

BOARD MEETING DATE: May 1, 2015

AGENDA NO. 31

PROPOSAL: Amend Rule 2202 Employee Commute Reduction Program Guidelines

SYNOPSIS: Amendments are proposed to the Rule 2202 Employee Commute Reduction Program Guidelines to streamline the annual reporting process and to incentivize better program performance. The proposal also provides administrative clarifications to address issues raised by stakeholders.

COMMITTEE: Mobile Source, March 20, 2015, Reviewed

RECOMMENDED ACTIONS:

Adopt the attached resolution:

1. Certifying the Final Environmental Assessment for Proposed Amended Rule 2202 Employee Commute Reduction Program Guidelines; and
2. Amending Rule 2202 Employee Commute Reduction Program Guidelines.

Barry R. Wallerstein, D.Env.
Executive Officer

EC:CG:EL

Background

Rule 2202 – On-Road Motor Vehicle Mitigation Options, adopted in December 1995, requires employers who employ 250 or more employees at a worksite to implement an emission reduction program to reduce emissions related to employee commutes from home to work. The rule provides members of the regulated community with a menu of flexible and cost effective emission reduction options from which they can choose to implement and meet the emission reduction targets for their worksites.

Employers may voluntarily elect to implement an Employee Commute Reduction Program (ECRP), otherwise known as a rideshare program. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving an average vehicle ridership (AVR) target for employer’s worksites. Employers who

voluntarily choose to implement an ECRP are required to submit an annual program plan that demonstrates good faith effort toward achieving their worksite AVR target. Employers implementing an ECRP must do so in conformance with the ECRP Guidelines as a means to comply with Rule 2202 (1)(3). The ECRP Guidelines provide the basis for the implementation of this rule option and have been in effect since the initial adoption of Rule 2202 in 1995.

In June 2014, staff amended Rule 2202 and the rule Implementation Guidelines to address issues with the credit market as it is used under Rule 2202. During the public meetings, members of the regulated community requested that the ECRP Guidelines be reviewed to consider methods to incentivize employers that demonstrate improvements in the worksite AVR and to streamline the ECRP submittal process. The Board directed staff, as part of its Rule 2202 amendment adoption resolution, to review the documents for potential amendment at a later time.

Proposal

Staff is proposing a set of amendments to the Guidelines to support employers' implementation of the ECRP compliance option. The proposed amendments are to clarify existing language, streamline the ECRP submittal process, and incentivize employer good faith efforts toward meeting the worksite AVR target.

Staff is proposing the inclusion of a High AVR and AVR Improvement Program as additional plan submittal types to incentivize improvements to worksite AVRs. The High AVR Program replaces the current High AVR No-Fault Inspection Program. Employers may submit a High AVR Program when their worksite has met or exceeded the AVR target. Employers qualifying for the High AVR Program will continue to receive a reduction (30% - 47%) in the current filing fees, submit a streamlined version of the annual plan, and will not be required to have an on-site pre-inspection. Alternatively, an AVR Improvement Program may be submitted if the worksite has improved their AVR more than 0.05 or has an improvement of 0.01 or better for three consecutive years. Employers qualifying for the AVR Improvement Program will receive a 20% reduction in filing fees and will submit a streamlined plan. These proposed programs are intended to incentivize improvements to worksite AVR by streamlining annual plan submittals at a discounted fee. Also, the reduced fee is proportional to the work involved since plans from employers that are achieving or making progress toward their goals require less review.

Staff is also proposing that the Mobile Source Diesel PM/NO_x Emission Minimization Program and Employer Clean Fleet Purchase/Lease Program be removed. CARB has adopted off-road regulations that seek to reduce emissions from existing off-road diesel vehicle fleets and emission certification standards for all new off-road diesel engines. These requirements will address a larger population of vehicles and are more stringent than the existing Rule 2202 ECRP requirements. The vehicle fleet emission standards of

LEV II and LEV III, as adopted by CARB, will increase the availability of cleaner vehicles as compared to what would be required under the ECRP Clean Fleet requirements. The Clean Fleet Program, adopted in 2004, was intended to accelerate the deployment of lower emission vehicle engines. The implementation of the LEV II and LEV III standards will achieve the original intent of this Rule 2202 ECRP program element. As a result, removing these program elements from the ECRP Guidelines will not result in emission reductions foregone; rather, it will reduce the administrative burden for the employers subject to these provisions in Rule 2202.

Key Issues

High AVR Program Submittal Fees

Comments received during the workshops requested that the fees for the proposed High AVR Program be lower than the proposed submittal fee amounts or waived altogether, because the inspection component of the program will no longer be required. Staff reviewed the tasks required to evaluate a High AVR Program submittal and found that the existing fee is necessary to provide cost recovery for this program. The current fee does not include the inspection cost; therefore, removing the on-site pre-inspection requirement will not alter the submittal fee. The proposed fees represent a fee reduction of 30% for worksites with less than 500 employees, or 47% for worksites with 500 or more employees which is a reduction level that will not adversely affect program resources. Based on ECRP submittals for 2014, staff's proposal represents an aggregated 40% (\$62,000) decrease in fees for the 115 qualifying worksites. The requested reductions of fees to be 20% lower than the current Emission Reduction Strategy (ERS) fees will result in a fee reduction from the current fees of 44% for worksites with less than 500 employees, or 58% for worksites with 500 or more employees.

The fee structure in Rule 2202 is designed for program cost recovery. It is not intended to be used as an incentive to promote one rule option over another. Staff does not believe that additional discounting will likely result in a significant increase in the number of employers participating in ECRP. Staff has reviewed the cost associated with the evaluation of the different types of ECRP submittals and has determined that the existing and proposed submittal fees will provide for recovery of the direct program costs.

Annual AVR Survey Submittal

During the public meetings, requests were made to change the AVR survey requirement from every year to every other year for worksites that have met or exceeded the AVR target, especially for employers with a large employee population. Commenters mentioned there were other areas in the country that have biennial transportation survey requirements. The annual reporting of worksite AVR is an important performance indicator that is used to demonstrate on going progress toward meeting AVR targets and the region's clean air goals. The calculated AVR is used to determine emission reductions achieved from the reduction of employee commutes from home to work. Rule 2202 is a performance-based program that seeks emission reductions, based on an annual

emission target, through the reduction of vehicle trips. Since the South Coast Air Basin is in extreme non-attainment for ozone, it is important that all reductions of ozone precursors (i.e., VOC and NOx) continue to be pursued and quantified. It would be difficult to account for any negative or positive changes in a worksite's AVR and the associated emission reductions during the non-surveyed interim years or to retroactively offset any reductions that were lost as a result of a negative change in the worksite AVR. It should be noted that, under Rule 2202, employers can achieve the annual emission target by voluntarily choosing between the different rule compliance options of ERS, Air Quality Investment Program or ECRP. Staff recognizes that surveying a large employee population can be difficult. Since the program's initial adoption, the ECRP Guidelines have included options of allowing the employers to use a random sampling method or to propose an alternative survey method. Staff will continue to work with employers to evaluate alternative survey methods that can be used for large employee populations.

Public Process

Staff has worked with Rule 2202 stakeholders and other interested parties. Stakeholder working group meetings were held on August 21, 2014 and February 19, 2015; and a Public Workshop was held on March 4, 2015.

California Environmental Quality Act (CEQA)

Pursuant to California Environmental Quality Act (CEQA) Guidelines § 15252 and SCAQMD Rule 110, the SCAQMD has prepared a Draft Environmental Assessment (EA) for the proposed amendments to the Rule 2202 ECRP Guidelines. The Draft EA was released for a 30-day public review and comment period from March 24, 2015 to April 22, 2015. Responses to comments received in the Draft EA are included in the Final EA. The environmental analysis in the Final EA concluded that the proposed project would not generate any significant adverse environmental impacts.

Socioeconomic Analysis

Proposed amendments to Rule 2202 Employee Commute Reduction Program Guidelines will affect 494 worksites that have implemented an ECRP within the SCAQMD jurisdiction. These worksites belong to most major sectors in the local economy. The proposed amendments may result in a reduction of filing fees for qualifying program submittals associated with the High AVR or AVR Improvement Program options. Removal of the Clean Fleet and Diesel Minimization requirements will reduce the paperwork needed resulting in cost savings. It should be noted that employers will continue to be able to choose from different compliance options. In conclusion, the proposed amendments are not expected to cause additional costs or other adverse socioeconomic impacts.

AQMP and Legal Matters

The California Health and Safety Code requires that the SCAQMD adopt an AQMP to meet state and federal ambient air standards in the Basin. In addition, the California

Health and Safety Code requires that the SCAQMD adopt rules and regulations that carry out the objective of the SCAQMD. The proposed Guideline amendments are consistent with the intent and objectives of the AQMP.

Implementation and Resource Impact

Existing SCAQMD resources will be sufficient to implement the proposed amendments with minimal impact on the budget.

Attachments

- A. Summary of Proposal
- B. Summary of Key Issues and Responses
- C. Rule Development Process
- D. Key Contacts List
- E. Resolution
- F. Proposed Amended Rule 2202 Employee Commute Reduction Program
Guidelines Language
- G. Staff Report
- H. Final Environmental Assessment

ATTACHMENT A
SUMMARY OF PROPOSAL

Amend Rule 2202 Employee Commute Reduction Program (ECRP) Guidelines

- Allow High AVR and AVR Improvement Program submittal of streamlined plans with discounted filing fees
- Remove Employer Clean Fleet Purchase/Lease Program
- Remove Mobile Source Diesel PM/NO_x Emission Minimization Program
- Administrative amendments to the Guidelines and Good Faith Effort Determination Elements to provide additional clarity and guidance to the regulated community:
 - Add Failure to Notify flowchart to further explain the consequences of not submitting an ECRP
 - Program Administration – clarification of when an approved ECRP is to begin implementation and the addition of examples of the type of records that should be maintained for recordkeeping requirements
 - Recordkeeping – record retention requirement for AVR Improvement Programs when the retention time in some instances may be longer than three years
 - AVR Adjustments – inclusion of the types of vehicles that can be counted as zero emission vehicles and how they can be used when calculating AVR
 - Extensions – add examples of reasons that an extension for a program submittal may be granted
 - Relocation – add clarification regarding rule applicability when an employer relocates their employees over an extended period of time
 - Declared Bankruptcy – clarify administrative actions to be taken when a bankruptcy waiver expires

ATTACHMENT B
SUMMARY OF KEY ISSUES AND RESPONSES

Proposed Amended Rule 2202
Employee Commute Reduction Program (ECRP) Guidelines

- The fees for the proposed High AVR Program submittal be 20% lower than the ERS fee or be completely waived, has been suggested. This could further incentivize AVR improvements and could make the ECRP program more attractive.

Response:

The fee structure in Rule 2202 is designed for program cost recovery. It is not intended to be used as an incentive to promote one rule option over another. Staff does not believe that additional discounting will likely result in a significant increase in the number of employers participating in ECRP. Staff has reviewed the cost associated with the evaluation of the different types of ECRP submittals and has determined that the existing and proposed discounted submittal fees will provide for cost recovery of the direct program costs. The existing discounted fee does not include the inspection cost therefore, removing the pre-inspection requirement will not alter the fee. The proposal will reduce an administrative burden for employers and streamline plan submittals for qualifying employers. Staff will evaluate the High AVR Program and the AVR Improvement Program performance over time and determine if a fee adjustment is warranted.

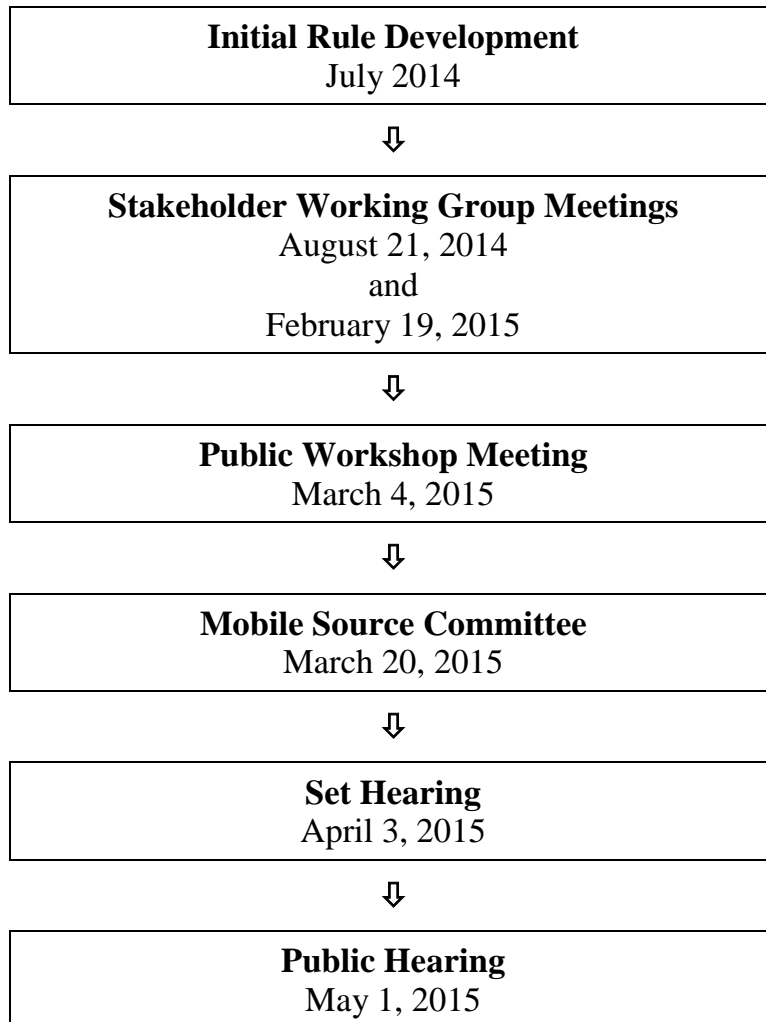
- Request that AVR surveys not be required every year for worksites that have met or exceeded the AVR target especially for employers with a large employee population. Surveying employees can be resource intensive. There are other programs that allow biennial AVR surveys.

Response:

The annual reporting of worksite AVR is an important performance indicator that is used to demonstrate on going progress toward meeting AVR targets and the region's clean air goals. The calculated AVR is used to determine emission reductions achieved from the reduction of employee commutes from home to work. Rule 2202 is a performance based program that seeks emission reductions, based on an annual emission target, through the reduction of vehicle trips. Since the South Coast Air Basin is in extreme non-attainment for ozone it is important that all reductions of ozone precursors (i.e., VOC and NOx) continue to be pursued and quantified. It would be difficult to account for any negative or positive changes in a worksite's AVR and the associated emission reductions during the non-surveyed interim years or to retroactively offset any reductions that were lost as a result of a negative change in the worksite AVR. Staff recognizes that surveying a large employee population can be difficult. Since the program's initial adoption, the ECRP Guidelines have included options of allowing the employers to use a random sampling method or to propose an alternative survey method. Staff will continue to work with employers to evaluate alternative survey methods that can be used for large employee populations.

**ATTACHMENT C
RULE DEVELOPMENT PROCESS**

**Proposed Amended Rule 2202
Employee Commute Reduction Program (ECRP) Guidelines**



**ATTACHMENT D
KEY CONTACTS LIST**

**Proposed Amended Rule 2202
Employee Commute Reduction Program (ECRP) Guidelines**

- Rule 2202 regulated employers
- Employee Transportation Coordinators (ETC)
- Transportation Management Organization or Associations (TMO/TMA)
- Rule 2202 program consultants
- Emission credit brokers
- Other interested parties

ATTACHEMENT E

RESOLUTION NO. 15-_____

A Resolution of the South Coast Air Quality Management District (SCAQMD) Governing Board adopting Proposed Amended Rule 2202 Employee Commute Reduction Program (ECRP) Guidelines.

A Resolution of the SCAQMD Governing Board certifying the Final Environmental Assessment for Proposed Amended Rule 2202 Employee Commute Reduction Program (ECRP) Guidelines.

WHEREAS, the SCAQMD Governing Board has determined with certainty that Proposed Amended Rule 2202 ECRP Guidelines, is a “project” pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review and analysis pursuant to such program (Rule 110); and

WHEREAS, SCAQMD staff has prepared a Draft Environmental Assessment (EA) pursuant to its certified regulatory program and pursuant to CEQA Guidelines §15252, setting forth the potential environmental consequences of Proposed Amended Rule 2202 ECRP Guidelines; and

WHEREAS, the Draft EA was circulated for 30-day public review and comment period from March 24, 2015 to April 22, 2015; and

WHEREAS, any responses to comments received on the Draft EA are included in the Final EA, and the Draft EA has been revised such that it is now a Final EA; and

WHEREAS, it is necessary that the adequacy of the Final EA, including responses to comments, be determined by the SCAQMD Governing Board prior to its certification; and

WHEREAS, the SCAQMD is not required to prepare Findings, a Statement of Overriding Considerations, or a Mitigation Monitoring Plan because the proposed project is not expected to generate significant adverse environmental impacts; and

WHEREAS, the SCAQMD Governing Board voting on Proposed Amended Rule 2202 ECRP Guidelines has reviewed and considered the Final EA, including responses to any comments received prior to its certification; and

WHEREAS, the SCAQMD Governing Board finds and determines, taking into consideration the factors in § (d)(4)(D) of the Governing Board Procedures, that the modifications which have been made to Proposed Amended Rule 2202 ECRP Guidelines, since notice of public hearing was published do not significantly change the meaning of the proposed project within the meaning of Health and Safety Code § 40726 and would not constitute significant new information requiring recirculation of the Draft CEQA document pursuant to CEQA Guidelines § 15088.5; and

WHEREAS, the SCAQMD Governing Board has determined that the Proposed Amended Rule 2202 ECRP Guidelines do not significantly affect air quality or emission limitations and as such, no socioeconomic analysis is required under Health and Safety Code Section 40728.5; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 2202 ECRP Guidelines will not result in increased costs to industry as described in the Socioeconomic Impact Assessment; and

WHEREAS, the SCAQMD Governing Board has determined that the Proposed Amended Rule 2202 ECRP Guidelines, do not impose a new emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements and therefore a comparative analysis pursuant to Health and Safety Code Section 40727.2 is not required; and

WHEREAS, the SCAQMD Governing Board obtains its authority to adopt these Proposed Amended Rule 2202 ECRP Guidelines pursuant to sections 40000, 40001 and 40440, of the California Health and Safety Code; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to amend the Rule 2202 ECRP Guidelines in order to be consistent with current State and SCAQMD emission reductions estimates and to increase the effectiveness of the program; and

WHEREAS, the SCAQMD Governing Board has determined that the Proposed Amended Rule 2202 ECRP Guidelines, as proposed to be adopted, are written or displayed so that their meaning can be easily understood by the persons directly affected by them; and

WHEREAS, the SCAQMD Governing Board has determined that the Proposed Amended Rule 2202 ECRP Guidelines, as proposed to be adopted, are in

harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the SCAQMD Governing Board has determined that the Proposed Amended Rule 2202 ECRP Guidelines, as proposed to be adopted, do not impose the same requirements as any existing state or federal regulation and the proposed amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 2202 ECRP Guidelines, as proposed to be adopted, reference the following statutes which the SCAQMD hereby implements, interprets or makes specific: Health and Safety Code Section 40001, 40716, 40717, and Federal Clean Air Act Section 182(d)(1)(B); and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the SCAQMD Governing Board specifies the manager of Proposed Amended Rule 2202 ECRP Guidelines, as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the Proposed Amended Rule 2202 ECRP Guidelines is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California 91765; and

WHEREAS, the SCAQMD Governing Board has determined that the Proposed Amended Rule 2202 ECRP Guidelines, should be adopted for the reasons contained in the Staff Report, and

NOW, THEREFORE, BE IT RESOLVED, that the SCAQMD Governing Board does hereby certify that the Final EA for Proposed Amended Rule 2202 ECRP Guidelines was completed in compliance with CEQA and Rule 110 provisions; and that the Final EA was presented to the Governing Board, whose members reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 2202 ECRP Guidelines; and

BE IT FURTHER RESOLVED, that because no significant adverse environmental impacts were identified as a result of implementing Proposed Amended Rule 2202 ECRP Guidelines, a Statement of Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan are not required; and

BE IT FURTHER RESOLVED, that the South Coast Air Quality Management District Board requests that Proposed Amended Rule 2202 ECRP Guidelines be submitted into the State Implementation Plan; and

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 2202 ECRP Guidelines to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan; and

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 2202 ECRP Guidelines as set forth in the attached and incorporated herein by reference.

DATE: _____

CLERK OF THE BOARDS

ATTACHMENT F

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Proposed Amendments to

RULE 2202 – ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS

EMPLOYEE COMMUTE REDUCTION PROGRAM GUIDELINES

~~October 7, 2011~~ May 1, 2015

Deputy Executive Officer

Planning, Rule Development, and Area Sources
Elaine Chang, DrPH

Assistant Deputy Executive Officer

Planning, Rule Development, and Area Sources
Phillip Fine, PhD

Planning and Rules Manager

Planning, Rule Development, and Area Sources
Carol A. Gomez

AUTHOR: ERNEST LOPEZ - AIR QUALITY SPECIALIST

TECHNICAL ASSISTANCE: ANTONIO THOMAS - SENIOR TRANSPORTATION SPECIALIST
LANE GARCIA - TRANSPORTATION PLAN REVIEWER

REVIEWED BY: WILLIAM WONG - DEPUTY DISTRICT COUNSEL
LAUREN NEVITT - SR DEPUTY DISTRICT COUNSEL

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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JANICE RUTHERFORD
Supervisor, Second District
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EXECUTIVE OFFICER: BARRY R. WALLERSTEIN, D.Env.

PREFACE

Implementation of an Employee Commute Reduction Program (ECRP) is strictly optional under Rule 2202. This program is designed to meet ambient air quality standards mandated by the Federal Clean Air Act. As an indirect mobile source emission control strategy it is intended to reduce vehicle miles traveled and increase the average vehicle ridership (AVR) of work related trips at subject worksites.

Rule 2202 and the guidelines for the ECRP are consistent with the Health and Safety Code §40717 which establishes compliance requirements for California transportation performance standards.

This document has been prepared to assist employers in understanding the development and implementation requirements of the ECRP at their worksites. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving and maintaining the employers' designated AVR targets.

SCAQMD staff is available to answer questions and to provide assistance to employers who are developing and implementing programs. The entire guidance document should be read in order to fully understand the program requirements. Direct any questions concerning these guidelines to the Transportation Programs Hotline at (909) 396-3271.

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I. PROGRAM OVERVIEW

A. INTRODUCTION

Rule 2202 ~~has been~~ is designed to reduce mobile source emissions from employee commutes. The Rule provides employers with a menu of emission reduction strategies that ~~employers can be implemented~~ to meet ~~an~~ the designated emission reduction target (ERT) for their worksite. As an alternative to meeting an ERT, Rule 2202 also allows employers the option to implement an Employee Commute Reduction Program (ECRP) that meets the rule exemption requirements. The implementation of an ECRP is expected to lead to achievement and maintenance of the employer's designated average vehicle ridership (AVR) target, determined by the worksite's AVR Performance Zone pursuant to Rule 2202 (1)(3), ~~by reducing the number of~~ through the reduction of work related vehicle trips.

B. APPLICABILITY

This program can be implemented by any employer that employs 250 or more employees at a worksite, on a full or part-time basis, calculated as a monthly average over the prior six consecutive months. Each monthly employee population for the prior consecutive six months is added and then divided by six to determine whether the employer's average employee population figure is 250 or more.

1. Program Notification

Employers with 250 or more employees upon becoming subject to Rule 2202 shall notify the SCAQMD in writing within 30 days and include the following information:

- a. Employer's name;
- b. Worksite and mailing address of the business;
- c. Name, title, phone number, and email address of the highest ranking official at the worksite;
- d. Name, title, phone number, and email address for a contact person at the worksite; and
- e. Number of employees at the worksite.

Once the employer has notified the SCAQMD, within 90 calendar days ~~from the date of notifying the SCAQMD that notification~~, the employer must submit an initial ~~Annual Employee Commute Reduction Program ECRP~~, if ~~such a~~ that compliance option is chosen.

Any employer that is subject to Rule 2202 ~~and~~ but fails to notify the SCAQMD within 30 calendar days of becoming subject to the rule will be subject to the Failure to Notify Surcharge as set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and may be subject to civil or criminal enforcement action ~~for failure to notify AQMD~~ (see Figure 1).

Rule 308 – Failure to Notify

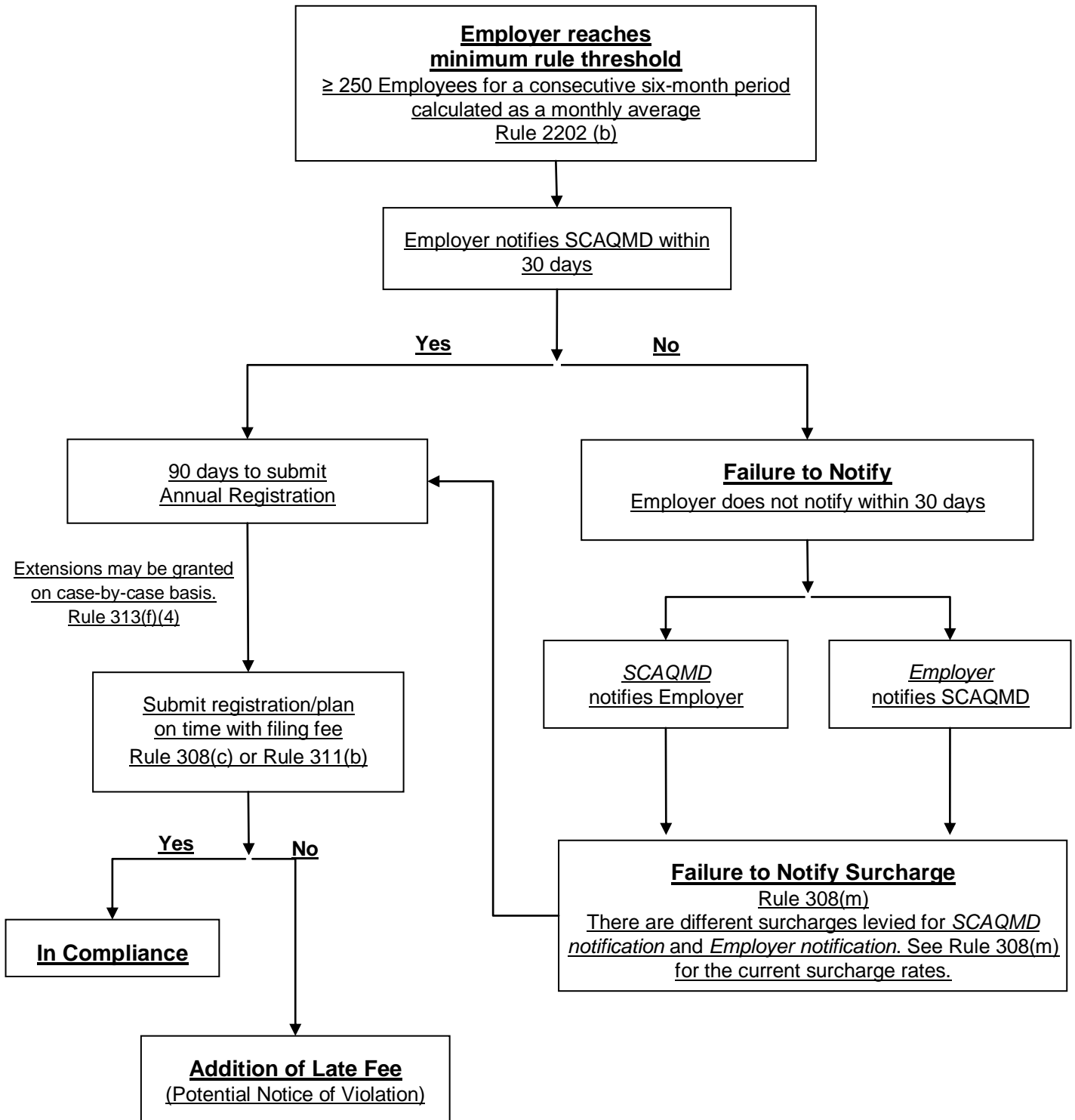


Figure 1. Rule 308 – Failure to Notify Flow Chart

C. TYPES OF EMPLOYEE COMMUTE REDUCTION PROGRAMS

On the program due date, or within 90 calendar days of becoming subject to the Rule, an employer choosing to comply through this option must submit one of the following ECRP ~~Annual Program~~ programs:

- a. A single-site employer must submit a single site ECRP.
- b. A multi-site employer may submit either a Multi-Site ECRP, separate single site programs, or a combination of multi-site and single site programs.

D. PROGRAM SUBMITTAL SCHEDULE

Employers must submit an ~~Annual Program on an~~ ECRP by the established ~~submittal due~~ date. The ~~Annual Program~~ ECRP reports the AVR status for the current year and, when not achieving the target AVR, an implementation plan that will achieve or make progress toward the AVR target performance requirement for the worksite. Worksites included in a Multi-Site program submittal must all have the same annual due date and be located within the same AVR Performance Zone. Annual due dates shall remain permanent unless modified by the Executive Officer or designee or a written request to change the due date is submitted by the employer and approved in writing by the SCAQMD.

E. PROGRAM ELEMENTS TYPES

An ECRP that reports the results of an AVR data collection method and calculation, and/or a plan that the employer will implement to meet the AVR target, must be submitted to the SCAQMD by the program due date. ECRPs must be submitted in the format approved by SCAQMD and include the following elements:

1. Single Site Program

- a. A management commitment endorsed by the highest-ranking official at the worksite or the person responsible for allocating the resources necessary to implement the program. This endorsement shall include a commitment to fully implement the program and that all data in the program is accurate to the best of the employer's knowledge. The endorsement, commitment, and signature line can be found in the ~~Annual Program~~ ECRP compliance forms;
- b. The name of the Employee Transportation Coordinator (ETC), On-site Coordinator, and/or Consultant ETC;
- c. The name of the worksite contact person, if different from the ETC;
- d. The number of employees that begin work during a typical work week within the peak commute window;
- e. ~~The AVR calculation and AVR data collection method;~~
- d.f. Specific strategies as defined in section II.F. Good Faith Effort Determination Elements, the employer will provide to employees implement;
- e. ~~The number of employees that begin work during a typical work week within the peak commute window; and,~~
- f. ~~A marketing program which ensures all employees are regularly informed of the ECRP details.~~

- g. Emission credit offset calculations and the emission reduction credit amounts or the Air Quality Investment Program (AQIP) fee amount required to meet the worksite AVR target if the option in Rule 2202 (l)(3)(A) is selected; and,
- h. Any applicable supporting documentation.

2. Multi-Site Program

In addition to submitting the elements described above for each worksite, employers submitting Multi-Site ECRPs shall submit a matrix that identifies ~~those specific~~ strategies offered at each individual worksites. Worksites can only be added to or removed from a multi-site program during the annual submittal or a program amendment submittal. New worksites may be added to a multi-site program provided the multi-site submittal is within the 90 calendar days specified for new worksites in section I.B. Applicability; otherwise new worksites shall remain as a single site program until the appropriate time to become part of the multi-site program.

Employers submitting Multi-Site ECRPs ~~may~~should consider the following:

- a. The option of aggregating AVR for worksite submittals located within the same AVR Performance Zone, as described in section II.D. Aggregating AVR for Multi-site Employers;
- b. In lieu of attaining the designated AVR at each employer worksite, ~~total surplus vehicle reductions (TSVR) from sites in the multi-site plan that exceed their designated AVR may be credited towards an employer's worksite that has a total vehicle reduction shortfall (TVRS) not met the target AVR for those worksites located within the same AVR Performance Zone. (Refer to section II.D. Aggregating AVR for Multi-Site Employers);~~
- c. Implementation of a Centralized Rideshare Service Center (CRSC) in lieu of having a trained ETC at each worksite in the multi-site plan (refer to section III.C. Centralized Rideshare Service Center);
- d. Designation of On-Site Coordinators for each worksite; and/or,
- e. The option of voluntarily including worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule ~~as described in section II.D. Aggregating AVR for Multi-site Employers.~~

~~F. ANNUAL PROGRAM~~

~~The Annual Program must be submitted in the appropriate format, approved by AQMD, and include the following:~~

- ~~a. AVR data collection method;~~
- ~~b. AVR calculation;~~
- ~~c. Emission credit offset calculations and the emission reduction credit amounts that are required to meet the worksite performance requirements if the option in subparagraph (m)(3)(A) of the rule is selected;~~
- ~~d. Name of the certified ETC responsible for developing and implementing the worksite ECRP;~~
- ~~e. Strategies offered to employees;~~

- f. ~~Signed endorsement by the highest ranking official or the person responsible for allocating the resources necessary to implement the program declaring that all strategies listed in the approved program were offered to employees; and~~
- g. ~~Any applicable supporting documentation.~~

~~If the Annual Program submittal indicates that the designated AVR was not achieved, AQMD staff will contact the employer to recommend how to improve the program. Alternatively, the employer may refer to the section V. *Employee Commute Reduction Strategies* for other strategies that could be included in the program.~~

~~G. HIGH AVR NO-FAULT INSPECTION~~

~~1. High AVR No-Fault Inspection Requirements~~

3. High AVR Program

~~Any worksite that requests and passes a High AVR No-Fault Inspection submitting a High AVR Program, one that meets or exceeds the target AVR, is eligible for a the reduced annual filing fees established in Rule 308 (c)(1)(A) and (c)(1)(B). To qualify, the following conditions must be met:~~

- a. ~~The annual employee survey must be conducted and the resulting AVR calculation must meet or exceed the designated target AVR;~~
- b. ~~It cannot be a first-time submittal resulting from a change of ownership as described in section IV.C. *Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owners program ECRP;~~
- c. ~~The designated target AVR must be met only through the implementation of an ECRP and cannot be met using emission credits or AQIP fees; and,~~
- d. ~~The ECRP must be marketed and implemented as described in the Annual Program submittal; and,~~
- e. ~~The High AVR No-Fault Inspection must be scheduled no less than two months prior to the submittal due date.~~
- d. ~~The employer submits an ECRP in the format approved by SCAQMD and includes the elements describe in section I.E. *Program Types and Features*, excluding the Good Faith Effort Determination Elements.~~

~~2. Compliance Documents Submittal~~

~~Following successful completion of a High AVR No-Fault Inspection, the employer is required to submit the following documents in lieu of an Annual Program submittal described in section I.F. *Annual Program*:~~

- a. ~~A copy of the compliance commendation letter which will be given to the employer upon successful completion of the inspection; and~~
- b. ~~The worksite's AVR calculation worksheets as provided in the Annual Program forms.~~

4. AVR Improvement Program

Any worksite submitting an ECRP that has an improvement of 0.05 or greater in the worksite AVR compared to the previous compliance year submittal, or demonstrates a minimum AVR increase of 0.01 per year when compared to the previous two compliance years is eligible for a 20% reduction of the annual filing fees established in Rule 308 (c)(2) and a reduced program submittal as described in paragraph f. below. To qualify, the following conditions must be met:

- a. The annual employee survey must be conducted and the resulting AVR calculation must have an AVR increase of 0.05 or greater when compared to the previous compliance year submittal or has an AVR increase of 0.01 per year when compared to the previous two compliance years;
- b. The worksite must have an approved ECRP for the compliance years that are used for the AVR comparison as described above;
- c. The program cannot be a first-time submittal resulting from a change of ownership as described in section IV.C. *Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owners ECRP;
- d. For multi-site programs, the aggregate AVR may be used to qualify for this reduction provided that a multi-site program with an aggregated AVR that is improved in comparison to the previous compliance year or previous two years;
- e. The AVR improvement must be only through the implementation of an ECRP and cannot be met by using emission credits or AQIP fees;
- f. The employer submits an ECRP in the format approved by SCAQMD and includes the elements describe in section I.E. Program Types and Features, excluding the Good Faith Effort Determination Elements; and,
- g. The employer shall continue to implement the approved program strategies until the next program submittal that requires inclusion of strategies or submittal of a program amendment.

Examples of Qualifying and Non-Qualifying Submittals

If Employer A is submitting its ECRP in 2015 and has an AVR improvement of 0.01 every year when compared to the previous two years then it could submit an AVR Improvement Program. Employer B has an improvement of .01 when compared to the previous year, but there was a decline in AVR when compared to the submittal two years ago, it would not be eligible. If employer C has an increase of 0.05 over the previous year submittal it would be eligible. When an employer has a different program submittal option, they cannot use any prior year for the AVR Improvement, as shown by Employer D. The AVR Improvement Program examples are summarized in Table 1 below.

Table 1. AVR Improvement Program Submittal Examples

<u>Submittal Year AVR</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>AVR Improvement</u>
<u>Employer A</u>	<u>1.30</u>	<u>1.31</u>	<u>1.32</u>	<u>1.33</u>	<u>Yes</u>
<u>Employer B</u>	<u>1.30</u>	<u>1.31</u>	<u>1.30</u>	<u>1.31</u>	<u>No</u>

<u>Employer C</u>	<u>1.30</u>	<u>1.30</u>	<u>1.30</u>	<u>1.35</u>	<u>Yes</u>
<u>Employer D</u>	<u>1.29</u>	<u>1.30</u>	<u>AQIP submittal</u>	<u>1.35</u>	<u>No</u>

HF. PROGRAM ADMINISTRATION

1. Program Submittal and Compliance

All employers who choose to implement an ECRP shall submit an Annual Program plan that will lead to the achievement and maintenance of the annual AVR target performance requirement. Employers unable to ~~demonstrate progress towards meeting~~ increase their AVR or meet the annual AVR target performance requirement must submit one of the options listed in section *II.E. Annual AVR Performance Requirement*.

2. Program Implementation

Employers shall implement their ECRP within 30 days of receipt of their written program approval. An alternative program implementation date may be used if included in the Program submittal that has been approved or if otherwise stated in the written program approval. Any ECRP previously approved by the SCAQMD will remain in effect until:

- a. A new program is approved;
- b. An approved alternative is used to comply with Rule 2202;
- c. The employer receives notification from SCAQMD that they are no longer subject to the Rule; or
- d. Rule 2202 is rescinded.

IG. RECORD RETENTION REQUIREMENTS

Employers must maintain records using the following criteria:

- a. The employer must keep detailed records of the documents which verify the AVR calculation ~~for the last~~ a minimum of three compliance years.
- b. Records which verify that all strategies in the ECRP have been marketed and offered shall be kept at the worksite for at least the last a minimum of three compliance years. Examples of records include but are not limited to: AVR calculation data; employee surveys; marketing materials; meeting agendas; proof of incentive purchases and distributions; and/or, plug-in hybrid electric vehicle (PHEV) type and home to work trip distances for the zero emission AVR credit.
- ~~b.c.~~ Employers who have a qualifying AVR Improvement Program shall keep all records at the worksite, records as specified in paragraph b above, of the most recently approved ECRP which describes the good faith effort determination elements. This may require maintaining records longer than the minimum three compliance years as specified in paragraphs a and b above.
- d. Employers who implement their programs using a Centralized Rideshare Service Center (CRSC) as described in section III.C., ~~must shall~~ maintain records and documents at the CRSC, unless, upon written approval by the Executive Officer or designee, other record retention arrangements have been made.

e.e. Records may be maintained electronically provided that the materials can be viewed by commonly available software.

JH. COMPLIANCE

~~Failure to comply with any provisions of this Rule or this ECRP Guideline document, including but not limited to, failure to maintain records, falsification of records, failure to submit an Annual Program, failure to submit proper fees in accordance with the provisions of Rule 308 - On Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates, and/or failure to submit a management commitment verifying implementation of the program as approved by the AQMD is a violation of Rule 2202 and is subject to the penalties outlined in the Health and Safety Code Section §42400 et seq. Examples of violations include, but are not limited to:~~

- a. Failure to maintain records as described in section G. Record Retention Requirements;
- b. Falsification of records;
- c. Failure to submit an annual program;
- d. Failure to submit proper fees in accordance with the provisions of Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;
- e. Failure to submit a management commitment verifying implementation of the program as approved by the SCAQMD, and/or;
- f. Failure to implement components of an approved annual program.

- ~~a. The AQMD will not impose any requirements that are not a part of Rule 2202, Rule 308, Rule 311, or Rule 313.~~
- ~~b. The AQMD may only request information to the extent that it is reasonably necessary to determine compliance with these rules.~~

The SCAQMD will not impose any ECRP requirements that are not a part of Rule 2202, the ECRP Guidelines, Rule 308, Rule 311, or Rule 313, and will only request information to determine compliance with these rules.

If a final determination that an element of an approved ECRP violates any provision of law is issued by any agency or court with jurisdiction to make such determination, then the employer shall, within 45 calendar days, submit a proposed program revision to the SCAQMD which shall be designed to achieve an AVR equivalent to the previously approved program.

II. PROGRAM IMPLEMENTATION

A. PROGRAM REVIEW

The SCAQMD staff will review ECRPs using the following criteria:

- a. ECRPs will be approved provided the program complies with all requirements of Rule 2202, these ECRP Guidelines, Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;

- b. Employer continues to demonstrate a good faith effort towards achieving the target AVR or has made appropriate changes/additions to the strategies when AVRs have declined or remained consistently low. Program submittals which fail to show an overall improvement in AVR from the previously submitted ~~Annual Program ECRP~~ and do not provide revisions or additions to the strategy section are not considered to be a good faith effort on the part of the employer and may not be approved as submitted;
- c. Within 90 calendar days of receipt of the program submittal, the SCAQMD will in writing, approve, preliminarily disapprove the program, or request up to 30 additional days to review the program, indicating to the employer the reasons for requiring additional review time;
- d. If a program is not approved or disapproved within 90 calendar days, or if the SCAQMD has not requested additional review time, the program shall be deemed approved;
- e. ~~Prior to disapproving~~ After the employer submits an program ECRP, the SCAQMD will contact the employer to provide an opportunity to discuss any program inadequacies; and,
- f. If these inadequacies are not addressed, the SCAQMD will preliminarily disapprove the ECRP and provide in writing the reasons for the preliminary disapproval;
 - 1. Any ECRP preliminarily disapproval by the SCAQMD must be revised by the employer and resubmitted within 30 calendar days of receipt of the notice of the preliminary disapproval;
 - 2. The SCAQMD has 90 calendar days to approve or issue a final disapproval of the resubmitted ECRP;
 - 3. If a notice of final disapproval is given, the employer will be in violation of Rule 2202 until a revised ECRP is submitted and approved by the SCAQMD or a successful appeal is taken, in accordance with Rule 216 – Appeals, to the Hearing Board.
- ~~f. If a program is disapproved, the reasons for disapproval will be given in writing to the employer. Any program disapproved by the AQMD must be revised by the employer and resubmitted to the AQMD within 30 calendar days of receipt of the notice of disapproval. The AQMD has 90 calendar days to review the resubmitted program. If a second disapproval notice is given, the employer is in violation of Rule 2202 until a revised program is submitted and approved by the AQMD; and~~
- ~~g. An ECRP will be disapproved if the program demonstrates a disproportionate impact on minorities, women, low-income or disabled employees.~~

B. CALCULATING AVR

1. Employee Categories

Employees that do not begin work at least one day during the 6:00 a.m. - 10:00 a.m. peak commute window are not included in the peak AVR calculation. Employees that are classified in the “Other Days Off” category are included in the AVR calculation if they begin work in the window at least one day during the survey week. The net effect of “Other Days Off” on the AVR calculation will be neutral. Employees in this category include, but are not limited to, the following:

- employees on vacation, sick, or furlough;
- employees on per-diem or on-call that do not meet the definition of field personnel;

- employees on jury duty, military duty;
- employees who begin work outside the window provided they begin in the window at least one other day during the week;
- employees not scheduled to work that day;
- employees that are home dispatched;
- employees on maternity leave;
- employees on bereavement leave; and/or
- employees on medical /disability leave.

The following employee categories, as defined in the Glossary, are not considered for rule applicability or in calculating AVR:

- temporary employees;
- seasonal employees;
- volunteers;
- field personnel;
- field construction workers; and/or
- independent contractors.

2. Police, Sheriff, and Federal Field Agents

Police, Sheriff, and Federal Field Agents, as defined in the Glossary, are included for rule applicability but are not required to be included in the 6:00 a.m. - 10:00 a.m. peak window surveyed or included in the AVR calculation. It is the discretion of the employer whether to include them in the window count. Surveying only part of this group is not acceptable. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including, but not limited to, ride matching and transit information for all employees as well as preferential parking and guaranteed return trips for employees who are ridesharing. Employees who perform non-field work or non-investigative functions are required to be included in the peak window survey ~~or~~ and included in the AVR calculation. Examples of Federal Field Agents include, but are not limited to, field employees of the Federal Bureau of Investigation (FBI), Customs and Border Protection or US Coast Guard.

3. AVR Adjustments

- a. Carpools are counted as 2-6 people traveling together for ~~the majority (51%)~~ of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- b. Vanpools are counted as 7-15 people traveling together for ~~the majority (51%)~~ of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- c. Employees walking, bicycling, telecommuting, using public transit, using a zero emissions vehicle (ZEV) or other vehicles as approved by the Executive Officer or designee, or on their day off under a compressed work week, should be counted as employees arriving at the worksite with no vehicle.

- i. Carpool occupants of a ZEV may be counted as arriving at the worksite with no vehicle by marking the zero emission option on the AVR survey.
 - ii. Employees arriving to work in a plug-in hybrid electric vehicle (PHEV) can be considered to be using a ZEV provided that the entire home-to-work trip is made exclusively under electric power without use of the gasoline engine or cogeneration system.
 - iii. None of the employee ZEVs can be included in the AVR calculation if the employer has implemented a ZEV charging program that will result in the generation of ~~emission reduction credits~~ Rule 2202 emission credits pursuant to Rule 2202 (f)(6) or other approved SCAQMD emission credit programs.
- d. Compressed Work Week (CWW) credit will only be granted when all days worked and all CWW days off fall within the established AVR survey period.

Employers may develop alternatives to the recognized compressed work week schedules of 3/36, 4/40, and 9/80 upon written approval by the SCAQMD. The proposed alternative must ensure that the resulting trip reductions are real, surplus, quantifiable, and enforceable.

The types of CWW day(s) off must be clearly indicated on the AVR survey as follows:

- i. 3/36 - 3 days work, 12 hours per day, 2 days off during the survey week;
- ii. 4/40 - 4 days work, 10 hours per day, 1 day off during the survey week; or
- iii. 9/80 - 9 days work, 80 hours per two weeks, 1 day off in a 2 week period during the survey.

If a person on a 3/36 scheduled work week works a 4th day during the established work week, an employer may take credit for one (1) CWW day off.

- e. Non-commuting AVR credit is allowed for employees who remain at the worksite (if in the SCAQMD's jurisdiction), or entirely out of the SCAQMD's jurisdiction, for at least a full 24-hour period, to complete work assignments, and who generate no vehicle trips during the AVR window associated with arriving at the worksite. Non-commuting AVR credit is calculated as arriving at the worksite with no vehicle. Examples of employees who may be considered to be in this category are firemen, airline pilots, or flight attendants.
- f. AVR credit for all employees leaving the worksite, during the window, may be calculated and averaged with employees arriving at the worksite during the window to obtain an aggregate AVR. However, if Off-Peak Credits are used in the AVR calculation this credit cannot be used.
- g. Off-Peak Credits - Employers may receive additional credits from employee trip reductions that occur outside of the peak window. An AVR survey or an alternative approved data collection method is required to obtain this data. This AVR survey cannot be older than 6 months at the time of program submittal. This credit may be calculated as follows:

$$AVR = \frac{E}{V - [CCVR \div 2.3]}$$

Where:

- E = Total number of weekly window employees in the peak window.
V = Total number of weekly window vehicle trips in the peak window.
CCVR = Creditable commute vehicle reductions that occur outside of the peak window.
2.3 = Discount factor.

- h. Non-Regulated Worksite Credits - Employers may voluntarily include worksites with less than 250 employees as described in section *II.D. Aggregating AVR for Multi-site Employers* and/or employees of other businesses located at the worksite not subject to the Rule.
- i. Reduced Staffing - Employers may receive additional trip reduction credits, that have been discounted, from reduced staffing that occurs during events that are longer than five consecutive work days, such as school recesses/breaks, inventory, or temporary facility closures, as approved by SCAQMD. A separate AVR survey ~~may be~~ is required to obtain this data. This AVR survey cannot be older than 12 months old at the time of program submittal. This credit is not allowed for staff reductions resulting from actions such as layoffs, relocations, transfers, facility closures or temporary closures that are part of regularly schedule facility vacations. This credit may be calculated as follows:

$$AVR = \frac{E \times T}{[V_n \times T_n] + [V_r \times T_r \times 1.15]}$$

Where:

- E = Total number of weekly window employees during the regular operating schedule.
T = Total number of annual operating workdays for the worksite, which is the sum of T_n and T_r. For example, the default value is 260 days for employers with a 5 day work schedule, and a default value of 365 days for a 7 day work schedule.
V_n = Total number of weekly window vehicle trips during the regular operating schedule.
T_n = Total number of regularly scheduled operating days for the worksite.
V_r = Total number of weekly window vehicle trips that occur during the reduced staffing schedule.
T_r = Total number of reduced staffing schedule days.
1.15 = Discount factor.

The same methodology used for determining the total number of annual workdays for the worksite (T) shall be applied to determine the values for T_n and T_r.

- j. Employees that begin work during the window and do not respond to the survey must be calculated as one employee per vehicle arriving at the worksite.
- k. Drive alones count as one person per vehicle arriving at the worksite.
- l. Reporting errors resulting from missing or incorrect information must be calculated as one employee per vehicle arriving at the worksite. Reporting errors that do not indicate

the time when the employee begins work must be assumed to occur in the peak window.

C. AVR DATA COLLECTION METHODS

Each employer must collect AVR data by one of the following applicable methods:

1. AVR Survey

Employers must conduct an AVR survey approved by the SCAQMD. The survey should be taken over five consecutive workdays, Monday through Friday, and identify the transportation modes that employees use to travel to the worksite and begin work during the 6:00 a.m. - 10:00 a.m. window, each day during the survey week. The AVR survey data must be available and traceable to an individual employee. This may be through employee identification numbers, employee signature, or a pre-approved ~~alternative~~ electronic individual-identifier specific to each employee. The surveys ~~should~~ shall be distributed at the end of or following the planned survey week so that the survey responses will represent actual commute activity. An SCAQMD approved employee survey form can be found in the ~~Annual Program~~ ECRP forms.

a) AVR Survey Parameters

The AVR survey data cannot be more than six months old at the time of program submittal. The six month period begins on the final day of the survey period. The response rate to the survey must be at least 60 percent of those employees who begin work during the window. The remaining non-responses over 60 percent to 100 percent shall be treated as single occupant vehicle commuters, however, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the “Other Days Off” category. The net effect on the AVR calculation will be neutral. The AVR survey must be conducted during a typical work week. The weeks to be specifically excluded from the AVR survey week are the weeks including the following dates:

New Year’s Day	January	1
Martin Luther King Jr. Birthday	January	(Third Monday)
Presidents Day	February	(Third Monday)
Memorial Day	May	(Last Monday)
Independence Day	July	4
Labor Day	September	(First Monday)
California Rideshare Week	October	(First Week)
Veteran's Day	November	11
Thanksgiving Day	November	(Fourth Thursday)
Christmas Day	December	25

AVR surveys shall not be conducted during these weeks even ~~though~~ if the employer does not observe these holidays or is open for business. Nor shall employers conduct an AVR survey during a week in which they observe a holiday not listed above.

The days these holidays are observed may vary from year to year; therefore, it will be the responsibility of the employer to obtain these specific holiday dates to ensure exclusion of these weeks from their AVR survey week.

Each employer should encourage employee involvement in either of the following ways:

- i. ~~Through an employee survey that includes questions soliciting suggestions for program improvement and/or strategies which may be used for ECRP development;~~
or
- ii. ~~An employer may implement a program which actively involves employees, such as focus groups, employee committees, etc.~~

b) Window Period for AVR Calculation

The employer must calculate the AVR based on the 6:00 a.m. - 10:00 a.m., Monday through Friday window except for businesses operating seven days a week. The AVR window for businesses operating seven days a week is 6:00 a.m. - 10:00 a.m. and the AVR reporting period is the five consecutive days, of the seven operating days, when the majority of the employees are scheduled to ~~report to~~ begin work. Businesses operating seven days a week may survey over a seven day period so that for purposes of AVR reporting, they will account for individual employees over that portion of their five day work week that falls within the five consecutive days.

The employer may use an alternative window or week upon writing the SCAQMD and receiving written approval. The alternative window must be a consecutive four hour period between 4:00 a.m. and 11:00 a.m. and a consecutive five day period of the seven day week when the majority of their employees are scheduled to report to the worksite in the peak window. Consequently, the reporting period must be the same five consecutive days for all employees included in the AVR calculation.

c) AVR Calculation

The AVR calculation is based on data obtained from an approved SCAQMD survey method, random sampling, or recordkeeping, and ~~should~~ shall include all employees who begin work in the 6:00 a.m. - 10:00 a.m. window.

The AVR is calculated by dividing the number of employees who report to the worksite, by the number of vehicles that arrive at the worksite, during the five day window period. The AVR figure should be rounded off to the second decimal place. For example: 1.4576 becomes 1.46 AVR.

2. Random Sampling

Employers with a minimum of 400 employees reporting ~~at to~~ to the worksite during the peak window, have the option of determining AVR by a random sample method. The random sample method and sample size must receive written approval from the SCAQMD prior to administration of the survey. The random sample method ~~should~~ shall comply with all of the following criteria:

- a. Members of the sample must be selected on a probability basis (random selection) that assures that each population member is given an equal chance of selection;
- b. All employees reporting in the window for calculating AVR must be considered as the relevant population from which the sample is drawn;

- c. The sample must measure all potential commute modes for employees arriving at the worksite during the window and shall account for all employees not arriving at the worksite during the window due to compressed workweek day off, vacation, sick leave, furlough day, or other (e.g., maternity leave, bereavement leave, etc.);
- d. Any employees designated for the random sample that do not respond to the survey are counted as solo drivers;
- e. At least 60 percent survey response rate must be achieved;
- ~~f. The sample size must be determined with the AQMD's approval of sampling method;~~
- ~~g.f.~~ Data from the last three compliance years shall be kept at the worksite and available for inspection;
- ~~h.g.~~ Any data submitted via electronic media must be compatible with SCAQMD's software and must be able to be entered into AQMD's system;
- ~~i.h.~~ The random sample survey must be taken not more than six months prior to submittal of the Annual Program, with the six month period beginning on the last day of the survey week; and
- ~~j. The random sample method must receive written approval from the AQMD prior to administration of the survey; and~~
- ~~k.i.~~ The random sample method must be re-certified 60 calendar days prior to the program due date, only when the employer proposes to modify its approved certification method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

3. Alternative AVR Data Collection

~~The AQMD must pre approve and certify alternative AVR data collection methods as complying with these guidelines. Employers, vendors, consultants, or other entities requesting certification for alternative AVR data collection methods must request certification at least 60 calendar days prior to the annual registration due date. Once the certification method is approved, re-certification is required 60 calendar days prior to the established due date, only when the employer proposes to modify its approved certification method or upon modifications to Rule 2202 that change AVR collection methods or methodologies. The AQMD will review and respond to the request within 14 calendar days. Certification will only be granted for those AVR data collection methods that comply with these guidelines.~~

Employers have the option of selecting an alternative AVR data collection method for ~~verifying calculating the worksite AVR, as long as it complies with all of the following criteria:~~ Alternative AVR data collection methods must be certified by the SCAQMD prior to use, in accordance with the ECRP guidelines and the following criteria:

- a. Employers, vendors, consultants, or other entities requesting certification for alternative AVR data collection methods must request certification at least 60 calendar days prior to the annual ECRP due date;
- ~~a.b.~~ Data must be gathered from all employees who begin work during the window;
- ~~b.c.~~ The response rate to the data collection method must be at least 60 percent of those employees who begin work during the peak window. The remaining non-responses over 60 percent to 89 percent shall be treated as single occupant vehicle commuters. However, if an employer achieves a 90 percent response rate or higher, the remaining

non-response percentage can be reported in the “Other Days Off” category in the AVR calculation;

- ~~e.d.~~ The data collected must reflect the daily commuting activity of employees and their modes of travel that occur during each month or quarter of the program cycle;
- ~~d.e.~~ Quarterly or monthly AVR must be calculated separately, and must be aggregated to determine the yearly AVR calculation;
- ~~e.f.~~ Data from the last three compliance years shall be kept at the worksite and be made available upon request;
- ~~f.g.~~ The following data must be available, and traceable to individual employee records: travel mode for each day data is collected; any data that is specified in ~~the section on~~ II.C. AVR Data Collection Methods; and, employee ID number or other individual identification;
- ~~g.h.~~ Any data submitted via electronic media must be compatible with the SCAQMD’s software;
- ~~h.i.~~ The data used for the AVR calculations cannot be more than six months old, with the six month period beginning on the last day of the survey week; and
- ~~i.~~ ~~The AVR data collection method must be pre-approved by the SCAQMD; and~~
- j. The alternative AVR data collection method must shall be re-certified 60 calendar days prior to each program due date, ~~only~~ when the employer proposes to modify its approved ~~certification~~ method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

D. AGGREGATING AVR FOR MULTI-SITE EMPLOYERS (Optional)

Employers that ~~have multiple worksites~~ submit a multi-site plan may choose to ~~submit an aggregated Annual Program that includes the AVR data for all of the regulated worksites that belong to the multi-site employer rather than submit Annual Programs for each worksite individually in that ECRP.~~ For worksites that belong to the multi-site employer, the aggregate AVR is the total number of window employees divided by the total number of vehicle trips for all the worksites in the multi-site plan. All worksites that are to be included in the Aggregate AVR calculation must be within the same AVR Performance Zone.

Aggregate AVR can be obtained in three steps. First, the number of peak window employees used in calculating each worksite AVR must be added. This sum will yield the total number of window employees for all worksites. Second, the number of vehicle trips used in calculating each worksite AVR must be added. This total will yield the total number of vehicle trips for all worksites. Finally, the total number of employees must be divided by the total number of vehicle trips to obtain the combined AVR for all worksites. This calculation will then yield the aggregate AVR for the multi-site employer.

Example:

$$\text{AVR} = \frac{\text{Window employees for site 1} + \text{window employees for site 2} \dots}{\text{Vehicle trips for site 1} + \text{vehicle trips for site 2} \dots}$$

Employers submitting multi-site programs may also voluntarily include worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule. In order to do so, all provisions of the AVR Data

Collection section must be met, and the employer must demonstrate that an AVR baseline calculation has been established. Employers at non-regulated worksites ~~do not need~~ are not required to implement other ECRP elements, such as, having an on-site ETC, or offering employer incentives or and good faith effort determination elements. Employers, voluntarily including worksites that have less than 250 worksite employees, must provide a letter of declaration signed by an official authorized to contract on behalf of and/or legally bind the employer which declares the following:

- a. The employer is voluntarily agreeing to subject itself to the authority and requirements of Rule 2202 for the worksites which currently have fewer than 250 employees, and that they are doing so freely and wholly voluntarily without any duress on behalf of the SCAQMD;
- b. The employer waives its right to challenge the applicability of Rule 2202 to any and all included sites within the SCAQMD should enforcement action be taken against the employer; and,
- c. The employer is receiving a benefit from ~~so~~ agreeing in that they are being allowed to claim ~~multi-site~~ vehicle trip credit toward their aggregate AVR.

E. ANNUAL AVR PERFORMANCE REQUIREMENT

Employers shall submit an ~~Annual Program ECRP~~ and demonstrate that they have met the annual average vehicle ridership ~~target performance requirement~~ for the AVR Performance Zone in which the worksite is located. Employers unable to meet the annual average vehicle ridership AVR target performance requirement and are not submitting a High AVR or AVR Improvement plan must submit:

- a. An ECRP Offset annual plan where the difference between the worksite AVR and the target AVR Performance Zone is offset through participation in the Air Quality Investment Program (AQIP) or implementation of ~~e~~Emission r~~s~~Reduction sStrategies (ERS) in accordance with the provisions of Rule 2202; or
- b. An ECRP annual~~Good faith effort~~ plan that includes the requirements described in section *II.F. Good Faith Effort Determination Elements* subject to the following conditions:
 - i. Unless otherwise stated, the good faith determination elements must be implemented such that they are reasonably likely to improve a worksite AVR by at least 0.01 annually. Employers must continue to demonstrate a good faith effort toward achieving the AVR target.
 - ii. If a worksite AVR decreases, remains the same, or does not improve from the previously submitted ECRP, the selection of strategies must be modified, the number of strategies increased, or an ECRP offset, AQIP, or ERS be implemented.
 - iii. Employers shall maintain implement all currently approved good faith effort plan strategies until a new Annual Program ECRP is approved.
 - iv. Employers may choose to implement programs or strategies offered by third party service providers (e.g., County Transportation Commissions, TMA/TMO, contracted services). If any plan strategy offered by a third party service

provider is discontinued, the employer shall continue to implement the discontinued strategy or amend the plan.

- ~~iii. If any plan strategy offered by a third party service provider is discontinued, the employer shall continue to implement the discontinued strategy or amend the program.~~
- ~~iv.v. Deletion or substitution of any plan strategies is not allowed unless approved by the Executive Officer or designee in writing.~~
- ~~v. Unless otherwise stated, strategies must be implemented such that they are reasonably likely to improve a worksite AVR. Employers must continue to demonstrate a good faith effort toward achieving the AVR performance requirement. If a worksite AVR decreases, remains the same, or does not improve from the previously submitted Annual Program, the selection of strategies must be modified, the number of strategies increased, or an ECRP offset, AQIP, or emission reduction strategy be implemented.~~

A flow chart that identifies ~~showing~~ the good faith effort determination elements and the various rule options that employers may use to comply with the Rule requirements is shown in Figure-1
2.

Rule 2202 Requirements

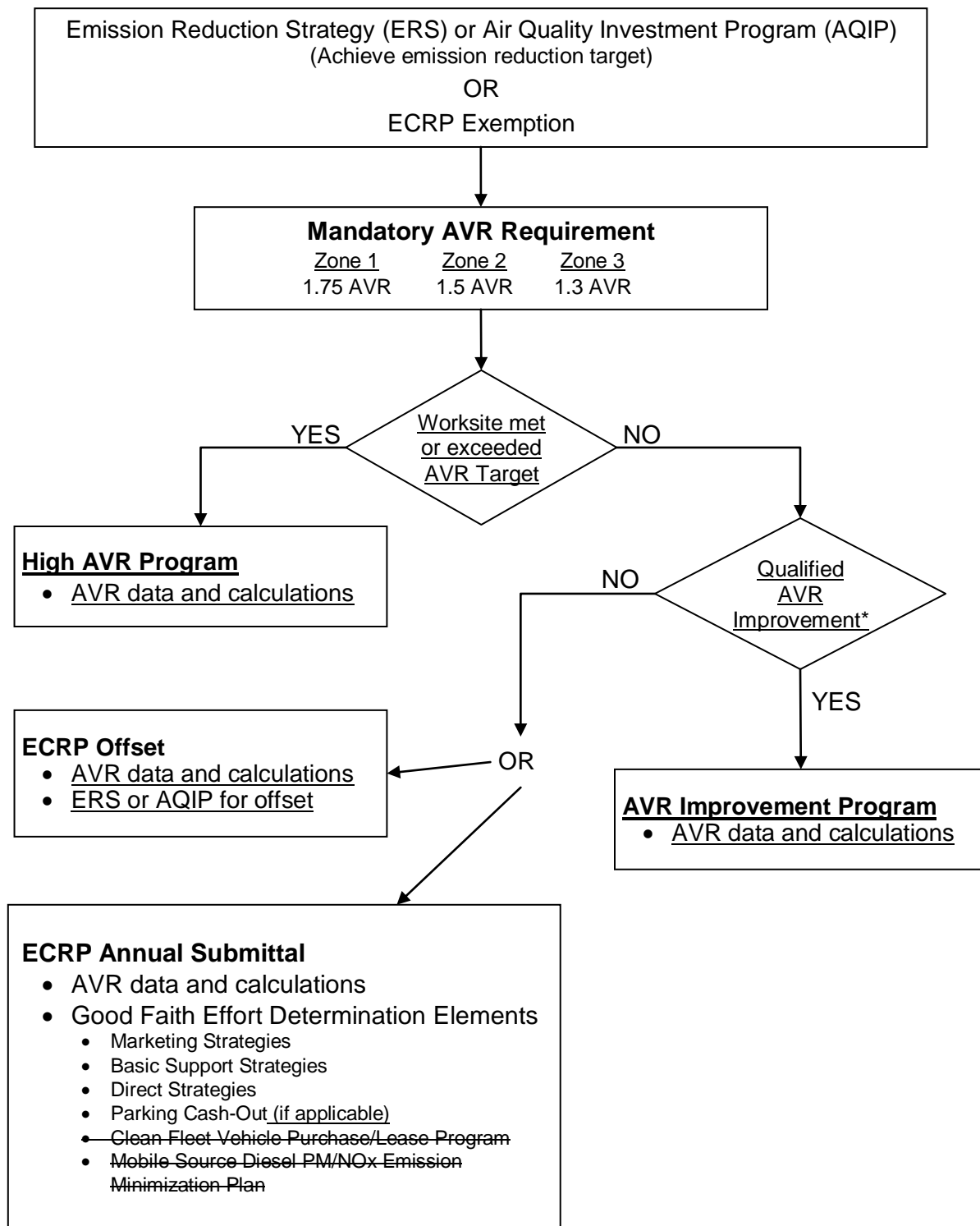


Figure 1.2. Rule 2202 Requirements – Compliance Flow Chart

F. GOOD FAITH EFFORT DETERMINATION ELEMENTS

Employers submitting an ~~Annual Program ECRP~~, who have not attained their target AVR, and are not submitting a High AVR or AVR Improvement Program plan, shall demonstrate that the elements for the required strategies in each of the ~~six~~ four (6 ~~4~~) listed categories are implemented. Descriptions of each element can be found in section V. *Employee Commute Reduction Strategies*.

1. Marketing Strategies. Must include at least five (5) of the following strategies:
 - a. Attendance at a marketing class,
 - b. Direct communication by the highest ranking official,
 - c. Employer newsletter, flyer, announcements, memos or letters
 - d. Employer rideshare events,
 - e. New hire orientation,
 - f. Rideshare bulletin boards,
 - g. Rideshare website,
 - h. Rideshare meetings or focus group(s), or
 - i. Other marketing strategies that have been approved by the SCAQMD.

2. Basic Support Strategies. Must include at least five (5) of the following strategies:
 - a. Commuter Choice Programs,
 - b. Flex time schedules,
 - c. Guaranteed return trip,
 - d. Personalized commute assistance,
 - e. Preferential parking for ridesharers,
 - f. Ride matching services,
 - g. Transit information center, or
 - h. Other basic support strategies that have been approved by the SCAQMD.

3. Direct Strategies. Must include at least five (5) of the following strategies:
 - a. Auto services,
 - b. Bicycle program,
 - c. Compressed work week schedules,
 - d. Direct financial awards,
 - e. Discounted or free meals,
 - f. Employee clean vehicle purchase program,
 - g. Gift certificates,
 - h. Off-peak rideshare program,
 - i. Parking charge or subsidy program,
 - i-j. Parking cash-out/parking management (voluntary)
 - ~~j-k.~~ k. Points program,
 - ~~k-l.~~ l. Prize drawings,
 - ~~l-m.~~ m. Startup incentive,
 - ~~m-n.~~ n. Telecommuting,
 - ~~n-o.~~ o. Time off with pay,
 - ~~o-p.~~ p. Transit subsidy,
 - ~~p-q.~~ q. Vanpool program, or

~~e.r.~~ Other direct strategies that have been approved by the SCAQMD.

4. Parking Cash-out (if applicable).
- ~~5. Employer Clean Fleet Vehicles Purchase/Lease Program.~~
- ~~6. Mobile Source Diesel PM/NO_x Emission Minimization Plan.~~

III. ADMINISTRATION OF THE ECRP

A. EMPLOYEE TRANSPORTATION COORDINATORS

Employers must designate an employee to serve as an Employee Transportation Coordinator (ETC) for each worksite with 250 or more employees or per Multi-Site program. This person must successfully complete an SCAQMD certified training- ETC certification course.

This training provides the individual with the necessary information to conduct the survey process, prepare and implement the program, market the program and track the program results.

~~Employers having multiple worksites submitting a multi-site program~~ may designate an ETC at one worksite and designate On-Site Coordinators for all other worksites. The On-Site Coordinator is a person designated and instructed by the employer ~~and has to have~~ knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is ~~limited to~~ accountable for program implementation rather than plan development. The ETC or the On-site Coordinator must be at the worksite and available during normal business hours when the majority of employees are at the worksite.

In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement must be designated and trained. The SCAQMD must be notified of this change in writing by the employer within 12 weeks after the beginning of the absence.

~~The AQMD will hold periodic informational sessions regarding the most current information on rule provisions and administration of employee commute reduction programs. Attendance at these sessions is voluntary, but highly encouraged.~~

B. CONSULTANT EMPLOYEE TRANSPORTATION COORDINATOR

An employer may use a Consultant ETC in lieu of an ETC, provided the Consultant ETC meets the definition of an ETC and the same minimum certification requirements as the ETC. A Transportation Management Association/Transportation Management Organization (TMA/TMO) may be considered as a Consultant ETC provided its staff, acting in this capacity, meets the same ~~minimum~~ certification requirements as the ETC. As an alternative to having a Consultant ETC available during normal business hours, the employer shall designate an On-Site Coordinator for each worksite.

~~In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement must be designated and trained. The AQMD must be~~

~~notified of this change in writing by the employer within 12 weeks after the beginning of the absence.~~

C. ~~CENTRALIZED RIDESHARE SERVICE CENTER~~

~~The Centralized Rideshare Service Center (CRSC) is a strategy that may be used by employers submitting a Multi-Site program that will ECRP to provide equivalent services in lieu of having a certified person-ETC at each worksite in the plan. Employers must have written approval from the SCAQMD prior to implementing a CRSC. The Request for approval must include information describing the CRSC in detail and show how it will provide equivalent ETC services to the specific worksite(s).~~

~~The Request for implementing a CRSC must have include the following elements:~~

- ~~a. Identification of the CRSC location;~~
- ~~b. Descriptions of the process of employee access to rideshare information and services, including an explanation of how it will provide services equivalent to having an ETC at each worksite;~~
- ~~c. Descriptions of how each worksite will market, implement and maintain records in a manner equivalent to having an ETC or On-Site Coordinator at the worksite;~~
- ~~d. Explanations of the ETC availability and accessibility to employees affected by the program; and,~~
- ~~e. Assurance that copies of all relevant supporting program materials is maintained at the CRSC, unless, upon written approval, other record retention arrangements have been made. Program materials include, but are not limited to, all marketing materials, flyers, brochures, pamphlets, schedules, and copies of the most recently approved Multi-Site ECRPs.~~

~~SCAQMD staff will review each request on a case by case basis to determine whether the CRSC meets the following criteria:~~

- ~~a. Identifies the CRSC facility location and demonstrates availability and accessibility to the ETC by all employees;~~
- ~~b. Demonstrates that the Multi-Site ECRP is adequately marketed and implemented at each specific all included worksites; and~~
- ~~c. Ensures that all other sites in the Multi-site program submittal have identified a worksite contact person who:
 - ~~i. Has knowledge of the employer's Multi-Site ECRP;~~
 - ~~ii. Has knowledge of the employer's marketing methods; and~~
 - ~~iii. Is available to meet with SCAQMD compliance staff.~~~~

~~D. TRAINING PROVIDERS~~

~~Training Providers for ETC training programs must be certified annually unless otherwise specified by the AQMD. In order to be certified, the training providers must meet or employ instructors that meet all of the following requirements:~~

- ~~a. A current certificate as an ETC;~~

- ~~b. A bachelor's degree in Transportation Planning, Urban Planning or a related field. If the degree is not in one of these fields, the successful completion of a TDM certification program or equivalent recognized by the AQMD may be substituted;~~
- ~~c. Two years of professional training experience and three years of managerial experience in Transportation Demand Management;~~
- ~~d. Knowledge of Rule 2202, related fee rules, and other AQMD on road transportation related rules; and,~~
- ~~e. Use of a curriculum for ETC Training programs certified by the AQMD that includes, at a minimum, the development, implementation, monitoring and marketing of ECRPs; recordkeeping requirements; AVR calculations; survey techniques; and an overview of air quality laws, rules, and regulations.~~

IV. SPECIAL PROCEDURES

A. EXTENSIONS

If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be requested from the SCAQMD. An employer may request an extension to the program due date under the following circumstances:

- ~~a. If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be requested from the SCAQMD. The request must be in writing, state the reason for the extension request, the length of time needed, and include the appropriate filing fee, as specified in Rule 308 (n) and Rule 313 (f)(4);~~
- b. All extension requests and fees must be received by the SCAQMD, no later than 15 calendar days prior to the program due date;
- c. Requests are considered on a case-by-case basis and ~~are granted for reasons that are beyond the control of the employer~~ shall include reasonable justification for extension request, such as, but not limited to, organizational restructuring, or the unforeseen long-term absence of an ETC;
- d. An employer may request an extension to the program due date after the program has been disapproved for the first time. The request must be received within 15 calendar days of the receipt of the ~~program plan~~ disapproval. The SCAQMD will inform the employer in writing within 15 calendar days of receipt of request, whether the extension has been granted;
- e. An employer may, upon receipt of a written objection to the terms of the proposed program by an employee, employee representative or employee organization; request a single extension of 30 calendar days. A copy of the written objection should be attached to the request. One such request shall be granted by the SCAQMD; no subsequent extension may be granted for this purpose; and
- f. Any change in the permanent due date that results in additional time to submit a ~~program plan~~ will be considered an extension of time and shall be subject to an the extension filing fee, as specified in Rule 308 (n) and Rule 313 (f)(4).

B. PROGRAM AMENDMENTS

An approved ECRP may be amended between program submittal dates by submitting a proposed program amendment in writing to the SCAQMD along with the applicable fee. Any change to the implementation of an approved program requires an written SCAQMD approved ~~program revision~~. ~~Program changes which are in effect, including but not limited to change of employee transportation coordinator at the worksite, must be submitted in writing to the AQMD. Any change that affects the attainment of the AVR and requires evaluation by AQMD staff is subject to a per worksite amendment fee. The program amendment must include the following:~~

- a. Letter of explanation of proposed amendment signed by the highest ranking official;
- b. A copy of each affected strategy page from the last approved plan;
- c. A copy of each of the proposed replacement strategy pages; and,
- d. Applicable amendment fee as specified in Rule 308.

Employers proposing changes in strategies are encouraged to consider comparable ones that will continue making progress towards attaining the target AVR. ~~The Section V. Employee Commute Reduction Strategies,~~ identifies a number of strategies that ~~could~~ can be selected to substitute for those being changed. Any previously approved ECRP shall remain in effect ~~The amendment cannot be implemented until the amendment is approved by SCAQMD in writing. SCAQMD will either approve or disapprove the amendment within 90 calendar days of receipt. The amendment request must include the following:~~

- ~~a. Letter of explanation of proposed amendment signed by the highest ranking official.~~
- ~~b. A copy of each affected strategy page from the last approved plan.~~
- ~~c. A copy of each of the proposed replacement strategy pages.~~
- ~~d. Applicable amendment fee.~~

Amendment requests may be approved if the employer demonstrates to the satisfaction of the Executive Officer, or designee that the new strategy will result in an AVR which is equal to or better than the strategy it is replacing.

The amendment fees shall not apply when the amendment consists solely of ~~additional or enhanced strategies to the program~~ the addition of strategies to the program or improvements to the existing strategies of an approved program or when the strategy amendment is submitted at the same time as part of the Annual Program submittal. Improvements to existing strategies may include, but are not limited to, increased meeting frequency or increases to subsidy amounts.

C. CHANGE OF OWNERSHIP

In the case of ownership mergers, or change of ownership, the new owner must notify the SCAQMD of this change within 30 calendar days of the new ownership. The new employer, within 90 calendar days must submit a new ~~Annual Registration or Annual Program ECRP or other compliance option~~ to the SCAQMD which adheres to all provisions of Rule 2202 and Guidelines, or submit a letter which states they will continue to implement the program approved by the SCAQMD for the prior owner(s).

D. RELOCATION

Any employer relocating to a new worksite must notify the SCAQMD within 30 calendar days of the relocation. Relocations fall into two categories ~~and are explained below:~~

- a. Employers relocating within two miles of the previous worksite address may elect to continue to implement the most recently approved ~~Annual Program~~ ECRP or the employer may elect to submit a new ~~Annual Program~~ ECRP. The employer must inform SCAQMD of the preference in the notification of relocation letter.
- b. Employers relocating more than two miles from the previous worksite must submit a new ~~Annual Program~~ ECRP within 90 calendar days of the relocation.

Worksite relocations that occur over time are subject to applicability requirements as described in section I.B. Applicability and Rule 2202 (b).

E. DECLARED BANKRUPTCY

An employer who has declared bankruptcy for the official business or governmental operations of its organization or employer through a judicial court filing and confirmation process may request the SCAQMD grant a temporary waiver from complying with the requirements of this Rule. Upon demonstration of the filing and confirmation of bankruptcy, the SCAQMD will grant an exemption for the duration of bankruptcy, not to exceed two years; from the date of the waiver.

Employers shall submit an ECRP within 90 days of the bankruptcy waiver expiration unless they have submitted a written request for an exemption from the rule requirements pursuant to Rule 2202 (I)(1).

F. DECLARED STATE OF EMERGENCY

During a period of significant impairment of transportation systems associated with an event resulting in a local, state or federally declared state of emergency, the SCAQMD may approve programs or program amendments including strategies which decrease trips associated with any location in the SCAQMD, including locations other than a worksite included in the program. Such strategies may be included in any program and may be a substitution for measures contained in an approved program. In the event of substitution, the employer shall demonstrate that any decrease in AVR at a worksite subject to the program will be offset by trips reduced elsewhere in the SCAQMD.

~~G. ADDING WORKSITES TO A MULTI-SITE PROGRAM~~

~~A new worksite may only be added to a Multi-Site program submittal on the next annual submittal, or alternatively, may be filed as a single site submittal. Given the variety of employer situations, each Multi-Site program submittal will be evaluated individually and considered on a case-by-case basis.~~

H.G. PROGRAM DISAPPROVAL APPEALS

The SCAQMD has 90 calendar days to review the resubmitted Annual Program submittal. If the employer believes that the program meets the requirements of Rule 2202 and the Guidelines, and that the program was improperly disapproved, the employer may appeal the disapproval to the

SCAQMD Hearing Board in accordance with Rule 216 - Appeals. A petition for appeal of disapproval must be made within 30 calendar days after the employer receives the notice of disapproval.

I.H. DELAY PROGRAM REVIEW REQUEST

If an employer, employee, employee representative or employee organization requests a delay in action of program review, the request must be in writing to the SCAQMD within 30 calendar days of program submittal and cannot delay the period of time to exceed the 90th day after submittal.

V. -EMPLOYEE COMMUTE REDUCTION STRATEGIES

A. COMMUTE REDUCTION STRATEGIES

Below are the descriptions of the Good Faith Effort Determination Elements that employers can choose to implement. These strategies can be developed and implemented to meet the individual needs of employers in achieving the designated AVR target. Direct financial strategies are not required for program approval.

1. Auto Services - The employer provides auto services for employees participating in the commute reduction program. The employer must provide the type of service (e.g., oil changes, car washes, fuel, oil change, tune-up, repair certificate, etc), monetary value, frequency, eligibility, and minimum requirements to participate in the program.
2. Bicycle Program - The employer provides eligible employees, who commute by bicycle, unique incentives and tools only available to bicyclists and not offered elsewhere in the plan. Examples of incentives that can be included in a program are:
 - Bicycle matching/meetings;
 - Shoes, clothing, helmets, etc.;
 - Lockers, racks, etc.;
 - Bicycle repair services;
 - Tools or repair kits;
 - Discounts at local bicycle shops; or
 - Other bicycle related services.
3. Commuter Choice Programs - The employer provides a Commuter Choice tax benefits program, based on Section 132(f) of the federal tax code. This program allows employees to set aside pre-tax income for qualified commute modes. Section 132(f) covers transit, vanpool and bicycle benefits as well as qualified parking.
4. Compressed Work Week - A eCompressed wWork wWeek (CWW) schedule applies to employees who, as an alternative to completing the basic work requirements in five eight-hour workdays in one week, or ten eight-hour days in two weeks, are scheduled in a manner which reduces trips to the worksite. Employers must indicate if the CWW is offered to all employees, or eligible employees and the total number of employees participating in each type of CWW schedule. It is recommended, but not required, that employers implementing this strategy have a formal written policy on CWW schedules.

5. Direct Communication - Direct communication by the employer's highest ranking official at the worksite, to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program. This must occur, at a minimum, on an annual basis and may occur as electronic or written communication.
6. Direct Financial Awards - The employer, or other funding sources, provides eligible employees with cash subsidies for participation in the organization's commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
7. Discounted/Free Meals - The employer provides eligible employees with free or discounted meals for their participation in the commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
8. Employee Clean Vehicle Purchase/Lease Program - Encourage and offer incentives for employees who purchase or lease partial zero emission vehicles (PZEV), advance technology PZEV (AT-PZEV), or zero emission vehicles (ZEV) (e.g., credit union loan rate discounts, financial incentives).
10. Employee Newsletter, Flyer, Announcements, Memos or Letters - A communication tool to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program that is updated and distributed, at a minimum, on a quarterly basis. If provided electronically, an update or notice must be sent to all employees of the communication's availability.
11. Employee Rideshare Events - Employer sponsored events which promote rideshare opportunities that occurs, at minimum, annually.
12. Flex Time - The employer permits employees to adjust their work hours in order to accommodate public transit schedules or rideshare arrangements. Ideally, employers would have a formal written policy on Flex Time. Do not select this strategy unless flex time is linked to your rideshare program.
13. Gift Certificates - The employer or other funding source provides eligible employees with gift certificates for participation in the commute reduction program. The employer must provide the certificate's monetary value, frequency, eligibility, and minimum requirements to participate in the program.
14. Guaranteed Return Trip - The employer provides eligible employees with a return trip to the point of commute origin, when a need for the return trip arises. This need may be a personal emergency, an unplanned situation, or business-related activities (such as overtime). The employer needs to indicate if this service would be provided by employer vehicle, rental car, taxi, another employee, TMA/TMO, or other entities.
15. Marketing Class - The ETC attends a marketing class within 12 months prior to plan submittal. Proof of attendance must be ~~submitted~~included along with the ~~Annual Program submittal~~. The marketing class may include, but is not limited to:
 - Development of a communication/marketing plan;
 - Development of marketing materials;
 - Development of presentation materials;

- Use of existing programs (e.g., Rideshare Week, rideshare fairs, etc.); and
 - Fundamentals of marketing (including promotion techniques and consumer behavior).
16. New Hire Orientation – The employer provides newly hired employees an ~~explanation~~ overview of alternative commute ~~modes~~ options and employer incentives to promote and encourage participation in a rideshare program.
17. Off Peak Rideshare Program - The employer may voluntarily expand their commute reduction program to include employees who commute outside of the peak window.
18. Other Strategy(ies) - The employer can provide many types of strategies designed to encourage solo commuters to participate in the employee commute reduction program under each strategy heading. These strategies can include, but are not limited to, educational programs, use of clean fuel vehicles for commuting, employer vehicles for ridesharing, carsharing, mobility hub services, rideshare clubs, on-site amenities, electric vehicle infrastructure, voluntary worksite transfers, or the use of TMA/TMO services. Employers who list more than one strategy may receive credit for each individual strategy.
19. Parking Charge/Subsidy - A parking fee is charged to employees who drive alone to the worksite and/or in exchange. ~~The employers~~ may provide a subsidy to employees that can be used for the cost of alternative transportation modes. The employer must provide the monetary value of the charge/subsidy, frequency, eligibility, and minimum requirements to participate in the program. Employers who implement a Parking Charge/Subsidy strategy cannot claim credit as a Parking Cash-out program unless both are independent strategies.
20. Parking Cash-Out/Parking Management Strategies – The employer may voluntarily choose to offer a cash allowance to an employee, at a minimum equivalent to the parking value that the employer would otherwise pay to provide the employee with a parking space as described in the provisions of the Health and Safety Code §43845. Employers may select this strategy as a Good Faith Determination Element provided they are not legally obligated to implement this requirement.
- ~~20~~21. Personalized Commute Assistance - The employer provides personalized assistance such as transit itineraries, carpool matching and personal follow-up to employees. Examples of ways an employer can provide this service to employees are:
- Organize carpool/vanpool formation meeting(s).
 - Assist in identifying park and ride lots.
 - Assist in identifying bicycle and pedestrian routes.
 - Assist in providing personalized transit routes and schedule information.
 - Provide personalized follow-up assistance to maintain participation in the commute reduction program.
- ~~21~~22. Points Program - Employees earn points for each day of participation in the employer’s commute reduction program. Points are redeemed for such rewards as time off, gift certificates, cash or merchandise. The employer must provide the monetary value of the points, frequency, eligibility, and minimum requirements to participate in the program.
- ~~22~~23. Preferential Parking for Ridesharers - The employer provides eligible employees with preferential parking spaces to park their vehicles. These spaces must be clearly posted or

marked in a manner that identifies them for carpool or vanpool use only. The employer shall provide, at a minimum, the following information:

- Number of preferential parking spaces,
- Minimum number of persons per vehicle required to be eligible,
- Minimum number of days or percentage of ridesharing required to be eligible, and
- Method of vehicle identification (e.g., tags, stickers, or license plate number).

~~23~~24. Prize Drawings - The employer provides eligible employees, at a minimum, quarterly, with a chance to win prizes for participation in the commute reduction program. The employer must provide the monetary value of the prizes, frequency, eligibility, and minimum requirements to participate in the program.

~~24~~25. Rideshare Bulletin Board - A physical display with materials that encourage and promote rideshare participation, publicizes incentives and, provides information about the employer's rideshare program. The bulletin board should be in a location that would be most likely viewed by the majority of ~~the~~ employees and must contain different information than the Transit Information Center. It may be necessary to have more than one bulletin board depending on the size of the worksite or employee population.

~~25~~26. Rideshare Matching Services – The employer provides, at a minimum, annually, rideshare matching services, zip code lists, or assistance in finding commute alternatives for all employees. The employer must indicate how and when employees are matched (e.g., during new hire orientation, as part of the employer's annual AVR survey, or on demand). The employer must also indicate how the service is provided to employees, such as:

- Employer based system,
- Regional commute management agency,
- TMA/TMO system,
- Zip code lists/maps, and/or
- Outside service (e.g., consulting services).

~~26~~27. Rideshare Meetings / Focus Groups - Meetings conducted with employees, at a minimum, semi-annually, to solicit input on commute behavior, incentives to rideshare, and to discuss ways to overcome the constraints to participating in alternative commute modes. These meetings may also be used to introduce employees who live in similar areas to foster the development of carpools and vanpools.

~~27~~28. Rideshare Website – An employer's website that is designed to act as a repository for information on the rideshare plan, that is updated, at a minimum, quarterly and is readily accessible to all employees. Employers may also implement other social marketing ~~websites—~~applications that are administered by the employer for the purposes of encouraging site specific employee trip reductions. At a minimum, quarterly notices must be given to the employees about the availability of the web site.

~~28~~29. Startup Incentives - Incentives designed to reward solo commuters for joining a carpool ~~or~~, vanpool, or ~~using~~ other alternative commute modes, and are generally provided over a short period of time. The employer must provide the monetary value of the incentives, frequency, eligibility, duration, and minimum requirements to participate in the program.

~~29~~30. Telecommuting - Telecommuting means working at home, off-site, or at a telecommuting center for a full workday that eliminates the trip to work or reduces travel distance to the worksite by more than ~~50~~ 51%. Ideally, employers would have a formal written policy on telecommuting. Employers must state if telecommuting is offered to all employees or eligible employees/units, the total number of employees participating in the program, the number of days per week employee²s work at home or at a satellite work center, if a formal written policy exists, and if any training/orientation sessions are held in support of the program.

~~30~~31. Time Off With Pay - The employer provides eligible employees additional time off with pay for participation in the commute reduction program. The employer must provide the monetary value of the incentive, the amount of earned time off, frequency, eligibility, and minimum requirements to participate in the program.

~~31~~32. Transit Information Center - The employer provides a transit information center that makes available general transit information and/or the on-site sale of public transit passes, tickets or tokens to the worksite employees. At a minimum, the information must be updated quarterly.

~~32~~33. Transit Subsidy - Employers pay for all, or part, of the cost of commuting by local mass transit, commuter rail, train, or other public transit. The employer must provide the monetary value of the transit subsidy, frequency, eligibility, and minimum requirements to participate in the program.

~~33~~34. Vanpool Program - The employer provides eligible employees with a vanpool program designed to encourage the use of existing vanpools or the development of new vanpools. The employers must provide, ~~at a minimum, the following information:~~

- Total number of vans participating in the program;
- If the vans are employer owned or leased vans;
- If the vans are third-party owned or leased vans;
- If the vans are employee owned or leased vans;
- Amount and type of subsidies provided for insurance;
- Amount and type of subsidies for fuel and/or maintenance;
- If empty seats are subsidized, and value and length of time this subsidy is offered; and,
- Any other benefit unique to vanpoolers that is not duplicated elsewhere in the ~~plan~~ECRP submittal.

B. PARKING CASH-OUT PROGRAM

Employers who are subject to the parking cash-out provisions of the Health and Safety Code §43845 shall implement a parking cash-out program pursuant to the Health and Safety Code when the worksite ~~Annual Program ECRP~~ has not achieved the AVR target performance requirement and the current AVR fails to show an overall improvement in comparison to the previously submitted ~~Annual Program ECRP~~.

This parking cash-out requirement shall remain in effect until January 1, 2016, at which time the Executive Officer will evaluate the effectiveness of the parking cash-out program to determine if it should be continued, with recommendation back to the Governing Board.

~~Parking cash-out is a program where requires that employers offer a cash allowance to employees; in lieu of a parking space that when the employer would otherwise pay to provide the employee with a parking space. Parking cash-out applies to worksites where the employer leases employee parking, the parking lease is not included or bundled in the building lease, and the employer is able to reduce the number of parking spaces without penalty.~~

All employers subject to Health and Safety Code §43845 have a legal obligation to comply with state law regardless of whether an employer incorporates parking cash-out as one of the strategies in Rule 2202.

~~C. EMPLOYER CLEAN FLEET PURCHASE/LEASE PROGRAM~~

~~When acquiring cars and light-duty or medium-duty trucks by purchase or lease for employer vehicle operations in the AQMD, employers who operate fleet vehicles, shall agree to acquire vehicles that have emissions that are equivalent to or better than super low emission vehicles (SULEV) medium-duty trucks, ultra low emission vehicle (ULEV) passenger car, or ULEV light-duty trucks, which meet CARB guidelines. Employers shall submit an employer clean fleet plan form provided by the AQMD, if the employer operates fleet vehicles.~~

~~Rule 1191 – Light and Medium-Duty Public Fleet Vehicles definitions for passenger car, light-duty, medium-duty, and heavy-duty vehicles are applicable for purposes of this strategy. Acquired fleet vehicles can include vehicles that have been purchased, leased or donated, either new or used. For the purpose of this provision, fleet is defined as 4 or more vehicles and a vehicle lease is for a term exceeding four consecutive months (California Vehicle Code §371 *et seq.*).~~

The provisions of this strategy shall not apply to the following:

- ~~a. Emergency or rescue vehicles operated by local, state, and federal law enforcement agencies, police and sheriff's department, fire department, hospital, medical or paramedic facilities, and used for responding to situations where potential threats to life or property exist, including but not limited to fire, ambulance calls, or life-saving calls as defined in Section 165 of the California Vehicle Code and are equipped with red lights and sirens;~~
- ~~b. Vehicles used by law enforcement agencies for the purposes of surveillance or undercover operations;~~
- ~~c. Heavy-duty on-road vehicles;~~
- ~~d. Employer fleets consisting of evaluation or test vehicles provided or operated by vehicle manufacturers for testing or evaluation, exclusively;~~
- ~~e. Specialized vehicles that incorporate specially designed safety and security features for the protection of employees during transit;~~
- ~~f. Non-passenger car military vehicles;~~
- ~~g. Employers currently subject to Rule 1191 shall be deemed in compliance with this provision;~~
- ~~h. Donated vehicles for the first 180 days of inclusion in the employer's fleet. At the end of 180 days employers may include the vehicle into their fleet only if it meets the emission standard requirement of this section; or~~

- i. ~~If no complying vehicles are available or suitable for use due to non-availability or performance requirements, the Executive Officer may approve the use, on a case-by-case basis, of non-SULEV or better vehicles.~~

~~D. MOBILE SOURCE DIESEL PM/NO_x EMISSION MINIMIZATION~~

~~Employers shall submit a diesel PM/NO_x emission minimization plan form provided by the AQMD, if the annual plan submittal includes 1,000 or more window employees, the employer owns or operates on site off road mobile diesel equipment that operates exclusively at the worksite, and the equipment is located more than 12 consecutive months at the worksite. For multi-site employers this provision only applies to those individual sites with 1,000 or more window employees. Examples of on site off road mobile sources include, but are not limited to, yard hostlers, forklifts, riding lawnmowers, maintenance vehicles, tractors, or man lifts.~~

~~When implementing this strategy the following requirements apply:~~

- a. ~~The employer shall submit a triennial diesel emission audit report that includes, at a minimum, an inventory of mobile diesel equipment, fuel usage, and use of control technologies, if any (e.g., clean fuels, engine modification, and after-treatment equipment). Triennial reports are due the same time as the employer's Annual Program submittal.~~
- b. ~~The employer shall implement technically feasible control strategies as identified in the plan approved by the Executive Officer or designee, provided the sum of the annualized capital costs and the annual operating and maintenance costs do not exceed the cost per number of window employees, according to the following schedule:~~

**Mobile Source Diesel Emission Minimization Plan
Maximum Cost per Worksite**

Number of Window Employees	Maximum Cost
1,000-1,499	\$9,000
1,500-1,999	\$13,400
2,000-2,499	\$17,900
2,500-2,999	\$22,400
3,000-3,499	\$26,900
3,500-3,999	\$31,400
4,000-4,499	\$35,800
4,500-4,999	\$40,300
5,000-5,499	\$44,800
5,500-5,999	\$49,300
6,000-6,499	\$53,800
6,500-6,999	\$58,200
7,000-7,499	\$62,700
7,500-7,999	\$67,200
8,000-8,499	\$71,700
8,500-8,999	\$76,200
9,000-9,499	\$80,700
9,500-9,999	\$85,100
10,000 and up	\$89,600

- ~~c. AQMD staff will conduct technical feasibility and cost analysis in consultation with employers. Feasible minimization strategies shall be identified as conditions in the approved plan. Employers shall implement the plan expeditiously, but not later than two years from the date of the Diesel Emission Minimization plan's approval.~~
- ~~d. In conducting the cost analysis, the following methodology will be followed. The cost of a diesel emission control technology consists of capital costs and/or annual operating and maintenance costs. Capital costs will be annualized over the equipment life or a ten year default life may be applied with a 4% real interest rate. Capital costs are one-time costs; examples include the price of control equipment, engineering design, and installation, if applicable. Operating and maintenance costs are annual recurring costs and include expenditures on utilities, labor, and material costs associated with control equipment operation.~~

~~The cost analysis is calculated according to the following equation:~~

$$\text{Annualized Project Cost} = (\text{Capital Cost} * \text{CRF}) + \text{O\&M}$$

~~Where:~~

~~Capital Cost = One-time cost of the equipment, design, and installation.~~

~~CRF = Capital Recovery Factor. For a 10-year default life with a 4% real interest rate the CRF is 0.123.~~

~~O&M = Operation and maintenance cost for 1 year.~~

~~Typical capital costs and operating and maintenance costs for off-road emission control strategies are listed below:~~

Capital Costs	Operating & Maintenance Costs
Purchased Equipment/Device Cost <ul style="list-style-type: none"> ● New Off Road Vehicles ● New Diesel Engines ● Alternative Fueling Stations ● Diesel Particulate Filters ● Engine Catalysts Direct & Indirect Installation Costs <ul style="list-style-type: none"> ● Engineering/Design ● Construction 	Fuel Costs Labor Costs for Maintenance Maintenance Materials Replacement Parts Any Savings

Only the incremental costs between new and existing equipment/devices should be accounted for.

- e. Employers may appeal the conditions of diesel minimization plan to the Hearing Board pursuant to Rule 216 Appeals.
- f. The approved plan shall be subject to provisions of Rule 221 Plans.

VI. GLOSSARY

1. AGGREGATE AVR means the weighted average AVR of an employer that has several different worksites within the same AVR Performance Zone that are included within one Employee Commute Reduction Program.
- ~~2. ANNUAL PROGRAM means a form submittal that contains AVR survey results, a plan to achieve the performance requirement for the worksite, and an agreement to continue implementing the Employee Commute Reduction Program.~~
- ~~3.2. AVERAGE VEHICLE RIDERSHIP (AVR) is the current number of employees that begin work during the window for calculating AVR divided by the number of vehicles arriving at the worksite during the same window.~~
- ~~4.3. AVR CALCULATION means the numerical method used to determine the worksite's AVR, calculated to two decimal places, in accordance with these guidelines.~~
- ~~5.4. AVR DATA COLLECTION METHOD is a method for gathering employee commute mode data needed to calculate an employer's AVR.~~
- ~~6.5. AVR PERFORMANCE ZONE is a geographic area that determines the average vehicle ridership performance requirement or target for a worksite pursuant to the map in Attachment I of this guideline. The AVR Performance Zones are as follows:
Zone 1: 1.75 AVR
Zone 2: 1.5 AVR
Zone 3: 1.3 AVR~~
- ~~7.6. AVR WINDOW is the period of time, Monday through Friday between the hours of 6:00 a.m. and 10:00 a.m. used to calculate AVR in accordance with these guidelines. AVR Window, as applied to businesses operating seven days a week, is the period of time, Sunday through Saturday between the hours of 6:00 a.m. and 10:00 a.m., used to calculate AVR in accordance with these guidelines. Employers using an alternative window or week must have written AQMD approval prior to the annual survey.~~
- ~~8.7. CARPOOL is a vehicle occupied by two to six people traveling together between their residences and their worksites or destinations for the majority 51% of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority 51% of the total trip distance.~~
- ~~9.8. CENTRALIZED RIDESHARE SERVICE CENTER (CRSC) is a strategy that may be used by employers submitting Multi-Site programs that will provide equivalent services in lieu of having a trained ETC and implementation records at each worksite.~~
- ~~10.9. COMPLIANCE YEAR is the time period beginning when an Annual Program ECRP is approved until a new Annual Program ECRP is approved. Program amendments and extensions do not affect the compliance year.~~
- ~~11.10. COMPRESSED WORK WEEK (CWW) applies to employees who as is an alternative schedule used to completing complete basic work requirements in five eight-hour workdays in one week, or 10 eight-hour workdays in two weeks, are scheduled in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules for~~

this Rule are, but not limited to, 36 hours in three days (3/36), 40 hours in four days (4/40), or 80 hours in nine days (9/80).

- ~~12.11.~~ CONSULTANT ETC means a person that meets the definition of and serves as an ETC at a worksite other than the Consultant's employer.
- ~~13.12.~~ DIRECT FINANCIAL AWARD means an employee commute reduction strategy in which the employer awards cash, prizes, or items of cash value subsidies to an employee for specified rideshare behavior.
- ~~14.13.~~ DISABLED EMPLOYEE means an individual with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle.
- ~~15.~~ EMERGENCY OR RESCUE VEHICLE means any vehicle defined in Section 165 of the California Vehicle Code and is equipped with red lights and sirens as defined in Sections 30, 25269, and 27002 of the California Vehicle Code.
- ~~16.14.~~ EMPLOYEE means any person employed full or part-time by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. This term excludes the following: seasonal employees, temporary employees, volunteers, field personnel, field construction workers, and independent contractors.
- ~~17.15.~~ EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP) means an Annual Program, under the Employee Commute Reduction Program option, submitted to the SCAQMD, in accordance with these guidelines.
- ~~18.16.~~ EMPLOYEE TRANSPORTATION COORDINATOR (ETC) is an employee who has completed an SCAQMD certified training course and has been appointed to develop, market, administer, and monitor the Employee Commute Reduction Program at a single worksite. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite.
- ~~19.17.~~ FEDERAL FIELD AGENT means any employee who is employed by any federal entity whose main responsibility is National Security and performs field enforcement and/or investigative functions. This does not include employees in non-field or non-investigative functions.
- ~~20.18.~~ FIELD CONSTRUCTION WORKER means an employee who reports directly to work at a construction site.
- ~~21.19.~~ FIELD PERSONNEL means employees who spend 20 percent or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up and dispatch of an employer-provided vehicle.
- ~~22.~~ FLEET VEHICLES means, for purposes of this rule, any vehicles including passenger cars, light-duty trucks, and medium-duty on-road vehicles, owned or leased by an employer that totals four (4) or more vehicles.
- ~~23.~~ HIGH AVR NO FAULT INSPECTION is a No-Fault Inspection available only to worksites that reach or exceed their designated AVR. Worksites that pass this inspection will have their current plan filing fee reduced and are eligible for minimal filing requirements.
- ~~24.20.~~ HOLIDAYS are those days designated as National or State Holidays that shall not be included in the AVR survey period.

- ~~25.21.~~ INDEPENDENT CONTRACTOR means an individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.
- ~~26.~~ LEASE, for purposes of the ~~Employer Clean Fleet Purchase/Lease Program~~, is a contract for the temporary use of a vehicle for a term exceeding four consecutive months pursuant to California Vehicle Code §371 et seq.
- ~~27.22.~~ LOW-INCOME EMPLOYEE means an individual whose salary is equal to, or less than, the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden.
- ~~28.23.~~ MULTI-SITE EMPLOYER means any person(s), firm, business, educational institution, non-profit agency or corporation, government agency or other entity which has more than one worksite located within the ~~South Coast Air Basin~~ SCAQMD where 250 or more employees report to ~~a~~ each worksite.
- ~~29.24.~~ MULTI-SITE PROGRAM means ~~a single~~ an Employee Commute Reduction Program submitted to the SCAQMD to comply with these guidelines that encompasses more than one worksite within a single AVR Performance Zone that belongs to a multi-site employer.
- ~~30.~~ NO FAULT INSPECTION is ~~a pre arranged worksite employee commute reduction program compliance inspection that is initiated by the employer or the employer representative and is conducted by AQMD compliance staff, without penalty for non-compliance.~~
- ~~31.25.~~ NONCOMMUTING AVR CREDIT applies to employees who arrive at the worksite during the window for calculating AVR, and remains at the worksite or out of the SCAQMD's jurisdiction for a full 24 hour period or more to complete work assignments.
- ~~32.26.~~ OFF PEAK COMMUTE TRIP is a commute trip that occurs outside the peak commute window of 6:00 a.m. - 10:00 a.m., Monday through Friday.
- ~~33.27.~~ ON-SITE COORDINATOR is a person who has been designated by the employer as ~~an~~ "On-Site Coordinator" such and has knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is limited to program implementation rather than program development.
- ~~34.28.~~ PARKING CASH-OUT is a program where an employer offers to provide a cash allowance to an employee, at a minimum equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space pursuant to the provisions of the Health and Safety Code ~~Section~~ §43845.
- ~~35.29.~~ PART-TIME EMPLOYEE means any employee who reports to a worksite ~~on a part-time basis~~ fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability; and for AVR calculations of the employer, provided the employees begin work during the window for calculating AVR.
- ~~36.30.~~ POLICE/SHERIFF means any employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are ~~only~~ police officers

and sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions.

~~37.~~31. SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.

~~38.~~32. STRATEGY means an ~~e~~Employee ~~e~~Commute ~~r~~Reduction ~~p~~Program element developed, offered and/or implemented by employers for the purpose of encouraging employees to use alternative modes of transportation other than single occupant vehicles when reporting to work during the ~~employer's~~ window.

~~39.~~33. STUDENT WORKER means a ~~student person~~ who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for rule applicability and if they begin work during the 6:00 a.m. - 10:00 a.m. window are counted for AVR calculation.

~~40.~~34. TELECOMMUTING means working at home, off-site, at a satellite office or at a telecommuting center, for a full workday that eliminates the trip to work or reduces travel distance by more than ~~50~~ 51 percent.

~~41.~~35. TEMPORARY EMPLOYEE means any person employed by an employment service or agency that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.

~~42. TOTAL SURPLUS VEHICLE REDUCTIONS (TSVR) is the sum of the surplus daily commute vehicle reductions that exceeds the designated AVR, at each worksite included in a Multi-Site program.~~

~~43. TOTAL VEHICLE REDUCTION SHORTFALL (TVRS) is the sum of the additional daily commute vehicle reductions needed to attain the designated AVR, at each worksite included in a Multi-Site program.~~

~~44.~~36. TRANSIT is a shared passenger transportation service which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without private arrangement. Transit include buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

~~45.~~37. TRANSPORTATION MANAGEMENT ASSOCIATION OR TRANSPORTATION MANAGEMENT ORGANIZATION (TMA/TMO) means a ~~private~~ non-profit association that has a financial dues structure joined together in a legal agreement for the purpose of achieving mobility and air quality goals and objectives within a designated area.

~~46. TRAINING PROVIDER means a person(s), firm, business, educational institution, non-profit agency, corporation, or other entity which meets the minimum guideline qualifications and is certified by the AQMD to provide training to ETCs.~~

~~47.~~38. VANPOOL is a vehicle occupied by seven to 15 people traveling together between their residences and their worksites or destinations for ~~the majority~~ 51% of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included

within this definition as long as they are in the vehicle for ~~the majority~~ 51% of the total trip distance.

~~48.~~39. VEHICLE TRIP is ~~based on~~ determined by the means of transportation used for the greatest distance of an employee's home-to-work commute trip for employees who begin work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:

Single-occupant vehicle = 1

Carpool = 1 divided by number of people in carpool

Vanpool = 1 divided by number of people in vanpool

Motorcycle, moped, motorized scooter, motor bike = 1 divided by number of people on bike

Public transit = 0

Bus pool = 0

Bicycle = 0

Walking and other non-motorized transportation modes = 0

Non-commuting = 0

Telecommuting = 0 on days employee is telecommuting for the entire day

Compressed Workweek = 0 on employee's compressed day(s) off

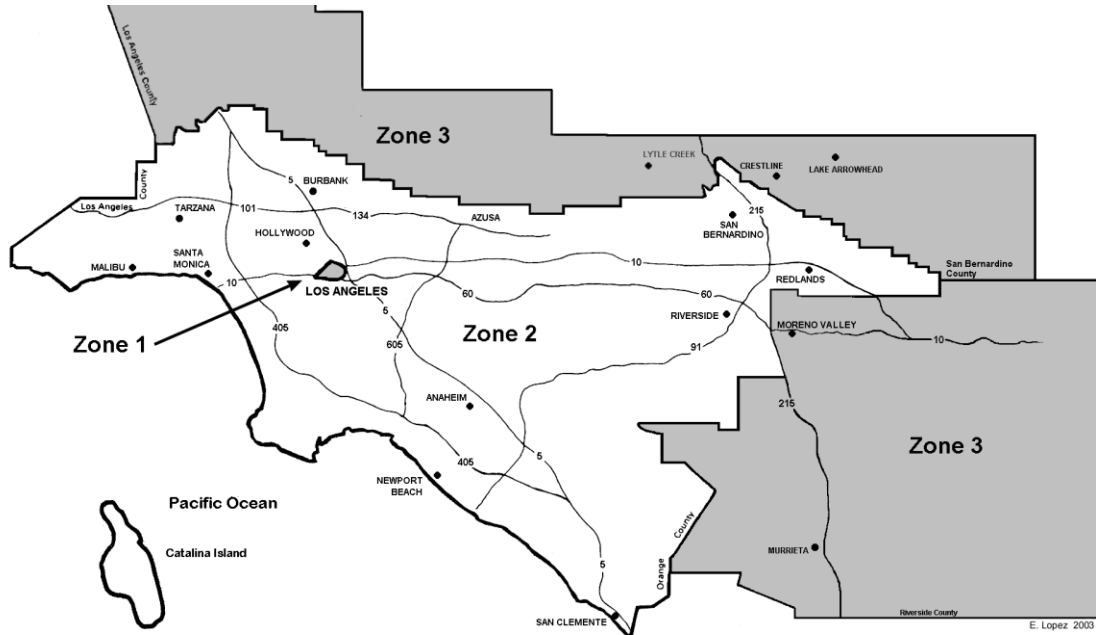
Zero-emission vehicles = 0

~~49.~~40. VOLUNTEER means any person(s) at a worksite who, of their own free will, provides goods or services, without ~~any~~ financial gain.

~~50.~~41. WORKSITE means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single worksite, even if they do not have the above characteristics, if they are located within a 2 mile radius and are in the same AVR Performance Zone.

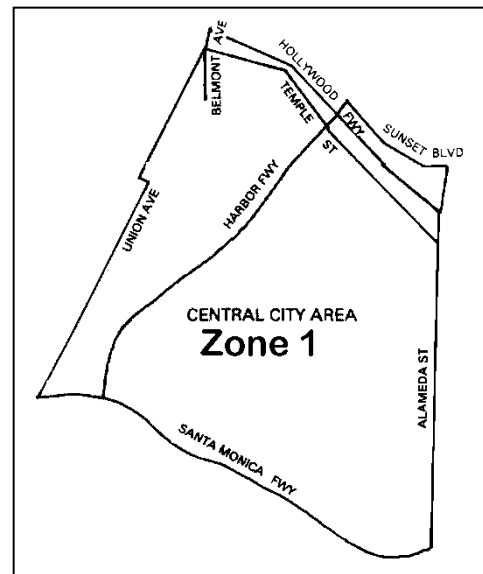
~~51.~~42. WORKSITE EMPLOYEE THRESHOLD means 250 employees employed at a single worksite for the prior consecutive six month period calculated as a monthly average, and 33 or more employees scheduled to report to work during the window any one day during the prior consecutive 90 days.

VIII. ATTACHMENT I



AVR PERFORMANCE ZONES

- A worksite's AVR Performance Zone depends on its location.
- District's Source/Receptor Areas are shown in Attachment 3 of Rule 701 - Air Pollution Emergency Contingency Actions.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the SCAQMD's Source/Receptor Area 1.
- **Zone 2** corresponds to the SCAQMD's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Zone 1 - Central City Area.
- **Zone 3** corresponds to the SCAQMD's Source/Receptor Areas 13, 15, 24 through 31, and 36 through 38.



ATTACHMENT G

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Staff Report

Proposed Amendments to Rule 2202 Employee Commute Reduction Program Guidelines (ECRP)

May 1, 2015

Deputy Executive Officer

Planning, Rule Development, & Area Sources
Elaine Chang, DrPH

Assistant Deputy Executive Officer

Planning, Rule Development, & Area Sources
Philip Fine, Ph.D.

Planning and Rules Manager

Transportation Programs
Carol Gomez

AUTHOR: ERNEST LOPEZ – AIR QUALITY SPECIALIST

REVIEWED BY: ANTONIO THOMAS - SENIOR TRANSPORTATION SPECIALIST
LANE GARCIA - TRANSPORTATION PLAN REVIEWER
WILLIAM WONG - PRINCIPAL DEPUTY DISTRICT COUNSEL
LAUREN NEVITT - SR DEPUTY DISTRICT COUNSEL

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

GOVERNING BOARD

Chairman: WILLIAM A. BURKE, Ed.D.
Speaker of the Assembly Appointee

Vice Chairman: DENNIS YATES
Mayor, Chino
Cities of San Bernardino County

MEMBERS: MICHAEL D. ANTONOVICH
Supervisor, Fifth District
County of Los Angeles

BEN BENOIT
Mayor, Wildomar
Cities of Riverside County

JOHN J. BENOIT
Supervisor, Fourth District
County of Riverside

JOE BUSCAINO
Councilmember, 15th District
City of Los Angeles

MICHAEL A. CACCIOTTI
Councilmember, South Pasadena
Cities of Los Angeles County/Eastern Region

JOSEPH K. LYOU, Ph. D.
Governor's Appointee

JUDITH MITCHELL
Councilmember, Rolling Hills Estates
Cities of Los Angeles County/Western Region

SHAWN NELSON
Supervisor, Fourth District
County of Orange

DR. CLARK E. PARKER, SR.
Senate Rules Committee Appointee

MIGUEL A. PULIDO
Mayor, Santa Ana
Cities of Orange County

JANICE RUTHERFORD
Supervisor, Second District
County of San Bernardino

EXECUTIVE OFFICER: BARRY R. WALLERSTEIN, D.Env.

LIST OF ACRONYMS AND ABBREVIATIONS

AQIP	Air Quality Investment Program
AQMP	Air Quality Management Plan
AVR	Average Vehicle Ridership
BACT	Best Available Control Technology
CARB (or ARB)	California Air Resources Board
CO	Carbon Monoxide
ECRP	Employee Commute Reduction Program
EMFAC	EMission FACTor mobile source model
ERC	Emission Reduction Credits
ERS	Emission Reduction Strategy
LEV	Low Emission Vehicles
MSERC	Mobile Source Emission Reduction Credit
NMOG	Non-Methane Organic Gases
NO _x	Nitrogen Oxides
PHEV	Plug-in Hybrid Electric Vehicle
PM	Particulate Matter
PZEV	Partial Zero Emission Vehicle
ROG	Reactive Organic Gases
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SULEV	Super Ultra Low Emission Vehicles
ULEV	Ultra Low Emission Vehicles
VOC	Volatile Organic Compound
ZEV	Zero Emission Vehicles

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EXECUTIVE SUMMARY

The South Coast Air Quality Management District (SCAQMD) is proposing amendments to the Rule 2202 Employee Commute Reduction Program (ECRP) Guidelines. The amendments include administrative language and document restructuring to provide clarity and guidance to the regulated community. Staff is proposing that the Employer Clean Fleet Purchase/Lease Program and Mobile Source Diesel PM/NO_x Emission Minimization Program be removed as they have been or soon will be overtaken by state regulations that specifically address the original intent of these program elements. Staff is proposing the inclusion of a High AVR and AVR Improvement submittals as additional plan submittal types to incentivize worksite AVR improvements and streamline submittals of the ECRP as a rule compliance option. Included in this report is also a review of the Rule 2202 Parking Cash-out Program.

BACKGROUND

Rule 2202 replaced Rules 1501 - Work Trip Reduction Plans and 1501.1 - Alternatives to Work Trip Reduction Plans and has been amended several times in the years since. In 1987, Regulation XV was adopted which required trip reduction plans for employers with 100 or more employees. Rule 1501 was amended in 1993 and Rule 1501.1 was adopted in 1995, to comply with federal and state requirements for extreme non-attainment areas. In 1995, Rule 2202 was adopted to respond to state legislation prohibiting mandatory trip reduction plans. Rule 2202 provided worksites of 100 or more employees a menu of emission reduction options to meet an emission reduction target for their worksite. The passage of SB 836 in 1996 directed SCAQMD to raise the employee threshold level from 100 to 250 employees, while SB 432 permanently exempted worksites with fewer than 250 employees from complying with the rule.

The rule has provided members of the regulated community with a menu of flexible and cost effective emission reduction options from which they can choose to implement and meet the emission reduction targets for their worksites. Rule 2202 continues to allow employers the option of implementing a traditional trip reduction program as a means of complying with the rule. Rule 2202 - On-Road Motor Vehicle Mitigation Options (Rule 2202) requires any employer who employs 250 or more employees at a work site to develop and implement an emission reduction program to reduce emissions related to employee commutes (between 6:00 AM and 10:00 AM). The rule provides employers with a menu of options to reduce these mobile source emissions.

An employer can choose to reduce their mobile source emissions through the Emission Reduction Strategy (ERS) or Air Quality Investment Program (AQIP) options or, alternatively, an employer may elect to implement an Employee Commute Reduction Program (ECRP), otherwise known as a rideshare program. The ECRP focuses on reducing work-related vehicle trips and vehicle miles traveled to a worksite with the

purpose of achieving an average vehicle ridership (AVR) target for an employer's worksite. Employers who voluntarily choose to implement an ECRP are required to submit an annual program plan that demonstrates a good faith effort toward achieving their worksite AVR target. Employers implementing an ECRP must do so in conformance with the ECRP Guidelines. The ECRP Guidelines provide the basis for the implementation of this rule option and have been in effect since the initial adoption of Rule 2202 in 1995. The ECRP Guidelines lead employers through the process of meeting rule requirements and the developments of a trip reduction program.

In June 2014, staff amended Rule 2202 and the rule Implementation Guidelines to address issues with the credit market as it is used under Rule 2202. During the public meetings, members of the regulated community requested that the ECRP Guidelines be reviewed to consider methods to incentivize employers that demonstrate improvements in the worksite AVR and to streamline the ECRP submittal process. The Governing Board directed staff, as part of its Rule 2202 amendment adoption resolution, to review the documents for potential amendment at a later time.

Proposal

Staff is proposing a set of amendments to the guidelines to support employers' implementation of the ECRP compliance option. The proposed amendments are to clarify existing language, streamline the ECRP submittal process, and incentivize employer good faith efforts toward meeting the worksite AVR target.

Staff is proposing the inclusion of High AVR and AVR Improvement Programs as additional plan submittal types to incentivize improvements to worksite AVRs. Employers may submit a High AVR Program submittal when their worksite has met or exceeded the AVR target. Employers eligible for the High AVR Program will receive a reduction in filing fees (30% - 47%) and can submit a streamlined version of the annual plan. Alternatively, an AVR Improvement Program may be submitted if the worksite has improved their AVR more than 0.05 or has an improvement of 0.01 or better for three consecutive years. Employers qualifying for the AVR Improvement Program will receive a 20% reduction in filing fees and submit a streamlined plan submittal. These proposed programs are intended to incentivize improvements to worksite AVR by streamlining annual plan submittals at a discounted fee.

Staff is also proposing that the Employer Clean Fleet Purchase/Lease Program and Mobile Source Diesel PM/NOx Emission Minimization Program be removed. CARB has adopted off-road regulations that seek to reduce emission from existing off-road diesel vehicle fleets and emission certification standards for all new off-road diesel engines. These requirements will address a larger population of vehicles and are more stringent than the existing Rule 2202 ECRP requirements. Additionally, the vehicle fleet emission standards of LEV II and LEV III, as adopted by CARB, will increase the availability of

cleaner vehicles than as compared to what would be required under the ECRP clean fleet requirements. The Clean Fleet Program, adopted in 2004, was intended to accelerate the deployment of lower emission vehicle engines. The implementation of the LEV II and LEV III as well as CARB's off-road diesel regulations will achieve the original intent of Rule 2202 ECRP program elements. As a result, removing these program elements would not result in emission reductions foregone; rather, it will reduce the administrative burden for the employers subject to these provisions in Rule 2202.

PROPOSED AMENDMENTS

Employer Clean Fleet Purchase/Lease Program

Currently, employers that have not met the worksite AVR target requirement and own or lease four (4) or more vehicles are required to incorporate vehicles in their fleet that meet certain emission standards (ECRP Guidelines: *V.C. Employer Clean Fleet Purchase/Lease Program*). The vehicles must be at least ultra-low emission vehicles (ULEV) for light-duty passenger vehicles and trucks, and super ultra-low emission vehicles (SULEV) for medium-duty vehicles, as certified by CARB. The ECRP Guidelines require employers, when submitting their annual worksite program, to include an inventory which describes the number and type of vehicles in the existing operating fleet. Additionally, employers are also required to submit a detailed list of the vehicles being acquired which includes information such as make, model, fuel type, engine family number, and start of service date. This requirement began implementation in February 2004 and since that time an average of 166 light-duty vehicles per year have been affected at 48 different worksites.

The Employer Clean Fleet Purchase/Lease Program was adopted as part of the ECRP Guidelines during the 2004 amendments with the intent to encourage consumer choice of cleaner vehicles at the time of vehicle purchase or lease. The requirements for the cleaner vehicles was based on the tailpipe emission standards described in Rule 1191 - Clean On-Road Light- and Medium-Duty Public Fleet Vehicles where light and medium duty passenger vehicles were required to meet ULEV and medium duty vehicles were required to meet the SULEV emission standards. However, since the inclusion of the Employer Clean Fleet Purchase/Lease Program in the 2004 ECRP Guidelines, the typical vehicle acquired for fleets meets guideline requirements as these vehicles have become more readily available as a result of the CARB vehicle emission standards.

At the time of the 2004 amendment, the tailpipe emission standard for vehicles was the Low Emission Vehicle II (LEV II) standard, formally adopted by CARB in 1999 (13 CCR §1600 *et seq.*). LEV II required manufactures to phase-in beginning in 2004 to full implementation in 2010. Under the LEV II standard the emission levels were significantly reduced such that light-duty truck and medium-duty vehicles categories of below 8,500 gross vehicle weight had to meet passenger car requirements. The ULEV

passenger vehicle emission requirements changed from 0.2 to 0.05 gram/mile of NO_x. More recently, the LEV III emission standard was adopted by CARB in 2012, which is to be phased-in for vehicle model years 2015 through 2025(13 CCR §1600 *et seq.*). The LEV III standard introduced another significant reduction in emission levels, introducing a NMOG+NO_x standard. This represents a LEV II to LEV III change, at full implementation, for ULEV passenger vehicles emission of 0.09 to 0.03 gram/mile NMOG+NO_x.

In 2004, the intent was to accelerate the deployment of lower emission vehicles through the implementation of this requirement. The Clean Fleet Program, as adopted, is consistent with the tailpipe emission standards as set forth in Rule 1191 - Clean On-Road Light- and Medium-Duty Public Fleet Vehicles. Since the 2004 ECRP Guidelines were adopted, the availability of light duty ULEV vehicles has significantly increased. As shown in Table 1 below, the number of available certified engine families or test groups that meet the ULEV emission standard or better in 2014 has doubled in comparison to 2004. Furthermore, the adoption of LEV III standards should significantly increase the availability of ULEV and SULEV vehicles.

Table 1. Passenger and Light Duty Truck CARB Certifications

CARB Certification	2004 Available	%	2014 Available	%
LEV	154	51%	59	16%
ULEV	123	41%	241	65%
SULEV	1	0.3%	18	5%
PZEV ⁽¹⁾	18	6%	37	10%
ZEV ⁽²⁾	4	1%	18	5%
Total	300		373	

1. Partial Zero Emission Vehicle

2. Zero Emission Vehicle

Given the full implementation of LEV II and the phase-in of LEV III, which will significantly increase the availability of the type of fleet vehicles that will meet the 2004 guideline standard, Staff is proposing that the Employer Clean Fleet Vehicle Purchase/Lease Program be removed from the ECRP Guidelines. Although many employers may not be required to implement this requirement within Rule 2202, all employers will continue to be subject to compliance with any applicable federal, state, local, or SCAQMD regulatory requirements for fleet vehicles. As a matter of course, employers acquire the type of passenger vehicles into their fleets that will meet the ULEV standard or better. Because of this and the phase-in of more stringent emission standards under LEV III, the removal of this requirement will not have an impact on the program's emission reductions and will reduce the administrative burden for employers submitting an ECRP to demonstrate compliance with this requirement.

Mobile Source Diesel PM/NO_x Emission Minimization Program

Employers with 1,000 or more peak window employees implementing an ECRP but not meeting their AVR target, are required to complete a mobile source diesel PM/NO_x emission minimization plan. (ECRP Guidelines: *V.D. Mobile Source Diesel PM/NO_x Emission Minimization*) This requirement applies to off-road self-propelled diesel-fueled equipment that cannot be registered and licensed to drive on-road (e.g., tractors, forklifts, riding lawnmowers, yard hostlers, etc.). Every three years the employer submits an equipment inventory that includes a list of the self-propelled diesel-fueled equipment, fuel usage for each piece of equipment, and use of control technologies if applicable, at the worksite.

The equipment inventory is reviewed by Staff to determine technical feasibility and the implementation cost of adding control equipment or vehicle replacement. This assessment is done in consultation with the employer. When the plan has been approved the employer is required to implement the feasible diesel emission control technologies which can include replacement, repowering, or the use of control technologies. Implementation of control technologies may be considered as infeasible under certain circumstances such as age of equipment, the use of control equipment would be unsafe, no approved equipment is available, or implementation exceeds the capital cost limits described in the guidelines. The diesel minimization requirement was adopted as part of the ECRP Guidelines during the 2004 amendments and implementation began in 2005. The intent was to accelerate the control of off-road mobile diesel equipment emissions.

In July 2007, CARB approved the In-Use Off-Road Diesel Vehicle regulation to reduce emissions from existing off-road diesel equipment (13 CCR §2449 *et seq.*). The regulation requires off-road fleets to modernize and add retrofit technologies. It imposed limits on idling beginning in 2008, and in 2010 began phase-in of requirements to clean-up fleets by eliminating older engines and install exhaust retrofits. The overall purpose of the CARB regulation is to reduce NO_x and PM emissions from off-road diesel equipment. Effective 2008, engine idling was to be limited to 5 minutes and high emission equipment (pre-1996) could not be purchased. Full implementation beginning in 2014, 2017, and 2019 for large, medium, and small equipment respectively will require meeting fleet emission targets through equipment turnover or application of best available control technologies (BACT) by installation of control equipment, equipment repowering, or replacement. Furthermore, CARB adopted in December 2004, the Off-Road Compression-Ignition Engines and Equipment Tier 4 emission standard (13 CCR §2420 *et seq.*). The Tier 4 standard requires new off-road diesel engines to meet emission standards 50-96% lower than the existing generation of diesel engines beginning in 2008. The Tier 4 diesel engine standard requirements should be fully implemented by 2015.

Sixty-five of the 494 employers submitting ECRPs, currently report having 1,000 or more peak window employees. Since implementation, a total of 26 different employers have submitted an off-road mobile diesel equipment inventory. As of December 2014, 13 of the 26 employers have submitted equipment inventories where there may be additional opportunities to mitigate emissions. Five (5) employers have submitted inventories where no further mitigation is possible because the equipment has been removed, repowered, replaced, all feasible controls have been installed, or it is infeasible to install controls on the remaining equipment. The remaining 8 employers, are no longer submitting equipment inventories due to changes in compliance program submittal option, meeting the worksite AVR target, or the window employee number has fallen below 1,000.

As a result, all of the participating employers have had their diesel equipment reviewed at least twice and most, if not all, of the available mitigation measures pursuant to the ECRP Guidelines have been applied. Staff is recommending to remove this plan requirement as the adoption of CARB off-road diesel equipment regulation at full implementation applies a more stringent requirement and is applicable to all off-road mobile diesel equipment. Furthermore, the CARB regulation is applicable to all Rule 2202 employers and is not limited to the employers who submit an ECRP and have 1,000 or more window employees. Although the ECRP requirements have similar goals to the CARB regulation, it is not as stringent since CARB's regulation includes an idling limit component and specific emission limits or control requirements. The SCAQMD's ECRP off-road diesel requirements are limited in scope when compared to the state-wide program since they are applicable to a much smaller subset of diesel equipment. The ECRP requirements are superseded by the CARB regulation and the removal of this program requirement will have no effect on the control of emissions from off-road diesel equipment. Although employers may not be required to implement this ECRP requirement, all employers will continue to be subject to compliance with any applicable federal, state, local, or SCAQMD regulatory requirements regarding off-road diesel equipment.

High AVR and AVR Improvement Submittals

Employers who have met or exceeded the worksite AVR target can, in accordance with the ECRP Guidelines, request a High AVR No Fault Inspection (ECRP Guidelines: *I.G. High No Fault Inspection*). These inspections are required to be scheduled at a worksite two months prior to their compliance plan submittal date to verify the AVR survey data results. Once the data has been verified, employers receive a reduction in filing fees and are not required to submit the portion of the compliance forms describing their good faith effort determination elements. In response to comments received to consider methods to simplify ECRP submittals, Staff is proposing to remove the requirement for a worksite inspection, and to specify that the submittal of the good faith effort determination elements documentation for High AVR Program submittals is not required if there is no

change from the previously approved plan. The employer may elect to amend the plan if changes are sought.

Currently, less than 10 employers submit the High AVR No Fault Inspection program. However, approximately 115 employers could potentially submit a High AVR submittal. As a result, staff believes that by removing the inspection requirement and streamlining the plan submittal, the proposed amendment could incentivize these high AVR employers to join the program and encourage additional employers to meet a higher AVR target. Despite the removal of the inspection requirement, worksites will still be subject to SCAQMD's overall inspection for Rule 2202 and compliance verification.

Along these same lines, Staff is proposing an AVR Improvement Program submittal. Employers are currently required to demonstrate good faith effort toward meeting the worksite AVR. One measure of good faith effort is the increase in the AVR when compared to the previous year's ECRP submittal. Staff's proposal is to reward employers having an AVR improvement over a consecutive three year period by not requiring the submittal of the good faith effort determination elements and reducing the per worksite filing fee by 20%.

To qualify employers are to have an AVR improvement of 0.01 or greater for each of the two previous consecutive years and the year that is being submitted. AVR improvement of 0.01 is consistent with the criteria currently used by Staff when evaluating ECRP submittals to determine the demonstration of a good faith effort. However, if the AVR has an improvement of 0.05 when compared to the immediate previous year the employer may also submit an AVR Improvement Program. An AVR improvement of 0.05 can represent a significant effort on the part of an employer. Staff recognizes the level of effort for such an improvement and believes that the AVR increase should be appropriately incentivized. An AVR change of 0.01 over each of the 3 years would reward employers who have continued program improvement and demonstrate a good faith effort toward achieving their AVR target.

For example, if Employer A is submitting their ECRP in 2015 and has an AVR improvement of 0.01 every year when compared to the previous two years then they would be eligible for the AVR Improvement. Employer B has an improvement of 0.01 when compared to the previous year, but there was a decline when compared to the submittal two years ago, and therefore Employer B would not be eligible. However, employer C has an increase of 0.05 over the previous year submittal so they would be eligible regardless of any improvements in 2012 and 2013. When an employer has a non-ECRP program submittal option, they cannot use it to demonstrate AVR improvement for any prior year for the AVR Improvement Program, as shown by Employer D. Examples of how the AVR Improvement Program would be applied is illustrated in Table 2 below.

Table 2. AVR Improvement Program Submittal Examples

Plan Submittal Year AVR	2012	2013	2014	2015	AVR Improvement
Employer A	1.30	1.31	1.32	1.33	Yes
Employer B	1.30	1.31	1.30	1.31	No
Employer C	1.30	1.30	1.30	1.35	Yes
Employer D	1.29	1.30	AQIP submittal	1.35	No

There are approximately 115 worksites that could have submitted a High AVR Program in 2014. Under the proposed AVR Improvement Program, approximately 77 worksites that have improved their AVR by 0.05 or better in 2014 and could qualify for this program. Additionally, there are 106 worksites that had ongoing improvements in their AVRs of 0.01 or greater, for three consecutive years that could submit an AVR Improvement Program. The number of employers who can currently take advantage of both the High AVR and the AVR Improvement Program could result in a reduction of approximately 11% in annual filing fees received. The number of employees that are potentially affected are summarized in Table 3. The purpose of these proposed provisions are to incentivize employers to increase their AVR through the reduction of filing fees and by reducing the administrative burden.

Table 3. Effect of High AVR and AVR Improvement Programs

Program	Worksites
ECRP	494
High AVR ¹	115
AVR Improvement (≥0.05 change) ²	77
AVR Improvement (≥0.01 change) ³	106

1. Meets or exceeds worksite AVR target

2. Does not include worksites with AVR improvement less than 0.05

3. Does not include worksites that met their AVR target or have no change in AVR

Parking Cash-Out Program

Parking cash-out, adopted in 1992 and codified in Health and Safety Code §43845, requires employers with 50 or more employees to provide a cash allowance to their employees in lieu of a parking space that the employer would otherwise pay to provide

the employee with a parking space. Parking cash-out applies to worksites where the employer leases employee parking, the parking lease is not part of or bundled in the building lease, and the employer is able to reduce the number of parking spaces without penalty. CARB is responsible for enforcement of this regulation, however, Senate Bill 728 (Lowenthal), adopted October 11, 2009, allows air districts or local governments the option to enforce parking cash-out via a rule or ordinance, a penalty, or other mechanism.

The October 2011, amendments to the ECRP included the provision that employers who elect to participate in the ECRP, whose worksite meets the requirements of the Health and Safety Code §43845, who have not achieved the AVR target, and whose AVR fails to show an overall improvement from the previous plan submittal, be required to incorporate a Parking Cash-out Program in their annual ECRP submittal. Additional language was included to make it clear that although certain employers may not be required to implement parking cash-out to meet the ECRP standards, all employers who are subject to the provisions of the Health and Safety Code (§43845) must still comply with their existing legal obligations. At that time, the Governing Board approved that the Rule 2202 Parking Cash-out requirement remain in effect until January 1, 2016 and, at that time, Staff would evaluate the effectiveness of the parking cash-out program and come back to the Board with a recommendation on whether the program should be continued. The inclusion of Parking Cash-out discussion in this Staff Report is to report on the current status of the Rule 2202 Parking Cash-out Program.

In accordance with the ECRP Guidelines, four worksites reported implementing a parking cash-out program in the first year. In 2013, three of these worksites were no longer required to implement parking cash-out and one new worksite was added. At the end of 2014, one worksite was no longer subject to this requirement, one was added and one continued to be required to implement parking cash-out. The four worksites that became exempt from this requirement were a result of increases in AVR achieved by adjusting their AVR survey techniques or improving the worksite incentives. However, two of these four worksites subsequently reported that the leased parking could not be unbundled from the existing lease agreement. As of December 2014 two worksites, in accordance with the ECRP Guidelines, are implementing a parking cash-out program. Information from the last three years of parking cash-out implementation is summarized in Table 4.

Table 4. Parking Cash-out Summary

Year	ECRP Worksites	Worksites with Leased Parking	Worksites Subject to Guideline Provisions ¹	Parking Cash-out Exempt ²	Parking Cash-out Implemented
2012	530	76	30	26	4
2013	498	74	23	21	2
2014	494	75	24	22	2

3. Worksite AVR is below target and has shown no improvement

4. Parking cannot be reduced without penalty or un-bundled from lease

While all 494 worksites submitting an ECRP are required to complete the parking cash-out applicability documentation, only 5 different worksites since implementation, less than 1% of the ECRP submittals, have reported a Rule 2202 qualified parking cash-out program. Although certain employers may not be required to include parking cash-out to meet the ECRP requirements, all employers who are subject to the provisions of the Health and Safety Code (§43845) still must comply with their existing legal obligations under state law. The inclusion here of the parking cash-out information is to report on the current status of the Rule 2202 Parking Cash-out Program, which is more limited than state law. Staff will continue to evaluate the effectiveness of the Parking Cash-out Program and provide Staff's recommendation to the Board prior to the end of the year, in accordance with the October 7, 2011 Board adopted resolution and the ECRP guidelines.

Administrative Amendments

Staff is proposing a number of administrative amendments to the guidelines to provide additional clarity and guidance to the regulated community. The administrative language amendments are outlined below.

- Program Types and Features – include text to further describe program submittal requirements
- Add Failure to Notify flowchart – an explanatory flowchart is included that outlines the employers responsibility for program notification and the potential compliance consequences in accordance with Rule 308 – On-road Motor Vehicle Mitigation Options Fees
- Remove “Annual Program” section – the information is included in previous sections of the guidelines
- Program Administration – clarification of when an approved ECRP is to begin implementation and the addition of examples of the type of records that should be maintained for recordkeeping requirements
- Recordkeeping – record retention requirement for AVR Improvement Programs where the retention time in some instances may be longer than three years

- Compliance – restructured text to more clearly outline what could constitute a failure to comply
- AVR Adjustments – inclusion of the types of vehicles that can be counted as zero emission vehicles and the adjustment that can be applied when calculating AVR
- Alternative AVR Data Collection – removed language from one section as it is more clearly outlined in the section that follows the introductory paragraph
- Employee Transportation Coordinator – move text addressing the absence of an ETC to this section as it directly relates to this requirement’s description
- Remove Training Providers section – if the required training program is contracted the terms and conditions would be included in a contract and will afford the SCAQMD additional flexibility in providing this service alternative
- Relocation – add clarification regarding rule applicability when an employer relocates their employees over an extended period of time
- Extensions – add examples of reasons that an extension for a program submittal may be granted
- Declared Bankruptcy – include language to clarify administrative actions to be taken when a bankruptcy waiver expires

Summary of Proposed ECRP Guideline Amendments

- Include High AVR and AVR Improvement Program plan submittals
- Remove Employer Clean Fleet Purchase/Lease Program
- Remove Mobile Source Diesel PM/NOx Emission Minimization Program
- Revise Good Faith Effort Determination Elements strategies to clarify language and update the strategies
- Other administrative amendments to the guidelines to provide additional clarity and guidance to the regulated community

IMPACT ASSESSMENT

A. Affected Facilities

As of December 2014, there were approximately 494 worksites that submitted an ECRP, which is 37% of the worksites complying with Rule 2202. Employers may choose to voluntarily implement an ECRP rather than submit an ERS or an AQIP. By doing so employers are required to demonstrate a good faith effort toward meeting the worksite AVR target in conformance with the ECRP Guidelines. Employers submitting an ECRP are not concentrated in a particular business or industry. The types of worksites that are affected by the rule are summarized in Table 5 below.

Table 5. ECRP Worksite Industry Groups

Industry Group (based on SCAQMD / NAICS*)	Number of Worksite
Utilities	6
Manufacturing	62
Wholesale Trade	16
Retail Trade	37
Transportation and Warehousing	20
Information	14
Finance and Insurance	32
Real Estate and Rental and Leasing	3
Professional, Scientific, and Technical Services	18
Management of Companies and Enterprises	2
Administrative and Support and Waste Management and Remediation Services	5
Educational Services	46
Health Care and Social Assistance	58
Arts, Entertainment, and Recreation	8
Accommodation and Food Services	26
Other Services (except Public Administration)	9
Public Administration	132
Total	494

* North American Industry Classification System (NAICS)

There are potentially 115 worksites that could submit a High AVR Program and as a result could qualify for the existing discounted submittal fees. Under the proposed AVR Improvement Program there are approximately 77 worksites that have AVR improvements of 0.05 or better that could potentially qualify for this program and the proposed discounted submittal fees. Additionally, there are 106 worksites that have ongoing improvements in their AVRs of 0.01 or greater that could submit an AVR Improvement Program plan. As proposed, employers submitting a High AVR or AVR Improvement Program plan will not be required to include in the annual program a description of the rideshare strategies to be implemented. Employers who take advantage of the High AVR and AVR Improvement will benefit from the proposed amendments due to reduced filing fees and streamlined plan submittal.

The proposed amendments will further benefit employers through the inclusion of a streamlined plan submittal which proposes to remove the mobile source diesel minimization plan and the employer clean fleet vehicle program. There were 5 worksites that submitted clean fleet vehicle programs in 2014 which affected the acquisition of 8 different vehicles. The diesel minimization applies to worksites with 1,000 or more peak window employees at a worksite which results in 13 worksites that currently continue to submit plans. At the initial implementation in 2004, 26 different employers submitted diesel minimization plans. The decrease in submittals can be attributed to employers

changing Rule 2202 compliance options, no longer having mobile diesel equipment, or the peak window employee number dropping below 1,000.

The proposed Guidelines amendments will not result in an increase in the employee AVR targets or impose any additional requirements on employers submitting ECRPs. Employers always have the option of switching between the different compliance options. However, the choice between the different options is dependent on many different factors such as relative cost, changes in employee numbers, or other employer operational changes. The proposal will afford employers additional incentives to comply with Rule 2202 requirements through the implementation of the ECRP.

B. Rule Adoption Relative to the Cost Effectiveness Schedule

On October 14, 1994, the Governing Board adopted a resolution requiring staff to consider rules being proposed for adoption in order of cost-effectiveness. Cost-effectiveness is defined as the cost to comply with the new regulatory requirements, expressed in terms of dollars per ton of pollutant reduced. The California Health and Safety Code §40703 requires a consideration of its cost effectiveness of control measures in its Air Quality Management Plan (AQMP). The AQMP ranked, in order of cost-effectiveness, all of the proposed control measures for which costs were quantified, with the most cost-effective measures to be considered first. Since the proposed amendment is not based on an AQMP control measure, consideration in order of cost-effectiveness is not required.

Socioeconomic Impact Analysis

There is no change in emission or AVR targets such that further reductions attributable to the proposed amendments are expected. Furthermore, the proposed amendments are expected to result in a cost savings because of reduce filing fees, reduced program implementation cost, and plan submittal streamlining. California Health and Safety Code §40440.8 requires a socioeconomic impact assessment for rules that would significantly affect air quality. The amendments are expected to be a savings for any employer that is qualified to participate. In summary, the proposed amendments do not affect the emission limitations or significantly affect air quality and the socioeconomic impact assessment is not applicable for this proposal.

INCREMENTAL COST EFFECTIVENESS

Health and Safety Code §40920.6 requires an incremental cost-effectiveness analysis for rule amendments that implement BARCT or feasible measures. Since these amendments will reduce costs, incremental cost-effectiveness analysis does not apply. As a result, §40920.6 is inapplicable.

LEGISLATIVE AUTHORITY

The California Legislature created the SCAQMD in 1977 (The Lewis-Presley Air Quality Management Act, Health and Safety Code §40400 et seq.) as the agency responsible for developing and enforcing air pollution control rules and regulations in the South Coast Air Basin (Basin). By statute, the SCAQMD is required to adopt an Air Quality Management Plan (AQMP) demonstrating compliance with all state and federal ambient air quality standards for the Basin [California Health and Safety Code §40460(a)]. Furthermore, the SCAQMD must adopt rules and regulations that carry out the AQMP [California Health and Safety Code §40440(a)]. The emission reductions from Rule 2202 are included in the AQMP and contribute to demonstrating compliance with state and federal ambient air quality standards. As such, the proposed Rule 2202 Employee Commute Reduction Program Guideline amendments will be consistent with the methodologies used in the AQMP.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ANALYSIS

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, the SCAQMD has prepared the appropriate CEQA document to analyze any potential adverse environmental impacts associated with Proposed Amended Rule 2202 Employee Commute Reduction Program (ECRP) Guidelines is attached.

COMPARATIVE ANALYSIS

Health and Safety Code Section 40727.2 requires a comparison of the proposed amended rule with existing regulations imposed on the same equipment unless the proposed amendment neither imposes a new emission limit nor makes an existing limit more stringent. The proposed amendment does neither.

DRAFT FINDINGS UNDER THE CALIFORNIA HEALTH AND SAFETY CODE

Before adopting, amending, or repealing a rule, the California Health and Safety Code requires the SCAQMD to adopt written findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined in Section 40727. The draft findings are as follows:

Necessity - The SCAQMD Governing Board has determined that a need exists to amend the ECRP Guidance for Rule 2202 – On-Road Motor Vehicle Mitigation Options in order to be consistent with current State and SCAQMD emission reductions estimates and to increase the effectiveness of the program.

Authority - The SCAQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from the California Health and Safety Code Sections 40000, 40001, 40440, 40441, 40463, 40702, and 40725 through 40728.

Clarity - The SCAQMD Governing Board has determined that the proposed amendment to the ECRP Guidance for Rule 2202 is written or displayed so that its meaning can be easily understood by persons directly affected by it.

Consistency - The SCAQMD Governing Board has determined that Proposed Amended ECRP Guidance for Rule 2202 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.

Non-Duplication - The SCAQMD Governing Board has determined that the proposed amendment to the ECRP Guidance for Rule 2202 does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD.

Reference - In adopting this ECRP Guidance for regulation, the SCAQMD Governing Board references the following statutes which the SCAQMD hereby implements, interprets or makes specific: California Health and Safety Code Sections 40001, 40440(a), 40440(c), and the Federal Clean Air Act Section 182(d)(1)(B) (equivalent emission reduction for AVR requirements).

PUBLIC COMMENTS AND RESPONSES

This section summarizes the responses to comments received during the Stakeholder Working Group Meetings on August 21, 2014 and February 19, 2015; and the Public Workshop Meeting held on March 4, 2015.

1. Comment

While supporting the proposed amendment to modify the High AVR Program, commenter suggests that the associated submittal fees be lower than the currently required submittal fee which is the same as ERS, because the inspection component of the program will no longer be required. The High AVR No Fault Inspection Program at one time did not require a submittal fee. A filing fee lower than ERS or completely waived could further incentivize AVR improvements through this program.

Response

Staff has reviewed staff time required to evaluate a High AVR Program submittal and the fee needed to recover program cost. Staff time involved in evaluating High AVR Programs and ensuring compliance with the Rule 2202 program are

comparable with the ERS program submittal. The submittal fee was instituted for the High AVR No Fault program in 2004, which did not include inspection cost, to provide for nominal cost recovery for a program that was impacting agency resources. The required on-site pre-inspection was considered to be a possible barrier to participation in the High AVR Program. The proposal will reduce an administrative burden for employers and streamline plan submittals for qualifying employers. Staff will evaluate the High AVR Program and the AVR Improvement Program performance over time and determine if a fee adjustment is warranted.

2. **Comment**

Propose that the filing fee for any ECRP plan submittal should be equal to the current ERS filing fee, and that both the proposed the High AVR Program and the AVR Improvement Program submittal should be discounted 20% below the ERS filing fee amount which will increase ECRP participation.

Response

The fee structure in Rule 2202 is designed for program cost recovery. It is not intended to be used as an incentive to promote one rule option over another. A worksite, submitting an ECRP, is not specifically required to achieve the AVR target but to demonstrate progress in achieving the target through the good faith determination effort strategies. ERS submittals are required to meet the AVR target through trip reductions, surrendering emission reduction credit offset or a combination of different trip reduction methods.

The requested reductions of fees to be 20% lower than the current ERS fees will result in a fee reduction from the current fees of 44% for worksites with less than 500 employees, or 58% for worksites with 500 or more employees. The proposed fees already represent a fee reduction of 30% for worksites with less than 500 employees, or 47% for worksites with 500 or more employees.

Staff has reviewed the tasks and cost associated with the evaluation of the different types of ECRP submittals and has determined that the existing and proposed submittal fees will provide for recovery of the direct program cost. Furthermore, staff does not believe that additional discounting will likely result in a significant increase in the number of employers participating in ECRP.

3. **Comment**

Request that the electric vehicle (EV) line on the employee AVR commute survey form be restated to clarify the use of plug-in hybrid electric vehicles (PHEV) and to move the line to the top of the form to better capture that information.

Response

The format of the employee survey form used for AVR calculations is not specifically defined by the Guidelines and is not part of the proposed amendments. The proposed amendments include additional information that clarifies how EVs and PHEVs can be used in calculating the worksite AVR. However, Staff will consider the suggestion and will revise the survey form as applicable. Staff will make available a draft for review by the regulated community prior to publication.

4. Comment

The worksite relocation section of the Guidelines is not clear on what happens when an employer moves employees from one worksite to another in phases or over a period of time.

Response

Employers relocating employees from one worksite to another over a period of time are still subject to the rule and applicability requirements in the Guidelines. If a worksite at any time has more than 250 employees over a consecutive six-month period calculated as a monthly average it will be subject to the requirements pursuant to Rule 2202 (b) Applicability. It is possible under this scenario that both worksites could be subject to Rule 2202 and the employer then may be required to temporarily submit a compliance plan for both worksites. Clarification language was added to section *IV.D. Relocation* of the Guidelines.

5. Comment

Are worksites still subject to other regulatory requirements if the Employer Clean Fleet Purchase/Lease Program and the Mobile Source Diesel PM/NO_x Emission Minimization Program are no longer required by Rule 2202?

Response

Regardless of the inclusion or exclusion of the Clean Fleet Program or the Diesel Minimization Program provisions in the ECRP Guidelines, all employers still have a legal obligation to comply with any existing federal, state, local, and SCAQMD rules or regulations regarding fleet vehicles and off-road diesel equipment.

6. Comment

Request that AVR surveys not be required every year for worksites that have met or exceeded the AVR target especially for employers with a large employee population. Surveying employees can be resource intensive. There are other programs that allow biennial AVR surveys.

Response

The annual reporting of a worksite AVR is an important performance indicator that is used to demonstrate on-going progress toward meeting AVR targets and the region's clean air goals. The calculated AVR is used to determine emission reductions

achieved from the reduction of employee commutes from home to work. Rule 2202 is considered to be an emission equivalency rule. The emission reductions achieved from trip reductions are equivalent to those included in the overall reductions achieved by other rules and regulations. Since the South Coast Air Basin is in extreme non-attainment for ozone it is important that all reductions of ozone precursors (i.e., VOC and NO_x) continue to be pursued and quantified.

It would be difficult to account for any negative or positive changes in a worksite's AVR and to determine the associated emission reductions during the non-surveyed interim years or retroactively offset any reductions that were lost as a result of a negative changes in the worksite AVR.

Staff has reviewed other agencies and regional programs that include AVR surveys. Where biennial surveys are allowed the programs are classified as transportation demand management (TDM) programs, however, Rule 2202 is an emission control measure. TDM programs seek to reduce traffic congestion and the emission reductions are considered to be a co-benefit. Rule 2202 is a performance based program that seeks emission reductions, based on an annual emission target, through the reduction of vehicle trips. Employers, under Rule 2202, can achieve the annual emission target by voluntarily choosing between the different rule compliance options of ERS, AQIP or ECRP.

Staff recognizes that surveying a large employee population can be difficult. Since the program's initial adoption, the ECRP Guidelines has included options of allowing the employers to use a random sampling method or propose alternative survey methods. Staff will continue to evaluate alternative survey methods that can be used for large employee populations.

7. Comment

Request that the Parking Cash-out be eliminated as a Rule 2202 program requirement.

Response

Staff will continue to evaluate the effectiveness of the Parking Cash-out Program to determine if it should be continued and present a recommendation to the SCAQMD Governing Board later this year in accordance with the October 7, 2011 Board adopted resolution and as stated in the ECRP guidelines. The Staff Report includes a report on the current status of the Rule 2202 parking cash-out program for informational purposes only.

8. Comment

Do car-sharing programs such as Uber or Lyft count as a carpool?

Response

Both Uber and Lyft have very recently announced new programs to try to attract the commuter market. These services are too new to determine the effect on carpooling AVR calculations and the level that they will be measureable and quantifiable. Staff will continue to evaluate these service as they evolve.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Environmental Assessment:

Proposed Amendments to Rule 2202 Employee Commute Reduction Program Guidelines

May 2015

SCAQMD No. 150211JI

Executive Officer

Barry R. Wallerstein, D. Env.

Deputy Executive Officer

Planning, Rule Development and Area Sources

Elaine Chang, DrPH

Assistant Deputy Executive Officer

Planning, Rule Development and Area Sources

Philip Fine, Ph.D.

Director of Strategic Initiatives

Planning, Rule Development and Area Sources

Susan Nakamura

Author:	Jeff Inabinet	Air Quality Specialist, CEQA
Technical Assistance:	Carol Gomez	Planning and Rules Manager, Transportation Programs
	Ernie Lopez	Air Quality Specialist
Reviewed By:	Michael Krause	Program Supervisor, CEQA
	Barbara Baird	Chief Deputy Counsel
	William Wong	Principal Deputy District Counsel
	Lauren Nevitt	Senior Deputy District Counsel

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Cities of Orange County

JANICE RUTHERFORD
Supervisor, Second District
County of San Bernardino

EXECUTIVE OFFICER:

BARRY R. WALLERSTEIN, D.Env.

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PREFACE

This document constitutes the Final Environmental Assessment (EA) for the Proposed Amendments to the Rule 2202 Employee Commute Reduction Program Guidelines. The Draft EA was released for a 30-day public review and comment period from March 24, 2015 to April 22, 2015. No comment letters were received from the public relative to the Draft EA. The environmental analysis in the Draft EA concluded that the proposed Amendments to the Rule 2202 Employee Commute Reduction Program Guidelines would not generate any significant adverse environmental impacts.

Minor modifications were made to the proposed amendments subsequent to release of the Draft EA for public review. To facilitate identifying modifications to the document, added and/or modified text is underlined. Staff has reviewed these minor modifications and concluded that they do not make any impacts substantially worse or change any conclusions reached in the Draft EA. As a result, these minor revisions do not require recirculation of the document pursuant to CEQA Guidelines §15088.5. Therefore, this document now constitutes the Final EA for the Proposed Amendments to the Rule 2202 Employee Commute Reduction Program Guidelines.

CHAPTER 1 - PROJECT DESCRIPTION

Introduction

Project Background

Affected Facilities

California Environmental Quality Act

Project Location

Project Objective

Project Description

INTRODUCTION

The California Legislature created the South Coast Air Quality Management District (SCAQMD) in 1977¹ as the agency responsible for developing and enforcing air pollution control rules and regulations in the South Coast Air Basin (Basin) and portions of the Salton Sea Air Basin and Mojave Desert Air Basin referred to herein as the District. By statute, the SCAQMD is required to adopt an air quality management plan (AQMP) demonstrating compliance with all federal and state ambient air quality standards for the District². Furthermore, the SCAQMD must adopt rules and regulations that carry out the AQMP³. The Final 2012 AQMP concluded that reductions in emissions of particulate matter (PM), oxides of sulfur (SOx), oxides of nitrogen (NOx), and volatile organic compounds (VOC) are necessary to attain the current state and national ambient air quality standards for ozone, and particulate matter with an aerodynamic diameter of 2.5 microns or less (PM2.5). Ozone, a criteria pollutant which has been shown to adversely affect human health, is formed when VOCs react with NOx in the atmosphere. VOCs, NOx, SOx (especially sulfur dioxide) and ammonia also contribute to the formation of PM10 and PM2.5.

The Basin is designated by the United States Environmental Protection Agency (EPA) as a non-attainment area for ozone and PM2.5 emissions because the federal ozone standard and the 2006 PM2.5 standard have been exceeded. For this reason, the SCAQMD is required to evaluate all feasible control measures in order to reduce direct ozone and PM2.5 emissions, including PM2.5 precursors, such as NOx and SOx. The Final 2012 AQMP sets forth a comprehensive program for the Basin to comply with the federal 24-hour PM2.5 air quality standard, satisfy the planning requirements of the federal Clean Air Act, and provide an update to the Basin's commitments towards meeting the federal 8-hour ozone standard. In particular, the Final 2012 AQMP contains a multi-pollutant control strategy to achieve attainment with the federal 24-hour PM2.5 air quality standard with direct PM2.5 and NOx reductions identified as the two most effective tools in reaching attainment with the PM2.5 standard. The 2012 AQMP also serves to satisfy the recent requirements promulgated by the EPA for a new attainment demonstration of the revoked 1-hour ozone standard, as well as to provide additional measures to partially fulfill long-term reduction obligations under the 2007 8-hour Ozone State Implementation Plan (SIP).

The Final 2012 AQMP outlines a comprehensive control strategy that meets the requirement for expeditious progress towards attainment with the 24-hour PM2.5 NAAQS in 2014 with all feasible control measures. One of the main control measure categories in the Final 2012 AQMP is *Transportation Control Measures*, which contains control measures generally designed to reduce vehicle miles travelled (VMT) as included in the Southern California Association of Government's (SCAG) 2012 Regional Transportation Plan.

The purpose of Rule 2202 is to provide employers with a menu of options to reduce mobile source emissions generated from employee commutes, to comply with federal and state Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the federal Clean Air Act. An employer subject to Rule 2202 is required to annually register with the SCAQMD to implement an emission reduction program that will obtain emission reductions

¹ The Lewis-Presley Air Quality Management Act, 1976 Cal. Stats., ch 324 (codified at Health and Safety Code, §§40400-40540).

² Health and Safety Code, §40460 (a).

³ Health and Safety Code, §40440 (a).

equivalent to a worksite specific emission reduction target (ERT) specified for the compliance year.

In June 2014, staff amended Rule 2202 and the rule Implementation Guidelines to address issues with the credit market as it is used under Rule 2202. During the public meetings, members of the regulated community requested that the Employee Commute Reduction Program (ECRP) Guidelines be reviewed to consider methods to incentivize employers that demonstrate improvements in the worksite average vehicle ridership (AVR) and to streamline the ECRP submittal process. Staff recognized the effort required to amend the ECRP Guidelines, and therefore agreed to review the document for potential amendment at a later time. Staff is proposing the current amendments to the guidelines to support employers' implementation of this rule option. In general, the proposed amendments (see Appendix A) are to clarify existing language, streamline the ECRP submittal process, and incentivize employer good faith efforts towards meeting the worksite AVR target.

PROJECT BACKGROUND

Originally adopted in December 1995, Rule 2202 provides employers with a menu of options to reduce mobile source emissions generated from employee commutes. Rule 2202 has been amended several times and replaced Rules 1501 - Work Trip Reduction Plans and 1501.1 - Alternatives to Work Trip Reduction Plans. In 1987, Regulation XV was adopted which required trip reduction plans for employers with 100 or more employees. Rule 1501 was amended in 1993 and Rule 1501.1 was adopted in 1995, to comply with federal and state requirements for extreme non-attainment areas. In 1995, Rule 2202 was adopted to respond to state legislation prohibiting mandatory trip reduction plans. Rule 2202 provided worksites of 100 or more employees a menu of emission reduction options to meet an emission reduction target for their worksite. The passage of SB 836 in 1996 directed SCAQMD to raise the employee threshold level from 100 to 250 employees, while SB 432 permanently exempted worksites with fewer than 250 employees from complying with the rule.

The rule has provided members of the regulated community with a menu of flexible and cost effective emission reduction options from which they can choose to implement and meet the emission reduction targets for their worksites. Rule 2202 - On-Road Motor Vehicle Mitigation Options (Rule 2202) (<http://www.aqmd.gov/home/programs/business/business-detail?title=rule-2202-on-road-motor-vehicle-mitigation-options>) requires any employer who employs 250 or more employees at a work site to develop and implement an emission reduction program to reduce emissions related to employee commutes (between 6:00 AM and 10:00 AM). Rule 2202 continues to allow subject employers the option of implementing a traditional trip reduction program as a means to comply with the rule.

Alternatively, rather than choosing the ERS or AQIP options, an employer may elect to implement an ECRP, otherwise known as a rideshare program. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving an AVR target for employer's worksites. The AVR is calculated by taking the number of employees who report to the worksite divided by the number of vehicles that arrived at the worksite. Employers who voluntarily choose to implement an ECRP are required to submit an annual program that demonstrates good faith effort toward achieving their worksite AVR target. Employers implementing an ECRP must do so in conformance with the ECRP Guidelines. The ECRP

Guidelines provide the basis for the implementation of this rule option and have been in effect since the initial adoption of Rule 2202 in 1995. The ECRP Guidelines informs employers of the process of meeting rule requirements but more importantly explains how to develop a successful trip reduction program.

AFFECTED FACILITIES

As of November 2014, there were approximately 1,338 worksites subject to Rule 2202, which represents over 1.16 million worksite employees throughout the region that are affected by Rule 2202. The worksites are not concentrated in any particular business, industry or location. Rule 2202 provides employers with two compliance options: the Emission Reduction Strategy (ERS) (<http://www.aqmd.gov/home/programs/business/business-detail?title=rule-2202-on-road-motor-vehicle-mitigation-options>) or Air Quality Improvement Program (AQIP) (<http://www.aqmd.gov/home/programs/business/business-detail?title=air-quality-investment-program>). Employers who choose to implement an ECRP are exempt from complying with the rule options (<http://www.aqmd.gov/home/programs/business/r2202-forms-guidelines>). Within Rule 2202, worksite participation in the ERS, ECRP, and AQIP is approximately 58 percent, 37 percent, and 5 percent respectively. For the ERS, the requirement is to achieve emission reductions for that worksite, which is determined by the number of employees reporting to work during the peak commute window time period of 6:00 a.m. to 10:00 a.m., and the employee emission reduction factor compliance zone. Under the AQIP, worksites pay a fixed amount per employee reporting to work during the peak commute time period to a restricted fund that is used to purchase emission credits or fund projects that achieve an equivalent amount of mobile source emission reductions.

Rule 2202 provided worksites of 100 or more employees a menu of emission reduction options to meet an emission reduction target for their worksite. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving an AVR target for employer's worksites. Employers who voluntarily choose to implement an ECRP are required to demonstrate good faith effort toward meeting the worksite AVR target. Facilities complying with Rule 2202 under ERS or AQIP will experience no change as a result of the proposed project. Employers participating in the ECRP could be affected by the proposed amendments because of the proposed removal of the clean fleet and the diesel minimization requirements for certain types of employers. However, the effects are not expected to be adverse or significant. Additionally, the proposed amendments will not result in an increase in the employee AVR targets or impose any additional burdens to employers. Furthermore, improved worksite AVR will be incentivized through the reductions in plan submittal requirements and reduced filing fees.

Employers always have the option of switching between the different compliance options. However, the choice between the different options is dependent on many different factors such as relative cost of the different options, changes in number of employees, or other employer operational changes. The proposal will afford employers additional incentives (e.g., more streamlined submittals) to comply with Rule 2202 requirements through the implementation of the ECRP.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed amendments to the Rule 2202 ECRP Guidelines is a discretionary action by a public agency, which has potential for resulting in direct or indirect changes to the environment and, therefore, is considered a “project” as defined by the California Environmental Quality Act (CEQA). SCAQMD is the lead agency for the proposed project and has prepared this final environmental assessment (EA) with no significant adverse impacts pursuant to its Certified Regulatory Program and SCAQMD Rule 110. California Public Resources Code §21080.5 allows public agencies with regulatory programs to prepare a plan or other written document in lieu of an environmental impact report or negative declaration once the Secretary of the Resources Agency has certified the regulatory program. SCAQMD's regulatory program was certified by the Secretary of the Resources Agency on March 1, 1989, and is codified as SCAQMD Rule 110.

CEQA and Rule 110 require that potential adverse environmental impacts of proposed projects be evaluated and that feasible methods to reduce or avoid significant adverse environmental impacts of these projects be identified. To fulfill the purpose and intent of CEQA, the SCAQMD has prepared this final EA to address the potential adverse environmental impacts associated with the proposed project. The final EA is a public disclosure document intended to: (a) provide the lead agency, responsible agencies, decision makers and the general public with information on the environmental effects of the proposed project; and, (b) be used as a tool by decision makers to facilitate decision making on the proposed project.

SCAQMD's review of the proposed project shows that the proposed project would not have a significant adverse effect on the environment. Therefore, pursuant to CEQA Guidelines §15252 and 15126.6(f), no alternatives are proposed to avoid or reduce any significant effects because there are no significant adverse impacts, and pursuant to CEQA Guidelines §15126.4(a)(3), mitigation measures are not required for effects not found to be significant. The analysis in the form of the environmental checklist in Chapter 2 supports the conclusion of no significant adverse environmental impacts.

Comments received on the final EA during the public comment period and responses to comments will be prepared and included in the Final EA for the proposed project.

PROJECT LOCATION

The potentially affected facilities are located throughout the SCAQMD jurisdiction. The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county South Coast Air Basin (Basin) (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB). The Basin, which is a subarea of the SCAQMD's jurisdiction, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. It includes all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. The federal nonattainment area (known as the Coachella Valley Planning Area) is a subregion of Riverside County and the

SSAB that is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (Figure 1-1).



Figure 1-1
Boundaries of the South Coast Air Quality Management District

PROJECT OBJECTIVE

The objectives of the proposed amendments to the Rule 2202 ECRP Guidelines are to:

- Include alternative program submittals as additional plan submittal types to incentivize worksite AVR improvements and streamline submittals of the ECRP as a rule compliance option;
- remove outdated programs that have been superseded by state regulations and fleet requirements that specifically address the original intent of these program elements;
- include administrative language and document restructuring to provide clarity and guidance to the regulated community.

PROJECT DESCRIPTION

The SCAQMD is proposing the following amendments to the Rule 2202 ECRP Guidelines:

- the removal of the Employer Clean Fleet Purchase / Lease Program and Mobile Source Diesel PM/NOx Emission Minimization Program, as they have been or soon will be overtaken by state regulations that specifically address the original intent of these program elements;
- the inclusion of High AVR and AVR Improvement Submittals as additional plan submittal types to incentivize worksite AVR improvements and streamline submittals of the ECRP as a rule compliance option;
- the inclusion of additional administrative language and document restructuring to provide clarity and guidance to the regulated community.

A more detailed description of the main components of the proposed project can be found in the “Environmental Checklist and Discussion” section in Chapter 2 and in the amended ECRP Guidelines which are included as Appendix A.

CHAPTER 2 - ENVIRONMENTAL CHECKLIST

Introduction

General Information

Environmental Factors Potentially Affected

Determination

Environmental Checklist and Discussion

INTRODUCTION

The environmental checklist provides a standard evaluation tool to identify a project's potential adverse environmental impacts. This checklist identifies and evaluates potential adverse environmental impacts that may be created by the proposed project.

GENERAL INFORMATION

Project Title:	Proposed Amendments to Rule 2202 Employee Commute Reduction Program Guidelines
Lead Agency Name:	South Coast Air Quality Management District
Lead Agency Address:	21865 Copley Drive Diamond Bar, CA 91765
CEQA Contact Person:	Mr. Jeff Inabinet (909) 396-2453
Rule Contact Person	Mr. Ernie Lopez (909) 396-3305
Project Sponsor's Name:	South Coast Air Quality Management District
Project Sponsor's Address:	21865 Copley Drive Diamond Bar, CA 91765
General Plan Designation:	Not applicable
Zoning:	Not applicable
Description of Project:	<p>The SCAQMD is proposing the following amendments to the Rule 2202 ECRP Guidelines:</p> <ul style="list-style-type: none">• the removal of the Employer Clean Fleet Purchase / Lease Program and Mobile Source Diesel PM/NOx Emission Minimization Program, as they have been or soon will be overtaken by state regulations that specifically address the original intent of these program elements;• the inclusion of High AVR and AVR Improvement Submittals as an additional plan submittal type to incentivize worksite AVR improvements and streamline submittals of the ECRP as a rule compliance option;• the inclusion of additional administrative language and document restructuring to provide clarity and guidance to the regulated community.
Surrounding Land Uses and Setting:	Not applicable
Other Public Agencies Whose Approval is Required:	Not applicable

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. As indicated by the checklist on the following pages, environmental topics marked with an "✓" may be adversely affected by the proposed project. An explanation relative to the determination of impacts can be found following the checklist for each area.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality and Greenhouse Gas Emissions | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Solid/Hazardous Waste |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project, in accordance with those findings made pursuant to CEQA Guideline §15252, COULD NOT have a significant effect on the environment, and that an ENVIRONMENTAL ASSESSMENT with no significant impacts has been prepared.
- I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. An ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.
- I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL ASSESSMENT will be prepared.
- I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect 1)has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL ASSESSMENT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL ASSESSMENT pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL ASSESSMENT, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: March 20, 2015

Signature: 
Michael Krause
Program Supervisor

ENVIRONMENTAL CHECKLIST AND DISCUSSION

As discussed in Chapter 1, the main focus of the proposed project is to update available strategies in the Rule 2202 ECRP Guidelines, clarify existing language, streamline the ECRP submittal process, and incentivize employer good faith efforts towards meeting the worksite AVR target.

The objectives of the proposed project are to:

- Remove outdated programs that have been superseded by state regulations and fleet requirements that specifically address the original intent of these program elements;
- include alternative program submittals as an additional plan submittal type to incentivize worksite AVR improvements and streamline submittals of the ECRP as a rule compliance option;
- include administrative language and document restructuring to provide clarity and guidance to the regulated community.

In order to ensure that any potential significant adverse environmental impacts are identified and evaluated and that feasible methods to reduce or avoid any potential significant adverse environmental impacts associated with the proposed project are identified and evaluated, the impact analysis focused on the following specific proposed amendments to the Rule 2202 ECRP Guidelines:

Employer Clean Fleet Purchase / Lease Program

Currently, employers that have not met the worksite AVR target requirement and own or lease four or more vehicles are required to incorporate vehicles in their fleet that meet certain emission standards. The vehicles must be at least ultra-low emission vehicles (ULEV) for light-duty passenger vehicles and trucks, and super ultra-low emission vehicles (SULEV) for medium-duty vehicles, as certified by the California Air Resources Board (CARB). When submitting their annual worksite program, the ECRP Guidelines ([http://www.aqmd.gov/docs/default-source/rule-book/support-documents/rule-2202/rule-2202-employee-commute-reduction-program-guidelines-\(ecrp\).pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/rule-book/support-documents/rule-2202/rule-2202-employee-commute-reduction-program-guidelines-(ecrp).pdf?sfvrsn=4)) require employers to include an inventory which describes the number and type of vehicles in the existing operating fleet. Additionally, employers are also required to submit a detailed list of the vehicles being acquired which includes information such as make, model, fuel type, engine family number, and start of service date. This requirement was implemented in February 2004, and since that time, an average of 166 light-duty vehicles per year have been acquired at 48 worksites.

The Employer Clean Fleet Purchase / Lease Program was adopted as part of the ECRP Guidelines during the 2004 amendments with the intent to encourage consumer choice of cleaner vehicles at the time of vehicle purchase or lease. The requirements for cleaner vehicles was based on the tailpipe emission standards described in Rule 1191 - Clean On-Road Light- and Medium-Duty Public Fleet Vehicles, where light and medium duty passenger vehicles were required to meet ULEV and medium duty vehicles were required to meet the SULEV emission standards. However, since the 2004 ECRP Guidelines amendment, the availability of ULEV and SULEV vehicles has significantly increased as a result of the CARB vehicle emission standards and the gaining popularity of fuel efficient vehicles. Therefore, the common standard vehicle

acquired for fleets has already met the guideline requirements. Additionally, standard LEVs are generally not purchased for fleets (e.g., luxury cars).

To demonstrate the trend for cleaner vehicles, as shown in Table 2-1 below, the number of available certified engine families or test groups that meet the ULEV emission standard or better in 2014 has close to doubled in comparison to 2004 from 48 percent to 85 percent.

**Table 2-1
Passenger and Light Duty Truck CARB Certifications**

CARB Certification	2004 Available	Percentage	2014 Available	Percentage
LEV	154	51%	59	16%
ULEV	123	41%	241	65%
SULEV	1	0.3%	18	5%
PZEV	18	6%	37	10%
ZEV	4	1%	18	5%
Total	300		373	

At the time of the 2004 amendment, the tailpipe emission standard for vehicles was the Low Emission Vehicle II (LEV II) standard, initially adopted by CARB in 1998. More recently, the LEV III emission standard was adopted by CARB in 2012, which is to be phased-in for vehicle model years 2015 through 2025. The LEV III standard introduced another significant reduction in emission levels. The adoption of LEV III standards will significantly increase the availability of ULEV and SULEV vehicles in the future and will ensure that future fleets will comply with the intent of the original requirement to be removed.

Given the full implementation of LEV II and the phase-in of LEV III, which will significantly increase the availability of the type of fleet vehicles that will meet the 2004 guideline standard, staff is proposing that the Employer Clean Fleet Vehicle Purchase / Lease Program be removed from the ECRP Guidelines. Currently, employers commonly acquire the type of passenger vehicles into their fleets that will meet the ULEV standard or better. Because of this and the phase-in of more stringent emission standards under LEV III, the removal of this requirement is not expected to have an impact on the program's emission reductions, and therefore, is not expected to create an adverse environmental impact. Furthermore, the removal of this requirement will incentivize compliance with the ECRP Guidelines by reducing the administrative burden for employers submitting an ECRP to demonstrate compliance with this requirement.

Mobile Source Diesel PM / NOx Emission Minimization Program

Employers with 1,000 or more employees reporting to work during 6am to 10am that implement an ECRP but not meet their AVR target are required to complete a mobile source diesel PM / NOx emission minimization plan. This requirement applies to off-road self-propelled diesel-fueled equipment that cannot be registered and licensed to drive on-road (e.g., tractors, forklifts, riding lawnmowers, yard hostlers, etc.) (<http://www.aqmd.gov/docs/default-source/rule-book/support-documents/rule-2202/rule-2202-employee-commute-reduction-program->

[guidelines-\(ecrp\).pdf?sfvrsn=4](#)). Every three years the employer is currently required to submit an equipment inventory that includes a list of the self-propelled diesel-fueled equipment, fuel usage for each piece of equipment, and use of control technologies if applicable, at the worksite. The equipment inventory is reviewed by the SCAQMD to determine technical feasibility and the implementation cost of adding control equipment or replacing the vehicle. This inventory review is done in consultation with the employer, and when the plan has been approved, the employer is required to implement the feasible diesel emission control technologies, which can include replacement, repowering, or the use of control technologies. The intent of this inventory review was to accelerate the control of off-road mobile diesel equipment emissions.

In July 2007, CARB approved the In-Use Off-Road Diesel Vehicle regulation to reduce emissions from existing off-road diesel equipment. The regulation requires off-road fleets to modernize and add retrofit technologies. It imposed limits on idling beginning in 2008, and in 2010 began phase-in of requirements to clean-up fleets by eliminating older engines and install exhaust retrofits. The overall purpose of the CARB regulation is to reduce NOx and PM emissions from off-road diesel equipment. Effective 2008, engine idling was to be limited to five minutes and high emission equipment (pre-1996) could not be purchased. Full implementation beginning in 2014, 2017, and 2019 for large, medium, and small equipment respectively will require meeting fleet emission targets through equipment turnover or application of BACT by installation of control equipment, equipment repowering, or replacement. Furthermore, CARB adopted in December 2004, the Off-Road Compression-Ignition Engines and Equipment Tier 4 emission standard. The Tier 4 standard requires new off-road diesel engines to meet emission standards 50-96% lower than the existing generation of diesel engines beginning in 2008. The Tier 4 diesel engine standard requirements should be fully implemented by 2015.

Sixty-five of the 494 employers submitting ECRPs currently report having 1,000 or more employees starting work during peak hours. Since implementation, a total of twenty-six different employers have submitted an off-road mobile diesel equipment inventory. As of December 2014, 13 employers have submitted equipment inventories where there may be additional opportunities to mitigate emissions. Five have submitted inventories with no additional mitigation possible because the equipment has been removed, repowered, replaced, all feasible controls have been installed, or it is infeasible to install controls on the remaining equipment. The remaining eight employers are no longer submitting equipment inventories due to changes in compliance program submittal option, meeting the worksite AVR target, or the number of employees starting work during peak hours has fallen below 1,000, thus no longer subject to the program.

As a result, all of the participating employers have had their diesel equipment reviewed at least twice and most, if not all, of the available mitigation measures pursuant to the ECRP guidelines have been applied. The SCAQMD is recommending to remove this plan requirement because the adoption of the CARB off-road diesel equipment regulation at full implementation applies a more stringent requirement and is applicable to all off-road mobile diesel equipment. Furthermore, the CARB regulation is applicable to all Rule 2202 employers and is not limited to the employers who submit an ECRP and have 1,000 or more employees who start work during peak hours. Although the ECRP requirements have similar goals to the CARB regulation, it is not as stringent since CARB's regulation includes an idling limit component and specific emission limits or control requirements. The SCAQMD's ECRP off-road diesel requirements

are limited in scope when compared to the state-wide program since it is only applicable to a relatively smaller population. The ECRP requirements are superseded by the CARB regulation and the removal of this program requirement will have no effect on the control of emissions from off-road diesel equipment. Therefore, the removal of this program is not expected to create an adverse environmental impact.

High AVR and AVR Improvement Submittals

Employers who have met or exceeded the worksite AVR target can, in accordance with the ECRP Guidelines, request a High AVR No Fault Inspection. Higher AVR means less vehicles are arriving at the worksite, thus more emission reductions. These inspections are required to be scheduled at a worksite two months prior to their compliance plan submittal date to verify the AVR survey data results. Once the data has been verified, employers receive a reduction in filing fees and are not required to submit the portion of the compliance forms describing their good faith effort determination elements. In order to simplify ECRP submittals, the SCAQMD is proposing to remove the requirement for a worksite inspection, and to specify that the submittal of the good faith effort determination for High AVR Program submittals is not required if there is no change from the previously approved plan. The employer may elect to amend the plan if changes are sought.

Currently, less than 10 employers elect to submit in the High AVR No Fault Inspection program. However, approximately 115 employers could qualify to submit a High AVR submittal. Staff believes that by removing the inspection requirement, the proposed amendment could incentivize additional employers to meet their AVR target under the High AVR program. However, worksites will still be subject to SCAQMD's overall inspection for Rule 2202 and compliance verification.

To further incentivize employers' efforts to improve their worksite AVR, staff is proposing an AVR Improvement Program submittal. Employers are currently required to demonstrate good faith effort toward meeting the worksite AVR. One measure of good faith effort is the increase in AVR when compared to the previous year's ECRP submittal. Staff's proposal is to reward employers having an AVR improvement over a consecutive three year period by not requiring the submittal of the good faith effort determination elements and reducing the per worksite filing fee by 20 percent.

To qualify for the AVR Improvement Program, employers are required to have an AVR improvement of 0.01 or greater for each of the two previous consecutive years, as well as the year that is being submitted. When evaluating ECRP submittals, AVR improvement of 0.01 is consistent with the criteria used by Staff to determine the demonstration of a good faith effort. However, if the AVR has an improvement of 0.05 when compared to the immediate previous year, the employer may also submit an AVR Improvement Program. An AVR improvement of 0.05 can represent a significant effort on the part of an employer and should be appropriately incentivized. An AVR change of 0.01 over each of the 3 years would reward employers who have continued program improvement and demonstrate a good faith effort toward achieving their AVR target.

It is believed that more worksites could qualify for the High AVR program as demonstrated by those filing ECRPs in 2014 with high AVRs and substantial AVR improvement. There are approximately 115 worksites that submitted a High AVR Improvement Program in 2014.

Approximately 77 worksites that have improved their AVR by 0.05 or better in 2014 could qualify for this program. Additionally, there are 106 worksites that had ongoing improvements in their AVRs of 0.01 or greater for three consecutive years that could submit an AVR Improvement Program. The number of worksites that are potentially affected are summarized in Table 2-2. The purpose of this provision is to incentivize employers to increase their AVR through the reduction of filing fees and by reducing the administrative burden.

Table 2-2
Effect of High AVR and AVR Improvement Programs

Program	Worksites
ECRP	494
High AVR ¹	115
AVR Improvement (≥ 0.05 change) ²	77
AVR Improvement (≥ 0.01 change) ³	106

1. Meets or exceeds worksite AVR target
2. Does not include worksites with AVR improvement less than 0.05
3. Does not include worksites that met their AVR target or have no change in AVR

The removal of the High AVR Program inspection requirement and the proposed improvements in the submittal program are not expected to create any adverse environmental impacts because they will not impose any additional requirements (e.g. control equipment, new vehicles / equipment, etc.) that would create a physical adverse change to the environment.

Other proposed amendments include administrative language and document restructuring to provide clarity and guidance to the regulated community. The proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and not generate any additional control or adverse physical change to the environment, so therefore, are not expected to cause any adverse environmental impacts.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

The proposed project impacts on aesthetics will be considered significant if:

- The project will block views from a scenic highway or corridor.
- The project will adversely affect the visual continuity of the surrounding area.
- The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

Discussion

I. a), b), c) & d) Adoption of the proposed rule amendments would afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and cause no adverse physical change to the environment. Implementation of the proposed rule amendments would not require the construction of new buildings or other major structures that would obstruct scenic resources or degrade the existing visual character of a site, including but not limited to, trees, rock outcroppings, or historic buildings. Further, the proposed rule amendments would not involve the demolition of any existing buildings or facilities, require the acquisition of any new land or the surrendering of existing land, or the modification of any existing land use designations or zoning ordinances. Thus, the proposed project is not expected to degrade the visual character of any site or its surroundings, affect any scenic vista, or damage scenic resources. Since the proposed project only affects ECRP guidelines and does not require the addition of lighting, it is not expected to create any new source of substantial light or glare.

Based upon these considerations, significant adverse aesthetics impacts are not anticipated and will not be further analyzed in this final EA. Since no significant adverse aesthetics impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104 (g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Project-related impacts on agriculture and forestry resources will be considered significant if any of the following conditions are met:

- The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.
- The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.
- The proposed project conflicts with existing zoning for, or causes rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined in Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code § 51104 (g)).
- The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

Discussion

II. a), b), c) & d) Adoption of the proposed rule amendments would afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and cause no adverse physical change to the environment. Therefore, adoption of the proposed rule amendments would not result in any new construction of buildings or other structures that would convert farmland to non-agricultural use or conflict with zoning for agricultural use or a Williamson Act contract. The proposed rule amendments would not require converting farmland to non-agricultural uses because the potentially affected facilities are expected to be already completely developed. For the same reasons, the proposed rule amendments would not result in the loss of forest land or conversion of forest land to non-forest use.

Based upon these considerations, significant adverse agricultural and forestry resource impacts are not anticipated and will not be further analyzed in this final EA. Since no significant agriculture and forestry resource impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY AND GREENHOUSE GAS EMISSIONS.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
g) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Air Quality Significance Criteria

To determine whether or not air quality impacts from adopting and implementing the proposed rule amendments are significant, impacts will be evaluated and compared to the criteria in Table 2-3. The project will be considered to have significant adverse air quality impacts if any one of the thresholds in Table 2-3 are equaled or exceeded.

To determine whether or not greenhouse gas emissions from the proposed project may be significant, impacts will be evaluated and compared to the 10,000 MT CO₂/year threshold for industrial sources.

**TABLE 2-3
SCAQMD Air Quality Significance Thresholds**

Mass Daily Thresholds ^a		
Pollutant	Construction ^b	Operation ^c
NO _x	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM ₁₀	150 lbs/day	150 lbs/day
PM _{2.5}	55 lbs/day	55 lbs/day
SO _x	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs), Odor, and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	10,000 MT/yr CO ₂ eq for industrial facilities	

**TABLE 2-3
SCAQMD Air Quality Significance Thresholds (concluded)**

Ambient Air Quality Standards for Criteria Pollutants^d	
NO2 1-hour average annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)
PM10 24-hour average annual average	10.4 µg/m ³ (construction) ^e & 2.5 µg/m ³ (operation) 1.0 µg/m ³
PM2.5 24-hour average	10.4 µg/m ³ (construction) ^e & 2.5 µg/m ³ (operation)
SO2 1-hour average 24-hour average	0.25 ppm (state) & 0.075 ppm (federal – 99 th percentile) 0.04 ppm (state)
Sulfate 24-hour average	25 µg/m ³ (state)
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) and 35 ppm (federal) 9.0 ppm (state/federal)
Lead 30-day Average Rolling 3-month average	1.5 µg/m ³ (state) 0.15 µg/m ³ (federal)

^a Source: SCAQMD CEQA Handbook (SCAQMD, 1993)

^b Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

^c For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

^d Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.

^e Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million µg/m³ = microgram per cubic meter ≥ = greater than or equal to
 MT/yr CO₂eq = metric tons per year of CO₂ equivalents > = greater than

III. a) and b) Attainment of the state and federal ambient air quality standards protects sensitive receptors and the public in general from the adverse effects of criteria pollutants which are known to have adverse human health effects. Incentivizing ridesharing and the implementation of employee commute reduction protocols contributes to carrying out the goals of the 2012 AQMP, specifically, the goals of control measure ONRD-01, Accelerated Penetration of Partial Zero-Emission and Zero Emission Vehicles to reduce NO_x and PM_{2.5} emissions. Further, reducing emissions from traditional gasoline-powered vehicles by introducing ridesharing incentives helps contribute towards attaining and maintaining the state and federal ozone and PM_{2.5} ambient air quality standards. It is expected that the proposed rule amendments would improve air quality and visibility over time and, would do likewise for any community within one-quarter mile of affected facilities.

Thus, because the proposed rule amendment implements a portion of this control measure in the 2012 AQMP which results in achieving emission reductions, the proposed project does not obstruct implementation of the applicable AQMP.

Construction Impacts

Construction-related emissions can be distinguished as either onsite or offsite. Onsite emissions generated during construction principally consist of exhaust emissions (NO_x, SO_x, CO, VOC, and PM₁₀) from the operation of heavy-duty construction equipment, fugitive dust (as PM₁₀) from disturbed soil, and VOC emissions from asphaltic paving and painting. Offsite emissions during the construction phase normally consist of exhaust emissions and entrained paved road dust (as PM₁₀) from worker commute trips, material delivery trips, and haul truck material removal trips to and from the construction site.

No construction activities are anticipated as a result of the adoption of the proposed project. Adoption of the proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP. Therefore, no construction impacts from adoption of the proposed amendments are expected. As a result, there would be no significant adverse construction air quality impacts resulting from the proposed project for criteria pollutants.

Operational Impacts- Criteria Pollutants

Adoption of the proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and cause no adverse physical change to the environment. These amendments are expected to affect existing, already established workplaces.

The removal of the Employer Clean Fleet Vehicle Purchase / Lease Program from the ECRP Guidelines is not expected to create an adverse operational air quality impact because employers typically acquire the type of passenger vehicles into their fleets that will meet the ULEV standard or better and due to the phase-in of more stringent emission standards under CARB's LEV III program.

The removal of the Mobile Source Diesel PM / NO_x Emission Minimization Program from the ECRP Guidelines is not expected to create an adverse operational air quality impact because it is superseded by CARB's more stringent off-road diesel equipment regulation, which is already applicable to all off-road mobile diesel equipment and is not limited to the employers who submit an ECRP and have 1,000 or more employees starting work during peak commute hours.

The removal of the High AVR Program inspection requirement and the proposed improvements in the submittal program are not expected to create an adverse operational air quality impact because they will not impose any additional requirements (ie. control equipment, new vehicles/equipment, etc.) on employers who elect to participate in this program.

Therefore, the implementation of the proposed project is not expected to result in any significant adverse operational air quality impacts.

Operational Impacts- Toxic Air Contaminants

In assessing potential impacts from the adoption of the proposed amendments, SCAQMD staff not only evaluates the potential air quality benefits, but also determines potential health risks associated with implementation of the proposed amendments.

As stated previously, adoption of the proposed amendments would afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP

and cause no adverse physical change to the environment. The proposed amendments are not expected to generate an increase in any toxic emissions because the adjustment of rideshare programs is not expected to generate any toxic emissions. As a result, there will be no increase in toxic air contaminant emissions due to the proposed amendments.

III. c) As Lead Agency, the SCAQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant⁴.

This approach was upheld by the Court in *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal. App. 4th 327, 334. The Court determined that where it can be found that a project did not exceed the SCAQMD's established air quality significance thresholds, the City of Chula Vista properly concluded that the project would not cause a significant environmental effect, nor result in a cumulatively considerable increase in these pollutants. The court found this determination to be consistent with CEQA Guidelines §15064.7, stating, "The lead agency may rely on a threshold of significance standard to determine whether a project will cause a significant environmental effect." The court found that, "Although the project will contribute additional air pollutants to an existing nonattainment area, these increases are below the significance criteria..." "Thus, we conclude that no fair argument exists that the Project will cause a significant unavoidable cumulative contribution to an air quality impact." As in *Chula Vista*, here the District has demonstrated, when using accurate and appropriate data and assumptions, that the project will not exceed the established SCAQMD significance thresholds. See also, *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899. Here again the court upheld the SCAQMD's approach to utilizing the established air quality significance thresholds to determine whether the impacts of a project would be cumulatively considerable. Thus, it may be concluded that the Project will not cause a significant unavoidable cumulative contribution to an air quality impact.

Based on the foregoing analysis, project-specific air quality impacts from implementing the proposed project would not exceed air quality significance thresholds (Table 2-3); therefore, based on the above discussion, cumulative impacts are not expected to be significant for air quality. Therefore, potential adverse impacts from the proposed project would not be "cumulatively considerable" as defined by CEQA Guidelines §15064(h)(1) for air quality impacts. Per CEQA Guidelines §15064(h)(4), the mere existing of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulative considerable.

III. d) Affected facilities are not expected to increase exposure by sensitive receptors to substantial pollutant concentrations from the implementation of the proposed amendments for the following reasons: 1) affected facilities are primarily located in existing commercial areas;

⁴ SCAQMD Cumulative Impacts Working Group White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution, August 2003, Appendix D, Cumulative Impact Analysis Requirements Pursuant to CEQA, at D-3, <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf?sfvrsn=4>.

2) participants in the ECRP program are actively attempting to reduce their fleet emissions; and
3) there will be no additional control or infrastructure needed as a result of the adoption of the proposed amendments. Therefore, significant adverse air quality impacts to sensitive receptors are not expected from implementing the proposed project.

III. e) Historically, the SCAQMD has enforced odor nuisance complaints through SCAQMD Rule 402 - Nuisance. The proposed project is not expected to create objectionable odors affecting a substantial number of people for the following reasons: 1) no odors are associated with the adjustment of rideshare programs in the ECRP; 2) no construction activities are expected to be necessary at the affected worksites; and, 3) participants in the ECRP program are actively attempting to reduce their fleet emissions, thus reducing corresponding odor generated by fossil fuel combustion. Therefore, no significant odor impacts are expected to result from implementing the proposed project.

III. f) The proposed project is not expected to diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant because the proposed amendments will not impose any additional requirements (ie. control equipment, new vehicles/equipment, etc.) on employers who elect to participate in this program. Additionally, the proposed project will not create any adverse impacts because there will be no physical change to the environment. For the Employer Clean Fleet Purchase / Lease Program, the common standard vehicle acquired for fleets has already met the guideline requirements. Additionally, typical vehicles that do not meet the requirements are generally not purchased for fleets (e.g., luxury cars). For the Mobile Source Diesel PM / NOx Emission Minimization Program, the ECRP requirements are superseded by the CARB regulation and the removal of this program requirement will have no effect on the control of emissions from off-road diesel equipment. Therefore, the proposed project is not expected to have any adverse impacts to existing air quality rules and regulations.

III. g) & h) Changes in global climate patterns have been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, recently attributed to accumulation of GHG emissions in the atmosphere. GHGs trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. The emission of GHGs through the combustion of fossil fuels (i.e., fuels containing carbon) in conjunction with other human activities, appears to be closely associated with global warming.⁵ State law defines GHG to include the following: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) (HSC §38505(g)). The most common GHG that results from human activity is CO₂, followed by CH₄ and N₂O.

GHGs and other global warming pollutants are often perceived as solely global in their impacts because increasing emissions anywhere in the world contributes to climate change anywhere in the world. However, a study conducted on the health impacts of CO₂ “domes” that form over

⁵ Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.). 2007. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, 2007. Cambridge University Press.
http://www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html

urban areas shows they can cause increases in local temperatures and local criteria pollutants, which have adverse health effects.⁶

The analysis of GHGs is a different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants, the significance thresholds are based on daily emissions because attainment or non-attainment is primarily based on daily exceedances of applicable ambient air quality standards. Further, several ambient air quality standards are based on relatively short-term exposure effects on human health (e.g., one-hour and eight-hour standards). Since the half-life of CO₂ is approximately 100 years, for example, the effects of GHGs occur over a longer term which means they affect the global climate over a relatively long time frame. As a result, the SCAQMD's current position is to evaluate the effects of GHGs over a longer timeframe than a single day (e.g., annual emissions). GHG emissions are typically considered to be cumulative impacts because they contribute to global climate effects.

On December 5, 2008, the SCAQMD adopted an interim CEQA GHG Significance Threshold for projects where SCAQMD is the lead agency (SCAQMD, 2008). This interim threshold is set at 10,000 metric tons of CO₂ equivalent emissions (MTCO₂eq) per year. Projects with incremental increases below this threshold will not be deemed to be cumulatively considerable.

The Program EIR for the 2012 AQMP concluded that implementing the control measures in the 2012 AQMP would provide a comprehensive ongoing regulatory program that would reduce overall GHGs emissions in the District.

Adoption of the proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP; therefore, replacing older, higher emitting gasoline-powered vehicles that generate GHG emissions. A lower amount of fuel being burned as a result of the operation of more fuel efficient vehicles will generate less GHG emissions than the existing setting. Therefore, no additional GHG emissions will occur as a result of the proposed project.

Since the proposed project is not expected to require additional control, thus not generate any additional construction-related or operational CO₂ emissions, cumulative GHG adverse impacts from the proposed project are not considered significant or cumulatively considerable.

Conclusion

Based on the preceding evaluation of potential air quality impacts, SCAQMD staff has concluded that the proposed project does not have the potential to generate significant adverse air quality impacts. Since no significant adverse air quality and greenhouse gases impacts were identified, no mitigation measures are necessary or required.

⁶ Jacobsen, Mark Z. "Enhancement of Local Air Pollution by Urban CO₂ Domes," Environmental Science and Technology, as describe in Stanford University press release on March 16, 2010 available at: <http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html>.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts on biological resources will be considered significant if any of the following criteria apply:

- The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.
- The project interferes substantially with the movement of any resident or migratory wildlife species.
- The project adversely affects aquatic communities through construction or operation of the project.

Discussion

IV. a), b), c), & d) The proposed amendments would not require any new development or require major modifications to buildings or other structures. Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and will not require new construction as a result of the proposed project. In addition, the biological resources have already been disturbed or removed at the existing facilities. The proposed project should continue to benefit air quality that will improve the habitat and biological community. As a result, the proposed project would not directly or indirectly affect any new or existing species identified as a candidate, sensitive or special status species, riparian habitat, federally protected wetlands, or migratory corridors. For this same reason, the proposed project is not expected to adversely affect special status plants, animals, or natural communities.

IV. e) & f) The proposed project would not conflict with local policies or ordinances protecting biological resources or local, regional, or state conservation plans because it would not cause new development. Additionally, the proposed project would not conflict with any Habitat Conservation Plan, Natural Community Conservation Plan, or any other relevant habitat conservation plan for the same reason identified in Item IV. a), b), c), and d) above. Likewise, the proposed project would not in any way impact wildlife or wildlife habitat.

Based upon these considerations, significant adverse biological resources impacts are not anticipated and will not be further analyzed in this final EA. Since no significant adverse biological resources impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource, site, or feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts to cultural resources will be considered significant if:

- The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.
- Unique paleontological resources are present that could be disturbed by construction of the proposed project.
- The project would disturb human remains.

Discussion

V. a), b), c), & d) The proposed amendments do not require construction of new facilities, increase the floor space of existing facilities, or any other construction activities that would require disturbing native soil that may contain cultural resources. The proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and not require installation of additional controls. Therefore, the proposed project will not require construction activity and thus, is not expected to cause any adverse impacts to cultural resources.

Since no construction-related activities requiring native soil disturbance would be associated with the implementation of the proposed amendments, no impacts to historical or cultural resources are anticipated to occur. Further, the proposed amendments are not expected to require any adverse physical changes to the environment, which may disturb paleontological or archaeological resources or disturb human remains interred outside of formal cemeteries.

Based upon these considerations, significant adverse cultural resources impacts are not expected from implementing the proposed amendments and will not be further assessed in this final EA. Since no significant cultural resources impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the need for new or substantially altered power or natural gas utility systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create any significant effects on local or regional energy supplies and on requirements for additional energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create any significant effects on peak and base period demands for electricity and other forms of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with existing energy standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts to energy and mineral resources will be considered significant if any of the following criteria are met:

- The project conflicts with adopted energy conservation plans or standards.
- The project results in substantial depletion of existing energy resource supplies.
- An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.
- The project uses non-renewable resources in a wasteful and/or inefficient manner.

Discussion

VI. a) & e) Adoption of the proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and cause no adverse physical change to the environment. The proposed amendments are not expected to create any additional demand for energy at any of the affected facilities. As a result, the proposed project would not conflict with energy conservation plans, use non-renewable resources in a wasteful manner, or result in the need for new or substantially altered power or natural gas systems. Since the proposed project would affect primarily existing facilities, it will not conflict with adopted energy conservation plans because existing facilities would be expected to continue implementing any existing energy conservation plans. Additionally, operators of affected facilities are expected to implement existing energy conservation plans or comply with energy standards to minimize operating costs. Accordingly these impact issues will not be further analyzed in the final EA.

Since the proposed rule amendments would affect facilities primarily located in commercial areas, it will not conflict with adopted energy conservation plans because existing facilities where that are affected are expected to continue implementing any existing energy conservation plans. Accordingly these impact issues will not be further analyzed in the final EA.

VI. b), c) & d) The proposed amendments are not expected to increase any electricity or natural gas demand in any way and would not create any significant effects on peak and base period demands for electricity and other forms of energy. Power demand is not expected to increase as a result of the proposed rule amendments because they do not require any additional power supply.

The energy impact from petroleum fuels is anticipated to be a benefit in the reduction of fuel consumption due to the future implementation of more fuel efficient vehicles in affected fleets.

Based on the above information, the proposed amendments are not expected to generate significant adverse energy resources impacts and will not be discussed further in this final EA. Since no significant energy impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts on the geological environment will be considered significant if any of the following criteria apply:

- Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.
- Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.
- Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.
- Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.
- Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.

Discussion

VII. a) Southern California is an area of known seismic activity. Structures must be designed to comply with the California Uniform Building Code Zone 4 requirements if they are located in a seismically active area. The local city or county is responsible for assuring that a proposed project complies with the Uniform Building Code as part of the issuance of the building permits and can conduct inspections to ensure compliance. The Uniform Building Code is considered to be a standard safeguard against major structural failures and loss of life. The goal of the code is to provide structures that will: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage but with some non-structural damage; and 3) resist major earthquakes without collapse but with some structural and non-structural damage.

The Uniform Building Code bases seismic design on minimum lateral seismic forces (“ground shaking”). The Uniform Building Code requirements operate on the principle that providing appropriate foundations, among other aspects, helps to protect buildings from failure during earthquakes. The basic formulas used for the Uniform Building Code seismic design require determination of the seismic zone and site coefficient, which represent the foundation conditions

at the site. Accordingly, buildings and equipment at existing affected facilities are likely to conform with the Uniform Building Code and all other applicable state codes in effect at the time they were constructed.

Implementation of the proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and not change the physical environment. No new buildings or structures are expected to be constructed in response to the proposed amendments. In addition, the proposed amendments are not expected to affect a facility's ability to continue to comply with any applicable Uniform Building Code requirements. Consequently, the proposed amendments are not expected to expose persons or property to new geological hazards such as earthquakes, landslides, mudslides, ground failure, or other natural hazards. As a result, substantial exposure of people or structure to the risk of loss, injury, or death involving seismic-related activities is not anticipated and will not be further analyzed in this final EA.

VII. b), c), d) & e) Since the proposed amendments would affect primarily existing facilities and would not be the cause of any new construction, it is expected that the soil types present at the affected facilities that are susceptible to expansion or liquefaction would be considered part of the existing setting. Implementation of the proposed amendments would only require facilities that choose to participate in ECRP recordkeeping to maintain paperwork and submit the appropriate filings. New subsidence impacts are not anticipated since no major excavation, grading, or fill activities will occur at affected facilities. Further, the proposed amendments do not involve the removal of underground products (e.g., water, crude oil, et cetera) that could produce new, or make worse existing subsidence effects. Additionally, the affected areas are not envisioned to be prone to new risks from landslides or have unique geologic features, since the affected facilities are located in primarily commercial areas where such features have already been altered or removed. Finally, since adoption of the proposed amendments would be expected to affect operations at primarily existing facilities, the proposed amendments are not expected to alter or make worse any existing potential for subsidence, liquefaction, etc.

Based on the above discussion, the proposed amendments are not expected to have an adverse impact on geology or soils. Since no significant adverse impacts are anticipated, this environmental topic will not be further analyzed in the final EA. No mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Significantly increased fire hazard in areas with flammable materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts associated with hazards will be considered significant if any of the following occur:

- Non-compliance with any applicable design code or regulation.
- Non-conformance to National Fire Protection Association standards.
- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.
- Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

Discussion

VIII. a, b) & c) The proposed project will not create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials, due to the fact that the proposed amendments do not require the transport, use, and disposal of hazardous materials. Based on the fact that the proposed amendments do not require the transport, use and disposal of hazardous materials, the proposed amendments will not create a significant hazard to the public or environment through a reasonably foreseeable release of these materials into the environment.

Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and not cause any adverse physical change to the environment. The proposed amendments to the ECRP Guidelines are expected to affect already existing workplaces. Therefore, there is little likelihood that affected facilities will emit new hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school as a result of implementing the proposed project. The potentially affected facilities are typically located in commercially zoned work areas, which typically do not generate any hazardous materials, so the existing setting does not change.

VIII. d) It is not anticipated that the proposed project will alter in any way how operators of facilities who choose to participate in the ECRP manage their hazardous wastes. Government Code §65962.5 typically refers to a list of facilities that may be subject to Resource Conservation and Recovery Act (RCRA) permits. It is not possible at this time to know the facilities that will be incentivized to participate in the ECRP. However, for any facilities affected by the proposed project that are on the Government Code §65962.5 list, it is anticipated that they would continue to manage any and all hazardous materials and hazardous waste, in accordance with federal, state and local regulations.

VIII. e) Since the proposed project would afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and, implementation of the proposed amendments are not expected to increase or create any new hazardous emissions in general, public/private airports located in close proximity to the affected facilities will not be adversely affected. Implementation of the proposed amendments is not expected to create any additional safety hazards for people residing or working in the project area.

VIII. f) The proposed project will not impair implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. The facilities potentially affected by the proposed amendments are expected to be primarily located in commercial work

place settings. Any existing commercial facilities affected by the proposed project will typically have their own emergency response plans. Any new facilities will be required to prepare emergency response and evacuation plans as part of the land use permit review and approval process conducted by local jurisdictions for new development. Emergency response plans are typically prepared in coordination with the local city or county emergency plans to ensure the safety of not only the public (surrounding local communities), but the facility employees as well. Since the proposed project does not involve the change in current uses of any hazardous materials, or generate any new hazardous waste, no changes to emergency response plans are anticipated.

Health and Safety Code §25506 specifically requires all businesses handling hazardous materials to submit a business emergency response plan to assist local administering agencies in the emergency release or threatened release of a hazardous material. Business emergency response plans generally require the following:

1. Identification of individuals who are responsible for various actions, including reporting, assisting emergency response personnel and establishing an emergency response team;
2. Procedures to notify the administering agency, the appropriate local emergency rescue personnel, and the California Office of Emergency Services;
3. Procedures to mitigate a release or threatened release to minimize any potential harm or damage to persons, property or the environment;
4. Procedures to notify the necessary persons who can respond to an emergency within the facility;
5. Details of evacuation plans and procedures;
6. Descriptions of the emergency equipment available in the facility;
7. Identification of local emergency medical assistance; and
8. Training (initial and refresher) programs for employees in:
 - a. The safe handling of hazardous materials used by the business;
 - b. Methods of working with the local public emergency response agencies;
 - c. The use of emergency response resources under control of the handler; and
 - d. Other procedures and resources that will increase public safety and prevent or mitigate a release of hazardous materials.

In general, every county or city and all facilities using a minimum amount of hazardous materials are required to formulate detailed contingency plans to eliminate, or at least minimize, the possibility and effect of fires, explosion, or spills. In conjunction with the California Office of Emergency Services, local jurisdictions have enacted ordinances that set standards for area and business emergency response plans. These requirements include immediate notification, mitigation of an actual or threatened release of a hazardous material, and evacuation of the emergency area. Adopting the proposed project is not expected to hinder in any way with the above business emergency response plan requirements.

VIII. g) Adoption of the proposed amendments will afford employers additional incentives to comply with the Rule 2202 requirements through the implementation of the ECRP and not cause a physical change to the environment. The proposed amendments have no provisions that dictate the use of, or generate any new hazardous material. Since the potentially affected facilities will primarily be located at established commercial workplace areas where wildlands are typically not prevalent, risk of loss or injury associated with wildland fires is not expected as a result of implementing the proposed project.

VIII. h) Affected facilities must comply with all local and county requirements for fire prevention and safety. The proposed project does not require any activities which would be in conflict with fire prevention and safety requirements, and thus would not create or increase fire hazards at these existing facilities.

Pursuant to local and county fire prevention and safety requirements, facilities are required to maintain appropriate site management practices to prevent fire hazards. The proposed project will not interfere with fire prevention practices.

In conclusion, potentially significant adverse hazard or hazardous material impacts resulting from adopting and implementing the proposed project are not expected and will not be considered further. No mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards, waste discharge requirements, exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion or siltation on- or off-site or flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Place housing or other structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
i) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Potential impacts on water resources will be considered significant if any of the following criteria apply:

Water Demand:

- The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use more than 262,820 gallons per day of potable water.
- The project increases demand for total water by more than five million gallons per day.

Water Quality:

- The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.
- The project will cause the degradation of surface water substantially affecting current or future uses.
- The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.
- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The project results in alterations to the course or flow of floodwaters.

Discussion

Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and not cause any adverse physical change to the environment. The proposed amendments to the ECRP Guidelines are expected to affect already existing workplaces. Further, implementation of the proposed project would not require any construction activities at the affected facilities as no new or additional control would be required.

No additional water demand or wastewater generation is expected to result from the proposed projects because complying with Rule 2202 and the ECRP Guidelines does not require the use of water or generate wastewater. Further, the proposed project has no provision that would require the construction of additional water resource facilities, increase the need for new or expanded water entitlements, or alter existing drainage patterns. The proposed project would not

substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Further, since the proposed amendments do not involve wastewater processes, there would be no change in the composition or volume of existing wastewater streams from any potentially affected facilities. In addition, the proposed project is not expected to require additional wastewater disposal capacity, violate any water quality standard or wastewater discharge requirements, or otherwise substantially degrade water quality.

IX. a) & f) The proposed project will not change existing vehicle parking operations at potentially affected facilities, nor would it result in the generation of increased volumes of wastewater. As a result, there are no potential changes in wastewater volume or composition expected from the implementation of the proposed project. Further, the implementation of the proposed project is not expected to cause potentially affected facilities to violate any water quality standard or wastewater discharge requirements since there would be no wastewater volumes generated as a result of the proposed amendments to the ECRP Guidelines. The adoption of the proposed project is not expected to have significant adverse water demand or water quality impacts for the following reasons:

- The proposed project does not increase demand for water by more than 5,000,000 gallons per day.
- The proposed project does not require construction of new water conveyance infrastructure.
- The proposed project does not create a substantial increase in mass inflow of effluents to public wastewater treatment facilities.
- The proposed project does not result in a substantial degradation of surface water or groundwater quality.
- The proposed project does not result in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The proposed project does not result in alterations to the course or flow of floodwaters.

IX. b) Because the proposed amendments to the ECRP Guidelines do not rely on water, no increase to any affected facilities' existing water demand is expected. Because compliance with Rule 2202 and the ECRP Guidelines does not affect water usage, implementation of the proposed project will not increase demand for, or otherwise affect groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. In addition, implementation of the proposed project will not increase demand for water from existing entitlements and resources, and will not require new or expanded entitlements. Since the proposed amendments do not require any construction activities at the affected facilities, no paving is expected to be required that might interfere with groundwater recharge. Therefore, no water demand impacts are expected as the result of implementing the proposed project.

IX. c), d), & e) Implementation of the proposed project will occur at primarily existing facilities, or areas that that are typically located at existing commercial workplace areas that are paved and likely have drainage infrastructure in place. No construction activities are expected to occur as a result of the proposed project. Therefore, no change to existing storm water runoff, drainage patterns, groundwater characteristics, or flow are expected.

IX. g), h), & i) The proposed project will not require construction of new housing, contribute to the construction of new building structures, or require modifications or changes to existing structures. Therefore, the proposed project is not expected to generate construction of any new structures in 100-year flood areas as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map. Further, the proposed project is not expected to require additional operational workers at affected equipment locations. As a result, the proposed project is not expected to expose people or structures to significant new flooding risks, or make worse any existing flooding risks. Finally, the proposed project will not affect in any way any potential flood hazards inundation by seiche, tsunami, or mud flow that may already exist relative to existing facilities or create new hazards at existing facilities.

The proposed project will not increase storm water discharge, since no construction activities are expected to occur at the affected facilities as a result of the proposed project. No major changes are necessary at the affected facilities to increase storm water runoff during operations. Therefore, no new storm water discharge treatment facilities or modifications to existing facilities will be required due to the implementation of the proposed project. Accordingly, the proposed project is not expected to generate significant adverse impacts relative to construction of new storm water drainage facilities.

Based upon these considerations, significant hydrology and water quality impacts are not expected from the implementation of the proposed project and will not be further analyzed in this final EA. Since no significant hydrology and water quality impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING.				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Land use and planning impacts will be considered significant if the project conflicts with the land use and zoning designations established by local jurisdictions.

Discussion

X. a) Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and cause no adverse physical change to the environment. The proposed amendments are expected to primarily affect already existing workplaces. Since implementation of the proposed project is expected to occur at already existing facilities, it will not require or result in physically dividing an established community.

X. b) There are no provisions in the proposed amendments that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements would be altered by the proposed project. Affected facilities would have to comply with local ordinances and land use requirements. Therefore, as already noted in the discussion under “Biological Resources,” the proposed project would not affect any habitat conservation or natural community conservation plans, or agricultural resources or operations, and would not create divisions in any existing communities. Present or planned land uses in the region would not be significantly adversely affected as a result of implementing the proposed project.

Based upon these considerations, significant adverse land use and planning impacts are not expected from the implementation of the proposed project and will not be further analyzed in this final EA. Since no significant land use and planning impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

- The project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Discussion

XI. a) & b) There are no provisions in the proposed project that would result in the loss of availability of a known mineral resource of value to the region and the residents of the state, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Some examples of mineral resources are gravel, asphalt, bauxite, and gypsum, which are commonly used for construction activities or industrial processes. Since implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines, the proposed project does not require and would not have any effects on the use of important minerals, such as those described above. Therefore, no new demand for mineral resources is expected to occur and no significant adverse mineral resources impacts from implementing the proposed project are anticipated.

Based upon these aforementioned considerations, significant mineral resources impacts are not expected from the implementation of the proposed project. Since no significant mineral resources impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of permanent noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Noise impact will be considered significant if:

- Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.
- The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

Discussion

XII. a) Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and cause no adverse physical change to the environment. The proposed project would not require any new development or require major modifications to buildings or other structures or require new or additional control to comply with the proposed project that would generate noise. The proposed project is not expected to expose persons to the generation of excessive noise levels above current levels because no change in current operations is expected to occur as a result of the proposed project. It is expected that any facility affected by the proposed project would continue complying with all existing local noise control laws or ordinances.

XII. b) The proposed project is not anticipated to expose people to or generate excessive groundborne vibration or groundborne noise levels since no construction activities are expected to occur at the facilities potentially affected by the proposed amendments.

XII. c) A permanent increase in ambient noise levels at the affected locations above existing levels is not expected because the proposed amendments would not create any additional increases in noise levels. Therefore, the existing noise levels are unlikely to change and raise ambient noise levels in the vicinities of the affected facilities to above a level of significance in response to implementing the proposed project.

XII. d) Even if affected locations are located near a public/private airport, there are no new noise impacts expected from any of the existing facilities as a result of implementing the proposed amendments to affect the operations of the airport. Thus, the proposed project is not

expected to expose people residing or working in the project vicinities to excessive noise levels. See also the response to item XII.a).

Based upon these considerations, significant adverse noise impacts are not expected from the implementation of the proposed project and are not further evaluated in this final EA. Since no significant noise impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING.				
Would the project:				
a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts of the proposed project on population and housing will be considered significant if the following criteria are exceeded:

- The demand for temporary or permanent housing exceeds the existing supply.
- The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

Discussion

XIII. a) Because no construction activities are associated with the proposed project, no additional labor or workers would be required. Further, the proposed project is not anticipated to generate any significant effects, either direct or indirect, on the District's population or population distribution as no additional workers are anticipated to be required at the facilities that choose to implement ECRPs. Human population within the jurisdiction of the SCAQMD is anticipated to grow regardless of implementing the proposed project. As such, implementation of the proposed project will not result in changes in population densities or induce significant growth in population.

XIII. b) Because the proposed project may affect facilities primarily located in existing commercial areas, the proposed project is not expected to result in the creation of any industry that would affect population growth, directly or indirectly induce the construction of single- or multiple-family units, or require the displacement of people elsewhere.

Based upon these considerations, significant adverse population and housing impacts are not expected from the implementation of the proposed project and are not further evaluated in this final EA. Since no significant population and housing impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the proposal result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts on public services will be considered significant if the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives.

Discussion

XIV. a) & b) Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and cause no adverse physical change to the environment. The proposed amendments are expected to primarily affect already existing workplaces. No new equipment is expected to be installed as a result of the proposed project. Therefore, no increase in the risk of fire is expected to occur. Because no physical modifications or changes associated with the Rule 2202 requirements through adjustments to the ECRP Guidelines are expected, no flammable

substances are necessary to comply. As such, the proposed project will not increase the chances for fires or explosions that could affect local fire departments. Finally, the proposed project is not expected to increase the need for security at affected facilities, which could adversely affect local police departments.

Because the proposed project does not require or involve the use of new hazardous materials or generate new hazardous waste, it will not generate an emergency situation that would require additional fire or police protection, or impact acceptable service ratios or response times.

XIV. c), d), & e) As indicated in discussion under item XIII. Population and Housing, implementing the proposed project would not induce population growth or dispersion because no additional operational or construction workers are expected to be needed at the existing affected facilities. Therefore, with no increase in local population anticipated as a result of adopting and implementing the proposed project, additional demand for new or expanded schools or parks is also not anticipated. As a result, no significant adverse impacts are expected to local schools or parks.

Based upon these considerations, significant adverse public services impacts are not expected from the implementation of the proposed project and are not further evaluated in this final EA. Since no significant public services impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment or recreational services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

Impacts to recreation will be considered significant if:

- The project results in an increased demand for neighborhood or regional parks or other recreational facilities.
- The project adversely affects existing recreational opportunities.

Discussion

XV. a) & b) As discussed under “Land Use and Planning” (Section X) above, there are no provisions in the proposed project that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments. No land use or planning requirements would be altered by the adoption of the proposed project, which only affords employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and requires no new control equipment or physical changes to the environment. Further, the proposed project would not affect District population growth or distribution (see “Population and Housing”- Section XIII) in ways that could increase the demand for or use of existing neighborhood and regional parks or other recreational facilities or require the construction of new or expansion of existing recreational facilities that might have an adverse physical effect on the environment because it would not directly or indirectly increase or redistribute population.

Based upon these considerations, significant recreation impacts are not expected from the implementation of the proposed project. Since no significant recreation impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVI. SOLID/HAZARDOUS WASTE.				
Would the project:				
a) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Comply with federal, state, and local statutes and regulations related to solid and hazardous waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Criteria

The proposed project impacts on solid/hazardous waste will be considered significant if the following occurs:

- The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

Discussion

XVI. a) & b) Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and causes no adverse physical changes to the environment. The proposed amendments are expected to primarily affect already existing workplaces. Because the automobiles that comprise fleets have finite lifetimes, they will ultimately have to be replaced at the end of its useful life. Existing programs have already been established and are in place to be

able to recycle automobiles at the end of their useful life, such as programs using funds generated from AB2766 and appropriated by the Mobile Source Air Pollution Reduction Review Committee (MSRC), CARB’s Enhanced Fleet Modernization Program, SCAQMD’s High Emitter Repair or Scrap (HEROS) program, etc. Therefore, any solid or hazardous waste impacts specifically associated with the proposed amendments are expected to be minor. As a result, no substantial change in the amount or character of solid or hazardous waste streams is expected to occur. Sanitation districts forecast future landfill capacity and encourage recycling. Any portions of the older fleet vehicles that cannot be recycled are expected to be able to be disposed of in the available landfill capacity. Additionally, no construction is anticipated as a result of the proposed project. Therefore, no construction waste will be generated. The proposed project is not expected to increase the volume of solid or hazardous wastes from affected facilities, require additional waste disposal capacity, or generate waste that does not meet applicable local, state, or federal regulations.

Based upon these considerations, the proposed project is not expected to increase the volume of solid or hazardous wastes that cannot be handled by existing municipal or hazardous waste disposal facilities, or require additional waste disposal capacity. Further, implementing the proposed project is not expected to interfere with any affected facility’s ability to comply with applicable local, state, or federal waste disposal regulations. Since no solid/hazardous waste impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION/TRAFFIC.				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts on transportation/traffic will be considered significant if any of the following criteria apply:

- Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E or F for more than one month.
- An intersection's volume to capacity ratio increase by 0.02 (two percent) or more when the LOS is already D, E or F.
- A major roadway is closed to all through traffic, and no alternate route is available.
- The project conflicts with applicable policies, plans or programs establishing measures of effectiveness, thereby decreasing the performance or safety of any mode of transportation.
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Water borne, rail car or air traffic is substantially altered.
- Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.
- The need for more than 350 employees
- An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day
- Increase customer traffic by more than 700 visits per day.

Discussion

XVII. a) & b) Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and continue to reduce the AVR at affected facilities that will assist in easing traffic and congestion. As a result, the proposed project may result in an increased amount of ridesharing (elimination of single passenger vehicles) in the general traffic circulation system. Additionally, new vehicles that are purchased and utilized as part of a worksite fleet will be replacing older, higher emitting gasoline combustion engine vehicles, so no near-term change in traffic and congestion is expected. With population growth over time, more vehicles would be expected, however, not due to the proposed project. Further, the proposed project would not cause a change in traffic since the proposed amendments only affect worksite fleets. Therefore, implementation of the proposed project would not result in a net change or cause additional transportation demands or services. Similarly, the implementation of the proposed project is not expected to adversely affect circulation patterns on local roadways or the level of service at intersections near affected facilities.

Implementation of the proposed project would not require any construction activities at the affected facilities that choose to take advantage of the ECRP. Therefore, no additional worker vehicle trips or equipment delivery trips would be necessary as a result of the proposed project.

Since no construction-related trips and no additional operational-related trips per facility are anticipated, the adoption of the proposed project is not expected to significantly adversely affect circulation patterns on local roadways or the level of service at intersections near affected facilities. Since no construction is required at the affected facilities, no construction traffic impacts are anticipated based on the analysis conducted.

XVII. c) Adoption of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and will not require operators of existing facilities to construct buildings or other structures that could interfere with flight patterns, so the height and appearance of the existing structures are not expected to change. Therefore, implementation of the proposed project is not expected to adversely affect air traffic patterns. Further, the proposed project will not affect in any way air traffic in the region because it will not require transport of any materials by air.

XVII. d) No physical modifications to roadways are expected to occur by implementing the proposed project. Therefore, no offsite modifications to roadways are anticipated for the proposed project that would result in an additional design hazard or new incompatible uses.

XVII. e) No physical changes are expected to occur at the already existing workplaces affected by the proposed amendments to the ECRP Guidelines. As a result, the proposed project is not expected to adversely impact existing emergency access.

XVII. f) Implementation of the proposed project will afford employers additional incentives to comply with the Rule 2202 requirements through adjustments to the ECRP Guidelines and will continue to reduce the number of vehicles at worksites. Thus, no changes to the parking capacity at or in the vicinity of the affected facilities are expected. Therefore, no shortage of parking spaces is expected. Additionally, as the proposed amendments incentivize ridesharing,

additional parking spaces may become available at affected facilities as a result of the proposed project. Further, the proposed project is not expected to require additional operational workers, so additional parking capacity will not be required. Therefore, the proposed project is not expected to adversely impact on- or off-site parking capacity. The proposed project has no provisions that would conflict with alternative transportation, such as bus turnouts, bicycle racks, et cetera.

Based upon these considerations, the proposed project is not expected to generate significant adverse project-specific or cumulative transportation/traffic impacts and, therefore, this topic will not be considered further. Since no significant transportation/traffic impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. a) As discussed in the “Biological Resources” section, the proposed project is not expected to significantly adversely affect plant or animal species or the habitat on which they rely because the proposed amendments are expected to be located in existing commercial areas which have already been greatly disturbed and that currently do not support such habitats. Additionally, special status plants, animals, or natural communities are not expected to be found within close proximity to the facilities potentially affected by the proposed project.

XVIII. b) Based on the foregoing analyses, cumulative impacts in conjunction with other projects that may occur concurrently with or subsequent to the proposed project are not expected to adversely impact any environmental topic. Related projects to the currently proposed project include existing and proposed amended rules and regulations, as well as AQMP control measures, which produce emission reductions from most industrial and commercial sectors. Furthermore, because the proposed project does not generate significant project-specific impacts, cumulative impacts are not considered to be “cumulatively considerable” as defined by CEQA guidelines §15065(a)(3). For example, the environmental topics checked ‘No Impact’ (e.g., aesthetics, agriculture resources, air quality, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid/hazardous waste and transportation and traffic) would not be expected to make any contribution to potential cumulative impacts whatsoever. Also, in the case of air quality impacts, the net effect of implementing the proposed project with other proposed amended rules and regulations, and AQMP control measures is an overall reduction in District-wide emissions, thus, contributing to the attainment of state and national ambient air quality standards. Therefore, it is concluded that the proposed project has no potential for significant cumulative or cumulatively considerable impacts in any environmental areas. See Section III c) for more discussion on cumulative impacts.

XVIII. c) Based on the foregoing analyses, the proposed project is not expected to cause significant adverse effects to human beings. Significant adverse environmental impacts are not expected from the implementation of the proposed project. Based on the preceding analyses, no significant adverse impacts to aesthetics, agriculture resources, air quality, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid/hazardous waste and transportation and traffic are expected as a result of the implementation of the proposed project.

As discussed in items I through XVIII above, the proposed project would have no potential to cause significant adverse environmental effects.

APPENDIX A

**RULE 2202 ON-ROAD MOTOR VEHICLE MITIGATION
OPTIONS**

**EMPLOYEE COMMUTE REDUCTION PROGRAM
GUIDELINES**

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Proposed Amendments to

RULE 2202 – ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS

EMPLOYEE COMMUTE REDUCTION PROGRAM GUIDELINES

~~October 7, 2011~~ May 1, 2015

Deputy Executive Officer

Planning, Rule Development, and Area Sources
Elaine Chang, DrPH

Assistant Deputy Executive Officer

Planning, Rule Development, and Area Sources
Phillip Fine, PhD

Planning and Rules Manager

Planning, Rule Development, and Area Sources
Carol A. Gomez

AUTHOR: ERNEST LOPEZ - AIR QUALITY SPECIALIST

TECHNICAL ASSISTANCE: ANTONIO THOMAS - SENIOR TRANSPORTATION SPECIALIST
LANE GARCIA - TRANSPORTATION PLAN REVIEWER

REVIEWED BY: WILLIAM WONG - DEPUTY DISTRICT COUNSEL
LAUREN NEVITT - SR DEPUTY DISTRICT COUNSEL

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD**

CHAIRMAN: WILLIAM A. BURKE, Ed.D.
Speaker of the Assembly Appointee

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Councilmember, 15th District
City of Los Angeles

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Councilmember, South Pasadena
Cities of Los Angeles County/Eastern Region

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Cities of Los Angeles County/Western Region

SHAWN NELSON
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County of Orange

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Senate Rules Committee Appointee

MIGUEL PULIDO
Mayor, Santa Ana
Cities of Orange County

JANICE RUTHERFORD
Supervisor, Second District
County of San Bernardino

EXECUTIVE OFFICER: BARRY R. WALLERSTEIN, D.Env.

PREFACE

Implementation of an Employee Commute Reduction Program (ECRP) is strictly optional under Rule 2202. This program is designed to meet ambient air quality standards mandated by the Federal Clean Air Act. As an indirect mobile source emission control strategy it is intended to reduce vehicle miles traveled and increase the average vehicle ridership (AVR) of work related trips at subject worksites.

Rule 2202 and the guidelines for the ECRP are consistent with the Health and Safety Code §40717 which establishes compliance requirements for California transportation performance standards.

This document has been prepared to assist employers in understanding the development and implementation requirements of the ECRP at their worksites. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving and maintaining the employers' designated AVR targets.

SCAQMD staff is available to answer questions and to provide assistance to employers who are developing and implementing programs. The entire guidance document should be read in order to fully understand the program requirements. Direct any questions concerning these guidelines to the Transportation Programs Hotline at (909) 396-3271.

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I. PROGRAM OVERVIEW

A. INTRODUCTION

Rule 2202 ~~has been~~ is designed to reduce mobile source emissions from employee commutes. The Rule provides employers with a menu of emission reduction strategies that ~~employers can be implemented~~ to meet ~~an~~ the designated emission reduction target (ERT) for their worksite. As an alternative to meeting an ERT, Rule 2202 also allows employers the option to implement an Employee Commute Reduction Program (ECRP) that meets the rule exemption requirements. The implementation of an ECRP is expected to lead to achievement and maintenance of the employer's designated average vehicle ridership (AVR) target, determined by the worksite's AVR Performance Zone pursuant to Rule 2202 (1)(3), by reducing the number of through the reduction of work related vehicle trips.

B. APPLICABILITY

This program can be implemented by any employer that employs 250 or more employees at a worksite, on a full or part-time basis, calculated as a monthly average over the prior six consecutive months. Each monthly employee population for the prior consecutive six months is added and then divided by six to determine whether the employer's average employee population figure is 250 or more.

1. Program Notification

Employers with 250 or more employees upon becoming subject to Rule 2202 shall notify the SCAQMD in writing within 30 days and include the following information:

- a. Employer's name;
- b. Worksite and mailing address of the business;
- c. Name, title, phone number, and email address of the highest ranking official at the worksite;
- d. Name, title, phone number, and email address for a contact person at the worksite; and
- e. Number of employees at the worksite.

Once the employer has notified the SCAQMD, within 90 calendar days from ~~the date of notifying the SCAQMD that notification~~, the employer must submit an initial ~~Annual Employee Commute Reduction Program ECRP~~, if ~~such a that~~ compliance option is chosen.

Any employer that is subject to Rule 2202 ~~and but~~ fails to notify the SCAQMD within 30 calendar days of becoming subject to the rule will be subject to the Failure to Notify Surcharge as set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and may be subject to civil or criminal enforcement action ~~for failure to notify AQMD~~ (see Figure 1).

Rule 308 – Failure to Notify

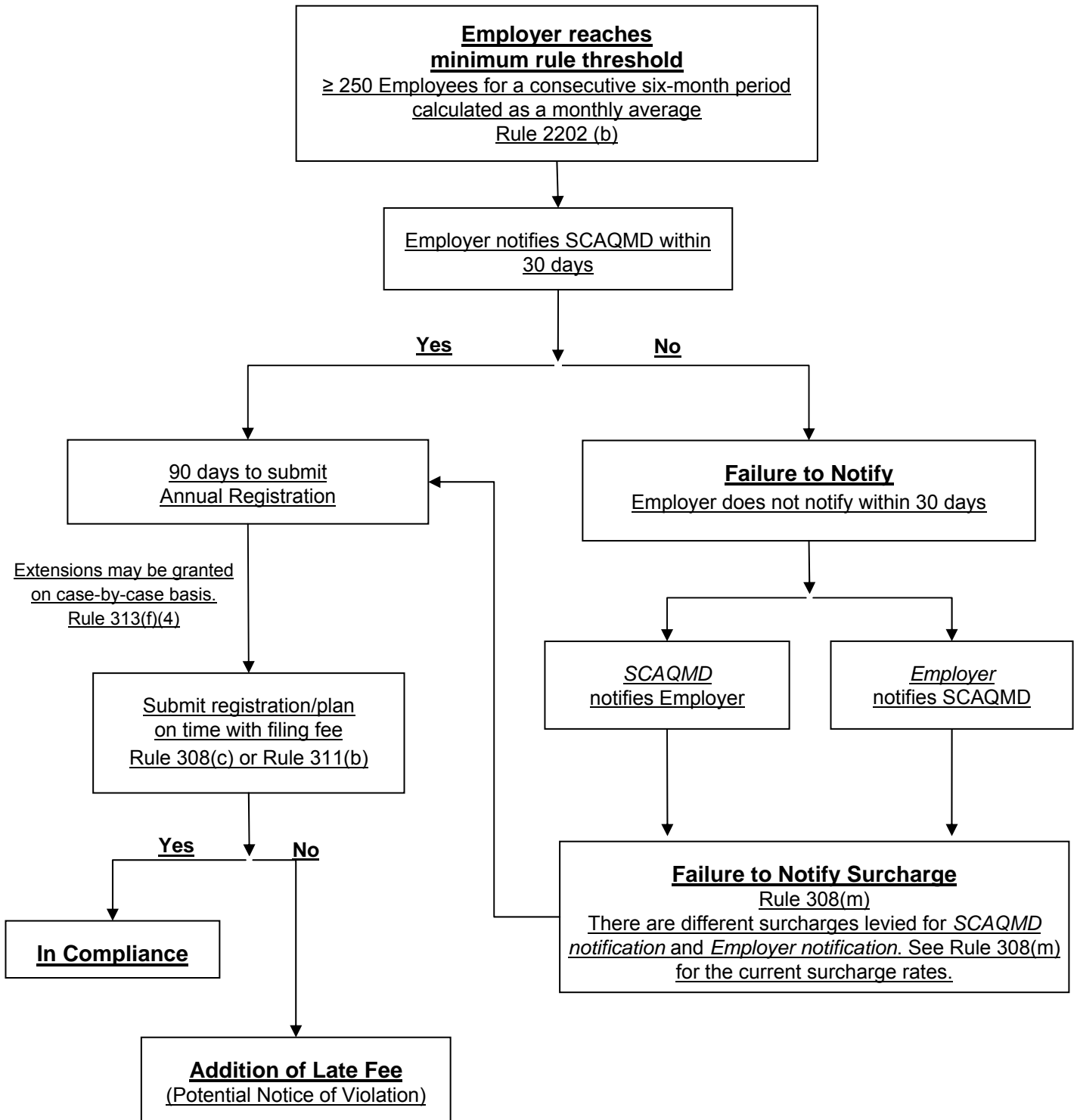


Figure 1. Rule 308 – Failure to Notify Flow Chart

C. TYPES OF EMPLOYEE COMMUTE REDUCTION PROGRAMS

On the program due date, or within 90 calendar days of becoming subject to the Rule, an employer choosing to comply through this option must submit one of the following ECRP ~~Annual Program~~ programs:

- a. A single-site employer must submit a single site ECRP.
- b. A multi-site employer may submit either a Multi-Site ECRP, separate single site programs, or a combination of multi-site and single site programs.

D. PROGRAM SUBMITTAL SCHEDULE

Employers must submit an ~~Annual Program on an~~ ECRP by the established ~~submittal due~~ date. The ~~Annual Program~~ ECRP reports the AVR status for the current year and, when not achieving the target AVR, an implementation plan that will achieve or make progress toward the AVR target performance requirement for the worksite. Worksites included in a Multi-Site program submittal must all have the same annual due date and be located within the same AVR Performance Zone. Annual due dates shall remain permanent unless modified by the Executive Officer or designee or a written request to change the due date is submitted by the employer and approved in writing by the SCAQMD.

E. PROGRAM ELEMENTS TYPES

An ECRP that reports the results of an AVR data collection method and calculation, and/or a plan that the employer will implement to meet the AVR target, must be submitted to the SCAQMD by the program due date. ECRPs must be submitted in the format approved by SCAQMD and include the following elements:

1. Single Site Program

- a. A management commitment endorsed by the highest-ranking official at the worksite or the person responsible for allocating the resources necessary to implement the program. This endorsement shall include a commitment to fully implement the program and that all data in the program is accurate to the best of the employer's knowledge. The endorsement, commitment, and signature line can be found in the ~~Annual Program~~ ECRP compliance forms;
- b. The name of the Employee Transportation Coordinator (ETC), On-site Coordinator, and/or Consultant ETC;
- c. The name of the worksite contact person, if different from the ETC;
- d. The number of employees that begin work during a typical work week within the peak commute window;
- e. ~~The AVR calculation and AVR data collection method;~~
- d.f. Specific strategies as defined in section II.F. Good Faith Effort Determination Elements, the employer will provide to employees implement;
- e. ~~The number of employees that begin work during a typical work week within the peak commute window; and,~~
- f. ~~A marketing program which ensures all employees are regularly informed of the ECRP details.~~

- g. Emission credit offset calculations and the emission reduction credit amounts or the Air Quality Investment Program (AQIP) fee amount required to meet the worksite AVR target if the option in Rule 2202 (1)(3)(A) is selected; and,
- h. Any applicable supporting documentation.

2. Multi-Site Program

In addition to submitting the elements described above for each worksite, employers submitting Multi-Site ECRPs shall submit a matrix that identifies ~~those specific~~ strategies offered at each individual worksites. Worksites can only be added to or removed from a multi-site program during the annual submittal or a program amendment submittal. New worksites may be added to a multi-site program provided the multi-site submittal is within the 90 calendar days specified for new worksites in section I.B. Applicability; otherwise new worksites shall remain as a single site program until the appropriate time to become part of the multi-site program.

Employers submitting Multi-Site ECRPs ~~may~~should consider the following:

- a. The option of aggregating AVR for worksite submittals located within the same AVR Performance Zone, as described in section II.D. Aggregating AVR for Multi-site Employers;
- b. In lieu of attaining the designated AVR at each employer worksite, ~~total surplus vehicle reductions (TSVR) from sites in the multi-site plan that exceed their designated AVR may be credited towards an employer's worksite that has a total vehicle reduction shortfall (TVRS) not met the target AVR for those worksites located within the same AVR Performance Zone. (Refer to section II.D. Aggregating AVR for Multi-Site Employers);~~
- c. Implementation of a Centralized Rideshare Service Center (CRSC) in lieu of having a trained ETC at each worksite in the multi-site plan (refer to section III.C. Centralized Rideshare Service Center);
- d. Designation of On-Site Coordinators for each worksite; and/or,
- e. The option of voluntarily including worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule ~~as described in section II.D. Aggregating AVR for Multi-site Employers.~~

~~F. ANNUAL PROGRAM~~

~~The Annual Program must be submitted in the appropriate format, approved by AQMD, and include the following:~~

- ~~a. AVR data collection method;~~
- ~~b. AVR calculation;~~
- ~~c. Emission credit offset calculations and the emission reduction credit amounts that are required to meet the worksite performance requirements if the option in subparagraph (m)(3)(A) of the rule is selected;~~
- ~~d. Name of the certified ETC responsible for developing and implementing the worksite ECRP;~~
- ~~e. Strategies offered to employees;~~

- f. ~~Signed endorsement by the highest ranking official or the person responsible for allocating the resources necessary to implement the program declaring that all strategies listed in the approved program were offered to employees; and~~
- g. ~~Any applicable supporting documentation.~~

~~If the Annual Program submittal indicates that the designated AVR was not achieved, AQMD staff will contact the employer to recommend how to improve the program. Alternatively, the employer may refer to the section V. *Employee Commute Reduction Strategies* for other strategies that could be included in the program.~~

~~G. HIGH AVR NO-FAULT INSPECTION~~

~~1. High AVR No-Fault Inspection Requirements~~

3. High AVR Program

~~Any worksite that requests and passes a High AVR No-Fault Inspection submitting a High AVR Program, one that meets or exceeds the target AVR, is eligible for a the reduced annual filing fees established in Rule 308 (c)(1)(A) and (c)(1)(B). To qualify, the following conditions must be met:~~

- a. ~~The annual employee survey must be conducted and the resulting AVR calculation must meet or exceed the designated target AVR;~~
- b. ~~It cannot be a first-time submittal resulting from a change of ownership as described in section IV.C. *Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owners ~~program~~ ECRP;~~
- c. ~~The designated target AVR must be met only through the implementation of an ECRP and cannot be met using emission credits or AQIP fees; and,~~
- d. ~~The ECRP must be marketed and implemented as described in the Annual Program submittal; and,~~
- e. ~~The High AVR No-Fault Inspection must be scheduled no less than two months prior to the submittal due date.~~
- d. ~~The employer submits an ECRP in the format approved by SCAQMD and includes the elements describe in section I.E. *Program Types and Features*, excluding the Good Faith Effort Determination Elements.~~

~~2. Compliance Documents Submittal~~

~~Following successful completion of a High AVR No-Fault Inspection, the employer is required to submit the following documents in lieu of an Annual Program submittal described in section I.F. *Annual Program*:~~

- a. ~~A copy of the compliance commendation letter which will be given to the employer upon successful completion of the inspection; and~~
- b. ~~The worksite's AVR calculation worksheets as provided in the Annual Program forms.~~

4. AVR Improvement Program

Any worksite submitting an ECRP that has an improvement of 0.05 or greater in the worksite AVR compared to the previous compliance year submittal, or demonstrates a minimum AVR increase of 0.01 per year when compared to the previous two compliance years is eligible for a 20% reduction of the annual filing fees established in Rule 308 (c)(2) and a reduced program submittal as described in paragraph f. below. To qualify, the following conditions must be met:

- a. The annual employee survey must be conducted and the resulting AVR calculation must have an AVR increase of 0.05 or greater when compared to the previous compliance year submittal or has an AVR increase of 0.01 per year when compared to the previous two compliance years;
- b. The worksite must have an approved ECRP for the compliance years that are used for the AVR comparison as described above;
- c. The program cannot be a first-time submittal resulting from a change of ownership as described in section IV.C. *Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owners ECRP;
- d. For multi-site programs, the aggregate AVR may be used to qualify for this reduction provided that a multi-site program with an aggregated AVR that is improved in comparison to the previous compliance year or previous two years;
- e. The AVR improvement must be only through the implementation of an ECRP and cannot be met by using emission credits or AQIP fees;
- f. The employer submits an ECRP in the format approved by SCAQMD and includes the elements describe in section I.E. Program Types and Features, excluding the Good Faith Effort Determination Elements; and,
- g. The employer shall continue to implement the approved program strategies until the next program submittal that requires inclusion of strategies or submittal of a program amendment.

Examples of Qualifying and Non-Qualifying Submittals

If Employer A is submitting its ECRP in 2015 and has an AVR improvement of 0.01 every year when compared to the previous two years then it could submit an AVR Improvement Program. Employer B has an improvement of .01 when compared to the previous year, but there was a decline in AVR when compared to the submittal two years ago, it would not be eligible. If employer C has an increase of 0.05 over the previous year submittal it would be eligible. When an employer has a different program submittal option, they cannot use any prior year for the AVR Improvement, as shown by Employer D. The AVR Improvement Program examples are summarized in Table 1 below.

Table 1. AVR Improvement Program Submittal Examples

<u>Submittal Year AVR</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>AVR Improvement</u>
<u>Employer A</u>	<u>1.30</u>	<u>1.31</u>	<u>1.32</u>	<u>1.33</u>	<u>Yes</u>
<u>Employer B</u>	<u>1.30</u>	<u>1.31</u>	<u>1.30</u>	<u>1.31</u>	<u>No</u>

<u>Employer C</u>	<u>1.30</u>	<u>1.30</u>	<u>1.30</u>	<u>1.35</u>	<u>Yes</u>
<u>Employer D</u>	<u>1.29</u>	<u>1.30</u>	<u>AQIP submittal</u>	<u>1.35</u>	<u>No</u>

HF. PROGRAM ADMINISTRATION

1. Program Submittal and Compliance

All employers who choose to implement an ECRP shall submit an ~~Annual P~~ Annual program plan that will lead to the achievement and maintenance of the annual AVR ~~target performance requirement~~. Employers unable to ~~demonstrate progress towards meeting~~ increase their AVR or meet the annual AVR ~~target performance requirement~~ must submit one of the options listed in section *II.E. Annual AVR Performance Requirement*.

2. Program Implementation

Employers shall implement their ECRP within 30 days of receipt of their written program approval. An alternative program implementation date may be used if included in the Program submittal that has been approved or if otherwise stated in the written program approval. Any ECRP previously approved by the SCAQMD will remain in effect until:

- a. A new program is approved;
- b. An approved alternative is used to comply with Rule 2202;
- c. The employer receives notification from SCAQMD that they are no longer subject to the Rule; or
- d. Rule 2202 is rescinded.

IG. RECORD RETENTION REQUIREMENTS

Employers must maintain records using the following criteria:

- a. The employer must keep detailed records of the documents which verify the AVR calculation ~~for the last~~ a minimum of three compliance years.
- ~~b.~~ Records which verify that all strategies in the ECRP have been marketed and offered shall be kept at the worksite for at least the last a minimum of three compliance years. Examples of records include but are not limited to: AVR calculation data; employee surveys; marketing materials; meeting agendas; proof of incentive purchases and distributions; and/or, plug-in hybrid electric vehicle (PHEV) type and home to work trip distances for the zero emission AVR credit.
- ~~b.c.~~ Employers who have a qualifying AVR Improvement Program shall keep all records at the worksite, records as specified in paragraph b above, of the most recently approved ECRP which describes the good faith effort determination elements. This may require maintaining records longer than the minimum three compliance years as specified in paragraphs a and b above.
- ~~d.~~ Employers who implement their programs using a Centralized Rideshare Service Center (CRSC) as described in section III.C., ~~must shall~~ maintain records and documents at the CRSC, unless, upon written approval by the Executive Officer or designee, other record retention arrangements have been made.

e.e. Records may be maintained electronically provided that the materials can be viewed by commonly available software.

JH. COMPLIANCE

~~Failure to comply with any provisions of this Rule or this ECRP Guideline document, including but not limited to, failure to maintain records, falsification of records, failure to submit an Annual Program, failure to submit proper fees in accordance with the provisions of Rule 308 - On Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates, and/or failure to submit a management commitment verifying implementation of the program as approved by the AQMD is a violation of Rule 2202 and is subject to the penalties outlined in the Health and Safety Code Section §42400 et seq. Examples of violations include, but are not limited to:~~

- a. Failure to maintain records as described in section G. Record Retention Requirements;
- b. Falsification of records;
- c. Failure to submit an annual program;
- d. Failure to submit proper fees in accordance with the provisions of Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;
- e. Failure to submit a management commitment verifying implementation of the program as approved by the SCAQMD, and/or;
- f. Failure to implement components of an approved annual program.

- ~~a. The AQMD will not impose any requirements that are not a part of Rule 2202, Rule 308, Rule 311, or Rule 313.~~
- ~~b. The AQMD may only request information to the extent that it is reasonably necessary to determine compliance with these rules.~~

The SCAQMD will not impose any ECRP requirements that are not a part of Rule 2202, the ECRP Guidelines, Rule 308, Rule 311, or Rule 313, and will only request information to determine compliance with these rules.

If a final determination that an element of an approved ECRP violates any provision of law is issued by any agency or court with jurisdiction to make such determination, then the employer shall, within 45 calendar days, submit a proposed program revision to the SCAQMD which shall be designed to achieve an AVR equivalent to the previously approved program.

II. PROGRAM IMPLEMENTATION

A. PROGRAM REVIEW

The SCAQMD staff will review ECRPs using the following criteria:

- a. ECRPs will be approved provided the program complies with all requirements of Rule 2202, these ECRP Guidelines, Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;

- b. Employer continues to demonstrate a good faith effort towards achieving the target AVR or has made appropriate changes/additions to the strategies when AVRs have declined or remained consistently low. Program submittals which fail to show an overall improvement in AVR from the previously submitted ~~Annual Program ECRP~~ and do not provide revisions or additions to the strategy section are not considered to be a good faith effort on the part of the employer and may not be approved as submitted;
- c. Within 90 calendar days of receipt of the program submittal, the SCAQMD will in writing, approve, preliminarily disapprove the program, or request up to 30 additional days to review the program, indicating to the employer the reasons for requiring additional review time;
- d. If a program is not approved or disapproved within 90 calendar days, or if the SCAQMD has not requested additional review time, the program shall be deemed approved;
- e. ~~Prior to disapproving~~ After the employer submits an program ECRP, the SCAQMD will contact the employer to provide an opportunity to discuss any program inadequacies; and,
- f. If these inadequacies are not addressed, the SCAQMD will preliminarily disapprove the ECRP and provide in writing the reasons for the preliminary disapproval;
 1. Any ECRP preliminary disapproval by the SCAQMD must be revised by the employer and resubmitted within 30 calendar days of receipt of the notice of the preliminary disapproval;
 2. The SCAQMD has 90 calendar days to approve or issue a final disapproval of the resubmitted ECRP;
 3. If a notice of final disapproval is given, the employer will be in violation of Rule 2202 until a revised ECRP is submitted and approved by the SCAQMD or a successful appeal is taken, in accordance with Rule 216 – Appeals, to the Hearing Board.
- ~~f. If a program is disapproved, the reasons for disapproval will be given in writing to the employer. Any program disapproved by the AQMD must be revised by the employer and resubmitted to the AQMD within 30 calendar days of receipt of the notice of disapproval. The AQMD has 90 calendar days to review the resubmitted program. If a second disapproval notice is given, the employer is in violation of Rule 2202 until a revised program is submitted and approved by the AQMD; and~~
- ~~g. An ECRP will be disapproved if the program demonstrates a disproportionate impact on minorities, women, low-income or disabled employees.~~

B. CALCULATING AVR

1. Employee Categories

Employees that do not begin work at least one day during the 6:00 a.m. - 10:00 a.m. peak commute window are not included in the peak AVR calculation. Employees that are classified in the “Other Days Off” category are included in the AVR calculation if they begin work in the window at least one day during the survey week. The net effect of “Other Days Off” on the AVR calculation will be neutral. Employees in this category include, but are not limited to, the following:

- employees on vacation, sick, or furlough;
- employees on per-diem or on-call that do not meet the definition of field personnel;

- employees on jury duty, military duty;
- employees who begin work outside the window provided they begin in the window at least one other day during the week;
- employees not scheduled to work that day;
- employees that are home dispatched;
- employees on maternity leave;
- employees on bereavement leave; and/or
- employees on medical /disability leave.

The following employee categories, as defined in the Glossary, are not considered for rule applicability or in calculating AVR:

- temporary employees;
- seasonal employees;
- volunteers;
- field personnel;
- field construction workers; and/or
- independent contractors.

2. Police, Sheriff, and Federal Field Agents

Police, Sheriff, and Federal Field Agents, as defined in the Glossary, are included for rule applicability but are not required to be included in the 6:00 a.m. - 10:00 a.m. peak window surveyed or included in the AVR calculation. It is the discretion of the employer whether to include them in the window count. Surveying only part of this group is not acceptable. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including, but not limited to, ride matching and transit information for all employees as well as preferential parking and guaranteed return trips for employees who are ridesharing. Employees who perform non-field work or non-investigative functions are required to be included in the peak window survey ~~or~~ and included in the AVR calculation. Examples of Federal Field Agents include, but are not limited to, field employees of the Federal Bureau of Investigation (FBI), Customs and Border Protection or US Coast Guard.

3. AVR Adjustments

- a. Carpools are counted as 2-6 people traveling together for ~~the majority (51%)~~ of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- b. Vanpools are counted as 7-15 people traveling together for ~~the majority (51%)~~ of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- c. Employees walking, bicycling, telecommuting, using public transit, using a zero emissions vehicle (ZEV) or other vehicles as approved by the Executive Officer or designee, or on their day off under a compressed work week, should be counted as employees arriving at the worksite with no vehicle.

- i. Carpool occupants of a ZEV may be counted as arriving at the worksite with no vehicle by marking the zero emission option on the AVR survey.
 - ii. Employees arriving to work in a plug-in hybrid electric vehicle (PHEV) can be considered to be using a ZEV provided that the entire home-to-work trip is made exclusively under electric power without use of the gasoline engine or cogeneration system.
 - iii. None of the employee ZEVs can be included in the AVR calculation if the employer has implemented a ZEV charging program that will result in the generation of emission reduction credits pursuant to Rule 2202 (f)(6) or other approved SCAQMD emission credit programs.
- d. Compressed Work Week (CWW) credit will only be granted when all days worked and all CWW days off fall within the established AVR survey period.

Employers may develop alternatives to the recognized compressed work week schedules of 3/36, 4/40, and 9/80 upon written approval by the SCAQMD. The proposed alternative must ensure that the resulting trip reductions are real, surplus, quantifiable, and enforceable.

The types of CWW day(s) off must be clearly indicated on the AVR survey as follows:

- i. 3/36 - 3 days work, 12 hours per day, 2 days off during the survey week;
- ii. 4/40 - 4 days work, 10 hours per day, 1 day off during the survey week; or
- iii. 9/80 - 9 days work, 80 hours per two weeks, 1 day off in a 2 week period during the survey.

If a person on a 3/36 scheduled work week works a 4th day during the established work week, an employer may take credit for one (1) CWW day off.

- e. Non-commuting AVR credit is allowed for employees who remain at the worksite (if in the SCAQMD's jurisdiction), or entirely out of the SCAQMD's jurisdiction, for at least a full 24-hour period, to complete work assignments, and who generate no vehicle trips during the AVR window associated with arriving at the worksite. Non-commuting AVR credit is calculated as arriving at the worksite with no vehicle. Examples of employees who may be considered to be in this category are firemen, airline pilots, or flight attendants.
- f. AVR credit for all employees leaving the worksite, during the window, may be calculated and averaged with employees arriving at the worksite during the window to obtain an aggregate AVR. However, if Off-Peak Credits are used in the AVR calculation this credit cannot be used.
- g. Off-Peak Credits - Employers may receive additional credits from employee trip reductions that occur outside of the peak window. An AVR survey or an alternative approved data collection method is required to obtain this data. This AVR survey cannot be older than 6 months at the time of program submittal. This credit may be calculated as follows:

$$AVR = \frac{E}{V - [CCVR \div 2.3]}$$

Where:

E = Total number of weekly window employees in the peak window.

V = Total number of weekly window vehicle trips in the peak window.

CCVR = Creditable commute vehicle reductions that occur outside of the peak window.

2.3 = Discount factor.

- h. Non-Regulated Worksite Credits - Employers may voluntarily include worksites with less than 250 employees as described in section *II.D. Aggregating AVR for Multi-site Employers* and/or employees of other businesses located at the worksite not subject to the Rule.
- i. Reduced Staffing - Employers may receive additional trip reduction credits, that have been discounted, from reduced staffing that occurs during events that are longer than five consecutive work days, such as school recesses/breaks, inventory, or temporary facility closures, as approved by SCAQMD. A separate AVR survey ~~may be~~ is required to obtain this data. This AVR survey cannot be older than 12 months old at the time of program submittal. This credit is not allowed for staff reductions resulting from actions such as layoffs, relocations, transfers, facility closures or temporary closures that are part of regularly schedule facility vacations. This credit may be calculated as follows:

$$AVR = \frac{E \times T}{[V_n \times T_n] + [V_r \times T_r \times 1.15]}$$

Where:

E = Total number of weekly window employees during the regular operating schedule.

T = Total number of annual operating workdays for the worksite, which is the sum of T_n and T_r. For example, the default value is 260 days for employers with a 5 day work schedule, and a default value of 365 days for a 7 day work schedule.

V_n = Total number of weekly window vehicle trips during the regular operating schedule.

T_n = Total number of regularly scheduled operating days for the worksite.

V_r = Total number of weekly window vehicle trips that occur during the reduced staffing schedule.

T_r = Total number of reduced staffing schedule days.

1.15 = Discount factor.

The same methodology used for determining the total number of annual workdays for the worksite (T) shall be applied to determine the values for T_n and T_r.

- j. Employees that begin work during the window and do not respond to the survey must be calculated as one employee per vehicle arriving at the worksite.
- k. Drive alones count as one person per vehicle arriving at the worksite.
- l. Reporting errors resulting from missing or incorrect information must be calculated as one employee per vehicle arriving at the worksite. Reporting errors that do not indicate

the time when the employee begins work must be assumed to occur in the peak window.

C. AVR DATA COLLECTION METHODS

Each employer must collect AVR data by one of the following applicable methods:

1. AVR Survey

Employers must conduct an AVR survey approved by the SCAQMD. The survey should be taken over five consecutive workdays, Monday through Friday, and identify the transportation modes that employees use to travel to the worksite and begin work during the 6:00 a.m. - 10:00 a.m. window, each day during the survey week. The AVR survey data must be available and traceable to an individual employee. This may be through employee identification numbers, employee signature, or a pre-approved ~~alternative~~-electronic ~~individual~~-identifier specific to each employee. The surveys ~~should~~ shall be distributed at the end of or following the planned survey week so that the survey responses will represent actual commute activity. An SCAQMD approved employee survey form can be found in the ~~Annual Program~~ ECRP forms.

a) AVR Survey Parameters

The AVR survey data cannot be more than six months old at the time of program submittal. The six month period begins on the final day of the survey period. The response rate to the survey must be at least 60 percent of those employees who begin work during the window. The remaining non-responses over 60 percent to 100 percent shall be treated as single occupant vehicle commuters, however, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the “Other Days Off” category. The net effect on the AVR calculation will be neutral. The AVR survey must be conducted during a typical work week. The weeks to be specifically excluded from the AVR survey week are the weeks including the following dates:

New Year’s Day	January	1
Martin Luther King Jr. Birthday	January	(Third Monday)
Presidents Day	February	(Third Monday)
Memorial Day	May	(Last Monday)
Independence Day	July	4
Labor Day	September	(First Monday)
California Rideshare Week	October	(First Week)
Veteran's Day	November	11
Thanksgiving Day	November	(Fourth Thursday)
Christmas Day	December	25

AVR surveys shall not be conducted during these weeks even ~~though~~ if the employer does not observe these holidays or is open for business. Nor shall employers conduct an AVR survey during a week in which they observe a holiday not listed above.

The days these holidays are observed may vary from year to year; therefore, it will be the responsibility of the employer to obtain these specific holiday dates to ensure exclusion of these weeks from their AVR survey week.

Each employer should encourage employee involvement in either of the following ways:

- i. ~~Through an employee survey that includes questions soliciting suggestions for program improvement and/or strategies which may be used for ECRP development;~~
or
- ii. ~~An employer may implement a program which actively involves employees, such as focus groups, employee committees, etc.~~

b) Window Period for AVR Calculation

The employer must calculate the AVR based on the 6:00 a.m. - 10:00 a.m., Monday through Friday window except for businesses operating seven days a week. The AVR window for businesses operating seven days a week is 6:00 a.m. - 10:00 a.m. and the AVR reporting period is the five consecutive days, of the seven operating days, when the majority of the employees are scheduled to ~~report to~~ begin work. Businesses operating seven days a week may survey over a seven day period so that for purposes of AVR reporting, they will account for individual employees over that portion of their five day work week that falls within the five consecutive days.

The employer may use an alternative window or week upon writing the SCAQMD and receiving written approval. The alternative window must be a consecutive four hour period between 4:00 a.m. and 11:00 a.m. and a consecutive five day period of the seven day week when the majority of their employees are scheduled to report to the worksite in the peak window. Consequently, the reporting period must be the same five consecutive days for all employees included in the AVR calculation.

c) AVR Calculation

The AVR calculation is based on data obtained from an approved SCAQMD survey method, random sampling, or recordkeeping, and ~~should~~ shall include all employees who begin work in the 6:00 a.m. - 10:00 a.m. window.

The AVR is calculated by dividing the number of employees who report to the worksite, by the number of vehicles that arrive at the worksite, during the five day window period. The AVR figure should be rounded off to the second decimal place. For example: 1.4576 becomes 1.46 AVR.

2. Random Sampling

Employers with a minimum of 400 employees reporting ~~at to~~ to the worksite during the peak window, have the option of determining AVR by a random sample method. The random sample method and sample size must receive written approval from the SCAQMD prior to administration of the survey. The random sample method ~~should~~ shall comply with all of the following criteria:

- a. Members of the sample must be selected on a probability basis (random selection) that assures that each population member is given an equal chance of selection;
- b. All employees reporting in the window for calculating AVR must be considered as the relevant population from which the sample is drawn;

- c. The sample must measure all potential commute modes for employees arriving at the worksite during the window and shall account for all employees not arriving at the worksite during the window due to compressed workweek day off, vacation, sick leave, furlough day, or other (e.g., maternity leave, bereavement leave, etc.);
- d. Any employees designated for the random sample that do not respond to the survey are counted as solo drivers;
- e. At least 60 percent survey response rate must be achieved;
- ~~f. The sample size must be determined with the AQMD's approval of sampling method;~~
- ~~g.f.~~ Data from the last three compliance years shall be kept at the worksite and available for inspection;
- ~~h.g.~~ Any data submitted via electronic media must be compatible with SCAQMD's software and must be able to be entered into AQMD's system;
- ~~i.h.~~ The random sample survey must be taken not more than six months prior to submittal of the Annual Program, with the six month period beginning on the last day of the survey week; and
- ~~j.~~ The random sample method must receive written approval from the AQMD prior to administration of the survey; and
- ~~k.i.~~ The random sample method must be re-certified 60 calendar days prior to the program due date, only when the employer proposes to modify its approved certification method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

3. Alternative AVR Data Collection

~~The AQMD must pre approve and certify alternative AVR data collection methods as complying with these guidelines. Employers, vendors, consultants, or other entities requesting certification for alternative AVR data collection methods must request certification at least 60 calendar days prior to the annual registration due date. Once the certification method is approved, re-certification is required 60 calendar days prior to the established due date, only when the employer proposes to modify its approved certification method or upon modifications to Rule 2202 that change AVR collection methods or methodologies. The AQMD will review and respond to the request within 14 calendar days. Certification will only be granted for those AVR data collection methods that comply with these guidelines.~~

Employers have the option of selecting an alternative AVR data collection method for ~~verifying calculating the worksite AVR, as long as it complies with all of the following criteria:~~ Alternative AVR data collection methods must be certified by the SCAQMD prior to use, in accordance with the ECRP guidelines and the following criteria:

- a. Employers, vendors, consultants, or other entities requesting certification for alternative AVR data collection methods must request certification at least 60 calendar days prior to the annual ECRP due date;
- ~~a.b.~~ Data must be gathered from all employees who begin work during the window;
- ~~b.c.~~ The response rate to the data collection method must be at least 60 percent of those employees who begin work during the peak window. The remaining non-responses over 60 percent to 89 percent shall be treated as single occupant vehicle commuters. However, if an employer achieves a 90 percent response rate or higher, the remaining

non-response percentage can be reported in the “Other Days Off” category in the AVR calculation;

- ~~e.d.~~ The data collected must reflect the daily commuting activity of employees and their modes of travel that occur during each month or quarter of the program cycle;
- ~~d.e.~~ Quarterly or monthly AVR must be calculated separately, and must be aggregated to determine the yearly AVR calculation;
- ~~e.f.~~ Data from the last three compliance years shall be kept at the worksite and be made available upon request;
- ~~f.g.~~ The following data must be available, and traceable to individual employee records: travel mode for each day data is collected; any data that is specified in ~~the section on~~ II.C. AVR Data Collection Methods; and, employee ID number or other individual identification;
- ~~g.h.~~ Any data submitted via electronic media must be compatible with the SCAQMD’s software;
- ~~h.i.~~ The data used for the AVR calculations cannot be more than six months old, with the six month period beginning on the last day of the survey week; and
- ~~i.~~ ~~The AVR data collection method must be pre-approved by the SCAQMD; and~~
- j. The ~~A~~ alternative AVR data collection method ~~must shall~~ be re-certified 60 calendar days prior to each program due date, ~~only~~ when the employer proposes to modify its approved ~~certification~~ method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

D. AGGREGATING AVR FOR MULTI-SITE EMPLOYERS (Optional)

Employers that ~~have multiple worksites~~ submit a multi-site plan may choose to ~~submit an aggregated Annual Program that includes the AVR data for all of the regulated worksites that belong to the multi-site employer rather than submit Annual Programs for each worksite individually in that ECRP.~~ For worksites that belong to the multi-site employer, the aggregate AVR is the total number of window employees divided by the total number of vehicle trips for all the worksites in the multi-site plan. All worksites that are to be included in the ~~A~~ aggregate AVR calculation must be within the same AVR Performance Zone.

Aggregate AVR can be obtained in three steps. First, the number of peak window employees used in calculating each worksite AVR must be added. This sum will yield the total number of window employees for all worksites. Second, the number of vehicle trips used in calculating each worksite AVR must be added. This total will yield the total number of vehicle trips for all worksites. Finally, the total number of employees must be divided by the total number of vehicle trips to obtain the combined AVR for all worksites. This calculation will then yield the aggregate AVR for the multi-site employer.

Example:

$$\text{AVR} = \frac{\text{Window employees for site 1} + \text{window employees for site 2} \dots}{\text{Vehicle trips for site 1} + \text{vehicle trips for site 2} \dots}$$

Employers submitting multi-site programs may also voluntarily include worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule. In order to do so, all provisions of the AVR Data

Collection section must be met, and the employer must demonstrate that an AVR baseline calculation has been established. Employers at non-regulated worksites ~~do not need~~ are not required to implement other ECRP elements, such as, having an on-site ETC, or offering employer incentives ~~or~~ and good faith effort determination elements. Employers, voluntarily including worksites that have less than 250 worksite employees, must provide a letter of declaration signed by an official authorized to contract on behalf of and/or legally bind the employer which declares the following:

- a. The employer is voluntarily agreeing to subject itself to the authority and requirements of Rule 2202 for the worksites which currently have fewer than 250 employees, and that they are doing so freely and wholly voluntarily without any duress on behalf of the SCAQMD;
- b. The employer waives its right to challenge the applicability of Rule 2202 to any and all included sites within the SCAQMD should enforcement action be taken against the employer; and,
- c. The employer is receiving a benefit from ~~so~~ agreeing in that they are being allowed to claim ~~multi-site~~ vehicle trip credit toward their aggregate AVR.

E. ANNUAL AVR PERFORMANCE REQUIREMENT

Employers shall submit an ~~Annual Program ECRP~~ and demonstrate that they have met the annual average vehicle ridership ~~target performance requirement~~ for the AVR Performance Zone in which the worksite is located. Employers unable to meet the annual average vehicle ridership AVR target performance requirement and are not submitting a High AVR or AVR Improvement plan must submit:

- a. An ECRP Offset annual plan where the difference between the worksite AVR and the target AVR Performance Zone is offset through participation in the Air Quality Investment Program (AQIP) or implementation of ~~e~~Emission ~~r~~Reduction ~~s~~Strategies (ERS) in accordance with the provisions of Rule 2202; or
- b. An ECRP annual ~~Good faith effort~~ plan that includes the requirements described in section II.F. *Good Faith Effort Determination Elements* subject to the following conditions:
 - i. Unless otherwise stated, the good faith determination elements must be implemented such that they are reasonably likely to improve a worksite AVR by at least 0.01 annually. Employers must continue to demonstrate a good faith effort toward achieving the AVR target.
 - ii. If a worksite AVR decreases, remains the same, or does not improve from the previously submitted ECRP, the selection of strategies must be modified, the number of strategies increased, or an ECRP offset, AQIP, or ERS be implemented.
 - iii. Employers shall ~~maintain~~ implement all currently approved good faith effort plan strategies until a new Annual Program ECRP is approved.
 - iv. Employers may choose to implement programs or strategies offered by third party service providers (e.g., County Transportation Commissions, TMA/TMO, contracted services). If any plan strategy offered by a third party service

provider is discontinued, the employer shall continue to implement the discontinued strategy or amend the plan.

- ~~iii. If any plan strategy offered by a third party service provider is discontinued, the employer shall continue to implement the discontinued strategy or amend the program.~~
- ~~iv.v. Deletion or substitution of any plan strategies is not allowed unless approved by the Executive Officer or designee in writing.~~
- ~~v. Unless otherwise stated, strategies must be implemented such that they are reasonably likely to improve a worksite AVR. Employers must continue to demonstrate a good faith effort toward achieving the AVR performance requirement. If a worksite AVR decreases, remains the same, or does not improve from the previously submitted Annual Program, the selection of strategies must be modified, the number of strategies increased, or an ECRP offset, AQIP, or emission reduction strategy be implemented.~~

A flow chart that identifies ~~showing~~ the good faith effort determination elements and the various rule options that employers may use to comply with the Rule requirements is shown in Figure-1
2.

Rule 2202 Requirements

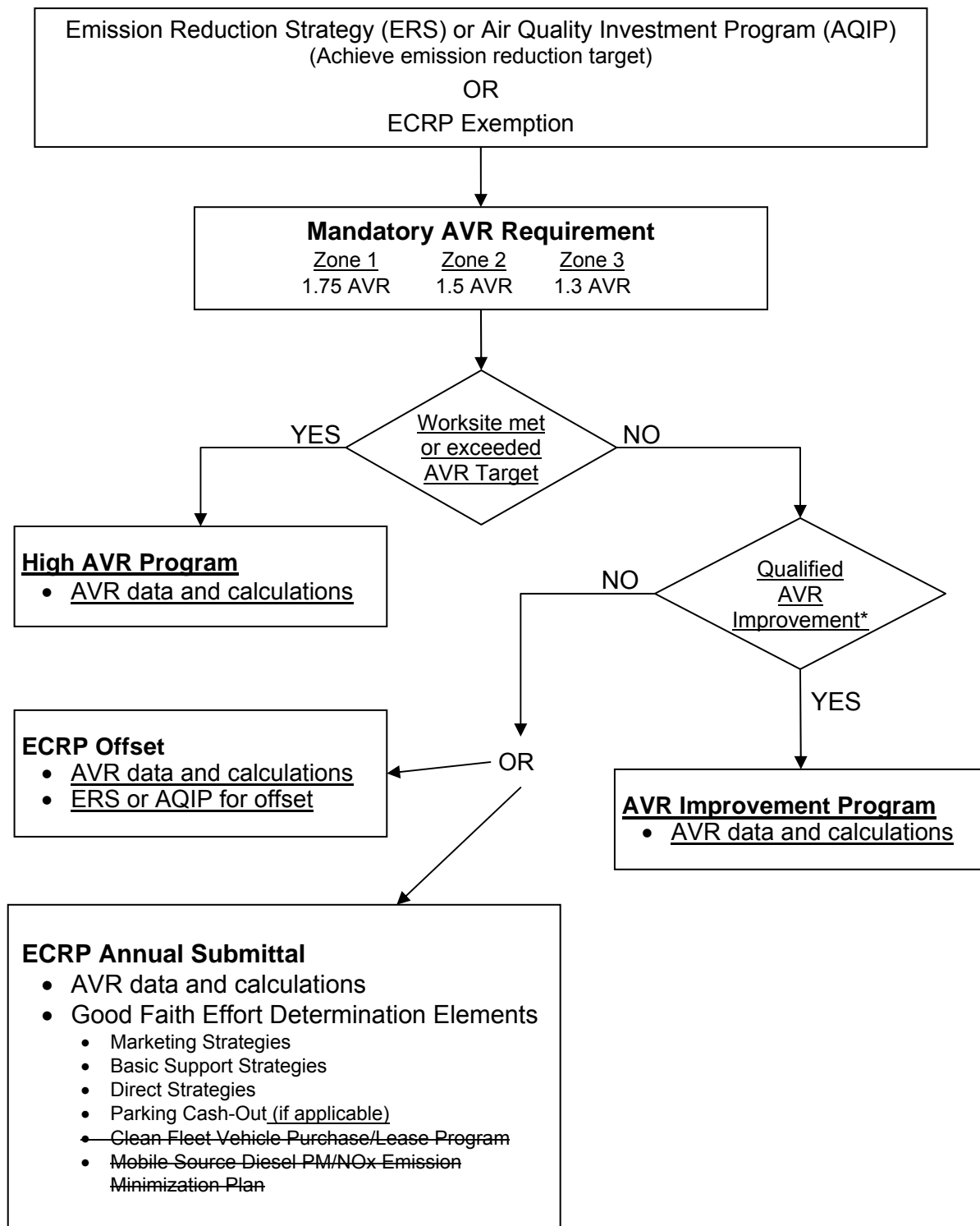


Figure 1.2. Rule 2202 Requirements – Compliance Flow Chart

F. GOOD FAITH EFFORT DETERMINATION ELEMENTS

Employers submitting an ~~Annual Program ECRP~~, who have not attained their target AVR, and are not submitting a High AVR or AVR Improvement Program plan, shall demonstrate that the elements for the required strategies in each of the ~~six~~ four (6 4) listed categories are implemented. Descriptions of each element can be found in section V. *Employee Commute Reduction Strategies*.

1. Marketing Strategies. Must include at least five (5) of the following strategies:
 - a. Attendance at a marketing class,
 - b. Direct communication by the highest ranking official,
 - c. Employer newsletter, flyer, announcements, memos or letters
 - d. Employer rideshare events,
 - e. New hire orientation,
 - f. Rideshare bulletin boards,
 - g. Rideshare website,
 - h. Rideshare meetings or focus group(s), or
 - i. Other marketing strategies that have been approved by the SCAQMD.
2. Basic Support Strategies. Must include at least five (5) of the following strategies:
 - a. Commuter Choice Programs,
 - b. Flex time schedules,
 - c. Guaranteed return trip,
 - d. Personalized commute assistance,
 - e. Preferential parking for ridesharers,
 - f. Ride matching services,
 - g. Transit information center, or
 - h. Other basic support strategies that have been approved by the SCAQMD.
3. Direct Strategies. Must include at least five (5) of the following strategies:
 - a. Auto services,
 - b. Bicycle program,
 - c. Compressed work week schedules,
 - d. Direct financial awards,
 - e. Discounted or free meals,
 - f. Employee clean vehicle purchase program,
 - g. Gift certificates,
 - h. Off-peak rideshare program,
 - i. Parking charge or subsidy program,
 - i-j. Parking cash-out/parking management (voluntary)
 - j-k. Points program,
 - k-l. Prize drawings,
 - l-m. Startup incentive,
 - m-n. Telecommuting,
 - n-o. Time off with pay,
 - o-p. Transit subsidy,
 - p-q. Vanpool program, or

~~e.r.~~ Other direct strategies that have been approved by the SCAQMD.

4. Parking Cash-out (if applicable).
- ~~5. Employer Clean Fleet Vehicles Purchase/Lease Program.~~
- ~~6. Mobile Source Diesel PM/NOx Emission Minimization Plan.~~

III. ADMINISTRATION OF THE ECRP

A. EMPLOYEE TRANSPORTATION COORDINATORS

Employers must designate an employee to serve as an Employee Transportation Coordinator (ETC) for each worksite with 250 or more employees or per Multi-Site program. This person must successfully complete an SCAQMD certified training- ETC certification course.

This training provides the individual with the necessary information to conduct the survey process, prepare and implement the program, market the program and track the program results.

Employers ~~having multiple worksites~~ submitting a multi-site program may designate an ETC at one worksite and designate On-Site Coordinators for all other worksites. The On-Site Coordinator is a person designated and instructed by the employer ~~and has to have~~ knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is ~~limited to~~ accountable for program implementation rather than plan development. The ETC or the On-site Coordinator must be at the worksite and available during normal business hours when the majority of employees are at the worksite.

In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement must be designated and trained. The SCAQMD must be notified of this change in writing by the employer within 12 weeks after the beginning of the absence.

~~The AQMD will hold periodic informational sessions regarding the most current information on rule provisions and administration of employee commute reduction programs. Attendance at these sessions is voluntary, but highly encouraged.~~

B. CONSULTANT EMPLOYEE TRANSPORTATION COORDINATOR

An employer may use a Consultant ETC in lieu of an ETC, provided the Consultant ETC meets the definition of an ETC and the same minimum certification requirements as the ETC. A Transportation Management Association/Transportation Management Organization (TMA/TMO) may be considered as a Consultant ETC provided its staff, acting in this capacity, meets the same ~~minimum~~ certification requirements as the ETC. As an alternative to having a Consultant ETC available during normal business hours, the employer shall designate an On-Site Coordinator for each worksite.

~~In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement must be designated and trained. The AQMD must be~~

~~notified of this change in writing by the employer within 12 weeks after the beginning of the absence.~~

C. ~~CENTRALIZED RIDESHARE SERVICE CENTER~~

~~The Centralized Rideshare Service Center (CRSC) is a strategy that may be used by employers submitting a Multi-Site program that will ECRP to provide equivalent services in lieu of having a certified person ETC at each worksite in the plan. Employers must have written approval from the SCAQMD prior to implementing a CRSC. The Request for approval must include information describing the CRSC in detail and show how it will provide equivalent ETC services to the specific worksite(s).~~

~~The Request for implementing a CRSC must have include the following elements:~~

- ~~a. Identification of the CRSC location;~~
- ~~b. Descriptions of the process of employee access to rideshare information and services, including an explanation of how it will provide services equivalent to having an ETC at each worksite;~~
- ~~c. Descriptions of how each worksite will market, implement and maintain records in a manner equivalent to having an ETC or On-Site Coordinator at the worksite;~~
- ~~d. Explanations of the ETC availability and accessibility to employees affected by the program; and,~~
- ~~e. Assurance that copies of all relevant supporting program materials is maintained at the CRSC, unless, upon written approval, other record retention arrangements have been made. Program materials include, but are not limited to, all marketing materials, flyers, brochures, pamphlets, schedules, and copies of the most recently approved Multi-Site ECRPs.~~

~~SCAQMD staff will review each request on a case by case basis to determine whether the CRSC meets the following criteria:~~

- ~~a. Identifies the CRSC facility location and demonstrates availability and accessibility to the ETC by all employees;~~
- ~~b. Demonstrates that the Multi-Site ECRP is adequately marketed and implemented at each specific all included worksites; and~~
- ~~c. Ensures that all other sites in the Multi-site program submittal have identified a worksite contact person who:
 - ~~i. Has knowledge of the employer's Multi-Site ECRP;~~
 - ~~ii. Has knowledge of the employer's marketing methods; and~~
 - ~~iii. Is available to meet with SCAQMD compliance staff.~~~~

~~D. TRAINING PROVIDERS~~

~~Training Providers for ETC training programs must be certified annually unless otherwise specified by the AQMD. In order to be certified, the training providers must meet or employ instructors that meet all of the following requirements:~~

- ~~a. A current certificate as an ETC;~~

- ~~b. A bachelor's degree in Transportation Planning, Urban Planning or a related field. If the degree is not in one of these fields, the successful completion of a TDM certification program or equivalent recognized by the AQMD may be substituted;~~
- ~~c. Two years of professional training experience and three years of managerial experience in Transportation Demand Management;~~
- ~~d. Knowledge of Rule 2202, related fee rules, and other AQMD on road transportation related rules; and,~~
- ~~e. Use of a curriculum for ETC Training programs certified by the AQMD that includes, at a minimum, the development, implementation, monitoring and marketing of ECRPs; recordkeeping requirements; AVR calculations; survey techniques; and an overview of air quality laws, rules, and regulations.~~

IV. SPECIAL PROCEDURES

A. EXTENSIONS

If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be requested from the SCAQMD. An employer may request an extension to the program due date under the following circumstances:

- ~~a. If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be requested from the SCAQMD. The request must be in writing, state the reason for the extension request, the length of time needed, and include the appropriate filing fee, as specified in Rule 308 (n) and Rule 313 (f)(4);~~
- b. All extension requests and fees must be received by the SCAQMD, no later than 15 calendar days prior to the program due date;
- c. Requests are considered on a case-by-case basis and are granted for reasons that are beyond the control of the employer shall include reasonable justification for extension request, such as, but not limited to, organizational restructuring, or the unforeseen long-term absence of an ETC;
- d. An employer may request an extension to the program due date after the program has been disapproved for the first time. The request must be received within 15 calendar days of the receipt of the program plan disapproval. The SCAQMD will inform the employer in writing within 15 calendar days of receipt of request, whether the extension has been granted;
- e. An employer may, upon receipt of a written objection to the terms of the proposed program by an employee, employee representative or employee organization; request a single extension of 30 calendar days. A copy of the written objection should be attached to the request. One such request shall be granted by the SCAQMD; no subsequent extension may be granted for this purpose; and
- f. Any change in the permanent due date that results in additional time to submit a program plan will be considered an extension of time and shall be subject to an the extension filing fee, as specified in Rule 308 (n) and Rule 313 (f)(4).

B. PROGRAM AMENDMENTS

An approved ECRP may be amended between program submittal dates by submitting a proposed program amendment in writing to the SCAQMD along with the applicable fee. Any change to the implementation of an approved program requires an written SCAQMD approved program revision. ~~Program changes which are in effect, including but not limited to change of employee transportation coordinator at the worksite, must be submitted in writing to the AQMD. Any change that affects the attainment of the AVR and requires evaluation by AQMD staff is subject to a per worksite amendment fee. The program amendment must include the following:~~

- a. Letter of explanation of proposed amendment signed by the highest ranking official;
- b. A copy of each affected strategy page from the last approved plan;
- c. A copy of each of the proposed replacement strategy pages; and,
- d. Applicable amendment fee as specified in Rule 308.

Employers proposing changes in strategies are encouraged to consider comparable ones that will continue making progress towards attaining the target AVR. ~~The Section V. Employee Commute Reduction Strategies,~~ identifies a number of strategies that ~~could can~~ be selected to substitute for those being changed. Any previously approved ECRP shall remain in effect ~~The amendment cannot be implemented until the amendment is approved by SCAQMD in writing. SCAQMD will either approve or disapprove the amendment within 90 calendar days of receipt. The amendment request must include the following:~~

- ~~a. Letter of explanation of proposed amendment signed by the highest ranking official.~~
- ~~b. A copy of each affected strategy page from the last approved plan.~~
- ~~c. A copy of each of the proposed replacement strategy pages.~~
- ~~d. Applicable amendment fee.~~

Amendment requests may be approved if the employer demonstrates to the satisfaction of the Executive Officer, or designee that the new strategy will result in an AVR which is equal to or better than the strategy it is replacing.

The amendment fees shall not apply when the amendment consists solely of ~~additional or enhanced strategies to the program~~ the addition of strategies to the program or improvements to the existing strategies of an approved program or when the strategy amendment is submitted at the same time as part of the Annual Program submittal. Improvements to existing strategies may include, but are not limited to, increased meeting frequency or increases to subsidy amounts.

C. CHANGE OF OWNERSHIP

In the case of ownership mergers, or change of ownership, the new owner must notify the SCAQMD of this change within 30 calendar days of the new ownership. The new employer, within 90 calendar days must submit a new ~~Annual Registration or Annual Program ECRP or other compliance option~~ to the SCAQMD which adheres to all provisions of Rule 2202 and Guidelines, or submit a letter which states they will continue to implement the program approved by the SCAQMD for the prior owner(s).

D. RELOCATION

Any employer relocating to a new worksite must notify the SCAQMD within 30 calendar days of the relocation. Relocations fall into two categories ~~and are explained below:~~

- a. Employers relocating within two miles of the previous worksite address may elect to continue to implement the most recently approved ~~Annual Program~~ ECRP or the employer may elect to submit a new ~~Annual Program~~ ECRP. The employer must inform SCAQMD of the preference in the notification of relocation letter.
- b. Employers relocating more than two miles from the previous worksite must submit a new ~~Annual Program~~ ECRP within 90 calendar days of the relocation.

Worksite relocations that occur over time are subject to applicability requirements as described in section I.B. Applicability and Rule 2202 (b).

E. DECLARED BANKRUPTCY

An employer who has declared bankruptcy for the official business or governmental operations of its organization or employer through a judicial court filing and confirmation process may request the SCAQMD grant a temporary waiver from complying with the requirements of this Rule. Upon demonstration of the filing and confirmation of bankruptcy, the SCAQMD will grant an exemption for the duration of bankruptcy, not to exceed two years; from the date of the waiver.

Employers shall submit an ECRP within 90 days of the bankruptcy waiver expiration unless they have submitted a written request for an exemption from the rule requirements pursuant to Rule 2202 (I)(1).

F. DECLARED STATE OF EMERGENCY

During a period of significant impairment of transportation systems associated with an event resulting in a local, state or federally declared state of emergency, the SCAQMD may approve programs or program amendments including strategies which decrease trips associated with any location in the SCAQMD, including locations other than a worksite included in the program. Such strategies may be included in any program and may be a substitution for measures contained in an approved program. In the event of substitution, the employer shall demonstrate that any decrease in AVR at a worksite subject to the program will be offset by trips reduced elsewhere in the SCAQMD.

~~G. ADDING WORKSITES TO A MULTI-SITE PROGRAM~~

~~A new worksite may only be added to a Multi-Site program submittal on the next annual submittal, or alternatively, may be filed as a single site submittal. Given the variety of employer situations, each Multi-Site program submittal will be evaluated individually and considered on a case-by-case basis.~~

H.G. PROGRAM DISAPPROVAL APPEALS

The SCAQMD has 90 calendar days to review the resubmitted Annual Program submittal. If the employer believes that the program meets the requirements of Rule 2202 and the Guidelines, and that the program was improperly disapproved, the employer may appeal the disapproval to the

SCAQMD Hearing Board in accordance with Rule 216 - Appeals. A petition for appeal of disapproval must be made within 30 calendar days after the employer receives the notice of disapproval.

I.H. DELAY PROGRAM REVIEW REQUEST

If an employer, employee, employee representative or employee organization requests a delay in action of program review, the request must be in writing to the SCAQMD within 30 calendar days of program submittal and cannot delay the period of time to exceed the 90th day after submittal.

V. -EMPLOYEE COMMUTE REDUCTION STRATEGIES

A. COMMUTE REDUCTION STRATEGIES

Below are the descriptions of the Good Faith Effort Determination Elements that employers can choose to implement. These strategies can be developed and implemented to meet the individual needs of employers in achieving the designated AVR target. Direct financial strategies are not required for program approval.

1. Auto Services - The employer provides auto services for employees participating in the commute reduction program. The employer must provide the type of service (e.g., oil changes, car washes, fuel, oil change, tune-up, repair certificate, etc), monetary value, frequency, eligibility, and minimum requirements to participate in the program.
2. Bicycle Program - The employer provides eligible employees, who commute by bicycle, unique incentives and tools only available to bicyclists and not offered elsewhere in the plan. Examples of incentives that can be included in a program are:
 - Bicycle matching/meetings;
 - Shoes, clothing, helmets, etc.;
 - Lockers, racks, etc.;
 - Bicycle repair services;
 - Tools or repair kits;
 - Discounts at local bicycle shops; or
 - Other bicycle related services.
3. Commuter Choice Programs - The employer provides a Commuter Choice tax benefits program, based on Section 132(f) of the federal tax code. This program allows employees to set aside pre-tax income for qualified commute modes. Section 132(f) covers transit, vanpool and bicycle benefits as well as qualified parking.
4. Compressed Work Week - A eCompressed wWork wWeek (CWW) schedule applies to employees who, as an alternative to completing the basic work requirements in five eight-hour workdays in one week, or ten eight-hour days in two weeks, are scheduled in a manner which reduces trips to the worksite. Employers must indicate if the CWW is offered to all employees, or eligible employees and the total number of employees participating in each type of CWW schedule. It is recommended, but not required, that employers implementing this strategy have a formal written policy on CWW schedules.

5. Direct Communication - Direct communication by the employer's highest ranking official at the worksite, to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program. This must occur, at a minimum, on an annual basis and may occur as electronic or written communication.
6. Direct Financial Awards - The employer, or other funding sources, provides eligible employees with cash subsidies for participation in the organization's commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
7. Discounted/Free Meals - The employer provides eligible employees with free or discounted meals for their participation in the commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
8. Employee Clean Vehicle Purchase/Lease Program - Encourage and offer incentives for employees who purchase or lease partial zero emission vehicles (PZEV), advance technology PZEV (AT-PZEV), or zero emission vehicles (ZEV) (e.g., credit union loan rate discounts, financial incentives).
10. Employee Newsletter, Flyer, Announcements, Memos or Letters - A communication tool to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program that is updated and distributed, at a minimum, on a quarterly basis. If provided electronically, an update or notice must be sent to all employees of the communication's availability.
11. Employee Rideshare Events - Employer sponsored events which promote rideshare opportunities that occurs, at minimum, annually.
12. Flex Time - The employer permits employees to adjust their work hours in order to accommodate public transit schedules or rideshare arrangements. Ideally, employers would have a formal written policy on Flex Time. Do not select this strategy unless flex time is linked to your rideshare program.
13. Gift Certificates - The employer or other funding source provides eligible employees with gift certificates for participation in the commute reduction program. The employer must provide the certificate's monetary value, frequency, eligibility, and minimum requirements to participate in the program.
14. Guaranteed Return Trip - The employer provides eligible employees with a return trip to the point of commute origin, when a need for the return trip arises. This need may be a personal emergency, an unplanned situation, or business-related activities (such as overtime). The employer needs to indicate if this service would be provided by employer vehicle, rental car, taxi, another employee, TMA/TMO, or other entities.
15. Marketing Class - The ETC attends a marketing class within 12 months prior to plan submittal. Proof of attendance must be ~~submitted~~included along with the ~~Annual Program~~ submittal. The marketing class may include, but is not limited to:
 - Development of a communication/marketing plan;
 - Development of marketing materials;
 - Development of presentation materials;

- Use of existing programs (e.g., Rideshare Week, rideshare fairs, etc.); and
 - Fundamentals of marketing (including promotion techniques and consumer behavior).
16. New Hire Orientation – The employer provides newly hired employees an ~~explanation~~ overview of alternative commute ~~modes~~ options and employer incentives to promote and encourage participation in a rideshare program.
17. Off Peak Rideshare Program - The employer may voluntarily expand their commute reduction program to include employees who commute outside of the peak window.
18. Other Strategy(ies) - The employer can provide many types of strategies designed to encourage solo commuters to participate in the employee commute reduction program under each strategy heading. These strategies can include, but are not limited to, educational programs, use of clean fuel vehicles for commuting, employer vehicles for ridesharing, carsharing, mobility hub services, rideshare clubs, on-site amenities, electric vehicle infrastructure, voluntary worksite transfers, or the use of TMA/TMO services. Employers who list more than one strategy may receive credit for each individual strategy.
19. Parking Charge/Subsidy - A parking fee is charged to employees who drive alone to the worksite and/or in exchange. ~~The employers~~ may provide a subsidy to employees that can be used for the cost of alternative transportation modes. The employer must provide the monetary value of the charge/subsidy, frequency, eligibility, and minimum requirements to participate in the program. Employers who implement a Parking Charge/Subsidy strategy cannot claim credit as a Parking Cash-out program unless both are independent strategies.
20. Parking Cash-Out/Parking Management Strategies – The employer may voluntarily choose to offer a cash allowance to an employee, at a minimum equivalent to the parking value that the employer would otherwise pay to provide the employee with a parking space as described in the provisions of the Health and Safety Code §43845. Employers may select this strategy as a Good Faith Determination Element provided they are not legally obligated to implement this requirement.
- ~~20~~21. Personalized Commute Assistance - The employer provides personalized assistance such as transit itineraries, carpool matching and personal follow-up to employees. Examples of ways an employer can provide this service to employees are:
- Organize carpool/vanpool formation meeting(s).
 - Assist in identifying park and ride lots.
 - Assist in identifying bicycle and pedestrian routes.
 - Assist in providing personalized transit routes and schedule information.
 - Provide personalized follow-up assistance to maintain participation in the commute reduction program.
- ~~21~~22. Points Program - Employees earn points for each day of participation in the employer’s commute reduction program. Points are redeemed for such rewards as time off, gift certificates, cash or merchandise. The employer must provide the monetary value of the points, frequency, eligibility, and minimum requirements to participate in the program.
- ~~22~~23. Preferential Parking for Ridesharers - The employer provides eligible employees with preferential parking spaces to park their vehicles. These spaces must be clearly posted or

marked in a manner that identifies them for carpool or vanpool use only. The employer shall provide, at a minimum, the following information:

- Number of preferential parking spaces,
- Minimum number of persons per vehicle required to be eligible,
- Minimum number of days or percentage of ridesharing required to be eligible, and
- Method of vehicle identification (e.g., tags, stickers, or license plate number).

~~23~~24. Prize Drawings - The employer provides eligible employees, at a minimum, quarterly, with a chance to win prizes for participation in the commute reduction program. The employer must provide the monetary value of the prizes, frequency, eligibility, and minimum requirements to participate in the program.

~~24~~25. Rideshare Bulletin Board - A physical display with materials that encourage and promote rideshare participation, publicizes incentives and, provides information about the employer's rideshare program. The bulletin board should be in a location that would be most likely viewed by the majority of ~~the~~ employees and must contain different information than the Transit Information Center. It may be necessary to have more than one bulletin board depending on the size of the worksite or employee population.

~~25~~26. Rideshare Matching Services – The employer provides, at a minimum, annually, rideshare matching services, zip code lists, or assistance in finding commute alternatives for all employees. The employer must indicate how and when employees are matched (e.g., during new hire orientation, as part of the employer's annual AVR survey, or on demand). The employer must also indicate how the service is provided to employees, such as:

- Employer based system,
- Regional commute management agency,
- TMA/TMO system,
- Zip code lists/maps, and/or
- Outside service (e.g., consulting services).

~~26~~27. Rideshare Meetings / Focus Groups - Meetings conducted with employees, at a minimum, semi-annually, to solicit input on commute behavior, incentives to rideshare, and to discuss ways to overcome the constraints to participating in alternative commute modes. These meetings may also be used to introduce employees who live in similar areas to foster the development of carpools and vanpools.

~~27~~28. Rideshare Website – An employer's website that is designed to act as a repository for information on the rideshare plan, that is updated, at a minimum, quarterly and is readily accessible to all employees. Employers may also implement other social marketing ~~websites—applications~~ that are administered by the employer for the purposes of encouraging site specific employee trip reductions. At a minimum, quarterly notices must be given to the employees about the availability of the web site.

~~28~~29. Startup Incentives - Incentives designed to reward solo commuters for joining a carpool ~~or~~, vanpool, or ~~using~~ other alternative commute modes, and are generally provided over a short period of time. The employer must provide the monetary value of the incentives, frequency, eligibility, duration, and minimum requirements to participate in the program.

~~29~~30. Telecommuting - Telecommuting means working at home, off-site, or at a telecommuting center for a full workday that eliminates the trip to work or reduces travel distance to the worksite by more than ~~50~~ 51%. Ideally, employers would have a formal written policy on telecommuting. Employers must state if telecommuting is offered to all employees or eligible employees/units, the total number of employees participating in the program, the number of days per week employee²s work at home or at a satellite work center, if a formal written policy exists, and if any training/orientation sessions are held in support of the program.

~~30~~31. Time Off With Pay - The employer provides eligible employees additional time off with pay for participation in the commute reduction program. The employer must provide the monetary value of the incentive, the amount of earned time off, frequency, eligibility, and minimum requirements to participate in the program.

~~31~~32. Transit Information Center - The employer provides a transit information center that makes available general transit information and/or the on-site sale of public transit passes, tickets or tokens to the worksite employees. At a minimum, the information must be updated quarterly.

~~32~~33. Transit Subsidy - Employers pay for all, or part, of the cost of commuting by local mass transit, commuter rail, train, or other public transit. The employer must provide the monetary value of the transit subsidy, frequency, eligibility, and minimum requirements to participate in the program.

~~33~~34. Vanpool Program - The employer provides eligible employees with a vanpool program designed to encourage the use of existing vanpools or the development of new vanpools. The employers must provide, ~~at a minimum, the following information:~~

- Total number of vans participating in the program;
- If the vans are employer owned or leased vans;
- If the vans are third-party owned or leased vans;
- If the vans are employee owned or leased vans;
- Amount and type of subsidies provided for insurance;
- Amount and type of subsidies for fuel and/or maintenance;
- If empty seats are subsidized, and value and length of time this subsidy is offered; and,
- Any other benefit unique to vanpoolers that is not duplicated elsewhere in the ~~plan~~ECRP submittal.

B. PARKING CASH-OUT PROGRAM

Employers who are subject to the parking cash-out provisions of the Health and Safety Code §43845 shall implement a parking cash-out program pursuant to the Health and Safety Code when the worksite ~~Annual Program~~ ECRP has not achieved the AVR target ~~performance requirement~~ and the current AVR fails to show an overall improvement in comparison to the previously submitted ~~Annual Program~~ ECRP.

This parking cash-out requirement shall remain in effect until January 1, 2016, at which time the Executive Officer will evaluate the effectiveness of the parking cash-out program to determine if it should be continued, with recommendation back to the Governing Board.

~~Parking cash-out is a program where requires that employers offer a cash allowance to employees; in lieu of a parking space that when the employer would otherwise pay to provide the employee with a parking space. Parking cash-out applies to worksites where the employer leases employee parking, the parking lease is not included or bundled in the building lease, and the employer is able to reduce the number of parking spaces without penalty.~~

All employers subject to Health and Safety Code §43845 have a legal obligation to comply with state law regardless of whether an employer incorporates parking cash-out as one of the strategies in Rule 2202.

~~C. EMPLOYER CLEAN FLEET PURCHASE/LEASE PROGRAM~~

~~When acquiring cars and light duty or medium duty trucks by purchase or lease for employer vehicle operations in the AQMD, employers who operate fleet vehicles, shall agree to acquire vehicles that have emissions that are equivalent to or better than super low emission vehicles (SULEV) medium-duty trucks, ultra low emission vehicle (ULEV) passenger car, or ULEV light-duty trucks, which meet CARB guidelines. Employers shall submit an employer clean fleet plan form provided by the AQMD, if the employer operates fleet vehicles.~~

~~Rule 1191—Light and Medium Duty Public Fleet Vehicles definitions for passenger car, light-duty, medium-duty, and heavy-duty vehicles are applicable for purposes of this strategy. Acquired fleet vehicles can include vehicles that have been purchased, leased or donated, either new or used. For the purpose of this provision, fleet is defined as 4 or more vehicles and a vehicle lease is for a term exceeding four consecutive months (California Vehicle Code §371 *et seq.*).~~

~~The provisions of this strategy shall not apply to the following:~~

- ~~a. Emergency or rescue vehicles operated by local, state, and federal law enforcement agencies, police and sheriff's department, fire department, hospital, medical or paramedic facilities, and used for responding to situations where potential threats to life or property exist, including but not limited to fire, ambulance calls, or life saving calls as defined in Section 165 of the California Vehicle Code and are equipped with red lights and sirens;~~
- ~~b. Vehicles used by law enforcement agencies for the purposes of surveillance or undercover operations;~~
- ~~c. Heavy-duty on-road vehicles;~~
- ~~d. Employer fleets consisting of evaluation or test vehicles provided or operated by vehicle manufacturers for testing or evaluation, exclusively;~~
- ~~e. Specialized vehicles that incorporate specially designed safety and security features for the protection of employees during transit;~~
- ~~f. Non-passenger car military vehicles;~~
- ~~g. Employers currently subject to Rule 1191 shall be deemed in compliance with this provision;~~
- ~~h. Donated vehicles for the first 180 days of inclusion in the employer's fleet. At the end of 180 days employers may include the vehicle into their fleet only if it meets the emission standard requirement of this section; or~~

- i. ~~If no complying vehicles are available or suitable for use due to non availability or performance requirements, the Executive Officer may approve the use, on a case by case basis, of non SULEV or better vehicles.~~

~~D. MOBILE SOURCE DIESEL PM/NO_x EMISSION MINIMIZATION~~

~~Employers shall submit a diesel PM/NO_x emission minimization plan form provided by the AQMD, if the annual plan submittal includes 1,000 or more window employees, the employer owns or operates on site off road mobile diesel equipment that operates exclusively at the worksite, and the equipment is located more than 12 consecutive months at the worksite. For multi-site employers this provision only applies to those individual sites with 1,000 or more window employees. Examples of on-site off-road mobile sources include, but are not limited to, yard hostlers, forklifts, riding lawnmowers, maintenance vehicles, tractors, or man lifts.~~

~~When implementing this strategy the following requirements apply:~~

- a. ~~The employer shall submit a triennial diesel emission audit report that includes, at a minimum, an inventory of mobile diesel equipment, fuel usage, and use of control technologies, if any (e.g., clean fuels, engine modification, and after-treatment equipment). Triennial reports are due the same time as the employer's Annual Program submittal.~~
- b. ~~The employer shall implement technically feasible control strategies as identified in the plan approved by the Executive Officer or designee, provided the sum of the annualized capital costs and the annual operating and maintenance costs do not exceed the cost per number of window employees, according to the following schedule:~~

**Mobile Source Diesel Emission Minimization Plan
Maximum Cost per Worksite**

Number of Window Employees	Maximum Cost
1,000-1,499	\$9,000
1,500-1,999	\$13,400
2,000-2,499	\$17,900
2,500-2,999	\$22,400
3,000-3,499	\$26,900
3,500-3,999	\$31,400
4,000-4,499	\$35,800
4,500-4,999	\$40,300
5,000-5,499	\$44,800
5,500-5,999	\$49,300
6,000-6,499	\$53,800
6,500-6,999	\$58,200
7,000-7,499	\$62,700
7,500-7,999	\$67,200
8,000-8,499	\$71,700
8,500-8,999	\$76,200
9,000-9,499	\$80,700
9,500-9,999	\$85,100
10,000 and up	\$89,600

- e. ~~AQMD staff will conduct technical feasibility and cost analysis in consultation with employers. Feasible minimization strategies shall be identified as conditions in the approved plan. Employers shall implement the plan expeditiously, but not later than two years from the date of the Diesel Emission Minimization plan's approval.~~
- d. ~~In conducting the cost analysis, the following methodology will be followed. The cost of a diesel emission control technology consists of capital costs and/or annual operating and maintenance costs. Capital costs will be annualized over the equipment life or a ten year default life may be applied with a 4% real interest rate. Capital costs are one-time costs; examples include the price of control equipment, engineering design, and installation, if applicable. Operating and maintenance costs are annual recurring costs and include expenditures on utilities, labor, and material costs associated with control equipment operation.~~

The cost analysis is calculated according to the following equation:

$$\text{Annualized Project Cost} = (\text{Capital Cost} * \text{CRF}) + \text{O\&M}$$

Where:

Capital Cost = One-time cost of the equipment, design, and installation.

CRF = Capital Recovery Factor. For a 10-year default life with a 4% real interest rate the CRF is 0.123.

O&M = Operation and maintenance cost for 1 year.

Typical capital costs and operating and maintenance costs for off-road emission control strategies are listed below:

Capital Costs	Operating & Maintenance Costs
Purchased Equipment/Device Cost <ul style="list-style-type: none"> ● New Off Road Vehicles ● New Diesel Engines ● Alternative Fueling Stations ● Diesel Particulate Filters ● Engine Catalysts Direct & Indirect Installation Costs <ul style="list-style-type: none"> ● Engineering/Design ● Construction 	Fuel Costs Labor Costs for Maintenance Maintenance Materials Replacement Parts Any Savings

Only the incremental costs between new and existing equipment/devices should be accounted for.

- e. Employers may appeal the conditions of diesel minimization plan to the Hearing Board pursuant to Rule 216 Appeals.
- f. The approved plan shall be subject to provisions of Rule 221 Plans.

VI. GLOSSARY

1. AGGREGATE AVR means the weighted average AVR of an employer that has several different worksites within the same AVR Performance Zone that are included within one Employee Commute Reduction Program.
- ~~2. ANNUAL PROGRAM means a form submittal that contains AVR survey results, a plan to achieve the performance requirement for the worksite, and an agreement to continue implementing the Employee Commute Reduction Program.~~
- ~~3.2. AVERAGE VEHICLE RIDERSHIP (AVR) is the current number of employees that begin work during the window for calculating AVR divided by the number of vehicles arriving at the worksite during the same window.~~
- ~~4.3. AVR CALCULATION means the numerical method used to determine the worksite's AVR, calculated to two decimal places, in accordance with these guidelines.~~
- ~~5.4. AVR DATA COLLECTION METHOD is a method for gathering employee commute mode data needed to calculate an employer's AVR.~~
- ~~6.5. AVR PERFORMANCE ZONE is a geographic area that determines the average vehicle ridership performance requirement or target for a worksite pursuant to the map in Attachment I of this guideline. The AVR Performance Zones are as follows:
Zone 1: 1.75 AVR
Zone 2: 1.5 AVR
Zone 3: 1.3 AVR~~
- ~~7.6. AVR WINDOW is the period of time, Monday through Friday between the hours of 6:00 a.m. and 10:00 a.m. used to calculate AVR in accordance with these guidelines. AVR Window, as applied to businesses operating seven days a week, is the period of time, Sunday through Saturday between the hours of 6:00 a.m. and 10:00 a.m., used to calculate AVR in accordance with these guidelines. Employers using an alternative window or week must have written AQMD approval prior to the annual survey.~~
- ~~8.7. CARPOOL is a vehicle occupied by two to six people traveling together between their residences and their worksites or destinations for the majority 51% of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority 51% of the total trip distance.~~
- ~~9.8. CENTRALIZED RIDESHARE SERVICE CENTER (CRSC) is a strategy that may be used by employers submitting Multi-Site programs that will provide equivalent services in lieu of having a trained ETC and implementation records at each worksite.~~
- ~~10.9. COMPLIANCE YEAR is the time period beginning when an Annual Program ECRP is approved until a new Annual Program ECRP is approved. Program amendments and extensions do not affect the compliance year.~~
- ~~11.10. COMPRESSED WORK WEEK (CWW) applies to employees who as is an alternative schedule used to completing complete basic work requirements in five eight-hour workdays in one week, or 10 eight-hour workdays in two weeks, are scheduled in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules for~~

this Rule are, but not limited to, 36 hours in three days (3/36), 40 hours in four days (4/40), or 80 hours in nine days (9/80).

- ~~12.~~11. CONSULTANT ETC means a person that meets the definition of and serves as an ETC at a worksite other than the Consultant's employer.
- ~~13.~~12. DIRECT FINANCIAL AWARD means an employee commute reduction strategy in which the employer awards cash, prizes, or items of cash value subsidies to an employee for specified rideshare behavior.
- ~~14.~~13. DISABLED EMPLOYEE means an individual with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle.
- ~~15.~~ EMERGENCY OR RESCUE VEHICLE means any vehicle defined in Section 165 of the California Vehicle Code and is equipped with red lights and sirens as defined in Sections 30, 25269, and 27002 of the California Vehicle Code.
- ~~16.~~14. EMPLOYEE means any person employed full or part-time by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. This term excludes the following: seasonal employees, temporary employees, volunteers, field personnel, field construction workers, and independent contractors.
- ~~17.~~15. EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP) means an Annual Program, under the Employee Commute Reduction Program option, submitted to the SCAQMD, in accordance with these guidelines.
- ~~18.~~16. EMPLOYEE TRANSPORTATION COORDINATOR (ETC) is an employee who has completed an SCAQMD certified training course and has been appointed to develop, market, administer, and monitor the Employee Commute Reduction Program at a single worksite. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite.
- ~~19.~~17. FEDERAL FIELD AGENT means any employee who is employed by any federal entity whose main responsibility is National Security and performs field enforcement and/or investigative functions. This does not include employees in non-field or non-investigative functions.
- ~~20.~~18. FIELD CONSTRUCTION WORKER means an employee who reports directly to work at a construction site.
- ~~21.~~19. FIELD PERSONNEL means employees who spend 20 percent or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up and dispatch of an employer-provided vehicle.
- ~~22.~~ FLEET VEHICLES means, for purposes of this rule, any vehicles including passenger cars, light duty trucks, and medium duty on road vehicles, owned or leased by an employer that totals four (4) or more vehicles.
- ~~23.~~ HIGH AVR NO FAULT INSPECTION is a No Fault Inspection available only to worksites that reach or exceed their designated AVR. ~~Worksites that pass this inspection will have their current plan filing fee reduced and are eligible for minimal filing requirements.~~
- ~~24.~~20. HOLIDAYS are those days designated as National or State Holidays that shall not be included in the AVR survey period.

- ~~25.21.~~ INDEPENDENT CONTRACTOR means an individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.
- ~~26.~~ LEASE, for purposes of the ~~Employer Clean Fleet Purchase/Lease Program~~, is a contract for the temporary use of a vehicle for a term exceeding four consecutive months pursuant to California Vehicle Code §371 et seq.
- ~~27.22.~~ LOW-INCOME EMPLOYEE means an individual whose salary is equal to, or less than, the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden.
- ~~28.23.~~ MULTI-SITE EMPLOYER means any person(s), firm, business, educational institution, non-profit agency or corporation, government agency or other entity which has more than one worksite located within the South Coast Air Basin SCAQMD where 250 or more employees report to ~~a~~ each worksite.
- ~~29.24.~~ MULTI-SITE PROGRAM means ~~a single~~ an Employee Commute Reduction Program submitted to the SCAQMD to comply with these guidelines that encompasses more than one worksite within a single AVR Performance Zone that belongs to a multi-site employer.
- ~~30.~~ NO FAULT INSPECTION is ~~a pre arranged worksite employee commute reduction program compliance inspection that is initiated by the employer or the employer representative and is conducted by AQMD compliance staff, without penalty for non-compliance.~~
- ~~31.25.~~ NONCOMMUTING AVR CREDIT applies to employees who arrive at the worksite during the window for calculating AVR, and remains at the worksite or out of the SCAQMD's jurisdiction for a full 24 hour period or more to complete work assignments.
- ~~32.26.~~ OFF PEAK COMMUTE TRIP is a commute trip that occurs outside the peak commute window of 6:00 a.m. - 10:00 a.m., Monday through Friday.
- ~~33.27.~~ ON-SITE COORDINATOR is a person who has been designated by the employer as ~~an "On-Site Coordinator"~~ such and has knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is limited to program implementation rather than program development.
- ~~34.28.~~ PARKING CASH-OUT is a program where an employer offers to provide a cash allowance to an employee, at a minimum equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space pursuant to the provisions of the Health and Safety Code ~~Section~~ §43845.
- ~~35.29.~~ PART-TIME EMPLOYEE means any employee who reports to a worksite ~~on a part-time basis~~ fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability; and for AVR calculations of the employer, provided the employees begin work during the window for calculating AVR.
- ~~36.30.~~ POLICE/SHERIFF means any employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are ~~only~~ police officers

and sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions.

~~37.~~31. SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.

~~38.~~32. STRATEGY means an ~~e~~Employee ~~e~~Commute ~~r~~Reduction ~~p~~Program element developed, offered and/or implemented by employers for the purpose of encouraging employees to use alternative modes of transportation other than single occupant vehicles when reporting to work during the ~~employer's~~ window.

~~39.~~33. STUDENT WORKER means a ~~student person~~ who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for rule applicability and if they begin work during the 6:00 a.m. - 10:00 a.m. window are counted for AVR calculation.

~~40.~~34. TELECOMMUTING means working at home, off-site, at a satellite office or at a telecommuting center, for a full workday that eliminates the trip to work or reduces travel distance by more than ~~50~~ 51 percent.

~~41.~~35. TEMPORARY EMPLOYEE means any person employed by an employment service or agency that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.

~~42. TOTAL SURPLUS VEHICLE REDUCTIONS (TSVR) is the sum of the surplus daily commute vehicle reductions that exceeds the designated AVR, at each worksite included in a Multi-Site program.~~

~~43. TOTAL VEHICLE REDUCTION SHORTFALL (TVRS) is the sum of the additional daily commute vehicle reductions needed to attain the designated AVR, at each worksite included in a Multi-Site program.~~

~~44.~~36. TRANSIT is a shared passenger transportation service which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without private arrangement. Transit include buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

~~45.~~37. TRANSPORTATION MANAGEMENT ASSOCIATION OR TRANSPORTATION MANAGEMENT ORGANIZATION (TMA/TMO) means a ~~private~~ non-profit association that has a financial dues structure joined together in a legal agreement for the purpose of achieving mobility and air quality goals and objectives within a designated area.

~~46. TRAINING PROVIDER means a person(s), firm, business, educational institution, non-profit agency, corporation, or other entity which meets the minimum guideline qualifications and is certified by the AQMD to provide training to ETCs.~~

~~47.~~38. VANPOOL is a vehicle occupied by seven to 15 people traveling together between their residences and their worksites or destinations for ~~the majority~~ 51% of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included

within this definition as long as they are in the vehicle for ~~the majority~~ 51% of the total trip distance.

~~48.39.~~ 49.39. VEHICLE TRIP is ~~based on~~ determined by the means of transportation used for the greatest distance of an employee's home-to-work commute trip for employees who begin work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:

Single-occupant vehicle = 1

Carpool = 1 divided by number of people in carpool

Vanpool = 1 divided by number of people in vanpool

Motorcycle, moped, motorized scooter, motor bike = 1 divided by number of people on bike

Public transit = 0

Bus pool = 0

Bicycle = 0

Walking and other non-motorized transportation modes = 0

Non-commuting = 0

Telecommuting = 0 on days employee is telecommuting for the entire day

Compressed Workweek = 0 on employee's compressed day(s) off

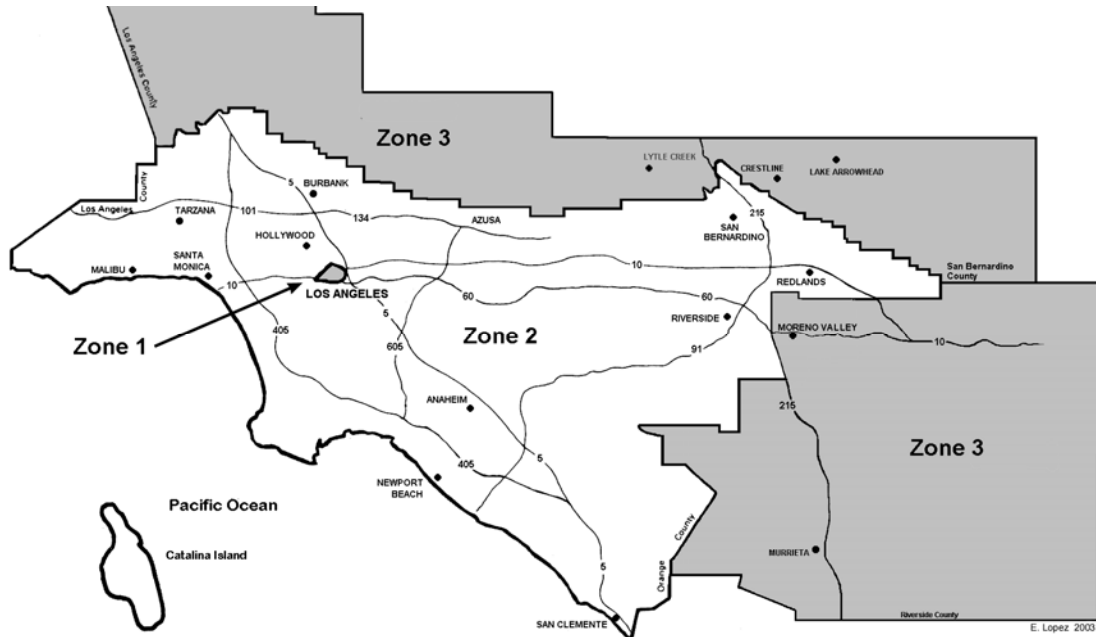
Zero-emission vehicles = 0

~~49.40.~~ 50.40. VOLUNTEER means any person(s) at a worksite who, of their own free will, provides goods or services, without ~~any~~ financial gain.

~~50.41.~~ 51.41. WORKSITE means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single worksite, even if they do not have the above characteristics, if they are located within a 2 mile radius and are in the same AVR Performance Zone.

~~51.42.~~ 52.42. WORKSITE EMPLOYEE THRESHOLD means 250 employees employed at a single worksite for the prior consecutive six month period calculated as a monthly average, and 33 or more employees scheduled to report to work during the window any one day during the prior consecutive 90 days.

VIII. ATTACHMENT I



AVR PERFORMANCE ZONES

- A worksite's AVR Performance Zone depends on its location.
- District's Source/Receptor Areas are shown in Attachment 3 of Rule 701 - Air Pollution Emergency Contingency Actions.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the SCAQMD's Source/Receptor Area 1.
- **Zone 2** corresponds to the SCAQMD's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Zone 1 - Central City Area.
- **Zone 3** corresponds to the SCAQMD's Source/Receptor Areas 13, 15, 24 through 31, and 36 through 38.

