCC 26B.55.080.

(5) Modification of TDM Plans. After occupancy or upon resale, a development and/or owner which decides to not implement or discontinue a trip reduction program contrary to the title covenant or to remove or cease maintaining site-design features contrary to the developer's TDM plan may do so by making a payment to the department equal to the amount of the discount(s) resulting from the initial credit to any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county roads, mitigation requirement and/or any TDM payment under SCC 26B.55.140(1) with adjustments for inflation.

(a) The county shall, upon receipt of such payment release the developer and/or owner from any further trip reduction program obligation and allow the developer and/or owner to remove the restrictive covenant and/or release the developer and/or owner from obligations of the TDM plan. Upon failure by a developer and/or owner to make such payment in full to the department, the director, after notice to the developer and/or owner, may place a lien upon the property for an amount equal to the required payment and/or withhold further certificates of occupancy or occupancy approval.

(b) Upon failure by a developer and/or owner to maintain on-site features approved as part of a TDM plan or to continue an approved trip reduction program contrary to a restrictive covenant, the director, after notice to the developer and/or owner, may place a lien upon the property for an amount equal to the discount(s) resulting from the initial credit to any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of county

roads, mitigation requirement and/or any TDM payment under SCC 26B.55.140(1) with adjustments for inflation.

(6) Trip Reduction Credits for TDM Compatible On-Site Design Features for Commercial Developments. The department will allow a five percent trip reduction credit to any commercial development including multi-family residential deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network; and

(b) A safe, convenient pedestrian facility that meets the department's engineering design and development standards (EDDS) that joins the front building entrance(s) directly with frontage improvements; and

(c) A safe, convenient pedestrian facility that meets EDDS that joins the front building entrance(s) with all other on-site front building(s) entrances; and

(d) A safe, convenient pedestrian facility that meets EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development; and

(e) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers; and

(f) Where practicable and desirable the use of minimum setbacks to reduce walking distances; and

(g) Where practicable and desirable the placement of vehicle parking to the sides and the rear of the buildings; and

(h) Where practicable and desirable lighting and weather protection for pedestrian facilities; and

(i) For nonresidential developments, secure bicycle parking (preferably covered) spaces located near the front entrance(s) that number at least two percent of the development's calculated p.m. peak-hour trips; and

(j) For employment sites, signed preferential parking spaces for carpools or vanpools that number at least six percent of any employee parking spaces.

(7) Additional Trip Reduction Credits for TDM Compatible On-Site Design Features for Commercial Developments. The department will allow additional trip reduction credits as indicated below to any commercial development including multi-family residential voluntarily agreeing to implement a voluntary trip reduction program under this section and deemed "TDM compatible" for on-site design under this section which constructs or incorporates certain additional on-site features to the satisfaction of the department.

(a) For employment sites an additional one percent trip reduction credit for on-site bicycle facilities including bicycle parking lockers or secure/covered racks and bicyclist/pedestrian shower and locker facilities sufficient to meet the needs of one percent of the development's peak-hour trips; and/or

(b) An additional one percent trip reduction credit for a reduction of required parking spaces under SCC 18.45.055 resulting in provision of parking spaces less than the amounts specified as minimum requirements under SCC 18.45.040.

(8) Trip Reduction Credits for TDM Compatible On-Site Design Features for Residential Developments. The department will allow a five percent trip reduction credit to any subdivision or short subdivision for single-family and/or duplex residential units deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network; and

(b) A safe, convenient pedestrian facility that meets EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development; and

(c) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers; and

(d) Where practicable and desirable, lighting and weather protection for pedestrian facilities; and

(e) An overall density of at least four dwelling units per gross acre.

(9) Trip Reduction Credits for Voluntary Trip Reduction Programs for Commercial Development. The department will allow a five percent trip reduction credit to a commercial development including multi-family residential which voluntarily agrees to implement a trip reduction program as per SCC 32.40.040(6) through (9) and under this section.

(a) Voluntary trip reduction programs under this section will meet the same basic requirements as those required of affected employers ~~choosing option 1 under SCC 32.40.06~~ under SCC chapter 32.40 with the following exceptions and/or modifications:

(i) use of concepts applying to "employer(s)" and "employee(s)" will be applied to "developer(s)", "owners", "managers", or "occupants" and to any persons making trips to and from the development site; and

(ii) use of concepts applying to "Commute Trip Reduction" or "CTR" will be applied to "Trip Reduction" in general and include trips outside the peak hours; and

(iii) the term "Transportation Coordinator" will be used instead of "Employee Transportation Coordinator"; and

(iv) the CTR zones, CTR ~~performance target goals~~, and surveys as per SCC 32.40.060(5)~~(e1)~~(e) will not apply to voluntary trip reduction programs under this section.

(b) Voluntary trip reduction programs under this section will include the "basic measures" of designation of a transportation coordinator, distribution of information and annual report, ~~and ridematching program~~.

(i) The transportation coordinator must ~~at minimum~~ provide the following: be regularly available to answer questions on how to access the site using alternative transportation modes, be able to provide information about the nearest transit stops and routes, provide employees or residents with ridematch applications for the regional ridematch program and provide personalized ridematching assistance, and be available to the department to coordinate the monitoring of the development's trip reduction program.

(ii) The annual report shall be on a form available from the department. The annual report shall be submitted to the department each year prior to the anniversary date of the issuance of the development's initial occupancy permit. The annual report will provide information to the department indicating the status of the trip reduction program including at minimum: confirmation of continuing operation of the program, any changes in the program, results from any formal or informal surveys, and a general assessment of the effectiveness of the program.

(c) Additional trip reduction measures which may include any of the following:

(i) Programmatic / Minor Capital measures may include ridematching programs (in-house and/or regional), guaranteed ride home, commuter information centers, preferential HOV parking, bicycle facilities (racks, showers, lockers), alternative work schedules (flex time, compressed work weeks), teleworking, restrictions on parking availability, enhanced promotions and marketing, participation in transportation management associations (TMAs), or other innovative measures.

(ii) Service / Major Capital measures may include subsidized bus service, subsidized ridesharing, other monetary incentives, instituting parking charges, provisions of vehicles for ridesharing, design of site for transit compatibility, on-site day care, construction of transit/rideshare shelters and loading areas, or other innovative measures.

(d) Voluntary trip reduction programs under this section will include an additional minimum number of additional trip reduction measures from the "Selection Menu", chapter 32.40 SCC Table 1, to meet the following requirements: subsection 26B.55.130(9)(c) based on the number of ADT generated by the development.

(i) developments with 200 or less ADT: no additional-selectable measures; and

(ii) developments with 201 — 800 ADT: one additional measure; and

(iii) developments with 801 — 2,000 ADT: two additional measures; and
(iv) developments with 2,001 — 10,000 ADT: three additional measures at least one of which must be from ~~category two or area-wide enhancements~~ 26B.55.130(9)(c)(ii); and

(v) developments with 10,000 or more ADT: four additional measures at least two of which must be from ~~category two or area-wide enhancements~~ 26B.55.130(9)(c)(ii).

(d) The department shall have the right to monitor voluntary trip reduction programs under this section including:

(i) semi-annual telephone calls to the transportation coordinator to confirm the program's status; and

(ii) annual site visits, by appointment, to confirm the program's status and maintenance of TDM-compatible site features.

(10) Additional Trip Reduction Credits for Trip Reduction Measures with Area-Wide Impact. The department may allow to a development on a case-by-case basis additional trip reduction credits for on-site measures with an area-wide impact not used to satisfy requirements under SCC 26B.55.130(9).

(a) The department may allow up to a five percent trip reduction credit for one or a combination of more than one of the following:

(i) mixed-use site design; and/or

(ii) construction of designated, signed commuter parking spaces for commuters accessing transit, carpools, or vanpools (i.e. park-and-pool or park-and-ride spaces) PROVIDED, That the total number of parking spaces constructed by any non-residential development is less than or equal to the minimum specified under SCC 18.45.040; and/or

(iii) other innovative projects with area-wide impacts approved by the department.

(b) Such credits may only be allowed based upon analysis in a traffic study by the developer which substantiates that the measure(s) are likely to achieve the requested trip reduction or achieve a commensurate reduction in vehicle trips from traffic in the area (existing traffic or traffic not generated by the development). Such substantiation must include detailed data on the travel characteristics of the affected trip-makers, identification of the selected trip reduction measures and their relationship to the travel characteristics of the affected trip-makers, specification of the percent reduction likely for each of the selected trip reduction 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.

Section 16. Severability. If any provision of this ordinance is held invalid, the remainder shall not be affected. The county council hereby declares that it would have adopted this ordinance and each part or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts and portions thereof be declared invalid or unconstitutional.

PASSED this 24th day of March 1999.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Richard M. Yuse
Chair

ATTEST:

Barbara Stanton

Asst. Clerk of the Council

() APPROVED
() VETOED
() EMERGENCY
DATE 3-26-99

Robert Drewel
Robert Drewel
County Executive

ATTEST: Jenna Swanson

Approved as to form only:

Duana Koloušková
Duana Koloušková
Deputy Prosecuting Attorney