
SENATE BILL 5855

State of Washington

66th Legislature

2019 Regular Session

By Senators Fortunato and Hobbs

1 AN ACT Relating to commute trip reduction; amending RCW
2 70.94.521, 70.94.527, 70.94.531, 70.94.534, 70.94.541, and 70.94.544;
3 creating a new section; and repealing RCW 35.58.250.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 this act will increase efficiencies within the commute trip reduction
7 program. It is further the intent of the legislature that this act
8 will provide for more efficient use of existing transit resources by
9 allowing innovative practices, such as private company transit
10 vehicles, to pick up noncompany passengers for a fee.

11 **Sec. 2.** RCW 70.94.521 and 1997 c 250 s 1 are each amended to
12 read as follows:

13 The legislature finds that automotive traffic in Washington's
14 metropolitan areas is the major source of emissions of air
15 contaminants. This air pollution causes significant harm to public
16 health, causes damage to trees, plants, structures, and materials and
17 degrades the quality of the environment.

18 Increasing automotive traffic is also aggravating traffic
19 congestion in Washington's metropolitan areas. This traffic
20 congestion imposes significant costs on Washington's businesses,

1 governmental agencies, and individuals in terms of lost working hours
2 and delays in the delivery of goods and services. Traffic congestion
3 worsens automobile-related air pollution, increases the consumption
4 of fuel, and degrades the habitability of many of Washington's cities
5 and suburban areas. The capital and environmental costs of fully
6 accommodating the existing and projected automobile traffic on roads
7 and highways are prohibitive. Decreasing the demand for vehicle trips
8 is significantly less costly and at least as effective in reducing
9 traffic congestion and its impacts as constructing new transportation
10 facilities such as roads and bridges, to accommodate increased
11 traffic volumes.

12 The legislature also finds that increasing automotive
13 transportation is a major factor in increasing consumption of
14 gasoline and, thereby, increasing reliance on imported sources of
15 petroleum. Moderating the growth in automotive travel is essential to
16 stabilizing and reducing dependence on imported petroleum and
17 improving the nation's energy security.

18 The legislature further finds that reducing the number of commute
19 trips to work made via single-occupant cars and light trucks is an
20 effective way of reducing automobile-related air pollution, traffic
21 congestion, and energy use. Major employers have significant
22 opportunities to encourage and facilitate reducing single-occupant
23 vehicle commuting by employees. In addition, the legislature also
24 recognizes the importance of increasing individual citizens'
25 awareness of air quality, energy consumption, and traffic congestion,
26 and the contribution individual actions can make towards addressing
27 these issues.

28 The intent of this chapter is to require (~~local governments~~)
29 employers in those counties experiencing the greatest automobile-
30 related air pollution and traffic congestion to develop and implement
31 plans to reduce single-occupant vehicle commute trips. Such plans
32 shall require major employers and employers at major worksites to
33 implement programs to reduce single-occupant vehicle commuting by
34 employees at major worksites. Local governments in counties
35 experiencing significant but less severe automobile-related air
36 pollution and traffic congestion may implement such plans. State
37 agencies shall implement programs to reduce single-occupant vehicle
38 commuting at all major worksites throughout the state.

1 **Sec. 3.** RCW 70.94.527 and 2006 c 329 s 2 are each amended to
2 read as follows:

3 (1) Each county containing an urban growth area, designated
4 pursuant to RCW 36.70A.110, and each city within an urban growth area
5 with a state highway segment exceeding the one hundred person hours
6 of delay threshold calculated by the department of transportation, as
7 well as those counties and cities located in any contiguous urban
8 growth areas, shall ~~((adopt))~~ review and approve a commute trip
9 reduction plan and ordinance ~~((for))~~ that is developed by major
10 employers in the affected urban growth area by a date specified by
11 the commute trip reduction board. Jurisdictions located within an
12 urban growth area with a population greater than seventy thousand
13 that adopted a commute trip reduction ordinance before the year 2000,
14 as well as any jurisdiction within contiguous urban growth areas,
15 shall also ~~((adopt))~~ review and approve a commute trip reduction plan
16 and ordinance ~~((for))~~ that is developed by major employers in the
17 affected urban growth area by a date specified by the commute trip
18 reduction board. Jurisdictions containing a major employment
19 installation in a county with an affected growth area, designated
20 pursuant to RCW 36.70A.110, shall ~~((adopt))~~ review and approve a
21 commute trip reduction plan and ordinance ~~((for))~~ that is developed
22 by major employers in the major employment installation by a date
23 specified by the commute trip reduction board. The ordinance shall
24 establish the requirements for major employers and provide an appeals
25 process by which major employers, who as a result of special
26 characteristics of their business or its locations would be unable to
27 meet the requirements of the ordinance, may obtain waiver or
28 modification of those requirements. The plan shall be designed to
29 achieve reductions in the proportion of single-occupant vehicle
30 commute trips and be consistent with the rules established by the
31 department of transportation. The ~~((county, city, or town))~~ employer
32 shall submit its adopted plan to the regional transportation planning
33 organization. The county, city, or town plan shall be included in the
34 regional commute trip reduction plan for regional transportation
35 planning purposes, consistent with the rules established by the
36 department of transportation in RCW 70.94.537.

37 (2) All other counties, cities, and towns may ~~((adopt))~~ review
38 and ~~((implement))~~ approve a commute trip reduction plan ~~((consistent~~
39 ~~with department of transportation rules established under RCW~~
40 ~~70.94.537))~~ proposed by major employers or employers at major

1 worksites within their jurisdictions. Tribal governments are
2 encouraged to adopt a commute trip reduction plan for their lands.
3 State investment in voluntary commute trip reduction plans shall be
4 limited to those areas that meet criteria developed by the commute
5 trip reduction board.

6 (3) The department of ecology may, after consultation with the
7 department of transportation, as part of the state implementation
8 plan for areas that do not attain the national ambient air quality
9 standards for carbon monoxide or ozone, require ~~((municipalities))~~
10 employers other than those identified in subsection (1) of this
11 section to adopt and implement commute trip reduction plans if the
12 department determines that such plans are necessary for attainment of
13 said standards.

14 (4) A commute trip reduction plan shall be consistent with the
15 rules established under RCW 70.94.537 and shall include but is not
16 limited to (a) goals for reductions in the proportion of single-
17 occupant vehicle commute trips consistent with the state goals
18 established by the commute trip reduction board under RCW 70.94.537
19 and the regional commute trip reduction plan goals established in the
20 regional commute trip reduction plan; (b) a description of the
21 requirements by the department of transportation for major public and
22 private sector employers to implement commute trip reduction
23 programs; (c) a commute trip reduction program for employees of the
24 county, city, or town; and (d) means, consistent with rules
25 established by the department of transportation, for determining base
26 year values and progress toward meeting commute trip reduction plan
27 goals. The plan shall be developed in consultation with local transit
28 agencies, the applicable regional transportation planning
29 organization, major employers, and other interested parties.

30 (5) The commute trip reduction plans ~~((adopted))~~ approved by
31 counties, cities, and towns under this chapter shall be consistent
32 with and may be incorporated in applicable state or regional
33 transportation plans and local comprehensive plans and shall be
34 coordinated, and consistent with, the commute trip reduction plans of
35 ~~((counties, cities, or towns with which the county, city, or town
36 has, in part, common borders or related regional issues. Such
37 regional issues shall include assuring consistency in the treatment
38 of employers who have worksites subject to the requirements of this
39 chapter in more than one jurisdiction. Counties, cities, and towns
40 adopting commute trip reduction plans may enter into agreements~~

1 through the interlocal cooperation act or by resolution or ordinance
2 as appropriate with other jurisdictions, local transit agencies,
3 transportation management associations or other private or nonprofit
4 providers of transportation services, or regional transportation
5 planning organizations to coordinate the development and
6 implementation of such plans)) the department of transportation.
7 Transit agencies shall work with ((counties, cities, and towns))
8 major employers as a part of their six-year transit development plan
9 established in RCW 35.58.2795 to take into account the location of
10 major employer worksites when planning and prioritizing transit
11 service changes or the expansion of public transportation services,
12 including rideshare services. ((Counties, cities, or towns adopting a
13 commute trip reduction plan shall review it annually and revise it as
14 necessary to be consistent with applicable plans developed under RCW
15 36.70A.070.)) Regional transportation planning organizations shall
16 review the local commute trip reduction plans during the development
17 and update of the regional commute trip reduction plan.

18 (6) Each affected ((regional transportation planning
19 organization)) employer shall adopt a commute trip reduction plan for
20 its region consistent with the rules and deadline established by the
21 department of transportation under RCW 70.94.537. The plan shall
22 include, but is not limited to: (a) Regional program goals for
23 commute trip reduction in urban growth areas and all designated
24 growth and transportation efficiency centers; (b) a description of
25 strategies for achieving the goals; (c) a sustainable financial plan
26 describing projected revenues and expenditures to meet the goals; (d)
27 a description of the way in which progress toward meeting the goals
28 will be measured; and (e) minimum criteria for growth and
29 transportation efficiency centers. (i) ((Regional transportation
30 planning organizations)) Employers shall review proposals from local
31 jurisdictions to designate growth and transportation efficiency
32 centers and shall determine whether the proposed growth and
33 transportation efficiency center is consistent with the criteria
34 defined in the regional commute trip reduction plan. (ii) Growth and
35 transportation efficiency centers certified as consistent with the
36 minimum requirements by the regional transportation planning
37 organization shall be identified in subsequent updates of the
38 regional commute trip reduction plan. These plans shall be developed
39 in collaboration with all affected local jurisdictions, transit
40 agencies, and other interested parties within the region. The plan

1 will be reviewed and approved by (~~the~~) the commute trip reduction
2 board as established under RCW 70.94.537. Regions without an approved
3 regional commute trip reduction plan shall not be eligible for state
4 commute trip reduction program funds.

5 The regional commute trip reduction plan shall be consistent with
6 and incorporated into transportation demand management components in
7 the regional transportation plan as required by RCW 47.80.030.

8 (7) Each (~~regional transportation planning organization~~) major
9 employer or employer at a major worksite implementing a regional
10 commute trip reduction program shall, consistent with the rules and
11 deadline established by the department of transportation, submit its
12 plan as well as any related local commute trip reduction plans and
13 certified growth and transportation efficiency center programs, to
14 the commute trip reduction board established under RCW 70.94.537. The
15 commute trip reduction board shall review the regional commute trip
16 reduction plan and the local commute trip reduction plans. The
17 (~~regional transportation planning organization~~) employer shall
18 collaborate with the commute trip reduction board to evaluate the
19 consistency of local commute trip reduction plans with the regional
20 commute trip reduction plan. Local and regional plans must be
21 approved by the commute trip reduction board in order to be eligible
22 for state funding provided for the purposes of this chapter.

23 (8) (~~Each regional transportation planning organization~~
24 ~~implementing a regional commute trip reduction program shall submit~~
25 ~~an annual progress report to the commute trip reduction board~~
26 ~~established under RCW 70.94.537. The report shall be due at the end~~
27 ~~of each state fiscal year for which the program has been implemented.~~
28 ~~The report shall describe progress in attaining the applicable~~
29 ~~commute trip reduction goals and shall highlight any problems being~~
30 ~~encountered in achieving the goals. The information shall be reported~~
31 ~~in a form established by the commute trip reduction board.~~

32 (~~9~~) Any waivers or modifications of the requirements of ((a))
33 an employer's commute trip reduction plan (~~granted~~) approved by a
34 jurisdiction shall be submitted for review to the commute trip
35 reduction board established under RCW 70.94.537. The commute trip
36 reduction board may not deny the granting of a waiver or modification
37 of the requirements of a commute trip reduction plan by ((a
38 jurisdiction)) an employer but they may notify the ((jurisdiction))
39 employer of any comments or objections.

1 ~~((10))~~ (9) Plans implemented under this section shall not apply
2 to commute trips for seasonal agricultural employees.

3 ~~((11))~~ (10) Plans implemented under this section shall not
4 apply to construction worksites when the expected duration of the
5 construction project is less than two years.

6 ~~((12))~~ (11) If an affected urban growth area has not previously
7 implemented a commute trip reduction program and the state has funded
8 solutions to state highway deficiencies to address the area's
9 exceeding the person hours of delay threshold, the affected urban
10 growth area shall be exempt from the duties of this section for a
11 period not exceeding two years.

12 **Sec. 4.** RCW 70.94.531 and 2013 c 26 s 1 are each amended to read
13 as follows:

14 (1) State agency worksites are subject to the same requirements
15 under this section and RCW 70.94.534 as private employers.

16 (2) Not more than ninety days after the adoption of a
17 ~~((jurisdiction's))~~ commute trip reduction ~~((plan))~~ program by the
18 department of transportation, each major employer ~~((in that~~
19 ~~jurisdiction))~~ shall perform a baseline measurement consistent with
20 the rules established by the department of transportation under RCW
21 70.94.537. Not more than ninety days after receiving the results of
22 the baseline measurement, each major employer shall develop a commute
23 trip reduction program and shall submit a description of that program
24 to the local jurisdiction for review and approval. The program shall
25 be implemented not more than ninety days after approval by the local
26 jurisdiction.

27 (3) A commute trip reduction program of a major employer shall
28 consist of, at a minimum (a) designation of a transportation
29 coordinator and the display of the name, location, and telephone
30 number of the coordinator in a prominent manner at each affected
31 worksite; (b) regular distribution of information to employees
32 regarding alternatives to single-occupant vehicle commuting; (c) a
33 regular review of employee commuting and reporting of progress toward
34 meeting the single-occupant vehicle reduction goals to the county,
35 city, or town consistent with the method established in the commute
36 trip reduction plan and the rules established by the department of
37 transportation under RCW 70.94.537; and (d) implementation of a set
38 of measures designed to achieve the applicable commute trip reduction

1 goals adopted by the (~~jurisdiction~~) department of transportation.
2 Such measures may include but are not limited to:

- 3 (i) Provision of preferential parking or reduced parking charges,
4 or both, for high occupancy vehicles and motorcycles;
- 5 (ii) Instituting or increasing parking charges for single-
6 occupant vehicles;
- 7 (iii) Provision of commuter ride matching services to facilitate
8 employee ride sharing for commute trips;
- 9 (iv) Provision of subsidies for transit fares;
- 10 (v) Provision of vans for van pools;
- 11 (vi) Provision of subsidies for car pooling or van pooling;
- 12 (vii) Permitting the use of the employer's vehicles for car
13 pooling or van pooling;
- 14 (viii) Permitting flexible work schedules to facilitate
15 employees' use of transit, car pools, or van pools;
- 16 (ix) Cooperation with transportation providers to provide
17 additional regular or express service to the worksite;
- 18 (x) Construction of special loading and unloading facilities for
19 transit, car pool, and van pool users;
- 20 (xi) Provision of bicycle parking facilities, lockers, changing
21 areas, and showers for employees who bicycle or walk to work;
- 22 (xii) Provision of a program of parking incentives such as a
23 rebate for employees who do not use the parking facility;
- 24 (xiii) Establishment of a program to permit employees to work
25 part or full time at home or at an alternative worksite closer to
26 their homes;
- 27 (xiv) Establishment of a program of alternative work schedules
28 such as compressed workweek schedules which reduce commuting; and
- 29 (xv) Implementation of other measures designed to facilitate the
30 use of high occupancy vehicles such as on-site day care facilities
31 and emergency taxi services.

32 (4) Employers or owners of worksites may form or utilize existing
33 transportation management associations or other transportation-
34 related associations authorized by RCW 35.87A.010 to assist members
35 in developing and implementing commute trip reduction programs.

36 (5) Employers shall make a good faith effort towards achievement
37 of the goals identified in RCW 70.94.527(4) (d).

38 **Sec. 5.** RCW 70.94.534 and 2006 c 329 s 6 are each amended to
39 read as follows:

1 (1) Each local jurisdiction (~~((implementing))~~) in which an employer
2 has implemented a commute trip reduction plan under this chapter (~~((or~~
3 ~~as part of a plan or ordinance developed under RCW 36.70A.070))~~) shall
4 review and approve each employer's initial commute trip reduction
5 program to determine if the program is likely to meet the applicable
6 commute trip reduction goals. If the local jurisdiction approves the
7 employer's commute trip reduction plan, the employer shall forward
8 the plan to the department of transportation. The employer shall be
9 notified by the local jurisdiction of its (~~((findings))~~) approval or
10 lack of approval. If the local jurisdiction finds that the program is
11 not likely to meet the applicable commute trip reduction goals, the
12 local jurisdiction will notify the employer to work with the
13 (~~((employer))~~) department of transportation to modify the program as
14 necessary. The local jurisdiction shall complete review of each
15 employer's initial commute trip reduction program within ninety days
16 of receipt.

17 (2) Employers implementing commute trip reduction programs are
18 expected to undertake good faith efforts to achieve the goals
19 outlined in RCW 70.94.527(4). Employers are considered to be making a
20 good faith effort if the following conditions have been met:

21 (a) The employer has met the minimum requirements identified in
22 RCW 70.94.531;

23 (b) The employer has notified the (~~((jurisdiction))~~) department of
24 transportation of its intent to substantially change or modify its
25 program and has either received the approval of the (~~((jurisdiction))~~)
26 department of transportation to do so or has acknowledged that its
27 program may not be approved without additional modifications;

28 (c) The employer has provided adequate information and
29 documentation of implementation when requested by the
30 (~~((jurisdiction))~~) department of transportation; and

31 (d) The employer is working collaboratively with (~~((its~~
32 ~~jurisdiction))~~) department of transportation to continue its existing
33 program or is developing and implementing program modifications
34 likely to result in improvements to the program over an agreed upon
35 length of time.

36 (3) (~~((Each jurisdiction))~~) The department of transportation shall
37 review at least once every two years each employer's progress and
38 good faith efforts toward meeting the applicable commute trip
39 reduction goals. If an employer makes a good faith effort, as defined
40 in this section, but is not likely to meet the applicable commute

1 trip reduction goals, the (~~jurisdiction~~) department of
2 transportation shall work collaboratively with the employer to make
3 modifications to the commute trip reduction program. Failure of an
4 employer to reach the applicable commute trip reduction goals is not
5 a violation of this chapter.

6 (4) If an employer fails to make a good faith effort and fails to
7 meet the applicable commute trip reduction goals, the
8 (~~jurisdiction~~) department of transportation shall work
9 collaboratively with the employer to propose modifications to the
10 program and shall direct the employer to revise its program within
11 thirty days to incorporate those modifications or modifications which
12 the jurisdiction determines to be equivalent.

13 (5) (~~Each jurisdiction implementing a commute trip reduction~~
14 ~~plan pursuant to this chapter~~) The department of transportation may
15 impose civil penalties, in the manner provided in chapter 7.80 RCW,
16 for failure by an employer to implement a commute trip reduction
17 program or to modify its commute trip reduction program as required
18 in subsection (4) of this section. No major employer may be held
19 liable for civil penalties for failure to reach the applicable
20 commute trip reduction goals. No major employer shall be liable for
21 civil penalties under this chapter if failure to achieve a commute
22 trip reduction program goal was the result of an inability to reach
23 agreement with a certified collective bargaining agent under
24 applicable laws where the issue was raised by the employer and
25 pursued in good faith.

26 (6) (~~Jurisdictions~~) The department of transportation shall
27 notify major employers of the procedures for applying for goal
28 modification or exemption from the commute trip reduction
29 requirements based on the guidelines established by the commute trip
30 reduction board authorized under RCW 70.94.537.

31 **Sec. 6.** RCW 70.94.541 and 2009 c 427 s 1 are each amended to
32 read as follows:

33 (1) The department of transportation shall provide staff support
34 to the commute trip reduction board in carrying out the requirements
35 of RCW 70.94.537.

36 (2) The department of transportation shall provide technical
37 assistance to regional transportation planning organizations,
38 counties, cities, towns, state agencies, as defined in RCW 40.06.010,
39 and other employers in developing and implementing commute trip

1 reduction (~~(plans and)~~) programs. The technical assistance shall
2 include: (a) Guidance in single measurement methodology and practice
3 to be used in determining progress in attaining plan goals; (b)
4 developing model plans and programs appropriate to different
5 situations; and (c) providing consistent training and informational
6 materials for the implementation of commute trip reduction programs.
7 Model plans and programs, training, and informational materials shall
8 be developed in cooperation with representatives of regional
9 transportation planning organizations, local governments, transit
10 agencies, and employers.

11 ~~((3) In carrying out this section the department of
12 transportation may contract with statewide associations representing
13 cities, towns, and counties to assist cities, towns, and counties in
14 implementing commute trip reduction plans and programs.))~~

15 **Sec. 7.** RCW 70.94.544 and 2006 c 329 s 9 are each amended to
16 read as follows:

17 A portion of the funds made available for the purposes of this
18 chapter shall be used to fund the commute trip reduction board in
19 carrying out the responsibilities of RCW 70.94.537, and the
20 department of transportation, including the activities authorized
21 under RCW 70.94.541(2), and to assist employers, regional
22 transportation planning organizations, counties, cities, and towns
23 implementing commute trip reduction (~~(plans)~~) programs. The commute
24 trip reduction board shall determine the allocation of program funds
25 made available for the purposes of this chapter to employers,
26 regional transportation planning organizations, counties, cities, and
27 towns implementing commute trip reduction (~~(plans)~~) programs. If
28 state funds for the purposes of this chapter are provided to those
29 jurisdictions implementing voluntary commute trip reduction (~~(plans)~~)
30 programs, the funds shall be disbursed based on criteria established
31 by the commute trip reduction board under RCW 70.94.537.

32 NEW SECTION. **Sec. 8.** RCW 35.58.250 (Other local public
33 passenger transportation service prohibited—Agreements—Purchase—
34 Condemnation) and 1965 c 7 s 35.58.250 are each repealed.

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