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Chapter 10.12* - TRANSPORTATION DEMAND MANAGEMENT PROGRAM **Sections:**

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10.12.010- Purpose.

The purpose of this chapter is to adopt regulations which improve air quality by reducing air pollutant emissions that result from vehicle commute trips to worksites with one hundred (100) or more employees by increasing the average vehicle readership. (AVR)

(Ord. 491 § 1 (part), 1994)

10.12.020- Adoption of transportation demand management regulations.

In compliance with the California Health and Safety Code Sections 40910 et. seq., the city adopts Rule 9001 of the San Joaquin Valley unified air pollution control district as administered by, and as amended from time to time by the district as the transportation demand management regulation within the city.

(Ord. 491 § 1 (part), 1994)

10.12.030- Applicability.

This chapter shall apply to employers with one hundred (100) or more employees at a worksite where at least forty (40) employees report to work between six and ten a.m. for the purpose of determining the applicability of this chapter, the number of employees at a worksite is determined as the maximum number of employees reporting to that worksite on any single weekday Monday through Friday during the current calendar or fiscal year.

(Ord. 491 § 2, 1994)

10.12.040- Definitions.

"Air pollution control officer (APCO)" means the air pollution control officer of the San Joaquin

Valley unified pollution control district (district) or his designee.

"Average vehicle readership (AVR)" is the number of employees who arrive at a worksite divided by the number of vehicles those employees use to arrive at the worksite, averaged over the survey week. AVR can be averaged across multiple worksites.

"Buspool" means a privately operated or chartered bus which provides commute transportation on a subscription basis to sixteen (16) or more passengers.

"Carpool" means a vehicle occupied by two to six people traveling together between their residence and their worksite or destination for the majority of the total trip distance. Employees who work for different employers, as well as non-employed 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 worksite. The commute trip may include stops between home and the worksite.

"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.

"Delegated program" means implementation of this chapter by a local jurisdiction through the APCO approval of a delegation request from a local jurisdiction.

"Disabled employee," for purposes of the performance objective calculation, means an employee with a physical impairment which prevents the employee from traveling to the worksite 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 work activity for an employer for twenty (20) or more hours per week on a regular full-time or part-time basis. The term excludes field construction workers, agricultural workers, employees defined as field personnel pursuant to this section, independent contractors, seasonal/temporary employees, volunteers and emergency health and safety employees that are required to have an authorized emergency response vehicle (as defined by the California Vehicle Code Section 165) at home on an on call basis.

"Employee days" means the total number of employees who start work or are assigned to a worksite during the peak period each work day Monday through Friday of the survey week.

"Employee transportation coordinator (ETC)" means an employee, other individual, or entity appointed by an employer to develop, market, administer and monitor the employer trip reduction program or employer trip reduction plan on a full or part-time basis. A transportation management association (TMA), as defined by this chapter, may perform the duties of the ETC with prior approval by the APCO.

"Employee transportation survey" means an APCO-approved questionnaire distributed by employers to employees designed to provide sufficient information to calculate AVR for the worksite.

"Employer" means any person(s), firm, business, education institution, government agency, nonprofit agency or corporation, or other entity which employs one hundred (100) or more persons at a single worksite where at least forty (40) employees report to work between six and ten a.m.

"Employer program manager (EPM)" 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 plan" means a document describing in detail the employer trip reduction program, including an implementation schedule, and all of the elements listed in Section 10.12.080(C).

"Employer trip reduction program" means a measure or group of measures implemented by an employer, designed to provide transportation information, assistance and/or incentives to employees. The purposes of such measures are to reduce mobile source emissions by reducing the number of motor vehicles driven to the worksite by increasing the AVR, and to achieve and maintain performance objectives.

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

"Field personnel" means employees who spend twenty (20) percent or less of their worktime at the work site and who do not report to the worksite during the peak period for pick-up and dispatch of an employer provided vehicle.

"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. through ten a.m. Monday through Friday inclusive.

"Seasonal employer" means an employer with worksites where eighty (80) percent of its employees work for less than sixteen (16) weeks in any twelve (12) month period.

"Seasonal/temporary employee" means an employee who works for the employer for less than sixteen (16) continuous weeks in any twelve (12) month calendar period.

"Single-occupant vehicle (SOV)" means a vehicle occupied by one person.

"Survey week" means a regular five-day Monday through Friday (inclusive) workweek. The survey week for worksites 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 for the employee transportation surveys.

"Telecommuting" means a system of working at home or at an off-site, non-home telecommute facility that reduces the one way trip to work by at least fifty (50) percent of the commute distance or completely eliminates the trip to work. The employee must work at home or at an off-site, non-home location at least one day per week.

"Tier I employer" means employers for which each worksite has achieved the performance objectives according to the schedule listed in Section 10.12.060(A) shall comply with the Tier 1 administrative requirements. In 1995 all employers must comply with the Tier 1 administrative requirements.

"Tier II employer" means employers with worksites that do not meet the performance objectives according to the schedule listed in Section 10.12.060(A) and employers who fail to comply with the

Tier I administrative requirements, shall comply with the Tier II administrative requirements.

"Transportation management association (TMA)" 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 to fifteen (15) employees including the driver 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, (4) electric vehicle.

"Vehicle trip days" means the total number of vehicles used by employees who start work or are assigned to the worksite each work day Monday through Friday of the survey week.

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

"Worksite" means a location or building in and around which employees work. A worksite is also a group of buildings in close proximity. Close proximity means that the individual buildings making up the group of buildings are no more than one mile from a central work location with the largest number of employees reporting, are served by a common circulation or access system and are not separated by an impassable barrier to pedestrian travel which may include a freeway, flood control channel, railroad, etc.

(Ord. 491 § 3, 1994)

10.12.050- Exemptions.

- A. Employers are exempt from the district's implementation of this rule if they are subject to the requirements of a local jurisdiction's ordinance that is currently approved by the air district for delegation.
- B. Employers who present verifiable proof to the APCO that a compressed work week schedule has been instituted at an affected worksite that is sufficient to meet the 1995 performance objectives as specified in Section 10.12.060(A) are exempted from the Employee Transportation Survey requirements listed in Section 10.12.070(D) for 1995.
- C. Seasonal employers as defined in Section 10.12.040 are not required to comply with the requirements of this chapter.

(Ord. 491 § 4, 1994)

10.12.060- Requirements.

- A. Performance Objective. Performance objectives are expressed in terms of Average Vehicle Ridership (AVR). The AVR performance objectives are as follows:
AVR Performance Objectives and Year.

Year	AVR
December 31, 1995	1.25
December 31, 1996	1.33
December 31, 1997	1.42
December 31, 1998+	1.50

- B. Accelerated Performance Objectives. The performance objective for the Fresno carbon monoxide (CO) nonattainment area shall be increased to 1.5 AVTR upon EPA notification to the district that a CO contingency measure is required for the CO nonattainment area. The 1.5 AVT performance objective shall become effective within twelve (12) months of the EPA notification, and shall apply only to the CO nonattainment area referred to by the EPA notification.

(Ord. 491 § 5, 1994)

10.12.070- Administrative requirements—Tier I employers.

- A. Tier I—Employer. Employers for which each worksite has achieved the performance objectives according to the schedule listed in Section 10.12.060(A) shall comply with the administrative requirements listed in this section.
1. Rule Orientation Attendance. Employers shall have a representative attend an orientation on Rule 9001 provided by the district.
 2. Employee Notification. Employers shall facilitate the participation of employees and employee organizations in the development of employer trip reduction programs and employer trip reduction plans by providing the following information to its employees at the times specified below.
 3. Information explaining the requirements and applicability of this chapter to the employer and its worksite(s) prior to or at the time of registration.
 4. The content and implementation schedule of the employer trip reduction program required by subsection C of this section during its development.
 5. Notification may be provided through employee bulletins, notices posted on bulletin boards, articles in any newsletter generally circulated or provided to employees, or any other reasonable means to assure that employees have adequate opportunity to participate in the development of trip reduction programs and measures, and are informed about the full range of trip reduction programs and measures available at the worksite.
 6. Information explaining the requirements and applicability of this rule to the employer and its worksite(s) must be posted in a conspicuous place in all worksites.
- B. Employer Registration. All employers with one hundred (100) or more employees at a single worksite shall register with the APCO pursuant to the schedule in Section 10.12.090 (A). Registration shall be completed as follows. Employer registration shall include the following information:
1. Employer name and mailing address;
 2. Separate identification of each worksite(s) including locational address;
 3. Employee transportation coordinator and employer program manager name and telephone number for each worksite(s). A transportation management association (TMA), as defined by this rule, may perform the duties of the ETC with prior approval by the APCO;
 4. The total number of employees reporting or assigned to each worksite(s).
- C. Employer Trip Reduction Program. Within one hundred eighty (180) days after the employer

registers with the APCO, the employer shall develop and implement an employer trip reduction program.

- D. **Employee Transportation Surveys.** Employers shall conduct employee transportation surveys as specified in this section to establish whether or not the performance objectives listed in Section 10.12.060(A) have been achieved. Employers shall use the methodology in Section 10.12.100 to conduct employee surveys.
1. The employer shall submit to the district: the completed survey forms; the results of the survey; a tally showing the number of surveys distributed, the number completed and the number of nonrespondents.
 2. **Employee Transportation Coordinator (ETC).** Employers shall designate an ETC for each affected worksite. Employers with multiple affected worksites within the district may designate one ETC for more than one worksite with approval of the APCO. An ETC may also serve as the employer program manager provided that the individual meets the criteria specified in Section 10.12.040.
- E. **Employer Program Manager (EPM).** Employers shall designate an employer program manager (EPM). Employers with multiple affected worksites within the district may designate one employer program manager for more than one worksite with approval of the APCO.

(Ord. 491 § 6, 1994)

10.12.080- Administrative requirements—Tier II employers.

Employers with worksites that do not meet the performance objectives according to the schedule listed in Section 10.12.060(A) and employers who fail to comply with the administrative requirements of Section 10.12.070(A) shall comply with the administrative requirements as specified in this section.

- A. Complete the administrative requirements listed in Section 10.12.070(A).
- B. **ETC Training.** ETCs shall complete an APCO-certified training curriculum within ninety (90) days of the notification to do so by the APCO.
- C. **Requirement to Submit Employer Trip Reduction Plan.** Employers shall prepare and submit an employer trip reduction plan for that worksite to the APCO within one hundred eighty (180) days of a determination that the performance objective was not achieved. An employer may submit a consolidated plan that covers multiple worksites. The employer trip reduction plan shall contain the following:
 1. A description of the measures taken to comply with Section 10.12.060(A);
 2. All the registration information required by Section 10.12.070(B);
 3. A detailed description and inventory of measures contained in the employer trip reduction program developed and implemented pursuant to Section 10.12.070(C) including a list of specific trip reduction measures already implemented;
 4. A description, schedule and commitment to implement additional or enhanced measures to demonstrate attainment of the next annual performance objective;
 5. Summary and discussion of the results of an attitudinal survey of employees or an employer/employee work group designed to ascertain employee attitudes toward various incentive and disincentive measures;
 6. A discussion of the progress achieved to date and an analysis of why the employer trip reduction program did not achieve the performance objective including special issues, circumstances or conditions at the worksite.
- D. The plan shall be submitted to the highest ranking responsible official of the employer at the worksite or each worksite when a consolidated plan is submitted that covers multiple

worksites.

- E. Employees shall be notified in writing of the content, implementation schedule and availability of the employer trip reduction plan at least ten days prior to the submittal of the employer trip reduction plan to the APCO.
- F. An employer shall revise and resubmit to the APCO any disapproved plan within ninety (90) days of the disapproval. Disapproval of a resubmitted plan constitutes a final disapproval. Final disapproval is a violation of this chapter. An employer shall remain in violation of this chapter each day until an APCO approvable employer trip reduction plan or an APCO approvable alternative compliance plan is submitted.
- G. An employer may appeal any APCO disapproval of its employer trip reduction Plan pursuant to the procedures listed in Regulation V (Procedures Before the Hearing Board).
- H. An employer subject to this section shall update its employer trip reduction plan once every year after plan approval until such time as the performance objective is achieved. Such plan updates are to be submitted every year to the APCO on or before the anniversary date of plan approval.
- I. An employer shall revise and resubmit its employer trip reduction plan within ninety (90) days of a final determination that an element of an approved employer trip reduction plan violates any provision of law issued by an agency or court with jurisdiction to make such a determination.

(Ord. 491 § 7, 1994)

10.12.090- Compliance schedule.

- A. Employer Registration Schedule. Employers who become subject to this chapter shall register with the APCO by September 1, 1994 or within one hundred eighty (180) days after hiring the one hundredth employee.
- B. Employee Survey Schedule. Employee surveys shall be conducted within two weeks prior to or two weeks following the employer's survey date as stipulated by the APCO.
 - 1. Employee transportation survey results are to be submitted to the APCO within forty-five (45) days of the survey week.
 - 2. Subject to APCO approval, an employee transportation survey conducted prior to the effective dates of the ordinance codified in this section may be submitted to fulfill the requirements of this subsection provided that the survey was conducted within one hundred eighty (180) days of its submittal date and it provides sufficient data to calculate AVR pursuant to subsection A of this section.
 - 3. Employers who become subject to this rule subsequent to the schedule above due to an increase in employees or the establishment of a new or expanded worksite shall conduct an employee transportation survey within one hundred eighty (180) days after meeting the requirements of Section 10.12.070(B).

(Ord. 491 § 8, 1994)

10.12.100- Calculations.

AVR Calculation. AVR for each affected worksite is to be computed as follows:

- A. The employer conducts an employee transportation survey during a survey week.
- B. The employer shall calculate the AVR only for those employees who start work or are assigned to the worksite during the peak period.
- C. If less than sixty (60) percent of the survey forms are returned for processing from those

employees who start work during the peak period, all survey forms not returned shall be counted as single-occupant vehicles for purposes of calculating AVR.

- D. If sixty (60) percent or more of the survey forms are returned for processing from those employees who start work during the peak period, one-half of those survey forms not returned shall be assumed to have the same AVR as that calculated from the response to the surveys returned, and one-half shall be counted as single-occupant vehicles for purposes of calculating AVR.
- E. The employer shall calculate the AVR for the worksite by dividing the total employee-days for the survey week by the total vehicle trip-days for the survey week.
1. $AVR = \text{Total Employee Days} / \text{Total Vehicle Trip Days}$. Employee-days shall be determined by the total number of employees who start work or are assigned to a worksite during the peak period each work day Monday through Friday of the survey week. Each day of the survey week that an employee starts work during the peak period counts as one employee-day. For example, an employee who starts work each day Monday through Friday of the survey week between six a.m. and ten a.m. counts as five employees-days. The following procedures are used in totaling employee-days:

Employees telecommuting or are off due to a compressed work week schedule are counted as reporting to the worksite in calculating the total employee-days.
 2. The following employees are not included in the employee-days total:
 - a. Employees not working because of vacation, sickness or other time off;
 - b. Employees who report to a different worksite or an off-site work related activity;
 - c. Disabled employees.
- F. Vehicle Trip Days. Vehicle trip days shall be determined as follows:
- The total number of vehicles used by employees who start work or are assigned to the worksite each work day Monday through Friday of the survey week. A vehicle trip-day is based on the means of transportation used for the greatest distance of an employee's home to work commute trip. For example an employee who starts work during the peak period and arrives at the worksite each day of the survey week Monday through Friday in a single occupant vehicle counts as five vehicle trip-days. The following numerical values are used in calculating the total vehicle trip-days:
1. Single occupant vehicle (drive alone) equals one;
 2. Carpool equals one divided by the number of people in the carpool;
 3. Vanpool equals one divided by the number of employees in the vanpool;
 4. Motorcycle, moped, motorized scooter or motor bike equal one;
 5. Dedicated compressed natural gas vehicle equals one-fourth;
 6. Dedicated propane vehicle equals one-half;
 7. Dual or flexible fueled vehicle equals three-fourths;
 8. The following all equal zero vehicle trip-days:
 - a. Public transit vehicles,
 - b. Private buspool or club bus,
 - c. Vehicle under human power,
 - d. Pedestrians,
 - e. Electric vehicle.
- G. Random Sample Method. The method described in this section shall be followed when an

employer chooses to use a random sample to meet the requirements of this Section.

1. Employers with four hundred (400) or more employees at a single worksite have the option of calculating AVR based upon a random sample of the employee population. The random sample option is available only for worksites where four hundred (400) or more employees start work during the peak period (six a.m. through ten a.m.).
2. The size of the random sample depends upon the number of employees who start work during the peak period at the worksite. The means to determine the minimum size of the random sample is described in subsection G(5)(b) of this section.
3. The sample shall be selected as described in subsection G(5) of this section. Once the sample group has been selected, the employer shall not send additional survey forms to employees beyond the original sample group. Such additional surveys invalidate the result of the survey and void the employer's option to utilize the random sample method.
4. A high response rate is critical to ensure that the random sample produces an accurate AVR for the worksite. The employer should make a concerted effort to obtain a completed survey form from each employee in the sample. All nonrespondents in the sample will be treated as drive alone commuters (i.e. commuting in a single occupant vehicle) for purposes of calculating the worksite AVR.
5. Basic Random Sample Selection Methodology.
 - a. The employer shall compile a complete list of employees at the worksite, in alphabetical order and assign a consecutive number to each employee. The employer shall exclude from the list employees who are known to regularly start work outside the six a.m. through ten a.m. peak period.
 - b. The employer shall determine the number of employees to be included in the random sample using the following formula, where (n) is the sample size and (N) is the number of employees who start work between six a.m. and ten a.m.

$$n = N/1 + 0.0026 * (N - 1)$$

A sample of size "n" based on this formula should produce an AVR with a sampling error of at most plus or minus 0.05, with ninety-five (95) percent probability. The sample size based on this formula is displayed in the table below:

Number of Peak Period Employees at worksite	Sample Size
400 to 420	200
421 to 440	205
441 to 460	210
461 to	214

480	
481 to 500	218
501 to 550	225
551 to 600	235
601 to 650	240
651 to 700	248
701 to 750	255
751 to 800	260
801 to 850	265
851 to 900	270
901 to 950	274
951 to 1000	278
1001 to 1500	300
1501 to 2000	320
2001 to 3000	340
3001 to 4000	350
4001 to 6000	360
6001 to 10,000	370
>10,000	380

- c. In no case can the random sample size be less than indicated in the above table. The employer may choose to include a larger number of employees in the survey. A larger sample group should more accurately represent the entire employee population provided that the employer obtains a high response rate.
- d. After the sample size has been determined, the employer shall use a random number list generated by the district to select the sample.

(Ord. 491 § 9, 1994)

10.12.110- Fees.

The fee schedule for Rule 9001 is contained in Rule 3130 (trip reduction plan review fee).

(Ord. 491 § 10, 1994)

10.12.120- Alternative emission control.

At the option of the employer, with approval of the APCO an alternative vehicle emission reduction program may be used which achieves emission reductions equal to or greater than those that would have been achieved if the performance objectives of Rule 9001 were met, and that these alternative measures are not required by any other federal, state or local control measure or regulatory requirement. Such an alternative emission reduction program shall include an update and progress monitoring report to be submitted at least every year.

(Ord. 491 § 11, 1994)

10.12.130- Delegation requirements.

A local jurisdiction may be delegated responsibility for the implementation of this rule by the APCO providing that the local trip reduction ordinance and program to implement the ordinance meet the requirements of the California Health and Safety Code Section 40717(e).

(Ord. 491 § 12, 1994)