



whatcom council of governments

2025-2029 Regional Commute Trip Reduction (CTR) Plan

Draft January 2025

This plan was prepared by the Whatcom Council of Governments.

Commute Trip Reduction (CTR) is a Washington state law passed in 1991 with goals to improve air quality, reduce traffic congestion, and reduce petroleum fuel consumption through employer-based programs that encourage alternatives to driving alone. Whatcom Council of Governments is responsible for developing a regional CTR Plan and ensuring consistency from city and county CTR plans.

Whatcom Council of Governments (WCOG) complies with Title VI of the Civil Rights Act of 1964 that assures no person shall, on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which WCOG receives Federal financial assistance. WCOG also provides services to people with Limited English Proficiency. For further information regarding Title VI or language assistance, please contact WCOG by phone (360) 685-8385 or email to TitleVI@wcog.org.

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Performance targets

1. List your region's CTR performance target(s).

a. List performance targets that reflect only CTR-affected worksites.

Weighted average drive-alone-rate (DAR) of 64 percent or less for CTR-affected worksites at the jurisdictional level. This target is a 15.5 percent (or greater) reduction of the jurisdiction's census performance in 2019.¹

b. List any additional performance targets.

None.

2. List the base value you'll use for each performance target (if applicable).

a. For each performance target, provide the number you'll use as the baseline (or starting number). You'll measure the difference between this number and your results to report performance.

DAR during the 2023-2025 CTR survey cycle will be the base value.

3. Describe the method you used to determine the base value for each target (if applicable).

a. Provide the source for each base value listed.

2023-2025 CTR worksite survey results pertaining to drive-alone trip-making will be aggregated to the jurisdiction level and used as the base DAR value.

4. Describe how you'll measure progress toward each target.

a. List the method you'll use to measure progress for each target.

We will measure progress using the subsequent survey results (2025-2027).

¹ Source: Washington State Department of Transportation, [Guidance for 2025-2029 City, County, Regional Commute Trip Reduction Plans](#), Appendix B, p. 19.

Strategies for achieving targets

5. Describe the services and strategies your region will use to achieve CTR performance targets.

Whatcom Council of Governments (WCOG) will continue to implement the Whatcom Smart Trips program. Whatcom Smart Trips is a collection of initiatives and tools that help and encourage community members to use more efficient and sustainable transportation modes.² These include:

- An online trip diary for tracking trips made by walking, bicycling, sharing rides and riding the bus (non-drive alone modes)
- Incentive distribution, which includes discount cards, gift certificates, cash prizes and recognition to motivate community members to try new forms of transportation
- Employer partnerships to provide support to businesses and organizations that want to promote sustainable transportation to their employees (including CTR employers)
- School Smart Trips program, which provides classroom activities for middle school students and bicycle skills courses for elementary school students, as well as summer adventure camps
- Bicycle education for children and adults
- Community outreach activities
- An ongoing public awareness campaign that includes advertising and public presentations to make the community aware of the benefits of participation in the Smart Trips program.

WCOG also partners with Whatcom Transportation Authority (WTA) on Smart Trips programming, including:

- Advertising and community relations
- Emergency rides home using a limited, free taxi service so bus riders and other Smart Trips participants who experience an emergency or become ill at work can get home
- First Time Rider Pass distribution among Smart Trips employer partners.

6. Describe the regional transportation demand management technologies that will be used to deliver CTR services and strategies.

The Whatcom Smart Trips website is used to track non-drive alone trips, facilitate employer partnerships, provide education and assistance related to bike and transit options, and incentivize non-drive alone modes.

The Whatcom Smart Trips website can be accessed at the following link:

www.whatcomsmarttrips.org/

WCOG will also use the state's CTR tool to conduct CTR surveys and gather program data.

² Source: Whatcom Council of Governments, [Way to Go Whatcom](#), Section 6.5.1 Whatcom Smart Trips – Transportation Demand Management.

Financial plan

7. Describe your financial plan.

a. Describe the estimated average annual costs of your plan.

Activity	Estimated average annual cost
Employer Engagement	\$40,000
Performance Reporting	\$5,000
Administration	\$5,000
CTR Plan*	\$3,000
School Engagement	\$269,000
Community Outreach	\$173,000
Total	\$495,000

*This estimate does not include the development of this CTR Plan this year.

b. Describe likely funding sources, public and private, to implement your plan.

Source of Revenue	Estimated average annual revenue
Commute Trip Reduction Funding (state)	\$53,000
Regional Mobility Grant (state)	\$212,000
Mobility Management Grant (federal)	\$124,000
Local Government Funding	\$106,000
Total	\$495,000

Engagement

8. Describe engagement. Who did you talk to? When did you talk to them? What did they have to say? How did what they said influence the plan?

The existing Whatcom Smart Trips program is informed by a comprehensive survey effort that took place from 2004-2009 and reached over 14,000 local residents. This resulted in the 2012 Mobility Report³, which can be accessed at the following link:

https://www.whatcomsmarttrips.org/news/mobility_report

WCOG recognizes that the region has grown and changed since this initial engagement effort and plans to incorporate more recent engagement results into the 2025-2029 Regional CTR Plan. WCOG engagement efforts will include 1) a review of existing engagement results, 2) public surveys, and 3) public review of the Draft CTR Plan.

Review of Existing & Relevant Engagement Results:

WCOG consulted recent community engagement results from the City of Bellingham's efforts related to their updated Pedestrian and Bicycle Master Plans. This engagement effort took place primarily in 2022 and 2023.⁴ The results of the outreach contain relevant information and feedback from the public which can also be used to inform this CTR Plan. Bellingham's engagement effort is particularly relevant to this CTR Plan because the majority of our region's CTR-affected sites are located in the City of Bellingham or near city limits. Additionally, our regional CTR strategy, the Whatcom Smart Trips program, goes beyond commute trips and aims to promote non-drive alone trips of all kinds, whether for work, leisure, errands or other purposes. Given the breadth of the Smart Trips program, we can utilize a wide variety of public feedback about non-drive alone modes and trips, whether they are commute trips or not.

Relevant findings from the City of Bellingham's Pedestrian and Bicycle Master Plan community engagement effort are summarized below:

Over 500 people interacted with the Pedestrian Master Plan survey and webmap, and over 1,000 people interacted with the Bicycle Master Plan survey and webmap. Engagement also included in-person events, direct emails, comments received, and technical review committee meetings. Some of the survey questions show that driving is still the most selected form of transportation for getting around Bellingham, but significant numbers of people are also choosing non-driving modes like walking, rolling, or biking.⁵

Survey questions also showed that the most popular reasons people ride bicycles in Bellingham are for exercise, running errands/shopping, and various forms of recreation or leisure rides (on

³ Source: Whatcom Smart Trips, [2012 Mobility Report: The Surprising Story of Travel Behavior in Bellingham, Washington](#).

⁴ Source: City of Bellingham, [Bellingham Bicycle Master Plan](#), 2024, Appendix A: Engagement Summary; City of Bellingham, [Bellingham Pedestrian Master Plan](#), 2024, Appendix A: Engagement Summary.

⁵ Source: Bellingham, [Bicycle Master Plan](#), 2024, p. 92.

paved trails, on city streets, and on dirt trails). Commuting to work was the 6th most popular answer.⁶ This supports the broader approach that Whatcom Smart Trips takes by going beyond commute trips to encourage non-drive alone trips of all types, particularly those taken for errands or leisure.

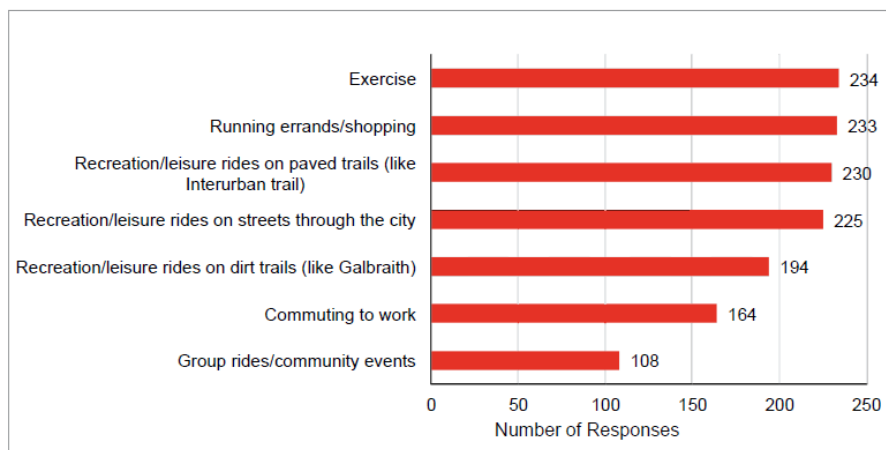


Image description: A screenshot of a bar chart from the Bellingham Bicycle Master Plan showing survey responses when participants were asked “The main reason I ride a bicycle is for _____. “

In another survey question, people selected options that would improve their experience and/or lead them to choose to ride a bike more in Bellingham. The most popular responses were “a connected network of bike lanes”, “streets that feel safer for biking”, and “secure places to park a bike at your destination”.⁷ Overall, participants seemed to prioritize infrastructure-based responses to this question.

When asked about other ways bicycling can be supported in Bellingham, survey respondents ranked “providing commuter benefit or employer wellness programs” an average of 4.51/5 in importance (sixth overall). In contrast, the highest ranked option overall was “enforcing traffic safety laws with the greatest impacts (e.g., driving under the influence, speeding)”, and some other highly ranked options were “mandating bike-friendly development (e.g., installation of bike racks)” and “installing automated speed safety cameras (school zones, red light running, speeding)”. These top three responses emphasized infrastructure improvements and safety. Additionally, respondents ranked “educating people around safe biking” an average of 3.97/5 in importance and fourth overall.⁸ As part of existing programming, Whatcom Smart Trips offers bicycle education classes and facilitates commuter benefit programs.

Other overall themes that emerged from the City of Bellingham’s engagement effort are:

- The importance of a connected pedestrian network for people to access their daily needs and recreation.

⁶ Source: Bellingham, *Bicycle Master Plan*, 2024, p. 93.

⁷ Source: Bellingham, *Bicycle Master Plan*, 2024, p. 94.

⁸ Source: Bellingham, *Bicycle Master Plan*, 2024, p. 96.

- A need for a connected network of higher comfort bikeways (such as separated or protected bike lanes, bike boulevards, and trails).
- A desire to feel safer at intersections and crossings, for both pedestrians and bicyclists
- Concerns about driver behavior, speeding, and safety.

Public Surveys:

Based on the review of existing engagement results, WCOG designed public survey questions to fill in knowledge gaps and build on the existing engagement information available. WCOG utilized the following two public surveys to inform this CTR Plan and our regional CTR strategy:

- The CTR worksite survey and
- The Regional Safety Action Plan public survey ('The Whatcom Crash Test')

The CTR worksite survey tool provided by WSDOT was distributed to all CTR work-sites in May of 2024. This survey reached employees at CTR work sites and included questions about commuters' daily modes of transportation and their motivations and considerations in choosing that mode. A total of 3,275 employees completed the survey. The results show that the majority of CTR worksite employees currently commute by driving alone (58% of commutes) although a significant portion make smart trips (22% of commutes when combining walk, bus, bike and carpool trips) or work from home (19%). Employees' top travel considerations were 'Time/duration' (80%), 'Flexibility/convenience' (67%), and 'Weather' (33%). Additionally, this survey showed that the majority of CTR worksite employees were either unaware of any incentives or subsidies their employer offered surrounding commute trip reduction or confused about any offerings (56%). This lack of awareness will be addressed by the educational aspects of the Smart Trips program as well as the employer partnerships.

The Whatcom Crash Test survey was part of a broader engagement effort focused on roadway safety and funded by the Safe Streets For All federal grant program. The Whatcom Crash Test survey will primarily inform WCOG's Regional Safety Action Plan, but the survey also included questions about peoples' trip choices. The Whatcom Crash Test survey was available online during July, August and September of 2024. It was promoted via local newspaper ads, WTA bus boards, social media, an in-person booth at the Northwest Washington Fair, and most prominently, a mailed postcard.

The Whatcom Crash Test survey was taken by 3,560 Whatcom County residents aged 16 or older. The results of the survey are stated below:

- Most popular mode: The majority of Whatcom County residents selected drive alone as the form of transportation they use most often (88%), although 43% selected walk/roll, 25% selected carpool/rideshare, 23% selected bike and 10% selected bus/paratransit (up to three selections were allowed).
- Gauging interest in other modes: When asked if they had considered using any other modes more often, 35% of drive alone respondents said that they were not interested in any other modes. Those who were interested in trying out a new mode were most interested in bus/paratransit (24%), biking (19%), and carpooling (10%).

- Preventative factors: When asked what prevented them from using the non-drive alone mode they were interested in, the top reasons were summarized as accessibility/availability, time, and danger/safety.
- The people who already don't drive alone: Non-drive alone respondents said that 'Travel time' (52%), 'Environmental Impact' (50%), and Health/fitness (47%) were their most influential factors in choosing a non-drive alone mode (multiple selections allowed).

The Whatcom Crash Test showed that significantly more Whatcom County residents drive alone as compared to CTR worksite employees. While the structure of the questions was different, this suggests some relative success for the CTR program and any worksite incentives/subsidies provided. The survey also shows that Whatcom County residents have limited interest in new modes and value their time highly. Accessibility/availability concerns will be partially addressed through Smart Trips' educational programs and First Time Rider Pass distribution among Smart Trips employer partners.

Public Review of the Draft CTR Plan:

After WSDOT review, WCOG will solicit feedback on this Draft Regional CTR Plan through:

- public notice advertised in the local paper,
- email distribution lists, and
- online at www.wcog.org.

9. Describe vulnerable populations considered and how you engaged them. Who did you talk to? When did you talk to them?

WCOG collected optional demographic information as part of both the CTR worksite survey (May 2024) and the Whatcom Crash Test survey (July, August, September 2024) in order to identify vulnerable populations who engaged with each survey. Low income populations and people of color were the primary vulnerable populations considered when filtering the survey results. These populations were highlighted based on their presence in WCOG's newly developed Social Vulnerability Index (SVI), which includes three factors: low income, people of color and limited English proficiency populations. Unfortunately, both surveys resulted in lower responses from non-white racial and ethnic groups than would be considered representative of Whatcom County as a whole. Response rates for Native American/Alaska Native and Hispanic/Latino populations were particularly low relative to Whatcom County populations.

The respondents of the CTR worksite survey were 78% White, 5% Multiracial/ethnic, 4% Asian, 2% Hispanic/Latino, 0.75% Black/African American, and 0.72% American Indian/Alaska Native, with an additional 8% preferring not to answer. In raw numbers, the survey reached 414 people of color (non-white alone). The CTR survey respondents were mostly higher income earners, although approximately 20% of respondents reported less than \$60,000 in annual household income (less than the Whatcom County median household income of approximately \$70,000 in 2021).

In order to promote the Whatcom Crash Test and maximize responses, WCOG mailed postcards to all Whatcom County addresses. The respondents of the Whatcom Crash Test survey were 87% White, 6% Multiracial/ethnic, 2% Asian, 2% Hispanic/Latino, 1% Black/African American, and 0.5% American Indian/Alaska Native. In raw numbers, the survey reached 343 people of color (non-white alone). The distribution of annual household income among survey respondents was fairly equal, and approximately half of all survey respondents fell into one of the three following groups: 11.3% reported earning less than \$25,000, 16.9% reported earning \$25,000-\$49,999, and 19.7% reported earning \$50,000-\$74,999 in annual household income.

10. Describe results of engagement focused on vulnerable populations. What did they have to say? How did what they said influence the regional CTR plan?

Based on a filtering of free response questions on the CTR Worksite Survey, people of color submitted various comments about the accessibility of bus routes/schedules, the need to commute from longer distances, international border travel, and disability considerations.

Based on another filtering of free response questions on the CTR Worksite Survey, lower income earners (less than \$60,000) submitted various comments about interest in flexible work schedules and remote work, the accessibility of bus routes/schedules, and weather considerations.

Based on a filtering of free response questions on the Whatcom Crash Test Survey, people of color submitted various comments about lack of pedestrian/biking infrastructure, the accessibility of bus routes/schedules, and safety concerns.

Based on another filtering of free response questions on the Whatcom Crash Test Survey, lower income earners (less than \$50,000) submitted various comments about the cost barrier of getting a bike, the accessibility of bus routes/schedules, lack of non-drive alone options and infrastructure in rural areas, time and scheduling considerations.

These comments will help to inform future Smart Trips programing and employer partnerships. Comments about flexible schedules and remote work will be communicated to CTR employers through Smart Trips' employer partnership program. Bus accessibility will be partially addressed through Smart Trips' bus education classes, ongoing public outreach campaigns, and First Time Rider Pass distribution among Smart Trips employer partners.

11. List the results of your engagement, including results from vulnerable populations, that will be provided for consideration in the state CTR and public transportation plan; regional growth, economic and transportation plans; and comprehensive plan and transit plan updates

The City of Bellingham engagement results related to infrastructure (desires for connected bike/pedestrian pathways) from the Bicycle and Pedestrian Master Plans will be considered in their next Comprehensive Plan update.

Concerns about driver behavior, speeding, and general roadway safety, particularly as it affects active transportation modes, will be considered by WCOG in the upcoming Regional Safety Action Plan.

ATTACHMENT to CTR PLAN

Section 1 CTR PLAN INTRODUCTION

Legislative Framework

The Washington State Legislature passed the Commute Trip Reduction (CTR) Law in 1991 as part of the Washington Clean Air Act and in response to the federal Clean Air Act. The law requires CTR-affected cities and county governments to adopt a CTR plan and ordinances that define commute trip reduction (CTR) requirements for affected employers within their jurisdictions. The law also requires affected regional transportation planning organizations (RTPO) to develop and implement a CTR plan.

The Commute Trip Reduction Plan has been prepared in conformance with the requirements of the CTR Law (RCW 70A.15.4000-4110) and the CTR Guidelines.

Section 2 CTR PLAN ADMINISTRATION

Introduction

The CTR Plan was developed by Whatcom Council of Governments (WCOG) and Whatcom County. WCOG will continue this approach by implementing and administering the CTR Plan in a cooperative and flexible manner to allow employers to design programs that work for their employees and situations while, at the same time, ensuring consistency and fairness.

WCOG will be able to offer assistance in identifying potentially effective alternate travel mode strategies to affected employers as they begin to develop their programs through its own Smart Trips program. To ensure coordination and compatibility between an employer's CTR strategies and the CTR Plan, employers should contact WCOG to review their programs at an early stage of development.

In addition, WCOG will provide on-going support to employers to assist them in maintaining and enhancing their CTR programs.

Notification

Affected Employers

1. WCOG will make efforts to identify employers that meet the definition of an affected employer within 180 days of the employer either moving into the boundaries of the incorporated Cities or unincorporated Whatcom County, or growing in employment to qualify as an affected employer.
2. Affected employers who, for whatever reason, do not receive notification within thirty (30) days of becoming affected shall identify themselves to WCOG within ninety (90) days of becoming affected.
3. Affected employers will be granted 180 days from the official notification by WCOG or self-identification date to develop and submit a CTR program or enroll in the Smart Trips program

Change in Status - Any of the following changes in an employer's status will change the employer's CTR program requirements:

If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more employees for the next 12 months, that employer will no longer be considered an affected employer. It is the responsibility of the employer to notify WCOG that it is no longer affected. It is also the responsibility of the employer to notify WCOG if they return to the level of 100 or more affected employees, returning them to affected employer status.

Section 3 EMPLOYER REQUIREMENTS

Introduction

The requirements of the CTR Plan for Whatcom County apply to any affected employer at a single worksite within the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas and unincorporated Whatcom County.

An affected employer is required to:

1. Develop and implement a CTR program that will encourage its employees to reduce drive alone commute trips. Participation in the Smart Trips program fulfills this requirement.

2. The CTR program must include the mandatory elements specified in the CTR Law, which are necessary to achieve the goals of the CTR Plan. The Smart Trips program includes the mandatory elements.
3. The employer must maintain a set of records to assist in the evaluation of its program or participate in the Smart Trips program requiring employees to keep an online trip diary to assist in the evaluation of its program.
4. Employers are required to make a good faith effort per RCW 70A.15.4040(5) and this plan to develop and implement a CTR program or participate in Smart Trips encouraging its employees to reduce drive alone commute trips.

WCOG will provide technical assistance and training to affected employers in developing and implementing their programs and meeting the above requirements. Employers should begin to implement the program as soon as practical upon submittal of the initial program description or enrollment in Whatcom Smart Trips.

Mandatory Program Elements

Each employer's CTR program must include the following mandatory program elements:

Transportation Coordinator - The employer must designate an employee transportation coordinator (ETC) to administer the CTR program. The coordinator's name, location and telephone number must be prominently displayed at each of the employer's participating work sites. An employer with multiple worksites in Whatcom County is not required to have an ETC at each worksite. The ETC is responsible for implementing the CTR program. The ETC is the primary CTR program contact person for employees and WCOG. An employer may designate more than one ETC.

Information Distribution - Information about alternatives to driving to work alone must be provided to employees at least once a year. The distribution of information should be coordinated as closely as possible with WCOG to ensure that the information is up to date and accurate.

Program Assessment Survey - Affected employers are required to participate in a biennial survey reporting on onsite outreach efforts, available resources, and company policies that encourage the reduction of drive alone commute trips.

Employee Survey - Affected employers are required to conduct a biennial employee survey using a survey tool provided by WSDOT. Survey results will be used to measure progress toward meeting the CTR Plan performance targets.

Additional Program Elements

Affected employers will need to implement specific strategies that will lead to meeting the CTR goals. The specific combination of strategies to be implemented is optional and may depend on type of workforce, geographic location, and transportation system at the worksite. To help identify these strategies, WCOG staff will meet with affected employers at their request. These meetings will review and discuss various combinations of strategies that have been found to be effective. Additional program elements which may be considered include:

1. Provision of preferential parking or reduced parking charges, or both, for rideshare participants.
2. Instituting or increasing parking charges for single occupant vehicles.
3. Provision of commuter ridematching services to facilitate employee ridesharing for commute trips.
4. Provision of subsidies for those using transit, vanpools, carpools, or other alternatives to driving alone.
5. Permitting the use of the employer vehicles for rideshare.
6. Permitting flexible work schedules to facilitate employees' use of alternatives to commuting alone.
7. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work.
8. Provision of parking incentive program such as a rebate for employees who do not use the parking facilities.
9. Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their home.
10. Permitting alternative work schedules that reduce commute trips during peak hours.
11. Establishing other measures designed to facilitate the use of high occupancy vehicles, such as on-site daycare facilities and transportation home in the event of an emergency.

Section 4

MODIFICATIONS AND EXEMPTIONS

Modification of CTR Program Elements

Conditions for Modification - Any affected employer may request a modification of CTR program elements, other than the mandatory elements, specified in the CTR Plan and CTR Ordinance. Such a request may be granted if one of the following conditions exists:

1. The employer can demonstrate that it is unable to comply with certain CTR program elements for reasons beyond the control of the employer.
2. The employer can demonstrate that compliance with the CTR program would constitute an undue hardship.

CTR Program Exemptions

An affected employer may submit a request 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 plan as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the drive alone commute trips per employee. Exemptions may be granted at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. Employers receiving exemptions shall be reviewed annually to determine whether the exemption will be in effect during the following program year.

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. Assessment of the validity of employee exemption requests will be made by WCOG. Employee exemption requests shall be reviewed annually to determine whether the exemption will be in effect during the following program year.

Section 5

COMPLIANCE AND ENFORCEMENT

Program Review Criteria

Affected employers must submit an initial program description to WCOG or enroll in the Smart Trips program within 180 days of becoming affected. The employer's program assessment survey and employee survey dates will be established by WCOG based on guidelines set forth by WSDOT. Participation in program development and surveys will be conducted in the spirit of cooperation between WCOG and affected employers with WCOG offering to provide technical assistance to the employer in developing or modifying a program until it meets the requirements.

WCOG will apply the following criteria for achieving goals related to CTR plan performance targets in determining whether to require modifications of an employer's CTR program:

1. If an employer makes a good faith effort, per RCW 70A.15.4040(5) and this plan, and meets the CTR plan performance targets, this 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, per RCW 70A.15.4040(5) and this plan, but has not met or is not likely to meet the CTR plan performance targets, the WCOG shall work collaboratively with the employer to make modifications to its CTR program.
3. If an employer fails to make a good faith effort, per RCW 70A.15.4040(5) and this plan, and fails to meet the CTR plan performance targets, the WCOG 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 WCOG shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, WCOG will send written notice to that effect 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 county within ten working days of the conference.

Violations

Any one of the following constitutes a violation by an affected employer:

1. Failure to develop a complete CTR program and/or to submit a complete CTR program description on time.
2. Failure to implement an approved CTR program within 180 days of submitting its CTR Program Description.
3. Failure to participate in biennial program assessment survey on time.
4. Failure to participate in biennial employee survey.
6. Intentional submission of fraudulent or false bogus information, data and/or survey results
7. Failure to make a good faith effort per RCW 70A.15.4040(5) and this plan.

Penalties

The local jurisdictions may impose civil penalties in the event of violations in the manner provided in RCW 7.80. The intent of the CTR Plan is to bring about the implementation of effective CTR programs. Penalties will be imposed only after exhaustive efforts to gain cooperation have failed. Employers may appeal the imposition of penalties to the CTR Appeals Board (see Section 6).

1. Whenever WCOG makes a determination that an affected employer is in violation of the CTR Ordinance, WCOG shall issue a written notice by certified mail or delivery, return receipt requested, to the employer. A copy of the notice will be sent to the City or County Council in the jurisdiction which the employer is located and shall contain:
 - a. The name and address of the affected employer;
 - b. A statement that the affected employer has been found to be in violation of the Ordinance, with a brief and concise description of the conditions found to be in violation;
 - c. A statement of the corrective action required to be taken and a date when such corrective action should be completed;
 - d. A statement specifying the range of any civil penalty that could be assessed on account of the violation;

- e. A statement advising that a civil penalty may be levied by the jurisdiction's council 30 days after notification of the violation, unless the employer requests, in writing, an appeal.
 - f. A description of the appeals process and how the employer may initiate an appeal.
- 3. Each infraction shall constitute a separate violation.
 - 4. Each day that an employer is in violation shall constitute a separate violation.
 - 5. Penalties will begin to accrue 30 days following the formal notification of violation. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals process. Should the appeal be decided in favor of the appellant, all of the monetary penalties will be dismissed.
 - 6. No affected employer with an approved and implemented good faith effort CTR program may be held liable for failure to reach the applicable performance targets.

Schedule of Penalties

The penalty for a violation will be set by the CTR Ordinance adopted by each affected jurisdiction.

Section 6 APPEALS PROCESS

Appeals Process

The appeals process for affected employers is consistent with the CTR Law. The CTR Law provides employers with a framework within which to develop their own CTR programs in response to the circumstances of their employees. When WCOG reviews employer programs, it will be guided by the principle that flexibility and attention to employer concerns are essential to the success of a program. WCOG will be receptive to employer concerns and may allow for modifications based on unique circumstances. In this way, the first stage of an appeal is for WCOG to respond to employer concerns and, when necessary, negotiate mutually satisfactory solutions.

Any affected employer may appeal administrative decisions regarding exemptions, goal modifications, program element modifications, and violations to an appeals board. In the event of a violation, the affected employer will be notified of the intent to impose penalties and the

manner in which penalties may be appealed. If an employer elects to appeal, the time from the receipt of the application to appeal to the resolution of the appeal will not be counted in the imposition of penalties.

Appeals Board

The governing body (City or County Council) of the jurisdiction where the employer is located will serve as the CTR Appeals Board. The WCOG will provide technical support as needed by the Council to fulfill this duty.