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To: The Honorable Town Council
Michael J. Driscoll, Town Manager

From: Steve Magoon, DCDP Director, Assistant Town Manager

Date: May 4, 2017

Subject: New TDM Ordinance

Introduction

The Town Council and the Town Council Ad Hoc Committee on Transportation (Committee) has been discussing Transportation Demand Management planning since 2015. In April 2016, the Committee met to discuss the outlines of a draft TDM Ordinance (TDMO). This meeting focused on Watertown's experience in requiring TDM concepts in development projects and the experience of nearby communities. At a June 22, 2016 meeting, the Committee considered the outlines of a TDM program and regulations. This led to a meeting in July to review a draft TDM Ordinance. In October and January the Committee reviewed a more detailed TDM Ordinance and accompanying Regulations, and in February referred it to the full Town Council. On February 28, 2017 the Town Council accepted the recommendation of the Committee to schedule the ordinance for a first reading with the draft regulations. On March 14, 2017 the Town Council held a first reading of the proposed Transportation Demand Management Ordinance.

Highlights

Attached to this Memo is the draft Transportation Demand Management Ordinance, as endorsed by the Committee and as reviewed by the Town Attorney. It establishes a new Chapter (Chapter 72) in the Town's Code of Ordinances. The ordinance contains the basic framework, while the regulations contain much of the detail of its implementation. This allows for adjustments to be made to the regulations more easily than if it were all contained in an ordinance.

The TDMO is designed to set the thresholds for project review, and work in tandem with the TDM Regulations, a draft of which has also been included for context as requested by

Council. The Regulations will ultimately be submitted to the Town Manager for review and approval.

The following is a general overview of the key provisions of the Transportation Demand Management Ordinance:

- Establishes the purpose, to reduce Single Occupancy Vehicle (SOV) trips by 20% over baseline data for Watertown residents and employees
- Applicability: New construction or an addition of ten thousand (10,000) square feet or more, or 10 or more dwelling units or any project that requires Site Plan Review or Special Permit approval that will generate more than 150 average daily trips, or more than 15 peak hour trips above the pre-existing conditions
- Exemptions: child care facility; the Commonwealth of Massachusetts, and retail customer trips generated from buildings or structures used for retail purposes
- Administered by Watertown Department of Community Development and Planning,
- The Regulations which implement the Ordinance will be adopted the Town Manager, and amended as needed
- The Town Manager or their designee shall notify the Town Council of any proposed amendments to the Regulations
- The Town Manager or their Designee shall report to the Town Council on an annual basis concerning the Town's progress toward achieving the Town-wide goal, including the status of any ongoing TDM programs in Town
- All TDM programs will include five components
 - Goals or targets of trip reduction for the program to achieve
 - List of measures the project will use to achieve the goals
 - Post occupancy monitoring measures
 - Post occupancy reporting
 - Possible corrective measures to achieve targets if needed
- Finally, there are enforcement and fine provisions to ensure compliance

Therefore, staff would respectfully request that the Transportation Demand Management Ordinance be considered following a public hearing at the May 9, 2017 Town Council meeting.



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AN ORDINANCE AMENDING THE TOWN'S GENERAL ORDINANCES

CHAPTER 72: TRANSPORTATION DEMAND MANAGEMENT PROGRAMS

I. GENERAL PROVISIONS

(A) Purpose

The purpose of this Transportation Demand Management (TDM) Ordinance is to encourage reduction in Single Occupant Vehicle (SOV) trips, and thus reduce vehicle miles traveled and carbon emissions, alleviate congestion during peak periods, and improve air quality, all while making better use of existing transportation infrastructure.

This Ordinance provides the framework for strategies that increase over-all system efficiency by encouraging a shift from SOV trips to non-SOV transportation modes and shifting SOV trips out of peak periods.

The Town's goal is to aid in the Town-wide reduction of SOV trips by 20% over baseline data for residents and employees (U.S. Census Bureau, American Community Survey, 2006-2010), which identifies that Watertown residents currently have a SOV mode share of 68% and that Watertown workers have a mode share of 75%.

This Ordinance also establishes the legal authority to ensure compliance with the provisions of this Ordinance through permitting, inspections, monitoring and enforcement.

(B) Applicability

The following projects shall be required to prepare and implement a Transportation Demand Management program:

1. New construction or an addition of ten thousand (10,000) square feet or more, or ten (10) or more dwelling units or
2. Any project that requires Site Plan Review or Special Permit approval per the Watertown Zoning Ordinance (as amended) and will generate more than one hundred and fifty (150) average daily trips, or more than fifteen (15) peak hour trips above the pre-existing conditions using standards and methodologies promulgated by the Institute of Transportation Engineers, the Urban Land Institute, or other appropriate source.

(C) Exemptions

The following are exempt from the requirements of this Ordinance:

1. Land or structures for the primary, accessory or incidental purpose of operating a child care facility;
2. Land or structures owned or leased by the Commonwealth of Massachusetts, its agencies, subdivisions or bodies politic; and
3. Retail customer trips generated from buildings or structures used for retail purposes.

II. AUTHORITY AND ADMINISTRATION

(A) Authority

This Ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and the Home Rule Statutes.

(B) Administration

The Watertown Department of Community Development and Planning (DCDP) shall administer, implement, and enforce this Ordinance. Any powers granted to or duties imposed upon the DCDP may be delegated to the Department's employees or agents.

(C) Rules and Regulations

The Town Manager or his/her designee may adopt, and periodically amend, Rules and Regulations relating to the detailed requirements, procedures, and administration of this Ordinance, including application and inspection fees. Prior to adopting or amending Rules and Regulations, the Town Manager or his/her designee shall consult with the DCDP. Such Rules and Regulations shall be consistent with the criteria set forth in Section III below.

Failure by the Town Manager or their designee to promulgate such Rules and Regulations, or a declaration of their invalidity by a court of law, shall not have the effect of suspending or invalidating the provisions of this Ordinance or any permit issued hereunder.

Such Rules and Regulations (or amendments thereto) shall become effective five (5) days after being filed with the Town Clerk.

Prior to amending the Rules and Regulations which implement this Ordinance, the Town Manager or their designee shall notify the Town Council of such proposed amendments.

(D) Annual Review

The Town Manager and/or their Designee shall report to the Town Council on an annual basis concerning the Town's progress toward achieving the Town-wide goal described in Section (I)(A) including the status of any ongoing TDM programs in Town.

(E) Appeals

A decision of the DCDP with respect to the Rules and Regulations promulgated under this Ordinance shall be final. A request for relief of a decision of the DCDP may be submitted to the Permit Granting Authority, but in all cases shall be reviewable in a court of competent jurisdiction.

III. COMPONENTS OF THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM REGULATIONS

No project which is subject to this Ordinance may be granted a Special Permit or Site Plan Review unless that project provides the DCDP with a written Transportation Demand Management Program that meets the criteria specified below, at a minimum, and as further specified in the Rules and Regulations promulgated as part of Section II(C), above.

1. Includes program goals and target(s) for trip reduction based on the project's proposed new trips and baseline transportation impacts.
2. Provides a comprehensive list of TDM measures that will be used to guide the project's TDM program and achieve the program goals and trip reductions target(s).
3. Provides a description of post-occupancy TDM monitoring measures, to determine the project's effectiveness in implementing the TDM program and achieving the program's goals and trip reduction target(s).
4. Provides a schedule for post-occupancy TDM monitoring and reporting to the DCDP.
5. Provides a list of corrective measures, including but not limited to additional TDM measures, additional incentives, or potential penalties to be applied by the Petitioner of the development/redevelopment to achieve the program goals and trip reduction target(s).

IV. ENFORCEMENT

The DCDP staff shall have the authority to enforce the TDM Regulations, and shall issue orders, violation notices, and enforcement orders, and may pursue all available civil remedies for such violations.

(A) Notices and Orders

The DCDP staff may issue a written order to enforce the provisions of the TDM Regulations, which may include requirements to:

1. Take steps to implement and conform to the components of the TDM Ordinance
2. Take steps to implement and conform to the Rules and Regulations which implement the TDM Ordinance
3. Comply with the conditions of a Special Permit, approved Site Plan, Building Permit, and/or Certificate of Occupancy which include requirements to implement Section III of the TDM Ordinance, or the Rules and Regulations which implement the TDM Ordinance.

(B) Provision for Action to Remedy a Violation

If a person violates the provisions of the TDM Ordinance, regulations, permit, notice, or order issued thereunder, or fails to implement an approved TDM Plan, the DCDP staff may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(C) Fines

Pursuant to Section 10.99 of the Town Code, any person, Petitioner or project that violates any provision of the TDM Ordinance, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300.00 per violation of an order to implement the TDM Plan to address non-compliance. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.

IV. SEVERABILITY

Any finding of the invalidity of any section, provision, paragraph, sentence, or clause of this Ordinance shall not invalidate any other section, provision, sentence, or clause thereof, nor shall it invalidate any permit or determination that has been previously issued under this Ordinance.



Watertown Transportation Demand Management (TDM) Regulations

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PREFACE

WHAT IS TDM?

The purpose of Transportation Demand Management (TDM) is to guide, distribute, and even reduce travel demand in both space and time. It focuses on a particular population's interaction with the in-place transit infrastructure, as well as ridesharing, walking, biking, and telework. When done well, TDM should be cost-effective in guiding the continued design of transportation and physical infrastructure, so that alternatives to driving alone are naturally encouraged and relevant systems are better integrated and balanced.

TDM is an intentional program of information-plus-incentives, which are provided by local or regional organizations to help the constituents of those organizations become aware of and become confident users of all their transportation options, across all modes in the system. To be successful, this program of information-plus-incentives should effectively counterbalance the incentives to drive that preexist thanks to the subsidies of parking and roads.

DEFINITIONS

Modal Shift: A shift from one mode of travel to another mode of travel.

Single Occupancy Vehicle: A Single Occupancy Vehicle (SOV) is a vehicle of any type or class that carries only one occupant.

Transportation Management Association: A Transportation Management Association (TMA) is a membership based, public-private partnerships of businesses, institutions and municipalities that are joined together under a legal agreement for the purpose of providing and promoting transportation solutions for commuters that reduce traffic congestion, improve air quality and increase access to economic development opportunities.

BENEFITS OF TDM

There are many important, interrelated benefits to reducing the number of cars on the road and the number of miles driven.

Transportation System Benefits

1. Reduced congestion and resulting commute time savings
2. Multiple options for commuting for work and pleasure

Environmental Benefits

1. Improved air quality
2. Reduced greenhouse gas emissions
3. Reduced need for paved surfaces
4. Improved water quality
5. Reduced polluting emissions and fluid leaks
6. Reduced dependence on fossil fuels

Health and Safety Benefits

1. Enhanced quality of life in walkable, bikeable communities
2. Fitness benefits of active transportation, e.g. biking and walking
3. Health benefits of improved air quality
4. Stress reduction

Financial Benefits

1. Reduced costs of vehicle ownership and maintenance
2. Reduced cost of parking
3. Reduced cost of housing

PURPOSE OF THE TDM REGULATIONS

The purpose of Watertown's Transportation Demand Management Regulations are to provide implementation of the TDM Ordinance (#XXX), by developing the policies to create a modal shift away from Single Occupancy Vehicle (SOV) trips. These Regulations are intended to support TDM efforts to reduce vehicle miles travelled and carbon emissions, alleviate congestion during peak periods, and improve air quality, all while making better use of existing transportation infrastructure throughout the day.

These Regulations provide the framework to develop necessary strategies that increase over-all system efficiency by encouraging a shift from SOV trips to non-SOV modes and shifting SOV trips out of peak periods.

As identified within the TDM Ordinance, the Town's goal is to aid Townwide reduction of the SOV mode by 20% over baseline data for residents and employees (U.S. Census Bureau, American Community Survey, 2000-2010), which identifies that Watertown residents currently have a SOV mode share of 68% and that Watertown workers have a mode share of 75%. This translates to a Residential SOV mode share of no more than 54% and a Worker SOV mode share of no more than 60%

The TDM Ordinance also establishes the legal authority to ensure compliance with the provisions of this set of Regulations through permitting, inspections, monitoring and enforcement.

SECTION 1 - TDM REGULATION PROCESS

Table 1-1 provides an overview of the overall process for developing a Transportation Demand Management (TDM) Plan.

| TABLE 1-1: OVERALL PROCESS | | |
|--|---|--|
| PHASE | TASK | DESCRIPTION |
| TDM Plan Development | 1) Determine Applicability (DCDP staff/property owner) | Determination if the TDM Program is applicable to the Project. |
| | 2) Fill out Application (property owner) | If subject to TDM Program, property owner understands TDM requirements and gathers information necessary for TDM Plan Review Application. |
| | 3) File Application (property owner) | Property owner submits a TDM Plan Review Application for review. |
| TDM Plan Review | 4) TDM Plan Reviewed (Watertown Department of Community Development and Planning—DCDP) | DCDP staff reviews the TDM Plan, compares it to the TDM Ordinance Regulations. |
| Project Approval | 5) TDM Plan: Approval (DCDP staff) | An approved TDM Plan will be stamped as such by DCDP. |
| TDM Plan Monitoring and Reporting | 6) Pre-Occupancy Site Visit (DCDP staff/property owner) | Prior to the issuance of a First Certificate of Occupancy, the Petitioner and/or property owner shall facilitate a site inspection by DCDP staff to confirm that all approved physical measures in the project’s TDM Plan have been implemented and/or installed. |
| | 7) Ongoing Monitoring and Reporting Statement (DCDP staff/property owner) | Once the building is occupied, the property owner is required to submit an Ongoing Monitoring and Reporting form. DCDP staff will review the form’s content to ensure compliance with the final, DCDP-approved TDM Plan, and conduct a site visit to ensure that the form’s contents reflect on-site TDM measures. |
| | 8) TDM Plan Update (Planning Department staff/property owner) | At any time after the project’s approval, the Petitioner, or property owner may voluntarily initiate review of the TDM Plan by filing a TDM Plan Update Application. |

SECTION 2

TDM PLAN DEVELOPMENT

2.1 Determine Applicability

2.1.1 Applicability

The following development or redevelopment projects shall be required to prepare and implement a Transportation Demand Management program:

- A. New construction or an addition of ten thousand (10,000) square feet or more, and/or ten (10) or more dwelling units
- B. Alterations, including new construction and Change of Use, that requires Site Plan or Special Permit Approval and will generate more than one hundred and fifty (150) average daily trips, or more than fifteen (15) peak hour trips above the pre-existing conditions. Trip generation shall use standards and methodologies promulgated by the Institute of Transportation Engineers, the Urban Land Institute or another appropriate source.

2.1.2 Project Type

There are two types of TDM plans determined by the scale of a proposed project. The Basic TDM and the Comprehensive TDM are differentiated by the type of use and total square footage or number of units, as identified below and within Section 2.3 (TDM Plan Content).

- A. **Basic TDM** - Projects which are residential, industrial, commercial, or combine these three uses and fall within the following sizes will be required to complete a Basic TDM program.
 - a. Residential: 10 to 39 residential units
 - b. Commercial and/or Industrial: 10,000 up to 30,000 square feet with less than 30 full-time equivalent employees
 - c. Projects requiring site plan review with more than 150 average daily trips and/or 15 peak hour trips up to the thresholds of 2.1.2, Section B.

B. Comprehensive TDM - Any project which meets the following thresholds shall develop a Comprehensive TDM program:

- a. Retail: 30,000 square feet or 30 Full-Time Equivalent Employees or more
- b. Residential: 40 or more residential units
- c. Mixed Use: Meets or exceeds the thresholds for Retail or Residential above
- d. Office: 10,000 square feet or more
- e. Industrial: 30,000 square feet or 30 Full-Time Equivalent Employees or more

2.1.3 Exemptions

The following are exempt from the requirements of this Regulation:

- A. Land or structures from the primary, accessory or incidental purpose of operating a child care facility;
- B. Land or structures owned or leased by The Commonwealth of Massachusetts, its agencies, subdivisions or bodies politic;
- C. Retail customer trips generated from buildings or structures used for retail purposes.

2.2 TDM Plan Review Application

1. Project name
2. Project address
3. Owner name
4. Contact person
5. Contact address
6. Contact phone
7. Contact Email
8. Project Description
9. Proposed Number of Employees/Residential Units
10. Current and proposed employee parking data (if applicable)
11. Proposed employee trip origin data (if applicable)
12. Proposed employee transportation mode data: passenger vehicle, public bus, company shuttle, bicycle, walk (if applicable)
13. Proposed parking usage and count data
14. Square footage of building
15. Number of bike parking spaces
16. Square footage of site
17. Selected TDM Measures (points) per section 2.3.3

2.3 TDM Plan Content

Any project subject to the TDM Program shall submit a TDM Plan Review Application along with any required Development/Permitting Application(s) to the Watertown Department of Community Development and Planning (DCDP). The TDM Plan shall document the project's compliance with the TDM Ordinance.

2.3.1 Basic TDM Plan Requirements

Certain projects, as identified in Section 2.1, because of their size and use, are not required to complete all components of TDM required of projects completing a Comprehensive TDM Plan. A project will have to maintain the measures selected or may update an application as described in Section 6.3, TDM Plan Update. The Basic TDM Plan must include three TDM measures to support the Town's goals for SOV Modal Shifts.

2.3.2 Comprehensive TDM Plan Requirements

The Comprehensive TDM Plan must include program goals, target(s), and measures for trip reduction based on the project's proposed use, new trips generated, and baseline transportation impacts.

2.3.2.1 Identify baseline numbers for trip generation and parking generation for the project:

- A. Traffic Impact Assessment and Study (TIAS) data
- B. Current employee parking data
- C. Employee trip origin data
- D. Employee transportation mode data: SOV, car-pool, public transit, private shuttle, bicycle, walk, etc.
- E. Parking usage and count data

2.3.2.2 Targets - Identify a target to assist in accomplishing the Town's overall goal of reducing the SOV mode by 20% over the ACS 2000-2010 mode share, which is no more than 54% for residential and 60% for workers. Selected target(s) determine the percentage of SOV trips the Petitioner will commit to reducing. Working with DCDP Staff, a Petitioner must create a TDM program that supports the overall goal of the Town, although the Town

recognizes that not all uses and projects are the same, so has created multiple options for achieving targets.

Working with DCDP, a Petitioner shall select one of the following options:

- A. Provide a 20 percent reduction from the baseline (Target Residential: no more than 54% and/or Workers: 60%)
- B. Maintain a Use's SOV share if it is already more than 20% less than the baseline
- C. In some instances, a defined target may not be appropriate. In these instances, DCDP Staff shall consider an existing/proposed use (some examples of uses that may not achieve a SOV shift include certain construction/repair/service uses) and set a reasonable outcome in cooperation with a Petitioner.

2.3.2.3 Measures - Include clear measures to achieve the trip reduction targets. The initial method for achieving identified targets will be by implementing a required number of measures (based on a point system) to achieve a Modal Shift away from SOVs. As part of an initial TDM Plan, a Petitioner must provide a list of identified measures that together meet the required points for the project type, as follows:

- A. **Comprehensive TDM Plan:** Achieve a minimum of 14 Points and a 20% reduction in SOV use over time.
- B. **Basic TDM Plan:** Must commit to three specific TDM measures to support the Town's goals for SOV Modal Shifts.

2.3.2.4 Monitoring

- A. **Comprehensive TDM Plan:** shall include a monitoring program for the life of the Site Plan Review or Special Permit Approval that includes the requirements in Section 6, below.
- B. **Basic TDM Plan:** may be audited by the Town at the discretion of the Director of DCDP.

2.3.3 Potential TDM Measures for Modal Shifts

2.3.3.1 Parking Management

- ◉ **Unbundle Parking:** Separating the cost of parking from the cost of rent, lease or ownership. **(1 - 3 Points) (More points given for projects located in areas where parking is an issue)**
- ◉ **Parking Pricing:** Day-by-day parking rates stay the same, whether tendered in the form of a daily, weekly, monthly, or annual pass. **(2 Points)**
- ◉ **Parking Cash Out:** Non-residential tenants/employees who are provided free parking should also have the option to take the cash value of the space in lieu of the space. **(2 Points)**
- ◉ **TMA Fees:** Provide an increased payment to the TMA as determined by DCDP **(2 Points)**

2.3.3.2 Bike/Pedestrian

- ◉ **Improve Walking Conditions:** Provide streetscape improvements to encourage walking. **(1 Point)**
- ◉ **Bicycle Parking:** Provide secure bicycle parking in excess of Zoning; see Zoning Ordinance for minimum requirements. **(1 - 4 Points) (More points for more spaces)**
- ◉ **Showers and Lockers:** Provide on-site showers and lockers so commuters can travel by active modes. **(1 Point)**
- ◉ **Bike Share Membership:** Provide bike share memberships for residents and employees. **(2 Point)**

- **Bicycle Repair Station**: Provide on-site tools and space for bicycle repair. **(1 Point)**
- **Bicycle Repair Services**: Provide repair services through an on-call mechanic or vouchers to a local shop. **(1 Point)**
- **Fleet of Bicycles**: Provide an onsite fleet of bicycles for residents, employees, and/or guests to use. **(1 Point)**
- **Bicycle Equipment**: Provide bicycle-safety related equipment, e.g. helmets, reflective vests, etc. for 2% of employees and/or residents. **(1 Point)**

2.3.3.3 Site Design/Land Use

- Promote location-efficient residential and commercial development, i.e. development proximate and oriented to transit services with good walking and bicycling conditions, and include infill development. **(1 Point)**
- Cross-site connectivity **(1 Point)**

2.3.3.4 Full time onsite Transportation Coordinator (5 Points), whose duties include:

- Assemble and distribute rideshare information
- Conduct surveys of on-site employees
- Schedule carpools/vanpools
- Create and administer TDM promotions and incentives
- Create and administer preferential parking
- Coordinate emergency ride home program
- Gather and maintain long-term program data
- Conduct annual review of TDM program for effectiveness and modification
- Develop informational packet on TDM programs

2.3.3.5 Car Share

- **Car-Share Parking**: Several options for providing car-share parking and memberships in excess of Zoning; see Zoning Ordinance for required spaces in new development. **(1-6 Points) (More points given for higher levels of participation)**

2.3.3.6 Family

- **Car Seat Storage**: Provide storage for car seats near car-share parking, cargo bikes, and shopping carts. **(1 Point)**
- **On-site Childcare**: Provide on-site childcare services. **(4 Points)**
- **Emergency Ride Home**: Transportation home in for those using alternative forms of transportation in the event of an emergency. **(1 Point)**

2.3.3.7 High Occupancy Vehicle

- **Contributions or Incentives for Sustainable Transportation**: 25%, 50%, 75%, or 100% subsidies for sustainable transportation use, e.g. MBTA passes. **(2-8 Points) (More points given for higher rate of subsidy)**
- **Shuttle Bus Service**: Provide shuttle bus services, with more points given for more frequent service – either as part of the TMA service or separate, if appropriate. **(6-12 Points) (More points given for more frequent service)**
- **Vanpool/Carpool Program**: Provide vanpool and/or carpool services to employees, including preferential parking. **(2-6 Points) (More points given for serving larger geographic areas)**
- **Bus Shelter** **(2 Points)**

2.3.3.8 Marketing

- ◉ **Multimodal Wayfinding Signage:** Provide directional signage for locating transportation services (transit stop/shuttle stop) and amenities (bicycle parking, regional bicycle routes, and pedestrian walkways). **(1 Point)**
- ◉ **Real-Time Transportation Information Displays:** Large screen or monitor that displays, at a minimum, transit arrival and departure information. **(1 Point)**
- ◉ **Tailored Transportation Marketing Services:** Provide residents and employees with information about travel options. Marketing services shall either be provided by the TDM coordinator or a communications professional. Marketing services shall include, at a minimum, the following activities: 1-Promotions: The TDM coordinator shall develop and deploy promotions to encourage use of sustainable transportation modes. This includes targeted messaging and communications campaigns, incentives and contests, and other creative strategies. These campaigns may target existing and/or new residents/employees/ tenants. 2-Welcome Packets: New residents and employees shall be provided with tailored marketing information about sustainable transportation options associated with accessing the project site (e.g., specific transit routes and schedules; bicycle routes; carpooling programs, etc.) as part of a welcome packet. For employees, the packet should reflect options for major commute origins. New residents and employees shall also be offered the opportunity for a one-on-one consultation about their transportation options. **(2-4 Points) (More points given for providing more marketing services)**

2.3.3.9 Other

- ◉ **Flexible Work Schedule:** An alternative to the traditional 9-to-5, 40-hour workweek, allowing employees to vary their arrival/departure. **(1 Point)**
- ◉ **Telecommuting:** An alternative to the traditional 9-to-5, allowing employees to work from home, making use of the Internet, e-mail, and telephone. **(1 Point)**
- ◉ **Employee Incentive Program:** Incentives to use modes that reduce vehicle trips, e.g. free meals, transit vouchers, movie passes, raffles for gift certificates to retailers, free bicycles, etc. **(1-4 Points) (More points given for providing more incentives)**

TABLE 2-1: POTENTIAL TDM MEASURES FOR MODAL SHIFTS

| CATEGORY | MEASURE | POINTS | PROJECT TYPE | |
|-------------------|---|--------|--------------|---------------|
| | | | BASIC | COMPREHENSIVE |
| PARK-1 | Unbundle Parking A: if the residential neighborhood parking rate is greater than 0.8 or non- 1 residential neighborhood parking rate is greater than 1.4 | 1 | ⊘ | ✓ |
| | Unbundle Parking B: if the residential neighborhood parking rate is greater than 0.6 and less 2 than or equal to 0.8 or non-residential neighborhood parking rate greater than 1.0 and less than or equal to 1.4 | 2 | ⊘ | ✓ |
| | Unbundle Parking C: if the residential neighborhood parking rate is greater than 0.4 and less 3 than or equal to 0.6 or non-residential neighborhood parking rate is greater than 0.6 and less than or equal to 1.0 | 3 | ⊘ | ✓ |
| CATEGORY | MEASURE | POINTS | PROJECT TYPE | |
| | | | BASIC | COMPREHENSIVE |
| PARK-2 | Parking Pricing | 2 | ✓ | ✓ |
| PARK-3 | Parking Cash Out | 2 | ✓ | ✓ |
| PARK-4 | TMA Fees: 10% Additional | 2 | ✓ | ✓ |
| BIKE/PED-1 | Improve Walking Conditions | 1 | ✓ | ✓ |
| BIKE/PED-2 | Bicycle Parking: 5 spots | 1 | ✓ | ✓ |
| BIKE/PED-2 | Bicycle Parking A: 10 spots | 2 | ✓ | ✓ |
| | Bicycle Parking B: 15 spots | 3 | ✓ | ✓ |
| | Bicycle Parking C: 20 spots | 4 | ✓ | ✓ |
| BIKE/PED-3 | Showers & Lockers | 1 | ✓ | ✓ |
| BIKE/PED-4 | Bike Share Membership | 2 | ✓ | ✓ |
| BIKE/PED-5 | Bicycle Repair Station | 1 | ✓ | ✓ |
| BIKE/PED-6 | Bicycle Repair Services | 1 | ✓ | ✓ |
| BIKE/PED-7 | Fleet of Bicycles | 1 | ✓ | ✓ |
| BIKE/PED-8 | Bicycle Equipment: For 2% of employees and/or residents | 1 | ✓ | ✓ |

| | | | | |
|-----------------|---|---------------|---------------------|----------------------|
| LAND-1 | Promote location-efficient residential & commercial development | 1 | ⊘ | ✓ |
| LAND-2 | Cross-site connectivity | 1 | ⊘ | ✓ |
| COORD-1 | FT Onsite Transportation Coordinator | 5 | ✓ | ✓ |
| CAR-1 | Car-Share Parking A: 2 spots | 1 | ✓ | ✓ |
| | Car-Share Parking B: 4 spots | 2 | ✓ | ✓ |
| | Car-Share Parking C: 6 spots | 3 | ✓ | ✓ |
| | Car-Share Parking D: 8 spots | 4 | ✓ | ✓ |
| | Car-Share Parking E: 10 spots | 5 | ✓ | ✓ |
| | Car-Share Parking F: 12 spots | 6 | ✓ | ✓ |
| FAMILY-1 | Car Seat Storage | 1 | ⊘ | ✓ |
| FAMILY-2 | On-site Childcare | 4 | ⊘ | ✓ |
| FAMILY-3 | Emergency Ride Home | 1 | ⊘ | ✓ |
| | | | PROJECT TYPE | |
| CATEGORY | MEASURE | POINTS | BASIC | COMPREHENSIVE |
| HOV-1 | MBTA Pass Subsidy: 25% | 2 | ⊘ | ✓ |
| | MBTA Pass Subsidy: 50% | 4 | ✓ | ✓ |
| | MBTA Pass Subsidy: 75% | 6 | ✓ | ✓ |
| | MBTA Pass Subsidy: 100% | 8 | ✓ | ✓ |
| HOV-2 | Shuttle Bus Service: 60 Min. Headway | 6 | ✓ | ✓ |
| | Shuttle Bus Service: 45 Min. Headway | 8 | ✓ | ✓ |
| | Shuttle Bus Service: 30 Min. Headway | 10 | ✓ | ✓ |
| | Shuttle Bus Service: 15 Min. Headway | 12 | ✓ | ✓ |
| HOV-3 | Vanpool/Carpool Program: Option A | 2 | ✓ | ✓ |
| | Vanpool/Carpool Program: Option B | 4 | ✓ | ✓ |
| | Vanpool/Carpool Program: Option C | 6 | ✓ | ✓ |
| HOV-4 | Bus Shelter | 2 | ⊘ | ✓ |
| MARK-1 | Multimodal Wayfinding Signage | 1 | ⊘ | ✓ |
| MARK-2 | Real-Time Transportation Information Displays | 1 | ⊘ | ✓ |

| | | | | |
|----------------|--|---|---|---|
| MARK-3 | Tailored Transportation Marketing Services: for providing promotions and welcome packets as described in Section 2.3.2.8. | 2 | ⊘ | ✓ |
| | Tailored Transportation Marketing Services: for providing promotions and welcome packets (per above option), AND personal consultation for each new resident/employee. | 4 | ⊘ | ✓ |
| OTHER-1 | Flexible Work Schedule | 1 | ⊘ | ✓ |
| OTHER-2 | Telecommuting | 1 | ⊘ | ✓ |
| OTHER-3 | Employee Incentive Program- 25% contribution or incentive | 1 | ⊘ | ✓ |
| | Employee Incentive Program- 50% contribution or incentive | 2 | ✓ | ✓ |
| | Employee Incentive Program- 75% contribution or incentive | 3 | ✓ | ✓ |
| | Employee Incentive Program- 100% contribution or incentive | 4 | ✓ | ✓ |

SECTION 3

TDM PLAN SUBMITTAL AND REVIEW

3.1 Plan Review

The Petitioner for a project subject to the Ordinance and these Regulations shall submit to the Watertown Department of Community Development and Planning (DCDP) a draft TDM Plan prior to or concurrent with permit application. The DCDP staff will review each TDM Plan Application to ensure it is complete. Once deemed complete, the DCDP will review the Petitioner’s draft TDM Plan to ensure the required number of Points (Section 2.3.1.3) has been achieved by a selection of TDM measures.

Once the DCDP staff has completed its initial review and comment on the Petitioner’s draft TDM Plan, the Petitioner has the opportunity to make changes to the TDM Plan. After this, the Petitioner will re- submit the TDM Plan for final DCDP staff review and comment. The DCDP’s determination on the final TDM Plan can be approved, approved with conditions, or denied prior to other Permit approvals by the Town.

A Petitioner’s TDM Plan shall follow the TDM Ordinance and Regulations in effect at the time of submittal or at the time of Plan update for the approval of the Special Permit, Site Plan Review, or other permit submittal for a project.

SECTION 4

APPEAL PROCESS

4.1 Plan Appeal

A decision of the DCDP with respect to the Rules and Regulations promulgated under this Ordinance shall be final. A request for relief of a decision of the DCDP may be submitted to the Permit Granting Authority, but in all cases shall be reviewable in a court of competent jurisdiction.

SECTION 5

PROJECT APPROVAL

5.1 TDM Plan: Condition of Approval

If the Project is approved, the requirement for implementation of TDM Plan will be a Condition of Approval of Building Permit and Certificate of Occupancy for the project.

SECTION 6

TDM PLAN MONITORING AND REPORTING: FOR COMPREHENSIVE TDM PROJECT ONLY

6.1 Pre-Occupancy Site Visit

Prior to the issuance of Certificate of Occupancy, the Petitioner and/or property owner shall facilitate a site inspection by DCDP staff to confirm that all approved physical measures in the project's TDM Plan have been implemented and/or installed. Prior to the site visit, DCDP staff will provide the Petitioner and/or property owner with a copy of the final, DCDP-approved TDM Plan that outlines the TDM measures that the Proponent and/or property owner is required to provide.

For a project requiring a Comprehensive TDM Plan, following the site visit for physical measures and submittal of any documentation required for physical and programmatic measures, DCDP staff will review the documentation and finalize a Pre-Occupancy Monitoring and Reporting Form. The First Certificate of Occupancy from the DCDP shall not be issued until the property owner receives an approved Pre-Occupancy Monitoring and Reporting Form.

6.2 Ongoing Monitoring and Reporting Form

Once the building is occupied, the property owner is required to submit an Ongoing Monitoring and Reporting form. DCDP staff will review the form's content to ensure compliance with the final, DCDP-approved TDM Plan, and conduct a site visit to ensure that the form's contents reflect on-site TDM measures. Enforcement steps will be taken, if needed, to attain compliance status.

6.2.1 The first Ongoing Monitoring and Reporting form shall be due within 30 calendar days of the 18-month anniversary of the issuance of the First Certificate of Occupancy, i.e. 18-19 months after that issuance. Subsequent Ongoing Monitoring and Reporting forms shall similarly be due in 18-month increments with the addition of a 30-day grace period for each submission. Each subsequent form is due 18-19 months after the previous form.

6.2.2 If a Development Project remains in good standing – where remaining in good standing is defined by submitting satisfactory Ongoing Monitoring and Reporting forms over four consecutive years, i.e. a minimum of three consecutive successful form submissions – then the Development Project's Ongoing Monitoring and Reporting form requirement shifts to one submittal every three years. At that point, DCDP staff will conduct a site visit of the project once every three years, rather than every 18-19 months, to confirm all approved physical measures in the project's TDM Plan continue to be implemented and/or installed.

6.2.3 If, at any later time, the project fails to demonstrate satisfactory ongoing monitoring and reporting, the project may be required to revert back to submitting forms on the 18-month schedule until the project again demonstrates four consecutive years of satisfactory monitoring and reporting.

6.2.4 The Ongoing Monitoring and Reporting form should include all measures in the project's TDM Plan, their current status, and any updates to those measures. All additional voluntary measures added between Ongoing Monitoring and Reporting forms should also be listed, along with their current status and any updates to those voluntary measures.

Additionally, a TDM Monitoring Plan may be required to monitor onsite and offsite parking, show the ratio of employees to the number of parking spaces used, and take additional steps to reduce trips if the target is not met. These additional steps include, but are not limited to:

- ◉ Implement additional TDM Measures from Section 2.3.2
- ◉ Institute onsite pay for parking
- ◉ Institute a penalty for employees that park offsite and on street
- ◉ Pay a fee or an additional fee to a Transportation Management Association/Town

6.3 TDM Plan Update

At any time after the project's approval, the Petitioner, or property owner may voluntarily initiate review of the TDM Plan by filing a TDM Plan Update Application. The TDM Plan Update Application shall include all of the items listed in Section 5.0, and provide what new or additional measures the Petitioner or property owner would like to include in the TDM Plan. Submission and review of the TDM Plan Update shall follow the schedule as outlined in Section 3.

SECTION 7

ENFORCEMENT

The DCDP staff shall have the authority to enforce the TDM Regulations, and shall issue orders, violation notices, and enforcement orders, and may pursue all available civil remedies for such violations.

7.1 Notices and Orders

The DCDP staff may issue a written order to enforce the provisions of the TDM Regulations, which may include requirements to:

7.1.1 Take steps to implement and conform to the components of the TDM Ordinance

7.1.2 Take steps to implement and conform to the Rules and Regulations which implement the TDM Ordinance

7.1.3 Comply with the conditions of a Special Permit, approved Site Plan, Building Permit, and/or Certificate of Occupancy which include requirements to implement Section III of the TDM Ordinance, or the Rules and Regulations which implement the TDM Ordinance.

7.2 Provision for Action to Remedy a Violation

If a person violates the provisions of the TDM Ordinance, regulations, permit, notice, or order issued thereunder, or fails to implement an approved TDM Plan, the DCDP staff may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

7.3 Fines

Pursuant to Section 10.99 of the Town Code, any person, Petitioner or project that violates any provision of the TDM Ordinance, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300.00 per violation of an order to implement the TDM Plan to address non-compliance. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.