

**WAC 468-63-070 Opt-in, additions, and exemptions.** (1) **Criteria and process for opt-in.** RCW 70.94.537 (2)(h) requires WSDOT to establish criteria and a process to determine whether jurisdictions that voluntarily implement CTR are eligible for state funding. Jurisdictions that are not required to implement CTR may volunteer to participate in the program. The state CTR board is not required to provide state CTR program funding to jurisdictions that opt-in. WSDOT shall provide technical assistance to opt-in jurisdictions that meet the requirements of these rules. The state intends for each jurisdiction participating in CTR to implement a consistent set of requirements for employers. Therefore, jurisdictions that opt-in to the CTR program shall follow the requirements of the rules, with the following exceptions listed below.

(a) **Local CTR plan.** Voluntary jurisdictions may, instead of developing a stand-alone CTR plan meeting the planning requirements described in these rules, develop an amendment to the transportation element of the local comprehensive plan. The amendment shall contain the following:

(i) Goals and numerical targets for reductions in the proportion of single-occupant vehicle commute trips and vehicle miles traveled per CTR commuter for the area established by the jurisdiction;

(ii) An assessment of current conditions and how attainment of the program goal can help the jurisdiction meet its broader growth and transportation goals;

(iii) A description of local services that will help the jurisdiction and its employers meet the goals and targets;

(iv) A description of the requirements for employers;

(v) A determination of the base year value and how progress toward meeting the program goal will be measured, consistent with the measurement guidelines issued by WSDOT; and

(vi) A description of how the program will be funded and administered.

The jurisdiction must adopt the comprehensive plan amendment and adopt an ordinance implementing the CTR requirements described in the comprehensive plan to be considered an opt-in CTR jurisdiction.

(b) **State technical assistance.** After an opt-in jurisdiction provides confirmation to the CTR board that a CTR ordinance has been adopted and the jurisdiction has updated its comprehensive plan to include CTR plan information, the jurisdiction shall be eligible to receive a comparable level of technical assistance that WSDOT provides to other jurisdictions required to adopt and implement CTR plans.

(2) **Criteria and procedure for RTPOs to propose to add urban growth areas.** RCW 70.94.537 (2)(f) requires WSDOT to establish criteria and procedures for RTPOs in consultation with local jurisdictions to propose to add urban growth areas. In their regional CTR plans, RTPOs may propose to add urban growth areas to the CTR program. The proposal shall list the jurisdictions in the urban growth area proposed to be added, and shall include documentation of the jurisdiction's consent to be added to the CTR program. If the proposed additions are accepted by the CTR board, the identified, consenting jurisdictions in the added urban growth areas shall be considered as opt-in jurisdictions. The opt-in jurisdictions shall be eligible to receive a comparable level of technical assistance that WSDOT provides to other jurisdictions required to adopt and implement CTR plans. The state CTR board is not required to provide state CTR program funding to jurisdictions that opt-in.

The CTR board shall consider proposed additions to the CTR program as part of its review of the regional CTR plan. In order for a jurisdiction to be approved as an opt-in jurisdiction through the regional CTR plan, the regional CTR plan shall include the following elements for each opt-in jurisdiction:

(a) Goals and numerical targets for reductions in the proportion of single-occupant vehicle commute trips and vehicle miles traveled per CTR commuter established by the proposed jurisdiction for the urban growth area and its employers;

(b) An assessment of current conditions and how attainment of the program goal can help the proposed jurisdiction meet its broader growth and transportation goals;

(c) A description of local services that will help the proposed jurisdiction and its employers meet the goals and targets;

(d) A description of the requirements for employers;

(e) A determination of the base year value and how progress toward meeting the program goal will be measured, consistent with the measurement guidelines issued by WSDOT; and

(f) A description of how the program will be funded and administered.

**(3) Criteria and procedure for RTPOs to propose to exempt urban growth areas.** RCW 70.94.537 (2)(f) requires WSDOT to establish criteria and procedures for RTPOs in consultation with local jurisdictions to propose to exempt urban growth areas.

(a) Exemption criteria. In order for their urban growth area to be exempted, jurisdictions must document in the submittal of their local CTR plan that they meet the following criteria:

(i) Development of a local CTR plan that meets the requirements in these rules;

(ii) The jurisdiction is not currently experiencing any problems with traffic congestion or traffic safety; and

(iii) The jurisdiction has not received any state transportation funding, including grant funding, for transportation improvements in the urban growth area within two years of the submittal of the local CTR plan;

(b) **Exemption application process.** A jurisdiction that seeks an urban growth area exemption shall notify its RTPO as part of the submittal of its local CTR plan. If the RTPO concurs with the urban growth area exemption request, the RTPO will submit the urban growth area exemption request with the regional CTR plan to the CTR board. The urban growth area exemption request shall describe why the exemption is justified.

RTPOs shall submit any urban growth area exemption requests to the CTR board by October 1, 2007, or by March 31 every two years thereafter. The CTR board may consider urban growth area exemption requests at other times.

The CTR board shall consider the proposed urban growth area exemption while reviewing the regional CTR plan, and approve or deny the urban growth area exemption. The CTR board shall state the reasoning for its decision and communicate the information in writing to the RTPO.

If the CTR board grants the urban growth area exemption, the jurisdiction is exempt from the requirements of the CTR law until the regional CTR plan is updated and the exemption is reevaluated.

If the CTR board denies the urban growth area exemption, the jurisdiction may appeal the decision to the secretary of transportation or his/her designee within sixty days of the board's decision by sub-

mitting a written request for appeal to the secretary of transportation or his/her designee. The secretary of transportation or his/her designee shall consider the appeal within sixty days of the jurisdiction's request. If the secretary of transportation or his/her designee grants the appeal, the exemption shall be granted by the CTR board. If the secretary of transportation or his/her designee denies the appeal, the jurisdiction is required to follow the CTR requirements and the regional CTR plan must reflect the inclusion of the jurisdiction's CTR plan.

(c) **Reevaluation of exemption.** As part of the regional CTR plan update, RTPOs, in consultation with local jurisdictions, shall reevaluate any exempted urban growth areas to assess whether the conditions that qualified the area for the exemption have changed. For each proposed urban growth area, the RTPO shall discuss its reasoning for a continued exemption or removal of exemption with the CTR board, and the CTR board will decide whether or not a change is warranted.

[Statutory Authority: RCW 70.94.537. WSR 07-05-065, § 468-63-070, filed 2/20/07, effective 3/23/07.]