ORDINANCE NO. 1458

AN ORDINANCE ADDING A NEW ARTICLE IV, SECTION 24-50 THROUGH 24-56 TO CHAPTER 24 OF THE SOLANO COUNTY CODE ENTITLED TRIP REDUCTION REQUIREMENTS

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Article IV, Sections 24-50 through 24-56 is added to the Solano County Code, to read as follows:

ARTICLE IV. TRAVEL REDUCTION REQUIREMENTS

Sec. 24-50. Purpose.

The purpose of this article is to establish Transportation System Management requirements for employers located in the unincorporated portions of the County of Solano. These requirements will promote alternative commute modes and reduce the total number of vehicle trips as part of a program to achieve the following objectives:

(a) Reduce peak period traffic and congestion by decreasing the number of single occupant vehicle trips associated with commuting.
(b) Reduce or delay the need for major transportation facility improvements by making more efficient use of existing facilities.
(c) Reduce present and future motor vehicle emissions as a contribution towards complying with federal and state ambient air quality standards.
(d) Establish transportation system management (TSM) goals for employers so that a significant number of their employees are encouraged to arrive at the worksite by means other than single occupant vehicles.

Sec. 24-51. Findings.

The board of supervisors hereby finds and declares that:

(a) The unincorporated portions of the County of Solano are projected by both the state and the Bay Area Association of Governments to experience significant growth in population which will result in substantial increases in traffic volume.
(b) The geographical and meteorological conditions in the unincorporated portions of the County of Solano are conducive to the formation of air pollution attributed largely to motor vehicle emissions according to both state and regional air pollution control agencies.
(c) Transportation systems management techniques including, but not limited to, ridesharing, transit, compressed
work weeks and bicycle use among employees are effective means of reducing work related trips. A reduction in the number of trips will reduce congestion and vehicle emissions.

Sec. 24-52, Definitions.

(a) **Alternate commute mode** means a trip where the transportation method is other than single occupant vehicle.

(b) **Average vehicle ridership (AVR)** means the number of employees arriving at the work site in the peak period divided by the number of personal self-propelled vehicles used by the arriving employees on a per week average. The denominator shall be reduced by one for each zero emission vehicle used by arriving employees and by a proportionate amount for employees using compressed work weeks.

(c) **Commute** means a home to work or work to home trip.

(d) **Complex** means either:

   (1) Any non-residential use or development which is operated as a unit, whether in common or separate ownership. To be a "complex" two or more of the following must be met:

      (A) It is known by a common name;

      (B) It is governed by a common set of covenants, conditions and restrictions;

      (C) It was approved, or is to be approved as an entity by the board of supervisors;

      (D) It is covered by a single subdivision parcel map;

      (E) It is operated by a single management;

      (F) It shares common private parking;

      (G) Any multi-tenant, non-residential building or contiguous group of buildings under common ownership, which is not included within any of the points stated above.

(e) **Compressed work week** means the schedule of any forty hour per week weekday employee who regularly works less than ten days during any fourteen day period. An example of such a schedule would be four ten hour work days per week.

(f) **Employee** means any person hired by an employer, including part-time and seasonal workers, but excluding any independent contractors hired by the employer.

(g) **Employer** means any public or private entity, including the County of Solano, with a permanent place of business or worksite in the unincorporated portions of the County of Solano.

(h) **Employer transportation management plan (TMP)** means a document detailing TSM measures to reduce vehicle trips to and from the worksite.

(i) **Existing complex** means a complex that has been issued a building permit prior to the effective date of this ordinance.

(j) **Peak period** means the commute hours from 6:00 a.m. to 10:00 a.m. during the weekdays.

(k) **Project** means any commercial, industrial, or retail development that is issued a building permit after the effective date of this ordinance, excluding those projects that are exempt from the provisions of this ordinance under section 24-53(e), below.
Ridesharing means two or more persons traveling together.  

Single occupant vehicle (SOV) means an automobile or light truck occupied by one person.  

Transit means public transportation including bus or rail services.  

Transportation coordinator means an individual trained to promote and implement TSM strategies at the worksite. Training is to be approved by the County of Solano.  

Transportation management certificate (TMC) means a document issued by the County of Solano to denote compliance with the requirements set forth in this article.  

Transportation systems management (TSM) means measures to better utilize existing transportation facilities and services, and promote alternate commute modes.  

TSM Administrator means the Solano County Director of Transportation.  

Worksite means the place of employment, base of operation or location of employees in the unincorporated portions of the county.  

Zero emission vehicle (ZEV) means any vehicle deemed a zero emission vehicle by the California Air Resources Board.

Sec. 24-53. Requirements.

(a) Major employers.  

An employer who employs 100 or more employees at a single work site shall be deemed a major employer. Complexes with a total of 100 or more employees shall be treated under this article as a major employer.  

All major employers within the unincorporated portions of the County of Solano shall obtain a (TMC) as described in section 24-54 below.

(b) Minor employers.  

(1) An employer who employs 25 to 99 employees shall be deemed a minor employer. Existing complexes with 25 or more employees shall be treated as minor employers.  

(2) On an ongoing yearly basis minor employers shall  

(A) Post information which describes the benefits of transit, ridesharing, bicycling and walking as alternative modes and which describes the facilities, services, schedules, rates and other pertinent information relevant to such transportation options.  

(B) Designate a transportation coordinator to coordinate with local transit agencies and the ridesharing agency for the distribution of alternative commute information including transit information and ridesharing applications.  

(C) Provide newly hired employees with alternative commute mode information that includes pertinent transit information and ridesharing applications.  

(c) Residential development.  

(1) New residential development shall be designed to further the goals of this article.  

(2) The County of Solano shall institute a program to
provide new or relocated residents with information on alternate transportation modes.

(3) Apartment complexes shall post information, approved by the TSM administrator, on alternate transportation modes.

(d) Projects.

All new projects will be designed to further the goals of this article.

(1) Major projects shall be those which, using the Institute of Traffic Engineers manual titled "Trip Generation," 5th edition, or subsequent revisions, are expected to be occupied by 100 or more employees. All major projects within the unincorporated areas of the County of Solano shall obtain a (TMC) as described in section 24-54, below.

(2) Minor projects shall be those which are expected to be occupied by 25 to 99 employees. The property owner of a minor project shall provide facilities to post information on alternative commute modes. Also, the property owner shall coordinate with the appropriate transit and rideshare agency to maintain and provide current information.

(3) Expansion projects shall mean any development which proposes structural expansion. If after such expansion the development will be the primary place of business of between 25 to 99 employees, it shall be deemed a minor project. If after such expansion the development will be the primary place of business of 100 or more employees, it shall be deemed a major project.

(e) Exemptions.

Notwithstanding any other provisions of this article, the following activities shall be exempt from the requirements of this article:

(1) Temporary construction activities, including activities performed by engineers, architects, contractors, subcontractors, and construction workers when such activities are related to the construction, development or other improvements to real property.

(2) Emergency activities in which persons are employed to render aid or other services in the event of an emergency or natural disaster.

(3) Other temporary activities which employ persons for a period of less than ninety days.

(4) employers, complexes, or projects with less than 25 employees.

(f) Schedule of Compliance.

Implementation requirements and methods for compliance shall be contained in the policy documents prepared by Solano County. All major and minor employers and major and minor projects shall comply with this article in accordance with the schedule set forth below:

(1) A TMC will not be required of any group or individual until six months after the date of enactment of this article. After this period, each employer must file a TMP at the time of business license application or renewal. All employers are required to comply with the provisions of this article within eighteen months of the effective date of this article.

(2) All major projects are required to comply with the
provisions of this article beginning six months after the effective
date of this article.

(3) All minor projects are required to comply with the
provisions of this article beginning one year after the effective
date of this article.

Sec. 24-54. Transportation management certificate.
(a) Transportation management certificate requirements
All major projects shall be required to file a TMP with
the TSM administrator. All major employers who fail to meet the
AVR standard for the compliance year as defined below, shall be
required to file a TMP with the TSM administrator. Major employers
who meet the AVR standard for the compliance year will not be
required to file a TMP for that compliance year. The goal of the
TMS is to designate TSM measures which will result in an average
vehicle ridership during the peak period as follows:

<table>
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<tr>
<th>Compliance year</th>
<th>AVR Standard</th>
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<tbody>
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<td>1993</td>
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<td>1997</td>
<td>1.25</td>
</tr>
<tr>
<td>1998</td>
<td>1.30</td>
</tr>
</tbody>
</table>

A TMC shall be granted to the major employer or major project for
a one-year period upon approval of the TMP by the TSM
administrator.

(b) Transportation management plan (TMP) requirements.
(1) Goal.
The goal of this article is to have an AVR as
designated above, for peak period commute trips. Employers and
projects shall develop TMPs with yearly progress goals for
increasing alternative commute modes for their employees or
tenants.

(2) Minimum requirements.
(A) Employer.
At a minimum, the employer TMP, shall include
the following provisions:
(1) Document compliance with minimum TSM
measures as specified for minor employers;
(2) Provide a status report on current commute
modes for employees in a format specified by the TSM administrator;
(3) Document the TSM measures needed to
increase AVR in the following year;
(4) Provide a plan for implementing the
selected TSM measures.

(B) Major project TMP.
At a minimum, the major project TMP shall
include the following provisions:
(1) Compliance with the requirements for a
minor project.
(2) Designate a transportation coordinator for the site.

(3) Agree to provide annual status reports to the TSM administrator in the specified format.

(4) Prepare an approved TMP to provide facilities and a framework for services conducive to attaining the AVR goal. After the plan is approved by the County of Solano, it shall be made binding on the property owner and any successors in interest.

The plan obligations shall either be recorded in the covenants, conditions and restrictions prepared for the development or separately recorded. The property owner may request modification of the plan by filing an application and a processing fee, in the amount specified by ordinance of the board of supervisors.

(3) Multiple worksites.

Each worksite with 100 or more employees shall submit a TMP with TSM measures for the specific worksite. If the employer has worksites with 99 or less employees, the employer shall be deemed a minor employer and shall comply with the requirements in section 24-53(b) above.

(4) Coordination TMP requirements.

(A) If the worksite is located in a project with a project TMP in effect, the employer TMP shall be coordinated with the project TMP. The employer may request the project owner revise the project TMP to incorporate appropriate TSM measures for their employees.

(B) A complex and the employers within a complex may, with the permission of the TSM administrator, coordinate and submit one TMP. The TMP must, at a minimum, fulfill the requirements that would apply to the largest entity within the complex, or the complex itself, which ever is largest, recognized by this article. The TMP, if accepted by the administrator, would be applicable to each entity within the complex and the complex itself. Violations of the article would apply to each entity individually. Existing complexes may also coordinate in this manner.

(5) Issuance of TMC.

At least 60 days before the schedule set forth in section 24-53, all persons required by this article to obtain a TMC shall submit a complete employer or project TMP application. Upon receiving the employer or project TMP, the TSM administrator shall examine the plan to determine whether the plan complies with the provisions contained in section 24-54. Inspection of the location by staff may be conducted as necessary to determine compliance with these provisions.

Except as otherwise provided, the TSM administrator shall approve the TMP upon finding that the requirements contained in this article have been met. The TMC shall be valid for a period of one year from the date of issuance by the TSM administrator. The TSM administrator shall notify the applicant, in writing, of the decision to issue or not to issue the TMC.

The TSM administrator shall also notify of the decision in writing any other person who has requested notice of
the proceedings on any particular TMC or on TMC's in general.

A decision to approve or disapprove the TMP shall be
deemed final fourteen calendar days after the date that the
applicant receives notice of the TSM administrator's decision,
unless an appeal has been filed.

(6) Renewal of certificate.

(A) Renewal of certificates with less than the AVR
specified in section 24-54 above. In order to renew a TMC, each
employer and project shall provide the following information to the
TSM administrator at a minimum:

(1) An update of the initial status report in
a format specified by the TSM administrator;
(2) A summary of the previous year's TSM
program, progress in meeting TMP goals and a description of program
organization and resources.

The TSM administrator may require
additional documentation or may visit the site and conduct his or
her own survey. If an employer is unable to provide the required
information on the employees transportation modes, then the TSM
administrator may require an employer to retain a consultant with
approval by the TSM administrator. The consultant shall submit the
required information to the TSM administrator.

If the information provided indicates the
employer or project has achieved the peak period AVR goal specified
for the compliance year, a TMC shall be renewed as specified
herein. If the information provided indicates that the goal has
not been reached after a period of two years, the employer or
project shall amend their TMP to include additional TSM measures.

(B) Attainment of reduction goal.

If the monitoring information provided for the
renewal of the TMC indicates the achievement of the AVR goal during
two consecutive compliance years, the employer or project may apply
for a TMC valid for two years.

Sec. 24-55. Enforcement.

The first violation of any provisions of this ordinance shall
be either (1) enforceable as a public nuisance, or (2) enforceable
by imposition of a penalty of $500.00 per day for each day that the
ordinance is violated. Any subsequent violation shall be
enforceable in the same manner as above, except a penalty shall be
imposed in the sum of $1,000.00 per day for each day that the
ordinance is violated.

Sec. 24-56. Appeals.

Any decision of the TSM administrator pursuant to this article
may be appealed to the board of supervisors. A party who desires
to appeal a decision must file a notice of appeal with the clerk to
the board of supervisors within ten working days after the issuance
of the decision from which the appeal is to be taken. The notice
of appeal should contain the following, as a minimum:
(a) The name, business address, and day time telephone
number of the appellant, or the appellant's agent.
(b) A description of the specific action being appealed.
(c) The name of the person issuing the appeal.
(d) The date of the issuance of the appeal.
(e) The grounds for the appeal.

The board of supervisors will, within twenty calendar days, set a time for the commencement of the hearing. The hearing will be set to commence within thirty days after notice, unless a longer period is agreed to between the appellant and the board of supervisors.

The decision of the board of supervisors in the appeal shall be a final decision.

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the Office of the Clerk to the Board of Supervisors, at least FIFTEEN (15) DAYS after adoption of the ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LEE SIMMONS, Chairwoman
Board of Supervisors

LINDA TERRA, Clerk to the Board of Supervisors

I, LINDA TERRA, Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held the 3rd day of November, 1992.
On the motion of Supervisor Davis and the Second of Supervisor Carroll, this Ordinance was adopted at a regular meeting of said Board on November 24, 1992, by the following vote:

AYES: SUPERVISORS Caddle, Carroll, Davis and Chairwoman Simmons

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS Stewart

WITNESS my hand and the Seal of said Board this 24th day of November, 1992.

LINDA TERRA, Clerk to the Board of Supervisors

By Linda Terra