

CHAPTER FIVE: PLANNING, ZONING, USE, AND DEVELOPMENT OF LAND AND IMPROVEMENTS

Subchapter 5.10: Transportation System Management ("TSM") Program

5.10.010 Findings.

The City Council of the Town of Colma hereby finds and determines that:

- (a) There has been a significant increase in traffic in this general region and in this City, and this trend is anticipated to continue in the future.
- (b) Recent and future development and redevelopment within the City and in the surrounding area will lead to increased traffic in the area.
- (c) Transportation System Management (TSM) programs have been shown to be capable of reducing vehicle trips and increasing vehicle occupancy rates, and can be effective in reducing the need for costly major road improvements.
- (d) Decreasing the number of vehicular trips and miles, especially on the regional road network, both absolutely and within peak traffic periods, will help alleviate traffic congestion, energy consumption, and noise levels and will help to improve and maintain air quality. These improvements will contribute to making the City an attractive and convenient place to live, work, visit and do business, and will help employers recruit and retain a qualified work force.
- (e) Cooperation with and coordination of TSM programs with nearby cities and other local agencies with transportation roles will assist the City in meeting the goals and objectives of this ordinance.
- (f) Adoption of this TSM ordinance is one component of implementing a comprehensive approach to reducing traffic problems that should be supported by complimentary land use policies and transportation and transit improvements.
- (g) Adoption of this TSM ordinance will (1) promote public health, safety and economic vitality; (2) mitigate the effects of the traffic congestion including associated noise and air quality impacts on the environment; and (3) enhance the general welfare, both within the City and region.
- (h) The goals and objectives of this ordinance are consistent with this City's General Plan.
- (i) Participation of private and public employers, sponsors, employer organizations, and employee organizations is critical to the successful implementation of this TSM ordinance.
- (j) In adopting this ordinance, it is the intention of the City Council that employers and sponsors who act diligently and in good faith to comply with the provisions of this ordinance shall not be penalized for lack of participation of employees or tenants in commute alternatives, and shall not be held accountable for the achievement of a participation rate by employees or tenants.

(k) This ordinance will implement provisions of that certain "Joint Powers Agreement Establishing the Multi-City Transportation System Management (TSM) Agency", a joint exercise of powers agreement entered into pursuant to the provisions of Government Code Section 6500 et seq., of which Agency this City is a member.

(l) Since the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 is the current trip reduction regulation with which our employer base must comply and the jurisdictions with the County of San Mateo did not elect to accept delegation of the Rule, the provisions of this ordinance are intended to assist employers in the region in achieving their trip reduction goals to improve air quality and reduce traffic congestion.

[*History:* formerly § 5.1001; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.020 Goals and Objectives.

(a) *Goals.* The goals of this ordinance are to:

(1) Assure that all existing and future employers and sponsors participate in mitigating traffic problems by implementing TSM measures.

(2) Encourage coordination and consistency between public agencies and the private sector in planning and implementing transportation programs.

(3) Increase public awareness and encourage more use of alternatives to commuting by single occupant vehicles.

(4) Reduce traffic impacts within the City and the region by reducing the number of automobile trips, daily parking demand, and total vehicle miles per person traveled that would otherwise be generated by commuting.

(b) *Objectives.* The objectives of this ordinance are:

(1) To participate in a Multi-City Agency that works in partnership with employers to promote programs and services that help employers achieve their trip reduction goals in an effort to improve air quality and reduce traffic congestion in the region.

(2) To facilitate the achievements of vehicle to employee ration (VER) standards by public and private employers subject to Regulation 13, Rule 1, a regional employer-based trip reduction mandate effective for employers in San Mateo County beginning July 1, 1994.

(3) To encourage and facilitate participation by employers with 25-99 employees in promoting commute alternatives for their employees.

[*History:* formerly § 5.1002; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.030 Definitions.

As used in this ordinance, the following words and phrases have the meanings respectively ascribed thereto in this section:

(a) *"Alternative Work Hours Program"* shall mean any system for shifting the work day of an employee so that the work day starts or ends outside of the peak periods. Such programs include but are not limited to: (i) compressed work weeks; (ii) staggered work hours involving a shift in the set work hours of employees at the work place; and (iii) flexible hours involving individually determining work hours within guidelines established by the employer.

(b) *"Car Pool"* shall mean a motor vehicle occupied by two (2) or more employees commuting together.

(c) *"Commute"* shall mean a home-to-work or work-to-home trip.

(d) *"Complex"* shall mean any multi-tenant, non-residential building or group of buildings that houses employees. A complex may have more than one but not necessarily all 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 approved, or is to be approved, as an entity by the City;
- (4) It is covered by a single subdivision or parcel map;
- (5) It is operated by a single management;
- (6) It shares common parking.

(e) *"Employee"* shall mean any person hired by an employer for work at the work place, working 20 hours or more per week on a regular full-time or part-time basis, including independent contractors, but excluding field construction workers, field personnel, seasonal/temporary employees (working less than 90 days consecutively) and volunteers.

(f) *"Employer"* shall mean any public or private employer, including the City, who has a permanent place of business in the City. "Employer" shall not include contractors or other business entities with no permanent place of business in the City.

(g) *"Joint Powers Agency"* shall mean that agency created under the "Joint Powers Agreement Establishing the Multi-City Transportation System Management (TSM) Agency".

(h) *"Multi-City Agreement"* shall mean the agreement approved by the City and one or more other cities to establish an organization and procedures for governing a joint TSM program.

(i) *"Peak Traffic Periods"*, *"Peak Hour"*, and *"Peak Periods"* shall mean the periods of highest traffic volume and congestion which are from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m. during work days Monday through Friday. A peak period trip shall mean an employee commute trip to or from a work place when the employee's work day begins or ends within a peak period.

(j) *"Public Transit"* shall mean publicly provided transportation, usually either by bus or rail.

(k) *"Ridesharing"* shall mean transportation of persons in a motor vehicle for commute purposes where the driver is not employed for that purpose. The term includes arrangements known as carpools and vanpools.

(l) *"Single Occupant Vehicle"* shall mean a vehicle occupied by one employee.

(m) *"Sponsor"* shall mean the owner(s) or developer(s) or manager(s) of a commercial development project or complex.

(n) *"Telecommuting"* shall mean a system of working at home or at an off-site, non-home telecommute facility for the full work day on a regular basis at least one day per week.

(o) *"Transportation System Management (TSM)"* shall mean a program to improve the movement of persons through better and more efficient use of the existing transportation system.

(p) *"TSM Trip Reduction Program"* shall mean a group of measures developed and implemented by an employer that are designed to provide transportation information, commute alternatives assistance and incentives employees.

(q) *"TSM Board of Directors"* shall mean the group responsible for policy direction of the TSM organization, with membership and responsibilities as defined in the Multi-City Agreement.

(r) *"TSM Supervisory Committee"* shall mean the group of city managers or their designees responsible for general direction of the TSM Administrator and program as set forth in the Multi-City Agreement.

(s) *"Vanpool"* shall mean a van occupied by seven (7) to fifteen (15) employees, including the driver, who travel together during the majority of their individual commute distance.

(t) *"Work Site"* shall mean any real 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 bicycles or pedestrian travel such as a freeway or flood control channel is included as part of the work site.

(u) *"Employee Transportation Coordinator (ETC)"* shall mean a person, who could be an employee or an employer or sponsor, designated to implement a TSM Trip Reduction Program and to carry out any other requirements of this ordinance at a work place.

[History: formerly § 5.1003; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.040 TSM Administrator.

The TSM Administrator shall be employed by the Joint Powers Agency and shall serve as staff in administering the TSM provisions of this ordinance as provided in the Multi-City Agreement. Duties shall include, but are not limited to, assisting employers in carrying out TSM responsibilities, providing commute alternative assistance, preparing summary reports, and developing incentives for employer participation in the TSM program.

[History: formerly § 5.1004; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.050 TSM Advisory Committee.

(a) *Purpose.* The Advisory Committee shall provide guidance to help further the goals and objectives stated in this ordinance, and serve as an advisory body. It is a committee made up of private sector representatives whose primary function is to act in an advisory role to the City Council of each member city of the Joint Powers Agency, the TSM Board of Directors, the TSM Supervisory Committee, and the TSM Administrator (collectively the Joint Powers Agency) on matters that affect private sector employer TSM Trip Reduction Programs.

(b) *Composition and Term of Office.* The Advisory Committee shall be established as provided in the Multi-City Agreement approved by the City Council.

(c) *Functions.* The Advisory Committee shall:

(1) Advise the Joint Powers Agency on any TSM matter brought to its attention by any person;

(2) Recommend changes to this ordinance as may be necessary to meet the goals and objectives established herein; and

(3) Recommend the establishment and composition of any local area groups of employers and/or sponsors to aid compliance with applicable trip reduction requirements.

[History: formerly § 5.1005; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.060 TSM Requirements.

(a) Each employer within San Mateo County that is subject to the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 (regional employer-based trip reduction rule) shall conform to the employer-based trip reduction program requirements established and enforced by BAAQMD.

(b) Each employer of 25 or more employees, and every sponsor of 25 or more employees, is encouraged to distribute to its employees on a regular basis, commute alternatives information on ridesharing, transit, bicycling and other commute alternatives, and participate when possible in programs, sponsored by the Joint Powers Agency, that may contribute to the reduction of single-occupant-vehicle commute trips.

(c) Each employer of 25 or more employees shall follow the progression of and comply with Regulation 13 and other BAAQMD trip reduction regulations/rules to comply with new mandates that may come into effect for such employer's work site.

[History: formerly § 5.1006; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.070 Fees.

(a) *Impact Fees.* To the extent that available funding is not adequate, the TSM Board of Directors is authorized to determine and levy annual fees upon all public and private employers with 25 or more employees. The amount of the fee shall be fixed annually by the Board and shall be presented for approval to each participating city.

(b) *Collection.* The Director of Finance or other designated City staff shall be responsible for collecting the fees levied against private employers and/or sponsors. The amounts may be billed and collected with the annual business license fee or such other manner as deemed necessary and appropriate, and the total amount collected shall be transmitted with a collection report to the TSM Board of Directors or its designated agent. Public agencies may be billed directly by the TSM Board of Directors.

[*History:* formerly § 5.1007; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]

5.10.080 Enforcement.

An employer or sponsor, except for those subject to Regulation 13, Rule 1, who fails to comply with the provisions of this ordinance, shall, after thirty (30) days written notice to remedy the failure, be guilty of an infraction.

[*History:* formerly § 5.1008; ORD. 426, 7/10/91; ORD. 476, 2/8/95; ORD. 638, 12/14/05]