

ORDINANCE NO. 1967

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 5.64 OF THE REDMOND MUNICIPAL CODE ENTITLED COMMUTE TRIP REDUCTION PLAN AND ORDINANCE NO 1722, IN ORDER TO IMPLEMENT MEASURES REQUIRED BY RCW 70.94.527, AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, motor vehicle traffic is a major source of emissions that pollute the air, and air pollution causes significant harm to public health and degrades the quality of the environment; and

WHEREAS, increasing motor vehicle traffic aggravates peak period traffic congestion in the City of Redmond; and

WHEREAS, traffic congestion imposes significant cost on City business, government, and individuals in terms of lost working hours and delays in the delivery of goods and services as well as making the City a less desirable place to live, work, visit, and do business; and

WHEREAS, capital and environmental costs of fully accommodating the existing and projected motor vehicle traffic on roads and highways are prohibitive while decreasing the demand for vehicle trips is significantly less costly and is at least as effective in reducing traffic congestion and its impacts as constructing new transportation facilities; and

WHEREAS, employers have significant opportunities to encourage and facilitate the reduction of single-occupant vehicle commuting by employees; and

WHEREAS, State policy, as set forth in RCW 70.94.521.551, and the CTR Task Force Guidelines, require the City of Redmond to develop and implement a CTR plan to reduce single-occupant vehicle commute trips; and

WHEREAS, the plan must require affected employers to implement programs to reduce vehicle miles traveled per employee and the number of single-occupant vehicles used for commuting purposes by their employees; and

WHEREAS, this ordinance was developed through cooperation and coordination with other jurisdictions in the Puget Sound region, in King County, and on the Eastside through the Eastside Transportation Partnership, and with input from Redmond employers, and the Overlake Transportation Management Association now known as the Greater Redmond Transportation Management Association (GRTMA), and is consistent with the CTR Task Force Guidelines; and

WHEREAS, the City recognizes the need to work closely with Redmond employers and regional transportation service providers to expand transportation facilities and services to support effective CTR implementation; and

WHEREAS, a transportation demand management element such as this ordinance is required as part of the Washington State Growth Management Act (RCW 36.70A.070 [6e]); and

WHEREAS, the City of Redmond has promoted transportation demand management as an effective traffic mitigation technique and has worked to encourage transportation demand management on a local and regional level since 1986; and

WHEREAS, the City recognizes the importance of increasing citizens' awareness of air quality, energy consumption, and traffic congestion and the contribution individual actions can make toward addressing these issues.

WHEREAS, adoption of this ordinance will promote the public health, safety, and general welfare within the City of Redmond and the region; now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND,  
WASHINGTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Redmond Municipal Code, Chapter 5.64 Commute Trip Reduction (CTR) Plan is hereby amended, to read as follows:

CHAPTER 5.64  
COMMUTE TRIP REDUCTION PLAN

Sections:

5.64.010	Definitions
5.64.020	Commute Trip Reduction Goals
5.64.030	Designation of CTR Zone and Base Year Values
5.64.040	City of Redmond's CTR Plan
5.64.050	Responsible Agency
5.64.060	Applicability
5.64.070	Requirements for Employers
5.64.080	Transportation Management Associations
5.64.090	Program Approval Criteria
5.64.100	Credits, Goal Modifications, Adjustments, Program Amendments, and Exemptions
5.64.110	Schedule for CTR Program and Annual Reports Submittal, Review, and Implementation
5.64.120	Enforcement
5.64.130	Appeals

5.64.010 Definitions. For the purpose of this ordinance, the following definitions shall apply in the interpretation and enforcement of this ordinance:

- A. "Affected Employee" means a full-time employee as defined in Subsection U below, who is scheduled to begin or who regularly begins his or her regular work day at a single worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays per week for at least twelve continuous months.
  
- B. "Affected Employer" means an employer that employs 100 or more full-time employees at a single worksite who are scheduled to begin, or who regularly begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays per week for at least twelve continuous months even if the identity of the employees varies over time.
  
- C. "Alternative Mode" means any type 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.

- D. "Alternate Work Schedules" means programs such as compressed work weeks that eliminate work trips for affected employees.
- E. "Base Year" means the period from January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips shall be based. F. "Carpool" means a motor vehicle occupied by two (2) to six (6) people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.
- G. "City" means the City of Redmond.
- H. "Commute Trips" means trips made from an employee's home to a worksite to deliver the employee to begin his or her regularly scheduled workday between 6:00 a.m. and 9:00 a.m. (inclusive) on weekdays.
- I. "CTR Plan" means the City of Redmond's plan as set forth in this ordinance to regulate and administer the CTR programs of affected employers within its jurisdiction.
- J. "CTR Program" means an employer's strategies to reduce affected employees' SOV use and VMT per employee.
- K. "CTR Zone" means an area, such as a census tract or combination of census tracts, within Redmond characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.
- L. "Commuter Matching Service" means a system that assists in matching commuters for the purpose of commuting together.
- M. "Compressed Work Week" means an employer approved work schedule that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements.

Compressed work weeks are understood to be an ongoing arrangement.

- N. "Custom Bus/Buspool" means a commuter bus service arranged specifically to transport employees to work.
- O. "Days" means calendar days, unless otherwise qualified by the text.
- P. "Dominant Mode" means the mode of travel used for the greatest distance of a trip.
- Q. "Employee" means anyone who receives financial or other remuneration in exchange for work provided to an employer, including owners or partners of the employer.
- R. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity whether public, non-profit, or private, that employs workers.
- S. "Exemption" means a waiver from CTR program requirements granted to an employer by the City based on unique conditions that apply to the employer or employment site.
- T. "Flexible Work Schedules" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their daily working hours to facilitate the use of alternative transportation modes.
- U. "Full-Time Employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two (52) weeks per year for an average of at least thirty-five (35) hours per week.
- V. "Good Faith Effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this ordinance, and is working collaboratively with the City of Redmond 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.

- W. "High Occupancy Vehicle" means any motor vehicle occupied by two (2) or more people for commuting purposes.
- X. "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and this ordinance as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to this ordinance and their CTR program and schedule.
- Y. "Mode" means the type of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.
- Z. "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.
- AA. "Peak Period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.
- BB. "Peak Period Trip" means any employee trip that delivers the employee to begin his or her regular workday between 6 a.m. and 9 a.m. (inclusive), Monday through Friday, except legal holidays.
- CC. "Proportion of Single-Occupant Vehicle Trips" or "SOV Rate" means the number of commute trips over a set period made by affected employees in SOVs divided by the number of affected employees working during that period.
- DD. "Single-Occupant Vehicle (SOV) Trips" means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.
- EE. "Single-Occupant Vehicle (SOV) Trips" means trips made by affected employees in SOVs.
- FF. "Single Worksite" means a building or group of buildings on physically contiguous parcels of land or on parcels

separated solely by private or public roadways or rights-of-way, occupied by one or more affected employers.

- GG. "Telecommuting" means the use of telephones, computers, or other means to permit an employee to work at home, eliminating a work trip; or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.
- HH. "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 (0) vehicle trips.
- II. "Transportation Demand Management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.
- JJ. "Transportation Information Center" means an ongoing, on-site display of information explaining alternative modes available for the worksite. A transportation information center must be available in an area of high employee traffic.
- KK. "Transportation Management Association (TMA)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMA must have a formal agreement in existence specifying its purpose, must provide a common service for its members, and must have an administrator. A TMA may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.
- LL. "Vanpool" means a vehicle occupied by seven (7) to fifteen (15) 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 (0) vehicle trips.
- MM. "Vehicle Miles Traveled (VMT) Per Employee" means the sum of the individual vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period.
- NN. "Week" means a seven day calendar period, starting on Monday and continuing through Sunday.

- OO. "Weekday" means any day of the week except Saturday or Sunday.
- PP. "Work Trip" means any trip made, at any time, by an employee from his or her home to a worksite for the purpose of beginning his or her regular workday.
- QQ. "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.

5.64.020 Commute Trip Reduction Goals. Employers affected by this ordinance are required to make a good faith effort as defined in RCW 70.94.534(2) and this ordinance to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute Trips. These reductions shall be from the base year values defined in Section 5.64.030 of this ordinance, and shall apply to both 1) vehicle miles traveled per employee, and 2) proportion of single occupant vehicle trips. These values are:

- A. Fifteen (15) percent by January 1, 1995.
- B. Twenty (20) percent by January 1, 1997.
- C. Twenty-five (25) percent by January 1, 1999.
- D. Thirty-five (35) percent by January 1, 2006.

5.64.030 Designation of CTR Zone and Base Year Values. Employers in the City of Redmond fall within the CTR zone which shall be delineated by the corporate limits of the City of Redmond.

The base year value of this zone for proportion of SOV trips shall be eighty-five (85) percent. The base year value for vehicle miles traveled (VMT) per employee shall be set at nine and three tenth (9.3) miles. Commute trip reduction goals for major employers shall be calculated based on these values. Therefore affected employers in the City of Redmond shall establish a program designed to result in SOV rates of not more than seventy two (72) percent in 1995, sixty-seven (67) percent in 1997, sixty-four (64) percent in 1999, fifty-five (55) percent in 2006, and VMT per employee of not more than seven and nine tenths (7.9) miles in 1995, seven (7.0) miles in 1997, and six (6.0) miles in 1999,

5.64.040 City of Redmond's CTR Plan. The 1993 City of Redmond's CTR Plan set forth in Attachment A is hereby adopted and wholly incorporated herein by reference.

5.64.050 Responsible Agency. The City of Redmond Planning Department shall be responsible for implementing this ordinance, the CTR Plan, and the City's CTR program for its own employees. The City Council shall have



the authority to issue such rules and administrative guidelines as are necessary to implement this ordinance. Any administrative guidelines which are issued for this ordinance shall be reviewed by the Planning Department annually, or as needed to insure their applicability.

5.64.060 Applicability. The provisions of this ordinance shall apply to any affected employer at any single worksite within the corporate limits of the City of Redmond. Employees will only be counted at their primary worksite. The following classifications of employees are excluded from the counts of employees used to determine "affected employer" status: 1) seasonal agricultural employees, including seasonal employees of processors of agricultural products and 2) employees of construction worksites when the expected duration of the construction is less than two years.

A. Notification of Applicability

1. In addition to Redmond's established public notification for adoption of an ordinance, a notice of availability of a summary of this ordinance, a notice of the requirements and criteria for affected employers to comply with the ordinance, and subsequent revisions shall be published at least once in the City's official newspaper within thirty (30) days after passage of this ordinance or revisions.
2. Known affected employers located in Redmond will receive formal written notification by certified mail that they are subject to this ordinance within thirty (30) days after passage of this ordinance.
3. An affected employer that, for whatever reason, does not receive notice within thirty (30) days of passage of the ordinance must identify itself to the City within one hundred and eighty (180) days of the passage of the ordinance. Once an employer identifies itself, that employer will be granted one hundred and fifty (150) days within which to develop and submit a CTR program.

- B. New Affected Employers. An employer that meets the definition of "affected employer" in this ordinance must identify itself to the City within one hundred and eighty (180) days of either moving into the boundaries of Redmond or growing in employment at a worksite to a sufficient number of full-time employees to qualify as an affected employer as specified under Section 5.64.010 (B) of this ordinance.

Once an employer identifies itself, that employer shall be granted one hundred and fifty (150) days to develop and submit a CTR program. An employer that does not identify itself within one hundred and eighty (180) days is in violation and subject to penalties described in Section 5.64.120 (Enforcement). New affected employers shall have two years to meet the first CTR goal of a fifteen (15) percent reduction from the base year values identified in Section 5.64.030 of this ordinance; four years to meet the second goal of a twenty (20) percent reduction; six years to meet the third goal of a twenty-five (25) percent reduction; and twelve years to meet the fourth goal of a thirty-five (35) percent reduction from the time they begin their program.

C. Change in Status as an Affected 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 an affected employer no longer employs a sufficient number of full-time employees to qualify as an affected employer as specified under Section 5.64.010 (B) of this ordinance and can provide documentation that it will not employ a sufficient number of full-time employees to qualify as an affected employer as specified under Section 5.64.010 (B) of this ordinance for the next twelve (12) months, that employer is no longer an affected employer. It is the responsibility of the employer to provide documentation to the City that it is no longer an affected employer.
2. If the same employer returns to the level of employment of a sufficient number of full-time employees to qualify as an affected employer as specified under Section 5.64.010 (B) of this ordinance within the same twelve (12) months, that employer is required to notify the City and will be considered an affected employer for the entire twelve (12) months, and will be subject to the same program requirements as other affected employers.
3. If the same employer returns to the level of employment of a sufficient number of full time employees to qualify as an affected employer as specified under Section 5.64.010 (B) of this ordinance twelve (12) or more months after its change in status

to an "unaffected" employer, that employer shall be treated as a new affected employer, and will be subject to the same program requirements as other new affected employers.

5.64.070 Requirements for Employers. Every affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this ordinance, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips. The employer shall submit a description of its program to the City of Redmond and provide an annual progress report to the City on employee commuting and progress toward meeting the goals. The CTR program must include the mandatory elements described below.

- A. 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; and total number of employees per site.
  - 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).
  - 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 a transportation coordinator to administer the CTR program. The coordinators 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 of Redmond. An affected employer with multiple sites may have one transportation coordinator for all sites. A transportation coordinator does not need to be an employee of the affected employer.
- 2. Information Distribution.** Information about alternatives to SOV commuting shall be provided to employees at least once a year. This shall consist of, at a minimum, a summary of the employer's program, including ETC name and phone number. Employers must also provide a summary of their program to all new employees at the time of hire. Employers shall also provide for continuous information distribution through a transportation information center to be maintained in each worksite building used by fifty (50) or more affected employees. Each employer's program description and annual report must describe what information is to be distributed by the employer and the method of distribution.
- 3. Annual Progress Report.** The CTR program must include an annual review of employee commuting, progress and good faith efforts toward meeting the SOV reduction goals. Affected employers shall file an annual progress report to the City by November 1<sup>st</sup> of each year. 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 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. Data from the State of Washington Commute Trip Reduction Employee Questionnaire with a minimum seventy (70) percent response rate or approved alternative information shall be required. The format of the reports shall be provided by the City.

4. Record Keeping. Affected employers shall maintain all records required to document the performance of their accepted or approved CTR program. Records shall be maintained for a minimum of three (3) years.
5. Transportation Demand Management Elements. In addition to the specific program elements described above, the employer's CTR program shall include a set of transportation demand management elements designed to achieve the trip reduction goals established by this ordinance.
  - a. Mandatory Transportation Demand Management Elements. An employer's CTR program shall include one (1) element selected from the list below and subject to the rules for the selected element, or the combined portions of the selected elements, as provided in the administrative guidelines:
    1. Preferential parking for carpools and vanpools which is signed, monitored, and enforced.
    2. Financial incentives, including but not limited to subsidized bus passes, van pool subsidies, or a transportation allowance for non-SOV commuting.
    3. Establishment of a program of alternate work schedules which eliminates work trips for affected employees.
    4. Establishment of a program of telecommuting which permits affected employees to work at home or at an alternative worksite closer to their home.
    5. Provision of vans for vanpools.

6. Participation in a Transportation Management Association (TMA).
  7. Imposition of parking charges for SOV commuters.
- b. Additional Transportation Demand Management Elements. An employer's CTR program shall also include one or more additional element(s) designed to help employers meet CTR goals. Employers are encouraged to develop and implement innovative strategies, which are tailored to the specific situation at their worksite. Employers may also select elements from a list of recognized transportation demand management activities which include, but are not limited to the following:
1. Any element listed in Section 5.64.070 (B) (5) (a) that has not been selected as required under Section 5.64.070 (B)(5)(a).
  2. Provision of commuter ride matching services to facilitate employee ride-sharing for commute trips.
  3. Permitting the use of employers' vehicles for carpooling or vanpooling.
  4. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools.
  5. Cooperation with transportation providers to provide additional regular or express service to the work site.
  6. Construction of special loading and unloading facilities for transit, carpool and vanpool users.
  7. Provision of bicycle parking facilities, lockers, changing areas, and showers

for employees who bicycle or walk to work.

8. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities.
9. Provision of a guaranteed ride home or emergency taxi service program.
10. Special, on-site promotions of alternatives to SOV commuting.
11. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, including but not limited to on-site day care facilities, concierge service, or provision of company-provided vehicles for personnel use during break periods.

5.64.080 Transportation Management Associations. In lieu of submitting an initial CTR program and annual reports as described in Section 5.64.070.B3 and Section 5.64.110, an affected employer may join a Transportation Management Association (TMA) that submits a single program or annual report on behalf of its members. In addition to describing program measures, which are common to its members, the CTR program and annual report shall describe specific program measures, which are unique to individual member's worksites. The Transportation Management Association, as an agent for its members, shall provide performance data for each employer, as well as data aggregated from all TMA members to the City.

Each employer is responsible for meeting the requirements of this ordinance regardless of the employer's participation in a TMA. Program modifications shall be specific to an employer. If an employer elects to satisfy its CTR program requirements through a TMA program or annual report, the employer shall notify the City in writing, designating the TMA as its agent.

5.64.090 Program Approval Criteria. The following criteria shall be used to review CTR programs and annual CTR progress reports submitted to the City.

- A. Beginning with the initial CTR program submittal, and for all CTR annual progress report submittals prior to 1995, or prior to the employer's first goal year, a program or progress

report shall be approved if all required elements, as described in Section 5.64.070 of this ordinance, are included in the submittal.

B. Beginning in 1995, or in the employer's first goal year, approval of an employer's annual progress report shall be based on the following criteria for achieving goals for VMT per employee or proportion of SOV trips:

1. If an employer meets either goal, the employer has satisfied the objectives of the CTR plan and will not be required or asked to modify the CTR program. An employer who has achieved either goal and commits in writing to continue their current level of effort will be granted program exemption credit as specified in Section 5.64.100(A) of this ordinance.
2. If an employer has acted in good faith as defined by RCW 70.94.531 and this ordinance, but fails to meet either the VMT per employee goal or the SOV rate goal, the employer may propose modifications designed to make progress toward the applicable goal in the coming year. If an employer has failed to act in good faith as defined by RCW 70.94.531 and this ordinance, and fails to meet either the VMT per employee goal or the SOV rate goal, the employer shall propose modifications designed to make progress towards the applicable goal in the coming year. The City shall review the employer's proposed modifications, and may either accept them, or propose additional or replacement modification(s) to the CTR program and direct the employer to revise its program, and may penalize the employer if it does not implement recommended modification(s). In preparing and proposing these program modification(s), the City shall consider:
  - a. those modification(s) proposed by the employer or its agent, and the likelihood of the employer achieving its goal if these measures are implemented;
  - b. an employer's progress towards its goal and the degree to which they have approached the goal;



- c. environmental factors beyond the employer's control including but not limited to 1) changes in the level and cost of transportation service, and 2) changes in the roadway system serving the employment site;
- d. an employer's experience with transportation demand management measures implemented prior to the adoption of this ordinance.

In directing an employer to revise its program, the City shall, whenever possible, provide the employer with a list of viable program elements, and direct the employer to select some, but not all, of the elements on that list for implementation.

5.64.100 Credits, Goal Modifications, Adjustments, Program Amendments, and Exemptions.

- A. Program Exemption Credit for Successful Transportation Demand Management Efforts: Affected employers which have rates of VMT per employee and proportion of SOV trips which are equal to or less than goals for one or more future goal years, may apply to be exempted from CTR program requirements. Application shall include results from a survey of employees or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the administrative guidelines to this ordinance. Employers may apply for program exemption credit within ninety (90) days of receipt of notification of affected status, or in any annual report submitted after January 1, 1994. For requests submitted within ninety (90) days of receipt of notification of affected status, the City shall respond to the request within sixty (60) days of the receipt of the request. For requests submitted as part of an annual report, the City shall respond within the time frames specified in Section 5.64.110(D).

Employers that apply for credit and whose VMT per employee and proportion of SOV trips are determined by the City to be equal to or better than goals for one or more future goal years, and commit in writing to continue their current level of effort, shall be exempt from the requirements of the ordinance except for the requirements to report performance in annual reports for their goal years as specified in Section

5.64.070(B)(3) of this ordinance. If any of these reports indicate the employer does not satisfy the next applicable goal, the employer shall immediately become subject to all requirements of this ordinance.

Employers with formal Transportation Demand Management programs implemented prior to the 1992 base year may apply for program exemption credit as provided for above. A formal Transportation Demand Management program is one which has been in effect for at least one year prior to the adoption of this ordinance, or one year prior to the employer becoming an affected employer under this ordinance, and can document the implementation of program elements designed to reduce the number of employee SOV commute trips. An employer shall be considered to have met the 1995 CTR goals if their VMT per employee and proportion of SOV trips are equivalent to a twelve (12) percent or greater reduction from the base year zone values. This three (3) percentage point credit applies only to the 1995 CTR goals.

- B. Credit for Telecommuting, Alternative Work Schedules, Work-At-Home, Walking, and Bicycling. For purposes of counting vehicle trips, telecommuting, alternative work schedules, bicycling, and walking shall count as one and two tenths (1.2) vehicle trips eliminated. This credit will automatically apply when calculating SOV and VMT rates of affected employers.
- C. Modification of CTR Program Goals. An employer may request a modification of CTR program goals under the following conditions:
  - 1. An affected employer can demonstrate that its worksite is contiguous with a CTR zone 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 SOV trips as employers in the adjoining CTR zone. An employer may request a goal modification under this condition within ninety (90) days of receipt of notification of affected status, or as part of an annual report in subsequent years.

2. An affected employer may request that the City modify its CTR program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description and annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program. The City will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Task Force Guidelines. An employer may not request a modification of the applicable goals until one year after the City approval of its initial program description or annual report.

D. The following criteria for achieving goals for VMT per employee and proportion of SOV 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 ordinance, 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 70.94.543(2) and this ordinance, but has not met or is not likely to meet the applicable SOV 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 30 days of reaching agreement.

If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this ordinance, and fails to meet the applicable SOV 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 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The

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 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the City within 10 working days of the conference. The City shall respond to requests for goal modifications within thirty (30) days of the receipt of the request.

- E. CTR Program Amendments. At least ninety (90) days after the approval of a program description or an annual report, any affected employer may, as specified below, amend any CTR program elements listed in Section 5.64.070(B)(5).
  - 1. An employer may amend their CTR program by replacing a program element selected as required under Section 5.64.070(B)(5)(a) with any other element required under Section 5.64.070(B)(5)(a) without prior City approval. The employer must however, notify the City in writing prior to the implementation of such a change.
  - 2. An employer may request permission from the City to amend any program element included as required under Section 5.64.070(B)(5)(b). Such request may be granted if one of the following conditions exist:
    - a. the employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or
    - b. the employer can demonstrate that compliance with the program elements would constitute an undue hardship, or
    - c. the employer can demonstrate a significant change in local service or the transportation infrastructure that impacts the effectiveness of their adopted CTR program, or will increase the effectiveness of other program elements.

The City shall respond to such a request within thirty (30) days of the receipt of the request.

- F. CTR Exemptions. An affected employer may request an exemption from all CTR program requirements or penalties for a particular worksite. Except for the year ending December 31, 1993, this request may be made at any time. For the year ending December 31, 1993, an affected employer may request an exemption only within ninety (90) days of notification of affected status. An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. The City shall respond to a request for an exemption within thirty (30) days of the receipt of the request. The notice should clearly explain the conditions for which the affected 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. 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 Task Force Guidelines to assess the validity of employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

5.64.110 Schedule for CTR Program and Annual Reports Submittal, Review, and Implementation.

- A. CTR Program Submittal and Implementation: Not more than one hundred and eighty (180) days after the adoption of this ordinance, or within one hundred and eighty (180) days after an employer qualifies under the provisions of this ordinance, the employer shall develop a CTR program and shall submit to the City for review a description of that program as provided in Section 5.64.070 of this ordinance. The employer shall implement a CTR program not more than one hundred and eighty (180) days after the initial program submittal to the City. Implementation of the approved program

modifications will occur within thirty (30) days of the final administrative decision on such modifications, or within one hundred and eighty (180) days of the initial program submittal, whichever is greater.

- B. **Employer Annual Reporting Date.** 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 (12) months from the day the program is submitted. Each year on the employer's reporting date, the employer shall submit the annual CTR report to the City. November 1<sup>st</sup> of each year is the current submittal date to the City for most employers.
- C. **Extensions.** An employer may request additional time to complete any action required under this ordinance, provided that no extension shall apply to Section 5.64.130 of this ordinance. Such requests shall be made in writing no less than seven (7) days before the due date for which the extension is being requested. Extensions not to exceed ninety (90) days shall be considered for reasonable causes. Employers will be limited to a total of ninety (90) allowed extension days per year. 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 Planning Director or designee.
- D. **Schedule for Review of Programs, Annual Reports, and Required Program Modifications.** The City shall complete review of the employer's program or annual report within ninety (90) days of receipt. The City shall, as necessary during this review period to facilitate approval, discuss with the employer any issues of concern relating to the submitted program or report. For any submittal except the initial CTR program submittal, the City may, upon notification of the employer, extend this review period for up to ninety (90) days. The City shall provide the employer with written notification of the decision of approval or rejection of the employer's CTR program or annual report, including the cause for rejection.

If the decision is to reject an initial CTR program or annual report submittal the employer shall resubmit the revised CTR program or annual report within ten (10) City business days of receipt of this decision notice.

Within thirty (30) days of receipt of the revised program, the City shall review the revision and notify the employer in writing of the approval or rejection of the revised program or report. If the City's decision is to reject the revised program or report, the employer may appeal this decision as provided in Section 5.64.130.

5.64.120 Enforcement.

- A. Compliance: For purposes of this section, compliance shall mean submitting required reports and documentation at prescribed times and fully implementing all provisions in an accepted CTR program.
- B. Violations: The following actions shall constitute a violation of this ordinance:
  - 1. Failure to implement an approved CTR program unless the program elements that are carried out can be shown, through data collected as specified in Section 5.64.070(B)(3), to meet or exceed VMT or SOV goals as specified in this ordinance. Failure to implement a CTR program includes but is not limited to:
    - a. Failure of existing or new affected employers not notified to identify themselves to the City within the timeframes indicated in Section 5.64.060 of this ordinance.
    - b. Failure of employers to submit a complete CTR program within the deadlines specified in Section 5.64.110 of this ordinance.
    - c. Failure to submit required documentation for annual reports.
    - d. Failure to make a good faith effort, as defined in RCW 70.94.534 and this ordinance.
    - e. Submission of fraudulent data.

2. Failure to modify a CTR program that has been rejected by the City under Section 5.64.090.

C. Penalties: Each City business day during which an employer fails to 1) implement a commute trip reduction program, or 2) modify a commute trip reduction program that does not meet the goals shall constitute a separate violation of this Chapter. No affected employer with an approved CTR program may be held liable for failure to reach the applicable SOV or VMT goals. This Chapter shall be enforced by the Code Compliance Officer as provided in Chapter 1.14 of the Redmond Municipal Code, provided that:

1. In any hearing on the matter the Violations Hearing Examiner shall consider as evidence:
  - a. documented contacts between the City and the employer;
  - b. documented program activities undertaken by the employer; and
  - c. any other evidence submitted by the City or the employer which can demonstrate compliance with this ordinance and the CTR law (RCW 70.94.521 -.551), or lack thereof; and
2. The maximum civil penalty that may be imposed by the Violations Hearing Examiner for each separate violation shall be \$250 per day per violation.

Failure to obey any order of the Violations Hearing Examiner, and failure to comply with any administrative decision or sanction imposed under this ordinance shall constitute a class 1 civil infraction pursuant to RCW 7.80.120 and shall be punishable by a maximum civil penalty of \$250 per day per violation. In addition to the institution of any such civil infraction proceedings, the City may authorize the city attorney to collect the fees by appropriate legal action against the employer.

An employer shall not be deemed to be in violation of this Chapter 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 the City of Redmond and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

#### 5.64.130 Appeals.

- A. **Reconsideration of Decisions - Conference:** Any affected employer wishing to appeal a decision regarding program approval, program exemption credit, goal modifications, adjustments, program amendments, or exemptions must request a conference with the Planning Director, or his or her designee to request a reconsideration of the decision. Such a conference must be requested within ten (10) City business days of the decision, and shall be scheduled within thirty (30) days of the decision. When requesting a conference, an employer may indicate an intention to seek a recommendation from the Peer Review Board, and request that the conference be scheduled or continued after such a recommendation has been issued. The City shall issue a decision on the reconsideration request within ten (10) City business days of the completion of the conference.
  
- B. **Review of Decisions - Peer Review Board:** After having initiated a conference as described in Section 5.64.130(A) of this ordinance, an employer may seek a review of administrative decisions on program approval, program exemption credit, goal modifications, adjustments, program amendments, or exemptions from the Peer Review Board. This Board shall be created through interlocal agreement with other jurisdictions. This Board shall include private sector members appointed by the City and shall provide equitable representation of affected employers. The procedures and rules for this Board shall be defined in the Administrative Guidelines to this ordinance. This Board shall have advisory power, and evidence of their findings may be presented in decision reconsideration conferences as

described in subsection 13A, above, or in appeals before the City Council as provided in subsection D, below.

The provisions of this subsection, and of subsection A above as it relates to the Peer Review Board, shall take effect only after the Peer Review Board has been created and established through interlocal agreement with other jurisdictions.

- C. Appeal of Administrative Decisions: Any person adversely affected by an administrative decision under this ordinance may appeal that decision to the City Council within fourteen (14) days of the decision.
- D. Appeals Board: The City Council shall render a final decision in all appeals filed under subsections (B) and (C) of this Section. Appellants shall be notified at least ten (10) days in advance of the date, time, and place at which the Council will consider the appeal. Administrative decisions shall be upheld if it is determined that they were consistent with this ordinance, the CTR law (RCW 70.94.521-551) and the Task Force Guidelines. Appeals may be granted if the employer can show the administrative decision is not consistent with this ordinance.
- E. Appeals of City Council Decisions: All actions seeking judicial review of any final decision of the City Council under this ordinance must be filed within fourteen (14) days from the date the decision is rendered.

Section 2 Severability: If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3 Codification: This ordinance shall be codified as a new Chapter 5.64 of the Redmond Municipal code.

Section 4 Effective Date: This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after publication of an approved summary, which is hereby approved.

APPROVED:

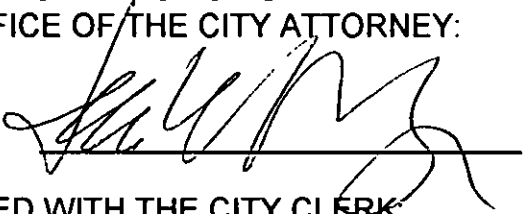
  
\_\_\_\_\_  
MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY:

  
\_\_\_\_\_  
FILED WITH THE CITY CLERK: February 4, 1998  
PASSED BY THE CITY COUNCIL: February 17, 1998  
PUBLISHED: February 21, 1998  
EFFECTIVE DATE: February 26, 1998  
ORDINANCE NO: 1967

## ATTACHMENT A

ORDINANCE NO. 1967  
CITY OF REDMOND  
COMMUTE TRIP REDUCTION PLAN

This plan is produced in conformance with the requirements of the state Commute Trip Reduction law (RCW 70.94.521-551) and the Task Force Guidelines.

### **Section 1 Goals for reductions in SOV rate and VMT per employee**

The goals for reductions in SOV rate and VMT per employee is set forth in Section 2 of the attached ordinance. These goals are for reductions from the base year values established in Section 3 of the attached ordinance, and shall apply to both 1) vehicle miles traveled per employee, and 2) proportion of single occupant vehicle trips. These goals shall be as follows:

- A. Fifteen (15) percent by January 1, 1995.
- B. Twenty (20) percent by January 1, 1997.
- C. Twenty-five (25) percent by January 1, 1999.
- D. Thirty-five (35) percent by January 1, 2006.

### **Section 2 Designation of Commute Trip Reduction Zones, and means by which Base Year Values were determined**

As set forth in Section 3 of the attached ordinance, all employers in the City of Redmond fall within the CTR zone delineated by the corporate limits of the City of Redmond. This zone falls within the East King County CTR zone recommended by the Zones subcommittee of the Puget Sound Regional Council (PSRC), and the base year values for Redmond's CTR zone are identical to those recommended by the PSRC for the East King County CTR zone. The base year value for proportion of SOV trips is established at eighty-five (85) percent. The base year value for vehicle miles traveled (VMT) per employee is established at nine and three tenths (9.3) miles.

These base year values were recommended by the Zones subcommittee of the PSRC using 1980 U.S. Census data projected forward to 1992. The State CTR Task Force may re-examine the use of 1990 U.S. Census data if it becomes available in 1993. Redmond may review CTR zone base year values for consistency with the updated information.

### **Section 3 Requirements for Major Public and Private Sector Employers**

Major public and private sector employers are required to develop and implement a CTR program as established in Section 7 of the attached ordinance.

### **Section 4 Means to Determine Progress Towards Meeting CTR Goals**

As established in Section 7B-3 of the attached ordinance, major public and private sector employers are required to submit an annual report reviewing employee commuting, programs undertaken, and progress towards meeting CTR goals. In 1995, 1997, 1999, 2001, 2003, and 2006 data from the State of Washington CTR program Employee Questionnaire with a minimum fifty (50) percent response rate, or approved alternative information is required.

Each year on July 1, beginning in 1994, and each July thereafter through July 1, 2006, Redmond will report to the state CTR Task Force on the progress in attaining the applicable CTR goals in Redmond's CTR zone, pursuant to RCW 70.94.527 (-)(4).

### **Section 5 Appeals Process**

Affected employers who, due to the special characteristics of their business or its location, are unable to meet the requirements of the attached CTR ordinance, have a variety of ways in which they may obtain waiver or modification of those requirements. These are established in Section 10 of the attached ordinance, and include program exemption credit; credit for telecommuting, alternative work modification of program goals; adjustments to counts of affected employees; amendment of their approved CTR program; and exemption from all CTR program requirements.

Employers, whose request for any of the types of special consideration provided in Section 10 of the attached ordinance is denied, may appeal this decision. An employer may also appeal an administrative decision which rejects a CTR program or annual report submittal, or which requires modifications to the employer's CTR program. The procedure for appeals is established in Section 13 of the attached ordinance. This appeals procedure contains up to three steps.

- A. An employer must request a conference with the City to request a reconsideration of the decision.
- B. An employer may seek a review of the decision by a sub-regional Peer Review Board. The decisions of the Peer Review Board are advisory only, and may be presented in the conference described above, or in appeals to the City Council.

- C. An employer may appeal any administrative decision to the City Council, as described in Section 13C and D of the attached ordinance.

### **Section 6 City of Redmond's Commute Trip Reduction Program**

The City of Redmond encourages HOV commuting by its employees. The City has appointed an employee transportation coordinator, regularly distributes information regarding SOV alternatives, maintains a transportation information center in each City worksite, and holds regular promotions to increase employee awareness of transportation alternatives. The City currently provides preferential parking for private carpools, and offers fleet ridesharing to employees. A guaranteed ride home program is provided for all City employees who commute to work via any mode other than an SOV (including telecommuting), on at least sixty (60) percent of their work trips. Employees may be allowed to telecommute or work alternate schedules. All employees may work flexible schedules. The City also provides showers, lockers, and bike racks and secure parking for bikes. The City will submit a formal CTR program description within the timeframes provided in the attached ordinance.

### **Section 7 Review of Parking Policies and Ordinances**

The City will conduct a review of local parking policies and ordinances as they relate to employers and major worksites and make any revisions necessary to comply with commute trip reduction goals and guidelines. City staff will participate in any King County workshops on parking policy, and will strive to be consistent with both the CTR Guidelines recommendations and with other East King County jurisdictions in establishing a framework for parking policy changes. The City conducted its parking policy review in 1993.

### **Section 8 Consistency with other Redmond Plans and Ordinances**

The City will conduct a review of existing plans and ordinances, and will make revisions necessary to insure consistency between these plans and the attached CTR ordinance.

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