

## Chapter 8.70 TRANSPORTATION SYSTEMS MANAGEMENT

### Sections:

[8.70.010 Title and purpose.](#)

[8.70.020 Findings.](#)

[8.70.030 Reserved.](#)

[8.70.040 Definitions.](#)

[8.70.050 Applicability and requirements.](#)

[8.70.060 Transportation management certificate.](#)

[8.70.070 Enforcement.](#)

[8.70.080 Appeals.](#)

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### 8.70.010 Title and purpose.

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

- A. Reduce peak period 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 for complying with federal and state ambient air quality standards;
- D. Establish TSM goals for employers so that twenty-five percent of their employees who commute during the peak periods are encouraged to arrive at their worksite by means other than single-occupant vehicles; and
- E. Ensure that new development is designed to further TSM objectives.

(Ord. 1289 N.C.(2d) § 1 (part), 1993; Ord. 1150 N.C.(2d) § 1 (part), 1991.)

### 8.70.020 Findings.

The council of the city of Vallejo hereby finds and declares that:

- A. The Vallejo area and the greater San Francisco Bay region has recently experienced and is projected to experience a significant increase in employment and population growth which will result in substantial increases in peak period traffic volumes;
- B. The geographical location and the atmospheric conditions of the city of Vallejo are conducive to the formation of air pollution attributed largely to motor vehicle emissions; and

## Title 8 - VEHICLES AND TRAFFIC

### Chapter 8.70 TRANSPORTATION SYSTEMS MANAGEMENT

- C. TSM measures such as ridesharing, transit, and bicycle usage among employees for commute trips are effective means of reducing peak period vehicle trips. A reduction of such trips can be expected to decrease traffic congestion and vehicle emissions; and
- D. The city of Vallejo, other Bay Area cities, counties, and regional bodies, and the state of California have a responsibility to provide adequate support, information, funding and transportation system improvements that would make it possible to achieve the goals of this chapter.

(Ord. 1289 N.C.(2d) § 1 (part), 1993; Ord. 1150 N.C.(2d) § 1 (part), 1991.)

#### **8.70.030 Reserved.**

#### **8.70.040 Definitions.**

- A. "Commute" shall mean a home to work or work to home trip.
- B. "Employee" shall mean any person hired by any employer, including part-time and seasonal workers, but excluding any independent contractors hired by the employer. Students of driving age shall be counted as employees for the purposes of this chapter.
- C. "Employer" shall mean any public or private entity, including the city of Vallejo, with a permanent place of business or worksite in Vallejo.
- D. "Worksite" shall mean the primary place of employment, base of operation, or predominant location of a group of employees.
- E. "Peak period" shall mean the commute hours from six a.m. to nine a.m. and three-thirty p.m. to six-thirty p.m. during weekdays.
- F. "Single-occupant vehicle" shall mean a motor vehicle occupied by one employee for commute purposes.
- G. "Transportation system management (TSM)" shall mean measures to better utilize existing transportation facilities and services, and promote alternative commute modes.
- H. "Transportation management certificate (TMC)" shall mean a document issued for compliance with the requirements set forth in the city of Vallejo TSM ordinance.
- I. "Transportation management plan (TMP)" shall mean a document detailing TSM measures to reduce vehicle trips to and from the worksite.
- J. "Transportation coordinator" shall mean an individual trained to promote and implement TSM strategies at the worksite.
- K. "Ridesharing" shall mean the cooperative effort of two or more people traveling together.
- L. "Transit" shall mean public transportation including bus, ferry, or fixed rail services.
- M. "City TSM coordinator" shall mean the person designated by the city manager with the responsibility for the implementation of the TSM ordinance.
- N. "Alternative commute mode" shall mean a trip where the transportation method is other than a single-occupant vehicle.

(Ord. 1289 N.C.(2d) § 1 (part), 1993; Ord. 1150 N.C.(2d) § 1 (part), 1991.)

## Title 8 - VEHICLES AND TRAFFIC

### Chapter 8.70 TRANSPORTATION SYSTEMS MANAGEMENT

#### 8.70.050 Applicability and requirements.

- A. Major Employers. Any employer who employs one hundred or more employees that are subject to the chapter shall be deemed a major employer. The number of employees shall be calculated as follows: total number of employees minus employees exempt under Section 8.70.050.E. All major employers within the city of Vallejo shall comply with all relevant requirements of the Bay Area Air Quality Management District (BAAQMD) and obtain a transportation management certificate (TMC), or equivalent, from the BAAQMD.
- B. Minor Employers.
1. An employer who employs between twenty-five and ninety-nine employees shall be deemed a minor employer.
  2. On an ongoing yearly basis, all minor employers shall:
    - a. Post information which describes the benefits of transit, ridesharing, and bicycling as alternative modes and which describes facilities, services, schedules, rates, and other pertinent information relevant to such transportation options;
    - b. Designate a transportation coordinator to coordinate with the local transit agency(s) and the authorized regional ridesharing agency for the distribution of alternative commute mode information, including transit information and ridesharing applications; and
    - c. Provide newly hired employees with alternative commute mode information that includes pertinent transit information and ridesharing applications.
- C. Residential Development.
1. New residential developments should be designed to further the goals of this chapter.
  2. Agents selling single family residential units should provide the buyers with alternate commute mode information.
  3. Apartment complexes should post alternate commute mode information.
- D. New Development. All new development shall be designed to further the goals of this chapter. A developer transportation management plan (TMP) shall be required and reviewed as part of the detailed project review process.
- E. Exemptions. Notwithstanding any other provisions of this chapter the following activities shall be exempt from the requirements of Sections 8.70.050A and 8.70.050B:
1. 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 improvement to real property;
  2. Emergency activities in which persons are employed to render aid or other services in the event of an emergency or natural disaster;
  3. Other temporary activities which employ persons for a period of less than ninety days;
  4. Employees required to have access to their vehicle due to job responsibilities, and shift workers who do not commute during peak hours; and,
  5. Activities which the city TSM coordinator finds are not compatible with the requirements of this chapter.

(Ord. 1289 N.C.(2d) § 1, (part), 1993; Ord. 1150 N.C.(2d) § 1(part), 1991.)

Chapter 8.70 TRANSPORTATION SYSTEMS MANAGEMENT

**8.70.060 Transportation management certificate.**

- A. Transportation Management Certificate Requirements:
1. All major employers shall be required to file an Employer Transportation Management Plan (TMP) with the BAAQMD.
  2. The goal of the TMP is to designate TSM measures which will encourage twenty-five percent of employees to commute by means other than a single-occupant vehicle during peak periods.
  3. A TMC shall be granted to the major employer for a one year period upon approval of the TMP by the city TSM coordinator.
- B. Transportation Management Plan (TMP) Requirements.
1. Alternative Mode Goal. The goal of this chapter is to encourage twenty-five percent of peak period commuters to use alternative travel modes. Employers shall develop TMP's with yearly progress goals for increasing alternative commute modes of their employees.
  2. Minimum Requirements. At a minimum, the employer TMP shall include the following provisions:
    - a. Document compliance with minimum TSM measures as specified in Section 8.70.050B2 for minor employers;
    - b. Provide a status report on current commute modes of employees in a format specified by the city TSM coordinator;
    - c. Document TSM measures selected to increase alternative mode use during the coming year;
    - d. Provide a plan for implementing selected TSM measures.
- C. Multiple Worksites. Each worksite with one hundred or more employees shall submit a TMP with TSM measures of the specified 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 twenty-five percent alternative mode goal shall apply to the total number of employees commuting during peak periods from all worksites of the major employers.
- D. Coordination of Employer TMP and Developer TMP Requirements. If the worksite is located in a project with a developer TMP in effect, the employer TMP shall be coordinated with the developer TMP. The employer may request that the project owner revise the developer TMP to incorporate appropriate TSM measures for their employees.
- E. Issuance of TMC. At least sixty days before the schedule set forth in Section 8.70.050F, all person(s) required by this chapter to obtain a TMC shall submit a complete employer TMP application. Upon receiving the employer TMP, the city TSM coordinator shall examine the plan to determine whether the plan complies with the provisions contained in subsection A of this section. Inspection of the business location by city staff may be conducted as necessary to determine compliance with these provisions.

Except as otherwise provided by Subsection F of this section, the city TSM coordinator shall approve the TMC upon finding that the requirements contained in this section have been met. The TMC shall be valid for a period of one year from the date of issuance by the city TSM coordinator. The city TSM coordinator shall notify the applicant, in writing, of the decision to issue or not to issue the TMC.

The city TSM coordinator shall also notify the decision in writing any other person who has requested notice of the proceedings on this particular TMC or on transportation management certificates in general.

## Title 8 - VEHICLES AND TRAFFIC

### Chapter 8.70 TRANSPORTATION SYSTEMS MANAGEMENT

A decision to approve or disapprove the employer TMP shall be deemed final ten calendar days after the date that the applicant receives a notice of the city TSM coordinator's decision, unless an appeal has been filed.

#### F. Renewal of Certificate.

##### 1. Renewal of certificates with less than twenty-five percent alternative modes:

The TMC shall be renewed annually except as specified in subsection F2 of this section. In order to renew a TMC, each employer shall provide the following information to the city TSM coordinator at a minimum:

- a. Provide an update of the initial status report provided per subsection B2 of this section in a format specified by the city TSM coordinator.
- b. Provide a summary of the previous year's TSM program, progress in meeting the TMP goals, and a description of program organization and resources.

The city TSM coordinator may require additional documentation or may visit the site and conduct his or her own survey. If an employer is unable to provide the required information on the employee's transportation modes, then the city TSM coordinator will assist an employer, should it be needed, to retain a consultant with approval by the city TSM coordinator. The consultant shall submit the required information to the city TSM coordinator.

If the information provided indicates the employer has achieved a twenty-five percent alternative mode trip goal, a TMC shall be renewed as specified in subsection F2 of this section. If the information provided indicates less than twenty-five percent alternative modes, the employer shall amend their TMP to include additional TSM measures.

##### 2. Attainment of twenty-five percent alternative modes:

If the monitoring information provided for the renewal of the TMC indicates the achievement of twenty-five percent alternative modes during two consecutive years, the employer may apply for a TMC valid for two years.

(Ord. 1289 N.C.(2d) § 1 (part), 1993; Ord. 1150 N.C.(2d) § 1 (part), 1991.)

#### **8.70.070 Enforcement.**

- A. Violation Is a Public Nuisance. Any violation of the provisions of this chapter shall be and the same is declared to be a public nuisance subject to abatement. The city attorney is also authorized to bring and prosecute an action in any court of competent jurisdiction to enjoin any person or corporation from continuing, maintaining or permitting such violation.
- B. Penalty. Any person or corporation violating any provision of this chapter shall be guilty of an infraction, subject to the provisions of [Chapter 1.14](#) of this code. Such person or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

(Ord. 1150 N.C.(2d) § 1 (part), 1991.)

#### **8.70.080 Appeals.**

Any decision of the city TSM coordinator pursuant to this chapter may be appealed to the city council in accordance with the procedures set forth in [Title 16](#) of this code for appeals of decisions of the city staff.

(Ord. 1150 N.C.(2d) § 1 (part), 1991.)

## Title 8 - VEHICLES AND TRAFFIC

### Chapter 8.70 TRANSPORTATION SYSTEMS MANAGEMENT

#### **TITLE 8 FOOTNOTES**

1. For statutory definitions of words in the Vehicle Code, see Veh. Code [§ 100](#) et seq.
2. For statutory provisions authorizing cities to adopt rules and regulations for traffic control, see Veh. Code § 21100.
3. For statutory provisions authorizing cities to adopt rules and regulations for traffic control, see Veh. Code § 21100; for provisions authorizing removal of cars from highways under certain circumstances. see Veh. Code § 22652.
4. For statutory provisions authorizing local authorities to place and maintain traffic control devices as required by statute or as necessary to implement statutes or local ordinances, see Veh. Code §§ 21351 to 21356; for provisions generally regarding traffic signals, signs and markings, see Veh. Code § 21350 et seq.
5. For statutory provisions authorizing municipalities to establish parking meter zones and fix meter fees by ordinance, see Veh. Code § 22508.
6. For statutory provisions authorizing municipalities to prohibit or restrict the parking or standing of vehicles in certain streets, see Veh. Code § 22500 et seq.
7. For statutory provisions authorizing cities to designate highways within their jurisdiction as through highways, see Veh. Code § 21354.
8. For statutory provisions authorizing cities to designate one-way streets, see Veh. Code § 21657.
9. For statutory provisions authorizing cities to prohibit the use of certain streets by heavy vehicles, see Veh. Code § 35701.
10. For statutory provisions authorizing certain municipal regulations of pedestrians, see Veh. Code §§ 21961, 21106, 21109.
11. For statutory provisions authorizing local authorities to pass ordinances not in conflict with state law with respect to the operation, use, licensing and equipment of bicycles, see Veh. Code § 21206; for provisions setting forth certain equipment requirements for bicycles, see Veh. Code § 21201.

Prior ordinance history: Ord. [717](#) N.S. as amended by Ords. 812 N.S. and 43 N.C.(2d), and Ord. 32 N.C.(2d) § 9.05 as amended by Ord. 145 N.C.(2d).