

ORDINANCE NO. 216

**ORDINANCE OF THE CITY OF SAN RAMON
DESIGNATING CHAPTER I, DIVISION 8, MOTOR VEHICLES OF TITLE B,
REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF SAN RAMON
AS TRANSPORTATION SYSTEMS MANAGEMENT AND AMENDING
THE TRANSPORTATION SYSTEMS MANAGEMENT (TSM) ORDINANCE 187**

The **CITY COUNCIL OF THE CITY OF SAN RAMON DOES ORDAIN** as follows:

Section 1. Division 8, MOTOR VEHICLES of Title B, REGULATIONS of the Municipal Code of the City of San Ramon is redesignated TRANSPORTATION SYSTEMS MANAGEMENT.

Section 2. The City Council finds that:

- (a). There has been a significant increase in new employment and housing opportunities in San Ramon and the San Ramon Valley;
- (b). Increased employment within the City will lead to increased traffic coming to and from San Ramon and the San Ramon Valley;
- (c). Cooperation with and coordination of TSM programs with other cities, counties, transit agencies, the private sector, and agencies in the region will assist the City in meeting the purpose of this Ordinance;
- (d). Reductions in vehicular trips, both absolutely and within peak hour periods, are necessary in terms of reducing traffic congestion, vehicular emissions, energy consumption, and noise levels. Improved traffic levels of service, air quality and ambient noise levels contribute to making the City an attractive and convenient place to live, work, visit and do business, and will help employers recruit and retain a qualified work force.

- (e). The City's General Plan mandates a non-congested traffic circulation system, energy conservation, and maintenance of noise and air quality levels within established standards.
- (f). Transportation Systems Management (TSM) programs have been shown to be capable of reducing vehicle trips and increasing vehicle occupancy rates, and can be simple, inexpensive and effective.
- (g). TSM programs will equitably allocate responsibility for traffic level reductions and will ensure that residents of, employees working with, and visitors to the City will not be adversely affected by traffic congestion.
- (h). Adoption of the TSM Ordinance is in the best interests of the public's health, safety, and general welfare both within the City and the region.

Section 3. The following Sections B8-1 through B8-15 are adopted and compiled into Division 8, TRANSPORTATION SYSTEMS MANAGEMENT of Title B, REGULATIONS of the Municipal Code of the City of San Ramon;

Division B8

TRANSPORTATION SYSTEMS MANAGEMENT

Section B8-1. Purpose, Goal and Objectives

- (a). Purpose. The purpose of this Ordinance is to reduce traffic impacts within the City and region by reducing the number of vehicle trips, daily parking demand, and total vehicle miles per person traveled.

- (b). Goals. The goal of the City in enacting this Ordinance is to assure that existing and future residents, employers, complexes and projects in the City participate in mitigating traffic impacts by implementing TSM measures.
1. To maintain traffic Levels of Service (LOS) LOS C or better as the standard at all intersections with LOS D during no more than three hours of the day (morning, afternoon and noon peaks).
 2. To accept LOS D during two hour peak periods with the possibility of intersections at or closely approximating the limits of LOS D, only on arterial routes bordered by non-residential development where improvements to meet the City's standard would be prohibitively costly or disruptive, as stated in the General Plan.
- (c). Objectives. The following objectives shall be the primary measure for attaining the goal of this Ordinance.
1. To reduce total traffic volumes generated by employees working within the City and residents through use of employer, commercial complex and residential developed TSM programs.
 - a. To maximize the use of commute modes other than the single occupancy vehicle through cooperative development of City-wide programs and means.
 - b. To contribute, as one component of a broader air pollution reduction strategy, to achieving the regional air quality goals as established by the Bay Area Air Quality Management District.

Section B8-2. Definitions.

- (a). Alternative Work Hours Program means any system for shifting the work day of an employee so that the work day starts and/or ends outside the peak periods. Such programs include, but are not limited to:
1. Compressed work weeks;
 2. Staggered work hours involving a shift in the set work hours of all employees at the work place; and
 3. Flexible work hours involving individually determined work hours within guidelines established by the employer.
- (b). Average Vehicle Occupancy (AVO) shall mean the number of persons reporting to the work site between 6:00 a.m. and 9:00 a.m., including those participating in a telecommuting program, divided by the number of passenger vehicles, excluding buses and bicycles, arriving during the same period. The AVO calculation shall be as follows:

$$AVO = A/B$$

Where:

A = the number of persons reporting to the worksite between 6:00 a.m. and 9:00 a.m. (as reported in the TSM surveys), including telecommuters.

$$B = [D-(T+C)]$$

Where: D = the number of persons who drive a carpool, vanpool or single occupant vehicle to the worksite between 6:00 a.m. and 9:00 a.m. (as reported in the TSM surveys).

T = the number of daily trips reduced by telecommuting (as reported in the TSM surveys).

C = the number of daily trips reduced by compressed work weeks (as reported in the TSM surveys).

- (c). Carpool means a motor vehicle occupied by two or more employees traveling together.
- (d). Commute shall mean a home-to-work or work-to-home trip.
- (e). Complex shall mean any multi-tenant building or group of buildings located on a single parcel or group of contiguous parcels under separate or common ownership, to include those buildings known by a common name, with a total of fifty (50) or more employees working at the building or group of buildings.
- (f). Complex TSM Coordinator means a representative of a complex designated to implement a TSM Program and to carry out any other requirements of this Ordinance at the complex.
- (g). Reserved
- (h). Employee shall mean any person hired by any employer, including part time, temporary and seasonal employees, and any independent contractor.
- (i). Employer shall mean any public or private employers, including the City, with a permanent place of business in the City. "Employer" shall not include retail business uses, contractors with no permanent place of business in a project, other business with no permanent work place.

- (j). Gross Floor Area means the total enclosed area of all floors of a building and the unenclosed area of all floors of a building enclosed by exterior walls and which are located under a floor above, measured to the inside surface of exterior walls and including halls, stairways and elevator shafts. Tenants may calculate gross floor area by measuring the inside wall dimensions of leased space and adding fifteen (15) percent.
- (k). Level of Service (LOS) C means light congestion; occasional backups on critical approaches (V/C ratio: .700 - .799).
- (l). Level of Service (LOS) D means significant congestion on critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long-standing queues formed (V/C ratio: .800 - .899).
- (m). Peak Hour means the highest sixty-minute traffic generation period at a work place during the morning, noon and afternoon peak periods.
- (n). Peak Periods means the hours from 7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m. during work days.
- (o). Project means any non-residential, non-retail application, including mixed-use, that must be approved through a public hearing process and has not received final approval. Project shall also include any existing office or industrial use which proposes to increase its gross floor area by 25 percent or more. Development applications that share parking, are under common ownership, or participate in a single project management/owner association shall be considered a single project. Programs such as Redevelopment shall not be defined as

projects under this ordinance. However, individual projects within a redevelopment area shall be included within the definition.

- (p). Single Occupant Vehicle shall mean a motor vehicle occupied by one (1) employee for commute purposes, excluding motorcycles, mopeds and other two-wheeled vehicles.
- (q). Transportation System Management (TSM) means a program to improve the movement of persons through better and more efficient use of the existing transportation system.
- (r). Vanpool shall mean a van occupied by eight (8) to fifteen (15) employees traveling together.
- (s). Work place shall mean the place of employment, base of operation, or predominant location of an employee.
- (t). Reserved
- (u). Work place TSM Coordinator means a person designated by an employer to implement a TSM Program and to carry out any other requirements of this Ordinance at the work place.

Section B8-3. Reserved

Section B8-4. Reserved

Section B8-5. TSM Requirements

- (a). All Employers with fifteen (15) or more employees or all employers located within complexes - Survey Reports. Effective January 1, 1990, every existing or future employer with fifteen (15) or more employees on a single shift or all

employers located within complexes not exempt pursuant to Section B8-2, from the requirements of this Ordinance, shall submit, on an annual basis by May 31st, such survey information as required by the San Ramon Coordinator, in order to establish commute pattern data and to provide carpool and vanpool matching information. Such survey information shall include, but not be limited to:

1. The number of employees employed on April 30 at each work place, if more than one work place is involved;
2. The name, work phone number and address of a contact person within the organization;
3. For all employees employed on April 30 provide the following:
 - a. The zip code of each employee's residence, and that employee's usual work schedule; and
 - b. The method of commuting for each employee which shall be based on a survey of all employees.

- (b). Employers of fifteen (15) to forty-nine (49) employees not located in complexes - TSM Information Program. In addition to fulfilling the annual survey report requirements, every employer of fifteen (15) or more employees on a single shift not located in a complex shall design, implement, and provide the San Ramon Coordinator with a TSM Information Program incorporating posting and dissemination of informational materials relating to transit, ridesharing, and non-vehicular commute modes.

1. The informational materials to be posted and/or disseminated shall be provided by the San Ramon Coordinator, Advisory Committee, and/or the employer. The employer shall be responsible for ensuring that the information is made available to all employees. Updated information relating to transit, ridesharing, and non-vehicular commute modes shall be disseminated to all employees at the time such information is provided to the employer, and to all new employees when hired.
 2. Effective January 1, 1990, every such existing employer shall submit and implement the TSM Information Program on an annual basis by August 31st. Every such future employer shall submit and implement its TSM Information Program within three (3) months after opening for business.
 3. Upon a finding that it would be in the interest of the purpose, goal and objectives of this Ordinance, as described in Section B8-1, the San Ramon Coordinator may require that an employer of fifteen (15) to forty-nine (49) employees not located in a complex develop and implement a TSM Program, as described in Section B8-5(c) of this Ordinance.
- (c). Employers of fifty (50) or more employees or employers of fifteen (15) to forty-nine (49) employees located within a complex - TSM Programs. In addition to fulfilling the survey report requirements, every employer of fifty (50) or more employees on a single shift and all employers of fifteen (15) to forty-nine (49) employees located within complexes shall design, implement, and provide the San Ramon Coordinator with a TSM Program designed to achieve the reductions

in peak period traffic generated by its employees as set forth in the TSM goals by this Ordinance.

1. The TSM Program shall include the following:
 - a. Appointment of an employee as a work place coordinator who shall be responsible for primary implementation of the TSM Ordinance requirements including the annual survey, information program (as indicated in Section B8-5, (b),1) and TSM Plan. The work place Coordinator shall serve as the liaison to the City TSM Coordinator.
 - b. Any reasonable combination of TSM measures, including, but not limited to, transit-related programs, ridesharing (including carpool and vanpool programs), non-vehicular commute modes, and telecommute programs. These measures are designed to achieve, over a period of time, an average Vehicle Occupancy of 1.30. Measures shall be designed to meet the TSM objectives as set forth in this Ordinance.
2. For employers located with a complex, that complex shall have a Complex Coordinator who shall be responsible for primary implementation of the TSM Program at the complex. The Complex Coordinator will then be responsible for developing and implementing TSM Programs for employers of less than fifty (50) employees located within the complex.
3. Effective January 1, 1990, every such existing employer shall submit and

implement the TSM Program on an annual basis by August 31st. Every future employer shall submit and implement its TSM Program within three (3) months after opening for business.

4. In complexes where a Complex Coordinator has been designated, such programs, as listed above, shall be coordinated by the Complex Coordinator for submission to the City.

(d). Projects shall be required to comply with applicable sections of this Ordinance during development review process.

1. Projects will be required to design features that facilitate pedestrian access, ridesharing and transit usage. These can include bus turnouts, and shelters, preferential location of carpool and vanpool parking and effective pedestrian and bicycle access features.

Section B8-6. TSM Advisory Committee

A San Ramon TSM Advisory Committee is hereby formed which shall be responsible for ensuring that reductions in employment-related single occupant vehicle traffic volumes on City streets shall be accomplished through implementation of TSM measures, in accordance with the objectives of this TSM Ordinance.

(a). Composition. The TSM Advisory Committee shall be composed of the following:

1. One (1) representative of the Transportation Committee of the City Council;
2. The San Ramon Coordinator (non-voting member);

3. Eight (8) members appointed by the City Council, each representing an employer affected by the Ordinance.
- (b). Term and Termination of Office. The term of office for each member shall be two (2) calendar years, or portion thereof, ending on December 31st of that year. Members may be reappointed for consecutive terms. Termination of office shall be according to by-laws developed by the TSM Advisory Committee and approved by the City Council.
- (c). Meetings. The TSM Advisory Committee shall establish regular scheduled dates and times for its meetings, and shall promulgate rules for the conduct of its meetings including required attendance schedules.
- (d). Function. The TSM Advisory Committee may undertake any and all programs necessary to coordinate, monitor and implement the City-wide TSM effort in order to achieve the objectives of this Ordinance.
 1. The TSM Advisory Committee shall undertake the following:
 - a. Establish guidelines for minimally acceptable TSM Programs designed to reach the following staged objectives:
 1. At the time of an employer's first annual report, unless the employer has been in business in San Ramon for less than four months, an AVO of 1.15.
 2. At the time of the second annual report, an AVO of 1.20.
 3. At the time of the third annual report, an AVO of 1.25.
 4. At the time of the fifth annual report, an AVO of 1.30.

- b. Coordinate TSM efforts of all employers in the City of San Ramon;
 - c. Work for the City to coordinate TSM efforts with local and regional agencies as designated by the City;
 - d. Seek the cooperation and assistance of neighboring communities in achieving TSM goals; and
 - e. Pursuant to Section B8-13, review and monitor employer/complex TSM programs for adequacy and, if necessary, suggest revisions to achieve minimally acceptable TSM Programs.
2. The TSM Advisory Committee may undertake other activities which may include, but are not limited to, the following:
- a. Encourage and promote all transit services between the complexes, downtown and the transit stops;
 - b. Compile, distribute and annually update ridesharing materials;
 - c. Plan and/or implement any TSM Program element; and,
 - d. Recommend to the City Council improvements in City services and facilities to assist employers in meeting the goals of this TSM Ordinance.

Section B8-7. Reserved

Section B8-8. Reserved

Section B8-9. San Ramon TSM Coordinator

The City Manager or his/her designated representative, shall be the San Ramon TSM Coordinator. The duties of the San Ramon Coordinator shall include, but not be limited to, the following:

- (a). Provide direct support (i.e. provide assistance with the development of a TSM Information Program, provide TSM marketing materials) to those employers having between fifteen (15) and forty-nine (49) employees;
- (b). In cooperation with developers, public transit and ridesharing agencies, shall implement a TSM Information Program for residents. The TSM Coordinator shall be responsible for administering the TSM Information Program if not provided by developers or the transit or ridesharing agency.
- (c). Review proposed projects for compliance with this Ordinance during development review process.
- (d). Serve as staff to the TSM Advisory Committee;
- (e). Develop procedures and forms for the submittal of transportation surveys, TSM plans and annual reports;
- (f). Coordinate with other City Departments with transportation-related functions;
- (g). Review and evaluate the employers' and complexes' TSM Programs, employers' TSM Information Programs, and employers' survey reports;

- (h). Participate in and coordinate with any regional TSM activities, including CalTrans (RIDES) and Metropolitan Transportation Commission (MTC) programs;
- (i). Review compliance with this Ordinance pursuant to Section B8-12, and, if found necessary, recommend implementation of the requirements of Section B8-13 to the City Council;
- (j). Pursuant to Section B8-13, refer TSM Programs found inadequate to the TSM Advisory Committee for review;
- (k). Submit, on an annual basis, a summary report to the City Council and TSM Advisory Committee describing the results of the transportation surveys, annual reports and the success of the TSM programs in satisfying the purposes and goals of the Ordinance; and
- (l). May, at any time, recommend changes to this Ordinance as may be necessary to meet the purpose, goal, and objectives established herein.

Section B8-10. Annual Report

Every employer or complex, where a complex program has been developed, required to have a TSM Program shall submit to the San Ramon Coordinator an annual report describing (1) its TSM Program and its results during the reporting period, and (2) the TSM Program the employer or complex intends to implement in the ensuing year.

- (a). Time and Period of Submittal. Every employer required to submit an annual report who is doing business in the City on August 1 of any year shall submit the said report by August 31 of that year. The annual report shall cover the

immediately preceding fiscal year or, that portion of the period the employer was in business.

(b). Contents. The annual report shall contain sufficient information to allow the San Ramon Coordinator to evaluate the results of the TSM Program. The annual report shall contain information as requested by the San Ramon Coordinator, which may include, but not be limited to, the following:

1. A description of the TSM techniques developed in accordance with written guidelines developed by the San Ramon TSM Coordinator, designed to meet the objectives of the Ordinance. TSM techniques may include, but are not limited to organization of vanpools, carpools, or other ridesharing programs, subscription bus service for employees, transportation incentives, parking management, provision of amenities such as bicycle lockers, showers, transit shelters, shuttle services or other incentives for use of alternative travel modes, parking preference or other incentive for ridesharing or use of public transit.
2. The marketing measures undertaken by the employer to promote TSM, may include, but not be limited to, newsletter articles, transportation fairs, new employee TSM orientation, meetings with zip code groups, TSM presentations at staff meetings, distribution of carpool and vanpool applications, TSM incentive programs, and TSM information booths at the work place.
3. A description of any internal or external shuttle service.

4. The existence of an employer's subsidy, if any, to any part of its TSM Program.
5. An estimate of the cost to implement the TSM Program.

Section 8-11. City Evaluation of City-Wide TSM Progress

- (a). Review of City-Wide TSM Progress. The San Ramon Coordinator shall review compliance with the requirements of this Ordinance. Said review shall include review of (1) TSM programs, (2) annual reports, (3) employer surveys, (4) the programs and progress of the TSM Advisory Committee, and (5) results of driveway and entrance monitoring programs.
- (b). Report to City Council from TSM Advisory Committee. The San Ramon Coordinator shall yearly submit a summary report to the City Council and Advisory Committee describing the results as of that date of the TSM Programs, a general summary of the programs of the TSM Advisory Committee and their prospects for success, and the relationship of the TSM Programs to the goals of this Ordinance. The San Ramon Coordinator and/or the TSM Advisory Committee may recommend any changes to this Ordinance as may be necessary to meet the goals established herein.
- (c). Implementation of Mandatory TSM Programs. If, at any time after two (2) years from the effective date of this Ordinance, the San Ramon Coordinator determines that substantial progress is not being made to meet the goals of this Ordinance based on the actual traffic reduction achieved by employers and complexes', if one exists, TSM Programs, the Advisory Committee may

recommend that the City Council institute the mandatory TSM Program requirements included in Section B8-12.

1. A hearing shall be held before the City Council following thirty (30) days notice to all employers of more than fifty (50) employees on a single shift and to employers of fifteen (15) to forty-nine (49) employees located in a complex.
2. If, following said hearing, the City Council determines that substantial progress is not being made, and that time alone will not bring success to the TSM Programs in place by employers, complexes, and the TSM Advisory Committee, the City Council shall, by resolution, deem the provisions of Section B8-12 operative.

Section B8-12. Mandatory TSM Program.

If, pursuant to Section B8-11(c), this Section becomes operative, employers required to have TSM Programs may be required to supplement their TSM Programs in accordance with this Section.

- (a). Revision of an employer's TSM Program for failure to achieve TSM staged objectives. If, after review of an employer's second annual report, or any annual report thereafter, the San Ramon Coordinator determines (1) that, as indicated in such report, substantial progress is not being made toward reaching the TSM staged objectives as identified in Section B8-6, (d), 1a., and (2) that, on the basis of good cause, the TSM measures included in the TSM Program proposed for the ensuing year will not achieve the staged reduction in peak period traffic

generation objectives, then the San Ramon Coordinator shall reject the proposed TSM Program and require that revisions and/or additions be made in order to achieve the designated reduction in peak period traffic generation within one year of submittal. Notice of each rejection shall be sent to the TSM Advisory Committee.

1. The San Ramon Coordinator shall explicitly describe the reason(s) for rejection of a TSM Program and shall include an indication of those kinds of measures which may be used to achieve an acceptable TSM Program.
2. If a TSM Program has been required to be revised by any employer, it shall be revised and resubmitted for review and approval within two (2) months following the San Ramon Coordinator's request.
3. If any resubmitted TSM Program is determined to be inadequate by the San Ramon Coordinator, he shall refer the matter to the TSM Advisory Committee for resolution. The TSM Advisory Committee may approve the original TSM Program, the revised program, or may incorporate those elements it determines are necessary to achieve the staged objectives reduction in the TSM Program and require that the employer implement the program as designed by the TSM Advisory Committee.
4. Any employer whose TSM Program has been rejected or modified pursuant to this Subsection may appeal the decision of the TSM Advisory Committee to the City Council. A hearing shall be held before the City Council within thirty (30) days of receipt of the appeal by the San Ramon

Coordinator. The City Council may approve, modify, or overrule the action of the TSM Advisory Committee.

Section B8-13. Enforcement

- (a). Failure to Provide Survey Data, Annual Reports, and/or Provide and Implement TSM Information Programs and TSM Program. Any employer who fails to provide the survey data or annual report required by this Ordinance, after thirty (30) days notice to remedy the failure, shall be guilty of an infraction. Any employer who fails to provide the TSM Information Program and/or TSM Program, and/or who fails to implement said Plan, as required by this Ordinance, after thirty (30) days notice to remedy the failure, shall be guilty of an infraction.
1. The fine shall be an amount not exceeding one hundred dollars (\$100.00) for the first infraction, an amount not exceeding two hundred dollars (\$200.00) for a second infraction, and an amount not exceeding five hundred dollars (\$500.00) for each additional infraction in any calendar year. Any amounts collected as infraction fines shall be used to fund the development and purchase of TSM marketing materials for employees in San Ramon.
 2. Each failure to supply data, reports, programs, or implement the TSM Information Program or TSM Program, following the San Ramon Coordinator's written request for such material and/or acts shall constitute a separate violation.

- (b). Other Violations of This Ordinance, Except Section B8-12. Every employer who fails to comply with any other provision of this Ordinance, except those requirements mandated pursuant to Section B8-12, shall have thirty (30) days, after notice of such failure, to correct the failure or be guilty of an infraction punishable as in Section B8-13 (a) above.
- (c). Violations of Section B8-12. Every employer who fails to comply with any requirement mandated pursuant to Section B8-12 of this Ordinance shall have thirty (30) days, after notice of such failure, to correct the failure, or satisfactorily explain to the TSM Advisory Committee why compliance is impossible. If the employer does not correct the failure within the time period or is not excused from compliance by the TSM Advisory Committee, then the TSM Advisory Committee shall refer the matter to the City Council for one of the following actions:
1. The City Council may grant an extension of time for compliance solely on the evidence that time is the only condition needed to accomplish the requirement; or
 2. The City Council may find that an extension is not warranted, find a violation of this Ordinance, and order compliance. Failure to comply shall be a violation and subject to a civil penalty of Five Hundred Dollars (\$500.00) per day from the date the City Council orders compliance until the failure to comply is corrected. Any amounts collected as penalty shall be used to fund traffic related improvements in order to improve the level

of service on roadways in the City.

Section B8-14. Reserved

Section B8-15. Reserved

Section 4. It is the intention of the City Council that so much of this ordinance as is in conflict or inconsistent with any development, annexation, or preannexation agreements entered into by the City prior to the adoption of this ordinance shall not be applicable to properties covered by such agreements.

Section 5. This Ordinance expires five (5) years from the date of enactment unless re-enactment by the City Council. Prior to expiration, the City shall undertake a process of review and determine any revisions necessary to enact a renewed TSM ordinance.

Section 6. If any subsection, sentence, clause or phrase of this Division is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are held invalid.

Section 7. This Ordinance shall take effect thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance shall be posted in three public places within the City of San Ramon along with the names of the members of the City Council voting for and against same.

- Signatures on next page -

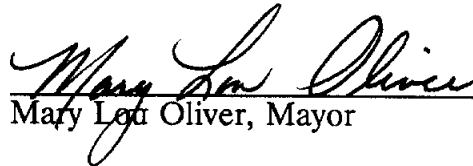
The foregoing amends to ordinance were introduced on November 12, 1991 and after public hearing was adopted at the meeting of the City Council of the City of San Ramon on December 10, 1991 by the following vote:

AYES: *Councilmembers Blickenstaff, Boom, Carr, Welm & Mayor Oliver*

NOES: *None*

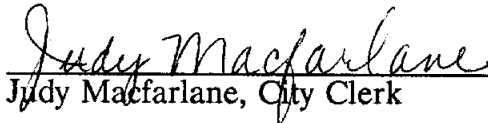
ABSENT: *None*

ABSTAIN: *None*



Mary Lou Oliver, Mayor

ATTEST:



Judy Macfarlane, City Clerk