

ORDINANCE NO. 950 a

AN ORDINANCE OF THE TOWN COUNCIL OF THE  
TOWN OF SAN ANSELMO ADOPTING TRIP  
REDUCTION AND TRAVEL DEMAND REQUIREMENTS

WHEREAS, the voters of California approved Proposition 111 (Government Code Section 65089.3(2) which provides transportation funds to cities and counties in California under Section 2105 of the Streets and Highways Code; and

WHEREAS, Proposition 111 legislation mandates that each City/County adopt and implement a trip reduction and travel demand ordinance in order to be eligible to receive Section 2105 transportation funds allocated under Proposition 111; and

WHEREAS, the Marin County Congestion Management Agency (CMA) has adopted a Congestion Management Plan (CMP) to administer and monitor funding provided under Proposition 111; and

WHEREAS, the Marin County Congestion Management Agency (CMA) has adopted as part of the Congestion Management Plan (CMP) minimum standards which must be included in adopted trip reduction and travel demand ordinances in order for recipient agencies to be eligible to receive Section 2105 transportation funds allocated under Proposition 111.

Chapter six of Title 3 is hereby added to the San Anselmo Municipal Code to read and provide as follows:

Sec. 3-6. Trip Reduction.

Sec. 3-6.01. Short Title. The provisions of this chapter shall be known and may be cited as the "Town of San Anselmo Trip Reduction Ordinance (TRO)."

Sec. 3-6.02. Authority. This chapter is authorized under Proposition 111 legislation Government Code Section 65089.3(2) and the Streets and Highways Code Section 2105.

Sec. 3-6.03. Marin County Congestion Management Agency (CMA). This chapter incorporates the Marin County CMA minimum trip reduction and travel demand requirements.

Sec. 3-6.04. Definitions. Terms used in this chapter are defined as follows:

A. **Average Vehicle Ridership (AVR):** AVR is the number of *employees* who start work at a work *site* during the *peak period* divided by the number of *vehicles* those

employees use to arrive at the *work site*, averaged over the survey week.

B. **Carpool:** A *vehicle* occupied by two (2) to six (6) people traveling together between their residence and their *work site* 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.

C. **Commute Trip:** The trip made by an *employee* from home to the *work site*. The commute trip may include stops between home and the *work site*.

D. **Compressed Work Week:** 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 (2) 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.

E. **Disabled Employee:** An *employee* with a physical impairment which prevents the *employee* from traveling to the *work site* by means other than a *vehicle* and the *employee* has been issued a disabled person placard or plate from the Department of Motor Vehicles.

F. **Employee:** Any person conducting a *work activity* for an *employer* 20 or more hours per week on a regular full-time, temporary, or part-time basis. The term includes *independent contractors*. The term excludes *field construction workers*, *field personnel*, *seasonal/temporary employees*, and *volunteers*.

G. **Employee Transportation Coordinator (ETC):** An *employee*, other individual, or entity appointed by an *employer* to market, administer, and monitor the *Employer Trip Reduction Program* or *Employer Trip Reduction Plan* on a full- or part-time basis.

H. **Employee Transportation Survey:** A questionnaire distributed by *employers* to *employees* designed to provide sufficient information to calculate AVR or VER for the *work site*.

I. **Employer:** Any person(s), trust, firm, business, joint stock company, corporation, partnership, association, non-profit agency or corporation, educational institution, school district, hospital or other health care facility, or federal, state, city or county government department, agency, or district, or any other special purpose public agency or district. A city, county, or city and county is a single *employer* for purposes of this rule, not individual departments or agencies of the city, county, or city and county. Individual departments or agencies of the State of California and the federal government are separate *employers* for purposes of this rule. The term includes for-profit, not-for-profit, and non-profit enterprises. Several subsidiaries or units that occupy the same *work*

site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one *employer*. The term shall not include *employers* with no permanent *work site* within the City/County of \_\_\_\_\_.

**J. Employer Program Manager:** 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.

**K. Employer Trip Reduction Program:** A group of measures developed and implemented by an *employer* that are designed to provide transportation information, assistance, and incentives to *employees*. The purpose of such measures is to reduce the number of motor *vehicles* driven to the *work site* by increasing AVR or decreasing VER. An *Employer Trip Reduction Program* may include, but is not limited to, any or all of the following services, incentives and measures.

**a. Ridesharing**

1. *carpool/vanpool* matching
2. preferential parking for *carpools* and *vanpools*
3. *carpool/vanpool* financial subsidies or rewards
4. *employer*-provided vehicles for *carpools* and/or *vanpools*
5. *employer*-sponsored *vanpools*
6. rideshare marketing campaigns
7. subsidy of *vanpool* liability insurance

**b. Transit**

8. *work site* transit ticket sales
9. transit ticket subsidies, e.g. Commuter Check™
10. transit route maps and schedules on-site
11. shuttle to transit line (*employer*-sponsored or subsidized)

**c. Trip Elimination**

12. *compressed work weeks*
13. work-at-home programs
14. *telecommuting*

**d. Parking Management**

15. charge for *employee* parking
16. elimination of any *employer* parking financial subsidy
17. transition from *employer* parking financial subsidy to general transportation monetary allowance for all *employees*
18. free or reduced parking rates for *carpools* and *vanpools* only

**e. Bicycle and Pedestrian**

19. bicycling financial subsidies or rewards
20. financial subsidy to *employees* for the purchase of bicycles for *commute trip* use
21. bicycle lockers or other secure, weather-protected bicycle parking facilities
22. bicycle access to building interior

- 23. bicycle and/or walking route information
- 24. on-site bicycle registration

**f. On-site Facilities/Services**

- 25. *employee* shower facilities and clothes lockers
- 26. site modifications that would encourage walking, transit, *carpool*, *vanpool*, and bicycle use
- 27. on-site services to reduce mid-day *vehicle* trips, e.g. cafeteria, ATMs, apparel cleaning, etc.
- 28. on-site transportation fair to promote commute alternatives

**g. Other**

- 29. membership in a *Transportation Management Association* that provides services and incentives
- 30. establishment of *employee* committee to help design, develop, and monitor the trip reduction program
- 31. guaranteed ride home program
- 32. financial subsidies or rewards for walking and other non-motorized transportation modes
- 33. shuttles between multiple *work sites*
- 34. providing child day care an/near *work site*
- 35. enhanced trip reduction efforts on forecast criteria pollutant exceedance days, e.g., the District's Spare the Air program

L. **Field Construction Worker:** An *employee* who reports for work to a temporary field construction site.

M. **Field Personnel:** *Employees* who spend 20 percent or less of their work-time at the *work site* and who do not report to the *work site* during the *peak period* for pick-up and dispatch of an *employer-provided vehicle*.

N. **Independent Contractor:** An individual who enters into a direct written contract or agreement with an *employer* to perform certain services. The period of the contract or agreement is at least ninety (90) days or is open-ended.

O. **Local Jurisdiction:** 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.

P. **Peak Period:** The time from 6:00 A.M. to 10:00 A.M. Monday through Friday inclusive.

Q. **Seasonal/Temporary Employee:** An *employee* who works for the *employer* for less than 90 continuous days (three months) within a calendar year.

R. **Single-Occupant Vehicle:** A *vehicle* occupied by one *employee*.

S. **Survey Week:** A regular five-day Monday through Friday (inclusive) work week. The *survey week* for *work sites* 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. The *survey week* cannot be Rideshare Week or contain any other rideshare or transit promotional event, e.g., "Beat the Back-Up."

T. **Telecommuting:** A system of working at home or at an off-site, non-home telecommute facility for the full work day on a regular basis of at least one day per week.

U. **Transportation Management Association:** 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.

V. **Vanpool:** A *vehicle* occupied by seven (7) or more *employees* 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.

W. **Vehicle:** 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. Examples of *vehicles* include, but are not limited to, passenger cars, motorcycles, vans and pickup trucks.

X. **Vehicle Employee Ratio (VER):** VER is the number of *vehicles* used by *employees* who start work at a *work site* during the *peak period* divided by the number of those *employees* averaged over the *survey week*. VER is the reciprocal of AVR.

Y. **Volunteer:** An individual who does not receive any wages, salary, or other form of financial reimbursement from the *employer* for services provided.

Z. **Work Activity:** Any activity for which an *employee* receives remuneration from an *employer*. *Telecommuting* or work at home is a *work activity*.

AA. **Work Site:** Any property, real or personal, which is being operated, utilized, maintained, or owned by an *employer* as part of an identifiable enterprise. All property on contiguous, adjacent, or proximate sites separated only by a private or public roadway or other private or public right-of-way, served by a common circulation or access system, and not separated by an impassable barrier to bicycle or pedestrian travel such as a freeway or flood control channel is included as part of the *work site*. If two or more

*employers each have 100 or more employees at a single work site, then that work site is considered a separate work site for each employer.*

These definitions are similar to those in Regulation 13 Transportation Control Measures, Rule 1 Trip Reduction Requirements for Large Employers approved on December 16, 1992 by the Bay Area Air Quality Management District (BAAQMD). Any subsequent changes in definitions within Regulation 13 that occur in later revisions to the regulation will supersede the definitions contained in this chapter.

Sec. 3-6.05. Trip Reduction Requirements. The following Trip Reduction Requirements are hereby established and are imposed upon employers within the Town of San Anselmo:

A. This chapter shall apply to all employers within the Town of San Anselmo with 100 or more employees at an individual work site. Where such an employer has multiple work sites, only those sites which have 100 or more employees are subject to this chapter.

B. Each employer subject to this chapter shall disseminate trip reduction information regarding transportation alternatives including carpools, vanpools, transit and bicycling and other methods of reducing trips such as telecommuting, compressed work week, and flexible work hours annually to each employee and to all new employees as they are hired.

C. Each employer subject to this chapter shall annually conduct an Employee Trip Survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the Town of San Anselmo. Any survey and procedures prepared for submission to and accepted by the BAAQMD shall serve as a valid survey for this chapter upon submission to the Town of San Anselmo.

D. Each employer subject to this chapter shall designate a "Employee Transportation Coordinator" to be responsible for administering the employer requirements of the Trip Reduction Ordinance.

Sec. 3-6.06. Nonnduplication. If any other agency which has jurisdiction over Trip Reduction Requirements for employers within the Town of San Anselmo adopts trip reduction requirements that meet or exceed the requirements of this chapter, then any employer within the Town of San Anselmo that meets those requirements will be deemed to be meeting the requirements of this chapter by annually forwarding to the Town a copy of all trip reduction information and documentation required by the other agency.

Sec. 3-6.07. Severability. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

This chapter shall become effective 30 days after the date of adoption.

The Town Clerk shall cause this chapter to be published and/or posted within fifteen days after its adoption.

AYES: Breen, Kanis, Yarish, Zaharoff, Chignell

NOES: (None)

ABSENT: (None)

  
\_\_\_\_\_  
Paul Chignell, MAYOR

ATTEST:   
\_\_\_\_\_  
Caroline Foster, TOWN CLERK