

Certificate of Clerk

• City of Tucson •

State of Arizona)
County of Pima) 55

I, Donald L. De Ment, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify that the foregoing is a true, correct, and compared copy of Ordinance No. 6914, which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on the 28th day of March, 19 88, at which a quorum was present, by the affirmative vote of not less than five-sixths of the Council, taken by ayes and noes.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona, this 11th day of April, 19 88

Total of 12 page(s) certified.

Donald DeMent.
City Clerk

~~By: _____~~
~~Deputy City Clerk~~

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ADOPTED BY THE
MAYOR AND COUNCIL

MAR 28 1988

ORDINANCE NO. 6914

RELATING TO ENERGY AND ENVIRONMENT; AMENDING THE TUCSON CODE BY ADDING A NEW CHAPTER 29 ENTITLED "ENERGY AND ENVIRONMENT"; ADOPTING THE TRAVEL REDUCTION ORDINANCE PURSUANT TO THE PROVISIONS OF THAT CERTAIN INTERGOVERNMENTAL AGREEMENT ENTERED INTO BETWEEN THE CITY OF TUCSON, PIMA COUNTY, THE CITY OF SOUTH TUCSON, THE TOWN OF ORO VALLEY AND THE TOWN OF MARANA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code is hereby amended by adding a new Chapter 29 entitled "Energy and Environment" to read as follows:

Chapter 29

ENERGY AND ENVIRONMENT

Travel Reduction Ordinance - Secs. 29-1 - 29-11

- Art. I. General Provisions
- Art. II. Definitions
- Art. III. Department of Transportation as Lead Agency
- Art. IV. Applicability
- Art. V. Requirements
- Art. VI. Variances and Appeals
- Art. VII. Enforcement

Article I. General Provisions

- Sec. 29-1. Short Title
- Sec. 29-2. Purpose

Article II. Definitions

- Sec. 29-3. Definitions
- Sec. 29-4. Abbreviations

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Article III. Department of Transportation as Lead Agency

Sec. 29-5. Powers and Duties

Article IV. Applicability

Sec. 29-6. Applicability to Major Employers

Sec. 29-7. Voluntary Participation

Article V. Requirements

Sec. 29-8. Requirements for Major Employers

Article VI. Variances and Appeals

Sec. 29-9. Variances

Sec. 29-10. Appeals

Article VII. Enforcement

Sec. 29-11. Violations

ARTICLE I. GENERAL PROVISIONS

Sec. 29-1. Short title.

Articles I through VII of this Chapter shall be known as the "Travel Reduction Ordinance."

Sec. 29-2. Purpose

The purpose of Articles I through VII 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 City of Tucson and 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 regulation.

ARTICLE II. DEFINITIONS

Sec. 29-3. Definitions

- (1) "Airshed" means that area delineated on the map immediately following this section.

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- (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 Article V 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) "Commuter 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 or 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 2080.
- (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 6 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 this 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 in March, 1988.
- (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 the City of Tucson 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.

Sec. 29-4. Abbreviations

As utilized in Articles I through VII of this Chapter, the following abbreviations shall have the indicated meanings:

- (1) PAG - Pima Association of Governments
- (2) TMA - Transportation Management Association
- (3) TRO - Travel Reduction Ordinance
- (4) TRP - Travel Reduction Program
- (5) VMT - Vehicle Miles Traveled

ARTICLE III. DEPARTMENT OF TRANSPORTATION AS LEAD AGENCY,

Sec. 29-5. Powers and duties

(a) The Department of Transportation as Lead Agency for the City of Tucson, shall evaluate Major Employers' TRP plans received from the TRP Task Force. The Department of Transportation shall have thirty 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 Department of Transportation 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 Department of Transportation shall receive recommendations for enforcement from the TRP Task Force. The Department of Transportation shall determine when enforcement action is appropriate and shall take such action as it deems necessary.

ARTICLE IV. APPLICABILITY

Sec. 29-6. Applicability to major employers

The provisions of this Chapter shall apply to all Major Employers.

Sec. 29-7. Voluntary participation

Employers or groups of employers with less than 100 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, the 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.

ARTICLE V. REQUIREMENTS FOR EMPLOYERS

Sec. 29-8. Requirements for major employers

In each year of the Regional Program each Major Employer shall:

(a) Provide each regular employee with information on Alternate Mode options and Travel Reduction Measures including, but not 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 paragraph (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.

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(c) Prepare 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 receive survey data results. 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 in the previous year.

(3) A description of Travel Reduction Measures to be undertaken by the Major Employer in the coming year. 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.

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 ride-sharing 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:

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(A) At least two specific travel reduction measures (such as those described in Sec. 29-8(c)(3)) in the first year of the regional program.

(B) At least three specific Alternate Modes incentives programs (such as those described in Sec. 29-8(c)(3)) 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 to attain the following target employee participation in Alternate Modes or commuter trips VMT reductions per regulated work site.

(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 trips VMT reduction usage is achieved.

ARTICLE VI. VARIANCES AND APPEALS

Sec. 29-9. 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 whether to recommend the variance. The recommendation will be forwarded to the Department of Transportation which will or will not authorize the variance. Request for variances shall be finally approved or disapproved within 90 days of the filing of a request by an employer.

Sec. 29-10. Appeals

(a) Any Major Employer or other interested person may appeal a decision of the Department of Transportation to authorize or withhold variances or a decision of the Department of Transportation regarding enforcement or other provisions of this ordinance.

(b) The Mayor and Council will hear and decide the appeal. If their decision is to disapprove the plan, the plan shall be returned to the TRP Task Force for review and revision or to the Department of Transportation for appropriate action.

ARTICLE VII. ENFORCEMENT

Sec. 29-11. Violations

(a) The Department of Transportation, upon determining a substantial violation of this ordinance, shall request the City Attorney to take appropriate legal action.

(b) Violations of any of the following requirements may subject a Major Employer to increased 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.

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(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 29-8(e) shall not constitute a violation provided that the Major Employer is attempting in good faith to meet the goals.

(d) Except as provided above any violation of the requirements of this chapter shall be a civil infraction.

Sections 29-12 through 29-20 Reserved.

SECTION 2. Section 1 of this Ordinance shall be effective upon final approval of that certain Intergovernmental Agreement between the City of Tucson, Pima County, the City of South Tucson, the Town of Oro Valley and the Town of Marana regarding joint adoption of a Travel Reduction Ordinance.

SECTION 3. If any provision of this ordinance, or the application thereof to any person or circumstance, is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is

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hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, MAR 28 1988.

[Signature]
MAYOR

ATTEST:

[Signature]
CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

REVIEWED BY:

[Signature]
CITY MANAGER

TR
TR:jt
3/8/88

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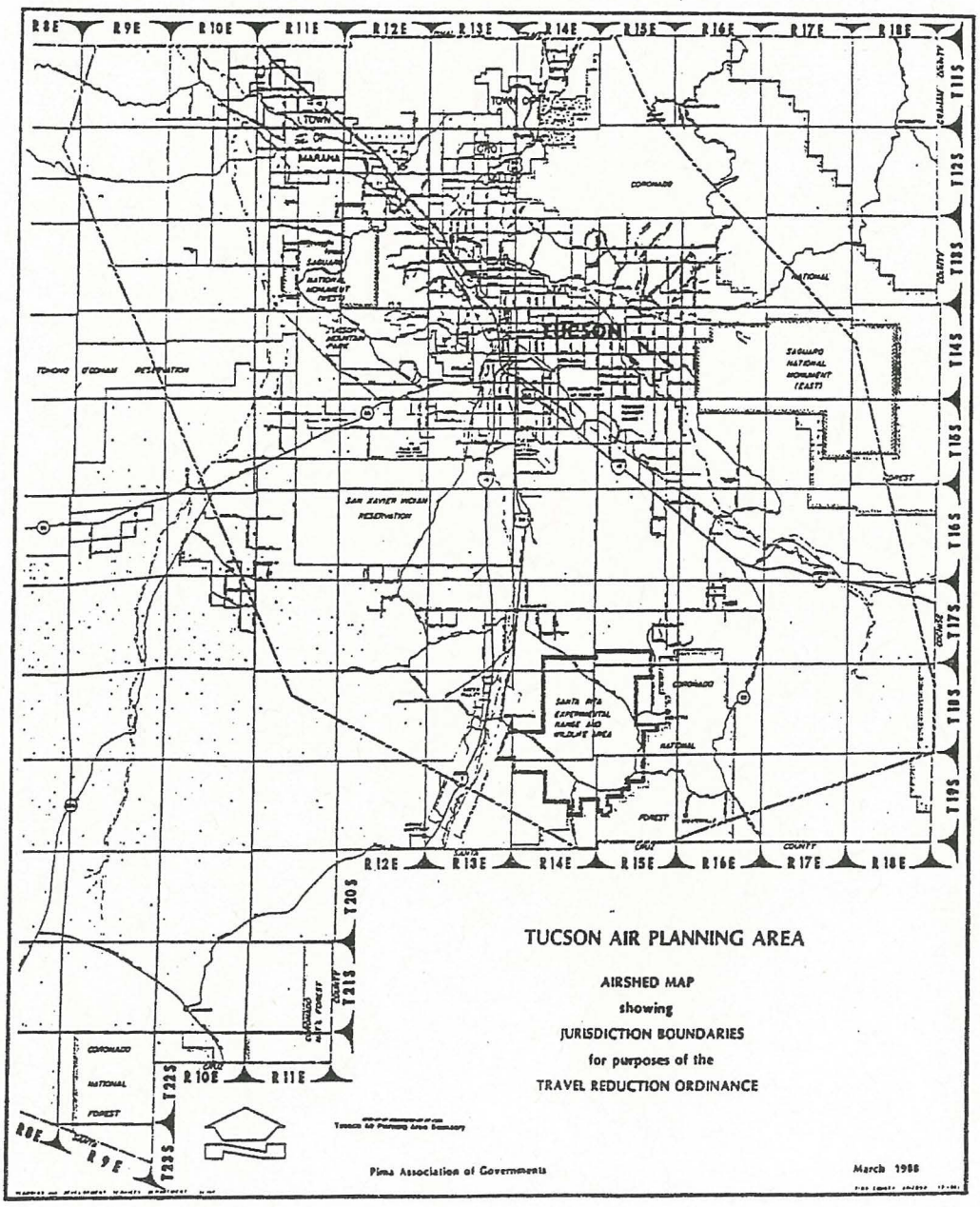


Exhibit A

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