

SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle’s Commute Trip Reduction (CTR) program; adopting an updated Strategic Plan; adopting a local designation of Seattle’s Center City as a “Growth and Transportation Efficiency Center” as defined by RCW 70.94.528; and amending Sections 25.02.030, 25.02.035, 25.02.040, 25.02.050, 25.02.055, 25.02.070, 25.02.080, and 25.02.090 of Seattle Municipal Code Chapter 25.02, Seattle Commute Trip Reduction Ordinance.

Summary and background of the Legislation:

Summary: This proposed legislation serves two purposes:

- 1) Adopts the City of Seattle’s 2019-2023 CTR Strategic Plan (“Plan”) as the local plan document guiding the program. The City of Seattle is required by the State of Washington to have an up-to-date local plan to govern its local CTR program (RCW [70.94.527](#)). The previously adopted plan dates from 2008, and the program and its context have evolved significantly since then. The Plan to be adopted includes:
 - a. A full analysis of the existing program, its past achievements and opportunities for strengthening it in the future – including strategies to withstand stagnant state funding in the context of a rapidly growing city with a crucial need for strong Transportation Demand Management (“TDM”) programming.
 - b. A funding plan showing different funding scenarios under the assumption of flat funding from the State of Washington.
 - c. Updated mode targets and goals, both at the network (neighborhood) level and citywide, aligned with long-term mode split goals in the City of Seattle 2035 Comprehensive Plan.
 - i. For 2019-2023, the citywide Drive-Alone Rate target is 28.8%.
 - ii. Vehicle Miles Traveled (VMT) per employee is added as a core CTR program performance metric. The VMT target per employee is 4.0 for 2019-2023.
 - iii. The number of CTR Network Areas is expanded from 8 areas to 11 areas.
 - iv. The plan includes six informal program benchmarks to allow for supplementary evaluation and tracking of CTR program performance over time.

- v. The plan includes two key changes for the citywide target-setting methodology: (a) statistic extrapolation will be based on all employees rather than only survey respondents; and (b) targets are set for each network area by based on a year by year reduction to meet the city's 2035 goal of 25% Drive-Alone Rate.
 - d. Suggested mechanisms to continue to deliver high-quality programming and meet the growing challenges our transportation network will face, through Performance Monitoring, Policy and Regulatory issues, Programming and Engagement, Administration and Funding, and Emerging Markets.
- 2) Adopts Seattle's Center City as a "Growth and Transportation Efficiency Center" as defined by RCW 70.94.528.
- 3) Amends the Seattle Municipal Code to clarify and update some procedures, definitions and responsibilities related to the CTR program since the last update, which occurred in 2008. These amendments include:
 - a. Accommodating new travel modes: Accounting for the growth in use of Transportation Network Companies (TNCs) as a commuting option, while classifying any single-person TNC trip as a drive-alone trip (e.g. a TNC trip with a driver and one (1) passenger is considered a drive-alone trip).
 - b. Anticipating future travel modes: incorporating language generally regarding the possibility of self-driving or autonomous vehicles in the near future.
 - c. Acknowledging the impact of contract workers: Revising language to recommend the inclusion of certain independent contractors, based on their hours and tenure at a site, within employers' commuting strategies and CTR programs. More and more employers utilize contract workers, and this hiring practice is changing the nature of the national workforce. While requiring employers to fully include contractors within the CTR Program would be a change in policy, the updated language recommends that employers make information and programs available to contractors in an effort to inform and shape commute behavior to the worksite.
 - d. Clarifying the exemption process in respect to variably scheduled shift workers and rotating shift workers. The code now states that any employees commuting less than 2 workdays per week during the morning peak throughout the year can be exempted, regardless of whether they rotate or have other scheduling arrangements.
 - e. Promoting the most effective trip reduction strategies: The addition of a tiered structure to the trip reduction strategy menu currently included in the code, to add structure without making the requirements more onerous. The code currently allows employers to choose any two measures without differentiation regarding impact. This updated menu divides the strategies into three categories of choices available to employers based on impact and employers must select two strategies from each category.

- f. Modifies the appeals process so that appeals are directed to the SDOT Director rather than the Hearing Examiner.
- g. Several administrative clarifications regarding the Director’s decisions, penalty provisions and compliance, and other miscellaneous clarifications to help reduce administrative burden.

These code changes are intended for clarification of the program, making it easier to understand and comply, and do not significantly change the level of effort or financial investment required of companies to remain in compliance.

Background: Washington state’s laws relating to CTR were adopted in 1991 and incorporated into the Washington Clean Air Act as RCW 70.94.521-551. The intent of the CTR law is to reduce automobile-related air pollution, traffic congestion, and energy use through employer-based programs that encourage the use of alternatives to the single-occupant vehicle traveling during peak commute periods. Strategies that encourage travelers to use the transportation system more efficiently are generally known as transportation demand management. The state requires that participating jurisdictions adopt a current plan to outline the implementation of the program and align with local legislation.

Chapter 25.02 of the SMC governs implementation of the CTR law in Seattle, outlining program definitions, applicability, baseline requirements for CTR sites, exemptions, and reporting/monitoring requirements. In some areas, the code no longer reflects the state of the current program and its needs towards implementation under the new Strategic Plan.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

While this legislation has not direct financial impact, the growing number of employers in Seattle affected by state law also with stagnant state funding to support this program places a strain on local resources to maintain a stable and consistent level of service to Seattle employers participating in this important program, SDOT staff continue to share this concern with the State’s CTR board responsible for issuing guidance to local programs such as the City of Seattle.

Is there financial cost or other impacts of *not* implementing the legislation?

Yes. If this legislation is not implemented, an outdated CTR plan and outdated accompanying code will remain in place which does not reflect the current status or needs of the city. Most importantly, the new Plan provides strategies that are key to reaching the mode split goals expressed in the City of Seattle Comprehensive Plan. These goals are

increasingly important due to growth in population, changes in land uses, and accompanying demands on the transportation network, especially in Center City during the Period of Maximum Constraint. Finally, as part of the regulatory basis of the program we require updated language to properly support the requirements we ask of employers in the city.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No.
- b. **Is a public hearing required for this legislation?**
No.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. **Does this legislation affect a piece of property?**
No.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
No. The proposed changes to the Seattle Municipal Code do not change the populations or communities affected by the original legislation.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

The intent of the 2019-2023 CTR Strategic Plan is to update the long-term measurable goals and targets of the program. A substantial data modeling effort ensured that these targets were feasible, well supported, and logical in their progression towards a city-wide 2035 future drive alone rate of 25%, which is identified as the citywide commute trip goal by the 2015 *Move Seattle* Plan and as the citywide all trips goal by the *Seattle 2035 Comprehensive Plan*.

The program's goals and targets have been strengthened by more detailed benchmarks to help SDOT track progress internally. These goals and targets are fully explained in the attached Plan document.

This legislation is key to achieving the program's desired goals by making changes that allow the program to evolve, and by codifying this Plan document as the official reference for

affected employers to understand their targets and take the right steps towards achieving them within this timeframe.

Finally, it should be noted that this Plan's timeline aligns with the Period of Maximum Constraint, and that transportation demand management (TDM) strategies are a vital component to maintaining downtown mobility during this time. As the city's core TDM program, the CTR program will continue to play a strong role in supporting and guiding employers to ensure that Seattle's mobility systems remain functional during this transitional period. As such the program must be updated to reflect the new challenges as well as the new strategies and opportunities for enhanced mobility as behaviors continue to shift away from drive alone commuting. The Plan contains innovations to strengthen the program and position Seattle and its employers for ongoing success, along with new metrics for measuring progress.

List attachments/exhibits below: