



## **Durham County Commute Trip Reduction Ordinance**

### **Code of Ordinances: Chapter 24 – Article V**

WHEREAS traffic congestion in Durham County has created, and will continue to create, highways that are overcrowded and present a danger to the health, safety, and welfare of citizens; and

WHEREAS major employers, defined as those with 100 or greater employees located in Durham County, represent significant proportion of all Durham County employees and therefore contribute significantly to vehicle miles traveled (VMT) and emissions within Durham County; and

WHEREAS managing and reducing single-occupancy vehicle (SOV) commutes and associated VMT by employees of major employers therefore represents a significant opportunity to improve our environment and public health; and

WHEREAS Session Law 1999-328 set a goal for the State of North Carolina to reduce emissions of nitrogen oxides from all sources by at least 25% by July 1, 2009 and to reduce the growth of vehicle miles traveled in the State of North Carolina by at least 25% of that growth that would otherwise occur by July 1, 2009; whose goals have since been achieved;

WHEREAS The Durham Greenhouse Gas Emissions Inventory and Local Action plan was created in 2007 in a concerted effort to reduce greenhouse gasses in the City and County of Durham, North Carolina, and was adopted by the Durham City Council and Durham County Board of County Commissioners; and

WHEREAS Durham County is responsible through the City-County Sustainability Office, for the implementation of the Local Action Plan for Emissions Reduction, in accordance with the Inter-local Agreement between the City and County of Durham; and

WHEREAS the Durham County Greenhouse Gas Emissions Inventory and Local Action Plan is a joint effort of the City of Durham, Durham County, and the DCHC MPO, and whereas these organizations have established a community target to reduce community greenhouse gas emissions by 30% from 2005 levels by the year 2030; and

WHEREAS the Transportation Demand Management Advisory Committee developed a 7-year Long-Range Regional TDM Plan in 2007 for the purpose of achieving and maintaining the goal of reducing regional growth in VMT by 25% between 2007 and 2015, through a moderate package of TDM strategies that encourage alternative commute mode use;

WHEREAS pursuant to N.C.G.S. " 153A-121 and 153A-134, the Board of Commissioners has the authority to regulate businesses and employers located in the County of Durham; and

WHEREAS, the Board of Commissioners has determined that it is necessary to mitigate the impact of traffic by requiring businesses to mitigate the impact of their employees' commutes and;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DO TH  
ORDAIN:**

**Article V. of Chapter 24 of the Durham County Code of Ordinances is hereby amended to read:**

**Article V. Commute Trip Reduction (CTR) Program**

**Sec. 24-116. Continuation of the Commute Trip Reduction Program**

1. Significant levels of traffic are caused by commuters traveling to and from work, and therefore, the Board of Commissioners has created a program to address the issue of traffic congestion in Durham County through the Commute Trip Reduction Ordinance and may contract with another governmental or quasi-governmental agency to provide for the efficient and effective provision of services and reviews as set out hereafter.
2. Durham County will track the progress of this program through regular reviews and provide updates and report progress made in congestion mitigation and reduction in vehicle miles traveled to Durham employers.
3. The purpose of the program shall be to provide education and consultative services to businesses, industries, and the general public on alternatives to single occupancy vehicle (SOV) travel for commuting to and from work; to provide information on travel demand reduction strategies which are designed to reduce congestion on the roadways of Durham County; to gather statistical data on transportation usage; to set goals on reduction of single occupancy vehicle use, non-peak commute trips and commute trip reduction in vehicle miles traveled per employee; and to provide, to the extent practical, a program of incentives, including yearly recognition, for businesses and industries which excel in reducing traffic congestion by implementing exceptional travel demand management programs.

**Sec. 24-117. Commute Reduction Goals**

It is recognized that the reduction of single occupancy vehicle (SOV) use, especially during peak hours, is an important goal for Durham County in order to reduce congestion on the highways and to reduce the levels of ozone in the air. The following goals are therefore adopted:

<b>2011-2020 Proposed Ordinance Community Goals</b>											
<b>*previously measured</b>											
<b>% alt mode use for commute trips*</b> (ALL commute trips - peak/non-peak)			<b>% non-peak commute trips</b> (ALL modes)			<b>Daily Commute Trip VMT per Employee</b>			<b>% VMT avoided by use of alt modes*</b> (ALL commute trips – peak/non-peak)		
Year	Goal	Achieved	Year	Goal	Achieved	Year	Goal (miles)	Achieved	Year	Goal	Achieved
2011	21%	21.2%	2011	n/a	21%	2011	n/a	29.4 mi.	2011	19%	18.6%
2013	22%		2013	21.2%		2013	29.1		2013	20%	
2015	23%		2015	21.4%		2015	28.8		2015	21%	
2017	24%		2017	21.6%		2017	28.5		2017	22%	
2019	25%		2019	21.8%		2019	28.2		2019	23%	
2020	26%		2020	21.9%		2020	27.7		2020	24%	
<b>Congestion Relief</b>						<b>Pollution Prevention</b>					

**Sec. 24-118. Requirements for Major Employers (100 employees or more) in Durham County:**

This ordinance shall apply to all major employers (with 100 or more employees) who work in Durham County. Those employers shall be responsible for the following activities:

1. Provide each full time, part-time, contract, or other employee with information on alternate commute mode options and required travel reduction measures and related incentives. This may include, but is not limited to: bus routes and schedules, information on ride share programs and bicycle routes. This information may also be provided to new employees, as described above, at the time of hiring.
2. Conduct employee surveys (The Employee Commuting Survey) and report the results, as directed and scheduled by Triangle Transit staff. All surveys or other reporting efforts as approved by Triangle Transit shall be completed by at least the number of employees as shown in the following table to represent a statistically significant sample size:

\*The purpose of the required sample size analysis is to increase the statistical significance of survey results.

\*Sample size analysis indicates a 95% confidence level with a confidence interval of +/- 4%- +/-7%.

**Sample Size Requirements for Durham Employee  
Commuting Survey**

Number of Employees		Required Sample	Response Rate	Confidence Level
100	- 124	65	58%	95% ± 7%
125	- 149	77	56%	95% ± 7%
150	- 174	85	52%	95% ± 7%
175	- 199	93	50%	95% ± 7%
200	- 224	115	54%	95% ± 6%
225	- 249	122	51%	95% ± 6%
250	- 274	129	49%	95% ± 6%
275	- 299	136	47%	95% ± 6%
300	- 349	154	47%	95% ± 5.5%
350	- 399	167	45%	95% ± 5.5%
400	- 449	177	42%	95% ± 5.5%
450	- 499	186	39%	95% ± 5.5%
500	- 599	217	39%	95% ± 5%
600	- 699	234	36%	95% ± 5%
700	- 799	248	33%	95% ± 5%
800	- 899	260	31%	95% ± 5%
900	- 999	269	28%	95% ± 5%
1000	- 1249	375	33%	95% ± 4%
1250	- 1499	406	30%	95% ± 4%
1500	- 1749	429	26%	95% ± 4%
1750	- 1999	447	24%	95% ± 4%
2000	- 2499	462	21%	95% ± 4%
2500	- 2999	484	18%	95% ± 4%
3000	- 3499	500	15%	95% ± 4%
3500	- 3999	513	14%	95% ± 4%

4000	-	4499	522	12%	95% ± 4%
4500	-	4999	530	11%	95% ± 4%
5000	-	5999	536	10%	95% ± 4%
6000	-	6999	546	8%	95% ± 4%
7000	-	7999	553	7%	95% ± 4%
8000	-	8999	558	7%	95% ± 4%
9000	-	9999	563	6%	95% ± 4%
10000	-	above	566	6%	95% ± 4%

The results of the survey shall be used to determine single occupancy vehicle use and vehicle miles traveled during both peak and non-peak periods. Triangle Transit shall use the survey results to determine if traffic congestion and reduction targets have been achieved.

3. Prepare and submit a Commute Trip Reduction (CTR) Report to Triangle Transit staff. Triangle Transit staff will assist in preparing the required reports when requested to do so by the employer. Employers shall submit the CTR Report according to a schedule set by Triangle Transit. If not notified earlier by Triangle Transit, employers subject to the Durham Trip Reduction Ordinance shall submit CTR Reports by the scheduled due date of each participation year. (The Ordinance compliance schedule will be provided to employers annually, in advance.) One report may be submitted for each employer addressing the travel reduction measures for all of their facilities located in Durham County. Each Major Employer can also set its own good faith goals in order to contribute towards achieving the community goals set forth herein.

The CTR Report shall contain the following elements:

- A. The name, address, e-mail address, and phone and fax number of the formally designated Transportation Coordinator.
- B. A description of employee commuter benefits, information programs, and promotion efforts for such programs designed to achieve the designated transportation reduction goals and other travel reduction measures which have been completed to date or during the *previous year*.
- C. A description of travel reduction measures to be undertaken by the employer in the upcoming year (12 months). The following measures may be included (but are not limited to):
  1. Participate in a commuter ride-matching service to facilitate employee ridesharing for work related commutes.
  2. Provision of vans for vanpooling, either independently or through the local transit/vanpool agency.
  3. Subsidized carpool or vanpool fees which may include payment for fuel, insurance, or parking.
  4. Use of company/fleet vehicles for carpooling.
  5. Provision of preferential parking for carpool or vanpool users which may include conveniently located parking or covered parking facilities.
  6. Reduction of on-site employees parking or re-designation of existing parking for ride-sharing employees.
  7. Subsidized bus fares.
  8. Construction of special loading and unloading facilities for transit, carpool, and vanpool participants.
  9. Cooperation with the City or County of Durham in construction of sidewalks or bicycle routes for the work-site.
  10. Provision of bicycle racks, lockers, and showers for employees who walk or bicycle to and from work.
  11. Provision of a special information center, including a web page on the company's intranet site, where information on alternate modes and other travel reduction measures will be available.

12. Establishment of a telecommuting (work from home) program for employees.
13. Establishment of a flex-time schedule of adjustable work hours which may include compressed work weeks. Work hour adjustments should not interfere with or discourage use of ridesharing and transit.
14. Establishment of a program of parking incentives and disincentives; such as a fee for parking and/or a Parking Cash Out or "rebate" for employees who do not use the parking facility.
15. Provision of on-site amenities or employer location's proximity to local amenities designed to reduce commute trips, during the work day which can include, but are not limited to day-care facilities, restaurant, or emergency ride home services, dry cleaning and on-site postal services, etc.

The Commute Trip Reduction (CTR) Report shall also meet all the following criteria:

1. Designate an Employee Transportation Coordinator (ETC).
2. Describe methods and processes for routinely distributing information about and promoting alternate commute mode of transportation to and from work to employees.
3. Accurately and completely describe current and planned travel reduction measures and commuter benefits offered.
4. State the travel reduction goals adopted by the Major Employer, including both alternate mode and non-peak commute trips\*, and average commute trip vehicle miles traveled (VMT). \*Non-peak alternate mode commute trips contribute to reduction of peak-hour SOV and VMT, by travel being completed outside of peak commute hours.
5. Be signed by the Site Executive or highest ranking officer at the Durham employer location.
6. An administrative fee in the amount of two hundred dollars (\$200) shall be submitted annually by December 31<sup>st</sup> of each calendar year to Triangle Transit upon receipt of an invoice from Triangle Transit.

#### **Sec. 24-119. CTR Report Approval Process**

1. After the Major Employer's proposed Commute Trip Reduction Report is received, Triangle Transit shall have 60 days to object to any component of the employer's plan outlined therein, otherwise it is automatically approved. Any such objection shall be based solely on a failure to include a required component or an obvious mistake. If Triangle Transit objects, the plan outlined within the CTR Report is not approved and shall be returned to the employer with appropriate comments for review and revision. The employer will then have thirty (30) work days to re-submit their required report to Triangle Transit.

#### **Sec. 24-120. Ordinance Compliance & Schedule**

Compliance Criteria: (A full compliance schedule including due dates will be emailed to employers.)

1. Participation in the annual Employee Commuting Survey administered by Triangle Transit
2. Annual submission of the CTR Report to Triangle Transit
3. Annual payment of the \$200 ordinance administrative fee to Triangle Transit

Enforcement Action may Include the Following: Any Durham ordinance employer who fails to comply with one or more of the ordinance requirements above shall be referred to the Durham County Manager by Triangle Transit, be notified in writing by the County Manager of non-compliance, and, at the discretion of the County Manager, be notified in writing of potential civil penalties or filing of a collection suit.

1. A civil penalty in the amount of one hundred dollars (\$100.00) per week for each week in which the employer fails to comply up with this provision, up to a maximum of one thousand dollars (\$1,000.00).
2. If the employer fails to pay the civil penalty within a reasonable time as determined by the County Manager or his designee, the County Attorney shall have authority to file a suit for the collection of the civil penalty.

3. The County Manager or his designee shall have authority to assess the civil penalty as provided herein.

#### **Sec. 24-121. Review of Effectiveness of Ordinance**

The Durham County Sustainability Office will consult with Triangle Transit and shall report program progress to the Durham County Board of Commissioners.

Durham County Government in partnership with Triangle Transit as Lead Agency will review the effectiveness of this Ordinance biennially, and shall make recommendations for changes in the Ordinance, Ordinance goals or program implementation plan as deemed appropriate.

#### **Sec. 24-122. Definitions**

1. Alternate Mode: Any mode of commute and transportation other than the single occupancy motor vehicle, including telecommuting.
2. Carpool: Two- six persons traveling in a light duty vehicle (car, truck, or van) to or from work.
3. Commute Trip and Commute Hours: A trip taken by an employee to or from work.
  - a. Peak Commute Trip: A trip taken by an employee to or from work during peak hours.
  - b. Non-Peak Commute Trip: A trip taken by an employee to or from work outside of peak-hours.
  - c. Peak Hours: The hours between 7:00 AM and 9:00 AM or 4:00 PM and 6:00PM.
4. Commute Trip Reduction Plan: A written accounting of the commute travel reduction measures the employer is utilizing or commuter benefits they do or will offer, in an effort to reduce commuter trips to and from their workplace, reduce traffic congestion, help mitigate harmful emissions and improve the quality of life of employees. Commute reduction measures can include: ridesharing, telework, transit subsidies, but also on-site amenities to reduce travel during the day of practices that the employer will or has implemented at their worksites, which is designed to achieve predetermined reductions in commute trips and vehicle miles traveled through various incentives and disincentives. This Commute Trip Reduction Plan as outlined in the Commute Trip Reduction Report will be submitted by each employer of 100 + employees by the due date specified in writing by Triangle Transit.
5. Employee: A person who works for a Major Employer (see 7.a. below).
6. Employee Transportation Coordinator (ETC): The person designated by the employer to develop, implement, promote and internally advertise the employer's commuter benefits and Commute Trip Reduction Program as outlined in the Durham Trip Reduction Ordinance as set forth in this document. The Employee Transportation Coordinator shall act as the agent for the employer for purposes of this ordinance.
7. Employer: 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. However, the term "employer" shall not include the State of North Carolina, the United States of America, or any agency thereof.
  - a. Major Employer: An employer operating in Durham County who employs, during a 24 hour period, 100 or more full-time equivalent employees, with at least 50 employees at a work site for at least six months during the year.
  - b. Full-time Equivalent (FTE) Employees: The number of employees, if not clearly determined as greater than 100 regular, full-time employees, can be calculated by dividing the total number of annual work hours paid by the employer, including work hours paid to contract or other workers whether or not considered employees of the major employer, by 2080 work hours (52 weeks x 40 hours/week) in a year.

- c. Contract Employees: If the contractors work at a Durham employer location, and number 100 or more FTE employees at that Durham employer location, then the contractor shall be subject to this ordinance as a major employer themselves, separate from the business/employer under whom they are contracting. The only exception is if the Durham employer is offering the contractor employees their own employee commuter benefits, in which case the contractor would not be considered a separate major employer.
8. Mode: The type of commute you use, including driving alone in a single occupancy vehicle (SOV) or other than driving alone, referred to as “alternative commute mode” which can include carpooling, vanpooling, transit, bicycle, walking, and also teleworking (or telecommuting).
9. Ride Matching Service: 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.
10. Ridesharing: Commuters sharing a ride either via car or vanpool to and from work.
11. Single Occupancy Vehicle (SOV): A single-occupancy vehicle (SOV) is a privately operated vehicle such as an automobile or light duty truck like an SUV, whose only occupant is the driver. SOV drivers typically use their vehicles for personal travel, daily commuting and for running errands. SOVs generally exclude human powered vehicles such as bicycles.
12. Site Executive: The highest ranking officer at the employer, who is required to sign the CTR report.
13. Transit Bus or Other Public Transportation System: A shared passenger transportation service, such as a transit bus which is available for use by the general public, but is distinct from modes such as taxicab, car pooling or hired buses, which are not shared by strangers without private arrangement.
14. Vanpool: Seven or more persons traveling to and from work together in a single van, provided by the employer or other outside vehicle provider (a typical vanpool can hold 7-15 people).
15. Vehicle Miles Traveled (VMT): The average (mean) number of miles traveled by a motor vehicle for commute trips.
16. Work Site: A building or any grouping of buildings located within Durham County which are 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.

The provisions of this ordinance are severable, and should any section or part hereof be declared unconstitutional or void, the rest and remainder of the ordinance shall remain in full force and effect.

The effective date of this ordinance shall be December 31, 2012  
This the 10<sup>th</sup> Day of September, 2012.