

TRANSPORTATION DEMAND MANAGEMENT PLAN

INTRODUCTION

The transportation network in West Berkeley is and will continue to be challenged by increasing roadway congestion. As very limited opportunities exist to increase traffic capacity in West Berkeley, effective management of travel demand becomes a critically important tool to accommodate future development and economic growth in the area. Travel demand management (TDM) measures typically attempt to induce shifts from single auto occupancy travel to transit, rideshare, bicycle or pedestrian travel. They also can shift travel times to off peak demand periods. Most often these measures focus on journey to work and return trips, and not school, shopping and recreational trips. Typically demand management programs include both “carrot” and “stick” elements. Incentives are much more effective when accompanied by disincentives and, vice versa, disincentives are most effective when viable options to driving single occupancy vehicles are provided. In addition, monitoring and enforcement is often required of mandated demand management measures.

TDM is nothing new to the City of Berkeley. In 2001, the City adopted the Downtown/Southside TDM Study, which outlined a number of TDM strategies to guide the development of Berkeley’s citywide General Plan as well as the UC Berkeley’s Long Range Development Plan. Within the City, a number of programs and policies already exist that support TDM goals. Therefore, this study is not intended to provide a comprehensive summary of what TDM is, but rather to identify strategies appropriate for West Berkeley, suggest implementation steps for successful TDM integration, and incorporate these measures into the WBCMP transportation model.

The following section of the West Berkeley Circulation Master Plan first identifies a number of strategies appropriate for use in West Berkeley. Next, the potential effectiveness of these strategies is assessed based on existing results in Berkeley and similar environments. The final section summarizes the anticipated outcomes from implementation of these strategies in West Berkeley. These outcomes are then tied to the future West Berkeley trip making using the WBCMP travel model and then provide an estimate of how these strategies can support the City’s Climate Action Plan is provided.

THE ROLE OF TDM IN WEST BERKELEY

TDM could be used in West Berkeley to reduce the reliance on personal automobiles by creating competitive options of travel. This shift would not only help reduce roadway congestion, but would also support many of the environmental and sustainability goals of the City. A guiding objective of the City’s Transportation Element reads:

Reduce automobile use and vehicle miles traveled in Berkeley, and the related impacts, by providing and advocating for transportation alternatives and subsidies that facilitate voluntary decisions to drive less.

Reducing vehicle-miles traveled also supports the goals of the City's Climate Action Plan that shows transportation responsible for nearly 50% of all greenhouse gas emissions in the city.

The strategy for TDM in West Berkeley is focused on programs and policies that result in a more efficient utilization of transportation resources. This can also include improvements that physically and actively "manage" the existing traffic demand and those that target reduction in future demand. Three categories of TDM have been identified for West Berkeley:

1. Demand Management (Existing Travel);
2. Programs and Strategies (New and Existing Travel); and
3. Alternative Mode Improvements (identified in the Project Improvements Section).

Demand management focuses on "managing" the existing traffic and reducing regional cut-through traffic. Programs and strategies are focused on new development or existing developments that are interested in reducing auto use to their property. Alternative mode improvements focus partially on capital infrastructure improvements and partially on new development projects. A summary of each is presented below.

DEMAND MANAGEMENT

Demand management strategies help achieve the larger goals of reducing VMT and regional cut through traffic within West Berkeley. These strategies function best when implemented on a larger regional or citywide scale and typically target regional trips rather than local trips.

PROGRAMS AND STRATEGIES

Programs and strategies are intended to reduce auto trips to a particular area or site by encouraging a shift towards alternative modes such as transit, ridesharing, walking, and bicycling. These are typically encouraged by the City during the application and approval stages of a new development but can also be incorporated into existing uses through marketing and incentives. Most require some additional administrative oversight or guidance.

ALTERNATIVE MODE IMPROVEMENTS

Improving non-auto transportation options in West Berkeley is crucial to the overall success of the TDM plan. These include adding service to the transit operations, the completion of the bike network and enhancing the pedestrian environment. These improvements make non-auto trips more feasible and allow them to compete with the automobile. The project improvement list will address many of the necessary

infrastructure needs, but others will need to be addressed at the project level and will require operating and maintenance funding and programmatic support.

MAJOR TDM ACTORS IN WEST BERKELEY

Chapter 8 of the existing conditions report outlines the existing employer programs found in West Berkeley. These programs are administered by the Berkeley Gateway Transportation Management Agency (TMA) which is a non-profit agency responsible for developing transportation alternatives for employees and residents. The TMA’s role has varied since its establishment in the early 1980s but currently functions solely as the operator of the West Berkeley shuttle.

The TMA is a dedicated agency whose primary function is to implement and administer TDM programs. In addition to the TMA there are many other actors that play into TDM. These parties and their roles are shown in Table 1 below.

Table 1: Major TDM Actors in West Berkeley

Agency	Primary Role in TDM
TMA	Work with employers to establish TDM programs. Administer existing programs including the West Berkeley Shuttle
City of Berkeley-Planning (COBP)	Approve development applications from private developers. Ensure efforts are made to encourage non-motorized access to their projects. Encourage appropriate development densities and development near existing transit routes.
City of Berkeley-Transportation (COBOT)	Support infrastructure improvements and programs that encourage transit and non-motorized travel.
Private Developers	Accommodate storage for all modes of travel into new and existing developments and encourage non-motorized travel to their site. Provide on-site amenities to help reduce travel.
West Berkeley Business Owners	Encourage non-motorized travel to their business for both employees and customers. Provide funding for West Berkeley Shuttle.
AC Transit	Provide high quality, high capacity transit service to West Berkeley and work with employers and residents to increase ridership.
Alameda County Congestion Management Agency (ACCMA)	Oversight of regional transportation systems and administrator of guaranteed ride home program in Alameda County.
Bay Area Air Quality Management District (BAAQMD)	Maintains air quality standards in the Bay Area; supports programs to help reduce VMT, provides grant funding.
511 Rideshare (MTC)	Regional rideshare coordinator for Bay Area employers.

TDM MEASURES APPROPRIATE FOR WEST BERKELEY

The project improvement section of the WBCMP identified and prioritized capital projects necessary for accommodating future growth. Those non-auto projects identified in this effort were targeted at creating a more attractive transportation network for residents and visitors of West Berkeley to walk, bike and take transit as a practical means of transportation. TDM measures work in parallel with these capital improvements and their success is often dependent upon having these projects in place.

Similarly to the development of the capital project improvement list, a list of TDM programs was compiled. A summarized version of the list is presented in Table 2. This does not list all possible TDM measures, but does highlight those that are deemed appropriate for consideration within West Berkeley and can be quantified and used within the WBCMP model.

DEMAND MANAGEMENT

The following programs identified on the demand management side look to reduce the existing levels of regional cut-through traffic while preserving local access for Berkeley residents, employees and visitors. These include wayfinding, traffic calming, roadway/congestion charging, and parking pricing.

Wayfinding

Wayfinding devices such as static or dynamic signage can be used to assist pedestrians, cyclists, motorists and heavy vehicles toward the most appropriate and/or direct routes to key destinations within the City. Wayfinding can also be used to direct motorists to available parking or regional transit systems and give pedestrians and cyclists a more defined environment to navigate. All of these treatments help improve use of alternative modes and reduce unnecessary search traffic (and VMT) and keep regional and heavy vehicle trips off residential streets.

Table 2: West Berkeley TDM Measures

	Program Descriptions / Examples	Key Actors
Demand Management		
Wayfinding	Information kiosks, activity-based maps, bike boulevard signage. Static or dynamic signage for motorists indicating appropriate routes to key destinations such as transit station, downtown or parking spaces.	COBOT, COBP
Traffic Calming	Barriers; bulbouts; chicane; traffic circles	COBOT
Roadway/Congestion Charging	Charging of vehicles to use a certain roadway or enter a certain high congestion area	ACCMA, COBOT
Parking Pricing	Off-street parking pricing, on-street parking pricing, unbundling of residential parking	Developers, COBP, COBOT
Programs and Strategies		
Transit Subsidies	"Easy-Pass", employer subsidy, pre-tax benefits, retail transit reimbursement	AC Transit, Developers, Business Owners
Parking Cash-out	Employer payment to employee for not utilizing parking space	Business Owners
TDM Coordinator/Rideshare Assistance	Organized carpooling and vanpooling through organizational assistance, preferential parking on-site for rideshare, and/or subsidies	Developers, Business Owners, TMA
Alternative Mode Improvements		
Car sharing	Mandatory membership to program, On-site pod	Developers, COBOT, COBP
Bicycle Storage Improvements	On-site parking (racks, lockers or interior space), area-wide bike station, conversion of auto parking to bike parking	Developers, Business Owners, COBP, COBOT
Flex Work	Employer permission of flexible work schedules and telecommuting	Business Owners
Shuttle service	Dedicated employee shuttle, residential shuttle service	COBOT, TMA, Developers, Business Owners
Guaranteed Ride Home Program	Employer participation in free program that guarantees employee access to taxi voucher or others (Alameda County GRH)	ACCMA, TMA

Traffic Calming

Traffic calming is used throughout Berkeley and West Berkeley and should be considered for appropriate locations in West Berkeley. Care needs to be taken that any new traffic calming measure does not significantly impact emergency services and transit, bike or pedestrian movements. Truck access to local businesses and industrial properties must also be preserved in any traffic calming scheme.

Roadway/Congestion Pricing

Roadway or congestion pricing is a more extreme measure to reduce auto use in an area, typically used in high density areas of urban setting. Roadway pricing charges motorists directly for using a facility. Pricing can be set based on demand or as a fixed fee like a toll. This treatment is typically not done at the local level and would require regional cooperation from the ACCMA and neighboring jurisdictions. Congestion pricing is typically most appropriate in congested areas like a downtown setting or a regional travel corridor. In 2003 London began charging for all vehicles entering the central district of the city and saw a reduction in vehicle trips of 17%. Funds generated from these programs can then be used to improve other modes of transportation or infrastructure.

Implementing roadway pricing or congestion pricing would be infeasible for a sub-area like West Berkeley. Since these strategies do produce reductions in VMT, West Berkeley should support regional efforts to implement these treatments to achieve a reduction in regional traffic through the study area. This would include pricing along the Interstate 80/580 corridor.

In addition to roadway pricing as a regional demand management tool, "efforts to improve" the freeway operations along Interstate 80/580 will also benefit West Berkeley. Current cut-through traffic along San Pablo, 6th/7th Street and West Frontage are doing so to avoid the congested freeway. As operations become more fluid on this facility, West Berkeley will be less burdened by these cut-through vehicles.

Parking Pricing and Restrictions

Charging or otherwise restricting parking is one of the most effective ways to manage the demand for auto use in a given area. Since West Berkeley currently has a significant amount of free on-street parking, off-street pricing and restrictions will unlikely result in a mode shift, but rather a redistribution of parking to on-street spaces. To make parking pricing and restrictions more effective, a parking management plan or overall parking strategy is recommended which will allow some form of management of the existing on-street supply. On-street and off-street management strategies need to work together to make sure that existing parking resources are utilized efficiently and that the availability of unrestricted parking is not an enticement to auto use. These management strategies can be adjusted to meet the needs of local residents and business owners without impacted economic activity or residential parking.

West Berkeley currently has very limited on-street parking pricing or other restrictions. University Avenue, San Pablo Avenue and areas surrounding 4th Street commercial district do have parking meter enforcement. Meters are under consideration along Gilman (2nd to San Pablo), and a square block around the commercial district at 10th St. and Gilman. Aside from these areas, demand for parking has not yet reached levels that typically exceed supply, creating a lack of need for enforcement. West Berkeley also does not participate in the City's residential permit parking program.

PROGRAMS AND STRATEGIES

The following TDM programs and strategies are geared toward reducing future auto trip making by new development in West Berkeley. Many of these programs and strategies can be used in conjunction with existing development but they are typically more difficult to implement and enforce.

Transit Subsidies

Residential and employment-based transit subsidies are reimbursements of transit fares or provision of transit passes for residents or employees by the property or business owner. This can be achieved by offering tax-free commuter benefits or participating in a deep-discount pass program where the total cost of transit is distributed amongst a large population of users. UC Berkeley, City of Berkeley and AC Transit have the most notable program where all students and staff receive a free pass for a very marginal cost. AC Transit does work with East Bay employers to identify "easy-pass" opportunities and fare structures of those plans. The City of San Francisco recently passed a citywide ordinance that requires local businesses to provide workers with a pre-tax commute benefit option to pay for transit passes and van pool expenses. This ordinance is included in Appendix B.

Retail used could implement a transit validation program that could also be given out to consumers by local retailers who support transit use to their business. This could work similar to a parking validation or simply a reduction off a charge if proof of transit purchase is provided.

Parking Cash-Out

Parking cash-out programs pay employees who choose not to use previously assigned off-street parking. Depending upon the enforcement of on-street supply, this may result in a shift of parking and sustained auto use rather than mode shifts. In a 1997 paper, Donald Shoup evaluated the effects of parking cash-out programs on employee travel behavior at eight different work sites in the Los Angeles area. Employee responses differed by location, but on average single occupancy vehicle trips fell by 12% as a result of the parking cash-out.

TDM Coordination/Rideshare Assistance

Providing a dedicated TDM coordinator or active rideshare assistance allows employers to better identify employee travel needs and tailor programs toward those needs. The coordinator is typically responsible for informing employees of their commute options and arranging rideshare or vanpool programs for employees who reside in similar areas.

511 Rideshare provides a variety of free services and tools to Bay Area businesses including online ridematching, marketing and outreach, employee surveys, vanpool formation and other useful resources for improving TDM in the workplace. In West Berkeley, Bayer currently staffs a dedicated TDM coordinator to assist their employees with rideshare and vanpool formation.

ALTERNATIVE MODE IMPROVEMENTS

Improving the attractiveness of alternative modes of transportation is a key variable in achieving a sizable mode shift away from the automobile. The project improvement list includes many capital improvements that do just that. Please refer to Chapter 3 (Project Improvements) and Appendix K of the study for a list of these transit, bike and pedestrian improvements by mode. In addition to improvements in these modes, other strategies that be can accommodated at the project level include carsharing, bike storage improvements, flexible work schedules, dedicated shuttle services and guaranteed ride home programs.

Carsharing

Carsharing provides convenient auto access to a resident, employee or visitor on a demand response basis. Dedicated carshare parking locations or “pods” are established which is accessed through an automated reservation system. This system provides access to a vehicle for trips requiring an automobile but reduces the bundled costs of private ownership and parking of a dedicated vehicle for every resident or employee.

Recent research by Robert Cervero and Yuhsin Tsai indicates that access to carsharing programs can have a significant impact on travel behavior. Their 2003 study of car-share members in San Francisco found that nearly 30% of individuals participating in a carsharing program had gotten rid of a car during and over 60% had declined to purchase a new vehicle during their first two years of membership. Similarly, the study's comparisons of carshare members with a non-member control group revealed that members made fewer vehicle trips than their non-member counterparts.

Currently, no carshare pods exist in West Berkeley but many exist in other parts of the City and in the surrounding areas of Oakland, Emeryville and Albany.

Bicycle Storage and Amenities

Providing adequate secure parking for bicycles is a transport improvement that increases the attractiveness of using this mode. The highest tier of storage is in the form of a bike station which provides valet parking of bicycles and may include a repair shop or showering facilities. Other secure parking areas include bike cages, electronic lockers, covered or uncovered racks, bike parking “corrals” and other on-street racks.

Many developers and employers in West Berkeley currently provide some form of secured parking for bicyclists. The City provide eight electronic lockers at the Berkeley Amtrak station for train riders to store they bicycles so they don't have to haul them on the train. Public bike parking throughout West Berkeley typically involves simple, traditional racks, which provide little protection from the elements.

Flexwork

Flexwork or flexible work schedules are provided by employers to allow their employees the option to work at home on select days, telecommute to work or adjust work day hours to avoid peak travel periods. Some employers in West Berkeley currently allow this as typical business practice.

Shuttle Service

Dedicated shuttle services target the travel needs of an employment or residential population and typically offer a direct connection to major activity centers or regional transit services. The West Berkeley Shuttle currently operates a shuttle services that connects the Ashby BART station to areas of West Berkeley south of Dwight Way. A supplementary shuttle service is also provided by Bayer which connects their campus to the Berkeley Amtrak Station. These services are funded by a number of partners including the City of Berkeley, local developers and business owners and the BAAQMD.

Popularity of the West Berkeley shuttle has resulted in near capacity conditions on current service. Additional development in the area will likely trigger the need for more service and vehicles. Other areas of West Berkeley including those businesses north of Dwight Way and the 4th Street commercial business district would also benefit from a dedicated service linked to surrounding areas and BART stations (Ashby or North Berkeley). This need is reflected in the high priority WBCMP project improvement T4.

Guaranteed Ride Home

A guaranteed ride home program provides participants with a ride home when unexpected circumstances arise. These circumstances could be due to illness, family crisis, unscheduled overtime or a missed transit or rideshare trip. Alameda County CMA is the sponsor of a guaranteed ride home program for the county. The program is currently free but only eligible to employers with 75 or more employees, which makes qualification difficult for small business in West Berkeley.

PREDICTING TDM EFFECTIVENESS

Estimating the effectiveness of TDM measures is not an easy task. There are many documented accounts of TDM results across the world and even a number from programs in Berkeley. This section has compiled many of these sources to provide a relative measure of effectiveness for most of the identified measures.

Predicting effectiveness has three primary uses for this study. First, it allows some estimate to be formed of how future auto trips resulting from West Berkeley development might possibly be shifted to other modes. Second, it allows project-specific trips to be more accurately identified during the trip generation step of a traffic impact report. Third, it allows the City to assess how other modes of transportation will be impacted based on shifts in behavior from auto trips to transit, bike and pedestrian modes.

Appendix A shows the various sources of information that were used in the WBCMP model to estimate the effectiveness of each individual TDM measure. This analysis of future TDM strategies adopts the same general definition of TDM as programs or policies that act directly on the transportation choices, and particularly on the mode choices, of individuals. Because it seeks to project the direct impacts of these programs, however, it also adopts a more functional, “outcome oriented” definition of what constitutes a TDM program. To that end, this analysis largely focuses on programs that meet the following three criteria:

- (1) The primary objective of the program is to *directly* impact the mode choices of West Berkeley residents, employees and visitors;
- (2) The program could be directly implemented, funded and administered largely with the resources and actors in West Berkeley; and
- (3) The program could be incorporated at the project level to assess travel behavior shifts of future development projects.

Limiting the measures to these criteria creates a set of programs and strategies that can be integrated to future development efforts and consistently quantified during the traffic impact analysis stages of the project. These effectiveness ranges are incorporated into the WBCMP model to ensure consistency in future development efforts.

Table 3 below shows the quantifiable measures and the estimated effectiveness on reducing VMT in West Berkeley. Reductions in VMT differ between the programs. Some target reducing single occupant trips, some target increases in a non-motorized mode or transit use while others reduce trip making all together.

The ranges shown in the table show a wide variation. These variations are due to a number of factors including the *intensity* of the individual program and the *background conditions* of the area. For example, on-site bike improvement *intensity* could vary from on-site parking, secured on-site parking or on-site parking with showering facilities. The intensity at which these programs are implemented is one factor that impacts the overall success rate of the program.

Table 3: West Berkeley TDM Measures and Effectiveness Ranges

Area Wide Programs	Potential Program Audience	Impact Type and Range	Range Source (see Appendix A)
Area-wide (Easy) Pass	All resident and employee trips	up to 50% increase in transit trips	m
Other Area-wide transit fare subsidies	All resident and employee trips	up to 30% increase in transit trips	m, b
Area-wide car sharing memberships and availability	All resident and employee trips	up to 2% SOV trip reduction	c
Project Based Programs			
Residential Projects			
On site bike improvements	resident trips from residential projects	up to 5% increase in bike trips	m
On-site car sharing and membership	resident trips from residential projects	up to 2% SOV travel reduction	c
Un-bundled parking costs	resident trips from residential projects	5 - 40% SOV travel reduction	k
Project or multi-site shuttle	resident trips from residential projects	3 - 7% increase in transit trips	i
Non-residential projects			
Commuter transit subsidy	All employee trips	Up to 60% transit increase	j
Parking pricing	All employee trips	5 - 40% SOV trip reduction	k, j
Flex work	All employee trips	up to 4% overall trip reduction	c, d
On site bike improvements	All employee trips	up to 10% increase in bike trips	m
Guaranteed Ride Home Program	All employee trips	up to 1% reduction in SOV trips	j
On-site Car sharing and membership	All employee trips	up to 2% SOV trip reduction	c
Rideshare / van pool assistance	All employee trips	up to 60% rideshare increase	j
Project or multi site shuttle	All employee trips	20 to 40% increase in transit trips	i
Parking cashout	All employee trips	up to 12% SOV trip reduction	n

Another factor that impacts the success rate of the individual TDM measure is referred to in this report as the “background conditions”. Table 4 shows the three background conditions that were included in the TDM assessment and a short description of each.

Table 4: TDM Background Conditions

Improvement	Description
Parking Management	The level of on-street parking management (including pricing and other time/type restrictions) contributes significantly to the effectiveness of TDM programs intended to shift travel behavior away from single occupancy vehicles and towards other modes
Bicycle Facilities	Improved bicycle facilities include the expansion of class I, II, and III bicycle facilities throughout West Berkeley as well as greater provision of public bike parking.
Transit Service	Improved transit service within West Berkeley is assumed to primarily include improvements to AC Transit’s bus service or areawide shuttle* service and includes additional route miles, and increased service span and frequency.

** areawide shuttle programs included in the background conditions would include any new services in West Berkeley that are available to the general public and do not target specific employers or residential developments. Employee shuttle programs are accounted for in the TDM Alternative Mode Improvements area.*

These background conditions are largely controlled by either the City of Berkeley (Parking Management and Bicycle Facilities) or AC Transit (Transit Service) and individual developers have little influence over these factors.

Various intensities of each of the background conditions impacted different projects in different ways. For example, implementing on-street parking management caused parking pricing to be much more effective but had a lesser impact on bike storage adjustment. Similarly, increases in transit service would have stronger impacts on eco-pass programs than parking cashout.

ESTIMATED TDM OUTCOMES

The “WBCMP transportation modeling tool” allows future trip making to be quantified based on anticipated development and existing mode splits for various land use types within West Berkeley. Using the identified year 2030 land use inputs (outlined in Appendix E), West Berkeley is anticipated to gain an additional 3,150 AM peak hour, 3,650 PM peak hour and 2,050 weekend peak hour person trips from new or modified development in West Berkeley. This equates to an estimated 2,150 AM weekday peak hour, 2,400 PM weekday peak hour and 1,450 weekend peak hour auto trips. Based on the existing number of automobiles currently on the West Berkeley network, this equates to an 18% increase in the AM and PM weekday peak hours and a 12% increase in weekend peak hour.

These increases add to a transportation network that is limited in available capacity. The goal of the TDM measures is to allow these future new person trips to be generated, but shift the mode split of those trips to non-auto modes. This shift will help achieve a more balanced circulation network and reduce new VMT and congestion.

To demonstrate the use of the tool, a low and high intensity TDM example was tested with and without changes to the background conditions. The first example (“Example 1”) presents a modest set of programs with a relatively conservative participation rate. The second example (“Example 2”) presents a wider ranging bundle of TDM improvements with more aggressive participation rates. These TDM improvements were assumed to be applied to occur prior to a 2030 timeframe. Program details and results are show below in Table 5.

Table 5: West Berkeley TDM Package Descriptions

	Low Intensity TDM	High Intensity TDM
Area based programs	<ul style="list-style-type: none"> ▫ AC Transit passes provided at a 50% discount to 10% of West Berkeley residents 	<ul style="list-style-type: none"> ▫ AC Transit “easy-passes” provided at a 100% discount to 50% of West Berkeley residents and/or employees ▫ Carsharing and memberships made accessible to 50% of West Berkeley residents and/or employees
Residential Project Programs	<ul style="list-style-type: none"> ▫ On site carsharing and memberships provided for projects equivalent to 25% of new residential units ▫ Unbundled parking provided at a nominal fee for projects equivalent to 25% of new residential units 	<ul style="list-style-type: none"> ▫ Unbundled parking provided at a market fee for projects equivalent to 50% of new residential units ▫ Secure bike parking provided at 100% of new residential units
Non-Residential (employer) Project Programs	<ul style="list-style-type: none"> ▫ Commuter transit subsidy provided at a 50% discount to 50% of new project employees ▫ Bike parking / lockers / and showers provided to 50% of new project employees ▫ Flex work schedules allowed for 25% of new project employees ▫ Guaranteed ride home program provided for 50% of new project employees ▫ Nominal parking pricing implemented for 25% of new project employees 	<ul style="list-style-type: none"> ▫ Bike parking / lockers / and showers provided to 50% of new project employees ▫ Flex work schedules allowed for 25% of new project employees ▫ Guaranteed ride home program provided for 75% of new project employees ▫ Market parking pricing implemented for 50% of new project employees ▫ Rideshare / Vanpool assistance provided at 50% of cost for 50% of new project employees

Table 6 shows the assumptions in the background conditions applied to the TDM measures. Existing conditions reflect the 2008 environment in West Berkeley and the improved conditions include additional transit service, comprehensive on-street parking management and a modest expansion of the bike network.

Table 6: West Berkeley Background Factors Included in TDM Packages

	Existing Background Conditions	Improved Background Conditions
Transit Service	<ul style="list-style-type: none"> Existing 2008 AC Transit service 	<ul style="list-style-type: none"> AC Transit service improvements or areawide public shuttle programs which add a 15% increase in service route mileage, 25% increase in service frequency
Parking Management	<ul style="list-style-type: none"> Existing 2008 on street parking management (no residential parking permit system) which includes metered parking in commercial corridors along University, San Pablo and 4th Street District 	<ul style="list-style-type: none"> Residential parking permit system plus expanded metering and time limits in commercial and industrial areas
Bike Network	<ul style="list-style-type: none"> Existing 2008 bike network 	<ul style="list-style-type: none"> Expansion of the 2008 bike network

Using the TDM component of the WBCMP transportation model, estimates were generated for total person trips and then allocated based on anticipated mode splits. Table 7 shows person trips generated from new development (2007-2030) for both packages, with variations in the background conditions. The baseline condition is also shown as a reference point for the change in auto trips.

Table 7: TDM Outcomes (Auto Trips)

Package #	TDM Intensity	Background Condition	Total Auto Trips (2007-2030)	Change from Baseline (Auto Trips)	
				Total	%
	Existing	Existing	2,418		
Example 1	Low	Existing	2,372	-45	-1.9%
	Low	Improved	2,042	-376	-15.6%
Example 2	High	Existing	2,255	-163	-6.7%
	High	Improved	1,803	-615	-25.4%

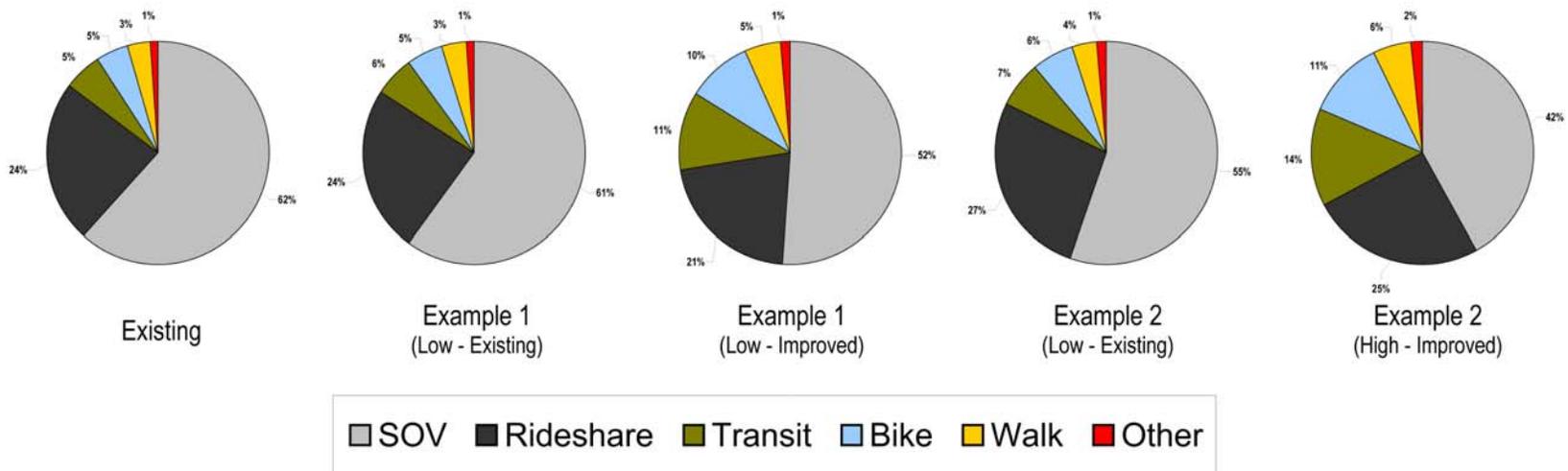
As the above tables indicate, TDM programs, given the right background conditions, could reduce auto traffic generated by new development by more than 25% in West Berkeley. Achieving such reductions will, however, require the widespread adoption of a broad range of TDM programs. The model also suggests that background transportation conditions, especially management of on-street parking, will be critical to

ensuring that TDM programs reach their full potential. This result is not surprising given that many TDM programs attempt to “pull” people away from driving. Such programs, including employer parking pricing or the unbundling of parking from the cost of residential units, will be limited in their effectiveness if unrestricted on-street parking is available.

While these two packages display the range of auto trip reductions, the number of person trips from new development is expected to remain relatively constant. Table 8 shows how these person trips would be redistributed between the various modes in the network. Transit and bike show the highest increases in use, followed by walk and other. Increases in the “other” category were trips generated from flex work trips that resulted in a work-from-home trip.

Table 8: TDM Example Outcomes (All Modes and Splits)

Package #	TDM Intensity	Background Condition	SOV		Rideshare		Transit		Bike		Walk		Other	
			Person Trips	% Change										
	Existing	Existing	2,065		794		179		166		111		34	
Package 1	Low	Existing	2,012	-3%	811	2%	192	8%	179	8%	114	3%	41	19%
	Low	Improved	1,723	-17%	718	-10%	378	111%	325	96%	174	56%	47	37%
Package 2	High	Existing	1,855	-10%	898	13%	226	27%	207	25%	121	9%	42	25%
	High	Improved	1,422	-31%	857	8%	476	167%	384	132%	195	76%	54	58%



IMPLEMENTATION CONSIDERATIONS

Effective implementation of TDM programs in West Berkeley will be critical to achieving the greatest possible reduction in auto traffic. Implementation needs will vary depending on the specific program and its intended audience, but there are several considerations that are important for any TDM program. Program context, funding, reach, and monitoring, are all key elements in implementing an effective TDM plan for West Berkeley.

PROGRAM CONTEXT

As suggested above, the effectiveness of many TDM programs is in part determined by the background transportation environment in which they operate. This is especially true with respect to the status of on street parking and programs intended to “push” people away from single occupancy vehicle use. Currently, on-street parking in West Berkeley is largely unrestricted. While there is pricing in a few areas, virtually any point within the study area is within walking distance of unrestricted on-street parking. Given this scenario, TDM measures intended to divert residents or employees away from driving are likely to have minimal impacts and may actually aggravate on-street parking problems as people attempt to park on street. Thus, the City of Berkeley may wish to consider phasing in greater control and management of on street parking using pricing, time limits, and permit programs as the West Berkeley TDM program evolves.

PROGRAM REACH

As the model suggests, the impact of any TDM program on travel behavior in West Berkeley is only partly determined by the programs intensity or effectiveness. The audience and reach of the TDM program will also play a key role in determining the overall impact on mode share. A program that promotes a 50% reduction in auto use is of limited value if it is only impacts a handful of people. Similarly, a program that creates only slight changes in travel behavior could be extremely effective if it were adopted by every employer in West Berkeley. Thus, TDM programs should be selected and implemented in a way that makes them accessible to the widest range of projects and individuals possible.

In order to expand program reach, the City of Berkeley should focus on encouraging TDM programs that are easily scalable and can be adapted to many project and employer types. A program to buy and distribute discounted AC Transit transit passes would be potentially useful to most residents and employees within West Berkeley and could easily be expanded to accommodate new program entrants.

Program reach can also be expanded by administering TDM programs through the West Berkeley Gateway TMA or another, centralized entity whenever possible. Active marketing of alternative travel options to employees and residents is also effective way of extending the reach of TDM programs.

PROGRAM INTEGRATION

How the demand management measures are applied is as important as the measures themselves. They can be provided in a cafeteria style where developers pick their TDM measures. At the other end of the spectrum, the City could require that all developers implement the same set of demand management measures. The TDM measures could be voluntary or required by the City. It should be noted that TDM requirements should not be too onerous, as new housing and employment in West Berkeley is a far better regional sustainable development option, than locating these new developments in the outer suburbs. Most new residents and employers wishing to locate in West Berkeley, however, are “self selecting” based on livability and other factors, and therefore more willing than outer suburbs to accept travel demand management measures. Balancing the need for mobility with livability objectives is a delicate endeavor.

The construction of a successful TDM plan for West Berkeley requires informed discussion with the community to tailor the plan to local values. It also must include a parking element. Parking is critical because the automobile is such a convenient travel mode that efforts to shift commuters to other modes will fail unless parking disincentives are included. Auto use is currently subsidized in West Berkeley, since virtually all parking is provided free to the user even though its maintenance are very costly.

With this background, the TDM plan that is described in this section should be considered a draft starting point for community discussion and not a final plan. It is recommended that the City focus on the following goals to help reduce VMT in West Berkeley:

1. A target reduction in peak hour traffic generation of 25% above baseline forecasts associated with new developments;
2. A target reduction of 15% of peak hour trip generation rates for current employment and residential trip generation;

To achieve these goals, this plan recommends seven “next steps” which include:

1. Support the expansion of the TMA;
2. Development of a parking plan that makes transit costs lower than single occupancy vehicle parking costs;
3. Support increases in transit service;
4. Support increases in public bike parking;
5. Implement a transportation impact fee program for new development which includes a consistent per trip fee by mode and parking adjustment fees or define a common set of TDM measures to be used for all new development in West Berkeley;
 - o Within this set, mandate select TDM measures in all new development;

-
- Within this set, define optional TDM measures that afford developers additional incentives to add smart growth elements to their projects;
6. Require existing development to adopt certain TDM measures; and
 7. Integrate West Berkeley into a larger citywide wayfinding plan
1. **Support the Expansion of the TMA.** As noted earlier in the report, the TMA currently functions as the primary operator of the West Berkeley Shuttle and has no activity outside of that role. Additional staffing and funding toward this agency would allow it to take on some of the administrative duties in TDM expansion. Having a TMA or other centralized authority handle administration and oversight of TDM programs in West Berkeley allows smaller employers and projects to more easily participate in the full range of TDM programs while avoiding administrative overhead. It also provides a mechanism for “bundling” smaller employers together for purposes of program funding and qualification. In order to qualify for the Alameda County Guaranteed Ride Home Program, for example, employers must have at least 75 employees. Bundling employees through the TMA or other umbrella groups such as a business association might provide a mechanism to meet this requirement. Instead of requiring employers or projects to undertake the administration of TDM programs on their own, allow projects to pay into the TMA to support and expand existing programs. While such centralized programs may be less tailored to employee or resident needs, they will be accessible to a much wider audience. Should they so prefer, large West Berkeley employers such as Bayer, should be allowed to continue administering their own TDM programs as long as they are commensurate with programs run by the TMA.
 2. **Development of a Parking Strategy that Makes Transit User Costs Lower than Single Occupancy Vehicle Parking Costs.** Parking is perhaps the most critical “background condition” within the TDM modeling that significantly increases the effectiveness of many individual TDM measures. It is recommended that the City take on a proactive monitoring effort to target areas where parking management is necessary and work with local residents, business owners and stakeholders to identify strategies that make the cost of driving and/or parking more expensive than the transit alternative. Different strategies should be developed for the different user groups and types of new development in the area. For residents, this plan should consider a residential parking permit (RPP) zone to preserve existing parking for West Berkeley residents and enforced meters or time-restrictions to manage auto trips made by employees or visitors. While on-street pricing may be used to effectively discourage employee travel to West Berkeley, its implementation should balance the needs of all users in West Berkeley to ensure retail uses are not negatively impacted.

Using the TDM model, it is estimated that implementing a comprehensive parking management plan with a minimal level of pricing will alone decrease auto trips generated from new development by 10%.

This reduction is independent of any other TDM or “background condition” improvement. This 10% reduction in single auto trips is balanced with an increase in transit, bike and walk trips.

- 3. Support Increases in Transit Service.** Transit service was another “background condition” modeled that lead to increased efficiencies in individual TDM programs. Aside from the employee-focused West Berkeley Shuttle and Capitol Corridor commuter rail service, AC Transit provides all existing transit service in West Berkeley. The City should continue to work with AC Transit to increase frequency, span of service and route miles within West Berkeley. Alternatively, the City could study the option of providing a complementary shuttle service similar to the Emery-Go-Round system in Emeryville. This system would give the City more direct control of operations and make service expansion targeted specifically at Berkeley residents and employees more feasible.

Using the TDM model, it is estimated that increasing transit service will decrease auto trips by 2.2%. This reduction is independent of any other TDM or “background condition” improvements. This 2.2% reduction in single auto trips is balanced with an increase in transit trips.

- 4. Support Increases in Public Bike Parking.** Public bike parking facilities often compete for sidewalk space with other pedestrian amenities. Wherever possible, pedestrian or bus bulbouts should be encouraged to not only achieve the operational benefits for the transit vehicle or pedestrian, but also increase the sidewalk capacity for bike parking facilities. The WBCMP project improvement list includes mention of a “bike oasis” facility which could be included as part of any new bus or pedestrian bulbout project where additional sidewalk space is added. Oases could contain shelter for bike rack storage and also provide bike specific wayfinding signage such as the citywide bike map.

Bulbouts provide good opportunities for incorporating bike parking without significantly impacting the sidewalk network. However, these treatments can be quite costly and should not be the only implementation tool for adding public bike parking. High activity areas should be surveyed in West Berkeley to determine opportunity sites for new bike racks. These sites could either be along uncongested sidewalks or within the roadway. An on-street bike parking program should be explored by the City which would either convert an auto parking space to bike parking or identifying “infill” locations where a full vehicle may not be able to fully park. Converting one auto parking spaces to a bike parking area would allow a bike corral to be installed, capable of holding 12 bike parking spaces. The City of Portland, OR currently has a very similar program in place.

Currently, Berkeley requires one bike parking space to be provided per 2,000 square feet of new development in nearly all commercial areas and does not have requirements for residential development. The City should consider adding requirements for residential projects and increasing the requirements for commercial development in West Berkeley to increase bike parking.

5. **Implement a transportation impact fee program for new development which includes a consistent per trip fee by mode and parking adjustment fees.** To encourage reductions in future trip by SOV, the City should create a transportation impact fee structure that assesses development charges based on a per-trip fee and prices each of the various trip making modes differently. The person trip mode split data would be obtained from the WBCMP model. A nexus study would be needed to accurately price the per-trip fee of each mode but the City should price transit and non-motorized modes less than auto modes to incentivize developers to encourage non-auto uses to their property.

Parking adjustments and waivers should also be considered as part of any new impact fee program or zoning code adjustment.

A parking management study should be conducted in West Berkeley to identify appropriate areas where off-street parking could be shared between developments and an in-lieu fee structure could be used to construct and maintain these facilities

The WBCMP model estimates trip making reductions and mode split changes for new development based on the project's location and the individual TDM measures associated with that project. This information could be applied to the existing parking requirements to more accurately assess the true need for parking and what type of reductions may be appropriate for that development. The City could use this information to negotiate fair parking waivers in exchange for fees or other incentives such as density bonuses.

The transportation impact fee would act as a primary funding source for capital, operating and maintenance costs of many of the TDM programs and project improvements. The Financial section of the report provides more detail on the structure of similar programs and how each are implemented.

If such an impact fee structure is *not* in place, the city should consider an approach which requires new development to include some TDM measures and allows other measures to be selected in exchange for parking waivers, development bonuses, etc. The recommended required measures include:

- Secure bike parking (residential and non-residential developments)
- Unbundled parking costs (residential development)
- Parking cashout programs (non-residential development) and/or parking fees
- Rideshare/van pool assistance (non-residential development) – likely through TMA
- Mandatory commuter transit subsidy (non-residential)

Based on the researched effectiveness of the above measures new residential development without any changes to the “background conditions” could achieve a 1.9% reduction in SOV use and up to a 10.4% reduction in SOV for new non-residential use. If a parking management plan is in place and

improvements are made to the existing transit and bike networks, new residential SOV use could be reduced by 19.4% and new non-residential use by 30.6%. Table 9 shows these estimated with variations in the “background conditions.”

Table 9: Single Auto Reductions on New Development from Mandatory Programs

	Background Condition		
Parking Management	Baseline	Management Plan	Management Plan
Transit Service	Baseline	Minimum Improvements	Maximum Improvements
Bike Network	Baseline	Minimum Improvements	Maximum Improvements
Residential TDM	0.9-1.9%	14.7-17.7%	16.3%-19.4%
Non-Residential TDM	2.4-10.4%	14.9-28.1%	16.8-30.6%

In addition to requiring certain TDM measures, developers would be able to choose from other measures to reduce their anticipated mode share of SOV use and qualify for exceptions. These measures should include:

- On-site car sharing and membership (residential and non-residential)
 - Employee shuttle service from major regional transit hubs and activity centers in Berkeley (residential and non-residential)
 - Parking pricing (residential and non-residential)
 - Flex work (non-residential)
 - Guaranteed ride home participation (non-residential)
6. **Require existing development to adopt certain TDM measures.** Existing development is more difficult to influence in terms of travel behavior due to the established nature of the project and trip making of employees or residents. The City should however, encourage existing development to participate in the same TDM programs outlined above for new development. The level of participation in these programs will largely depend on the City’s ability to require their implementation. One example of a retroactive requirement for TDM is in the City of San Francisco where they recently mandated that all employers provide workers a pre-tax commute benefit option to pay for transit passes and van pool expenses. This was achieved through a citywide ordinance.
 7. **Integrate West Berkeley into a larger citywide wayfinding plan.** Demand management is viewed as something that should be done at the city or regional level and is outside the limits of solely West Berkeley. An overall activity-based or parking- based wayfinding plan that is developed for the City should include West Berkeley. Specifically within West Berkeley, auto wayfinding devices should target Berkeley traffic coming from the freeway and heavy vehicles and assist in navigating them to their final destination. Key destinations in West Berkeley that may attract regional auto traffic include the 4th Street shopping district and Amtrak Station. Key destinations within the City that should be included

include North Berkeley BART, Downtown Berkeley, UC Berkeley and future ferry terminal. Any new parking structures developed within West Berkeley should also be included in the overall parking wayfinding system. In addition, heavy vehicle and truck traffic should have a uniform system of signage that directs them to designated truck routes.

Pedestrian and bicycle wayfinding should also be encouraged near major activity centers and bike facilities. Walk and bike Berkeley maps as well as AC Transit system maps displayed in private and public facilities in West Berkeley will encourage walking, cycling and transit use and educate those unfamiliar to the area how to efficiently get around.

CONCLUSION

An effective TDM program requires participation and cooperation of a number of different actors. The City's ability to improve the "background conditions" in West Berkeley has the most pronounced impact on trip making in the area. Implementing a parking management plan will lead to many direct and indirect reductions in SOV use and help the success of many other TDM programs. Completion of a nexus study and the development of a transportation impact fee program will also facilitate many of the goals of the TDM plan and encourage new development to reduce SOV access to their property. Ultimately, reducing VMT will help support the City's General Plan and Climate Action Plan's goals of reducing VMT and improve alternative modes of travel.

APPENDIX A: DATA SOURCES

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APPENDIX B: SAN FRANCISCO COMMUTER BENEFITS ORDINANCE

FILE NO. 080830

ORDINANCE NO. 199-08

1 [Pre-Tax Commuter Benefits for Qualifying Transit.]

2
3 **Ordinance amending the San Francisco Environment Code by adding a new Section**
4 **421 to require San Francisco employers to offer commuter benefits to encourage**
5 **employees to use public transit or van pools; to authorize the Department of the**
6 **Environment to implement an Emergency Ride Home program; and making**
7 **environmental findings.**

8 Note: Additions are single-underline italics Times New Roman;
9 deletions are ~~strikethrough-italics Times New Roman~~.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough-normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings. The Board of Supervisors hereby finds and declares:

14 (a) San Francisco is committed to protecting the public health, safety, welfare and
15 environment. Air pollution is one of the major public health threats in San Francisco and
16 contributes to asthma and other respiratory diseases. Encouraging commuters to use public
17 transit and vanpools to reach their place of employment will reduce air pollution from private
18 cars.

19 (b) In 1971, San Francisco adopted a Transit First policy to guide its land use
20 decisions. Encouraging more commuters to use public transit furthers the City's goals to
21 maximize the public's use of public transit.

22 (c) Existing Federal Tax law, 26 U.S.C. § 132(f) [Internal Revenue Code], allows
23 employers and employees to reduce the cost of public transit by enabling employers to deduct
24 as a business expense, qualified transportation benefits that the employer provides for
25 employees' *personal* transportation costs for commuting to and from work, or by allowing

1 employees to elect to purchase qualifying transit passes or reimbursement for vanpool rides
2 with pre-tax dollars.

3 (d) The City and County of San Francisco currently offers its 30,000 City employees
4 the opportunity to elect to use pre-tax dollars to purchase qualifying transit passes and van
5 pool transit through an Internal Revenue Code section 132(f) qualified Transit Benefit
6 Program.

7 (e) The Department of the Environment currently administers a grant-based
8 Emergency Ride Home Program, funded by grants from the Bay Area Air Quality
9 Management District's Transportation Fund for Clean Air and the San Francisco
10 Transportation Authority, that removes a major barrier to using public transit or van pools by
11 reimbursing transit and vanpool users for taxi fares, car rental or similar expenses they incur
12 to return home for a family emergency, or other urgent, unanticipated situation.

13 (f) The San Francisco Department of the Environment can assist employers in
14 offering commuter benefits through its commuter benefits hotline, fact sheets, and other
15 technical assistance.

16 (g) Commuter benefits programs will help the City achieve its goal to reduce CO2
17 emissions within the City and County of San Francisco to 20% below 1990 levels by the year
18 2012.

19 Section 2. The San Francisco Environment Code is hereby amended by adding a new
20 Section 421, to read as follows:

21 **SEC. 421. COMMUTER BENEFITS PROGRAM.**

22 **(a) Definitions.**

23 Whenever used in this Section, the following terms shall have the meanings set forth below.

1 (1) "Alternative Commute Mode" shall mean public transit (bus, train, ferry, etc.), vanpool,
2 carpool (including "casual carpool"), bicycling, and walking.

3 (2) "City" shall mean the City and County of San Francisco.

4 (3) "Covered Employee" shall mean any person who:

5 (A) Performed an average of at least eight (8) ~~ten~~ (10) hours of work per week
6 for compensation within the geographic boundaries of San Francisco for his or her the same
7 employer within the previous calendar month; and

8 (B) Qualifies as an employee entitled to payment of a minimum wage from the
9 employer under the California minimum wage law, as provided under Section 1197 of the California
10 Labor Code and wage orders published by the California Industrial Welfare Commission, or is a
11 participant in a Welfare-to-Work Program.

12 (4) "Covered Employer" shall mean an employer for which an average of twenty (20) or
13 more persons per week perform work for compensation. In determining the number of persons
14 performing work for an ~~employee~~ employer during a given week, all persons performing work for
15 compensation on a full-time, part-time or temporary basis, including those who perform work outside
16 of the geographic boundaries of San Francisco, shall be counted, including persons made available to
17 work through the services of a temporary services or staffing agency or similar entity.

18 (5) "Employer" shall mean any person, as defined in Section 18 of the California Labor
19 Code, including corporate officers or executives, who directly or indirectly, or through an agent or any
20 other person, ~~including except~~ through the services of a temporary services or staffing agency or
21 similar entity, employs or exercises control over the wages, hours or working conditions of an
22 employee. "Employer" shall not include any governmental entity.

23 (6) "Transit Pass" shall mean any pass, token, fare card, voucher or similar item entitling a
24 person to transportation on public transit within the meaning of 26 U.S.C. § 132(f)(5)(A), as the
25

1 Federal law may be amended from time to time, including but not limited to, travel by ferry, bus,
2 trolley, streetcar, light rail or train by MUNI, BART, AMTRAK, CALTRAIN, SAMTRANS or GOLDEN
3 GATE TRANSIT.

4 (7) "Transportation Benefit Program" shall mean the program set forth in Sections 410(b)-
5 410(d) of this Ordinance.

6 (8) "Vanpool" shall mean a 'commuter highway vehicle' within the meaning of 26 U.S.C. §
7 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway
8 vehicle:

9 (A) the seating capacity of which is at least 6 adults (not including the driver), and

10 (B) at least 80% of the mileage use of which can reasonably be expected to be (i) for
11 the purpose of transporting employees in connection with travel between their residences and their
12 place of employment; and (ii) on trips during which the number of employees transported for such
13 purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

14 **(b) Transportation Benefits Program.**

15 No later than 120 days after the effective date of this Ordinance, all Covered Employers shall
16 provide at least one of the following transportation benefit programs to Covered Employees:

17 (1) A Pre-Tax Election: A program, consistent with 26 U.S.C. § 132(f), allowing
18 employees to elect to exclude from taxable wages and compensation, employee commuting costs
19 incurred for transit passes or vanpool charges (but not for parking), up to maximum level allowed by
20 federal tax law, 26 U.S.C. 132 (f)(2), which presently is one hundred and ten dollars per month (\$110);

21 (2) Employer Paid Benefit: A program whereby the employer supplies a transit pass
22 for the public transit system requested by each Covered Employee or reimbursement for equivalent
23 vanpool charges at least equal in value to the purchase price of a monthly MUNI Fast Pass the

1 appropriate benefit, which shall not exceed the cost of an adult San Francisco MUNI Fast
2 Pass, which presently is \$45; or

3 (3) Employer Provided Transit: Transportation furnished by the employer at no cost
4 to the covered employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the
5 employer.

6 (c) Administration and Enforcement.

7 (1) The Director of the Department of the Environment, in consultation with the San
8 Francisco Office of Labor Standards Enforcement shall promulgate rules and regulations to implement
9 the Transportation Benefits Program. Such rules and regulations shall, to the extent consistent with
10 this Ordinance, conform to IRS regulations under 26 U.S.C. § 132(f). and rules for the City's Paid Sick
11 Leave Ordinance, Administrative Code Section 12W and Health Care Security Ordinance,
12 Administrative Code Chapter 14.

13 (2) The Department of the Environment shall maintain an education and advice
14 program to assist employers with meeting the requirements of the Transit Benefit Program.

15 (3) Any Covered Employer who fails to offer at least one transportation benefit
16 programs to Covered Employees as required by Section 421(b) shall be guilty of an infraction. If
17 charged as an infraction, upon conviction thereof, said person shall be punished by (A) a fine not
18 exceeding \$100.00 for a first violation, (B) a fine not exceeding \$200.00 for a second violation within
19 the same year, and (C) a fine not exceeding \$500.00 for each additional violation within the same year.

20 (4) The Director of the Department of the Environment, or his or her designee, may
21 issue administrative citations to any Covered Employer who fails to provide at least one transportation
22 benefit programs to Covered Employees as required by Section 421(b). San Francisco Administrative
23 Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby
24 incorporated in its entirety and shall govern the amount of fees and the procedure for imposition,
25

1 enforcement, collection, and administrative review of administrative citations issued to enforce this
2 Section 184.77.

3 (5) The City may not recover both administrative and civil penalties for the same
4 violation. Penalties collected under this Chapter, which may include recovery of enforcement costs,
5 shall be used to fund implementation and enforcement of the Transportation Benefits Program.

6 (d) Emergency Ride Home Program.

7 The Department of the Environment is hereby authorized to establish an Emergency Ride Home
8 Program and, to the extent funding is available from the Bay Area Air Quality Management District's
9 Transportation Fund for Clean Air, the San Francisco Transportation Authority, or other sources, to
10 reimburse persons who commute to worksites in San Francisco using an alternative commute mode, for
11 transportation costs to return home, or to a transit spot or remotely parked car, where such costs
12 resulting from an illness or emergency of the commuter or immediate family, or other verifiable,
13 unexpected events out of the commuter's control. The Department of the Environment shall adopt rules
14 and regulations to implement this program.

15 Section 3. Miscellaneous

16 (a) Severability. If any section, subsection, sentence, clause, or phrase of this
17 Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of
18 competent jurisdiction, such decision shall not affect the validity of the remaining portions of
19 the Ordinance. The Board of Supervisors hereby declares that it would have passed this
20 Ordinance and each and every section, subsection, sentence, clause, or phrase not declared
21 invalid or unconstitutional without regard to whether any portion of this Ordinance would be
22 subsequently declared invalid or unconstitutional.

1 (b) No Conflict With Federal Or State Law. Nothing in this Ordinance shall be
2 interpreted or applied so as to create any requirement, power or duty in conflict with any
3 federal or state law.

4 (c) Undertaking for the General Welfare. In undertaking the implementation of this
5 Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
6 assuming, nor is it imposing on its officer and employees, an obligation for breach of which it
7 is liable in money damages to any person who claims that such breach proximately caused
8 injury.

9 Section 4. Environmental Findings.

10 The Planning Department has determined that the actions contemplated in this
11 Ordinance are in compliance with the California Environmental Quality Act (California Public
12 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
13 Board of Supervisors in File No. 080830 and is incorporated herein by reference.

14
15 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

16 By: 
17 CATHARINE S. BARNES
18 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 080830

Date Passed:

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

August 5, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

August 12, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080830

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on August 12, 2008
by the Board of Supervisors of the City and
County of San Francisco.

8-22-08

Date Approved

Kay Gulbenkian

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom