

116657

35MM

2 sheets

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE No. 116657

COUNCIL BILL No. 109614

AN ORDINANCE adopting a Commute Trip Reduction Plan; adding a new Chapter 25.03 to the Seattle Municipal Code; establishing requirements for major employers to implement the Washington Clean Air Act; and prescribing penalties.

See Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation

to which was referred the within Council Bill No. 109614
report that we have considered the same and respectfully recommend that the

Pass 1-0

Pass is Amended
Full Council vote 7-0

Martha Chae

Committee Chair

COMPTROLLER FILE No.

Introduced: <u>APR 29 1993</u>	By: <u>CHOE</u>
Referred: <u>APR 29 1993</u>	To: <u>Transportation</u>
Referred:	To:
Referred:	To:
Reported: <u>APR 26 1993</u>	Second Reading: <u>APR 26 1993</u>
Third Reading: <u>APR 28 1993</u>	Signed: <u>APR 26 1993</u>
Presented to Mayor: <u>APR 27 1993</u>	Approved: <u>APR 29 93</u>
Returned to City Clerk: <u>APR 29 93</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>(OK)</u>

ORDINANCE 116657

1 An ORDINANCE adopting a Commute Trip Reduction Plan; adding a new Chapter
2 25.02 to the Seattle Municipal Code; establishing requirements for major employers to
3 implement the Washington Clean Air Act; and prescribing penalties.

4 WHEREAS, the Washington State Clean Air Act, RCW 70.94.521-551, requires local
5 governments to adopt ordinances and plans to reduce single-occupant vehicle
6 commute trips: and

7 WHEREAS, the Clean Air Act requires major employers to develop and implement
8 commute trip reduction programs which are approved by local government;
9 and

10 WHEREAS, the City Council finds that this ordinance is necessary to implement the
11 Clean Air Act and to protect the health, safety and welfare of the general
12 public;

13 NOW, THEREFORE,

14 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS
15 FOLLOWS:

16 Section 1. There is hereby added to title 25, Seattle Municipal Code, a new
17 chapter to be numbered, titled and to read as follows:

18 Chapter 25.02

19 COMMUTE TRIP REDUCTION

20 Table of Contents

21	25.02.010	Title
22	25.02.020	Purpose
23	25.02.030	Definitions
24	25.02.040	Employer's Commute Trip Reduction Program
25	25.02.040 A.	Program Submittal and Implementation
26	25.02.040 B.	Program Content
27	25.02.040 B. 1.	Employee Transportation Coordinator
28	25.02.040 B. 2.	Distribution of Information
	25.02.040 B. 3.	CTR Program Measures
	25.02.040 B. 4.	Additional Program Measures
	25.02.040 B. 5.	CTR Worksite Characteristics
	25.02.040 B. 6.	Record Keeping
	25.02.040 C.	Program Review and Approval
	25.02.050	Employer's Annual Report
	25.02.050 A.	Submittal
	25.02.050 B.	Content

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Table of Contents (continued)

1	25.02.060	Commuter Trip Reduction Goals, Zones and Base Year Values
	25.02.060 A.	Employer's CTR Goals
2	25.02.060 B.	CTR Zones
	25.02.060 C.	Base Year Values and Modifications
3	25.02.070	Exemptions, Credit, and Adjustment to Calculation of Affected Employee
	25.02.070 A.	Exemptions
4	25.02.070 B.	Credit for Successful TDM Program
	25.02.070 C.	Credit for Telecommuting, Bicycling, etc.
5	25.02.070 D.	Adjustment to Definition of Affected Employee
	25.02.080	Appeal of Director's Final Decision
6	25.02.090	Civil Penalties
	25.02.100	Administration
7	25.02.100 A.	Authority to Promulgate Administrative Rules
	25.02.100 B.	Peer Review
8	25.02.100 C.	Appeals Board

9 25.02.010 Title.

10 This chapter shall be known and may be cited as the "Seattle Commute Trip
11 Reduction Ordinance."

12 25.02.020 Purpose.

13 The purpose of this chapter is to implement the Washington State Clean Air Act,
14 RCW 70.94.521-551.

15 25.02.030 Definitions.

16 For the purposes of this chapter the following words or phrases are defined as
17 described below.

18 A. Affected employee: A full-time employee who begins his or her regular work
19 day at a single worksite between 6 a.m. and 9 a.m. (inclusive) on two or
20 more weekdays.

21 B. Affected employer: A private or public employer that for twelve (12)
22 continuous months employs one hundred (100) or more full-time employees at
23 a single worksite who are scheduled to begin their regular work day between
24 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays, even if the
25 identity of the employees varies over time. This is equivalent to the term
26 "major employer" used in RCW 70.94.521-551.

27 C. Alternative mode: A method of commuting to work other than a single-
28 occupant motor vehicle being the dominant mode, and may include
telecommuting and compressed work weeks if those methods result in fewer
commute trips.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- D. Base year: The calendar year from January 1, 1992 through December 31, 1992. Goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle trips (SOV) are based upon VMT and SOVs established in that year for the CTR zone.
- E. Commute Trips: Trips made from an employee's residence to a worksite for a regularly scheduled work day beginning between 6 a.m. and 9 a.m. (inclusive).
- F. CTR Plan: Seattle's commute trip reduction plan as set forth in this ordinance.
- G. CTR Program: An employer's strategy to reduce affected employees' SOV use and VMT per employee.
- H. CTR Zone: An area, such as a census tract or combination of census tracts within Seattle, characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that affect the level of SOV commuting. One of the six areas shown on Attachment A.
- I. Director: The Director of the Seattle Engineering Department.
- J. Dominant Mode: The mode of travel used for the greatest distance of a commute trip.
- K. Employee: Any person who works for an employer in return for financial or other compensation, and whose workload and schedule is subject to the control of the employer. Employee does not include independent contractors.
- L. Equivalent Survey Information: Information that substitutes for the Washington State Energy Office goal measurement survey, as determined by the City.
- M. Full-time Employee: An employee, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.
- N. Mode: The type of transportation used by employees, such as single-occupant vehicle, rideshare, bicycle, walk, ferry and transit.
- O. Proportion of SOV Trips or SOV rate: The number of commute trips in the survey week made by affected employees in SOVs, minus any adjustments for telecommuting, bicycling, walking or compressed work schedules, divided by the total number of affected employee work-days during the survey week. An "affected employee work-day" includes any day that an employee does not work due to a compressed work schedule.
- P. Single-occupant Vehicle (SOV): A motor vehicle occupied by one employee for commute purposes, excluding motorcycles.
- Q. Vehicle Miles Traveled (VMT) Per Employee: The average commute trip length in miles made by affected employees over a set period, multiplied by the number of vehicle commute trips per affected employee during that period.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

R. Worksite: 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. Construction worksites when the expected duration of the construction project is less than two (2) years are excluded.

S. Writing, Written or In Writing: 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.

25.02.040 Employer's Commute Trip Reduction Program.

A. Program Submittal and Implementation

1. This ordinance applies to any affected employer at any worksite within the City of Seattle. An affected employer must submit a CTR program to the Director within 180 days of the effective date of this ordinance regardless of whether the employer has received notice from the City that this ordinance applies to the employer. The purpose of an employer CTR program is to help achieve the goals set forth in 25.02.060.

An employer that becomes an "affected employer" after adoption of this ordinance shall develop and submit its initial CTR program to the Director within 180 days of the first Washington State Department of Employment Security's Employer's Quarterly Report of Employee's Wages published after becoming an affected employer.

An affected employer shall implement its approved CTR program within 180 days after the initial program is submitted to the Director. Implementation is accomplished by carrying out all of the program measures contained in an employer's CTR program.

2. Transportation Management Associations

In lieu of submitting an initial CTR program and annual report as described in 25.02.050, an affected employer may join a Transportation Management Association (TMA) or other organization that submits a single program or annual report on behalf of its members. In addition to describing program measures which are common to its members, the TMA's CTR program and annual report shall describe specific program measures which are unique to individual members' worksites. The TMA, as an agent for its members, shall provide performance data for each worksite, as well as data aggregated from all TMA members, to the Director. A TMA is subject to the same time period requirements as any single employer.

Each employer is responsible for meeting the requirements of this ordinance regardless of the employer's participation in a TMA. Program modifications shall be specific to an employer. If an employer elects to satisfy its CTR program requirements through a TMA program or annual report, the employer shall notify the Director in writing, designating the TMA as its agent.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

B. Program Content.

Each employer CTR program shall include the following elements:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Designation of Employee Transportation Coordinator. The employer shall designate a transportation coordinator to administer the CTR program and act as liaison with the Director. An affected employer with multiple worksites may have one transportation coordinator for all sites. The coordinator's and/or designee's name, location, and telephone number must be displayed prominently at each affected work site.
2. Distribution of Information. The employer shall provide a complete description of its CTR program to employees at least twice a year and to each new employee when he or she begins his or her employment. Each employer's program description and annual report must report the information to be regularly distributed and the method and frequency of distribution.
3. CTR Program Measures. An employer's initial CTR program shall include at least two of the following measures:
 - a. Provide bicycle parking facilities and/or lockers, changing areas, and showers for employees who walk or bicycle to work;
 - b. Provide commuter ride-matching services to facilitate employee ride-sharing for commute trips;
 - c. Provide subsidies for transit fares;
 - d. Provide employer vans or third party vans for vanpooling;
 - e. Provide subsidy for carpool and vanpool participation;
 - f. Permit the use of the employer's vehicles for carpool and/or vanpool commute trips;
 - g. Permit alternative work schedules such as a compressed work week that reduce commute trips by affected employees between 6:00 and 9:00 a.m. A compressed work week 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;
 - h. Permit Alternative work schedules such as flex-time that reduce commute trips by affected employees between 6:00 and 9:00 a.m. Flex-time allows individual employees some flexibility in choosing the time, but not the number, of their working hours;
 - i. Provide preferential parking for high-occupancy vehicles;
 - j. Provide reduced parking charges for high-occupancy vehicles;

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- k. Cooperate with transportation providers to provide additional regular or express service to the work site (e.g., a custom bus service arranged specifically to transport employees to work);
 - l. Construct special loading and unloading facilities for transit, carpool and/or vanpool users;
 - m. Provide and fund a program of parking incentives such as a cash payment for employees who do not use the parking facilities;
 - n. Institute or increase parking charges for SOV's;
 - o. Establish a program to permit employees to telecommute either part- or full-time, where telecommuting is an arrangement that permits an employee to work from home, eliminating a commute trip, or to work from a work center closer to home, reducing the distance traveled in a commute trip by at least half;
 - p. Provide a shuttle between the employer's worksite and the closest park and ride lot, transit center, or principal transit street;
 - q. Implement other measures designed and demonstrated to facilitate the use of non-SOV commute modes, which are agreed upon between the Director and the employer.
- 4. A description of any additional program measures included in the employer's CTR program.
 - 5. Assignment of responsibilities for implementing the CTR program, evidence of commitment to provide appropriate resources to carry out the CTR program, and a schedule of implementation; and
 - 6. Description of employer's CTR worksite characteristics. The employer program must include:
 - a. A general description of the affected employer worksite;
 - b. A general description of the availability of transportation to the worksite;
 - c. The total number of employees and affected employees at the worksite;
 - d. Site or operational conditions which may affect an employee's choice of commute mode.
 - 7. Record Keeping. The CTR program shall include a list of the records to be maintained by the employer in implementing the program. Employers will maintain all records listed in their CTR program for twenty-four (24) months.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

C. Program Review and Approval.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
1. The Director shall review each employer's initial CTR program to determine if it has met the minimum requirements of this CTR ordinance.

The Director shall complete review of each employer's initial CTR program and annual reports within ninety (90) days of the date the employer submits the program or report to the Director, and notify the employer in writing whether or not the program or report has been approved, and the reasons for approval or disapproval.

2. No later than thirty (30) days before the initial CTR program description or annual report is to be submitted, an employer may request a thirty (30) day extension to submit that document. An extension shall be granted and shall not exceed thirty (30) days.
3. Beginning in 1995, the Director shall review each employer's annual report to determine the employer's progress toward achieving its SOV and VMT goals.

- a. The Director shall issue a decision approving an employer's CTR program if the annual report demonstrates that either the SOV goal or VMT goal has been achieved for the current year, or the preceding year (if the current year is even numbered).
- b. If neither goal is met the employer shall, in its annual report, propose changes to its CTR program measures, and the schedule for implementing these measures, which it believes will help achieve the goals, provided that the revised program must include at least two of the measures listed in 25.C2.040 B.3. The Director shall work with the employer to change its CTR program and identify additional program measures and a schedule for implementing them, in furtherance of goal attainment.

When determining whether to approve changes to a CTR program, the Director shall consider the likelihood that the changes will help achieve the goals, based on the following criteria:

- The extent to which the employer has implemented the program and attained the CTR goals.
- The extent to which the employer has demonstrated a commitment to implementing the program and achieving the goals.
- Diversity of modes and CTR strategies included in the program.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Characteristics of pedestrian, bicycle, transit, ferry, road, and HOV access and facilities available to the employer's worksite.
 - Expected benefit to be derived from a specific program element as well as its effect on the entire program.
 - Effect on reducing the relative cost or improving the convenience of commuting by non-SOV modes versus by SOV.
- (1) If the Director approves the proposed program changes, then the Director shall issue a final decision, and the changes shall be made in the program and implemented by the employer.
 - (2) If the Director determines that the proposed program is insufficient, or unlikely to help achieve the goals, the Director shall recommend changes to the program which can reasonably be expected to be effective. The Director's preliminary decision shall be in writing, and mailed to the employer within ninety (90) days of the date the annual report is submitted.
 - (a) An affected employer may request that the Director reconsider a preliminary decision regarding its CTR program elements, except for the minimum requirements of 25.02.040 B. The employer may apply in writing for reconsideration of the preliminary decision within fifteen (15) days of the date the Director's preliminary decision is mailed to the employer. The Director shall meet with the employer to discuss program changes if the application for reconsideration includes a request for a meeting. The Director shall give the employer a written response to the request for reconsideration.
 - (b) An employer who disagrees with a preliminary decision by the Director regarding the approval of the employer's CTR program or changes to the program, may ask the Peer Review Panel to consider the issue in disagreement. The Peer Review Panel shall make a recommendation to the Director following meeting with the employer, if the employer requests a meeting.
 - (c) The Director shall make a final decision regarding changes to an employer's CTR program within sixty (60) days of making a preliminary decision, based upon consideration of the Peer Review Panel recommendation and the preliminary decision.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(d) Within thirty (30) days of written notification of the Director's final decision regarding required program modifications, an employer shall incorporate these modifications into its CTR program and submit a revised CTR program description, including the required modifications or equivalent measures, to the Director.

4. If an affected employer does not submit an initial CTR program or an annual report, and no request for an extension or reconsideration is filed, the Director shall issue a final decision without first issuing a preliminary decision.

25.02.050 Employer's Annual Report

A. Submittal

An affected employer shall submit an annual CTR report to the Director, beginning with the 1995 annual reporting date assigned by the Director after reviewing the employer's initial CTR program. Annual reports shall be due on the same date each year.

At least thirty (30) days prior to the date an annual report is due an employer may request a thirty (30) day extension to complete its annual report. This extension shall not change the normal reporting date for subsequent years.

B. Content

The annual report shall include:

1. A description of each CTR program measure that was undertaken during the year;
2. The number of employees participating in each of the CTR program measures;
3. An evaluation of the effectiveness of the CTR program; and if necessary, a description of proposed revisions to the CTR program to help achieve the CTR goals;
4. A description of the method and frequency by which the information required by the approved CTR program was distributed;
5. A statement of the employer's method of measuring its VMT per employee, using either the average zonal trip length or the employer's average trip length from a survey;
6. Survey information or approved equivalent information must be provided in the 1995, 1997, and 1999 reports. Employee surveys of commuting behavior will be the primary source of data about an employer's CTR program performance. Washington State Energy Office goal measurement questionnaires shall be used to measure

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

affected employers' progress towards goal attainment, unless the Director approves equivalent information which is provided by the employer.

1 Instead of surveying all affected employees at a worksite, an employer
2 may conduct a survey based on a sample of its affected employees if
3 there are at least 500 affected employees at its worksite. The employer
4 must demonstrate to the Director that the sampling method is in
5 accordance with generally accepted methods before the sampling is
6 undertaken.

7 A minimum response rate of seventy percent (70%) of all affected
8 employees in the population or seventy percent (70%) of the sample is
9 required. When a seventy percent (70%) response rate is not achieved,
10 an employer shall either:

- 11 a. Provide supporting information, approved by the Director, to
12 document mode choice of affected employees. This information
13 may include transit pass sales, records of rideshare subsidies,
14 parking lot counts (where affected employees' actual commute
15 trip behavior is measured between 6 and 9 a.m.) when access
16 and egress points are completely monitored; or
- 17 b. Designate all non-responses below seventy percent (70%) of the
18 affected employee population/sample as SOV trips; or
- 19 c. Use a combination of options a. and b. above, if approved by
20 the Director.

21 25.02.060 Commute Trip Reduction Goals, Zones and Base Year Values

22 A. Employer CTR Goals.

23 The goals for commute trip vehicle miles traveled per employee and
24 proportion of single-occupant vehicles are a fifteen percent (15%) reduction
25 by January 1, 1995, a twenty-five percent (25%) reduction by January 1, 1997
26 and a thirty-five percent (35%) reduction by January 1, 1999, from the base
27 year value of the commute trip reduction zone in which the worksite is
28 located.

29 An employer that becomes an affected employer after January 1, 1994 has two
30 (2) years from the time it becomes affected to meet the closest preceding
31 reduction goal and four (4) years to meet the subsequent goal. For example,
32 an employer who becomes an affected employer in July 1998 has until July
33 2000 to achieve a twenty-five percent (25%) reduction and until July 2002 to
34 achieve a thirty-five percent (35%) reduction.

- 35 1. If an affected employer drops below one hundred (100) affected
36 employees and then returns to affected employer status within the same
37 twelve (12) month period, that employer will be a re-affected employer,
38 and will be subject to the same program goals that would have applied
39 had it not dropped below one hundred (100) employees.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.