**DRAFT GUIDANCE FOR COMMUTE TRIP REDUCTION EXEMPTIONS AND WAIVERS**

**Proposed new cities and towns exemption**

Replace the existing rule ([468-63-070 (3) WAC](http://apps.leg.wa.gov/WAC/default.aspx?cite=468-63&full=true#468-63-070)) with a simplified one. The new rule will include a general outline of criteria and process that would then be defined in detail in WSDOT guidance. This would make the criteria and process easier to change as we learn. An exemption temporarily suspends the development and implementation of a commute trip reduction plan for the specified city/town in a grantee’s jurisdiction. Funding allocations remain the same for CTR grantee regardless of city/town exemptions.

**Exemption guidance**.

***Requirements for exemption***: To be considered for exemption documentation must be provided that shows the city or town has:

* A low number of CTR affected worksites,
* Low to no congestion based on level of service standards documented in the city/town’s local comprehensive plan (RCW 36.70A.070 (6B)),
* Low to no public transit service that serves CTR affected worksites,
* A letter signed by the city or town executive that confirms support for the exemption,
* Documentation from the CTR grantee that their organization confirms support for the exemption, and
* Documented approval from the TDM Technical Committee (formerly CTR Board).

***Exemption process***:

1. Exemption request must meet the requirements listed above.
2. Exemption request can be initiated by any of the following:
	* Cities and towns;
	* Counties;
	* Transit agencies; or
	* RTPOs/MPOs.
3. The documented request is submitted to WSDOT, who reviews and verifies that the request meets the requirements.
4. WSDOT will present the request to the TDM Technical Committee (formerly CTR Board) for approval. Public comment will be welcome.
5. Exempted cities and towns may apply to rejoin the program at the beginning of next grant cycle, up to 4 years from being exempt.

**Proposed employer waiver policy and process**

CTR grantees can provide a waiver to exempt worksites from commute trip reduction requirements (which include delivering a commute trip reduction program, surveying employees and submitting a program report). The CTR grantee determines whether a worksite receives a waiver. Employers with multiple worksites may have some worksites that participate in the CTR program and some with waivers.

**Waiver guidance**.

***Requirements for a waiver***: To be considered for a waiver CTR grantees and worksites must determine that a waiver is justified. Justification can include any of the following:

* Low survey response rate
* Low level of worker participation in non-drive alone trips
* Lack of management support
* Lack of ETC or ETC engagement
* Lack of non-SOV options at worksite
* Fruitless attempts to boost NDAT
* Good faith efforts have not increased performance/participation

**Waiver process:**

1. CTR grantees may issue waivers for a maximum of 10 percent of their designated worksites. CTR grantees with fewer than 10 worksites may provide a waiver for a maximum of 1 worksite.
2. CTR grantees will ensure that no more than 10 percent of their total CTR affected employees are at worksites with a waiver.
3. CTR grantees must obtain a letter signed by the worksite that confirms support for the waiver.
4. The CTR grantee must provide copies of documentation, including the justification and letter from the worksite, to the worksite and state.
5. The waiver has a maximum life of 4 years but may be withdrawn at any time by the CTR grantee.