



Memorandum

To: City Council

Date: May 2, 2025

From: Administration

Re: CTR (Commute Trip Reduction) Plan Implementation - Ordinance Review and Recommendations

Introduction

Nine jurisdictions served by Community Transit are in the process of adopting their 2025-2029 Commute Trip Reduction (CTR) Plans. These nine jurisdictions include Snohomish County and the Cities of Arlington, Bothell, Edmonds, Lynnwood, Marysville, Monroe, Mountlake Terrace, and Mukilteo. Their CTR Plans outline strategies for reducing single-occupancy vehicle commute trips within these areas.

Under the Washington State CTR Law (State CTR Law, [RCW 70A.15.4000-4110](#)), certain jurisdictions, including those listed above, are required to adopt CTR Plans and local CTR ordinances. These ordinances must mandate that CTR-affected employers—those with worksites that employ 100 or more full-time employees who begin their shifts between 6 a.m. and 9 a.m. on weekdays—develop and implement CTR programs. Many of the jurisdictions' CTR Plans propose updating local CTR ordinances, which set standards for CTR-affected employers. Additionally, some jurisdictions plan to adopt a Commuter Benefit Ordinance, requiring employers to offer employees the option to use pre-tax dollars for transit or vanpool expenses.

This memo summarizes the requirements for CTR-affected employers, current local CTR ordinances, and proposed changes from local 2025-2029 CTR Plans.

This memo provides the following information. (Click the links to advance to the specific section).

- Summary of Washington CTR Law ([Section 1](#))
- Review of current local CTR ordinances and proposed CTR plan updates ([Section 2](#) and [Appendix A](#))
 - Review includes the following jurisdictions: [Snohomish County](#) and the Cities of [Arlington](#), [Bothell](#), [Edmonds](#), [Lynnwood](#), [Marysville](#), [Monroe](#), [Mountlake Terrace](#), and [Mukilteo](#)
- Overview of Community Transit's Outreach Program and CTR Requirements ([Section 3](#) and [Appendix B](#))
- Best Practices and Recommended CTR Code Content ([Section 4](#) and [Appendix C-Model Ordinances](#))
- Commuter Benefit Ordinance Overview ([Section 5](#))
- Code Update Process ([Section 6](#))

Washington CTR Law

The Washington State CTR Law requires employers to implement CTR Plans to help their employees reduce the number and length of drive-alone commute trips they make to their worksite ([RCW 70A.15.4040](#)).

Requirements for Employers

A CTR-affected employer must develop a CTR program with the following minimum elements (per [RCW 70A.15.4040](#)):

- Designate an employee transportation coordinator (ETC) and display contact information in a prominent location at each CTR-affected worksite. ETC duties are as follows:
- Regularly distribute information to employees regarding alternatives to single-occupant vehicle commuting.
- Regularly review employee commuting data and report progress toward meeting CTR goals to their jurisdiction through an established communication protocol.
- Implement a set of measures designed to achieve the applicable CTR goals adopted by the jurisdiction.

Example Measures to Achieve CTR Goals

State CTR Law provides a list of fifteen example measures, but there is no requirement to select a minimum number of measures.

A commute trip reduction program of a major employer shall consist of [...] implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to (per [RCW 70A.15.4040](#)):

- Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles and motorcycles;
- Instituting or increasing parking charges for single-occupant vehicles;
- Provision of commuter ride matching services to facilitate employee ride sharing for commute trips;
- Provision of subsidies for transit fares;
- Provision of vans for vanpools;
- Provision of subsidies for carpooling or vanpooling;
- Permitting the use of the employer's vehicles for carpooling or vanpooling;
- Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;
- Cooperation with transportation providers to provide additional regular or express service to the worksite;
- Construction of special loading and unloading facilities for transit, carpool, and vanpool users;
- Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

- Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
- Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;
- Establishment of a program of alternative work schedules such as compressed workweek schedules which reduce commuting; and
- Implementation of other measures designed to facilitate the use of high occupancy vehicles such as on-site day care facilities and emergency taxi services

[RCW 70A.15.4040](#) further allows that worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by [RCW 35.87A.010](#) to assist members in developing and implementing CTR programs.

[RCW 70A.15.4040](#) also states that employers shall make a good faith effort towards achievement of the goals identified in their City or County’s CTR Plan.

Existing Local CTR Ordinances and CTR Plan Updates

Local CTR Ordinances

State CTR Law requirements for major employers are adopted and enforced through local CTR ordinances. Most Snohomish County-area jurisdictions reviewed use the 15 measures (listed in [RCW 70A.15.4040](#) and included above in the [Washington CTR Law](#) Section). Many of the CTR Plans recommend updating their CTR ordinance with the updated, recommended set of measures provided by Community Transit and included in the Model CTR Ordinance Code. See [Attachment A](#) for a summary of current CTR ordinances adopted by Snohomish County-area jurisdictions and their proposed CTR Plan updates.

Community Transit CTR Program (Present State)

Community Transit coordinates the CTR program on behalf of the above-named jurisdictions and supports their CTR-affected employers in developing and delivering CTR programs that comply with local regulations. Community Transit provides an “Introduction to CTR” flyer for CTR-affected employers (see [Attachment B](#)) which explains that approved CTR programs include the following elements:

- Designate an ETC to develop, implement, and promote the approved CTR Program
- Distribute information to employees at least twice a year
- Complete quarterly CTR reporting
- Implement CTR measures designed to increase employee use of transportation options
- Host annual “transportation fair” available to all employees

The requirements outlined by CTR align with and enhance the State CTR Law requirements by adding specificity. Note: Community Transit recommends an updated set of CTR measures and implementation requirements as described in the [Proposed Changes](#) below and presented in [Appendix C](#), Model CTR Ordinance.

Recommended CTR Ordinance Content

Consistency Across Jurisdictions

State CTR law encourages nearby jurisdictions to collaborate on implementing CTR plans through cooperative arrangements, such as interlocal agreements or contracts. These partnerships may involve counties, cities, transit agencies, or other relevant organizations. Such arrangements help maximize limited resources and ensure consistent treatment of employers with multiple worksites across different jurisdictions ([468-63-040 WAC](#)).

Local CTR Requirements for Employers

Current requirements for employers as adopted by the Snohomish County-area jurisdictions that are partnering with Community Transit are summarized in [Appendix A](#). Most local CTR ordinances currently contain similar mandatory program elements:

Designate an ETC and have them attend trainings. (ETC trainings are offered by Community Transit).

Distribute information to employees at least twice a year.

Provide regular reporting to determine progress toward CTR goals.

Conduct a quarterly program data evaluation.

Hold at least one annual “transportation fair” or equivalent promotion.

Provide notification to the city of any changes to the CTR program.

Include additional elements as needed to meet CTR goals.

- There is a provided list of strategies similar to the list in [RCW 70A.15.4040](#).
- A minimum number of strategies is not specified.

Proposed Changes

Community Transit recommends (1) updating the list of implementation measures from the list in [RCW 70A.15.4040](#) to an updated list of recommended strategies (provided in [Attachment C](#)) and (2) requiring the employer to choose at least five measures, including one from each of the three categories. Worksites located next to other employers are encouraged to partner to provide shared commuting amenities and distribute costs and benefits more broadly.

Additionally, Community Transit recommends removing or amending the requirement to host an annual transportation fair to allow employers greater flexibility in determining the best means of annually promoting their CTR program.

To help maintain consistency in CTR plans and ordinances, all Snohomish County-area jurisdictions should implement the same changes. To help facilitate this update, model code language for the CTR Program Ordinance and for the Commuter Benefit Ordinance is provided in [Attachment C](#).

Commuter Benefit Ordinance

A commuter benefit ordinance requires that employers of a certain size offer the option to make monthly pre-tax payroll deductions to cover transit and vanpool expenses. Employees can use up to \$315 per month in pre-tax dollars for public transportation, reducing their taxable income. Employers can avoid U.S.

federal payroll taxes on those dollars. As an alternative to satisfy the law, jurisdictions may give employers the option to offer partially or wholly employer-paid transit passes.

Program Administration

Employers may choose to administer a pre-tax election commuter benefit program by engaging a third-party benefits administrator to oversee the program. Employers that are covered under the ordinance must display a poster that gives notice of an employee's rights to exempt transit or vanpool expenses from their taxable earnings, and they must keep records demonstrating compliance for three years.

Benefits of Implementation

Offering employees the opportunity to cover transit and vanpool expenses through pre-tax payroll deductions may help employers attract and retain employees. Both employees and employers can benefit from tax savings. No jurisdictions in Snohomish-County currently require their employers to offer this benefit.

Example Commuter Benefit Ordinance

Seattle requires employers with 20+ employees to offer pre-tax transit or vanpool deductions to reduce congestion, emissions, and tax bills. The [City of Seattle's Commuter Benefit Ordinance](#) allows employers to comply with the ordinance by alternatively offering a partially or wholly employer-paid transit pass to satisfy the law. City of Seattle implements the ordinance through their Office of Labor Standards and provides program administration information to support employers. Employers that are covered under the ordinance must display a poster that gives notice of an employee's rights to exclude transit or vanpool expenses from their taxable earnings, and they must keep records demonstrating compliance for three years.

Recommendation

Community Transit recommends the adoption of a commuter benefit ordinance applicable to CTR-affected employers. Model code language for a commuter benefit ordinance is provided in [Attachment C](#).

Ordinance Adoption Process

After adopting their 2025-2029 CTR Plan (due by June 2025), cities and counties will begin to implement their CTR Plans which includes adopting and revising ordinances, such as their CTR Ordinance and Commuter Benefit Ordinance, as specified in their 2025-2029 CTR Plans (per [WAC 468-63-040\(1\)\(d\)\(iv\)](#)). Alternatively, a jurisdiction may choose to adopt and revise ordinances concurrently when they adopt their CTR Plan.

To adopt the CTR Ordinance and/or the Commuter Benefit Ordinance, a jurisdiction may replace their existing ordinance with the model code or revise their existing code. Once jurisdiction staff have their ordinance text ready, they may take the following steps to adopt the ordinance (exact steps may vary by jurisdiction). Municipal Research and Services Center of Washington (MRSC) provides detailed steps for drafting and adopting local ordinances in their guidebook, *Local Ordinances for Washington Cities and Counties*.¹ Jurisdictions are recommended to discuss the ordinances' format and provisions with their city

¹ MRSC. 2016. *Local Ordinances for Washington Cities and Counties*. <https://mrsc.org/getmedia/44e20d0f-a536-473f-baac-bd7504323330/Local-Ordinances-For-Washington-Cities-And-Counties.pdf?ext=.pdf>. Accessed October 2024.

attorney or the county prosecutor. MRSC is also available for answer questions and to provide assistance for the ordinance adoption process.²

Initiation and Presentation

Ordinance initiation and presentation vary by local legislative bodies, as state statutes don't mandate a specific process, but local rules may dictate specific procedures.

Some ordinances and code updates are first reviewed by the planning commission and council in a workshop and are discussed prior to presenting them for adoption. The introduction and title presentation to a city or county council prior to adoption, is typically considered the first reading. A second reading follows during general discussion.¹

Public Hearing

CTR Plans must be adopted by ordinance per [WAC 468-63-040\(1\)\(d\)\(iv\)](#). When adopting the CTR Plan by ordinance, cities and counties must follow, at a minimum, local public outreach procedures for adoption or amendment of comprehensive plans including public notices, meetings and/or hearings per [WAC 468-63-040\(1\)\(b\)\(iv\)](#). The implementing CTR ordinances can be adopted at the same time as the CTR Plan or at a later date.

Publication

All cities and towns are required to publish every ordinance in their official newspaper of record. In lieu of publishing an entire ordinance, a city or town may publish a summary.¹

Adoption by Reference

All counties, cities, and towns have been authorized to adopt statutes, codes, compilations, and certain other materials, such as their CTR Plans, by reference. The materials adopted by reference need not be published, although the ordinance adopting the material by reference must be published.¹

SEPA Review and 60-Day Notice to Commerce

State Environmental Policy Act (SEPA) review for a non-project proposal is required when adopting the updated CTR Plan and when adopting the CTR ordinances.³ [Guidance for conducting non-project SEPA review](#) is provided by the Department of Ecology online.

Notice to the Department of Commerce is not required when adopting the updated CTR Plan or CTR ordinance.

Recitals or Whereas Clauses

Ordinances often include an introductory recital section, placed after the title and before the enactment clause, to explain the background or purpose of the enactment. Introduced with "whereas," recitals are advisory but may aid courts in interpreting or assessing the validity of the ordinance.⁴

² MRSC. 2016. *Local Ordinances for Washington Cities and Counties*. <https://mrsc.org/getmedia/44e20d0f-a536-473f-baac-bd7504323330/Local-Ordinances-For-Washington-Cities-And-Counties.pdf?ext=.pdf>. Accessed October 2024.

³ Department of Ecology. 2024. SEPA Guidance for Non-project proposals. <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/guide-for-lead-agencies/non-project-proposals>. Accessed September 2024.

⁴ MRSC. 2016. *Local Ordinances for Washington Cities and Counties*. <https://mrsc.org/getmedia/44e20d0f-a536-473f-baac-bd7504323330/Local-Ordinances-For-Washington-Cities-And-Counties.pdf?ext=.pdf>. Accessed October 2024.

Enactment Clause

- All cities and towns must include an enactment or ordaining clause in their ordinances. There is no general requirement for county ordinances to have an enactment clause except for an ordinance adopted to levy an admission tax. ⁴

Attachments

A—Summary of Local CTR Ordinances and 2025-2029 CTR Plans

B—Community Transit Introduction to CTR Flyer

C—Model CTR Ordinance and Commuter Benefit Ordinance

Attachment A

Summary of Local CTR Ordinances and 2025-2029 CTR Plans

Summary of Local CTR Ordinances

The following are summaries of the CTR ordinances as they are currently adopted by local jurisdictions in the Community Transit service area and summaries of the ordinance updates that they propose in their 2025-2029 CTR Plans.

Snohomish County

Local CTR Ordinance

Snohomish County's current CTR Ordinance is codified in [Snohomish County Code \(SCC\) Chapter 32.40: Commute Trip Reduction](#).

- SCC 32.40.010 Legislative findings.
- SCC 32.40.020 Applicability. Employers with more than 100 affected employees at a single worksite. Describes the process of changing affected status for newly affected employers, and employers that are no longer affected.
- SCC 32.40.030 Notification: County shall provide public notice for amendments to this chapter not more than 30 days after passage in writing to affected employers and post notice in a newspaper.
- SCC 32.40.040 Goals and objectives: Provides VMT/SOV reduction goals for 1995-2005.
- SCC 32.40.050 CTR Requirements for affected employers: Requires that employers make a good faith effort to implement a CTR program, requires affected employers to submit their CTR program to the Department of Public Works within 6 months, and summarizes process for employers to begin or modify their CTR program. Sets three basic elements that employer CTR programs must do: designate an ETC, distribute information, and submit an annual report. Lists additional measures to help achieve CTR goals and encourages but does not require employers to select one or more measure.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- SCC 32.40.060 CTR program review and modification requirements.
- SCC 32.40.070 Transportation management organizations.
- SCC 32.40.080 Credit for prior trip reduction efforts.
- SCC 32.40.090 Program exemptions, employee exemptions and modifications of CTR goals. Process for requesting CTR program exemptions and modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- SCC 32.40.100 Enforcement.

- SCC 32.40.110 Appeals of violation determination and penalties. Outlines the appeal process.
- SCC 32.40.120 Uniformity among jurisdictions. Encourages the county, affected cities and tribal governments to cooperate and strive to achieve uniformity of CTR plans.
- SCC 32.40.130 Liberal construction and severability. Pertains to interpretation of the provisions of the chapter.
- SCC 32.40.140 Definitions. Provides definitions specific to CTR.
 - **Note:** Add a definition for “Drive-alone commute trip.”

Updates Proposed in the 2025-2029 CTR Plan

Snohomish County proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- Discussed working with the CTR implementor on a program to encourage smaller jobsites (20 or more employees) to allow employees the opportunity to make a monthly pre-tax payroll deduction for transit/vanpool expenses or to offer transit passes.
- Revising the CTR ordinance to require affected employers to choose at least five implementation measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.
- Mentioned extensive revisions to SCC 32.40 to address the complexity of the original ordinance and align with changes in state CTR law.
- Also mentioned reviewing and potentially revising the County’s TDM development requirements under the Concurrency and Road Impact Mitigation Ordinance (SCC 30.66B), to provide greater assistance to multifamily residences.

City of Arlington

Local CTR Ordinance

The City of Arlington's current CTR Ordinance is codified in [Arlington Municipal Code \(AMC\) Chapter 10.80: Commute Trip Reduction](#).

- AMC 10.80.010 Title.
- AMC 10.80.020 Jurisdiction. Requirements apply to major employers at any single worksite within the incorporated area.
- AMC 10.80.030 Purpose. Compliance with statewide CTR Law.
- AMC 10.80.040 Administration. The city administrator or designee shall have the duty and responsibility to administer the provisions of this chapter.
- AMC 10.80.050 Definitions.
 - **Note:** Add a definition for “Drive-alone commute trip.”
- AMC 10.80.060 City’s CTR plan. States that the City’s CTR plan is adopted by reference.
- AMC 10.80.070 Responsible city agency. States that the city is responsible for implementing this chapter, CTR plan, and program.
- AMC 10.80.080 Applicability. Timeline for compliance: Major employers and voluntary worksites. Employers must be notified within 30 days of passing this ordinance, perform baseline data collection within 90 days, and submit a CTR program within 90 days after receiving results. New major

employers must identify themselves and follow the same timeline. Changes in status, such as reducing or exceeding the 100-employee threshold, affect the employer's CTR requirements, with adjustments based on the timeline of employee count changes.

- AMC 10.80.090 Requirements for employers. Requires major employers to implement a CTR program that encourages non-drive-alone commuting. Employers must submit a program description, provide quarterly progress reports, and include mandatory elements like designating a Transportation Coordinator, distributing information, measuring trip data, holding annual promotions, and ensuring ETC training. Additional program elements may include incentives like preferential parking, transit subsidies, or flexible work schedules. Employers must also notify the city of any program changes and attend ongoing training. The program should be tailored to the employer's location and employee needs.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- AMC 10.80.100 Record Keeping. The city and the employer shall agree on the record keeping requirements as part of the accepted CTR program.
- AMC 10.80.110 Schedule and process for CTR reports. Outlines deadlines and procedures for employers to comply with the city's CTR program. Employers must collect baseline data within 90 days of qualification and submit a program within 90 days of receiving the data. Quarterly progress reports are required after program approval. Employers can request modifications to program elements under certain conditions.
- AMC 10.80.120 Enforcement. Compliance means fully implementing in good faith all provisions in an approved CTR program. Describes violations and penalties.
- AMC 10.80.130 Exemptions and target modifications. Outlines the request process for exemptions and modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- AMC 10.80.140 Appeals. Outlines the appeals process.

Updates Proposed in the 2025-2029 CTR Plan

The City of Arlington proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- Proposing a commuter benefit ordinance requiring businesses with 20 or more employees to allow employees the opportunity to make a monthly pre-tax payroll deduction for transit/vanpool expenses or to offer a partially or wholly employer-paid transit pass.
- Revising the CTR ordinance (AMC 10.80.090) to require affected employers to choose at least five implementation measures from the Recommended Set of Measures (provided above), including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.

City of Bothell

Local CTR Ordinance

The City of Bothell's current CTR Ordinance is codified in [Bothell Municipal Code \(BMC\) Chapter 14.06: Commute Trip Reduction](#).

- BMC 14.06.010 Definitions.
 - **Note:** Add a definition for “Drive-alone commute trip.”
- BMC 14.06.020 Commute trip reduction goals. CTR-affected employers are required to make a good faith effort. CTR goals are adopted in the CTR Plan, and the city will work with major employers to set specific goals that support the city’s CTR goal.
- BMC 14.06.030 Designation of base year values. New major employers shall collect employee trip data during the first fiscal year after becoming affected.
- BMC 14.06.040 City of Bothell CTR plan and administrative guidelines. The CTR plan is on file with the city clerk and may be amended with public notice.
- BMC 14.06.050 Responsible agency. The public works department is responsible for the administration of this chapter. The city manager is responsible for the city’s CTR program as an affected employer.
- BMC 14.06.060 Applicability. Outlines the responsibilities of affected employers and voluntary worksites under the CTR program. Employers must collect baseline data and submit a CTR program within 90 days of notification. New employers or those meeting the "major employer" criteria must notify the city and develop a program accordingly.
- BMC 14.06.070 Requirements for employers. Outlines the mandatory elements for affected employers' CTR programs. The mandatory program elements include appointing an ETC, distributing commute information to employees, conducting quarterly progress reports, measuring trip data, holding annual promotions such as an annual transportation fair or equivalent, attendance at ETC training, record keeping. Additionally, employers must select any number of transportation demand management elements from a list that is similar to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- BMC 14.06.080 Transportation management associations. Instead of submitting an initial CTR program and quarterly reports, a major employer may join a transportation management association that submits a single program or quarterly report on behalf of its members.
- BMC 14.06.090 Program approval and modification criteria. Outlines criteria for reviewing and modifying CTR programs and progress reports.
- BMC 14.06.100 Goal modifications, adjustments, program amendments, and exemptions. Describes the process for employers to request modification to their CTR program goals if they demonstrate they cannot achieve them despite making a good faith effort.

- **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- BMC 14.06.110 Schedule for CTR program and annual reports submittal, review, and implementation. Employers must submit a CTR program within 90 days of qualifying and consult with the city for approval and implementation. Once approved, employers must submit quarterly progress reports, with the first due 90 days after approval.
- BMC 14.06.120 Enforcement.
- BMC 14.06.130 Appeals of administrative decisions. Outlines the process for appealing decisions regarding program approval, goal modifications, program amendments, or exemptions.

Updates Proposed in the 2025-2029 CTR Plan

The City of Bothell proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- City will encourage businesses with 20 or more employees to allow employees the opportunity to make a monthly pre-tax payroll deduction for transit/vanpool expenses or to offer a partially or wholly employer-paid transit pass.
- Revising the CTR ordinance to require affected employers to choose at least five implementation measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.

City of Edmonds

Local CTR Ordinance

The City of Edmond's current CTR Ordinance is codified in [Edmonds Development Code \(EDC\) Chapter 17.95](#): Commute Trip Reduction.

- EDC 17.95.010 Title.
- EDC 17.95.020 Jurisdiction. Requirements apply to all major employers at any single worksite within the incorporated area.
- EDC 17.95.030 Purpose. Compliance with statewide CTR Law.
- EDC 17.95.040 Administration. The ETC or designee has the responsibility to administer the CTR program.
- EDC 17.95.050 Definitions.
 - **Note:** Add a definition for "Drive-alone commute trip."
- EDC 17.95.060 City's CTR plan. The city's CTR plan is incorporated by reference.
- EDC 17.95.070 Responsible city agency.
- EDC 17.95.080 Applicability – Timeline for compliance. Outlines the city's public notification procedure when updating the CTR ordinance. Major employers must provide baseline data collection and submission of a CTR program within 90 days of receiving notification of adoption or revision of the CTR ordinance. New major employers must notify the city within 90 days of meeting the 100-employee threshold.
- EDC 17.95.090 Requirements for employers. Major employers are required to make a good faith effort to develop and implement a CTR program and submit quarterly reports. The mandatory program elements include designating an ETC, distributing information on alternatives to drive-alone

commuting at least twice a year, quarterly progress reports, annual worksite promotion of the Employer CTR program (a transportation fair or equivalent), attendance to ETC trainings, and providing notice to the city if/when there are changes to their CTR program. Major employers must select additional strategies to meet CTR goals from a provided list similar to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified.

- **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
- **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
- **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- EDC 17.95.100 Record keeping. Employers will submit CTR program records to the city of approval and will keep records for 48 months.
- EDC 17.95.110 Schedule and process for CTR reports. Describes the process and timeline for employers to submit their initial CTR program and for the city to issue a decision. Also describes the timeline for providing quarterly progress reports and modification of CTR programs.
- EDC 17.95.120 Enforcement.
- EDC 17.95.130 Exemptions and target modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- EDC 17.95.140 Appeals.

Updates Proposed in the 2025-2029 CTR Plan

The City of Edmonds proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- Revising the CTR ordinance to require affected employers to choose at least five implementation measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.

City of Lynnwood

Local CTR Ordinance

The City of Lynnwood's current CTR Ordinance is codified in [Lynnwood Municipal Code \(LMC\) Chapter 11.14](#): Commute Trip Reduction Plan.

- LMC 11.14.010 Definitions.
 - **Note:** Add a definition for "Drive-alone commute trip."
- LMC 11.14.020 Lynnwood CTR plan. The CTR Plan is incorporated by reference.
- LMC 11.14.025 Responsible city department. The development and business services director enforces the provisions of this chapter.
- LMC 11.14.030 CTR goals. The City's goals for CTR are specified in the City's CTR Plan. Employer's goals are set in the employer's approved CTR Plan.

- LMC 11.14.032 CTR goals for major employers. The city shall provide written notification of the goals for each major employer worksite by providing the information when the city reviews the employer's proposed program and incorporating the goals into the program approved by the city.
- LMC 11.14.040 Applicability.
- LMC 11.14.042 New major employers. Responsibility of new major employers to identify themselves to the city.
- LMC 11.14.044 Change in status as a major employer. Process for changing status.
- LMC 11.14.050 Requirements for employers. A major employer must make a good faith effort to develop and implement a CTR program. The program must include mandatory elements specified in LMC 11.14.054. The employer is required to submit a program description to the city and provide progress reports annually or biannually on employee commuting and progress toward CTR goals.
- LMC 11.14.052 CTR program report and description requirements. Outlines the information a major employer must include in their CTR description pertaining to the employment site location, number of employees and other factors.
- LMC 11.14.054 Mandatory program elements. The mandatory CTR program elements include designating an ETC and attending trainings, distributing information on alternatives to drive-alone commuting to all employees at least once a year and to new employees when they are hired, and hold at least one annual "transportation fair" or equivalent promotion.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- LMC 11.14.056 Additional program elements. CTR programs must include additional elements as needed to meet CTR goals. There is a provided list of strategies similar to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified.
- LMC 11.14.058 Biennial measure of employee commute behavior. Employers shall conduct a program evaluation to determine worksite progress toward meeting CTR goals. The employer shall distribute and collect commute trip reduction program surveys at least once every two years and strive to achieve at least a 70 percent response rate from employees at the worksite.
- LMC 11.14.060 Record keeping. Major employers must keep program documents for 48 months and establish record keeping procedures with the city.
- LMC 11.14.070 CTR annual or biannual progress reports. Sets a reporting date.
- LMC 11.14.072 Document review. Outlines the city's process for reviewing major employer's program materials.
- LMC 11.14.074 Modification of CTR program elements. Describes the process for employers to modify CTR program elements.
- LMC 11.14.077 Extensions.
- LMC 11.14.078 Implementation of employer's CTR program. A major employer should implement their CTR program within 90 days of receiving approval from the city.

- LMC 11.14.090 Enforcement.
- LMC 11.14.095 Penalties.
- LMC 11.14.097 Notic of violation and assessment of civil penalties.
- LMC 11.14.100 Exemptions and goal modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- LMC 11.14.110 Modification of employer CTR program.
- LMC 11.14.120 Appeals.
- LMC 11.14.130 Severability.

Updates Proposed in the 2025-2029 CTR Plan

The City of Lynnwood proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- Proposing a commuter benefit ordinance requiring businesses with 20 or more employees to allow employees the opportunity to make a monthly pre-tax payroll deduction for transit/vanpool expenses or to offer a partially or wholly employer-paid transit pass.
- Revising the CTR ordinance to require affected employers to choose at least five implementation measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.

City of Marysville

Local CTR Ordinance

The City of Marysville's current CTR Ordinance is codified in [Marysville Municipal Code \(MMC\) Chapter 11.52](#): Commute Trip Reduction (CTR) Plan.

- MMC 11.52.010 Title.
- MMC 11.52.020 Jurisdiction.
- MMC 11.52.030 Purpose and intent.
- MMC 11.52.040 Administration. The chief administrative officer of designee.
- MMC 11.52.050 Definitions.
 - **Note:** Add a definition for "Drive-alone commute trip."
- MMC 11.52.060 City's CTR Plan. The city's CTR plan is adopted by reference.
- MMC 11.52.070 Applicability – Timeline for compliance
- MMC 11.52.080 Requirements for employers: A major employer must develop and implement a CTR program encouraging non-single-vehicle commuting, including mandatory elements like designating an Employee Transportation Coordinator (ETC), distributing transportation information, and submitting quarterly progress reports. Employers must evaluate progress, track data, promote the program annually, and provide additional elements like preferential parking or transit subsidies. The ETC must undergo training and attend networking sessions. Employers are encouraged to cooperate with others and adapt strategies to their unique needs while meeting CTR goals. CTR programs must include additional elements as needed to meet CTR goals. There is a provided list of strategies similar

to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified. Major employers must hold at least one annual “transportation fair” or equivalent promotion which is available to all employees at each major worksite.

- **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
- **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
- **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- MMC 11.52.090 Record keeping. Employers will maintain all records for their CTR program for a minimum of 48 months.
- MMC 11.52.100 Schedule and process for CTR reports. Establishes a schedule for submitting and reviewing CTR program materials.
- MMC 11.52.110 Enforcement.
- MMC 11.52.120 Exemptions and target modifications.
 - Note: Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- MMC 11.52.130 Appeals.
- MMC 11.52.140 Severability.

Updates Proposed in the 2025-2029 CTR Plan

The City of Marysville proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- Proposing a commuter benefit ordinance requiring businesses with 20 or more employees to allow employees the opportunity to make a monthly pre-tax payroll deduction for transit/vanpool expenses or to offer a partially or wholly employer-paid transit pass.
- Revising the CTR ordinance to require affected employers to choose at least five implementation measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.

City of Monroe

Local CTR Ordinance

The City of Monroe's current CTR Ordinance is codified in [Monroe Municipal Code \(MMC\) Chapter 22.88](#): Commute Trip Reduction (CTR).

- MMC 22.88.010 Purpose.
- MMC 22.88.020 Administration.
- MMC 22.88.030 Definitions.
 - **Note:** Add a definition for “Drive-alone commute trip.”
- MMC 22.88.040 CTR plan adoption by reference. The city’s CTR plan is adopted by reference.

- MMC 22.88.050 CTR goals. The goals for reducing drive-alone trips and commute trip vehicle miles traveled per employee are established the Monroe CTR Plan.
- MMC 22.88.060 Responsible city department. Community development department.
- MMC 22.88.070 Applicability. Describes the notification process for changes to the city’s CTR chapter and process for changing status as a major employer.
- MMC 22.88.080 Requirements for employers: Major employers must develop and implement a CTR program. The program must include a description outlining the strategies an employer will use to meet the city’s CTR goals and include details about the employer’s location, transportation characteristics, number of employees, and selected CTR strategies. The mandatory program elements include designating an ETC and attending trainings, distributing information to employees at least twice a year, providing regular progress reporting, conducting a biannual survey or measurement, holding at least one annual “transportation fair” or equivalent promotion, and providing notification to the city of any changes to the CTR program. CTR programs must include additional elements as needed to meet CTR goals. There is a provided list of strategies similar to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- MMC 22.88.090 Record keeping. Employers must retain CTR program records for 48 months and follow record keeping process as agreed upon with the city.
- MMC 22.88.100 Schedule and process for CTR reports. Establishes a schedule for submitting and reviewing CTR reports and program materials.
- MMC 22.88.110 Enforcement.
- MMC 22.88.120 Exemptions and goal modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- MMC 22.88.130 Appeals.

Updates Proposed in the 2025-2029 CTR Plan

The City of Monroe proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

- Revising the CTR ordinance to require affected employers to choose at least five implementation measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval.

City of Mountlake Terrace

Local CTR Ordinance

The City of Mountlake Terrace's current CTR Ordinance is codified in [Mountlake Terrace Municipal Code \(MTMC\) Chapter 10.15](#): Commute Trip Reduction Program.

- MTMC 10.15.010 Title.
- MTMC 10.15.020 Jurisdiction.
- MTMC 10.15.030 Purpose.
- MTMC 10.15.040 Administration. The director or their designee.
- MTMC 10.15.050 Definitions.
 - **Note:** Add a definition for “Drive-alone commute trip.”
- MTMC 10.15.060 CTR plan incorporated by reference.
- MTMC 10.15.070 Applicability.
- MTMC 10.15.080 Requirements for employers: Major employers must develop and implement a CTR program. The program must include a description outlining the strategies an employer will use to meet the city’s CTR goals and include details about the employer’s location, transportation characteristics, number of employees, and selected CTR strategies. The mandatory program elements include designating an ETC and attending trainings, distributing information to employees at least twice a year, providing regular reporting to determine progress toward CTR goals, conducting a quarterly program data evaluation, holding at least one annual “transportation fair” or equivalent promotion, and providing notification to the city if any changes to the CTR program. CTR programs must include additional elements as needed to meet CTR goals. There is a provided list of strategies similar to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- MTMC 10.15.090 Recordkeeping. Employers will maintain all records listed in their CTR program for a minimum of 48 months. The City and the employer shall agree on the recordkeeping requirements as part of the accepted CTR program.
- MTMC 10.15.100 Schedule and process for CTR reports. Establishes a schedule for submitting and reviewing CTR reports and program materials.
- MTMC 10.15.110 Enforcement.
- MTMC 10.15.120 Exemptions or target modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.
- MTMC 10.15.130 Appeals.
- MTMC 10.15.140 Third party liability.

Updates Proposed in the 2025-2029 CTR Plan

Not yet submitted.

City of Mukilteo

Local CTR Ordinance

The City of Mukilteo's current CTR Ordinance is codified in [Mukilteo Municipal Code \(MMC\) Chapter 10.24](#): Commute Trip Reduction.

- MMC 10.24.010 Title.
- MMC 10.24.020 Jurisdiction.
- MMC 10.24.030 Purpose.
- MMC 10.24.040 Administration. The mayor or designee.
- MMC 10.24.050 Definitions.
 - **Note:** Add a definition for “Drive-alone commute trip.”
- MMC 10.24.060 City’s CTR plan. The city’s CTR Plan is adopted by reference.
- MMC 10.24.070 Responsible city agency. The City is responsible for implementing this chapter.
- MMC 10.24.080 Applicability – Timeline for compliance. Describes process for the city to notify employers of changes to the chapter and timeline for major employers to comply.
- MMC 10.24.090 Requirements for employers. Major employers must develop and implement a CTR program. The program must include a description outlining the strategies an employer will use to meet the city’s CTR goals and include details about the employer’s location, transportation characteristics, number of employees, and selected CTR strategies. The mandatory program elements include designating an ETC and attending trainings, distributing information to employees at least twice a year, providing regular progress reporting to determine progress toward CTR goals, conducting a quarterly program data evaluation, holding at least one annual “transportation fair” or equivalent promotion, and providing notification to the city if any changes to the CTR program. CTR programs must include additional elements as needed to meet CTR goals. There is a provided list of strategies similar to the list in [RCW 70A.15.4040](#). A minimum number of strategies is not specified.
 - **Note:** The annual transportation fair does not need to be a requirement. In the model ordinance provided in [Appendix C](#), it is included in the list of additional program elements. See Section [x.x.110](#) in [Appendix C](#).
 - **Note:** Two new subsections are recommended in model code in Section [x.x.100](#), Biennial Progress Reports and Biennial measure of employee commute behavior.
 - **Note:** Add a list of additional CTR measures for CTR-affected employers to choose from and require a minimum number of measures to be selected (see [Appendix C](#), Section [x.x.110](#)).
- MMC 10.24.100 Record keeping. Employers will maintain all records listed in their CTR program for a minimum of 48 months. The City and the employer shall agree on the recordkeeping requirements as part of the accepted CTR program.
- MMC 10.24.110 Schedule and process for CTR reports. Establishes a schedule for submitting and reviewing CTR reports and program materials.
- MMC 10.24.120 Enforcement.
- MMC 10.24.130 Exemptions and target modifications.
 - **Note:** Target modifications can be removed because there are no consequences for missing CTR Program Targets as long as employers make a good faith effort.

- MMC 10.24.140 Appeals.

Updates Proposed in the 2025-2029 CTR Plan

The City of Mukilteo proposes the following revisions to their current CTR Ordinance in their 2025-2029 CTR Plan.

Revising the CTR ordinance to require affected employers to implement additional measures from the provided list, including one from each category. Alternative measures may be submitted to the CTR implementer for review and approval. The instruction to choose at least five me

Attachment B

Community Transit Introduction to CTR Flyer

Introduction to Commute Trip Reduction (CTR)



What is CTR?

Commute Trip Reduction (CTR) requires employers in the most congested areas of Washington to encourage employees to reduce the number and length of drive-alone commute trips made to their worksite.

The Commute Trip Reduction Law (RCW 70.94.521-551) was adopted in 1991 as part of the Washington Clean Air Act.

The law was developed to reduce:



Air Pollution and Greenhouse Gases



Traffic Congestion



Energy Consumption

How does this help employees?

You're joining an amazing network of state, local and private organizations committed to improving the environment and traffic congestion in the Pacific Northwest. There are many business reasons for having a robust transportation program at your worksite:

- Finding and keeping good employees
- Reducing tardiness and absenteeism
- Freeing up parking

What do we have to do?

As an identified employer, you will develop and implement an approved CTR Program to reduce the number and length of drive-alone commute trips made to your worksite. Program elements include:

- Designate an Employee Transportation Coordinator (ETC) to develop, implement, and promote the approved CTR Program
- Distribute information to employees at least twice a year
- Complete quarterly CTR reporting
- Implement measures designed to increase employee use of transportation options
- Host annual "transportation fair" available to all employees

How do we get started?

- Identify an Employee Transportation Coordinator (ETC)
- Complete a worksite Program Elements Survey that will be sent to you via email
- Schedule a baseline CTR survey for all employees at the worksite
- Schedule a follow up meeting with Community Transit to review survey results and develop your worksite plan

TIP

Tips for choosing a great ETC

- Access to management and other employees
- Excellent communication skills and enjoys working with others
- Flexible work responsibilities and schedule
- Exceptional organization and coordination skills
- Interest in travel options, or someone who already commutes by bicycle, carpool, vanpool, walking or bus



Note: "transportation fair" is optional.

ETC/Employer Requirement	Description
Designate Employee Transportation Coordinator	The Employee Transportation Coordinator (ETC) is the point of contact on-site between the employer and its workforce and between the employer and Community Transit to track the employer's progress in meeting CTR requirements.
ETC Basic Training	A new ETC is required to attend an ETC basic training session within six months of appointment.
Distribute Information to Employees	The employer will distribute information about non-drive alone commute options and the worksite transportation program at least twice a year to employees.
CTR Reporting Quarterly	The employer is required to complete the Quarterly Employer Report with Community Transit.
Data Collection	The employer shall collect data on the progress of their worksite transportation program through the Commute Trip Reduction Survey, online logging, and/or other methods.
Non-Drive Alone Tools and Strategies	The employer will implement tools and strategies to encourage non-drive alone commute behavior by their employees.
Advanced Training/ ETC Networking	The ETC is required to attend at least 6 hours of networking meetings or advanced trainings per year. Trainings and networking meetings may include in-person, web based curriculum, surveys, or other specified promotional activities.
Annual Worksite Promotion of Employer CTR Program	Employers are required to hold at least one annual "transportation fair" or equivalent promotion which is available to all employees at each affected worksite.
Employer Notification	The employer is required to notify Community Transit 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.
Good Faith Effort	The employer must make a "Good Faith Effort" toward meeting worksite trip reduction goals, which means working with Community Transit.

Reach out to us for help building a successful CTR Program.
We're here for you!

communitytransit.org/CommuteTripReduction
CTR@commtrans.org



Attachment C

Model CTR Ordinance and Commuter Benefit Ordinance

Model CTR Ordinance – Code Sections

x.x.010 Title.

This chapter shall be known as the “Commuter Trip Reduction Program Ordinance of the City of Arlington, and the requirements set forth in this chapter are applicable to all major employers defined herein.

x.x.020 Purpose.

The purpose of this chapter is to comply with the statewide Commuter Trip Reduction Law of 1991 (RCW [70A.15.4000](#) through [70A.15.4110](#); Chapter 202, Laws of 1991) and as amended in 2006 by the Commuter Trip Reduction Efficiency Act. The commuter trip reduction ordinance shall not be used as a substitute for reviews of projects under other city requirements for compliance with the State Environmental Policy Act (SEPA).

x.x.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- A. “Affected employee” means a full-time employee who begins his or her regular work day at a major employer worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. For the purpose of defining affected employees, the following apply:
 1. A full-time employee is a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.
 2. The employee will only be counted at his or her primary worksite.
 3. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.
- B. “Affected urban growth area” means:
 1. An urban growth area, designated pursuant to RCW [36.70A.110](#), whose boundaries contain a state highway segment exceeding the 100 person hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and
 2. An urban growth area, designated pursuant to RCW [36.70A.110](#), containing a jurisdiction with a population over 70,000 that adopted a commuter trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or
 3. An urban growth area identified by the Washington State Department of Transportation as listed in WAC [468-63-020](#)(2)(b).
- C. “Alternative mode” means any means of commuter transportation other than that in which the drive-alone motor vehicle is the dominant mode, including teleworking and compressed work weeks if they result in reducing commuter trips.
- D. “Alternative work schedules” means work schedules which allow employees to work their required hours outside of the traditional Monday through Friday, 8:00 a.m. to 5:00 p.m. schedule. Programs such as compressed work weeks that eliminate work days for affected employees are an example.

- E. "Baseline data collection" means the collection of employee trip data at a major worksite to determine the drive-alone rate and greenhouse gas emissions per employee at the worksite. The jurisdiction uses this measurement to develop commute trip reduction targets for the major employer. The baseline measurements must be implemented in a manner that meets the requirements and time frame specified by the City of Arlington.
- F. "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.
- G. City means the City of Arlington through its responsible official.
- H. "Commute trip" means trips made from a worker's home to a worksite during the peak time of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.
- I. "Commuter matching service" means a system that assists in matching commuters for the purpose of commuting together, such as RideshareOnline.com.
- J. "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 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.
- K. "CTR Board" means a sixteen-member state commute trip reduction board designated pursuant to RCW [70A.15.4060](#).
- L. "CTR law" means a law passed in 1991 (Chapter 202, Laws of 1991), amended in 2006 and codified in RCW 70A.15.4000 through 70A.15.4110 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 100 person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth area(s). Counties and cities within the designation above shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area.
- M. "CTR plan" means City of Arlington's plan and ordinance to regulate and administer the CTR programs of major employers within its jurisdiction.
- N. "CTR program" means an employer's strategies to increase affected employees' non-drive-alone trips and reduce greenhouse gas emissions.
- O. "Director" means the Director of the Community and Economic Development or his/her designee.
- P. "Drive-alone commute trip" means commute trips made by employees in single occupant vehicles.
- Q. "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.
- R. "ETC" means employer transportation coordinator as required pursuant to RCW [70A.15.4040](#)(3).
- S. "Flex-time" means 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.

- T. "Full-time employee" means a person, other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week on two or more weekdays per week.
- U. "Goals" means the established criteria for measuring effectiveness of employer programs as outlined in the City of Arlington's CTR plan.
- V. "Good faith effort" means that an employer has met the minimum requirements identified in RCW [70A.15.1050](#) and this chapter, and is working collaboratively with the city 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.
- W. "Implementation" means active pursuit by an employer of the CTR requirements of RCW [70A.15.4040](#) and this chapter and the CTR plan as evidenced by appointment of an employee transportation coordinator, distribution of information to employees regarding alternatives to non-drive-alone commuting, and commencement of other measures according to its approved CTR program and schedule.
- X. "Major employer" means a private or public employer, including state agencies, that employs 100 or more full-time affected employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on at least two weekdays each week for at least 12 continuous months.
- Y. "Major worksite" or "worksite" means a building or group of buildings that 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 100 or more full-time affected employees.
- Z. "Mode" means the means of transportation used by employees, such as drive-alone motor vehicle, ride share vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule, and teleworking.
- AA. "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.
- BB. "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 vehicles, but the ages of these passengers are under 16, the motor vehicle is still considered a single-occupant vehicle for measurement purposes.
- CC. "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.
- DD. "Teleworking" means the use of telephones, computers, or other similar technology to permit an employee to work anywhere at any time, 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.
- EE. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, shared-ride taxi, rail, shuttle bus, or vanpool.
- FF. "Vanpool" means a vehicle occupied by seven to 15 people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip.

GG. “Voluntary worksite” means the physical location occupied by an employer that is voluntarily implementing a CTR program.

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.

JJ. “Writing, written, or in writing” means original signed and dated documents delivered via the United Postal Service.

x.x.040 Applicability.

The requirements of this chapter shall apply to all major employers at any single worksite or voluntary worksite within the City of Arlington.

x.x.050 Notification.

A. The city shall give public notice of the adoption of this chapter and its requirements for major employers in a newspaper of general circulation in the county not more than 30 days after passage of this chapter. Such notice shall also be given for amendments to this chapter.

B. The city shall give written notice to known major employers that they are subject to the requirements of this chapter not more than 30 days after the effective date of this chapter. Such notice shall be addressed to the company’s chief executive officer, senior official, or CTR manager at the worksite. Such notice shall also be given for amendments to this chapter.

x.x.060 Timeline for Compliance.

A. Major employers and voluntary worksites.

1. Major employers and voluntary worksites shall perform baseline data collection within 90 days of notification as defined in **Section x.x.050**. After the results of the baseline data are provided to the major employer, the major employer shall submit a CTR program to the city within 90 days.

2. Major employers and voluntary worksites that, for whatever reason, do not receive notice within 30 days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within 90 days of the passage of said ordinance shall perform baseline data collection within 90 days of notification or the major employer shall submit a CTR program within 90 days of receipt of the baseline data results.

B. New major employers.

1. Employers that meet the definition of “major employer” in this chapter shall identify themselves to the city within 90 days of either moving into the boundaries of the city or growing in employment at a worksite to 100 or more affected employees.

2. New major employers identified as such shall have 90 days to perform a baseline measurement consistent with the measurement requirements specified by the city. Employers who do not perform a baseline measurement within 90 days of receiving written notice that they are subject to this chapter are in violation of this chapter.

3. Not more than 90 days after receiving written notification of the results of the baseline measurement, a newly major employer shall submit a CTR program to the city. The program shall be developed in consultation with the director to be consistent with the goals of the CTR plan adopted in **Section x.x.080**. The program shall be implemented not more than 90 days after approval by the city. Employers not implementing an approved CTR program according to this schedule are in violation of this chapter and subject to the penalties outlined in **Section x.x.140**.

- C. Change in status as major employers. Any of the following changes in an employer's status will change the employer's CTR program requirements:
1. If an employer, initially designated a major employer, no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer a major employer. The employer must notify the city in writing that it is no longer a major employer. The burden of proof lies with the employer.
 2. If the same employer returns to the level of 100 or more affected employees within the same 12 months, that employer will be considered a major employer for the entire 12 months and will be subject to the same program requirements as other major employers. The employer shall notify the city in writing that it is a major employer.
 3. If the same employer returns to the level of 100 or more affected employees 12 or more months after its change in status to an unaffected employer, that employer shall be treated as a new major employer, subject to the same program requirements as other new major employers.

x.x.070 Responsible department.

The Community and Economic Development Department shall be responsible for the administration and for the preparation of procedures to implement this chapter. The city shall be responsible for developing and implementing the required CTR program for the city, as a major employer under this chapter.

x.x.080 CTR plan adoption by reference.

The City of Arlington's CTR plan, as approved in **date** to be effective in **date**, is adopted wholly and incorporated herein by reference.

x.x.090 CTR goals.

The goals for reducing the city's proportion of drive-alone vehicle trips and commute trip vehicle miles traveled per employee are established in the City of Arlington's CTR plan.

x.x.100 Requirements for major employers.

A major employer is required to make a good faith effort to develop and implement a CTR program that will encourage its employees to decrease drive-alone commute trips. The employer shall submit a description of its program to the city and provide quarterly progress reports to the city on employee commuting data and progress toward meeting the 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. 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 worksite 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 x.x.100**);

4. description of the additional elements included in the CTR program (as described in subsection (B) of this **Section x.x.100**); 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 ETC to administer the CTR program. The ETC and/or designee's name, location, and contact information must be displayed prominently at each major worksite. The ETC shall oversee all elements of the employer's CTR program and act as liaison between the employer and city. The objective is to have an effective transportation coordinator presence at each worksite; a major employer with multiple sites may have one ETC 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 the information to be distributed and the method of distribution.
 3. Quarterly Progress Report. The CTR program must include a quarterly review of employee commuting and progress and good faith efforts toward meeting the goals and targets as outlined in the CTR plan. Major employers shall file a quarterly progress report with the city in accordance with the format established by this chapter and consistent with the CTR board guidelines. The report shall describe each of the CTR measures that were in effect for the previous quarter, and the number of employees participating in the CTR program. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the worksite's CTR targets. The format of the report shall be provided by the city. The employer should contact the city for the format of the report.
 4. Trip Data Measurement. In addition to the specific program baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals.
 5. ETC Training. ETCs will be required to attend an ETC basic training session within six months of appointment.

x.x.110 Additional program elements for major employers.

Major employers shall choose at least five of the following measures including one from each subsection below (A. Commuting Support and Incentives. B. Information and Education. C. Amenities and Infrastructure). Alternative measures may be submitted by the employer to Community Transit for review and approval. Worksites located next to other employers are encouraged to partner to provide shared commuting amenities and distribute costs and benefits more broadly.

- A. Commuting Support and Incentives.
1. Subsidized or free transit passes for employees.
 2. Pre-tax payroll deductions for transit or vanpool expenses.
 3. Provision of subsidies for carpooling or vanpooling.
 4. Incentives rewarding avoidance of drive-alone commute trips such as gift cards or a parking cash-out program.
 5. Guaranteed ride home programs for emergencies.
 6. Shuttle services from transit stations to the workplace.

7. Employer telework program.
 8. Flexible or compressed workweek schedules.
 9. Options for working at alternative sites closer to employees' homes.
 10. Incentives for walking or biking, such as gift cards or discounts on outdoor gear.
 11. Rideshare matching events for vanpools and carpools.
- B. Information and Education.
1. Commute options information and orientation for new hires.
 2. Communication plan for sharing print and digital information on the employer's CTR program.
 3. Information on commute options and resources displayed in common areas at the workplace and/or available online or by mobile app.
 4. Educational campaigns, conducted at least once per year, on the benefits of alternative commuting.
 5. Outreach campaigns, conducted at least once per year, to promote walking or biking, such as a "bike to work" month.
 6. Workshop or transportation fair, conducted at least once per year, promoting sustainable transportation options.
 7. Personalized travel planning assistance for employees, which could include guidance on transportation benefits, planning routes, or finding rideshare partners.
 8. Real-time transit information display at the workplace or in a centrally accessible location.
- C. Amenities and Infrastructure.
1. Preferential parking for carpoolers and vanpoolers.
 2. Amenities for bike commuters including secure bike storage, showers, or bike repair stations.
 3. Onsite amenities like a cafeteria, fitness center, micro-market, or daycare to reduce off-site trips.
 4. Provision and maintenance of electric vehicle charging stations.
 5. Parking space for carshare vehicles or company-owned cars for employee use.

x.x.120 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 for approval. Employers will maintain all records listed in their CTR program for a minimum of 48 months. The city and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

x.x.130 Schedule and process for CTR reports.

- A. CTR Program. Within 90 days of notification as defined in **Section x.x.050** or within 90 days of self-identifying as a major employer as described in subsection (B) of **Section x.x.060**, the employer shall complete baseline data collection and provide to the city. Once the baseline data is provided, the employer has an additional 90 days to submit a CTR program to the city. The CTR program will be developed in consultation with the city and implemented not more than 90 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.

- B. Document Review. The city 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 30 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 quarterly report within 90 days of submission, the employer's program or quarterly report is deemed accepted. The city may extend the review period up to 90 days. The implementation date for the employer's CTR program will be extended an equivalent number of days.
- C. CTR Quarterly Progress Reports. Upon approval of an employer's initial CTR program, the employer shall submit quarterly reports on the dates requested from the city, no less than 90 days after program approval.
- D. **CTR Biennial Progress Reports.** CTR-affected employers shall report on the CTR programs every two years with the first biennial CTR progress report due two years after establishing their CTR program. The CTR biennial progress report is a standardized questionnaire that asks about elements of the employer's CTR program. The city will review and approve the CTR biennial progress report based on the CTR program's effectiveness at reducing drive-alone trips.
- E. **Biennial measure of employee commute behavior.** Employers shall conduct a program evaluation to determine worksite progress toward meeting CTR goals. The employer shall distribute and collect commute trip reduction program surveys at least once every two years and strive to achieve at least a 70 percent response rate from employees at the worksite. The first survey shall be conducted by the CTR-affected employer one year after establishing the employers CTR program and then every two years thereafter.
- F. Modification of CTR Program Elements. Any major employer may submit a request to the city to modify a CTR program element, other than the mandatory elements specified in this chapter, including record keeping requirements. Such requests may be granted if one of the following conditions exist:
1. The employer can demonstrate 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.
- G. Extensions. An employer may request additional time to submit a CTR program or CTR report, or to implement or modify a program. Such requests shall be made via written notice at least 10 working days before the due date for which the extension is being requested. Extensions not to exceed 90 days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request by written notice within 10 working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for 30 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 reporting date shall not be adjusted permanently as a result of these extensions. An employer's reporting date may be extended at the discretion of the city.
- H. Implementation of Employer's CTR Program. The employer shall implement its approved CTR program not more than 90 days after the program was first submitted to the city. Implementation of the approved program modifications shall begin within 30 days of the

final decision or 90 days from submission of the CTR program or CTR quarterly report, whichever is greater.

x.x.140 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 targets for non-drive-alone trips and greenhouse gas emissions per employee shall be applied to determine requirements for employer CTR program modifications:
 1. If an employer makes a good faith effort, as defined in RCW [70A.15.4050](#) and this chapter, and meets either or both targets, 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 [70A.15.4050](#) and this chapter, but has not met or is not likely to meet the applicable targets, the city 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 30 days of reaching agreement.
 3. If an employer fails to make a good faith effort as defined in RCW [70A.15.4050](#) and this chapter, and fails to meet the applicable 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 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The city shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the city will send written notice to the employer within 30 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 10 working days of the conference.
- C. Violations. The following constitute violations if the deadlines established in this chapter are not met:
 1. Failure to self-identify as a major employer within the time frames indicated in the applicability timeline for compliance section above;
 2. Failure to perform baseline data collection including:
 - a. Employers that do not perform baseline data collection consistent with the requirements specified by the city/county within 90 days of notification as defined in [Section x.x.050](#);
 - b. Employers not identified or self-identified within 90 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 90 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 90 days of identification as a major employer as outlined in [Section x.x.060.B](#);

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 as specified in this chapter;
4. Submission of false or fraudulent data in response to data collection requirements;
5. Failure to make a good faith effort, as defined in RCW [70A.15.4050](#) and this chapter; or
6. Failure to revise a CTR program as defined in RCW [70A.15.4050](#) and this chapter.

D. Penalties.

1. No major employer with an approved CTR program which has made a good faith effort shall be held liable for failure to reach the applicable goals and targets.
2. Compliance with the requirements of this code is mandatory. The penalties and remedies for civil infractions established in [Section x.x.x \(link to code enforcement chapter, notice and violation section\)](#) and Chapter [7.80](#) RCW shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to such penalties and remedies. Appeals shall be pursuant to Section [x.x.160](#).
3. 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

x.x.150 Exemptions and goal modifications.

- A. **Worksite Exemptions.** A major employer may submit a request to the city to grant an exemption from all CTR program requirements or penalties for a particular worksite. 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 workforce, 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 of an approved CTR plan. 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 worksite'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.

x.x.160 Appeals.

- A. Any major employer may appeal administrative decisions regarding exemptions, modification of targets, modification of CTR program elements, and determinations concerning failure to implement a CTR program, to the Hearing Examiner pursuant to Section [x.x.x \(link to appeals/hearing examiner code\)](#). The appeal must be filed with the City Clerk not later than the tenth day following the date of the administrative decision, accompanied by the appropriate appeal fee. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision.
- B. The appeal shall be heard by the city's Hearing Examiner. Substantial weight shall be given to the administrative decision and the burden of establishing the contrary shall be upon the appealing party. In reviewing the appeal, the Hearing Examiner shall determine whether the administrative decision is consistent with the provisions of this chapter including the city's CTR plan. The Hearing Examiner shall have jurisdiction over the appeal and the authority to affirm, modify, reverse or remand the administrative decision, or to grant other appropriate relief. The decision of the Hearing Examiner shall constitute a final decision appealable to Superior Court.

Model Commuter Benefit Ordinance – Code Sections

x.x.010 Title.

This chapter shall be known as the “Commuter Benefit Ordinance of the City of Arlington”, and the requirements set forth in this chapter are applicable to all major employers defined herein.

x.x.020 Definitions

For the purposes of this [Chapter x.x:](#)

- A. "Adverse action" means denying a job or promotion, demoting, terminating, failing to rehire after a seasonal interruption of employment, threatening, penalizing, engaging in unfair immigration-related practices, filing a false report with a government agency, changing an employee's status to a nonemployee, or otherwise discriminating against any person for any reason prohibited by [Section x.x.x](#). "Adverse action" for an employee may involve any aspect of employment, including pay, work hours, responsibilities, or other material change in the terms and condition of employment.
- B. "Department" means the Community and Economic Development Department and any division therein.
- C. "Aggrieved party" means the employee or other person who suffers tangible or intangible harm due to the employer or other person's violation of this Chapter [x.x](#)
- D. City means City of Arlington.
- E. “Covered employee” means a full-time employee who begins his or her regular work day at a major employer worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. For the purposes of defining affected employees the following apply:
 - 1. A full-time employee is a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.
 - 2. The employee will only be counted at his or her primary worksite.

3. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

- F. "Covered employer" means "major employer" as defined in this Section x.x.020.
- G. "Director" means the Director of Community and Economic Development Director or the Director's designee.
- H. "Employ" means to suffer or permit to work.
- I. "Employee" means any individual employed by the employer, including but not limited to full-time employees, part-time employees, and temporary workers. An alleged employer bears the burden of proof that the individual is, as a matter of economic reality, in business for oneself (i.e. independent contractor) rather than dependent upon the alleged employer.
- J. "Employer" means any individual, partnership, association, corporation, business trust, or any entity, person or group of persons, or a successor thereof, that employs another person and includes any such entity or person acting directly or indirectly in the interest of the employer in relation to the employee. More than one entity may be the "employer" if employment by one employer is not completely disassociated from employment by the other employer.
- K. "Front pay" means the compensation the employee would earn or would have earned if reinstated to the employee's former position.
- L. "Hearing Examiner" means the official appointed by the City Council and designated as the Hearing Examiner, under Chapter x.x or that person's designee (e.g., Deputy Hearing Examiner or Hearing Examiner Pro Tem).
- M. "Major employer" means a private or public employer, including state agencies, that employs 100 or more full-time affected employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on at least two weekdays each week for at least 12 continuous months.
- N. "Rate of inflation" means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and Clerical Workers, termed CPI-W, for the 12-month period ending in August, provided that the percentage increase shall not be less than zero.
- O. "Successor" means any person to whom the employer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the employer's business, a major part of the property, whether real or personal, tangible or intangible, of the employer's business. For purposes of this definition, "person" means an individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, corporation, business trust, partnership, limited liability partnership, company, joint stock, company, limited liability company, association, joint venture, or any other legal or commercial entity.
- P. "Written" or "writing" means a printed or printable communication in physical or electronic format including a communication that is transmitted through email, text message or a computer system, or is otherwise sent and maintained electronically.
- Q. "Respondent" means the employer or any person who is alleged or found to have committed a violation of this Chapter x.x.

x.x.030 Employee coverage.

Covered employees under this Chapter x.x are limited to those who work an average of ten hours or more per week in City of Arlington in the previous calendar month.

x.x.040 Employer coverage.

- A. For the purposes of this **Chapter x.x**, covered employers are limited to major employers.
- B. Governmental entities and tax-exempt organizations are excluded from the provisions of this **Chapter x.x**.

x.x.050 Pre-tax election commuter benefit.

- A. No later than **Date, 20xx**, all covered employers shall provide a pre-tax election commuter benefit to covered employees.
- B. Covered employers shall make the offer of pre-tax election commuter benefits, to covered employees within 60 calendar days of commencing employment.
- C. The pre-tax election commuter benefit shall allow employees to elect to exclude qualified transportation fringe benefits (except for parking) incurred for transit expenses or vanpool expenses from the employee's taxable wages and compensation up to the maximum level allowed by federal tax law, consistent with federal Internal Revenue Code Section 132(f) as of June 1, 2018.
- D. Covered employers shall provide the payroll deduction within 30 calendar days of the covered employee selecting the benefit.
- E. Fully or partially subsidized, employer-provided, transit passes qualify as pre-tax election commuter benefits for this **Section x.x.050**.

x.x.060 Notice and posting.

- A. The **Department** shall create and distribute a poster giving notice of the rights afforded by this **Chapter x.x**. The Department shall create and distribute the poster in English, Spanish, and any other languages that are necessary for covered employers to comply with subsection **x.x.060.B**. The poster shall give notice of the right under this **Chapter x.x** to exclude commuting costs (except for parking) incurred for transit expenses or vanpool expenses from the employee's taxable wages and compensation up to the maximum level allowed by federal tax law, consistent with federal Internal Revenue Code Section 132(f).
- B. Covered employers shall display the poster in a conspicuous and accessible place at any workplace or job site where any of their employees' work. Employers shall display the poster in English and in the primary language(s) of the employee(s) at the particular workplace. If display of the poster is not feasible, including situations when the employee works remotely or does not have a regular workplace or job site, employers may provide the poster on an individual basis in an employee's primary language in physical or electronic format that is reasonably conspicuous and accessible.

x.x.070 Employer records

- A. Each covered employer shall retain records that document compliance with this **Chapter x.x** including:
 - 1. Written documentation of the covered employer's offer of pre-tax election commuter benefits.
- B. Records required by this **Section x.x.070** shall be retained for a period of three years.
- C. If the covered employer fails to retain adequate records required under **subsection x.x.070.A**, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer

violated this Chapter x.x for the periods for which records were not retained and for each employee for whom records were not retained.

x.x.080 Retaliation prohibited

- A. No employer or any other person shall interfere with, restrain, deny, or attempt to deny the exercise of any right protected under this Chapter x.x.
- B. No employer or any other person shall take any adverse action against any person because the person has exercised in good faith the rights protected under this Chapter x.x. Such rights include but are not limited to the right to make inquiries about the rights protected under this Chapter x.x; the right to inform others about their rights under this Chapter x.x; the right to inform the person's employer, union, or similar organization, and/or the person's legal counsel or any other person about an alleged violation of this Chapter x.x; the right to file an oral or written complaint with the Department or bring a civil action for an alleged violation of this Chapter x.x; the right to cooperate with the Department in its investigations of this Chapter x.x; the right to testify in a proceeding under or related to this Chapter x.x; the right to refuse to participate in an activity that would result in a violation of city, state or federal law; and the right to oppose any policy, practice, or act that is unlawful under this Chapter x.x.
- C. No employer or any other person shall communicate to a person exercising rights protected under this Section Chapter x.x, directly or indirectly the willingness to inform a government employee that the person is not lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of an employee or a family member of the employee to a federal, state, or local agency because the employee has exercised a right under this Chapter x.x.
- D. Standard of proof. Proof of retaliation under this Section x.x.080 shall be sufficient upon a showing that the employer or any other person has taken an adverse action against a person and the person's exercise of rights protected in Section x.x.080 was a motivating factor in the adverse action, unless the employer can prove that the action would have been taken in the absence of such protected activity.
- E. The protections afforded under this Section x.x.080 shall apply to any person who mistakenly but in good faith alleges violations of this Chapter x.x.
- F. A complaint or other communication by any person triggers the protections of this Section x.x.080 regardless of whether the complaint or communication is in writing or makes explicit reference to this Chapter x.x.

x.x.090 Outreach

The Department shall coordinate with Community Transit to provide outreach and education to businesses on the implementation of a pre-tax commuter benefit program.

x.x.100 Enforcement power and duties

- A. On or after Date, the Department shall have the power to investigate violations of this Chapter x.x, as defined herein, and shall have such powers and duties in the performance of these functions as are defined in this Chapter x.x and otherwise necessary and proper in the performance of the same and provided for by law.
- B. The Department shall be authorized to coordinate implementation and enforcement of this Chapter x.x and shall promulgate appropriate guidelines or rules for such purposes.
- C. The Director of the Department is authorized and directed to promulgate rules consistent with this Chapter x.x and Chapter x.x. Any guidelines or rules promulgated by the Director shall have the force and effect of law and may be relied on by employers, employees, and other parties to determine their rights and responsibilities under this Chapter x.x.

x.x.110 Violation

The failure of any respondent to comply with any requirement imposed on the respondent under this **Chapter x.x** is a violation.

x.x.120 Investigation

- A. The Department shall have the power to investigate any violations of this **Chapter x.x** by any respondent.

x.x.130 Findings of fact and determination

- A. Except when there is an agreed upon settlement, the Director shall issue a written determination with findings of fact resulting from the investigation and statement of whether a violation of this **Chapter x.x** has or has not occurred based on a preponderance of the evidence before the Director.
- B. If the Director determines that there is no violation of this **Chapter x.x**, the Director shall issue a "Determination of No Violation" with notice of an employee or other person's right to appeal the decision, subject to the rules of the Director.
- C. If the Director determines that a violation of this **Chapter x.x** has occurred, the Director shall issue a "Director's Order" that shall include a notice of violation identifying the violation or violations.
 - 1. The Director's Order shall state with specificity the amounts due under this **Chapter x.x** for each violation, including payment of civil penalties and penalties payable to the aggrieved party pursuant to **Section x.x.140**.
 - 2. The Director's Order may specify that civil penalties due to the Department can be mitigated for respondent's timely payment of remedy due to an aggrieved party or provision of proof of compliance under **Section x.x.140**.
 - 3. The Director's Order may specify that civil penalties are due to the aggrieved party rather than due to the Department.
 - 4. The Director's Order may direct the respondent to take such corrective action as is necessary to comply with the requirements of this **Chapter x.x** including, but not limited to, monitored compliance for a reasonable period of time.
 - 5. The Director's Order shall include notice of the respondent's right to appeal the decision, pursuant to Section **Chapter x.x**.

x.x.140 Remedies

[add specific remedies/civil penalties as applicable in your jurisdiction]

x.x.150 Appeal period and failure to respond

[add specific appeal procedures as applicable in your jurisdiction]

x.x.160 Appeal procedure and failure to appear

[add specific appeal procedures as applicable in your jurisdiction]

x.x.170 Appeal from Hearing Examiner order

[add specific appeal procedures as applicable in your jurisdiction]

x.x.180 Failure to comply with final order

If a respondent fails to comply within 30 days of service of any settlement agreement with the Department, or with any final order issued by the Director or the Hearing Examiner for which all appeal rights have been exhausted, the Department may pursue, but is not limited to, the following measures to secure compliance:

[add specific code enforcement actions as applicable in your jurisdiction]

x.x.190 Other legal requirements

This Chapter x.x defines requirements for commuter benefits and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater requirements; and nothing in this Chapter x.x shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall this Chapter 14.30 be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this Chapter x.x affecting such person.

x.x.200 Severability

The provisions of this Chapter x.x are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this Chapter x.x, or the application thereof to any employer, employee, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this Chapter x.x, or the validity of its application to other persons or circumstances.