

ORDINANCE NO: 2146

AN ORDINANCE amending Chapter 10.36, the City Commute Trip Reduction (CTR) plan adopted pursuant to RCW 70.94.527.

WHEREAS, the City has previously enacted Ordinance No. 1916 which adopted the City Commute Trip Reduction plan, and

WHEREAS, the City continues to recognize the importance of increasing individual citizens awareness of air quality, energy consumption, and traffic congestion, and the contribution individual actions can make towards addressing those issues, and

WHEREAS, a number of legislative and administrative changes to the Commute Trip Reduction program have taken place, and the state technical assistance team has reviewed the changes and has made recommendations for amendments to the Commute Trip Reduction ordinances and plan of municipalities,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

Section I

The following definition is added to Section 10.36.010 of the Camas Municipal Code to provide as follows:

10.36.010 - Definitions - "Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this ordinance, 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.

Section II

Section 10.36.050(c) is amended to provide as follows:

10.36.050(c) - Modification of CTR Program Elements - The following criteria for achieving goals for VMT per employee and proportionate of SOV trips shall be applied in determining requirements for employer CTR program modifications:

1. If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify the CTR program;
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and in this ordinance, but has not met or is not likely to meet the applicable SOV or VMT goal, the City shall work collaboratively with the employer to make modifications to the CTR program. After agreeing on

modifications, the employer shall submit a revised CTR program description to the City for approval within thirty (30) days.

3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this ordinance, and fails to meet the applicable SOV or VMT reduction goal, the City shall work collaboratively with employer to identify modifications to the CTR program and shall direct the employer to revise its program within thirty (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 thirty (30) days of notice served certified mail, return receipt. The City shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not acceptable, the City will send notice (certified mail, return receipt) to that effect to the employer within thirty (30) days, and if necessary, require the employer to attend a conference with the program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the City within ten (10) working days of the conference.

Section III

Section 10.36.050(d) is amended to read as follows:

10.36.050(d) - Exemptions from CTR Program Requirement -

1. An affected employer may request the City to grant an exemption from all CTR program requirements. The affected employer shall demonstrate that it would be impossible to meet all of the CTR program requirements or that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, work force, or locations. Exemptions may be granted by the City during the initial review of the CTR program, or at the time of annual program review process. The City shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following year.
2. Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a work site CTR program. Exemptions may also be granted to 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 task force 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.

Section IV

There is hereby added a new subsection to Section 10.36.050 of the Camas Municipal Code to provide as follows:

10.36.050(e) - Good Faith Effort - An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips.

Section V

Section 10.36.060(a) is amended to provide as follows:

10.36.060(a) - Percentage reductions of SOV's and VMT's - Except as otherwise provided in this chapter, an affected employer shall include in its CTR program measures designed to achieve the following percentage reductions from the base year values for the CTR zone in which the affected employer is located by calculating the VMT's and SOV's of its affected employees:

<u>YEAR</u>	<u>PERCENTAGE REDUCTION OF VMT's</u>	<u>PERCENTAGE REDUCTION OF SOV's</u>
1995	15%	15%
1997	20%	20%
1999	25%	25%
2005	35%	35%

The base year values for the CTR zones and a map of the CTR zones within the City shall be set forth in the City's CTR plan.

Section VI

Section 10.36.060(d) of the Camas Municipal Code is amended to provide as follows:

10.36.060(d) - Modification of CTR Goals -

1. An affected employer may request that the City modify its CTR program goals. Such request shall be filed in writing at least sixty (60) days prior to the date the work site is required to submit its program description and annual report. The goal modification request must clearly explain why the work site is unable to achieve the applicable goal. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program.
2. The City will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR task force guidelines.

3. An employer may not request a modification of the applicable goals until one (1) year after City approval of its initial program description and annual report.

Section VII

Section 10.36.050(b)(7) is amended to provide as follows:

10.36.050(b)(7) - Annual Progress Report - The CTR program must include an annual review of employee commuting and of progress and good faith efforts towards meeting the SOV reduction goals.

Section VIII

Section 10.36.090(c) is amended to provide as follows:

10.36.090(c) - Violations - The following constitute violations if the deadlines established in this ordinance are not met:

1. Failure to develop and/or submit on time a complete program, including A) Employers notified or that have identified themselves to the City within 180 days of the ordinance being adopted and that do not submit a CTR program within 150 days from the notification or self-identification, and B) Employers not identified or self-identified within 180 days of the ordinance being adopted and that do not submit or implement a CTR program within 180 days from the adoption of the ordinance;
2. Failure to implement an improved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and SOV goals as specified in this ordinance; or
3. Failure to make a good faith effort, as defined in RCW 70.94.534(2); or
4. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this ordinance.

Section IX

Section 10.36.100(b) is amended to provide as follows:

The penalty for a first violation shall be \$100.00 per day. The penalty for subsequent violations shall be \$250.00 per day. Each day of failure to implement the program shall constitute a separate violation.

Section X

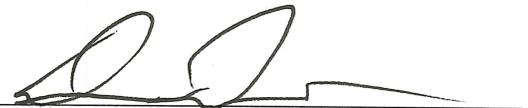
There is hereby added to Section 10.36.100(e) a new subsection to provide as follows:

10.36.100(e) - Defense - No affected employer with an approved CTR program may be held liable for failure to reach the applicable SOV or VMT goals.

Section XI

This ordinance shall take force and be in effect five (5) days from and after the publication according to law.

PASSED by the Council and APPROVED by the Mayor this 27th day of December, 1997.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:


City Attorney