

ORDINANCE NO. 88-082

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

DEC 13 1988

ORDINANCE ADDING CHAPTER 77 TO THE SACRAMENTO
CITY CODE RELATING TO THE EMPLOYER TRANSPORTATION
SYSTEMS MANAGEMENT FOR THE CITY OF SACRAMENTO

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Chapter 77 is added to the Sacramento City Code to read as follows:

CHAPTER 77

EMPLOYER TRANSPORTATION SYSTEMS MANAGEMENT FOR THE CITY OF SACRAMENTO

SECTION 1

77.1 Purpose

The purpose of this Chapter is to establish TSM requirements for employers located within the City of Sacramento. 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 for complying with federal and state ambient air quality standards; and
- (d) Establish TSM goals for employers so that 35% of their employees who commute during the peak periods are encouraged to arrive at their worksite by means other than single-occupant vehicles.

SECTION 2

77.2 Findings

The Council of the City of Sacramento hereby finds and declares that:

- (a) The Sacramento metropolitan area is projected to experience a significant increase in employment and population growth which will result in substantial increases in peak period traffic volumes;
- (b) The geographical location and the atmospheric conditions of the City of Sacramento are conducive to the formation of air pollution attributed largely to motor vehicle emissions; and
- (c) TSM measures such as ridesharing, transit and bicycle usage among employees for commute trips are effective means of reducing peak period vehicle trips. A reduction of such trips can be expected to decrease traffic congestion and vehicle emissions.

SECTION 3

77.3 Reserved

SECTION 4

77.4 Definitions

- (a) Commute. Shall mean a home to work or work to home trip.
- (b) Employee. Shall mean any person hired by any employer, including part-time and seasonal workers, but excluding any independent contractors hired by the employer.
- (c) Employer. Shall mean any public or private entity, including the City, with a permanent place of business or worksite in the City.
- (d) Worksite. Shall mean the primary place of employment, base of operation, or predominant location of a group of employees.
- (e) Peak Period. Shall mean the commute hours from 6 AM to 9 AM and 3:30 PM to 6:30 PM during weekdays.
- (f) Single-Occupant Vehicle. Shall mean a motor vehicle occupied by one (1) employee for commute purposes.

- (g) Transportation System Management (TSM). Shall mean measures to better utilize existing transportation facilities and services, and promote alternative commute modes.
- (h) Transportation Management Certificate (TMC). Shall mean a document issued for compliance with the requirements set forth in the City of Sacramento Employer TSM Ordinance.
- (i) Employer Transportation Management Plan (TMP). Shall mean a document detailing TSM measures to reduce vehicle trips to and from the worksite.
- (j) Transportation Coordinator. Shall mean an individual trained to promote and implement TSM strategies at the worksite.
- (k) Ridesharing. Shall mean the cooperative effort of two or more people traveling together.
- (l) Transit. Shall mean public transportation including bus or fixed rail services.
- (m) Traffic Engineer. Shall mean the person designated by the Director of Public Works with the responsibility for the implementation of the TSM Ordinance.
- (n) Alternative Commute Mode. Shall mean a trip where the transportation method is other than a single-occupant vehicle.

SECTION 5

77.5 Requirements for Employers

(a) Major Employers

Any employer who employs 100 or more employees shall be deemed a major employer. All major employers within the City of Sacramento shall obtain a Transportation Management Certificate (TMC) as described in Section 77.6.

(b) Minor Employers

- (1) An employer who employs between 25-99 employees shall be deemed a minor employer.
- (2) On an ongoing yearly basis, all minor employers shall:

- (A) Post information which describes the benefits of transit, ridesharing, and bicycling as alternative modes and which describes facilities, services, schedules, rates, and other pertinent information relevant to such transportation options;
- (B) Designate a Transportation Coordinator to coordinate with the local transit agency(s) and the authorized regional ridesharing agency for the distribution of alternative commute mode information, including transit information and ridesharing applications; and
- (C) Provide newly hired employees with alternative commute mode information that includes pertinent transit information and ridesharing applications.

(c) Exemptions

Notwithstanding any other provisions of this Chapter the following activities shall be exempt from the requirements of Section 77.5-a and 77.5-b:

- (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; and
- (3) Other temporary activities which employ persons for a period of less than ninety (90) days.

(d) Schedule of Compliance

Implementation requirements and methods for compliance shall be contained in the Employer's TSM Handbook. All major and minor employers shall comply with this Ordinance in accordance with the schedule set forth below:

- (1) All major employers with 250 or more employees are required to comply with the provisions of this chapter within six (6) months of the effective date of this Ordinance.

- (2) All major employers with 100 to 249 employees are required to comply with the provisions of this chapter within one (1) calendar year of the effective date of this Ordinance.
- (3) All minor employers are required to comply with the provisions of this chapter within one (1) calendar year of the effective date of this Ordinance.

SECTION 6

77.6 Transportation Management Certificate

(a) Transportation Management Certificate Requirements

All major employers shall be required to file an Employer Transportation Management Plan (TMP) with the Traffic Engineer.

The goal of the TMP is to designate TSM measures which will encourage 35% of employees to commute by means other than a single-occupant vehicle during peak periods.

A TMC shall be granted to the major employer for a one (1) year period upon approval of the TMP by the Traffic Engineer.

(b) Transportation Management Plan (TMP) Requirements

(1) 35% Alternative Mode Goal

The goal of this Ordinance is to encourage 35 percent of peak period commuters to use alternative travel modes. Employers shall develop TMP's with yearly progress goals for increasing alternative commute modes of their employees.

(2) Minimum Requirements

At a minimum, the Employer TMP shall include the following provisions:

- (A) Document compliance with minimum TSM measures as specified in Section 77.5-b-2 for minor employers;
- (B) Provide a status report on current commute modes of employees in a format specified by the Traffic Engineer;
- (C) Document TSM measures selected to increase alternative mode use during the coming year;

(D) Provide plan for implementing selected TSM measures.

(c) 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 TMP shall list all worksites and the number of employees at each site. The 35% alternative mode goal shall apply to the total number of employees commuting during peak periods from all worksites of the major employers.

(d) Coordination of Employer TMP and Developer TMP Requirements

If the worksite is located in a project with a Developer TMP in effect, the Employer TMP shall be coordinated with the Developer TMP approved under Section 6-E of the Zoning Ordinance for Transportation Systems Management Regulations for New Non-Residential Development. The employer may request that the project owner revise the Developer TMP to incorporate appropriate TSM measures for their employees.

(e) Issuance of TMC

At least 60 days before the schedule set forth in Section 77.5-d, all person(s) required by this Chapter to obtain a TMC shall submit a complete Employer TMP application. Upon receiving the Employer TMP, the Traffic Engineer shall examine the plan to determine whether the plan complies with the provisions contained in Section 77.6-a. Inspection of the business location by City staff may be conducted as necessary to determine compliance with these provisions.

Except as otherwise provided by Section 77.6-f, the Traffic Engineer shall approve the TMC upon finding that the requirements contained in this Section have been met. The TMC shall be valid for a period of one (1) year from the date of issuance by the Traffic Engineer. The Traffic Engineer shall notify the applicant, in writing, of the decision to issue or not issue the TMC.

The Traffic Engineer shall also notify of the decision in writing any other person who has requested notice of the proceedings on this particular TMC or on Transportation Management Certificates in general.

A decision to approve or disapprove the Employer TMP shall be deemed final fourteen (14) calendar days after the date that the applicant receives a notice of the Traffic Engineer's decision, unless an appeal has been filed.

The City Council shall by resolution prescribe fees for the issuance and renewal of Transportation Management Certificates. Such fees shall be used for the purpose of defraying costs incurred in the administration, monitoring, and enforcement of this chapter.

All fees for the issuance and renewal of certificates shall be paid at the time of, and with the filing of the application with the Traffic Engineer. No application shall be deemed valid or complete until all prescribed fees have been paid. Unless otherwise prescribed, fees shall not be refundable in whole or in part whether or not the certificate is issued or approval granted. No fee shall be refundable in whole or in part if a permittee ceases operating under the certificate in advance of expiration of the term of the certificate.

(f) Renewal of Certificate

(1) Renewal of certificates with less than 35% Alternative Modes:

The TMC shall be renewed annually except as specified in Section 77.6-f-2. In order to renew a TMC, each employer shall provide the following information to the Traffic Engineer at a minimum:

- (A) Provide an update of the initial status report provided per Section 77.6-b-2 in a format specified by the Traffic Engineer.
- (B) Provide a summary of the previous year's TSM program, progress in meeting the TMP goals, and a description of program organization and resources.

The Traffic Engineer 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 employee's transportation modes, then the Traffic Engineer may require an employer to retain a consultant with approval by the Traffic Engineer. The consultant shall submit the required information to the Traffic Engineer.

If the information provided indicates the employer has achieved a 35% alternative mode trip goal, a TMC shall be renewed as specified in Section 77.6-f-2. If the information provided indicates less than 35% alternative modes, the employer shall amend their TMP to include additional TSM measures.

(2) Attainment of 35% Alternative Modes:

If the monitoring information provided for the renewal of the TMC indicates the achievement of 35% alternative modes during two consecutive years, the employer may apply for a TMC valid for two (2) years.

SECTION 7

77.7 Enforcement

(a) Violation is a Public Nuisance

Any violation of the provisions of this chapter shall be and the same is hereby declared to be a public nuisance subject to abatement pursuant to Chapter 61 of this code. The City Attorney is also authorized to bring and prosecute an action in any court of competent jurisdiction to enjoin any person or corporation from continuing, maintaining or permitting such violation.

(b) Penalty

Any person or corporation violating any provision of this chapter shall be guilty of an infraction, subject to the provisions of Government Code Section 36900 (b). Such person or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

The following subsection is hereby added to Article IV, Section 61.401 of this code: (1) Any condition in violation of Chapter 77 of the Sacramento City Code (Employer Transportation Systems Management for the City of Sacramento).

SECTION 8

77.8 Appeals

Any decision of the Traffic Engineer pursuant to this Chapter may be appealed to the City Council in accordance with the procedures set forth in Article XIX, Appeals to Council of the Sacramento City Code for appeals or decisions of the City staff.

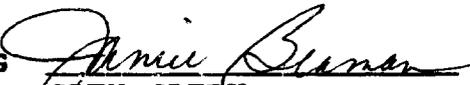
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MAYOR

ATTEST:

ACTING 
Assistant CITY CLERK

JP:lm
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