

HOUSE BILL REPORT

HB 1513

As Reported By House Committee On:

Transportation Policy & Budget

Title: An act relating to transportation demand management.

Brief Description: Enhancing transportation demand management.

Sponsors: Representatives Radcliff, Scott, Sterk, O'Brien, Robertson, Hatfield, Skinner, Murray, Cairnes, Wolfe and Wensman; by request of Commute Trip Reduction Task Force.

Brief History:

Committee Activity:

Transportation Policy & Budget: 2/13/97, 3/4/97 [DPS].

HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; DeBolt; Gardner; Hatfield; Johnson; O'Brien; Ogden; Radcliff; Robertson; Scott; Skinner; Sterk; Wood and Zellinsky.

Minority Report: Do not pass. Signed by 4 members: Representatives Fisher, Ranking Minority Member; Constantine; Murray and Romero.

Staff: Gary Lebow (786-7304).

Background: In 1991 requirements for commute trip reduction (CTR) were enacted. All public and private employers with 100 or more employees who commute during the rush hours of 6 a.m. to 9 a.m. are required to develop a program for reducing the number of single occupancy trips by their employees. The law affects major employers in counties whose populations are greater than 150,000 and is implemented through local CTR ordinances. Currently, King, Pierce, Snohomish, Clark, Spokane, Kitsap, Thurston, Yakima and Whatcom counties are impacted by this law. Major employers in these counties are required to make good faith efforts to reduce drive-alone commuting by 15 percent by 1995, 25 percent by 1997, and 35 percent by 1999. These reductions are measured against the base year value of the CTR zone in which the work site is located. Employer transportation programs are currently in

place at nearly 900 work sites. Jurisdictions may impose civil penalties if an employer fails to implement or make necessary changes to its trip reduction program.

The administrative responsibility for the program is with the Department of Transportation (DOT). The director of the Public Transportation and Rail Division chairs the CTR Task Force, comprised of 22 employer, state agency, county, city, transit and citizen representatives, of which 18 are appointed by the Governor and four serve by virtue of their position in state government.

The task force has developed implementation guidelines for local jurisdictions to follow when developing their local ordinance and program. The guidelines were completed in 1992, and programs were implemented in 62 jurisdictions within the affected counties. The CTR Task Force is also responsible for monitoring the programs and providing clarification of the guidelines or, when needed, changing the guidelines.

In addition to developing the guidelines, the task force was charged with evaluating the program and reporting back to the Legislature in 1995 and 1999 on the costs and benefits. The first legislative report was completed and presented to the Legislative Transportation Committee on December 1, 1995. The task force is dissolved on July 1, 2000.

Implementing the CTR programs has raised questions about employer liability and employee privacy of personal information. Specific issues are: (1) disclosure of public records, specifically ride-matching records, by a public agency; (2) potential workers' compensation liability for employers that promote or contribute to ride-sharing programs; and (3) potential tort liability for entities that perform ride-matching or other ride-sharing promotional activities.

Summary of Substitute Bill: The commute trip reduction (CTR) goals for reductions in single-occupancy vehicle trips or vehicle miles traveled are revised to 20 percent in 1997, 25 percent in 1999, and 35 percent by 2005. The work site is able to choose either the zone base-year value or the work site base-year value against which to measure. The jurisdictions are required to notify affected employers of the procedures to apply for the CTR goal modification or exemption from the commute trip reduction requirements, based on the guidelines established by the CTR Task Force. Jurisdictions are also required to give credit to employers for shifting employee schedules so the commute is outside of the 6 a.m. to 9 a.m. time frame. The CTR Task Force is responsible for establishing guidelines for the jurisdictions to follow when applying this credit.

Employers are required to make a good faith effort toward achievement of the CTR goals. Good faith is defined as meeting the minimum requirements of RCW 70.94.531 and working with the jurisdictions in continuing the existing program or

modifying the program in a way that is likely to result in improvements to the program. The jurisdictions are required to work with the employer when proposing changes to the CTR programs. Transit agencies are required to evaluate major employer work sites when planning transit service changes or expansion of transit services.

The task force is directed to work with jurisdictions, major employers and other parties to develop and implement a public awareness campaign to increase the effectiveness of local CTR programs. The legislative intent for the CTR program is modified to recognize the importance of increasing individual citizens' awareness of air quality, energy conservation, and traffic congestion, and the contribution individual citizens can make toward these issues.

The CTR Task Force is expanded to 28 members by adding an additional six members from the private sector. Each affected county will have at least one employer representative on the task force. The sunset date for the task force is extended to July 1, 2006.

The names, addresses and other individually identifiable records held by an agency in relation to a vanpool, carpool or other ride-sharing program or service are exempt from public inspection or copying.

Alternative commute modes are defined and added to existing ride-sharing exemptions from industrial insurance coverage.

No person or entity can be held liable in tort for promoting or participating in a ride-share program.

Substitute Bill Compared to Original Bill: Every affected county will have at least one employer representative on the CTR Task Force. Good faith is defined in the bill, rather than leaving the definition up to the task force. Jurisdictions are required to give credit to employers who shift employee schedules out of the 6 a.m. to 9 a.m. commute time frame. The CTR Task Force will establish guidelines for the credit. Jurisdictions are required to notify the employers of the procedure in place to modify the CTR goals.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill represents the involvement of many people in reevaluating the CTR program. All of the CTR Task Force members, except one, support the changes contained in the bill. This bill makes the CTR program more of a partnership between employers and local jurisdictions.

Good faith language should be added to the bill instead of leaving it to be defined in the task force guidelines. Credit should be given to employers who shift people outside of the 6 a.m. to 9 a.m. commute window. It is very important to allow modification of the goals because not all businesses have the same transit service available.

Testimony Against: None.

Testified: Jim Slakey, Department of Transportation (pro); Mikal D. Wasch, Boeing Company (pro); Bill Roach, King County METRO (pro); Scott Merriman, Washington Environmental Council (pro/with concerns); Jim Ruppel, American Electronics Association (pro/with concerns); Stuart Simon, Washington Retail Association/Safeway (pro/with concerns); Terry Farden, Associated Grocers (pro); Joe Elsom, Data I/O (pro); Don Johnson, Simpson Tacoma Kraft (pro); Deanna Emineth, Franciscan Health System (pro); and Katy Taylor, Weyerhaeuser Company (pro).