

Chapter 31
TRIP REDUCTION

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SEC. 31.1 DEFINITIONS

The following definitions shall govern this Chapter:

- A. Commute Alternatives shall mean any reasonable method to reduce congestion and reduce the number of trips made by a single occupant vehicle. Such alternatives shall include, but are not limited to carpooling, vanpooling, transit, bicycling, telecommuting and/or walking as commute modes.
- B. Commute Alternatives Information Program shall mean a program to provide information about any reasonable method or approach for providing, supporting, subsidizing, and/or encouraging the use of community alternatives, including but not limited to matching and placement services for carpools and vanpools; provision of carpool and preferential parking location and/or fees; fees for Employee parking, provision of and/or placement services for subscription buses; provision of shuttle services; transit fare subsidies; on-site paths, parking, and showers and locker for bicyclists and pedestrians; guaranteed ride home and guaranteed transportation in emergencies for users of commute alternatives; on-site child care and other service convenience facilities which lessen the need for a personal vehicle at the place of employment; telecommuting; and teleconferencing.
- C. Commute Alternative Program Advisor shall mean the person employed by the Jurisdiction to manage the program developed under this Ordinance.
- D. Commute Alternatives Program Appeals Board shall mean the political body, or other body designated by the Jurisdiction, which shall hear appeals for requirements of this Ordinance.
- E. Commute Alternatives Program Coordinator shall mean the person designated by the Employer who is responsible for carrying out Employer requirements

under the ordinance and day-to-day administration of the Commute Alternatives Information Program.

- F. Employee shall mean any person who regularly works twenty (20) hours or more per week at a work site and normally travels between 6-10 AM or 3-7:00 PM and who normally works at least twenty-six (26) weeks per year.
- G. Employer shall mean any public or private Employer who has a permanent worksite in the Jurisdiction. "Employer" shall not include contractors with no permanent place of business in the Jurisdiction and other businesses with no permanent workplace location.
- H. Jurisdiction shall mean the City of Piedmont.
- I. Worksite shall mean the place of employment, base of operation, or predominant work location of any Employee. It includes all of the Employer's buildings or facilities located within close proximity of each other.
- J. TRO is the Trip Reduction Ordinance, meaning this Chapter 31.
- K. CMA is the Alameda County Congestion Agency.
(Ord. No. 537 N.S. ' 1)

SEC. 31.2 PROGRAM REQUIREMENTS

- A. Phase I of the Ordinance requires an Employer educational program. In the first program year, the Ordinance shall be applied to all Employers of 100 or more. When a sufficient number of Employer Coordinators in companies of 100 or more have been trained, the TRO shall be extended to Employers of 50 or more. All employers of 50 or more shall be included in the program no later than the third year after adoption of the TRO.
- B. Phase II of the Ordinance may incorporate Trip Reduction Ordinance Requirements to be developed by the BAAQMD. (Bay Area Air Quality Management District). (Ord. No. 537 N.S. ' 2)

SEC. 31.3 RESPONSIBILITY OF LOCAL JURISDICTIONS

- A. The Jurisdiction shall designate a Commute Alternatives Program Advisor to serve as the point of contact for and provide guidance to Employers subject to this Ordinance. The Commute Alternatives Program Advisor shall be responsible for the following:

1. Provide Employers with marketing materials and information about commute alternatives and how commute alternatives can reduce traffic congestion and air pollution.
 2. Provide training for Employer Commute Alternatives Program Coordinators in fulfilling their responsibilities.
 3. Collaborate with the CMA in a countywide baseline survey of commute patterns and transportation modes between home and work.
 4. Develop a program for monitoring and enforcing compliance with the ordinance.
- B. The Jurisdiction shall specify a Commute Alternatives Appeals Board that will serve as a forum for petitions brought by Employers who are found to be in noncompliance with the TRO. (Ord. No. 537 N.S. '3)

SEC. 31.4 RESPONSIBILITIES OF EMPLOYERS

As defined in Section 31.2, Employers shall initiate action on the following within thirty (30) days of notification by the Jurisdiction that they are subject to the Ordinance:

- A. Appoint a Commute Alternatives Program Coordinator following notice from the Jurisdiction. The Coordinator shall complete a coordinator training course approved by the Jurisdiction unless it can be demonstrated to the Jurisdiction's satisfaction that the Coordinator has already completed comparable training elsewhere.
- B. Submit a Detailed Information Campaign Plan to the Jurisdiction at the beginning of each program year. At the end of the year, the Employer must verify to the Jurisdiction that the campaign was carried out.
- C. Inform All New Employees About Commute Alternatives within two (2) weeks of hiring.
- D. Develop a Commute Alternatives Information Program to inform all Employees annually of the existence of commute options as defined in Section 31.1 C. Acceptable forms of communication include letters to each Employee, electronic mail, a substantial article in the company newsletter, and face to face meetings.
- E. Post or Otherwise Distribute Information on commute alternatives supplied by the Jurisdiction or the CMA.

- F. Participate in any Countywide Survey originated by the CMA. Data obtained in Employer surveys prior to the CMP will be incorporated into the countywide survey by the CMA. (Ord. No. 537 N.S. '4)

SEC 31.5 ENFORCEMENT

A. Appeals to the Commute Alternatives Appeals Board. If the Commute Alternative Program Advisor finds that an Employer has failed to fulfill ordinance requirements, the administrator shall notify the Employer within 30 days. The Employer may, within 10 days of receipt of such notice, file an appeal with the Commute Alternatives Appeals Board stating the grounds for the appeal. Upon receiving an appeal, the Appeals Board shall hear the appeal and render an advisory opinion within 60 days. The opinion shall be filed with the Employer and Commute Alternatives Program Advisor.

B. Penalties

- 1. Civil Assessment. An Employer who fails to comply with the provisions of this Ordinance within ninety (90) days of written notice to comply, shall be liable to the Jurisdiction for a civil assessment in the amount of two hundred and fifty dollars (\$250.00) per day for each day of noncompliance, commencing with the ninety-first (91st) day following notice.
- 2. Injunction. In addition to any other remedy which may accrue to the Jurisdiction hereunder, the Jurisdiction may use a civil injunction to enforce provisions of this ordinance, or any regulation or order promulgated or issued, or any program approve, pursuant hereto.
- 3. Operative Date. Enforcement provisions shall be effective from and after one (1) year following the effective date of this ordinance. (Ord. No. 537 N.S. '5)

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