FOR EAST PALO ALTO

• Chapter 10.32 -
  TRANSPORTATION SYSTEM MANAGEMENT PLAN

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Sections:

• 10.32.010 - Findings.

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The city council of the city finds and determines that:

A. Traffic volumes and congestion in San Mateo County and the surrounding region have increased appreciably in recent years;

B. Increased employment growth in San Mateo County and the surrounding region has occurred in recent years and is expected to continue, contributing to growing traffic congestion;

C. Traffic congestion is a regional problem which requires coordinated and concerted actions by local governments, employers, SamTrans, Caltrans and CalTrain;

D. Peak hour traffic congestion can be managed by increasing the efficiency of the transportation system through such techniques as ridesharing, increased use of public transit, and varying work schedules so that travel occurs during off-peak periods;

E. The San Mateo County transportation authority has adopted a countywide transportation system management (TSM) plan which identifies measures that would be effective in reducing peak hour traffic congestion in the county and which requires that cities adopt TSM ordinances in order to relieve weekday peak hour traffic congestion;

F. The city supports the countywide transportation system management (TSM) plan and commits itself to reducing peak hour traffic congestion;
Adoption of the TSM ordinance codified in this chapter is one component of the city's participation in the countywide transportation system management plan, which also includes policies related to land use, transit improvements and traffic operational improvements;

Adoption of this TSM chapter will promote public health, safety, economic vitality and general welfare, within the city, county and region, and is consistent with the city's general plan.

(Ord. 122 § 1, 1990)

• **10.32.020 - Purposes.**

In recognition of these findings, the city does establish this TSM chapter for the following purposes:

A. To reduce peak hour traffic congestion in the city, county and surrounding region by reducing the number of vehicular trips and vehicular miles travelled related to work travel;

B. To reduce vehicular emissions, energy usage and ambient noise levels as a result of fewer vehicle trips, fewer vehicle miles travelled and reduced traffic congestion;

C. To achieve, as an initial goal, a twenty-five (25) percent participation rate by employees who work in the county in alternatives to single-occupancy vehicle commuting during weekday peak hours. The county will periodically reevaluate this goal in conjunction with the countywide TSM program and will revise it upward when warranted by traffic conditions and demonstrated results of the TSM program.

(Ord. 122 § 2, 1990)

• **10.32.030 - Definitions.**

The following definitions shall apply to words and phrases used in this chapter:

"Alternative work hours" means any work schedule for employees which starts and ends the work day outside of peak hours as defined below, and may include staggered work hours, flexible work hours, compressed work week, or other schedule.

"Carpool" means a motor vehicle occupied by two or more employees commuting together.

"Commute" means a trip from home to work or from work to home.
"Commute alternatives" means and includes any alternative to commuting to work in a single occupancy vehicle and includes carpools, vanpools, buspools, bicycles, transit, alternative work hours, telecommuting and walking.

"Complex" means any business park or other nonresidential development in separate or common ownership, which can be identified by two or more of the following characteristics:

1. It is known by a common name;
2. It is governed by a common set of covenants, conditions and restrictions;
3. It was (or will be) approved as an entity by the city;
4. It is covered by a single final subdivision or parcel map;
5. It is operated by a single management;
6. It shares common parking facilities.

"Complex" also means any multitenant nonresidential building or group of buildings under common ownership which is not covered by the above.

"Compressed work week" means a regular weekly work schedule of approximately forty (40) hours completed in less than five days during a week, such as four ten-hour work days.

"Employee" means any person hired by an employer to perform work at the workplace, including part-time and seasonal employees working twenty (20) or more hours per week, but excluding independent contractors.

"Employer" means any public or private employer, including the city, who has a permanent place of business in the city.

"Employer TSM program" means a written report in a format to be determined by the city TSM administrator, designating a workplace TSM coordinator, providing for training of the workplace TSM coordinator, documenting the mode of commute of all employees of an employer and demonstrating a rate of participation in commute alternatives that achieves the purpose of this chapter.

"Flexible work hours" means a flexible work schedule in which an employee is permitted discretion, within certain fixed parameters, as to the hours for starting and completing the work day.

"Parking management" means expanding, restricting or pricing the supply of parking in order to support TSM objectives and may include provision to employees of transit passes or cash subsidies in place of free parking.
"Peak hour," or "peak period" means the period between seven a.m. through nine a.m. and four p.m. through six p.m. Mondays through Fridays, except holidays.

"Single-occupancy vehicle" means a motor vehicle occupied by one employee for commute purposes, excluding motorcycles, unipeds and other two-wheeled vehicles.

"Staggered work hours" means fixed work hours in which groups of employees within a company or complex begin and end work at predetermined intervals in order to spread out the traffic flow.

"Workplace" means the usual and customary place of employment, base of operations or predominant location of an employee.

"Workplace TSM coordinator" means a person designated by an employer to implement a TSM program required pursuant to the provisions of this chapter.

(Ord. 122 § 3, 1990)

• **10.32.040 - Trip reduction program.**

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City TSM Program. In order to carry out this trip reduction program, the city manager shall designate a staff TSM administrator and shall notify the countywide TSM coordinator of this appointment. (Note: The city may contract for this position or may join with other cities in joint powers agreement for the provision of this service.) The city TSM administrator shall have the following responsibilities:

1. Administer the city's TSM program and make periodic reports on the progress of the program to the city manager;

2. Assist employers who are required by this chapter to prepare TSM programs; review, and, if acceptable, approve employer TSM programs;

3. Coordinate promotional events at workplaces in which literature and information on commute alternatives is distributed to employees;

4. Promote the use of all available techniques for reducing peak hour congestion, including ridesharing, increased use of public transit and, where feasible, compressed work schedules, shuttle buses and telecommuting;

5. Prepare a TSM program for employees of the city;
Participate in the countywide TSM program and coordinate efforts with the countywide TSM coordinator and other cities in the preparation of employee surveys, analysis of survey data, training of workplace TSM coordinators, and monitoring and evaluation of the results of trip reduction programs;

7.

Provide, upon request, commute alternative assistance, including ridesharing matching, transit route and schedule information, and bikeway information, to employees of companies in the city which do not have a TSM coordinator;

8.

Coordinate the city's TSM program with adjacent jurisdictions.

B.

Employer Requirements.

1.

Employee Survey. Every employer in the city, as defined in Section 10.32.030 above, shall complete and submit to the city TSM administrator a confidential employee survey when the program is initiated and periodically thereafter, as needed. Employee surveys shall include information on number of employees, residence of employees, mode of travel to work, usual work schedule, and interest of employees in commute alternatives.

2.

Commute Alternative Information. Each employer of twenty-five (25) or more employees, and every complex of twenty-five (25) or more employees, in addition to the requirements of subsection B1 of this section, shall in coordination with the city TSM administrator, distribute to its employees on a regular basis, commute alternative information on ridesharing, transit, bicycling and other commute alternatives.

3.

Employer TSM Programs. Each employer of one hundred (100) or more employees, and every complex of one hundred (100) or more employees, in addition to the requirements of subsections B1 and B2 of this section, shall prepare and submit to the city TSM administrator, each year no later than March 30th an employer TSM program which includes the following elements:

a.

Designation of a workplace TSM coordinator;

b.

Evidence of participation of the workplace TSM coordinator in a training program sponsored by the countywide TSM coordinator;

c.

A commute alternative plan, which demonstrates how at least twenty-five (25) percent of the employees at the workplace will commute to work on a regular basis by a mode other than single-occupancy vehicle or will use an alternative work hour schedule.

The commute alternative plan shall identify the specific TSM techniques, as identified in the countywide TSM plan, to be used by employees, including but not limited to, the following:

i.
Ridesharing, including carpooling, vanpooling (with disabled access) and buspooling (or club bus),

Alternative work hours, including flexible work hours, staggered work hours and compressed work week schedules,

Parking management, including preferential parking for ridesharing vehicles and provision of transit passes or cash subsidies to employees in place of free parking,

Use of transit, including ticket subsidies and provision of shuttle service to rail and bus stops,

Telecommuting, or allowing employees to work at home a portion of the work week and communicate business transactions through electronic media,

Bicycling, including provision at the workplace of bicycle storage facilities and employee lockers and showers.

The employer TSM program shall be reviewed by the city TSM administrator, who will respond in writing no later than forty-five (45) days after submittal as to the approval or disapproval of the employer TSM program. If the TSM administrator does not respond within forty-five (45) days, the TSM program is deemed approved.

In the event a TSM program prepared by an employer or responsible person to the complex is not approved by the city TSM administrator, the employer or responsible person to the complex shall either revise the TSM program and resubmit it to the city within thirty (30) days of notification of disapproval, or appeal the decision of the city TSM administrator to the TSM advisory and appeals committee.

The TSM advisory and appeals committee will hear the matter at a regularly scheduled and advertised meeting within ninety (90) days of the appeal by the employer and will render its decision in the form of a recommendation to the city council within fifteen (15) days of the hearing. The city council may accept the decision of the appeals committee or remand it to the committee for reconsideration. The action of the city council shall be final.

(Ord. 122 § 4, 1990)

**10.32.050 - TSM advisory and appeals committee.**

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If employer TSM programs are required by this chapter, as described in subsection B3 of Section 10.32.040, a TSM advisory and appeals committee is established to advise the city council on the TSM program and to hear appeals from employers on the decisions of the city TSM administrator concerning the adequacy of employer TSM programs.
Composition. The TSM advisory and appeals committee shall consist of three or five members, as follows, to be appointed by the city council:

One or two members of the city council/board of supervisors;

One representative of the chamber of commerce;

One representative of employers with one hundred (100) or more employees.

If desired by the city council, one representative of the employees within the jurisdiction.

Term. The members of the TSM advisory and appeals committee shall serve two-year terms.

Duties. The TSM advisory and appeals committee shall meet periodically, but not less than once every three months, to monitor the implementation of the city's TSM program. The committee will also hear appeals from employers on the decisions of the city TSM administrator concerning the adequacy of employer TSM programs, as described in subsection B3 of Section 10.32.040. The committee will make recommendations to the city council concerning the city's TSM program and decisions of the TSM administrator.

(Ord. 122 § 5, 1990)

• 10.32.060 - Fees.

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The city council may assess annual fees on all public and private employers in order to contribute toward the costs of the city's TSM program. The amount of such fees shall be calculated as part of the annual budget preparation for the city's TSM program and shall not exceed five dollars ($5.00) per employee per year.

(Ord. 122 § 6, 1990)

• 10.32.070 - Enforcement.

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An employer or complex who fails to comply with the provisions of this chapter shall, after thirty (30) days' written notice to remedy the failure, be guilty of an infraction. The fine for such infraction shall be an amount not exceeding one hundred dollars ($100.00) for the first infraction, an amount not exceeding two hundred dollars ($200.00) for the second infraction, and an amount not exceeding five hundred dollars ($500.00) for the third infraction. Each failure to supply data, reports, programs or to implement the employer TSM program shall constitute a separate violation.

The failure of any employer or complex to comply with the provisions of this chapter, within ninety (90) days of written notice to comply, shall be liable to the city for a civil penalty in the
amount of two hundred fifty dollars ($250.00) per day for each day of noncompliance, commencing with the ninety-first day. After such notice, the civil penalty shall be in addition to any fine that may be assessed.

No employer who acts diligently and in good faith to comply with the provisions of this chapter shall be responsible for noncompliance by a tenant or other circumstances beyond the employer's reasonable control.

(Ord. 122 § 7, 1990)