

**COMMUTE TRIP  
REDUCTION PROGRAM**

WHEREAS, traffic congestion in Durham County has created, and will continue to create highways that are overcrowded and present a danger to the health, safety, and welfare of citizens; and

WHEREAS, ozone levels in Durham County have reached increasingly unhealthy levels, especially during the summer months, leading to the probable violation of federal air quality standards; and

WHEREAS, Session Law 1999-328 sets a goal for the State of North Carolina to reduce emissions of nitrogen oxides from all sources by at least 25% by July 1, 2009 and to reduce the growth of vehicle miles traveled in the State of North Carolina by at least 25% of that growth that would otherwise occur by July 1, 2009; and

WHEREAS, pursuant to N.C.G.S. §§ 153A-121 and 153A-134, the Board of Commissioners has the authority to regulate businesses and employers located in the County of Durham; and

WHEREAS, the Board of Commissioners has determined that it is necessary to mitigate the impact of traffic by regulating businesses which produce significant levels of traffic and congestion due to the number of employees working for the businesses; and

WHEREAS, in order to provide for an orderly process, and due to limited resources to operate the program, it is necessary for the implementation of this program to cover more than one fiscal year.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:

1) That the Durham County Code of Ordinances is hereby amended by adding an article, to be numbered Article V. of Chapter 24, which article reads as follows:

**Article V. Commute Trip Reduction Program**

**Sec. 24-116. Creation of Commute Trip Reduction Program.**

1. There is hereby created a program to address the issue of traffic congestion in Durham County. In implementing this program, the County may contract with another governmental or quasi-governmental agency to provide for the efficient and effective provision of services and reviews as set out hereafter.

2. The purpose of the program shall be to provide education and consultative services to businesses, industries, and the general public on alternatives to the use of

single occupied vehicles to commute to and from work; to provide information on travel demand reduction strategies which are designed to reduce congestion on the roadways of Durham County; to gather statistical data on transportation usage; to set goals on reduction of peak period single occupancy vehicle use and average commute trip reduction in vehicle miles traveled; and to provide, to the extent practicable, a program of incentives, including yearly recognition, for businesses and industries which excel in reducing traffic congestion by implementing exceptional travel demand management programs.

**Sec. 24-117. Community Goals.**

It is recognized that the reduction of single occupancy vehicle use, especially during peak hours, is an important goal for the entire Durham County community in order to reduce congestion on the highways, and to reduce the levels of ozone in the air. The following community-wide goals are therefore adopted:

| <u>Year</u> | <u>Percent of Alternate Mode or Non-Peak Commute Trips</u> | <u>Average Commute Trip VMT Reduction (%)</u> |
|-------------|--|---|
| 2001        | 3  | 2   |
| 2002        | 6  | 4   |
| 2003        | 9  | 6   |
| 2004        | 12   | 8   |
| 2005        | 15   | 10  |
| 2010        | 20   | 15  |

**Sec. 24-118. Requirements for Major Employers.**

In each year, each Major Employer shall:

1. Provide each full time, part-time, contract, or other employee with information on Alternate Mode options and required travel reduction measures and related incentives. This may include, but is not limited to: any bus routes and schedules, information on any ride share programs, and any bicycle routes. This information shall also be provided to new employees, as described above, at the time of hiring.
2. (a) Participate in a survey and reporting effort, as directed and scheduled by the Lead Agency staff. All surveys or other reporting efforts as approved by the Lead Agency shall be

completed by at least the number of employees as shown in the following table to meet the required sample size:

| <u>Number of employees</u> | <u>Required sample size</u> |
|----------------------------|-----------------------------|
| 100-119                    | 65                          |
| 120-139                    | 78                          |
| 140-159                    | 91                          |
| 160-179                    | 104                         |
| 180-199                    | 117                         |
| 200-219                    | 130                         |
| 220-239                    | 143                         |
| 240-259                    | 156                         |
| 260-279                    | 169                         |
| 280-299                    | 182                         |
| 300-319                    | 195                         |
| 320-339                    | 208                         |
| 340-359                    | 221                         |
| 360-379                    | 234                         |
| 380-399                    | 247                         |
| 400-419                    | 261                         |
| 420-439                    | 268                         |
| 440-459                    | 273                         |
| 460-479                    | 280                         |
| 480-499                    | 285                         |
| 500-549                    | 289                         |
| 550-599                    | 301                         |
| 600-649                    | 312                         |
| 650-699                    | 323                         |
| 700-749                    | 331                         |
| 750-799                    | 339                         |
| 800-849                    | 347                         |
| 850-899                    | 353                         |
| 900-949                    | 360                         |
| 950-999                    | 365                         |
| 1,000-1,099                | 371                         |
| 1,100-1,199                | 380                         |
| 1,200-1,299                | 388                         |
| 1,300-1,399                | 396                         |
| 1,400-1,499                | 403                         |
| 1,500-1,599                | 408                         |

|               |     |
|---------------|-----|
| 1,600-1,699   | 413 |
| 1,700-1,799   | 417 |
| 1,800-1,899   | 423 |
| 1,900-1,999   | 427 |
| 2,000-2,199   | 429 |
| 2,200-2,399   | 436 |
| 2,400-2,599   | 441 |
| 2,600-2,799   | 447 |
| 2,800-2,999   | 451 |
| 3,000-3,499   | 453 |
| 3,500-3,999   | 461 |
| 4,000-4,499   | 468 |
| 4,500-4,999   | 472 |
| 5,000-5,999   | 476 |
| 6,000-6,999   | 481 |
| 7,000-7,999   | 485 |
| 8,000-8,999   | 489 |
| 9,000-9,999   | 491 |
| 10,000-14,999 | 493 |
| 15,000-19,999 | 501 |
| 20,000-29,999 | 503 |
| 30,000-39,999 | 505 |
| 40,000-49,999 | 507 |
| 50,000 & over | 508 |

- (b) The results of the survey or other reporting efforts which are accurate, verifiable and comparable to a survey for determining single occupancy vehicle use during peak periods and vehicle miles traveled, and as approved by the Lead Agency, shall be used to determine if the traffic congestion and reduction targets have been achieved. Employee participation and trip reduction shall be based on the total number of employees.

3. Prepare and submit a travel reduction plan to Lead Agency staff. The Lead Agency staff will assist in preparing the required plans when requested to do so by the employer. Major Employers shall submit plans according to a schedule set by the Lead Agency. If not notified earlier by the Lead Agency, Major Employers shall submit plans by December 31 of each year. One plan may be submitted for each Major Employer which addresses the travel reduction measures for all of the facilities located in Durham County. Each Major Employer shall set its own good

faith goals and shall work toward achieving the community goals set forth herein. The plan shall contain the following elements:

A. The name, address, e-mail address, and phone and fax number of the formally designated Transportation Coordinator.

B. A description of employee information programs designed to achieve the designated transportation reduction goals and other travel reduction measures which have been completed to date or during the previous year.

C. A description of travel reduction measures to be undertaken by the Major Employer in the upcoming year of the plan. The following measures may be included:

- a. Participate in a commuter matching service to facilitate employee Ridesharing for work trips.
- b. Provision of vans for Vanpooling.
- c. Subsidized Carpooling or Vanpooling which may include payment for fuel, insurance, or parking.
- d. Use of company vehicles for Carpooling.
- e. Provision of preferential parking for Carpool or Vanpool users which may include close-in parking or covered parking facilities.
- f. Reduction of on-site employees parking or redesignation of existing parking for pooling employees.
- g. Subsidized bus fares.
- h. Construction of special loading and unloading facilities for transit, Carpool, and Vanpool users.
- i. Cooperation with the City or County of Durham in construction of sidewalks or bicycle routes for the work site.
- j. Provision of bicycle racks, lockers, and showers for employees who walk or bicycle to and from work.

k. Provision of a special information center, including a web page on the company's Internet site, where information on Alternate Modes and other travel reduction measures will be available.

l. Establishment of a work-at-home program, including telecommuting, for employees.

m. Establishment of a program of adjustable work hours which may include compressed work weeks and employee selected starting and stopping hours. Work hour adjustments should not interfere with or discourage use of ridesharing and transit.

n. Establishment of a program of parking incentives and disincentives; such as a fee for parking and/or a "rebate" for employees who do not use the parking facility.

o. Implementation of other measures designed to reduce Commute Trips such as provision of day-care facilities, restaurant, or emergency ride home services.

D. A Travel Reduction Plan shall meet all the following criteria:

1. The plan shall designate a Transportation Coordinator.
2. The plan shall describe a mechanism for routine distribution of Alternate Mode transportation information to employees.
3. The plan shall accurately and completely describe current and planned travel reduction measures.
4. The plan shall state the travel reduction goals adopted by the Major Employer, including both Alternate Mode or Non-Peak Commute Trips and Average Commute Trip VMT Reduction.
5. The plan shall be signed by the Site Executive.

**Sec. 24-119. Approval Process.**

1. After the Major Employer's proposed travel reduction plan is received, the lead agency shall have 60 days to object to any component of the plan, otherwise the plan is automatically approved. Any such objection shall be based solely on a failure to

include a required component in the plan or an obvious mistake in the plan. If the lead agency objects, the plan is not approved and shall be returned to the employer with appropriate comments for review and revision. The employer will then have fifteen work days to re-submit the required plan. Any Major Employer who fails to submit a travel reduction plan or pay the processing fee shall be referred to the County Manager by the Lead Agency for possible enforcement action.

2. A processing fee in the amount of two hundred dollars (\$200) shall be submitted annually with the travel reduction plan.

**Sec. 24-120. Multi-jurisdictional Advisory Board.**

A. There is hereby created a Multi-jurisdictional Advisory Board. The Board shall be composed of up to twenty members, one-half of whom shall be representatives of Major Employers, which shall be appointed by the Board of County Commissioners and by each of the City or Town Councils which have allowed this ordinance to be enforced in its jurisdiction or enacted a substantially similar ordinance and have entered into an interlocal government cooperation agreement with the County of Durham, other approving jurisdictions, and the Lead Agency for the administration of this or a substantially similar ordinance. The Board of Commissioners shall appoint the initial four members of the Advisory Board with each additional municipality or political subdivision appointing four members each. Each member shall serve a three-year term with two of the four members from each appointing body serving an initial two-year term in order to provide for staggered terms.

B. The Multi-jurisdictional Advisory Board shall provide guidance to the Lead Agency in implementing and managing the Congestion Management Program. The Advisory Board shall further provide information on congestion management to the County Manager and the Board of County Commissioners, and shall make recommendations to the Board of County Commissioners as to the performance of the Lead Agency.

C. The Multi-jurisdictional Advisory Board shall make an annual report to the Board of County Commissioners and to each of the City or Town Councils which have allowed this ordinance to be enforced in its jurisdiction or enacted a substantially similar ordinance and have entered into an interlocal government cooperation agreement with the County of Durham for the administration of this or a substantially similar ordinance.

**Sec. 24-121. Civil penalties.**

Any Major Employer who fails to conduct the survey, or other reports as approved by the Lead Agency, of employees as provided herein or who fails to submit a Travel Reduction Plan as provided herein shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00) per week for each week in which the Major Employer fails to comply up with this provision up to a maximum of one thousand dollars (\$1,000.00). The County Manager or his designee shall have authority to assess the civil penalty as provided herein. If the Major Employer fails to pay the civil penalty within a reasonable time as determined by the County Manager or his designee, the County Attorney shall have authority to file a suit for the collection of the civil penalty.

**Sec. 24-122. Review of Effectiveness of Ordinance.**

The Multi-jurisdictional Advisory Board after consultation with the Lead Agency, if other than the County, shall report to the Board of Commissioners, the Durham City Council and Chapel Hill Town Council, if the two municipalities have allowed this ordinance to be enforced in their jurisdictions or enacted a substantially similar ordinance and have entered into an interlocal government cooperation agreement with the County of Durham for the administration of this or a substantially similar ordinance, and to other jurisdictions which have enacted a substantially similar ordinance and have entered into an interlocal government cooperation agreement as set forth in Sec. 24-120, by December 31, 2002, and every two years thereafter, on the effectiveness of this Ordinance, and shall, as part of this report, make recommendations for changes in the Ordinance or implementing program as deemed appropriate.

**Sec. 24-123. Definitions.**

1. "Alternate Mode" means any mode of commute and transportation other than the single occupancy motor vehicle, including telecommuting.
2. "Travel Reduction Plan" means a plan submitted by a Major Employer that meets the requirements as set forth in this article.
3. "Carpool" means two or more persons traveling in a light duty vehicle (car, truck, or van) to or from work.
4. "Peak Commute Trip" means a trip taken by an employee to or from work during peak hours.



5. "Commute Trip" means a trip taken by an employee to or from work.
6. "Commuter Matching Service" means any system, whether it uses computer or manual methods, which assists in matching employees for the purpose of sharing rides to reduce drive alone travel.
7. "Employer" means a sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, either public or private, that employs workers. However, the term "employer" shall not include the State of North Carolina, the United States of America, or any agency thereof.
8. "Full-time equivalent (FTE) employees" means the number of employees the employer would have if the employer's work needs were satisfied by employees working 40 hours per work week. The number of full-time equivalent employees for any employer is calculated by dividing the total number of annual work hours paid by the employer, including work hours paid to contract or other workers whether or not considered employees of the major employer, by 2080 work hours in a year.
9. "Lead Agency" means a governmental or quasi-governmental agency shall evaluate Major Employer's travel reduction plans and the results achieved by the Major Employers due to the implementation of the plans, and shall provide consultative and educational programs for businesses, industries, and the general public.
10. "Major Employer" means an employer who employs, during a 24 hour period, 100 or more full-time equivalent employees with at least 50 employees at a work site for at least six months during the year. Not included in this calculation shall be any employee who is required by the nature of his work to daily use a personal owned vehicle in his work or is required to commute using a vehicle owned by the employer.
11. "Mode" means the type of conveyance used in transportation including single occupancy motor vehicle, ride share vehicle (Carpool or Vanpool), transit, bicycle, and walking.
12. "Non-Peak Commute Trip" means a trip taken by an employee to or from work during hours which are not Peak Hours.

13. "Motor Vehicle" means every device in, upon or by which any property is or may be transported or drawn upon a highway by mechanical means including car, van, bus, motorcycle, and all other motorized vehicles.
14. "Peak Hours" mean the hours between 7:00 AM and 9:00 AM or 4:30 PM and 6:30 PM .
15. "Ridesharing" means transportation of more than one person for commute purposes, in a motor vehicle, with or without the assistance of a commuter matching service.
16. "Site Executive" means the highest ranking corporate officer in Durham County of a Major Employer.
17. "Transit" means a bus or other public conveyance system.
18. "Transportation Coordinator" means a person designated by employer as the lead person in developing and implementing a travel reduction plan. The Transportation Coordinator shall act as the agent for the Major Employer for purposes of this ordinance.
19. "Travel Reduction Plan" means a written report outlining travel reduction measures which will be submitted annually by each Major Employer.
20. "Travel Reduction Program" means a program, implementing a travel reduction plan by an employer, designed to achieve predetermined reductions in commute trips and vehicle miles traveled through various incentives and disincentives.
21. "Vanpool" means seven or more persons traveling to and from work together in one vehicle.
22. "Vehicle Occupancy" means the number of occupants in a motor vehicle including the driver.
23. "Vehicle Miles Traveled" (VMT) means the average (mean) number of miles traveled by a motor vehicle for commute trips.
24. "Work Site" means a building or any grouping of buildings located within Durham County which are physically contiguous parcels of land or on parcels

separated solely by private or public roadways or rights-of-way, and which are owned or operated by the same employer.

2) The provisions of this ordinance are severable, and should any section or part hereof be declared unconstitutional or void, the rest and remainder of the ordinance shall remain in full force and effect.

3) The effective date of this ordinance shall be November 1, 2003.

This the 27<sup>th</sup> day of October, 2003.