

8-29 - TRANSPORTATION SYSTEMS MANAGEMENT (TSM).

8-29.1 - Definitions.

As used in this section:

Average Vehicle Ridership (AVR) shall mean the number of employees who start work at a work site during the peak period divided by the number of vehicles those employees use to arrive at the work site, averaged over the survey week as calculated pursuant to subsection 8-29.18.

BAAQMD shall mean the Bay Area Air Quality Management District.

Bicycle and Bus Incentive Program shall mean a combination of physical improvements or subsidies that promotes the use of bicycles and bus service, including, but not limited to, bicycle storage lockers, shower facilities, bike racks, bike paths, bus shelters, benches, transit passes and informational signs. A Bicycle and Bus Incentive Program shall provide a package of incentives for a minimum of five (5%) percent of employees that work within the center or employer work site. The package can be a bike only, bus only, or combination bike and bus incentive program. The bike only package shall include bike storage for five (5%) percent of employees. The bus only package shall include subsidized transit passes for five (5%) percent of employees or one (1) bus shelter for every seven hundred fifty (750) employees, or one (1) bus bench for every one hundred fifty (150) employees. The combination bike and bus package shall include some bike storage and some subsidized transit passes so that both types of incentives together cover at least five (5%) percent of employees. These facilities can be phased in twenty (20%) percent per year over a five (5) year period.

Buspool shall mean a privately operated or chartered bus which provides commute transportation on a subscription basis. This term is also known as a club bus.

Carpool shall mean a vehicle occupied by two (2) to six (6) people traveling together between their residence and their work site or destination for the majority of the total trip distance. Employees who work for different employers, as well as nonemployed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.

Center shall mean either a commercial center or employment center as defined in this subsection.

Commercial center shall mean either:

- a. Any shopping center, or other commercial/ industrial project, predominantly retail in use, and which has two (2) or more of the following characteristics:
 1. It is known by a common name given to the project by the developer,
 2. It is governed by a common set of covenants, conditions and restrictions,
 3. It was approved, or is to be approved, by the City as a Planned Development,
 4. It is covered by a City-approved master plan;
- b. Any individual business that employs fifty (50) or more employees, which is predominantly retail in use.

Commute trip/commute shall mean the trip made by an employee to/from home to the work site during the peak period. The commute trip may include stops between home and the work site.

Compressed work week shall mean a regular full-time work schedule which eliminates at least one (1) round-trip commute trip (both home-to-work and work-to-home) at least once every two (2) weeks. Examples include, but are not limited to, working three twelve-hour days (3/36) or four ten-hour days (4/40) within a one week period; or eight nine-hour days and one eight-hour day (9/80) within a two-week period.

Cooperation agreement shall mean an agreement between a center and employers within the center to establish guidelines for meeting the requirements of this section. The following sections will be addressed

in the cooperation agreement and implemented by the employers in conjunction with the center's ETR Program and pursuant to the requirements of this section:

8-29.9	Employee Notification
8-29.10	Employee Transportation Coordinator Appointment
8-29.11	Employer Program Manager Appointment
8-29.13	Employee Transportation Surveys
8-29.14	Employer Trip Reduction Program
8-29.17	Record Keeping Requirements

Disabled Employee shall mean, for purposes of the performance, objective calculation pursuant to subsection 8-29.18, an employee with a physical impairment which prevents the employee from traveling to the work site by means other than a vehicle and the employee has been issued a disabled person placard or plate from the Department of Motor Vehicles.

Drop-off shall mean employee who has been delivered to the work site by a vehicle which continues on a commute to another work site.

Employee shall mean any person conducting work activity for an Employer twenty (20) or more hours per week at least ninety (90) continuous days on a full-time or part-time basis. The term includes independent contractors. The term includes persons working for employer(s) located within centers. The term excludes field construction workers, field personnel, seasonal/temporary employees and volunteers.

Employee Transportation Coordinator (ETC) shall mean a qualified employee (per subsection 8-29.1 Definitions), other individual, or entity appointed by an employer or center to develop, market, administer, and monitor the Employer Trip Reduction Program and Employer Trip Reduction Plan on a full- or part-time basis.

Employee Transportation Survey shall mean a TSM committee approved questionnaire distributed by employers and centers to employees designed to provide sufficient information to calculate AVR or VER for the work site pursuant to subsections 8-29.13 and 8-29.18.

Employer shall mean any person(s), trust, firm, business, joint stock company, corporation, partnership, association, nonprofit agency or corporation, educational institution, school district, hospital or other health care facility, or federal, state, city or county government department, agency, or district, or any other special purpose public agency or district. A city, county or city and county is a single employer for purposes of this section, not individual departments or agencies of the city, county or city and county. Individual departments or agencies of the State of California and the federal government are separate employers for purposes of this section. The term includes for-profit, not-for-profit, and nonprofit enterprises. Several subsidiaries or units that occupy the same work site and report to one common governing entity or that function as one corporate unit are considered to be one employer. The term shall not include employers with no permanent work site within the City of Alameda.

Employer Program Manager shall mean an employee with policy and budget authority who is responsible for the implementation of the Employer Trip Reduction Program or Employer Trip Reduction Plan and for fulfilling the requirements of this section, on behalf of the employer or center.

Employer Trip Reduction (ETR) Plan shall mean a document describing in detail the Employer Trip Reduction Program, including an implementation schedule, budget and all the elements listed in subsection 8-29.15(a) which is submitted to the TSM Committee for review and approval pursuant to subsection 8-29.15.

Employer Trip Reduction (ETR) Program shall mean a group of measures developed and implemented by an employer or center that are designed to provide transportation information, assistance and incentives to employees. The purposes of such measures is to reduce the number of motor vehicles driven to the work site by increasing AVR or decreasing VER, and to achieve and maintain the performance objectives listed in subsection 8-29.8. An ETR Program may include, but is not limited to any or all of the following services, incentives and measures.

- a. Ridesharing.
 1. Carpool/vanpool matching;
 2. Preferential parking for carpools and vanpools;
 3. Financial subsidies or rewards to carpool/ vanpool/buspool passengers including drivers;
 4. Employer-provided vehicles for carpools and/or vanpools;
 5. Employer-sponsored vanpools;
 6. Carpool/vanpool/buspool operating subsidies, e.g., insurance, fuel, maintenance, etc.
- b. Transit.
 1. Work site transit ticket sales and information display;
 2. Financial subsidies/rewards to transit users, e.g. Commuter Check™;
 3. Transit route maps and schedules on site;
 4. Shuttle to transit line (employer-sponsored or subsidized).
- c. Trip Elimination.
 1. Compressed work weeks;
 2. Telecommuting.
- d. Parking Management.
 1. Charge for employee parking;
 2. Elimination of any employer parking financial subsidy;
 3. Transition from employer parking financial subsidy to general transportation monetary allowance for all employees;
 4. Free or reduced parking rates for carpools and vanpools only;
 5. Preferential parking for multiple-occupancy clean fuel vehicles.
- e. Bicycle and Pedestrian.
 1. Capital purchases for bicycle or pedestrian commuters including purchase of equipment for commute trip purposes;
 2. Bicycle lockers or other secure, weather-protected bicycle parking facilities;
 3. Bicycle access to building interior;
 4. Bicycle and/or walking route information;
 5. On-site bicycle registration;
 6. Employee shower facilities and clothes lockers;

7. Financial subsidies/rewards for walking and other nonmotorized transportation modes.
- f. On-Site Facilities/Services.
1. Site modifications that would encourage walking, transit, carpool, vanpool and/or bicycle use;
 2. On-site services to reduce mid-day vehicle trips, e.g. cafeteria, ATMs, apparel cleaning, etc.;
 3. Guaranteed return trip program;
 4. Shuttles between multiple work sites;
 5. Providing child day care at/near work site;
 6. Refueling/recharging facilities for multiple-occupancy clean fuel vehicles used for employee commute trips, e.g., electric, compressed natural gas vehicles.
- g. Promotional and Marketing Activities.
1. Rideshare marketing campaigns;
 2. On-site transportation fair to promote commute alternatives;
 3. Participation in California Rideshare Week and Beat the Back-Up Day activities.
- h. Other.
1. Membership in a Transportation Management Association that provides services and incentives;
 2. Establishment and employee committee to help design, develop and monitor the ETR Program;
 3. Enhanced trip reduction efforts of forecast criteria pollutant exceedance days e.g., the BAAQMD's Spare the Air Program;
 4. Financial subsidies/rewards for clean fuel vehicle used for employee commute trips including carpool and vanpool vehicles;
 5. Assistance to employees in locating their home residence within walking or bicycling distance to the work site and/or along transit routes;
 6. Assistance in the development of housing close to the work site, along transit routes, or in an employer-sponsored housing development to facilitate carpool/vanpool formation or shuttle service;
 7. Trip reduction measures to reduce non-employee vehicle trips to the work site, e.g., busing for student populations, delivery trips, etc.;
 8. Providing a TSM Information Packet to all employees once a year and to all new employees within two (2) weeks of hiring;
 9. Providing a Bicycle and Bus Incentive Program;
 10. Residential area sponsorship.

Employment center shall mean either:

- a. Any business park, or other commercial/ industrial project, predominantly nonretail in use, which has two (2) or more of the following characteristics:
1. It is known by a common name given to the project by the developer;
 2. It is governed by a common set of covenants, conditions and restrictions;
 3. It was approved, or is to be approved, by the City as a planned development; or
 4. It is covered by a single final development plan that includes one (1) or more of the following zoning districts:

- (a) AP,
- (b) C-1, C-2, C-M,
- (c) M-1, M-2, MX;

- b. Any government or institutional facility or special district predominantly nonretail in use within the City limits which employs more than fifty (50) employees.

Field construction worker shall mean an employee who reports for work to a temporary field construction site.

Field personnel shall mean employees who spends twenty (20%) percent or less of their work time at the work site and who do not report to the work site during the peak period for pick-up and dispatch of an employer-provided vehicle.

Independent contractor shall mean 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.

Peak period shall mean the time from 6:00 a.m. through 10:00 a.m. Monday through Friday inclusive.

Residential Area shall mean a group of fifty (50) or more dwelling units whose owners are required to join the same homeowners' association or else is:

- a. Known by a common name;
- b. Governed by a common set of rules;
- c. Located within a single voting precinct. Residential area sponsorship shall mean that in order to encourage residential participation and in recognition of the large contribution to peak period traffic generated by residential areas, employers or centers may collaborate with residential areas in joint programs sponsored by the employer or center. If this sponsorship is agreed to in writing and approved by the TSM Committee, then the employer or centers will be allowed to take credit for all peak period, non-SOV, residential commute trips generated by the sponsored residential area above the baseline non-SOV commute trips and count them toward their performance objectives when calculating AVR. Commuters from the residential area must use the same traffic corridors as the employer or center and must be located within one-half (1/2) mile of the sponsor.

Seasonal/temporary employees shall mean an employee who works for the employer for less than ninety (90) continuous days (three (3) months) within a calendar year.

Single occupant vehicle (SOV) shall mean a vehicle occupied by one employee.

Survey week shall mean a regular five (5) 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 the survey period as required by subsection 8-29.13. The survey week cannot be Rideshare Week or contain any other rideshare or transit promotional event, e.g., "Beat the Back-Up."

Telecommuting shall mean a system of working at home or at an off-site, non-home telecommute facility that is accessed by walking, bicycling, transit or ridesharing for the full work day on a regular basis of at least one (1) day per week.

Transportation Management Association (TMA) shall mean an organization which is sanctioned by the City, through which developers, property managers, employers and local jurisdictions cooperate in designing, implementing, and assessing ETR Programs or other Transportation Demand Management Programs and TSM programs and measures.

Transportation Marketing Centers (TMC) shall be established at Employer and Center work sites as required when submitting an ETR Plan. The TMC shall include the following: an area for display of transit information, transit ticket sales, transit schedule and route information, rideshare information, bike route

information, alternative transportation promotional items and events. The TMC shall be maintained in a clean, safe and orderly condition with updated material being provided as necessary. The TMC shall be located at a high traffic volume site, at a convenient walking distance for employees, and be at street level unless otherwise approved by the TSM Committee. The TMC shall be approved by the TSM Committee as part of the ETR Plan. The TMC shall operate at least during normal work hours. This provision may be waived if the TSM Committee ascertains that the Employees of the work site would be adequately served by another facility.

Transportation Systems Management (TSM) shall mean a program to reduce demand on, and increase capacity of, the existing transportation system through better and more efficient use.

Transportation Systems Management Committee (TSM Committee) shall be established by the City to monitor, review and make recommendations on the adequacy of each participant's efforts. The Committee shall be composed of Employee Transportation Coordinators from three (3) appointed employment centers, two (2) appointed commercial centers, two (2) appointed employers of fifty (50) or more employees and the City's TSM Administrator (as designated by the City Manager), the Mayor or his/her appointee and three (3) citizens appointed at large. The three (3) citizens appointed at large shall be nominated by the Mayor and appointed by the City Council.

Transportation Systems Management Fund (TSM Fund) shall mean the City's budgeted allowance for planning and implementing transportation systems management strategies.

Transportation Systems Management Information Packet (TSM Packet) shall mean a resource provided to employees which contains AC Transit and BART route and schedule information, bike route maps, carpool matching services information and information on other available transit services. The TSM packet shall be approved by the TSM Committee. Alternative forms of distributing comparable information may be used with approval by TSM Committee.

Vanpool shall mean a vehicle occupied by seven (7) to fifteen (15) employees including the driver who commute together to work for the majority of their individual commute trip distance. Employees who work for different employers are included within this definition as long as they are in the vehicle for the majority of their individual trip distance.

Vehicle shall mean a device by which any person or property may be propelled, moved or drawn upon a highway, except the following: (1) a device moved exclusively by human power, (2) a device used exclusively upon stationary rails or tracks, (3) buses used for public or private transit. Examples for vehicles include, but are not limited to, passenger cars, motorcycles, vans and pickup trucks.

Vehicle Employee Ratio (VER) shall mean the number of vehicles used by employees who start work at a work site during the peak period divided by the number of those employees averaged over the survey week as calculated pursuant to subsection 8.29.18. VER is the reciprocal of AVR.

Volunteer shall mean an individual who does not receive any wages, salary, or other form of financial reimbursement from the employer for services provided.

Work activity shall mean any activity for which an employee received remuneration from an employer. Telecommuting is a work activity.

Work site shall mean any 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 right-of-way, served by a common circulation or access system, and not separated by an impassable barrier to bicycle or pedestrian travel such as a freeway or flood control channel is included as part of the work site. If two or more employers each have one hundred (100) or more employees at a single work site, then that work site is considered a separate work site for each employer.

(Ord. No. 2670 N.S. § 2)

8-29.2 - Purpose.

This section is adopted to:

- a. Lessen the negative impacts associated with traffic including air pollution, congestion and noise;
- b. Use existing transportation facilities more efficiently;
- c. Reduce SOV use and promote the use of alternative transportation; and
- d. Improve coordination between development activities, public transportation needs and existing transportation facilities.

(Ord. No. 2670 N.S. § 2)

8-29.3 - Goals and Objectives.

The goals and objectives of this section are:

- a. To reduce local and regional peak period vehicle trips by employees working in the City according to the performance objectives set forth in subsection 8-29.5(b); and
- b. To increase awareness and use of alternative modes of transportation by:
 1. Establishing Transportation Marketing Centers at large employer and center work sites,
 2. Establishing a Citywide Bicycle and Bus Incentive Program that provides access and facilities for all major traffic generators;
 3. Establishing a Citywide Employee Transportation Information Packet,
 4. Promoting walking and bicycling as alternatives to SOV use,
 5. Promoting carpooling and vanpooling as an alternative to SOV use.

(Ord. No. 2670 N.S. § 2)

8-29.4 - Applicability.

- a. This section applies to all public and private employers not located within the jurisdiction of centers with fifty (50) or more employees at a work site. For purposes of determining the applicability of this section, the number of employees at a work site is determined as the maximum number of employees reporting to that work site on any single week day Monday through Friday during the current calendar or fiscal year.
- b. This section applies to all public and private centers with fifty (50) or more employees working at work sites within the center. Centers will consider all employees of all employers with more than five (5) employees located within their jurisdiction to be part of the center's work site for purposes of registering, developing Employer Trip Reduction Programs, submitting Employer Trip Reduction Plans, meeting performance objectives, meeting Employee Transportation Survey requirements, and determining the number of employees. The number of employees at a work site is determined as the maximum number of employees reporting to that work site on any single week day Monday through Friday during the current calendar or fiscal year.
- c. This section applies to each individual public and private employer with more than five (5) employees located within centers. Individual employers within centers are responsible for the following:
 1. Providing all of the required information to fulfill the registration and record keeping requirements to the Employee Transportation Coordinator (ETC) or Employee Program Manager (EPM) of the center;

2. Providing all employees with notification materials and program information as distributed by the Center;
3. Participating in employee transportation surveys and Employer Trip Reduction Programs as conducted by the center and achieving a minimum return rate as established by the TSM Committee;
4. In the event that a center does not meet the performance objectives as a whole, then all employers with more than five (5) employees within such a center will be required to appoint an Employer Program Manager who will submit to the TSM Committee a letter authorizing knowledge and compliance with the center's Employer Trip Reduction Plan.
5. Applicability for employers of fifty (50) or more employees located within centers. In addition to fulfilling all of the conditions above in subsection 8-29.4(c), employers with fifty (50) or more employees arriving during the peak period located within centers are required, to enter into a Cooperation Agreement as defined in subsection 8-29.1 (Definitions) and report directly to the ETC or EPM of the center;
6. Any employer of fifty (50) or more employees within a center which has not met the performance objectives will report directly to the TSM Committee all of the information required to fulfill all of this section within ninety (90) days of determination that the center has not met the performance objectives. If the employer cannot show that as an individual employer they have met the performance objectives then the individual employer will be responsible for submitting a Employer Trip Reduction Plan for their worksite pursuant to the requirements in subsection 8-29.15.

(Ord. No. 2670 N.S. § 2)

8-29.5 - Exemption—Under Employee Minimum Level.

Employers may qualify for an exemption from all or part of the requirements of this section as specified in this subsection.

- a. (Under Employee Minimum Level). A work site not within a center where fewer than fifty (50) of the employees normally start work during the peak period is exempt from all requirements of this section except for the registration requirement pursuant to subsection 8-29.15(c).
- b. Performance Objectives Achieved.
 1. Work sites that achieve the 1999 performance objectives specified in subsection 8-29.8 as demonstrated pursuant to subsection 8-29.13 are exempt from all other requirements of this section except for this subsection.
 2. Works sites that meet the requirements of subsection 8-29.5(b)(1) must submit to the TSM Committee, in a format approved by the TSM Committee, a listing of the measures or reasons for achieving the 1999 performance objectives.
 3. Work sites that meet the requirements of subsection 8-29.5(b) must demonstrate continued achievement of the 1999 performance objectives by conducting an employee transportation survey pursuant to subsection 8-29.13 once every three years.
 4. Work sites that do not continue to demonstrate achievement of the 1999 performance objectives pursuant to subsection 8-29.8 no longer qualify for the exemption provided by this subsection and become subject to the requirements of this section at that time.
- c. Construction Site. Construction sites are exempt from this section. For purposes of this subsection: (1) "construction" means the on-site fabrication, erection or installation of a physical structure such as a building, roadway, bridge, etc., and (2) "site" has the same meaning as work site.

- d. Multi-Jurisdictional Employers. Employers with worksites located outside of the City of Alameda's jurisdiction and within the nine (9) Bay Area counties which are regulated by the BAAQMD's Reg. 13, Rule 1 may either comply with this local section or report directly to the BAAQMD. Employers choosing this exemption from the local ordinance must inform the TSM Committee by letter of their intent to report directly to the BAAQMD and provide a completed copy of BAAQMD's Worksite Registration Form

(Ord. No. 2670 N.S. § 2)

8-29.6 - Confidentiality.

The TSM Committee will treat the information and data specified in the subsection as confidential.

- a. Individual employee transportation survey responses, records and results submitted pursuant to subsection 8-29.13 are confidential and any information about individual employees shall not be released to the public. Both aggregate and work site performance objective results for employers and centers shall be within the public domain.
- b. Employer budget information submitted pursuant to subsection 8-29.15(a)(7) is confidential and shall not be released to the public. Aggregate and generic budget information for trip reduction programs and measures shall be within the public domain.

(Ord. No. 2670 N.S. § 2)

8-29.7 - Collective Bargaining Disclaimer.

The requirements of this section do not absolve an employer or center or other party from any obligation under an existing collective bargaining agreement with employees or any provision of law. The City shall maintain neutrality with respect to any negotiations between an employer and its employees and centers and their tenants.

(Ord. No. 2670 N.S. § 2)

8-29.8 - Standards.

Performance Objectives. Performance objectives are expressed in terms of AVR and VER. Employers and centers have the option of reporting performance in terms of either AVR or VER or both.

AVR Performance Objectives and Year						
1993	1994	1995	1996	1997	1998	1999
—						
1.19	1.25	1.28	1.33	1.35	1.35	1.35

VER Performance Objectives and Year						
1993	1994	1995	1996	1997	1998	1999
—						
.84	.80	.78	.75	.74	.74	.74

(Ord. No. 2670 N.S. § 2)

8-29.9 - Employee Notification.

An employer or center shall facilitate the participation of employees and employee organizations in the development of ETR Programs and ETR Plans by providing the following information to its employees at the times specified below:

- a. Information explaining the requirements and applicability of this section to the employer or center and its work site(s) prior to or at the time of registration and annually thereafter pursuant to subsection 8-29.12;
- b. The content and implementation schedule of the ETR Program required by subsection 8-29.14 during its development;
- c. The content, implementation schedule and availability of the ETR Plan required by section 8-29.15, as applicable, at least thirty (30) days prior to the submittal of the ETR Plan to the TSM Committee;
- d. Notification may be provided through employee bulletins, notices posted on bulletin boards, articles in any newsletter generally circulated or provided to employees, or any other reasonable means to assure that employees have adequate opportunity to participate in the development of ETR Programs and measures, and are informed about the full range of ETR programs and measures available at the work site;
- e. The notice shall identify the Employee Transportation Coordinator and/or the Employer Program Manager within the organization to whom comments and suggestions can be submitted and questions addressed;
- f. Transportation Systems Management Information Packet (TSM Packet) as defined in subsection 8-29.1 (Definitions) shall be provided annually and to all new employees within two weeks of hiring.

(Ord. No. 2670 N.S. § 2)

8-29.10 - Employee Transportation Coordinator (ETC).

Employers and centers must have an ETC(s) as specified within this section.

- a. Employers and centers shall appoint an ETC for each affected work site(s) within the City. An ETC may represent more than one work site and center.

- b. ETCs must complete a TSM Committee training curriculum within three (3) months of notification by the City of approved training curriculum availability, or within three (3) months of appointment when appointed after the training is available.
- c. The employer or center may apply to the TSM Committee for a waiver from the training requirement of subsection 8-29.10(b) when an ETC has one or more years of experience in trip reduction or equivalent skills.
- d. An ETC may also serve as the Employer Program Manager provided that the individual meets the criteria specified in subsection 8-29.1 (Definitions).

(Ord. No. 2670 N.S. § 2; Ord. No. 2679 N.S. § 1)

8-29.11 - Employer Program Manager (EPM).

Employers and centers must have an Employer Program Manager as specified in this subsection.

- a. Centers and employers independent of centers shall appoint an Employer Program Manager, as defined in subsection 8-29.1 (Definitions). Employers with multiple affected work sites within the City may appoint one (1) Employer Program Manager for more than one (1) work site.
- b. An Employer Program Manager may also serve as the ETC provided that the individual meets the requirements of subsection 8-29.10.
- c. All employers within centers which have not achieved the performance objectives shall appoint an Employer Program Manager (EPM).

(Ord. No. 2670 N.S. § 2)

8-29.12 - Registration Requirement.

Public and private employers with fifty (50) or more employees at a single work site, and centers within the City shall register with the City in accordance with the schedule contained in subsection 8-29.12(d)(1).

- a. Registration shall be submitted to:
 - TSM Committee
 - City of Alameda
 - Public Works Department
 - Engineering Division, Room 207
 - 2263 Santa Clara Avenue
 - Alameda, CA 94501-4455
- b. Employer registration shall include the following information:
 - 1. Employer name and address;
 - 2. Separate identification of each work site(s) including location address;
 - 3. Employee Transportation Coordinator and Employer Program Manager name and telephone number for each work site(s);
 - 4. The total number of employees reporting or assigned to each work site;
 - 5. The total number of employees who start work at each work site(s) during the peak period;

6. Employers of fifty (50) or more employees within a center will provide name and address of the center and the name and telephone number of the center's Employee Transportation Coordinator and Employer Program Manager;
 7. Employers of fifty (50) or more employees within a center will provide a copy of the Cooperation Agreement as defined in subsection 8-29.1 (Definitions).
- c. Employers claiming an exemption pursuant to subsection 8-29.5 shall provide the following information:
 1. Employer name and mailing address;
 2. Name, mailing address and telephone number of a contact person;
 3. Separate identification of each work site(s) including work site name and location address;
 4. The total number of employees reporting or assigned to each work site(s);
 5. The total number of employees who start work at each work site(s) during the peak period;
 6. Identify applicable exemption.
 - d. Employers and centers are required to register with the TSM Committee as follows:
 1. Employers and centers who become subject to this section on the effective date shall register with the City by January 31, 1995. Employers and Centers who become subject to this section subsequent to the effective date, due to an increase in employees or the establishment of a new or expanded worksite, shall register with the City within ninety (90) days of becoming subject to this section.
 - e. Center registration shall include the following information:
 1. Name and address;
 2. Employee Transportation Coordinator and Employer Program Manager name and telephone number for center;
 3. The total number of employees reporting or assigned to employers within center(s);
 4. The total number of employees who start work within the center during the peak period;
 5. Identification of each employer within center including name, address and number of employees reporting or assigned to each and the total number of employees who start work for each employer during the peak period;
 6. Identification of each employer within the center which has fifty (50) or more Employees and verification of a cooperation agreement pursuant to subsection 8-29.1 (Definitions).

(Ord. No. 2670 N.S. § 2; Ord. No. 2679 N.S. § 2)

8-29.13 - Employee Transportation Surveys.

Employers and centers must conduct employee transportation surveys as specified in this subsection to establish whether the performance objectives listed in subsection 8-29.8 have been achieved.

- a. Employers and centers shall conduct an employee transportation survey consistent with the procedure contained in subsection 8-29.18 and submit the survey responses to the City in accordance with the schedule contained in subsection 8-29.13(d).
- b. Employers and centers have the option of processing the employee transportation surveys on-site or having the surveys processed by an outside entity. Survey processing must be consistent with the procedures contained in subsection 8-29.18, and verifiable records must be maintained.

- c. Employers and centers may use a Random Sample Employee Survey Method consistent with subsection 8-29.19 for work sites where four-hundred (400) or more employees start work during the peak period.
- d. The due date of the employee transportation survey is May 31st of each year. This date may be changed at the discretion of the TSM Committee. Notification will be provided to employers and centers as needed.
- e. 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 and every third year if the 1999 objectives are met.
- f. An employer or center shall not offer any special incentives or disincentives in addition to its regular ETR program during the survey week. This limitation does not apply to activities undertaken by an employer or center in response to a forecast exceedance day, e.g., the "Spare the Air" Campaign.
- g. Employee transportation surveys are to be conducted as follows:
 - 1. Employers or centers subject to this section must conduct an employee transportation survey of those work sites between January 1st and April 30th of each year.
 - 2. Subject to TSM Committee approval, an employee transportation survey conducted prior to the effective dates of this section 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 provided sufficient data to calculate the performance objective pursuant to subsection 8-29.8.
- h. Employers or centers which become subject to this section after May 1st of any year due to an increase in employees or the establishment of a new or expanded work site shall conduct an employee transportation survey during the next January 1st to April 30th survey period.

(Ord. No. 2670 N.S. § 2)

8-29.14 - Employer Trip Reduction (ETR) Program.

Employers and centers must have an ETR Program as specified in this section.

- a. An ETC, EPM or officially designated individual for the work site must attend all TSM Committee meetings subsequent to determination that the performance objective was not achieved for the employer or center. Meeting attendance is required until the employer or center can demonstrate the performance objectives have been met.
- b. Within six (6) months of the end of the survey week for the first employee transportation survey conducted pursuant to subsection 8-29.13. Employers shall develop and implement an ETR Program.
- c. The ETR Program is only submitted to the TSM Committee for work site(s) subject to subsection 8-29.15.

(Ord. No. 2670 N.S. § 2)

8-29.15 - Requirement to Submit Employer Trip Reduction (ETR) Plan.

Employers and centers that do not achieve the performance objectives established in subsection 8-29.8 for the applicable year at any work site subject to this section shall prepare and submit an ETR Plan for that work site to the TSM Committee within one hundred twenty days (120) days of a determination that

the performance objective was not achieved. An employer or center may submit a consolidated ETR plan that covers multiple work sites.

- a. The Employer Trip Reduction Plan shall contain the following:
 1. A description of the measures taken to comply with subsection 8-29.9 (Employee Notification);
 2. All the information required by subsection 8-29.12(b) for employers and 29.12(e) for centers. (Registration Requirement);
 3. A detailed description and inventory of measures contained in the ETR Program developed and implemented pursuant to subsection 8-29.14 including a list of specific trip reduction measures already implemented, such as those listed in subsection 8-29.1 (Definitions);
 4. A description, schedule and commitment to implement additional or enhanced measures which includes all reasonable, feasible and cost effective trip reduction measures that can be expected to bring about significant progress toward achievement of the performance objectives. The ETR Plan should include appropriate measures from the categories of measures listed in subsection 8-29.1 (Definitions) and other measures (if any) designed to address unique characteristics of the work site;
 5. Summary and discussion of the results of an attitudinal survey of employees or an employer/employee work group designed to ascertain employee attitudes toward various incentive and disincentive measures;
 6. A discussion of the progress achieved to date and an analysis of why the ETR Program did not achieve the performance objective including special issues, circumstances or conditions at the work site;
 7. A budget indicating all current and projected expenditures for the ETR Program;
 8. A program to provide an on-site Transportation Marketing Center (TMC) as defined in subsection 8-29.1 (Definitions);
 9. A Bicycle and Bus Incentive Program as defined in subsection 8-29.1 (Definitions);
 10. A commitment that the ETC shall attend all regularly scheduled TSM Meetings.
- b. The ETR plan shall be submitted by the highest ranking responsible official of the employer or center at the work site.
- c. The TSM Committee shall approve, and the employer or center shall implement an ETR Plan that includes all reasonable, feasible, and cost effective trip reduction measures that can be expected to bring about significant progress toward achievement of the performance objectives given the constraints of the work site, the nature of the work activity and the geographical distribution of employees relative to the work site. The TSM Committee shall disapprove any ETR Plan which does not meet the above specified criteria.
- d. Employers or Centers shall revise and resubmit to the TSM Committee any disapproved ETR Plan within ninety (90) days of the disapproval. If the revised ETR plan is disapproved, the employer has one additional sixty (60) day opportunity to revise and resubmit an ETR plan before final disapproval. Final disapproval is a violation of this section and is subject to a nonimplementation penalty (per subsection 8-29.26) which is retroactive to the date of first disapproval.
- e. Employers and centers may appeal any TSM Committee disapproval of its ETR Plan pursuant to subsection 8-29.29.
- f. Employers and centers subject to this section shall update their ETR Plan once every two (2) years after ETR plan approval until such time as the performance objective is achieved. Such ETR plan updates are to be submitted every two (2) years to the TSM Committee on or before the anniversary date of ETR plan approval.

- g. Employers and centers subject to this section shall continue to meet the requirements of subsection 8-29.13.
- h. Employers and centers shall revise and resubmit its ETR Plan within ninety (90) days of a final determination that an element of an approved ETR Plan violates any provision of law issued by an agency or court with jurisdiction to make such determination.

(Ord. No. 2670 N.S. § 2)

8-29.16 - Appeal of ETR Plan Disapproval.

An employer or center may appeal an ETR plan disapproval made pursuant to subsection 8-29.15 to the Transportation Systems Management Committee following the procedures listed in subsection 8-29.29.

(Ord. No. 2670 N.S. § 2)

8-29.17 - Monitoring and Records.

Record Keeping Requirements. Employers and centers must maintain records and documents as specified in this section.

- a. Employers and centers subject to this section shall maintain and retain records, files, and documentation to establish compliance with subsections 8-29.9 10, 11, 12, 13, 14 and 15.
- b. Retention by the employer of such records, files and documentation shall be for three years.
- c. Such records, files and documentation shall be made available to the TSM Committee upon reasonable notice during any on-site audit conducted by the City or within thirty (30) days of written request.
- d. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible.
- e. The employer or center shall provide free access to the representatives of City or its appointees at all proper times to such books and records, and gives City the right to examine and audit same, and to make transcripts therefrom as necessary, and to allow inspection of all work, data, documents, proceedings and activities related to this section.

(Ord. No. 2670 N.S. § 2)

8-29.18 - Manual of Procedures.

- a. AVR or VER for each affected work site is to be computed in a manner consistent with the following method:
 - 1. The employer or center conducts an employee transportation survey during a survey week.
 - 2. AVR is calculated only for those employees who start work or are assigned to the work site during the peak period.
 - 3. If less than sixty (60%) percent of the survey forms are returned for processing from those employees who start work during the peak period, all survey forms not returned from those employees who start work during the peak period shall be counted as single occupant vehicles for purposes of calculating AVR or VER.
 - 4. If sixty (60%) percent or more of the survey forms are returned for processing from those employees who start work during the peak period, one-half (½) of those survey forms not returned from those employees who start work during the peak period shall be assumed to have the same

AVR or VER as that calculated from the responses to the surveys returned, and one-half shall be counted as single occupant vehicles for purposes of calculating AVR or VER.

5. AVR for the work site shall be calculated by dividing the total "employee-days" for the survey week by the total "vehicle trip-days" for the survey week.
6. VER for the work site shall be calculated by dividing the total "vehicle trip-days" for the survey week by the total "employee-days" for the survey week.

b. Employee-days shall be determined as follows:

The total number of employees who start work or are assigned to a work site during the peak period each work day Monday through Friday of the survey week. Each day of the survey week that an employee starts work during the peak period counts as one employee-day. For example, an employee who starts work each day Monday through Friday of the survey week between 6:00 a.m. and 10:00 a.m. counts as five (5) employee-days. The following procedures are used in totalling employee-days:

1. Employees telecommuting or are off due to a compressed work week schedule are counted as reporting to the work site in calculating the total employee-days.
2. The following employees are not included in the employee-days total:
 - (a) Employees not working because of vacation, sickness or other time off;
 - (b) Employees who report to a different work site or an off-site work related activity;
 - (c) Disabled employees.

c. Vehicle trip-days shall be determined as follows:

The total number of vehicles used by employees who start work or are assigned to the work site each work day Monday through Friday of the survey week. A vehicle trip-day is based on the means of transportation used for the greatest distance of an employee's home to work site commute trip. An employee who starts work during the peak period and arrives at the work site each day of the survey week Monday through Friday in a single occupant vehicle counts as five (5) vehicle trip-days. The following numerical values are used in calculating the total vehicle trip-days:

1. Single occupant vehicle (drive alone) equals one (1);
2. Carpool equals one (1) divided by the number of people in the carpool;
3. Vanpool equals one (1) divided by the number of employees in the vanpool;
4. Motorcycle, moped, motorized scooter or motor bike equal one (1);
5. Clean-fuel vehicle equals one (1) unless used as a carpool or vanpool. When used as a carpool or vanpool, divide the number of people in the carpool or vanpool into the following:
 - (a) Electric vehicle equals zero (0),
 - (b) Compressed natural gas vehicle equals one-fourth (0.25),
 - (c) Propane vehicle equals one-half (0.50),
 - (d) Dual or flexible fueled vehicle equals three-fourths (0.75);
6. The following all equal zero (0) vehicle trip-days:
 - (a) Public transit (bus, light rail, ferry Caltrain, BART),
 - (b) Private buspool or club bus,
 - (c) Bicycle,
 - (d) Walking and other nonmotorized transportation modes,

- (e) Employees telecommuting (only on the days those employees are telecommuting for the entire day),
 - (f) Employees who work a compressed work week schedule (only on their compressed day(s) off),
 - (g) Disabled employee vehicles at all times;
7. Residential sponsorship credits pursuant to subsection 8-29.1 (Definitions), employer or center will be allowed to take credit for all peak period non-SOV residential commute trips generated by the sponsored residential area above the baseline non-SOV commute trips and count them toward their performance objectives on a direct one alternative transportation commuter resident for one (1) drive alone employee basis when calculating AVR. RIDES 1987 City of Alameda Residential Transportation Survey will be used for baseline data.

(Ord. No. 2670 N.S. § 2)

8-29.19 - Random Sample Method.

When an employer or center chooses to use a random sample to meet the requirement of subsection 8-29.18, the employer or center shall follow the directions for administering a Random Sample Survey in the BAAQMD's Regulation 13, Rule 1, section 13-1-602.

(Ord. No. 2670 N.S. § 2)

8-29.20 - Transportation Systems Management Committee.

- a. The TSM Committee shall:
 - 1. Develop and distribute guidelines for ETR Plans and Employee Transportation Survey;
 - 2. Develop the employee transportation survey and Residential Transportation Questionnaire forms (if separate questionnaires are necessary), and distribute one (1) copy to each employer and center Employee Transportation Coordinator;
 - 3. Review and approve annual employee transportation surveys;
 - 4. Review and approve ETR Plans;
 - 5. Review and analyze ETR Plans to determine success of TSM strategies;
 - 6. Develop a TSM Information Package format and distribute one (1) sample copy to each employer and center Employee Transportation Coordinator;
 - 7. Review and approve Transportation Marketing Centers (TMC);
 - 8. Review and approve Bicycle and Bus Incentive Programs;
 - 9. Recommend allocation of TSM Funds for special programs;
 - 10. Review violations of this section and recommend, if appropriate, that Council waive penalties for noncompliance with, or failure to implement, requirements of an ETR Plan;
 - 11. The TSM Committee will notify, in writing, each employer and center Employee Transportation Coordinator of its approval or disapproval of each item submitted.

(Ord. No. 2670 N.S. § 2)

8-29.21 - TSM Committee Schedule.

The TSM Committee shall meet every other month to discuss progress and carry out responsibilities identified in subsection 8-29.20(a) and discuss concerns of any and all participants.

(Ord. No. 2670 N.S. § 2)

8-29.22 - Review of ETR Plans.

The TSM Committee shall, within sixty (60) days of receipt of all ETR Plans, review and send out written approval or disapproval to each Employee Transportation Coordinator. If an ETR Plan is not approved, the TSM Committee shall indicate what modifications or additional strategies must be incorporated to deem the ETR Plan adequate. The employer or center shall have ninety (90) days to revise and resubmit the ETR Plan.

(Ord. No. 2670 N.S. § 2)

8-29.23 - Review of the Employee Transportation Survey.

The TSM Committee shall review the TSM survey and rule on both the adequacy of the report and whether the performance objectives have been met. The TSM Committee shall notify each employer and center, in writing, of its ruling within sixty (60) days of receipt of the employee transportation survey. If the TSM Committee determines that the TSM survey does not meet the survey requirements pursuant to subsection 8-29.18 the TSM Committee shall require the employer to resurvey and resubmit the survey within sixty (60) days.

(Ord. No. 2670 N.S. § 2)

8-29.24 - Review Employer Trip Reduction Plans and Programs for Nonimplementation.

The TSM Committee shall review the implementation by employers and centers of ETR Program and Plans. If the TSM Committee determines that the ETR Program or ETR Plan was not properly implemented, nonimplementation penalties shall apply as stated in subsection 8-29.26(d).

(Ord. No. 2670 N.S. § 2)

8-29.25 - Transportation Systems Management Funding.

- a. Establishment of TSM Fund. In order to fund the efforts of this program, the City shall establish a TSM Fund that will provide monies for planning and implementing various TSM strategies.
- b. Funding Sources. The TSM Fund may accrue monies from employer and center nonattainment fees, ETR Plan review and appeal fees, TSM penalties and other sources to be used for implementation of Citywide TSM programs as recommended by the TSM Committee.
- c. Use of Funds. These monies will be used to pay for City administration and monitoring of the TSM Program (including staff time, materials and count program expenditures), City sponsorship of TSM efforts (i.e. marketing the program) and implementation of approved Citywide TSM strategies.

(Ord. No. 2670 N.S. § 2)

8-29.26 - Fees and Penalties.

- a. Fees to be charged for employer and center ETR Plan review, ETR Plan appeal, penalty for nonimplementation, penalty for late submissions and nonattainment fees shall be established by

resolution. Fines and penalties do not accrue on weekends and holidays officially observed by the City of Alameda. All fees and penalties shall be calculated as set forth by resolution.

- b. ETR Plan Review Fee. An employer or center at the time of submission of an ETR Plan pursuant to subsection 8-29.15, shall pay a review fee. This fee applies both at the time of initial submittal as well as subsequent updates. This fee does not apply to the resubmittal of a disapproved Employer Trip Reduction Plan. This fee is applicable to all employers and centers required to submit ETR Plans pursuant to subsection 8-29.15.
- c. ETR Plan Appeal Fee. An employer or center at the time of appeal of a disapproved ETR Plan pursuant to section 8-29.29, shall pay an appeal fee. This fee is applicable to all employers and centers who file appeals of disapproved ETR Plans.
- d. Penalty Structure for Nonimplementation. Any employer or center or any employer who alone or as part of a center fails to substantially implement the strategies called for in its ETR Plan shall be charged a nonimplementation fee. The TSM Committee shall at each subsequent semimonthly meeting assess whether an employer or center has substantially implemented their ETR Program. The TSM Committee shall notify the employer or center in writing of any deficiency and they shall have thirty (30) days to rectify the deficiency. Penalties shall begin accruing thirty (30) days after notification of the deficiency and shall continue to accrue until such time as the participant can establish, in writing to the satisfaction of the TSM Committee, that the programs have been implemented.
- e. Penalty Structure for Late Submissions. Any employer or center or any employer who alone or as part of a center fails to submit materials as called for under this section shall be charged a per day penalty.
- f. Nonattainment Fee for Failure to Meet Performance Objectives. In the year 2002, the City of Alameda may charge, as recommended by the TSM Committee, any or all employers or centers that do not achieve the performance objectives as set forth in section 8-29.8, a nonattainment fee. The nonattainment fee shall be charged for employee parking at the work site. This nonattainment fee shall not preclude any employer or center from levying additional charges for parking at their own discretion.
- g. Each employer or center that fails to meet the objectives called for in section 8-29.8 and is required by the TSM Committee to charge a nonattainment fee, shall submit to the City by June 30th of the year 2002 a parking management plan which identifies the method of fee collection, anticipated revenue and the anticipated ETR Programs and costs to be funded with these fees. The parking management plan shall be implemented within ninety (90) days of approval by the TSM Committee. The employer, or center shall collect fees and such fees shall be used to fund the ETR Programs outlined in the parking management plan. The employer or center shall, on June 30th of each year, submit an audited accounting statement identifying sources and distribution of the monies collected in the previous calendar year. An employer or center may submit an alternative parking management plan for their work site which shall be subject to review and approval by the TSM Committee. If approved, the alternative parking management plans shall be subject to annual review and approval by the TSM Committee. This subsection is subject to review and modification by the TSM Committee, and approval by Council, to assure consistency with regional parking demand management policies.

(Ord. No. 2670 N.S. § 2)

8-29.27 - Standards and Enforcement.

- a. General. It shall be unlawful for any person to violate any provision of, or fail to comply with, any of the requirements of this section. Any person violating or failing to comply with this section shall be guilty of an infraction punishable by fine. Fines shall be payable to the TSM Fund.
- b. Each person in violation of the section or responsible for a violation of the section shall be deemed guilty of a separate offense for each day during which the section is violated or permitted to be violated.

(Ord. No. 2670 N.S. § 2)

8-29.28 - Employers and Centers.

- a. Employers and centers subject to the requirements of this section shall pay all applicable fees. Failure to pay these fees is a violation of the section and shall be deemed guilty of a separate offense for each day during which the section is violated or permitted to be violated.
- b. At any time the Employer Program Manager of a center which is not meeting the performance objectives may petition to the TSM Committee for employer trip reduction fees to be directly and proportionally applied to employers within the center for noncooperation and noncompliance. Any employer alone or as a part of a center which does not meet the requirements of this section will be subject to fines and penalties.
- c. Nonattainment fees, as set forth in subsection 8-29.26(f), may be directly and proportionally applied to individual employers within centers which have not fulfilled their individual requirements and not met performance objectives as outlined in the approved ETR Plan.

(Ord. No. 2670 N.S. § 2)

8-29.29 - Appeal Procedure.

- a. Any employer who wishes to appeal the assessment of penalties or disapproval of an ETR Plan may do so. The request for appeal must be made, in writing, to the TSM Committee within thirty (30) days of notification of penalties. A written appeal automatically suspends the accrual of penalties for the matters appealed; however, an appeal fee as established by resolution shall accompany the request for appeal to cover the cost of processing. The TSM Committee shall evaluate the appeal and make a recommendation to the City Council at the next available Council Meeting as to whether the penalties should be waived. A waiver, if granted, shall be in effect for one (1) calendar year.
- b. The City Council of the City of Alameda may preside over the hearing on appeal, or, in the alternative, appoint a hearing officer to conduct the hearing, receive relevant evidence, and submit to the City Council findings and recommendations to be considered by the City Council of the City of Alameda. The City Council shall render its decision within forty-five (45) days from the date on which the City Council receives the findings and recommendations of the hearing officer. The decision of the City Council shall be final.
- c. If the City Council of the City of Alameda finds that an appeal or any portion of an appeal does not prevail, the penalties assessed for the matters at the basis of the appeal shall automatically resume from the date the request of appeal was received.

(Ord. No. 2670 N.S. § 2)

8-29.30 - Severability.

If any subsection, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the section. The City Council hereby declares that it would have passed this section and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the section would be subsequently declared invalid or unconstitutional.

(Ord. No. 2670 N.S. § 2)