

HOUSE BILL REPORT

ESSB 6566

As Passed House - Amended:

March 2, 2006

Title: An act relating to commute trip reduction.

Brief Description: Revising commute trip reduction provisions.

Sponsors: By Senate Committee on Transportation (originally sponsored by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe; by request of Department of Transportation).

Brief History:

Committee Activity:

Transportation: 2/22/06, 2/23/06 [DPA].

Floor Activity:

Passed House - Amended: 3/2/06, 98-0.

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Modifying the scope of the Commute Trip Reduction (CTR) Program to focus on urban growth areas with the most congested state highways.
- Replacing the CTR Task Force with a CTR Board possessing expanded duties.
- Allowing local jurisdictions to create growth and transportation efficiency centers to obtain funding and flexibility in implementing programs.
- Expanding the role of the Department of Transportation and regional transportation planning organizations in CTR planning.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 28 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Clibborn, Curtis, Dickerson, Ericksen, Flannigan, Hankins, Holmquist, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Schindler, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Staff: David Bowman (786-7339).

Background:

In 1991 the Commute Trip Reduction (CTR) Law was enacted as part of the Washington Clean Air Act. The goals of CTR are to reduce air pollution, traffic congestion, and fuel consumption through employer-based programs that decrease the number of employees traveling by single-occupant vehicles to the work place.

A 28-member CTR Task Force (Task Force) oversees implementation and evaluation of the CTR program. Membership on the Task Force represents broad-based interests. The Task Force consists of the Secretary of the Department of Transportation (DOT), the Director of the Department of Ecology (DOE) or a designee, the Director of the Department of Community, Trade, and Economic Development (CTED) or a designee, the Director of the Department of General Administration (DGA) or a designee, three representatives from counties, three representatives from transit agencies, 12 representatives from major employers in Washington, and three citizens.

Among other duties, the Task Force is charged with establishing guidelines for CTR plans to ensure consistency in plans and goals among jurisdictions; working with jurisdictions and major employers to develop and implement a public awareness campaign designed to increase local CTR program effectiveness; and reviewing and reporting on the progress of CTR plans to the Legislature at specified times, and every two years since 1999. The Task Force is not required to establish or monitor a statewide CTR plan. On December 1, 2005, the Task Force delivered its fifth and final report to the Legislature under its existing statutory authority.

Counties with populations over 150,000, cities within those counties containing a major employer, and major employers are all required to develop and implement CTR programs. The definition of a "major employer" includes any private or public employer that employs 100 or more full-time employees at a single work site during the regular work day. A county implementing a CTR plan may contract with other organizations, such as the local transit system or Regional Transportation Planning Organization (RTPO), to assist, oversee, and/or implement the program within the county. The Legislature has also stated that it is the policy of the state that agencies aggressively develop substantive programs to reduce commute trips by state employees. To the extent a private or public employer work site is not otherwise required to participate in a CTR program, voluntary participation is both allowed and encouraged.

Each local jurisdiction must review each major employer's progress and good faith efforts toward meeting commute trip reduction goals at least once per year. At the employer level, major employers are also required to annually review employee commuting and progress toward meeting commute trip reduction goals.

Summary of Amended Bill:

The CTR Task Force is replaced with a 16-member CTR Board (Board) comprised of the Secretary of the DOT, one representative of the Office of the Governor, the Director or

director's designee of the DGA, the DOE, and CTED, and the following representatives appointed by the Governor to staggered four-year terms: three from cities and towns or counties, two from transit agencies, two from participating RTPOs, four from major employers or transportation management associations representing employers, and two citizens.

The Board is provided with a number of duties including, but not limited to: creating a state CTR plan, establishing statewide program goals, establishing guidelines and deadlines for creating and updating local CTR plans; and determining the allocation of program funds made available. The Board will dissolve on July 1, 2014.

Several types of local and regional governmental units and agencies are required to participate in CTR:

- Each county containing an urban growth area (UGA), and each city within an urban growth area with a state highway segment exceeding the 100 person hours-of-delay threshold calculated by the DOT, as well as those counties and cities located in any contiguous urban growth areas, are required to adopt a CTR plan and ordinance for major employers in the affected urban growth area. Also, those jurisdictions located within a UGA with a population greater than 70,000 that adopted a commute trip reduction ordinance before 2000 must participate in the program.
- Jurisdictions containing a major employment installation in a county with an affected growth area are required to adopt a CTR plan and ordinance for major employers in the major employment installation. The ordinance must provide an appeals process for major employers, who as a result of special characteristics of their business or location would be unable to meet the requirements of the ordinance.
- State agencies co-located at a work site in an affected urban growth area, and having a combined employment of over 100 full-time employees, must develop and implement a joint CTR program. The work site will be treated as a major employer work site.
- The RTPOs that contain an affected urban growth area are required to adopt a CTR plan for the region consistent with rules and deadlines established by the DOT. The minimum requirements for the regional plan are provided. The plan must be developed in collaboration with all affected jurisdictions and reviewed and approved by the CTR board. Regions without an approved plan are not eligible for state CTR funds.

Affected urban growth areas that had not previously implemented a CTR plan are exempted from the planning and ordinance requirements if the state has funded solutions to state highway deficiencies to address the area's congestion.

Counties, cities, and towns that are not required to participate may nevertheless voluntarily participate in the CTR program. State financial support for jurisdictions participating on a voluntary basis must be limited to areas that meet criteria to be developed by the Board.

Not more than 90 days after the adoption of a jurisdiction's CTR plan, each major employer in the jurisdiction must perform a baseline measurement consistent with rules adopted by the DOT. No more than 90 days after receiving the results of the baseline measurement, each major employer must develop a CTR plan and submit it for review to the jurisdiction. Not more than 90 days after being approved by the jurisdiction, the employer must implement the CTR program.

Employers implementing CTR programs are required to make a good faith effort to achieve the goals in the county CTR plan. Factors considered in determining whether a good faith effort has been made are modified to include: (1) whether the employer has notified the jurisdiction of its intent to substantially change its program and has either received approval of the jurisdiction to do so, or has acknowledged that the program may not be approved without additional modifications; and (2) the employer has provided adequate information and documentation of implementation when requested by the jurisdiction. Jurisdictions are required to review an employer's progress every two years instead of on an annual basis.

Counties, cities, and towns as part of the CTR plan may identify a current or new activity center as a growth and transportation efficiency center and establish a transportation demand management (TDM) program in the designated area. In order to be eligible for state funding, designated growth and transportation efficiency centers must be certified to meet specified criteria by the applicable RTPO. The content for TDM programs for a growth and transportation efficiency center are defined. A jurisdiction that has established growth and transportation efficiency centers must provide support for vehicle trip reduction activities, and adopt policies, ordinances and funding strategies that will lead to attainment of program goals in the center.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Engrossed Substitute Bill) The CTR has been a successful program in reducing single-occupancy trips. This bill gives the CTR program more focus, and it is a positive step toward reducing urban corridor congestion and the corresponding impact that congestion has on the environment.

(Concerns, Engrossed Substitute Bill) The CTR program issues have traditionally been a mandatory subject of collective bargaining; a possible unintended consequence of requiring major employers to participate is that employees will lose the right to collectively bargain CTR issues.

Testimony Against: None.

Persons Testifying: (Engrossed Substitute Bill) Joan Cullen, Washington State Department of General Administration; Brian Lagerberg, Washington State Department of Transportation; and Genesee Adkins, Transportation Choices Coalition.

(Concerns, Engrossed Substitute Bill) Bev Hermanson, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.