

Pima County Travel Reduction Ordinance

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Chapter 17.40 TRAVEL REDUCTION ORDINANCE

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Article I. General Provisions

17.40.010 Short title.

The ordinance codified in this chapter shall be known as the "Travel Reduction Ordinance."

(Ord. 1988-72 § 1 (part), 1988)

17.40.020 Purpose.

The purpose of this chapter, recognizing that motor vehicles are the single greatest contributor to air pollution, is to improve air quality and reduce traffic congestion in the incorporated and unincorporated areas of Pima County by increasing alternate mode usage and reducing overall motor vehicle travel for commute trips. This chapter shall establish a basis for a cooperative effort of the local jurisdictions to achieve a uniform program for reduction of work related trips by employees working for major employers subject to this regulations.

(Ord. 1988-72 § 1 (part), 1988)

Article II. Definitions

17.40.030 Definitions.

For the purposes of this chapter, unless the context otherwise indicates, certain words and phrases used in this chapter are defined as follows:

1. "Airshed" means the area delineated on the map attached as Exhibit 17.40.030, and codified at the end of this chapter.
2. "Alternate mode" means any mode of commute transportation other than the single occupancy motor vehicle.
3. "Approvable travel reduction plan" means a plan submitted by a major employer that meets the requirements as set forth in Section 17.40.070 of this chapter.
4. "Carpool" or "vanpool" means two or more persons traveling in a light duty vehicle (car, truck or van) to or from work.
5. "Commute trip" means a trip taken by an employee to or from work within the airshed.
6. "Commuter matching service" means any system, whether it uses computer or manual methods, which assists in matching employees for the purpose of sharing rides to reduce drive alone travel.
7. "Employer" means a sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual entity, either public or private, that employs workers. See also "major employer" and voluntary employer."
8. "Full-time equivalent (FTE) employees" means the number of employees an employer would have if the employer's work needs were satisfied by employees working forty-hour work weeks. The number of full time equivalent employees for any employer is calculated by dividing the total number of annual work hours paid by the employer, by two thousand eighty work hours in a year.
9. "Local jurisdictions" includes Pima County, city of Tucson, town of Marana, town of Oro Valley and city of South Tucson.
10. "Major employer" means an employer who employs one hundred or more full-time equivalent employees at a work site during a twenty-four-hour period for at least six months during the year.
11. "Mode" means the type of conveyance used in transportation including single occupancy motor vehicle, rideshare vehicle (carpool or vanpool), transit, bicycle and walking.
12. "Motor vehicle" means any vehicle propelled by a motor including car, van, bus, motorcycle and all other motorized vehicles.
13. "Public agency" means any political subdivision of the state and any board, commission or agency thereof.
14. "Public interest group" means any nonprofit group whose purpose is to further the welfare of the community.
15. "Regional Program" means the combination of all implemented plans within the airshed combination.
16. "Ridesharing" means transportation of more than one person for commute purposes, in a motor vehicle, with or without the assistance of a commuter matching service.
17. "Transit" means a bus or other public conveyance system.
18. "Transportation coordinator" means a person designated by an employer, property manager or transportation management association as the lead person in developing and implementing a travel reduction plan.
19. "Transportation management association (TMA)" means a group of employers or associations formally organized to seek solutions for transportation problems experienced by the group.

20. "Travel reduction plan" means a written report outlining travel reduction measures which will be submitted annually by each major employer.
21. "Travel reduction program" means a program, implementing a travel reduction plan by an employer, designed to achieve a predetermined level of travel reduction through various incentives and disincentives.
22. "Travel reduction program regional task force" means that task force established pursuant to the intergovernmental agreement entered into by the local jurisdictions for the purpose of implementing a uniform travel reduction program.
23. "Vanpool" see "Carpool".
24. "Vehicle occupancy" means the number of occupants in a motor vehicle including the driver.
25. "Vehicle miles traveled (VMT)" means the number of miles traveled by a motor vehicle for commute trips.
26. "Work site" means a building or any grouping of buildings located within Pima County which are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and which are owned or operated by the same employer.
(Ord. 1988-72 § 1 (part), 1988)

17.40.040 Abbreviations.

As utilized in this chapter, the following shall have the indicated meanings:

- A. PAG--Pima Association of Governments;
- B. TMA--Transportation Management Association;
- C. TRO--Travel Reduction Ordinance;
- D. TRP--Travel reduction program;
- E. VMT--Vehicle miles traveled.

(Ord. 1988-72 § 1 (part), 1988)

Article III. Lead Agency

17.40.050 Powers and duties.

- A. The Pima County department of environmental quality as lead agency for Pima County, shall evaluate major employers' TRP plans received from the TRP task force. The lead agency shall have sixty days to object to any such plan received, otherwise the plan is automatically approved. Any such objection shall be based upon the criteria set forth in Article V of this chapter. If the lead agency objects, the plan is not approved and shall be returned to the TRP task force with appropriate comments for review and revision in consultation with the employer.
- B. The lead agency shall receive recommendations for enforcement from the TRP task force. The lead agency shall determine when enforcement action is appropriate and shall take such action as it deems necessary.

(Ord. 1990-113 § 9, 1990: Ord. 1988-72 § 1 (part), 1988)

Article IV. Major Employers Applicability

17.40.060 Major employers.

The provisions of this chapter shall apply to all major employers.
(Ord. 1988-72 § 1 (part), 1988)

17.40.061 Voluntary participation.

Employers or groups of employers with less than one hundred full-time equivalent employees at a single work site are encouraged to participate in data collection and information dissemination efforts and in the preparation of their own travel reduction plans on a voluntary basis. These groups shall be assisted by the TRP task force, and TRP technical advisory committee and TRP staff, and shall be eligible for participation in all programs and services. Groups of employers are encouraged to form transportation management associations.
(Ord. 1988-72 § 1 (part), 1988)

Article V. Requirements for Employers

17.40.070 Requirements for major employers.

In each year (twelve-month period following initial formal notice and each additional twelve-month period) of the regional program each major employer shall:

A. Within ninety days of notice from TRO staff that they qualify as a major employer, provide each regular employee with information on alternate mode options and travel reduction measures including, but limited to: Sun Tran bus routes and schedules, the RideShare program, and bicycle routes. This information shall also be provided to new employees at the time of hiring.

B. Participate in a survey and reporting effort, as directed by the TRP task force and as scheduled by TRP staff. The results of this survey shall form a baseline against which attainment of the targets in subsection E of this section shall be measured as follows:

1. The baseline for participation in alternative modes of transportation shall be based on the total number of employees;
2. The baseline for VMT shall be the average VMT per employee for employees not residing on the work site.

C. Prepare and submit a travel reduction plan for submittal to TRP staff and presentation to the TRP task force. TRP staff will assist in preparing the plan. Major employers shall submit plans within nine weeks after they complete their survey. The plan shall contain the following elements:

1. The name of the designated Transportation Coordinator;
2. A description of employee information programs and other travel reduction measures which have been completed to date or during the previous year;
3. A description of travel reduction measures to be undertaken by the major employer in the coming year of the plan. The following measures may be included:
 - a. A commuter matching service, in addition to or coordinated with PAG's RideShare program, to facilitate employee ridesharing work trips,
 - b. Provision of vans or vanpooling,
 - c. Subsidized carpooling or vanpooling which may include payment for fuel, insurance or parking,

- d. Use of company vehicles for carpooling,
- e. Provision of preferential parking for carpool or vanpool users which may include close-in parking or covered parking facilities,
- f. Cooperation with Sun Tran or other transportation providers to provide additional regular or express service buses to the work site,
- g. Subsidized bus fares,
- h. Construction of special loading and unloading facilities for transit and carpool and vanpool users,
- i. Cooperation with local jurisdictions to construct walkways or bicycle routes to the work site,
- j. Provision of bicycle racks, lockers and showers for employees who walk or bicycle to and from work,
- k. Provision of a special information center where information on alternate modes and other travel reduction measures will be available,
- l. Establishment of a work-at-home program, full or part-time, for employees,
- m. Establishment of a program of adjusted work hours which may include compressed work weeks and employee-selected starting and stopping hours. Work hour adjustments should not interfere with or discourage the use of ridesharing and transit,
- n. Establishment of a program of parking incentives and disincentives; such as a fee for parking and/or a "rebate" for employees who do not use the parking facility,
- o. Incentives to encourage employees to live closer to work,
- p. Implementation of other measures designed to reduce commute trips such as the provision of day care facilities or emergency taxi services.

D. An approvable travel reduction plan shall meet all of the following criteria:

- 1. The plan shall designate a transportation coordinator;
- 2. The plan shall describe a mechanism for regular distribution of alternate mode transportation information to employees;
- 3. For employers who in any year, meet or exceed annual regional targets for travel reduction, the plan shall accurately and completely describe current and planned travel reduction measures;
- 4. For employers who, in any year, fall below the regional targets for travel reduction, the plan shall include commitments to implement:
 - a. At least two specific travel reduction measures (such as those described in subsection (C)(3) of this section), in the first year of the regional program.
 - b. At least three specific Alternate Modes incentives programs (such as those described in subsection (C)(3) of this section) in the second year of the regional program;
- 5. After the second year, the travel reduction program task force shall review the travel reduction programs for employers not meeting regional targets and may recommend additional measures.

E. Employers shall implement all travel reduction measures considered necessary by the task force to attain the following target employee participation in alternate modes or commuter trip VMT reductions per regulated work site.

- 1. Fifteen percent of the total employee pool in the first year of the regional program;
- 2. Twenty percent of the total employee pool in the second year of the regional program;
- 3. Twenty-five percent of the total employee pool in the third year of the regional program.

F. After the third year of the regional program, either:

- 1. An increase in employee participation in alternate modes of one percent per year for each subsequent year until forty percent of all commute trips are made by alternate modes; or
- 2. Alternatively, a reduction in average annual VMT per employee of 1.5% per year can be selected by a major employer after a twenty-five percent alternate mode or commuter trip VMT reduction usage is achieved.

(Ord. 1988-72 § 1 (part), 1988)

Article VI. Variances and Appeals

17.40.080 Variances.

A. The TRP task force shall serve as a hearing board for major employers requesting variances from all or part of TRP ordinance requirements and/or travel reduction plan scheduling.

B. Any major employer wishing a variance from any of the requirements of this chapter shall make written application to the TRP task force which will determine within sixty days whether to recommend the variance. The recommendation will be forwarded in writing to the lead agency which will or will not authorize the variance within sixty days. Request for variances shall be finally approved or disapproved within one hundred twenty days of the filing of a request by an employer.

(Ord. 1988-72 § 1 (part), 1988)

17.40.081 Appeals.

A. Any major employer or any resident of the jurisdiction may appeal a decision of the lead agency to authorize or withhold variances or a decision of the lead agency regarding enforcement or other provisions of this chapter.

B. The Pima County board of supervisors will hear and decide the appeal. If the decision is to disapprove the plan, the plan shall be returned to the TRP task force for review and revision or to the lead agency for appropriate action.

(Ord. 1988-72 § 1 (part), 1988)

Article VII. Enforcement

17.40.090 Violations.

A. The lead agency, upon determining a substantial violation of this chapter, shall request the county attorney to take appropriate legal action in superior court.

B. Violations of any of the following requirements may subject a major employer to civil penalties:

1. Failure to collect or supply information requested by the TRP task force;
2. Failure to disseminate information on alternate modes and other travel reduction measures as specified herein;
3. Failure to designate a transportation coordinator;
4. Failure to submit an approvable travel reduction plan;
5. Failure to implement an approved plan within the time schedule provided or failure to perform a revision of a plan as required by the TRP task force;

C. Failure by a major employer to meet travel reduction goals as defined in Section 17.40.070 (E) and (F) of this chapter shall not constitute a violation; provided, that the major employer is attempting in good faith to meet the goals.

(Ord. 1988-72 § 1 (part), 1988)

17.40.091 Penalties.

A. Except as provided in this chapter, any employer who violates the requirements of this chapter is guilty of a civil infraction and subject to civil penalty of up to two hundred and fifty dollars per day of violation for each day the violation continues. In the alternative, this chapter authorizes the use of the authority of A.R.S. Section 49-502 to enforce this chapter.

(Ord. 1993-128 § 8, 1993; Ord. 1988-72 § 1 (part), 1988)

Exhibit 17.40.030

