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**Title 32**  
**GROWTH MANAGEMENT**

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**Chapter 32.40**  
**COMMUTE TRIP REDUCTION**

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**32.40.010 Legislative findings.**

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

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

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

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

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

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

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 1, March 24, 1999, Eff date April 5, 1999).

**32.40.020 Applicability.**

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

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

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

(i) if the employer returns to the level of 100 or more affected employees within the same 12-month period, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers.

(ii) if the employer reduces the number of affected employees to below 100 and does not employ a total of 100 or more affected employees at the end of the same 12-month period, that employer is no longer an affected employer.

(iii) if the employer returns to the level of 100 or more affected employees but not within the same 12-month period, that employer shall be treated as a newly affected employer and will be subject to the same program requirements as other newly affected employers.

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

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

(b) Newly affected employers shall identify themselves to DPW within six months of the date they become a newly affected employer.

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

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

(a) Entities choosing to voluntarily implement CTR programs will not be subject to the enforcement provisions of this chapter. Developers proposing trip reduction programs based upon the concepts and procedures established in this chapter or CTR programs under this chapter for purposes of trip reduction credit against [chapter 30.66B SCC](#) traffic impact mitigation obligations shall be subject to the enforcement provisions of [chapter 30.66B SCC](#) for purposes of trip reduction credits.

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 93-140, Dec. 20, 1993, Eff date Dec. 30, 1993; Amended Ord. 93-145, Dec. 20, 1993, Eff date Dec. 30, 1993; Amended Ord. 99-018, § 4, March 24, 1999, Eff date April 5, 1999; Ord. 02-098, Dec. 9, 2002, Eff date Feb 1, 2003).

### **32.40.030 Notification.**

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

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 5, March 24, 1999, Eff date April 5, 1999).

### **32.40.040 Goals and objectives.**

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

(2) Reductions will be measured against base-year values using VMTs per employee and/or proportion of SOV trips. The goals for reductions are to reduce the VMT per employee and proportion of SOV trips from the base-year values within designated trip reduction zones for each affected employer by:

- (a) 15 percent by January 1, 1995;
- (b) 20 percent by January 1, 1997;
- (c) 25 percent by January 1, 1999;
- (d) 35 percent by January 1, 2005.

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

- (a) the county's goals, objectives and policies for achieving commute trip reductions;
- (b) designated CTR zones;
- (c) methods for determining base-year values for proportion of SOV trips and VMTs per employee.

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

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018 § 2, March 24, 1999, Eff date April 5, 1999).

### **32.40.050 CTR requirements for affected employers.**

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

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

(b) Affected employers shall have six months from the date of their initial CTR program submittal to implement approved CTR programs as evidenced by appointment of an employee transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting and commencement of other measures according to the affected employer's CTR program.

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

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

**Table 1: CTR Measurement Goals by Zone and Year**

**CTR ZONE A -- Rural North and East Zone**

Measurement Goal	Year	Newly Affected	% Goal Reductions	VMT/Employee	SOV%
0	1992 (Base)	Year 0		7.7	82%
1	1995	Year 2	15%	6.5	69%
2	1997	Year 4	20%	6.1	65%
3	1999	Year 6	25%	5.7	61%
4	2001	Year 8	25%	5.7	61%
5	2003	Year 10	25%	5.7	61%
6	2005	Year 12	35%	5.0	53%

**CTR ZONE B -- Southwest Zone**

Measurement Goal	Year	Newly Affected	% Goal Reductions	VMT/Employee	SOV%
0	1992 (Base)	Year 0		7.3	82%
1	1995	Year 2	15%	6.2	69%
2	1997	Year 4	20%	5.8	65%
3	1999	Year 6	25%	5.4	61%
4	2001	Year 8	25%	5.4	61%

5	2003	Year 10	25%	5.4	61%
6	2005	Year 12	35%	4.7	53%

**CTR ZONE C -- Everett-Mukilteo Zone**

Measurement Goal	Year	Newly Affected	% Goal Reductions	VMT/Employee	SOV%
0	1992 (Base)	Year 0		8.5	80%
1	1995	Year 2	15%	7.2	68%
2	1997	Year 4	20%	6.8	64%
3	1999	Year 6	25%	6.3	60%
4	2001	Year 8	25%	6.3	60%
5	2003	Year 10	25%	6.3	60%
6	2005	Year 12	35%	5.5	52%

(3) A CTR program must contain the following three basic elements.

(a) Designated Employee Transportation Coordinator. This measure refers to the designation of an Employee Transportation Coordinator (ETC) by an affected employer to manage the implementation and ongoing operation of the CTR programs.

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

(ii) Typical tasks for the ETC include analyzing the organization's transportation needs and making program recommendations to management, actively matching employees who wish to rideshare, coordinating production and distribution of promotional materials, maintaining the commuter information bulletin board, selling passes, organizing promotional activities, managing parking programs, conducting employee surveys, maintaining commuter data, maintaining records, coordinating annual program review, and filing the annual report.

(b) Transportation Information Distribution. The employer must provide to employees periodic information on ridesharing, public transportation and other alternatives to driving alone, and information on the benefits of the employer's CTR program. Information distribution can include, but is not limited to, brochures, flyers, company newsletter articles, electronic mail and/or announcements. Level of effort will depend on the size of the company and the number of employees.

(c) Employer Annual Report and Program Description. Each affected employer's program must include an annual review of employee commuting and of progress and CTR good faith efforts toward meeting the CTR goals.

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

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

(4) Additional Measures. A CTR program shall also include additional measures aimed at reducing commute trips and helping to achieve the applicable CTR goals. Affected employers are encouraged to consider innovative measures and strategies and combine program measures in a manner that will best suit their location, site characteristics, business type, and employee commuting needs. Additional measures may include, but are not limited to, one or more of the following:

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

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

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

(i) Commute trips can be reduced through compressed work weeks that regularly allow full-time employees to eliminate at least one day every two weeks by working longer hours during the remaining workdays.

(ii) Peak period commute trips can be eliminated through shifted trips by modifying work schedules such that the regular workday begins before 6:00 a.m. or after 9:00 a.m.

(iii) Ridesharing and transit use can be facilitated through the offering of flexible schedules which allow employees to shift starting and ending times to meet rideshare partners or meet bus schedules.

(d) Guaranteed Ride Home. This measure entails the provision of taxi rides or other guaranteed rides home to employees (non-SOV commuters) who are called away from work unexpectedly by emergencies or other unforeseen circumstances. The program could also apply to employees who have to work unscheduled overtime. Employees are thus more able to rideshare or use transit because they will not need to have a car at work in case of emergencies.

(e) Enhanced Promotions and Marketing. This measure refers to promotions in addition to the basic semi-annual promotions. Enhanced promotions are usually more narrow in focus and select a specific target group. Increased marketing activities and more frequent targeted promotions enhance employee awareness of commute options.

(f) Commute Information Center. This measure refers to a permanent display of information explaining commute modes and transportation programs available to employees at the site. The center typically includes pockets for transit route information, brochures, and an area to display posters and flyers. It should be located in a prominent location such as the employer's lobby, coffee area or lunch room.

(g) Participate in transportation management organizations (TMOs). This measure refers to participation by affected employers in local TMOs or transportation management associations (TMAs). These organizations are made up of groups of employers within a specific geographic area such as a city or business

park. TMOs provide a forum for transportation issues, a network for employers involved in CTR programs and a clearinghouse for information and ideas.

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

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

(j) **Dedicated ETC**. This measure refers to provision of at least a half-time person (20 hours/week) dedicated exclusively to CTR program activities. Affected employers of more than 3,000 affected employees would need at least a full-time ETC. The ETC would attend all mandatory training and attend other special workshops as they became available.

(k) **Subsidize Bus Service**. This measure refers to employer provision of free or subsidized bus passes to encourage employees to use buses already scheduled on routes near the employment site.

(l) **Subsidized Ridesharing**. This measure entails a financial contribution by the affected employer to defray the fuel, parking or insurance costs of employee carpools or vanpools.

(m) **Provisions of Vans for Vanpooling**. This measure is differentiated from subsidized ridesharing in that it involves the actual purchasing and/or leasing, operation, and maintenance of passenger vans for use by employees for commuting to work.

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

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

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

(q) **Monetary Incentives**. This measure refers to any employer-provided monetary incentives intended to encourage persons to commute other than by driving alone. An example is the commuter allowance which gives each employee a fixed monthly allowance for commuting costs which is used in conjunction with parking charges for persons driving alone.

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

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

(t) Ridematching Program (Personalized/Regional). Affected employers are encouraged to implement a combination of "in-house" ridematching and "regional" ridematching. An affected employer's in-house ridematching would match employees with other employees interested in carpooling or vanpooling. This effort would be scaled to the size of the employer and thus could involve computer processing of ridematch requests or be as simple as a list of names and zip codes that the ETC could use to match employees. The emphasis is on personalized attention to the employee's ongoing transportation needs and attempting to match them with a fellow employee with compatible travel needs. The employer's ridematch program will also include utilization of the Regional Ridematch System. With the consent of the individual employee, information for ridematching will be entered into the regional matching program via Community Transit.

(u) Other Innovative Measures. Affected employers are encouraged to try other innovative trip reduction measures not found in the list above.

(5) A CTR program must also include the following minimum requirements:

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

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

(c) documentation of intent to implement the three basic CTR program measures;

(d) documentation of intent to implement additional measures;

(e) and commitment to provide appropriate resources.

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 93-140, Dec. 20, 1993 Eff date Dec. 30, 1993; Amended Ord. 99-018, § 6, March 24, 1999, Eff date April 5, 1999).

### **32.40.060 CTR program review and modification requirements.**

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

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

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

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

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

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



- (i) if the annual progress report is adequate;
- (ii) if the affected employer has fully implemented its CTR program; and
- (iii) any requested or required CTR program modifications.

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

(a) If an affected employer has met the applicable CTR goal for VMT per employee or proportion of SOV trips, then the employer has satisfied the requirements of this chapter and will not be required to modify its CTR program.

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

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

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

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

(iii) If the revised program is not acceptable the county will send notice in writing to that effect to the employer within 30 days, scheduling a conference with program review staff which the employer will be expected to attend for the purpose of reaching a consensus on the CTR program.

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

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

(4) An affected employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing prior to the due date for which the extension is being requested. Extensions not to exceed three months shall be considered for reasonable causes. The county shall grant or deny the employer's extension request in writing within 10 working days of receipt. If there is no response issued to the employer, an extension will automatically be granted for 30 days. Extensions shall not exempt an affected employer from any responsibility in meeting CTR goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program measures. An affected employer's annual progress report date shall not be adjusted permanently as a result of these extensions.

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 93-140, Dec. 20, 1993, Eff date Dec. 30, 1993; Amended Ord. 99-018, § 7, March 24, 1999, Eff date April 5, 1999).

### **32.40.070 Transportation management organizations.**

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

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 8, March 24, 1999, Eff date April 5, 1999).

### **32.40.080 Credit for prior trip reduction efforts.**

Affected employers with successful trip reduction programs implemented prior to their base year are eligible to apply for prior program credit.

(1) Affected employers may apply for prior program credit by applying to the county in their initial program description. Application shall include results from a base-year survey of employees, or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the CTR Task Force Guidelines.

(2) Affected employers applying for prior program credit shall be considered to have met the first measurement goals if their VMT per employee and proportion of SOV trips are equivalent to a 12 percent or greater reduction from the base-year zone values. This three percentage point credit applies only to the first measurement goals.

(3) The county will allow existing trip reduction programs of any affected employers found to meet the first measurement goals to also meet all initial CTR program requirements except for the three basic elements: appointment of an ETC, transportation information distribution, and annual report on performance.

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 9, March 24, 1999, Eff date April 5, 1999).

### **32.40.090 Program exemptions, employee exemptions and modifications of CTR goals.**

(1) Affected employers may request CTR program exemptions or modifications. DPW shall review such requests and notify the employer of its decision in writing within 30 days of receipt of a written request for a program exemption or modification. DPW will review a request for CTR exemptions or modifications in accordance with procedures and criteria identified in the CTR Task Force Guidelines. DPW shall review annually all affected employers receiving program exemptions or modifications and shall determine whether they will remain in effect during the following program year.

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

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

(2) Any affected employer may request from the county a modification of CTR goals. Such request shall be made in writing at least 60 days prior to the date the worksite is required to submit its program description and annual report. The CTR goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program. Modifications of CTR goals may not be requested until one year after the county approval of the affected employer's initial program description and annual report.

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 93-140, Dec. 20, 1993, Eff Dec 30, 1993; Amended Ord. 99-018, § 10, March 24, 1999, Eff date April 5, 1999).

### **32.40.100 Enforcement.**

- (1) Enforcement of this chapter shall be pursuant to [chapter 30.85 SCC](#).
- (2) No affected employer may be held liable for failure to reach the applicable SOV or VMT CTR goals.
- (3) Each of the following shall constitute violations if compliance with this chapter is not met:
  - (a) Failure to submit on time a complete CTR program;
  - (b) Failure to fully implement on time an approved CTR program, unless the program elements carried out can be shown through quantifiable evidence to meet or exceed the CTR goals established in this chapter;
  - (c) Failure to timely modify an unacceptable CTR program as required by DPW;
  - (d) Failure to timely implement required CTR program modifications;
  - (e) Failure to timely submit an adequate annual progress report;
  - (f) Failure of a newly affected employer to timely identify itself to DPW;
  - (g) Submission of fraudulent data, with each day from the date of receipt of such data constituting a separate violation; or
  - (h) Failure to make a CTR good faith effort as defined in this chapter.
- (4) Each day of each violation shall constitute a separate violation as per [chapter 30.85 SCC](#). Fines for violations shall be \$125.00 per day, per violation.
- (5) An affected employer shall not be liable for civil penalties if failure to implement an individual element of a CTR program was the result of an inability to reach agreement within the preceding 12-month period with a certified collective bargaining agent under applicable laws where the issue was raised by the affected employer and pursued in good faith. Unionized affected employers shall be presumed to act in good faith compliance if they:

(a) Propose to a recognized union any provision of the affected employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

(b) Advise the union of the existence of the statute and the mandates of the CTR program approved by the county and advise the union that the proposal being made is necessary for compliance with RCW 70.94.531.

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 93-140, Dec. 20, 1993, Eff date Dec. 30, 1993; Amended Ord. 99-018, § 11, March 24, 1999, Eff date April 5, 1999; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **32.40.110 Appeals of violation determinations and penalties.**

(1) Appeals can be made by affected employers as per [chapter 30.85 SCC](#) except that appeals of the Hearing Examiner's decision shall be made to the County Council pursuant to [SCC 30.72.080](#).

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 12, March 24, 1999, Eff date April 5, 1999; Ord. 02-098, Dec. 9, 2002, Eff date Feb 1, 2003).

### **32.40.120 Uniformity among jurisdictions.**

(1) The county, as allowed by the Interlocal Cooperation Act, chapter 39.34 RCW, will attempt to achieve uniformity of CTR plans among the county, affected cities, and tribal governments through interlocal agreements that interrelate each jurisdiction's work programs, performance objectives, CTR plan requirements, and geographic coverage. Jurisdictions may also, through interlocal agreement, establish procedures whereby the CTR programs of affected employers with multiple affected worksites are administered by a single, lead jurisdiction.

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 13, March 24, 1999, Eff date April 5, 1999).

### **32.40.130 Liberal construction and severability.**

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

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

(Added Ord. 92-163, Feb. 24, 1993; Amended Ord. 99-018, § 14, March 24, 1999, Eff date April 5, 1999).

### **32.40.140 Definitions.**

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

(1) "Affected employee" means a full-time employee whose regular work day begins at a single work site between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. For the purposes of defining affected employees the following apply:

(a) A full-time employee means a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.

(b) A single worksite means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way occupied by one or more affected employers.

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

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

(2) "Affected employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, non-profit or private that employs 100 or more affected employees at a single work site. Construction sites, when the duration of the construction is less than two years, are excluded from this definition.

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

(4) "CTR Base year" means the period from January 1, 1992, through December 31, 1992. For newly affected employers, the base year is the one-year period after becoming affected.

(5) "CTR Base-year value" means the average VMTs per employee and proportion of SOV commute trips at an affected worksite as determined in one of two ways. The first option is for an affected employer to use the zone average for all employees arriving at work-sites in the same CTR zone as computed by the county for the base year. The second option is for the affected employer to use the individual worksite's average VMTs and proportion of SOV commute trips as computed from base-year measurements at the worksite.

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

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

(8) "Proportion of single-occupant vehicle trips" or "SOV rate" means the number of peak period (6:00 am to 9:00 am) commute trips over a set of days made by affected employees in single-occupant vehicles divided by the total number of commute trips by affected employees during that same set of days.

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

(10) "Vehicle miles traveled" (VMT) means the sum of the individual motor vehicle commute trip lengths in miles made by affected employees over a set period of time. "Vehicle miles traveled per employee" means the sum of VMTs by affected employees over a set period divided by the number of affected employees during that period.

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