

**CITY OF BELLINGHAM**  
**COMMUTE TRIP REDUCTION ORDINANCE**

Prepared for:

THE CITY OF BELLINGHAM

by:

WHATCOM COUNTY COUNCIL OF GOVERNMENTS

DATE: 2-22-99



1 **2.2 Interlocal Agreement/Responsible Agency**

2  
3 In order to ensure consistency and flexibility, the City of Bellingham has determined that it is within  
4 the best interest of the public to enter into an Interlocal Agreement (pursuant to RCW 39-34 and  
5 RCW 70.94.527) with the Whatcom County Council of Governments. The Whatcom County  
6 Council of Governments is hereby designated as the lead agency responsible for implementing and  
7 administering the CTR Plan of Whatcom County and CTR Ordinance.  
8

9 **2.3 Administrative Procedures**

10  
11 Whatcom County Council of Governments is hereby authorized to develop and adopt, in consultation  
12 with the affected local jurisdictions, such administrative rules and procedures as necessary to  
13 implement the provisions of this Ordinance.  
14  
15

16 **SECTION 3 APPLICABILITY**

17  
18 The requirements of this Ordinance shall apply to all affected employers at a single worksite within  
19 the City of Bellingham.  
20  
21

22 **SECTION 4 NOTIFICATION**

23  
24 **4.1 Notification**

25  
26 A notice of the availability of the CTR Plan and this Ordinance shall be published at least once in the  
27 official City of Bellingham newspaper within 30 days of passage of this Ordinance.  
28  
29

30 **SECTION 5 SCHEDULE OF PENALTIES**

31  
32 **5.1 Schedule of Penalties**

33  
34 The penalty for non-compliance with the requirements of the attached CTR Plan shall be \$100.00 per  
35 violation per day.  
36  
37

38 **SECTION 6 APPEALS PROCESS**

39  
40 **6.1 Commute Trip Reduction Appeals Board**

41  
42 The Bellingham City Council will serve as the CTR Appeals Board for employers in the City of  
43 Bellingham. The Whatcom County Council of Governments will provide technical support to the  
44 Bellingham City Council as needed to fulfill this duty.  
45  
46

1 **6.2 Appeals Process**

2  
3 Any affected employer may appeal administrative decisions regarding exemptions, goal  
4 modifications, program element modifications, and violations to the CTR Appeals Board. In the  
5 event of a violation, the affected employer shall be notified of the intent to impose penalties and the  
6 manner in which penalties may be appealed.  
7


8  
9 **SECTION 7 VALIDITY**

10  
11 Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance be declared  
12 unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining  
13 portion of this Ordinance.  
14

15  
16  
17 ADOPTED this 3rd day of May, 1999.

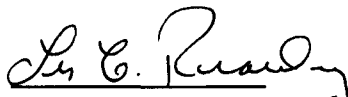
18  
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21 ATTEST:

BELLINGHAM CITY COUNCIL  
BELLINGHAM, WASHINGTON

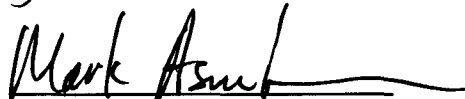
22  
23   
24 \_\_\_\_\_  
25 Finance Director

  
\_\_\_\_\_  
Name & Title **Gene Knutson, Council President**

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27  
28  
29 APPROVED AS TO FORM:

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31   
32 \_\_\_\_\_  
33 City Attorney

34  
35  
36 Approved by me this 5th day of May, 99.

37  
38   
39 \_\_\_\_\_  
40 Mayor

41  
42  
43  
44  
45 Published: May 6, 1999

**Commute Trip Reduction Ordinance - Attachment 1**

**COMMUTE TRIP REDUCTION PLAN**

**FOR**

**WHATCOM COUNTY**

**Prepared for:**

**WHATCOM COUNTY  
CITY OF BELLINGHAM  
CITY OF BLAINE  
CITY OF EVERSON  
CITY OF FERNDALE  
CITY OF LYNDEN  
CITY OF NOOKSACK  
CITY OF SUMAS**

**by:**

**WHATCOM COUNTY COUNCIL OF GOVERNMENTS**

**DATE: 4-26-99**

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## PREFACE

Air pollution and traffic congestion in our state are now critical problems and demand our attention. Automobile traffic, which is dominated by single occupant vehicles, is a major source of air pollution, which in turn, is a significant threat to public health and degrades the quality of the environment. Traffic congestion imposes significant costs to businesses, government and individuals in terms of lost working hours and delays in the delivery of goods and services. These problems are having a negative impact on the quality of life in Whatcom County. Single occupant vehicle travel is a major factor in the consumption of gasoline and reliance on imported sources of petroleum. Moderation in the growth of automobile travel is essential to stabilize and reduce dependence on imported petroleum and improve the nation's energy security.

In response to these problems, the State legislature passed the Commute Trip Reduction (CTR) Law in 1991 to reduce automobile-related air pollution, energy consumption and traffic congestion. The law benefits our state by helping meet federal and state air quality standards, enhancing opportunities for economic development and avoiding the increasing cost of environmental controls.

The Commute Trip Reduction Law requires local governments in certain counties to enact Commute Trip Reduction ordinances that require large employers to develop programs for their employees that encourage alternatives to driving alone. The CTR Ordinance is regulatory and procedural. The CTR Plan, by contrast, is descriptive. The plan specifies what is required of employer programs and indicates how programs will be administered.

This Commute Trip Reduction Plan has been developed in a cooperative manner with input from local governments; employers of the cities of Bellingham, Blaine, Everson and Ferndale, and unincorporated Whatcom County; and the Washington State Department of Transportation - CTR Office. Whatcom County Council of Governments coordinated this effort. The plan itself reflects this cooperative spirit and emphasizes fairness, consistency and coordination between all parties.

This Commute Trip Reduction Plan continues the coordinated approach by designating Whatcom County Council of Governments to administer and implement the plan in Whatcom County. In addition, Whatcom County Council of Governments will continue to provide support to employers as they develop, implement and operate CTR programs.

## **DEFINITIONS**

For the purpose of this Plan, the following definitions shall apply in its interpretation and enforcement:

1. "Affected Employee" - a full-time employee who begins his/her regular work day at a single worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve continuous months. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, and employees required to work rotating shifts are excluded from the count of affected employees.
2. "Affected Employer" - a public or private employer that employs one hundred or more affected employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve continuous months. Construction work sites, when the expected duration of the construction is less than two years, are excluded from this definition.
3. "Alternative Commute Mode" - any means of commute transportation other than that in which the single occupant motor vehicle is the dominant mode including telecommuting and compressed work weeks if they result in reducing commute trips.
4. "Alternative Work Schedules" - programs such as compressed work weeks that eliminate work trips for affected employees.
5. "Base Year" - the period from January 1, 1997 through December 31, 1997, on which goals for vehicle miles traveled (VMT) per employee and the proportion of single occupant vehicle (SOV) trips shall be based.
6. "Carpool" - a motor vehicle occupied by two to six people (age 16+) traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.
7. "Commute Trips" - trips made from a worker's home to a worksite for a regularly scheduled work day beginning between 6:00 a.m. and 9:00 a.m. (inclusive) on weekdays. Commute Trips are counted:

SOV	= 1 Trip
2-person carpools	= 1/2 trip per employee
3-person carpools	= 1/3 trip per employee
4-person carpools	= 1/4 trip per employee
5-person carpools	= 1/5 trip per employee
6-person carpools	= 1/6 trip per employee
Vanpools (7 or more)	= Zero trips
Transit	= Zero trips
Walk/Bike	= Zero trips plus 20% credit
Telecommuting	= Zero trips plus 20% credit
Compressed Work Week	= Zero trips plus 20% credit for each commute trip eliminated



8. "CTR Guidelines" - the official guidelines to the CTR Law (RCW 70-94.527) developed by the Washington State CTR Task Force.
9. "CTR Plan" - the commute trip reduction plan for Whatcom County that describes how affected employers are to achieve reductions in the commute trip vehicle miles traveled (VMT) and the proportion of single occupant vehicle (SOV) commute trips per employee.
10. "CTR Program" - an employer's strategies to reduce SOV use and VMT per affected employee.
11. "CTR Zone" - an area within Whatcom County characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.
12. "Commute Mode" - the means of transportation used by employees, such as single occupant motor vehicle, rideshare vehicle (carpool/vanpool), transit, ferry, bicycle, and walking.
13. "Compliance" - fully implementing all provisions in an accepted CTR program or meeting or exceeding the VMT and SOV goals of this CTR Ordinance and accompanying CTR Plan.
14. "Computer Matching Service" - a system that assists in matching commuters for the purpose of commuting together.
15. "Compressed Work Week" - an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10 hour days or 80 hours in nine days, but may also include other arrangements. Compressed work weeks are understood to be an on-going arrangement.
16. "Custom Bus/Buspool/Subscription Bus" - a commuter bus service arranged specifically to transport employees to work, generally bus service with limited origins and destinations, guaranteed seats and advance fare purchase.
17. "Day(s)" - calendar day(s).
18. "Dominant Commute Mode" - the mode of travel used for the greatest distance of a commute trip.
19. "Employee" - anyone who receives financial or other remuneration in exchange for work provided to an employer, including owners or partners of the employer.
20. "Employee Transportation Coordinator" or "ETC" - a designated person who is typically an employee of the affected employer and who is accessible to a worksite's employees in order to carry out the CTR requirements of the CTR Law and the CTR Ordinance. The ETC also acts as the employer's liaison with local jurisdictions or the agency that administers and implements the CTR Ordinance.

21. "Employer" - sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit or private, that employs workers.
22. "Equivalent Data" - information collected by the employer in lieu of the CTR Employee Survey Questionnaire. The information collected must meet the equivalency criteria listed in the CTR Task Force Policy Statement: Equivalent CTR Data for Measurement and Evaluation adopted October 7, 1994.
23. "Exemption" - a waiver from CTR program requirements granted to an employer by the Whatcom County Council of Governments based on unique conditions that apply to the employer or employment site.
24. "Extra Credit Responses" - an employee survey response of walked, bicycled, telecommuted, or compressed work week count as negative 0.2 (-0.2) trips for purposes of determining SOV and VMT.
25. "Flex Time" - an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative commute modes.
26. "Full-Time Employee" - a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of 35 hours per week.
27. "Good Faith Effort" - an employer has met the minimum requirements identified in RCW 70.94.531 and this ordinance and is working collaboratively with the county to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed upon length of time.
28. "Implementation" - the active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and of the CTR Ordinance and Plan as evidenced by the appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and the commencement of other measures according to their CTR program and schedule.
29. "Peak Commute Period" - the hours between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.
30. "Peak Commute Period Trip" - any employee trip that delivers the employee to begin his/her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

$$\text{SOV} = \frac{\# \text{ Drive Alone Responses} - [0.2 \times (\# \text{ Extra Credit Responses})]}{\text{Total \# of potential trips}}$$

31. "Proportion of Single Occupant Vehicle Trips" or "SOV Rate" - the number of commute trips over a set period made by affected employees in SOVs divided by the total number of potential trip

for affected employees working during that period.

32. "Single Occupant Vehicle" or "SOV" - a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

33. "Single Occupant Vehicle (SOV)Trips" - trips made by affected employees in SOVs.

34. "Single Worksite" - a building or group of buildings on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way occupied by one or more affected employers.

35. "Telecommuting" - the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a worksite closer to home, reducing the distance traveled in a commute trip by at least half.

36. "Transit" - a multiple occupant vehicle operated on a for hire, shared ride basis, including bus, ferry, shared ride taxi, shuttle bus, or vanpool. A transit trip counts as zero (0) vehicle trips.

37. "Transportation Demand Management" or "TDM" - the use of strategies to reduce trips made by SOV and VMT per employee.

38. "Transportation System Management" or "TSM" - the use of low cost capital improvements to increase the efficiency of road transportation and transit services.

39. "Transportation Management Organization/Association " or "TMO(A)" - a group of employers or an association representing a group of employers in a defined geographic area organized for the purpose of cooperatively carrying out the requirements of the CTR Law and Ordinance.

40. "Vanpool" - a vehicle occupied by seven to fifteen people traveling together for their commute trip that results in the elimination of at least one motor vehicle trip. A vanpool trip counts as zero (0) vehicle trips.

41. "Vehicle Miles Traveled (VMT) per Employee" - the sum of the commute trips made by affected employees over a set period of time divided by the number of affected employees working during that period multiplied by the average trip length of the affected employees at that worksite.

$$\text{VMT} = \frac{\text{commute trips}}{\text{person}} \times \frac{\text{miles}}{\text{trip}}$$

42. "Week" - a seven day calendar period, starting on Monday and continuing through Sunday.
43. "Weekday" - any day of the week except Saturday or Sunday.
44. "Writing/Written/In Writing" - original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

## **Section 1**

### **INTRODUCTION**

#### **Legislative Framework**

The Washington State Legislature passed the Commute Trip Reduction (CTR) Law in 1991 as part of the Washington Clean Air Act and in response to the federal Clean Air Act. The law requires cities and county governments within Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Yakima and recently Whatcom Counties to adopt ordinances that define commute trip reduction (CTR) requirements for affected employers within their jurisdictions.

The Commute Trip Reduction Plan for Whatcom County has been prepared in conformance with the requirements of the CTR Law (RCW 70.94.521-551) and the CTR Guidelines. This plan includes policies and procedures for implementing CTR requirements for affected employers located in the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas, and in unincorporated Whatcom County.

#### **Relationship to CTR Ordinance**

This plan is the policy basis and statement of intent that accompanies the Commute Trip Reduction Ordinances, where adopted, of the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas and Whatcom County. The plan is referenced as part of these same ordinances which are the regulatory instruments to implement the plan.



## **Section 2**

### **GOALS AND OBJECTIVES**

#### **Introduction**

The Commute Trip Reduction Plan for Whatcom County is consistent with and based upon the following goals and objectives which are drawn from the Commute Trip Reduction Guidelines, Chapter 1, Section 3.

#### **Goals**

1. To reduce automobile-generated air and water pollution, relieve traffic congestion, and reduce energy consumption.
2. To reduce peak-period motor vehicle trips and the number of vehicle miles traveled (VMT) associated with commute trips.
3. To make optimal use of existing and future transportation systems to minimize costs and preserve business opportunities in Whatcom County and the state.
4. To treat affected employers in a fair and reasonable manner.
5. To establish a plan consistent with the CTR Guidelines and the CTR Plans of counties and cities with which Whatcom County has common borders or mutual transportation and growth issues.
6. To adopt a cooperative and coordinated approach to reducing the number of single occupant vehicle (SOV) trips and VMT to ensure consistency regarding CTR policies and implementation.
7. To increase the community's awareness and acceptance of available, efficient and environmentally beneficial travel options.
8. To encourage land use patterns that encourage non-SOV travel options, improve accessibility and intermodal connectivity within and/or between urban centers and activity centers to minimize adverse transportation impacts on land use and the environment.
9. To protect the urban environment by encouraging efficient land-use patterns that minimize travel distance and the disruption of environmentally sensitive areas and promote a pedestrian friendly environment.
10. To minimize the administrative burden of local governments and affected employers in achieving the CTR goals.

## **Objectives**

1. To ensure that all affected employers develop and implement CTR programs designed to:
  - Reduce the VMT per employee from the 1997 base-year value established for each CTR zone.
  - Reduce the proportion of SOV trips from the 1997 base-year value established for each CTR zone.
  - Inform and educate employees about commute alternatives.
  
2. To establish the following:
  - CTR zones that group affected employers with similar conditions in a fair and consistent manner.
  - Base-year values for the proportion of SOV commute trips and the commute trip VMT per employee for each CTR zone.
  - A means of measuring progress toward meeting CTR goals using the CTR Survey.
  - An appeals process by which affected employers may obtain an exemption from, or modification of, CTR requirements or appeal administrative determinations.
  - An agency to not only administer, review and monitor CTR program progress, but also provide assistance to employers as they develop and implement their CTR programs.

## Section 3

### CTR PLAN ADMINISTRATION

#### **Introduction**

This CTR Plan was developed by Whatcom County Council of Governments and reviewed by Whatcom County and the Cities of Bellingham, Blaine, Everson and Ferndale (hereinafter referred to as the "local jurisdictions") and affected employers. Whatcom County Council of Governments will continue this approach by implementing and administering the CTR Plan in a cooperative and flexible manner to allow employers to design programs that work for their employees and situations while, at the same time, ensuring consistency and fairness.

Whatcom County Council of Governments will be able to offer assistance in identifying potentially effective alternate travel mode strategies to affected employers as they begin to develop their programs. To ensure coordination and compatibility between an employer's CTR strategies and the CTR Plan, employers should contact Whatcom County Council of Governments to review their programs at an early stage of development.

In addition, Whatcom County Council of Governments will provide on-going support to employers to assist them in maintaining and enhancing their CTR programs.

#### **Commute Trip Reduction Goals**

The CTR goals for affected employers are consistent with the CTR Law and the CTR Guidelines.

All affected employers will be required to develop and implement CTR programs designed to reduce VMT per affected employee and SOV use per affected employee. The goals for VMT and SOV are reductions from the greater of the base year value of the worksite or the CTR zone in which the worksite is located of 15% after two years, 20% after four years, 25% after six years, and 35% after twelve years. The base year values for currently affected Whatcom county employers were measured by survey in 1997.

#### **Commute Trip Reduction Zones**

The CTR zones are consistent with the CTR Law and the CTR Guidelines. The CTR zones are based on combinations of traffic analysis zones (TAZs) that have similar employment density, population density, level of transit service, parking availability, and other factors that affect the level of SOV commuting.

Whatcom County is divided into two CTR zones. (See Attachment 1). Zone 1 includes the City of Bellingham and its interim Urban Growth Areas as defined in the adopted 1995 Bellingham Comprehensive Plan. Zone 2 includes the rest of Whatcom County. Whatcom County Council of



Governments as the Whatcom County Regional Transportation Policy Organization staff determined these zones based upon the criteria listed above.

## **Notification**

### Existing Affected Employers

1. Whatcom County Council of Governments will notify known affected employers of the Ordinance within 30 days of the adoption of the CTR Ordinance that they meet the definition of an affected employer in the CTR Ordinance.
2. Affected employers who, for whatever reason, do not receive notification within thirty (30) days of the effective date of the ordinance shall identify themselves to Whatcom County Council of Governments within ninety (90) days of the effective date of the CTR Ordinance.

### Newly Affected Employers

1. Whatcom County Council of Governments will make efforts to identify employers that meet the definition of an affected employer within 180 days of the employer either moving into the boundaries of the incorporated Cities or unincorporated Whatcom County, or growing in employment to qualify as an affected employer.
2. Newly affected employers who, for whatever reason, do not receive notification within thirty (30) days of becoming affected shall identify themselves to Whatcom County Council of Governments within ninety (90) days of becoming affected.
3. Newly affected employers will be granted 180 days from the official notification by Whatcom County Council of Governments or self-identification date to develop and submit a CTR program,
4. Newly affected employers will have two years from the date of their CTR program approval to meet the first CTR goal of 15-percent reduction from the base year values

Change in Status - Any of the following changes in an employer's status will change the employer's CTR program requirements:

1. If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more employees for the next 12 months, that employer will no longer be considered an affected employer. It is the responsibility of the employer to notify Whatcom County Council of Governments that it is no longer affected.
2. If the same employer returns to the level of 100 or more affected employees within the same 12 month period, that employer will be considered an affected employer for the entire 12 month period, and will be subject to the same program requirements as other affected employers.

3. If the same employer returns to the level of 100 or more affected employees 12 months or more after the change in status to an unaffected employer, that employer will be considered a newly affected employer and will be subject to the same requirements as other newly affected employers.

## **Section 4**

### **EMPLOYER REQUIREMENTS**

#### **Introduction**

The requirements of the CTR Plan for Whatcom County apply to any affected employer at a single worksite within the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas and unincorporated Whatcom County.

An affected employer is required to:

1. Develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips.
2. The CTR program must include the mandatory elements specified in the CTR Law, which are necessary to achieve the goals of the CTR Plan.
3. The employer must submit a program description and an annual report describing progress toward meeting the CTR goals.
4. The employer must maintain a set of records to assist in the evaluation of its program.
5. Employers are required to make a good faith effort as defined by RCW 70.94.534(2) and this plan to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips.
6. Employers are required to complete a baseline employee commuting survey within 12 months of obtaining affected employer status.

#### **CTR Program**

Affected employers are required to develop and submit a CTR Program Description within 180 days of adoption of the CTR Ordinance. The program must be designed to meet the CTR reduction goals specified in Section 3. Employers that, for whatever reasons, do not receive notice within 30 days of passage of the ordinance and are either notified or identify themselves to the Whatcom County Council of Governments within 180 days of the passage of the ordinance will be granted an extension to assure up to 150 days within which to develop and submit a CTR Program Description.

Whatcom County Council of Governments will provide technical assistance and training to affected employers in developing and implementing their programs. Employers should begin to implement the program as soon as practical upon submittal of the initial program description. The earlier a program gets started, the more likely an employer will meet its VMT and SOV goals. Affected employers are

required to implement their CTR programs not more than 180 days after they submit their initial program descriptions to Whatcom County Council of Governments.

### **Program Description**

The employer must submit on the state-provided "Program Description and Annual Report" form an initial program description to Whatcom County Council of Governments within 180 days of the effective date of the CTR Ordinance. Whatcom County Council of Governments will complete a review of the employer's initial CTR Program Description within 90 days of the submittal. If Whatcom County Council of Governments determines that the proposed program will not meet the applicable CTR goals, Whatcom County Council of Governments will work with the employer to modify the program as necessary.

The initial program description must include the following components:

Workplace Description A general description of the worksite including its transportation characteristics and surrounding services, such as parking, transit service, bicycle paths, freeway access, and other factors that influence commuting choices.

Affected Employees The number of employees that will participate in the program.

Documentation Documentation of compliance with the mandatory CTR program elements.

Employee Transportation Coordinator (ETC) Name, address and telephone number of the individual designated as the ETC.

Additional Elements Description of additional elements included in the CTR program.

Implementation Schedule A program implementation schedule that includes the start date for each program element.

Responsibilities and Resources The assignment of responsibilities and the commitment to provide appropriate resources to support the program.

Information An employer may submit any additional information it deems relevant.

### **Mandatory Program Elements**

Each employer's CTR program must include the following mandatory program elements:

Transportation Coordinator The employer must designate an employee

transportation coordinator (ETC) to administer the CTR program. The coordinator's name, location and telephone number must be prominently displayed at each of the employer's participating work sites. An employer with multiple worksites in Whatcom County is not required to have an ETC at each worksite. The ETC is responsible for implementing the CTR program. The ETC is the primary CTR program contact person for employees and Whatcom County Council of Governments. An employer may designate more than one ETC.

**Information Distribution** Information about alternatives to driving to work alone must be provided to employees at least once a year. The distribution of information should be coordinated as closely as possible with Whatcom County Council of Governments to ensure that the information is up to date and accurate. The initial program description and subsequent annual progress reports must indicate the information distributed, the method of distribution and the frequency of distribution.

**Annual Progress Report** The CTR program must include an annual review of employees' commuting habits and progress toward meeting the VMT and SOV reduction goals. Affected employers must submit to WCCOG an annual report on a state-provided "Program Description and Annual Report" form detailing any changes to their CTR programs. Whatcom County Council of Governments will complete its review of the annual report within 90 days. The employer's annual reporting date will be established by Whatcom County Council of Governments in consultation with the employer after a review of the initial CTR Program submitted by the employer.

The annual report must describe each of the CTR measures undertaken in the past year, the results of any commuter surveys, and the number of employees participating in the program. Within the report, the employer shall evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals. An employer may include other information deemed appropriate.

**Employee Survey** Employee survey information (using the survey form provided by the state) or approved alternative information (as defined by the CTR Guidelines) must be provided in the annual reports submitted in the second, fourth, sixth, eighth, tenth, and twelfth years after program implementation begins.

**Record keeping** Affected employers must document the CTR program and progress towards meeting the VMT and SOV reduction goals. Such information must be listed in the program description and in annual reports. Whatcom County Council of Governments will work with affected employers in identifying the essential information to maintain. These records must be retained for a minimum of 24 months.

### **Additional Program Elements**

Affected employers will need to implement specific strategies that will lead to meeting the CTR goals. The specific combination of strategies to be implemented is optional and will depend on the CTR goals of each zone and the type of workforce, geographic location, and transportation system at the

worksite. To help identify these strategies, WCCOG CTR staff will meet with affected employers at their request. These meetings will review and discuss various combinations of strategies that have been found to be effective. Additional program elements which may be considered include:

1. Provision of preferential parking or reduced parking charges, or both, for carpoolers and vanpoolers.
2. Instituting or increasing parking charges for single occupant vehicles.
3. Provision of commuter ridematching services to facilitate employee ridesharing for commute trips.
4. Provision of subsidies for those using transit, vanpools, carpools, or other alternatives to driving alone.
5. Permitting the use of the employer vehicles for carpooling or vanpooling.
6. Permitting flexible work schedules to facilitate employees' use of alternatives to commuting alone.
7. Cooperation with transportation providers to provide additional service to a worksite.
8. Construction of special loading/unloading facilities for transit, carpoolers or vanpoolers.
9. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work.
10. Provision of parking incentive program such as a rebate for employees who do not use the parking facilities.
11. Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their home (telecommuting).
12. Permitting alternative work schedules that reduce commute trips during peak hours.
13. Establishing other measures designed to facilitate the use of high occupancy vehicles, such as on-site daycare facilities and transportation home in the event of an emergency.

## **Section 5**

### **SUBMITTALS AND REVIEWS**

#### **CTR Program Description Submittal and Implementation**

An affected employer will have 180 days after the effective date of the CTR Ordinance, or 180 days after becoming an affected employer, to develop a CTR program and submit a description of the program (as described in Section 4) to Whatcom County Council of Governments. Unless an extension is granted, the employer will have 180 days after the program description was first submitted to begin implementing the program.

Affected employers will have 30 days after a final administrative decision, or 180 days after submission of the program description or annual report, whichever is greater, to begin implementing approved program modifications.

#### **Employer Annual Reporting Date**

Upon receipt of an employer's initial CTR program description, Whatcom County Council of Governments will establish, in consultation with the employer, the annual reporting date. The annual reporting date is the date that the employer's annual progress report is due. Whatcom County Council of Governments will supply a state-provided "Program Description and Annual Report" form.





## **Section 6**

### **TRANSPORTATION MANAGEMENT ORGANIZATIONS**

Transportation Management Organizations (TMOs) or Transportation Management Associations (TMAs) or other business partnerships may submit a single program description that describes the common program elements of member employers. The program description should also explain specific program elements at individual employer worksites. The TMO, as an agent for its members, should provide individual performance data for each employer as well as combined measurements. Program modification will be specific to an employer. Each employer member of a TMO will be responsible for its participation and implementation of the CTR program developed by the TMO and remain accountable for meeting the requirements of the CTR Plan and CTR Ordinance.



## Section 7

### CREDITS

#### **Credit for Programs Implemented prior to the Base Year**

Employers with successful Transportation Demand Management (TDM) programs implemented prior to their base year, may be eligible to receive a special one-time CTR program exemption credit, which exempts them from most CTR program requirements. Affected employers wishing to receive this credit must apply to Whatcom County Council of Governments within ninety (90) days of the adoption of the CTR ordinance. Application should include data from a survey of employees or equivalent data to establish the applicant's VMT per employee or proportion of SOV commute trips. The survey or equivalent data should conform to the definition of equivalent data in this plan. Employers awarded the exemption credit will have their 2-year goals reduced to 12%. The one-time exemption credit applies only to the 2-year CTR goals.

#### **Credit for a Program Exemption**

Affected employers may apply for program exemption credit for the results of past or current CTR efforts by applying to Whatcom County Council of Governments in their initial CTR Program description or as part of any other annual CTR progress report. Application should include data from a survey of employees or equivalent data to establish the applicant's VMT per employee or proportion of SOV commute trips. The survey or equivalent data should conform to the definition of equivalent data in this plan.

Employers that apply for program exemption credit and whose VMT or SOV rates are equal to or less than the CTR goals for one or more future goal years, and commit in writing to continue their current level of effort, shall be exempt from the CTR requirements except for the requirements to report performance in survey years. If any of these reports indicate the employer does not satisfy the next applicable CTR goal, the employer shall immediately become subject to all requirements of this plan.



## **Section 8**

### **MODIFICATIONS AND EXEMPTIONS**

#### **Modification of CTR Program Elements**

**Conditions for Modification** Any affected employer may request a modification of CTR program elements, other than the mandatory elements, specified in the CTR Plan and CTR Ordinance. Such a request may be granted if one of the following conditions exists:

1. The employer can demonstrate that it is unable to comply with certain CTR program elements for reasons beyond the control of the employer.
2. The employer can demonstrate that compliance with the CTR program would constitute an undue hardship.

#### **CTR Program Exemptions**

An affected employer may submit a request to grant an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this plan as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. Exemptions may be granted at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. Employers receiving exemptions shall be reviewed annually to determine whether the exemption will be in effect during the following program year.

Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The criteria identified in the CTR Task Force Guidelines will be used to assess the validity of employee exemption requests. Employee exemption requests shall be reviewed annually to determine whether the exemption will be in effect during the following program year.

#### **Goal Modifications**

An affected employer may request a modification of its CTR program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description and annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all

of the elements contained in its approved CTR program. Requests for goal modifications will be reviewed and granted or denied in accordance with procedures and criteria identified in the CTR Task Force Guidelines. An employer may not request a modification of the applicable goals until one year after approval of its initial program description or annual report.

## **Section 9**

### **COMPLIANCE AND ENFORCEMENT**

#### **Program Review Criteria**

Affected employers must submit an initial program description to Whatcom County Council of Governments within 180 days of the effective date of the CTR Ordinance that adopts the CTR Plan, as well as annual reports in subsequent years. The employer's annual reporting date will be established by Whatcom County Council of Governments in consultation with the employer after a review of the employer's initial CTR program description. Whatcom County Council of Governments may approve the submittals, approve them conditionally or reject them and request modifications to the employer's program. All reviews will be conducted in the spirit of cooperation between Whatcom County Council of Governments and affected employers with Whatcom County Council of Governments offering to provide technical assistance to the employer in developing or modifying a program until it meets the requirements.

Whatcom County Council of Governments will apply the following criteria in 1999 and after for achieving goals for VMT per employee and proportion of SOV trips in determining whether to require modifications of an employer's CTR program:

1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this plan, and meets either or both the applicable SOV or VMT goal, this employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program.
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this plan, but has not met or is not likely to meet the applicable SOV or VMT goal, the county shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the county for approval within 30 days of reaching an agreement.
3. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and this plan, and fails to meet either the applicable SOV or VMT reduction goal, the county shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The county shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, county will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the county within ten working days of the conference.

#### **Violations**

Any one of the following constitutes a violation by an affected employer:

1. Failure to develop a complete CTR program and/or to submit a complete CTR program description on time.
2. Failure to implement an approved CTR program within 180 days of submitting its CTR Program Description.
3. Failure to submit an Annual Progress Report on time.
4. Failure to modify an unacceptable CTR program after 1999.
5. Failure to survey or provide acceptable equivalent data in survey years.
6. Intentional submission of fraudulent or false bogus information, data and/or survey results
7. Failure to make a good faith effort as defined in RCW 70.94.534(4) and this plan.

### **Penalties**

The local jurisdictions may impose civil penalties in the event of violations in the manner provided in RCW 7.80. The intent of the CTR Plan is to bring about the implementation of effective CTR programs. Penalties will be imposed only after exhaustive efforts to gain cooperation have failed. Employers may appeal the imposition of penalties to the CTR Appeals Board (see Section 10).

1. Whenever Whatcom County Council of Governments makes a determination that an affected employer is in violation of the CTR Ordinance, Whatcom County Council of Governments shall issue a written notice by certified mail or delivery, return receipt requested, to the employer. A copy of the notice will be sent to the City or County Council in the jurisdiction which the employer is located and shall contain:
  - (a) The name and address of the affected employer;
  - (b) A statement that the affected employer has been found to be in violation of the Ordinance, with a brief and concise description of the conditions found to be in violation;
  - (c) A statement of the corrective action required to be taken and a date when such corrective action should be completed;
  - (d) A statement specifying the range of any civil penalty that could be assessed on account of the violation;
  - (e) A statement advising that a civil penalty may be levied by the jurisdiction's council 30 days after notification of the violation, unless the employer requests, in writing, an appeal.



- (f) A description of the appeals process and how the employer may initiate an appeal.
3. Each infraction shall constitute a separate violation.
  4. Each day that an employer is in violation shall constitute a separate violation.
  5. Penalties will begin to accrue 30 days following the formal notification of violation. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals process. Should the appeal be decided in favor of the appellant, all of the monetary penalties will be dismissed.
  6. No affected employer with an approved and implemented good faith effort CTR program may be held liable for failure to reach the applicable SOV or VMT goals.

### **Schedule of Penalties**

The penalty for a violation will be set by the CTR Ordinance adopted by each affected jurisdiction.



## **Section 10**

### **APPEALS PROCESS**

#### **Appeals Process**

The appeals process for affected employers is consistent with the CTR Law and the CTR Task Force Guidelines. The CTR Law provides employers with a framework within which to develop their own CTR programs in response to the circumstances of their employees. When Whatcom County Council of Governments reviews employer programs, it will be guided by the principle that flexibility and attention to employer concerns are essential to the success of a program. Whatcom County Council of Governments will be receptive to employer concerns and may allow for modifications based on unique circumstances. In this way, the first stage of an appeal is for Whatcom County Council of Governments to respond to employer concerns and, when necessary, negotiate mutually satisfactory solutions.

Any affected employer may appeal administrative decisions regarding exemptions, goal modifications, program element modifications, and violations to an appeals board. In the event of a violation, the affected employer will be notified of the intent to impose penalties and the manner in which penalties may be appealed. If an employer elects to appeal, the time from the receipt of the application to appeal to the resolution of the appeal will not be counted in the imposition of penalties.

#### **Appeals Board**

The governing body (City or County Council) of the jurisdiction where the employer is located will serve as the CTR Appeals Board. The Whatcom County Council of Governments will provide technical support as needed by the Council to fulfill this duty.



## **Section 11**

### **CTR PROGRAMS OF LOCAL JURISDICTIONS**

#### **Introduction**

One of the "guiding principles" of the CTR Law and CTR Guidelines is that local governments must be part of the solution in efforts to reduce traffic congestion, air pollution and energy consumption. Therefore, local governments are subject to the same CTR requirements that apply to affected employers. Each local government that adopts the CTR Plan and CTR Ordinance is required to develop and implement a CTR program.

#### **Requirements**

Whatcom County and, when affected, the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas will develop a CTR program for their employees. At a minimum, each jurisdiction must establish a CTR program at each worksite where it employs 100 or more affected employees. If no worksite has at least 100 affected employees, then the jurisdiction must establish a CTR program at the worksite where the most affected employees work.

The local jurisdictions must develop and submit a program description within 180 days of the effective date of the CTR Ordinance. They must implement such programs within 180 days of the submittal of their program descriptions.



## **Section 12**

### **REVIEW OF PARKING POLICIES**

#### **Introduction**

The review of local parking policies and ordinances is an integral part of the CTR Plan and is specifically required by the CTR Law. Parking could be used as an aid to economic development or as related to code requirements in terms of the number of spaces provided. Part of a successful approach to CTR and TDM is the need to analyze the true parking demand versus the parking requirements.

#### **Strategies**

Downward adjustments in parking requirements should be addressed by all jurisdictions planning under the CTR Law. Additionally, identification of strategies to deal with specific parking conflicts should be developed as part of this review. The establishment of incentives to developers who provide on-site transit facilities or transit friendly design components should be explored.

Ultimately, this effort should incorporate a full review and analysis of code provisions to determine their compatibility with CTR goals and objectives and the creation of incentive based provisions that reward CTR/TDM supportive design and land use.

#### **Commitment**

Whatcom County and, if affected, the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas will review local parking policies and ordinances as they relate to affected employers and will make any revisions necessary to be consistent with the CTR Law and CTR Guidelines. Summary findings of the reviews will be due to the Washington State Department of Transportation CTR Office within two years of becoming affected by the CTR Law.

