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SENATE BILL 5576

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State of Washington

55th Legislature

1997 Regular Session

By Senators Wood, Sellar, Oke, Haugen, Goings and Kline; by request of Commute Trip Reduction Task Force

Read first time 01/31/97. Referred to Committee on Transportation.

1 AN ACT Relating to transportation demand management; amending RCW  
2 70.94.521, 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.551,  
3 46.74.010, 46.74.030, and 51.08.013; and reenacting and amending RCW  
4 42.17.310.

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

6 **Sec. 1.** RCW 70.94.521 and 1991 c 202 s 10 are each amended to read  
7 as follows:

8 The legislature finds that automotive traffic in Washington's  
9 metropolitan areas is the major source of emissions of air  
10 contaminants. This air pollution causes significant harm to public  
11 health, causes damage to trees, plants, structures, and materials and  
12 degrades the quality of the environment.

13 Increasing automotive traffic is also aggravating traffic  
14 congestion in Washington's metropolitan areas. This traffic congestion  
15 imposes significant costs on Washington's businesses, governmental  
16 agencies, and individuals in terms of lost working hours and delays in  
17 the delivery of goods and services. Traffic congestion worsens  
18 automobile-related air pollution, increases the consumption of fuel,  
19 and degrades the habitability of many of Washington's cities and

1 suburban areas. The capital and environmental costs of fully  
2 accommodating the existing and projected automobile traffic on roads  
3 and highways are prohibitive. Decreasing the demand for vehicle trips  
4 is significantly less costly and at least as effective in reducing  
5 traffic congestion and its impacts as constructing new transportation  
6 facilities such as roads and bridges, to accommodate increased traffic  
7 volumes.

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

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

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

35 **Sec. 2.** RCW 70.94.527 and 1996 c 186 s 513 are each amended to  
36 read as follows:

37 (1) Each county with a population over one hundred fifty thousand,  
38 and each city or town within those counties containing a major employer

1 shall, by October 1, 1992, adopt by ordinance and implement a commute  
2 trip reduction plan for all major employers. The plan shall be  
3 developed in cooperation with local transit agencies, regional  
4 transportation planning organizations as established in RCW 47.80.020,  
5 major employers, and the owners of and employers at major worksites.  
6 The plan shall be designed to achieve reductions in the proportion of  
7 single-occupant vehicle commute trips and the commute trip vehicle  
8 miles traveled per employee by employees of major public and private  
9 sector employers in the jurisdiction.

10 (2) All other counties, and cities and towns in those counties, may  
11 adopt and implement a commute trip reduction plan.

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

19 (4) A commute trip reduction plan shall be consistent with the  
20 guidelines established under RCW 70.94.537 and shall include but is not  
21 limited to (a) goals for reductions in the proportion of single-  
22 occupant vehicle commute trips and the commute trip vehicle miles  
23 traveled per employee; (b) designation of commute trip reduction zones;  
24 (c) requirements for major public and private sector employers to  
25 implement commute trip reduction programs; (d) a commute trip reduction  
26 program for employees of the county, city, or town; (e) a review of  
27 local parking policies and ordinances as they relate to employers and  
28 major worksites and any revisions necessary to comply with commute trip  
29 reduction goals and guidelines; (f) an appeals process by which major  
30 employers, who as a result of special characteristics of their business  
31 or its locations would be unable to meet the requirements of a commute  
32 trip reduction plan, may obtain waiver or modification of those  
33 requirements; and (g) means for determining base year values of the  
34 proportion of single-occupant vehicle commute trips and the commute  
35 trip vehicle miles traveled per employee and progress toward meeting  
36 commute trip reduction plan goals on an annual basis. Goals which are  
37 established shall take into account existing transportation demand  
38 management efforts which are made by major employers. Each  
39 jurisdiction shall ensure that employers shall receive full credit for

1 the results of transportation demand management efforts and commute  
2 trip reduction programs which have been implemented by major employers  
3 prior to the base year. The goals for miles traveled per employee for  
4 all major employers shall not be less than a fifteen percent reduction  
5 from the worksite base year value ((of)) or the base year value for the  
6 commute trip reduction zone in which their worksite is located by  
7 January 1, 1995, ((~~twenty-five~~)) twenty percent reduction from the base  
8 year values by January 1, 1997, ((~~and thirty-five~~)) twenty-five percent  
9 reduction from the base year values by January 1, 1999, and a thirty-  
10 five percent reduction from the base year values by January 1, 2005.

11 (5) A county, city, or town may, as part of its commute trip  
12 reduction plan, require commute trip reduction programs for employers  
13 with ten or more full time employees at major worksites in federally  
14 designated nonattainment areas for carbon monoxide and ozone. The  
15 county, city or town shall develop the programs in cooperation with  
16 affected employers and provide technical assistance to the employers in  
17 implementing such programs.

18 (6) The commute trip reduction plans adopted by counties, cities,  
19 and towns under this chapter shall be consistent with and may be  
20 incorporated in applicable state or regional transportation plans and  
21 local comprehensive plans and shall be coordinated, and consistent  
22 with, the commute trip reduction plans of counties, cities, or towns  
23 with which the county, city, or town has, in part, common borders or  
24 related regional issues. Such regional issues shall include assuring  
25 consistency in the treatment of employers who have worksites subject to  
26 the requirements of this chapter in more than one jurisdiction.  
27 Counties, cities, or towns adopting commute trip reduction plans may  
28 enter into agreements through the interlocal cooperation act or by  
29 resolution or ordinance as appropriate with other jurisdictions, local  
30 transit agencies, or regional transportation planning organizations to  
31 coordinate the development and implementation of such plans. Transit  
32 agencies shall work with counties, cities, and towns to take into  
33 account the location of major employer worksites when planning transit  
34 service changes or the expansion of public transportation services.  
35 Counties, cities, or towns adopting a commute trip reduction plan shall  
36 review it annually and revise it as necessary to be consistent with  
37 applicable plans developed under RCW 36.70A.070.

38 (7) Each county, city, or town implementing a commute trip  
39 reduction program shall, within thirty days submit a summary of its

1 plan along with certification of adoption to the commute trip reduction  
2 task force established under RCW 70.94.537.

3 (8) Each county, city, or town implementing a commute trip  
4 reduction program shall submit an annual progress report to the commute  
5 trip reduction task force established under RCW 70.94.537. The report  
6 shall be due July 1, 1994, and each July 1<sup>st</sup> thereafter through July 1,  
7 ((2000)) 2006. The report shall describe progress in attaining the  
8 applicable commute trip reduction goals for each commute trip reduction  
9 zone and shall highlight any problems being encountered in achieving  
10 the goals. The information shall be reported in a form established by  
11 the commute trip reduction task force.

12 (9) Any waivers or modifications of the requirements of a commute  
13 trip reduction plan granted by a jurisdiction shall be submitted for  
14 review to the commute trip reduction task force established under RCW  
15 70.94.537. The commute trip reduction task force may not deny the  
16 granting of a waiver or modification of the requirements of a commute  
17 trip reduction plan by a jurisdiction but they may notify the  
18 jurisdiction of any comments or objections.

19 (10) Each county, city, or town implementing a commute trip  
20 reduction program shall count commute trips eliminated through work-at-  
21 home options or alternate work schedules as one and two-tenths vehicle  
22 trips eliminated for the purpose of meeting trip reduction goals.

23 (11) Plans implemented under this section shall not apply to  
24 commute trips for seasonal agricultural employees.

25 (12) Plans implemented under this section shall not apply to  
26 construction worksites when the expected duration of the construction  
27 project is less than two years.

28 **Sec. 3.** RCW 70.94.531 and 1991 c 202 s 13 are each amended to read  
29 as follows:

30 (1) Not more than six months after the adoption of the commute trip  
31 reduction plan by a jurisdiction, each major employer in that  
32 jurisdiction shall develop a commute trip reduction program and shall  
33 submit a description of that program to the jurisdiction for review.  
34 The program shall be implemented not more than six months after  
35 submission to the jurisdiction.

36 (2) A commute trip reduction program shall consist of, at a minimum  
37 (a) designation of a transportation coordinator and the display of the  
38 name, location, and telephone number of the coordinator in a prominent

1 manner at each affected worksite; (b) regular distribution of  
2 information to employees regarding alternatives to single-occupant  
3 vehicle commuting; (c) an annual review of employee commuting and  
4 reporting of progress toward meeting the single-occupant vehicle  
5 reduction goals to the county, city, or town consistent with the method  
6 established in the commute trip reduction plan; and (d) implementation  
7 of a set of measures designed to achieve the applicable commute trip  
8 reduction goals adopted by the jurisdiction. Such measures may include  
9 but are not limited to:

10 (i) Provision of preferential parking or reduced parking charges,  
11 or both, for high occupancy vehicles;

12 (ii) Instituting or increasing parking charges for single-occupant  
13 vehicles;

14 (iii) Provision of commuter ride matching services to facilitate  
15 employee ridesharing for commute trips;

16 (iv) Provision of subsidies for transit fares;

17 (v) Provision of vans for van pools;

18 (vi) Provision of subsidies for car pooling or van pooling;

19 (vii) Permitting the use of the employer's vehicles for car pooling  
20 or van pooling;

21 (viii) Permitting flexible work schedules to facilitate employees'  
22 use of transit, car pools, or van pools;

23 (ix) Cooperation with transportation providers to provide  
24 additional regular or express service to the worksite;

25 (x) Construction of special loading and unloading facilities for  
26 transit, car pool, and van pool users;

27 (xi) Provision of bicycle parking facilities, lockers, changing  
28 areas, and showers for employees who bicycle or walk to work;

29 (xii) Provision of a program of parking incentives such as a rebate  
30 for employees who do not use the parking facility;

31 (xiii) Establishment of a program to permit employees to work part  
32 or full time at home or at an alternative worksite closer to their  
33 homes;

34 (xiv) Establishment of a program of alternative work schedules such  
35 as compressed work week schedules which reduce commuting; and

36 (xv) Implementation of other measures designed to facilitate the  
37 use of high-occupancy vehicles such as on-site day care facilities and  
38 emergency taxi services.

1 (3) Employers or owners of worksites may form or utilize existing  
2 transportation management associations to assist members in developing  
3 and implementing commute trip reduction programs.

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

6 **Sec. 4.** RCW 70.94.534 and 1991 c 202 s 14 are each amended to read  
7 as follows:

8 (1) Each jurisdiction implementing a commute trip reduction plan  
9 under this chapter or as part of a plan or ordinance developed under  
10 RCW 36.70A.070 shall review each employer's initial commute trip  
11 reduction program to determine if the program is likely to meet the  
12 applicable commute trip reduction goals. The employer shall be  
13 notified by the jurisdiction of its findings. If the jurisdiction  
14 finds that the program is not likely to meet the applicable commute  
15 trip reduction goals, the jurisdiction will work with the employer to  
16 modify the program as necessary. The jurisdiction shall complete  
17 review of each employer's initial commute trip reduction program within  
18 three months of receipt.

19 (2) Each jurisdiction shall annually review each employer's  
20 progress and good faith efforts toward meeting the applicable commute  
21 trip reduction goals. If ~~((it appears))~~ an employer makes a good faith  
22 effort, as defined in guidelines issued under RCW 70.94.537(2)(i), but  
23 is not likely to meet the applicable commute trip reduction goals, the  
24 jurisdiction shall work collaboratively with the employer to make  
25 modifications to the commute trip reduction program. Failure of an  
26 employer to reach the applicable commute trip reduction goals is not a  
27 violation of this chapter.

28 (3) If an employer fails to make a good faith effort and fails to  
29 meet the applicable commute trip reduction goals, the jurisdiction  
30 shall work collaboratively with the employer to propose modifications  
31 to the program and shall direct the employer to revise its program  
32 within thirty days to incorporate those modifications or modifications  
33 which the jurisdiction determines to be equivalent.

34 (4) Each jurisdiction implementing a commute trip reduction plan  
35 pursuant to this chapter may impose civil penalties, in the manner  
36 provided in chapter 7.80 RCW, for failure by an employer to implement  
37 a commute trip reduction program or to modify its commute trip  
38 reduction program as required in subsection (3) of this section. No

1 major employer may be held liable for civil penalties for failure to  
2 reach the applicable commute trip reduction goals. No major employer  
3 shall be liable for civil penalties under this chapter if failure to  
4 achieve a commute trip reduction program goal was the result of an  
5 inability to reach agreement with a certified collective bargaining  
6 agent under applicable laws where the issue was raised by the employer  
7 and pursued in good faith.

8 **Sec. 5.** RCW 70.94.537 and 1996 c 186 s 514 are each amended to  
9 read as follows:

10 (1) A (~~twenty-two~~) twenty-eight member state commute trip  
11 reduction task force (~~shall be~~) is established as follows:

12 (a) The secretary of the department of transportation or the  
13 secretary's designee who shall serve as chair;

14 (b) The director of the department of ecology or the director's  
15 designee;

16 (c) The director of the department of community, trade, and  
17 economic development or the director's designee;

18 (d) The director of the department of general administration or the  
19 director's designee;

20 (e) Three representatives from counties appointed by the governor  
21 from a list of at least six recommended by the Washington state  
22 association of counties;

23 (f) Three representatives from cities and towns appointed by the  
24 governor from a list of at least six recommended by the association of  
25 Washington cities;

26 (g) Three representatives from transit agencies appointed by the  
27 governor from a list of at least six recommended by the Washington  
28 state transit association;

29 (h) (~~Six~~) Twelve representatives of employers at or owners of  
30 major worksites in Washington appointed by the governor from a list of  
31 at least twelve recommended by the association of Washington business  
32 or other state-wide business associations representing major employers;  
33 and

34 (i) Three citizens appointed by the governor.

35 Members of the commute trip reduction task force shall serve  
36 without compensation but shall be reimbursed for travel expenses as  
37 provided in RCW 43.03.050 and 43.03.060. Members appointed by the  
38 governor shall be compensated in accordance with RCW 43.03.220. The



1 task force has all powers necessary to carry out its duties as  
2 prescribed by this chapter. The task force shall be dissolved on July  
3 1, ((2000)) 2006.

4 (2) By March 1, 1992, the commute trip reduction task force shall  
5 establish guidelines for commute trip reduction plans. The guidelines  
6 are intended to ensure consistency in commute trip reduction plans and  
7 goals among jurisdictions while fairly taking into account differences  
8 in employment and housing density, employer size, existing and  
9 anticipated levels of transit service, special employer circumstances,  
10 and other factors the task force determines to be relevant. The  
11 guidelines shall include:

12 (a) Criteria for establishing commute trip reduction zones;

13 (b) Methods and information requirements for determining base year  
14 values of the proportion of single-occupant vehicle commute trips and  
15 the commute trip vehicle miles traveled per employee and progress  
16 toward meeting commute trip reduction plan goals;

17 (c) Model commute trip reduction ordinances;

18 (d) Methods for assuring consistency in the treatment of employers  
19 who have worksites subject to the requirements of this chapter in more  
20 than one jurisdiction;

21 (e) An appeals process by which major employers, who as a result of  
22 special characteristics of their business or its locations would be  
23 unable to meet the requirements of a commute trip reduction plan, may  
24 obtain a waiver or modification of those requirements and criteria for  
25 determining eligibility for waiver or modification;

26 (f) Methods to ensure that employers shall receive full credit for  
27 the results of transportation demand management efforts and commute  
28 trip reduction programs which have been implemented by major employers  
29 prior to the base year;

30 (g) Alternative commute trip reduction goals for major employers  
31 which cannot meet the goals of this chapter because of the unique  
32 nature of their business; ((and))

33 (h) Alternative commute trip reduction goals for major employers  
34 whose worksites change and who contribute substantially to traffic  
35 congestion in a trip reduction zone; and

36 (i) Criteria for jurisdictions and employers to use in evaluating  
37 an employer's good faith effort towards achievement of the applicable  
38 commute trip reduction goals. The task force shall develop and  
39 establish guidelines under this subsection (2)(i) by July 1, 1997.

1       (3) The task force shall work with jurisdictions, major employers,  
2 and other parties to develop and implement a public awareness campaign  
3 designed to increase the effectiveness of local commute trip reduction  
4 programs and support achievement of the objectives identified in this  
5 chapter.

6       (4) The task force shall assess the commute trip reduction options  
7 available to employers other than major employers and make  
8 recommendations to the legislature by October 1, 1992. The  
9 recommendations shall include the minimum size of employer who shall be  
10 required to implement trip reduction programs and the appropriate  
11 methods those employers can use to accomplish trip reduction goals.

12       (~~(4)~~) (5) The task force shall review progress toward  
13 implementing commute trip reduction plans and programs and the costs  
14 and benefits of commute trip reduction plans and programs and shall  
15 make recommendations to the legislature by December 1, 1995, (~~and~~)  
16 December 1, 1999, December 1, 2001, December 1, 2003, and December 1,  
17 2005. In assessing the costs and benefits, the task force shall  
18 consider the costs of not having implemented commute trip reduction  
19 plans and programs. The task force shall examine other transportation  
20 demand management programs nationally and incorporate its findings into  
21 its recommendations to the legislature. The recommendations shall  
22 address the need for continuation, modification, or termination or any  
23 or all requirements of this chapter. The recommendations made December  
24 1, 1995, shall include recommendations regarding extension of the  
25 requirements of this chapter to employers with fifty or more full-time  
26 employees at a single worksite who begin their regular work day between  
27 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous  
28 months.

29       **Sec. 6.** RCW 70.94.551 and 1996 c 186 s 516 are each amended to  
30 read as follows:

31       (1) The director of general administration, with the concurrence of  
32 an interagency task force established for the purposes of this section,  
33 shall coordinate a commute trip reduction plan for state agencies which  
34 are phase 1 major employers by January 1, 1993. The task force shall  
35 include representatives of the departments of transportation and  
36 ecology and such other departments as the director of general  
37 administration determines to be necessary to be generally  
38 representative of state agencies. The state agency plan shall be

1 consistent with the requirements of RCW 70.94.527 and 70.94.531 and  
2 shall be developed in consultation with state employees, local and  
3 regional governments, local transit agencies, the business community,  
4 and other interested groups. The plan shall consider and recommend  
5 policies applicable to all state agencies including but not limited to  
6 policies regarding parking and parking charges, employee incentives for  
7 commuting by other than single-occupant automobiles, flexible and  
8 alternative work schedules, alternative worksites, and the use of  
9 state-owned vehicles for car and van pools. The plan shall also  
10 consider the costs and benefits to state agencies of achieving commute  
11 trip reductions and consider mechanisms for funding state agency  
12 commute trip reduction programs. The department shall, within thirty  
13 days, submit a summary of its plan along with certification of adoption  
14 to the commute trip reduction task force established under RCW  
15 70.94.537.

16 (2) Not more than three months after the adoption of the commute  
17 trip reduction plan, each state agency shall, for each facility which  
18 is a major employer, develop a commute trip reduction program. The  
19 program shall be designed to meet the goals of the commute trip  
20 reduction plan of the county, city, or town or, if there is no local  
21 commute trip reduction plan, the state. The program shall be  
22 consistent with the policies of the state commute trip reduction plan  
23 and RCW 70.94.531. The agency shall submit a description of that  
24 program to the local jurisdiction implementing a commute trip reduction  
25 plan or, if there is no local commute trip reduction plan, to the  
26 department of general administration. The program shall be implemented  
27 not more than three months after submission to the department. Annual  
28 reports required in RCW 70.94.531(2)(c) shall be submitted to the local  
29 jurisdiction implementing a commute trip reduction plan and to the  
30 department of general administration. An agency which is not meeting  
31 the applicable commute trip reduction goals shall, to the extent  
32 possible, modify its program to comply with the recommendations of the  
33 local jurisdiction or the department of general administration.

34 (3) State agencies sharing a common location may develop and  
35 implement a joint commute trip reduction program or may delegate the  
36 development and implementation of the commute trip reduction program to  
37 the department of general administration.

38 (4) The department of general administration in consultation with  
39 the state technical assistance team shall review the initial commute

1 trip reduction program of each state agency subject to the commute trip  
2 reduction plan for state agencies to determine if the program is likely  
3 to meet the applicable commute trip reduction goals and notify the  
4 agency of any deficiencies. If it is found that the program is not  
5 likely to meet the applicable commute trip reduction goals, the team  
6 will work with the agency to modify the program as necessary.

7 (5) For each agency subject to the state agency commute trip  
8 reduction plan, the department of general administration in  
9 consultation with the technical assistance team shall annually review  
10 progress toward meeting the applicable commute trip reduction goals.  
11 If it appears an agency is not meeting or is not likely to meet the  
12 applicable commute trip reduction goals, the team shall work with the  
13 agency to make modifications to the commute trip reduction program.

14 (6) The department of general administration shall submit an annual  
15 progress report for state agencies subject to the state agency commute  
16 trip reduction plan to the commute trip reduction task force  
17 established under RCW 70.94.537. The report shall be due April 1,  
18 1993, and each April 1<sup>st</sup> through ((2000)) 2006. The report shall  
19 report progress in attaining the applicable commute trip reduction  
20 goals for each commute trip reduction zone and shall highlight any  
21 problems being encountered in achieving the goals. The information  
22 shall be reported in a form established by the commute trip reduction  
23 task force.

24 **Sec. 7.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996  
25 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as  
26 follows:

27 (1) The following are exempt from public inspection and copying:

28 (a) Personal information in any files maintained for students in  
29 public schools, patients or clients of public institutions or public  
30 health agencies, or welfare recipients.

31 (b) Personal information in files maintained for employees,  
32 appointees, or elected officials of any public agency to the extent  
33 that disclosure would violate their right to privacy.

34 (c) Information required of any taxpayer in connection with the  
35 assessment or collection of any tax if the disclosure of the  
36 information to other persons would (i) be prohibited to such persons by  
37 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
38 in unfair competitive disadvantage to the taxpayer.

1 (d) Specific intelligence information and specific investigative  
2 records compiled by investigative, law enforcement, and penology  
3 agencies, and state agencies vested with the responsibility to  
4 discipline members of any profession, the nondisclosure of which is  
5 essential to effective law enforcement or for the protection of any  
6 person's right to privacy.

7 (e) Information revealing the identity of persons who are witnesses  
8 to or victims of crime or who file complaints with investigative, law  
9 enforcement, or penology agencies, other than the public disclosure  
10 commission, if disclosure would endanger any person's life, physical  
11 safety, or property. If at the time a complaint is filed the  
12 complainant, victim or witness indicates a desire for disclosure or  
13 nondisclosure, such desire shall govern. However, all complaints filed  
14 with the public disclosure commission about any elected official or  
15 candidate for public office must be made in writing and signed by the  
16 complainant under oath.

17 (f) Test questions, scoring keys, and other examination data used  
18 to administer a license, employment, or academic examination.

19 (g) Except as provided by chapter 8.26 RCW, the contents of real  
20 estate appraisals, made for or by any agency relative to the  
21 acquisition or sale of property, until the project or prospective sale  
22 is abandoned or until such time as all of the property has been  
23 acquired or the property to which the sale appraisal relates is sold,  
24 but in no event shall disclosure be denied for more than three years  
25 after the appraisal.

26 (h) Valuable formulae, designs, drawings, and research data  
27 obtained by any agency within five years of the request for disclosure  
28 when disclosure would produce private gain and public loss.

29 (i) Preliminary drafts, notes, recommendations, and intra-agency  
30 memorandums in which opinions are expressed or policies formulated or  
31 recommended except that a specific record shall not be exempt when  
32 publicly cited by an agency in connection with any agency action.

33 (j) Records which are relevant to a controversy to which an agency  
34 is a party but which records would not be available to another party  
35 under the rules of pretrial discovery for causes pending in the  
36 superior courts.

37 (k) Records, maps, or other information identifying the location of  
38 archaeological sites in order to avoid the looting or depredation of  
39 such sites.

1 (l) Any library record, the primary purpose of which is to maintain  
2 control of library materials, or to gain access to information, which  
3 discloses or could be used to disclose the identity of a library user.

4 (m) Financial information supplied by or on behalf of a person,  
5 firm, or corporation for the purpose of qualifying to submit a bid or  
6 proposal for (i) a ferry system construction or repair contract as  
7 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
8 construction or improvement as required by RCW 47.28.070.

9 (n) Railroad company contracts filed prior to July 28, 1991, with  
10 the utilities and transportation commission under RCW 81.34.070, except  
11 that the summaries of the contracts are open to public inspection and  
12 copying as otherwise provided by this chapter.

13 (o) Financial and commercial information and records supplied by  
14 private persons pertaining to export services provided pursuant to  
15 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
16 export projects pursuant to RCW 43.23.035.

17 (p) Financial disclosures filed by private vocational schools under  
18 chapters 28B.85 and 28C.10 RCW.

19 (q) Records filed with the utilities and transportation commission  
20 or attorney general under RCW 80.04.095 that a court has determined are  
21 confidential under RCW 80.04.095.

22 (r) Financial and commercial information and records supplied by  
23 businesses or individuals during application for loans or program  
24 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
25 or during application for economic development loans or program  
26 services provided by any local agency.

27 (s) Membership lists or lists of members or owners of interests of  
28 units in timeshare projects, subdivisions, camping resorts,  
29 condominiums, land developments, or common-interest communities  
30 affiliated with such projects, regulated by the department of  
31 licensing, in the files or possession of the department.

32 (t) All applications for public employment, including the names of  
33 applicants, resumes, and other related materials submitted with respect  
34 to an applicant.

35 (u) The residential addresses and residential telephone numbers of  
36 employees or volunteers of a public agency which are held by the agency  
37 in personnel records, employment or volunteer rosters, or mailing lists  
38 of employees or volunteers.

1 (v) The residential addresses and residential telephone numbers of  
2 the customers of a public utility contained in the records or lists  
3 held by the public utility of which they are customers.

4 (w)(i) The federal social security number of individuals governed  
5 under chapter 18.130 RCW maintained in the files of the department of  
6 health, except this exemption does not apply to requests made directly  
7 to the department from federal, state, and local agencies of  
8 government, and national and state licensing, credentialing,  
9 investigatory, disciplinary, and examination organizations; (ii) the  
10 current residential address and current residential telephone number of  
11 a health care provider governed under chapter 18.130 RCW maintained in  
12 the files of the department, if the provider requests that this  
13 information be withheld from public inspection and copying, and  
14 provides to the department an accurate alternate or business address  
15 and business telephone number. On or after January 1, 1995, the  
16 current residential address and residential telephone number of a  
17 health care provider governed under RCW 18.130.140 maintained in the  
18 files of the department shall automatically be withheld from public  
19 inspection and copying unless the provider specifically requests the  
20 information be released, and except as provided for under RCW  
21 42.17.260(9).

22 (x) Information obtained by the board of pharmacy as provided in  
23 RCW 69.45.090.

24 (y) Information obtained by the board of pharmacy or the department  
25 of health and its representatives as provided in RCW 69.41.044,  
26 69.41.280, and 18.64.420.

27 (z) Financial information, business plans, examination reports, and  
28 any information produced or obtained in evaluating or examining a  
29 business and industrial development corporation organized or seeking  
30 certification under chapter 31.24 RCW.

31 (aa) Financial and commercial information supplied to the state  
32 investment board by any person when the information relates to the  
33 investment of public trust or retirement funds and when disclosure  
34 would result in loss to such funds or in private loss to the providers  
35 of this information.

36 (bb) Financial and valuable trade information under RCW 51.36.120.

37 (cc) Client records maintained by an agency that is a domestic  
38 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
39 crisis center as defined in RCW 70.125.030.

1 (dd) Information that identifies a person who, while an agency  
2 employee: (i) Seeks advice, under an informal process established by  
3 the employing agency, in order to ascertain his or her rights in  
4 connection with a possible unfair practice under chapter 49.60 RCW  
5 against the person; and (ii) requests his or her identity or any  
6 identifying information not be disclosed.

7 (ee) Investigative records compiled by an employing agency  
8 conducting a current investigation of a possible unfair practice under  
9 chapter 49.60 RCW or of a possible violation of other federal, state,  
10 or local laws prohibiting discrimination in employment.

11 (ff) Business related information protected from public inspection  
12 and copying under RCW 15.86.110.

13 (gg) Financial, commercial, operations, and technical and research  
14 information and data submitted to or obtained by the clean Washington  
15 center in applications for, or delivery of, program services under  
16 chapter 70.95H RCW.

17 (hh) Information and documents created specifically for, and  
18 collected and maintained by a quality improvement committee pursuant to  
19 RCW 43.70.510, regardless of which agency is in possession of the  
20 information and documents.

21 (ii) Personal information in files maintained in a data base  
22 created under RCW 43.07.360.

23 (jj) The names, residential addresses, residential telephone  
24 numbers, and other individually identifiable records held by an agency  
25 in relation to a vanpool, carpool, or other ride-sharing program or  
26 service. However, these records may be disclosed to other persons who  
27 apply for ride-matching services and who need that information in order  
28 to identify potential riders or drivers with whom to share rides.

29 (2) Except for information described in subsection (1)(c)(i) of  
30 this section and confidential income data exempted from public  
31 inspection pursuant to RCW 84.40.020, the exemptions of this section  
32 are inapplicable to the extent that information, the disclosure of  
33 which would violate personal privacy or vital governmental interests,  
34 can be deleted from the specific records sought. No exemption may be  
35 construed to permit the nondisclosure of statistical information not  
36 descriptive of any readily identifiable person or persons.

37 (3) Inspection or copying of any specific records exempt under the  
38 provisions of this section may be permitted if the superior court in  
39 the county in which the record is maintained finds, after a hearing



1 with notice thereof to every person in interest and the agency, that  
2 the exemption of such records is clearly unnecessary to protect any  
3 individual's right of privacy or any vital governmental function.

4 (4) Agency responses refusing, in whole or in part, inspection of  
5 any public record shall include a statement of the specific exemption  
6 authorizing the withholding of the record (or part) and a brief  
7 explanation of how the exemption applies to the record withheld.

8 **Sec. 8.** RCW 46.74.010 and 1996 c 244 s 2 are each amended to read  
9 as follows:

10 The definitions set forth in this section shall apply throughout  
11 this chapter, unless the context clearly indicates otherwise.

12 (1) "Commuter ride sharing" means a car pool or van pool  
13 arrangement whereby a fixed group not exceeding fifteen persons  
14 including the driver, and (a) not fewer than five persons including the  
15 driver, or (b) not fewer than four persons including the driver where  
16 at least two of those persons are confined to wheelchairs when riding,  
17 is transported in a passenger motor vehicle with a gross vehicle weight  
18 not exceeding ten thousand pounds, excluding special rider equipment,  
19 between their places of abode or termini near such places, and their  
20 places of employment or educational or other institutions, in a single  
21 daily round trip where the driver is also on the way to or from his or  
22 her place of employment or educational or other institution.

23 (2) "Flexible commuter ride sharing" means a car pool or van pool  
24 arrangement whereby a group of at least two but not exceeding fifteen  
25 persons including the driver is transported in a passenger motor  
26 vehicle with a gross vehicle weight not exceeding ten thousand pounds,  
27 excluding special rider equipment, between their places of abode or  
28 termini near such places, and their places of employment or educational  
29 or other institutions, where the driver is also on the way to or from  
30 his or her place of employment or educational or other institution.

31 (3) "Ride sharing for persons with special transportation needs"  
32 means an arrangement whereby a group of persons with special  
33 transportation needs, and their attendants, is transported by a public  
34 social service agency or a private, nonprofit transportation provider  
35 as defined in RCW 81.66.010(3) in a passenger motor vehicle as defined  
36 by the department to include small buses, cutaways, and modified vans  
37 not more than twenty-eight feet long: PROVIDED, That the driver need  
38 not be a person with special transportation needs.

1       (~~(3)~~) (4) "Ride-sharing operator" means the person, entity, or  
2 concern, not necessarily the driver, responsible for the existence and  
3 continuance of commuter ride sharing, flexible commuter ride sharing,  
4 or ride sharing for persons with special transportation needs. The  
5 term "ride-sharing operator" includes but is not limited to an  
6 employer, an employer's agent, an employer-organized association, a  
7 state agency, a county, a city, a public transportation benefit area,  
8 or any other political subdivision that owns or leases a ride-sharing  
9 vehicle.

10       (~~(4)~~) (5) "Ride-sharing promotional activities" means those  
11 activities involved in forming a commuter ride-sharing arrangement or  
12 a flexible commuter ride-sharing arrangement, including but not limited  
13 to receiving information from existing and prospective ride-sharing  
14 participants, sharing that information with other existing and  
15 prospective ride-sharing participants, matching those persons with  
16 other existing or prospective ride-sharing participants, and making  
17 assignments of persons to ride-sharing arrangements.

18       (6) "Persons with special transportation needs" means those persons  
19 defined in RCW 81.66.010(4).

20       **Sec. 9.** RCW 46.74.030 and 1996 c 244 s 3 are each amended to read  
21 as follows:

22       The operator and the driver of a commuter ride-sharing vehicle or  
23 a flexible commuter ride-sharing vehicle shall be held to a reasonable  
24 and ordinary standard of care, and are not subject to ordinances or  
25 regulations which relate exclusively to the regulation of drivers or  
26 owners of motor vehicles operated for hire, or other common carriers or  
27 public transit carriers. No person, entity, or concern may, as a  
28 result of engaging in ride-sharing promotional activities, be liable  
29 for civil damages arising directly or indirectly (1) from the  
30 maintenance and operation of a commuter ride-sharing or flexible  
31 commuter ride-sharing vehicle; or (2) from an intentional act of  
32 another person who is participating or proposing to participate in a  
33 commuter ride-sharing or flexible commuter ride-sharing arrangement,  
34 unless the ride-sharing operator or promoter had prior, actual  
35 knowledge that the intentional act was likely to occur and had a  
36 reasonable ability to prevent the act from occurring.

1       **Sec. 10.** RCW 51.08.013 and 1995 c 179 s 1 are each amended to read  
2 as follows:

3       (1) "Acting in the course of employment" means the worker acting at  
4 his or her employer's direction or in the furtherance of his or her  
5 employer's business which shall include time spent going to and from  
6 work on the jobsite, as defined in RCW 51.32.015 and 51.36.040, insofar  
7 as such time is immediate to the actual time that the worker is engaged  
8 in the work process in areas controlled by his or her employer, except  
9 parking area. It is not necessary that at the time an injury is  
10 sustained by a worker he or she is doing the work on which his or her  
11 compensation is based or that the event is within the time limits on  
12 which industrial insurance or medical aid premiums or assessments are  
13 paid.

14       (2) "Acting in the course of employment" does not include:

15       (a) Time spent going to or coming from the employer's place of  
16 business(~~(i) In commuter ride sharing, as defined in RCW~~  
17 ~~46.74.010(1), notwithstanding any participation by the employer in the~~  
18 ~~ride sharing arrangement; or (ii) on a public transport system using a~~  
19 ~~pass provided in whole or part by the employer)) in an alternative  
20 commute mode, notwithstanding that the employer (i) paid directly or  
21 indirectly, in whole or in part, the cost of a fare, pass, or other  
22 expense associated with the alternative commute mode; (ii) promoted and  
23 encouraged employee use of one or more alternative commute modes; or  
24 (iii) otherwise participated in the provision of the alternative  
25 commute mode.~~

26       (b) An employee's participation in social activities, recreational  
27 or athletic activities, events, or competitions, and parties or  
28 picnics, whether or not the employer pays some or all of the costs  
29 thereof, unless: (i) The participation is during the employee's  
30 working hours, not including paid leave; (ii) the employee was paid  
31 monetary compensation by the employer to participate; or (iii) the  
32 employee was ordered or directed by the employer to participate or  
33 reasonably believed the employee was ordered or directed to  
34 participate.

35       (3) "Alternative commute mode" means (a) a carpool or vanpool  
36 arrangement whereby a group of at least two but not more than fifteen  
37 persons including passengers and driver, is transported between their  
38 places of abode or termini near those places, and their places of  
39 employment or educational or other institutions, where the driver is

1 also on the way to or from his or her place of employment or  
2 educational or other institution; (b) a bus, ferry, or other public  
3 transportation service; or (c) a nonmotorized means of commuting such  
4 as bicycling or walking.

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