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CHAPTER 9.90 - TRIP REDUCTION ORDINANCE

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9.90.010. - Findings.

The Board of Supervisors of the County of Yuba hereby makes the following findings:

- (1) Increasing employment opportunities and residential construction in Yuba and Sutter Counties are projected to create an increase in traffic volumes.
- (2) Government Code § 65089.3(a) requires all jurisdictions within Sutter and Yuba Counties to adopt and implement a Trip Reduction Ordinance.
- (3) Ridesharing among employees for home to work trips is a simple, inexpensive, and effective means of reducing single occupant motor vehicle trips. A reduction in such trips can be expected to result in an improvement to the region's air quality, and a reduction in traffic congestion and energy consumption impacts relating to the anticipated growth in new jobs and residential construction.
- (4) Cooperation with and coordination of Trip Reduction programs with other cities, counties, and communities in the region and through regional agencies would enhance the effectiveness of such programs.

(Prior Code, § 9.90.010; Ord. No. 1158)

9.90.020. - Purpose.

The primary purposes of this Chapter include the following:

- (1) Reduce traffic congestion in Sutter and Yuba Counties by reducing both the number of vehicular trips and the vehicular miles traveled that might otherwise be generated by home-to-work commuting.
- (2) Reduce or delay the need for major transportation facility improvements and reduce congestion by making efficient use of existing facilities.

- (3) Increase the average vehicle ridership (AVR) during the weekday work commute period ("peak period").

(Prior Code, § 9.90.020; Ord. No. 1158)

9.90.030. - Objective.

The fundamental objective of the trip reduction program as established by this Chapter is to increase the average vehicle ridership (AVR) for home-to-work commuting.

(Prior Code, § 9.90.030; Ord. No. 1158)

9.90.040. - Intent and applicability.

- (a) It is the intent of this Chapter that all new employers strive to increase average vehicle ridership. New employers are required to put forth a good faith effort to encourage employees to use alternative transportation modes through the methods described below.
- (b) This trip reduction Chapter applies to all new employers with more than 500 employees. It specifically excludes all existing employers.

(Prior Code, § 9.90.040; Ord. No. 1158)

9.90.050. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) *Alternative commute mode* means a method of traveling to and from the worksite other than by single occupant vehicle (i.e., transit, carpool, vanpool, bicycle, walking, telecommuting).
- (2) *Average vehicle ridership (AVR)* means the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of employees by the standard number of trips in a work week (generally ten), then dividing by actual number of vehicular trips per work week. For example, if all employees drive alone to work each day, the AVR = 1.0. 10 employees would be expected to take ten trips each per week for a total of 100 trips. If only 67 vehicular trips are taken, then the AVR is 1.5, which means that, on average, each vehicle is transporting 1.5 people to their destination. The higher the AVR, the more people are using alternative transportation methods.
- (3) *Carpool* means a motor vehicle occupied by two or more persons traveling to and from work.
- (4) *Commuter* means an employee who travels regularly to and from an employment facility three or more days a week.
- (5) *Commuter matching service* means any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.
- (6) *Employee* means a person employed at a location for at least 20 hours a week.
- (7) *Employee Transportation Coordinator (ETC)* means an employee or other individual designated by the employer to coordinate and implement TCM activities as required by the transportation plan.
- (8) *New employer* means any business, non-profit organization, or public agency with one or more employees, including the owner, that locates in Yuba County after the adoption of this Chapter.
- (9) *Peak period commuter* means any employee who travels regularly to and from a work

facility three or more days a week and arrives or departs from the facility during the weekday peak period specified by the jurisdiction. This peak period should be linked to the hours that commuter congestion actually occurs.

- (10) *Rideshare Program* means the commuter matching service and commuter information service operated by Caltrans-Sacramento Rideshare.
- (11) *Ridesharer* means any employee who commutes to and from his or her work location by any mode other than single occupancy light or medium duty vehicle, motorcycle, or moped.
- (12) *Shift of employment* means any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.
- (13) *Single occupant vehicle (SOV)* means a motor vehicle occupied by one employee for commute purposes.
- (14) *Transportation control measures (TCMs)* means measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.
- (15) *Transportation Control Measure (TCM) Coordinator* means a public agency employee or other individual designated to manage and enforce employer compliance with TRO requirements.
- (16) *Transportation Management Association (TMA)* means an association, usually of employers, developers, property managers, and public agencies, organized to facilitate, support, and encourage the use of alternative transportation methods for commuters.
- (17) *Transportation plan* means the plan developed by the employer to reduce single occupant vehicle trips, pursuant to [Section 9.90.060](#)
- (18) *Trip reduction credit* means the number of points credited to an employer's transportation plan for implementing a specific transportation control measure (TCM) program.
- (19) *Vanpool* means a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than 16 persons including the driver, traveling to and from work.

(Prior Code, § 9.90.050; Ord. No. 1158)

9.90.060. - Requirements for new employers.

Applies to all new employers with 500 or more employees. Every new employer shall encourage use of alternative commute modes by providing the following:

- (1) Employee Transportation Coordinator (ETC).
 - a. Every new employer shall facilitate the employees' use of an area-wide ridesharing program by designating an Employee Transportation Coordinator (ETC) for employees. The name, title, address, and telephone number of such Coordinator shall be reported to the TCM Coordinator within 60 calendar days of reaching 500 or more employees at one site for at least 20 hours per week. The ETC should be strongly encouraged to take advantage of educational resources, including training seminars, workshops, training manuals, and discussions with other ETCs. ETCs need not be full-time employees, nor is it necessary that ETC duties take up a majority of the designated employee's time.
 - b. The Employee Transportation Coordinator responsibilities shall include:
 - 1. Publicizing the availability of public transportation.

2. Communicating employee transportation needs to the County TCM Coordinator or County staff as appropriate.
3. Assisting employees in forming carpools or vanpools.
4. Developing, coordinating, and implementing the employer's transportation plan.
5. Coordinating, documenting, and preparing the Annual Transportation Mode Survey & Report.
6. Performing an annual survey of employees showing the distribution of employees by transportation mode.
7. Coordinating participation in a ridesharing program through a Transportation Management Association, either as a member agency or otherwise, including the distribution and collection of commuter matching forms, and submittal to the appropriate rideshare program. The information on these forms will then be entered into the regional database to match commuters by home and work address for carpools and vanpools.
8. Coordinating any necessary, authorized on-site visits by the TCM Coordinator.

(2) Transportation plan.

- a. A transportation plan is required for each new employer having 500 or more employees working at a single site for at least 20 hours per week, and/or for every new employer upon reaching a level of 500 or more employees working at one site for at least 20 hours per week.
- b. In the case of seasonal work locations, the transportation plan shall be in effect only at such times that the employment level reaches 500 or more employees at a single site for at least 20 hours per week.
- c. Transportation plan elements. The transportation plan shall include:
 1. *Description.* A description of the activity and operating characteristics of the proposed project (e.g., business hours and peak hours of travel), including a parking area map or diagram.
 2. *Existing conditions.* A description of the alternative transportation facilities and programs currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies, etc.
 3. *Estimate.* A description and estimation of the commuting characteristics of the labor force (e.g., travel distance and mode).
 4. *Transportation control measures (TCMs).* Measures designed to reduce the number of single occupant vehicle trips. Each TCM is assigned a point value for trip reduction based on its effectiveness in reducing trips.
 5. *Implementation schedule.* A timeline showing the approximate schedule of implementation of each of the selected mitigation measures.
 6. *Management support letter.* In order for the transportation plan to be successfully implemented, the top management of the employer must be aware of the program and committed to making it work. A letter expressing that commitment is required.
- d. The Plan must include mandatory and optional transportation control measures (TCMs) from the list in [Section 9.90.070](#). Each of these transportation control measures (TCMs) are assigned a trip reduction credit; the Plan must include measures that have a cumulative total of 14 trip reduction points.

- e. The TCM Coordinator shall provide assistance to ETCs in preparing and managing their transportation plan. This assistance may include, but is not limited to, guidebooks to an estimate of the potential effectiveness of common ridesharing activities, sample transportation plans, educational resources, and networking opportunities.
- f. Trip reduction credit for transportation control measures (TCMs). In order to meet the required levels of trip reduction, every transportation plan shall list the TCMs proposed to be implemented. Every plan shall include and implement all of the mandatory TCMs set forth in the Project Requirements in [Section 9.90.070](#). The employer may then select from optional TCMs from the transportation control measure menu shown below that will best serve to reduce commute trips of the employees of the particular project. The transportation plan will then receive the vehicle trip reduction credits as defined in this Section.

(Prior Code, § 9.90.060; Ord. No. 1158)

9.90.070. - Transportation control measure (TCM) menu.

Each of the following transportation control measures (TCMs) are assigned a trip reduction credit. Each transportation plan must include measures that have a cumulative total of 14 trip reduction points.

- (1) Required transportation control measures (TCMs).
 - a. Designation of an Employee Transportation Coordinator (ETC).
Trip reduction credit: Two points.
 - b. Posting of ridesharing information, including:
 - 1. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing.
 - 2. The names and phone numbers of the Employee Transportation Coordinator (ETC), Transportation Management Association, and the TCM Coordinator.
Trip reduction credit: One point.
 - c. Posting of alternative transportation mode information, including:
 - 1. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the employment site;
 - 2. The location of all bicycle routes within at least a five-mile radius of the facility;
Trip reduction credit: One point.
 - d. Distribution of commuter matching service applications to employees. Caltrans Sacramento Rideshare maintains regional computer databases to match commuters with common cross streets. They provide rideshare applications to employers for distribution and then directly mail the match lists to the employees. Credit will be given if the ETC distributes the applications annually to all employees, and upon hiring to all new employees.
Trip reduction credit: Three points.
 - e. Bicycle parking facilities. Unless there are overriding considerations specific to the employment site, sufficient bicycle parking must be supplied for employees. To receive credit, the employer must provide bicycle parking for all bicycle commuters, as determined by a survey of employees, or 2 percent of employment, whichever is less. The bicycle parking facilities shall be, at minimum,

Class II stationary bike racks.

Trip reduction credit: One point.

- f. Preferential carpool/vanpool parking. Unless there are overriding considerations specific to the employment site, parking spaces for 4 percent of employees must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces.

Trip reduction credit: Two points.

- (2) Optional transportation control measures (TCMs). Each new employer, in preparing a transportation plan, may choose from the following menu of TCMs to achieve the required number of trip reduction credits. It is at the discretion of the individual employer to choose which are best suited to its location, business, and employees.

- a. *ETC education program.* The ETC must attend educational seminars, workshops, or other approved training programs on an annual basis. Points given are based on number of hours of attendance; two points are given for eight hours of training, with an additional point for every additional four hours of training, to a maximum credit of four points. However, since initial education of the ETC is critical, additional points are available for ETC education in the first year. In the first year, four points are given for eight hours of training, with an additional two points for every additional 4 hours of training, to a maximum credit of ten points. The ETC training is provided free of charge by Sacramento Rideshare.

Trip reduction credit: Two—ten points.

- b. *In-house carpool matching service.* The ETC conducts a survey of all employees in order to identify persons interested in being matched into carpools. Potential carpools are then matched by work address and shift. Credit is given if this service is performed on an annual basis and for all new employees interested in ridesharing.

Trip reduction credit: Four points.

- c. *Additional preferential carpool/vanpool parking.* Additional employee parking spaces must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces. An additional point is provided for each additional two percent of total number of employees for which preferential carpool/vanpool parking is provided, up to a maximum of three additional points.

Trip reduction credit: One—three points.

- d. *Transportation Management Association (TMA) membership.* The ETC or other designated management employee shall actively participate in a regional TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which the TMA Board administers.

Trip reduction credit: Four points.

- e. *Guaranteed ride home program.* Employers shall provide or contract to provide a guaranteed ride home for employees who rideshare two days a week or more. The guaranteed ride home shall be provided to the ridesharer in the event that an emergency or illness requires that they or their carpool or vanpool driver must leave work early.

Trip reduction credit: Three points.

- f. *Parking fee.* Employees who arrive at work in single-occupant vehicles shall pay a parking fee of \$10.00 per week, while carpool and vanpool vehicles are not charged. Credit is given only in situations where there is no alternative free public parking available within one-fourth mile of the site.

Trip reduction credit: Six points.

- g. *Clean air fuel vehicles.* The employer leases or purchases and maintains fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. Two points are given for each dedicated alternative fuel vehicle, and one point is given for each flexible fuel (able to use either gasoline or alternative fuel) vehicle, to a maximum of ten points.

Trip reduction credit: One—ten points.

- h. *Shuttle bus/buspool program.* The employer shall provide sufficient shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area and to the workplace. The employer may choose to lease a bus and may work with nearby employers or employment complexes to maximize ridership.

Trip reduction credit: Four points.

- i. *Vanpool program.* The employer is required to continuously extend an offer to purchase or lease a van or vans, to obtain insurance, and to make available to any group of at least seven employees a van for commute purposes. The employer may recover full or partial operating costs from the vanpool participants.

Trip reduction credit: For points.

- j. *Transit pass subsidy.* The employer provides a monthly transit pass subsidy of 50 percent or the maximum taxable benefit limit, whichever is higher. The workplace must be within a reasonable walking distance of a transit stop. The ETC will be responsible for distribution of the passes and collection of fees.

Trip reduction credit: Four points.

- k. *Transit shelter.* The employer shall construct a shelter on a designated bus route or shall post a bond for future construction once the transit route is extended to the site. Credit is given when the transit shelter is constructed in conformance with County regulations and when the employment site is on or adjacent to an existing or planned bus route.

Trip reduction credit: Two points.

- l. *Secure bicycle parking facilities.* Parking must be supplied for at least three percent of employment. The bicycle parking facilities shall be of the following types:

1. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment.
2. A fenced or covered area with Class II stationary bike racks and a locked gate.

Trip reduction credit: Two points.

- m. *Showers and lockers.* Two showers, one men's and one women's, shall be provided for employers of less than 200 persons. For employers of more than 200 persons, there shall be four showers with the number increasing by two for every 500 employees. Ten lockers shall be provided for employers of less than

200 persons. For employers of more than 200 persons, there shall be 20 lockers, with the number increasing by ten for each 500 employees.

Trip reduction credit: Two points.

- n. *Flexible work location/telecommuting.* A management strategy allowing the employee flexibility in work place outside of the employer's established location. These strategies may include but are not limited to telecommuting from the employee's home, or the creation of neighborhood office satellites. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to telecommute at least one day per week.
Trip reduction credit: Four points.
- o. *Flexible work hours.* A work hour management strategy allowing the employee to adjust work hours outside of the employer's established start and stop time and outside peak hours. Variable work hours may include, but are not limited to: 1) staggered work hours involving a shift in the set work hours of all employees at the workplace to those outside of peak hours; and 2) flexible work hours involving individually determined work hours within guidelines established by the employer. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to take advantage of flexible work hours.
Trip reduction credit: Two points.
- p. *Compressed work weeks.* A management strategy allowing the employee to compress the total number of hours required in a week to fewer days. For example, a typical 40-hour work week could be compressed into four ten-hour days. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule).
Trip reduction credit: Three points.
- q. *On-site services.* Necessary services would be provided within one-fourth mile of the employment site to eliminate the need for a vehicular trip before, during, or after the work day. Necessary services would include, but are not limited to, child care, cafeteria/restaurant, lunch room, automated teller machine, dry cleaners, or post office. These services may be provided by the employer, through cooperative efforts of employers and service providers, or by other means. Actual credits awarded will depend on which service or combination of services are provided and proximity to employment site.
Trip reduction credit—Negotiable with TCM Coordinator and designated approving body. Expected range for each service: One—ten or more points, depending on service type, proximity, and extent of service provided. Maximum point award for all services is 15 points total.
- r. *Transit system subsidy/grant.* Employer provides support to local transit system, which may be for system operations or for capital needs such as new buses. Subsidies or grants may be financial or through donation of capital needs. Actual credits awarded shall depend on the amount and type of subsidy or grant.
Trip reduction credit: Negotiable with TCM Coordinator, Yuba-Sutter Transit and designated approving body. Expected range: One—20 points, depending on amount and type of subsidy or grant.
- s. *Other.* Trip reduction measures that are not included in this menu or do not specifically fit the descriptions contained herein may also be considered. Innovative methods are strongly encouraged. An example would be a high school setting up a ridesharing educational program for their students.

Trip reduction credit: Negotiable with TCM Coordinator and designated approving body.

(Prior Code, § 9.90.070; Ord. No. 1158)

9.90.080. - Plan review.

The transportation plan shall be referred to the TCM Coordinator for review and evaluation of the proposed mitigation measures and recommendation made to the Community Development and Services Agency's Public Works Director for approval. A decision to approve or disapprove the transportation plan shall be deemed final 20 calendar days after the date the applicant receives a notice of the approving person or body's decision unless an appeal has been filed. (Please refer to Section 9.90.130 "Appeals.")

(Prior Code, § 9.90.080; Ord. No. 1158; Ord. No. 1405)

9.90.090. - Annual reporting requirements.

The ETC shall complete an Annual Transportation Mode Survey & Status Report. The purpose of this Report is to verify the dates and results of the mitigation measures specified in the transportation plan.

- (1) *Annual Transportation Mode Survey.* The survey portion of the Report requires the ETC to annually perform a transportation survey of employees. A standard form will be provided to determine the changes in the distribution of employees using various transportation modes in comparison with the baseline information. The transportation survey shall include information such as origin and destination of travel, transportation mode used, work schedule, and interest in alternative mode commuting. A survey response rate of 75 percent is required to ensure the significance of the results. The surveys distributed by the ETC shall be available for audit following the completion of the Annual Report.
- (2) *Status report.* The Status Report portion shows the mitigation measures included in the transportation plan with the implementation or completion date entered for each measure. If a measure was not implemented within the stated time frame, an explanation as to why it was not done shall be included. If there are certain measures stipulated in the previous transportation plan that are believed to no longer be feasible, an explanation shall be included.
 - a. *Compliance program.* Description and documentation of compliance with mitigation measures described in the transportation plan, including details of individual programs.
 - b. *Commute characteristics.* Status report on effectiveness of transportation plan as shown by the commute characteristics of employees. Specifically, this includes the average number of employees regularly arriving at and leaving the project site by each of the following modes of transportation:
 1. Single passenger motor vehicles (including mopeds);
 2. Carpools, including number of vehicles and number of occupants per vehicle;
 3. Van-type vehicles with seven or more commuters including the number of vehicles and number of occupants per vehicle;
 4. Mass transit;
 5. Bicycles;

6. Flexible work location/telecommuting;
 7. All others.
- c. *Totals*. The total number of employees by work shift at the project site.
 - d. *Employee characteristics*. The zip code and nearest cross streets of each employee's residence.
 - e. *Employee Transportation Coordinator (ETC)*. The name, address, and telephone number of the ETC.
 - f. *Statement of certification*. The employer shall certify that the TCMs agreed to for trip reduction credit have been fully implemented. If the TCMs have not been implemented, an explanation shall be included, and the Annual Transportation Survey & Report shall include actions to be taken to implement the program.

(Prior Code, § 9.90.090; Ord. No. 1158)

9.90.100. - Implementation schedule.

New employers with 500 or more employees working at a single site shall comply with this Chapter within six months.

(Prior Code, § 9.90.100; Ord. No. 1158)

9.90.110. - Monitoring of employer performance.

- (a) The TCM Coordinator shall review the Annual Transportation Mode Survey & Report of each project and compare performance with the goals established in the approved transportation plan. Inspection of the business location by the TCM Coordinator may be conducted as necessary to determine compliance with these provisions or to assist ETCs in preparing surveys or reports. A good faith effort to encourage employees to use alternative transportation as provided in the transportation plan is required. However, this Chapter does not hold employers liable if the TCM Coordinator finds the results of the transportation plan on employee commute habits did not achieve the stated trip reduction goals.
- (b) If, after review of the Annual Transportation Mode Survey & Report, the County TCM Coordinator finds the performance has been unsatisfactory, the County TCM Coordinator shall work with the employer to achieve the implementation of TCMs within one year of submittal. The employer shall be assisted in submitting a revised Report by the TCM Coordinator.
- (c) If the revised Report is still not satisfactory, the TCM Coordinator shall prepare a staff report to the Community Development and Services Agency's Public Works Director. The Community Development and Services Agency's Public Works Director may then find that the employer and/or the ETC is in violation of this Chapter and recommend that the matter be forwarded to the Board of Supervisors for a hearing.

(Prior Code, § 9.90.110; Ord. No. 1158; Ord. No. 1405)

9.90.120. - Penalties.

Failure to comply with the requirements of this regulation or with the terms of a transportation plan required pursuant to this regulation shall be deemed a violation and subject to the following penalties:

- (1) Misdemeanor or as an infraction in the discretion of the Prosecuting Authority.
- (2) Violations of this Chapter are punishable separately and independently of any other remedies at law or inequity, including, but not limited to, those remedies provided in any

applicable transportation plan.

- (3) In addition to any other penalty allowed, the Board of Supervisors may impose civil or administrative fines of up to maximum of \$500.00 per day for failure to meet the goals set forth in the Chapter. Fines collected under this Chapter will be used by the County for the implementation of transportation control measures.

(Prior Code, § 9.90.120; Ord. No. 1158)

State law reference— Administrative penalties, Government Code § 53069.4.

9.90.130. - Appeals.

Appeal from an action taken by the Community Development and Services Agency's Public Works Director pursuant to this regulation may be made in writing to the Board of Supervisors within 20 days of the Public Works Director's decision.

(Prior Code, § 9.90.130; Ord. No. 1158; Ord. No. 1405)

9.90.140. - Severability.

If any section, subsection, sentence, clause, phrase, provision or portion of this Chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Chapter, or their applicability to distinguishable situations or circumstances. In enacting this Chapter, it is the desire of the Board of Supervisors to validly regulate to the full measure of its legal authority in the public interest, and to that end, the Board of Supervisors declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, provision, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof might be declared invalid or unconstitutional in whole or in part, as applied to any particular situation or circumstances, and to this end the provisions of this Chapter are intended to be severable.

State law reference— Similar provisions, Government Code § 23.