

Chapter 16B TRIP REDUCTION

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16B-1 Short title.

The provisions of this chapter shall be known and may be cited as the "Town of Tiburon trip reduction ordinance (TRO)."

(Ord. No. 393 N.S., § 2 (part))

16B-2 Authority.

This chapter is authorized under Proposition 111 legislation Government Code section 65089.3(2) and the Streets and Highways Code section 2105.

(Ord. No. 393 N.S., § 2 (part))

16B-3 Marin County congestion management agency (CMA).

This chapter incorporates the Marin County CMA minimum trip reduction and travel demand requirements.

(Ord. No. 393 N.S., § 2 (part))

16B-4 Definitions.

Terms used in this chapter are defined as follows:

"Average vehicle ridership (AVR)" means the number of employees who start work at a work site during the peak period divided by the number of vehicles those employees use to arrive at the work site, averaged over the survey week.

"Carpool" means a vehicle occupied by two to six people traveling together between their residence and their work site or destination for the majority of the total trip distance. Employees who work for different employers, as well as nonemployed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.

"Commute trip" means the trip made by an employee from home to the work site. The commute trip may include stops between home and the work site.

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"Compressed work week" means a regular full-time work schedule which eliminates at least one round-trip commute trip (both home-to-work and work-to-home) at least once every two weeks. Examples include, but are not limited to, working three twelve-hour days (3/36) or four ten-hour days (4/40) within a one week period; or eight nine-hour days and one eight-hour day (9/80) within a two-week period.

"Disabled employee" means an employee with a physical impairment which prevents the employee from traveling to the work site by means other than a vehicle and the employee has been issued a disabled person placard or plate from the Department of Motor Vehicles.

"Employee" means any person conducting a work activity for an employer twenty or more hours per week on a regular full-time, temporary or part-time basis. The term includes independent contractors. The term excludes field construction workers, field personnel, seasonal/temporary employees, and volunteers.

"Employee transportation coordinator (ETC)" means an employee, other individual or entity appointed by an employer to market, administer and monitor the employer trip reduction program or employer trip reduction plan on a full- or part-time basis.

"Employee transportation survey" means a questionnaire distributed by employers to employees designed to provide sufficient information to calculate AVR or VER for the work site.

"Employer" means any person(s), trust, firm, business, joint stock company, corporation, partnership, association, nonprofit agency or corporation, educational institution, school district, hospital or other health care facility, or federal, state, city or county government department, agency or district, or any other special purpose public agency or district. A city, county or city and county is a single employer for purposes of this rule, not individual departments or agencies of the city, county, or city and county. Individual departments or agencies of the state of California and the federal government are separate employers for purposes of this rule. The term includes for-profit, not-for-profit, and nonprofit enterprises. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. The term shall not include employers with no permanent work site within the Town of Tiburon.

"Employer program manager" means an employee with policy and budget authority who is responsible for the implementation of the employer trip reduction program or employer trip reduction plan and for fulfilling the requirements of this rule.

"Employer trip reduction program" means a group of measures developed and implemented by an employer that are designed to provide transportation information, assistance, and incentives to employees. The purpose of such measures is to reduce the number of motor vehicles driven to the work site by increasing AVR or decreasing VER. An employer trip reduction program may include, but is not limited to, any or all of the following services, incentives and measures.

(a) Ridesharing:

- (1) Carpool/vanpool matching,
- (2) Preferential parking for carpools and vanpools,
- (3) Carpool/vanpool financial subsidies or rewards,
- (4) Employer-provided vehicles for carpools and/or vanpools,
- (5) Employer-sponsored vanpools,
- (6) Rideshare marketing campaigns,
- (7) Subsidy of vanpool liability insurance;

(b) Transit:

- (8) Work site transit ticket sales,
- (9) Transit ticket subsidies, e.g. Commuter Check™,

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- (10) Transit route maps and schedules on-site,
- (11) Shuttle to transit line (employer-sponsored or subsidized);
- (c) Trip elimination:
 - (12) Compressed work weeks,
 - (13) Work-at-home programs,
 - (14) Telecommuting;
- (d) Parking management:
 - (15) Charge for employee parking,
 - (16) Elimination of any employer parking financial subsidy,
 - (17) Transition from employer parking financial subsidy to general transportation monetary allowance for all employees,
 - (18) Free or reduced parking rates for carpools and vanpools only;
- (e) Bicycle and pedestrian:
 - (19) Bicycling financial subsidies or rewards,
 - (20) Financial subsidy to employees for the purchase of bicycles for commute trip use,
 - (21) Bicycle lockers or other secure, weather-protected bicycle parking facilities,
 - (22) Bicycle access to building interior,
 - (23) Bicycle and/or walking route information,
 - (24) On-site bicycle registration;
- (f) On-site facilities/services:
 - (25) Employee shower facilities and clothes lockers,
 - (26) Site modifications that would encourage walking, transit, carpool, vanpool, and bicycle use,
 - (27) On-site services to reduce mid-day vehicle trips, e.g. cafeteria, ATMs, apparel cleaning, etc.,
 - (28) On-site transportation fair to promote commute alternatives;
- (g) Other:
 - (29) Membership in a transportation management association that provides services and incentives,
 - (30) Establishment of employee committee to help design, develop and monitor the trip reduction program,
 - (31) Guaranteed ride home program,
 - (32) Financial subsidies or rewards for walking and other nonmotorized transportation modes,
 - (33) Shuttles between multiple work sites,
 - (34) Providing child day care at/near work site,
 - (35) Enhanced trip reduction efforts on forecast criteria pollutant exceedance days, e.g., the district's spare the air program.

"Field construction worker" means an employee who reports for work to a temporary field construction site.

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"Field personnel" means employees who spend twenty percent or less of their work-time at the work site and who do not report to the work site during the peak period for pick-up and dispatch of an employer-provided vehicle.

"Independent contractor" means an individual who enters into a direct written contract or agreement with an employer to perform certain services. The period of the contract or agreement is at least ninety days or is open-ended.

"Local jurisdiction" means a city, county or public agency, including a public agency formed through a joint powers agreement, with authority to adopt, implement, and enforce an employer trip reduction ordinance.

"Peak period" means the time from six a.m. to ten a.m. Monday through Friday inclusive.

"Seasonal/temporary employee" means an employee who works for the employer for less than ninety continuous days (three months) within a calendar year.

"Single-occupant vehicle" means a vehicle occupied by one employee.

"Survey week" means a regular five-day Monday through Friday (inclusive) work week. The survey week for work sites with Saturday and Sunday work schedules will include only those work days Monday through Friday. The survey week cannot contain a federal, state or local holiday, regardless of whether the holiday is observed by the employer. A survey week that meets the above criteria is to be selected by the employer during January through May, or September through November. The survey week cannot be rideshare week or contain any other rideshare or transit promotional event, e.g., "Beat the Back-Up."

"Telecommuting" means a system of working at home or at an off-site, nonhome telecommute facility for the full work day on a regular basis of at least one day per week.

"Transportation management association" means an organization through which developers, property managers, employers and/or local jurisdictions cooperate in designing, implementing and assessing employer trip reduction programs or other transportation demand or system management programs and measures.

"Vanpool" means a vehicle occupied by seven or more employees who commute together to work for the majority of their individual commute trip distance. Employees who work for different employers are included within this definition as long as they are in the vehicle for the majority of their individual trip distance.

"Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except the following: (1) a device moved exclusively by human power, (2) a device used exclusively upon stationary rails or tracks, (3) buses used for public or private transit. Examples of vehicles include, but are not limited to, passenger cars, motorcycles, vans and pickup trucks.

"Vehicle employee ratio (VER)" means the number of vehicles used by employees who start work at a work site during the peak period divided by the number of those employees averaged over the survey week. VER is the reciprocal of AVR.

"Volunteer" means an individual who does not receive any wages, salary or other form of financial reimbursement from the employer for services provided.

"Work activity" means any activity for which an employee receives remuneration from an employer. Telecommuting or work at home is a work activity.

"Work site" means any property, real or personal, which is being operated, utilized, maintained or owned by an employer as part of an identifiable enterprise. All property on contiguous, adjacent or proximate sites separated only by a private or public roadway or other private or public right-of-way, served by a common circulation or access system, and not separated by an impassable barrier to bicycle or pedestrian travel such as a freeway or flood control channel is included as part of the work site. If two or more employers each have one hundred or more employees at a single work site, then that work site is considered a separate work site for each employer.

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These definitions are similar to those in Regulation 13 Transportation Control Measures, Rule 1 Trip Reduction Requirements for Large Employers approved on December 16, 1992 by the Bay Area Air Quality Management District (BAAQMD). Any subsequent changes in definitions within Regulation 13 that occur in later revisions to the regulation will supersede the definitions contained in this chapter.

(Ord. No. 393 N.S., § 2 (part))

16B-5 Trip reduction requirements.

The following trip reduction requirements are established and are imposed upon employers within the Town of Tiburon:

- (a) This chapter shall apply to all employers within the Town of Tiburon with one hundred or more employees at an individual work site. Where such an employer has multiple work sites, only those sites which have one hundred or more employees are subject to this chapter.
- (b) Each employer subject to this chapter shall disseminate trip reduction information regarding transportation alternatives including carpools, vanpools, transit and bicycling and other methods of reducing trips such as telecommuting, compressed work week, and flexible work hours annually to each employee and to all new employees as they are hired.
- (c) Each employer subject to this chapter shall annually conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the Town of Tiburon. Any survey and procedures prepared for submission to and accepted by the BAAQMD shall serve as a valid survey for this chapter upon submission to the Town of Tiburon.
- (d) Each employer subject to this chapter shall designate an "employee transportation coordinator" to be responsible for administering the employer requirements of the trip reduction ordinance.

(Ord. No. 393 N.S., § 2 (part))

16B-6 Nonduplication.

If any other agency which has jurisdiction over trip reduction requirements for employers within the Town of Tiburon adopts trip reduction requirements that meet or exceed the requirements of this chapter, then any employer within the Town of Tiburon that meets those requirements will be deemed to be meeting the requirements of this chapter by annually forwarding to the Town of Tiburon a copy of all trip reduction information and documentation required by the other agency.

(Ord. No. 393 N.S., § 2 (part))