

SENATE BILL REPORT

ESHB 3089

As Reported By Senate Committee On:
Transportation, February 22, 2006

Title: An act relating to commute trip reduction.

Brief Description: Revising commute trip reduction provisions.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Murray, Clibborn, Woods, Simpson and Linville; by request of Department of Transportation).

Brief History: Passed House: 2/13/06, 98-0.

Committee Activity: Transportation: 2/21/06, 2/22/06 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Berkey, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein.

Staff: Dory On (786-7321)

Background: In 1991, the Commute Trip Reduction (CTR) law was enacted as part of the Washington Clean Air Act. The goals of the CTR program 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.

Current law requires that counties with a population over 150,000, and each city or town within those counties containing a major employer (100 or more full-time employees at a single worksite who begin their scheduled work day between 6:00 a.m. and 9:00 a.m.), must adopt by ordinance and implement a CTR plan. Other jurisdictions and employers may voluntarily comply with the CTR laws. Ten counties are currently participating in the CTR program.

The CTR Task Force is comprised of 28 members, including employer, state agency, county, city, transit, and citizen representatives. The Task Force is charged with developing implementation guidelines for local jurisdictions, monitoring the programs, and providing clarification and modification to the guidelines when needed. Additionally, the Task Force is charged with evaluating the program and reporting any recommendations to the Legislature each biennium. In November of 2005, the Task Force adopted a proposal that included recommendations to make the CTR program more efficient and submitted request legislation to the Governor's office. The Task Force sunsets on July 1, 2006.

Summary of Amended Bill: The CTR task force is replaced with the CTR board. The board consists of sixteen members, which include: (1) the Secretary of Transportation or designee; (2) a representative from the Office of the Governor or designee; (3) the director or designee of one of the following agencies, Department of General Administration, Department of Ecology, or Department of Community, Trade, and Economic Development; (4) three representatives from cities and towns or counties; (5) two representatives from transit agencies; (6) two representatives from a participating Regional Transportation Planning Organization (RTPO); (7) four representatives from employers or owners of major worksites in Washington; and (8) two citizens appointed by the Governor. The CTR board must advise Washington State Department of Transportation (WSDOT) in the adoption of the rules to govern the new program. The board is provided with a number of duties including, but not limited to: creating a state CTR plan, establishing statewide program goals, and establishing guidelines and deadlines for creating and updating local CTR plans. The board sunsets on July 1, 2014.

Each county containing an urban growth area, and each city within an urban growth area with a state highway segment exceeding the 100 person hours-of-delay threshold calculated by the WSDOT, 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 seventy thousand that adopted a commute trip reduction ordinance before 2000 must participate in the program.

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 do not meet the above criteria may 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 CTR Board.

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.

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 WSDOT. 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.

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.

State agencies that are co-located at a worksite in an affected urban growth area, and when combined employ over 100 full time employees, must develop and implement a joint CTR program. The worksite will be treated as a major employer worksite.

Not more than ninety 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 WSDOT. No more than ninety 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 ninety 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.

The CTR Board is required to determine the allocation of program funds made available. Various legislative findings are made.

Amended Bill Compared to Original Bill: All of the language of ESHB 3089 is replaced with the language of its companion bill, ESSB 6566. Changes include addition of a sunset date for the CTR Board and a requirement that the CTR Board report to DOT, elimination of references to the Transportation Performance Audit Board, and minor technical clarifications.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Thank you for funding CTR in the Senate Proposed Supplemental Budget. We would have appreciated additional funding for needed, temporary staff, but we are grateful for the funding provided.

Testimony Against: None.

Who Testified: PRO: Genesee Adkins, Transportation Choices Coalition; Brian Lagerberg, Washington State Department of Transportation.