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Chapter 19.04 - TRANSPORTATION SYSTEM MANAGEMENT

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19.04.010 - Purpose.

The purpose of this chapter is to establish transportation system management (TSM) requirements for employers located in the city. These requirements will promote alternative commute modes and reduce the total number of motor vehicle trips as part of a program to achieve the following objectives:

- A. Reduce peak-hour traffic and congestion by decreasing the number of single occupant vehicle trips associated with commuting;
- B. Reduce or delay the need for major transportation facility improvements by making more efficient use of existing facilities;
- C. Reduce present and future motor vehicle emissions as a contribution towards complying with federal and state ambient air quality standards;
- D. Establish TSM goals for employers so that a significant number of their employees are encouraged to arrive at the worksite by means other than single occupant vehicles.

(Ord. 604 § 1, 1992)

19.04.020 - Findings.

The city council of the city finds and declares that:

- A. The city is projected by both the state and the Bay Area Association of Governments to experience significant growth in population which will result in substantial increases in traffic volume;
- B. The geographical and meteorological conditions in the city are conducive to the formation of air pollution attributed largely to motor vehicle emissions according to both

state and regional air pollution control agencies;

- C. Transportation systems management techniques including, but not limited to, ridesharing, transit, compressed work weeks and bicycle use among employees are effective means of reducing work related trips. A reduction in the number of trips will reduce congestion and vehicle emissions.

(Ord. 604 § 2, 1992)

19.04.030 - Definitions.

As used in this chapter:

"Alternative commute mode" means a trip where the transportation method is other than single-occupant vehicle.

"Average vehicle ridership (AVR)" means the number of employees arriving at the work site in the peak period divided by the number of personal self-propelled vehicles used by the arriving employees on a per-week average. The denominator shall be reduced by one for each zero emission vehicle used by arriving employees and by a proportionate amount for employees using compressed work weeks.

"Commute" means a home-to-work or work-to-home trip.

"Complex" means either:

- A. Any nonresidential use or development which is operated as a unit, whether in common or separate ownership. To be a complex two or more of the following must be met:
1. It is known by a common name,
 2. It is governed by a common set of covenants, conditions and restrictions,
 3. It was approved, or is to be approved as an entity by (governing body),
 4. It is covered by a single subdivision parcel map,
 5. It is operated by a single management,
 6. It shares common private parking;
- B. Any multitenant, nonresidential building or contiguous group of buildings under common ownership, which is not included within any of the points stated above.

"Compressed work week" means the schedule of any forty-hour per week weekday employee who regularly works less than ten days during any fourteen-day period. An example of such a schedule would be four ten-hour workdays per week.

"Employee" means any person hired by an employer, including part-time and seasonal workers, but excluding any independent contractors hired by the employer.

"Employer" means any public or private entity, including the city, with a permanent place of business or worksite in the city.

"Employer's TSM handbook" means a handbook or guidebook to be developed by the city that will specify a variety of TSM programs that may be utilized by employers to meet the requirements of this chapter.

"Employer transportation management plan (TMP)" means a document detailing TSM measures to reduce vehicle trips to and from the work site.

"Existing complex" means a complex that has been issued a building permit prior to the effective date of the ordinance codified in this chapter.

"Peak period" means the commute hours from six a.m. to ten p.m. during weekdays.

"Ridesharing" means two or more persons traveling together.

"Single occupant vehicle" (SOV) means an automobile or light truck occupied by one person.

"Transit" means public transportation including bus or rail services.

"Transportation coordinator" means an individual trained to promote and implement TSM strategies at the worksite; training to be approved by the city.

"Transportation management certification (TMC)" means a document issued by the city to denote compliance with the requirements set forth in this chapter.

"Transportation systems management (TSM)" means measures to better utilize existing transportation facilities and services, and promote alternate commute modes.

"TSM administrator" means the person designated by the city manager with the responsibility for the implementation of this chapter.

"Worksite" means the place of employment, base of operation or location of employees.

"Zero emission vehicle (ZEV)" means any vehicle deemed a zero emission vehicle by the California Air Resources Board.

(Ord. 604 § 3, 1992)

19.04.040 - Exemptions.

Notwithstanding any other provisions of this chapter, the following activities shall be exempt from the requirements of this chapter:

- A. Temporary construction activities, including activities performed by engineers, architects, contractors, subcontractors and construction workers, when such activities are related to the construction, development or other improvements to real property;
- B. Emergency activities in which persons are employed to render aid or other services in the event of an emergency or natural disaster;
- C. Other temporary activities which employ persons for a period of less than ninety days.

(Ord. 604 § 4(5), 1992)

19.04.050 - Requirements for employers.

- A. Major Employers. An employer who employs one hundred or more employees shall be deemed a major employer. Complexes with a total of one hundred or more employees shall be treated under this chapter as a major employer. All major employers within the city shall obtain a transportation management certificate (TMC) as described in Sections [19.04.090](#) through [19.04.130](#)
- B. Minor Employers.
 1. An employer who employs twenty-five to ninety-nine employees shall be deemed a minor employer. Existing complexes with twenty-five or more employees shall be treated

as minor employers.

2. On an ongoing yearly basis minor employers shall:
 - a. Post information which describes the benefits of transit, ridesharing, bicycling and walking as alternative modes and which describes the facilities, services, schedules, rates and other pertinent information relevant to such transportation options;
 - b. Designate a transportation coordinator to coordinate with local transit agencies and the ridesharing agency for the distribution of alternative commute information including transit information and ridesharing applications;
 - c. Provide newly hired employees with alternative commute mode information that includes pertinent transit information and ridesharing applications.

(Ord. 604 § 4(1), (2), 1992)

19.04.060 - Residential developments—Transportation information to be provided to residents.

- A. New residential development shall be designated to further the goals of this chapter.
- B. The city shall institute a program to provide new or relocated residents with information on alternate transportation modes.
- C. Apartment complexes shall post information, approved by the TSM administrator, on alternate transportation modes.

(Ord. 604 § 4(3), 1992)

19.04.070 - Nonresidential development projects required to comply with chapter provisions.

All new projects shall be designed to further the goals of this chapter.

- A. Major projects shall be those nonresidential development projects for which a building permit is issued after the effective date of the ordinance codified in this chapter and which, using a standard employee generation table to be adopted by resolution of the city council, is except to be occupied by one hundred or more employees. All major projects within the city shall obtain a transportation management certificate (TMC) as described in Sections [19.04.090](#) through [19.04.130](#)
- B. Minor projects shall be those nonresidential development projects for which a building permit is issued after the effective date of the ordinance codified in this chapter and which, using the standard employment table adopted as stated in subsection A of this section, is expected to be occupied by between twenty-five and ninety-nine employees. The property owner of a minor project shall provide facilities to post information on alternative commute modes. Also, the property owner shall coordinate with the appropriate transit and rideshare agency(s) to maintain and provide current information.
- C. Expansion projects shall mean any development which proposes structural expansion for which a building permit is issued after the effective date of the ordinance codified in this chapter. If after such expansion the development will be the primary place of business of between twenty-five and ninety-nine employees as shown by the standard employment table adopted as stated in subsection A of this section, it shall be deemed a minor project. If after such expansion the development will be the primary place of business of one hundred or more employees as shown by the standard employment table, it shall be deemed a major project.

(Ord. 604 § 4(4), 1992)

19.04.080 - Schedule of compliance.

Implementation requirements and methods for compliance shall be contained in the employer's TSM handbook. All major and minor employers and minor projects shall comply with this chapter in accordance with the schedule set below:

- A. All employers are required to comply with the provisions of this chapter within eighteen months of the effective date of the ordinance codified in this chapter. A transportation management certificate (TMC) will not be required of any group or individual until six months after the date of enactment of the ordinance codified in this chapter. After this period, each employer must file a transportation management plan (TMP) at the time of business license application or renewal. A business license shall not be issued or renewed if the applicant has not complied with the provisions of this chapter.
- B. All major projects are required to comply with the provisions of this chapter beginning six months after the effective date of the ordinance codified in this chapter.
- C. All minor projects are required to comply with the provisions of this chapter beginning one year after the effective date of the ordinance codified in this chapter.

(Ord. 604 § 4(6), 1992)

19.04.090 - Transportation management certificate—Required.

- A. All major employers and major projects shall be required to file a transportation management plan with the TSM administrator.
- B. The goal of the TMP is to designate TSM measures which will result in an average vehicle ridership of 1.35 during the peak period.
- C. A certificate shall be granted to the major employer or major project for a one year period upon approval of the TMP by the administrator.

(Ord. 604 § 5(1), 1992)

19.04.100 - Transportation management plan (TMP) requirements.

- A. Goal of 1.35 AVR. The goal of this chapter is to have an AVR of 1.35 for peak period commute trips. Employers and projects shall develop TMP's with yearly progress goals for increasing alternative commute modes for their employees or tenants.
- B. Minimum Requirements.
 1. Employer. At a minimum, the employer TMP, shall include the following provisions:
 - a. Document compliance with minimum TSM measures as specified for minor employers;
 - b. Provide a status report on current commute modes for employees in a format specified by the administrator;
 - c. Document the TSM measures needed to increase AVR in the following year;
 - d. Provide a plan for implementing the selected TSM measures.
 2. Major project TMP.
 - a. At a minimum, the major project TMP shall include the following provisions:
 - i. Compliance with the requirements for a minor project;
 - ii. Designation of a transportation coordinator for the site;
 - iii. Agreement to provide annual status reports to the TSM administrator in

- the specified format;
- iv. Prepare an approved TMP to provide facilities and a framework for services conducive to attaining the AVR goal. After the plan is approved by the city, it shall be made binding on the property owner and any successors in interest.
 - b. The plan obligations shall either be recorded in the covenants, conditions and restrictions prepared for the development or separately recorded. The property owner may request modification of the plan by filing an application and a processing fee, in the amount specified by resolution of the city council.
- C. Multiple Worksites. Each worksite with one hundred or more employees shall submit a TMP with TSM measures for the specific worksite. If the employer has worksites with ninety-nine or less employees, the TMP shall list all worksites and the number of employees at each site. The goal of 1.35 AVR shall apply to the total number of employees commuting to all worksites of the major employers.
- D. Coordination TMP Requirements.
1. If the worksite is located in a project with a project TMP in effect, the employer TMP shall be coordinated with the project TMP. The employer may request the project owner revise the project TMP to incorporate appropriate TSM measures for their employees.
 2. A complex and the employers within a complex may, with the permission of the administrator, coordinate and submit one TMP. The TMP must, at a minimum, fulfill the requirements that would apply to the largest entity within the complex, or the complex itself, whichever is largest, recognized by this chapter. The TMP, if accepted by the administrator, would be applicable to each entity within the complex and the complex itself. Violations of this chapter would apply to each entity individually. Existing complexes may also coordinate in this manner.

(Ord. 604 § 5(1)-(2)(d), 1992)

19.04.110 - Transportation management certificate—issuance.

- A. At least sixty days before the schedule set forth in Section [19.04.080](#), all person(s) required by this chapter to obtain a certificate shall submit a complete employer or project TMP application. Upon receiving the employer or project TMP, the administrator shall examine the plan to determine whether the plan complies with the provisions contained in Sections [19.04.090](#) through [19.04.130](#). Inspection of the location by staff may be conducted as necessary to determine compliance with these provisions.
- B. Except as otherwise provided, the administrator shall approve the TMP upon finding that the requirements contained in this chapter have been met. The certificate shall be valid for a period of one year from the date of issuance by the administrator. The administrator shall notify the applicant, in writing, of the decision to issue or not to issue the TMC.
- C. The administrator shall also notify of the decision in writing any other person who has requested notice of the proceedings on any particular certificate or on certificates in general.
- D. A decision to approve or disapprove the TMP shall be deemed final fourteen calendar days after the date that the applicant receives notice of the TSM administrator's decision, unless an appeal has been filed.
- E. The city council shall by resolution prescribe fees for the issuance and renewal of transportation management certificates. Such fees shall be used for the purpose of defraying costs incurred in the administration, monitoring and enforcement of this chapter.
- F. All fees for the issuance and renewal of certificates shall be paid at the time of, and with the filing of, the application with the administrator. No application shall be deemed valid or

complete until all prescribed fees have been paid. Unless otherwise prescribed, fees shall not be refundable in whole or in part whether or not the certificate is issued or approval granted. No fee shall be refundable in whole or in part if a permittee ceases operating under the certificate in advance of the expiration of the certificate.

(Ord. 604 § 5(2)(e), 1992)

19.04.120 - Transportation management certificate—Renewal.

- A. Renewal of Certificates with Less than 1.35 AVR. The certificate shall be renewed annually except as specified in Sections [19.04.090](#)—19.04.130. In order to renew a certificate the employer and project shall provide the following information to the administrator at a minimum:
1. Provide an update of the initial status report in a format specified by the administrator;
 2. Provide a summary of the previous year's TSM program, progress in meeting TMP goals and a description of program organization and resources.
- B. The administrator may require additional documentation of or may visit the site and conduct his or her own survey. If an employer is unable to provide the required information on the employees transportation modes, then the administrator may require an employer to retain a consultant with approval by the administrator. The consultant shall submit the required information to the administrator.
- C. If the information provided indicates the employer or project has achieved the 1.35 peak period AVR goal, a certificate shall be renewed as specified in Sections [19.04.090](#)—19.04.130. If the information provided indicates that the goal has not been reached after a period of two years, the employer or project shall amend their TMP to include additional TSM measures.

(Ord. 604 § 5(2)(f)(1), 1992)

19.04.130 - Attained of reduction goal.

If the monitoring information provided for the renewal of the certificate indicates the achievement of the AVR goal during two consecutive years, the employer or project may apply for a certificate valid for two years.

(Ord. 604 § 5(2)(f)(2)

19.04.140 - Appeals.

Any decision of the administrator pursuant to this chapter may be appealed to the city council as specified by [Chapter 18.76](#) of this code.

(Ord. 604 § 6, 1992)