

BREAKING DOWN THE COMMUTER BENEFITS ORDINANCE & TDM REGULATIONS IN SAN FRANCISCO



The SHIFT Initiative

TDM responsibilities can be handled by many different departments and titles, but developers are responsible for some of the most crucial efforts in San Francisco. Developers must submit (and get approved) a TDM plan at the beginning of any new project. This process is included in the “*SHIFT*” initiative, which is a component of the **Transportation Sustainability Program**, encouraging the use of more sustainable forms of transportation.

Commuter Benefits Ordinance

The **Commuter Benefits Ordinance** is enforced by the San Francisco Department of the Environment. This applies to any company with an office in San Francisco’s city limits (doesn’t have to be the company headquarters) and at least one employee working in the city as well as 20+ employees *nationwide*. All applicable companies are **required** to offer a **commuter benefits package** to employees who work an average of *10 hours per week*.

If your new development is going to have 10+ housing units, 10,000+ sq. ft of occupied area, or if you’re changing the use of a building with 25,000+ sq. ft then you are *required* to submit a TDM plan. Don’t worry, there’s a **TDM point calculator** to help make sure that you’re covering all of your bases.

Companies in both *San Francisco proper* and the *Bay Area* are **required** to offer commuter benefits in addition to complying with any TDM initiatives if you have *20+ employees nationwide* and have an office located in the area. But, the rules still go a little deeper than this...

So, let’s get to the checklist:

If you have 20+ employees:

- Commuter Benefits Ordinance.**
I know, we can’t stop talking about it, but that’s because it’s part of the foundation of San Fran’s TDM initiatives. So, say it with me, all applicable companies are required to offer a commuter benefits package to employees who work 10+ hrs a week.
- SF Commuter Benefit Compliance Reporting Form.**
This requires you to account for your company’s information like location, # of employees, company contact, and the status of your current commuter benefits offerings. Once the form is submitted, your company is registered and no annual reporting is required.
- Commuter Benefits Offerings.**
You can start with the basics like pre-tax benefits for public commuting options like the BART, Muni, and the local trolley. Then you can get into employer-subsidized choices, employee shuttle and carpool programs, or a combination.
- City Enforcement.**
If you don’t comply, you will first be handed a written warning . If no action is taken within 90 days, you be charged \$100, then \$200, and another \$500 if you continue to not offer the right benefits.
- Notify Your Staff.**
Once you have a program in place, you have to let people know! We suggest incorporating your commuter benefits into your onboarding process — this can significantly help decrease driving rates for your employees.

If you have 50+ employees:

- Bay Area Air Quality Management District’s Commuter Benefits Program.**
I know, that’s a mouthful, but this program is mandatory and helps you support your employees when it comes to their commutes.
- Initial Registration.**
Employers must register by providing their company information, including employer ID, location, contact for the Commuter Benefits Coordinator, and the # of employees.
- Commuter Benefits Coordinator.**
This person is here to implement, monitor, and inform about your commuter benefits program. Depending on the size of your company, it may be best to hire someone for this specific role, but you don’t have to. Many companies add these responsibilities to an existing employee’s role.
- Offer pre-approved benefit options.**
This includes, but is not limited to things like, pre-tax options, employer-provided subsidies (really great for rideshare), employer-provided shuttles or carpool programs, and more!
- Notify Your Staff.**
Once you have a program in place, you have to let people know! We suggest incorporating your commuter benefits into your onboarding process — this can significantly help decrease driving rates for your employees.
- Annual Registration.**
The Commuter Benefits Coordinator is responsible for updating their company’s registration status annually so you can make sure you’re upholding the standards required by your company’s size and impact.

