

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON REDUCTION OF TRAFFIC CONGESTION CHARGES, ETC.

Whole Amendment No. 3626, Jun. 30, 1999
Partial Amendment No. 4142, Sep. 25, 2003
Amendment of Other Laws No. 4329, Nov. 10, 2005
Partial Amendment No. 4481, Mar. 08, 2007
Partial Amendment No. 4854, Sep. 29, 2009
Amendment of Other Laws No. 4907, Jan. 07, 2010
Partial Amendment No. 5713, May. 14, 2014
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6226, May. 19, 2016
Partial Amendment No. 6261, Jul. 14, 2016
Partial Amendment No. 6728, Jan. 04, 2018
Amendment of Other Laws No. 7156, May. 16, 2019
Partial Amendment No. 7569, May. 19, 2020
Partial Amendment No. 7688, Oct. 05, 2020

Article 1 (Purpose)

This purpose of this Ordinance to provide for matters delegated concerning traffic congestion charges under the Urban Traffic Improvement Promotion Act and the Enforcement Decree and Enforcement Rule of the same Act, and for matters necessary for the enforcement thereof. <Amended by Ordinance No. 6261, Jul. 14, 2016>

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 2 (Definitions)

Terms used in this Ordinance shall be defined as follows: <Amended by Ordinance No. 5539, Aug. 1, 2013; Ordinance No. 6261, Jul. 14, 2016; Ordinance No. 6728, Jan. 4, 2018>

1. "Charges" mean the traffic congestion charges defined in subparagraph 9 of Article 2 of the Urban Traffic Improvement Promotion Act (hereinafter referred to as the "Act");
2. "Traffic volume" means the traffic volume of passenger vehicles operated by persons who work in a facility (hereinafter referred to as "workers") subject to the imposition of charges (hereinafter referred to as "facility") and persons who use the facility (hereinafter referred to as "users");
3. "Passenger vehicles" mean passenger vehicles defined in Article 3 of the Automobile Management Act and Article 2 of the Enforcement Rule of the aforesaid Act, comprising motor vehicles for non-commercial use under Article 6 of the Enforcement Rule of the aforesaid Act and motor vehicles for rental business under the Passenger Transport Service Act;
4. "Reduction programs" mean the following programs implemented in order to reduce traffic volume:
 - (a) Program for limiting access by passenger vehicles: A program under which the access by passenger vehicles to the premises and annexed parking lots of a facility is limited according to the correlation between the registration numbers of passenger vehicles and dates or days;
 - (b) Parking demand control: Control of demand for parking to an appropriate level by limiting demand for parking of passenger vehicles of workers and users who use the premises and annexed parking lots of a facility, such as the collection of parking fees, the reduction of the number of parking spaces, and the introduction of a parking guidance system;
 - (c) Use of bicycles: Promotion of the use of bicycles by workers and users through the installation and provisions of bicycle stands, etc.;
 - (d) Flexible working hours system: A system for decentralizing or reducing traffic volume based on the participation by at least 30 percent of workers in the staggered working-hour program (a program under which the office-going hour is staggered by one hour or more from nine o'clock in the morning), smart work center program, home-based telecommuting program, etc.: Provided, That going to the office on or before six o'clock in the morning or on or after noon (12 o'clock) shall not be deemed the flexible working hours system;
 - (e) Operation of commuter buses: Providing workers with buses owned or rented by a company as means of transport for commuting workers;
 - (f) Operation of shuttle buses: Providing workers or users who use a facility with automobiles under Article 82 of the Passenger Transport Service Act owned or rented by a company as means of transport;
 - (g) Corporate taxi program: A program under which workers of a company shall use corporate taxies for business travel and expenses therefor shall be borne by the company;
 - (h) Use of sharing automobiles: Leading people to jointly use automobiles designated by the Major.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 3 (Exemption from Charges)

(1) Facilities eligible for the exemption from the charges under Article 17 (1) 19 of the Enforcement Decree of the Urban Traffic Improvement Promotion Act (hereinafter referred to as the "Decree") are as follows: <Amended by Ordinance No. 5539, Aug. 1, 2013>

1. Transformer substations for the transmission and distribution of electricity; <Amended by Ordinance No. 4854, Sep. 29, 2009>
2. Waste disposal facilities, water pumping facilities, water purifying facilities, and water renewal facilities owned by local governments;
3. Welfare facilities in collective housing complexes;
4. Combined residential buildings (facilities for the combined purposes of collective housing and any use other than residential purpose) in which the area subject to the imposition of charges is less than 500 square meters.

(2) Notwithstanding paragraph (1), Mayor shall make a decision on whether to exempt facilities under paragraph (1) 3 and 4 from charges through deliberation by the Committee for Deliberation on Reduction of Traffic Congestion Charges under Article 12 (hereinafter referred to as the "Committee for Deliberation on Reduction"), if such facilities meet any of the following requirements: <Amended by Ordinance No. 5539, Aug. 1, 2013>

1. A welfare facility in a collective housing complex under paragraph (1) 3, if the aggregate of the areas subject to the imposition of charges within the collective housing complex is less than 3,000 square meters and if the facility abuts a road of not less than 20 meters wide;
2. A facility under paragraph (1) 4, if the facility abuts a road of not less than 20 meters wide.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 4 (Adjustment of Unit Charge and Traffic Congestion Causing Coefficients)

(1) The unit charges for facilities under Article 37 (2) of the Act shall be as per Table 3. <Amended by Ordinance No. 5713, May 14, 2014>

1. and 2. Deleted. <by Ordinance No. 5713, May 14, 2014>

(2) The traffic congestion-causing coefficients for facilities under Article 37 (2) of the Act shall be as per Table 2. <Amended by Ordinance No. 5539, Aug. 1, 2013; Ordinance No. 5713, May 14, 2014>

(3) Pursuant to Article 3-3 (3) of the Enforcement Rule of the Urban Traffic Improvement Promotion Act (hereinafter referred to as the "Rule"), Mayor shall adjust the traffic congestion-causing coefficients for facilities within the scope of the following subparagraphs, if he/she concludes that the traffic volume in such facilities will be reduced as a result of the implementation of a long-term public project: <Amended by Ordinance No. 6261, Jul. 14, 2016>

1. If the implementation period of a public project is not less than six months: Within 30 percent of the original traffic congestion-causing coefficient;
2. If the implementation period of a public project is not less than 12 months: Within 50 percent of the original traffic congestion-causing coefficient.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 5 (Scope of Facilities Eligible for Reduced Charges)

In order for a facility to become eligible for the reduction of charges under Article 24 (7) of the Decree (hereinafter referred to as "facility subject to traffic demand control"), its total floor area of all floors shall not be less than 1,000 square meters. <Amended by Ordinance No. 6016, Oct. 8, 2015; Ordinance No. 6261, Jul. 14, 2016>

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 6 (Reduction Rates of Charges, etc.)

(1) The standards for performing the reduction program for facilities subject to traffic demand control under Article 24 (7) of the Decree and the rates of reduction are as per Table 1. <Amended by Ordinance No. 5539, Aug. 1, 2013; Ordinance No. 6261, Jul. 14, 2016>

(2) Notwithstanding the provisions of paragraph (1), Mayor may increase or decrease the rates of reduction within the range of 20 percent of the rates of reduction under Table 1 through deliberation by the Committee for Deliberation on Reduction, taking the environments for performance and other factors into consideration. <Amended by Ordinance No. 5539, Aug. 1, 2013>

(3) The calculation of the rate of reduction for cases where two or more reduction programs are applied to the same facility shall be conducted in accordance with the formula in Attached Table 4 (Note 1) of the Decree: Provided, That when a program for limiting access in which workers participate differs from the one in which users participate in terms of their operating method, 50 percent of the rate of reduction of each reduction program shall apply. <Amended by Ordinance No. 5539, Aug. 1, 2013; Ordinance No. 5713, May 14, 2014; Ordinance No. 6016, Oct. 8, 2015>

(4) The amount reduced pursuant to paragraph (3) shall not exceed the total amount of charges.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 7 (Plan for Reducing Traffic Volume, etc.)

(1) If the owner (including the tenant or manager if leased or sold; hereinafter referred to as "owner") of a facility subject to traffic

demand control intends to have charges reduced in return for his/her performance of a reduction program, he/she shall submit a plan for reducing traffic volume in Form 1 (hereinafter referred to as "plan for reduction") to Mayor by not later than July 31 each year.

(2) Mayor, in receipt of a plan for reduction pursuant to paragraph (1), shall monitor and inspect in accordance with the following subparagraphs whether the traffic volume the facility subject to traffic demand control is reduced and may conduct joint inspections between the Metropolitan Government and an autonomous Gu for particular facilities:

1. If the total floor area of each floor is less than 3,000 square meters: At least once semi-annually;
2. If the total floor area of each floor is 3,000 or more square meters: At least once quarterly;

(3) If Mayor discovers as a result of an inspection under paragraph (2) on whether the traffic volume has been reduced in compliance with the plan for reduction submitted in accordance with paragraph (1) that a person has charges reduced wrongfully by submitting false data, he/she shall recover the reduced amount.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 8 (Period for Reduction of Traffic Volume, etc.)

(1) Each reduction program under the plan for reduction submitted in accordance with Article 7 (1) shall be performed continuously for at least three months during August 1 each year through July 31 of the following year (hereinafter referred to as "period for reduction of traffic volume").

(2) Notwithstanding the provisions of Article 7 (1), a person who intends to have charges reduced may submit a plan for reduction even after August 1. <Amended by Ordinance No.5539, Aug. 1, 2013>

(3) The period for reduction of traffic volume shall be counted on a monthly basis, but if there are 15 days or more left over, the reduction for the number of such days shall be counted on a daily basis: Provided, That the foregoing shall not apply to one-time installation costs for facilities such as a parking guidance system. <Amended by Ordinance No.5539, Aug. 1, 2013>

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 9 (Flexibility in Performance of Traffic Volume Reduction Programs, etc.)

The owner of a facility eligible for the reduction shall be deemed to have performed a traffic reduction program if he/she has submitted a plan for reduction in accordance with Article 7 (1) but fails to perform the traffic volume reduction program partially within the extent under any of the following subparagraphs, and in such cases any figure less than the decimal point in the number of units shall be deemed one unit: <Amended by Ordinance No. 6261, Jul. 14, 2016; Ordinance No. 6728, Jan. 4, 2018>

1. The no-driving day system &mdot; the fifth-day no-driving system and the alternate-day no-driving system for passenger vehicles:

(a) The no-driving day system &mdot; the fifth-day no-driving system for passenger vehicles: Not more than four percent of parking spaces;

(b) The alternate-day no-driving system for passenger vehicles: Not more than ten percent of parking spaces;

2. Operation of commuter buses: Where commuter buses have not been in operation for not more than five days a month for repairing and maintenance of the buses;

3. Charging for parking lots: Not more than five percent of parking spaces.

[This Article Wholly Amended by Ordinance No. 6226, May 19, 2016]

Article 10 (Exception to Application of Traffic Volume Reduction Programs)

No traffic volume reduction program shall be applicable to any of the following cases: <Amended by Ordinance No. 5539, Aug. 1, 2013>

1. Passengers that merely pass through the premises of a facility subject to the program;

2. Where a passenger vehicle used as an emergency vehicle under Article 2 of the Road Traffic Act enters and exits the premises of a facility subject to the program;

3. Where it is necessary to enter and exit the premises of a facility subject to the program in an autonomous Gu office or any other authority by a passenger vehicle for the purpose of attaching number plates to the passenger vehicle or such.

4. The operation of commuter buses for workers who reside in dormitories in the premises of a facility subject to the program and a staggered working-hour system for such workers;

5. The fifth-day no-driving system or the alternate-day no-driving system on the 31st day and the hours between ten o'clock in the evening and seven o'clock in the following morning;

6. Passenger vehicles owned by a disabled person registered in accordance with the Welfare of Disabled Persons Act and identifiable with the mark "disabled person" attached to the exterior of such vehicles;

7. Passenger vehicles approved as those to transport patients of medical institutions.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 11 (Application for Reduction of Charges, etc.)

(1) An owner who has reduced traffic volume shall file an application for the reduction of charges with Mayor in Form 2 by not later than August 31 each year. <Amended by Ordinance No. 6261, Jul. 14, 2016>

(2) The Mayor shall determine the rate of reduction of charges after submitting an application for the reduction of charges received under paragraph (1) to the Committee for Deliberation on Reduction prescribed in Article 12 for its deliberation, and shall notify the owner thereof within seven days from the date of the determination. <Amended by Ordinance No. 5539, Aug. 1, 2013>
[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 12 (Establishment of Committee for Deliberation on Reduction, etc.)

(1) Each autonomous Gu shall establish the Committee for Deliberation on Reduction in order to deliberate on the following matters: <Amended by Ordinance No. 6261, Jul. 14, 2016>

1. Matters concerning the calculation of rates of reduction for any reduction program other than the reduction programs under subparagraph 4 of Article 2;
2. Matters concerning the determination of facilities eligible for exemption from charges under Article 3 (2);
3. Matters concerning facilities eligible for reduced charges under Article 4 (3) and the adjustment of traffic congestion-causing coefficients.

(2) The Committee for Deliberation on Reduction shall be comprised of not less than nine but not more than 15 members, including one chairperson and one vice chairperson.

(3) The term of office for each member of the Committee for Deliberation on Reduction shall be two years but may be renewed consecutively: Provided, That the term of office for a public official who serves as a committee member shall correspond to the term of service in his/her position.

(4) Members of the Committee for Deliberation on Reduction shall consist of public officials from related administrative agencies, members of the competent local council, attorneys-at-law, representatives from non-governmental organizations, and experts recognized as those who have good knowledge and experience in traffic issues; the committee chairperson shall be elected by and from among committee members. In such cases, at least two-thirds of committee members shall consist of persons who are not public officials.

(5) A meeting of the Committee for Deliberation on Reduction shall be duly formed with the attendance of the majority of incumbent committee members and shall adopt a resolution by a concurrent vote of a majority of committee members present at the meeting.

(6) Except as provided for in paragraphs (1) through (5), necessary matters concerning the organization and operation of the Committee for Deliberation on Reduction shall be determined by the committee chairperson through deliberation by the Committee for Deliberation on Reduction.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 13 (Allowances, etc.)

Members of the Committee for Deliberation on Reduction may be reimbursed within the budget for allowances and travel expenses.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 14 (Delegation of Authority)

Pursuant to Article 29 (1) of the Decree, Mayor shall delegate his/her authority for the following matters to the head of each Gu: <Amended by Ordinance No. 6261, Jul. 14, 2016>

1. Matters concerning the imposition and collection of charges under Article 36 of the Act;
2. Matters concerning determining exemption from charges under Article 3 (2);
3. Matters concerning the adjustment of the rates of reduction of charges under Article 6 (2);
4. Matters concerning accepting plans for reduction under Article 7, the inspection on whether the plan for reduction has been performed;;
5. Matters concerning accepting the application for the reduction of charges under Article 11 and the determination and notification of rates of reduction.

[Wholly Amended by Ordinance No. 4854, Sep. 29, 2009]

Article 15 (Grant for Collection of Charges, etc.)

(1) Pursuant to Article 29 (2) of the Decree, Mayor shall grant an amount calculated in accordance with the following guidelines to the head of each Gu within the maximum of 30 percent of the collected amount. In such cases, the total grant shall include expenses incurred in collection such as general operating expenses: <Amended by Ordinance No. 6016, Oct. 8, 2015>

1. One half of the total grant shall be granted according to the results of collection;
2. Another one half of the total grant shall be granted according to the results of traffic demand control.

(2) The Committee for Deliberation on Results of Traffic Demand Control shall be organized to assess and pay the grant under paragraph (1) 2.