



City of Arlington Council Agenda Bill

Item:
NB #4
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COUNCIL MEETING DATE:	
December 5, 2016	
SUBJECT:	
Commute Trip Reduction Plan and Ordinance Update - AMC Chapter 10.80	
ATTACHMENTS:	
Draft CTR Plan Proposal and Ordinance	
DEPARTMENT OF ORIGIN	
Department of Community & Economic Development	
EXPENDITURES REQUESTED:	-0-
BUDGET CATEGORY:	N/A
LEGAL REVIEW:	
DESCRIPTION:	
AMC Chapter 10.80 amendments that include; Replace the existing Chapter 10.80 Transportation Demand Management with a new Chapter 10.80 Commute Trip Reduction Adopting Community Transit's Commute Trip Reduction Plan 2017-2019	



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HISTORY:

For over 25 years, jurisdictions in Snohomish County have partnered with state, regional and local agencies to implement the Commute Trip Reduction program with the goal of improving air quality and reducing traffic congestion. The Washington State Commute Trip Reduction Act (RCW 70.94) was adopted in 1991. In 2006, the Washington State Legislature passed the Commute Trip Reduction Efficiency Act which focused the CTR program on urban growth areas that were experiencing the greatest automobile-related air pollution and traffic congestion.

In 2013, the Washington State CTR Board approved a four-year pilot rulemaking experiment to evaluate new trip reduction strategies, improve performance measurement and identify administrative efficiencies. City of Arlington, along with 7 other jurisdictions in Snohomish County and the city of Bothell, were selected to participate in an alternate CTR program during the pilot period. The alternate plan focused program resources in the areas with the greatest trip reduction potential. It streamlined worksite reporting and moved data collection from a biennial survey to a daily online trip calendar using the states online ridematching and calendaring system, RideshareOnline.com. This plan uses the flexibility provided within the 2015 CTR law revisions to continue the successful strategies of the pilot alternate plan program.

The proposed CTR Plan for the City of Arlington will be in effect 2017-2019. The updated ordinance reflects the changes in the Plan to meet the Commute Trip Reduction Efficiency Act.

ALTERNATIVES

- Approve staff's recommendation with modifications
- Table staff's recommendation
- Deny staff's recommendation

RECOMMENDED MOTION:

I move to approve the ordinance updating AMC Chapter 10.80 and adopt the 2017-2019 Commute Trip Reduction Plan.

Commuter Trip Reduction Plan For the City of Arlington

November 2016



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INTRODUCTION

The Commute Trip Reduction (CTR) Plan for the City of Arlington outlines policies and strategies to improve air quality and reduce traffic congestion through employer-based transportation programs that encourage the use of alternatives to single-occupant vehicle trips for commute purposes. This plan as well as previous CTR plans and ordinances has been developed to meet the requirements of the Washington State Commute Trip Reduction Act (RCW 70.94) initially adopted in 1991. In 2015, the Washington State Legislature updated the program to allow greater flexibility at the jurisdiction level to apply transportation demand management (TDM) strategies that better address local conditions. This plan has been prepared in accordance with those revisions.

This plan applies to “affected major employers” in the City of Arlington who employ 100 or more full-time employees at a single worksite and who are scheduled to begin their work day on weekdays between 6:00 a.m. and 9:00 a.m. The plan also applies to “voluntary employers” who choose to participate in the program even though they do not meet the criteria to be affected. The plan sets a goal for these worksites of increasing non-drive alone trips by 7% between 2017 and 2019.

Building upon the accomplishments of the existing commute trip reduction program, as well as other successful TDM strategies, the plan outlines strategies the City of Arlington, along with other agencies, will implement to assist employers in meeting the goals of the plan. Revisions are also being made to the City of Arlington Commute Trip Reduction Ordinance (AMC 10.80) to coincide with this update.

PROGRAM HISTORY

For over 25 years, jurisdictions in Snohomish County have partnered with state, regional and local agencies to implement the Commute Trip Reduction program with the goal of improving air quality and reducing traffic congestion. The Washington State Commute Trip Reduction Act (RCW 70.94) was adopted in 1991. In 2006, the Washington State Legislature passed the Commute Trip Reduction Efficiency Act which focused the CTR program on urban growth areas that were experiencing the greatest automobile-related air pollution and traffic congestion.

In 2013, the Washington State CTR Board approved a four-year pilot rulemaking experiment to evaluate new trip reduction strategies, improve performance measurement and identify administrative efficiencies. City of Arlington, along with 7 other jurisdictions in Snohomish County and the city of Bothell, were selected to participate in an alternate CTR program during the pilot period. The alternate plan focused program resources in the areas with the greatest trip reduction potential. It streamlined worksite reporting and moved data collection from a biennial survey to a daily online trip calendar using the states online ridematching and calendaring system, RideshareOnline.com. This plan uses the flexibility provided within the 2015 CTR law revisions to continue the successful strategies of the pilot alternate plan program.

PAST PROGRAM PERFORMANCE

The CTR program performance analysis below shows the effect of commute habits of approximately 26,000 employees from CTR affected major employers in eight Snohomish County jurisdictions and the city of Bothell in 2015.

The table below compares employee commute information from the 4th quarter of 2014 with associated information from 2015. The comparison shows that commuters at these worksites chose

to take almost 15,000 more non-drive alone commute trips during that period, more than a 15% improvement.

Period	Non-drive alone trips
2014 – 4 th Quarter	63,040
2015 – 4 th Quarter	72,617
Difference	9,577
Percent Change	+13.19%

BENEFITS OF THE CTR PROGRAM

The impacts and benefits to the City of Arlington of the Commute Trip Reduction (CTR) program reaches beyond the employments sites. CTR has continued to grow as the county grows and the program can be used to address a variety of transportation and environmental issues, especially as our ability to add capacity to roadways becomes a challenge:

Meeting State and County Climate Change Goals – In Snohomish County 62% of greenhouse gas emissions are attributable to transportation. By working to reduce vehicle miles traveled, CTR supports both the Governor’s and County Executive’s executive orders on climate change and reduction of GHG. In the last year alone, the CTR program in Snohomish County and the city of Bothell reduced greenhouse gas emissions by over 8 million pounds of carbon dioxide.

Avoiding the costs of Roadway Expansion – The cost of expanding roadways is increasing. In many cases it is more cost effective to manage demand than to continue expanding supply.

Meeting the needs of increased urbanization – By 2035, the Snohomish County population is expected to grow by over 230,000 and employment is estimated to increase by almost 150,000 jobs. Most of this growth will go to the areas that are already urbanized. These are also areas where traffic problems are significant and alternative modes can be effective.

Energy costs – Rising and unpredictable fuel costs have put strains on the personal budgets of the residents of Snohomish County. The CTR program, through subsidies and assistance with lower cost commuting options, can help commuters meet their household needs.

Consumer preferences and market trends – CTR is addressing current consumer preferences in which more consumers want to live in multi-modal communities where it is possible to walk and bicycle safely, use neighborhood services, and have access to quality public transportation.

Other environmental concerns – CTR helps to address concerns over air pollution, depletion of natural areas, and other environmental impacts by reducing the demand for automobiles. For each car that is taken off the road, there is a significant benefit to the environment.

I. LOCAL PROGRAM ASSESSMENT

AFFECTED MAJOR EMPLOYERS

The Washington State Commute Trip Reduction Efficiency Act (RCW 70.94.521-555) and the Washington Administrative Code (WAC 468-63) require that major employers in the most congested urban growth areas (UGA) in the state develop and implement a program to encourage their employees to increase their use of non-drive alone transportation options. The act defines a major CTR employer as one that employs 100 or more full-time employees at a single worksite who begin their regular workday between 6:00 a.m. and 9:00 a.m. on at least two weekdays for at least twelve months. In Snohomish County the affected UGAs includes the Southwest, Marysville, Arlington, Lake Stevens, Snohomish, and Monroe. The number of major employers in the City of Arlington fluctuates and will vary during the life of this plan. A table listing the current major employers is in Appendix A.

In addition to the major work sites there are other employer sites in the program that are defined as “voluntary”. These sites are involved for a variety of voluntary reasons including the desire to mitigate traffic and environmental impacts at their worksite and decrease the cost of commuting for their employees.

LAND USE AND TRANSPORTATION CONDITIONS AT MAJOR EMPLOYMENT SITES

The City of Arlington is currently working towards providing walkable communities and complete streets throughout the city. The City has identified 5 focus areas where commercial, industrial and higher density housing will most likely occur within the city. The focus areas include: Central Industrial Area, Airport Business Park, Island Crossing, State Route 9 Roundabout Area, and Manufacturing Industrial Center, South of 172nd Street (see Appendix C: Maps). It would be expected that future major employers would also be located in these areas. Community Transit currently provides transit service to some of these areas, but most of the areas have little or no transit services available.

II. TRIP REDUCTION STRATEGY FOR MAJOR EMPLOYERS

Local jurisdictions with affected major employers are required to develop programs and strategies for successful CTR programs that comply with the guidance and minimum requirements of the Washington State Commute Trip Reduction Efficiency Act (RCW 70.94.521) and the Washington State Commute Trip Reduction Board. Eight Snohomish County jurisdictions (Arlington, Edmonds, Lynnwood, Marysville, Monroe, Mukilteo, Mountlake Terrace, and Snohomish County) and the city of Bothell have worked together with Community Transit to develop common goals, requirements, and strategies that will provide for a successful and coordinated CTR program.

EMPLOYER GOALS AND TARGETS

This plan sets a goal for affected major employment worksites of increasing non-drive alone trips by 7% from a 2017 baseline level by 2019. This goal is a target, and failure to achieve the goal is not a violation of state law or local ordinance. Progress towards the trip goal will be based on non-drive alone trip counts recorded in the RideshareOnline.com calendaring system.

Targets for newly affected CTR worksites will be determined from their time of entry into the program based on the two-year goals. For these sites, a baseline assessment of employee commute habits

will be completed within 90 days of approval of CTR program and a target set for the worksite for the remaining period of the CTR plan period.

REQUIREMENTS FOR MAJOR EMPLOYERS

To achieve the goals and targets, major employers that are voluntary or affected by the CTR Law are required to implement the following program elements:

Required Element	Description
Designate Employee Transportation Coordinator	The employer will designate an Employee Transportation Coordinator (ETC). The ETC is the point of contact on-site between the employer and its workforce to implement, promote and administer the organization's CTR program. He/she is also the point of contact between the employer and the local jurisdiction to track the employer's progress in meeting CTR requirements. Employers will be responsible for providing ETCs with adequate time to attend training, network meetings and to administer the program.
Regular Distribution of Information to Employees	The employer will distribute information to employees about commute alternatives at least twice a year. At least one of the items distributed will be a description of the employer's worksite program. Examples of other information that will be distributed may include: <ul style="list-style-type: none"> • Transit system maps and schedules • Vanpool rider alerts • Weekly traffic alerts • Regional or state ridesharing campaign promotional materials
CTR Reporting Quarterly	The employer will complete a quarterly employer report and submit to the local jurisdiction. The CTR law requires that the employer conduct a program evaluation to determine worksite progress toward meeting the CTR goals.
RideshareOnline.com Data Collection	The employer will promote and encourage employees to log trips into RideshareOnline.com. This data will be used for goal measurement purposes.
Implementation of a Set of Measures	The employer will implement a set of measures that are designed to increase the percentage of employees using some or all of the following modes: <ul style="list-style-type: none"> • Transit • Vanpool • Carpool • Bicycle or walking

	<ul style="list-style-type: none"> • Telework, compressed work week, or flexible work schedule • Other non-single occupant vehicle modes <p>Measures to reduce drive alone trips and vehicle miles traveled include, but are not limited to:</p> <ul style="list-style-type: none"> • Provision of preferential parking or reduced parking charges for high occupancy vehicles • Instituting or increasing parking charges for single-occupant vehicles • Provision of commuter ridematching services • Provision of subsidies for transit fares • Provision of vans for vanpools • Provision of subsidies for carpooling or vanpooling • Permitting the use of employer’s vehicles for carpooling or vanpooling • Permitting flexible work schedules • Cooperation with transportation providers to provide additional regular or express service to the work site • Provision of bicycle parking facilities, lockers, changing areas and showers • Provision of a program for parking incentives such as a rebate for employees who do not use the parking facility • Establishment of a program to permit employees to work part or full time at home or at an alternative work site closer to their homes • Establishment of a program of alternative work schedules such as compressed work week schedules (such as 4/40 or 9/80) • Implementation of measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi service • Employers or owners of worksites may form or utilize an existing Transportation Management Association (TMA) or other transportation-related associations to assist members in developing and implementing commute trip reduction programs
ETC Training	The employer ETC will attend an ETC basic training session within six months of appointment.
Employer Notification	The employer will notify the jurisdiction or designee when there are proposed changes to their CTR program, changes in ETC or contact information, and/or significant changes in number of employees at the worksite.

ETC Networking/ Advanced Training	The employer ETC will attend at least six hours of networking or advanced training per year. Training and networking sessions may include marketing CTR programs to employees, trip planning, ridesharing, joint promotions and networking meetings.
Annual Worksite Promotion of Employer CTR Program	Employers will be required to hold at least one annual “transportation fair” or equivalent promotion which is available to all employees at each CTR-affected worksite.

Compliance, Violations, and Penalties for Noncompliance - There are no violations for failure to achieve CTR goals, only for failure to make a CTR good faith effort. Civil penalties may be assessed for violations as defined in AMC 10.80.130. Violations and penalties can be appealed to the Hearing Examiner. Appeals of the Hearing Examiner’s decisions may be made to the City Council.

BARRIERS TO ACHIEVING GOALS

The following barriers to the achievement of the program goals have been identified:

Transit Service – While about half of the affected employment sites in the City of Arlington are located near good transit service, some of the employment sites have little or no transit service.

Pedestrian Pathways – Some of the sites near transit have barriers caused by poor pedestrian pathways between the business and transit or the business and other needed services which make the use of an auto necessary.

Abundant Free Parking – Consistent with the business and industrial park location is the abundance of free parking. Most of the CTR-affected worksites in the City of Arlington offer free parking to their employees and in most cases there is no constraints on parking capacity. Parking management is difficult in most of these cases because of large amounts of available off-site parking with the potential for spill-over impacts on neighboring properties.

Ability to Implement Telework and Flexible Schedules – As an effective technique to reduce greenhouse gas emissions (GHG), telework and the flexible scheduling of employees can be a strong strategy among CTR worksites. The barriers to these techniques are often tradition and the culture of business. There is a perception among the management at some CTR employers that alternative work schedules can result in decreased employee productivity. There are also often technological problems with connecting a remote employee with the businesses systems.

Lack of Employee Transportation Coordinator (ETC) Support – The ETC is the backbone of any CTR program but at many sites the ETC is not given the opportunity to succeed because of training or lack of time and resources. ETC success is often dependent on the support that the ETC is getting from the management of the company. An employer program where the ETC is not getting the training and support necessary from within the company will not

III. IMPLEMENTATION

ROLES AND RESPONSIBILITIES

City of Arlington plans to work in partnership with Community Transit, the Puget Sound Regional Council (PSRC), WSDOT, other affected Snohomish County jurisdictions, and its affected worksites to implement the CTR plan. Implementation of the plan will be carried out predominantly by the following parties:

Major Employers – The most important partners in the success of this plan are the participating employers. These employers are responsible for designing and implementing CTR programs consistent with the program goals and requirements as outlined in Section II of this plan. This includes developing a program, designating an ETC, delegating adequate time for ETCs to perform duties, distributing information on the program to employees, submitting program reports, and other necessary or desired elements.

Community Transit – The role of Community Transit is also critical to the success of this plan. For more than twenty-five years, Community Transit has worked with employers to develop and implement successful CTR programs. Through agreements with each CTR-affected jurisdiction and the Washington State Department of Transportation (WSDOT), Community Transit will be responsible for employer outreach, education and training, program review, and administering the employer data collection process. Community Transit also manages and implements the Curb the Congestion program, another tool in the employer trip reduction toolkit.

Transit Service Providers – Quality transit service is important for the success of this plan, Community Transit is the provider of vanpool and transit services to the CTR worksites in the City of Arlington. In addition to Community Transit, Everett Transit and Sound Transit also provide bus service to many employment areas in Snohomish County.

City of Arlington – City of Arlington is responsible for developing and implementing the local CTR plan and ordinance and ensuring that CTR plan is consistent with the City of Arlington comprehensive plan. The City of Arlington is also responsible for ensuring that CTR worksites are in compliance with the City of Arlington CTR ordinance. The City of Arlington will work with Community Transit, the Puget Sound Regional Council (PSRC), WSDOT, and the other Snohomish County jurisdictions to develop and fund the programs necessary to meet the CTR plan goals.

PROGRAM ADMINISTRATION AND SUPPORT

Community Transit will provide technical assistance and marketing incentives to help affected major employers meet the requirements and achieve their goals.

Employer Notification and Enforcement – Community Transit acts as the liaison between City of Arlington and major affected employers and assists with preparation of notification documentation and enforcement recommendations.

Employer Assistance – Through a long-term agreement with each CTR-affected jurisdiction and WSDOT, Community Transit works with affected and voluntary employers to develop and successfully implement CTR programs. This assistance includes:

- **ETC Development and Support** - The ETC is an integral part of the trip reduction program. Their job duties should include coordination of annual fairs, conducting promotions, distributing information, notifying the City of Arlington about program changes, and the collection and reporting of data. Community Transit provides training courses, networking meetings, and other

assistance to the ETC designed to help meet the requirements of the program and increase the success of this key person.

- Program and Strategy Development – Community Transit provides consultation with employers to help worksites design and develop appropriate trip reduction strategies. Strategies may include carpool and vanpool programs, parking management, incentives programs, bicycling and walking programs, alternative work schedules, and telework programs.
- Promotions – Community Transit works with employers to design and conduct promotions, on-site transportation fairs, and other special events to increase awareness and use of commute alternatives. Assistance includes design and provision of materials, promotional items, staffing information booths and on-site ridematching.
- Incentives – Community Transit provides incentives to employees at affected worksite, such as the quarterly Smart Commuter Rewards program, to encourage the use of non-drive alone commute modes.
- Guaranteed Ride Home – Through an agreement with the employer, Community Transit offers emergency transportation to employees who choose an alternative to driving alone.
- Transit Pass Programs – Community Transit can work with employers to help identify appropriate ORCA Business Account programs for worksites.

Transportation Services – Transportation service providers provide alternative transportation options to single occupancy vehicle commuting.

- Vanpool Services – Community Transit operates one of the largest vanpool programs in the nation. Vans are provided to groups of 5-15 commuters who pay a monthly fare based on travel distance and number of passengers.
- Transit Services – Community Transit, Everett Transit and Sound Transit provide bus and commuter rail service within Snohomish County. Community Transit staff assists ETCs with identifying potential riders, planning individual trips and marketing specific routes. Transit schedules and on-site transit pass programs are also available.

SUPPORTIVE PLANS, POLICIES, AND PROGRAMS

City of Arlington, Snohomish County and other local partner agencies have developed and implemented a variety of plans, policies and programs that support and increase the impact of commute trip reduction in the City of Arlington.

City of Arlington Comprehensive Plan and 2035 Transportation Plan

By 2035, the City expects to have a 40% increase in population, which is expected to cause a significant increase in vehicle trips per day in newly developed or redeveloped areas. The City's Comprehensive Plan lays out a 20-year strategy to address this growth. A central tenant of the plan is support for multimodal transportation to address the increased traffic that is expected to come with growth.

The City of Arlington Comprehensive Plan was updated in July 2015 and includes many policies that support CTR and Transportation Demand Management strategies. The City is continuing to implement these policies which promote non-SOV travel through transit supportive land uses with higher densities, horizontal mixed use development and transit oriented development, reducing

parking requirements, providing pedestrian access to transit facilities, and incorporating transit facilities into roadway improvement projects.

The City's Transportation Plan addresses the increased demand that will be placed on Arlington's transportation network resulting from growth and land use planning/zoning changes outlined in the 2015 Comprehensive Plan. Five focus areas were identified as being the most suitable for future residential, industrial and retail growth; specific attention was placed on impacts to the transportation systems passing through these areas. In these focus areas, increased use of transit, bicycling and walking can more easily be supported. Future growth in the program would be expected in these areas where a CTR-type strategy can be more effective.

The Transportation Element of the comprehensive plan discusses numerous roadway improvement projects on city roads to address congestion and safety problems. Urban roadway projects include, providing increased bicycle and pedestrian facilities, supporting transit programs, investment of new sidewalk and trail systems, installation of complete streets, reducing the impact on air quality and reducing the number of single-occupancy vehicular trips.

The TIP which is the city's six-year transportation investment plan includes \$1,572,300 for non-motorized facilities. These projects include: Multimodal/Complete Streets Plan, 2nd Street Sidewalk Project, 204th Street Trail, 74th Avenue Trail, Highland Drive Sidewalks, and Gilman Trail.

The Appendix B includes an analysis of the comprehensive plan goals and policies that support CTR. The comprehensive plan policies have been reviewed for consistency with this plan and with state law.

Community Transit: Transit Development Plan 2016-2021

Community Transit's Transit Development Plan (TDP) and Long Range Plan look ahead to forecast sales tax revenue, and to match proposed future service expansions with the labor and fleet needed to provide that service. By 2021, Community Transit will need 167 new buses to replace aging vehicles and expand its fleet by more than 60 buses. The agency operated 235 buses in 2015.

In addition, the agency will need to hire approximately 200 new employees over the next six years, primarily bus drivers and mechanics. There are currently 627 people who work for the agency.

Community Transit plans a service expansion that will add about 138,000 hours of service, or a 40 percent increase over 2015 service levels. That expansion added two new routes in September 2016 and will add more bus trips throughout the system in both September and March 2017.

In fall 2017, the TDP outlines the desire to add more new trips on existing routes with a focus on commuter routes to Seattle. Many of those buses are standing room only, but more buses need to be purchased and delivered in order to expand peak-time operations.

In 2019, a major service expansion would include the launch of *Swift Green Line*, Community Transit's second bus rapid transit (BRT) line, between Canyon Park and Boeing/Paine Field. The service proposals beyond this year are concepts and will need to be vetted by Community Transit's Board of Directors each year.

Within the six-year timeframe, a third *Swift* route will be studied with the intent to launch as part of a south county service restructure to meet up with Sound Transit's Link light rail when it reaches Lynnwood in 2023. Eventually, a network of *Swift* lines will crisscross the county to provide fast, frequent transit connections throughout Snohomish County.

Curb the Congestion

This origin-based transportation demand management (TDM) program targets strategies to where commuters begin their travel. Community Transit, in partnership with Snohomish County, developed Curb the Congestion, a progressive, community-based TDM program proven to reduce single occupancy vehicle trips on congested corridors in Snohomish County through a focus on both commute and non-commute trips. Program corridors include (as of January 2017): 128th Street, 164th Street, 196th Street, Bothell-Everett Highway, Highway 99, I-405 and Highway 522.

Snohomish County funds Curb the Congestion on 128th Street, 164th Street, 196th Street, Highway 99 and Bothell-Everett Highway in partnership with Community Transit using a regional Congestion Mitigation and Air Quality (CMAQ) grant. The I-405 Regional Mobility Grant funds Curb the Congestion on I-405 (from Lynnwood to Highway 522) and Highway 522 (from Monroe to Bothell). Both funding partners utilize Curb the Congestion as part of a strategy to alleviate traffic in congested corridors during peak commute hours.

This program has produced measurable results, fostering long-term behavior change. In 2015, Curb the Congestion eliminated 398,381 drive alone trips on the 6 target corridors and reduced vehicle miles driven by 7 million miles. The program also demonstrated valuable environmental benefits, by preventing 3.7 million pounds of carbon dioxide from being emitted.

Developer Transportation Demand Management (TDM)

Rather than increasing capacity, TDM measures are aimed at reducing the transportation demand generated. In addition to physical improvements to the multi-modal network, the City has TDM measures in place that will use existing capacity more efficiently, increase capacity for motorized transportation, or reduce the peak period transportation demands, such as:

- Encouraging land use patterns that facilitate multi-purpose trips and reduce trips by single-occupancy vehicles.
- Requiring new construction to include sidewalks, bicycle storage/parking, and access to mass transit where possible.
- Providing bicycle lanes on arterial and collector streets.
- Constructing a bicycle path and pedestrian trail that connects schools and downtown area with athletic fields and parks.
- Working with Community Transit to encourage transit compatibility for new development.
- Encouraging pedestrian-scale neighborhoods to enhance access and mobility.

Under the City of Arlington's development code, developers may be required help mitigate the impacts of development. Under AMC Chapter 20.72.110, developers are required to provide bicycle parking facilities for multi-family developments. Developers have several options on how they can reduce the amount of vehicular parking spaces required:

- **Transit:** Subject to AMC §20.72.086 (Maximum Cumulative Reduction of Required Parking Spaces), a reduction of up to ten (10) percent of the required parking spaces may be granted for any use, building or complex other than for convenience or retail use categories located with four hundred (400) feet of any stop on a regularly scheduled transit route. The reduction in parking space supply applicable to the provision of transit services may be further modified by conditions in any community, as these may be reviewed and reported by qualified parking consultant or by the Responsible Official at his or her discretion.

- **Carpooling / Vanpooling:** Subject to AMC §20.72.086 (Maximum Cumulative Reduction of Required Parking Spaces), a reduction of up to ten (10) percent of required parking, based on substantiated projections of reduction in parking demand, may be granted for any building or use exceeding fifty thousand (50,000) square feet GLA that institutes and maintains a locally approved carpooling/vanpooling program. Such reduction may be terminated immediately upon failure of the owner, operator, tenant, or others responsible for such programs to maintain such programs in an ongoing and acceptable manner.
- **Shuttle Service:** Subject to AMC §20.72.086 (Maximum Cumulative Reduction of Required Parking Spaces), a reduction of up to fifteen (15) percent of required parking, based on substantiated projections of reduction in parking demand, may be granted for any building or use that institutes and maintains a continuous, personalized shuttle service. Said reduction may be terminated immediately upon failure of the owner, operator, tenant or others responsible for such program to maintain such program in an ongoing and acceptable manner.
- Reduction in the total number of required parking spaces granted for the provision of alternative transportation services (AMC §20.72.084, Reductions in Parking Space Requirements for Provisions of Alternative Transportation) or for protecting significant trees (AMC §20.76.120(g) Retention and Protection of Significant Trees) shall not exceed a total of thirty (30) percent.
- **Bicycle Parking Facilities:**
 - All multi-family uses in excess of four units shall provide parking facilities for bicycles at a ratio of 1 “stall” per every ten required parking spaces.
 - Except in the Old Town Business District 1, where bicycle parking facilities are anticipated to be provided as part of public/private redevelopment projects, all commercial and public uses shall provide “stalls” for bicycles at a ratio of 10% of the required automobile parking spaces required for a business or group of businesses. After 20 “stalls” have been provided by any business or group of businesses, the ratio shall be 5% of the total required automobile parking spaces.
 - A bicycle “stall” shall include a delineated and safe parking area, and an appropriate structure to which bicycles can be locked.

IV. FINANCIAL PLAN

City of Arlington and the other eight jurisdictions working together on this CTR plan have developed a joint financial plan outlining the estimated costs and the resources needed for program success.

CTR PROGRAM COSTS & RESOURCES

Costs

Table 1 is a summary of the estimated costs necessary to maintain the CTR program through 2019. Community Transit will administer and implement the CTR program. City of Arlington will provide the development, adoption, and implementation of the CTR plan and ordinance including code revisions, additions to the comprehensive plan, and any necessary enforcement.

Table 1: CTR Program Costs 2017-2019

Activity	Responsible Agency	Estimated Cost 2017	Estimated Cost 2018	Estimated Cost 2019
CTR Administration*	Community Transit	\$125,000	\$125,000	\$125,000
CTR Services**	Community Transit	\$200,000	\$200,000	\$200,000
Ordinance and Plan Maintenance/Compliance***	City of Arlington	\$5,000	\$5,000	\$5,000
TOTAL		\$330,000	\$330,000	\$330,000

* Includes program administration, promotions, marketing, guaranteed ride home, outreach and education.

**Includes program staff time, outreach and education.

***The City uses existing staff time to complete the CTR Program.

Identified Resources

The resources for the programs administered for the CTR worksites come from a number of sources as shown in Table 2. WSDOT provides funds to cover some of the costs of administering the CTR program. Community Transit provides the resources to cover the remainder of the administration costs and for the outreach and marketing. City of Arlington will provide the resources necessary to for maintenance and compliance with the CTR ordinance.

Table 2: Identified Resources for CTR Program 2017-2019

Description	Source of Revenue	Identified Revenue 2017	Identified Revenue 2018	Identified Revenue 2019
Ordinance and Plan Maintenance/Compliance*	City of Arlington	\$5,000	\$5,000	\$5,000
CTR Administration	WSDOT	\$125,000	\$125,000	\$125,000
CTR Services	Community Transit	\$200,000	\$200,000	\$200,000
TOTAL		\$ 330,000	\$ 330,000	\$ 330,000

* The City uses existing staff time to complete the CTR Program

Employer funding – Missing from the tables above are the considerable resources that employers put into this program. Based on data from CTR worksite reporting, for every \$1 invested by state CTR funding, businesses invest \$18 toward meeting CTR program goals.

SUPPORTIVE TDM PROGRAM COSTS & RESOURCES

Costs

Table 3 is a summary of the estimated costs for other transportation demand management (TDM) programs, strategies and measures that will support commute trip reduction in the City of Arlington through 2019. These supportive strategies target residents and small employers through the county's corridor TDM program, Curb the Congestion. The availability of these additional resources and incentives can increase the impact of trip reduction for CTR affected employees along targeted corridors.

Table 3: Supporting TDM Program Costs 2017-2019

Activity	Responsible Agency	Estimated Cost 2017	Estimated Cost 2018	Estimated Cost 2019
Curb the Congestion*	Community Transit	\$739,000	\$504,000	\$384,000
TOTAL		\$739,000	\$504,000	\$384,000

*Includes program costs for management and implementation of the Snohomish County program on 128th/164th/196th/SR 527/SR 99 and the WSDOT/King County program on I-405 and SR 522.

Identified Resources

Curb the Congestion is funded through a variety of sources as shown in Table 4. Snohomish County has sponsored Congestion Mitigation and Air Quality (CMAQ) grants through PSRC to fund the 128th/164th/198th/SR-527/SR-99 program. Snohomish County and Community Transit are providing matching funds for these grants. The Snohomish County matching funds will come from developer TDM mitigation fees. The SR-522 and I-405 programs are also receiving funding through the state Regional Mobility grant program.

Table 4: Supporting TDM Program Resources 2017-2019

Description	Source of Revenue	Identified Revenue 2017	Identified Revenue 2018	Identified Revenue 2019
Curb the Congestion 2012 CMAQ Grant	WSDOT	\$160,000		
Curb the Congestion 2012 CMAQ Grant	Snohomish County	\$100,000		
Curb the Congestion 2014 CMAQ Grant	WSDOT	\$120,000	\$120,000	
Curb the Congestion 2016 CMAQ Grant	Snohomish County	\$225,000	\$325,000	\$317,000
Curb the Congestion I-405 Regional Mobility	King County	\$75,000		
Curb the Congestion Grant Match/TDM Mitigation	Snohomish County	\$34,000	\$34,000	\$42,000
Curb the Congestion Grant Match	Community Transit	\$25,000	\$25,000	\$25,000
TOTAL		\$ 739,000	\$504,000	\$384,000

V. CONSULTATION AND REVIEW

Agencies:

The CTR Plan for the City of Arlington was developed in consultation with the following agencies:

- City of Arlington
- City of Bothell
- City of Edmonds
- City of Lynnwood
- City of Monroe
- City of Mountlake Terrace
- City of Mukilteo
- Community Transit
- Snohomish County
- Puget Sound Regional Council
- Washington State Department of Transportation

These consultations were done so as to present common plans and requirements across all of the CTR-affected jurisdictions in Snohomish County and the city of Bothell. The following issues were discussed at these coordination meetings: the goals of the CTR Plan, CTR strategies, a financing plan, an implementation plan, and coordination of CTR services. These meetings resulted in substantially similar plans among the jurisdictions in Snohomish County and the city of Bothell providing for continuity for the affected employers.

Employers:

Consultation with affected CTR employers was held on: September 27, 2016

These workshops were held for all affected employers in Snohomish County and the city of Bothell, and were also attended by all of the cities and transit agencies involved with CTR. During these workshops, employers were informed about the changes to state CTR law and were consulted as to what strategies should be used to meet the new requirements. A summary of these meetings is contained in Appendix C.

Internal Review:

APPENDICES

APPENDIX A: CURRENT PROGRAM PARTICIPANTS

	Work Site	Address	Status
1.	City of Arlington	238 North Olympic Avenue Arlington, WA 98223	Affected
2.	Cascade Valley Hospital	330 South Stillaguamish Avenue Arlington, WA 98223	Affected
3.	Senior Aerospace - AMT	20100 71 st Avenue NE Arlington, WA 98223	Affected
4.	Washington State Department of Social and Health Services - DSHS	3704 172 nd Street NE Arlington, WA 98223	Affected

APPENDIX B: COMPREHENSIVE PLAN POLICIES THAT SUPPORT CTR

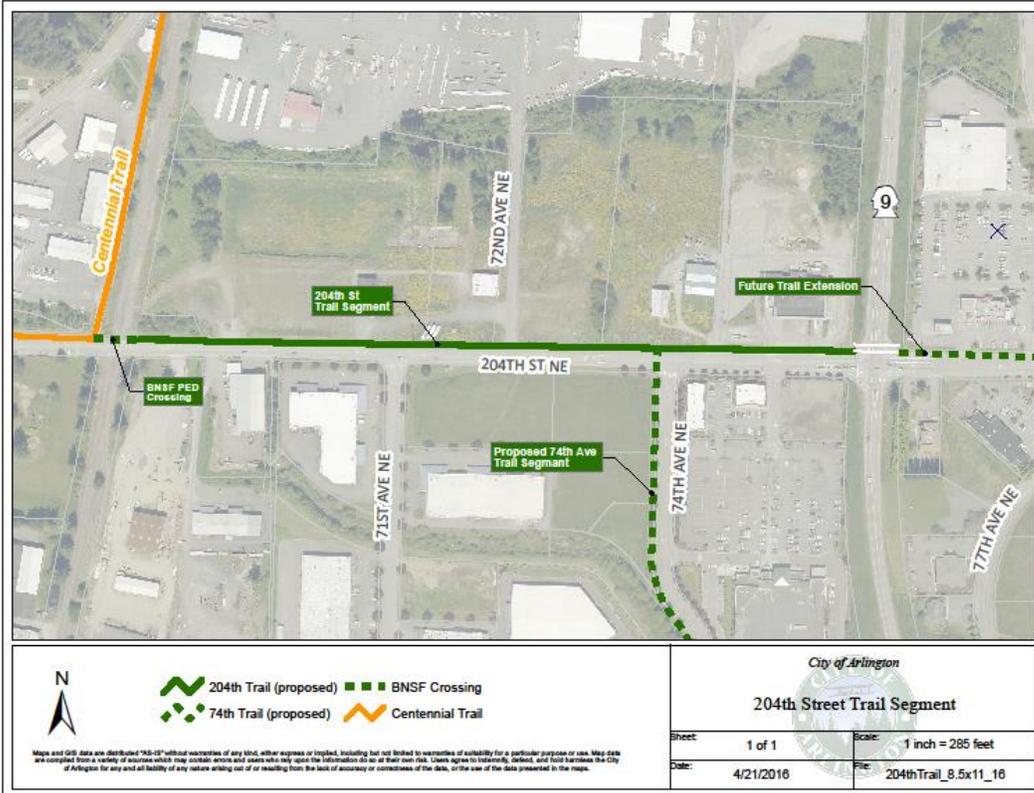
Supportive comprehensive plan goals and policies in the City of Arlington Comprehensive Plan.

City of Arlington General Policy Plan: Land Use	
Neighborhood Conservation	
Achieve a well-balanced and well-organized combination of open space, commercial, industrial, recreation and public uses that are served by an efficient transportation network while protecting the fabric and character of residential neighborhoods.	GL-1 c
Old Town Business District	
New commercial and multi-family developments in Old-Town Business Districts 1 and 2 should be required to provide bicycle racks.	PL-15.22
Pedestrian facilities in adjacent residential neighborhoods should be connected to those in the commercial district (and vice-versa) so that there is an integrated pedestrian/alternative transportation network throughout the Old-Town Business District.	PL-15.25
Resource Protection	
The City should encourage the development of paths and easements for non-motorized transportation to encourage pedestrian and bicycle use throughout the City.	PL-21.1
Encourage development patterns that are based on a grid system to increase connectivity and reduce utility and transportation costs as well as energy consumption.	PL-21.3
City of Arlington : 2035 Transportation Plan	
System Development	
The City of Arlington's most current Comprehensive Transportation Plan adopted by City Council contains the City's official plan for pedestrian movement via trails and walkways.	GT-1 PT-1.2
Land Use Coordination	
Coordinate land use proposals and density of development identified in the Land Use Element of the Comprehensive Plan with transportation centers within the City to support and encourage the use of public transit.	GT-2 PT-2.1
Encourage land use patterns that facilitate multi-purpose trips and reduce the number and length of trips by single-occupancy vehicles.	PT-2.2
Concurrency	
No permits may be issued for the development of any property until and unless the transportation facilities identified in this plan are in place. This includes roads (including curb, gutter, sidewalk, and planter strips), trails, or other transportation facilities described in this Transportation Plan within the confines of that property.	GT-3 PT-3.5
Sub-Area Standards for Traffic Facilities	
In residential areas, sidewalks shall be installed on both sides of the street to improve pedestrian safety.	GT-4 PT-4.9
Require new construction to include the construction of sidewalks, bicycle storage/parking facilities, and access to mass transit where possible and in proportion to the need generated by the proposal.	PT-4.10

Encourage new development to provide pedestrian access from the development to schools, parks, playgrounds, or other roads or facilities if such access is not conveniently provided by sidewalks adjacent to the streets as required above. In such a case, the developer may be required to reserve an unobstructed easement of at least 10 feet in width to provide this access.	PT-4.12
Non-Motorized System Development	GT-5
Provide for safe and efficient movement of bicycles and pedestrians along streets and highways by constructing sidewalks and other footpath systems as well as bicycle paths.	PT-5.1
Encourage the use of bicycles as a transportation alternative by providing bicycle lanes on arterial and collector streets.	PT-5.2
Provide adequate traffic signs to assist in safeguarding pedestrians, bicycle riders, and especially children on streets near schools and playgrounds.	PT-5.3
Construct a bicycle path and pedestrian trail that connects the schools and downtown area with athletic fields/parks near the airport.	PT 5.4
Revenue designated to sidewalk improvements should be prioritized to first facilitate safe movement for elderly and handicapped persons between residences and shopping/social activity centers, and facilitate safe movement for children to and from school facilities and school bus stops.	PT 5.5
Provide ramps and curb cuts that comply with the Americans with Disabilities Act.	PT 5.6
Provide street lighting along sidewalks to encourage nighttime use and safety.	PT 5.7
Coordinate bicycle/pedestrian facility improvements, including the Centennial and Airport Trails, with neighboring jurisdictions to connect routes where possible.	PT 5.8
Encourage private development to incorporate measures or facilities that encourage alternate modes of transportation, such as showers/dressing rooms, locker and bicycle lockers.	PT 5.9
All new public facilities should incorporate measures or facilities that encourage alternate modes of transportation, such as showers/dressing rooms, locker and bicycle lockers.	PT 5.10
Protect existing mass transit rights-of-way.	PT 5.11
Develop and implement a Crosswalk Program that standardizes crosswalks and crossing devices at all locations where pedestrians, bicycles, trails or other non-motorized traffic cross a road.	PT 5.12
Transit System Development	GT-6
Continue to coordinate with all agencies and neighboring jurisdictions involved with public transportation, whether they be bus, HOV lanes, light rail, heavy rail, ride sharing, vanpooling, or other forms, to identify what is of best use to the citizens of the City and participate in those ventures and proposals which are of general and/or specific benefit to the citizens of the City.	PT-6.1
Coordinate with surrounding communities to support public education programs and land use strategies to encourage the use of public transportation.	PT-6.2
The City hereby adopts the transit levels of service used by Community Transit.	PT-6.3
Encourage developers to consider public transportation in transportation plans submitted as part of development permit approval consideration. New developments should encourage	PT-6.4

van and carpooling, public transit use, and other alternatives to reduce single-occupancy vehicular travel.	
Encourage major employers to develop carpools, commuter routes, and provide company incentives if carpools are used.	PT-6.5
Encourage and plan for “pedestrian scale” neighborhoods and centers to enhance access and mobility for public transportation users.	PT6.6
Air Quality	GT-13
The quality of air in and around the Puget Sound region is an important factor in the high quality of life enjoyed by residents living in our community. To help enhance and maintain high air quality standards, Arlington commits to meeting federal and state air quality requirements and will work with the state, region and local agencies or jurisdictions to develop transportation control measures and/or similar mobile source emission reduction programs that may be warranted to attain or maintain air quality requirements.	PT-13.1
The City’s transportation system shall conform to the federal and state Clear Air Acts by maintaining its conformity with the Metropolitan Transportation Plan of the Puget Sound Regional Council and by following the requirements of Chapter 173-240 of the Washington Administrative Code, which may include development of transportation control measures and air quality programs.	PT-13.2
The City supports regional and localized efforts to encourage environmentally sustainable transportation practices, including: (a) Promotion of cleaner travel choices and (b) Promotion of alternatives to driving alone – including carpooling, biking, telecommuting and using transit.	PT-13.3
Multi-County Planning Policies – Vision 2040	
Maintain and, where possible, improve air and water quality, soils, and natural systems to ensure the health and well-being of people, animals and plants. Reduce the impacts of transportation on air and water quality, and climate change.	MPP-En-3
Continue efforts to reduce pollutants from transportation activities, including through the use of cleaner fuels and vehicles and increasing alternatives to driving alone, as well as design and land use.	MPP-En-19
Reduce greenhouse gases by expanding the use of conservation and alternative energy sources and by reducing vehicle miles traveled by increasing alternatives to driving alone.	MPP-En-23
Design communities to provide and improved environment for walking and bicycling.	MPP-DP-43
Promote cooperation and coordination among transportation providers, local government, and developers to ensure that joint- and mixed-use developments are designed to promote and improve physical, mental, and social health and reduce the impacts of climate change on the natural and built environments.	MPP-DP-45
Develop concurrency programs and methods that fully consider growth targets, service needs, and level-of-service standards. Focus level-of-service standards for transportation on the movement of people and goods instead of only on the movement of vehicles.	MPP-DP-54
Address non-motorized, pedestrian, and other multimodal types of transportation options in concurrency programs – both in assessment and mitigation.	MPP-DP-55
Prioritize investments in transportation facilities and services in the urban growth area that support compact, pedestrian- and transit-oriented densities and development.	MPP-T-11

Design, construct, and operate transportation facilities to serve all users safely and conveniently, including motorists, pedestrians, bicyclists, and transit users, while accommodating the movement of freight and goods, as suitable to each facility's function and context.	MPP-T-14
Improve local street patterns – including their design and how they are used – for walking, bicycling, and transit use to enhance communities, connectivity, and physical activity.	MPP-T-15
Promote and incorporate bicycle and pedestrian travel as important modes of transportation by providing facilities and reliable connections.	MPP-T-16
Emphasize transportation investments that provide and encourage alternatives to single-occupancy vehicle travel and increase travel options, especially to and within centers and along corridors connecting centers.	MPP-T-23
Increase the proportion of trips made by transportation modes that are alternatives to driving alone.	MPP-T-24
Ensure mobility choices for people with special transportation needs, including persons with disabilities, the elderly, the young, and low-income populations.	MPP-T-25
Strategically expand capacity and increase efficiency of the transportation system to move goods, services, and people to and within the urban growth area. Focus on investments that produce the greatest net benefits to people and minimize the environmental impacts of transportation.	MPP-T-26
Promote the preservation of existing rights-of-way for future high-capacity transit.	MPP-T-29







APPENDIX D: EMPLOYER WORKSHOP SUMMARY

Employer Networking Meetings

Tuesday, September 27, 2017, 2:00 – 3:30 p.m., Everett Clinic Snokey Point

Thursday, September 29, 2016, 2:00 – 3:30p.m., Community Transit

Meeting Summary

Two employer networking meetings were held to review the proposed changes to the jurisdiction CTR plans. ETCs and their management were invited to the meetings via email.

Community Transit presented a basic overview of the proposed changes to the CTR Plans for the Employee Transportation Coordinators (ETCs) affected by the CTR law. The CTR Plan review for the nine jurisdictions in Snohomish County and the City of Bothell (Edmonds, Bothell, Lynnwood, Marysville, Monroe, Mountlake Terrace, Mukilteo and Unincorporated Snohomish County) included the following:

- Review of the current CTR program under the pilot
- Pilot program successes
- Proposed 2017 – 2019 CTR program
- Next steps

The overview discussed that there would be no changes to employer requirements for the worksites located in the Southwest Urban Growth Area of Snohomish County. Worksites located in Arlington, Marysville and Monroe would follow the same requirements as the worksites located in the SWUGA beginning in July 2017. The requirements unique to these CTR Plans include completion of quarterly reports and online trip data collection using RideshareOnline.com instead of annual reports and biennial surveys as well as a target of a 7% increase in non-drive alone trips over the established baseline. All other state and local requirements will still apply.

Each jurisdiction then discussed their specific plans with the ETCs that have worksites in their jurisdictions. A summary of those discussions is below.

CITY OF BOTHELL

In attendance:

Sabrina Combs, City of Bothell

Karen Sprague, FUJIFilm Sonosite

Pamela Michie, Randstad
Phyllis Gillman, Vertafore
Tanya Julson, T-Mobile
Tina Bailey, Seattle Genetics
Alex Mehn, Community Transit

Group discussion:

- Quarterly reporting is simple.
- Networks in RSO have confused some employees but ETC assistance can help ensure correct network association.
- Worksite with contracted outside employees creating a strain on the worksite programs.
- Infrastructure improvements on local corridors would improve the motivation for carpooling.

CITY OF MUKILTEO

In attendance:

Brian Belin, Boeing
Camron Fichtner, Synrad
Marko Liias, City of Mukilteo
Megan Ranes, Travis
Pamela Tyler, Boeing
Stacey Gunnerson, Community Transit

Group discussion:

- Tracking trips in RSO is helpful, one worksite is doing the survey and annual reporting for their worksites outside CT jurisdiction and they strongly prefer using RSO.
- More training on how to use communication tools in RSO would be helpful.
- Employees are often confused by the Wheel Options campaign as it looks different than the other RSO pieces and the link is different so people are often confused if they have to log trips in both places to be eligible for both Choice Connections and Wheel Options.
- Getting information for Wheel Options more in advance would be helpful for worksite promotion.
- Worksites would like more support and resources to encourage a bicycle commute. Including onsite training for their employees on bicycle basics as well as trip planning.
- Financial resources for worksite bike investments would help to increase bicycle trips.

- Several employers would like to see support from Community Transit for safe routes to schools within Snohomish County and specifically the City of Mukilteo.
- Major challenge for the majority of these worksites continues to be the limited bus service on Beverly Park Road.

NORTH COUNTY – ARLINGTON, MARYSVILLE AND MONROE

In attendance:

Angela Gemmer – City of Marysville
 Jeanne Killgore – The Everett Clinic Smokey Point
 Amy Rusko – The City of Arlington
 Gail Ogden – Senior Aerospace AMT
 Kathy Gaeta – Natural Factor
 Shannon Flaugh – Cascade Valley Hospital
 Alex Mehn – Community Transit
 Caryn Walline – Community Transit
 Debbie Anderson – Community Transit
 Jennifer Hass – Community Transit
 Stacey Gunnerson – Community Transit

Group discussion:

- It is a challenge to get CTR participation and to figure out which of their employees are actually using an alternative to driving to work alone.
- Some concern about the 7% trip reduction goal over the next two years, and whether it will be achievable.
- Employers that offer an incentive program see a benefit to tying their incentive directly to tracking trips in RSO.
- ETCs will need onsite support to transition to RSO as well as continued training on RSO since they aren't really using the system at this time.

UNINCORPORATED SNOHOMISH COUNTY

In Attendance:

Cheryl Carder – Aviation Technical Services
 Melissa Angelo – Aviation Technical Services
 Jessie Gentle – BE Aerospace
 Alan Douglas – Cypress Semiconductor
 Tonya Denny – Eldec
 Sylvia Peacock – Trade Products
 Caryn Walline – Community Transit

Group Discussion:

- Worksites stated that they liked the new reporting and data collection method through RSO, and appreciated being able to get information on employees on a more regular basis.
- One worksite mentioned that employees are confused by the different incentive programs in RSO and suggested that we create a piece of collateral that showed how they all relate and who qualifies for which program.
- There was some concern that the 7% goal would be unachievable for the two year period, but the ETCs had no problem with that being the stated goal for the plan.
- Comments on advanced training:
 - Interested in having recorded trainings for ETCs who can't commit to a full training. They would prefer to be able to watch it in sections when time allows in their work day.
 - Have more in person training options available.
 - Allow for different times for trainings.

Mountlake Terrace

In Attendance:

Kevin Kullberg – Premera Blue Cross

Edith Duttlinger – City of Mountlake Terrace

Debbie Anderson – Community Transit

Group Discussion:

- Worksites stated that they liked the new reporting and data collection method through RSO, and appreciated being able to get information on employees on a more regular basis.
- One worksite mentioned that in person transportation events are no longer feasible at the worksite and consideration should be given to alternative to meet the requirement such as virtual events.
- The ETC had no problem with a 7% increase in non-drive alone trips as the stated goal for the plan.

Edmonds and Lynnwood

In Attendance:

Bertrand Hauss – City of Edmonds

Karen Westling – Swedish Edmonds

Mark Melnyk – Swedish Edmonds

Sarah Daoust – Edmonds Family Medicine

Janet David – DSHS Lynnwood

Kelvin Nesvog – Edmonds Community College

Paul Coffett – City of Lynnwood

Megan Tudor – City of Lynnwood
Jennifer Hass – Community Transit

Group Discussion:

- ETCs shared that they have no concerns with the current program. ETCs had no specific comments regarding the proposed CTR plan.

DRAFT

Chapter 10.80 COMMUTE TRIP REDUCTION

Sections:

- 10.80.010 Title.
- 10.80.020 Jurisdiction.
- 10.80.030 Purpose.
- 10.80.040 Administration.
- 10.80.050 Definitions.
- 10.80.060 City's CTR plan.
- 10.80.070 Responsible city agency.
- 10.80.080 Applicability—Timeline for compliance.
- 10.80.090 Requirements for employers.
- 10.80.100 Record keeping.
- 10.80.110 Schedule and process for CTR reports.
- 10.80.120 Enforcement.
- 10.80.130 Exemptions and goal modifications.
- 10.80.140 Appeals.

10.80.010 Title.

The ordinance codified in this chapter shall be known as the “commute trip reduction ordinance of City of Arlington”.

10.80.020 Jurisdiction.

The requirements set forth in this chapter shall apply to all major employers at any single worksite within the incorporated area.

10.80.030 Purpose.

The purpose of this ordinance is to comply with the statewide Commute Trip Reduction Law of 1991 (RCW 70.94.521 through 70.94.555; Chapter 202, Laws of 1991) as amended in 2006 by the Commute Trip Reduction Efficiency Act. The commute trip reduction ordinance shall not be used as a substitute for reviews of projects under other city requirements for compliance with the State Environmental Policy Act (SEPA).

10.80.040 Administration.

The City Administrator or designee shall have the duty and responsibility to administer the provisions of this chapter with the authority to promulgate rules and regulations to implement and administer this chapter.

10.80.050 Definitions.

“Affected employee” means a full-time employee who begins their regular work day at a major employer worksite between six a.m. and nine a.m. (inclusive) on two or more weekdays for at least twelve continuous months. For the purpose of defining affected employees the following apply:

- A. A full-time employee is a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.
- B. The employee will only be counted at his or her primary worksite.
- C. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

“Affected urban growth area” means:

- A. An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and
- B. An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or
- C. An urban growth area identified by the Washington State Department of Transportation as listed in WAC 468-63-020(2) (b).

“Alternative mode” means any means of commute transportation other than that in which the drive-alone motor vehicle is the dominant mode, including teleworking and compressed work weeks if they result in reducing commute trips.

“Alternative work schedules” means work schedules which allow employees to work their required hours outside of the traditional Monday through Friday eight a.m. to five p.m. schedule. Programs such as compressed work weeks that eliminate work days for affected employees are an example.

“Baseline data collection” means the collection of employee trip data at a major worksite to determine the non-drive alone trips per employee at the worksite. The jurisdiction uses these measurements to develop commute trip reduction targets for the major employer. The

baseline measurements must be implemented in a manner that meets the requirements and timeframe specified by the city.

“Carpool” means a motor vehicle occupied by at least two people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

“City” means the city of Arlington.

“Commute trip” means trips made from a worker’s home to a worksite during the peak time of six a.m. to nine a.m. (inclusive) on weekdays.

“Commuter matching service” means a system that assists in matching commuters for the purpose of commuting together, such as RideshareOnline.com.

“Compressed work week” means 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 ten-hour days or eighty hours in nine days, but may also include other arrangements.

“CTR law” means a law passed in 1991 (Chapter 202, Laws of 1991), amended in 2006 and codified in RCW 70.94.521 through 70.94.551 requiring each county containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas. Counties and cities within the designation above shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area.

“CTR plan” means the city of Arlington plan and ordinance to regulate and administer the CTR programs of major employers within its jurisdiction.

“CTR program” means an employer’s strategies to increase affected employees’ non-drive alone trips.

“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.

“ETC” means employer transportation coordinator as required pursuant to RCW 70.94.531(3).

“Flex-time” means 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 modes.

“Full-time employee” means a person, other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week on two or more weekdays per week.

“Goals” means the established criteria for measuring effectiveness of employer programs as outlined in the City of Arlington’s CTR plan.

“Good faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city 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.

“Implementation” means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.555, this chapter and the CTR plan as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives for non-drive alone commuting, and commencement of other measures according to its approved CTR program and schedule.

“Major employer” means a private or public employer, including state agencies, that employs one hundred or more full-time affected employees at a single worksite who begin their regular workday between six a.m. and nine a.m. on at least two weekdays each week for at least twelve continuous months.

“Major worksite” or “worksite” means a building or group of buildings that are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way, and at which there are one hundred or more full-time affected employees.

“Mode” means the means of transportation used by employees, such as drive-alone motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and teleworking.

“Notice” means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday.

“Single-occupant vehicle (SOV)” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the

motor vehicles, but the ages of these passengers are under sixteen, the motor vehicle is still considered a single-occupant vehicle for measurement purposes.

“Target” means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress, such as increase in non-drive alone trips.

“Teleworking” means the use of telephones, computers, or other similar technology to permit an employee to work anywhere at any time, 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 half.

“Transit” means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

“Vanpool” means a vehicle occupied by from five to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip.

“Voluntary worksite” means the physical location occupied by an employer that is voluntarily implementing a CTR program.

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

“Weekday” means any day of the week except Saturday or Sunday.

“Writing,” “written,” or in “writing” means original written signed and dated documents delivered via the United States Postal Service.

10.80.060 City’s CTR plan.

The city’s CTR plan, as approved in December 2016 to be effective in 2017, is adopted wholly and incorporated herein by reference.

10.80.070 Responsible city agency.

The city is responsible for implementing this chapter, the CTR plan, and the city CTR program should be identified together with any authority necessary to carry out such responsibilities such as rule making or certain administrative decisions.

10.80.080 Applicability—Timeline for compliance.

The provisions of this chapter shall apply to any major employer or voluntary worksite within the corporate limits of the city.

- A. In addition to city’s established public notification for adoption of an ordinance, a notice of availability of a summary of the ordinance codified in this chapter, a notice

of the requirements and criteria for major employers to comply with said ordinance, and subsequent revisions shall be published at least once in city official newspaper not more than thirty days after passage of said ordinance or revisions.

B. Major employers located in the city are to receive written notification that they are subject to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, or CTR manager at the worksite. The major employer shall perform baseline data collection within ninety days of notification. After the results of the baseline data are provided to the major employer, the major employer shall submit a CTR program to the city within ninety days.

C. Major employers that, for whatever reason, do not receive notice within thirty days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within ninety days of the passage of said ordinance shall perform baseline data collection within ninety days of notification or the major employer shall submit a CTR program within ninety days of receipt of the baseline data results.

D. New Major Employers. Employers that meet the definition of "major employer" in this chapter must identify themselves to the city within ninety days of either moving into the boundaries of city or growing in employment at a worksite to one hundred or more affected employees. Such employers shall complete baseline data collection within ninety days of identification as a major employer and shall submit a CTR program within ninety days of the baseline data results. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

E. Change in Status as a Major Employer. 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 a major employer no longer employs one hundred or more affected employees and expects not to employ one hundred or more affected employees for the next twelve months, that employer is no longer a major employer. It is the responsibility of the employer to notify city that it is no longer a major employer.
2. If the same employer returns to the level of one hundred or more affected employees within the same twelve months, that employer will be considered a major employer for the entire twelve months and will be subject to the same program requirements as other major employers.

3. If the same employer returns to the level of one hundred or more affected employees twelve or more months after its change in status to a “voluntary” employer, that employer shall be treated as a new major employer and will be subject to the same program requirements as other new major employers.

10.80.090 Requirements for employers.

A major 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 that will encourage its employees to increase non-drive alone commute trips. The employer shall submit a description of its program to the city and provide quarterly progress reports to the city on employee commuting and progress toward meeting the goals and targets. The CTR program must include the mandatory elements as described below.

A. CTR Program Description Requirements. The CTR program description presents the strategies to be undertaken by an employer to achieve the program goals and targets stated in the city’s CTR plan. 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 and to form or use transportation management organizations in developing and implementing CTR programs.

At a minimum, the employer’s description must include: (1) general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees; (2) number of employees affected by the CTR program; (3) documentation of compliance with the mandatory CTR program elements (as described in subsection B of this section); (4) description of the additional elements included in the CTR program (as described in subsection B of this section); and (5) schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

B. Mandatory Program Elements. Each employer’s CTR program shall include the following mandatory elements:

1. Transportation Coordinator. The employer shall designate an employee transportation coordinator (ETC) to administer the CTR program. The coordinator and/or designee’s name, location, and contact information must be displayed prominently at each major worksite. The coordinator shall oversee all elements of the employer’s CTR program and act as liaison between the employer and city. The objective is to have an effective

transportation coordinator presence at each worksite; a major employer with multiple sites may have one transportation coordinator for all sites.

2. Information Distribution. Information about alternatives to drive-alone commuting shall be provided to employees at least twice a year. One of the items distributed must be a description of the employer's worksite program. The employer's program description and quarterly report must identify the information to be distributed and the method of distribution.

3. Quarterly Progress Report. The CTR program must include a quarterly review of employee commuting and progress and good faith efforts toward meeting the goals and targets as outlined in the CTR plan. Major employers shall file a quarterly progress report with the city in accordance with the format established by this chapter and consistent with the CTR board guidelines*. The report shall describe each of the CTR measures that were in effect for the previous quarter, and the number of employees participating in the CTR program. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the worksite's CTR targets. The format of the report shall be provided by the city. The employer should contact the city for the format of the report.
*CTR Guidelines can be found at www.wsdot.wa.gov/transit/CTR/law.htm

4. Trip Data Measurement. Employers shall conduct a quarterly program data evaluation as a means of determining worksite progress toward meeting CTR targets.

5. Annual Worksite Promotion of Employer CTR Program. Major employers will hold at least one annual transportation fair or equivalent promotion which is available to all employees at each major worksite.

6. ETC Training. ETCs will be required to attend an ETC basic training session within six months of appointment.

7. Employer Notification. Employers will be required to notify the city or designee when there are proposed changes to their CTR program, changes in ETC or contact information, and/or changes in number of employees at the worksite.

8. ETC Networking/Advanced Training. ETCs will be required to attend at least six hours of networking or advanced training per year. Training and networking sessions may include marketing CTR programs to employees, trip planning, ridesharing, joint promotions and networking meetings.

9. Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include additional elements as needed to meet CTR goals and targets. Elements may include, but are not limited to, one or more of the following:

- a. Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles;
- b. Instituting or increasing parking charges for single occupant vehicles;
- c. Provision of commuter ride matching services to facilitate employee ride-sharing for commute trips;
- d. Provision of subsidies for transit fares;
- e. Provision of vans for vanpools;
- f. Provision of subsidies for carpools or vanpools;
- g. Permitting the use of the employer's vehicles for carpooling or vanpooling;
- h. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;
- i. Cooperation with transportation providers to provide additional regular or express service to the worksite;
- j. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- k. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;
- l. Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their homes;
- m. Establishment of a program of alternative work schedules, such as a compressed work week which reduces commuting; and
- n. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site daycare facilities and emergency taxi services.

10.80.100 Record keeping.

Major employers shall include a list of the records they will keep as part of the CTR program they submit to the city for approval. Employers will maintain all records listed in their CTR program for a minimum of forty-eight months. The city and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

10.80.110 Schedule and process for CTR reports.

A. CTR Program. Not more than ninety days after the adoption of the ordinance codified in this chapter, or within ninety days after an employer qualifies under the provisions of this chapter, the employer will be given ninety days to complete baseline data collection, and an additional ninety days to submit a CTR program once the baseline data results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval by the city. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

B. Document Review. The city shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. The employer shall have thirty days to resubmit a modified program. If the employer receives no written notification of extension of the review period of its CTR program or comments on the CTR program or quarterly report within ninety days of submission, the employer's program or quarterly report is deemed accepted. The city may extend the review period up to ninety days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

C. CTR Quarterly Progress Reports. Upon approval of an employer's initial CTR program, the employer shall submit quarterly reports on the dates requested from the city, no less than ninety days after program approval.

D. Modification of CTR Program Elements. Any major employer may submit a request to the city to modify a CTR program element, other than the mandatory elements specified in this chapter, including record keeping requirements. Such requests 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 program elements would constitute an undue hardship.

E. Extensions. An employer may request additional time to submit a CTR program or CTR report, or to implement or modify a program. Such requests shall be via

written notice at least ten working days before the due date for which the extension is being requested. Extensions not to exceed ninety days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request by written notice within ten working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for thirty days. Extensions shall not exempt an employer from any responsibility in meeting program goals and targets. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's reporting date shall not be adjusted permanently as a result of these extensions. An employer's reporting date may be extended at the discretion of the city.

F. Implementation of Employer's CTR Program. The employer shall implement its approved CTR program not more than ninety days after the program was first submitted to the city. Implementation of the approved program modifications shall begin within thirty days of the final decision or ninety days from submission of the CTR program or CTR quarterly report, whichever is greater.

10.80.120 Enforcement.

A. Compliance. For purposes of this section, compliance shall mean fully implementing in good faith all provisions in an approved CTR program.

B. Program Modification Criteria. The following criteria for achieving targets for non-drive alone trips per employee shall be applied to determine requirements for employer CTR program modifications:

1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets either or both targets, the 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 chapter, but has not met or is not likely to meet the applicable targets, the city 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 city for approval within thirty days of reaching agreement.

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 the applicable targets, the city shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within thirty

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 thirty days of receiving written notice to revise its program. The city shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the city will send written notice to that effect to the employer within thirty 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 city within ten working days of the conference.

C. Violations. The following constitute violations if the deadlines established in this chapter are not met:

1. Failure to self-identify as a major employer within the timeframes indicated in the *Applicability—Timeline for compliance* section above;
2. Failure to perform a baseline data collection including:
 - a. Employers notified or that have identified themselves to the city within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the notification or self-identification;
 - b. Employers not identified or self-identified within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the adoption of the ordinance codified by this chapter;
 - c. A new major employer that does not perform baseline data collection consistent with the requirements specified by the city within ninety days of identification as a major employer;
3. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed the goals and targets as specified in this chapter;
4. Submission of false or fraudulent data in response to data collection requirements;

5. Failure to make a good faith effort, as defined in RCW 70.94.534(2); or
6. Failure to revise a CTR program as defined in RCW 70.94.534(4).

D. Penalties.

1. No major employer with an approved CTR program which has made a good faith effort may be held liable for failure to reach the applicable goals and targets;
2. Each day of failure to implement the program shall constitute a separate violation, subject to penalties as described in Chapter 7.80 RCW. The maximum penalty shall be equal to the state of Washington Class I civil infraction of two hundred fifty dollars per day per violation, as described in RCW 7.80.120(1) (a), or whichever is greater.
3. A major 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 provision 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 city and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

10.80.130 Exemptions and Target Modifications.

A. Worksite Exemptions. A major employer may request the city 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 chapter as a result of the characteristics of its business, its work force, or its locations. An exemption may be granted if and only if the major employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures of the approved CTR plan. Exemptions may be granted by the city at any time based on written notice provided by the major employer. The notice should clearly explain the conditions for which the major employer is seeking an exemption from the requirements of the CTR program.

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 Exemptions. 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 city will use the criteria identified in the CTR board guidelines* to assess the validity of employee exemption requests. The city shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year. *CTR Guidelines can be found at www.wsdot.wa.gov/transit/CTR/law.htm

C. Modification of CTR Program Targets. A major employer may request that the city modify its CTR program targets. Such requests shall be filed in writing prior to the date the worksite is required to submit its program description or quarterly report. The target modification request must clearly explain why the worksite is unable to achieve the applicable target. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

The city will review and grant or deny requests for target modifications in accordance with procedures and criteria identified in the CTR board guidelines. An employer may not request a modification of the applicable targets until one year after the city approval of its initial program description or report.

10.80.140 Appeals.

Any major employer may appeal the administrative decisions regarding exemptions, modification of targets, modification of CTR program elements, and determinations concerning failure to implement a CTR program. The appeal must be filed with the city clerk not later than the tenth day following the date of the administrative decision, accompanied by the appropriate appeal fee. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision. Appeals shall be heard by a hearing examiner appointed by the city. In reviewing the appeal, the hearing examiner shall determine whether the administrative decision is consistent with the provisions of this chapter, including the CTR plan. The hearing examiner shall have authority to affirm, modify, reverse or remand the administrative decision or to grant other appropriate relief. The decision on the appeal shall constitute a final decision appealable to the city council.

ORDINANCE NO. 2016-XXX

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING CHAPTER 10.80
OF THE ARLINGTON MUNICIPAL CODE PERTAINING TO
TRANSPORTATION DEMAND MANAGEMENT

WHEREAS, the City of Arlington has the authority to regulate and encourage the reduction of single trip occupancy vehicles in the City of Arlington; and

WHEREAS, simultaneously with the adoption of this ordinance, the City is approving a draft Commute Trip Reduction (CTR) Plan prepared with the assistance of Community Transit; and

WHEREAS, the City Council deems it appropriate to amend its municipal code to make it consistent with the adopted plan;

NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. Arlington Municipal Code (AMC) Chapter 10.80 shall be amended in its entirety to read as set forth in Exhibit "A" hereto.

Section 2. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. Effective Date. The Ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY the City Council and APPROVED by the Mayor this _____ day of December, 2016.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

Attest:

Kristin Banfield, City Clerk

Approved as to form:

Steven J. Peiffle
City Attorney

TITLE 10.80

TRANSPORTATION DEMAND MANAGEMENT

Sections:

- 10.80.000 Purpose.
- 10.80.010 Definitions.
- 10.80.020 Arlington CTR plan.
- 10.80.030 Responsible city official.
- 10.80.040 Applicability.
- 10.80.050 Notification of applicability.
- 10.80.060 Applicability to new major employers.
- 10.80.070 Change in status as a major employer.
- 10.80.080 Employer Requirements.
- 10.80.090 Recordkeeping.
- 10.80.100 Schedule and process for CTR reports.
- 10.80.120 Enforcement.
- 10.80.130 Exemptions or goal modifications.
- 10.80.140 Appeals.

10.80.000 Purpose.

The purpose of this chapter is to provide a method for compliance with the Washington State Commute Trip Reduction Law of 1991 (RCW 70.94.521 through 70.94.551), as amended. The Commute Trip Reduction Law was passed to reduce traffic congestion, air pollution, and dependency on fossil fuels through employer-based programs encouraging alternative commute methods to the single-occupancy vehicle.

10.80.010 Definitions.

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

“A Major Worksite” means a building or group of buildings that are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way, and at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

“Affected employee” means a full-time employee who begins his or her regular work day at a major employer worksite between 6 a.m. and 9 a.m. (inclusive) on two or more weekdays for at least twelve continuous months, who is not an independent contractor, and who is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week. “A Major Employer” means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a major worksite who are scheduled to begin their regular work day between 6 a.m. and 9 a.m. (inclusive) on two or

more weekdays for at least twelve continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition. (Also see definition of employer.)

“Affected urban growth area” means

- (A) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person per hours of delay threshold calculated by the WA state department of transportation, and any contiguous urban growth areas; and
- (B) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or
- (C) An urban growth area identified by the WA department of transportation as listed in WAC 468-63-020(2)(b).

“Alternative mode” means 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.

“Alternative work schedules” means work schedules that allow employees to work their required hours outside of the traditional Monday to Friday, eight a.m. to five p.m. schedule. such as compressed work weeks that eliminate work trips for affected employees.

“Base year” means the twelve month period, that commences when the City of Arlington determines an employer is required to comply with the CTR law, on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (drive-alone) trips shall be based.

“Base year survey” or “Baseline measurement” means the survey, during the base year, of employees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurements must be implemented in a manner that meets the requirements specified by the city.

“Carpool” means a motor vehicle occupied by at least two persons traveling together for their commute trip that result in the reduction of a minimum of one motor vehicle commute trip.

“City” means the City of Arlington.

“Commute trip” mean trips made from a worker’s home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.

“Commute Trip Reduction (CTR) Plan” means the city’s plan and ordinance to regulate and administer the CTR programs of major employers within its jurisdiction.

“CTR commuter” means a resident or employee in an affected urban growth area who is participating in the city’s commute trip reduction program, including any growth and

transportation and efficiency center programs, implemented to meet Arlington’s established targets.

“CTR program” means an employer’s strategies to reduce affected employees’ drive-alone use and VMT per employee.

“CTR law” means the Commute Trip Reduction law passed by the Washington State legislature in 1991 (Chapter 202, Laws of 1991) and codified in RCW 70.94.521 through 70.94.551, and amended in 1997 and 2006 requiring counties of over one hundred fifty thousand residents, with one or more major employers, to implement a CTR ordinance and plan. All cities in such counties with one or more major employers are also required to adopt CTR ordinances and plans.

“Commute trip vehicle miles traveled per employee (VMT)” means the sum of the individual commute trip lengths in miles over a set period divided by the number of full-time employees.

“Commuter matching service” means a system that assists in matching commuters for the purpose of commuting together.

“Compressed work week” means 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 ten-hour days or eighty hours in nine days, but may also include other arrangements.

“Custom bus pool” means a commuter bus service arranged specifically to transport employees to work.

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

“Drive-alone” means single-occupant vehicle.

“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.

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

“Exemption” means a waiver from any or all CTR program requirements granted to an employer by the city based on unique conditions that apply to the employer or employment site.

“Flex-time” is 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 modes.

“Full-time employee” means a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours a week.

“Goal” means a purpose toward which efforts are directed.

“Good faith effort” means that an major employer has met the minimum requirements identified in this chapter and is working in collaboration with the city and Snohomish County to continue its existing program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

“Growth and transportation efficiency center (GTEC)” means a defined, compact, mixed-use urban center that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a GTEC must meet minimum criteria established by the CTR Board under RCW 70.04.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

“Implementation” means active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to drivealone commuting, and commencement of other measures according to its approved CTR program and schedule.

“Jurisdiction’s Base year measurement” means the proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the City shall be based. The City’s base year measurement shall be determined based on employee surveys administered in the 2006-2007 survey cycle. If complete employee survey data from the 2006-2007 survey cycle is not available, then the base year measurement shall be calculated from the most recent and available set of complete employee survey data.

“Mode” means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.

“Notice” means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday, in which case the notice is deemed, accepted the day after the weekend or legal holiday.

“Peak period trip” means any employee trip that delivers the employee to begin his or her regular work day between 6 a.m. and 9 a.m. Monday through Friday, except legal holidays.

“Person hours of delay” means the daily person hours of delay per mile the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the WA State department of transportation.

“Proportion of single-occupant vehicle trips” or “drive-alone rate” means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

“Single-occupant vehicle (drive-alone)” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a “single-occupant vehicle” for measurement purposes.

“Target” means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress.

“Telecommuting” means 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 work place closer to home, reducing the distance traveled in a commute trip by at least half.

“Transit” means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

“Transportation demand management (TDM)” means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

“Transportation management organization (TMO)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.

“Vanpool” means a vehicle occupied by from seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

“Voluntary employer worksite” means the physical location occupied by an employer who is voluntarily implementing a CTR program.

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

“Writing,” “written” or “in writing” means 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.

10.80.020 Arlington CTR plan. The most recently adopted Arlington CTR plan is wholly incorporated herein by reference. A true copy of the CTR plan shall be maintained in the office of the city clerk for inspection by the public.

10.80.030 Responsible city official. The city administrator, or his or her designee, shall be responsible for implementing this chapter, the CTR plan, and the city CTR program. The city administrator or his or her designee shall also have all authority necessary to carry out such responsibilities, including but not limited to, the promulgation of necessary rules or regulations and all necessary administrative decisions required to implement the CTR plan.

10.80.040. Applicability. The provisions of this chapter shall apply to any major employer at any single worksite within the corporate limits of the city.

10.80.050. Notification of applicability. (a) In addition to the city's established public notification of adoption of an ordinance, a notice of availability of summary of the ordinance codified in this chapter, a notice of the requirements and criteria for major employers to comply with said ordinance, and subsequent revisions shall be published at least once in the city's official newspaper not more than thirty days after passage of this ordinance or revisions.

(b) Major employers located within the city are to receive written notification that they are subject to the ordinance codified in 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 at least one hundred eighty days prior to the due date for submittal of their CTR program.

(c) Major employers that, for whatever reason, do not receive notice within thirty days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within one hundred eighty days of the passage of said ordinance will be granted an extension to assure up to one hundred eighty days within which to develop and submit a CTR program.

(d) Major employers that have not been identified or do not identify themselves within one hundred eighty days of the passage of said ordinance and do not submit a CTR program within one hundred eighty days from the passage of said ordinance are in violation of this section.

10.80.060 Applicability to new major employers. Employers that meet the definition of "major employer" in this chapter must identify themselves to the city within one hundred eighty days of either moving into the boundaries of the city or growing in employment at a worksite to one hundred or more affected employees. Such employers shall be given one hundred eighty days to develop and submit a CTR program. Employers that do not identify themselves within one hundred eighty days are in violation of this chapter. New major employers shall have two years to meet the first CTR goal of fifteen percent reduction in proportion of single-occupant vehicle trips or vehicle miles traveled per person; four years to meet the second goal of twenty percent reduction; six years to meet the third goal of twenty-five percent reduction; and twelve years to meet the fourth goal of a thirty-five percent reduction, from the time they begin their program.

10.80.070 Change in status as an major employer. 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 a major employer no longer employs one hundred or more affected employees and expects not to employ one hundred or more affected employees for the next twelve months, that employer is no longer a major employer. It is the responsibility of the employer to notify the city that it is no longer a major employer.

(2) If the same employer returns to the level of one hundred or more affected employees within the same twelve months, that employer will be considered a major employer for the entire twelve months, and will be subject to the same program requirements as other major employers.

(3) If the same employer returns to the level of one hundred or more affected employees twelve or more months after its change in status to an unaffected" employer, that employer shall be treated as a new major employer, and will be subject to the same program requirements as other new major employers.

10.80.080 Employer requirements. A major 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 that will encourage its employees to reduce VTM per employee and drive-alone commute trips. The employer shall submit a description of its program to the city and provide an annual progress report to the city on employee commuting and progress toward meeting the drive-alone goals. The CTR program must include the mandatory elements as described below.

(a) CTR Program Description Requirements. The CTR program description presents the strategies to be undertaken by an employer to achieve the commute trip reduction goals for each goal 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 and to form or use transportation management organizations in developing and implementing CTR programs.

At a minimum, the employer's description must include: (1) general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees; (2) number of employees affected by the CTR program; (3) documentation of compliance with the mandatory CTR program elements (as described in subsection (b) of this section); (4) description of the additional elements included in the CTR program (as described in subsection (b) of this section) and (5) schedules of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

(b) Mandatory Program Elements. Each employer's CTR program shall include the following mandatory elements:

(1) Transportation Coordinator. The employer shall designate a transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location and telephone number must be displayed prominently at each affected worksite. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the city. The objective is to have an effective transportation coordinator presence at each worksite; a major employer with multiple sites may have one transportation coordinator for all sites.

(2) Information Distribution. Information about alternatives to drivealone commuting shall be provided to employees at least once a year. Each employer's program description and annual report must report the information to be distributed and the method of distribution.

(3) Annual Progress Report. The CTR program must include an annual review of employee commuting and of progress and good faith efforts towards meeting the drive-alone reduction goals. Major employers shall file an annual progress report with the city in accordance with the format established by this chapter and consistent with the CTR task force guidelines. The report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in the CTR programs. Within the report the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals. Survey information or approved alternative information must be provided in the reports submitted in the second, fourth, sixth, eighth, tenth, and twelfth years after implementation begins. The employer should contact the city for the format of the report.

(4) Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include additional elements needed to meet CTR goals. Elements may include, but are not limited to, one or more of the following:

(A) Provision of the preferential parking or reduced parking charges, or both, for high-occupancy vehicles;

(B) Instituting or increasing parking charges for drive-alones;

(C) Provision of commuter ride matching service to facilitate employee ride-sharing for commute trips;

(D) Provision of subsidies for transit fares;

(E) Provision of vans for vanpools;

(F) Provision of subsidies for carpools or vanpools;

(G) Permitting the use of the employers' vehicles for carpooling or vanpooling;

(H) Permitting the use of the employer' vehicles for carpooling or vanpooling;

(I) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(J) Construction of special loading and unloading facilities for transit, carpool, and vanpool users;

(K) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(L) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

(M) Establishment of a program to permit employees to work part-time or full-time at home or at an alternative worksite closer to their homes;

(N) Establishment of a program of alternative work schedules, such as a compressed work week which reduce commuting; and

(O) Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services.

10.80.090 Recordkeeping. Major employers shall include a list of the records they will keep as part of the CTR program they submit to the city for approval. Employers will maintain all records listed in their CTR program for a minimum of twenty-four months. The city and the employer shall agree on the recordkeeping requirements as part of the accepted CTR program.

10.80.100 Schedule and process for CTR reports.

(a) CTR Program. Not more than one hundred eighty days after the adoption of the ordinance codified in this chapter, or within six months after an employer qualifies under the provisions of this chapter, the employer shall develop a CTR program and shall submit to the city a description of that program for review.

(b) Document Review. The city shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period for the CTR program or comment on the CTR program or annual report within ninety days of submission, the employer's program or annual report is deemed accepted. The city may extend the review period up to ninety days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

(c) CTR Annual Progress Reports. Upon review of an employer's initial CTR program, the city shall establish the employer's annual reporting date, which shall not be less than twelve months from the day the program is submitted. Each year on the employer's reporting date, the employer shall submit to the city its annual CTR report.

(d) Modification of CTR Program Elements. Any major employer may submit a request to the city for the modification of CTR program elements, other than the mandatory elements specified in this chapter, including recordkeeping requirements. Such requests 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 program elements would constitute an undue hardship. This may include evidence from employee surveys administered at the worksite: first, in the base year, showing that the employer's own base year values of VMT per employee and drive-alone rates were higher than the CTR zone average; and/or secondly, in the goal measurement year(s), showing that the employer has achieved reductions from its own base values that are comparable to the reduction goals established for the employer's CTR zone.

(e) Extensions. An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be via written notice at least thirty days before the due date for which the extension is being requested. Extensions not to exceed ninety days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request in writing within ten working days of its receipt of the extension request. If there is no response issued to the employer, and extension is automatically granted for thirty days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the city administrator or his or her designee.

(f) Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program not more than one hundred eight days after the program was first submitted to the city. Implementation of the approved program

modifications will begin within thirty days of the final decision or one hundred eighty days from submission of the CTR program or CTR annual report, whichever is greater.

10.80.120 Enforcement. (a) Compliance. For purposes of this section, compliance means fully implementing in good faith all provisions in an accepted CTR program.

(b) Program Modification Criteria. The following criteria for achieving goals for VMT per employee and proportion of drive-alone trips shall be applied in determining requirements for employer CTR program modifications:

(1) If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets either or both goals, the 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 chapter, but has not met or is not likely to meet the applicable drive-alone or VMT goal, the city 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 city for approval within thirty days of reaching agreement.

(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 the applicable drive-alone or VMT reduction goal, the city shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within thirty 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 thirty days of receiving written notice to revise its program. The city shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the city will send written notice to that effect to the employer within thirty 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 city within ten working days of the conference.

(c) Violations. The following constitute violations if the deadlines established in this chapter are not met:

(1) Failure to perform a baseline measurement within ninety days of written notification from the city that an employer qualifies as a major employer.

(1) Failure to develop and/or submit on time a complete CTR program

(2) Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and drive-alone goals as specified in this chapter;

(3) Failure to make a good faith effort, as defined in RCW 70.94.534 and this chapter;

(4) Failure to revise a CTR program as defined in RCW 70.94.434(4) and this chapter.

(5) Submission of false or fraudulent data in response to survey requirements;

(d) Penalties.

- (1) No major employer with an approved CTR program which has made a good faith effort may be held liable for failure to reach the applicable drive-alone or VMT goal;
- (2) Each day of failure to implement the program shall constitute a separate violation, subject to penalties as described in RCW Chapter 7.80.
- (3) A major employer shall not be liable for civil penalties if failure to implement an element of CTR program was the result of 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 provision 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 and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.534).

10.80.130 Exemptions or goal modifications.

- (a) Exemptions. A major employer may request the city 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 the ordinance 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 major employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that would reduce the proportion of drive-alone trips and VMT per employee. Exemptions may be granted by the city during the annual program review process. 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) Modification of CTR Program Goals. Prior to implementation, a major employer may request from the city a modification of program goals. Grounds for granting modification of program goals. Grounds for granting modification and the associated modification will be determined on a case by case basis and shall include the following:
- (c) Modification of CTR Program Goals. Prior to implementation, a major employer may request from the city a modification of program goals. Grounds for granting modification and the associated modification will be determined on a case by case basis and shall include the following:
 - (1) A major employer can demonstrate it requires significant numbers of its employees to use the vehicles they drive to work during the work day for work purposes. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode exists for these employees and that the vehicles cannot reasonably be used for carpools or vanpools. Under this condition, the applicable goals will not be changed by those employees who need daily access to the vehicles they drive to work will not be included in the calculations of proportion of drive-alone trips and VMT per employee used to determine the employer's progress toward program goals.

- (2) A major employer demonstrates that its worksite is contiguous with a CTR zoned boundary and that the worksite conditions affecting alternative commute options are similar to those for employers in the adjoining CTR zone. Under this condition, the employer's worksite may be made subject to the same goals for VMT per employee and proportion of drive-alone trips as employers in the adjoining CTR zone. The employer may only request a modification based on these conditions prior to the CTR program implementation date.
- (3) Modifications may also be requested due to unanticipated conditions:
 - (A) An major employer demonstrates that opportunities for alternative commute modes do not exist due to factors related o the worksite, its work force or characteristics of the business that are beyond the employer's control.
 - (B) Major employers whose worksite changes that contribute substantially to traffic congestion in a CTR zone may request a program modification to seek alternative program goals.
 - (C) Any other condition that can be demonstrated by the major employer to warrant a modification.

10.80.140 Appeals. Any major employer may appeal administrative decisions regarding exemptions, modification of goals, modification of CTR program elements, and determinations regarding violations. The appeal must be filed with the city clerk not later than ten days following the date of the administrative decision. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision. At the time of filing the appeal, a fee in the amount of one hundred dollars must be paid to the city. Appeals shall be heard by a hearing examiner appointed by the city. Substantial weight shall be given to the administrative decision and the burden of establishing error shall be upon the appealing party. In reviewing the appeal, the hearing examiner shall determine whether the administrative decision is consistent with the provisions of this chapter, including the city CTR plan. The hearing examiner shall have authority to affirm, modify, reverse or remand the administrative decision or to grant other appropriate relief. The decision of the hearing examiner shall constitute a final decision appealable to the city council.