



Proposed Amended Rule 2202

On-Road Motor Vehicle Mitigation Options

Working Group Meeting #4
May 31, 2023

Join Zoom Webinar Meeting
<https://scaqmd.zoom.us/j/94339030649>
Webinar ID: 943 3903 0649
Teleconference Dial-In: (669) 900-6833

Agenda

- Previous Working Group Recap
- Proposed Amended Rule 2202
- Proposed Amended Rule 2202 Implementation Guidelines
- Proposed Amended ECRP Guidelines
- Next Steps

Previous Working Group Recap

- Three previous working groups
 - February 23rd, March 22nd, and May 3rd
 - Presented background information and concepts for proposed amendments
 - Third working group focused primarily on proposed new data reporting requirements
- Since the third working group, staff has
 - Presented PAR 2202 to Mobile Source Committee on May 19, 2023
 - Released preliminary draft documents for public review and comment

Preliminary Draft Staff Report and Preliminary Draft Rule Documents

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

- [Preliminary Draft Staff Report](#)
- [Preliminary Draft Rule Language](#)
- [Preliminary Draft Rule 2202 Implementation Guidelines](#)
- [Preliminary Draft ECRP Guidelines](#)
- [Notice of Public Workshop \(June 20, 2023\)](#)

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

Please submit written comments by June 30, 2023 if you want a written response in the Draft Staff Report

Summary of PAR 2202 Document Revisions

Rule 2202

- Language expanded on ECRP
- Definitions updated/added
- New limited reporting for all worksites (business type/classification, VMT and telecommute)

Implementation Guidelines

- Language updates
- Telecommute reporting instructions
- ETC training requirement for sites that conduct an AVR survey

ECRP Guidelines

- Specific strategies updated
- Telecommute reporting instructions

AVR Survey Form

- Home to work Vehicle Miles Traveled (VMT)
- Clarified definitions for telecommute, non-commuting, and compressed work week modes

Compliance Forms

- Worksite industry type
- Specific ECRP strategies updated
- New template for submitting telecommuter records
- VMT summary reporting or zip code list

An aerial, high-angle photograph of a multi-lane highway. The image is heavily blurred to convey a sense of rapid motion and traffic flow. A semi-transparent blue filter is applied over the entire scene. The text 'Proposed Amended Rule 2202' is centered in a large, white, sans-serif font.

Proposed Amended Rule 2202

Subdivision (d) - Definitions

PAR 2202 will incorporate definitions of the following terms not previously defined in the rule to provide clarification:

- BUSINESS TYPE/CLASSIFICATION is the activity type that classifies the nature of work conducted at the worksite.
 - *Aids in assessing telecommuting trends and capabilities across different business types/sectors*
- EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP) is a compliance option that allows employers the ability to choose and implement various rideshare strategies at the worksite.
 - *Added ECRP as a compliance option (previously an exemption)*
- EMPLOYEE TRANSPORTATION COORDINATOR (ETC) is an employee who has completed a South Coast AQMD certified training course and has been appointed to develop, market, administer, and monitor the worksite's chosen Rule 2202 compliance option. All worksites conducting an AVR survey are required to have a designated ETC.
 - *Added due to new training requirement*

Subdivision (d) – Definitions (cont.)

PAR 2202 will incorporate definitions of the following terms not previously defined in the rule to provide clarification:

- TELECOMMUTING occurs when an employee working at home, away from a worksite, or at a telecommuting center, using telecommunications tools such as email, phone, chat, or video applications for a full workday that eliminates the trip to work or reduces travel distance by more than 50%. Telecommuting may also be referred to as remote work, work from home, mobile work, or distance work. Telecommuting does not include flexible or compressed work schedules when employees shift their hours but do not work away from the worksite
 - *Added to rule for consistency with guideline documents, provided additional clarification in response to stakeholder feedback*

- VEHICLE MILES TRAVELED (VMT) means the number of miles traveled by a motor vehicle for a worksite commute trip
 - *Added due to new VMT reporting requirement*

Subdivision (f) – On-Road Motor Vehicle Options

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

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

Rule 2202 (cont.)	(Proposed Amended August 2023 Amended June 6, 2014)
(f) On-Road Vehicle Mitigation Options	
To comply with subdivision (c), [Employers may elect to use credits issued pursuant to one or more of the following emission reduction options to meet their Emission Reduction Target (ERT):	
(1) Employee Commute Reduction Program (ECRP)	<u>Any Employer may elect to implement an ECRP that demonstrates conformance with the ECRP Guidelines. Employers must annually submit a program that will meet an Average Vehicle Ridership (AVR) performance requirement of 1.75 for Performance Zone 1; 1.5 for Performance Zone 2; and 1.3 for Performance Zone 3, unless the following conditions are met:</u>
	<u>(A) Employers surrender the difference in emission reductions between the Worksite AVR and the Performance Zone requirement through participation in Air Quality Investment Program (AQIP) or surrendering of equivalent emission credits in accordance with the provisions of subdivisions (f) or (g); or</u>
	<u>(B) Employers comply with the good faith effort determination elements described in the ECRP Guidelines. All approved good faith effort elements shall be maintained during the plan compliance year. Deletion or substitution of any good faith effort element is not allowed unless approved in writing by the District.</u>
(2) Air Quality Investment Program (AQIP)	<u>Any Employer may participate in the AQIP by submitting an air quality investment to be placed in a restricted fund, in accordance with Rule 311 – Air Quality Investment Program (AQIP) Fees. The District shall use these funds to obtain an emission reduction or air quality benefit that is equivalent to the sum of the ERTs for all participating Employers in the AQIP.</u>
(3) Mobile Source Emission Reduction Credits (MSERCs)	Any <u>Employer person</u> may elect to use Mobile Source Emission Reduction Credits that were issued in accordance with the provisions of Regulation XVI.
(4) Emission Reduction Credits (ERCs)	Any <u>Employer person</u> may elect to use Emission Reduction Credits (ERCs) issued in accordance with the provisions of Regulation XIII New Source Review, provided that such credits were approved for transfer into the Rule 2202 program prior to June 6, 2014. ERCs transferred into the Rule 2202 program shall be subject to annual discounting in accordance with the Rule

2202-7

Subdivision (i) – Program Administration

Proposed Amended Rule 2202 New Requirements:

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

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

New reporting requirements will go into effect July 1, 2024

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

Subdivision (n) – Guidelines


PAR 2202 will add subdivision (n) – Guidelines

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

Rule 2202 (cont.)

(Proposed Amended August 2023
Amended June 6, 2014)

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



Proposed Amended Rule 2202 Implementationn Guidelines

Chapter IV - Program Administration

Subsection (B) – Registration Form will be amended:

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

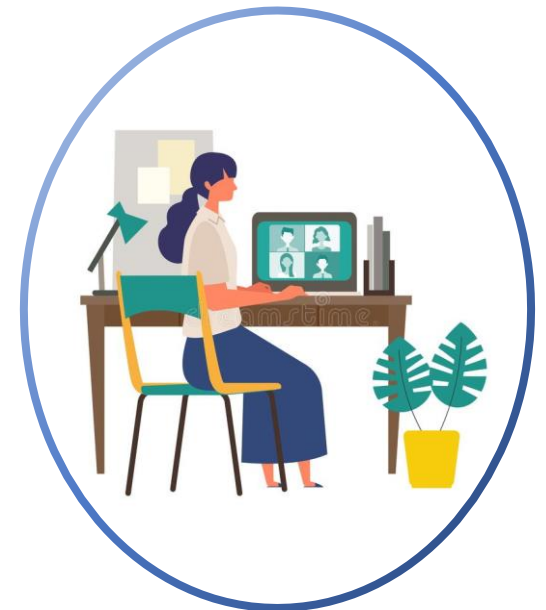
- Business type/classification
 - Predominant activity at the worksite should be considered when selecting the business type/classification (same logic as employee commute mode choice)
- VMT data to be reported using either employee zip codes or AVR survey
- Telecommute policy to be reported on additional compliance document including information such as:
 - Number of eligible telecommuters
 - Number of telecommute days per week
 - If telecommute schedules are permanent

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

Chapter IV - Program Administration (cont.)

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

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



Chapter IV - Program Administration (cont.)


Subsection G. - Special Procedures (cont.)

➤ Paragraph (G)(8) Furloughed Employees

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

➤ Paragraph (G)(10) ETC Training

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



Proposed Amended ECRP Guidelines

Section II - Program Implementation

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

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

Section II - Program Implementation (cont.)

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

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

Section V - Employee Commute Reduction Strategies

Subsection A. - Commute Reduction Strategies updated to remove the Auto Services Strategy and add five basic support strategies

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

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Next Steps

Proposed Amended Rule 2202

Staff is proposing to amend Rule 2202 in two phases

Phase 1 August 2023

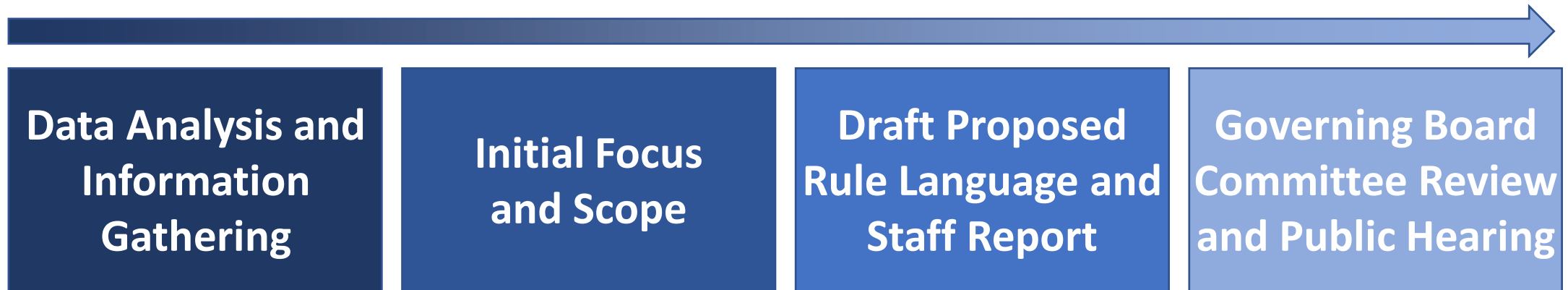
- Require VMT reporting to collect data for Phase 2
- Collect additional site-specific telecommuting policy details
- Minor rule cleanup, administrative revisions and additional clarification

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

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

Rule Development Process

Stakeholder Input



Rule Amendment Schedule

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

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Proposed Amended Rule 2202 Webpage

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