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TDM ORDINANCE LANGUAGE FOR SONOMA COUNTY – DRAFT

Purposes

Sonoma County, or jurisdictions therein, seek to encourage and make progress in shifting transportation mode choice among county residents and visitors toward low-carbon transportation options.

Definitions

As used in this chapter, the following terms shall have the following meanings:

- (a) "TDM" stands for "Transportation Demand Management."
- (b) "Carpool" shall mean a motor vehicle occupied by two or more employees commuting together.
- (c) "Commute" shall mean a trip from home to work or from work to home.
- (d) "Commute Choices" shall include any alternative to commuting to work in a single occupancy vehicle and shall include carpools, vanpools, bicycles, transit, shuttles, alternative work hours, telecommuting and walking.
- (e) "Complex" shall mean any business park or other non-residential development in separate or common ownership, which can be identified by two or more of the following characteristics:
 - (1) it is known by a common name;
 - (2) it is governed by a common set of covenants, conditions and restrictions;
 - (3) it was (or will be) approved as an entity by the County;
 - (4) it is covered by a single final subdivision or parcel map;
 - (5) it is operated by a single management;
 - (6) it shares common parking facilities.
- (f) "Employee" shall mean any person hired by an employer to perform work at the workplace, including part-time and seasonal employees working 20 or more hours per week, but excluding independent contractors.
- (g) "Employer" shall mean any public or private employer who has a permanent place of business in **the [implementing agency's geographic jurisdiction].**

- (h) "Employer TDM Program" shall mean a written report in a format to be determined by the TDM Coordinator and to include the components further described in **section [xxx]**.
- (i) "Parking Management" shall mean expanding, restricting or pricing the supply of parking in order to support TDM objectives and may include provision to employees of transit passes or cash subsidies in place of free parking.
- (j) "Single-occupancy vehicle" shall mean a motor vehicle occupied by one employee for commute purposes, excluding motorcycles, unipeds and other two-wheeled vehicles.
- (k) "Work site" shall mean the usual and customary place of employment, base of operations or predominant location of an employee.
- (l) "Residential Project" means any residential development application containing thirteen or more dwelling units that must be approved through a public hearing process and has not received final approval.
- (m) "Non-Residential Project" means any non-residential or, mixed-use development application that must be approved through a public hearing process and has not received final approval. Non-residential project also includes an application to expand an existing office or industrial structure that has at least five thousand square feet of gross floor area, by twenty-five percent or more of the structure's gross floor area.
- (n) Project Sponsor" means the owner or developer of a residential or non-residential project.

Application

This ordinance applies to all land in **[jurisdiction implementing this ordinance should insert language describing geographic applicability]**. Work sites and development project sites in **[implementing agency's jurisdiction]** may also be subject to the requirements of the Bay Area Air Quality Management District's (BAAQMD) Regulation 14, Rule 1, which establishes a baseline for commuter benefits for the region¹ **[this sentence may be omitted if jurisdiction is outside of the Bay Area Air District]**. Local TDM ordinances may call for additional programs to address Sonoma's mode shift goals.

Requirements

Requirements for Employers

The following requirements with respect to an employee commute program are required of employers within the applicable geographic extents with 25 or more employees.

- (1) Conduct an Employee Survey. Every employer in the applicable geographic area, as defined in subparagraph of **section [XX - Application]** above, shall complete and submit to the **city's/jurisdiction's** TDM Coordinator a confidential employee survey when the program is initiated and periodically thereafter, at a minimum of every five years. Employee surveys shall include information on number of employees, residence of employees, mode of travel to work, usual work schedule, and interest of employees in commute alternatives. A sample survey shall be provided by the implementing jurisdiction to support the employers in this requirement.

¹ BAAQMD Regulation 14, Rule 1: http://www.baaqmd.gov/~/_media/files/planning-and-research/rules-and-regs/reg-14/rg1401.pdf?la=en

(2) Disseminate Commute Mode Choice Information. Each employer of 25 or more employees, and every commercial/office complex of 25 or more employees, shall distribute to its employees, on a regular basis, commute alternative information on ridesharing, transit, bicycling and other commute alternatives. The appropriate materials will be kept updated and made available in a digital format by the **city's/jurisdiction's** TDM Coordinator.

(3) Implement TDM Measures. Employers of 25 or more employees shall select transportation initiatives from the below list worth at least three (3) points for implementation at their work site and/or with their employees, in addition to the survey and materials distribution requirements discussed above. Employers shall send a brief letter to the TDM coordinator describing the transportation initiatives chosen for implementation from the list below.

Figure 1 Employer TDM Measures

Transportation Program Category	Initiative Name and Description	Points Awarded
Carpool	Offer financial incentives to those employees who carpool to work with colleagues.	1
	Develop a companywide rideshare/carpool network or platform where employees can find colleagues who live near them for carpool purposes.	1
	Install preferential parking for carpool vehicles at your work site.	1
Transit	Offer free or discounted transit passes to employees.	1
	Offer free unlimited transit passes to all employees.	2
	Introduce shuttle connections between work site and SMART station or other transit hubs near your work site.	2
Guaranteed Ride Home	Introduce and promote a guaranteed ride home program which provides employees with reimbursement for taxi use in case of an emergency.	1
Bicycle	Install sufficient bicycle parking at work site with protection from the weather and in a safe location easily accessed by bicyclists.	1
	Offer financial incentives to those employees who bicycle to work.	1
Parking	Introduce a parking cash-out program which offers financial incentives to employees who do not drive alone to work.	2
	Partner with local car share operators as available to offer free car share memberships to employees; alternatively, provide access to company car fleet to employees for personal errands as needed.	1
Other	Introduce a pre-tax commuter benefits program.	1

Requirements for Developers

The requirements in this section shall apply to all development projects, residential or non-residential, located within the area described in the Application sub-section above.

(1) Pursuant to this section, a project may qualify to provide less off-street parking than dictated in the **[XX off-street parking requirements of implementing jurisdiction, based on local zoning code or other parking policy]**. A sponsor requesting parking reductions shall submit a conceptual TDM program to the community development department concurrently with the

application for the project. If the tenant is known, the project sponsor and tenant shall jointly submit the conceptual TDM program.

(2) Conceptual TDM Program. The conceptual TDM program shall identify TDM measures that can be demonstrated to attain the trip reductions necessary to qualify for the requested parking reductions and/or to mitigate vehicle miles traveled (VMT) and motor vehicle trip generation in any required traffic studies. The department shall review the project's conceptual TDM program and make a recommendation to the division of the planning agency hearing the project application. The conceptual TDM program shall include acknowledgement and discussion of the following:

(a) Project sponsor should select at least two (2) TDM measures from the list located in the table below, or describe an additional measure not included in the table the sponsor would like to implement to meet the requirements.

Figure 2 Development Project TDM Measures

Transportation Program Category	Initiative Name and Description	Points Awarded
Carpool / Vanpool	Install preferential parking for carpool or vanpool vehicles at your development site.	1
Bicycle / Pedestrian	Demonstrate safe and convenient pedestrian and bicycle access to building(s) and in vicinity of development site, particularly routes between site and transit stops or hubs.	1
	Install safe pedestrian and bicycle facilities on development property, including sidewalk facilities meeting xx standards [ADA or specific local/ district requirements], traffic-calming infrastructure, and bicycle lanes.	1
	Install sufficient bicycle parking at development site with protection from the weather and in a safe location easily accessed by bicyclists.	1
Parking	Seek approval for reduced parking on-site.	1
	Install car share parking spaces on site.	1
	Install electric vehicle parking stations on site in addition to any already required under other regulations.	1

(b) If the project lies within a transit service area identified in the circulation element of the general plan, the sponsor shall consult with the transit service provider on the need to provide infrastructure to connect the project with the transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters, bus stops, park-n-ride lots, real-time signs, lighting, trash cans, pedestrian facilities (including sidewalks, pathways, crosswalks, pedestrian crossing signals, etc.) at the site, and shall be provided as part of the conceptual TDM plan.

(c) Project sponsors of residential projects containing thirteen (13) or more dwelling units, or non-residential projects of any size, shall distribute to residents and tenants, on a regular basis, information on ridesharing, transit, bicycling and other transportation mode alternatives. The appropriate materials will be kept updated and made available in a digital format by the city's/jurisdiction's TDM Coordinator. Materials shall be provided no later than the close of

escrow, for owner-occupied units, or the time the rental agreement is executed, for rental units. Acknowledgement of this requirement shall be included in the conceptual TDM plan.

(3) Final TDM Program. The design and implementation of the final TDM program shall be a condition of a project's approval. The sponsor and all subsequent owners of the project shall provide deed notification of mandatory participation in the final TDM program to all subsequent purchasers and owners of the project.

Requirements for Implementing Jurisdictions

The implementing jurisdiction shall designate or hire a TDM Coordinator to assist employers and development project sponsors with their efforts to meet the requirements outlined in this TDM ordinance.

- (1) For employers, the TDM coordinator shall field and respond to questions; gather, maintain, and provide links to transportation materials; and receive survey results and TDM program letters, as described in **section xx** above.
- (2) For development project sponsors, the TDM coordinator shall field and respond to questions regarding the development of conceptual TDM plans and the selection of TDM measures; and review and approve final TDM plans in coordination with local planning bodies.

Fees

The **[City Council/Town Council/Board of Supervisors]** may assess annual fees on all public and private employers in order to contribute toward the costs of the County's TDM program. The amount of such fees shall be calculated as part of the annual budget preparation for the **[jurisdiction's]** TDM program and shall not exceed five (5) dollars per employee per year. For development project sponsors, fees related to this ordinance may be collected in the form of an existing or new Transportation Impact Fee. **[This section should be revised to reflect whether a transportation impact fee is already imposed, or whether a new one will be imposed as a separate ordinance/as part of this ordinance.]**

Enforcement/ Monitoring

Employers shall submit a summary of ongoing TDM programs annually as a record of implementation.

The failure of any employer or complex to comply with the provisions of this ordinance, within ninety days of written notice to comply, shall be liable to the **implementing jurisdiction** for a **civil penalty in the amount of \$250 per day for each day of noncompliance**, commencing with the ninety-first (91) day. After said notice, the civil penalty shall be in addition to any fine that may be assessed.

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