

## **Draft Staff Report**

### **Proposed Amended Rule 2202 – On-Road Motor Vehicle Mitigation Options**

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#### **Deputy Executive Officer**

Planning, Rule Development, and Area Sources  
Sarah L. Rees, Ph.D.

#### **Assistant Deputy Executive Officer**

Planning, Rule Development, and Area Sources  
Ian MacMillan

#### **Planning and Rules Manager**

Planning, Rule Development, and Implementation  
Vicki White

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<b>AUTHOR:</b>	Natalie Gonzalez	Assistant Air Quality Specialist
<b>CONTRIBUTORS:</b>	Chelsee Orozco Barbara Radlein Elaine Shen Xian-Liang Tian	Assistant Air Quality Specialist Program Supervisor Planning and Rules Manager Program Supervisor
<b>REVIEWED BY:</b>	Jeffrey Inabinet John Jones Barbara Baird	Senior Staff Specialist Senior Deputy District Counsel Chief Deputy Counsel

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Cities of Los Angeles County/Western Region

EXECUTIVE OFFICER: WAYNE NASTRI

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## **EXECUTIVE SUMMARY**

Rule 2202 – On-Road Motor Vehicle Mitigation Options (Rule 2202) is designed to reduce emissions from motor vehicles. Specifically, larger employers in the region with 250 or more employees are required to mitigate emissions from employee commute trips into the worksite. Rule 2202 is intended to reduce emissions of Volatile Organic Compounds (VOCs), Oxides of Nitrogen (NO<sub>x</sub>), and Carbon Monoxide (CO). Rule 2202 provides employers with a menu of options to implement one or more emission reduction strategies to meet an annual Emission Reduction Target (ERT) for their worksite.

Proposed Amended Rule 2202 (PAR 2202) is consistent with mobile source control measure MOB-14 in the South Coast Air Quality Management District's (South Coast AQMD's) 2022 Air Quality Management Plan (AQMP), which proposes to reduce emissions by evaluating potential amendments to Rule 2202. In response to the Coronavirus (COVID-19) pandemic, many of the regulated employers incorporated widespread telecommuting practices resulting in reduced employee commute trips. PAR 2202 will require worksites to collect and report additional data on employee commute activity which will be analyzed to inform a potential future rule amendment. Effective September 1, 2024, worksites will be required to provide details on telecommute activity, Vehicle Miles Traveled (VMT), and business type/classification.

Additionally, PAR 2202 includes revisions to the Rule 2202 Implementation Guidelines and Employee Commute Reduction Program (ECRP). Both guideline documents will provide instructions and guidance to collect and report the additional information on telecommute activity, VMT, and business type/classification. The guideline documents and rule amendment will also include a requirement for all sites that conduct an Average Vehicle Ridership (AVR) survey to have a certified Employee Transportation Coordinator (ETC) on site. AVR survey instructions will be included in the Implementation Guidelines as well as the ECRP Guidelines. The ECRP guidelines will include updates to the strategy options and strategy reporting. Definitions will be updated or added across all Rule 2202 related documents for consistency and clarity.

PAR 2202 is anticipated to apply to approximately 1,186 worksites with over 600,000 employees that commute to work within the peak window of 6:00 A.M. to 10:00 A.M.

PAR 2202 was developed through a public process. Staff held working group meetings on February 23, 2023, March 22, 2023, May 3, 2023, and May 31, 2023. In addition, a public workshop was held on June 20, 2023.

## **CHAPTER 1: BACKGROUND**

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**INTRODUCTION**

**REGULATORY HISTORY**

**AIR QUALITY NEED**

**PROPOSAL BACKGROUND**

**AFFECTED INDUSTRIES**

**PUBLIC PROCESS**

## **CHAPTER 1 – BACKGROUND**

### **1.1 INTRODUCTION**

Rule 2202 – On-Road Motor Vehicle Mitigation Options (Rule 2202) provides employers with a menu of options to reduce mobile source emissions generated from employee commutes. Rule 2202 applies to worksites located within the district that employ 250 or more employees on a full or part-time basis. Regulated worksites are required to register annually with the South Coast AQMD to implement an emission reduction program based on a menu of compliance options in the rule. Staff proposes amending Rule 2202 to include additional data collection for all regulated worksites, including information on telecommuting activity, Vehicle Miles Traveled (VMT), and business type/classification for the worksite. The reporting of this additional information will provide the necessary data to analyze employee commute activity to inform future rule amendments. Staff also propose to update strategies, amend or add new definitions, and make minor administrative changes to the rule language for clarity and consistency.

### **1.2 REGULATORY HISTORY**

On December 8, 1995, the South Coast AQMD Governing Board adopted Rule 2202 in response to state legislation that prohibited the mandatory submittal of trip reduction plans, as was required in the now repealed Rules 1501 and 1501.1. The rule includes a menu of flexible and cost-effective emission reduction options from which they can choose to implement and meet the emission reduction target for their worksite. Rule 2202 continues to allow affected employers the option of implementing a traditional trip reduction program as a means to comply with the rule.

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 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. Compliance strategies included mobile source credits from old-vehicle scrapping, clean on-road and off-road equipment, the use of remote sensing to identify and repair gross polluting vehicles, and emission reduction credits from stationary sources. Worksites could also earn credits for the use of alternative fuel vehicles, reduction of vehicle miles traveled, and other trip reduction strategies.

In March 1996, Rule 2202 was amended to exempt school districts from complying due to financial hardship. The passage of SB836, effective June 1998, directed South Coast AQMD to raise the employee threshold level from 100 to 250 employees, while SB432 permanently exempted worksites with fewer than 250 employees from complying with the rule. In November 1996, the sunset provision of Rule 2202 was modified to have the rule phase out by June 2001.

In October 1998, Rule 2202 was again modified to include its original sunset provision, (i.e., the rule would be rescinded at an unspecified future time when an equivalent level of emissions reductions is produced). In January 2002, several administrative changes to Rule 2202 were passed that included the elimination of alternative fuel vehicle credits except for zero emission vehicles, deletion of the remote sensing strategy option due to the implementation of the Inspection and Maintenance Program (Smog Check II), and the addition of a police/sheriff employee category.

Although state law required changing the employee threshold from 100 to 250 employees, a previous version of Section 182(d)(1)(B)<sup>1</sup> of the 1990 Clean Air Act (CAA) required that non-attainment regions implement a program that would require employers of 100 or more employees to reduce work related trips and miles traveled by employees commuting to work to a level 25% above the region's baseline average vehicle ridership (AVR). At that time the AVR targets were established for regions within the SCAQMD that were determined to be the most effective in achieving the federally mandated goals. Subsequent amendments to the CAA removed work related trip mandates and allowed emission equivalency as an option for compliance. The Rule 2202 AVR target meets the 25% requirement above the region's 1992 baseline and accounts for additional trip reductions that should have resulted from all employers with 100 or more employees. Additionally, substitution of alternative measures that will meet the equivalent emission reductions were also allowed by the CAA.

In June 2014, Rule 2202 was amended to address the use of emission reduction credits (ERCs). At the end of 2013, approximately 200 lbs/day of NOx ERCs were transferred into the Rule 2202 program. This caused a concern regarding future stationary source credit availability. Therefore, in January 2014, the Governing Board approved a temporary moratorium on NOx ERCs in Rule 2202 to allow time for staff to review the status of the stationary source emission banks and potential impacts of additional transfers into the Rule 2202 program. Staff reviewed the historical use of ERCs for stationary sources, as well as the availability of credits and other emission programs within Rule 2202 to determine the ability to meet future compliance targets. Staff concluded that there continues to be a concern regarding the future availability of ERCs for use by stationary sources. To address this Rule 2202 was amended so that ERCs could no longer be transferred into the Rule 2202 program. ERCs that resided within the Rule 2202 program at the time of the amendment would be allowed to remain, however these ERCs would be subject to an annual discount. An annual discounting of ERCs would encourage the use of other emission reductions that more closely align with the intent of the Rule 2202 program.

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<sup>1</sup> The current version of CAA 182(d)(1)(B) does not require a reduction of work-related trips and miles travelled, but instead allows states to implement these kinds of programs within their own discretion.

### 1.3 AIR QUALITY NEED

In 2015, the U.S. Environmental Protection Agency (U.S. EPA) tightened the ozone standard, leaving the South Coast Air Basin in “extreme” nonattainment for that standard. The South Coast Air Basin also fails to attain the 1979, 1997, and 2008 ozone standards. Nitrogen oxides (NO<sub>x</sub>), which are created during the process of burning fuel, is the primary pollutant that must be controlled to reduce ozone. Approximately 85% of daily NO<sub>x</sub> emissions come from mobile sources, with passenger vehicles being one of the top ten emitters of NO<sub>x</sub>. Mobile source emission reductions are needed to meet future ozone standards set by the U.S. EPA.

The 2022 Air Quality Management Plan (AQMP) (Appendix IV-A, Control Measure MOB-14) proposed amending Rule 2202 to further reduce emissions associated with work trips, with telecommuting cited as a key mechanism to achieve additional emission reductions. During the COVID-19 pandemic in 2020 and 2021, many Rule 2202 regulated employers (where applicable) incorporated telecommuting practices, which have shown to be a very effective way of eliminating emissions caused by employee commute trips into the worksite. Many employers reported extremely high Average Vehicle Ridership (AVR) scores, primarily due to the increased amount of telecommuting, over the 2020/2021 reporting period. While Rule 2202 does currently provide credit for telecommuting, the 2022 AQMP proposed future rule amendments to Rule 2202 include a larger focus on telecommuting strategies and provide additional incentives for regulated employers to adopt telecommuting policies or other strategies to reduce emissions.

Mobile source emissions are impacted by factors such as mode of travel, type of vehicle, distance of trip, fuel type and congestion. More recently, Vehicle Miles Traveled (VMT) has emerged as an important metric in evaluating vehicle emissions. For example, in July 2020 under California Senate Bill 743 (SB 743), the California Environmental Quality Act (CEQA) began requiring analyzing VMT to determine potential traffic-related impacts from projects. SB 743 made VMT a key metric in assessing emissions generated by on-road mobile sources, with lower VMT being associated with lower greenhouse gas emissions and lower traffic-related air pollution. The California Air Resources Board’s (CARB) State Implementation Plan cites VMT reduction as a necessary control measure to attain federal and state air quality standards. The Southern California Association of Governments’ (SCAG) 2022-2045 Regional Transportation Plan (RTP) uses VMT as a key metric to evaluate plan performance results and seeks to reduce VMT per capita. Additionally, the RTP found that the average distance traveled for work trips is over three times longer than the average distance traveled for non-work trips.

Staff recognizes that in order to amend Rule 2202 in a way that best reduces emissions additional data is needed to inform that process. Staff is therefore proposing to amend Rule 2202 in a two-phase approach. The first phase of the amendment (PAR 2202) is focused on data collection and reporting from regulated worksites. Collected data will be analyzed to inform the second phase of rule amendment.



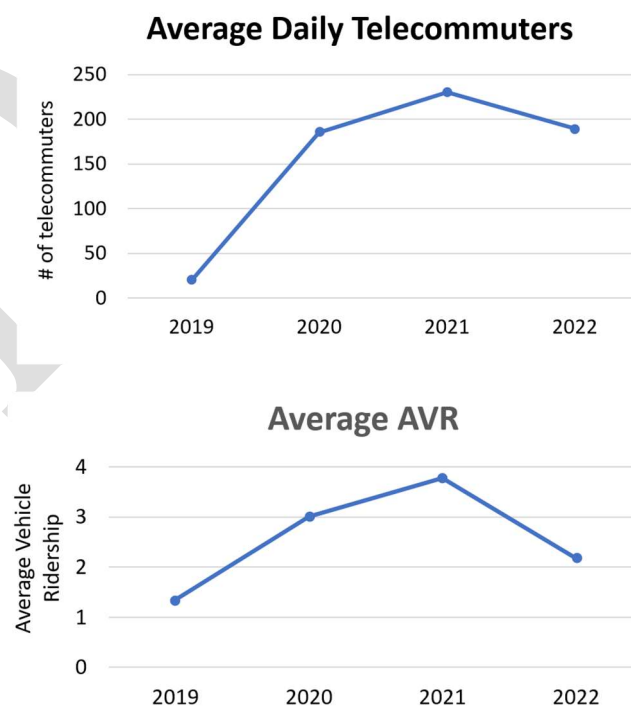
## 1.4 PROPOSAL BACKGROUND

PAR 2202 is proposing to require regulated worksites to report additional information, including telecommuting activity, VMT data, and the type of business that is conducted at the worksite. This data collection will inform future potential Rule 2202 amendments. Additionally, staff proposes to update strategies, clarify and/or add new definitions, and make general administration revisions to Rule 2202 related guidance documents.

### Telecommute Reporting

In response to the COVID-19 pandemic in 2020, South Coast AQMD instituted temporary protocols to ease compliance and address rapid changes in workforce habits. During the pandemic, many regulated employers incorporated widespread telecommuting practices. Staff instituted a temporary protocol allowing regulated worksites to use Human Resources (HR) or payroll records to account for telecommute trips. This allowed worksites to adjust the number of daily employees arriving at the worksite without conducting an AVR survey, and additionally allowed worksites that did conduct an AVR survey to account for all telecommute trips regardless of survey response rate.

In 2019, prior to the pandemic, worksites that implemented telecommuting reported an average of 19.7 telecommuters a day. In 2020, worksites that implemented telecommuting reported an average of 185.1 telecommuters a day, which is an increase of more than nine times. This reduction in vehicle trips resulted in the average AVR score across regulated worksites to rise from 1.34 in 2019 to 3.01 in 2020. This change in employee commute mode had a significant impact on employee vehicle trip emissions.



PAR 2202 is proposing to permanently allow the use of HR and/or payroll records to account for telecommute employee trips. This will streamline reporting of telecommute trips and ensure that worksites benefit from the reduction of work commute trips through telecommuting. All regulated worksites will be required to report additional information regarding telecommute practices on the annual compliance paperwork. Additionally, the ECRP compliance option includes telecommuting as a direct strategy. PAR 2202 will amend the required information on the telecommuting section of the ECRP compliance paperwork to collect more information on telecommute activity. This will allow Rule 2202 staff to analyze telecommute trends to better assess worksite employee commutes and will inform future Rule 2202 amendments.

### Vehicle Miles Traveled (VMT)

Rule 2202 staff met with CARB staff and SCAG staff to discuss the importance of VMT in their programs and are proposing to incorporate VMT data collection into Rule 2202 to further analyze emissions generated by employee commute trips.

PAR 2202 is proposing to require all regulated worksites to report VMT data as a part of their annual compliance. PAR 2202 requires worksites to collect VMT data either through surveying employees or by providing employee zip codes that are available through HR and/or payroll records. For worksites that must conduct an AVR survey, PAR 2202 proposes to require that survey participants indicate their distance (in miles) from home to the worksite on the survey form. The AVR survey form already includes this VMT data field, however it is not a required field on the survey. PAR 2202 would require the VMT data field be completed by survey participants. The worksite will use the employee reported VMT data to total VMT per mode type and will report this data on the AVR survey form. Worksites that do not conduct a survey will be required to report employee zip codes and worksite zip code, which will be used to calculate VMT. The employee zip code data will be anonymous such that specific employee names or other identifying information is not included. The collected VMT data will be used for data analysis and will inform future Rule 2202 amendments. The employee trip length data will be anonymous and does not require employee home addresses to be reported.

### Business Type/Classification

Staff has received feedback from stakeholders that employee commute options may differ across industry type, specifically as it pertains to telecommuting capabilities. These stakeholders expressed concern that certain industry types will be at a disadvantage under future rule compliance if they are unable to convert their workforce to telecommute. As a result, staff is proposing that regulated worksites report the business type/classification as part of their annual registrations. The collection of business type/classification information will aid future data analysis and will be used to inform future Rule 2202 amendments. The categories were chosen based on NAICS code information. The business type/classification categories are:

<b>Industries</b>	<b>NAICS codes</b>
Utilities	22
Construction	23
Manufacturing	31-33
Wholesale Trade	42
Retail Trade	44-45
Transportation and Warehousing	48-49
Information	51
Finance and Insurance	52
Real Estate and Rental and Leasing	53
Professional, Scientific, and Technical Services	54
Management of Companies and Enterprises	55
Administrative and Support and Waste Management and Remediation Services	56
Educational Services	61
Health Care and Social Assistance	62
Arts, Entertainment, and Recreation	71
Accommodation and Food Services	72
Public Administration/Government	92
Other (please specify):	

### Updates to Rule 2202 Guidance Documents

In addition to revisions to the Rule 2202 language, staff is proposing revisions to the Rule 2202 Implementation Guidelines and Employee Commute Reduction Program (ECRP) Guidelines to provide details on the new data collection requirements, but also to update strategies and make minor administrative changes to assist the regulated community with compliance and reporting. Both documents will be updated to address telecommuting reporting requirements, VMT data collection and VMT reporting requirement. Detailed information on how to comply with the new reporting requirements can be found in both guidance documents. Definitions will be edited or added for consistency and clarity. The Rule 2202 Implementation Guidelines will also include the proposed requirement for regulated worksites that choose the Emission Reduction Strategies (ERS) compliance option. Under ERS compliance, worksites have the option of using a default AVR in their emission credit calculation or they may conduct an AVR survey. Staff is proposing that ERS worksites that choose to conduct an AVR survey be required to have a certified Employee Transportation Coordinator (ETC). Having a certified ETC on-site will reduce errors on ERS plan submittals. Details on how to conduct an AVR survey have been included in the Implementation Guidelines. Additionally, both documents will have paragraphs providing clarification on what vehicle types are counted as a Zero Emission Vehicle on the AVR survey.

The ECRP Guidelines will include updates to the various strategy options and strategy reporting. PAR 2202 compliance documents will require additional information on-site selected marketing

strategies to allow Rule 2202 staff to better compare implementation across compliance years. Several strategies previously listed as “other” under Basic/Support Strategies will be listed as independent strategies. These strategies include Electric Vehicle Infrastructure, Transportation Management Association (TMA)/Transportation Management Organization (TMO) Services, Car Sharing Services, Mobility Hub Services, and Voluntary Worksite Transfers. Several direct strategies will require additional information to be reported to allow staff to better track implementation. The Bicycle Program strategy has been expanded to include the use of scooter services by the worksite. Additionally, the Auto Services strategy will be removed from the direct strategies to encourage strategy focus on promoting zero-emission commute modes.

### **1.5 AFFECTED INDUSTRIES**

PAR 2202 applies to all employers located within the district with 250 or more employees. Staff has currently identified about 1,186 worksites with over 600,000 employees arriving to the worksite within the peak window of 6:00 A.M to 10:00 A.M. The proposed rule amendment will not expand the applicability of the rule to additional worksites.

### **1.6 PUBLIC PROCESS**

The development of PAR 2202 includes a public process. Four working groups were held on February 23, 2023, March 22, 2023, May 3, 2023, and May 31, 2023. Each working group was attended by representatives from affected industries, community stakeholders, and members of the general public. The purpose of the working groups was to discuss details of PAR 2202 and to answer questions from the public or listen to comments. A Public Workshop was held on June 20, 2023. The purpose of the Public Workshop was to present the proposed amended rule language and changes to the guideline documents in order to receive public comments.

## **CHAPTER 2: SUMMARY OF PROPOSAL**

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**INTRODUCTION**

**PROPOSED AMENDED RULE 2202**

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## CHAPTER 2 SUMMARY OF PROPOSAL

### 2.1 INTRODUCTION

Staff is proposing Rule 2202 be amended to require worksites to report VMT data, telecommute activity, and business type/classification for the worksite. The proposed reporting requirements will apply to all regulated worksites. The information collected under the new reporting requirements will be analyzed and used to inform future Rule 2202 amendments. Additionally, clarifying language and definitions will be added. The following section provides a discussion of changes to rule language under PAR 2202.

### 2.2 PROPOSED AMENDED RULE 2202

Subdivision (d) – Definitions PAR 2202 will incorporate definitions of the terms listed below that were not previously defined within the rule. These definitions are intended to clarify a compliance option and terms for reporting requirements.

- **BUSINESS TYPE/CLASSIFICATION** is the activity type that classifies the primary nature of work conducted at the worksite.
- **EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP)** is a compliance option that allows Employers the ability to choose and implement various rideshare strategies included in the ECRP Guidelines at the Worksite.
- **EMPLOYEE TRANSPORTATION COODINATOR (ETC)** is an individual 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.
- **MOTOR VEHICLE** means a self-propelled vehicle, consistent with California Vehicle Code 415.
- **SCHOOL** means any public or private School, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the School in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A School does not include any private School in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of School property.

- **TELECOMMUTING** occurs when an Employee works from home, off site, a satellite office, or a Telecommuting center which eliminates a commute trip to the worksite or reduces the commute travel distance by more than 50%.
- **VEHICLE MILES TRAVELED (VMT)** means the number of miles traveled one-way by a Motor Vehicle for a worksite commute trip.

#### *Subdivision (f) – On-Road Motor Vehicle Options*

Subdivision (f) describes the various compliance options available to worksites under Rule 2202. Current rule language does not list Employee Commute Reduction Program (ECRP) in the subdivision, and instead includes it in the subdivision (l)- Exemptions. PAR 2202 will move ECRP to paragraph (f)(7) with other compliance options.

Language will be changed in paragraph (f)(1) – (f)(4) to read, “Any employer may elect...” instead of, “Any person may elect...”. This language change will clarify that the employer shall choose a compliance option to implement at their worksite, rather than a singular person.

#### *Subdivision (i) – Program Administration*

Subdivision (i) details the annual registration requirements and administration of the rule. PAR 2202 subdivision (i) will require regulated worksites to annually report the business type/classification for the worksite, VMT data, and telecommute activity. These additional reporting requirements will be effective September 1, 2024.

Paragraph (i)(1) list registration requirements and will be amended to list one of the new registration requirements proposed under PAR 2202. Worksites are required to include the name of the highest-ranking company official, company address, and worksite telephone number under subparagraph (i)(1)(A). Additionally, the amendment will require the worksite to report the business type/classification under subparagraph (i)(1)(A).

Subparagraph (i)(1)(F) details the VMT reporting requirement. The worksite’s chosen compliance method will determine the format of VMT reporting. The applicable reporting methodology is specified in the Rule 2202 Implementation Guidelines or Employee Commute Reduction Guidelines. VMT will be collected from all regulated worksites for future data analysis that will inform future rulemaking.

Subparagraph (i)(1)(G) lists the requirement for regulated worksites to report information on telecommuting practices. During the COVID-19 pandemic, staff observed a high rise in the numbers of telecommuters across a large number of regulated worksites. Since 2020, telecommute practices have changed from year to year. Collecting data on worksite telecommute practices will aid in data analysis and inform future rule regulation.

Paragraph (i)(4) establishes that the approved Rule 2202 annual registration shall remain in effect until the annual renewal date. The annual renewal date is the same date as the annual registration due date. The renewal date was originally described in paragraph (l)(4) but has been moved to (i)(4) and condensed to removed repetitive information.

Paragraph (i)(5) will require all worksites that conduct an AVR survey to designate an employee to serve as the Employee Transportation Coordinator (ETC). The designated employee must successfully complete a South Coast ETC training and certification course. Previously, only ECRP sites were required to have a designated ETC as explained in the ECRP Guidelines. The new requirement for all sites that conduct an AVR survey to have an ETC is detailed in the Rule 2202 Implementation Guidelines. The purpose of the certified ETC requirement is to reduce the amount of errors on submitted AVR surveys. The addition of paragraph (i)(4) will move the subsequent paragraphs down, the original paragraph (i)(4) through paragraph (i)(13) will become paragraph (i)(5) through paragraph (i)(14).

*Subdivision (l) – Exemptions*

Paragraph (l)(3) Employee Commute Reduction Program is moved to subdivision (f).

Paragraph (l)(4) has been deleted and the information has been moved to subdivision (i).

*Subdivision (n) – Guidelines*

PAR 2202 will add subdivision (n) to the rule language. This subdivision will grant the Executive Officer permission to periodically update the Rule 2202 Implementation Guidelines and the Employee Commute Reduction Program Guidelines.



## **CHAPTER 3: IMPACT ASSESSMENT**

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**INTRODUCTION**

**IMPACTS OF PAR 2202**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**SOCIOECONOMIC IMPACT ASSESSMENT**

**DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND  
SAFETY CODE SECTION 40727**

**COMPARATIVE ANALYSIS**

## CHAPTER 3 IMPACT ASSESSMENT

### 3.1 INTRODUCTION

Impact assessments must be conducted during rule development to assess the environmental and socioeconomic implications of PAR 2202. California Health & Safety Code (H&SC) requirements for cost-effectiveness analysis and incremental cost-effectiveness analysis were also evaluated during rule development of PAR 2202. Draft findings and comparative analyses were prepared pursuant to California Health and Safety Code Section (H&SC) 40727 and H&SC 40727.2, respectively. Staff will prepare a California Environmental Quality Act (CEQA) analysis at least 30 days prior to the South Coast AQMD Governing Board Hearing on PAR 2202, which is tentatively scheduled for August 4, 2023.

### 3.2 IMPACTS OF PAR 2202

Rule 2202 provides employers with a menu of options to reduce motor vehicle emissions generated from employee commutes. Under existing procedures, regulated worksites are required to register annually with the South Coast AQMD to implement an emission reduction program based on a menu of compliance options in the rule. PAR 2202 includes additional data collection requirements for all regulated worksites, including information on telecommuting activity, VMT, and business type/classification for the worksite. The reporting of this additional information will provide staff with the necessary data to analyze employee commute activity to inform future rule amendments. PAR 2202 also includes updates to strategies, additional or amended definitions, and minor administrative changes to the rule language for clarity and consistency. The proposed amendments do not remove any of the current requirements or provisions of Rule 2202.

#### Emission Reductions

Since PAR 2202 only includes additional data collection and reporting requirements for regulated worksites, there will not be additional emission reductions from worksites subject to PAR 2202.

#### Additional Compliance Costs

Please see the Socioeconomic Impact Assessment section below for a discussion on additional compliance costs.

#### Additional Savings

The proposed amendments would require all regulated worksites to report additional information, including telecommuting activity, VMT data, and the type of business that is conducted at the worksite on an annual basis. Because of the additional minimal amount of time required to collect and report the additional information, no potential cost savings have been identified as a result of PAR 2202.

### 3.3 CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15002(k) and 15061, the proposed project (PAR 2202) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062, and if the proposed project is approved, the Notice of Exemption 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.

### 3.4 SOCIOECONOMIC IMPACT ASSESSMENT

PAR 2202 requires additional data collection for all regulated worksites, including information on telecommuting activity, VMT, and business type/classification for the worksite. The reporting of this additional information will provide the necessary data to analyze employee commute activity to inform future rule amendments.

#### Affected Facilities

PAR 2202 applies to all employers located within the district with 250 or more employees. Staff has currently identified about 1,186 worksites with over 600,000 employees arriving to the worksite within the peak window of 6:00 A.M to 10:00 A.M. Out of the 1,186 worksites, 716 are in Los Angel, 243 are in Orange, 120 are in Riverside, and 107 are in the San Bernardino County. More that 60 percent of the affected facilities belong to the sectors of retail trade North American Industrial Classification Systems (NAICS 44-45), public administration (NAICS 92), health care and social assistance (NAICS 62), and manufacturing (NAICS 31-33).

#### Small Business Impacts

The South Coast AQMD defines a "small business" in Rule 102 for purposes of fees as one which employs 10 or fewer persons and which earns less than \$500,000 in gross annual receipts. The South Coast AQMD also defines "small business" for the purpose of qualifying for access to services from the South Coast AQMD's Small Business Assistance Office (SBAO) as a business with an annual receipt of \$5 million or less, or with 100 or fewer employees. In addition to the South Coast AQMD's definitions of a small business, the federal Small Business Administration (SBA) and the federal 1990 Clean Air Act Amendments (1990 CAAA) also provide definitions of a small business. The 1990 CAAA classifies a business as a "small business stationary source" if it: (1) employs 100 or fewer employees, (2) does not emit more than 10 tons per year of either VOC or NOx, and (3) is a small business as defined by SBA. The SBA definitions of small businesses vary by six-digit NAICS codes. In general terms, a small business must have no more than 500 employees for most manufacturing and mining industries.<sup>2</sup>

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<sup>2</sup> [https://www.sba.gov/sites/default/files/files/Size\\_Standards\\_Table.pdf](https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf).

Staff used the 2022 Dun and Bradstreet data to conduct the small business analysis. The number of employees and revenues are available for 1,031 out of 1,186 affected facilities. Since all the affected facilities subject to the PAR 2202 have at least 250 employees, staff further eliminated 310 facilities with less than 250 employees in the data, resulting in a universe of 721 facilities for the small business analysis. The results show that none of them meet the South Coast AQMD's Rule 102 definition of a small business. The number of small businesses is eight according to the SBAO definition. In addition, based on SBA's definition of a small business, 72 out of the 721 facilities would be classified as small businesses. Under the 1990 CAAA definition, no facilities will meet the criteria to be considered as small businesses.

### Compliance Costs

As discussed in the "Additional Compliance Costs" of the staff report, PAR 2202 would require all regulated worksites to report additional information, including telecommuting activity, VMT data, and the type of business that is conducted at the worksite on an annual basis. It is conservatively estimated that affected worksites would be able to complete these additional requirements with a minimal amount of labor and time (approx. 10 hours per year).

The extra hours per year would be spent collecting VMT data, reporting telecommute activity, and completing the ETC certification course. The total additional cost was conservatively estimated using the highest hourly wage rate (\$38.56) from the typical category of employee responsible for gathering Rule 2202 annual submittal information. With a total of 1,187 regulated worksites in the current Rule 2202 universe, the total additional annual cost estimated from PAR 2202 is estimated to be \$457,707.2 (or \$385.6 per worksite). Table 1 also presents the additional compliance costs of the PAR 2202 by NAICS codes/industry types. The annual compliance costs are not significant compared to the economy size of South Coast Air Basin area, implying that the PAR 2202 is expected to have minimal impacts on the regional economy.

Table 1: Distribution of affected facilities and compliance costs across different industries

<b>Industries</b>	<b>NAICS codes</b>	<b>Num of affected facilities</b>	<b>Compliance costs (US dollars)</b>
Utilities	22	20	\$7,712
Construction	23	5	\$1,928
Manufacturing	31-33	150	\$57,840
Wholesale Trade	42	38	\$14,653
Retail Trade	44-45	215	\$82,904
Transportation and Warehousing	48-49	96	\$37,018
Information	51	40	\$15,424
Finance and Insurance	52	59	\$22,750
Real Estate and Rental and Leasing	53	13	\$5,013
Professional, Scientific, and Technical Services	54	41	\$15,810
Management of Companies and Enterprises	55	1	\$386
Administrative and Support and Waste Management and Remediation Services	56	18	\$6,941
Educational Services	61	87	\$33,547
Health Care and Social Assistance	62	158	\$60,925
Arts, Entertainment, and Recreation	71	14	\$5,398
Accommodation and Food Services	72	34	\$13,110
Other Services (except Public Administration)	81	17	\$6,555
Public Administration	92	180	\$69,408
<b>Total</b>		<b>1186</b>	<b>\$457,322</b>

### 3.5 DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE 40727

#### Requirements to Make Findings

Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

#### Necessity

The South Coast AQMD Governing Board finds and determines that Proposed Amended Rule 2202; On-Road Motor Vehicle Mitigation Options, is necessary to enhance recordkeeping and reporting, and to provide additional transportation and emissions related data to the South Coast AQMD.

### Authority

The South Coast AQMD Governing Board obtains its authority to adopt, amend or repeal rules and regulations from Health and Safety Code Sections 40000, 40001, and 40440 et seq.

### Clarity

The South Coast AQMD Governing Board finds and determines that PAR 2202 is written and displayed so that the meaning can be easily understood by persons directly affected by it.

### Consistency

The South Coast AQMD Governing Board finds and determines that PAR 2202 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or federal or state regulations.

### Non-Duplication

The South Coast AQMD Governing Board has determined that PAR 2202 does not impose the same requirement 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 South Coast AQMD.

### Reference

In adopting PAR 2202, the South Coast AQMD Governing Board references the following statutes which South Coast AQMD hereby implements, interprets, or makes specific: Health and Safety Code Sections 40000, 40001, 40440, and 40716 et seq.

## **3.6 COMPARATIVE ANALYSIS**

Under California Health and Safety Code Section 40727.2, the South Coast AQMD is required to perform a comparative written analysis when adopting, amending, or repealing a rule or regulation. The comparative analysis is relative to existing federal requirements, existing or proposed South Coast AQMD rules and air pollution control requirements and guidelines which are applicable to the same source. Because PAR 2202 does impose new reporting and recordkeeping requirements, a comparative analysis is presented below in Table 3-1.

The regulations reviewed for the comparative analysis apply to automobile manufacturers or transit fleet owners. PAR 2202 is different because it regulates larger worksites to reduce emissions from employee commute trips. Therefore, PAR 2202 is not expected to conflict with any other existing regulations.

**Table 3-1 - Comparative Analysis**

<b>Topic</b>	<b>PAR 2202</b>	<b>Advanced Clean Cars Regulations (CARB)</b>	<b>Clean Miles Standard (CARB)</b>	<b>Innovative Clean Transit Regulation (CARB)</b>	<b>Regulations for Smog, Soot, and other Air Pollution from Passenger Cars and trucks (U.S. EPA)</b>	<b>Regulations for GHG Emissions from Passenger Cars and Trucks (U.S. EPA)</b>
<b>General Information</b>	Requires the reporting of business type/classification for worksites	Only applies to automakers/manufacturers	Only applies to Transportation Network Companies (TNCs), such as Uber or Lyft	Only applies to public transit agencies	Only applies to automakers/manufacturers	Only applies to automakers/manufacturers
<b>Vehicle Miles Traveled (VMT)</b>	Worksite VMT data to be reported using either AVR survey or employee zip codes	N/A	N/A	N/A	N/A	N/A
<b>Telecommuting</b>	Worksite telecommute policy details 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 and number of remote workers	N/A	N/A	N/A	N/A	N/A
<b>Employee Transportation Coordinator</b>	Require all sites that conduct an AVR survey to have a certified ETC	N/A	N/A	N/A	N/A	N/A

<p><b>Links</b></p>	<p><a href="http://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-2202">www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-2202</a></p>	<p><a href="http://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii">ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii</a></p>	<p><a href="http://ww2.arb.ca.gov/our-work/programs/clean-miles-standard">/ww2.arb.ca.gov/our-work/programs/clean-miles-standard</a></p>	<p><a href="https://ww2.arb.ca.gov/resources/fact-sheets/innovative-clean-transit-ict-regulation-fact-sheet">https://ww2.arb.ca.gov/resources/fact-sheets/innovative-clean-transit-ict-regulation-fact-sheet</a></p>	<p><a href="https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-smog-soot-and-other-air-pollution-passenger">https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-smog-soot-and-other-air-pollution-passenger</a></p>	<p><a href="https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-passenger-cars-and#regulations">https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-passenger-cars-and#regulations</a></p>
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DRAFT



**APPENDIX A: RESPONSES TO COMMENT**

DRAFT

Comment Letter #1

## ITS Input – South Coast AQMD PAR Amendment Meeting 3/22/23

<b>ETC Training – Require any site surveying to attend training</b>		
• We agree and support this amendment 100%.		1-1
• Most ETCs are not aware of the details of Rule 2202 and do not have a basic understanding of compliance so we feel this would be a great benefit to the ETC, as well as to South Coast AQMD to ensure proper submittal of compliance documents and updates ETCs need to know.		1-2
<b>Extension for plan review time – increase from 90 to 120 days</b>		
• While we understand South Coast AQMD has been short staffed, ITS’ concern is that increasing plan review time from 90 days to 120 days would give employers that do not meet their AVR less time to implement their plan and improve their annual performance.		1-3
• Furthermore, employers that survey 6 months prior to their annual due date would have even less time to implement and improve performance.		1-4
• As a side note, can South Coast AQMD confirm that approval letters will resume again to employers to inform them of their plan approval?		1-5
<b>Telecommuting Commute Mode and Noncommuting Commute Mode</b>		
• There are significant issues with usage of both modes (Code F. Telecommute and Code G. Noncommuting) and employees not understanding the differences, even though employees are provided with definitions of both. This presents a major error correction issue for employers to correct the codes before finalizing AVR data.		1-6
• With telecommuting now primarily being a work from home situation and not to a telecommuting center as it is defined in the Survey Instructions, would South Coast AQMD consider changing the word/commute mode from Code F. Telecommute to state “Code F. Work from Home” or “Code F. Working Remotely?”		1-7
• Similarly, would South Coast AQMD consider changing “Code G. Noncommuting” to another term to represent the mode? This code is not commonly used because very few are able to use it, but it provides the most confusion with the working from home schedules now.		1-8
• The definitions are currently already provided to employers for both modes; however, it may be better understood if the terms themselves are re-worded so it’s visible in the dropdown mode selection list.		1-9

## Vehicle Miles Traveled (VMT)

- VMT reporting – to ensure that ITS can provide VMT data to employers for submittal to the South Coast AQMD, it’s important to understand details of data and format that will be required. | 1-10
- How will VMT be collected for reporting to South Coast AQMD? | 1-11
  - Make one-way mileage a mandatory survey field? Then, how will that data be calculated/reported?
  - SoCal Regional software (used by Metro, OCTA, SBCTA and RCTC) can calculate VMT by mode, VMT reduced by mode, as well as cost savings, pollution savings (based on South Coast AQMD’s publication) and gallons of gas saved. Would South Coast AQMD consider receiving this type of information from employers using the regional survey?
- ERS employers are not required to survey. In these cases, how will VMT be gathered and reported? | 1-12
- ITS recommends that the South Coast AQMD consider both AVR and VMTs to be metrics for gauging an employer’s success. | 1-13
- If the first phase of the amendment goes into effect in August 2023, will it be based on the survey week? Due date? Submittal date? | 1-14
  - How does this affect large survey employers like County of Orange, Walmart, County of Los Angeles that plan their survey well in advance?
  - When does the amendment go into effect and how does that impact these employers (and others) that could already be in the survey process and cannot change?

## Telecommuting

- ITS understands the South Coast AQMD’s position on rewarding employers for their telecommuting activity. However, if an employer is submitting payroll/HR records in lieu of the survey, how would that employer report VMT information? | 1-15
- For employers that are offering hybrid work from home schedules, it was suggested that employers could submit their payroll/HR records for telecommute days and survey employees for the days they are working in the office. In the past few years, we’ve observed that there are so many variations to a hybrid work schedule (varied days across departments, managers, weekly changing days off due to 4/40 or 9/80 schedules, etc.), does South Coast AQMD think that payroll/HR records are truly the best report for employers to use? ITS recommends and believes that requiring employers to survey their telecommuting employees is a lot more accurate than payroll records – and does not place an undue burden on the employer or employee. | 1-16

**Responses to Comment Letter #1 received by ITS**

- Comment 1-1: Comment noted.
- Comment 1-2: Comment noted.
- Comment 1-3: The proposal will not increase the plan review time from 90 to 120 days, therefore the time for employers to implement their plan and improve their annual performance will not be affected.
- Comment 1-4: Please see response to comment 1-3.
- Comment 1-5: The proposal will not change the internal plan approval letter process. PAR 2202 is a resource intensive process that has led to a delay in the issuance of yearly plan approval letters. However, it is expected that normal turnaround time for the approval letter process will resume again shortly.
- Comment 1-6: PAR 2202 will add clarification to the definitions on the employee survey form for both the telecommuting and non-commuting categories. This is expected to help clarify these terms for employees and help alleviate correction issues for employers before finalizing AVR data.
- Comment 1-7: PAR 2202 will update the telecommuting definition to include “work from home” and provide a definition for remote employees to help clarify the meaning of these terms for employees. This information will also be clarified on the employee survey form.
- Comment 1-8: A brief definition for the non-commuting mode will also be added to the employee survey form to help avoid incorrect usage of the mode by employees.
- Comment 1-9: The definitions for telecommuting and non-commuting modes will be revised/updated in all PAR 2202 associated documents and a brief definition will be added for both modes to the employee survey form.
- Comment 1-10: Comment noted.
- Comment 1-11: PAR 2202 relies on existing methods to collect VMT data, either through surveying employees or by providing employee zip codes that are available through HR and/or payroll records. For worksites that must conduct an AVR survey, PAR 2202 proposes to require that survey participants indicate their distance (in miles) from home to the worksite on the survey form. Most survey forms already include this VMT data field, however it is not a required field on the survey. PAR 2202 would require the VMT data field be completed by survey participants. Worksites that do

not conduct a survey will be required to report employee zip codes and worksite zip code, which will be used to calculate VMT.

The South Coast AQMD is very interested in learning more about the SoCal Regional software that is utilized by LA Metro, OCTA, SBCTA, and RCTC to conduct various VMT-related analyses, and to see if this could potentially aid in the analysis of VMT data collected as part of PAR 2202.

- Comment 1-12: Worksites that do not conduct a survey will be required to report employee zip codes and worksite zip code, which will be used to calculate VMT.
- Comment 1-13: Comment noted.
- Comment 1-14: PAR 2202 is currently scheduled for a Public Hearing before the South Coast AQMD Governing Board on August 4, 2023 (subject to change). The additional reporting requirements of PAR 2202 would not be effective until September 1, 2024. This will eliminate the issue of worksites needing to fulfill the new requirements who have already begun the survey process, as well as provide sufficient time for employers to plan future survey activities.
- Comment 1-15: Teleworking employees identified through HR/payroll records count as a “zero” vehicle trips for the purposes of calculating AVR. Employers that do not conduct a survey will be required to submit employee home zip codes which will be used to calculate VMT. VMT reductions from telecommuting activity would then be calculated for those employees utilizing the telecommuting mode based on the HR/payroll records.
- Comment 1-16: The South Coast AQMD provided employers with temporary flexibility due to the pandemic and to aid in the ease of compliance for Rule 2202 requirements. One of the temporary protocols put in place was the ability to use HR/payroll records to document telecommuters in place of the employee survey. This protocol aided employers who employed remote working practices and resulted in increased response rates. PAR 2202 will allow the continued use of these records to report telecommuters and will continue to incentivize teleworking policies across all Rule 2202 applicable sites.

Comment Letter #2

## South Coast AQMD PAR 2202 Amendment Concerns

Over the past several months, the South Coast AQMD has held four Working Group Meetings to discuss the Proposed Amendment Rule (PAR) 2202. Innovative TDM Solutions' (ITS) staff has attended each meeting, submitted various questions, and has presented a virtual demonstration of the Regional RidePro AVR and Ridematching system's capabilities to the South Coast AQMD. Their next steps include hosting a public workshop and then submitting their final recommendations to their Governing Board on August 4, 2023. The proposed amendments would be in effect beginning July 1, 2024. They have asked for any final comments to be submitted prior to June 30, 2023.

The following are questions that need further clarification.

### Vehicle Miles Traveled (VMT)

The below screenshot is pulled from **Page 16 of the Preliminary Draft Employee Commute Reduction Program (ECRP) Guidelines** on South Coast AQMD's PAR 2202 website.

#### F. Vehicle Miles Traveled (VMT) Reporting

Vehicle Miles Traveled (VMT) is the number of miles traveled by an employee during their commute trip to the worksite. VMT for an employee is determined based on the distance (in miles) from the employee's home to the worksite. Total VMT is the total number of miles traveled by all employees based on their commute distance to the worksite and is required to be reported on the annual compliance submittal. Worksites will collect VMT data through the AVR survey. All survey participants will report miles traveled one way from home to the worksite. The number of miles traveled will be reported once per survey taker and will apply to all five days of the survey period. Employers will report VMT data per commute mode by summing the miles traveled of daily employee trips for each commute mode type. Employers will submit the AVR summary with VMT data. Total VMT will not impact AVR or the measured success of the program.

Below are discussion items related to this screenshot.

- Regional TripSpark RidePro software currently calculates VMT based on geocoded survey data and **would not** require the addition of a one-way mileage field to the AVR survey. TripSpark software capabilities have been presented to South Coast AQMD staff (at their request). It would be ideal if employers that use the CTCs' Regional AVR survey could submit a report that can be generated from the current software. Data would be more accurate than what is described in the screenshot above.
  - It is important to note that the South Coast AQMD is suggesting one-way miles be multiplied by 5 for each commuter in order to attain total VMTs, which would include days that employees did not report to work during the survey week. TripSpark software uses data reported directly from AVR survey and does not report VMT for days that employees do not report to the work site (days off).

2-1



- If employers who use the Regional AVR survey are required to submit VMT data effective 7/1/24 based on the South Coast AQMD’s description above, changes to current software programming will be **significant**. Unknown costs and time for program development, testing and implementation are also concerning to meet this deadline. Some of the programming items are:

  - Add one-way mileage field to the AVR survey.
  - Add calculations for one-way mileage multiplied by five to provide total VMT.
    - This calculation would be separate from AVR calculations because the South Coast AQMD is asking for VMT data based on traveling to work every day of the week, and days worked.
    - It’s not clear how employers who conduct a 7-day survey will be handled.
  - Provide breakdown of VMT per commute mode.
    - It’s not clear whether this will be based on days traveled to work or if days off will be part of this breakdown.
  - All reports, the AVR survey and any newly created supporting documents would likely need to match South Coast AQMD reports, like they do now.
    - What is the ETA for when VMT reporting drafts may be available? These would be necessary in order to understand system programming (unknown costs).
  - Most employers survey approximately 90 to 120 days prior to their plan due date. For an employer with a 7/1/24 plan due date, this means that they could survey as early as March and would be required to have all of the new data reporting requirements as detailed in the amendments. The CTCs would need ample time to determine timing, programing, testing and implementation.
- Clarification is needed for employees who work remotely from another state, or over a certain distance that they would not travel to the worksite.
- ITS has recommended to the South Coast AQMD that they consider both AVR and VMTs to be metrics for gauging an employer’s success. VMT is the number of miles traveled from home to the worksite. AVR is a measure of actual activity occurring at the worksite based on commute mode and number of occupants traveling to the site. This AVR survey data is shared with the ETC and enables them to identify target markets to increase ridesharing at their worksite. ITS is concerned that with South Coast AQMD bringing in the requirement for VMT data, they will eventually move exclusively to collecting VMT data only and end the need for AVR and the employee AVR survey.
- Should the South Coast AQMD sunset the need for an employee AVR/Ridematching survey, the Regional Rideshare database would dwindle from approximately 395,400 records for Los Angeles, Orange, and Ventura County employee commuters to approximately less than 50,000. Rideshare matching would be decimated and the ability for ETCs to target market their employees for rideshare modes would no longer be available.

### Telecommuting

- ITS recommends and believes that requiring employers to survey their telecommuting employees is more accurate than providing HR/payroll records. Most employers’ HR/Payroll departments do not track who teleworks each day of the week. Further, having an employer conduct an employee AVR survey does not place an undue burden on the employer or employee. 2-6
- The below screenshot is pulled from **Page 9 of the Preliminary Draft Employee Commute Reduction Program (ECRP) Guidelines** on South Coast AQMD’s PAR 2202 website. 2-7

#### 3. Telecommute Employees

Telecommute employees are employees who work from home, off site, at a satellite office or at a telecommuting center using telecommunications tools such as email, phone, chat or video applications for a full work day 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.

Telecommute employees are included in the employee count for rule applicability and are required to be included in the number of employees within the peak window. Worksite telecommute activity will be reported on the annual compliance paperwork. The worksite will disclose information such as the number of eligible telecommuters, how many employees are currently participating in the telecommute program, and if the telecommute schedule is permanent or if there is a projected return to office date. **Worksites must include human resources (HR) or payroll records with the annual submittal to validate telecommute activity.** Reported information may impact plan submittal, specifically the AVR survey summary and results. HR records should contain anonymized employee data such that specific employee names or other identifying information is not included.

The worksite may report total daily telecommute trips by employees on the AVR summary form, even if not all telecommute employees respond to the employee survey. The ETC may alter the number of daily telecommute trips based on the number of telecommute employees to ensure that the worksite receives full credit for the total number of commute trips reduced by telecommuting.

Question for the South Coast AQMD regarding 2<sup>nd</sup> paragraph – sentence states, “Worksites must include human resources (HR) or payroll records with the annual submittal to validate telecommute activity.”

1. If an employer surveys, are the HR or payroll records necessary for submittal? It was mentioned in the May 31, 2023 Working Group Meeting by Jeff Inabinet that the HR or payroll records would not need to be submitted if a survey was conducted. We would recommend clarification of that sentence to reflect that. 2-8
2. The HR departments or payroll departments do not always track or know the exact schedules of employees’ telecommute arrangements. Therefore, how is the ETC to gain this information if these departments do not know? It is a concern that the ETC could provide inaccurate data. 2-9

Questions for the South Coast AQMD regarding entire 3<sup>rd</sup> paragraph highlighted above:



- |  |             |
|--|-------------|
| <p>1. How will this calculation be made? Specifically, employees at a worksite could have various hybrid telework schedules with varied days of a week split between working in the office and working from home, albeit not all 5 workdays are 100% remote. Is the South Coast AQMD stating that employers would report 5 workdays of telecommute activity for those employees that are telecommuting via a hybrid schedule? This would be inaccurate data that is reported.</p>  | <p>2-10</p> |
| <p>2. How can CTCs remain confident regarding final AVR data provided to South Coast AQMD <b>after</b> the ETC could alter the data on their own to add in non-response telecommute trips? The AVR software provided to employers by the CTCs is certified by the South Coast AQMD and the certification number is populated on all final AVR reports generated. It is not meant to be altered and if that were now allowed, there would not be an audit trail to validate the survey data or support the ETC’s amended calculation. This is concerning given the CTCs’ certification with the South Coast AQMD and do not want to put that at risk.</p> | <p>2-11</p> |
| <p>3. How does this potential alteration affect the 60 – 89% calculation of no responses (currently calculated as a single occupant vehicle), and the 90%+ response rate? How would ETCs be able to manually alter that data and change their response rates?</p>  | <p>2-12</p> |
| <p>4. With all of the amendments and changes, what is South Coast AQMD’s plan to provide training (separate from the ETC Training) to ETCs? The CTCs support the majority of employers that comply with Rule 2202 and staff assists employers with their compliance and fields questions from ETCs. These amendments will raise more questions. Therefore, it would be helpful to know what South Coast AQMD will be doing to educate the employers and/or offer assistance to them.</p>   | <p>2-13</p> |

Comment:

<p>For employers that survey, this method of allowing employers to add in non-response telecommute trips could be extra steps that the ETCs may not want to do and/or calculate and potentially lead them to filing a compliance option (such as ERS with no survey) that takes less effort. <b>This could impact the total number of employers the CTCs provide AVR survey services and thus, decrease the data to the region’s database.</b></p>	<p>2-14</p>
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- The next screenshot below is from **Page 18 of the Preliminary Draft Rule 2202 Implementation Guidelines** on the South Coast AQMD’s PAR 2202 website.

## Chapter IV Program Administration

Telecommute employees are included in the employee count for rule applicability and are required to be included in the number of employees within the peak window. Worksite telecommute activity will be reported on the annual compliance paperwork. The worksite will disclose information such as the number of eligible telecommuters, how many employees are currently participating in the telecommute program, and if the telecommute schedule is permanent or if there is a projected return to office date. Worksites will include human resources (HR) or payroll records with the annual submittal to validate telecommute activity. Reported information may impact plan submittal, based on the selected program.

AQIP – If a worksite selects the AQIP option, they may deduct the number of daily telecommuters from their average peak window employee count. The site will be required to pay the appropriate AQIP fee per average number of daily employees that physically arrive at the worksite.

ERS using default AVR – If a worksite selects the ERS option, they may deduct the number of daily telecommuters from their average peak window employee count. The site will use the number of average daily employees that physically arrive at the worksite in the calculation to determine the amount of emission credits required.

ERS with AVR survey or ECRP – If a worksite is conducting an AVR survey, they may report total daily telecommute trips on the AVR summary form. Total daily telecommute employee trips may be reported even if not all telecommute employees respond to the AVR survey. This ensures that the worksite will received full credit for the total number of commute trips reduced by telecommuting.

**Observation:** For employers filing ERS using a default AVR (without conducting a survey) – they will now be allowed to deduct the number of daily telecommuters from their average peak window count and purchase credits based on only those physically arriving at the site. Consultant staff, on behalf of the CTCs, have secured ERS employers to conduct the survey to gain accurate information reflecting actual commute behavior for the survey week and then provide that data to the emission credit vendor to calculate their emission credits. **This new allowance could cause ERS employers to forego surveying their sites and thus, decrease employer data for the CTCs’ database. Further, it voids the CTCs’ opportunity to convert ERS employer clients to ECRP employer clients.**

2-15

## Responses to Comment Letter #2 received by ITS

Comment 2-1: South Coast AQMD appreciates the opportunity to learn about the TripSpark RidePro software capabilities and how it is currently being used by employers subject to Rule 2202. PAR 2202 will rely on existing methods in Rule 2202 to include the new VMT data collection and reporting requirements. For those employers that conduct an AVR survey, staff propose to add a new field to the AVR survey form requiring each employee to specify their VMT during a one-way trip to the worksite. The employee's reported VMT will be used to calculate the employee's VMT per commute mode for the survey week. For days that the employee does not commute to the worksite during the survey week, the VMT will be zero. The employer will then provide the total VMT per commute mode by all employees on the AVR summary form (using a typical work week of 5 days). Please note the AVR calculation will not be affected by the VMT information reported on the survey. Please note Rule 2202 currently allows employers the option of selecting an alternative AVR data collection method for calculating the worksite AVR, which must be certified by the South Coast AQMD prior to use, in accordance with the ECRP guidelines. PAR 2202 staff looks forward to further assessing the TripSpark RidePro software and discussing certification and/or software programming changes.

Comment 2-2: South Coast AQMD staff understand the concerns raised and the impact on software programming. To allow additional time for any programming changes, South Coast AQMD extended the effective date of the new reporting requirements to September 1, 2024. PAR 2202 staff looks forward to further assessing the TripSpark RidePro software and discussing certification and/or software programming changes. PAR 2202 is proposing that VMT data be collected by adding a one-way mileage field to the AVR survey. An employee's one-way mileage will be used to calculate their VMT by commute mode for the survey week, considering the days the employee does not commute into the worksite. For days that the employee does not commute to the worksite, the VMT will be zero. Under PAR 2202, there will be no change to the way an employer conducts a 7-day survey. The process for conducting and reporting a 7-day survey will remain the same, with the additional VMT data reporting.

South Coast AQMD staff will begin work on the compliance forms to include the additional data collection requirements upon Board approval. PAR 2202 is currently scheduled for Board consideration on August 4, 2023. The new data collection and reporting requirements are proposed to take effect on September 1, 2024. South Coast AQMD believe this is

ample time to prepare for implementation of the new data collection and reporting requirements.

- Comment 2-3: Remote employees are defined in the Draft Implementation Guidelines and ECRP Guidelines. Remote employees are defined as employees who live and primarily work at locations located outside of the South Coast AQMD, and physically commute to the regulated worksite less than five days a year. Remote employees are considered as telecommuting employees and included in the telecommute employee count, and the VMT for remote employees will be zero on the days they are telecommuting.
- Comment 2-4: Comment noted.
- Comment 2-5: Comment noted.
- Comment 2-6: For those employers that do not conduct an AVR survey, PAR 2202 will allow the use of HR/payroll records to document telecommuters. The HR/payroll records must be signed by a representative in HR/payroll certifying the validity of the information provided. For worksites that do conduct an AVR survey, the worksite may take credit for full-time telecommuters without surveying those employees. However, the worksite must survey employees on a hybrid schedule to capture the commute mode on the days that the employee physically commuted to the worksite.
- Comment 2-7: See response above. Worksites are not required to submit HR/payroll records as a part of their annual registration, however these records are required to be kept at the worksite for a minimum of three compliance years. All worksites will need to provide general information on their telecommute practices on a separate new compliance form which will include a signature from a representative in HR/payroll to certify the validity of the information provided.
- Comment 2-8: See response above.
- Comment 2-9: Worksites may only use HR/payroll records to complete their annual registration if the HR department or payroll department knows the exact number of daily telecommuters. The HR/payroll records must be signed by a representative in HR/payroll certifying the validity of the information provided. If the information cannot be validated, the information may not be used for compliance.
- Comment 2-10: See response to 2-1.
- Comment 2-11: PAR 2202 allows worksites to report employee telecommute activity on the AVR survey form, even if not all telecommuters respond to the employee survey provided the worksite can validate the employee's

telecommuting activity using HR/payroll records. See response to comment 2-6. Worksites may take credit for employee telecommute days for employees on a hybrid schedule, but only for the days the employee did not physically commute to the worksite. If an employee on a hybrid schedule does not respond to the AVR survey, the ETC may account for the employee telecommute days based on HR/payroll records and will mark the days that the employee did physically commute to the office as a no response. Employers will not report five days of telecommute activity for employees that are telecommuting via a hybrid schedule.

Comment 2-12: Worksites do not need to survey full-time telecommuters and may include the full-time telecommuters in the survey response rate. The worksite must validate this telecommuting activity using HR/payroll records to verify the number of employees who are using the telecommute mode for every day of the survey period. However, employees on a hybrid schedule do need to be surveyed to capture the commute mode on the days that the employee physically commuted to the worksite. The worksite may not manually input telecommute data to alter the survey response rate.

Comment 2-13: South Coast AQMD staff will continue to provide ETC training at least monthly and be available to all employers subject to the rule. Additionally, staff will be releasing detailed instructions on complying with the new reporting requirements that will be available on the Rule 2202 website.

Comment 2-14: A worksite is not required to follow the procedures for telecommuting employees. The extra steps used to account for the various types of telecommuting employees are optional and allow the worksite to take credit for telecommute trips if they wish to do so. The general information required on telecommuting practices at the worksite will be required for all worksites submitting an annual registration under PAR 2202, regardless of chosen compliance option.

Comment 2-15: Comment noted.

Comment Letter #3

**South Coast AQMD**  
**Proposed Amended Rule 2202 Public Workshop Q&A**  
**June 20, 2023**

- |   |      |
|---|------|
| 1. Maddy Landi: Is there a link for the presentation slides?  | 3-1  |
| 2. Anonymous Attendee: Can you list the names of the staff who just introduced themselves?  | 3-2  |
| 3. Claire: Will an ETC be required for each multisite or each individual site, regardless of filing as a single or multi site?  | 3-3  |
| 4. Claire: And does this mean the ETC training will be free? Or will there be opportunity for "bundle" ETC training options to make the cost more feasible?   | 3-4  |
| 5. Anonymous Attendee: Would SCAQMD be able to provide the zipcodes that fall under their jurisdiction so its easier for worksites to differential between remote/telecommute employees who live outside of the jurisdiction? | 3-5  |
| 6. CAldama: What about Temp employees?  | 3-6  |
| 7. CAldama: Do they count?  | 3-7  |
| 8. Anonymous Attendee: Under the Employee Commute Reduction Strategies, will there be a separate category for electric scooters, or will those be considered zero-emission vehicles?  | 3-8  |
| 9. MBS: mistake to raise hand   | 3-9  |
| 10. Michelle Martinez: Will the next draft of documents that are released on July 5th be open for comments?   | 3-10 |
| 11. Michael Villa-Real: Can the presentation be available to us   | 3-11 |
| 12. Colleen Stoll (Santa Monica): Hi! Do you have a sample telework form that you can share?  | 3-12 |
| 13. Anonymous Attendee: please post the information on the last slide to the chat   | 3-13 |
| 14. Anonymous Attendee: When leveraging the telecommute data in the AVR survey form (without survey), will employers still have to provide zip codes for those employees in phase 1? or will that be required in phase 2?     | 3-14 |
| 15. Michael Villa-Real: Thank yo  | 3-15 |

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| 16. Kim Rohaly: Privacy concerns in reporting identifying information along with home zip codes in reporting – how can this data be provided outside of survey without identifying names, Employee ID’s, etc.?   | 3-18 |
| 17. Pamela Larussa: What specific documents do you need as proof for the telecommuters that are signed by HR?  | 3-17 |
| 18. LynnKeller: If the company uses a TMA to assist with ECRP, if TMA has an ETC to represent. Does the company still need to have an onsite ETC?  | 3-18 |
| 19. bernaje: interns hand out  | 3-19 |
| 20. Anonymous Attendee: Is there more clarification on option G - Noncommuting and F - Tellecommute? Staff are always confused with this selection. Thank you  | 3-20 |
| 21. Chris Waller: Can you please clarify under which circumstances, if any, plug-in hybrids can be counted as ZEVs?  | 3-21 |
| 22. Grant Dawdy: For multi-site plans, will there be a place in the forms to identify a “business type” for each individual site? One type will not describe all of our sites.   | 3-22 |
| 23. Melissa Molina: Will employers submitting a High AVR report need to re-submit an ECRP or will their current ECRP count?  | 3-23 |
| 24. Anonymous Attendee: Our company pays for credits as we have a fluctuating staff depending upon studio production and we also allow 2 day remote telecommuting. We used active employee list from P&O (aka HR), will we now need to provide zip codes for all eligible employees? | 3-24 |
| 25. Anonymous Attendee: We also have a very strict privacy policy at our studio as well.   | 3-25 |
| 26. Michael Villa-Real: Does AQMD require 2202 records on site.  | 3-28 |
| 27. Anonymous Attendee: In my ETC training, i was told plug-in hybrid counts if they are utilizing the ZEV mode for 51% of the commute mode.   | 3-27 |
| 28. Kim Rohaly: How will these amendments impact the timing for review and approval by the SCAQMD staff? We struggle now to get plans reviewed and approved in order to upload timely to required systems.   | 3-28 |
| 29. Anonymous Attendee: will hybrid vehicle have their own cateogry later?   | 3-29 |
| 30. Anonymous Attendee: Do we have an estimate on when the proposed amended Rule 2202 amendment will be finalized?   | 3-30 |

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| 31. Anonymous Attendee: Some worksites I hear are using gate count data to demonstrate telecommute mode split. They subtract those who were onsite and indicated an alternative mode on the survey or were on PTO. Is that documentation good enough for those telecommute employees? | 3-31 |
| 32. Michael Villa-Real: thank you   | 3-32 |
| 33. Rachelle: Just to clarify, if we're doing a survey and a group of employees refuse to complete the survey, we will just use their zip code for the VMT?   | 3-33 |
| 34. Michael Villa-Real: Great presentation thank you  | 3-34 |
| 35. Anonymous Attendee: Can SCAQMD send an email to the ETC that the Rule 2202 plan is approved? This has been inconsistent from my experience and we want to ensure the plan is implemented 30 days after approval   | 3-35 |
| 36. Michelle Martinez: Just to clarify, after August 4th, is that when staff will begin to create all of the new required forms (Telecomm form, new AVR survey, etc.)? From there, when would all drafts of the new forms be available?   | 3-36 |
| 37. Michael Villa-Real: what is the future fo 2202. Stricter  | 3-37 |
| 38. Anonymous Attendee: Will this recording be provided to attendees?   | 3-38 |
| 39. Grant Dawdy: When will phase 2 of the process begin? or How soon do you feel you'll hve enough VMT analysis to move forward with phase 2?   | 3-39 |
| 40. Anonymous Attendee: This is off topic - but when will new filing fees be released for 23/24?  | 3-40 |
| 41. Pamela Larussa: Is VMT requirements including the zip code reporting also on the ECRP survey?   | 3-41 |
| 42. Anonymous Attendee: The COVID19 Rule Accommodation Guidance will remain in effect until July 2024?  | 3-42 |
| 43. Anonymous Attendee: When will the proposed amendment likely be approved? Can you provide us with a timeline so companies/sites can prepare?   | 3-43 |
| 44. Pamela Larussa: For the Commute Reduction Strategies, you'll be removing the Mobility hub services, does that cover the shuttle service from a train station to the worksite?   | 3-44 |
| 45. Anonymous Attendee: Will the audit process change? Will sites be notified of audit and can it be scheduled?   | 3-45 |



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| 46. Suzanna Bilodeau: Is there consideration on the survey that either zip code or mileage stated be considered? I'm concerned our employees may not know the exact mileage. I think zip code option would provide a potentially less subjective answer.   | 3-46 |
| 47. Brian Cunanan RCTC: Is there any flexibility with the July 1, 2024 implementation date? The local County Transportation Commissions which support many of the employers that opt for ECRP will need time to collectively scope, budget for, and update the software to reflect the changes months in advance of that implementation date. Depending on when the final guidelines are released, this may not be enough time to adequately update and test the updated software for those ECRP employers with plans due close to this implementation date. | 3-47 |
| 48. Rhona Davis: Surprise inspections will need to be preapproved by security.   | 3-48 |
| 49. Anonymous Attendee: For clarity, we are a motion picture studio and we do not allow anyone onto the studio lot without prior approval by security.   | 3-49 |
| 50. Anonymous Attendee: For zip code information - a lot of employees are concerned with data privacy and we find typically hesitate to provide any personal information. Will there be ways to work around this? Or ways to make the question optional and somehow use an average for these cases where privacy is concern?   | 3-50 |
| 51. James Murray City of Santa Monica: Can there be a clarification regarding defining what a field personnel or field construction workers are that are exempt?   | 3-51 |
| 52. Anonymous Attendee: will there be more PAR meetings or is this the last one?   | 3-52 |
| 53. Rhona Davis: Thank you.  | 3-53 |
| 54. Diane Amaya: thank you.  | 3-54 |
| 55. Grant Dawdy: Thank you! This process is very much appreciated.   | 3-55 |

### Responses to Comments/Questions Received during the Public Workshop- #3

- Comment 3-1: A link to the presentation slides was posted live in the Q&A. The presentations slides can be found on the South Coast AQMD website at: <http://www.aqmd.gov/docs/default-source/transportation/par-2202/final-par-2202-pw.pdf>.
- Comment 3-2: South Coast AQMD staff present during the Public Workshop are Ian MacMillan, Vicki White, Jeffrey Inabinet, Natalie Gonzalez, and Chelsea Orozco.
- Comment 3-3: Worksites that conduct an AVR survey are required to designate an ETC. If the worksite is a part of a multi-site, then the employer submitting a multi-site program may designate an ETC at one worksite and designate On-Site Coordinators for all other worksites.
- Comment 3-4: ETC training will not be made free, as staffing resources need to be recovered. A bundle training option will not be offered, as worksites are only required to have one trained ETC. On-Site Coordinators may be utilized at worksites filing a multi-site registration to implement the rideshare program where an ETC is not present.
- Comment 3-5: Staff will assess the ability to provide a zip code list for the South Coast AQMD jurisdiction to assist worksites in differentiating remote employees.
- Comment 3-6/3-7: Temporary employees are not counted for rule applicability or in calculating AVR. The temporary employee protocols will not be changing as part of PAR 2202.
- Comment 3-8: Employees using electric scooters for the commute trip to the worksite should be accounted for in the Zero Emission Vehicle (ZEV) mode on the AVR survey form.
- Comment 3-9: Comment noted.
- Comment 3-10: All PAR 2202 related documents are open for review and comment until a final determination is made by the Governing Board on August 4, 2023.
- Comment 3-11: Please see response to Comment 3-1.
- Comment 3-12: Rule 2202 staff will release the telecommute compliance page if PAR 2202 is adopted by the Governing Board on August 4, 2023.
- Comment 3-13: Please see response to Comment 3-1.

- Comment 3-14: PAR 2202 is considered the first phase of amending Rule 2202 and will require regulated worksites to provide employee zip codes to calculate VMT from employee commute trips to worksites. The VMT data collected will be used to inform a potential future second amendment (Phase 2) to Rule 2202.
- Comment 3-15: Comment noted.
- Comment 3-16: PAR 2202 will require all survey participants to report one-way miles traveled from home (using home zip code) to the worksite. No employee home addresses will be required to be reported. The zip codes that will be provided are generalized information and will not require any specific employee information due to privacy concerns.
- Comment 3-17: Employers must keep Human Resources/Payroll records at the worksite for a minimum of three compliance years to validate telecommute activity data. Specific documents may vary between worksites, but they must show proof of reported telecommute activity.
- Comment 3-18: A worksite may enlist the assistance of a TMA to help the worksite complete their annual compliance paperwork. The TMA ETC may sign as the ETC for the worksite if they have been appointed to develop, market, administer, and monitor the worksite's chosen compliance option.
- Comment 3-19: Comment noted during workshop.
- Comment 3-20: Clarifying definitions will be added to the AVR survey form to clarify commute modes that may appear unclear to an employee (eg. Non-commuting) employees when selecting their commute mode.
- Comment 3-21: Employees arriving to the worksite in a Plug-In Hybrid Electric Vehicle (PHEV) meet the definition of a zero-emission vehicle provided that the entire trip to work is made exclusively under electric power. This applies to plug-in vehicles with all electric range that can travel exclusively under electric power without use of the gasoline engine or cogeneration system.
- Comment 3-22: Multi-site submittals will have the ability to designate a business type/classification for each individual site within the multi-site plan.
- Comment 3-23: Employers will not need to resubmit their ECRP registration if they are submitting a High AVR ECRP Program. The site will be required to submit the AVR survey summary form with the proposed VMT data beginning September 1, 2024, pending approval of PAR 2202.
- Comment 3-24: Worksite VMT reporting methodology will be dependent on the worksite's chosen compliance option. If the worksite does not conduct an

AVR survey, they will report anonymized employee zip code information. If the worksite does conduct an AVR survey, the worksite will collect employee one-way mileage from the home to the worksite on the AVR survey form. The VMT data will also be reported per mode type as a part of the AVR survey summary form.

Comment 3-25: Comment noted.

Comment 3-26: South Coast AQMD requires that all worksites maintain Rule 2202 records for three compliance years at the worksite and to be available for review in case of an inspection.

Comment 3-27: Please see response to Comment 3-21.

Comment 3-28: The proposal will not change the internal plan approval letter process. PAR 2202 has required South Coast AQMD staff to prioritize rulemaking efforts which that has led to a delay in the issuance of yearly plan approval letters. However, it is expected that normal turnaround time for the approval letter process will resume again shortly.

Comment 3-29: Hybrid vehicles meet the definition of a zero-emission vehicle, for current purpose of the AVR survey, provided that the entire trip to the worksite is made exclusively under electric power. Please see response to Comment 3-21. In the future, staff may consider creating a separate hybrid vehicle category.

Comment 3-30: PAR 2202 is currently scheduled for Board consideration on August 4, 2023. If adopted, proposed requirement will go into effect September 1, 2024.

Comment 3-31: Specific worksite telecommute documentation may vary between worksites depending on the worksite's method of tracking employee telecommuting activity. The worksite records must show proof of reported telecommute activity in the event of an inspection.

Comment 3-32: Comment noted.

Comment 3-33: If a worksite is conducting an AVR survey and a group of employees refuse to complete the survey, they would be accounted for in the No Survey Response category. Zip codes do not need to be reported for employees who do not respond to the survey. Zip code data is only required to be reported by worksites that do not conduct an AVR survey in order to estimate employee VMT.

Comment 3-34: Comment noted.

- Comment 3-35: The current process is for approval letters to be mailed to the site contact at the worksite. South Coast AQMD staff is currently working on systems to make the Rule 2202 program submittal process automated and will explore options of making the plan approval process more efficient.
- Comment 3-36: South Coast AQMD staff will begin work on the compliance forms to include the additional data collection requirements upon Board approval. PAR 2202 is currently scheduled for Board consideration on August 4, 2023. If adopted, the new data collection and reporting requirements are proposed to take effect on September 1, 2024. South Coast AQMD believe this is ample time to prepare for implementation of the new data collection and reporting requirements.
- Comment 3-37: Future of amendments to Rule 2202 will be largely influenced by the data collected through the new reporting requirements of PAR 2202. This additional data will be analyzed by staff and will inform future proposed amendments to the rule.
- Comment 3-38: The audio recording of the Public Workshop can be made available upon request.
- Comment 3-39: The additional data proposed to be collected from PAR 2202 will be analyzed by staff and will inform the direction of future decision-making efforts. The second phase of rule amendments are scheduled to begin in 2024-2025.
- Comment 3-40: Filing fees for the 2023/2024 compliance year have been posted to the Rule 2202 website. The Filing Fee Summary can be found here: <http://www.aqmd.gov/docs/default-source/transportation/rule-2202-filing-fees-summary-july-01-2023.pdf>.
- Comment 3-41: The AVR survey will not use zip codes to fulfill the VMT reporting requirement. The AVR survey will ask employees to report their one-way miles distance to work and will use this data to calculate VMT by commute mode on the AVR summary.
- Comment 3-42: PAR 2202 will continue the Covid-19 protocols for telecommute trip reporting and furloughed employee count. Covid-19 protocols that waived extension fees and late fees will be rescinded.
- Comment 3-43: PAR 2202 is currently scheduled for Board consideration on August 4, 2023. If adopted, the new data collection and reporting requirements are proposed to take effect on September 1, 2024.
- Comment 3-44: PAR 2202 will not be removing the Mobility Hub Service strategy option. This option was previously included in the “other” category but will now

be a standalone strategy. A shuttle service from a train station to the worksite counts as a Mobility Hub Service.

- Comment 3-45: The worksite inspection process will not change due to PAR 2202 and worksite inspections/audits may not be scheduled.
- Comment 3-46: Zip codes will be used to report VMT by worksites that do not conduct an AVR survey, while worksites that do conduct an AVR survey will collect one-way mileage on the AVR survey. The AVR survey will allow the VMT to be summarized by commute mode type, which cannot be collected through zip codes alone. Staff is confident that employees will have the ability to determine the mileage they travel to the worksite, and that this information combined with commute mode will be highly informative in developing future amendments to Rule 2202.
- Comment 3-47: Staff is proposing a September 1, 2024 implementation date for the additional reporting required by PAR 2202. Therefore, worksites will not be required to provide the additional reporting requirements for one year if PAR 2202 is adopted by the Governing Board on August 4, 2023. Staff is confident that this one-year grace period will provide enough time for worksites to prepare to comply with the new reporting requirements.
- Comment 3-48: Comment noted.
- Comment 3-49: Comment noted.
- Comment 3-50: Please see response to Comment 3-16.
- Comment 3-51: Please contact staff for clarification regarding what field personnel or field construction workers are exempt from surveying requirements at your specific worksite.
- Comment 3-52: This is the last scheduled public workshop meeting.
- Comment 3-53: Comment noted.
- Comment 3-54: Comment noted.
- Comment 3-55: Comment noted.

Comment Letter #4



June 29, 2023

Ian MacMillan, Assistant Deputy Executive Officer  
 South Coast Air Quality Management District  
 21865 Copley Dr.  
 Diamond Bar, CA 91765

Dear Mr. MacMillan,

The City of Santa Monica’s (City) Department of Transportation (“DOT”) appreciates the opportunity to comment on the Proposed Amendments Rule 2202 (August 4, 2023)(“Proposed Amended Rule 2202). Since 1991, the City of Santa Monica has been a partner agency in implementing the City’s local ordinance version of Rule 2202, and the preceding Regulation XV. While there are some differences between the City’s local ordinance and Rule 2202, the core of the City’s commute emission reduction regulation parallels Rule 2202. As both an employer subject to Rule 2202 and a local government with a Memorandum of Understanding with South Coast Air Quality Management District(“SCAQMD”) to monitor and enforce Rule 2202 at the local level, DOT submits the following comments on behalf of the City and look forward to continued collaboration throughout phase 1 and 2 of the amendment process.

*Phase 1 Comments:*

The City is supportive of using the phase 1 period to collect additional data to better understand shifting employee commute patterns and associated emissions. The global pandemic layered with housing and land-use trends, a changing transportation network, and innovations in workplace technology have resulted in significant shifts in employment and travel patterns.<sup>1</sup> There is a need to update Rule 2202 to be responsive of current trends while also collecting data to ensure that the regulation continues to serve the intended purpose of reducing emissions associated with employee commute trips. We would suggest using the phase 1 period of the rule change to capture even more data surrounding when and how commute trips are occurring to maximize the efficacy of the proposed rule changes in phase 2.

4-1

Taking a more comprehensive approach to capturing commute data (by looking at all commutes instead of only the AM peak window) would allow SCAQMD and the City to better evaluate if commute trips are being eliminated or if they are simply shifting out of the AM peak. One of the differences between Rule 2202 and the City’s employee commute reduction policy is the City’s inclusion of the AM and PM peak hour (3-7 pm) windows for average vehicle ridership (“AVR”) calculation. With the City’s goal of providing and encouraging the use of a multi-modal transportation network that is safe,

4-2

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equitable, sustainable, and well-managed at all times of day, our regulation prioritizes the reduction of single occupancy vehicular trips beyond the morning commute window. Collecting commute information for a full day would provide more accurate data as to the true impact of employee commute reduction efforts. While there are benefits to shifting trips from the AM peak, the true emissions impact of the regulation can only be calculated by knowing if a single occupancy vehicle (“SOV”) trip was eliminated versus shifting to another time of day. In addition to capturing information on all commute trips during the day, the City would be interested in a Proposed Amended Rule 2202 provision allowing employees to voluntarily share more information about the type of single occupancy vehicle used for commuting as it relates to fuel efficiency and emissions.

4-2  
(cont'd)

Similar to SCAQMD, with the onset of the COVID-19 pandemic the City saw rapid changes in workforce behaviors and many employers implemented telework policies, adopted remote workplace structures,<sup>2</sup> and downsized or moved physical worksites to reflect those new practices. In order to align with Rule 2202, the City mirrored SCAQMD’s temporary protocol allowing regulated employers to use human resources (“HR”) or payroll records to account for telecommute trips without requiring an AVR survey of all employees. Having implemented this temporary protocol for the past two years, City staff do not believe that HR and payroll records are detailed enough to account for telecommuting (and the related trip, emission, and VMT reduction impacts). While an employer may be able to provide the company telework policy, we have not found HR and payroll records that are able to account for exact days telecommuting occurred (particularly challenging for the widely adopted hybrid telework policies), when the workday started/ended for telecommuting employees, and which days the telework employees were working during the survey period (taking into account sick, vacation, compressed work week schedules, etc.). By not being able to accurately calculate which trips would have occurred without the telework policy in place, it is impossible to calculate AVR scores for companies that have used this temporary protocol. To assume that all employees who are eligible to telework at a company were indeed working that day and telecommuted in the “peak window” for all five survey days significantly inflates the quantity of trips reduced by telecommuting. Moving forward, the City requests amending the SCAQMD/City memorandum of understanding (“MOU”) to state that telecommuting data be accounted for via the completion of employee AVR surveys.

4-3

Along with the challenges in accurately capturing commutes reduced by telecommuting, the City now has several companies based in Santa Monica with a significant number of remote employees who may never commute to Santa Monica or live in the state or even country. These employers have reasonably inquired as to which employees are to be included in the City’s local ordinance that regulates commute trips. With the current regulatory framework, there is no opportunity for employers to distinguish between “remote employees” who do not live in the region and would never make a commute to a physical workplace in Santa Monica, and employees who live in the region but primarily telework. For now, “remote employees” are considered employees of the worksite and they are included in the AVR survey as employees who “telecommute” during the survey period. Moving forward, the City is supportive of defining remote employees in Proposed Amended Rule 2202 as employees who live outside of the SCAQMD boundaries and commute into the workplace four or fewer times per year.

4-4

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Additionally, the City would suggest that those employees should not be included in the AVR survey, nor should they be included in any fees based on employee count. Staff believe the goal of emission and trip reduction policies should be to reduce emissions and trips that are occurring locally, not to inflate AVR results and telecommuting impacts by including employees who would not regularly commute to a worksite.

4-4  
(cont'd)

Finally, the City suggests that SCAQMD require compliance with the State Parking Cash Out Law as a requirement for compliance with Rule 2202 in phase 1. Recent studies<sup>3</sup> show that the potential impacts of parking cash out are significant (especially for areas like Los Angeles where parking is often subsidized) and the applicability of the cash out law should be much greater with the passing of AB 2206\* and updated guidance coming from the California Air Resources Board this fall.

4-5

*Phase 2 Comments:*

With regards to the longer-term phase 2 changes, we support Vehicle Miles Traveled (“VMT”) as a primary metric, the reassessment of performance zones, the evaluation of credit options for compliance, and the modification of rideshare program requirements and reporting. As environmental and transportation regulations across the state of California have shifted to VMT, it is important to keep in mind root causes of high VMT such as land-use policies that impact the cost and location of housing and jobs. If Rule 2202 ultimately shifts from AVR to VMT as the primary metric, regulators and employers could shift their attention (and funding) to reducing high VMT trips while disregarding shorter VMT trips. To some extent this is already happening under the existing regulatory framework. For example, some employers and agencies are allocating significant resources towards vanpooling and corporate shuttles to reduce commute emissions. Users of such programs might receive incentives and services valued at hundreds of dollars per month, which significantly offsets the transportation costs associated with commuting long distances. Conversely, regulated employees who live within a viable bike, walk, or transit commute shed, might receive incentives of little to no value. While not the intended outcome, if not structured thoughtfully, VMT based-regulations could end up subsidizing (and therefore incentivizing) housing that is further away from the workplace and perpetuating the underlying land-use patterns that the California Department of Housing and Community Development is working to address through efforts such as the Regional Housing Needs Allocation.

4-6

With the introduction of light rail transit services in Santa Monica, the AVR performance targets in the City’s parallel regulation were updated in 2016 to factor in the additional high quality transit areas and we are in full support of the SCAQMD taking a similar approach to reassessing performance zones and targets. Because the City of Santa Monica has the purpose of providing and encouraging the use of a transportation network that is safe, equitable, sustainable, and well-managed, our regulation gives prioritization to the reduction of vehicular trips (regardless of the power source). As such, we support future compliance options for zero emission passenger vehicles, so long as they are not favored over non-automotive options such as walking, biking and transit (see the “Hierarchy of Preferred Mobility Options” figure below from the City’s 2019 Climate Action & Adaptation Plan.)

4-7

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Thank you again for the opportunity to collaborate on this important regulation. City staff look forward to continuing the discussion during the rulemaking process and subsequent MOU update.

Sincerely,

*Colleen Stoll*

Colleen Stoll  
Transportation Demand Program Manager

1685 Main Street, Mail Stop 38, Santa Monica, California 90401  
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## **Responses to Comment Letter #4 received by the City of Santa Monica**

- Comment 4-1: Comment noted. Staff agree with the commenter that there is a need to update Rule 2202 to be responsive of current trends and to collect additional data to ensure that the regulation continues to serve the intended purpose of reducing emissions associated with employee commute trips and to better inform future rulemaking activities. PAR 2202 will require new data collection and reporting to inform future amendments to the rule.
- Comment 4-2: Staff agree with the commenter that collecting data from all commutes instead of only the AM peak window trips would allow the South Coast AQMD and the City to better evaluate commute trip elimination and transit pattern/time shifting. However, with the current allocation of resources to the Rule 2202 program, the collection of data from outside of the AM peak window is not feasible at this time.
- Comment 4-3: The South Coast AQMD provided employers with temporary flexibility due to the pandemic and to aid in the ease of compliance for Rule 2202 requirements. One of the temporary protocols put in place was the ability to use HR/payroll records to document telecommuters in place of the employee survey. This protocol aided employers who employed remote working practices and resulted in increased survey response rates. PAR 2202 will allow the continued use of these records to report telecommuters and will continue to, in accordance with the 2022 Air Quality Management Plan, incentivize teleworking policies across all Rule 2202 applicable sites. The HR/payroll records utilized must be signed by a representative in HR/payroll certifying the validity of the information provided. Staff look forward to working with the City of Santa Monica to update the existing Memorandum of Understanding (MOU) between the South Coast AQMD and the City and incorporating any needed changes if PAR 2202 is adopted.
- Comment 4-4: A new definition for “remote employees” has been added in the Draft Implementation Guidelines and ECRP Guidelines. Remote employees are defined as employees who live and primarily work at locations located outside of the South Coast AQMD, and physically commute to the regulated worksite less than five days a year. Remote employees are considered as telecommuting employees and included in the telecommute employee count, however, the VMT for remote employees will be zero on the days they are telecommuting.
- Comment 4-5: As mentioned in response to Comment 4-2, the current allocation of resources to the Rule 2202 program does not allow for staff to enforce the State Parking Cash Out Law. Parking Cash Out is a state regulation with enforcement authority by the California Air Resources Board (CARB).

- Comment 4-6: Staff are not proposing to change the use of AVR as a metric for Rule 2202 at this time. Staff are only proposing to collect VMT data to analyze the potential for including VMT as a metric in the rule in the future. Staff will consider all factors before proposing to use VMT as a metric in the rule. VMT is being utilized as a key metric by other lead agencies. Both the Scoping Plan and State Implementation Plan (SIP) from CARB include VMT reductions as a key measure needed to achieve air quality and greenhouse gas reduction goals. SCAG also uses VMT as key metric to determine if their RTP is working. Staff clarified this proposal will not make any changes to the current AVR approach in Rule 2202.
- Comment 4-7: Comment noted. Staff agrees that it is an important time to evaluate existing performance zones to factor in new high quality transit areas and travel patterns. Staff also agrees that it is important to evaluate future compliance options for zero emission passenger vehicles and supporting infrastructure, so long as they are not favored over non-automotive options such as walking, biking and transit.

Comment Letter #5



June 29, 2023

Mr. Jeff Inabinet – Senior Staff Specialist  
 Ms. Vicki White – Transportation Programs Manager  
 Mr. Ian MacMillan – Assistant Deputy Executive Officer  
 South Coast Air Quality Management District  
 Transportation Programs  
 21865 Copley Drive  
 Diamond Bar, CA 91765

Re: Proposed Amended Rule 2202

All:

Please allow this letter to serve as our formal summary of concerns and comments regarding the Proposed Amended Rule (PAR) 2202 that you requested to receive by June 30, 2023. The concerns addressed are shared by the Rideshare Program Managers from the following County Transportation Commissions (CTCs): Martin Buford, Senior Manager, Commuter Options and Regulatory Compliance, Metro; Kristopher Hewkin, Senior Marketing Specialist, Rideshare and Vanpool, OCTA; Nicole Soto, Multimodal Mobility Programs Administrator, Transit and Rail Programs, SBCTA; and Brian Cunanan, Program Manager, Commuter & Motorist Assistance, RCTC. Our organization, Innovative TDM Solutions (ITS), assists the CTCs in various aspects of their Regional RidePro AVR and Ridematching Database available to Southern California employers and commuters to reduce trips and encourage alternative commute modes, while also reducing air pollution by complying to South Coast AQMD Rule 2202.

ITS staff has attended all four Working Group Meetings held since February 2023, in addition to the Public Workshop held on 6/20/23. ITS staff, at your request and at the direction of the CTCs, provided written feedback to South Coast AQMD (AQMD) staff on March 30, 2023, held a virtual demonstration of the Regional RidePro AVR and Ridematching system's capabilities to AQMD staff on 4/6/23, and provided additional written feedback on 6/13/23.

Further, the CTCs, staff at AQMD and ITS staff participated in a 30-minute Teams call on June 14, 2023 to address these concerns on a high level. Following this call, the four CTCs collectively discussed these concerns during a Regional Rideshare Implementation Committee meeting. The detailed concerns for AQMD's review and response are listed in this document.

While all concerns outlined in this document are important, the greatest issue of concern for the CTCs is the suggested date of July 1, 2024 to begin implementing the new Rule 2202 amendments. It has been mentioned that any employer that submits their annual compliance on July 1, 2024 should have the new requirements included with their filing.

7355 Magnolia Avenue, Riverside, CA 92504  
 P : 951-352-8229 F : 951-352-8231 W : www.its-consulting.net



As brief background information, the CTCs provide AVR survey services to employers in their respective counties and use an AQMD-approved/certified survey (online and paper) to employers. The CTCs then process employers' collected survey data and produce an AVR report for employers to use for compliance. The AVR reports produced by the CTCs are certified by the AQMD and are designed to be provided directly into the Rule 2202 compliance forms package without being re-written by the ETC.

Given the proposed July 1, 2024 effective date, the CTCs would need considerable time to make all system changes, potential changes to the survey, generated AVR reports and any other items yet identified. Rule 2202 allows employers to survey up to 6 months prior to their annual reporting deadline. Therefore, the CTCs would need to be ready to provide AVR service to an employer by January 8, 2024. This will not be possible given the short turnaround. The CTCs would need to follow their internal processes to facilitate the system updates, as well as obtain the exact costs needed to perform such updates (currently unknown and not budgeted). They would then need to gain approvals from their respective agencies to move forward with the updates and be subject to programmers' availability and timelines. Further, the CTCs would ultimately want to present the new changes to AQMD staff for their review, testing, approval, and certification, which follows previous certification processes over the past 21 years. The CTCs understand the AQMD's objective, which is ultimately for all parties (CTCs, employer ETCs and the AQMD) to be successful with accomplishing shared goals of increasing ridesharing, reducing congestion, reducing vehicle miles travelled (VMT), and improving air quality. As such, the CTCs respectfully request delaying the implementation deadline to January 1, 2025 or further.

5-1

As mentioned, while the timing issue is very important, there are other concerns and recommendations the CTCs would like to address and have listed them below.

## Vehicle Miles Traveled (VMT)

The below screenshot is pulled from Page 16 of the Preliminary Draft Employee Commute Reduction Program (ECRP) Guidelines on South Coast AQMD's PAR 2202 website.

### F. Vehicle Miles Traveled (VMT) Reporting

Vehicle Miles Traveled (VMT) is the number of miles traveled by an employee during their commute trip to the worksite. VMT for an employee is determined based on the distance (in miles) from the employee's home to the worksite. Total VMT is the total number of miles traveled by all employees based on their commute distance to the worksite and is required to be reported on the annual compliance submittal. Worksites will collect VMT data through the AVR survey. All survey participants will report miles traveled one way from home to the worksite. The number of miles traveled will be reported once per survey taker and will apply to all five days of the survey period. Employers will report VMT data per commute mode by summing the miles traveled of daily employee trips for each commute mode type. Employers will submit the AVR summary with VMT data. Total VMT will not impact AVR or the measured success of the program.

Below are discussion items related to this screenshot.

- Regional TripSpark RidePro software currently calculates VMT based on geocoded survey data and **would not** require the addition of a one-way mileage field to the AVR survey. TripSpark software capabilities have been presented to South Coast AQMD staff (at their request). It would be ideal if employers that use the CTCs' Regional AVR survey could submit a report that can be generated from the current software. Data would be more accurate than what is described in the screenshot above.

2

- It is important to note that the South Coast AQMD is suggesting one-way miles be multiplied by 5 for each commuter in order to attain total VMTs, which would include days that employees did not report to work during the survey week. TripSpark software uses data reported directly from AVR survey and does not report VMT for days that employees do not report to the work site (days off).
- If employers who use the Regional AVR survey are required to submit VMT data effective 7/1/24 based on the South Coast AQMD's description above, changes to current software programming will be **significant**. Unknown costs and time for program development, testing and implementation are also concerning to meet this deadline. Some of the programming items are:
  - Add one-way mileage field to the AVR survey.
  - Add calculations for one-way mileage multiplied by five to provide total VMT.
    - This calculation would be separate from AVR calculations because the South Coast AQMD is asking for VMT data based on traveling to work every day of the week, and days worked.
    - It's not clear how employers who conduct a 7-day survey will be handled.
  - Provide breakdown of VMT per commute mode.
    - It's not clear whether this will be based on days traveled to work or if days off will be part of this breakdown.
  - All reports, the AVR survey and any newly created supporting documents would likely need to match South Coast AQMD reports, like they do now.
    - What is the ETA for when VMT reporting drafts may be available? These would be necessary in order to understand system programming (unknown costs).
  - Most employers survey approximately 90 to 120 days prior to their plan due date. However, Rule 2202 allows employers to survey up to 6 months prior to their deadline and CTCs would be required to have all of the new data reporting requirements as detailed in the amendments by January 8, 2024. The CTCs would need ample time to determine timing, programing, testing and implementation.
- Clarification is needed for employees who work remotely from another state, or over a certain distance that they would not travel to the worksite.
- ITS has recommended to the South Coast AQMD that they consider both AVR and VMTs to be metrics for gauging an employer's success. VMT is the number of miles traveled from home to the worksite. AVR is a measure of actual activity occurring at the worksite based on commute mode and number of occupants traveling to the site. This AVR survey data is shared with the ETC and enables them to identify target markets to increase ridesharing at their worksite. ITS is concerned that with South Coast AQMD bringing in the requirement for VMT data, they will eventually move exclusively to collecting VMT data only and end the need for AVR and the employee AVR survey.
- Should the South Coast AQMD sunset the need for an employee AVR/Ridematching survey, the Regional Rideshare database would dwindle from approximately 395,400 records for Los Angeles, Orange, and Ventura County employee commuters to approximately less than 50,000.

Rideshare matching would be decimated and the ability for ETCs to target market their employees for rideshare modes would no longer be available.

## Telecommuting

- ITS recommends and believes that requiring employers to survey their telecommuting employees is more accurate than providing HR/payroll records. Most employers' HR/Payroll departments do not track who teleworks each day of the week. Further, having an employer conduct an employee AVR survey does not place an undue burden on the employer or employee.
- The below screenshot is pulled from **Page 9 of the Preliminary Draft Employee Commute Reduction Program (ECRP) Guidelines** on South Coast AQMD's PAR 2202 website.

### 3. Telecommute Employees

Telecommute employees are employees who work from home, off site, at a satellite office or at a telecommuting center using telecommunications tools such as email, phone, chat or video applications for a full work day 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.

Telecommute employees are included in the employee count for rule applicability and are required to be included in the number of employees within the peak window. Worksite telecommute activity will be reported on the annual compliance paperwork. The worksite will disclose information such as the number of eligible telecommuters, how many employees are currently participating in the telecommute program, and if the telecommute schedule is permanent or if there is a projected return to office date. **Worksites must include human resources (HR) or payroll records with the annual submittal to validate telecommute activity.** Reported information may impact plan submittal, specifically the AVR survey summary and results. HR records should contain anonymized employee data such that specific employee names or other identifying information is not included.

The worksite may report total daily telecommute trips by employees on the AVR summary form, even if not all telecommute employees respond to the employee survey. The ETC may alter the number of daily telecommute trips based on the number of telecommute employees to ensure that the worksite receives full credit for the total number of commute trips reduced by telecommuting.

Question for the South Coast AQMD regarding 2<sup>nd</sup> paragraph – sentence states, “Worksites must include human resources (HR) or payroll records with the annual submittal to validate telecommute activity.”

1. If an employer surveys, are the HR or payroll records necessary for submittal? It was mentioned in the May 31, 2023 Working Group Meeting by Jeff Inabinet that the HR or payroll records would not need to be submitted if a survey was conducted. We would recommend clarification of that sentence to reflect that.



2. The HR departments or payroll departments do not always track or know the exact schedules of employees' telecommute arrangements. Therefore, how is the ETC to gain this information if these departments do not know? It is a concern that the ETC could provide inaccurate data.

Questions for the South Coast AQMD regarding entire 3<sup>rd</sup> paragraph highlighted above:

1. How will this calculation be made? Specifically, employees at a worksite could have various hybrid telework schedules with varied days of a week split between working in the office and working from home, albeit not all 5 workdays are 100% remote. Is the South Coast AQMD stating that employers would report 5 workdays of telecommute activity for those employees that are telecommuting via a hybrid schedule? This would be inaccurate data that is reported.
2. How can CTCs remain confident regarding final AVR data provided to South Coast AQMD **after** the ETC could alter the data on their own to add in non-response telecommute trips? The AVR software provided to employers by the CTCs is certified by the South Coast AQMD and the certification number is populated on all final AVR reports generated. It is not meant to be altered and if that were now allowed, there would not be an audit trail to validate the survey data or support the ETC's amended calculation. This is concerning given the CTCs' certification with the South Coast AQMD and do not want to put that at risk.
3. How does this potential alteration affect the 60 – 89% calculation of no responses (currently calculated as a single occupant vehicle), and the 90%+ response rate? How would ETCs be able to manually alter that data and change their response rates?
4. With all of the amendments and changes, what is South Coast AQMD's plan to provide training (separate from the ETC Training) to ETCs? The CTCs support the majority of employers that comply with Rule 2202 and staff assists employers with their compliance and fields questions from ETCs. These amendments will raise more questions. Therefore, it would be helpful to know what South Coast AQMD will be doing to educate the employers and/or offer assistance to them.

Comment:

For employers that survey, this method of allowing employers to add in non-response telecommute trips could be extra steps that the ETCs may not want to do and/or calculate and potentially lead them to filing a compliance option (such as ERS with no survey) that takes less effort. **This could impact the total number of employers the CTCs provide AVR survey services and thus, decrease the data to the region's database.**

- The next screenshot below is from **Page 18 of the Preliminary Draft Rule 2202 Implementation Guidelines** on the South Coast AQMD's PAR 2202 website.

## Chapter IV Program Administration

Telecommute employees are included in the employee count for rule applicability and are required to be included in the number of employees within the peak window. Worksite telecommute activity will be reported on the annual compliance paperwork. The worksite will disclose information such as the number of eligible telecommuters, how many employees are currently participating in the telecommute program, and if the telecommute schedule is permanent or if there is a projected return to office date. Worksites will include human resources (HR) or payroll records with the annual submittal to validate telecommute activity. Reported information may impact plan submittal, based on the selected program.

AQIP – If a worksite selects the AQIP option, they may deduct the number of daily telecommuters from their average peak window employee count. The site will be required to pay the appropriate AQIP fee per average number of daily employees that physically arrive at the worksite.

ERS using default AVR – If a worksite selects the ERS option, they may deduct the number of daily telecommuters from their average peak window employee count. The site will use the number of average daily employees that physically arrive at the worksite in the calculation to determine the amount of emission credits required.

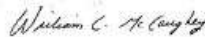
ERS with AVR survey or ECRP – If a worksite is conducting an AVR survey, they may report total daily telecommute trips on the AVR summary form. Total daily telecommute employee trips may be reported even if not all telecommute employees respond to the AVR survey. This ensures that the worksite will received full credit for the total number of commute trips reduced by telecommuting.

**Observation:** For employers filing ERS using a default AVR (without conducting a survey) – they will now be allowed to deduct the number of daily telecommuters from their average peak window count and purchase credits based on only those physically arriving at the site. Consultant staff, on behalf of the CTCs, have secured ERS employers to conduct the survey to gain accurate information reflecting actual commute behavior for the survey week and then provide that data to the emission credit vendor to calculate their emission credits. **This new allowance could cause ERS employers to forego surveying their sites and thus, decrease employer data for the CTCs’ database. Further, it voids the CTCs’ opportunity to convert ERS employer clients to ECRP employer clients.**

We appreciate your time in reviewing the CTCs’ feedback and look forward to working to an amicable solution.

We look forward to your response.

Sincerely,



Bill McCaughey  
President

cc: Martin A. Buford, Senior Manager, Commuter Options & Regulatory Compliance Support – Countywide Planning – LA Metro  
Kristopher Hewkin, Senior Marketing Specialist, Rideshare and Vanpool – OCTA  
Nicole Soto, Multimodal Mobility Programs Administrator, Transit and Rail Programs – SBCTA  
Brian Cunanan, Program Manager, Commuter & Motorist Assistance - RCTC

## Responses to Comment Letter #5 received by ITS

5-1 The South Coast AQMD understands that potential minor system changes may need to occur to the Regional TripSpark RidePro software to accommodate the additional VMT data request of PAR 2202. However, page 2 of the comment letter states that “*Regional TripSpark RidePro software currently calculates VMT based on geocoded survey data and **would not** require the addition of a one-way mileage field to the AVR survey.*” Therefore, it is unclear if any modification to the software is necessary to provide the additional data requests of PAR 2202. The South Coast AQMD understands that many ETCs at regulated worksites rely on this regional software utilized by the CTCs to generate their AVR reports for annual registration submittals. We will continue to work with ITS to make the transition of providing the additional data required by PAR 2202 as efficient and seamless as possible.

PAR 2202 is currently scheduled for Board consideration on August 4, 2023. The effective date for the new data collection and reporting requirements have been extended from July 1, 2024 to September 1, 2024. South Coast AQMD believe this is adequate time to prepare for implementation of the new data collection and reporting requirements.

The remainder of the comment letter contains information that was previously submitted by ITS (Comment Letter #2). Please see the responses to Comment Letter #2.