

SHB 2762 - H AMD 860

By Representative Ross

FAILED 03/04/2014

1 On page 36, line 31, decrease the state vehicle parking account--
2 state appropriation by \$754,000

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4 On page 37, line 3, decrease the multimodal transportation
5 account--state appropriation by \$6,724,000

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7 On page 37, line 8, correct the total.

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9 On page 39, beginning on line 23, strike all of subsection (7) and
10 insert the following:

11 ~~"((7) 6,122,000 of the total appropriation in this section is~~
12 ~~provided solely for CTR grants and activities. Of this amount:~~

13 ~~— (a) \$3,900,000 of the multimodal transportation account--state~~
14 ~~appropriation is provided solely for grants to local jurisdictions,~~
15 ~~selected by the CTR board, for the purpose of assisting employers meet~~
16 ~~CTR goals;~~

17 ~~— (b) \$1,770,000 of the multimodal transportation account--state~~
18 ~~appropriation is provided solely for state costs associated with CTR.~~
19 ~~The department shall develop more efficient methods of CTR assistance~~
20 ~~and survey procedures; and~~

21 ~~— (c) \$452,000 of the state vehicle parking account--state~~
22 ~~appropriation is provided solely for CTR-related expenditures,~~
23 ~~including all expenditures related to the guaranteed ride home program~~
24 ~~and the STAR pass program.))"~~

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26 Renumber the remaining subsections consecutively and correct any
27 internal references accordingly.

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On page 40, beginning on line 8, strike all of subsection (10)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 86, after line 16, insert the following:

"Sec. 710. RCW 70.94.531 and 2013 c 26 s 1 are each amended to read as follows:

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

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

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

1 commute trip reduction goals adopted by the jurisdiction. Such
2 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-occupant
6 vehicles;

7 (iii) Provision of commuter ride matching services to facilitate
8 employee ridesharing 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 employees'
15 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 part
25 or full time at home or at an alternative worksite closer to their
26 homes;

27 (xiv) Establishment of a program of alternative work schedules
28 such as compressed work week 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 and
31 emergency taxi services.

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

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

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6 **Sec. 711.** RCW 70.94.534 and 2006 c 329 s 6 are each amended to
7 read 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~~) may review each participating employer's
11 initial commute trip reduction program to determine if the program is
12 likely to meet the applicable commute trip reduction goals. The
13 participating employer shall be notified by the jurisdiction of its
14 findings. If the jurisdiction finds that the program is not likely to
15 meet the applicable commute trip reduction goals, the jurisdiction
16 (~~will~~) may work with the participating employer to modify the
17 program as necessary. The jurisdiction (~~shall~~) should complete
18 review of each employer's initial commute trip reduction program
19 within ninety days of receipt.

20 (2) Participating employers implementing commute trip reduction
21 programs are expected to undertake good faith efforts to achieve the
22 goals outlined in RCW 70.94.527(4). Participating employers are
23 considered to be making a good faith effort if the following
24 conditions have been met:

25 (a) The employer has met the minimum requirements identified in
26 RCW 70.94.531;

27 (b) The employer has notified the jurisdiction of its intent to
28 substantially change or modify its program and has either received the
29 approval of the jurisdiction to do so or has acknowledged that its
30 program may not be approved without additional modifications;

31 (c) The employer has provided adequate information and
32 documentation of implementation when requested by the jurisdiction;
33 and

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1 (d) The employer is working collaboratively with its jurisdiction
2 to continue its existing program or is developing and implementing
3 program modifications likely to result in improvements to the program
4 over an agreed upon length of time.

5 (3) Each jurisdiction (~~((shall))~~) may review at least once every two
6 years each participating employer's progress and good faith efforts
7 toward meeting the applicable commute trip reduction goals. If (~~((an))~~)
8 a participating employer makes a good faith effort, as defined in this
9 section, but is not likely to meet the applicable commute trip
10 reduction goals, the jurisdiction (~~((shall))~~) may work collaboratively
11 with the participating employer to make modifications to the commute
12 trip reduction program. Failure of (~~((an))~~) a participating employer to
13 reach the applicable commute trip reduction goals is not a violation
14 of this chapter.

15 (4) (~~((If an employer fails to make a good faith effort and fails
16 to meet the applicable commute trip reduction goals, the jurisdiction
17 shall work collaboratively with the employer to propose modifications
18 to the program and shall direct the employer to revise its program
19 within thirty days to incorporate those modifications or modifications
20 which the jurisdiction determines to be equivalent.~~

21 ~~—(5) Each jurisdiction implementing a commute trip reduction plan
22 pursuant to this chapter may impose civil penalties, in the manner
23 provided in chapter 7.80 RCW, for failure by an employer to implement
24 a commute trip reduction program or to modify its commute trip
25 reduction program as required in subsection (4) of this section.)~~ No
26 participating major employer may be held liable for civil penalties
27 for failure to reach the applicable commute trip reduction goals. No
28 participating major employer shall be liable for civil penalties
29 (~~((under this chapter))~~) if failure to achieve a commute trip reduction
30 program goal was the result of an inability to reach agreement with a
31 certified collective bargaining agent under applicable laws where the
32 issue was raised by the employer and pursued in good faith.

33 (~~((6))~~) (5) Jurisdictions shall notify participating major
34 employers of the procedures for applying for goal modification or

1 exemption from the commute trip reduction requirements based on the
2 guidelines established by the commute trip reduction board authorized
3 under RCW 70.94.537.

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5 NEW SECTION. **Sec. 712.** A new section is added to chapter 70.94
6 RCW to read as follows:

7 The secretary of the department of transportation may, within
8 existing resources, coordinate an interagency board or other
9 interested parties for the purpose of developing policies or
10 guidelines that promote consistency among state agency commute trip
11 reduction programs required under RCW 70.94.527 and 70.94.531.

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13 **Sec. 713.** RCW 43.01.225 and 2011 1st sp.s. c 43 s 253 are each
14 amended to read as follows:

15 There is hereby established an account in the state treasury to be
16 known as the "state vehicle parking account." All parking rental
17 income resulting from parking fees established by the department of
18 enterprise services under RCW 46.08.172 at state-owned or leased
19 property shall be deposited in the "state vehicle parking account."
20 Revenue deposited in the "state vehicle parking account" shall be
21 first applied to pledged purposes. Unpledged parking revenues
22 deposited in the "state vehicle parking account" may be used to:

23 (1) Pay costs incurred in the operation, maintenance, regulation,
24 and enforcement of vehicle parking and parking facilities; and

25 (2) Support the lease costs and/or capital investment costs of
26 vehicle parking and parking facilities(~~(; and~~

27 ~~— (3) Support agency commute trip reduction programs under RCW~~
28 ~~70.94.521 through 70.94.551)).~~

29
30 **Sec. 714.** RCW 43.01.240 and 1998 c 245 s 46 are each amended to
31 read as follows:

32 (1) There is hereby established an account in the state treasury
33 to be known as the state agency parking account. All parking income
34 collected from the fees imposed by state agencies on parking spaces at

1 state-owned or leased facilities, including the capitol campus, shall
2 be deposited in the state agency parking account. Only the office of
3 financial management may authorize expenditures from the account. The
4 account is subject to allotment procedures under chapter 43.88 RCW,
5 but no appropriation is required for expenditures. No agency may
6 receive an allotment greater than the amount of revenue deposited into
7 the state agency parking account.

8 (2) An agency may, as an element of the agency's commute trip
9 reduction program to achieve the goals set forth in RCW 70.94.527,
10 impose parking rental fees at state-owned and leased properties.
11 These fees will be deposited in the state agency parking account.
12 Each agency shall establish a committee to advise the agency director
13 on parking rental fees, taking into account the market rate of
14 comparable, privately owned rental parking in each region. The agency
15 shall solicit representation of the employee population including, but
16 not limited to, management, administrative staff, production workers,
17 and state employee bargaining units. Funds shall be used by agencies
18 to: (a) (~~Support the agencies' commute trip reduction program under~~
19 ~~RCW 70.94.521 through 70.94.551; (b)~~) Support the agencies' parking
20 program; or ((+e)) (b) support the lease or ownership costs for the
21 agencies' parking facilities.

22 (3) In order to reduce the state's subsidization of employee
23 parking, after July 1997 agencies shall not enter into leases for
24 employee parking in excess of building code requirements, except as
25 authorized by the director of (~~general administration~~) enterprise
26 services. In situations where there are fewer parking spaces than
27 employees at a worksite, parking must be allocated equitably, with no
28 special preference given to managers.

29
30 **Sec. 715.** RCW 43.41.140 and 1993 c 394 s 3 are each amended to
31 read as follows:

32 Pursuant to policies and regulations promulgated by the office of
33 financial management, an elected state officer or delegate or a state
34 agency director or delegate may permit an employee to commute in a

1 state-owned or leased vehicle if such travel is on official business,
2 as determined in accordance with RCW 43.41.130, and is determined to
3 be economical and advantageous to the state(~~(, or as part of a commute~~
4 ~~trip reduction program as required by RCW 70.94.551))~~).

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6 **Sec. 716.** RCW 43.01.230 and 1995 c 215 s 1 are each amended to
7 read as follows:

8 (1) State agencies may, under the internal revenue code rules, use
9 public funds to financially assist agency-approved incentives for
10 alternative commute modes, including but not limited to carpools,
11 vanpools, purchase of transit and ferry passes, and guaranteed ride
12 home programs, if the financial assistance is an element of the
13 agency's commute trip reduction program as required under RCW
14 70.94.521 through 70.94.551. This section does not permit any payment
15 for the use of state-owned vehicles for commuter ride sharing.

16 (2) This section has no force or effect until after June 30, 2015.

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18 **Sec. 717.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
19 read as follows:

20 (1) The secretary of the department of transportation may
21 coordinate an interagency board or other interested parties for the
22 purpose of developing policies or guidelines that promote consistency
23 among state agency commute trip reduction programs required by RCW
24 70.94.527 and 70.94.531 or developed under the joint comprehensive
25 commute trip reduction plan described in this section. The board
26 shall include representatives of the departments of transportation,
27 *general administration, ecology, and **community, trade, and economic
28 development and such other departments and interested groups as the
29 secretary of the department of transportation determines to be
30 necessary. Policies and guidelines shall be applicable to all state
31 agencies including but not limited to policies and guidelines
32 regarding parking and parking charges, employee incentives for
33 commuting by other than single-occupant automobiles, flexible and
34 alternative work schedules, alternative worksites, and the use of

1 state-owned vehicles for car and van pools and guaranteed rides home.
2 The policies and guidelines shall also consider the costs and benefits
3 to state agencies of achieving commute trip reductions and consider
4 mechanisms for funding state agency commute trip reduction programs.

5 (2) State agencies sharing a common location in affected urban
6 growth areas where the total number of state employees is one hundred
7 or more shall, with assistance from the department of transportation,
8 develop and implement a joint commute trip reduction program. The
9 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

10 (3) The department of transportation shall develop a joint
11 comprehensive commute trip reduction plan for all state agencies,
12 including institutions of higher education, located in the Olympia,
13 Lacey, and Tumwater urban growth areas.

14 (a) In developing the joint comprehensive commute trip reduction
15 plan, the department of transportation shall work with applicable
16 state agencies, including institutions of higher education, and shall
17 collaborate with the following entities: Local jurisdictions;
18 regional transportation planning organizations as described in chapter
19 47.80 RCW; transit agencies, including regional transit authorities as
20 described in chapter 81.112 RCW and transit agencies that serve areas
21 within twenty- five miles of the Olympia, Lacey, or Tumwater urban
22 growth areas; and the capitol campus design advisory committee
23 established in RCW 43.34.080.

24 (b) The joint comprehensive commute trip reduction plan must build
25 on existing commute trip reduction programs and policies. At a
26 minimum, the joint comprehensive commute trip reduction plan must
27 include strategies for telework and flexible work schedules, parking
28 management, and consideration of the impacts of worksite location and
29 design on multimodal transportation options.

30 (c) The joint comprehensive commute trip reduction plan must
31 include performance measures and reporting methods and requirements.

32 (d) The joint comprehensive commute trip reduction plan may
33 include strategies to accommodate differences in worksite size and
34 location.

1 (e) The joint comprehensive commute trip reduction plan must be
2 consistent with jurisdictional and regional transportation, land use,
3 and commute trip reduction plans, the state six-year facilities plan,
4 and the master plan for the capitol of the state of Washington.

5 (f) Not more than ninety days after the adoption of the joint
6 comprehensive commute trip reduction plan, state agencies within the
7 three urban growth areas must implement a commute trip reduction
8 program consistent with the objectives and strategies of the joint
9 comprehensive commute trip reduction plan.

10 (4) The department of transportation shall review the initial
11 commute trip reduction program of each state agency subject to the
12 commute trip reduction plan for state agencies to determine if the
13 program is likely to meet the applicable commute trip reduction goals
14 and notify the agency of any deficiencies. If it is found that the
15 program is not likely to meet the applicable commute trip reduction
16 goals, the department of transportation will work with the agency to
17 modify the program as necessary.

18 (5) Each state agency implementing a commute trip reduction plan
19 shall report at least once per year to its agency director on the
20 performance of the agency's commute trip reduction program as part of
21 the agency's quality management, accountability, and performance
22 system as defined by RCW 43.17.385. The reports shall assess the
23 performance of the program, progress toward state goals established
24 under RCW 70.94.537, and recommendations for improving the program.

25 (6) The department of transportation shall review the agency
26 performance reports defined in subsection (5) of this section and
27 submit a biennial report for state agencies subject to this chapter to
28 the governor and incorporate the report in the commute trip reduction
29 board report to the legislature as directed in RCW 70.94.537(6). The
30 report shall include, but is not limited to, an evaluation of the most
31 recent measurement results, progress toward state goals established
32 under RCW 70.94.537, and recommendations for improving the performance
33 of state agency commute trip reduction programs. The information
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1 shall be reported in a form established by the commute trip reduction
2 board.

3 (7) This section has no force or effect until after June 30, 2015.

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5 **Sec. 718.** RCW 70.94.555 and 2006 c 329 s 3 are each amended to
6 read as follows:

7 (1) Nothing in chapter 329, Laws of 2006 preempts the ability of
8 state employees to collectively bargain over commute trip reduction
9 issues, including parking fees under chapter 41.80 RCW, or the ability
10 of private sector employees to collectively bargain over commute trip
11 reduction issues if previously such issues were mandatory subjects of
12 collective bargaining.

13 (2) This section has no force or effect until after June 30, 2015.

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15 NEW SECTION. **Sec. 719.** Sections 710 through 715 of this act
16 expire June 30, 2015."

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EFFECT: Makes the following changes, for the length of the
current biennium, to the state commute trip reduction (CTR) program:

- (1) Eliminates WSDOT funding for CTR.
- (2) Eliminates funding for the Whatcom smart trips CTR program.
- (3) Makes the current CTR program voluntary and eliminates penalties for noncompliance.
- (4) Allows the WSDOT secretary, within existing resources, to coordinate the state CTR program.
- (5) Removes the state CTR program as an item for which state imposed vehicle parking fees may be expended.
- (6) Removes the state CTR program as a purpose for which a state employee may use a state-owned or leased vehicle.
- (7) Suspends the ability of the state to use public funds to support the state CTR program, the current state CTR board's ability to develop policies and guidelines for the state CTR program, the state's obligation to develop a CTR program for state agencies in Thurston County, and the RCW stating that the ability of employees to bargain over CTR is not preempted.

FISCAL IMPACT:

Reduces the multimodal transportation account - state
appropriation by \$6,724,000.

Reduces the state vehicle parking account - state appropriation
by \$754,000.

--- END ---