

# ATTACHMENT 1

## CITY OF MONROE ORDINANCE NO. XXX/2016

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON,  
AMENDING MONROE MUNICIPAL CODE CHAPTER 18.88  
ENTITLED COMMUTE TRIP REDUCTION, PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, In 1991, the Washington legislature passed the Commute Trip Reduction Act (“CTR Act”) and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555); and

WHEREAS, the CTR Act, which was amended in 2006 by the Commute Trip Reduction Efficiency Act, requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use; and

WHEREAS, the Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW); and

WHEREAS, the City of Monroe is subject to CTR requirement and has an inter-local agreement with Community Transit to administer the requirements of the CTR Act on behalf of the City of Monroe; and

WHEREAS, in 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR)”;

WHEREAS, On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019 that includes new statewide program goals and targets and new options for local goals and targets; and

WHEREAS, local jurisdictions have been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and targets; and

WHEREAS, the proposed code amendments incorporate the statewide goals and targets, which mostly serve to clarify items, update definitions, and relate to administration of the program; and

WHEREAS, as the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City Council is required; and

WHEREAS, Monroe Municipal Code (MMC) section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

*“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”*

WHEREAS, a Planning Commission public hearing was held on the CTR amendments on direction November 28, 2016; and

WHEREAS, following the public hearing and deliberation, the Planning Commission adopted findings and recommended amendments related to Commute Trip Reduction; and

WHEREAS, SEPA Determination of Non-Significance (DNS) was issued on the proposed CTR code amendments on November 1, 2016 with no comments received and no appeal filed; and

WHEREAS, the proposed amendments were transmitted to the State of Washington for State agency review in accordance with RCW 36.70A.106 on October 25, 2016; and

WHEREAS, on \_\_\_\_\_ 2016/2017, and \_\_\_\_\_, 2017, the City Council considered the recommendation of the Planning Commission.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

**Section 1.** Monroe Municipal code Chapter 18.88 entitled Commute Trip Reduction is hereby amended as follows:

**18.88.005-010 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~~[70.94.555](#)), and as amended in 2006 by the Commute Trip Reduction Efficiency Act. 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. The Commute Trip Reduction Law shall not be used as a substitute for reviews of projects under other city requirements for compliance with the State Environmental Policy Act (SEPA).

**18.88.020 Administration.**

The Director of Community Development or their 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.

**18.88.010-030 Definitions.**

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

“Affected employee” means a full-time employee who begins his or her regular workday at a major employer work site between six a.m. and nine 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.~~ 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 per 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 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~~ ~~teleworking~~ and compressed work weeks if they result in reducing commute trips.

“Alternative work schedules” mean 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. Programs such as compressed workweeks that eliminate work trips 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 and greenhouse gas emissions 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.

“Base year” means the twelve-month period that commences when the ~~city~~ City of Monroe determines an employer is required to comply with the CTR law.

“Base year survey” or “baseline measurement” means the survey, during the base year, of employees at a major employer work site to determine the drive-alone rate and vehicle miles traveled per employee at the work site. 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 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~~ City of Monroe.

“Commute trip reduction (CTR) plan” means the Ccity of Monroe’s plan and ordinance to regulate and administer the CTR programs of ~~a~~ a major employers within its jurisdiction.

“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.

“Commute trips” means trips made from a worker’s home to a work site during the peak period 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.

“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 Monroe’s established targets.

“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 workday 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 biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.

“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 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 to adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area, 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.

“CTR program” means an employer’s strategies to reduce affected employees’ SOV use ~~and~~, VMT per employee, and greenhouse gas emissions.

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

“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” 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 per week on two or more weekdays per week.

“Goals” means a the established criteria for measuring effectiveness of employer programs as outlined in the City of Monroe’s CTR plan. purpose toward which efforts are directed.

“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/county to continue

its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

“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](#)[70.94.524](#), 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](#) through [70.94.551](#)[70.94.555](#) and this chapter, 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 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 local jurisdiction shall be based. The jurisdiction’s base year measurement, for those jurisdictions with an affected urban growth area as of March 1, [2007](#)[2017](#), shall be determined based on employee surveys administered in the [2006](#)[2016](#)-[2007](#)-[2017](#) survey cycle. If complete employee survey data from the [2006](#)[2016](#)-[2007](#)-[2017](#) 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.

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

“Major work site” (or “worksite”) means a building or group of buildings that is/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.

“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~~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. Emails and Ffacsimile (fax) transmissions are a temporary notices of action that must be followed by the original document via mail or delivery.

“Peak period” means the hours from six a.m. to nine a.m. (inclusive), Monday through Friday, except legal holidays.

“Peak period trip” means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.

“Person hours of delay” means the daily person hours of delay per mile in the peak period of six a.m. to nine a.m. (inclusive), as calculated using the best available methodology by the Washington State Department of Transportation.

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

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

“Single-occupant vehicle (SOV) trips” means commute trips made by affected employees in SOVs.

“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 and reduction of greenhouse gas emissions.

“~~Telecommuting~~Teleworking” means the use of telephones, computers, or other similar technology to permit an employee to work anywhere at any time~~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~~five 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 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 signed and dated documents. Emails and Facsimile (fax) transmissions are a temporary notices of action that must be followed by the original signed and dated document via mail or delivery.

#### **18.88.020-040 CTR plan adoption by reference.**

The Monroe CTR plan, as approved and adopted in 2000, and updated in 2008 and 2017, is adopted wholly and incorporated herein by reference.

**18.88.025-050 CTR goals.**

The goals for reducing Monroe's proportion of drive-alone vehicle trips and commute trip vehicle miles traveled per employee are established in the Monroe CTR plan. The city will set the individual work site goals for major employers based on how the work site can contribute to city's overall goal established in the CTR plan.

**18.88.030-060 Responsible city department.**

The ~~city-City~~ of Monroe ~~community-Community development-Development~~ department is responsible for implementing this chapter, the CTR plan, and the Monroe CTR program, and should be identified together with any authority necessary to carry out such responsibilities such as rule-making or certain administrative decisions.

**18.88.040-070 Applicability.**

The provisions of this chapter shall apply to any major employers or voluntary work sites within the corporate limits of the ~~city-City~~ of Monroe.

**A. Notification of Applicability.**

1. In addition to Monroe's established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for major employers and voluntary work sites to comply with this chapter, and subsequent revisions shall be published at least once in Monroe's official newspaper not more than thirty days after passage of the ordinance codified in this chapter, or revisions.
2. Major employers and voluntary work sites located in Monroe 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 work site. Such notification shall provide ninety days for the major employer to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.
3. Major employers and voluntary work sites 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 the ordinance will be granted an extension to assure up to ninety days within which to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.
4. Major employers that have not been identified or do not identify themselves within ninety days of the passage of the ordinance, do not complete a baseline survey within ninety days, or do not submit a CTR program within one hundred eighty days are in violation of this chapter.
5. If a major employer or voluntary work site has already performed a baseline survey, the major employer or voluntary work site is not required to perform another survey and is required to submit a CTR plan to the city within 90 days.

**B. New Major Employers and Voluntary Work Sites.**

1. Employers that meet the definition of "a major employer" in this chapter must identify themselves to the city within ninety days of either moving into the boundaries of Monroe or growing in employment at a work site to one hundred or more affected employees. Such employers shall be given ninety days to complete a baseline survey, and an additional

ninety days to submit a CTR program once the baseline survey 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. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

2. Employers that do not identify themselves within ninety days are in violation of this chapter.

3. New major employers shall have four years from the city's acceptance of the program to meet the CTR reduction goals as stated in the city's CTR plan.

C. 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 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 an 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.

#### **18.88.050-080 Requirements for employers.**

Major employers and voluntary work sites are 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 their employees to reduce drive-alone commute trips and commute trip vehicle miles traveled per employee. The employer shall submit a description of its program to city and provide an annual progress report to city on employee commuting and progress toward meeting the SOV 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~~commute trip reduction goals. The goals are 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. Employee Transportation Coordinator (ETC). The employer shall designate an on-site transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and ~~telephone number~~contact information must be displayed prominently at each affected work site. ETCs shall be trained in CTR program development and administration through a program approved by the city. The ETC shall attend annual ETC training and a minimum of six hours of other training or network meetings annually, or as organized by the city. 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 work site; a major employer with multiple sites may have one on-site 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. Each employer's program description and annual or biannual report must ~~identify~~report the information to be distributed and the method of distribution.
3. Annual or Biannual Progress Report. The CTR program must include an annual or biannual review of employee commuting and progress and good faith efforts toward meeting the ~~goals and targets as outlined in the CTR plan. SOV and VMT reduction goals.~~ Determination of annual or biannual reporting requirement is dependent on work site commute trip reduction performance and the city will advise the major employer of required report frequency. Major employers shall file an annual or biannual 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(s), the results of any commuter surveys undertaken during the year(s), 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 and targets. Survey information or approved alternative information must be provided every two years after implementation begins. The employer should contact the city for the format of the report.
4. Biannual Survey or Measurement. In addition to the specific program baseline measurement, employers shall conduct a program data evaluation as a means of determining work site progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect commute trip reduction program employee questionnaires (surveys) at least once every two years, and achieve a seventy percent response rate from employees at the work site.

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.

59. 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 SOVs;
- 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 work site;
- 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- or full-time at home or at an alternative work site closer to their homes;
- n. Establishment of a program of alternative work schedules, such as a compressed workweek, which reduces commuting;
- o. Promotional activities for ridesharing and transit, as well as fixed commuter information centers;
- p. Guaranteed rides in emergency situations for rideshare participants;
- q. Reduction of parking provided in accordance with the Monroe zoning code;
- r. Charging employees for parking, and/or the elimination of free parking; and
- s. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services.

#### **18.88.060-090 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~~ City for approval. Records shall reflect the measures selected by the employer. For example, an employer providing transit and vanpool pass subsidies shall keep monthly records of pass sales; employers with parking charges and reduced rates for carpools and vanpools shall record parking pass sales by type. Employers will maintain all records listed in their CTR program for a minimum of forty-eight months. The ~~city~~ City of Monroe and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

#### **18.88.070-100 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.

AB. Document Review. Monroe 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 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.

BC. Schedule. Upon review of an employer's initial CTR program, Monroe 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 Monroe its annual CTR report.

CD. Modification of CTR Program Elements. Any major employer may submit a request that to the city to allow for the modification of CTR program elements, other than the mandatory

elements specified in this chapter, including record keeping requirements. Such request may be granted if one of the following conditions exists:

1. The employer can demonstrate that 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.

The city of Monroe may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request.

**D.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 made in writing 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 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 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 ~~d~~Director of ~~C~~ommunity ~~D~~evelopment.

**E.F.** Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program not more than ninety days after receiving written notice from the city that the program has been approved or with the expiration of the program review period without receiving notice from the city.

#### **18.88.090-110 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 goals and targets for non-drive alone trips and greenhouse gas emissions per employee 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/targets, the city/~~county~~ shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the 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/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. 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, 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;

2. Failure to develop and/or submit on time a complete CTR program.

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 ~~VMT and drive-alone goals~~ as specified in this chapter;

4. Submission of false or fraudulent data in response to survey and data collection requirements;

5. Failure to make a good faith effort, as defined in RCW [70.94.534](#)(2) and this chapter; or

6. Failure to revise a CTR program as defined in RCW [70.94.534](#)(4) and this chapter.

D. Penalties.

1. No major employer or voluntary worksite with an approved CTR program that has made a good faith effort may be held liable for failure to reach the applicable goals and targets ~~drive-alone or VMT goal~~;

~~2.—Compliance with the requirements of this code is mandatory. The general penalties and remedies established in Chapter [21.70](#) MMC for such apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies in Chapter [21.70](#) MMC.~~

32. 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 the city and advise the union that the proposal being made is necessary for compliance with state law (RCW [70.94.531](#)).

3. Compliance with the requirements of this code is mandatory. The general penalties and remedies established in Chapter 21.70 MMC for such apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies in Chapter 21.70 MMC.

### **18.88.100-120 Exemptions and goal modifications.**

A. Work Site Exemptions. A major employer may request the city to grant an exemption from all CTR program requirements or penalties for a particular work site. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). 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 ~~any measures of the approved CTR plan that could reduce the proportion of drive-alone trips and VMT per employee.~~ 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 work site'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.

C. Modification of CTR Program Goals and Targets.

1. A major employer may request that the city modify its CTR program goals and/or targets. Such requests shall be filed in writing at least sixty days prior to the date the work site is required to submit its program description or annual report. The ~~goal~~-modification request must clearly explain why the work site is unable to achieve ~~each the~~ applicable goal and/or target. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

2. The city will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines.

3. An employer may not request a modification of the applicable goals and/or targets until one year after city approval of its initial program description or annual report.

**18.88.110-130 Appeals.**

Administrative interpretations and administrative approvals may be appealed, by a major employer, to the hearing examiner in accordance with MMC 21.60.010. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision. The decision on the appeal shall constitute a final decision appealable to the city council.

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. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

First Reading: \_\_\_\_\_, 2016/2017  
Adoption: \_\_\_\_\_, 2017  
Published: \_\_\_\_\_, 2017  
Effective: \_\_\_\_\_, 2017

CITY OF MONROE, WASHINGTON:

\_\_\_\_\_  
Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk

\_\_\_\_\_  
J. Zachary Lell, City Attorney