



Proposed Amended Rule 2202

On-Road Motor Vehicle Mitigation Options

Public Workshop

June 20, 2023

Join Zoom Webinar Meeting

<https://scaqmd.zoom.us/j/94339030649>

Webinar ID: 943 3903 0649

Teleconference Dial-In: (669) 900-6833

Agenda

- Background
- Proposed Amended Rule 2202
- Proposed Amended Rule 2202 Implementation Guidelines
- Proposed Amended ECRP Guidelines
- Impact Assessments
- Next Steps



Rule 2202 Background

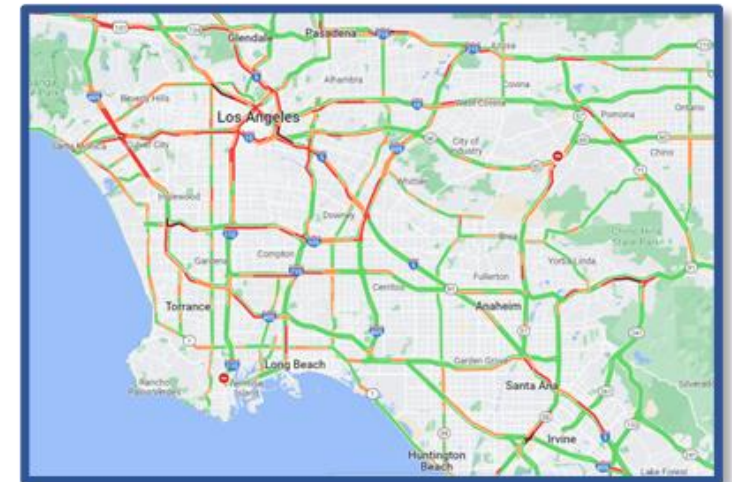
Rule 2202 Background

Rule 2202 provides employers with a menu of options to reduce mobile source emissions from employee commute trips

- Worksite commute program originated in 1980's with Rules 1501 and 1501.1 (repealed in 1995)
- Rule 2202 adopted in 1995 and last amended in 2014
- 2022 Air Quality Management Plan (AQMP) includes control measure MOB-14 to amend Rule 2202
 - Further incorporate telecommuting and other strategies
 - Passenger vehicles are a top ten category for NO_x and VOC

Rule 2202 Applicability

- Employers with 250+ employees must register annually
- Includes approximately 1,200 worksites with over 650,000 peak-window employees



Rule 2202 Compliance Options

1. Air Quality Improvement Program (AQIP):

Employer pays a fee per employee arriving at the worksite

- Funds used for mobile source emission reduction projects (using Carl Moyer program applications)

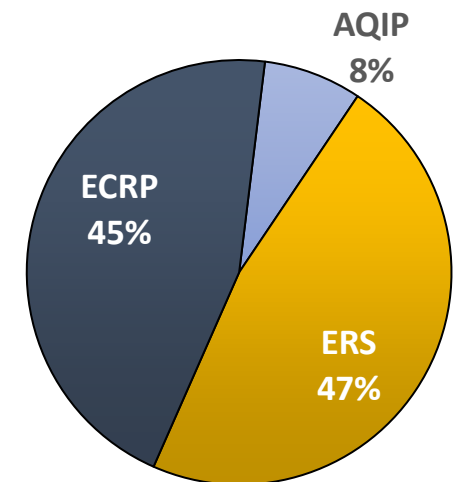
2. Emission Reduction Strategies (ERS):

Employer purchases emission reduction credits from a credit vendor and surrenders these to South Coast AQMD to meet an emission reduction goal

3. Employee Commute Reduction Program (ECRP):

Worksite develops and implements a rideshare program to meet Average Vehicle Ridership targets

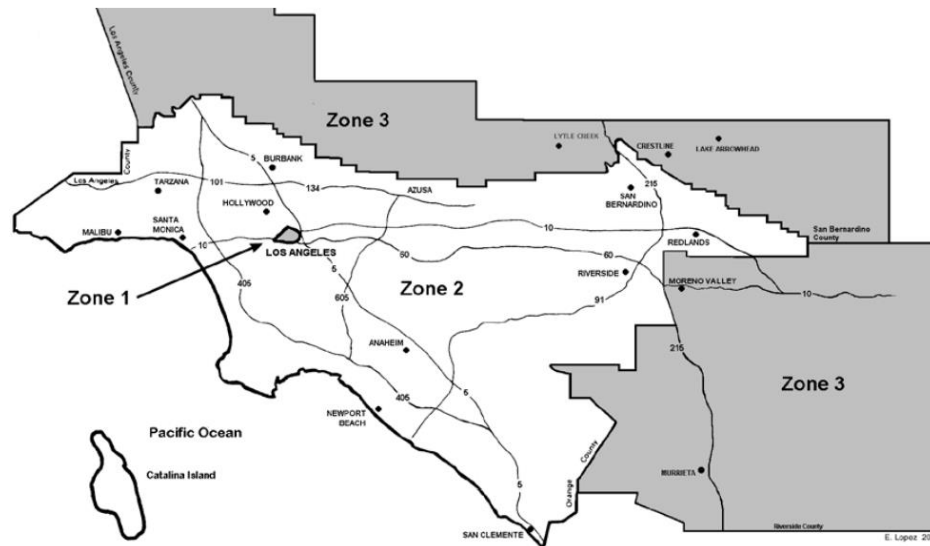
- $AVR = \text{total number of employee trips} / \text{total number of vehicle trips}$ (measured via survey)
- AVR targets vary throughout air basin



**Worksite
Compliance Choices**

Rule 2202 Performance Zones

$$\text{Average Vehicle Ridership} = \frac{\text{total number of employee trips}}{\text{total number of vehicle trips}}$$



PERFORMANCE ZONES

AVR determined by employee survey
Worksite surveys employees for one week
to determine transportation mode

AVR target per zone

Zone 1: 1.75

Zone 2: 1.5

Zone 3: 1.3

Two-Phase Process to Amending Rule 2202

Phase 1 August 2023

- Require limited new data collection and reporting to inform Phase 2 rulemaking
- Administrative rule cleanup and streamlining

Phase 2 2025-2026 *(rulemaking to begin in 2024)*

- Consider using VMT as primary metric within rule
- Reassess performance zones and targets to factor in new high quality transit areas and travel patterns
- Evaluate compliance options for zero emission passenger vehicles and supporting infrastructure
- Evaluate continued use of credit options for compliance
- Modify rideshare program requirements and reporting

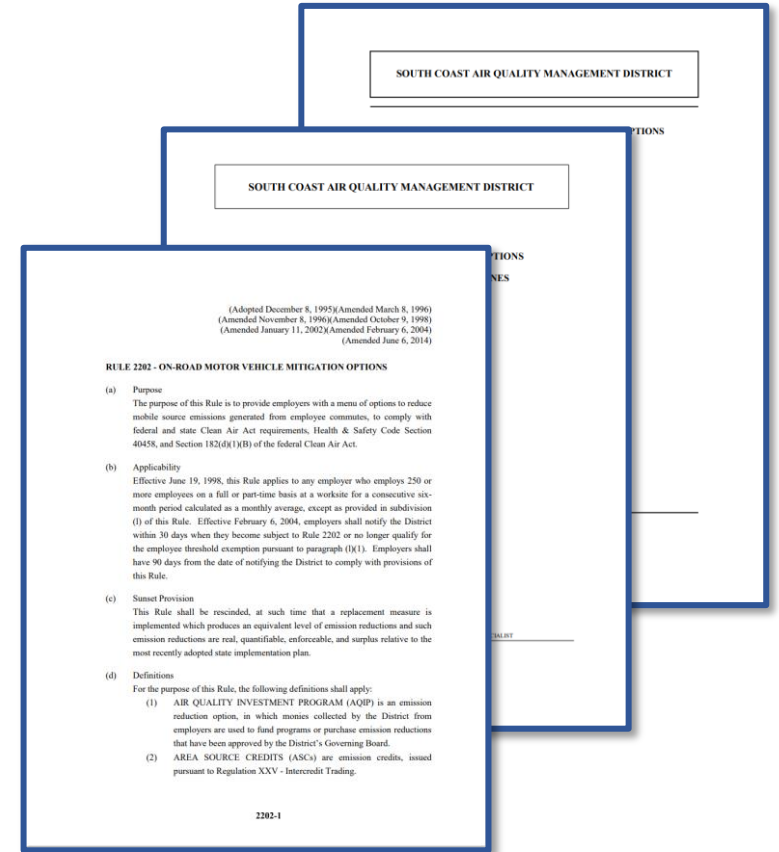
PAR 2202 Summary- Phase 1 Overall Concept

1. Collect new data to inform Phase 2 Rulemaking (reporting requirements to start July 2024)

- New data reporting required from all worksites
 - Vehicle Miles Traveled (VMT) – zip codes or survey data
 - Telecommuting worksheet
 - Worksite categorization (business/industry type)

2. Administrative cleanup/streamlining for rule implementation

- Guidance document revisions
- Specific ECRP strategies updated
- Update AVR survey form and compliance documents



PAR 2202 Amendment Process

- Four working groups were conducted with 150+ stakeholder attendees
 - February 23, 2023, March 22, 2023, May 3, 2023 and May 31, 2023
- May 19, 2023- Staff presented PAR 2202 to Mobile Source Committee and published the Preliminary Draft package for public review and comment
- Set Hearing held June 2, 2023
- Meetings held with stakeholder groups throughout entire process
- Governing Board Hearing- August 4, 2023

Preliminary Draft Staff Report and Preliminary Draft Rule Documents

May 19, 2023- Staff released PAR 2202 Preliminary Draft Staff Report, Preliminary Draft Rule Language, and Preliminary Draft Guideline Documents

- [Preliminary Draft Staff Report](#), [Preliminary Draft Rule Language](#), [Preliminary Draft Rule 2202 Implementation Guidelines](#), [Preliminary Draft ECRP Guidelines](#), and the [Notice of Public Workshop](#)
- Fourth working group presented the preliminary draft rule package and received stakeholder feedback
- Draft Staff Report, Draft Rule Language, and Draft Guidance Documents to be released July 5, 2023

All documents are available at: <http://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-2202>

Please submit written comments by June 30, 2023 to allow time for staff evaluation and response in the Draft Staff Report

An aerial, high-angle view of a multi-lane highway. The image is heavily stylized with a blue color overlay and motion blur, giving it a sense of speed and movement. The text "Proposed Amended Rule 2202" is centered in white, bold font. The background shows multiple lanes of traffic, with a concrete barrier separating the lanes. The overall aesthetic is modern and professional.

Proposed Amended Rule 2202

Subdivision (d) - Definitions

PAR 2202 will include new definitions for the following terms not previously defined in the rule:

- BUSINESS TYPE/CLASSIFICATION is the activity type that classifies the nature of work conducted at the worksite.
 - Aids in assessing telecommuting trends and capabilities across different business types/sectors
- EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP) is a compliance option that allows employers the ability to choose and implement various rideshare strategies at the worksite.
 - Added ECRP as a compliance option (previously an exemption)

Subdivision (d) – Definitions (cont.)

PAR 2202 will include new definitions for the following terms not previously defined in the rule:

- EMPLOYEE TRANSPORTATION COORDINATOR (ETC) is an employee who has completed a South Coast AQMD certified training course and has been appointed to develop, market, administer, and monitor the worksite's chosen Rule 2202 compliance option. All worksites conducting an AVR survey are required to have a designated ETC.
 - Added due to new training requirement
- VEHICLE MILES TRAVELED (VMT) means the number of miles traveled by a motor vehicle for a worksite commute trip.
 - Added due to new VMT reporting requirement

Subdivision (d) – Definitions (cont.)

PAR 2202 will include new definitions for the following terms not previously defined in the rule:

- TELECOMMUTING occurs when an employee working at home, away from a worksite, or at a telecommuting center, using telecommunications tools such as email, phone, chat, or video applications for a full workday that eliminates the trip to work or reduces travel distance by more than 50%. Telecommuting may also be referred to as remote work, work from home, mobile work, or distance work. Telecommuting does not include flexible or compressed work schedules when employees shift their hours but do not work away from the worksite
 - Added to rule for consistency with guideline documents, provided additional clarification in response to stakeholder feedback
 - *Comment received: definition should be altered for clarity*
 - *Comment received: remote work should be defined separately to refer to employees who live outside of the air basin and never physically commute to the office*

Subdivision (f) – On-Road Motor Vehicle Options

Subdivision (f) describes the various compliance options available under Rule 2202

- In the existing Rule 2202, the ECRP compliance option is not included in this subdivision and is instead included in subdivision (l) –Exemptions
- PAR 2202 will move the ECRP from paragraph (l)(3) to paragraph (f)(1)

Rule 2202 (cont.) (Proposed Amended August 2023
Amended June 6, 2014)

(f) On-Road Vehicle Mitigation Options
To comply with subdivision (c), [Employers may elect to use credits issued pursuant to one or more of the following emission reduction options to meet their Emission Reduction Target (ERT):

(1) Employee Commute Reduction Program (ECRP)
Any Employer may elect to implement an ECRP that demonstrates conformance with the ECRP Guidelines. Employers must annually submit a program that will meet an Average Vehicle Ridership (AVR) performance requirement of 1.75 for Performance Zone 1; 1.5 for Performance Zone 2; and 1.3 for Performance Zone 3, unless the following conditions are met:
(A) Employers surrender the difference in emission reductions between the Worksite AVR and the Performance Zone requirement through participation in Air Quality Investment Program (AQIP) or surrendering of equivalent emission credits in accordance with the provisions of subdivisions (f) or (g); or
(B) Employers comply with the good faith effort determination elements described in the ECRP Guidelines. All approved good faith effort elements shall be maintained during the plan compliance year. Deletion or substitution of any good faith effort element is not allowed unless approved in writing by the District.

(2) Air Quality Investment Program (AQIP)
Any Employer may participate in the AQIP by submitting an air quality investment to be placed in a restricted fund, in accordance with Rule 311 – Air Quality Investment Program (AQIP) Fees. The District shall use these funds to obtain an emission reduction or air quality benefit that is equivalent to the sum of the ERTs for all participating Employers in the AQIP.

~~(3)~~ Mobile Source Emission Reduction Credits (MSERCs)
Any Employer person may elect to use Mobile Source Emission Reduction Credits that were issued in accordance with the provisions of Regulation XVI.

~~(4)~~ Emission Reduction Credits (ERCs)
Any Employer person may elect to use Emission Reduction Credits (ERCs) issued in accordance with the provisions of Regulation XIII New Source Review, provided that such credits were approved for transfer into the Rule 2202 program prior to June 6, 2014. ERCs transferred into the Rule 2202 program shall be subject to annual discounting in accordance with the Rule

2202-7

Subdivision (i) – Program Administration

Proposed Amended Rule 2202 New Requirements:

Subdivision (i) details annual registration requirements and administration of the rule

- PAR 2202 paragraph (i)(1)(B) will require the reporting of business type/classification
- PAR 2202 subparagraph (i)(1)(F) will require VMT reporting
- PAR 2202 subparagraph (i)(1)(G) will require telecommute policy reporting
- PAR 2202 subparagraph (i)(4) will require all sites that conduct an AVR survey to have a certified ETC

New reporting requirements will go into effect July 1, 2024

- Reporting requirements detailed in Rule 2202 Implementation and ECRP Guidelines documents
- Inclusion of new reporting requirements in submittals will be determined by worksite's annual due date
- Phase in provides time for worksites to prepare for new reporting/training requirements

Subdivision (n) – Guidelines


PAR 2202 will add subdivision (n) – Guidelines

- Provides staff the ability to periodically update the Rule 2202 Implementation Guidelines and ECRP Guidelines
 - Assists in more quickly providing clarification for implementation issues if they arise
- Consistent with standard rulemaking practices

Rule 2202 (cont.)

(Proposed Amended August 2023
Amended June 6, 2014)

- location within the geographic boundaries as described in Attachment I of this rule.
- (2) The default emission factors (pounds per year per daily commute vehicle), specified in the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines, may be used in determining vehicle trip emission credits.
 - (3) The emission factors specified in paragraphs (m)(1) and (m)(2) may be modified to site specific emission factors reflecting vehicle age and trip length characteristics of the Employee vehicle fleet, in accordance with the calculation procedures included in Rule 2202 - On-Road Motor Vehicle Emissions Mitigation Options Implementation Guidelines.
- (n) Guidelines
The Executive Officer shall periodically publish updates to the Rule 2202 – On-Road Motor Vehicle Mitigation Options Implementation Guidelines and the Employee Commute Reduction Program Guidelines.



Proposed Amended Rule 2202 Implementationn Guidelines

Chapter IV - Program Administration

Subsection (B) – Registration Form will be amended:

Proposed new reporting requirements effective **July 1, 2024:**

➤ Business type/classification

- Predominant activity at the worksite should be considered when selecting the business type/classification (same logic as employee commute mode choice)
- *Comments received: expand categories and add an “other” option for sites to fill in*

➤ VMT data to be reported using either employee zip codes or AVR survey

➤ Telecommute policy to be reported on additional compliance document including information such as:

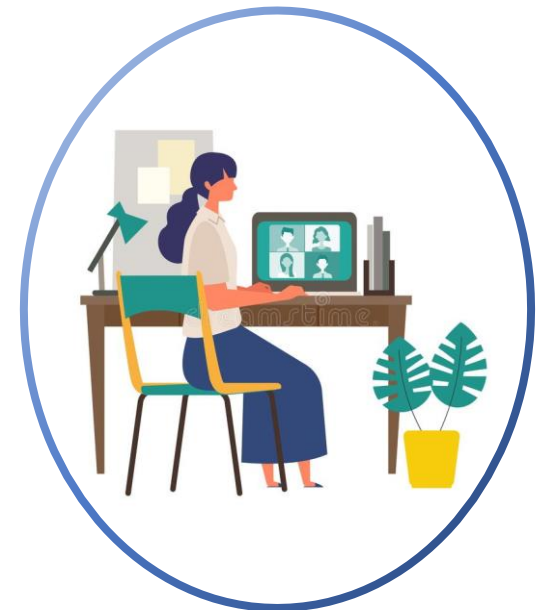
- Number of eligible telecommuters
- Number of telecommute days per week (average)
- If telecommute schedules are permanent

1. *Office*
2. *Manufacturing/Industrial/Warehouse*
3. *Retail/Entertainment/Hospitality/Food and Dining*
4. *Medical and Healthcare*
5. *Government Agency*
6. *Education*

Chapter IV - Program Administration (cont.)

Subsection G. - Special Procedures amended to include new instructions for reporting telecommute employees, furloughed employees, and ETC training:

- Paragraph (G)(7) Telecommute Employees - identifies the procedure for worksites to utilize reported telecommuters in their annual submittal
 - AQIP - the number of daily telecommuters may be deducted from the average peak window employee count
 - ERS (using default AVR) - the number of daily telecommuters may be deducted from the average peak window employee count
 - ERS (with AVR survey) or ECRP - all telecommuters may be accounted for on AVR survey, even if telecommute employee did not respond to the survey (use of HR/payroll records)



Chapter IV - Program Administration (cont.)


Subsection G. - Special Procedures (cont.)

➤ Paragraph (G)(8) Furloughed Employees

- Furloughed employees shall be included in the employee count for rule applicability
 - Not required to be included in the number of employees in the peak window
 - May be excluded from the ridership survey

➤ Paragraph (G)(10) ETC Training

- Any site that is including an AVR survey must designate an employee to serve as the ETC
- The designated employee must successfully complete a South Coast AQMD ETC Training and Certification course
 - Course length is typically about 4 hours



Proposed Amended ECRP Guidelines

Section II - Program Implementation

Proposed amended Subsection B - Calculating AVR includes new instructions for the accounting of telecommuters and furloughed employees on the survey

- Similar to information found in the Implementation Guidelines
- (B)(3) Telecommute Employees - allows all telecommuters to be accounted for
 - Worksite will receive credit for all employee commute trips reduced by telecommuting on the AVR survey
- (B)(4) Furloughed Employees - allows furloughed employees to be exempt from peak window employee count and survey

Section II - Program Implementation (cont.)

Proposed amended Subsection F - Vehicle Miles Traveled (VMT) Reporting added to collect VMT data by mode using the AVR survey

- Similar to VMT reporting details written in the Implementation Guidelines
 - ECRP Guidelines provide more information on the AVR survey method of collecting VMT
- All survey participants report one-way miles traveled from home to worksite
- Worksite reports total VMT per mode type
- VMT data will not be used to determine if worksite meets AVR targets

Section V - Employee Commute Reduction Strategies

Subsection A. - Commute Reduction Strategies

Updated to remove the Auto Services Strategy and add five basic support strategies:

- Car Sharing Services
- Mobility Hub Services
- Transit Management Association (TMA) / Transit Management Organization (TMO) Services
- Voluntary Worksite Transfers
- Zero Emission Charging and Fueling Infrastructure

Subsection C. – Electric Vehicle or Other Alternative Vehicles

Added to clarify what vehicle types qualify as zero-emission vehicles on AVR survey form

An aerial, high-angle photograph of a multi-lane highway. The image is heavily blurred to convey a sense of rapid motion and traffic flow. A semi-transparent blue overlay covers the entire scene. The text 'Impact Assessments' is centered in a large, white, sans-serif font.

Impact Assessments

Impact Assessments

Socioeconomic Impact Assessment

- Conservatively estimated new requirements could be completed with a minimal amount of labor and time (approximately 10 hours per year)
- Conservative cost estimates indicated additional compliance costs of approximately \$385.60 per worksite
- Compliance costs considered not significant and expected to have minimal impact
- Analysis will be included in the Draft Staff Report

California Environmental Quality Act (CEQA)

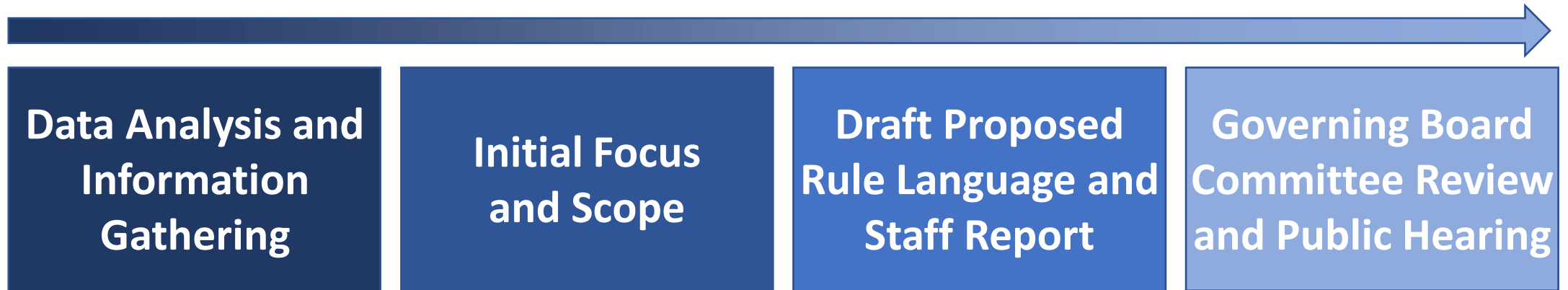
- PAR 2202 is proposed to be exempt from CEQA pursuant to
 - CEQA Guidelines §15061(b)(3) – Review for Exemption
 - Proposed project has no potential to adversely impact air quality or any other environmental area
- Staff will prepare a Notice of Exemption which will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties, and with the State Clearinghouse of the Governor's Office of Planning and Research if the proposed project is approved.

An aerial, high-angle view of a multi-lane highway. The image is heavily blurred to convey a sense of rapid motion and traffic flow. A semi-transparent blue overlay covers the entire scene. The text 'Next Steps' is centered in a large, white, sans-serif font.

Next Steps

Rule Development Process

Stakeholder Input



Please submit written comments by June 30, 2023 to allow for staff evaluation and response in the Draft Staff Report

- **Draft Staff Report, Draft Rule Language, and Draft Guidance Documents will be released on July 5, 2023**

Rule Amendment Schedule

1 st Working Group Meeting	February 23, 2023
2 nd Working Group Meeting	March 22, 2023
3 rd Working Group Meeting	May 3, 2023
Mobile Source Committee	May 19, 2023
4 th Working Group Meeting	May 31, 2023
Set Hearing	June 2, 2023
Public Workshop	June 20, 2023
Public Hearing/ Governing Board	August 4, 2023

Staff Contacts

Rule Development Team

par2202@aqmd.gov

Jeff Inabinet

(909) 396-2453

Natalie Gonzalez

(909) 396-3653

Chelsee Orozco

(909) 396-2641

CEQA

Jivar Afshar

jafshar@aqmd.gov

(909) 396-2040

Proposed Amended Rule 2202 Webpage

<http://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-2202>