

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5422

**AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING CHAPTER 13, COMMUTE TRIP REDUCTION, OF TITLE X (TRAFFIC), OF ORDINANCE NO. 4260 ENTITLED "CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON," BY INCORPORATING RECENT LEGISLATIVE AND ADMINISTRATIVE CHANGES TO THE STATE OF WASHINGTON'S COMMUTE TRIP REDUCTION PROGRAM AS REQUIRED BY RCW 70.94.527.**

**WHEREAS**, Pursuant to RCW 70.94.527 Transportation Demand Management — Requirements for Counties and Cities, the City of Renton has enacted a commute trip reduction plan for major employers, and

**WHEREAS**, The Washington Legislature has recently made legislative and administrative changes to its requirements for the commute trip reduction plans; and

**WHEREAS**, the City Council has duly determined after due consideration of the testimony and evidence before it that it is necessary to amend Chapter 13 of the Renton Municipal Code, the City of Renton's Commute Trip Reduction ordinance by adopting relevant sections of the recent legislative and administrative changes;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**SECTION I.** Section 10-13-1, Definitions, of Chapter 13, Commute Trip Reduction, of Title X (Traffic) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington," is hereby amended by adding or revising the following definitions to read as follows:

**AFFECTED EMPLOYEE:** A full-time employee who is scheduled to begin his or her regular work day at a single worksite between six o'clock (6:00) a.m. and

nine o'clock (9:00) a.m. (inclusive) on two (2) or more weekdays for at least twelve (12) continuous months who is not an independent contractor. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

**AFFECTED EMPLOYER:** An employer that employs one hundred (100) or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition.

**ALTERNATIVE MODE:** Commute transportation other than that in which the single-occupant motor vehicle is the dominant means of transport, including telecommuting and teleworking, if they result in reducing commute trips.

**ALTERNATIVE WORK SCHEDULES:** Programs such as compressed work week schedules that eliminate work trips for affected employees.

**BASE YEAR:** the twelve-month period which commences when a major employer is determined by the jurisdiction to be participating within the CTR program. The City of Renton uses this twelve-month period as the basis upon which it develops commute trip reduction goals.

**BASE YEAR SURVEY or BASELINE MEASUREMENT:** 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

ORDINANCE NO. 5422

the major employer. The baseline measurement must be implemented in a manner that meets the requirements specified by the City of Renton.

CARPOOL: A motor vehicle, including a motorcycle, occupied by two to six people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

COMMUTE TRIPS: Trips made from a worker's home to a worksite (inclusive) on weekdays.

CTR: Commute Trip Reduction.

CTR BOARD: That board established pursuant to RCW 70.94 537.

CTR PLAN: Renton's plan to regulate and administer the CTR programs of affected employers within the city, a copy of which is maintained in the City Clerk's office.

CTR PROGRAM: an employer's strategies to reduce employees' drive alone commutes and average VMT per employee.

COMMUTE TRIP VEHICLE MILES TRAVELED PER EMPLOYEE: See, "VMT," below.

COMPRESSED WORK WEEK: An alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four (4) ten (10) hour days or eighty (80) hours in nine (9) days, but may also include other arrangements.

ORDINANCE NO. 5422

CUSTOM BUS/BUSPOOL: A commuter bus service arranged specifically to transport employees to work.

DOMINANT MODE: The mode of travel used for the greatest distance of a commute trip.

DRIVE ALONE: A motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.

DRIVE ALONE TRIPS: Commute trips made by employees in single occupant vehicles.

EMPLOYEE TRANSPORTATION COORDINATOR (ETC): A person who is designated as responsible for the development, implementation and monitoring of an employer's CTR program.

EMPLOYER: 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.

EXEMPTION: A waiver from any or all CTR program requirements granted to an employer by City of Renton based on unique conditions that apply to the employer or employment worksite.

FLEX-TIME: An employer policy that provides work schedules allowing individual employees flexibility in choosing the start and end time but not the number of their working hours.

FULL-TIME EMPLOYEE: A person, other than an independent contractor, whose position is scheduled on a continuous basis for fifty-two (52) weeks for an average of at least thirty-five (35) hours per week.

ORDINANCE NO. 5422

GOALS: Those CTR Goals as the city of Renton set out in Chapters II and III of the Commute Trip Reduction Plan maintained in the City Clerk's office.

GOOD FAITH EFFORT: An employer has met the Mandatory Elements identified in RMC 10-13-6A of this code and meets the conditions set out in RCW 70.94.534(2) as those are currently worded or are hereafter amended.

IMPLEMENTATION: An active pursuit by an employer of the CTR goals of RCW 70.94.521-555 and this ordinance as evidenced by appointment of an employee transportation coordinator (ETC), distribution of information to employees regarding alternatives to drive alone commuting, and commencement of other measures according to its approved CTR program and schedule.

MAJOR EMPLOYER: A private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months.

MAJOR EMPLOYER WORKSITE or AFFECTED EMPLOYER WORKSITE or WORKSITE: The physical location occupied by a major employer, as determined by the local jurisdiction.

MAJOR EMPLOYMENT INSTALLATION: A military base or federal reservation, excluding tribal reservations, or other locations as designated by the City of Renton, at which there are one hundred or more affected employees.

MODE: The means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool or vanpool), transit, ferry, bicycle, walking, or telecommuting.

ORDINANCE NO. 5422

NOTICE: 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: The hours from six o'clock (6:00) a.m. to nine o'clock (9:00) a.m. (inclusive), Monday through Friday, except legal holidays.

PEAK PERIOD TRIP: Any commute trip that delivers the employee to begin his or her regular workday between six o'clock (6:00) a.m. and nine o'clock (9:00) a.m. (inclusive), Monday through Friday, except legal holidays.

PROPORTION OF DRIVE ALONE TRIPS or DRIVE ALONE RATE: The number of commute trips over a set period of time made by employees in single occupancy vehicles divided by the number of potential trips taken by employees working during that period.

RIDE MATCHING SERVICE: A system which assists in matching commuters for the purpose of commuting together.

TELEWORKING or TELECOMMUTING: The electronic transport of work through the use of telephones, computers, or other similar technology a) which permits an employee to work from home, thereby eliminating a commute trip. Or, b) use electronic transport of work from a work place closer to home, reducing the distance traveled in a commute trip by at least one half (1/2).

TRANSIT: Multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, passenger ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

ORDINANCE NO. 5422

TRANSPORTATION DEMAND MANAGEMENT (TDM): A broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

TRANSPORTATION MANAGEMENT ASSOCIATION (TMA): A group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

VANPOOL: A vehicle occupied by from five (5) to fifteen (15) people traveling together for their commute trip, that results in the reduction of a minimum of one motor vehicle trip.

VEHICLE MILES TRAVELED (VMT) PER EMPLOYEE: The number of the individual vehicle commute trip lengths in miles made by all employees over a set period of time divided by the number of employees during that period.

WEEK: A seven-day calendar period starting on Monday and continuing through Sunday.

WEEKDAY: Any day of the week except Saturday or Sunday.

WRITING, WRITTEN, or IN WRITING: An original signed and dated document(s). Electronic and/or facsimile (fax) transmissions will not substitute for an original for a document required herein.

**SECTION II.** Section 10-13-2, Commute Trip Reduction Goals, of Chapter 13, Commute Trip Reduction, of Title X (Traffic), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington," is hereby amended by changing the name "Commute Trip Reduction Goals" to "Commute Trip Reduction Plan" and is amended to read as follows:

**10-13-2 Commute Trip Reduction Plan**

The goals established for the City of Renton and affected employers are set forth in the City of Renton's 2007 Commute Trip Reduction Plan.

**SECTION III.** Section 10-13-3, Designation of CTR Zones and Base Year Values, of Chapter 13, Commute Trip Reduction, of Title X (Traffic), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington," is hereby amended by changing the name "Designation of CTR Zones and Base Year Values" to "Commute Trip Reduction Goals" and is amended to read as follows:

**10-13-3 Commute Trip Reduction Goals**

**A. Commute Trip Reduction Goals**

The City of Renton's goals for reductions in the proportions of drive-alone commute trips and vehicle miles traveled per employee by affected employers in this jurisdiction, major employment installations, and other areas designated by the City of Renton are set out in the City of Renton's 2007 Commute Trip Reduction Plan, as it is currently worded or is hereafter amended. These goals establish the desired level of performance for the CTR program in its entirety in the City of Renton.

The City of Renton will set the individual worksite goals for affected employers based on how the worksite can contribute to the City of Renton's overall goal established in the CTR Plan. The goals will appear as a component of the affected employer's approved implementation plan outlined in RMC 10-13-6.

**B. Commute Trip Reduction Goals for Affected Employers**

ORDINANCE NO. 5422

1. The drive-alone and VMT goals for affected employers in the City of Renton are set forth in the 2007 City of Renton Commute Trip Reduction Plan, as it is currently worded or is hereafter amended.

2. If the goals for an affected employer or newly affected employer are not listed in the CTR Plan, they shall be established by the City of Renton at a level designed to achieve the City of Renton's overall goals for the jurisdiction and other areas as designated by the City of Renton. The City of Renton shall provide written notification of the goals for each affected employer worksite by providing the information when the City of Renton reviews the employer's proposed program and incorporating the goals into the program approval issued by the City of Renton.

**SECTION IV.** Section 10-13-4, Responsible City of Renton Agency, of Chapter 13, Commute Trip Reduction, of Title X (Traffic), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington," is hereby amended to read as follows:

The City of Renton agency responsible for implementing this ordinance, the CTR Plan, and the City of Renton CTR program is the Public Works Department – Transportation Systems Division through the Administrator or his/her designee who is hereby given authority necessary to carry out administrative responsibilities itemized in and referenced by this Chapter.

**SECTION V.** Section 10-13-5, Applicability, of Chapter 13, Commute Trip Reduction, of Title X (Traffic), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington," is hereby amended to read as follows:

The provisions of this ordinance shall apply to any affected employer within the geographic limits of the CTR Plan adopted in RMC 10-13-2.

A. Notification of Applicability

1. In addition to the City of Renton'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 of Renton's official newspaper not more than 30 days after passage of this ordinance or revisions.

2. Affected employers located in the City of Renton are to receive written notification that they are subject to this ordinance. Such notice shall be addressed to the company's chief executive officer, senior official, CTR program manager, or registered agent at the worksite. Such notification shall provide 90 days for the affected employer to perform a baseline measurement consistent with the measurement requirements specified by the City of Renton.

3. Affected employers that, for whatever reason, do not receive notice within 30 days of passage of the ordinance and are either notified or identify themselves to the City of Renton within 90 days of the passage of the ordinance will be granted an extension to assure up to 90 days within which to perform a baseline measurement consistent with the measurement requirements specified by the City of Renton.

4. Affected employers that have not been identified or do not identify themselves within 90 days of the passage of the ordinance and do not perform a baseline measurement consistent with the measurement requirements specified by the City of Renton within 90 days from the passage of the ordinance are in violation of this ordinance.

5. If an affected employer has already performed a baseline measurement, or an alternative acceptable to the City of Renton, under previous iterations of this ordinance, the employer is not required to perform another baseline measurement.

B. Newly Affected Employers

1. Employers meeting the definition of "affected employer" in this ordinance must identify themselves to the City of Renton within 90 days of either moving into the boundaries outlined in the CTR Plan adopted in RMC 10-13-2 or growing in employment at a worksite to one hundred (100) or more affected employees. Employers who do not identify themselves within 90 days are in violation of this ordinance.

2. Newly affected employers identified as such shall be given 90 days to perform a baseline measurement consistent with the measurement requirements specified by the City of Renton. Employers who do not perform a baseline measurement within 90 days of receiving written notification that they are subject to this ordinance are in violation of this ordinance.

3. Not more than 90 days after receiving written notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR Program to the City of Renton. The program will be developed in consultation with the City of Renton's Public Works Administrator and/or his/her designee to be consistent with the goals of the CTR Plan adopted in RMC 10-13-2. The program shall be implemented not more than 90 days after approval by the City of Renton. Employers who do not implement an approved CTR program according to this schedule are in violation of this ordinance and subject to the penalties outlined in RMC 10-13-9.

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 one hundred (100) or more affected employees and expects not to employ one hundred (100) or more affected employees for the next twelve (12) months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the City of Renton that it is no longer an affected employer. The burden of proof lies with the employer.

2. If the same employer returns to the level of one hundred (100) or more affected employees within the same twelve (12) months, that employer will be considered an affected employer for the entire 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 one hundred (100) or more affected employees twelve (12) or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer and will be subject to the same program requirements as other newly affected employers.

**SECTION VI.** Section 10-13-6, Requirements for Employers, of Chapter 13, Commute Trip Reduction, of Title X (Traffic), of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington," is hereby amended to read as follows:

An 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 drive alone

