

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON AMENDING CHAPTER 10.50 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO COMMUTE TRIP REDUCTION PLAN

WHEREAS, the City of University Place recognizes the importance of increasing citizens' awareness of air quality, energy and fuel consumption, and traffic congestion and the contribution individual actions can make toward addressing these issues; and

WHEREAS, under State law set forth in Chapter 70A.15.4000-4110 RCW, the City of University Place is required to develop and implement a commute trip reduction plan and program to reduce single occupant vehicle commute trips and reduce vehicle miles traveled; and

WHEREAS, this Ordinance is consistent with the goals and policies set forth in the City's Comprehensive Plan to increase the use of public transit; and

WHEREAS, this Ordinance is consistent with CTR Task Force guidelines, the ordinances of other jurisdictions within Pierce County, and the requirements of the City's Code; and

WHEREAS, RCW 70.94 was amended by the Legislature in 2006; and

WHEREAS, the State has amended the model commute trip reduction ordinance; and

WHEREAS, cities are required to comply with State requirements,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 10.50 UPMC. Chapter 10.50 UPMC is amended as set forth in Exhibit A attached hereto.

Section 2. Continuance of Existing Plans. All commute trip reduction plans developed under Chapter 10.50 UPMC are unaffected by this Ordinance.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JUNE 16, 2025.

Javier H. Figueroa, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 06/17/25

Effective Date: 06/23/25

UNOFFICIAL DOCUMENT

Exhibit A
Chapter 10.50

CITY OF UNIVERSITY PLACE COMMUTE TRIP REDUCTION PLAN

Sections:

- 10.50.010 Purpose and intent.
- 10.50.020 Definitions.
- 10.50.030 City commute trip reduction plan.
- 10.50.040 Responsible City agency.
- 10.50.050 Applicability.
- 10.50.060 Notification of applicability.
- 10.50.070 Employer program requirements.
- 10.50.080 Program modifications and exemptions.
- 10.50.090 Review of commute trip reduction programs.
- 10.50.100 Enforcement and penalties.
- 10.50.110 Appeals of administrative decisions.
- 10.50.120 Commute trip reduction program for employees of City government.

10.50.010 Purpose and intent.

The purpose of this chapter is to promote the public health, safety, and general welfare by establishing goals and requirements for employers to implement commute trip reduction programs in accordance with RCW ~~70.94.521 through 70.94.555~~ 70A.15.4000-4080. The City recognizes the importance of increasing citizens' awareness of climate changes, air quality, energy consumption, and traffic congestion and the contribution individual actions can make toward addressing these issues. The intent of this chapter is to achieve the following objectives:

- A. To improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single-occupant vehicle for the commute trip.
- B. To make optimal use of existing and planned transportation facilities to minimize development costs and preserve business opportunities in the City of University Place and the State of Washington.
- C. To adopt a cooperative and coordinated approach to reducing the number of drive-alone trips and average vehicle miles traveled (VMT) to ensure consistency regarding CTR policies and implementation.
- D. To treat affected employers in a fair and reasonable manner.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.020 Definitions.

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

A. "Affected employee" means a full-time employee, including telework/telecommute employee, who reports or begins their ~~who begins his or her~~ regular workday at a single worksite ~~covered by the commute trip reduction plan~~ between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 52 continuous weeks. Independent contract employees are excluded. Seasonal employees and independent-contract employees are excluded. ~~agriculture employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees. Construction workers who work at a construction site with an expected duration of less than two years are excluded from this definition.~~

B. "Affected employer" means an employer who employs 100 or more affected employees.

C. "Affected employer worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and at which there are 100 or more affected employees.

D. "Alternative commute mode" refers to any means of commuting other than that in which the single-occupant motor vehicle is the dominant mode. Teleworking/telecommuting and compressed work week schedules that result in the reduction of a commute trips are also considered an alternative commute mode.

E. "Carpool" means a motor vehicle occupied by at least two ~~to four~~ people of at least 16 years of age traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

F. "Commute trip" means a trip that is made from a worker's home to a worksite.

G. "CTR" is the abbreviation of commute trip reduction.

H. "Commute trip reduction (CTR) plan" means the adopted City of University Place plan to regulate and administer the CTR programs of affected employers.

I. "Commute trip reduction (CTR) program" means an employer's strategies to reduce employees' drive-alone trips and average VMT per employee.

J. "Compressed work week" means a full-time employee work schedule that allows an employee to eliminate at least one workday every two weeks by working more hours the remaining days, resulting in fewer commute trips by the employee. Examples would include working four workdays per week or nine workdays in two weeks. Compressed work weeks are understood to be an ongoing arrangement.

K. "Day" means calendar day.

L. "Department" means the City of University Place Engineering Department.

M. "Dominant mode" means the mode of travel used for the greatest distance of a commute trip.

N. "Drive alone" means a motor vehicle occupied by one person for commute purposes, including a motorcycle.

O. "Employee transportation coordinator" means a designated person (s) who is responsible for the development, implementation and monitoring of an employer's commute trip reduction program.

P. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit, military installation or private, that employs workers. Excludes tribal reservations. or private, that employs workers.

Q. "Flex-time" is a flexible work schedule which is a mutual agreement between the employee and the employer to choose the work time, but not the number of working hours. Flex-time is understood to be an ongoing arrangement.

R. "Full-time employee" means a person, other than an independent contractor or seasonal employee, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.

S. "Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.534(2)70A.15.4050 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 performance improvements to its CTR program over an agreed-upon length of time.

T. "Implementation" or "implement" means active pursuit by an employer to achieve the CTR goals of RCW ~~70.94.521 through 70.94.554~~ 70A.15.4000-4110 and this chapter.

U. "Mode" means the type of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, light rail, train, ~~ferry~~, bicycle, compressed work week schedules, teleworking/telecommuting, and walking.

V. "Newly affected employer" refers to an employer that is not an affected employer upon the effective date of this chapter but who becomes an affected employer subsequent to the effective date of this chapter.

W. "Proportion of drive alone trips" means the number of commute trips over a set period made by employees in single-occupancy vehicles divided by the number of potential trips taken by employees working during that period.

X. "Single worksite" means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.

Y. "Teleworking/telecommuting" means the authorization of an employee to work from home, satellite office, alternative worksite or from a teleworking center, thus eliminating a commute trip or reducing the distance traveled in a commute trip by at least half of the employee's regular commute distance.

Z. "Transit" means a multiple-occupant vehicle operated on a shared-ride basis. This definition includes bus, ferry, or rail.

AA. "Transportation management organization (TMO)" or "transportation management association (TMA)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO/TMA may represent employers within specific City limits, or may have a sphere of influence that extends beyond City limits.

BB. "Vanpool" means a vehicle occupied by ~~five~~ 3 to 15 people of 16 or more years of age traveling together for their commute trip that results in the reduction of motor vehicle trips.

CC. "Vehicle miles traveled (VMT) per employee" means the sum of the individual vehicle commute trip lengths in miles made by employees over a set period divided by the number of employees during that period.

DD. "Week" means a seven-day calendar period, starting on Sunday and continuing through Saturday.

EE. "Weekday" means Monday, Tuesday, Wednesday, Thursday, or Friday.

FF. "Writing," "written," or "in writing" means original signed, including e-signatures, and dated documents that are mailed, email or City approved document upload or sharing platform, and dated documents. ~~Facsimile (fax) transmissions and electronic transmissions are a temporary notice of action that must be followed by the original, signed and dated, via mail or delivery.~~

(Ord. 528 § 2 (Exh. A), 2008).

10.50.030 City ~~e~~commute trip reduction plan.

The City has a variety of responsibilities pursuant to the requirements of RCW ~~70.94.521 through 70.94.554~~ 70A.15.4000-4110. The City commute trip reduction plan addresses these responsibilities and establishes the goals for the City and the CTR-affected employers as set forth in Attachment A adopted hereby and on file with the city clerk.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.040 Responsible City agency.

The City of University Place Engineering Department is responsible for implementing this chapter.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.050 Applicability.

A. Affected Employer. The provisions of this chapter shall apply to any affected employer at any single worksite ~~as defined by RCW 70A.15 within the limits set forth in the City commute trip reduction plan.~~

B. Change in Status as an Affected Employer. Any of the following changes in an employer's status may change the employer's CTR program requirements:

1. Change from Affected to a Nonaffected Status. 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 affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the City in writing that it is no longer an affected employer and provide supporting evidence.
2. Change in Status within a 12-Month Period. If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months, and will be subject to the program requirements as other affected employers.
3. Change in Status After a 12-Month Period. If an employer drops below the threshold and then returns to the threshold 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 newly affected employer.

C. Newly Affected Employers.

1. Identification. Newly affected employers must identify themselves to the City within 90 days of either moving into the boundaries as set forth in ~~RCW 70A.15.4020 the City CTR plan~~ or growing in employment at a worksite to 100 or more affected employees. It is the responsibility of the employer to notify the City of its affected employer status. Newly affected employers who do not identify themselves within 90 days will be considered to be in violation of this chapter.
2. Survey. Newly affected employers identified as such shall be given 90 days to perform a baseline measurement. The employer shall utilize the State-provided survey measurement tool or State-approved equivalent format and strive to achieve at least a 70 percent response rate from employees ~~who report to at~~ the worksite. Employers who do not perform a baseline measurement within 90 days of receiving written notification that they are subject to this chapter are in violation of this chapter.
3. Program Development. Not more than 90 days after receiving notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR program to the City. The employer shall submit their CTR program utilizing the format provided by the City. The program will be developed in consultation with the City of University Place to be consistent with the goals of the CTR plan. Employers who do not submit their CTR program within 90 days are in violation of this chapter.
4. Implementation. The program shall be implemented not more than 90 days after approval by the City of University Place. Employers who do not implement an approved CTR program within 90 days are in violation of this chapter.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.060 Notification of applicability.

A. Notice to Known Affected Employers. Known affected employers located in the City will receive written notification that they are subject to this chapter and any revisions to this chapter. Such notice shall be by ~~certified mail, or delivery~~ or email, ~~return receipt~~, addressed to the company's chief executive officer,

senior official, or ~~CTR manager~~highest-ranking official at the work site. Such notification shall be delivered 90 days after the adoption of the ordinance codified in this chapter or any revisions to this chapter.

B. Self-Identification of Affected Employers. Employers who, for whatever reasons, do not receive notice within 90 days of adoption or amendment of this chapter shall identify themselves to the Department within 180 days of the adoption of the ordinance codified in this chapter.

C. Notification of Nonapplicability. It is the responsibility of the employer to provide the Department, in writing, notification of the nonapplicability of this chapter to their worksite.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.070 Employer program requirements.

An affected employer is required to make a good faith effort as defined in RCW ~~70.94.534(2)~~70A.15.4050 and this chapter to develop and implement a CTR program for their employees that will encourage their employees to reduce VMT per employee and drive-alone commute trips. The employer shall provide effective staffing levels and financial resources to support the following employer requirements:

A. Employee Transportation Coordinator.

1. The employer shall designate an employee transportation coordinator(s) to administer the CTR program. The coordinator(s) or designee's name and telephone number must be displayed prominently at each affected worksite. The coordinator(s) shall oversee all elements of the employer's CTR program and act as liaison between the employer and the City.
2. Employers with multiple affected worksites located in the City shall have effective-onsite program administration at each affected worksite.
3. An employer may utilize the employee transportation coordinator services of a consultant or transportation management organization/association. If a consultant or transportation management organization/association is utilized, the employer will still be held responsible for meeting all the requirements of RCW ~~70.94.521 through 70.94.551~~70A.15.4000-4110 and this chapter.

B. Information Distribution.

1. Information about alternatives to drive alone commuting as well as a summary of the employer's CTR program shall be provided to employees at least once a year.
2. All new employees at the time of hire or during the employer's new hire orientation shall receive information about alternatives to drive alone commuting, a summary of the employer's CTR program and information to access a ride-matching databaseservice.
3. At least once a month, ~~employer shall~~ provide information to employees about commute options, employer program elements, or countywide/statewide commuter services, promotions, campaigns, programs and events.
4. Conduct a transportation event or promotional campaign at least once a year.

C. Emergency Ride Home. The employer shall offer to its employees an emergency ride home program that guarantees employees a free-ride home in emergency situations on the daywhen they use alternative commute modes. The ride shall cover up to the first one hundred dollars (\$100) of the ride cost.

D. Additional Program Elements Designed to Achieve the Goals. In addition to the specific program elements described above, employer CTR programs shall include, but are not limited to, one or more of the following measures:

1. Provide preferential parking for high-occupancy vehicles;

2. Reduce parking charges for high-occupancy vehicles;
3. Institute or increase parking charges for drive alone commuters;
4. Eliminate free parking;
5. Decrease the number of parking stalls within the constraints of the parking code regulations;
6. Provide a parking incentives program such as a rebate for employees who do not use the parking facilities;
7. Provide commuter ride-matching services to facilitate employee ride-sharing for commute trips;
8. Provide subsidies for transit, rail, or vanpool fares and/or passes;
9. Provide subsidies for carpools, walking, bicycling, telework/telecommuting or compressed work week schedules;
10. Provide incentives such as a monthly prize drawing, for employees who do not drive alone to work;
11. Provide vans for vanpools;
12. Provide fleet vehicles or bicycles for work trips during the workday.
- ~~13~~2. Permit the use of the employer's vehicles for carpooling or vanpooling;
- ~~14~~3. Permit the use of the employer's vehicles for emergency rides home or personal errands;
- ~~15~~4. Establish a flex-time policy;
- ~~16~~5. Establish a compressed work week schedules policy;
- ~~17~~6. Establish a telework/telecommute policy;
- ~~18~~7. Cooperate with transit providers to provide additional regular or express service to the worksite;
- ~~19~~8. Construct a special loading and unloading facility for transit, carpool, and vanpool users;
- ~~20~~49. Provide secure and covered bicycle parking facilities, bicycle maintenance tools, changing areas, showers and clothes lockers for employees who bicycle or walk to work;
- ~~21~~9. Implement other measures designed to facilitate the use of high-occupancy vehicles, such as on-site services like a cafeteria or day care facility;
22. Offer employees use of a bicycle fleet for work or personal trips during the workday.
- ~~23~~4. Other ideas that facilitate the reduction of drive alone trips.

E. CTR Program Reporting.

1. Quarterly Reporting. Affected employers shall submit to the City a quarterly progress report in accordance with the format provided by the City.
2. Due Dates for Quarterly Reporting. First quarter (January, February and March), second quarter (April, May and June) and third quarter (July, August and September) shall be due 10 calendar days past the end of the quarter. Fourth quarter (October, November, and December) shall be due the second Wednesday in December.

3. Annual Reporting. Affected employers shall review their program and implementation progress by submitting an annual report to the City in accordance with the format provided by the City. The annual report outlines the strategies that were undertaken by an employer to achieve the commute trip reduction goals for the reporting period. It also outlines the strategies to be undertaken for the next reporting year. 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 employers to implement program elements.

4. Due Date for Annual Reporting. All annual reports shall be due by the second Wednesday of December.

5. Annual Reporting Extension. An employer may request an extension of up to 30 days for submitting the annual report. The request shall be made in writing to the Department no less than 15 days prior to the due date.

F. Biennial Survey Measure of Employee Commute Behavior. In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall utilize the State-provided survey measurement tool or State-approved equivalent format and strive to achieve at least a 70 percent response rate from employees who report to the worksite. The City will establish a Citywide measurement schedule that will require employers to conduct the measurement survey on a two-year cycle. Depending on when a newly affected employer is identified, a baseline survey and measurement survey may be required during the established measurement schedule. For the purposes of this chapter, an employer shall not be required to survey more than once in a 12-month period.

G. Record Keeping. Affected employers shall maintain a copy of official correspondences between the employer and the City, their measurement results, and all supporting documentation for the descriptions and assertions made in any CTR report to the City for a minimum of 24 months. The City and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.080 Program modifications and exemptions.

A. At any time, any affected employer may request that the City grant a modification from a CTR program requirement other than designation of the employee transportation coordinator, information distribution, surveying, quarterly and annual reports.

B. Modification of individual program measures shall not exempt an affected employer from complying with other required program measures.

1. Employee Adjustment. Groups of employees (a) who are required to drive alone to work as a condition of employment, or (b) who work variable shifts throughout the year and who do not rotate as a group to identical shifts may be exempted from a worksite's survey measurement. Affected employees who are exempted from a worksite's CTR program shall be counted when determining the total number of affected employees at the worksite. Employees who telework/telecommute are not exempt from the program and shall be counted when determining the total number of affected employees.

2. Hardship. A one-year program waiver may be granted if and only if an affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that would reduce the proportion of drive alone trips or average VMT per employee.

C. Affected Employer May Request a CTR Program Modification or Waiver at Any Time. The Department shall review such requests and notify the employer of its decision in writing within 30 days of the date the

Department receives the written request. The Department shall review annually all modifications and exemptions and shall determine whether they will remain in effect during the following program year.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.090 Review of commute trip reduction programs.

A. Newly Affected Employer. The first annual report submitted by a newly affected employer shall be accepted by the Department as long as it addresses necessary baseline information and all required elements including elements likely to result in reductions in drive alone trips or reduction in average VMT.

B. Review and Evaluation. The Department's review and evaluation will address the employer's good faith efforts toward meeting the CTR goals. Consequently, programs may be deemed acceptable or unacceptable based on the employer's progress in reducing commute trips, as measured by reduction in drive alone trips or reduction in average VMT. The employer shall provide adequate information and documentation of program implementation when requested by the City.

C. Document Review. Within 90 days of the date the Department receives an employer's CTR program annual report, the Department shall provide the employer with written notification of whether a CTR program is deemed acceptable or unacceptable. If the CTR program is deemed unacceptable, the notification must give cause for the rejection. The Department may extend the review period up to 90 days. If the review period is extended, the implementation date for the employer's CTR program will be extended an equivalent number of days.

D. Review Criteria. The City shall use the following criteria to determine whether an affected employer shall be required to make modifications to its CTR program:

1. If an employer makes a good faith effort, as defined in RCW ~~70.94.534(2)~~ 70A.15.4050 and this chapter, and meets or exceeds either the applicable drive alone or VMT reduction goal, the employer has satisfied the objectives of this chapter 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 ~~70.94.534(2)~~ and this chapter, but fails to meet ~~both-either~~ the applicable drive alone and VMT reduction goals, the City shall work collaboratively with the employer to implement program modifications likely to result in improvements to the program over an agreed-upon length of time.
3. If an employer fails to make a good faith effort, as defined in RCW 70A.15.4050 ~~70.94.534(2)~~ and this chapter, and fails to meet ~~both-either~~ the applicable drive alone and VMT reduction goals, the City shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program accordingly and submit the revised program to the City within 30 days.

E. Request for Conference. Within 10 days of receipt of written notice for an unacceptable CTR program, the City or employer may request a conference to discuss the Department's decision. This conference shall be scheduled during ~~the Department's standard business~~ official City hours.

F. Implementation of CTR Program Modifications. If the City proposes modifications to an affected employer's CTR program due to the CTR program's unacceptability, the affected employer shall have 30 days to submit a revised CTR program that includes the proposed or other mutually agreed modifications.

G. Employer Intent to Modify. The employer shall notify the City in writing of its intent to substantially change or modify its approved program. Within 30 days, the City will review the request. If found unacceptable, the City shall work collaboratively with the employer to design program modifications likely to result in improvements to the program over an agreed-upon length of time.

H. Leadership ~~Certificate Program~~. Employers ~~will be provided the opportunity to who meet at least one goal will receive a commute trip reduction certificate of leadership recognition~~ from the City for outstanding performance.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.100 Enforcement and penalties.

A. Compliance. For purposes of this chapter, “compliance” shall mean fully implementing all provisions in an approved CTR program or being determined to have made a good faith effort as defined in RCW ~~70.94.534(2)~~70A.15.4050 and this chapter.

B. Violations. The following constitute violations of this chapter:

1. Failure to develop and/or submit a complete program by the applicable deadlines as stated in this chapter.
2. Failure to implement an approved CTR program by the applicable deadlines as stated in this chapter.
3. Failure to modify an unacceptable CTR program by the applicable deadlines as stated in this chapter.
4. Failure of an affected employer to identify itself to the Department within 90 days of the effective date of this chapter.
5. Failure of a newly affected employer to identify itself to the Department within 90 days of becoming an affected employer.
6. Failure to submit quarterly and annual reports by the applicable deadlines as stated in this chapter.
7. Failure to complete the survey measurement by the applicable deadlines as stated in this chapter.
8. Failure to maintain CTR program records.
9. Intentionally submitting fraudulent or false information, data and/or survey results.

C. Penalties.

1. Civil Infraction. Any affected employer who violates any provision of this chapter shall be subject to a notice of civil violation pursuant to the provisions of this code.
2. Penalty Amount. The penalty for a notice of civil violation is up to \$500.00 per day, pursuant to this code.
3. Penalty Accrual. Penalties will begin to accrue following the issuance of City’s notice of civil violation. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeal process. Should the Hearings Examiner decide in favor of the appellant, all or a portion of the monetary penalties may be dismissed.
4. Union Negotiations. An employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:
 - a. Propose to a recognized union any provisions of the employer’s CTR program that are 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 ~~this chapter and State law (RCW 70.94.521 through 70.94.554)~~70A.15.4000-4110 and this Chapter.

5. Violation Notification. Whenever the Department makes a determination that an affected employer is in violation of this chapter, the City shall notify the employer in writing.

(Ord. 528 § 2 (Exh. A), 2008).

10.50.110 Appeals of administrative decisions.

A. Appeals. Any affected employer may appeal administrative decisions of the Public Works Director or designee regarding modification of goals, modification of CTR program elements, and penalties to the City's Hearings Examiner pursuant to Chapter 2.20 UPMC. Appeals shall be filed within 20 days of the administrative decision.

B. Criteria. The Hearings Examiner will evaluate employers' appeals of administrative decisions by determining whether the Department's decisions were consistent with CTR law, Chapter 468-639 WAC and this chapter. An appeal may be granted if the employer can show:

1. That the violation for which the penalty was imposed occurred for reasons beyond the control of the employer.
2. That the measures that the Department directed the employer to incorporate into its CTR program are unlikely to reduce ~~drive-alone~~the proportion of drive-alone trips or VMT per employee.

~~C. Judicial Appeal. An affected employer may appeal any decision of the Hearings Examiner to the Pierce County District Court and any such appeal shall be limited to the record made before the Hearings Examiner. Finality of Hearing Examiner Decision. The decision of the Hearing Examiner shall be final and conclusive unless, within 21 days from the date of the final decision, an applicant or an aggrieved party makes an application to court of competent jurisdiction or competent administrative agency for review.~~

(Ord. 528 § 2 (Exh. A), 2008).

10.50.120 Commute trip reduction program for employees of City government.

In accordance with the CTR Efficiency Act, RCW ~~70.94.521 through 70.94.551~~70A.15.4000-4110, the City of University Place will implement a commute trip reduction program for employees of the City. A copy of the City's CTR program can be obtained from the City Clerk.

(Ord. 528 § 2 (Exh. A), 2008).