

STAFF REPORT

Application #2008-08: Transportation Element

Type of Amendment:	<input checked="" type="checkbox"/> Comprehensive Plan Text Change <input type="checkbox"/> Land Use Intensity Change <input checked="" type="checkbox"/> Regulatory Code Text Change <input type="checkbox"/> Area-wide Rezone
Applicant and/or Affiliation:	Community and Economic Development Department and Public Works Department
Contact:	Commute Trip Reduction – Diane Wiatr, 591-5380 Unfunded Project List – Dana Brown, 591-5718
Location:	Citywide
Current Land Use Intensity:	N/A
Current Zoning:	N/A
Size (parcels and/or acres):	N/A
Description of Amendment Request:	Amend the Transportation Element of the Comprehensive Plan pertaining to Unfunded Projects and Commute Trip Reduction; and amend the Tacoma Municipal Code Chapter 13.15 pertaining to Commute Trip Reduction.

General Description of the Proposed Amendment:

The proposed amendment includes the following three components:

1. Amending the Transportation Element of the Comprehensive Plan by adding two projects to the “Transportation Improvement Projects List – Unfunded” (or “Unfunded Project List”) and updating the Nonmotorized Network Map to incorporate one of the projects;
2. Amending the Transportation Element by adding policies pertaining to Commute Trip Reduction; and
3. Rescinding and reenacting the Tacoma Municipal Code Chapter 13.15 Commute Trip Reduction.

There was a 4th component that would update the Periodic Concurrency Assessment section of the Transportation Element with new information from an assessment of the performance of the City’s transportation network. Since the technical analysis is consuming more time and resources than originally anticipated, the applicant (Public Works Department) has requested that this component be held over until the 2009 Annual Amendment cycle.

1. Unfunded Projects

The proposed amendment would add the East-West Corridor and the President’s Ridge Trail to the Unfunded Project List in the Transportation Element and update the Nonmotorized Network Map (Transportation Figure 2) to incorporate the President’s Ridge Trail. (See **Attachment 2008-08-A**)

The East-West Corridor is a proposed new arterial that connects the west terminus of S. 38th Street at S. Tacoma Way and the east terminus of 40th Street W. at Orchard Street. The one-mile corridor would be listed as an “Arterial Street Project – New Construction” with the improvement type being “New Arterial.”

The President’s Ridge Trail is a proposed new trail corridor located in the greenbelt above Interstate 5, along the south side. The trail would extend from the vicinity of Reed Elementary School and the I-5/S. 38th Street Interchange area, pass through the north edge of Lincoln Park, meander around the I-5/SR-7 Interchange area, and reach McKinley Park. The segment between Lincoln Park and I-5/SR-7 Interchange area could take an alternative route via S. 34th Street, or both routes could be built to form a loop. The length of the trail corridor is estimated at 2 to 4 miles.

The trail would be listed as a “Miscellaneous Project” with the improvement type being “feasibility study for trail and nonmotorized access.” The trail would also be added to the Nonmotorized Network Map (Transportation Figure 2) in the Transportation Element as one of the “Planned Connections.”

The listing of the two projects provides an opportunity for them to be eligible for future funding and ultimately be built. The Unfunded Project List includes a variety of projects intended to improve traffic flows, roadway capacities and the overall transportation system performance within the next 20 years. Projects on the list are reviewed on a periodic basis, and depending on funding availability, may be moved to the Six-Year Comprehensive Transportation Program for budgeting and implementation. Keeping the Unfunded Project List current not only maintains the projects’ eligibility for funding, but also reflects the community’s needs and desires and meets the concurrency requirements of the Growth Management Act (GMA).

2. Commute Trip Reduction Policies

The proposed amendment would add seven Commute Trip Reduction (CTR) related policies to the Transportation Element, as briefly described below. The complete text of the proposed policies and the associated policy intent is shown in **Attachment 2008-08-B**.

Proposed Policy	Brief Description / Intent
T-CTR-1 – Comprehensive Planning and CTR	To incorporate CTR in applicable disciplines of comprehensive planning.
T-CTR-2 – Funding for CTR	To assign higher funding priority to CTR related projects and programs.
T-CTR-3 – Collaboration on CTR	To ensure coordination with jurisdictions and organizations.
T-CTR-4 – Climate Change and CTR	To integrate CTR into the City’s Climate Change Action Strategies.
T-CTR-5 – Expansion of CTR	To pursue innovative measures and endeavor to expand the scope of CTR.
T-CTR-6 – Evaluation of CTR	To continually monitor and evaluate the effectiveness of CTR programs.
T-CTR-7 – Leadership in CTR	To recommend that the City of Tacoma take a leadership role in CTR implementation.

The purpose of adding these policies to the Transportation Element is to recognize that CTR is a significant component of the City's overall land use and transportation strategy and to ensure that the CTR program efforts are carried out in a consistent and integrated manner with the implementation of appropriate Comprehensive Plan policies.

These policies are derived from the City's CTR Plan, which was adopted by the City Council on July 10, 2007, by Resolution No. 37220, pursuant to the CTR Efficiency Act of 2006 (RCW 70.94.521-551) and the associated Washington Administrative Code WAC 468-63. The CTR Plan provides guidelines for the City and major employers affected by the State law to implement effective strategies to achieve the goals of 10% reduction in drive-alone trips and 13% reduction in vehicle miles traveled by 2011.

As the proposed CTR policies are being added to the Transportation Element, the existing provisions pertaining to Transportation Demand Management as appears on page T-12 would be deleted.

3. Commute Trip Reduction Ordinance

The proposed amendment would repeal and reenact Tacoma Municipal Code Chapter 13.15, pertaining to Commute Trip Reduction (a.k.a. "CTR Ordinance"). The complete text of the proposed CTR Ordinance and a summary of major changes from the existing code to the proposed ordinance are provided in **Attachment 2008-08-C**.

The CTR Ordinance establishes requirements for affected employers, including an appeals process, and procedures for the City for program administration, monitoring, enforcement and intergovernmental coordination.

The existing CTR Ordinance was originally adopted pursuant to the State CTR Law of 1991, which was recently amended with the passage of the CTR Efficiency Act of 2006. The City is required to update its CTR Ordinance accordingly. The proposed CTR Ordinance was prepared based on the Model Ordinance provided by the State and, by statute, in close coordination with Pierce County and jurisdictions within the County to ensure its consistency with the County's draft CTR Ordinance.

Applicable Provisions of the Growth Management Act (and other State laws):

The East-West Corridor and the President's Ridge Trail reflect the community's needs and future demands. Adding them to the Unfunded Project List fulfills the GMA requirement that the transportation element must contain a subelement of "facilities and services needs, including identification of state and local system needs to meet current and future demands." [RCW 36.70A.070(6)(a)(iii)(F)]

In addition, the President's Ridge Trail, if built, would help promote physical activity, which is consistent with the following two provisions of GMA:

- “The transportation element shall include the following subelement pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.” (RCW 36.70A.070(6)(a)(vii))
- “Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity.” [RCW 36.70A.070(1)]

The proposed CTR policies and CTR Ordinance are required by and consistent with the State CTR Law (RCW 70.94.521-551). They are also consistent with the GMA requirement that the transportation element must include the subelement of “demand management strategies.” [RCW 36.70A.070(6)(a)(vi)]

Applicable Provisions of the Comprehensive Plan:

1. East-West Corridor

The East-West corridor would fill a missing link that would help improve east-west traffic movement through the City and reduce congestion on other east-west corridors, such as Center Street and S. 56th Street. It would be a regionally significant facility that also benefits Fircrest and University Place.

In addition, the East-West Corridor would provide direct linkage between two designated centers (i.e., the Tacoma Mall Urban Center and the South Tacoma Manufacturing/Industrial Center) and two major transportation corridors (i.e., I-5 and SR-16), benefiting not only the existing economic activity but also future development such as the new proposed warehouse distribution facility being developed by ProLogis on 158 acres of the old Burlington Northern Property on the west side of S. Tacoma Way between S. 38th and S. 54th Streets.

With its potential benefits, the proposed East-West Corridor is consistent with the intent of the Comprehensive Plan, as exemplified in the following applicable provisions:

- “T-LUT-3 Centers and Corridors – Give high priority to improvement of transportation facilities and services within designated centers and along identified corridors connecting the centers.” [Policy – Land Use and Transportation, Transportation Element, p. T-4]
- “T-LUT-4 Support Economic Bases – Give high priority to those transportation facilities that provide the greatest opportunity to serve and support the existing economic bases and will aid the City in attracting new investments.” [Policy – Land Use and Transportation, Transportation Element, p. T-4]
- “T-LUT-5 Accessibility – Situate new transportation facilities in a manner that will assure reasonable access for all modes to places of employment and attraction in the City.” [Policy – Land Use and Transportation, Transportation Element, p. T-4]
- “T-LUT-6 Concurrency – Ensure that the City’s transportation network adequately serves the existing and projected land use developments. If adequate service levels are not maintained, pursue improvements to the transportation systems, mitigations of impacts, or modifications to the land use assumptions, where appropriate.” [Policy – Land Use and Transportation, Transportation Element, p. T-4]
- “T-TSM-2 Street System Design – Encourage street system design in a grid pattern, which has frequent interconnections to facilitate transit, bicycle, and pedestrian connections; strongly discourage cul-de-sacs.” [Policy – Transportation System Management, Transportation Element, p. T-4]

However, the proposed East-West Corridor would transect the Tacoma Landfill area and designated wetlands, habitat zones and flood hazard areas located between the Landfill and the South Tacoma Manufacturing/Industrial Center. That general area also includes part of a potential Open Space Habitat Corridor that is proposed as part of the draft Open Space Habitat and Recreation Plan. The following are some of the applicable provisions in the Comprehensive Plan:

- “Map of Wetlands” [Environmental Policy Element, p. E-32]
- “Map of Habitat Zones” [Environmental Policy Element, p. E-29]
- “Map of Flood Hazard Areas” [Environmental Policy Element, p. E-28]

In addition, the proposed corridor could be considered a “major transportation facility” and hence an “Essential Public Facility”, in which case the siting of the corridor across critical areas could be considered inconsistent with the following Comprehensive Plan policy:

- “LU-GSEPF-3 Avoid Resource Lands/Critical Areas – Essential public facilities should not be located in designated natural resource lands or critical areas.” [Policy – Siting Essential Public Facilities, Generalized Land Use Element, p. LU-13]

Environmental review of potential impacts and appropriate mitigation measures will be necessary, prior to design and construction, if and when the East-West Corridor receives funding to proceed. The actual corridor alignment could be modified to avoid critical areas or, in the alternative if avoidance is not possible, be designed appropriately with mitigation measures to address the potential inconsistency with the above policy.

It is noted that currently the Unfunded Project List includes another east-west corridor, which is the combination of two new arterials, i.e., S. 47th/48th from S. Tacoma Way to Tyler and S. 48th/49th from Tyler to Orchard. The listing of the S. 47th/48th/49th Corridor exemplifies the need for the proposed East-West Corridor.

2. President’s Ridge Trail

The President’s Ridge Trail as envisioned is expected to integrate into the nonmotorized network. Potentially, with appropriate extensions, it could connect to the existing Scott Pierson Trail along SR-16, the planned Water Ditch Trail along S. Tacoma Way, the Foothills Trail along the Puyallup River to Orting, and the Tacoma Dome multimodal transit center. It would also provide linkage to four mixed-use centers, i.e., Tacoma Mall, S. 38th and G (Lincoln), S. 34th and Pacific, and E. 34th and McKinley (McKinley).

In addition to contributing to the nonmotorized component of the balanced, multimodal transportation system, the proposed trail would utilize the I-5 greenbelt to offer an opportunity to promote physical and recreational activity, while providing a safe access to Reed Elementary School.

For these reasons, the proposed President’s Ridge Trail is consistent with the Comprehensive Plan, as exemplified in the following applicable provisions:

- “The automobile will continue to be the primary means of transportation for most people. However, other methods of transportation including transit, bicycling, and walking will be more prevalent. The movement of people and goods rather than vehicles will be emphasized in determining transportation improvements.” [Plan Assumption – Transportation, Growth Strategy and Development Concept Element, p. GD-5]
- “Achieve a multimodal transportation system that efficiently moves people and goods with optimum safety and appropriate speed, maximizes the conservation of energy, and minimally disrupts the desirable features of the environment.” [Goal – Transportation, Transportation Element, p. T-1]
- “An integrated, safety-oriented pedestrian and bicycle system increases mobility choices, reduces reliance on single-occupant vehicles, provides convenient access to schools, designated centers, transit and ferry systems, parks, and other recreation areas throughout the City, and encourages regular physical activity to enhance health and wellness.” [Policy Intent – Nonmotorized Transportation, Transportation Element, p. T-6]
- “T-NT-1 Identification of Projects – Assign high priority to pedestrian and bicycle projects that serve the following objectives: address safety issues; provide access to designated centers; encourage safe and active routes to schools; provide linkages to the transit, ferry, and school bus systems; complete planned pedestrian or bicycle facilities or trails; and provide system connectivity.” [Policy – Nonmotorized Transportation, Transportation Element, p. T-6]
- “T-NT-2 Potential Corridors – Recognize, encourage, and support street systems, rail corridors, rights-of-way, off-road trail systems, easements, utility corridors, state highway systems, greenbelts, and other corridors as potential links to the bicycle and pedestrian system.” [Policy – Nonmotorized Transportation, Transportation Element, p. T-6]
- “ROS-PB-2 Trail Corridors – Develop new corridors for bicycle/pedestrian trails and take advantage of available corridors such as existing park trails, greenbelt areas, railroads, pipelines, power lines and street rights-of-way.” [Recreation and Open Space Facilities Element, p. ROS-16]

3. CTR Policies and CTR Ordinance

The Comprehensive Plan is very supportive of CTR. There are numerous provisions in the Plan that are applicable to the proposed CTR policies and CTR Ordinance. Listed below are three guiding principles pertaining to growth and development, land use, and transportation as set forth in the policy framework that supports, encourages and promotes CTR. Also listed are some existing policies that, collectively, portray such policy framework.

- “Tacoma's growth and development concept is entitled *Concentrations and Corridors - Designated Centers*. The concept directs future development to specified areas of the city. Mixed-use centers are compact, self-sufficient areas, identifiable as the focus of the surrounding area. The mixed-use center is a dense, well-integrated variety of development types, combined in such a way that it is pedestrian-oriented and transit supportive.” [Growth Strategy and Development Concept Element, p. GD-7]
- “To achieve concentrated centers of development with appropriate multimodal transportation facilities, services and linkages that promote a balanced pattern of growth and development, reduce sprawl, foster economies in the provision of public utilities and services, and yield energy savings.” [Mixed-use Centers Goal, Generalized Land Use Element, p. LU-14]
- “Achieve a multimodal transportation system that efficiently moves people and goods with optimum safety and appropriate speed, maximizes the conservation of energy, and minimally disrupts the desirable features of the environment.” [Transportation Goal, Transportation Element, p. T-3]
- Selected Comprehensive Plan policies (titles only) portraying the policy framework that supports, encourages and promotes CTR:
 - LU-MUCD-11 – Transit-Oriented Development
 - LU-MUCD-13 – Restrict Auto-Oriented Uses

LU-MUCD-14	– Partner to Reduce Automobile Use
LU-MUP-1	– Parking
LU-MUP-5	– Transportation Demand Management Organizations
LU-MUP-6	– Bicycle Parking
LU-MUDTC-6	– Parking/Transit Relationship
H-HC-2	– Jobs-Housing Balance
T-LUT-2	– Land Use Patterns
T-LUT-8	– Partner with Transit
T-LUT-9	– Transit Oriented Development
T-MS-1	– Transportation Demand Management
T-MS-4	– Transit Planning
T-MS-8	– Partner with Pierce Transit
T-MS-9	– Car-Sharing
T-NT-5	– Development Access
T-NT-6	– Alternative Transportation Facilities
T-NT-7	– Walkability
T-NT-9	– Active Living
T-ES-6	– Public Awareness
T-ICCP-1	– Intergovernmental Coordination
T-ICCP-3	– Funding Coordination

Applicable Provisions of the Land Use Regulatory Code:

The Unfunded Projects are irrelevant to the Land Use Regulatory Code. The proposed CTR policies would amend the Comprehensive Plan; the amendment procedures are regulated in Section 13.02.045 of the Code. The proposed CTR Ordinance would replace Chapter 13.15 of the Code.

Amendment Criteria (TMC 13.02.045.G) (at least one must be met):

- 1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions.**

Not applicable.

- 2. The amendment is consistent with the Comprehensive Plan’s goals or policies or will achieve consistency.**

The proposed Unfunded Projects, CTR policies and CTR Ordinance are consistent with relevant goals and policies of the Comprehensive Plan, as discussed previously under the “Applicable Provisions of the Comprehensive Plan.”

- 3. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission.**

The East-West Corridor and the President’s Ridge Trail are new concepts that have not been considered by the Planning Commission. The CTR policies and the CTR Ordinance are also being reviewed by the Commission for the first time; however, the Commission was made

aware that these proposed changes would come forward after the City Council's adoption of the CTR Plan in July 2007. There has not been any significant change to the circumstances related to CTR since the Commission's review of the draft CTR Plan in early 2007.

4. The needs of the City have changed, which support an amendment.

Rising gas prices as well as the effects of climate change, complicated by increasing vehicle greenhouse gas emissions, all contribute to the need to reduce travel by automobile (especially drive-alone trips). This is a global trend, to which Tacoma is no exception.

In a recent study published by the Urban Land Institute, the researchers conclude that "urban development is both a key contributor to climate change and an essential factor in combating it. One of the best ways to reduce vehicle travel is compact development: building places in which people can get from one place to another without driving. This includes developments with a mix of uses and pedestrian-friendly designs." [*Growing Cooler: The Evidence on Urban Development and Climate Change*, Reid Ewing, et. al., ULI, October 2007]

The proposed CTR policies and CTR Ordinance are a timely reflection of the growing need of the City to combat climate change. The remarks in the book "Growing Cooler" make a great footnote of the correlation between the proposed CTR policies and the Comprehensive Plan.

Along with addressing climate change, pursuing active living and healthy lifestyles have also been a growing desire of citizens, resulting in the increasing need for more nonmotorized and recreation facilities such as bike lanes and trails. The proposed President's Ridge Trail is in line with this changing need.

With regards to the proposed East-West Corridor, the need for such east-west corridors is evidenced by the fact that a similar corridor, i.e., the S. 47th/48th/49th Corridor, has been listed in the Unfunded Project List since 1993 (or even earlier). It is arguably true that such need has been increasing due to the growth and development that has occurred in the area and is expected to continue.

5. The amendment is compatible with existing or planned land uses and the surrounding development pattern.

The President's Ridge Trail is anticipated to be compatible with the surrounding land uses, similar to the existing Scott Pierson Trail along SR-16. The East-West Corridor is anticipated to serve existing as well as planned uses in the area. Environmental considerations may change the corridor design and alignment.

6. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize.

Not applicable.

7. The capacity to provide adequate services is diminished or increased.

The proposed East-West Corridor and the President's Ridge Trail, if built, will increase the capacity of the transportation system and provide better services to motorized and nonmotorized traffic.

This criterion does not apply to the proposed CTR policies and CTR Ordinance.

8. Plan objectives are not being met as specified, and/or the assumptions upon which the plan is based are found to be invalid.

Not applicable.

9. Transportation and and/or other capital improvements are not being made as expected.

It can be argued that the proposed East-West Corridor, as well as the S. 47th/48th/49th Corridor that is currently listed in the Unfunded Project List, are responding to the concern that such east-west connections are lacking in the area between Center Street to the north and S. 56th Street to the south.

This is also true, arguably, in the case of the proposed President's Ridge Trail. While there are nonmotorized connections in existence (or planned), there is no greenbelt type of trail systems available in this neighborhood.

This criterion does not apply to the proposed CTR policies and CTR Ordinance.

10. Substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification.

Not applicable.

11. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.

The proposed CTR policies and CTR Ordinance are not intended to address said question of consistency, if any exists. It is noted that, however, the City's CTR Plan (adopted in July 2007) has been reviewed by the Puget Sound Regional Council and approved by the State CTR Board. Subsequently, the City is required to adopt CTR related policies in the Comprehensive Plan and ensure that those policies are consistent with the regional and statewide CTR policies. Also, the CTR Ordinance must be updated in order to maintain the consistency between the City's development regulations and State legislation.

This criterion does not apply to the proposed unfunded projects of the East-West Corridor and the President's Ridge Trail.

Economic Impact Assessment:

The proposed East-West Corridor is anticipated to generate positive economic effects to the community by serving and supporting the existing economic bases and stimulating new economic activity. However, the potential costs for environmental mitigation and construction and the associated impacts to the City's transportation budget are unknown. Listing the project in the Unfunded Project List would allow an opportunity for a feasibility study which could include a detailed economic impact assessment.

The proposed President's Ridge Trail is not anticipated to have any significant direct economic impact to the community. However, its impacts to the City's transportation budget are unknown. Listing the project in the Unfunded Project List would allow an opportunity for a feasibility study which could include a detailed economic impact assessment.

The proposed CTR policies and CTR Ordinance are intended to enhance the effectiveness of the existing CTR programs of affected employers and the City of Tacoma. They are expected to further reduce traffic delay, help the transportation system work more efficiently, and reduce the effects of climate change. On the other hand, they may also increase the administrative and fiscal burdens of affected employers and the City. Both the positive and negative economic effects are hard to predict and quantify, especially at the local jurisdictional level. However, they are anticipated to be incremental, as compared to the collective economic effects of the existing CTR programs statewide. Listed below are some of the facts compiled by the Washington State Department of Transportation (WSDOT):

- In 2006, employers invested about \$45 million in their CTR programs.
- For FY 2005–2007, the WSDOT's CTR Program had a budget of \$5.6 million, of which \$3.9 million were distributed to local jurisdictions affected by the CTR law, and local jurisdictions invested about \$1.8 million of their own funding in CTR.
- In 2007, statewide CTR efforts resulted in the absence of about 26,000 vehicles on the state's road each weekday morning, which reduced gas consumption by about 7.9 million gallons, saving commuters about \$23 million.

Staff Recommendation:

Staff recommends that the Planning Commission approve, for public review purposes, the proposed amendment, which includes three components: adding Unfunded Projects to the Transportation Element, adding Commute Trip Reduction related polices to the Transportation Element, and repealing and reenacting the Tacoma Municipal Code, Chapter 13.15 Commute Trip Reduction.

Attachments:

2008-08-A: Proposed Unfunded Projects

2008-08-B: Proposed Commute Trip Reduction Policies

2008-08-C: Proposed Commute Trip Reduction Ordinance

Attachment 2008-08-B: Proposed Commute Trip Reduction Policies

Proposal

1. Delete the following provisions pertaining to Transportation Demand Management from the Transportation Element, page T-12:

Transportation Demand Management

Transportation Demand Management (TDM) policies outlined in this Plan are intended to influence transportation choices by increasing public awareness and by providing a wide range of non-SOV travel options. These options may include commute trip reduction programs, telecommuting, variable work weeks, and flextime. The City also encourages employers to implement effective TDM programs and accomplishes this with a coordinated program of incentives, alternative travel options, land use measures, regulations, services, and marketing strategies.

Implementation of TDM is accomplished through the City's Commute Trip Reduction Program in accordance with Ordinance No. 26215, which was adopted in March 1998 and codified in Chapter 13.15 of the Tacoma Municipal Code, pursuant to the State CTR Law (RCW 70.94.531). CTR implementation emphasizes the collaboration with the State CTR Task Force, WSDOT, Pierce County, Pierce Transit, affected employers, as well as other associated jurisdictions and agencies.

2. Add the following provisions pertaining to Commute Trip Reduction to the Transportation Element, page T-7, before the "Environmental Stewardship" section:
(beginning on next page)

Commute Trip Reduction

Policy Intent

As required by the Commute Trip Reduction Efficiency Act of 2006 (RCW 70.94.521-551) and the associated Washington Administrative Code WAC 468-63, the Tacoma City Council adopted the Commute Trip Reduction Plan on July 10, 2007 (Resolution No. 37220) and updated the Commute Trip Reduction Ordinance (Tacoma Municipal Code Chapter 13.15) on December xx, 2008 (Ordinance No. xxxxx).

The CTR Plan provides guidelines for the City and major employers affected by the State law to implement effective strategies to achieve the goals of 10% reduction in drive-alone trips and 13% reduction in vehicle miles traveled by 2011. The CTR Ordinance establishes requirements for affected employers, including an appeals process, and procedures for the City for program administration, monitoring, enforcement and intergovernmental coordination.

The CTR Plan and Ordinance are designed to achieve the following objectives: improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels. With the focus on employer-based programs that encourage the use of alternatives to driving alone for the commute trip, CTR represents a centerpiece of the overall strategy of Transportation Demand Management (TDM).

In addition to the mandated program activity, the City of Tacoma is also participating in a voluntary pilot program funded by the State, whereby Downtown Tacoma is designated as a Growth and Transportation Efficiency Center (GTEC). More aggressive CTR strategies will be implemented within the GTEC, involving selected target audiences in addition to affected employers. Expected outcomes of the pilot program are the reduction of drive alone trips and the alleviation of the burdens on State highway facilities within and between GTECs. Tacoma's GTEC program is currently funded January 1, 2008 through June 30, 2009.

There are a number of Comprehensive Plan policies and strategies that are supportive of CTR and TDM, including policies contained in the Transportation Element, transportation-efficient land use policies contained in the Generalized Land Use Element, and traffic

management strategies contained in the Neighborhood Element. The following policies are intended to provide additional tools to ensure the successful implementation of the CTR Plan and Ordinance, and contribute to accomplishing the City's strategic goals of a healthy environment, sustainable economy and livable community.

Policies

T-CTR-1 Comprehensive Planning and CTR

Incorporate Commute Trip Reduction in the planning for land use, transportation, housing, capital facilities, environmental protection, open space and recreation facilities, neighborhoods and communities, and other applicable disciplines of comprehensive planning. This will be accomplished by promoting CTR related and supportive policy aspects, such as those listed below:

- Evaluate land use intensity changes to the Comprehensive Plan and determine how the proposed changes further CTR goals;
- Strive for job-housing balance;
- Manage parking supply both on- and off-street, through zoning regulations, design, enforcement, marketing and other appropriate strategies, to encourage the reduction of drive alone travel;
- Promote transit-oriented development;
- Support integrated, regional and local high capacity transit systems;
- Work toward achieving "Complete Streets" for new road construction and improvements;
- Enhance walking and bicycling environment;
- Require nonmotorized connections between retail, living and work destinations;
- Require parking for bicycles where applicable; and
- Ensure that connectivity, accessibility and transferability among multiple modes of transportation are adequate, efficient, safe and friendly for pedestrians and bicyclists.

T-CTR-2 Funding for CTR

Assign higher funding priority to and actively pursue funding opportunities for improvement projects and programs that are related to, supportive of, or integrated with Commute Trip Reduction.

T-CTR-3 Collaboration on CTR

Partner with appropriate jurisdictions and organizations to coordinate the Commute Trip Reduction program efforts; to best utilize and multiply each others' resources and innovative practices; and to ensure that fair and consistent services are provided to employers across jurisdictions and employers with worksites located in more than one jurisdiction.

T-CTR-4 Climate Change and CTR

Integrate the Commute Trip Reduction program efforts into the implementation of the Climate Change Action Strategies (adopted by the Tacoma City Council by Resolution No. xxxxx, xx, xx, 2008) to effectively reduce carbon emissions and improve air quality.

T-CTR-5 Expansion of CTR

Pursue innovative measures and endeavor to expand the scope of Commute Trip Reduction beyond the statutory requirements and maximize the effects of CTR; for example, provide incentives to encourage voluntary reduction of commute trips and reduction of drive alone travel in leisure and errand trips.

T-CTR-6 Evaluation of CTR

Continually monitor and evaluate the effectiveness of employers' Commute Trip Reduction programs and the City's CTR-related policies, and implement changes needed to achieve and exceed the statutory goals.

T-CTR-7 Leadership in CTR

The City of Tacoma as an employer should take a leadership role and set a positive example by maintaining a strong Commute Trip Reduction program for its employees.

Attachment 2008-08-C: Proposed Commute Trip Reduction Ordinance

Proposal

Repeal Tacoma Municipal Code (TMC) Chapter 13.15 Commute Trip Reduction (CTR), and reenact TMC 13.15 by adopting the proposed CTR Ordinance, as attached.

Summary of Major Revisions

Major changes to TMC 13.15 are highlighted and summarized in the following table. It is noted that changes are being made throughout the chapter, including reorganization of certain sections. Therefore, for easy administration, it is proposed that TMC 13.15 be repealed in its entirety and replaced with the new chapter.

Category	Section	Changes	Rational
Purpose and Intent	Proposed 13.15.010	Add “climate change” to the Purpose and Intent statement.	To emphasize that CTR will contribute to addressing issues associated with climate change.
Purpose and Intent	Proposed 13.15.010	Add an objective with respect to consistency and coordination with Pierce County and jurisdictions within the County.	To better reflect the State requirement.
Purpose and Intent	Proposed 13.15.010	Add an objective with respect to the connection with the City’s Comprehensive Plan.	To clarify that CTR is part of the implementation programs of the City’s Comprehensive Plan.
Definitions	Proposed 13.15.020	Delete “Commute Trip Reduction (CTR) Task Force Guidelines”.	The CTR Task Force has been sunset and replaced with the State CTR Board, pursuant to the CTR Efficiency Act of 2006.
Definitions	Proposed 13.15.020	Delete “Commute Trip Reduction (CTR) Zone”.	The CTR Zone was intended to recognize the different characteristics of different geographical areas by setting different base year values for the purpose of CTR goal achievement. The concept has created administrative burdens, has not proven to be effective, and has been removed from the State requirement in the interest of efficiency.
Definitions	Proposed 13.15.020	Replace “single-occupant vehicle” with “drive alone trips”.	The terms “drive alone” and “reducing drive alone trips” are considered more user friendly than “riding in a single-occupant vehicle” and “reducing single-occupant vehicle rate.”

Definitions	Proposed 13.15.020	Change the definition of “carpool” from “2 to 6 people riding in a vehicle” to “2 to 4 people of at least 16 years of age riding in a vehicle”. “Vanpool” still refers to “5 to 15 people riding in a vehicle” but adding “at least 16 years of age”.	To remove the overlapping number of riders in the definitions for carpool and vanpool; to recognize that most passenger cars nowadays take up to 4 people; and to emphasize that all riders sharing the same vehicle must be employees or students.
Commute Trip Reduction Plan	Proposed 13.15.030	Add a new section regarding the City of Tacoma’s CTR Plan.	The City is required by State law to adopt a CTR Plan, consistent with the Comprehensive Plan, to provide the guidelines for implementing the CTR programs for the City and affected employers located within the City.
Applicability	Existing 13.15.050	Shorten the compliance schedule for newly affected employers, as follows, in subsequent manner: 1. Self-identification: from 180 to 30 days 2. Employee survey: 90 days 3. Program development: from 180 to 90 days 4. Program implementation: from 180 to 90 days	The existing compliance schedule has proven to be unnecessarily long and ineffective. The State has imposed a more realistic schedule based on the experience in implementing the CTR law since 1991.
Applicability	Existing 13.15.050	Delete “CTR Goal Achievement”.	The reference to goal achievements for 1995, 1997, 1999 and 2005 is dated. New goals are specified in the CTR Plan, as required by the State law.
Requirements for Employers	Existing 13.15.070	Delete the requirements of “Employer Goals and CTR Zone”.	The goals set for 1995, 1997, 1999 and 2005 are dated. New goals are specified in the CTR Plan, as required by the State law. The CTR Zone was intended to recognize the different characteristics of different geographical areas by setting different base year values for the purpose of CTR goal achievement. The concept has created administrative burdens, has not proven to be effective, and has been removed from the State requirement in the interest of efficiency.
Requirements for Employers	Existing 13.15.070	Make “emergency ride home” a mandatory rather than optional element for employers’ CTR programs.	“Guaranteed ride home” is one of the most commonly requested assurance measures employees would expect from their employer.
Requirements for Employers	Existing 13.15.070	Clarify the CTR program reporting responsibilities.	As required by the State CTR Law and based on the program administration experience in Pierce County.

Goal Modifications, Extensions and Exemptions	Existing 13.15.080	Repeal the entire section that addresses primarily the following provisions: <ul style="list-style-type: none"> • CTR program modifications • CTR goal adjustment • Employee exemption 	Provisions for CTR program modifications are updated and reflected in the proposed Section 13.15.080. Provisions for CTR goal adjustment with a reference to the CTR Zone are no longer applicable. Provisions for employee exemption are updated and reflected in the proposed Section 13.15.090.
Recognition of TDM Efforts	Existing 13.15.090	Repeal the entire section that addresses primarily the following provisions: <ul style="list-style-type: none"> • Leadership Certificate • TDM credits • Program reporting 	“Leadership Certificate” is one of the public recognition efforts that have been practiced in the Tacoma-Pierce County region and is not considered an activity that needs to be regulated. The TDM credit provision has been removed from the State requirement because it is considered complicated, ineffective and unfair. Provisions for CTR program reporting are already specified in Section 13.15.070.
Review and Modifications of CTR Programs	Proposed 13.15.080	Consolidate and update the existing Sections 13.15.050, 070, 080, 090, and 100, and lay out the process and criteria for the review and modifications of CTR programs.	To streamline the code language and better reflect the State requirements.
Credit for Schedule Changes	Existing 13.15.110	Repeal the entire section.	As for the TDM credit, this credit system has been discontinued.
Exemptions	Proposed 13.15.090	Consolidate and revise the provisions for “goal adjustment for employer’s worksite” and “employee exemption” in the existing Section 13.15.080.	To streamline the code language and better reflect the State requirements.
Enforcement and Penalties	Proposed 13.15.100	Add “failure to complete the survey measurement by the applicable deadline” as a violation of the CTR Ordinance.	Pursuant to the State Model Ordinance.
Review of Parking Policies	Existing 13.15.130	Repeal the entire section.	Review of parking is a policy action as recommended in the City’s CTR Plan (which is mentioned in the proposed Section 13.15.030). It is also a Comprehensive Plan policy. It is also a part of the economic development strategy that is constantly deliberated by the City administration. It does not need to be regulated in the CTR Ordinance that is geared toward employers.

Proposed CTR Ordinance (beginning on next page)

Chapter 13.15 (new)
COMMUTE TRIP REDUCTION

Sections:

- 13.15.010 Purpose and intent.
- 13.15.020 Definitions.
- 13.15.030 Commute Trip Reduction Plan.
- 13.15.040 Responsible City of Tacoma agency.
- 13.15.050 Applicability.
- 13.15.060 Notification of applicability.
- 13.15.070 Requirements for employers.
- 13.15.080 Review and modifications of CTR programs.
- 13.15.090 Exemptions.
- 13.15.100 Enforcement and penalties.
- 13.15.110 Appeals.

13.15.010 Purpose and intent.

The purpose of this chapter is to promote public health, safety, and general welfare by establishing goals and requirements for employers to implement commute trip reduction programs in accordance with RCW 70.94.521-551. The City of Tacoma recognizes the importance of increasing citizens' awareness of climate change, air quality, energy consumption, and traffic congestion and the contribution employers and individual actions can make toward addressing these issues. The intent of this chapter is to achieve the following objectives:

1. To improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to driving alone for the commute trip.
2. To ensure consistency, cooperation and coordination with Pierce County, Pierce Transit and appropriate jurisdictions within the county in fulfilling the requirements as set forth in RCW 70.94.521-551.
3. To make optimal use of existing and planned transportation facilities to minimize development costs and preserve business opportunities in Tacoma, consistent with the goals and policies of the Comprehensive Plan as set forth in Chapter 13.02.044.

13.15.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Affected employee" means a full-time employee who begins his or her regular work day at a single worksite covered by the Commute Trip Reduction

Plan between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. The following are excluded from the count of affected employees: (1) independent contract employees; (2) seasonal agriculture employees, including seasonal employees of processors of agricultural products; and (3) construction workers who work at a construction site with an expected duration of less than two years.

B. "Affected employer" means an employer that employs 100 or more affected employees.

C. "Alternative commute mode" refers to any means of commuting other than that in which the single-occupant motor vehicle is the dominant mode. Telecommuting and compressed work weeks are considered alternative commute modes if they result in the reduction of commute trips.

D. "Alternative work schedules" are programs such as compressed work weeks that eliminate work trips for affected employees.

E. "Base year" means the 12-month period which commences when an employer is determined an affected employer and from which goals for commute trip reduction shall be based.

F. "Base year survey" or "baseline measurement" means the survey, during the base year, of employees at an affected employer's worksite to determine the drive alone rate and vehicle miles traveled per employee at the worksite, and is used to develop commute trip reduction goals for the employer.

G. "Carpool" means a motor vehicle occupied by 2 to 4 people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

H. "Commute trip" means a trip that is made from a worker's home to a worksite.

I. "Commute Trip Reduction (CTR) Law" means the portion of the Clean Air Act adopted to accomplish commute trip reduction (RCW 70.94.521-551).

J. "Commute Trip Reduction (CTR) Plan" refers to the adopted City of Tacoma plan to regulate and administer the CTR programs of affected employers.

K. "Commute Trip Reduction (CTR) Program" means an employer's strategies to reduce employees' drive alone trips and average vehicle miles traveled per employee.

L. "Compressed work week" means an alternative work schedule, in accordance with employer policy and/or along with other arrangements, that allows a

full-time employee to eliminate at least one work day every two weeks by working more hours during the remaining work days, resulting in fewer commute trips by the employee.

M. “Dominant mode” means the mode of travel used for the greatest distance of a commute trip.

N. “Drive alone” means a motor vehicle, including a motorcycle, occupied by one employee for commute purposes.

O. “Employee Transportation Coordinator (ETC)” means a designated person who is responsible for the development, implementation and monitoring of an employer’s CTR program.

P. “Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

Q. “Exemption” means a waiver from any or all CTR program requirements granted to an employer by the City of Tacoma based on unique conditions that apply to the employer or the worksite.

R. “Flex-time” is a work schedule, in accordance with employer policy and/or along with other arrangements, that allows individual employees flexibility in choosing the start and end time but not the number of working hours to facilitate the use of alternative commute modes.

S. “Full-time employee” means a person, other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks per year for an average of at least 35 hours per week.

T. “Good faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.534(2) and this chapter, and is working collaboratively with the City of Tacoma 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.

U. “Implementation” or “implement” means active pursuit by an employer to achieve the CTR goals of the CTR Law (RCW 70.94.521-551) and this chapter.

V. “Mode” is the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, train, ferry, bicycle, walking, and alternative work schedules.

W. “Newly affected employer” refers to an employer that is not an affected employer upon the effective

date of this chapter, but who becomes an affected employer subsequent to the effective date of this chapter.

X. “Proportion of drive alone trips” or “drive alone rate” means the number of commute trips over a set period made by employees in single-occupant vehicles divided by the number of potential trips taken by employees working during that period.

Y. “Ride matching service” means a system which assists in matching commuters for the purpose of commuting together.

Z. “Teleworking/telecommuting” means the use of telephones, computers or other applicable technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least one half.

AA. “Transit” means a multiple-occupant vehicle operated on a shared-ride basis, including bus, ferry or rail.

BB. “Transportation Management Organization/Association (TMO/TMA)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMO/TMA may represent employers within the limits of the City of Tacoma, or may have a sphere of influence that extends beyond the city limits.

CC. “Vanpool” means a vehicle occupied by 5 to 15 people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

DD. “Vehicle miles traveled (VMT) per employee” means the sum of the individual vehicle commute trip lengths, in miles, made by employees over a set period, divided by the number of employees during that period.

EE. “Week” means a seven-day calendar period, starting on Sunday and continuing through Saturday.

FF. “Weekday” means Monday, Tuesday, Wednesday, Thursday, or Friday.

GG. “Worksite” or “affected employer worksite” means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and at which there are 100 or more affected employees.

HH. “Writing,” “written,” or “in writing” means original signed and dated documents. Facsimile (fax) and electronic transmissions are a temporary notice

of action that must be followed by the original signed and dated via mail or delivery.

13.15.030 Commute Trip Reduction Plan.

The City of Tacoma Commute Trip Reduction Plan, as adopted by the City Council on July 10, 2007, per Resolution No. 37220, establishes commute trip reduction goals for the city and affected employers, pursuant to RCW 70.94.521-551 and WAC 468-63, and shall provide the guidelines for implementing this chapter.

13.15.040 Responsible City of Tacoma agency.

The Community and Economic Development Department will be responsible for implementing this chapter.

13.15.050 Applicability.

A. Affected Employer. The provisions of this chapter shall apply to any affected employer at any single worksite within the limits of the City of Tacoma, or located in the city limits of jurisdictions where the City of Tacoma has entered into an interlocal agreement to administer CTR.

B. Change in Status as an Affected Employer. Any of the following changes in an employer's status may change the employer's CTR Program requirements:

1. Change from Affected to Non-affected Status. 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 affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the City of Tacoma in writing that it is no longer an affected employer and provide supporting evidence.

2. Change in Status within a 12-month Period. If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months, and will be subject to the program requirements as other affected employers.

3. Change in Status after a 12-month Period. If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees 12 or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer.

C. Newly Affected Employers.

1. Identification. Employers meeting the definition of "affected employer" in this chapter must identify themselves to the City of Tacoma within 30 days of either moving into the boundaries of the City of Tacoma or growing in employment at a worksite to 100 or more affected employees. It is the responsibility of the employer to notify the City of its affected employer status.

2. Survey. Newly affected employers, upon receiving written notification that they are subject to this chapter, shall have 90 days to perform a baseline measurement. The employer shall utilize the State provided survey measurement tool or State approved equivalent format and strive to achieve at least a 70% response rate from employees at the worksite.

3. Program Development. Not more than 60 days after receiving written notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR Program to the City of Tacoma, utilizing the format provided by the City. The program will be developed in consultation with the City to be consistent with the goals of the CTR Plan.

4. Program Implementation. The employer's CTR Program shall be implemented not more than 90 days after approval by the City of Tacoma.

D. City of Tacoma Employees. The City of Tacoma, including General Government and the Public Utilities, is required to implement a Commute Trip Reduction Program in accordance with this chapter for its employees.

13.15.060 Notification of applicability.

A. Notice to Known Affected Employers. Known affected employers located in the City of Tacoma, or within the jurisdictions for which the City of Tacoma administers the CTR programs, will receive written notification that they are subject to this chapter and any revisions or amendments to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, or CTR manager at the worksite. Such notification shall be delivered within 30 days of the adoption of this chapter or any revisions.

B. Self-identification of Affected Employers. Employers that, for whatever reasons, do not receive notice within 30 days of the adoption or amendment of this chapter shall identify themselves to the City of Tacoma within 60 days of the adoption of this chapter.

C. Notification of Non-applicability. It is the responsibility of the employer to provide the City of

Tacoma with information, in writing, regarding the non-applicability of this chapter to their worksite.

13.15.070 Requirements for employers.

An affected Employer is required to make a good faith effort as defined in RCW 70.94.534(2) and this chapter to develop and implement a CTR program for their employees that will encourage their employees to reduce VMT per employee and drive alone commute trips. The employer shall provide effective staffing levels and financial resources to fulfill the following program requirements:

A. Employee Transportation Coordinator (ETC). The employer shall designate an employee transportation coordinator (ETC) to administer the CTR Program. The ETC or designee's name and telephone number must be displayed prominently at each affected worksite. The ETC shall oversee all elements of the employer's CTR Program and act as liaison between the employer and the City of Tacoma. Employers with multiple affected worksites shall have effective program administration at each affected worksite. An employer may utilize the employee transportation coordinator services of a transportation management organization/association (TMO/TMA). If a TMO/TMA is utilized, the employer will still be held responsible for meeting all the requirements of RCW 70.94.521-551 and this chapter.

B. Information Distribution. General information about alternatives to drive alone commuting, ride matching service, as well as a summary of the employer's CTR Program shall be provided to employees at least once a year and to new employees at the time of hire or during the new hire orientation. Specific information about commute options, employer program elements, or countywide/statewide commuter services, programs and events shall be provided to employees at least once a month. A transportation event or promotional campaign shall be conducted at least once a year.

C. Emergency Ride Home. The employer shall offer to its employees an emergency ride home program which guarantees employees a free ride home in emergency situations when they use alternative commute modes.

D. Additional Program Elements to Achieve CTR Goals. In addition to the specific program elements described above, employer CTR programs shall include, but are not limited to, one or more of the following measures:

a. Provide preferential parking for high-occupancy vehicles;

b. Reduce parking charges for high-occupancy vehicles;

c. Institute or increase parking charges for drive alone commuters;

d. Eliminate free parking;

e. Decrease the number of parking stalls within the constraints of the parking code regulations;

f. Provide a parking incentives program such as a rebate for employees who do not use the parking facilities;

g. Provide commuter ride matching services to facilitate employee ride-sharing for commute trips;

h. Provide subsidies for transit, rail, or vanpool fares and/or passes;

i. Provide subsidies for carpools, walking, bicycling, teleworking/telecommuting or alternative work schedules;

j. Provide incentives for employees who do not drive alone to work;

k. Provide vans for vanpools;

l. Permit the use of the employer's vehicles for carpooling or vanpooling;

m. Permit the use of the employer's vehicles for emergency ride home or personal errands;

n. Establish a flex-time policy;

o. Establish an alternative work schedule policy;

p. Establish a teleworking/telecommuting policy;

q. Cooperate with transit providers to provide additional regular or express service to the worksite;

r. Construct special loading and unloading facilities for transit, carpool, and vanpool users;

s. Provide bicycle parking facilities, changing areas, showers and clothes lockers for employees who bicycle or walk to work;

t. Implement other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care or cafeteria facilities.

E. CTR Program Reporting.

1. Quarterly Reporting. Each affected employer shall submit to the City of Tacoma a quarterly progress report in accordance with the format provided by the City.

2. Due Dates for Quarterly Reporting. For the First Quarter (January, February and March), the Second Quarter (April, May and June) and the Third Quarter

(July, August and September), quarterly progress reports shall be due 10 calendar days past the end of the respective quarter. For the Fourth Quarter (October, November and December), quarterly progress reports shall be due the second Wednesday in December.

3. Annual Reporting. Each affected employer shall review its program and implementation progress by submitting an annual report to the City of Tacoma in accordance with the format provided by the City. The annual report outlines the strategies that were undertaken by an employer to achieve CTR goals for the reporting period. It also outlines the strategies to be undertaken for the next reporting year. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other to implement program elements.

4. Due Date for Annual Reporting. All annual reports shall be due by the second Wednesday of December.

5. Annual Reporting Extension. An employer may request an extension of up to 30 days for submitting the annual report. The request shall be made in writing to the City of Tacoma no less than 15 days prior to the due date.

F. Biennial Survey Measure of Employee Commute Behavior. In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall utilize the State provided survey measurement tool or State approved equivalent format and strive to achieve at least a 70% response rate from employees at the worksite. The City of Tacoma will establish a measurement schedule, in coordination with the countywide schedule, that will require employers to conduct the measurement survey on a two-year cycle. Depending on when a newly affected employer is identified, a baseline survey and measurement survey may be required during the established measurement schedule. For the purposes of this chapter, an employer shall not be required to survey more than once in a 12-month period.

G. Record Keeping. Affected employers shall maintain a copy of official correspondences with the City of Tacoma, their measurement results and all supporting documentation for the descriptions and assertions made in any CTR report to the City for a minimum of 48 months. The City and the employer

shall agree on the record keeping requirements as part of the accepted CTR Program.

13.15.080 Review and modifications of CTR programs.

A. Newly Affected Employers. The first annual report submitted by a newly affected employer shall be accepted by the City of Tacoma as long as it addresses necessary baseline information and all required elements including elements likely to result in reduction in drive alone trips or reduction in average VMT.

B. Review and Evaluation. The City of Tacoma's review and evaluation will address the employer's good faith efforts toward meeting the CTR goals. Consequently, programs may be deemed acceptable or unacceptable based on the employer's progress in reducing commute trips, as measured by reduction in drive alone trips or reduction in average VMT. The employer shall provide adequate information and documentation of program implementation when requested by the City.

C. Document review. Within 90 days of receipt of an employer's CTR Program, the City of Tacoma shall provide the employer with written notification of the acceptability of the CTR Program. If the CTR Program is deemed unacceptable, the notification must give cause for the rejection. The City may extend the review period up to 90 days. If the review period is extended, the implementation date for the employer's CTR Program will be extended an equivalent number of days.

D. Review Criteria. The City of Tacoma shall use the following criteria in determining whether an affected employer shall be required to make modifications to its CTR Program:

1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets or exceeds either the applicable drive alone trips or VMT reduction goal, the employer has satisfied the objectives of this chapter, 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 chapter, but fails to meet both the applicable drive alone trips and VMT reduction goals, the City shall work collaboratively with the employer to implement program modifications likely to result in improvements to the program over an agreed upon length of time.

3. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and

fails to meet both the applicable drive alone trips and VMT reduction goals, the City shall work collaboratively with the employer to identify modifications to the CTR Program and shall direct the employer to revise its program accordingly and submit the revised program to the City within 30 days.

E. Request for Conference. Within 10 days of receipt of written notice for an unacceptable CTR Program, the City of Tacoma or employer may request a conference to discuss the City's decision. This conference shall be scheduled during the City's official hours.

F. Request for Program Modifications. Any affected employer may make a request, in writing, to the City of Tacoma for modification of its CTR Program elements, other than the mandatory designation of the employee transportation coordinator, information distribution, survey, and quarterly and annual reports. The City shall review such request and notify the employer of its decision in writing within 30 days upon receipt of the request. The employer's request for program modifications may be granted if one of the following conditions exist:

1. The employer can demonstrate it would be unable to comply with the CTR Program elements for reasons beyond the control of the employer; or
2. The employer can demonstrate that compliance with the CTR Program elements would constitute an undue hardship.

G. Implementation of Program Modifications. If the City of Tacoma proposes modifications to an affected employer's CTR Program due to the program's unacceptability or in response to the employer's request for modifications, the employer shall have 30 days to submit a revised program that includes the proposed or other mutually agreed modifications. The City shall also review annually all modifications and determine whether they will remain in effect during the following program year.

13.15.090 Exemptions.

A. Worksite Exemption. An affected employer may make a request, in writing, to the City of Tacoma for granting 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 chapter as a result of the characteristics of its business, its work force, or its location(s). A one-year 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 drive alone trips or average VMT per employee. The City shall grant or deny the request within 30 days of receipt of the request. The City shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

B. Employee Exemption. 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. Affected employees who are exempted from a worksite's CTR Program shall be counted when determining the total number of affected employees at the worksite. The City of Tacoma shall grant or deny the request within 30 days of receipt of the request. The City shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

13.15.100 Enforcement and penalties.

A. Compliance. For purposes of this chapter, compliance shall mean fully implementing all provisions in an approved CTR Program or being determined to have made a good faith effort as defined in RCW 70.94.534(2) and this chapter.

B. Violations. The following constitute violations of this chapter:

1. Failure of an affected employer to identify itself to the City of Tacoma within 60 days of the effective date of this chapter;
2. Failure of a newly affected employer to identify itself to the City of Tacoma within 30 days of becoming an affected employer;
3. Failure to develop and/or submit a complete CTR Program by the applicable deadlines as stated in this chapter;
4. Failure to implement an approved CTR Program by the applicable deadlines as stated in this chapter;
5. Failure to modify an unacceptable CTR Program by the applicable deadlines as stated in this chapter;
6. Failure to submit quarterly and annual reports to the City of Tacoma by the applicable deadlines as stated in this chapter;
7. Failure to complete the survey measurement by the applicable deadlines as stated in this chapter;

8. Failure to maintain agreed-upon CTR Program records;

9. Intentionally submitting fraudulent or false information, data, and/or survey results.

C. Penalties.

1. Civil Infraction. Any affected employer violating any provision of this chapter shall be deemed to have committed a civil infraction, and shall be subject to civil penalties pursuant to RCW 7.80.

2. Violation Notification. Upon making a determination that an affected employer is in violation of this chapter, the City of Tacoma shall issue a written notice and order to the affected employer. The notice and order shall contain:

a. A brief and concise description of the affected employer's conditions found to be in violation;

b. A statement of the corrective action required to be taken and when such corrective action shall be completed;

d. A statement specifying the amount of any civil penalty assessed on account of the violation; and

e. A statement advising that the order shall become final unless, no later than 30 days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the City of Tacoma Hearing Examiner.

3. Penalty Amount. The penalty for violation shall be \$250 per day.

4. Penalty Accrual. Penalties will begin to accrue following the official date of notice from the City of Tacoma. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals process. Should the Hearing Examiner decide in favor of the appellant, all or a portion of the monetary penalties will be dismissed.

5. Union Negotiations. An employer shall not be liable for civil penalties if failure to implement an element of a CTR Program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

a. Propose to a recognized union any provisions of the employer's CTR Program that is subject to bargaining as defined by the National Labor Relations Act; and

b. Advise the union of the existence of the statute and the mandates of the CTR Program approved by the City of Tacoma and advise the union that the proposal being made is necessary for compliance with the CTR Law (RCW 70.94.521-551) and this chapter.

6. Notification to Jurisdiction. If the affected employer found in violation is located within a jurisdiction for which the City of Tacoma administers the CTR Program, as per Section 13.15.050.A, the City will send written notice to the jurisdiction. It is the responsibility of the jurisdiction to issue written notice to the employer and assess a penalty.

13.15.110 Appeals.

A. Appeals. Any affected employer may appeal administrative decisions regarding modification of CTR Program elements and penalties to the City of Tacoma Hearing Examiner. Appeals shall be filed within 30 days of the administrative decision. Appeals shall be heard pursuant to those applicable procedures found in Chapter 1.23. Such appeals to the Hearing Examiner shall be de novo. The Hearing Examiner will evaluate employers' appeals of administrative decisions by determining if the decisions were consistent with the CTR Law (RCW 70.94.521-551), WAC 468-63 and this chapter.

B. Judicial Appeal. The decision of the Hearing Examiner shall be considered a final decision, appealable only to the Superior Court of Washington for Pierce County. Appeals to the Superior Court shall be made within 30 days of the final action of the Hearing Examiner.