

DRAFT Flexibility Policy Options for the Commute Trip Reduction Program

This table describes several policies in the CTR program that address employer, jurisdiction, and measurement definitions and requirements. These policies could be changed through law, rule, or policy to provide more flexibility in the program.

Policy	Where defined (RCW = law, WAC= rule)	Policy owner	Current process/definition	Potential policy changes	Questions
1 Jurisdiction opt-out	RCW 70.94.537 (2)(f) 468-63-070 (3) WAC	WSDOT rule (advised by the CTR Board)	The law directs WSDOT to establish rules for RTPOs to exempt urban growth areas; the rule establishes criteria for jurisdiction eligibility and a process for the jurisdiction to request exemption through the RTPO to the CTR Board for decision	Rule: Jurisdiction exemption criteria and request process	<ul style="list-style-type: none"> • Has this opt-out process been utilized? • Is there a demand for this process? • What are perceived and real barriers to this process? • Are there risks associated with this process?
2 Jurisdiction opt-in	RCW 70.94.537 (2)(f) 468-63-070 (2) WAC	WSDOT rule (advised by the CTR Board)	The law directs WSDOT to establish rules for RTPOs to propose to add urban growth areas; the rule establishes criteria for jurisdiction approval in a regional CTR plan, makes opt-in jurisdiction eligible to receive technical assistance from WSDOT, establishes CTR program funding for the opt-in jurisdiction as optional	Rule: Jurisdiction opt-in criteria and request process	<ul style="list-style-type: none"> • Has this opt-in process been utilized? • Is there a demand for this process? • What are perceived and real barriers to this process? • Are there risks associated with this process?
3 Employer opt-out	RCW 70.94.537 (2)(e) RCW 70.94.527 (1)	WSDOT rule (advised by the CTR Board)	The law directs WSDOT to establish an appeals process and criteria by which major employers may obtain a waiver or modification from CTR requirements; rule not developed; local government ordinances required to have a waiver process	Rule: Employer eligibility criteria and appeals process	<ul style="list-style-type: none"> • Why has a rule not been developed for the employer opt-out process? • Is there demand for the employer opt-out process? • What are the perceived and real barriers to this process? • Why is a local government ordinance required for the waiver process?
4 Employer opt-in	No process outlined in law or rule		Jurisdictions have flexibility to add employers to the program but no funding is provided from the state		<ul style="list-style-type: none"> • Is there demand for the employer opt-in process?
5 Definition of an affected urban growth area	RCW 70.94.524 (10a) RCW 70.94.527 (2, 3, 9, 12) 468-63-020 (a), (b), (c) WAC	Legislature	RCW 70.94.524 defines an affected urban growth area; RCW 70.94.527 defines process to determine which urban growth areas and the cities and counties within them are affected. The rule describes the process to determine affected urban areas, lists the affected urban growth areas, and lists the affected urban growth areas exempted from CTR requirements	The law is specific about using an outdated methodology to determine affected urban growth areas (100 person hours of delay threshold)	<ul style="list-style-type: none"> • Does WSDOT or CTR Board have authority to determine affected urban growth areas? • What is a more appropriate methodology to determine affected urban growth areas?
6 Definition and requirements for a major employer	RCW 70.94.524 (1) RCW 70.94.531 (2) (3)	Legislature	RCW 70.94.524 (1) defines a major employer and 70.94.531 defines requirements		<ul style="list-style-type: none"> • Is there any demand or need to change this law?
7 Measurement of employers, jurisdictions and regions	RCW 70.94.527 (4), (6) RCW 70.94.531 (3c) 468-63-030 (3a) WAC WSDOT measurement policy	WSDOT rule (advised by the CTR Board) and WSDOT measurement policy	For local plans (4): “means” consistent with WSDOT rules to determine progress For regional plans (6): a description of the way progress toward the goals will be measured For employers (3c): The law requires “a regular review of employee commuting and reporting of progress” consistent with the local CTR plan and WSDOT rule	Rule and policy: Changes in measurement / regular review / reporting of progress possible	<ul style="list-style-type: none"> • Do local jurisdictions and RTPOs/MPOs have a clear understanding of this rule? • What are perceived and real barriers to developing local measurement techniques? • What risks are associated with increased flexibility in measurement techniques?
8 Goal setting	RCW 70.94.527 (4), (6) RCW 70.94.537 (2m) 468-63-030 (3) WAC WSDOT measurement policy	WSDOT rule (advised by CTR Board)	For local plans (4): goals for reductions in the proportion of SOV commute trips shall be “consistent” with state goals and regional goals For regional plans (6): regional program goals For state plan (2m): establish statewide program goals “designed to achieve” substantial reductions in the proportion of SOV commute trips and the commute trip VMT per employee For employers (3): Targets may vary from major employer to major employer	Rule: If desired other goals could be considered if “consistent” and “designed to achieve” SOV and VMT/employee reductions Policy allows different targets for employers Potential to vary goals among local and region orgs	<ul style="list-style-type: none"> • Where are state and regional goals found? • Do local jurisdictions have a clear understanding of this rule? • What are perceived and real barriers to developing alternative local goals? • What risks are associated with increased flexibility in setting local goals?
9 Employer requirements in Growth and transportation efficiency centers (GTEC)	RCW 70.94.527 (4) (b), 70.94.528 (1), 70.94.531 (3), 70.94.537 (2) (d) ESB 5096.SL Section 220 (6) 468-63-060 (c) WAC	Legislature & WSDOT rule (advised by CTR Board)	The budget bill allows CTR funding to be used for GTECs GTECs are more flexible and can address trips beyond the traditional CTR program In the previous iteration of GTECs (2007-09), CTR worksite requirements were waived for those within GTECs WAC 468-63-060: Major employers that are affected by the base CTR program, when located within a designated GTEC, shall only be required to fulfill one set of requirements, if the GTEC program and base CTR program requirements vary	Based on this interpretation, there would be flexibility to determine target markets within a GTEC. GTECs are defined as “activity centers” that could possibly be interpreted as corridors or other approaches	<ul style="list-style-type: none"> • Do local jurisdictions have a clear understanding of this rule? • Are local jurisdictions currently taking advantage of the GTEC flexibility? Why or why not? • What are existing barriers or misunderstandings related to GTEC?

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10 Local and regional planning requirements and process	RCW 70.94.527 (4-9) 468-63-040 to 050 WAC	Legislature & WSDOT rule (advised by CTR Board)	Local plan: goals, requirements, program for government employees, ways to measure Regional plan: goals, strategies, financial plan, ways to measure, criteria for GTECs WSDOT rules provide details for each of these elements and approval processes required by law	Rule changes possible for all of the planning elements	<ul style="list-style-type: none"> • Is there clear understanding of requirements associated with local and regional plans? • Are there opportunities to clarify or improve the process of developing and approving local and regional plans?
11 Use of funds	Federal grant guidance Legislative direction WSDOT incentives policy	FHWA, WSDOT	Current use of CMAQ funds for local implementers is directed by federal grant guidance (including FHWA Congestion Mitigation and Air Quality (CMAQ) internal program guidance and incentives clarification) and WSDOT grant agreements for CTR	Specific direction from WSDOT agreements (such as small capital investments) could provide broader use of grant funds; incentives policy for state funds could be revisited	<ul style="list-style-type: none"> • Is greater flexibility for state grant funds needed? • If so, what?