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PIMA COUNTY BOARD OF SUPERVISORS'
TRAVEL REDUCTION ORDINANCE
NO. 1988- 72

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AMENDING THE PIMA COUNTY CODE, BY ADDING A NEW CHAPTER 17.40; PROVIDING FOR THE IMPROVEMENT OF REGIONAL AIR QUALITY THROUGH THE DEVELOPMENT OF PLANS BY MAJOR EMPLOYERS TO REDUCE THE NUMBER OF VEHICLE MILES TRAVELED BY THEIR EMPLOYEES FROM THEIR HOMES TO THEIR WORK PLACES; ADOPTED PURSUANT TO AUTHORITY A.R.S. 549-402(C), STATE AND COUNTY CONTROL; AIR QUALITY CONTROL PLANS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. That the Pima County Code, is amended to add a new Chapter 17.40 to read:

CHAPTER 17.40

TRAVEL REDUCTION ORDINANCE

Sections:

- Article I. General Provisions
 - Section 17.40.010 Short Title
 - Section 17.40.020 Purpose

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CIVIL DIVISION
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1 Article II. Definitions
2 Section 17.40.030 Definitions
3 Section 17.40.040 Abbreviations
4 Article III. Lead Agency
5 Section 17.40.050 Powers and Duties
6 Article IV. Applicability
7 Section 17.40.060 Major Employers
8 Section 17.40.061 Voluntary Participation
9 Article V. Requirements for Employers
10 Section 17.40.070 Requirements for Major Employers
11 Article VI. Variances and Appeals
12 Section 17.40.080 Variances
13 Section 17.40.081 Appeals
14 Article VII. Enforcement
15 Section 17.40.090 Violations
16 Section 17.40.091 Penalties

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19 ARTICLE I. GENERAL PROVISIONS
20 17.40.010 SHORT TITLE
21 This Ordinance shall be known as the "Travel Reduction
22 Ordinance."
23 17.40.020 PURPOSE
24 The purpose of this Chapter, recognizing that motor vehicles
25 are the single greatest contributor to air pollution, is to

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1 improve air quality and reduce traffic congestion in the
2 incorporated and unincorporated areas of Pima County by
3 increasing Alternate Mode usage and reducing overall motor
4 vehicle travel for commute trips. This Chapter shall establish
5 a basis for a cooperative effort of the local jurisdictions to
6 achieve a uniform program for reduction of work related trips
7 by employees working for major employers subject to this
8 regulation.

9
10 ARTICLE II DEFINITIONS

11 17.40.030 DEFINITIONS

- 12 1. "Airshed" means that area delineated on the map attached
13 as Exhibit "A".
- 14 2. "Alternate Mode" means any mode of commute transportation
15 other than the single occupancy motor vehicle.
- 16 3. "Approvable Travel Reduction Plan" means a plan
17 submitted by a major employer that meets the requirements as
18 set forth in Article V.
- 19 4. "Carpool" or "Vanpool" means two or more persons
20 traveling in a light duty vehicle (car, truck or van) to or
21 from work.
- 22 5. "Commute Trip" means a trip taken by an employee to or
23 from work within the airshed.
- 24 6. "Commuter Matching Service" means any system, whether it
25 uses computer or manual methods, which assists in matching

1 employees for the purpose of sharing rides to reduce drive
2 alone travel.

3 7. "Employer" means a sole proprietor, partnership,
4 corporation, unincorporated association, cooperative, joint
5 venture, agency, department, district or other individual or
6 entity, either public or private, that employs workers. See
7 also "Major Employer" and "Voluntary Employer".

8 8. "Full Time Equivalent (FTE) employees" means the number
9 of employees an employer would have if the employer's work
10 needs were satisfied by employees working forty hour work
11 weeks. The number of full time equivalent employees for any
12 employer is calculated by dividing the total number of annual
13 work hours paid by the employer, by 2080 work hours in a year.

14 9. "Local Jurisdictions" includes Pima County, City of
15 Tucson, Town of Marana, Town of Oro Valley and City of South
16 Tucson.

17 10. "Major Employer" means an Employer who employs one
18 hundred or more full time equivalent employees at a work site
19 during a twenty-four hour period for at least 6 months during
20 the year.

21 11. "Mode" means the type of conveyance used in
22 transportation including single occupancy motor vehicle,
23 rideshare vehicle (carpool or vanpool), transit, bicycle, and
24 walking.

25 12. "Motor Vehicle" means any vehicle propelled by a motor

1 including car, van, bus, motorcycle, and all other motorized
2 vehicles.

3 13. "Public Agency" means any political subdivision of this
4 state and any board, commission or agency thereof.

5 14. "Public Interest Group" means any nonprofit group whose
6 purpose is to further the welfare of the community.

7 15. "Regional Program" means the combination of all
8 implemented plans within the airshed combination.

9 16. "Ridesharing" means transportation of more than one
10 person for commute purposes, in a motor vehicle, with or
11 without the assistance of a commuter matching service.

12 17. "Transit" means a bus or other public conveyance system.

13 18. "Transportation Coordinator" means a person designated
14 by an employer, property manager, or transportation management
15 association as the lead person in developing and implementing a
16 Travel Reduction Plan.

17 19. "Transportation Management Association" (TMA) means a
18 group of employers or associations formally organized to seek
19 solutions for transportation problems experienced by the group.

20 20. "Travel Reduction Plan" means a written report outlining
21 Travel Reduction Measures which will be submitted annually by
22 each Major Employer.

23 21. "Travel Reduction Program" means a program, implementing
24 a travel reduction plan by an employer, designed to achieve a
25

1 predetermined level of travel reduction through various
2 incentives and disincentives.

3 22. "Travel Reduction Program Regional Task Force" means
4 that Task Force established pursuant to the Intergovernmental
5 Agreement entered into by the local jurisdictions for the
6 purpose of implementing a uniform Travel Reduction Program.

7 23. "Vanpool" see "Carpool".

8 24. "Vehicle Occupancy" means the number of occupants in a
9 motor vehicle including the driver.

10 25. "Vehicle Miles Traveled" (VMT) means the number of miles
11 traveled by a motor vehicle for commute trips.

12 26. "Work Site" means a building or any grouping of
13 buildings located within Pima County which are on physically
14 contiguous parcels of land or on parcels separated solely by
15 private or public roadways or rights-of-way, and which are
16 owned or operated by the same employer.

17 17.40.040 ABBREVIATIONS

18 As utilized in this Chapter, the following shall have the
19 indicated meanings:

- 20 A. PAG - Pima Association of Governments
21 B. TMA - Transportation Management Association
22 C. TRO - Travel Reduction Ordinance
23 D. TRP - Travel Reduction Program
24 E. VMT - Vehicle Miles Traveled
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1 ARTICLE III. LEAD AGENCY

2 17.40.050 POWERS AND DUTIES

3 A. The Pima County Department of Transportation and Flood
4 Control as Lead Agency for Pima County, shall evaluate Major
5 Employers' TRP plans received from the TRP Task Force. The
6 Lead Agency shall have sixty days to object to any such plan
7 received, otherwise the plan is automatically approved. Any
8 such objection shall be based upon the criteria set forth in
9 Article V of this chapter. If the Lead Agency objects, the
10 plan is not approved and shall be returned to the TRP Task
11 Force with appropriate comments for review and revision in
12 consultation with the employer.

13 B. The Lead Agency shall receive recommendations for
14 enforcement from the TRP Task Force. The Lead Agency shall
15 determine when enforcement action is appropriate and shall
16 take such action as it deems necessary.

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18 ARTICLE IV. MAJOR EMPLOYERS APPLICABILITY

19 17.40.060 The provisions of this chapter shall apply to all
20 Major Employers.

21 17.40.061 VOLUNTARY PARTICIPATION.

22 Employers or groups of employers with less than 100 full time
23 equivalent employees at a single work site are encouraged to
24 participate in data collection and information dissemination
25 efforts and in the preparation of their own travel reduction

1 plans on a voluntary basis. These groups shall be assisted by
2 the TRP Task Force, the TRP Technical Advisory Committee and
3 TRP staff, and shall be eligible for participation in all
4 programs and services. Groups of employers are encouraged to
5 form Transportation Management Associations.
6

7 ARTICLE V. REQUIREMENTS FOR EMPLOYERS

8 17.40.070 REQUIREMENTS FOR MAJOR EMPLOYERS

9 In each year (12 month period following initial formal notice
10 and each additional 12 month period), of the regional program
11 each Major Employer shall:

12 A. Within 90 days of notice from TRO staff that they
13 qualify as a major employer, provide each regular
14 employee with information on Alternate Mode options and
15 Travel Reduction Measures including, but not limited to:
16 Sun Tran bus routes and schedules, the RideShare
17 program, and bicycle routes. This information shall
18 also be provided to new employees at the time of hiring.

19 B. Participate in a survey and reporting effort, as
20 directed by the TRP Task Force and as scheduled by TRP
21 staff. The results of this survey shall form a baseline
22 against which attainment of the targets in paragraph E
23 of this section shall be measured as follows:

24 (1) The baseline for participation in alternative
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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 for work trips.

(b) Provision of vans for vanpooling.

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(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.

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(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.

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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 Article V. C. (3) of this Ordinance) in the first year of the regional program.

(b) At least three specific Alternate Modes incentives programs (such as those described in Article V. C. (3) of this Ordinance) 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.

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1. 15% of the total employee pool in the first year of the Regional Program
2. 20 % of the total employee pool in the second year of the Regional Program
3. 25% 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 1% per year for each subsequent year until 40% 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 25% Alternate Mode or commuter trip VMT Reduction usage is achieved.

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.

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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 60 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 60 days. Request for variances shall be finally approved or disapproved within 120 days of the filing of a request by an employer.

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 ordinance.

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.

ARTICLE VII. ENFORCEMENT

17.40.090 VIOLATIONS

A. The Lead Agency, upon determining a substantial

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violation of this ordinance, 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 Article V, Sections E and F shall not constitute a violation provided that the Major Employer is attempting in good faith to meet the goals.

Section 17.40.091 PENALTIES

A. Except as provided above, any Employer who violates the requirements of this chapter shall be guilty of a

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civil infraction and subject to civil penalty up to Two Hundred and Fifty Dollars (\$250.00) per day of violation for each day the violation continues. In the alternative, this ordinance authorizes the use of the authority of A.R.S. §49-502 to enforce this ordinance.

SECTION 2. That this Ordinance shall be effective from and after approval of a signed intergovernmental agreement entered into by Pima County, City of Tucson, Town of Oro Valley, City of South Tucson and Town of Marana and that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this 12th day of April, 1988.

ATTEST:
Jane S. Williams Clerk, Board of Supervisors
Sam Leno Chairman, Board of Supervisors

APPROVED AS TO FORM:
Hulan Ayres Deputy County Attorney

I, Jane S. Williams, Clerk of the Pima County Board of Supervisors, do hereby certify that this document is a true and exact copy of the Travel Reduction Ordinance, No. 1988-82, as approved by the Pima County Board of Supervisors on April 12, 1988.

Jane S. Williams
Jane S. Williams, Clerk
May 2, 1988

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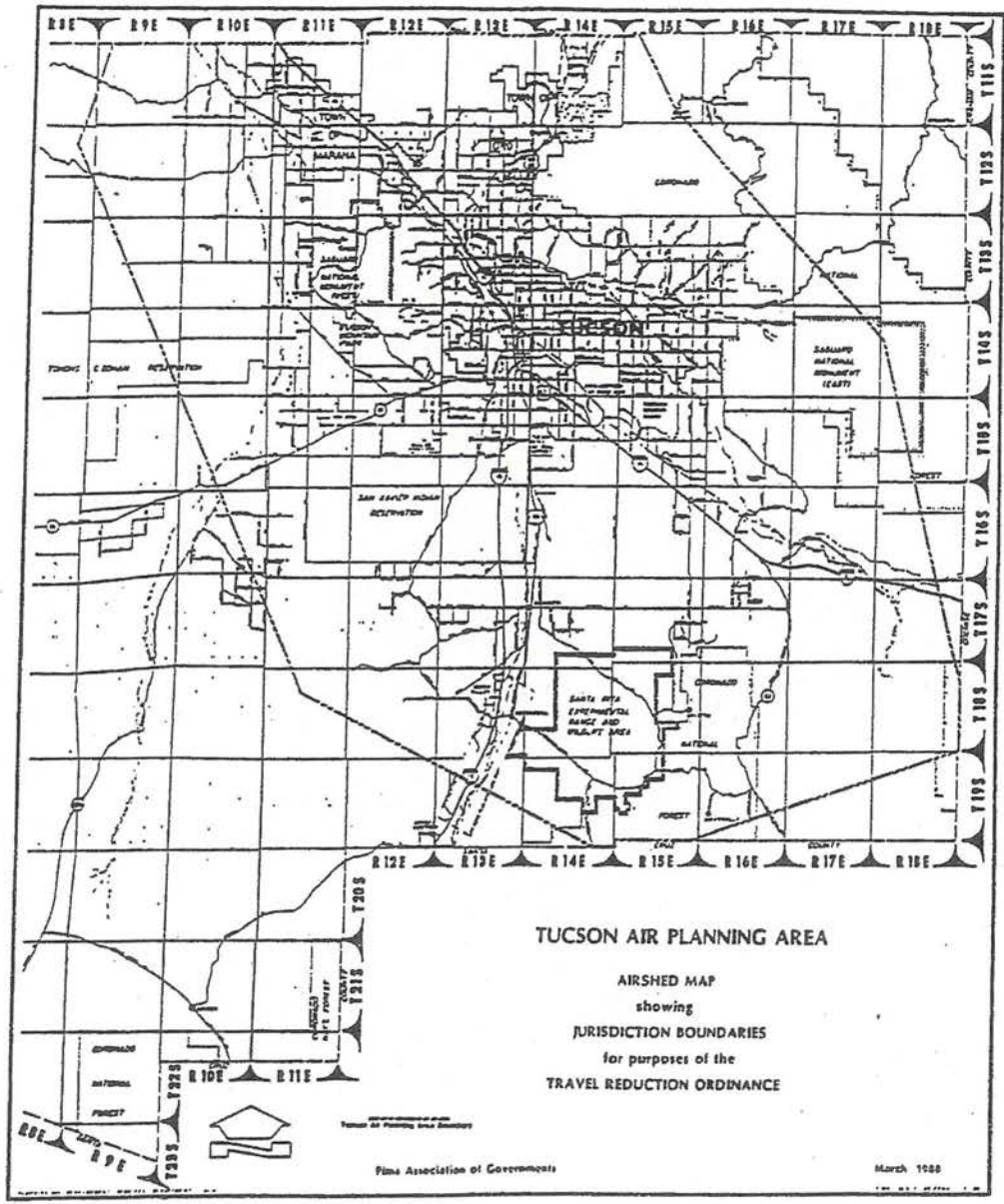


Exhibit A

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