

116657

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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.

*Public 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

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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.

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- 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.

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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.

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B. Program Content.

Each employer CTR program shall include the following elements:

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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;

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- 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.

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C. Program Review and Approval.

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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.

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- 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.

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(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

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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.

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

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

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2. If an affected employer drops below one hundred (100) affected employees and then returns to affected employer status after twelve (12) months, it will be deemed a newly affected employer and will be subject to the same goals as other newly affected employers.

3. It is the responsibility of the employer to notify the Director and provide documentation of its change in status as an affected employer.

B. CTR Zones.

Commute trip reduction zones for affected employers are shown in Attachment A.

C. Base Year Values and Modifications.

Base year values for determining proportion of SOV trips and VMT per employee are identified in Attachment B for each CTR zone. An employer may modify its base year values by meeting either of the following two conditions:

1. If an affected employer can demonstrate that its worksite is contiguous with a CTR zone boundary and that the worksite conditions affecting alternative commuting options are similar to those for employers in the adjoining CTR zone, the employer's worksite may be made subject to the base year values for VMT per employee and SOV trips in the adjoining zone. The employer may only request this base year value modification at least thirty (30) days prior to its initial CTR program submittal.
2. Beginning in 1995, if an affected employer can demonstrate that as a result of special characteristics of its business or its location, its SOV base year value as determined by survey results is more than fifteen (15) percentage points higher than the base year value for its zone, the affected employer may use its survey to apply for a modification of its SOV base year value. If the modification is granted, the employer's surveyed proportion of SOV per employee will serve as the employer's SOV base year value.

The survey must be conducted in conformance with this ordinance and a seventy percent (70%) response rate shall be required for an employer to be eligible to modify its base year value. For example, if a CTR zone's base year value for proportion of SOV is seventy-four percent (74%), and an employer's survey demonstrates that its proportion of SOV is ninety percent (90%), the employer may apply for a modification of its base year value to conform with its survey results.

25.02.070 Exemptions, Credit and Adjustment to Definition of Affected Employee.

A. Exemptions.

Beginning in 1995, an affected employer may apply to the Director for an exemption from all CTR program requirements for a particular worksite.

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1 The Director may grant an exemption upon finding that, as a result of special  
2 characteristics of the employer's business or its location, the employer is  
3 unable to implement any requirements of Section 25.02.040. A request for an  
4 exemption must be made in writing no sooner than ninety (90) days after the  
5 employer's first annual report due date. The Director shall annually review all  
6 employer exemptions, and shall determine whether the exemption will be in  
7 effect during the following program year.

8 **B. Credit for Successful Transportation Demand Management Program.**

9 In either the initial CTR program description or any annual report, an affected  
10 employer who has already met both the VMT per employee and proportion of  
11 SOV trips goals for one or more future goal years, may request a waiver from  
12 the requirement to submit the following year's annual report and from the  
13 required CTR program measures, except for the requirements to report  
14 performance in annual reports for the goal years. An employer receiving this  
15 waiver must commit in writing to continue its current CTR level of effort.

16 If any of the goal year annual reports indicates the employer does not satisfy  
17 the next applicable year's goal, the employer shall immediately become subject  
18 to all requirements of this ordinance.

19 Requests for credit shall include results from a survey of employees, or  
20 equivalent information that establishes the applicant's reduction of VMT per  
21 employee and reduction of proportion of SOV trips. The survey or equivalent  
22 information shall conform to all applicable standards established in this  
23 ordinance.

24 **C. Credit for Telecommuting, Bicycling, Walking and Compressed Work Week  
25 Schedules.**

26 Trips avoided by telecommuting and compressed work week schedules, and  
27 trips made by bicycling and walking, shall be multiplied by two-tenths (0.2)  
28 and subtracted from the number of SOV commute trips when calculating the  
proportion of SOV vehicle trips and VMT per employee.

**D. Adjustment to the Calculation of Affected Employee.**

1. An affected employer may request an adjustment to the calculation of  
affected employee if the employer can demonstrate that it requires  
certain employees to use the vehicles they drive to work during the  
work day for work purposes. Any employee who needs frequent and  
regular access to the vehicle he or she drives to work, for which no  
reasonable alternative commute mode exists, will not be included in the  
calculations of proportion of SOV trips and VMT per employee used to  
determine the employer's progress toward program goals.

The employer shall provide documentation indicating how many  
employees meet this condition and why.

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

- 1           2.    An affected employer may request an adjustment to the calculation of  
2           affected employee if it can demonstrate that it requires full-time  
3           employees to work varying shifts, so that these employees sometimes  
4           begin their shift between 6 a.m. to 9 a.m. and at other times begin  
5           their shifts outside that time period. The employer shall provide  
6           documentation indicating how many employees meet this condition and  
7           must demonstrate that no reasonable alternative commute trip reduction  
8           program can be developed for these employees. Under this condition,  
9           the applicable goals will not be changed, but those full-time employees  
10          working varying shifts need not be included in the calculations of  
11          proportion of SOV trips and VMT per employee used to determine the  
12          employer's progress toward program goals.

Adjustments to the calculation of affected employee shall not apply to full-time employees who rotate shifts together, as a group.

- 13          3.    An adjustment to the calculation of affected employee for the purpose  
14          of determining employer progress toward achieving the CTR goals does  
15          not change whether the employer is subject to this ordinance.

16          25.02.080    Appeal of Director's Final Decision

- 17          A.    An affected employer may appeal the Director's final decision regarding  
18          exemptions, changes to its CTR program measures, credits, adjustments to the  
19          calculation of affected employee, and violations to the CTR Appeals Board.  
20          The notice of appeal must be filed with the Director within fifteen (15) days  
21          after the Director's final decision is mailed to the employer.
- 22          B.    The Appeals Board shall review the appeal to determine if the Director's final  
23          decision is consistent with RCW 70.94 and this ordinance. If the Appeals  
24          Board determines that the decision is inconsistent, it shall reverse or modify  
25          the decision as appropriate. If the Appeals Board determines that the decision  
26          is consistent, the Director's final decision shall be upheld.

27          25.02.090    Penalties

28          A.    Civil Penalties

The Director shall notify the employer of his intent to impose a civil penalty for violation of this ordinance. The Director may not impose a penalty until the completion of the administrative appeal authorized by SMC 25.02.080.

An affected employer who commits any of the following acts is subject to a civil penalty as a class I civil infraction pursuant to RCW 7.80.120, as provided herein:

1.    Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

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2. Failure to implement an approved CTR program or change an unacceptable CTR program measure after the first goal year, after receiving notice of violation. Each day of failure to implement an approved CTR program or individual CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

3. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

B. Pursuant to RCW 70.94.534 (4), an employer shall not be liable for civil penalties if a violation was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by an employer and pursued in good faith. A unionized employer shall be presumed to act in good faith if it:

1. Proposes to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and
2. Advises the union of the existence of the statute and the mandates of the CTR program approved by the City, and advises the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

C. Criminal Penalties

An employer who submits a report pursuant to this ordinance is subject to state and local laws making it a crime to submit false information. These laws include, but are not limited to, RCW 9A.76.020 and SMC 12A.16.040.

25.02.100 Administration

A. Authority to Promulgate Administrative Rules.

The Director is authorized to promulgate rules to implement this ordinance.

B. Peer Review Panel.

The Director shall appoint five (5) public and private sector employers to a Peer Review Panel. Terms of appointment are two (2) years, and members may be reappointed. The Peer Review Panel may consider employer disagreements with preliminary decisions by the Director regarding exemptions, credits, applicability of this ordinance to the employer, violations, calculations of affected employees, and approval of the employer's CTR program or changes to the program.

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C. Appeals Board.

The three (3) members of the Appeals Board are a Director of a City Department designated by the Mayor, a member of the Seattle Planning Commission designated by the chair of the Planning Commission, and a private sector employer appointed by the City Council. Terms of appointment are two (2) years and members may be reappointed.

Section 2. In compliance with RCW 70.94.527(4)e, the city has reviewed its parking policies. The City expects to further analyze parking policies and ordinances in conjunction with the land use planning and implementation actions taken in response to the Growth Management Act, RCW 36.70A.

Section 3. This ordinance shall become effective on June 4, 1993.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED by the City Council the 26<sup>th</sup> day of April, 1993, and signed by me in open session in authentication of its passage this 26<sup>th</sup> day of April, 1993.

Margaret Pappas  
President of the City Council *pro tem*

Approved by me this 29 day of April, 1993.

Norman Rice  
Mayor

Filed by me this 29 day of April, 1993.

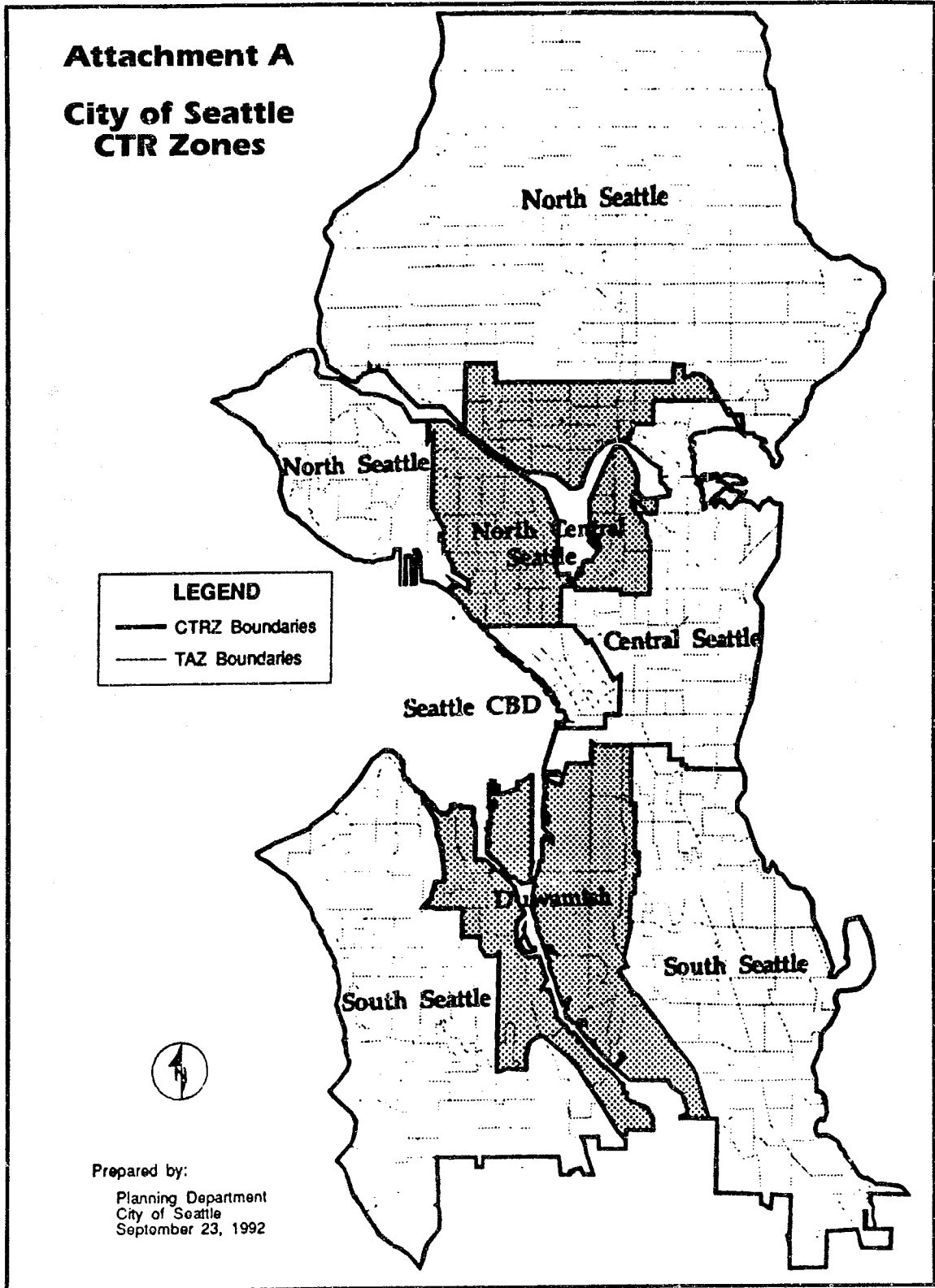
(SEAL)

By: Margaret Carter  
Deputy Clerk

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# Attachment A

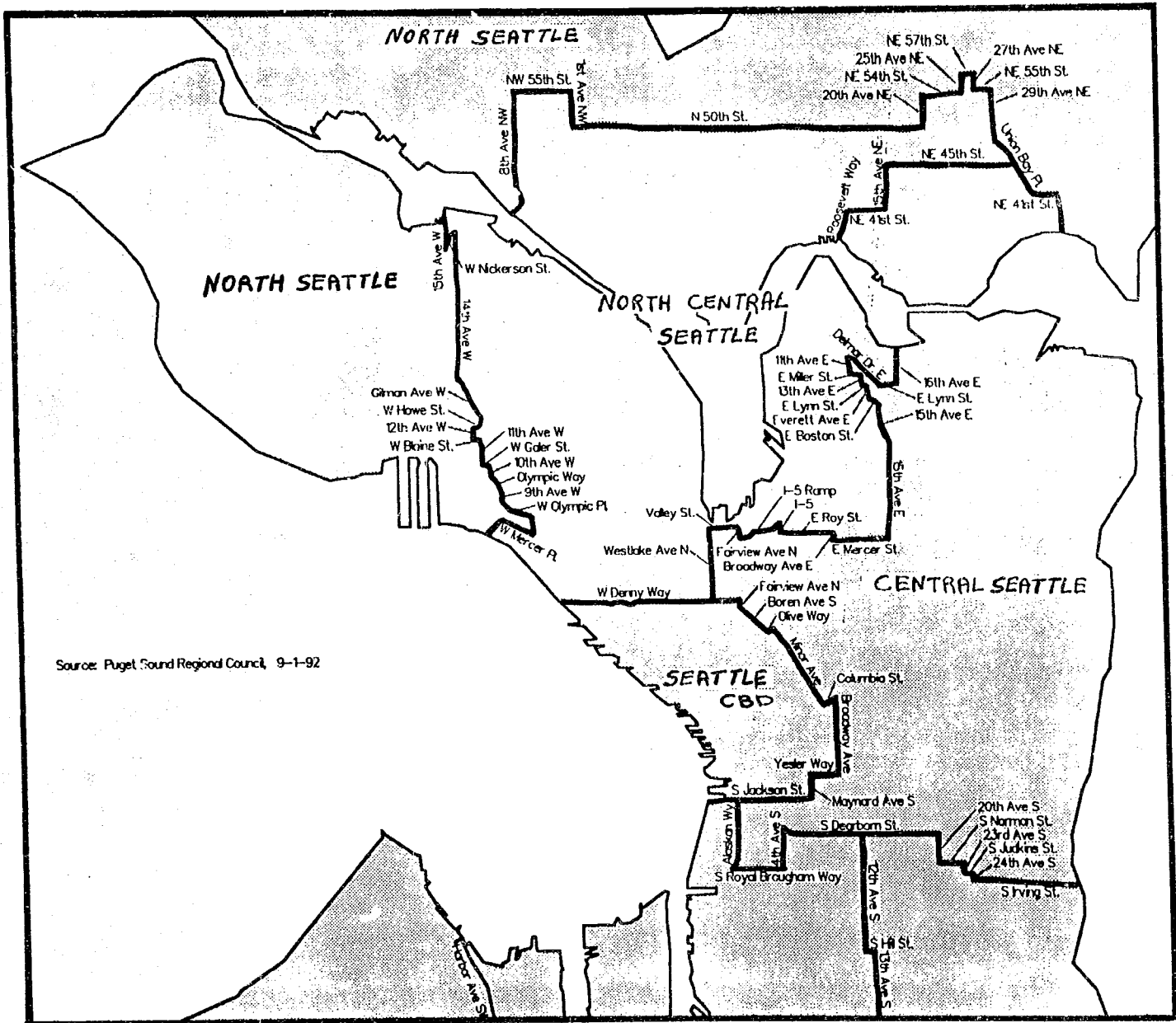
## City of Seattle CTR Zones



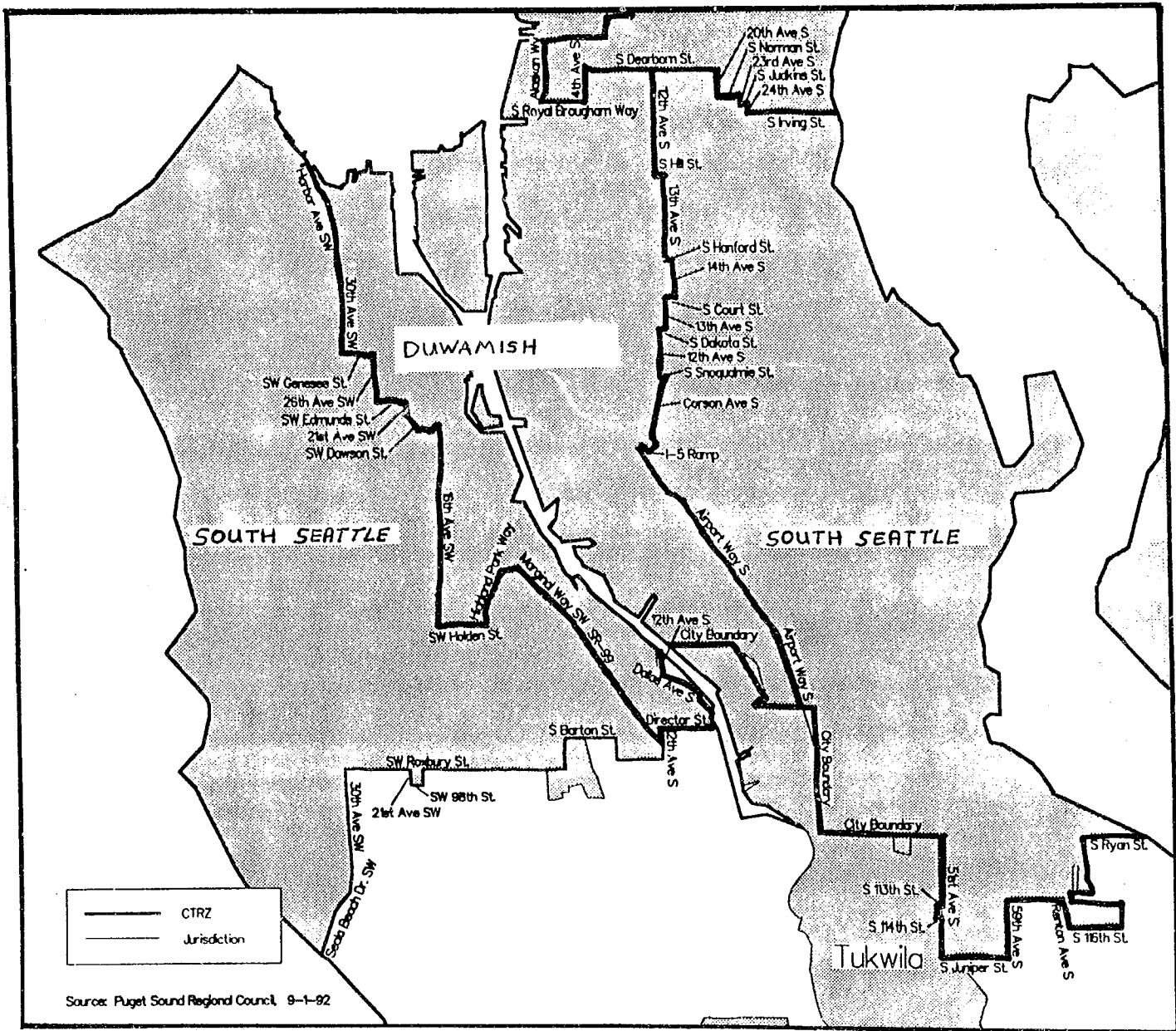
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Prepared by:  
Planning Department  
City of Seattle  
September 23, 1992





Source: Puget Sound Regional Council, 9-1-92



**Attachment B**

**CTR ZONE BASE-YEAR VALUES  
BASED ON ADJUSTED SOV RATES  
(King County - September 15th, 1992)**

CTR ZONE	SOV RATE	VEHICLE MILES TRAVELED PER EMPLOYEE
SEATTLE CBD	43	6.8
DUWAMISH	88	10.3
CENTRAL SEATTLE	59	9.2
SOUTH SEATTLE	83	9.6
NORTH CENTRAL SEATTLE	74	7.8
NORTH SEATTLE	85	8.2

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Martha Choe*

\_\_\_\_\_

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

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# Your City, Seattle

PLANNING DEPARTMENT

J. Gary Lawrence, Director  
Norman B. Rice, Mayor



March 17, 1993

## MEMORANDUM

**TO:** The Honorable George Benson, President, Seattle City Council

**VIA:** The Honorable Norman B. Rice, Mayor, City of Seattle

**ATTN:** Diana Gale, Director, Office of Management and Budget

**FROM:** J. Gary Lawrence, Director, Planning Department *JL*

**SUBJECT:** Commute Trip Reduction Ordinance

### ACTION REQUESTED

Approval of the attached ordinance. This ordinance will add to title 25, Seattle Municipal Code, a new chapter numbered, 25.02 Commute Trip Reduction. All of the local jurisdiction ordinance elements required by RCW 70.94.527 are in this CTR ordinance. It is also consistent with the State CTR Task Force Guidelines issued in July 1992.

### FISCAL IMPACT

Seattle's implementation of the CTR ordinance is funded through state grant money distributed by King County. The Engineering Department has analyzed costs and revenue through June 1995, and has concluded that the ordinance can be administered within the grant funding projected for Seattle. The State will be

### ALTERNATIVE ACTION

The alternative action is not to comply with RCW 70.94.527 by not adopting a CTR ordinance for Seattle.

Thank you for your consideration.

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**OMB LEGISLATION REVIEW FORM**

Analyst: Goldstein  
Date: March 15, 1993  
Department: Engineering

**Purpose of Legislation:**

Implements the City's Commute Trip Reduction Plan.

General Fund Costs \$200,000 (on-going)  
Total Costs \$500,000 (on-going)

**Background: (one paragraph)**

This ordinance implements the Washington Clean Air Act requiring local jurisdictions to take specific measures to reduce single occupant commute trips. This ordinance applies to all employers with 100 or more employees.

**Overview: (one paragraph)**

The ordinance establishes timetables, rules and regulations for large employer to follow in implementing commute trip reduction programs. It also establishes reporting requirements, an appeals process, and programs goals. Following enactment of this ordinance, employers must submit submit commute reduction plans to the City within 180 days.

**Policy Impact: (one paragraph)**

The ordinance may provide enough incentives to encourage an increase in transit use and perhaps car pooling, and thus a small net improvement in air quality. However, the ordinance does not require employers to meet goals in their trip reduction plans, but only requires that they make a good faith effort to establish bonafide programs. Thus, achievement of the stated goal is by no means guaranteed. In addition, potential compliance costs for employers may be significant, and on-going costs to the City are probably understated.

Please attach this legislation review form to the front of the blue jacket.

JB/rsac

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# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



March 15, 1993

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT Engineering

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

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, please forward the Legislation to the City Council. Any specific questions regarding the legislation can be directed to Bob Goldstein at 684-8075 (OMB) or Joan Rosenstock at 684-8056 (Planning).

Sincerely,

Norman B. Rice  
Mayor

by

*Diana Gale*  
Diana Gale  
Budget Director

Enclosure

cc: Director, Engineering

*Approved as to form.*

*Robert D. Tobin*  
Assistant City Attorney

*3-18-93*

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ORDINANCE \_\_\_\_\_

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

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

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

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

14 NOW, THEREFORE,

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

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

Chapter 25.02

COMMUTE TRIP REDUCTION

Table of Contents

25.02.010	Title
25.02.020	Purpose
25.02.030	Definitions
25.02.040	Employer's Commute Trip Reduction Program
25.02.040 A.	Program Submittal and Implementation
25.02.040 B.	Program Content
25.02.040 B. 1.	Employee Transportation Coordinator
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

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Table of Contents (continued)

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3	25.02.060	Commute Trip Reduction Goals, Zones and Base Year Values
4	25.02.060 A.	Employer's CTR Goals
5	25.02.060 B.	CTR Zones
6	25.02.060 C.	Base Year Values and Modifications
7	25.02.070	Exemptions, Credit, and Adjustment to Calculation of Affected Employee
8	25.02.070 A.	Exemptions
9	25.02.070 B.	Credit for Successful TDM Program
10	25.02.070 C.	Credit for Telecommuting, Bicycling, etc.
11	25.02.070 D.	Adjustment to Definition of Affected Employee
12	25.02.080	Appeal of Director's Final Decision
13	25.02.090	Civil Penalties
14	25.02.100	Administration
15	25.02.100 A.	Authority to Promulgate Administrative Rules
16	25.02.100 B.	Peer Review
17	25.02.100 C.	Appeals Board

25.02.010 Title.

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

25.02.020 Purpose.

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

25.02.030 Definitions.

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

- A. Affected employee: A full-time employee who begins his or her regular work day at a single worksite between 6 a.m. and 9 a.m. (inclusive) on two or more weekdays.
- B. Affected employer: A private or public employer that for twelve (12) continuous months employs one hundred (100) or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays, even if the identity of the employees varies over time. This is equivalent to the term "major employer" used in RCW 70.94.521-551.
- C. Alternative mode: A method of commuting to work other than a single-occupant motor vehicle being the dominant mode, and may include telecommuting and compressed work weeks if those methods result in fewer commute trips.

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- 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.

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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.

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1 B. Program Content.

2 Each employer CTR program shall include the following elements:

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

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- j. Construct special loading and unloading facilities for transit, carpool and/or vanpool users;
  - k. Provide and fund a program of parking incentives such as a cash payment for employees who do not use the parking facilities;
  - l. Institute or increase parking charges for SOV's;
  - m. 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;
  - n. Provide a shuttle between the employer's worksite and the closest park and ride lot, transit center, or principal transit street;
  - o. 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. 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. 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
    - e. Site or operational conditions which may affect an employee's choice of commute mode.
  - 6. 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.
- C. Program Review and Approval.
- 1. The Director shall review each employer's initial CTR program to determine if it has met the minimum requirements of this CTR ordinance.

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

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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.
    - 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 25.02.040 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.
- 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.

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- 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.

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(d) Within thirty (30) days of written notification of the Director's final decision regarding required program modifications, an employer shall incorporate those 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

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

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

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

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

24 25.02.060 Commute Trip Reduction Goals, Zones and Base Year Values

25 A. Employer CTR Goals.

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

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

1. If an affected employer drops below one hundred (100) affected  
employees and then returns to affected employer status within the same  
twenty-four (24) month period, that employer will be a re-affected  
employer, and will be subject to the same program goals that would  
have applied had it not dropped below one hundred (100) employees.

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2. If an affected employer drops below one hundred (100) affected employees and then returns to affected employer status after twenty-four (24) months, it will be deemed a newly affected employer and will be subject to the same goals as other newly affected employers.
3. It is the responsibility of the employer to notify the Director and provide documentation of its change in status as an affected employer.

B. CTR Zones.

Commute trip reduction zones for affected employers are shown in Attachment A.

C. Base Year Values and Modifications.

Base year values for determining proportion of SOV trips and VMT per employee are identified in Attachment B for each CTR zone. An employer may modify its base year values by meeting either of the following two conditions:

1. If an affected employer can demonstrate that its worksite is contiguous with a CTR zone boundary and that the worksite conditions affecting alternative commuting options are similar to those for employers in the adjoining CTR zone, the employer's worksite may be made subject to the base year values for VMT per employee and SOV trips in the adjoining zone. The employer may only request this base year value modification at least thirty (30) days prior to its initial CTR program submittal.
2. Beginning in 1995, if an affected employer can demonstrate that as a result of special characteristics of its business or its location, its SOV base year value as determined by survey results is more than fifteen (15) percentage points higher than the base year value for its zone, the affected employer may use its survey to apply for a modification of its SOV base year value. If the modification is granted, the employer's surveyed proportion of SOV per employee will serve as the employer's SOV base year value.

The survey must be conducted in conformance with this ordinance and a seventy percent (70%) response rate shall be required for an employer to be eligible to modify its base year value. For example, if a CTR zone's base year value for proportion of SOV is seventy-four percent (74%), and an employer's survey demonstrates that its proportion of SOV is ninety percent (90%), the employer may apply for a modification of its base year value to conform with its survey results.

25.02.070 Exemptions, Credit and Adjustment to Definition of Affected Employee.

A. Exemptions.

Beginning in 1995, an affected employer may apply to the Director for an exemption from all CTR program requirements for a particular worksite.

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The Director may grant an exemption upon finding that, as a result of special characteristics of the employer's business or its location, the employer is unable to implement any requirements of Section 25.02.040. A request for an exemption must be made in writing no sooner than ninety (90) days after the employer's first annual report due date. The Director shall annually review all employer exemptions, and shall determine whether the exemption will be in effect during the following program year.

**B. Credit for Successful Transportation Demand Management Program.**

In either the initial CTR program description or any annual report, an affected employer who has already met both the VMT per employee and proportion of SOV trips goals for one or more future goal years, may request a waiver from the requirement to submit the following year's annual report and from the required CTR program measures, except for the requirements to report performance in annual reports for the goal years. An employer receiving this waiver must commit in writing to continue its current CTR level of effort.

If any of the goal year annual reports indicates the employer does not satisfy the next applicable year's goal, the employer shall immediately become subject to all requirements of this ordinance.

Requests for credit shall include results from a survey of employees, or equivalent information that establishes the applicant's reduction of VMT per employee and reduction of proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in this ordinance.

**C. Credit for Telecommuting, Bicycling, Walking and Compressed Work Week Schedules.**

Trips avoided by telecommuting and compressed work week schedules, and trips made by bicycling and walking, shall be multiplied by two-tenths (0.2) and subtracted from the number of SOV commute trips when calculating the proportion of SOV vehicle trips and VMT per employee.

**D. Adjustment to the Calculation of Affected Employee.**

1. An affected employer may request an adjustment to the calculation of affected employee if the employer can demonstrate that it requires certain employees to use the vehicles they drive to work during the work day for work purposes. Any employee who needs frequent and regular access to the vehicle he or she drives to work, for which no reasonable alternative commute mode exists, will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that these employees do not commute on a regular schedule conducive to forming carpools or vanpools, taking the bus, bicycling, walking or telecommuting.

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1 Seasonal agricultural employees, including seasonal employees of  
2 processors of agricultural products, are excluded from the count of  
3 affected employees.

- 4 2. An affected employer may request an adjustment to the calculation of  
5 affected employee if it can demonstrate that it requires full-time  
6 employees to work varying shifts, so that these employees sometimes  
7 begin their shift between 6 a.m. to 9 a.m. and at other times begin  
8 their shifts outside that time period. The employer shall provide  
9 documentation indicating how many employees meet this condition and  
10 must demonstrate that no reasonable alternative commute trip reduction  
11 program can be developed for these employees. Under this condition,  
12 the applicable goals will not be changed, but those full-time employees  
13 working varying shifts need not be included in the calculations of  
14 proportion of SOV trips and VMT per employee used to determine the  
15 employer's progress toward program goals.

16 Adjustments to the calculation of affected employee shall not apply to  
17 full-time employees who rotate shifts together, as a group.

- 18 3. An adjustment to the calculation of affected employee for the purpose  
19 of determining employer progress toward achieving the CTR goals does  
20 not change whether the employer is subject to this ordinance.

21 25.02.080 Appeal of Director's Final Decision

- 22 A. An affected employer may appeal the Director's final decision regarding  
23 exemptions, changes to its CTR program measures, credits, adjustments to the  
24 calculation of affected employee, and violations to the CTR Appeals Board.  
25 The notice of appeal must be filed with the Director within fifteen (15) days  
26 after the Director's final decision is mailed to the employer.
- 27 B. The Appeals Board shall review the appeal to determine if the Director's final  
28 decision is consistent with RCW 70.94 and this ordinance. If the Appeals  
Board determines that the decision is inconsistent, it shall reverse or modify  
the decision as appropriate. If the Appeals Board determines that the decision  
is consistent, the Director's final decision shall be upheld.

25.02.090 Penalties

A. Civil Penalties

The Director shall notify the employer of his decision to impose a civil penalty  
for violation of this ordinance.

An affected employer who commits any of the following acts is subject to a  
civil penalty as a class I civil infraction pursuant to RCW 7.80.120, as  
provided herein:

1. Failure to submit a CTR program or annual report to the Director as  
required by this ordinance. Each day of failure to submit a CTR  
program or annual report shall constitute a separate violation and is  
subject to civil penalty. The penalty for each violation shall be \$250  
per day.

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2. Failure to implement an approved CTR program or change an unacceptable CTR program measure after the first goal year, after receiving notice of violation. Each day of failure to implement an approved CTR program or individual CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

3. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

B. Pursuant to RCW 70.94.534 (4), an employer shall not be liable for civil penalties if failure to achieve a CTR program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by an employer and pursued in good faith. A unionized employer shall be presumed to act in good faith if it:

- 1. Proposes to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and
- 2. Advises the union of the existence of the statute and the mandates of the CTR program approved by the City, and advises the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

C. Criminal Penalties

An employer who submits a report pursuant to this ordinance is subject to state and local laws making it a crime to submit false information. These laws include, but are not limited to, RCW 9A.76.020 and SMC 12A.16.040.

25.02.100 Administration

A. Authority to Promulgate Administrative Rules.

The Director is authorized to promulgate rules to implement this ordinance.

B. Peer Review Panel.

The Director shall appoint five (5) public and private sector employers to a Peer Review Panel. Terms of appointment are two (2) years, and members may be reappointed. The Peer Review Panel may consider employer disagreements with preliminary decisions by the Director regarding exemptions, credits, applicability of this ordinance to the employer, violations, calculations of affected employees, and approval of the employer's CTR program or changes to the program.



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C. Appeals Board.

The three (3) members of the Appeals Board are a Director of a City Department designated by the Mayor, a member of the Seattle Planning Commission designated by the chair of the Planning Commission, and a private sector employer appointed by the City Council. Terms of appointment are two (2) years and members may be reappointed.

Section 2. In compliance with RCW 70.94.527(4)e, the city has reviewed its parking policies. The City expects to further analyze parking policies and ordinances in conjunction with the land use planning and implementation actions taken in response to the Growth Management Act, RCW 36.70A.

Section 3. This ordinance shall become effective on June 4, 1993.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED by the City Council the \_\_\_ day of \_\_\_\_\_, 1993, and signed by me in open session in authentication of its passage this \_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Mayor

Filed by me this \_\_\_ day of \_\_\_\_\_, 1993.

Attest: \_\_\_\_\_  
City Clerk

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk

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CITY CLERK

STATE OF WASHINGTON - KING COUNTY

29975  
City of Seattle

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No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD:116657

was published on  
05/13/93

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

A Hardner

Subscribed and sworn to before me on

05/13/93

A. Ross

Notary Public for the State of Washington,  
residing in Seattle

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

An ORDINANCE adopting a Commute Trip Reduction Plan, and a Chapter 25.02 of the Seattle Municipal Code, establishing requirements for major employers to implement the Washington Clean Air Act and prescribing penalties therefor.

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

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

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

NOW, THEREFORE, the City Council of the City of Seattle does hereby enact the following ordinance:

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

Section 11 There is hereby added to title 25, Seattle Municipal Code, a new chapter to be numbered as follows:

Chapter 25.02  
COMMUTE TRIP REDUCTION

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25.02.100 B.	Peer Review
25.02.100 C.	Appeals Board

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

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

25.02.030 Definitions.  
For the purposes of this chapter the following words or phrases are defined as described below:

- A. Affected employee: A full-time employee who begins his or her regular work day at a single worksite between 6 a.m. and 9 a.m. (inclusive) on two or more workdays.
- B. Affected employer: A private or public employer that for twelve (12) consecutive months employs one hundred (100) or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more workdays; even if the identity of the employees varies over time. This is equivalent to the term "major employer" used in RCW 70.94.521-551.
- C. Alternative mode: A method of commuting to work other than a single-occupant, occupant motor vehicle being the dominant mode, and may include telecommuting and compressed work weeks if those methods result in fewer commute trips.
- 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 SOV established in that year for the CTR zone in which the employee works.
- 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 criteria for designating a CTR zone is the number of affected employees.
- I. Director: The Director of the Seattle Engineering Department.
- J. Dominant Mode: The mode of travel used for the greatest distance of an employee's commute trip.
- K. Employee: Any person who works for an employer in return for financial benefit and whose work is not independent and 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, ride-share, bicycle, walk, ferry and transit.
- O. Single-occupant vehicle: A motor vehicle with a seating capacity of one person.
- P. SOV: Single-occupant vehicle.
- Q. SOV Rate: The proportion of SOV trips or SOV rate. The number of commute trips for survey work made by affected employees in SOVs, minus new adjustments for

becoming an affected employer.

An affected employer shall implement its approved CTR program within 180 days after the initial program is approved by the Director. Implementation is accomplished by carrying out all 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 and 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.

Program Content.

Each employer CTR program shall include the following elements:

- 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 name and telephone number shall be prominently displayed at each affected worksite.
- 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 employee ride-sharing services to facilitate employee's commute trips.
  - c. Provide car-pooling services.
  - d. Provide employee van 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.
  - 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 SOVs.
  - 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 and evidence of commitment to provide additional resources to carry out the CTR program, and a schedule of implementation.
- 6. Description of employer's CTR worksite characteristics. The employer's 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 at the worksite.
  - d. A description of the worksite's location and any other site or operational conditions which may affect an employee's mode of commute.
- 7. Record Keeping. The CTR program shall include a list of the records to be maintained by the employer in implementing the program. Employer shall maintain all records listed in their CTR program for a twenty-four (24) months.

Program Review and Approval.

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

25.02.040 D. 2. Distribution of Information  
 25.02.040 D. 3. CTR Program Measures  
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 25.02.010 Title

This chapter shall be known and may be cited as the "Seattle Commute Trip Reduction Ordinance."  
 25.02.020 Purpose and Authority  
 The purpose of this chapter is to implement the Washington State Clean Air Act, RCW 70.94.521-551.

25.02.030 Definitions  
 For the purposes of this chapter the following words or phrases are defined as described below:

- A. Affected employee: A full-time employee who begins his or her regular workday at a single worksite between 6 a.m. and 9 a.m. (inclusive) on two or more workdays.
- B. Affected employer: A private or public employer that for twelve (12) consecutive months employs one hundred (100) or more full-time employees at a single worksite who are scheduled to begin their regular workday between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more workdays, even if the identity of the employees varies over time. This is equivalent to the term "major employer" used in RCW 70.94.521-551.
- C. Alternative mode: A method of commuting to work other than a single-occupant motor vehicle being the dominant mode, and may include telecommuting and compressed work weeks if those methods result in fewer commute trips.
- 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 employer's residence to a worksite for a regularly scheduled workday 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 Zones: 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 working hours 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.
- 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 right-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's 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 Quarterly Report of Employee's Wages published after

2. 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.  
 3. 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.  
 4. Beginning in 1995, the Director shall review each employer's annual report to determine the employer's progress toward achieving its SOV and VMT goal.  
 The Director shall issue a decision approving an employer's CTR program if the annual report demonstrates that the SOV goal or VMT goal has been achieved for the current year, or the preceding year (if the current year is even numbered).  
 If the employer does not meet the goals, the employer may 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 25.02.040 B.3. The Director shall work with the employer to change its CTR program and identify additional program measures and to implement them, in accordance with the following:
- a. Provide bicycle parking facilities and/or lockers, changing areas, and showers for employees who walk or bicycle to work.
  - b. Provide alternative commuting services to facilitate employee's commute trips.
  - c. Provide transit fares.
  - d. Provide car, van 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 reduces 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 reduces 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.
5. Provide preferential parking for high-occupancy vehicles.  
 6. Provide preferential parking charges for high-occupancy vehicles.  
 7. Cooperate with transportation providers to provide additional regular or express services to the work site (e.g., a custom bus service arranged specifically to transport employees to work).  
 8. Construct special loading and unloading facilities for transit, carpool and/or vanpool users.  
 9. Provide and fund a program of parking incentives such as a cash payment for employees who do not use the parking facilities.  
 10. Institute or increase parking charges for SOVs.  
 11. 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 commuted trip, or to work from a work center closer to home, reducing the distance traveled in a commute trip by at least half.  
 12. Provide a shuttle between the employer's worksite and the closest park and ride lot, transit center, or principal transit street.  
 13. 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, and 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. Employees will maintain all records listed in their CTR program for twenty-four (24) months.  
 Program Review and Approval

The extent to which the employer has implemented the program and assessed the CTR goals shall be reported to the Director. 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.

Characteristics of pedestrian, bicycle, transit, ferry, road, and HOV access and facilities available to the employer's workforce.

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 of 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 likely to fail to 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.

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

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.

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

Instead of surveying all affected employees at a worksite, an employer may conduct a survey based on a sample of its affected employees if there are at least 300 affected employees at its worksite. The employer must demonstrate to the Director that the sampling method is in accordance with generally accepted methods before the sampling is undertaken.

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

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

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

#### A. Employer CTR Goals

The goals for commute trip vehicle miles traveled per employee and proportion of single-occupant vehicles are a fifteen percent (15%) reduction by January 1, 1995, a twenty-five percent (25%) reduction by January 1, 1997

Base year values for determining proportion of SOV trips and VMT per employee are identified in Attachment B for each CTR zone. An employer may modify its base year values by meeting either of the following two conditions:

1. If an affected employer can demonstrate that its worksite is geologically with a CTR zone boundary and that the worksite conditions affecting alternative commuting options are similar to those for employers in the adjoining CTR zone, the employer's workplace may be made subject to the base year values for VMT per employee and SOV trips in the adjoining zone. The employer may only request this base year value modification at least thirty (30) days prior to its initial CTR program submittal.

2. Beginning in 1995, if an affected employer can demonstrate that as a result of special characteristics of its business or its location, its SOV base year value as determined by survey results is more than fifteen (15) percentage points higher than the base year value for its zone, the affected employer may use its survey to apply for a modification of its SOV base year value. If the modification is granted, the employer's surveyed proportion of SOV per employee will serve as the employer's SOV base year value.

The survey must be completed in conformance with this ordinance and a seventy percent (70%) response rate shall be required for an employer to be eligible to modify its base year value. For example, if a CTR zone's base year value for proportion of SOV is seventy-four percent (74%), and an employer's survey demonstrates that its proportion of SOV is eighty percent (80%), the employer may apply for a modification of its base year value to conform with its survey results.

### 25.02.070 Exemptions, Credit and Adjustment to Definition of Affected Employee

#### A. Exemptions

Beginning in 1995, an affected employer may apply to the Director for an exemption from all CTR program requirements for a particular worksite. The Director may grant an exemption upon a showing that, as a result of special characteristics of the employer's business or its location, the employer is unable to implement any requirements of Section 25.02.040. A request for an exemption must be made in writing no sooner than ninety (90) days after the employer's first annual report due date. The Director shall annually review all employer exemptions, and shall determine whether the exemption will be in effect during the following program year.

#### B. Credit for Successful Transportation Demand Management Program

In either the initial CTR program description or any annual report, an affected employer who has already met both the VMT per employee and proportion of SOV trips goals for one or more future goal years, may request a waiver from the requirement to submit the following year's annual report and from the required CTR program measures, except for the requirements to report performance in annual reports for the goal years. An employer requesting this waiver must commit in writing to continue its current CTR level of effort.

If any of the goal year annual reports indicates the employer does not tally the next applicable year's goal, the employer shall immediately become subject to all requirements of this ordinance.

Requests for credit shall include results from a survey of employees, or equivalent information that establishes the applicant's reduction of VMT per employee and reduction of proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in this ordinance.

#### C. Credit for Telecommuting, Bicycling, Walking and Compressed Work Week Schedules

Trips avoided by telecommuting and compressed work week schedules, and trips made by bicycling and walking, shall be subtracted by twenty percent (20) and subtracted from the number of SOV commute trips when calculating the proportion of SOV vehicle trips and VMT per employee.

#### D. Adjustment to the Calculation of Affected Employee

1. An affected employer may request an adjustment to the calculation of affected employees if the employer can demonstrate that it requires certain employees to use the vehicles they drive to work during the regular day for work purposes. Any employee who needs frequent and regular access to the vehicle he or she drives to work, for which no reasonable alternative commute mode exists, will not be included in the calculation of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

The employer shall provide documentation indicating how many employees meet this condition and why.

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

2. An affected employer may request an adjustment to the calculation of affected employees if it can demonstrate that it requires full-time employees to work varying shifts, so that these employees sometimes begin their shift between 6 a.m. to 9 a.m., and at other times begin their shifts outside that time period. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute trip reduction program can be designed for these employees. Under this condition, the applicable goals will not be changed, but those full-time employees working varying shifts need not be included in the calculation of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

Adjustments to the calculation of affected employees shall not apply to full-time employees who rotate shifts together, as a group.

3. An adjustment to the calculation of affected employees for the purpose of determining employer progress toward achieving the CTR goals does not change whether the employer is subject to this ordinance.

### 25.02.080 Appeal of Director's Final Decision

An affected employer may appeal the Director's final decision regarding exemptions, changes to its CTR program measures, credits, adjustments to the calculation of affected employees, and violations to the CTR Appeals Board. The notice of appeal must be filed with the Director within fifteen (15) days after the Director's final decision is mailed to the employer.

B. The Appeals Board shall review the appeal to determine if the Director's final decision is consistent with RCW 70.94 and this ordinance. If the Appeals Board determines that the decision is inconsistent, it shall reverse or modify the decision as appropriate. If the Appeals Board determines that the decision is consistent, the Director's final decision shall be upheld.

### 25.02.090 Penalties

#### A. Civil Penalties

The Director shall notify the employer of his intent to impose a civil penalty for violation of this ordinance. The Director may not impose a penalty until the completion of the administrative appeal authorized by SMC 25.02.080.

An affected employer who commits any of the following acts is subject to a civil penalty as a class I civil infraction pursuant to RCW 7.00.120, as provided herein:

1. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.
2. Failure to implement an approved CTR program or change an unacceptable CTR program measure after the first goal year, after receiving notice of violation. Each day of failure to implement an approved CTR program or individual CTR measure shall be subject to a civil penalty.

### 25.02.100 Administration

#### A. Authority to Promulgate Administrative Rules

The Director is authorized to promulgate rules to implement this ordinance.

#### B. Peer Review Panel

The Director shall appoint five (5) public and private sector employers to a Peer Review Panel. Terms of appointment are two (2) years, and members may be reappointed. The Peer Review Panel may consider employer disagreements with preliminary decisions by the Director regarding exemptions, credits, applicability of this ordinance to the employer, violation calculations of affected employees, and approval of the employer's CTR program or changes to the program.

#### C. Appeals Board

The three (3) members of the Appeals Board are a Director of a City Department designated by the Mayor, a member of the Seattle Planning Commission designated by the chair of the Planning Commission, and a private sector employer appointed by the City Council. Terms of appointment are two (2) years and members may be reappointed.

Section 2. In compliance with RCW 70.94.527(d), the city has reviewed its parking policies. The City expects to further analyze parking policies and ordinances in conjunction with the land use planning and implementation actions taken in response to the Growth Management Act, RCW 36.70A.

Section 3. This ordinance shall become effective on June 4, 1993.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

Passed by the City Council this 28th day of April, 1993, and signed by me in open session in confirmation of its passage this 28th day of April, 1993.

#### MARGARET PAOLETTI, Mayor

Approved Pro Tem of this City Council.

Approved by me this 28th day of April, 1993.

NORMAN B. RICE, Mayor

Filed by me this 28th day of April, 1993.

(Seal) By: MARGARET CARTER, Deputy

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, May 13, 1993.

(51325997D)

## New Businesses

This is a daily listing of new businesses recently recorded by the state Department of Revenue. Names are for firms in King, Pierce, Snohomish, Kitsap, Thurston and Spokane counties. Only mailing addresses are given. Names may be for new ownership, branches of existing firms or those whose previous license has lapsed. These records are available on magnetic disk, gummy labels and chemise labels for a reasonable fee. Contact John Elliott at 625-8212 for more information.

- SNOHOMISH COUNTY
- V S A Vidon Systems of America, Shannon Russell, 13320 Highway 99 # 190, Everett, 98204.
- Vanpatten Clifton O., 2714 86th St SW, Everett, 98203.
- Venbo Enterprises, Wong Gary G., 10401 40th Pl SE, Everett, 98205.
- Webers Security Products, Weber Steve F., 11812 E Gibson Rd Ste C314, Everett, 98204.
- West Thomas G., 11423 38th Dr SE, Everett, 98208.
- Whetstone Windshields, Highley Alan A., 9925 4th Ave W # 2, Everett, 98204.
- Wise Fisheries Inc., 10522 26th Dr SE, Everett, 98208.
- Wooden Computer Service, Brinkerhoff Gaven W. & Patricia A. Hawley, 12631 Highway 99 S, Everett, 98204.
- Writers Bloq, Trubaki Patricia K., Box 5241 Everett, 98206.
- Evergreen Lawn Maintenance, Pedro Joseph A., 503 E Jaina St # 2030, Granite Falls, 98252.
- Greenie Green Inc. The, Box 46, Granite Falls, 98252.
- Green Gables General Store, Moiler Cheryl R., 32519 Mountain Loop Hwy, Granite Falls, 98252.
- House Cleaning, Boudlager Annette M., Box 132, Granite Falls, 98252.
- Slarrs Stuffs, Starr Mel C. & Dawn S., Box 1269, Granite Falls, 98252.
- R K Const, Kronk Raymond R Jr & Patricia S, Box 81, Index, 98256.
- V F Concrete Forming West Inc., 2219 136th Dr NE, Lake Stevens, 98258.
- All Star Nursery, Roun Randall, 1901 N Macias Rd, Lake Stevens, 98258.
- B & S Commercial Cleaning, Berger Rhonda L., 11016 Labovief Dr, Lake Stevens, 98258.
- B C Property, Fischer Bernard C., 6714 123rd Ave NE, Lake Stevens, 98258.
- Chaska Construction Inc., 3210 147th Ave NE, Lake Stevens, 98258.
- Lake Stevens Lbr, Lake Stevens, 98258.
- Clear Image, Minzey Bradford R., 12202 N Lakeshore Dr # 17, Lake Stevens, 98258.
- Desk/Development Inc., 904 E Lake Stevens, Lake Stevens, 98258.
- Exotic Bites Etc, Hamburger Kimberly D. & Donald H, 2nd, 6010 147th Ave NE, Lake Stevens, 98258.
- General Maintenance Co, Pieschel Noel & Debra, Box 641, Lake Stevens, 98258.
- Graphic Arts, Owens John F., 2403 Madison Dr, Lake Stevens, 98258.
- Law Impressions, Dea Anita S., 11714 Meridian Pl SE, Lake Stevens, 98258.
- Landscape Floral, Leonard Robert L. & Gary L., 4106 Callow Rd, Lake Stevens, 98258.
- Wax & Resin, Rudolph Mack P. & Christine, 1317 115th Dr SE, Lake Stevens, 98258.
- Norwest Network Consulting, Hagerty David L., 3101 114th Ave NE, Lake Stevens, 98258.
- Provision Contractors NW, Morrow Chuck A., 4225 120th Dr NE, Lake Stevens, 98258.
- Spahr & Archer - Investigations, Zaleski David L., Box 376, Lake Stevens, 98258.
- Aurora Ladies Health Spa, Bailey Joseph A. & Chong U., 16716 Highway 99 W, Lynnwood, 98037.
- B & D Marine, Oshington Dennis J., 6413 182nd Pl SW, Lynnwood, 98037.
- Band Aid Music Inc., 19400 36th Ave W, Lynnwood, 98036.
- Base Co, Smith Nicola G., 18501 66th Ave W, Lynnwood, 98037.
- Big Per Associates, Purcell Jr & Bigford, 308 148th Ave SW # 32, Lynnwood, 98037.
- Bismark Mortgage Company, 3400 188th St SW # 610, Lynnwood, 98037.
- Bolme Mark W. & Amanda L., Box 5824, Lynnwood, 98036.
- Brassell Enterprises, Brassell Leon M., Box 5206, Lynnwood, 98046.
- Wooden Computer Service, Brinkerhoff Gaven W. & Patricia A. Hawley, P. 14722 Highway 99 # A, Lynnwood, 98037.
- C N C Cleaning, Miller Cathy I., 17525 31st Ave W, Lynnwood, 98037.
- Cadell B., Brumman David I., 18016 36th Ave W # T10, Lynnwood, 98037.
- Club's Alano Lounge Inc., 15709 Highway 99, Lynnwood, 98037.
- Custom Upholstery Repair, Brent R., 14500 Admiralty Way # A303, Lynnwood, 98037.
- TP Auto, Stevens, Fair David C., 14500 Admiralty Way # M107, Lynnwood, 98037.
- Dean Services, Dean Carl A. & Angela M., 20425 68th Ave W, Lynnwood, 98036.
- Designers Woodwork, Parker Scott J., 19434 24th Ave W, Lynnwood, 98036.
- Dor & Co, Wyatt Robin K. & Brenda I., 19211 74th Ave W, Lynnwood, 98036.
- Dollars Pro Shop, Hodkins William D., 5120 186th Pl SW, Lynnwood, 98037.
- Frederick Garden Service, Freidberg Don R., 22002 Locust Pl, Lynnwood, 98036.
- Fun & Games, Pahlstahl Supply, Trump Lowell E., 14500 Admiralty Way # M208, Lynnwood, 98037.
- Gallagher Larry L., Box 5628, Lynnwood, 98036.
- General Transportation Service, As-tell Russell C., Box 5666, Lynnwood, 98046.
- Haney Construction, Haney Michael R., 728 212th Pl SW, Lynnwood, 98036.
- Harwell East, Biagini Valentin, 16226 6th Ave W # E306, Lynnwood, 98037.
- Hovander Paula A., 6709 201st Pl SW, Lynnwood, 98037.
- Lahey Builders, Hilty Ross E., 6703 202nd Pl SW, Lynnwood, 98036.
- Kids Like Us, Jaynes Lisa, Thompson Robert A., 3217 141st Pl SW, Lynnwood, 98037.
- Kids Like Us Mary Neuman, Novsum Mary E., 4421 182nd Pl SW, Lynnwood, 98036.
- Kids Desire L., 21405 Hwy 99 Ste B, Lynnwood, 98036.
- Kim To Bye, Doan, Hunsell Robert V., 20026 33rd Ave W # B, Lynnwood, 98036.
- L A Properties Inc., 12603 Nykilboe Spdy, Lynnwood, 98036.
- Larrys Electronic Mobile Storage, Larryston Donald, Larry W., Box 39, Lynnwood, 98046.
- Larrys Lectrafil, Wilson Lawrence C., 20222 36th Ave W, Lynnwood, 98036.
- Lecky Homes, Yost Susan Kon, &

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...in conjunction with the land use planning and implementation actions taken in response to the Growth Management Act, RCW 36.70A.

Section 3. This ordinance shall become effective on June 4, 1993.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

Passed by the City Council this 26th day of April, 1993, and signed by me in open session in public session at the regular meeting this 26th day of April, 1993.

MARGARET PAQUEL, President Pro Tem of the City Council  
Approved by me this 26th day of April, 1993.  
NORMAN B. RICE, Mayor

Filed by me this 29th day of April, 1993.  
(Seal) by MARGARET CARTER, City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk  
Date of official publication in Daily Journal of Commerce, Seattle, May 13, 1993.

**New Businesses**

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- Webster Security Products, Weber Steve P, 11812 B Gibson Rd Ste C314, Everett, 98204.
- West Thomas G, 11423 38th Dr SE, Everett, 98208.
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- Writers Block, Winkler Patricia K, Box 5231, Everett, 98206.
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- Granite Group Inc The, Box 46, Granite Falls, 98252.
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- Chetath Construction Inc, 3210 14th Ave NE, Lake Stevens, 98258.
- Clear Image, Minnery Bradford B, 12202 N Lakeshore Dr # 7, Lake Stevens, 98258.
- Destiny Development Inc, 404 B Lake Stevens Rd, Lake Stevens, 98258.
- Exotic Birds Etc, Humbarger Kimberly D & Donald H 2nd, 6010 14th Ave NE, Lake Stevens, 98258.
- General Maintenance Co, Preece Noel & Delmar, Box 641, Lake Stevens, 98258.
- Graphic Arts, Owens John P, 2403 Madison Dr, Lake Stevens, 98258.
- Laser Impressions, Dea Anita S, 11714 Meridian Pl SE, Lake Stevens, 98258.
- Lemons Floral, Lemons Renee L & Gary L, 4106 Callow Rd, Lake Stevens, 98258.
- Mark of Excellence, Radoyevich Mark P & Christine, 1317 115th Dr SE, Lake Stevens, 98258.
- Northwest Network Consulting, Hagerty David L, 3101 114th Ave NE, Lake Stevens, 98258.
- Precision Contractors NW, Morrow Chuck A, 2426 120th Dr NE, Lake Stevens, 98258.
- Spade & Archer Investigations, Zeller Donald L, Box 576, Lake Stevens, 98258.
- The Bookworm Preschool & Child care, Kumbach Mary B, 1210 102nd Dr SE, Lake Stevens, 98258.
- The Kid Connection, Binney Tanya L, 12621 18th St SE, Lake Stevens, 98258.
- The Original Tushie Tushies, Mathew Thomas, Box 30, Lake Stevens, 98258.
- Zarabets Chair, McKinnon Zarabeth L, 1421 N Macdiss Rd, Lake Stevens, 98258.
- A J's Interior Painting, Wood Alton J, 20830 58th Pl W, Lynnwood, 98036.
- A Perfect Ten Nails & Accessories, Brockmeigs A Heidi, 1233 164th St SW # 1, Lynnwood, 98037.
- A-Zone Productions Special Event Corporation, Zappi Melissa L, 20026 33rd Pl W, Lynnwood, 98037.
- Admiral of the Fleet Cruise Club, CCI Inc, 18411 Alderwood Mall Blvd # 8, Lynnwood, 98037.
- Alfordable Pet Services, Schamickel Brad M, 13427 32nd Pl W # B, Lynnwood, 98037.
- Alderwood Elevator Inc, 19321 36th Ave W Ste C & D, Lynnwood, 98036.
- Apex Hair Care, Adams Warren E, 1400 Admiralty Way # L104, Lynnwood, 98037.
- Aurora Ladies Health Spa, Bailey Joseph A & Chong U, 16716 Highway 99 # B, Lynnwood, 98037.
- B & D Martin, Olofson Dennis J, 6413 152nd Pl SW, Lynnwood, 98037.
- Band Aid Music, 19400 36th Ave W # 2, Lynnwood, 98036.
- Base Co, Smith Nicola G, 18501 66th Ave W, Lynnwood, 98037.
- Big Bear Associates, Parrell Tr L & Bigford, 3303 148th Ave SW # 32, Lynnwood, 98037.
- Bismark Mortgage Company, 3440 188th St SW # 610, Lynnwood, 98037.
- Bolme Mark W & Amanda L, Box 5820, Lynnwood, 98046.
- Braesly Enterprises, Braesly Leon M, Box 2206, Lynnwood, 98036.
- Bumps & Grinds, Wershal Kenneth P, 14725 Highway 99 # A, Lynnwood, 98037.
- N C Cleaning, Miller Cathy I, 17525 31st Ave W, Lynnwood, 98037.
- Cadd It, Bouman David J, 18016 36th Ave W # T10, Lynnwood, 98037.
- Club 4 Aloha Lounge Inc, 15709 Highway 99, Lynnwood, 98037.
- Custom Fiberglass Repair, Blod Brent R, 14500 Admiralty Way # A302, Lynnwood, 98037.
- Dean's Auto Sales, Fein David C, 14500 Admiralty Way # M107, Lynnwood, 98037.
- Dean Services, Dean Carl A & Angela M, 20425 68th Ave W, Lynnwood, 98036.
- Designer Woodwork, Parker Scott J, 19434 24th Ave W, Lynnwood, 98036.
- Doc & Co, Wyatt Robin K & Brenda L, 19211 74th Ave W, Lynnwood, 98036.
- Dollars Pro Shop, Watkins William D, 5120 186th Pl SW, Lynnwood, 98037.
- Freeshops Garden Service, Freeshop Don R, 22002 Locust Pl, Lynnwood, 98036.
- Fun & Games, Painalith Supply, Trun Loren B, 14500 Admiralty Way # M208, Lynnwood, 98037.
- Gulligans Lorry L, Box 5628, Lynnwood, 98046.
- Holds Transportation Service, Axteel Russell C, Box 5666, Lynnwood, 98046.
- Haney Construction, Haney Michael R, 728 212th Pl SW, Lynnwood, 98036.
- Hermes Intl, Bijpan Valentin, 16626 6th Ave W # B306, Lynnwood, 98037.
- Hovander Paula A, 6709 201st Pl SW, Lynnwood, 98036.
- Integrity Builders, Hanby Ross B, 6703 202nd St SW, Lynnwood, 98036.
- Kids Like Us Jayme Thompson, Thompson Jayme L, 5917 181st Pl SW, Lynnwood, 98037.
- Kids Like Us-Mary Nossum, Norman Mary E, 4421 182nd Pl SW, Lynnwood, 98037.
- Kids Like Us-Debra L, 21405 Hwy 99 Ste B, Lynnwood, 98036.
- Ku Ya Hye Design, Hartzel Robert V, 20236 33rd Ave W # B, Lynnwood, 98036.
- L A Properties Inc, 12603 Nykiltee Spdy, Lynnwood, 98036.
- Larry Eskades Mobile Sharpening Service, Thomas Larry W, Box 29, Lynnwood, 98046.
- Larry Lectrolac, Wilson Lawrence C, 20222 56th Ave W, Lynnwood, 98036.
- Lucky House, Yang Sang Kon & Sun Ja, 18904 Highway 99 # A, Lynnwood, 98036.
- M & M Trucking, Marks Mary Jo, 6426 183rd Pl SW, Lynnwood, 98037.
- Maclean & Co, Maclean Stuart D, 728 212th Pl SW, Lynnwood, 98036.
- Mad Concrete Cutting & Curing Inc, Box 1831, Lynnwood, 98046.
- Made In The Great Northwest, Te Billie J, 13824 17th Pl W, Lynnwood, 98037.
- Magnaff Management, 727 145th Pl SW, Lynnwood, 98037.
- Medical Claims Specialists Inc, 17111 Meadowdale Dr, Lynnwood, 98037.
- Medex Insurance Agency Inc, 19221 26th Ave W Ste 210, Lynnwood, 98036.
- Miles To Go, Mulvihill & Pliers, 19508 Damon Rd, Lynnwood, 98036.
- Mitchell's, Mitchell M, 19508 Damon Rd, Lynnwood, 98036.
- Mozdy By Mist, White John R & Joan A, 20815 67th Ave W, Lynnwood, 98037.
- Mortgage Processing Service, Johnson Susan M, 6625 182nd St SW, Lynnwood, 98037.
- Newman Rick, Thao Tam, 3732 Maple St, Lynnwood, 98037.

...mattered to the employer within ninety (90) days of the date the annual report is submitted.

(c) 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 employer requests a meeting. The Director shall give the employer a written response to the request for reconsideration.

(d) 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 dispute. The Peer Review Panel shall make a recommendation to the Director following meeting with the employer, if the employer requests a meeting.

(e) 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.

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

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

Instead of surveying all affected employees at a worksite, an employer may conduct a survey based on a sample of its affected employees if there are at least 300 affected employees at its worksite. The employer must demonstrate to the Director that the sampling method is in accordance with generally accepted methods before the sampling is undertaken.

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

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

25.02.060 Commute Trip Reduction Goals, Zones and Base Year Values

A. Employer CTR Goals

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

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

1. If an affected employer drops below one hundred (100) affected employees and then returns to affected employer status within the same twelve (12) month period, that employer will be a re-affected employer, and will be subject to the same program goals that would have applied had it not dropped below one hundred (100) employees.
2. If an affected employer drops below one hundred (100) affected employees and then returns to affected employer status after twelve (12) months, it will be deemed a newly affected employer and will be subject to the same goals as other newly affected employers.
3. It is the responsibility of the employer to notify the Director and provide documentation of its change in status as an affected employer.

B. CTR Zones

Commute trip reduction zones for affected employees are shown in Attachment A.

C. Base Year Values and Modifications

25.02.070 Exemptions, Credit and Adjustment to Definition of Affected Employee

A. Exemptions

Beginning in 1993, an affected employer may apply to the Director for an exemption from all CTR program requirements for a particular worksite. The Director may grant exemptions if the employer can demonstrate special characteristics of the employer's business by its location. The employer is unable to implement any requirements of Section 25.02.040. A request for an exemption must be made in writing no sooner than ninety (90) days after the employer's first annual report due date. The Director shall promptly review all employer requests for such exemptions and determine whether the exemption will be in effect during the following program year.

B. Credit for Successful Transportation Demand Management Program

In either the initial CTR program description or any annual report, an affected employer who has already met both the VMT per employee and proportion of SOV trips goals for one or more future goal years, may request a waiver from the requirement to submit the following year's annual report and from the required CTR program measures, except for the requirements to report performance in its annual reports for the goal years. An employer receiving this waiver must commit in writing to continue its current CTR level of effort.

If any of the goal year annual reports indicates the employer does not satisfy the next applicable year's goal, the employer shall immediately become subject to all requirements of this ordinance.

Requests for credit shall include results from a survey of employees, or equivalent information that establishes the applicant's request for credit. The employer and reduction of proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in this ordinance.

C. Credit for Telecommuting, Bicycling, Walking and Compressed Work Week Schedules

Trips avoided by telecommuting and compressed work week schedules, and trips made by bicycling and walking, shall be multiplied by two-tenths (0.2) and subtracted from the number of SOV commute trips when calculating the proportion of SOV vehicle trips and VMT per employee.

D. Adjustment to the Calculation of Affected Employee

1. An affected employer may request an adjustment to the calculation of affected employee if the employer can demonstrate that it requires certain employees to use the vehicle or drives to work during the work day for work purposes. Any employees who work frequent and regular access to the vehicle he or she drives to work, for which no reasonable alternative commute mode exists, will not be included in the calculation of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.
- The employer shall provide documentation indicating how many employees meet this condition and why.
- Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.
- An affected employer may request an adjustment to the calculation of affected employees if it can demonstrate that it requires full-time employees to work varying shifts, so that these employees sometimes begin their shift between 6 a.m. to 9 a.m. and at other times begin their shifts outside that time period. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute trip reduction program can be developed for these employees. Under this condition, the applicable goals will not be changed, but those full-time employees working varying shifts need not be included in the calculation of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.
- Adjustments to the calculation of affected employees shall not apply to full-time employees who rotate shifts together, as a group.
- An adjustment to the calculation of affected employees for the purpose of determining employer progress toward achieving the CTR goals does not change whether the employer is subject to this ordinance.

25.02.080 Appeal of Director's Final Decision

A. An affected employer may appeal the Director's final decision regarding exemptions, changes to its CTR program measures, credits, adjustments to the calculation of affected employee, and violations to the CTR Appeals Board. The notice of appeal must be filed with the Director within fifteen (15) days after the Director's final decision is mailed to the employer.

B. The Appeals Board shall review the appeal to determine if the Director's final decision is consistent with RCW 70.94 and this ordinance. If the Appeals Board determines that the decision is inconsistent, it shall reverse or modify the decision as appropriate. If the Appeals Board determines that the decision is consistent, the Director's final decision shall be upheld.

25.02.090 Penalties

A. Civil Penalties

The Director shall notify the employer of his intent to impose a civil penalty for violation of this ordinance. The Director may not impose a penalty until the completion of the administrative appeal authorized by SMC 25.02.080.

An affected employer who commits any of the following acts is subject to a civil penalty as a class I civil infraction pursuant to RCW 7.80.120, as provided herein:

1. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.
2. Failure to implement an approved CTR program or change an unacceptable CTR program measure after the first goal year, after receiving notice of violation. Each day of failure to implement an approved CTR program or individual CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

B. Pursuant to RCW 70.94.534 (4), an employer shall not be liable for civil penalties if a violation was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was penalized by an employer and pursued in good faith. A notified employer that is presumed to act in good faith fit fit:

1. Proposes to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and
2. Advises the union of the existence of the statute and the provisions of the CTR program approved by the City, and advises the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

C. Criminal Penalties

An employer who submits a report pursuant to this ordinance is subject to fine and local laws making it a crime to submit false information. These laws include, but are not limited to, RCW 9A.76.020 and SMC 12A.16.040.

...the proposed program is to help achieve the goals; the amend changes to the program which expected to be effective. The any decision shall be in writing, and any review within ninety (90) days of the is submitted.

...program may request that the employer to reconsider a preliminary decision CTR program elements, except for requirements of 25.02.040 B. The by apply in writing (or Recombination any decision while fifteen (15) late the Director's preliminary called to the employer. The Director with the employees to discuss program application for reconsideration to a meeting. The Director a written response to the consideration.

...who disagrees with a preliminary the Director regarding the approval of a CTR program or changes to the ask the Peer Review Panel to issue its disapproval. The Peer shall make a final decision regarding the CTR program within 30 days of making a preliminary decision and the preliminary consideration of the Peer Review (30) days of written notification of a final decision regarding required modifications into its CTR program a revised CTR program including the required modifications measures, in the Director.

...submit an Initial CTR program or an on extension or reconsideration a decision without first listing a al CTR report to the Director, date assigned by the Director after gram. Annual reports shall be due an annual report is due an employer complete its annual report. This ending date for subsequent years.

...measure that was undertaken ing in each of the CTR program of the CTR program; and if revisions to the CTR program to sequence by which the information was distributed;

...of measuring the VMT per total of trip length or the employer's available information must be 99 reports. Employee surveys of many source of data about an (Washington State Energy shall be used to measure its goal attainment, unless the station which is provided by the

...employees at a worksite, an employer of its affected employees if byes at its worksite. The employer at the sampling method is in methods before the sampling is

...The Director shall notify the employer of his intent to impose a civil penalty for violation of this ordinance. The Director may not impose a penalty until the completion of the administrative appeal authorized by SMC 25.02.080.

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1. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

2. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

3. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

4. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

5. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

6. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

7. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

8. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

9. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

10. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

11. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

12. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

13. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

14. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

15. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

16. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

17. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

18. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

19. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

20. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

21. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

22. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.

23. Failure to implement an approved CTR program or change an unapproved CTR program measure after the first goal year, after resolving notice of violation. Each day of failure to implement an approved CTR program or change an unapproved CTR program measure is a separate violation and is subject to civil penalty. The penalty for each violation shall not exceed \$250 per day and shall be based on the degree of failure to implement.

24. Failure to make available to the Director any documentation supporting an annual report as required pursuant to 25.02.050 B.6. Each day of failure to provide required documentation is a separate violation and is subject to civil penalty. The penalty for each violation shall be \$250 per day.

...Commission designated by the chair of the Planning Commission, and a vice-chair, either employer appointed by the City Council. Terms of appointment are two (2) years and members may be reappointed.

Section 2. In compliance with RCW 70.94.527(4), the city has reviewed its parking policies. The City expects to further analyze parking policies and ordinances in conjunction with the land use planning and implementation actions taken in response to the Growth Management Act, RCW 36.70A.

Section 3. This ordinance shall become effective on June 4, 1993.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

Passed by the City Council the 28th day of April, 1993, and signed by me in open session in attestation of the passage of this Ordinance on April 28, 1993.

MARGARET FAUGLER, President Pro Tem of the City Council, Mayor, City of Seattle, Washington, filed by me this 28th day of April, 1993. (Seal) by MARGARET FAUGLER, Mayor.

Published under by JUDITH PIPPIN, City Clerk, City of Seattle, Washington, on May 13, 1993.

### New Businesses

This is a daily listing of new businesses recently recorded by the State Department of Revenue. Names are for firms in King, Pierce, Snohomish, Kitsap, Thurston and Spokane counties. Only mailing addresses are given. Names may be for new operations, branches of existing firms or those whose previous license has lapsed. Their records are available on magnetic disk, gummy labels and chevron labels for a reasonable fee. Contact John Elliott at 622-8272 for more information.

#### SNOHOMISH COUNTY

Y S A Vision Systems of America, Shannon Russell L, 13320 Highway 99 # 150, Everett, 98204.

Vanquillo, Clifton O, 2714 86th St SE, Everett, 98208.

Venbo Enterprises, Wong Gary O, 10401 11th St SE, Everett, 98205.

Webers Security Products, Weber Steve P, 11812 E Gibson Rd Ste C314, Everett, 98204.

West Thomas G, 11423 38th Dr SE, Everett, 98208.

Whitcomb Windshields, Highley Allan A, 5925 4th Ave W # 2, Everett, 98204.

Wise Fisheries Inc, 10522 26th Dr SE, Everett, 98208.

Woods Computer Service, Brinkerhoff Gaven W & Patricia A Hawley, 12631 Highway 99 S, Everett, 98204.

Writers Bloc, Urubak Patricia K, Box 5231, Everett, 98206.

Evergreen Lawn Maintenance, Pedro Joseph A, 503 B Jalena St # 2003, Granite Falls, 98252.

Granite Group Inc, The, Box 46, Granite Falls, 98252.

Green Gables Mountain Store, Motter Cheryl F, 32516 General Loop Hwy, Granite Falls, 98252.

House Cleaning, Boulanger Annette M, Box 132, Granite Falls, 98252.

Starr Stuffs, Starr Mel C & Deana S, Box 1265, Granite Falls, 98252.

R K Const, Krona Raymond R Jr & Patricia S, Box 83, Indco, 98256.

J J Concrete Forming West Inc, 2219 130th Dr NE, Lake Stevens, 98256.

All Star Nursery, Rout Randall, 1901 N Machus Rd, Lake Stevens, 98258.

B & B Commercial Cleaning, Berger Rhonda L, 11016 Lakeview Dr, Lake Stevens, 98258.

B C Firearms, Fischer Bernard C, 6714 123rd Ave NE, Lake Stevens, 98258.

Chetach Construction Inc, 3210 147th Ave NE, Lake Stevens, 98258.

Clear Image Interiors Bradford B, 12202 N Lakeshore Dr # 7, Lake Stevens, 98258.

Destiny Development Inc, 404 B Lake Stevens Rd, Lake Stevens, 98258.

Exotic Birds Etc, Humbarger Kimberly D & Donald H 2nd, 6010 147th Ave NE, Lake Stevens, 98258.

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B & D Marine, Ohlsson Dennis J, 6413 182nd Pl SW, Lynnwood, 98037.

Band Art Music, Bannister, 19409 36th Ave W # 2, Lynnwood, 98036.

Base Co, Smith Nicola C, 18501 66th Ave W, Lynnwood, 98037.

Big Boy Associates, Parrell Jr & Bigford, 3303 148th Ave SW # 32, Lynnwood, 98037.

Bismark Mortgage Company, 3400 188th St SW # 610, Lynnwood, 98037.

Bolme Mark W & Amanda L, Box 5820, Lynnwood, 98046.

Braswell Enterprises, Braswell Leon M, Box 5206, Lynnwood, 98046.

Burns & Granda, Westphal Kenneth P, 14725 Highway 99 # A, Lynnwood, 98037.

C N C Cleaning, Miller Cathy I, 17253 31st Ave W, Lynnwood, 98037.

Caddie L, Bouman David J, 18016 36th Ave W # 710, Lynnwood, 98037.

Club 4 Alano Lounge Inc, 15709 Highway 99, Lynnwood, 98037.

Custom Fiberglass Repair, Blanton B R, 14500 Admiralty Way # A303, Lynnwood, 98037.

D B F Air Services, Fein David C, 14500 Admiralty Way # M107, Lynnwood, 98037.

Dean Services, Dean Carl A & Angela M, 20425 68th Ave W, Lynnwood, 98036.

Designer Woodwork, Parker Scott J, 19434 24th Ave W, Lynnwood, 98036.

Doc & Co, Wyatt Robin K & Brenda L, 19311 74th Ave W, Lynnwood, 98036.

Doffays Pro Shop, Hoskins William D, 5120 186th Pl SW, Lynnwood, 98037.

Reeborgs Garden Service, Freshberg Don R, 22002 Locust Pl, Lynnwood, 98036.

Fun & Games Paintball Supply, Turner Lowell E, 14500 Admiralty Way # M208, Lynnwood, 98037.

Gulliams Larry L, Box 5628, Lynnwood, 98046.

Haley Transportation Service, Atwell Russell C, Box 5666, Lynnwood, 98046.

Haney Construction, Haney Michael R, 728 212th Pl SW, Lynnwood, 98036.

Herron Ian B, Egora Valentin, 6626 6th Ave W # B306, Lynnwood, 98037.

Hovander Paula A, 6709 201st Pl SW, Lynnwood, 98036.

Integrity Builders, Gianly Ross B, 6703 202nd St SW, Lynnwood, 98036.

Kids Like Us Jayme Thompson, Thompson Jayme L, 5917 181st Pl SW, Lynnwood, 98036.

Kids Like Us-Mary Nossum, Nossum Mary B, 4421 182nd Pl SW, Lynnwood, 98037.

Kids Desire L, 21405 Hwy 99 Ste B, Lynnwood, 98036.

Ku Ya Hye Design, Hartzell Robert V, 20326 33rd Ave W # B, Lynnwood, 98036.

L A Properties Inc, 12603 Nylkote Spdy, Lynnwood, 98036.

Larrys Eskades Mobile Sharpening Service, Thomas Larry W, Box 59, Lynnwood, 98046.

Larrys Lestronis, Wilson Lawrence C, 20222 50th Ave W, Lynnwood, 98036.

Lucky House, Yang Sung Kon & Sun Ja, 18904 Highway 99 # 1a, Lynnwood, 98036.

M & M Trucking, Marks Mary Jo, 6426 185th SW, Lynnwood, 98037.

Maclean & Co, Maclean Stuart D, 728 212th Pl SW, Lynnwood, 98036.

Mad Concrete Cutting & Coring Inc, Bayless L, Lynnwood, 98046.

Made In The Northwest, To Billie J, 13824 17th Pl SW, Lynnwood, 98037.

Meynurtuff Monica, 727 145th Pl SW, Lynnwood, 98037.

Medical Classes Specialists Inc, 17111 Meadowdale Dr, Lynnwood, 98037.

Meder Insurance Agency Inc, 19221 36th Ave W, Ste 210, Lynnwood, 98036.

Miles To Go, Mathieser & Mathieser, 19508 Damon Rd, Lynnwood, 98036.

Miles To Go, Mathieser & Mathieser, 19508 Damon Rd, Lynnwood, 98036.

Molde By Matt, White John R & Joan A, 20815 67th Ave W, Lynnwood, 98036.

Mortgage Processing Service, Johnson Susan M, 6625 182nd St SW, Lynnwood, 98037.

Navya Rich, Thao Thi, 3732 Maple St, Lynnwood, 98037.

achieving the goals. modes and CTR strategies included am.

Base year values for determining proportion of SOV trips and VMT per employee are identified in Attachment B for each CTR zone. An employer may modify its base year values by meeting either of the following two conditions:

1. If an affected employer can demonstrate that its work site is contiguous with a CTR zone boundary and that the work site conditions affecting alternative commuting options are similar to those for employees in the adjoining CTR zone, the employer's work site may be made subject to the base year values for VMT per employee and SOV trips in the adjoining zone. The employer may only request this base year value modification at least thirty (30) days prior to its initial CTR program submission.
2. Beginning in 1995, if an affected employer can demonstrate that as a result of special characteristics of its business or its location, its SOV base year value as determined by survey results is more than fifteen (15) percentage points higher than the base year value for its zone, the affected employer may use its survey to justify for a modification of its SOV base year value. If the modification is granted, the employer's surveyed proportion of SOV per employee will serve as the employer's SOV base year value.

The survey must be completed in conformance with this ordinance and a twenty percent (20%) response rate shall be required for an employer to be eligible to modify its base year value. For example, if a CTR zone's base year value for proportion of SOV is twenty-four percent (24%), and an employer's survey demonstrates that its proportion of SOV is sixty percent (60%), the employer may apply for a modification of its base year value to conform with its survey results.

### 25.02.070 Exemptions, Credit and Adjustment to Definition of Affected Employee.

#### A. Exemptions.

Beginning in 1995, an affected employer may apply to the Director for an exemption from all CTR program requirements for a particular unit of the Director may grant an exemption if the Director determines that special characteristics of the employer's business or its location, the employer is unable to implement any requirements of Section 25.02.040. A request for an exemption must be made in writing no sooner than ninety (90) days after the employer's first annual report due date. The Director shall annually review all employer exemptions, and shall determine whether the exemption will be in effect during the following program year.

#### B. Credit for Successful Transportation Demand Management Program.

In either the Initial CTR program description or any annual report, an affected employer who has already met or more the VMT per employee and proportion of SOV trips goals for one or more future goal years, may request a waiver from the requirement to submit the following year's annual report and from the required CTR program measures, except for the requirements to report performance in annual reports for the goal years. An employer receiving this waiver must commit in writing to continue its current CTR level of effort. If any of the goal year annual reports indicates the employer does not satisfy the next applicable year's goal, the employer shall immediately become subject to all requirements of this ordinance.

Requests for credit shall include results from a survey of employees, or equivalent information that establishes the applicant's reduction of VMT per employee and reduction of proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in this ordinance.

#### C. Credit for Telecommuting, Bicycling, Walking and Compressed Work Week Schedules.

Trips avoided by telecommuting and compressed work week schedules, and trips made by bicycling and walking, shall be multiplied by two-tenths (0.2) and subtracted from the number of SOV commute trips when calculating the proportion of SOV vehicle trips and VMT per employee.

#### D. Adjustment to the Calculation of Affected Employee.

1. An affected employer may request an adjustment to the calculation of affected employee if the employer can demonstrate that it requires certain employees to use the vehicles they drive to work during the regular work day for work purposes. Any employees who need frequent and regular access to the vehicle to be or the driver to work, for which no reasonable alternative commute mode exists, will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

The employer shall provide documentation indicating how many employees meet this condition and why.

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

2. An affected employer may request an adjustment to the calculation of affected employee if it can demonstrate that it requires full-time employees to work varying shifts, so that these employees sometimes begin their shifts between 6 a.m. to 9 a.m. and at other times begin their shifts outside that time period. The employer shall provide documentation indicating how many employees need this condition and must demonstrate that no reasonable alternative commute trip reduction program can be developed for these employees. Under this condition, the applicable goals will not be changed, but those full-time employees working varying shifts need not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

Adjustments to the calculation of affected employee shall not apply to full-time employees who rotate shifts together, as a group.

3. An adjustment to the calculation of affected employee for the purpose of determining employee progress toward achieving the CTR goals does not change whether the employer is subject to this ordinance.

### 25.02.080 Appeal of Director's Final Decision.

A. An affected employer may appeal the Director's final decision regarding exemptions, changes to its CTR program measures, credits, adjustments to the calculation of affected employee, and violations to the CTR Appeals Board. The notice of appeal must be filed with the Director within fifteen (15) days after the Director's final decision is mailed to the employer.

B. The Appeals Board shall review the appeal to determine if the Director's final decision is consistent with RCW 70.94 and this ordinance. If the Appeals Board determines that the decision is inconsistent, it shall reverse or modify the decision as appropriate. If the Appeals Board determines that the decision is consistent, the Director's final decision shall be upheld.

### 25.02.090 Penalties.

#### A. Civil Penalties.

The Director shall notify the employer of his intent to impose a civil penalty for violation of this ordinance. The Director may not impose a penalty until the completion of the administrative appeal authorized by SMC 25.02.080.

An affected employer who commits any of the following acts is subject to a civil penalty as a class C civil infraction pursuant to RCW 7.80.120, as provided herein:

1. Failure to submit a CTR program or annual report to the Director as required by this ordinance. Each day of failure to submit a CTR program or annual report shall constitute a separate violation and is subject to a civil penalty. The penalty for each violation shall be \$250 per day.
2. Failure to implement an approved CTR program or change an unacceptable CTR program measure after the first goal year, after receiving notice of violation. Each day of failure to implement an approved CTR program or individual CTR program measure is a separate violation and is subject to civil penalty. The penalty for each

### 25.02.100 Administration.

#### A. Authority to Promulgate Administrative Rules.

The Director is authorized to promulgate rules to implement this ordinance.

#### B. Peer Review Panel.

The Director shall appoint five (5) public and private sector employers to a Peer Review Panel. Terms of appointment are two (2) years, and members may be reappointed. The Peer Review Panel may consider employer disagreements with preliminary decisions by the Director regarding exemptions, credits, applicability of this ordinance to the employer, violations, calculations of affected employees, and approval of the employer's CTR program or changes to the program.

#### C. Appeals Board.

The three (3) members of the Appeals Board are a Director of a City Department designated by the Mayor, a member of the Seattle Planning Commission designated by the chair of the Planning Commission, and a private sector employer appointed by the City Council. Terms of appointment are two (2) years and members may be reappointed.

Section 2. In compliance with RCW 70.94.527(4)(e), the city has reviewed its parking policies. The City expects to further analyze parking policies and ordinances in conjunction with the land use planning and implementation actions taken in response to the Growth Management Act, RCW 36.70A.

Section 3. This ordinance shall become effective on June 4, 1993.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Passed by the City Council the 25th day of April, 1993, and signed by me in open session in substantiation of its passage this 26th day of April, 1993.

MARGARET PAOHLER  
President Pro Tem of the City Council.  
Signed by me this 25th day of April, 1993.  
NURMAN B. RICE,  
Mayor.  
Filed by me this 26th day of April, 1993.  
(Seal) By: MARGARET CARTER,  
Deputy.  
Published by: JUDITH FIPPIN, City Clerk.  
Date of official publication in Daily Journal of Commerce, Seattle, May 13, 1993. (S-326678)

## New Businesses

This is a daily listing of new businesses recently recorded by the state Department of Revenue. Names are for firms in King, Pierce, Snohomish, Kitsap, Thurston and Spokane counties. Only mailing addresses are given. Names may be for new ownership, branches of existing firms or those whose previous license has lapsed. These records are available on magnetic disk, gummy labels and electronic labels for a reasonable fee. Contact John Elliott at 622-3272 for more information.

### SNOHOMISH COUNTY

- V S A Vilon Systems of America, Shannon Russell L, 13320 Highway 99 # 190, Everett, 98204.
- Yanpattun Clifton O, 2714 86th St SE, Everett, 98208.
- Yenko Enterprises, Wong Gary G, 10401 40th Pl SE, Everett, 98205.
- Webers Security Products, Weber Steve P, 11812 E Gibson Rd Ste C314, Everett, 98204.
- West Thomas G, 11423 38th Dr SE, Everett, 98208.
- Whitson Wineshields, Highley Alan A, 9925 4th Ave W # 2, Everett, 98204.
- Wise Fisheries Inc, 10522 26th Dr SE, Everett, 98208.
- Wooden Computer Service, Brinkerhoff Given W & Patricia A Hawley, 12631 Highway 99 S, Everett, 98204.
- Writers Biscuits, Torkel Patricia K, Box 5231, Everett, 98206.
- Evergreen Lawn Maintenance, Pedro Joseph A, 503 B Jalisco St # 2003, Granite Falls, 98252.
- Greene Group Inc The, Box 46, Granite Falls, 98252.
- Green Gabriel General Store, Martin Cheryl J, 32518 Mountain Loop Hwy, Granite Falls, 98252.
- House Cleaning, Boulanger Annette M, Box 132, Granite Falls, 98252.
- Starr Surfboards, Starr Mel C & Deana S, Box 1263, Granite Falls, 98252.
- R K Coast, Kitron Raymond R Jr & Patricia S, Box 83, Index, 98256.
- U J Concrete Forming West Inc, 2219 130th Dr NE, Lake Stevens, 98258.
- Big Star Nursery, Rount Randall, 13017 N Machias Rd, Lake Stevens, 98258.
- B & B Commercial Cleaning, Berger Rhonda L, 11016 Letzow Dr, Lake Stevens, 98258.
- B C Pflanzers, Fitch Bernard C, 6714 123rd Ave NE, Lake Stevens, 98258.
- Chasara Construction Inc, 3210 147th Ave NE, Lake Stevens, 98258.
- Clear Images, Mimmy Bradford E, 12202 N Lakewood Dr # 7, Lake Stevens, 98258.
- Design Development Inc, 404 E Lake Stevens Rd, Lake Stevens, 98258.
- Exotic Birds Etc, Humbarger Kimberly D & Donald H 2nd, 6010 147th Ave NE, Lake Stevens, 98258.
- General Maintenance Co, Pierce Noel & Delmar, Box 641, Lake Stevens, 98258.
- Grassie Acre, Owens John P, 2403 Madrona Dr, Lake Stevens, 98258.
- Laser Impressions, Dea Anita S, 11714 Meridian Pl SE, Lake Stevens, 98258.
- Lemonade Floral, Lemmons Renee L & Gary L, 4106 Callow Rd, Lake Stevens, 98258.
- Masters of Exteriors, Radotovich Mark P & Christine, 1317 115th Dr SE, Lake Stevens, 98258.
- Northwest Network Consulting, Hageny David C, 3101 114th Ave NE, Lake Stevens, 98258.
- Princeton Contractors NW, Morrow Chuck A, 2426 120th Dr NE, Lake Stevens, 98258.
- Spokane & Archer Investigations, Zeller Donald L, Box 576, Lake Stevens, 98258.
- The Bookworms Preschool & Child-

- wood, 98037.
- Aurora Ladies Health Spa, Bailey Joseph A & Chong J, 16716 Highway 99 # B, Lynnwood, 98037.
- B & D Marine, Ohmstrom Dennis J, 6413 182nd Pl SW, Lynnwood, 98037.
- Band A Music, Band 19400 36th Ave W # 2, Lynnwood, 98036.
- Base Co, Smith Nicola G, 18501 66th Ave W, Lynnwood, 98037.
- Big Fur Associates, Parnell Jr & Bigford, 3103 148th Ave SW # 32, Lynnwood, 98037.
- Bismark Mortgage Company, 2400 188th St SW # 610, Lynnwood, 98037.
- Burns Mark W & Amanda L, Box 5820, Lynnwood, 98046.
- Brasswell Enterprises, Brasswell Leon M, Box 5206, Lynnwood, 98046.
- Bumps & Grinds, Worspal Kenneth P, 14725 Highway 99 # A, Lynnwood, 98037.
- C N C Cleaning, Miller Cathy J, 11533 1st Ave W, Lynnwood, 98037.
- Cadd Lt, Bowman David J, 18016 36th Ave W # T10, Lynnwood, 98037.
- Club 4 Aloha Lounge Inc, 15709 Highway 99, Lynnwood, 98037.
- Custom Fiberglass Repair, Blood Brent R, 14500 Admiralty Way # A303, Lynnwood, 98037.
- D E K Auto Services, Felt David G, 14500 Admiralty Way # M107, Lynnwood, 98037.
- Dean Services, Dean Carl A & Angela M, 20425 68th Ave W, Lynnwood, 98036.
- Designer Woodwork, Parker Scott J, 19434 24th Ave W, Lynnwood, 98036.
- Doe & Co, Wyatt Robin K & Brenda L, 19311 74th Ave W, Lynnwood, 98036.
- Dofays Pro Shop, Houtins William D, 5120 186th Pl SW, Lynnwood, 98037.
- Freeshop Garden Service, Probers Don R, 22002 Louden Pl, Lynnwood, 98036.
- Fun & Games Paintball Supply, Trump Lowell E, 14500 Admiralty Way # M208, Lynnwood, 98037.
- GullBassery Larry L, Box 5628, Lynnwood, 98046.
- Haida Transportation Services, As-tell Russell C, Box 5666, Lynnwood, 98046.
- Home Construction, Henry Michael R, 128 21st Pl SW, Lynnwood, 98036.
- Horned Ltd, Birnie Valentin, 16626 6th Ave W # E306, Lynnwood, 98037.
- Hovander Paula A, 6709 201st Pl SW, Lynnwood, 98036.
- Integrity Builders, Hanby Ross E, 6703 202nd St SW, Lynnwood, 98036.
- Kids Like Us, Jayne Lynnwood, 98036.
- Thompson James J, 5217 181st Pl SW, Lynnwood, 98037.
- Kids Like Us-Mary Nessman, Norman Mary E, 4421 182nd Pl SW, Lynnwood, 98037.
- Klein Desiree L, 21405 Hwy 99 Ste B, Lynnwood, 98036.
- Ko Tz Toys, Ko Tz, Harzold Robert V, 20326 33rd Ave W # B, Lynnwood, 98036.
- L A Properties Inc, 12603 Nytilho Sp, Lynnwood, 98036.
- Larry Ekstrand's Mobile Sharpening Service, Thimist Larry W, Box 59, Lynnwood, 98046.
- Larry Lacroix, Wilson Lawrence C, 20222 56th Ave W, Lynnwood, 98036.
- Lucky House, Yang Sung Kon & Sun Ja, 18904 Highway 99 # A, Lynn-

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