

DPD

Director's Rule 10-2012

Applicant: City of Seattle Department of Planning and Development	Page 1 of 12	Supersedes: DR 9-2010
	Publication: 8/9/2012	Effective: 9/28/2012
Object: Transportation Management Programs	Code and Section Reference: Seattle Municipal Code (SMC) Chapters 23.04.040, 23.47A.012, 23.49.019, 23.50.051, 23.49.019, 23.50.051, 23.52.008, 23.54.015, 23.54.016, 23.69.030, 23.69.034, 23.69.035, 23.71.018, 23.90, 25.05.675	
	Type of rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Codes/Environmental	Approved	Date
	<u>(Signature on file)</u> 9/26/2012 Diane M. Sugimura, Director, DPD	

I. Purpose

The goal of a Transportation Management Program (TMP) is to reduce trips and/or parking impacts of a development project through the implementation of physical improvements and operational measures. This Rule establishes the responsibilities of property owners, applicants and proponents of projects (hereafter referred to as the "applicant") subject to the Land Use Code and/or SEPA requirements to develop a TMP. This Rule also identifies the ordinance authority and establishes the content, procedures, compliance, and reporting requirements of TMPs.

Coordination with other requirements and processes

The Department of Planning and Development (DPD) and the Seattle Department of Transportation (SDOT) coordinate the requirements of TMPs and Washington State's Commute Trip Reduction (CTR) Law. Entities affected by the CTR law are not exempt from implementing a TMP.

TMP Elements that provide physical building or frontage improvements (infrastructure) should be coordinated with the City's Design Review process, when applicable.

The City will review TMP Elements to help ensure consistency with other applicable studies and plans, such as the City of Seattle Comprehensive Plan, the Transportation Strategic Plan and the Bicycle, Pedestrian, and Transit Master Plans.

II. Background and Authority

Seattle's Environmental Policies and Procedures in SMC Chapter 25.05, which implement the State Environmental Policy Act (SEPA), authorize DPD to grant, condition or deny land use permit applications for construction and use for public or private proposals that are subject to environmental review. These are typically referred to as a "MUP" (Master Use Permit).

DPD may exercise its authority to grant a permit subject to TMP conditions. The purpose of these conditions is to mitigate the adverse traffic or parking impacts identified in the City's SEPA environmental review or other Land Use Code-required reviews. The published Director's Decision on the MUP, or other permit decision, will specify the TMP goal, if a TMP is required.

In addition to the City's general SEPA authority, there are other regulations that relate to TMPs. These sections of the Seattle Municipal Code are listed below.

- Major Institutions (see SMC 23.84A.025)
- Northgate Overlay District (see SMC 23.71)
- Transportation Impact Mitigation for certain proposals not subject to SEPA environmental review (see SMC 23.52.008)

Failure to comply with TMP conditions or to achieve the goals established by the TMP shall be a violation of this Rule and the SMC. Violations shall subject the property owner to enforcement action, including civil penalties as provided by the SMC.

III. TMP Process and Responsibilities

The following table outlines typical steps and responsibilities associated with the City's actions to establish and monitor compliance with the conditions listed in a TMP and the applicant's responsibility for establishing and maintaining the TMP.

Table 1. Steps for Establishing and Implementing a TMP

Steps	Responsible Party
1. Before DPD issues a MUP (or other permit) for any project requiring a TMP, the property owner(s) shall record his/her acknowledgment of the	Applicant

permit conditions in the manner prescribed by the City (Attachment A).	
2. DPD publishes a Director's Decision (or other permit) with conditions requiring a TMP to mitigate traffic and/or parking impacts. DPD will specify the TMP goal.	DPD
3. In consultation with the City, the applicant prepares a TMP stating the goal and detailing the elements that will be implemented to achieve the goal. A standard form for the TMP will be provided by DPD. Physical elements required by the Director's Decision should be both listed in the TMP and included on plans for the project's building permit. The applicant submits this draft TMP to DPD and SDOT.	Applicant
4. DPD and SDOT review the draft TMP and building permit plans to ensure compliance with the Director's Decision. The City may request additional elements or modification of proposed elements to ensure the TMP goal can be met. Following any necessary revisions, DPD and SDOT will approve the applicant's TMP.	DPD & SDOT
5. The Applicant records the City-approved TMP with King County Records and Elections Division, and submits a copy of the recorded TMP to DPD and SDOT. Typically, the building permit cannot be issued until the TMP is recorded, as provided in the MUP Decision.	Applicant
6. The applicant provides tenants, agents and representatives with a copy of the TMP, and requires them to comply with its conditions.	Applicant
7. The City shall establish a reporting schedule. The applicant shall conduct TMP-required surveys and produce regular reports (at the applicant's expense) in a manner and form prescribed by the City.	Applicant
8. SDOT is responsible for monitoring compliance with the TMP requirements established by the Director's Decision. The applicant shall facilitate the City's inspections of the site and program materials.	DPD, SDOT & Applicant
9. The DPD Director may require revisions to the TMP in order to meet the TMP goal. Revisions are addressed in Section VI of this Rule. The Director may also pursue enforcement actions as provided by the Seattle Municipal Code. Whenever the City requires changes to a TMP the applicant must (1) submit a letter acknowledging the changes, (2) record copies of the new documents with the King County Records and Elections Division, and (3) file copies of the letter and revised TMP or Memorandum of Agreement with SDOT and DPD.	DPD, SDOT & Applicant

IV. TMP Composition

TMPs consist of a goal and a list of program elements. The applicant is expected to implement all program elements needed to meet the TMP Goal.

Explanatory note: Table 2 identifies elements as 'required', 'highly recommended' or 'location-dependent.' Each of these elements is defined more fully in Section VII. After the TMP is approved, all elements in the TMP become required elements.

This section explains the "goal" and the "elements."

A. TMP Goal. The City establishes the TMP goals to mitigate traffic and/or parking impacts of the project. Examples of a goal include "No more than X% of the trips shall be made by single-occupant vehicles," or "No more than X number of vehicles will park on public streets."

B. Program Elements. Unless specifically modified in the Director's Decision, TMP elements shall include all required program elements. These are listed in Table 2. Other TMP elements may be necessary to meet the TMP Goal. Further definitions of all program elements are provided in Section VII of this Rule.

The applicant and the City may develop new or modified TMP elements that are not listed in this Rule. All TMP elements, whether listed in this Rule or not, must be described in sufficient detail to define the responsibility of the applicant and clarify the intent of the element.

Table 2. TMP Elements

	TMP Elements	Required for All Projects	Highly Recommended	Location Dependent
Building and Frontage Features (Physical Improvements)				
1	Install commuter information center in appropriate location	√		
2	Construct infrastructure improvements that are consistent with the City's <i>Design Guidelines</i> related to the transit and pedestrian environment		√	
3	Provide on-site shower and locker facility		√	
4	Reduce parking supply below market demand rate for the type of land use and location			√
5	Install pedestrian wayfinding signs			√
6	Provide more bicycle parking than required by code			√
7	Provide bicycle storage and amenities that meet City performance standards.			√

TMP Elements		Required for All Projects	Highly Recommended	Location Dependent
Management & Promotion				
8	Appoint Building Transportation Coordinator (BTC)	√		
9	Produce and distribute a commuter information packet	√		
10	Require tenant participation in the TMP	√		
11	Submit regular reports about TMP elements as required by the City	√		
12	Conduct biennial survey of TMP effectiveness in a form and manner established by DPD and SDOT	√		
13	Participate in a transportation management association, where available			√
14	Participate in promotional and encouragement programs		√	
Parking Management				
15	Charge for parking at market rate for the site's vicinity		√	
16	Set parking fee structure so that cost per hour for short-term parking does not exceed cost per hour for long-term parking		√	
17	Prohibit price reductions for all-day parking (e.g., "Early Bird" specials)		√	
18	Unbundle parking from building leases		√	
19	Provide designated parking spaces for car share programs		√	
20	Create flex-use parking passes that provide fewer days of parking than a monthly pass		√	
Transit, Carpool & Vanpool Programs				
21	Provide or require tenant to offer transit pass subsidy to employees who work at the site		√	
22	Provide free parking for vanpools registered with a public agency		√	
23	Provide information about ride-match opportunities			√
24	Provide reserved spaces for registered vanpools in convenient area that has adequate clearance and maneuvering space			√
25	Provide parking discount for carpools			√
26	Offer guaranteed ride home program			√
Bicycle/Walking Programs				
27	Offer incentive for commuters who bicycle or walk to work		√	
28	Offer programs for bicyclists such as safety training and bicycle maintenance		√	

TMP Elements		Required for All Projects	Highly Recommended	Location Dependent
Additional Incentives for Owner-Occupied Buildings				
29	Offer telecommuting program for employees (used at least once per week)			√
30	Allow flexible working hours			√
31	Provide subsidy to residents or employees for car-sharing program			√
32	Provide subscription bus service or shuttle to site			√

V. TMP Recording Requirement

Unless otherwise specified in the Conditions of Approval, the TMP must be recorded against the property before DPD issues a Building Permit. The TMP is recorded with the King County Records and Elections Division.

VI. TMP Revisions

The formal process for revising a TMP depends on how the original TMP was established. For a TMP where the Director's Decision (establishing the TMP requirements) specifies only the TMP goal, and no program elements, any elements may be modified by written agreement between the applicant and the City. A written agreement is sufficient to modify the elements of such a TMP because the Director's Decision did not require specific elements.

Some TMPs have elements that are specified conditions in the Director's Decision. (There may be additional elements added later by consent of the City and the applicant that were *not* specified in the Decision.) The elements specified in the original Decision are a component of that Decision. Thus, if the elements in the original permit are sought to be modified by the City or applicant, City land use code requirements would apply and the Decision would need to be republished. If a Director's Decision is republished, the code typically requires public notice and an opportunity to appeal the decision. This would not be an issue for elements that were subsequently added to the original list of elements, because these later elements are not components of the Director's MUP decision.

An applicant may seek changes to a TMP goal or elements at any time following initial implementation of the TMP. In addition to any notice and appeal requirements that may apply, DPD and SDOT must approve, in writing, any modifications to the TMP. The revised TMP must be submitted to DPD and SDOT for approval and re-recorded before it is implemented.

Modifications to TMPs developed as part of Major Institution Master Plans (MIMPs) must follow the processes required in Chapter 23.69 for general revisions to the master plan.

Within the context of this more general modification, elements of a MIMP TMP may be expanded to include additional relevant elements for specific projects, as with other non-MIMP TMPs.

VII. Descriptions of TMP Program Elements

A. Building and Frontage Features (Physical Improvements)

1. Install Commuter Information Center (Required Element). A Commuter Information Center (CIC) can be a bulletin board or electronic kiosk that is located in a highly-visible and accessible area of a building. The CIC should include information about alternative travel modes such as schedules for public transportation that serve the location, information about ride-match programs and services, the location of cycling and pedestrian amenities, the price and availability of HOV parking, and any other materials and information that enhances access and mobility to the site. The CIC should display the name, telephone number and office location of the Building Transportation Coordinator (BTC). Information in the CIC should be periodically updated by the applicant or responsible party to keep it current.

2. Construct infrastructure improvements that are consistent with the City's Design Guidelines related to the transit and pedestrian environment. Potential improvements include (but are not limited to) the following:

- Enhanced transit shelters
- Integrated shelter as part of building façade
- Covered passenger waiting areas
- Benches and/or lean rails in passenger waiting areas
- Enhanced sidewalk areas
- Pedestrian and/or bicycle connections to transit
- Safe bicycle access routes
- Illumination
- Wayfinding features

3. Provide shower and locker facilities. These facilities serve commuters who bike or walk to work. The City may establish a number of showers and lockers consistent with the number of bike racks provided for commuters or by some other ratio depending on the location.

4. Reduce parking supply below market demand rate for the type of land use and location. Developers or lenders often desire to provide parking in excess of the City's parking code requirements in order to meet a project's market demand. This demand is often determined using rates for various land uses from the Institute of Transportation Engineers' (ITE) *Parking Generation* or Urban Land Institute's *Shared Parking*. Determining the market demand for parking can also consider a project's location and availability of transit and alternative travel modes. The availability of alternative transportation combined with trip reduction strategies offered by a TMP may allow developers to reduce parking supply.

5. Install pedestrian wayfinding signs. Signage that directs pedestrians to transit stops or stations can promote walking. In neighborhoods where wayfinding master plans have been adopted, signs should be designed to match.
6. Provide more bicycle parking than required by the Land Use Code. The applicant can increase the amount of bicycle parking required by the code.
7. Provide bike storage that meets City performance standards, including but not limited to ease of access, weather-protected locations, good lighting and other security standards. Acceptable bicycle storage includes but is not limited to secured bike corrals or bike lockers. Other amenities to encourage bicycle use can include maintenance facilities such as a work bench, tools, air pumps for tires, and a bike-share program.

B. Management & Promotion

8. Appoint a Building Transportation Coordinator (BTC) (Required Element). The BTC is a permanent staff position assigned to administer the requirements of this agreement. The BTC should receive support and direction from management and any training that enables the BTC to carry out these responsibilities effectively. The BTC may also need to attend training workshops and trip reduction network group meetings provided by the City or its agent. The BTC may delegate some of the tasks required to administer the TMP to a third party, such as a transportation management association, but will remain responsible for TMP compliance. As part of the annual reporting requirements, the name, phone number, fax number, and email address of the BTC shall be filed with the City of Seattle and updated if the designee changes.
9. Produce and distribute a commuter information packet (Required Element). A commuter information packet (CIP) should contain complete information about the applicant's TMP, including transportation benefits, transportation options, HOV programs and discounts, bicycling amenities, transportation subsidies, and other elements of the TMP. The CIP should be distributed (either on paper or electronically) to tenants, employees, students, other building workers and occupants, and at promotional events. A copy should also be available in the building's Commuter Information Center. The first CIP will be distributed to tenants prior to or upon occupancy, and redistributed at least once each year. The CIP should be updated as conditions change. A copy of the CIP shall be included with the TMP in reports to the City.
10. Require tenant participation in TMP (Required Element). The TMP requirements apply to the entire building as typically required by a MUP. Tenants are required to meet the TMP goal and implement the TMP requirements for the life of the project, and should work cooperatively with the BTC so that the building is able to meet these requirements.
11. Submit regular report (Required Element). The City will define the reporting period. Each report will describe the current TMP and include copies of CIP-related information distributed at the site during the year immediately preceding the report.
 - a. The first report for this project is due one year from the date of occupancy.
 - b. Subsequent reports are due on January 31 of the reporting year.

12. Conduct a biennial commuter survey (Required Element). This survey, conducted at least every two years, is used to evaluate whether buildings and building owners (or other responsible parties) have achieved their TMP Goal. The survey will be conducted at the building owner's/responsible party's cost. The survey questionnaire will be provided by the City. The building owner/responsible party is responsible for the distribution of the survey to the building tenants. Survey results and analysis are processed by the City and shared with the BTC. The City will evaluate the report of survey results and determine if the goal has been achieved, and in what way the responsible party shall improve the TMP or other trip reduction programs at the site in order to meet the TMP goal. More frequent reporting may be required for sites that fail to meet the TMP goals.

13. Participate in a transportation management association (TMA) or similar organizations formed for the purpose of promoting trip reduction and improving transportation choices, where such associations are available. A TMA can provide services that assist the BTC with TMP responsibilities such as coordinating tenants' participation, preparing and disseminating commuter information packets, surveying employees and customers, managing transit pass subsidies, and hosting promotional events.

14. Participate in promotional programs such as the City's InMotion, Washington Rideshare Organization, and King County's Wheel Options that provide additional information or incentives related to alternative modes of travel.

C. Parking Management

15. Charge market rate for parking. Fees for parking a single-occupant vehicle should be at market rates for the site's vicinity.

16. Set fees to encourage short-term parking. The hourly rate charged for short-term parking (e.g., customers, visitors, or patients who park for four hours or less) should be less than or equal to the equivalent hourly rate charged for long-term parking (e.g., those who park for six or more hours).

17. Prohibit price reductions for all-day parking. There should be no discounted or favorable pricing for long-term parking (e.g., no "early bird specials").

18. Unbundle parking from building-space leases: The applicant should not "bundle" the price of parking spaces into the price paid by the lessee for building space.

19. Provide designated space for car share programs. Provide one or more parking spaces for a car-sharing program (e.g., Zipcar).

20. Create "flex-use" parking passes. Create a parking pass that provides fewer days of parking than a monthly parking pass. For example, instead of allowing 20 to 22 days of weekday parking, it could provide between 5 and 15 days of parking. A building employee can then use alternative modes of transportation (e.g., bike, walking or transit) on the remaining days of the month.

D. Transit, Carpool & Vanpool Programs

21. Provide transit pass subsidy to employees who commute by transit.
22. Provide free parking for registered vanpools. Vanpools registered with a public transit agency shall park free of charge.
23. Ride-match information is available through King County Metro and other transit agencies. The BTC is responsible for assisting tenants and their employees with implementing ride-match programs. These programs match employees with potential carpool mates who live in close proximity.
24. Provide reserved parking spaces for registered vanpools in preferred locations. Preferred parking spaces are those considered to be most desirable, e.g., closest to elevators, the building's lobby or main entrance, or garage exits. Reserved spaces should be marked and signed, and should have adequate clearance and maneuvering spaces along the access and egress route(s).
25. Provide parking discount for carpools. Parking operators may offer lower prices as short-term promotions or introductory rates for newly-formed carpools.
26. Offer guaranteed ride home program. A guaranteed ride home serves commuters who use alternative forms of transportation but need to get home quickly in an emergency or after available transit service has stopped. The ride home can be by taxi, company-owned vehicle, or car-sharing vehicle. The number of rides available per month or year may be limited.

E. Bicycle/Walking Programs and Amenities

27. Offer financial or other incentives for commuters who bicycle or walk to work.
28. Offer programs for bicyclists such as safety training and bicycle maintenance.

F. Additional Incentives for Owner-Occupied Buildings

29. Offer telecommuting program by allowing employees the ability to work from home at least once per week.
30. Allow flexible working hours. Flexible start/end times enable employees to meet transit and ride-share schedules.
31. Provide subsidy for car-sharing program (e.g., Zipcar) to encourage residents or employees to try such a service.
32. Provide subscription bus or shuttle service that employees can use to reach transit hubs, major destinations, and/or run midday errands.

VIII. Definitions and Acronyms

BTC – Building (or Institution) Transportation Coordinator.

Carpool – A motor vehicle occupied by two or more adults that commute together on a regular basis with a common origination and destination.

CIC – Commuter Information Center.

CTR – Commute Trip Reduction Law, RCW 70.94.521-555 and SMC 25.02 requires major employers to develop and implement a commute trip reduction program, report on progress each year, and conduct an employee commute survey every two years.

HOV – High Occupancy Vehicle. Any modes of travel carrying two or more people, including but not limited to carpools, vanpools, transit, and custom bus service.

Major Institution – An institution, which, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant negative impacts on the area. Major Institutions are subject to SMC Chapter 23.69, and are more fully defined at SMC 23.84A.025.

MUP – Master Use Permit. The document issued to a project applicant, recording all land use decisions made by DPD on a master use application. The term excludes construction permits and land use approvals granted by the City Council, by citizen boards or by the state.

SEPA – The State Environmental Policy Act, which is implemented by Seattle Municipal Code Chapter 25.05.

SMC – The Seattle Municipal Code.

SOV – Single Occupant Vehicle means a motor vehicle occupied by one (1) person for commute purposes.

Tenants – Those who lease or rent space in a project building.

TMA – Transportation Management Association. An organization of employers or property owners, or a group representing employers or property owners, who are working together to administer and promote trip-reduction programs. A new TMA must submit documentation describing: its staff experience; affiliation with other organizations; mission statement, goals, and objectives; a strategic plan describing proposed service area and services offered; and a financial plan. The Director will evaluate TMA submittals for approval using the following criteria: suitability of TMA goals and objectives with regard to the purpose of a TMP; support of the TMA's mission from member employers; progress toward the development and successful deployment of the TMA's strategic plan; and financial management systems (i.e. financial stability).

Unbundled Parking – “Unbundle” means to separate the cost of leasing parking spaces from the cost of leasing of building space.

Vanpool – A high occupancy vehicle that accommodates six or more people who are registered and permitted by a state, county, regional transit agency, local jurisdiction or their agent(s) to operate and/or ride in the vehicle.

ATTACHMENT A

[Date]

Diane Sugimura, Director
Department of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, Washington 98124-4019

Re: TMP Acknowledgment Letter for Master Use Permit Number _____

I _____ (NAME), as owner of _____
(LEGAL DESCRIPTION) _____ identified as _____
(ADDRESS) _____ understand that I am required to comply with the following
condition(s) related to the Transportation Management Plan (TMP) imposed on Master
Use Permit (MUP) number _____.

_____ (MUP CONDITIONS) _____

I understand that additional MUP condition(s) unrelated to the TMP may apply to the proposal as specified by the Director's decision.

I further understand that failure to achieve the goals specified in the TMP and/or to comply with the requirements of the TMP, as set forth by Director's Rule 10-2012, and specified by the condition(s) listed above shall be a violation of the permit condition(s) and will result in enforcement pursuant to the Seattle Land Use Code (SMC 23.90) and Master Use Permit Process (SMC 23.76). I understand that the condition(s) by which the City has approved the project are effective for the life of the project and apply to me and/or my company, and/or to future property owners.

Sincerely,