ORDINANCE NO. 1490

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 Systems 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 toward complying with Federal and State ambient air quality standards.

d. Establish Transportation Systems Management (TSM) goals for employers so that a significant number of their employees are encouraged to arrive at the work site 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 Association of Bay Area 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. Alternative 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 work site 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 work site.

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

j. **Independent Contractor** means 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) continuous days or is open-ended.

k. **Peak Period** means the commute hours from 6:00 a.m. to 10:00 a.m. during the weekdays.

l. **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 24-53e., below.

m. **Ridesharing** means two or more persons traveling together.

n. **Seasonal/Temporary Employee** means an employee who works for the employer for less than ninety (90) continuous days within a calendar year.

o. **Single Occupant Vehicle (SOV)** means an automobile or light truck occupied by one person.

p. **Survey Week** means 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 for the employee transportation surveys required by Section 24-53h. The survey week cannot be Rideshare Week or contain any other rideshare or transit promotional event, e.g. "Beat the Back-Up."

q. **Transit** means public transportation including bus or rail services.

r. **Transportation Coordinator** means an individual trained to promote and implement TSM strategies at the work site. Training is to be approved by the County of Solano.

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

t. **Transportation Systems Management (TSM)** means measures to better utilize existing transportation facilities and services, and promote alternative commute modes.

u. **TSM Administrator** means the Solano County Director of Transportation.

v. **Work Site** means the place of employment, base of operation or location of employees in the unincorporated portions of the County.

w. **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 Transportation Management Certificate (TMC) as described in Section 24-54, below.

b. **Minor employers.**

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

g. Employee Transportation Coordinator (ETC).
Employers must have an ETC as specified within this section.

(1) Employers shall appoint an ETC for each affected work site. Employers with multiple affected work sites within the District may appoint one ETC for more than one work site, even when these work sites are located in different zones.

(2) ETCs must complete an APCO-certified training curriculum within nine (9) months of the effective dates of this rule as specified in Section 24-53f, or within six (6) months of appointment when appointed after the initial nine (9) month time frame.

(3) The employer may apply to the TSM Administrator for a waiver from the training requirement of Subsection 24-53g.(2) when an ETC has one or more years of experience in trip reduction or equivalent skills.

h. Employee Transportation Surveys.

Employers must conduct employee transportation surveys as specified in this section to establish whether the performance objectives listed in Section 24-54a. have been achieved.

(1) An employer shall conduct an employee transportation survey and submit the survey responses to the TSM Administrator in accordance with the schedule contained in Subsection 24-53h(5).

(2) The TSM Administrator will notify employers of the due date for subsequent year surveys.

(3) Employee transportation surveys are to be conducted annually unless a work site demonstrates that a future year performance objective is achieved. These work sites are required to survey every other year as long as future year performance objectives continue to be achieved.

(4) An employer shall not offer any special incentives or disincentives in addition to its regular Employer Trip Reduction Program during the survey week. This limitation does not apply to activities undertaken by an employer in response to a District forecast exceedance day, e.g. the "Spare the Air" Campaign.

(5) Employee transportation surveys are to be conducted as follows:

(a) Employers subject to this rule July 1, 1994, with work sites of 500
or more employees must conduct an employee transportation survey at those work sites by November 30, 1994.

(b) Employers subject to this rule July 1, 1994, with work sites of 100 to 499 employees must conduct an employee transportation survey of those work sites by May 31, 1995.

(c) Employee transportation survey forms are to be submitted to the TSM Administrator within 45 days of the survey week.

(d) Subject to TSM Administrator approval, an employee transportation survey conducted prior to the effective dates of this rule may be submitted to fulfill the requirements of this subsection provided that (1) the survey was conducted within six (6) months of its submittal date and (2) it provides sufficient data to calculate the performance objective pursuant to Section 24-54a.

(6) Employers who become subject to this rule subsequent to the schedule above due to an increase in employees or the establishment of a new or expanded work site shall conduct an employee transportation survey within six (6) months after meeting the requirements of Section 24-53f.

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 met the AVR standard for the compliance year will not be required to file a TMP for that compliance year. The goal of the TMP is to designate TSM measures which will result in an average vehicle ridership during the peak period as follows:

<table>
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<th>Compliance year</th>
<th>AVR Standard</th>
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<tbody>
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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 use of 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 processing fee, in the amount specified by ordinance of the Board of Supervisors.

(3) Multiple work sites.

Each work site with 100 or more employees shall submit a TMP with TSM measures for the specific work site. If the employer has work sites with 99 or fewer 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 work site 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, whichever 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 this 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
plains 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 proceeding on any particular TMC or on TMCs 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 any employer is unable to provide the required information on the employees commute 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, 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 a future year AVR goal, 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, any 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 (20) calendar days, set a time for the commencement of the hearing. The hearing will be set to commence within thirty (30) 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.

WILLIAM CARROLL, Chairman
Board of Supervisors

ATTEST:

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 26th day of July, 1994.

On the motion of Supervisor Kondyliis and the second of Supervisor Caddle, this Ordinance was adopted at a regular meeting of said Board on August 9, 1994, by the following vote:
AYES: SUPERVISORS Caddle, Kondylis, Schlenker, Thomson and Chairman Carroll

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS None

WITNESS my hand and the Seal of said Board this 9th day of August, 1994.

LINDA TERRA,
Clerk to the Board of Supervisors

By [Signature]