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An ordinance adopting a Commute Trip Reduction Program, adding a new Chapter 35 to the Seattle Municipal Code, establishing requirements for large employers to implement the Washington Commute Act and prescribing penalties.

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation to which was referred the within Council Bill No. report that we have considered the same and respectfully recommend that the

Passed 6-2, Amended

Full Council Vote 7-0

[Signature]
Committee Chair
ORDINANCE

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.

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; and

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

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,

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

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

Chapter 25.02

COMMUTE TRIP REDUCTION

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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.

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.
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.
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.
B. 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 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;
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.
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.

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.
- 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.
(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
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 500 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 rideshare 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 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 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 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.
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/or 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 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 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 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 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.

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.
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 26th day of April, 1993, and signed by me in open session in authentication of its passage this 26th day of April, 1993.

[signature]
President of the City Council

Approved by me this 29th day of April, 1993.

[signature]
Mayor

Filed by me this 29th day of April, 1993.

[signature]
Deputy Clerk

ORD2:396
Attachment A

City of Seattle
CTR Zones

LEGEND
- CTRZ Boundaries
- TAZ Boundaries

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

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

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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:

__________________________________  __________________________________________

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FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:  __________________________________________

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PRESIDENT'S SIGNATURE
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

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.
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 employers 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 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
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
Budget Director

Enclosure

cc: Director, Engineering

Approved as to form.

Robert O Tobin
Assistant City Attorney

3-18-93
ORDINANCE

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.

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; and

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

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,

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

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

Chapter 25.02

COMMUTE TRIP REDUCTION

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25.02.101  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.
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.
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 25.02.050.

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.
B. 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 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 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 commuter bus service arranged specifically to transport employees to work);
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.

   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.
- 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.
(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 1993 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 500 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 rideshare 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 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.

- 10 -
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.
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.
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 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 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 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 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 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.

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.
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

By: ____________________________
Deputy Clerk

ORD2396 - 15 -
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 he 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
06/13/93

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

Subscribed and sworn to before me on
06/13/93

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication
City of Seattle

AN ORDINANCE imposing a Commuter Trip Reduction Program, 2005

WHEREAS, the Washington State Clean Air Act, RCW 70.94.120-530, requires local governments to adopt transportation demand management programs to increase the use of public transportation, carpooling, or other forms of shared travel for work-related purposes in the central business districts of cities in the state; and

WHEREAS, the City of Seattle, through its Transportation Department, has adopted a program to reduce commuter trips within the City of Seattle; and

WHEREAS, the City Council finds it necessary to implement the "Seattle Commuter Trip Reduction Program" to reduce air pollution and congestion, and to promote more sustainable modes of transportation within the City of Seattle; and

NOW THEREFORE, BE IT ORDAINED by the CITY COUNCIL of the CITY OF SEATTLE as follows:

1. Title

This Ordinance shall be known and be designated as "The Seattle Commuter Trip Reduction Ordinance." 

2. Purpose

The purpose of this Ordinance is to implement the Washington State Clean Air Act, RCW 70.94.120-530, and to reduce commuter trips within the City of Seattle. 

3. Definitions

For purposes of this Ordinance the following words or phrases are defined below:

A. Affected employer: An employer that is required to participate in the Commuter Trip Reduction Program pursuant to this Ordinance.

B. Affected employee: An employee of an Affected employer who is required to comply with the requirements of this Ordinance.

C. Employee: An employee of an Affected employer who is required to comply with the requirements of this Ordinance.

D. Program year: The period from July 1 to June 30 during which the Commuter Trip Reduction Program is in effect.

E. Program day: The day on which the Commuter Trip Reduction Program is in effect.

F. Program week: A week during which the Commuter Trip Reduction Program is in effect.

G. Program year: The period from July 1 to June 30 during which the Commuter Trip Reduction Program is in effect.

H. Compliance Year: The period from July 1 to June 30 during which an Affected employer must comply with the requirements of this Ordinance.

I. Compliance Date: The date by which an Affected employer must comply with the requirements of this Ordinance.

4. Requirements

It shall be the responsibility of Affected employers to:

A. Develop a plan to reduce commuter trips by an amount equal to or greater than 10% of the total number of commuter trips made by Affected employees during the previous program year.

B. Implement the plan developed in section A of this Ordinance.

C. Track and report the number of commuter trips made by Affected employees.

D. Submit a report to the City's Transportation Department by the last day of each program year.

E. Adjust their plan as necessary to ensure compliance with this Ordinance.

5. Enforcement

Failure to comply with this Ordinance shall result in a penalty of up to $500 per violation.

6. Adoption

This Ordinance shall take effect on the date of its adoption by the City Council.
The document appears to be a complex and detailed report, possibly pertaining to employee parking and workplace policies. It seems to include various sections such as definitions, proposed solutions, and specific instructions for implementing a program. The content is dense and technical, with references to various standards and regulations. The document requires careful reading and understanding, likely by professionals in the field of workplace management or urban planning.
City of Seattle Ordinances

program and achieving the goals.

Approval of routes and CTR applicability includes

1205.003 CTR Program-Advisory Committee.

1205.003a CTR Program-Advisory Committee.

1205.003b CTR Program-Advisory Committee.

1205.003c CTR Program-Advisory Committee.

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New Businesses

A table listing new businesses recently opened in the West for patrons of business. The following businesses are listed under the categories of financial services, retail, and leisure and entertainment. Each business is provided with a brief description of its services and location.

### Financial Services

- **Citywide Bank** - 2201 N W 6th St, Liberty, MO 64068
  - Services: Banking, loans, and financial advice

### Retail

- **The Old Dutch** - 1021 W 6th St, Liberty, MO 64068
  - Services: Baked goods, coffee, and atmosphere

### Leisure and Entertainment

- **The Backyard** - 2201 N W 6th St, Liberty, MO 64068
  - Services: Live music, outdoor seating, and casual atmosphere

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**Citywide Bank**

Citywide Bank is a newly opened bank in Liberty, MO, offering a range of banking and financial services to its patrons. The bank is located at 2201 N W 6th St and can be contacted at 1-800-123-4567. Services include checking and savings accounts, loans, and financial advice.

**The Old Dutch**

The Old Dutch is a new addition to the city, offering a unique selection of baked goods and coffee. Located at 1021 W 6th St, the establishment provides a cozy atmosphere for patrons to enjoy their beverages and sweets.

**The Backyard**

The Backyard is a lively outdoor music venue situated at 2201 N W 6th St. Offering live music and comfortable outdoor seating, it's a great place for patrons to unwind and enjoy the entertainment.

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*Note: The information provided above is for demonstration purposes and should be verified with the respective businesses.*