

Ordinance No. 00099

[Council Minutes 96/10/21](#)

ORDINANCE NO. 99

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AN ORDINANCE of the City Council of the City of Lakewood, Washington Adopting a New Chapter 12.24 of the Lakewood Municipal Code Providing for a Commute Trip Reduction Plan

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, the motor vehicle traffic in the City of Lakewood is a major source of pollution; and,

WHEREAS, traffic congestion imposes significant cost and wear on the City infrastructures, and delays delivery of goods and services; 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, under State policy, as set forth in RCW 70.94.521-551 the City of Lakewood is required to develop and implement a program and plan to reduce single occupant vehicle commute trips and vehicle miles traveled for the City and affected employers; and

WHEREAS, adoption of this ordinance will promote the public health, safety and general welfare within the City of Lakewood and Pierce County region; and

WHEREAS, this ordinance is adopted pursuant to RCW Chapter 70.94, and provides for consistent treatment of employers who have work sites subject to these requirements in more than one jurisdiction; and the Commute Trip Reduction Plan adopted herein is consistent with the requirements of RCW 70.94.527(4), the Commute Trip Reduction Task Force Guidelines dated July 1992, Vision 2020, the Puget Sound region's adopted transportation and growth management strategy and the County-wide Planning Policies, and the Commute Trip Reduction ordinances and plans of the cities and communities with which Lakewood has common boundaries; and,

WHEREAS, it is appropriate and advantageous for the City and affected major employers in the City to provide for the allowance of major employers in the City to be considered in compliance with Commute Trip Reduction requirements of this Ordinance if the major employers are in compliance with the Commute Trip Reduction requirements of Pierce County=s Ordinance.

WHEREAS, adoption of this Ordinance will promote the public health, safety and general welfare in the City of Lakewood.

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

SECTION 1. That a new Chapter 12.24 of the Lakewood Municipal code be and the same hereby is created to read as follows:

Chapter 12.24

COMMUTE TRIP REDUCTION

Sections:

12.24.010 Definitions.

12.24.020 Commute Trip Reduction Goals.

12.24.030 Designation of CTR zone and base year values.

12.24.040 City Employee CTR Plan.

12.24.050 Implementation Responsibility.

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12.24.070 Applicability.

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12.24.090 New affected employers.

12.24.100 Change in status as an affected employer.

12.24.110 Requirements for employers.

12.24.120 Record Keeping.

12.24.130 Schedule and Process for CTR Reports, Program Review and Implementation.

12.24.140 Request for Waivers/Modification of CTR Requirements.

12.24.150 Credit for transportation demand management efforts.

12.24.160 Appeals.

12.24.170 Enforcement.

12.24.010 Definitions.

The following definitions shall apply to this Chapter:

A. Affected Employee - A full-time employee who is scheduled to begin his or her regular work day at a single worksite between 6:00 am and 9:00 am (inclusive) on two or more weekdays per week for at least twelve continuous months. For the purposes of this Chapter, principles and associates in a corporation, partners (general or limited) in a partnership and participants in a joint venture are to be considered employees.

B. Affected Employer - means a public or private employer that employs 100 or more affected employees at a single worksite who are scheduled to begin their regular work day between 6:00 am and 9:00 am (inclusive) on two or more weekdays for twelve continuous months. The individual employees may vary during the year. Construction work sites, when the expected duration of the construction is less than two years, are excluded from this definition.

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. Alternative Work Schedules - means programs such as compressed work weeks, flextime, and working on Saturday and/or Sunday that eliminate peak period work trips for affected employees.

E. Base Year - means the period from January 1, 1992, through December 31, 1992. The Base Year for newly affected employers shall be the year in which the employer moves into Lakewood or grows to the point that it has one hundred or more employees working at a single worksite.

F. City - means the City of Lakewood.

G. Commute Trips - means trips made from a workers home to a worksite with a regularly scheduled starting time of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.

- H. CTR (Commute Trip Reduction) Administrator - means the person designated by the City to administer the City's CTR responsibilities and to oversee enforcement of this Chapter. If not otherwise designated, this shall mean the City Engineer.
- I. CTR (Commute Trip Reduction) Plan - means the City of Lakewood's plan as set forth in conformity with this Chapter to regulate and administer the CTR programs of affected employers within its jurisdiction.
- J. CTR (Commute Trip Reduction) Program - means an employer's strategies to reduce affected employees' SOV use and VMT per employee.
- K. CTR (Commute Trip Reduction) Task Force - means a group of individuals designated by the governor whose primary responsibility is to establish guidelines for implementation and evaluation of the CTR law.
- L. CTR (Commute Trip Reduction) Task Force Guidelines - means the model standards for local jurisdictions to use in the creation and administration of commute trip reduction plans and programs. The standards are guidelines to create consistency among local jurisdictions.
- M. CTR (Commute Trip Reduction) Zone - means the area, such as a census tract or combination of census tracts within Pierce County and/or the City of Lakewood. The area is 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.
- N. Compressed Work Week - means an alternative work schedule, in accordance with employer policy, that regularly allows an 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.
- O. Dominant Mode - means the mode of travel used for the greatest distance of a trip.
- P. Employee - means anyone who receives financial or other remuneration in exchange for work provided to an employer, including owners or partners of the employer.
- Q. 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.

R. Employee Transportation Coordinator (ETC) - means the person designated by applicable employers to coordinate the employer's compliance with the City pursuant to Section 12.24.110 of this code.

S. Flex-Time - an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours in order to facilitate the use of alternative modes.

T. Full-Time Employee - a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks per year for an average of at least 35 hours per week.

U. Implementation - means active pursuit by an employer of the CTR goals of RCW 70.94.521-551 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 their CTR program and schedule.

V. Mode - means the type of transportation used by employees, such as single-occupant vehicles, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, and walking.

W. Peak Period - means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

X. Peak Period Trip - means any employee trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

Y. Proportion of SOV (Single-Occupant Vehicle) Commute 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.

Z. Single-Occupant Vehicle (SOV) - means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.

AA. Single-Occupant Vehicle (SOV) Trips - means trips made by affected employees in SOVs.

BB. 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.

CC. Telecommuting - means the use of telephones, computers, or other similar technology to permit an employee to work 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.

DD. Transportation Demand Management (TDM) - means the method of creating programs to reduce the number of Single Occupancy Vehicle (SOV) trips during am/pm rush hours.

EE. Transportation Management Association (TMA) - means 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.

FF. 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 product of the number of affected employees during that period and the number of weekday workdays in that period.

GG. Waiver - means an exemption from CTR program requirements granted to an employer by the City based on unique conditions that apply to the employer or employment site.

HH. Week - means a seven day calendar period, starting on Monday and continuing through Sunday.

II. Weekday - means any day of the week except Saturday or Sunday.

12.24.020 Commute Trip Reduction Goals.

The commute trip reduction goals for employer affected by this Chapter are to achieve the following reductions in vehicle miles traveled (VMT) per employee or in the proportion of single-occupant vehicle (SOV) commute trips from the Base Year value of Lakewood's CTR Zone:

A. 15 percent by January 1, 1995

B. 25 percent by January 1, 1997

C. 35 percent by January 1, 1999

The City of Lakewood will have two years to reach the first (1995) goal, and an additional two years to reach the second (1997) goal, and an additional two years to reach the third (1999) goal.

12.24.030 Designation of CTR zone and base year values.

A. Employers in the City of Lakewood fall within the Outer Pierce County CTR zone designated by the boundaries shown on the map in Attachment A hereto, incorporated herein by this reference, a copy of which shall be on file in the Office of the City Clerk.

B. The base year value of this zone for proportion of SOV trips shall be 90 percent. The base year value for vehicles miles traveled (VMT) per employee shall be set at 7.78. Commute trip reduction goals for major employers shall be calculated based on either these values or on the original worksite survey. Therefore, affected employers in the City of Lakewood shall establish programs designed to result in SOV rates of not more than 77 percent in 1995, 67 percent in 1997, and 58 percent in 1999 and VMT per employee of not more than 6.5 miles in 1995, 5.8 miles in 1997, and 5.3 miles in 1999, or SOV and VMT rates established using the results of the original worksite surveys reduced by the percentages set forth in Section 12.24.020 above.

12.24.040 City Employee CTR Plan.

The City of Lakewood shall develop a CTR plan for City employees in accordance with the provisions of RCW 70.94.521 - 551 and the provisions of this Chapter, which after development and acceptance, a copy of such plan shall be on file in the Office of the City Clerk, provided that the plan may be amended from time to time by further action of the City Council.

12.24.050 Implementation Responsibility.

The City of Lakewood has a variety of responsibilities pursuant to the requirements of RCW 70.94.521-551 and this Chapter, including, but not limited to the following:

A. Adoption and implementation of CTR programs and plans for all major employers, consistent with RCW 70.94.527, and in cooperation with other major employers and other public agencies.

B. Provide for civil penalties for affected employers that fail to implement or modify a CTR program as required by this Chapter.

C. Coordinate with neighboring jurisdictions to ensure consistency in the development and interpretation of the CTR plan.

D. Implement a CTR program for the City of Lakewood employees.

E. Provide technical assistance to affected employers within the City of Lakewood to help them meet the requirements of this Chapter.

F. Review the CTR programs of affected employers within the City of Lakewood.

G. Review and revise the City of Lakewood CTR program as necessary.

H. Provide information on the adopted CTR plan, as well as annual reports and other information required, to the State Commute Trip Reduction Task Force (RCW 70.94.537) via the Washington State Department of Transportation.

12.24.060 Responsible City Department.

The City of Lakewood Engineering Department shall be responsible for implementing this Chapter, the CTR Plan, and the City's CTR program for its own employees. The City Engineer shall have the authority to issue such rules and administrative procedures as are necessary to implement this Chapter.

12.24.070 Applicability.

The provisions of this Chapter shall apply to any affected employer at any single worksite within the corporate limits of the City of Lakewood. Employees will only be counted at their primary worksite. The following classifications of employees are excluded from the counts of employees:

A. Seasonal agricultural employees, including seasonal employees of processors of agricultural products; and

B. Employees of construction work sites when the expected duration of the construction is less than two years.

12.24.080 Notification of applicability.

A. Known affected employers located in the City will receive formal written notification by certified mail that they are subject to this Chapter within 30 days after adoption of the ordinance providing for this Chapter.

B. Affected employers that, for whatever reason, do not receive notice within 30 days of adoption of the ordinance providing for this Chapter must identify themselves to the City within 180 days of the adoption of the ordinance providing for this Chapter.

Once they identify themselves, such employers will be granted 150 days within which to develop and submit a CTR program for approval.

C. Any existing employer of 75 or more employees who obtains a business license in the City, shall be required to complete an Employer Assessment Form, provided to the applicant by the City to determine whether or not an employer will be deemed affected or non-affected in accordance with the provisions of this Chapter.

12.24.090 New affected employers.

A. Employers that meet the definition of the "affected employer" in this Chapter must identify themselves to the City within 180 days of either moving into the City or growing in employment at a worksite to one hundred (100) or more affected employees. Such employers will be granted a minimum of 150 days, after applying for a business license or renewal, to develop and submit a CTR program.

B. Newly affected employers shall have two (2) years to meet the first CTR goal of a fifteen (15%) percent reduction from the base year values identified in Section 12.24.030 of this Chapter; four (4) years to meet the second goal of a twenty-five (25%) percent reduction; and six years to meet the third goal of a thirty-five (35%) percent reduction from the time they begin their program.

12.24.100 Change in status as an affected employer.

A. If an affected employer can document that it faces an extraordinary circumstance that will change its status as an affected employer, it can apply for a waiver pursuant to Section 12.24.140 hereof.

B. If an employer initially designated as affected employer no longer employs one hundred (100) or more affected employees and has not employed one hundred (100) or more affected employees for the past 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.

C. 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.

12.24.110 Requirements for employers.

An affected employer is required to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips. The CTR program must include the mandatory elements described below, including submittal of a CTR program description and annual progress report.

A. Description of employer's CTR program. Each affected employer is required to submit a description of its CTR program to the City on the official form available from the City of Lakewood Engineering Department. At a minimum, the employers description must include:

1. General description of each employment site location within the City limit including, transportation characteristics, surrounding services and, 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 (Noted in Subsection B);

4. Description of the additional elements included in the CTR program; and

5. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources to carry out the CTR program.

B. Mandatory program elements. Each employer's CTR program shall include the following mandatory elements:

1. Employee Transportation Coordinator (ETC). The employer shall designate a transportation coordinator to administer the CTR program. The coordinator's 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 Lakewood. An affected employer with multiple sites may have one transportation coordinator for all sites.

2. Information distribution. Information about an employer's CTR program as well as alternatives to SOV commuting shall be provided to employees at the time of their hire and thereafter at least once a year. This shall consist of, at a minimum:

(a). Summary of the employer's program; and

(b). ETC name and phone number; and

(c). Schedule of accessible bus/train routes; and

(d). Phone Number of local transit agencies.

3. Annual progress report. The CTR program must include an annual review of employee commuting and of progress toward meeting the SOV reduction goals. Affected employers shall file a progress report annually with the City, including, but not

limited to a program description and a description of information distributed to employees and the method of distribution. The employer should contact the City's CTR Administrator or Engineering Department for the correct report packet. Survey information or alternative information approved by the City's CTR Administrator shall be required in the 1997 and 1999 reports.

4. Additional program elements. In addition to the specific program elements noted above, the employer's CTR program shall designate a set of measures created to meet the CTR goals, the measures can be derived from the following elements, as noted below:

- (a). Providing preferential parking or reduced parking charges, or both, for high occupancy vehicles;
- (b). Instituting or increasing parking charges for single occupant vehicles;
- (c). Providing commuter ride matching services to facilitate employee ride-sharing for commute trips;
- (d). Providing subsidies for transit fares, carpools or vanpools;
- (e). Permitting the use of the employer's vehicles for carpooling or vanpooling;
- (f). Allowing flex-Time work schedules to facilitate or encourage employee's use of transit, car pools or vanpools;
- (g). Coordinating with transportation providers to provide additional regular or express service to the worksite;
- (h). Constructing special loading and unloading facilities for transit, car pool, and van pool users;
- (i). Providing bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- (j). Providing parking incentives such as rebates for employees who do not use the parking facilities;
- (k). Providing guarantee Ride Home Programs and emergency taxi service;
- (l). Telecommuting;
- (m). Other innovative elements or technology as approved by the City.

12.24.120 Record Keeping.

Affected employers shall maintain all records required by the City Engineer for the duration of the CTR ordinance, through this Chapter or otherwise.

12.24.130 Schedule and Process for CTR Reports, Program Review and Implementation.

A. CTR Program - Not more than six (6) months after the adoption of the ordinance providing for this Chapter, or within six (6) months after an employer becomes subject to the provisions of this Chapter, the employer shall develop a CTR program and shall submit to the City a description of that program for review.

B. CTR Annual Reporting Date - Employers will be required to submit an annual CTR report to the City beginning with the first annual reporting date assigned during the initial program submittal. The annual reporting date shall be no less than twelve (12) months from the day the initial program description is submitted. Subsequent year's reports will be due on the same date each year thereafter.

C. Content of Annual Report - The annual progress 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. Survey information or alternative information approved by the City Engineer must be provided in the 1997 and 1999 reports.

D. Program Review - The City shall provide the employer with written notification indicating whether a CTR program was approved or deemed unacceptable.

1. Initial program descriptions will be deemed acceptable if: 1) all required information on the program description form is provided, and, 2) the program description includes the following information:

(a). Name, location and telephone number of the Employee Transportation Coordinator for each worksite.

(b). Plan for and documentation of regular distribution of information to employees about the employer's CTR program at the worksite, including alternatives to driving alone to work.

(c). Plan for and implementation of at least one additional measure designed to achieve the applicable goal.

2. Annual reports will be deemed acceptable if the annual report form is complete and contains information about implementation of the prior year's program elements and, in the event that the program does not meet its goals, proposed new program elements and implementation schedule shall be included. Annual reports must also contain a review of employee commuting and report of progress toward meeting SOV goals.

The programs described in the annual reports will be deemed acceptable if either the SOV trip or the VMT per employee goals have been met. If neither goal has been met, the employer must propose modifications designed to make progress toward the applicable goal in the coming year. If the revised program is not approved, the City shall propose modifications to the program and direct the employer to revise its program within 30 days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

E. Implementation of Employer's CTR Program - The employer shall implement the approved CTR program not more than 180 days after the program was first submitted to the City unless extensions allow for late implementation. Implementation of programs that have been modified based on non-attainment of CTR goals must occur within 30 days following City approval of such modifications.

12.24.140 Request for Waivers/Modification of CTR Requirements.

A. Waivers. An affected employer may request to the CTR Administrator that the City grant a waiver from CTR program requirements for a particular worksite. A waiver may be granted if and only if the affected employer demonstrates that it faces an extraordinary circumstance as a result of the characteristics of its business, its work force, or its location(s), and is unable to

implement measures that could reduce the proportion of SOV trips or VMT per employee. Requests for waivers applying to the initial program submittals are due within three months after the employer has been notified that it is subject to this Chapter, and, thereafter, requests can be made at any time. Requests must be made in writing by certified mail or delivery, return receipt. The City shall review annually all employers receiving waivers, and shall determine whether the waiver will continue to be in effect during the following program year.

B. Goal Modification. Any affected employer may request to the CTR Administrator a modification of program goals. Grounds for granting modification are limited to the following:

1. An affected employer can demonstrate it requires:

(a). significant numbers of its employees to use the vehicles they drive to work during the work day for work purposes, that no reasonable alternative commute mode exists for these employees, and that the vehicles cannot reasonably be used for carpools or vanpools; and/or

(b). some employees to work variable shifts during the year, so that these employees sometimes begin their shifts within the 6:00 a.m. to 9:00 a.m. time period and other times begin their shifts outside that time period.

If the employer provides documentation indicating how many employees meet either of these conditions, the applicable goals will not be changed but the employees who fall into these categories will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

It is provided however, that employers may only request a modification based on the above conditions within three months after being notified that they are subject to this Chapter. Additionally, all requests for modifications of CTR program goals must be made in writing by certified mail or delivery.

2. An affected employer demonstrates 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 or proportion of SOV trips as employers in the adjoining CTR zone.

It is provided however, that employers may only request a modification based on the above conditions. All requests for modifications of CTR program goals must be made in writing by certified mail.

3. Unanticipated conditions, such as unavailability of alternative commute modes due to factors relating to the worksite, an employer's workforce, or characteristics of the business that are beyond the employer's control. A request for goal modification based on this condition must be made by the employer's assigned reporting dates in 1997.

All requests for modification of CTR program goals must be made in writing by certified mail.

C. Modification of CTR program elements. If an employer wants to change a particular aspect of its CTR program during the period of time between annual reporting dates, the employer must contact the City.

D. Extensions. An employer may request to the CTR Administrator for additional time to submit a CTR program or a CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing prior to the due date anytime a program submission is going to be more than one week late. Extensions for the program or implementing measures not to exceed ninety (90) days shall be considered for reasonable cause. Employers will be limited to a total of 90 days allowed extension 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 result of any extension. An employer's annual reporting date may be extended at the discretion of the CTR Administrator.

12.24.150 Credit for transportation demand management efforts.

A. Credit for programs implemented prior to the base year. Employers with successful TDM programs implemented prior to the 1992 base year may apply to the City for program credit.

1. Employers whose VMT per employee or proportion of SOV trips were, in 1995, already equal to or less than the goals for one or more future goal years, and who commit in writing to continue their current level of effort, shall be exempt from the following year's annual report.

2. Employers applying for the program credit shall be considered to have met the 1995 CTR goals if their VMT per employee or proportion of SOV trips were equivalent to a 12 percent or greater reduction from the base year zone values. This three (3%) percentage point credit applies only to the 1995 CTR goals.

Application for a program exemption credit shall include results from a survey of employees, or equivalent information that establishes the applicant's VMT per employee or proportion of SOV trips.

B. Credit for alternative work schedules, telecommuting, bicycling and walking by affected employees. The City will count commute trips eliminated through alternative work schedules, telecommuting options, bicycling and walking as 1.2 vehicle trips eliminated. This computation applies to both the proportion of SOV trips and VMT per employee. This type of credit is applied when calculating the SOV and VMT rates of affected employers. Refer to administrative guidelines for over-all calculation equations and review process.

12.24.160 Appeals.

Appeal of Final Decisions Employers may file a written appeal of the City's final decisions regarding the following actions:

A. Rejection of an employer's proposed program.

B. Denial of an employer's request for a waiver or modification of any of the requirements under this Chapter or a modification of the employer's program.

C. Denial of credits requested under Section 12.24.150 of this Chapter.

D. Mandated program element changes.

Such appeals must be filed with the City within twenty (20) days after the employer receives notice of a final decision. Timely appeals shall be heard by the City's Hearing Examiner. Determinations on appeals shall be based on whether the decision being appealed was consistent with the state law.

12.24.180 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. It is provided, however, that affected employers shall be considered as being in compliance with the terms of this Chapter if, on the effective date of the ordinance adopting this Chapter, such employers are in compliance with the provisions of the Pierce County CTR Ordinance (Pierce County Ordinance No. 93-30S). In order to remain in compliance herewith following the effective date of the ordinance adopting this Chapter, such affected employers shall continue on the time table originally established by Pierce County Ordinance No. 93-30S to meet the CTR goals. New employers shall be required to meet the CTR goals in accordance with the schedule set forth in Section 12.24.090 of this Chapter.

B. Violations. The following actions shall constitute a violation of this Chapter:

1. 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 VMT and SOV goals as specified in this Chapter. Failure to implement a CTR program includes but is not limited to:

(a). Failure of any affected employer to submit a complete CTR program within the deadlines specified in Section 12.24.130 hereof.

(b). Failure to submit required documentation for annual reports

(c). Submission of fraudulent data.

2. Failure to modify a CTR program found to be unacceptable by the City under Section 12.24.130, paragraph D, of this Chapter.

C. PENALTIES

Each day of failure by an employer to implement a commute trip reduction program or modify an unacceptable commute trip reduction program shall constitute a separate violation and it is classified as a Class I civil infraction pursuant to the City Code. The penalty for this violation shall be \$250.00 per day.

An 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 do the following:

1. 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 Acts; and

2. Advise the union of the existence of the statute and mandates of the CTR program approved by the City of Lakewood and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531)

D. Appeals of Penalties Affect employers may appeal penalties pursuant to the provisions of the City Code and Section 7.80.100 of the Revised Code of Washington.

SECTION 2. That if any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstances shall not be affected.

SECTION 3. That this Ordinance will be in full force and effect five (5) days after publication of the Ordinance Summary as required by law.

ADOPTED by the City Council on this 21st day of October, 1996.

CITY OF LAKEWOOD

/S/ Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

EXHIBIT AA@ IS MAP OF PIERCE COUNTY CTR ZONES

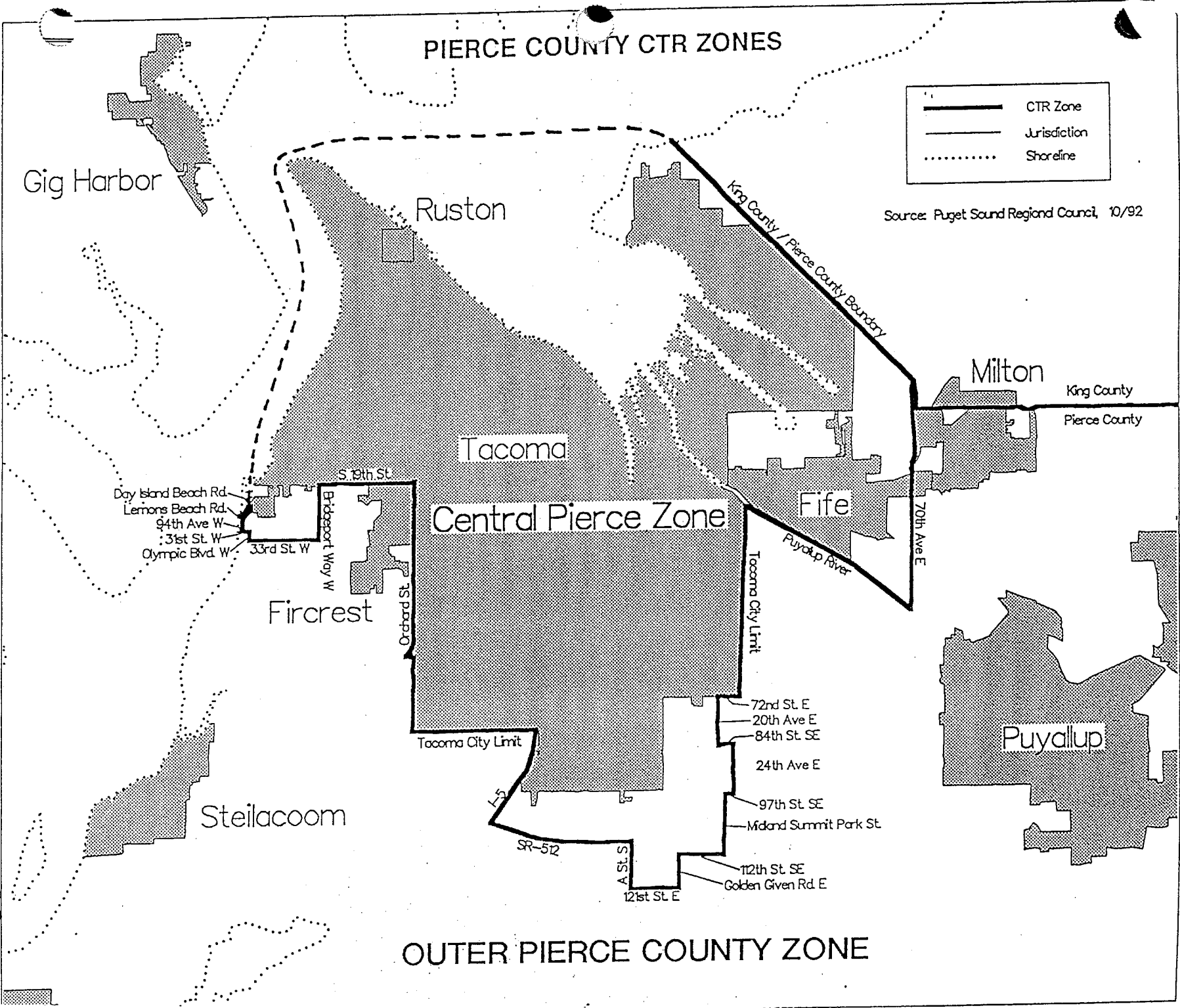
AA@ IS MAP OF PIERCE COUNTY CTR ZONES

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PIERCE COUNTY CTR ZONES

	CTR Zone
	Jurisdiction
	Shoreline

Source: Puget Sound Regional Council, 10/92



ATTACHMENT "A"

OUTER PIERCE COUNTY ZONE