

# **SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

## **DRAFT STAFF REPORT**

### **Rule 9410 (Employer Based Trip Reduction)**

**June 24, 2009**

Prepared by: Jessica Hafer, Senior Air Quality Specialist  
Nichole Corless, Air Quality Specialist

Reviewed by: Errol Villegas, Planning Manager  
Scott Nester, Director of Planning  
Lori Sheridan, Air Quality Inspector  
Patia Siong, Senior Air Quality Specialist  
Colette Feldner, Senior Air Quality Specialist  
Sharon Kendall, Personnel Administrator  
George Heinen, Supervising Air Quality Engineer  
Lucinda Roth, Supervising Air Quality Specialist

#### **I. SUMMARY**

Reducing mobile source emissions is key to the success of the San Joaquin Valley's (Valley) attainment strategies for the federal 8-hour ozone and PM<sub>2.5</sub> (particulate matter that is 2.5 microns or less in diameter) standards. About 75% of the Valley's oxides of nitrogen (NO<sub>x</sub>) emissions come from mobile sources, and NO<sub>x</sub> is a key ingredient in both ozone and secondary particulate matter formation. However, state and federal laws preempt the San Joaquin Valley Air Pollution Control District's (District) authority to regulate tail-pipe emissions for mobile sources.

The California Air Resources Board (ARB) is responsible for regulating emissions from on-road motor vehicles, and ARB also establishes fuel specifications for California. Local governments, such as cities and counties, can influence air quality by addressing emissions from vehicles in their land-use and transportation planning processes and projects. For example, reducing urban sprawl and increasing street connectivity reduce emissions and help improve air quality.

While the District cannot regulate the vehicles themselves or the fuels the vehicles use, the District can reduce mobile source emissions through other avenues. The District's Emissions Reduction Incentive Program (ERIP) provides financial incentives to help replace older cars and engines through a few different programs. One program targets cars that have a history of needing smog repairs, but are currently legally registered and able to be driven. Based on the results of an emission test, incentives are available for up to \$5000 to replace an older car. Other incentives are also given so older engines

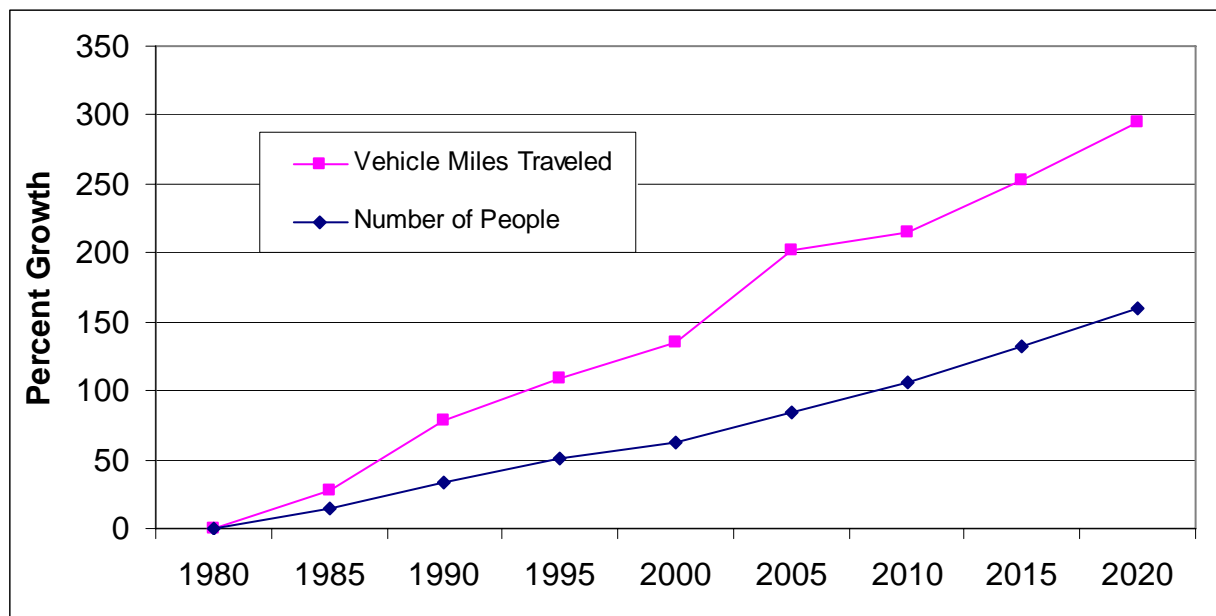
# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

are replaced with newer, cleaner engines years before these engines would be required to be replaced through regulation or natural attrition. The District encourages carpooling, trip linking, and similar activities through Healthy Air Living, the District's principle public outreach effort. Through the District's Indirect Source Review (ISR) rule 9510, the added vehicle miles traveled that results from new development is mitigated through on-site and off-site measures. The District will also reduce vehicle emissions through adoption and implementation of Rule 9410, Employer Based Trip Reduction. The District committed to this rule in both the *2007 Ozone Plan* and the *2008 PM2.5 Plan*.

## A. Reasons for Rule Development and Implementation

Between 2000 and 2020, the population of the San Joaquin Valley is expected to grow by 60%. In contrast, the total population for the state of California is expected to grow 29% over the same time period.<sup>1</sup> Population growth typically leads to increased vehicle activity and increased emissions of ozone precursors, slowing the progress made by regulations that require newer automobiles to pollute less than older models. Furthermore, the Valley's total vehicle miles traveled (VMT) is increasing at an even faster rate than the population (see Figure 1). So the Valley has more people, and they're generally driving more.

**Figure 1 San Joaquin Valley Percent Growth in Population and Vehicle Miles Traveled as compared to 1980**



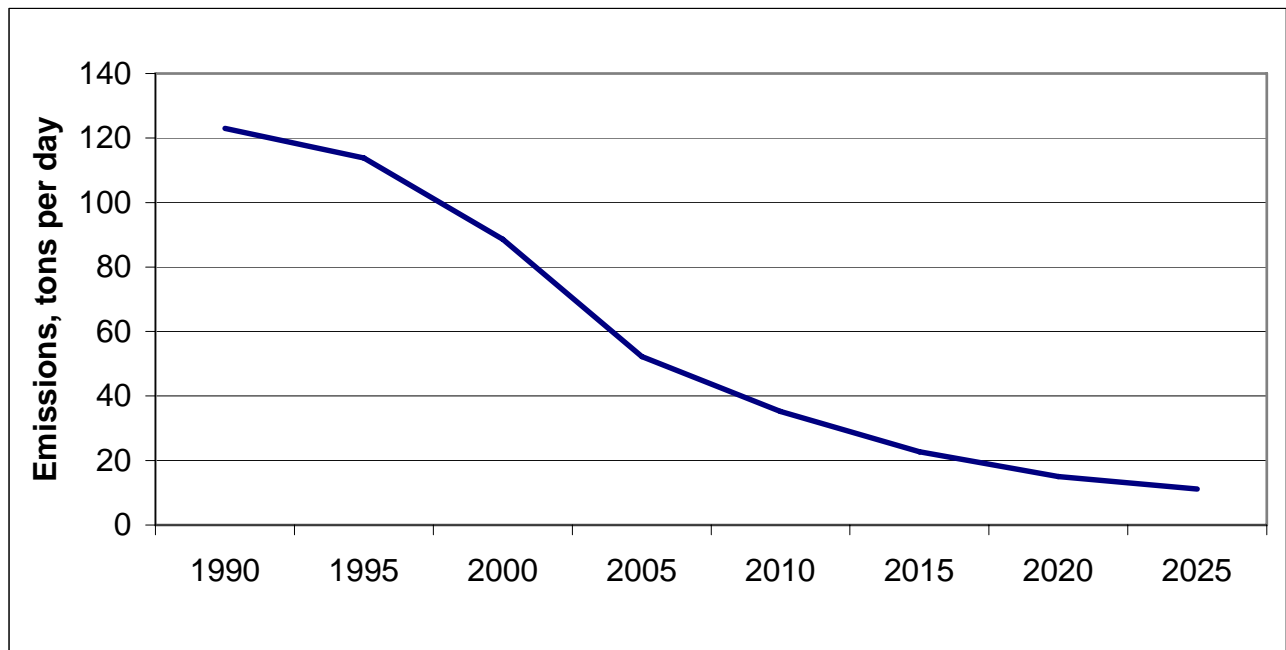
<sup>1</sup> Based on data obtained from [www.arb.ca.gov/app/emsinv/trends.em\\_trends.php](http://www.arb.ca.gov/app/emsinv/trends.em_trends.php), developed using reports from the California Department of Finance.

# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Despite VMT increases, total passenger vehicle emissions have decreased significantly with improvements in technology and fuel formulations (see Figure 2). However, with EPA's new health-based standards for PM<sub>2.5</sub> and 8-hour ozone adopted in 2006 and 2008, respectively, the immense attainment challenges before the Valley demand further reductions from a variety of sources. The proposed Employer Based Trip Reduction rule will achieve some of the additional mobile source emissions reductions needed to contribute to the Valley's progress towards EPA's increasingly stringent air quality standards.

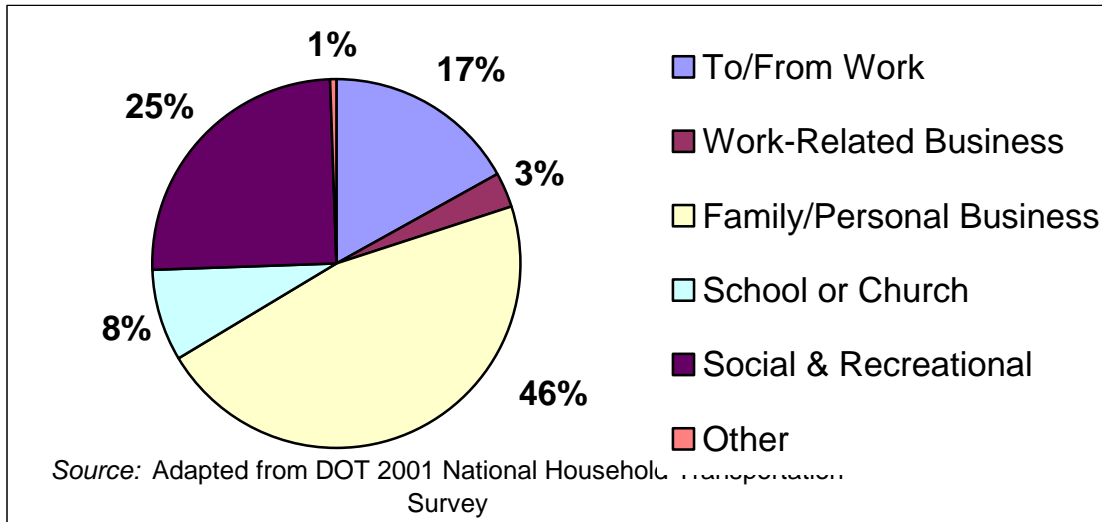
According to the Department of Transportation's (DOT) National Household Travel Survey<sup>2</sup>, as a nation-wide average, trips to and from work account for 17% of all private vehicle trips (see Figure 3). The survey also found that private vehicle use is the largest mode of transportation to and from work, accounting for about 92% of all work commutes (see Figure 4).

**Figure 2 Mobile Source Emissions, Light Duty Passenger and Light Duty Trucks**

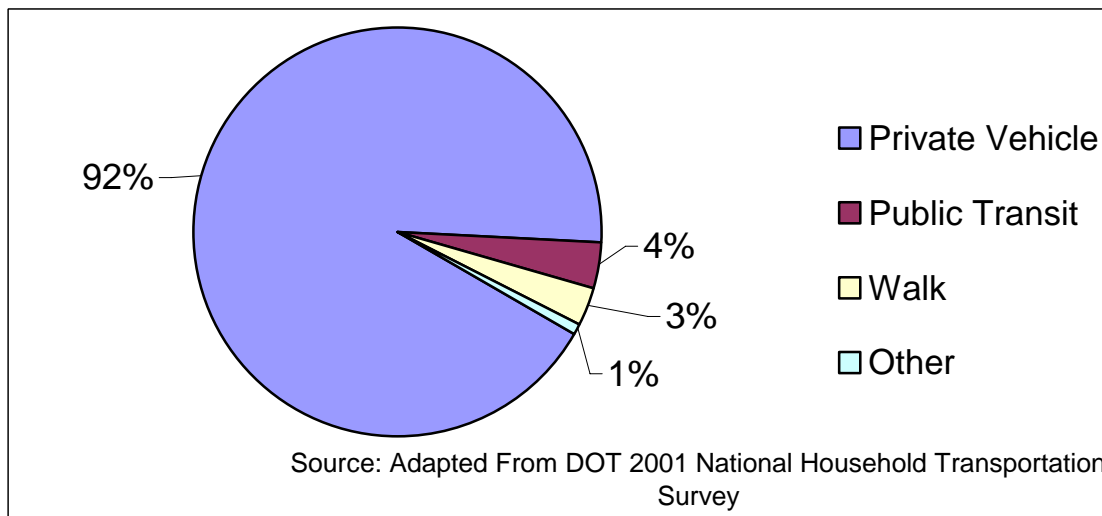


<sup>2</sup> The 2001 surveys were released in July 2005. A 2008 update is in progress with a target completion date in fall 2009.

**Figure 3 Private Vehicle Trip Purposes, 1990-2001**



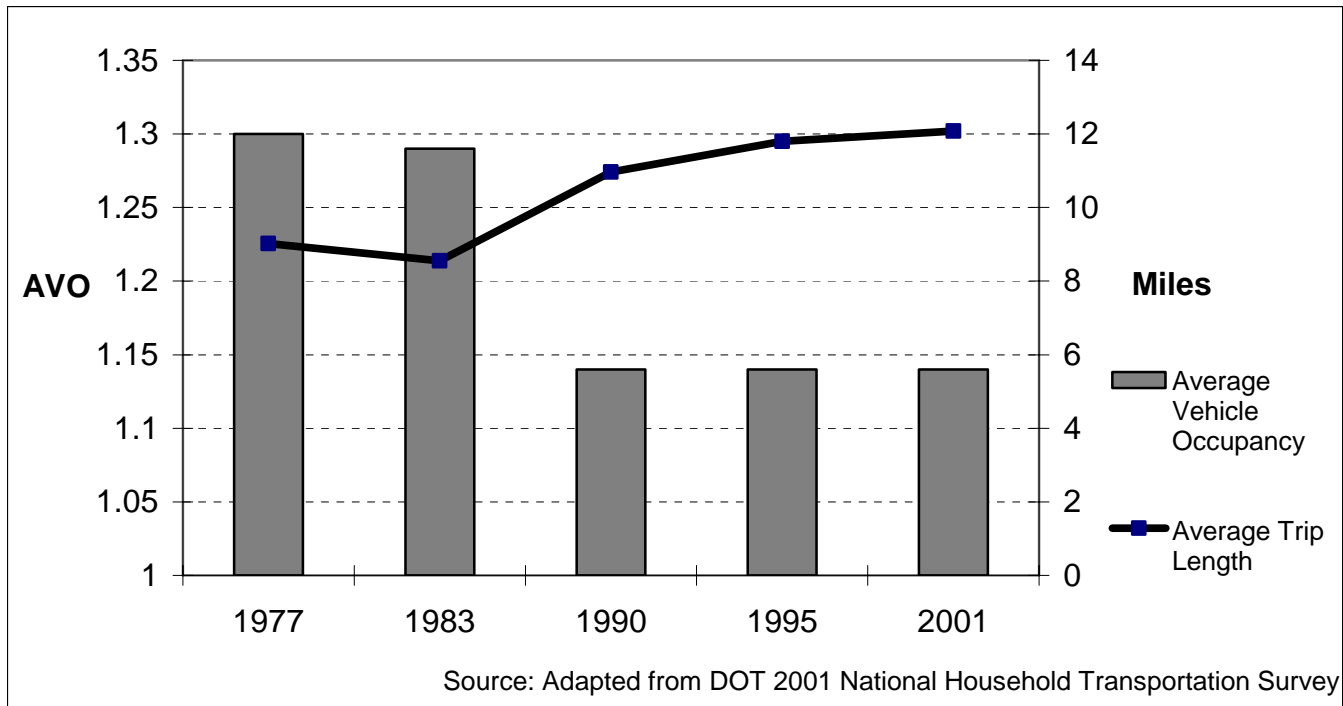
**Figure 4 Modes of Transportation To and From Work, 1990-2001**



The DOT survey also found that average vehicle occupancy to and from work has declined since 1977, and the average distance for commuting to work has continued to increase over the same time period (see Figure 5). The work commute is not the only arena where vehicle miles traveled can be reduced, but it carries some significant advantages and benefits. For example, carpooling to work is convenient in that coworkers are going to the same place at the same time. Using carpooling to decrease

single occupancy vehicle use and vehicle miles traveled during the common work commute times can decrease congestion as well as improve air quality.

**Figure 5 Average Vehicle Occupancy (AVO) and Trip Length To and From Work**



The San Joaquin Valley Air Basin is designated nonattainment for the National Ambient Air Quality Standard (NAAQS) for 8-hour ozone and for PM2.5. The Valley is also nonattainment for the California ozone and PM standards. By reducing VMT, Rule 9410 can decrease emissions of ozone precursors, direct PM2.5, and PM2.5 precursors. Decreasing VMT can also contribute to efforts to reduce greenhouse gases (GHG).

**B. Description of Project**

Consistent with the District’s plan commitments, Rule 9410 would require larger employers (those with 100 or more employees) to establish employee trip reduction programs to reduce VMT, reducing emissions associated with work commutes. The draft rule proposes a menu-based Employer Trip Reduction Implementation Plan (ETRIP) and periodic reporting requirements to evaluate performance. Employers can choose which amenities and programs work best for their operations and their employees. The goal of the ETRIP is to provide employees with opportunities that make ridesharing and alternative transportation more accessible while not requiring a certain number of participants, as employers cannot legally mandate their employees’

activities outside of working hours. The District will make the periodic reporting as simple as possible and will allow for electronic reporting. The reporting component of the rule will help the employer and the District assess how successful the ETRIP is in facilitating alternative transportation and ridesharing. The District will compile a guidance document detailing the various menu options employers may implement to help to reduce employee commute trips.

**C. Rule Development Process**

As part of the rule development process, District staff conducted public scoping meetings in February 2009. At the scoping meetings, District staff presented the objectives of the proposed rulemaking project and solicited suggestions from affected stakeholders on how best to achieve the goals of the project. The knowledge gathered during the scoping meetings was incorporated into Draft Rule 9410 that will be presented in future workshops, and each workshop will be followed by a public comment period. The comments received during workshops and during the written comment period are summarized with District responses in Appendix A of this Draft Staff Report.

A voluntary survey will be sent to large employers to solicit information about their current work environment, including employee information and rideshare programs currently in place. Information provided through the survey will assist the District in the development of Rule 9410 and supporting materials.

The first round of workshops is scheduled for July 2, 7, and 8, 2009, and the Draft Rule and revised Draft Staff Report will be published prior to the meeting. The socioeconomic focus group will be held directly after one of the workshops to solicit comments and information to be used for the socioeconomic and environmental analyses. A public comment period will follow the workshop and close on July 21, 2009. A second round of workshops is tentatively projected for early September 2009.

The proposed rule and staff report will be published prior to a public hearing before the District Governing Board to consider adoption of Rule 9410 in the fourth quarter of 2009.

**II. BACKGROUND**

**A. History and Legislative Authority**

On January 20, 1994, the District Governing Board adopted Rule 9001 (Commute Based Trip Reduction) in response to California Clean Air Act (CCAA) requirements to reduce single occupancy commute vehicle trips and to reduce motor vehicle emissions.

# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

In October 1995, Senate Bill (SB) 437 created Health and Safety Code (H&SC) section 40929(a) (renumbered to 40717.9), which prohibited any public agency from requiring an employer to implement an employee trip reduction program unless expressly required by federal law. District staff determined that Rule 9001 was inconsistent with the new H&SC section, so the District ceased enforcement of the trip reduction rule as of October 9, 1995, and the rule was repealed on February 15, 1996.

More recent legislation gives the District authority to implement measures such as an employer based trip reduction rule or a commute options program:

- 2008 California Assembly Bill (AB) 2522 (Arambula) authorizes the San Joaquin Valley Air District to adopt rules and regulations to reduce vehicle trips in order to reduce air pollution from vehicular sources (H&SC Section 40612(a)(2)).
- 2003 California SB 709 (Florez) authorizes the San Joaquin Valley Air District to adopt rules and regulations to require businesses that employ at least 100 people to establish a rideshare program (H&SC Section 40601(d)).

Also, under Clean Air Act Section 182(d)(1)(B) and 182(e), severe and extreme nonattainment areas may adopt control measures requiring employers to implement programs to reduce work-related vehicle trips and miles traveled by employees.

The District's *2007 Ozone Plan* identified Employer Based Trip Reduction as one of the innovative strategies for reducing ozone precursors. The *2008 PM<sub>2.5</sub> Plan* also committed to adopt a rule requiring employers with 100 or more employees to establish employee trip reduction programs.

### III. SUMMARY OF PROPOSED RULE

#### A. Requirements of Draft Rule 9410

The stated purpose of Draft Rule 9410 is to improve ambient air quality by reducing air pollutant emissions that result from vehicle commute trips to worksites with 100 or more employees. The rule requires employers to implement an Employer Trip Reduction Implementation Plan (ERIP) to provide employees with opportunities that make ridesharing and alternative transportation more accessible. Employers with at least 100 eligible employees would be subject to Rule 9410. Exempt employees include the following (see Rule definitions for more information):

- Agricultural workers
- Emergency health and safety employees
- Field personnel
- Field construction workers

# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

- Independent contractors seasonal/temporary employees
- Volunteers

There are three distinct components of compliance in Draft Rule 9410:

1. Employer registration
2. Employer Trip Reduction Implementation Plan (ETRIP)
3. Employee Survey

**Employer registration:** Employers subject Rule 9410's survey and ETRIP requirements (i.e., employers with 100 or more eligible employees) would register with the District by July 1, 2010 (see Section 6.1 of the Draft Rule).

- Employers who become subject to Rule 9410's survey and ETRIP requirements after January 1, 2010, due to a change in the workforce, would register within 180 days after becoming subject to Rule 9410 (see Sections 6.1 and 6.6.1 of the Draft Rule).
- Employers who fall below the 100 eligible employee level after registering with the District for this rule would notify the District in writing of their change in status within 90 days of their change in status (see Section 6.6.2 of the Draft Rule).

**ETRIP:** The Employer Trip Reduction Implementation Plan (ETRIP) shows which menu options the employer is implementing to achieve the point targets specified in the rule. The menu approach allows employers the flexibility to choose measures that are more appropriate for their employees and their operations. The goal of the ETRIP is to provide employees with opportunities that make ridesharing and alternative transportation more accessible.

- Employers would notify eligible employees of the compilation of the ETRIP and facilitate the participation of eligible employees in the development of the ETRIP.
- Tier 1 employers have between 100 and 249 eligible employees. Tier 2 employers have 250 or more eligible employees. Tier 2 employers would have to achieve more points in their ETRIP (see Section 5.1, Table 1 in the Draft Rule; see also Table 1 in this Staff Report).
- There is a list of measures an employer can choose for their ETRIP, and each measure has an associated point value (see Section 5.2, Table 2 in the Draft Rule; see also Table 2 in this Staff Report).
- The measures in the ETRIP are divided into five Strategies: Marketing, Implementation, Transportation and Alternative Schedule, Incentives, and Services and Amenities. There is a minimum point target for each strategy.
- The ETRIP total point target is higher than the minimum point targets for the five strategies. The additional points needed in the ETRIP can come from any strategy or combination of strategies.
- The ETRIP template will be kept simple, and the District will offer electronic reporting. The Draft form includes a series of check boxes and areas where the total points can be added for easy comparison to the rule's point targets.



# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

- The first ETRIP would be due to the District by September 1, 2010, or 90 days after initial employer registration. The first ETRIP will include the measures employers plan on implementing and will need to implement by January 1, 2011.
- The District would act on ETRIPs within 90 days of submittal.
- Employers would keep records of steps taken to implement measures for the ETRIP on file for at least five years, making records available to the District or EPA upon request.
- Beginning in 2012 (or after the employer has become subject to the rule and has submitted their first ETRIP), the employer will submit the ETRIP form to the District annually by March 31. Any changes the employer made to their trip reduction program will be reflected on their new ETRIP.

**Employee Surveying:** Survey results are for informational purposes, to help the employer and the District assess how successful the ETRIP is in facilitating alternative transportation and ridesharing. There is no target participation level associated with the survey results.

- Employers would survey their eligible employees for a Survey Week, twice per year, beginning in 2011.
- The Survey Week (as defined in Section 3.0 of the Draft Rule) would be a regular work-week running from Monday through Friday. This would be representative of a typical work week. The Survey Week would not contain any federal, state, or local holiday, regardless of whether the holiday is observed by the employer.
- The calendar year's semiannual Survey Weeks would be at least 120 days apart.
- The surveys would collect information on the modes of transportation used by all eligible employees for commutes both to and from work, every day of the survey week.
- Employers would keep survey records on file for at least five years, making records available to the District or EPA upon request.
- Survey results would be reported to the District by March 31 of every year, beginning in 2012.

<b>Table 1: ETRIP Point Targets</b>		
<b>ETRIP</b>	<b>Tier One Employer</b>	<b>Tier Two Employer</b>
<b>Total Points Goal</b>	<b>44</b>	<b>66</b>
Minimum points per strategy		
Marketing Strategy	6	10
Implementation Strategy	8	10
Transportation and Alternative Schedule Strategy	10	15
Incentives Strategy	4	9
Services and Amenities Strategy	6	10
<i>Additional Points Needed (from any measure or combination of measures)</i>	<i>10</i>	<i>12</i>

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

<b>Table 2: ETRIP Menu Options</b>	
<b>Marketing Strategy</b> <i>Measures that help increase trip reduction program awareness &amp; accessibility</i>	<b>Points</b>
<p>Employer Rideshare Event – Employer sponsored events available to all eligible employees which promote rideshare opportunities, such as:</p> <ul style="list-style-type: none"> <li>• Employee Rideshare Fair that has multiple agencies or resources about alternative transportation in the vicinity of the worksite</li> <li>• Presentation on the alternative transportation opportunities and services available to the worksite and benefits of ridesharing. This should be at least a one-hour meeting for all eligible employees or the equivalent.</li> <li>• Week-long Alternative Transportation/Rideshare event where eligible employees are encouraged to try alternative transportation throughout the week.</li> </ul>	5
<p>Employer Rideshare/Alternative Transportation Meetings – Quarterly meetings available to all eligible employees to help those employees identify those who live in similar areas to foster the rideshare coordination.</p>	5
<p>Employer Rideshare/Alternative Transportation Focus Group(s) – Meetings conducted at least semiannually with eligible employees to solicit input on commute behavior, incentives to rideshare, and any constraints to alternative commute modes.</p>	5
<p>On-site Transit Information Center – Employer-provided transit information center for general transit information and/or the on-site sale of public transit passes, tickets or tokens to that worksite’s eligible employees. Information must be verified and updated, as necessary, at least quarterly.</p>	3
<p>Rideshare and Alternative Transportation Bulletin Boards – A communication tool that displays materials that publicizes incentives and encourages participation in a rideshare program. The bulletin board should be in a location that would be most likely viewed by the majority of the eligible employees. It may be necessary to have more than one bulletin board. The board should be verified and updated, as necessary, at least quarterly.</p>	3
<p>Attendance at a Marketing Class/Focus Group – Annual attendance by the ETC/EPM at an Employee Trip Reduction program marketing class provided by the District or its designee.</p>	3
<p>Employer Rideshare Newsletter – An employer-generated newsletter that discusses alternative transportation modes, outlines incentives, and encourages participation in a rideshare program. Must be distributed at least quarterly to all eligible employees. A</p>	3

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

newsletter should be at least two pages along and be text-driven to provide eligible employees with detailed information about ridesharing and alternative transportation. Could be an electronic newsletter.	
<p><b>Rideshare Flyer –</b>                      A flyer that provides updates to eligible employees on alternative commute modes and incentives offered by the employer to encourage participation in a rideshare program. The flyer would be one page and may include graphics and short summaries to highlight program basics and updates. Must be distributed at least quarterly to all eligible employees.</p>	1
<p><b>CEO Communication –</b>                      Direct communication by the employer’s CEO to introduce alternative commute modes, outline incentives, and encourage participation in a rideshare program. This must occur, at a minimum, on an annual basis. Might occur as verbal or written communication.</p>	1
<p><b>Rideshare Orientation for New Employees –</b>                      Explanation of alternative transportation modes and employer incentives to promote and encourage participation in a rideshare program during the employer’s regular orientations for new, eligible employees.</p>	1
Other marketing strategy approved by the District	Varies
<b>Implementation Strategy</b>	<b>Points</b>
<i>Measures that promote trip reduction program implementation</i>	
<p><b>Internal Ride Matching –</b>                      The employer provides rideshare matching service, zip code list or assistance in finding commute alternatives for all eligible employees. Information must be updated semi-annually.</p>	5
<p><b>Internal Guaranteed Ride Home Service –</b>                      The employer directly provides eligible employees with a return trip to the point of commute origin, when a need for the return trip arises and the employer participated in ridesharing or alternative transportation that day. This need may be a personal emergency, an unplanned situation or business-related activities (such as overtime). The employer needs to indicate if this service would be provided by employer vehicle, rental car, taxi, another employee or by a TMA/TMO.</p>	5
<p><b>Personalized Commute Assistance –</b>                      The employer provides personalized assistance such as transit itineraries, carpool matching and personal follow-up to eligible employees at least annually. Examples of ways an employer can provide this service to eligible employees are:</p> <ul style="list-style-type: none"> <li>• Organize carpool/vanpool formation meeting(s).</li> <li>• Assist in identifying park and ride lots.</li> <li>• Assist in identifying bicycle and pedestrian routes.</li> <li>• Assist in providing personalized transit routes and schedule information.</li> </ul>	5

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

<ul style="list-style-type: none"> <li>• Provide personalized follow-up assistance to maintain participation in the commute program.</li> </ul>	
<p><b>External Employee Ride Matching Services –</b>                  The employer promotes the use of a third-party rideshare program to help eligible employees identify appropriate opportunities for ridesharing. Employers must promote these services at least annually.</p>	3
<p><b>External Guaranteed Ride Home Service –</b>                  The employer utilizes a third-party service to provide eligible employees with a return trip to the point of commute origin, when a need for the return trip arises and the employer participated in ridesharing or alternative transportation that day. This need may be a personal emergency, an unplanned situation or business-related activities (such as overtime). The employer needs to indicate if this service would be provided by employer vehicle, rental car, taxi, another employee or by a TMA/TMO.</p>	3
<p><b>Healthy Air Living Partner –</b>                  Register with the San Joaquin Valley Air Pollution Control District as a Healthy Air Living Partner. See <a href="http://www.healthyairliving.com">www.healthyairliving.com</a> for more information.</p>	1
<p><b>“Best Workplaces for Commuters” Recognition –</b>                  Businesses who, through application to the Best Workplaces for Commuters program, are found to meet the National Standard of Excellence in commuter benefits can be included in the national list of Best Workplaces for Commuters. This is a standard created by the Center for Urban Transportation Research and the U.S. Environmental Protection Agency. See <a href="http://www.bestworkplaces.org">www.bestworkplaces.org</a> for more information.</p>	1
<p><b>Preferential Parking –</b>                  The employer provides preferential parking spaces for use by eligible employees when they participated in ridesharing. These spaces must be clearly posted or marked in a manner that identifies them for carpool or vanpool use only. Of all parking spaces available for any eligible employees (not including spaces reserved for management, visitors, or employer fleet), at least 7% should be permanently designated as carpool spaces.</p>	1
<p>Other general support strategy measures approved by the District</p>	Varies
<p><b>Transportation and Alternative Schedules</b>  <i>Measures that provide options to decrease VMT</i></p>	
<p><b>Compressed Work Week (CWW) –</b>                  A regular, full-time work schedule which eliminates at least one round-trip commute trip (both home-to-work and work-to-home) at least once every two weeks for all eligible employees. A CWW schedule must be implemented in a manner that reduces trips to the worksite, as an alternative to completing the basic work requirement of five eight-hour workdays in one week, or ten eight hour workdays in two weeks. All eligible employees must be on the CCW</p>	15

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

<p>schedule.</p> <ul style="list-style-type: none"> <li>• 9/80 Schedule – The employee works eight nine-hour days, and one eight-hour day. The employee is thus off of work one day every ten days.</li> <li>• 4/10 Schedule – The employee works four ten-hour days each week. The employee thus takes one day off work in every five day period.</li> <li>• 3/36 Schedule – The employee works three twelve-hour days and takes two days off work every five days.</li> </ul>	
<p>Telecommuting Program – A system of working at home, offsite, or at a telecommuting center for a full workday. Telecommuting should eliminate the trip to work or reduce the travel distance to the worksite by more than 80 percent. The employer should make telecommuting available to at least 10 percent of its eligible employees (even if less than 10 percent of eligible employees take advantage of the program), and each participant should be allowed to telecommute at least one day per week.</p>	9
<p>Vanpool Program – The employer provides eligible employees with a vanpool program designed to encourage the use of existing vanpools or the development of new vanpools. The employers must provide eligible employees information on vanpool availability, benefits of vanpooling, and any incentives offered by the employer or an outside agency.</p>	7
<p>Bicycle Program – Employer-promoted program which encourages bicycle commuting. The employer should provide information to eligible employees such as bike routes and bike safety. Eligible employees who commute by bicycle will be provided with a safe place to store bicycles when not in use and other tools. Examples of elements that can be included in a program are:</p> <ul style="list-style-type: none"> <li>Bicycle matching/meeting</li> <li>Shoes, clothing or helmets</li> <li>Lockers</li> <li>Bicycle racks</li> <li>Bicycle repairs or repair kits (such as a tire pump), or</li> <li>Discounts at local bicycle shops.</li> </ul>	7
<p>Carpool Program – Employer promoted program designed to encourage the use of existing carpools or the development of new carpools by facilitating ride matching, providing ridesharing information, and resources to participants.</p>	7
<p>Shuttles – Employers provide a shuttle for daily work commutes between employer worksites or between transportation stations and the worksite.</p>	5
<p>Flex Time Schedule – Eligible employees are permitted to adjust their work hours in order to</p>	3

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

accommodate public transit schedules or rideshare arrangements.	
<p><b>Staggered Work Schedule –</b>                      The employer selects different start and stop times for departments or individuals within the company to promote ridesharing and accommodate public transit.</p>	3
Other transportation and alternative schedule measures approved by the District	Varies
<b>Support Strategy: Incentives</b>	
<i>Measures that encourage trip reduction program participation through monetary based incentives.</i>	<b>Points</b>
<p><b>Monetary Incentive –</b>                      The employer, or other funding sources, provides eligible employees with cash subsidies, at least on a quarterly basis, for participation in the trip reduction program. This can include, but is not limited to, providing a monetary incentive to eligible employees who use alternative transportation a predetermined, minimum number of times per month or pay period.</p>	9
<p><b>Time Off with Pay –</b>                      The employer provides eligible employees additional time off with pay for participation in the trip reduction program. This can include, but is not limited to, allowing eligible employees to accrue time off for every time they use alternative transportation or ridesharing.</p>	9
<p><b>Transit Subsidy –</b>                      Employers pay for all of the cost of commuting by local transit, commuter rail or train for eligible employees that use these services. The employer must provide the monetary value of the transit subsidy and the frequency of distribution.</p>	5
<p><b>Commuter Choice Program –</b>                      Transit or vanpool benefits that employers can provide to eligible employees on a tax-free basis to assist commuters in reducing their vehicle trips.</p>	5
<p><b>Parking Cash-out Program –</b>                      Program where a parking fee is charged to eligible employees who drive alone to the worksite and, in exchange, a subsidy is provided to eligible employees towards costs of alternative transportation modes. The employer must provide the monetary value of the charge/subsidy and the frequency of distribution.</p>	5
<p><b>Startup Incentive –</b>                      Designed to reward commuters who previously commuted via single occupancy vehicle by offering a one-time or short-term incentive when they begin using ridesharing or alternative transportation on a regular basis.</p>	3
<p><b>Discount Transit Passes –</b>                      Employers pay for part of the cost of commuting by local transit, commuter rail or train for eligible employees that use these services.</p>	3

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

Discounted/Free Meals – Employers provide participating eligible employees with free or discounted meals for their participation in the commute reduction program. The employer must offer meals to all eligible, participating employees at least twice per month.	3
Points Program – Program where eligible employees earn points for each day of participation in the trip reduction program. Points are redeemed for such rewards as time off, gift certificates, cash or merchandise.	1
Prize Drawing – Eligible employees are provided with a chance to win prizes, at least quarterly, for participation in the trip reduction program.	1
Other incentive support strategy measures approved by the District	Varies
<b>Support Strategy: Services and Amenities</b> <i>Measures that increase the convenience of program participation.</i>	<b>Points</b>
Onsite Food Service – Employer provides an onsite area where eligible employees can consistently purchase meals, such as a cafeteria or lunch truck service.	7
Onsite Child Care – Service provided to eligible employees with children to help reduce the need to drive alone to the worksite.	7
Showers and/or Lockers onsite	5
Onsite Bike Repair – Services that would allow a bicycle repair person to repair and/or tune up employee bicycles onsite at least twice per month if or when eligible employees sign up and agree to pay for said services.	5
Electric vehicle recharging	5
Onsite ATM	3
Onsite vending machines	3
Bike Racks – Sufficient racks and secure bike parking is provided to accommodate eligible employees who bike to work.	3
Health Facilities – Services that provide first aid to eligible employees including, but not limited to, first aid, onsite nurse, etc.	3
Bicycles – Provided by the employer and made available for employee use during lunch and breaks.	3
Fitness Area and/or Classes – Employer provided area to exercise during breaks or lunches. Examples may include, but are not limited to: <ul style="list-style-type: none"> <li>• Fitness area with exercise equipment available for employee use</li> </ul>	3

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

<ul style="list-style-type: none"> <li>Room designated for an exercise video or fitness instruction during lunch at least once per week</li> </ul>	
Lunch Delivery – Employer-organized lunch delivery at least twice per month.	1
Check cashing	1
Break and/or Lunch Activities – Employer-sanctioned or employer-promoted activities that may reduce the amount of eligible employees going offsite during breaks and/or lunches at least two times per month. May include activities such as games, movies, etc.	1
Dry Cleaning – Employer promoted onsite pick up and delivery through an outside agency where eligible employees pay for services, but not the delivery fees.	1
Postal Service – Stamps for sale onsite and onsite mail pick up for eligible employees' personal mail.	1
Other services and amenities support strategy measures approved by the District	Varies

**IV. DISCUSSION**

**A. Regulations in other California Districts**

South Coast Air Quality Management District adopted Rule 2202 On-Road Motor Vehicle Mitigation Options on February 6, 2004. The rule requires employers with 250 or more employees throughout the district to reach an Emissions Reduction Target depending on designated zones. Rule 2202 provides a menu of options to achieve reductions, one of which is Employee Commute Reduction Program. This option requires registration of the employer and the implementation of a trip reduction plan. South Coast AQMD offers a toolbox of ways to achieve commute reductions within Rule 2202.

Bay Area Air Quality Management District's Rule 1 Trip Reduction Requirements for Large Employers, under Regulation 13, was adopted in 1992 and vacated by SB 437 (Lewis) in 1996. This rule required employers with 100 or more employees to implement a trip reduction plan. Currently, Bay Area AQMD promotes voluntary employer based trip reduction programs through their Transportation Control Measures (TCMs) stated in the 2000 Clean Air Plan and updated in the 2005 Ozone Strategy. TCM 1 states that the Metropolitan Transportation Commission will continue to administer the regional ridesharing program funded by Bay Area AQMD's Transportation Fund for Clean Air (TFCA). TFCA also funds TCM 13 Transit Use Incentives providing 58 employers with monthly transit passes, TCM 14 Rideshare and Vanpool Services, and TCM 16



Intermittent Control Measure/Public Education Spare the Air Program which is currently partnered with 1,021 employers.

**B. Resources**

There is a multitude of employer based and regional programs in and outside of California that provide services to reduce VMT and emissions. Though they have been successful, the efforts still remain voluntary in nature and limited in scope. Mandatory trip reduction programs have the potential to provide widespread change and achieve significant reductions in VMT. Employers may be able to partner with existing programs and services, or employers may benefit from implementing programs similar to those that have already been shown to be successful.

***Healthy Air Living***

Healthy Air Living (HAL) is the Air District's campaign to help Valley residents and businesses make air quality a priority in day-to-day decision making. So far, the HAL campaign has provided public education informing Valley residents and businesses alternative transportation possibilities and ways to reduce emissions. The HAL initiative also offers toolkits to employers, including the [Employee Trip Reduction Resource Book](http://www.healthyliving.com/docs/Trip%20Reduction%20Book.pdf) (found at <http://www.healthyliving.com/docs/Trip%20Reduction%20Book.pdf>) highlighting various considerations and strategies for adopting a trip reduction plan. The HAL program will continue to serve Valley residents, providing information on how to make changes affecting air quality in the Valley. Visit [healthyliving.com/business.htm](http://healthyliving.com/business.htm) for more information.

***Best Workplaces for Commuters***

Best Workplaces for Commuters is a nation-wide program dedicated to employer recognition and resources for commuter benefits. Applicants agree to offer a selection of commuter benefits and ensure a minimum level of employee participation. This program was created by the Center for Urban Transportation Research and the U.S. Environmental Protection Agency. See [www.bestworkplaces.org](http://www.bestworkplaces.org) for more information. The San Joaquin Valley Air District applied for Best Workplaces for Commuters recognition in February 2009.

***Valley Transit Services***

Employers in some areas may be able to take advantage of local transit services in their area. Table 3 summarizes some of the major Valley bus systems.

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

<b>Table 3: Valley Bus Information</b>					
<b>City</b>	<b>Bus System</b>	<b>Fare</b>	<b>Website</b>	<b>Hours Available</b>	<b>Routes Available Online</b>
Bakersfield	GET (Golden Empire Transit)	\$0.90	<a href="http://www.getbus.org/">www.getbus.org/</a>	6:00am-10:45pm	Yes
Clovis	Stageline and FAX Route 28	\$1	<a href="http://www.cityofclovis.com/UMAP.asp?FolderID=249">www.cityofclovis.com/UMAP.asp?FolderID=249</a>	6:00am-8:25pm	Yes
Fresno	FAX (Fresno Area Express)	\$1	<a href="http://www.fresno.gov/DiscoverFresno/PublicTransportation/default.htm">www.fresno.gov/DiscoverFresno/PublicTransportation/default.htm</a>	5:30am-10:00pm	Yes
Hanford	KART (Kings Area Rural Transit)	\$1	<a href="http://www.kartaits.com/karthome.htm">www.kartaits.com/karthome.htm</a>	5:50am-11:00pm	Yes
Lodi	Grape Line	\$1	<a href="http://www.loidi.gov/transit/introductions.html">www.loidi.gov/transit/introductions.html</a>	6:00am-7:00pm	Yes
Madera	MAX (Madera Area Express)	\$0.75	<a href="http://www.maderactc.org/pubtrans.html">www.maderactc.org/pubtrans.html</a>	7:00am-6:30pm	Yes
Manteca	Manteca Transit	\$1	<a href="http://www.ci.manteca.ca.us/mantecatransit/general.htm">www.ci.manteca.ca.us/mantecatransit/general.htm</a>	6:00am-7:00pm	Yes
Merced	The BUS	\$1	<a href="http://www.mercedthebus.com/index.html">www.mercedthebus.com/index.html</a>	7:00am-6:00pm	Yes
Modesto	MAX (Modesto Area Express)	\$1.25	<a href="http://www.modestoareaexpress.com/default.htm">www.modestoareaexpress.com/default.htm</a>	6:30am-6:00pm	Yes
Porterville	Porterville Transit	\$1	<a href="http://www.portervilletransit.org/">www.portervilletransit.org/</a>	7:00am-7:00pm	Yes
Stockton	RTD (Regional Transit District)	\$1.50	<a href="http://www.sanjoaquinrtd.com/Default.htm">www.sanjoaquinrtd.com/Default.htm</a>	6:00am-10:45pm	Yes
Tracy	Tracer	\$1	<a href="http://www.mvtransit.com/Tracer_home.htm">www.mvtransit.com/Tracer_home.htm</a>	7:00am-7:00pm	Yes
Turlock	BLAST (Bus Line Service of Turlock)	\$1.25	<a href="http://www.ci.turlock.ca.us/citydepartments/developmentservices/transitservices/blastbus/">www.ci.turlock.ca.us/citydepartments/developmentservices/transitservices/blastbus/</a>	5:35am-6:15pm	Yes
Visalia	VCC (Visalia City Coach)	\$1	<a href="http://www.ci.visalia.ca.us/depts/transit/visalia_city_coach_(vcc)/default.asp">www.ci.visalia.ca.us/depts/transit/visalia_city_coach_(vcc)/default.asp</a>	6:00am-9:30pm	Yes

***Resources for Ridesharing***

There are many programs operating regionally throughout California to provide alternative transportation services such as ride matching, commute calculators, employer resources, incentives and discounts and Guaranteed Ride Home services. Though it is not nearly exhaustive, the following list is of a few notable programs in the San Joaquin Valley:

- Commute Connection ([www.commuteconnection.com](http://www.commuteconnection.com)) is a regional rideshare program operated by the San Joaquin Council of Governments and helps commuters find suitable alternative transportation options. The program includes free services such as commuter ride matching, Guaranteed Ride Home and employer assistance, while raising public awareness about the connection between transportation choices, air quality, and traffic congestion. Commute Connection currently serves almost 10,000 commuters in San Joaquin, Stanislaus, Calaveras and Tuolumne Counties.
- Kings County Area Public Transit Agency ([www.kartaits.com](http://www.kartaits.com)) sponsors two programs that serve Kings County as well as other surrounding communities. Kings Area Rural Transit (KART) is Kings County's complete public rural and urban transportation provider. KART provides service within the Downtown areas of Hanford and Lemoore and regular route service between Hanford and the cities and communities of Armona, Avenal, Corcoran, Fresno, Grangeville, Hardwick, Kettleman City, Laton, Lemoore, Stratford, and Visalia. The AITS program is a vanpool program, also sponsored by Kings County Area Public Transit Agency, which provides agricultural workers in Kings, Tulare and Fresno Counties with safe, affordable vans they can use to drive themselves and others to work. AITS offers start-up grants to purchase the vans, and riders pay only a nominal fee to cover the cost to operate, maintain and insure the vehicle. The vans are also each equipped with a Global Positioning System, first aid kits, fire extinguishers and roadside safety items.
- Kern Commuter Connection ([www.commutekern.org](http://www.commutekern.org)) serves Kern County offering information on carpooling, vanpooling and other modes of alternative transportation as well as air quality and road information and employer resources.
- Merced Rides (<http://www.mercedrides.com/>) serves Merced County with information on transit, ridesharing, and the "Car-less Commute" program.
- South Valley Rideshare ([www.southvalleyrideshare.com](http://www.southvalleyrideshare.com)) is an innovation of Visalia City Coach in collaboration with the Kings County Area Public Transit Agency serving Madera, Fresno, Kings, Tulare, and Kern Counties. The website provides listings of open carpools and vanpools and provides other transit information.
- Valley Rides ([www.valleyrides.com](http://www.valleyrides.com)) is a cooperative effort between California State University Fresno and the Council of Fresno County Governments serving the Central Valley students and businesses. Valley Rides offers information on park and ride lots in the area and carpooling tips.

**C. Successes**

***Successes in Ridesharing***

The following worksites have successfully incorporated carpooling, vanpooling, or other mass transit options in their trip reduction efforts:

- The San Joaquin Valley Air District currently operates a voluntary Alternative Transportation Incentive Program for its employees. This program provides monetary incentives and preferential parking for those employees who use alternative modes of transportation, such as carpooling, biking, and public transit for at least 60% of commutes to and from work. Currently, this program has about 37% participation and has been a role model for the Valley.
- Paramount Farms in Northwestern Kern County operate employee vanpools for its sites in Lost Hills and Kings County.
- Pelco in Fresno has a wide variety of employee focused programs that reduce vehicle miles travelled, including bike to work and bus incentives.
- IKEA Wholesale in Bakersfield participates in and encourages carpooling and other alternative transportation with subsidies and competitions between employees.
- Tejon Ranch is implementing a vanpool to serve the many employees at IKEA and Tejon Industrial Complex.
- Diamond Foods in Fowler are in the process of getting bus service to their site and will provide a bus schedule to all employees.
- Frito-Lay is establishing a rideshare program at the worksites in Crows Landing and Bakersfield to help reduce vehicle trips.
- Cal State University Bakersfield encourages student use of busses by subsidizing bus passes, and by sponsoring an Alternative Transportation Day. They are also exploring ways to get more people involved such as incentivizing alternative transportation with gift drawings.
- Chevron facilities in Fresno operate vanpools to outlying field areas.
- Aera Energy operates vanpools from the offices in Bakersfield.
- Dreyers Ice Cream in Bakersfield encourages their employees to walk, bike, and carpool to work.

***Successes in Services and Amenities***

On-site amenities and services make choosing alternative transportation more convenient. Programs currently in place that offer additional services to employees as a part of their trip reduction efforts include:

- The District offers its employees various amenities like showers and lockers, bike racks, bikes available for break and lunchtime use, lunch activities, postal services, order in lunches, and dry cleaning pickup and delivery. These additional services help reduce vehicle trips at lunch and for running errands, especially complementing those who do commute alternatively.

- Paramount Farms has a cafeteria in the Lost Hills facility to keep employees from commuting offsite for meals.
- Pelco has an onsite food service, postal services, and dry cleaning service helping to decrease additional trips employees need to make.
- IKEA contracts with a catering service to keep employees on site for meals.
- CSUB offers many internet classes and has dining facilities, postage facilities, and provides daycare for students and staff.
- The Chevron facility has a gym on site, provides lunch service, postal service, and bicycle storage.
- Aera Energy also has a gym on site, ATM, and provides lunch service for employees.

***Successes in Alternative Work Schedules and Telecommuting***

Many employers utilize flexible schedules and telecommuting to help reduce vehicle trips, congestion, and pollution:

- The District has implemented flexible work schedules and telecommuting to reduce vehicle trips to and from work and meetings. The District's flexible work schedule consists of working 9 days out of a two week period but still achieving 80 hours (9/80 schedule). This is done by working 9 hours a day Monday through Thursday and then 8 hours on the working Friday and then off on the second Friday therefore reducing a day of commuting to work.
- Paramount Farms saves travel with teleconferencing between offices in Lost Hills and Santa Monica, and allows employee telecommuting.
- Pelco allows flex work schedules to better suit employees.
- IKEA has a telecommuting program that allows some job classifications to work from home.
- Chevron also operates on a 9/80 schedule to help reduce vehicle trips.
- Aera Energy operates on a 9/80 schedule in addition to their other trip reduction efforts.
- Dreyers utilizes video-conferencing and telecommuting to cut down on travel.

**D. Benefits of a Trip Reduction Program**

The Employer Based Trip Reduction program is part of the District's strategy for bringing the San Joaquin Valley Air Basin into attainment of EPA's health-based air quality standards for PM2.5 and 8-hour ozone. A majority of the Valley's NOx emissions come from mobile sources, and these emissions contribute to both ozone and PM concentrations. Employer based trip reduction programs can provide a step in reducing vehicle trips in the Valley to reduce mobile source emissions and improve air quality.

***California Senate Bill 375***

The District's Employer Based Trip Reduction rule can also reduce GHG emissions and help the Valley comply with California Senate Bill (SB) 375. Under SB 375, approved on August 22, 2008 and codified in the California Government Code and Public Resources Code, metropolitan planning organizations (MPOs) must adopt a Sustainable Communities Strategy as part of their regional transportation plans. SB 375 links regional planning to Assembly Bill (AB) 32, which requires the State of California to reduce greenhouse gas (GHG) emissions to 1990 levels no later than 2020. Under SB 375, ARB will provide MPOs with GHG emission reduction targets. The MPOs will then incorporate strategies like better use of mass transit and bicycle lanes as well as mixed-use or denser development practices into their Sustainable Communities Strategies to reduce GHG emissions. This effort and the District's Employer Based Trip Reduction are complementary programs, incorporating similar strategies to achieve separate goals.

***Additional Benefits***

Workplace trip reduction programs can have a wide range of benefits, depending on how programs are implemented, and the benefits can affect multiple parties. Table 4 summarizes some of the potential benefits of trip reduction programs.

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

Draft Staff Report: Rule 9410

June 24, 2009

**Table 4 Possible Benefits of a Trip Reduction Program**

<b>Benefits</b>	<b>Employee</b>	<b>Employer</b>	<b>Community</b>
Decrease parking fees and costs	✓	✓	
Expanded employee benefits at low/no cost	✓	✓	
Lower absenteeism and tardiness	✓	✓	
Increased employment opportunities for disabled and others unable to meet traditional work hours	✓	✓	
Enhanced employee productivity through teleconferencing and telework options	✓	✓	
Increase in transport options	✓		✓
Increase road safety	✓		✓
Save money on gas and insurance	✓		
Decrease vehicle wear and tear	✓		
Boost mental health by decreasing stress from driving and traffic	✓		
Relieve overcrowded parking areas		✓	
Reduced overhead costs such as office space requirements if telecommuting		✓	
Tax Benefits		✓	
Enhanced employee recruitment and retention		✓	
Expanded service hours if changes made to work hour schedules		✓	
Reducing road and parking facility requirements		✓	
Decrease congestion			✓
Improve air quality			✓
Reduce road and traffic service costs			✓
More efficient land use			✓
Community livability			✓

**E. Conjunction with Other District Programs**

The District has programs already in place that reduce emissions from mobile sources. One example is the District's Healthy Air Living program, discussed earlier in this staff report. Since reductions achieved through Healthy Air Living are voluntary, the District does not quantify or credit these reductions in the attainment planning process. In contrast, the District's Indirect Source Review (ISR) program, Rule 9510, is a quantifiable and creditable mechanism for reducing mobile source emissions, specifically those associated with new development. New development can increase emissions both during construction and after, when increased vehicle traffic to and from the development increases an area's VMT. ISR requires developers of larger residential, commercial, and industrial projects to reduce emissions indirectly generated by their projects through either on-site measures (like siting near transit or retail services) or through off-site measures. For off-site measures, the developer pays an off-site mitigation fee to the District, and then those funds are used in the District's existing grant programs to fund emissions reductions projects.

Some of the mobile source reductions obtained through the District's Emissions Reduction Incentive Program (ERIP) are a result of ISR funds, and some funding comes from other sources. ERIP provides a variety of financial incentives and grants for projects that reduce air pollutant emissions from mobile or non-mobile sources. Some ERIP projects that reduce emissions from mobile sources include subsidized van pools. The District has also awarded a grant to the Visalia City Coach that subsidizes the cost of monthly transit passes (called "Hop Pass"), providing a discount for new bus commuters for up to six months.

Rule 9410 provides another important opportunity for the District to help the Valley achieve additional, much-needed mobile source emissions reductions. While Employer Based Trip Reduction has potential to reach a different and larger target group of commuters than those reached through ISR and ERIP, it is possible that some employees will be reducing trips by utilizing programs and services put in place through ISR and ERIP. The District must not count the same emissions reductions in two different programs.

Through ERIP record keeping, the District maintains information on vanpool ridership and transit pass subsidies. The District will compare this to information collected through Rule 9410 record keeping to prevent double counting of emissions reductions. At this time, the District expects the only a very small percentage of those participating in Employer Based Trip Reduction will also receive District transportation subsidies.



**IV. EMISSIONS REDUCTION ESTIMATE**

District staff is reviewing the various approaches for calculating emissions reductions from the rule. More information is expected to be available in future drafts of this staff report.

**V. ECONOMIC ANALYSIS**

Rule 9410 will not require control technologies or require an operating permit, therefore a cost effectiveness analysis referenced for “Best Available Retrofit Control Technology (BARCT) rules” per H&SC 40920.6 is not required.

Pursuant to H&SC 40728.5, District staff will prepare a socioeconomic analysis later in the rule development process to analyze the economic feasibility of the proposed rule.

**VI. ENVIRONMENTAL IMPACTS**

Pursuant to the California Environmental Quality Act (CEQA), District staff will investigate any potential environmental impacts of the proposed Rule 9410 later in the rule development process and recommend appropriate action to the District Governing Board.

**VII. RULE CONSISTENCY ANALYSIS**

Pursuant to CH&SC 40272.2, District staff will prepare a rule consistency analysis of Rule 9410 later in the rule development process.

# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

## VIII. REFERENCES

1. SJVAPCD Healthy Air Living Business Page [www.healthyairliving.com/business.htm](http://www.healthyairliving.com/business.htm)
2. SJVAPCD HAL Employee Trip Reduction Resource Book  
<http://www.healthyairliving.com/docs/Trip%20Reduction%20Book.pdf>
3. Bay Area AQMD. "Regulation 13 - Transportation Control Measures. Rule 1 - Trip Reduction Requirements for Large Employers". Adopted December 16, 1992. Suspended by the CA Legislature January 1, 1996.
4. Bay Area AQMD. "2005 Ozone Strategy". January 4, 2006.
5. San Joaquin Valley APCD. *2007 Ozone Plan*. April 30, 2007.
6. San Joaquin Valley APCD. *2008 PM2.5 Plan*. April 30, 2008.
7. South Coast AQMD. "Rule 2202. On-Road Motor Vehicle Mitigation Options" and "Employee Commute Reduction Program Guidelines". February 6, 2004.
8. U.S. Department of Transportation and Federal Highway Administration. "Summary of Travel Trends: 2001 National Household Travel Survey". December, 2004.
9. SJVAPCD Alternative Transportation Incentive Program
10. Employment Development Department, Labor Market Information Division. Third Quarter, 2007. <http://www.labormarketinfo.edd.ca.gov/?pageid=138>
11. Commute Connection <http://www.commutecconnection.com/>
12. San Francisco Bay Area Rideshare <http://www.rideshare.511.org/>
13. Southern California Commuter Solution <http://www.commutersmart.info/>
14. South Valley Rideshare <http://www.southvalleyrideshare.com/>
15. Commute Kern <http://commutekern.org/>
16. Valley Rides for Central California <http://www.valleyrides.com/>
17. Texas Instruments Alternative Transportation Program  
<http://www.ti.com/corp/docs/csr/environment/AlternativeTransportation.shtml>
18. Google Work Incentives  
<http://www.google.com/support/jobs/bin/static.py?page=about.html>
19. King County, Washington Commute Trip Reduction  
<http://www.metrokc.gov/kcdot/alts/employer/index.htm>
20. Microsoft Connector Fact Sheet (2008)  
<http://www.microsoft.com/presspass/misc/09-06connectorFS.msp>
21. SLO Regional Rideshare <http://rideshare.org/cm/Home.html>
22. Best Workplaces For Commuters <http://www.bestworkplaces.org/index.htm>
23. Kern Commuter Connection <http://commutekern.org/index.html>

**APPENDIX A**

**Public Comments**

**February 9, 2009 Modesto Workshop**

13 people in attendance (8 Modesto and 5 Fresno)

- 1. Comment:** San Joaquin Council of Governments applauds this effort and is looking forward to more incentives for employers to participate in rideshare programs. In the history of our program (Commute Connection), carpools are successful but vanpools are harder to establish. Incentives would be very beneficial for both the employer and the commuter to make this rule successful. One option would be to consider reevaluating the REMOVE II restrictions to allow it to apply to more vanpools.

**Response:** The REMOVE II program applies to commuters with a longer commute distance of ten miles or more and aids in forming new vanpools. The District will further look into the application of the REMOVE II program and other possible funding options. For example, counties can use CMAQ (Congestion Mitigation and Air Quality) funds to establish vanpools.
  
- 2. Comment:** During HAL week last year, employees took the Car-Less Commute in Merced County and really enjoyed it.

**Response:** The Car-Less Commute program will be added to our list of resources and programs.
  
- 3. Comment:** The Environmental Justice Advisory Group recommends that the employer size should be decreased to employers with fifty or more employees at one worksite because there are larger employers with multiple worksites throughout the Valley.

**Response:** At this time, the District expects that employers with 100 or more employees will have more resources and opportunities to facilitate carpools, encourage other transportation options, and provide supporting on-site amenities and services. Also, SB 709 (2003) specifically authorizes the District to adopt a trip reduction rule for businesses with at least 100 people.
  
- 4. Comment:** Recordkeeping requirements of the previous rule, Rule 9001, were time consuming and now especially, could present a burden on the employer to hire or require an employee to keep track of it.

**Response:** The District is focused on ensuring that this rule is simple in its reporting requirements and cost effective in light of the current economic climate.

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

- 5. Comment:** The employer size required should not be lower than 100 employees because less employees would make it harder to implement ridesharing while the administrative requirements still take a lot of time.  
**Response:** Comment noted. Also, SB 709 (2003) specifically authorizes the District to adopt a trip reduction rule for businesses with at least 100 people.
- 6. Comment:** Be mindful of possible issues that may arise with labor unions.  
**Response:** The District will consider potential issues with labor agreements when drafting the rule.
- 7. Comment:** How will employers with employees who travel to work in the field from home be affected?  
**Response:** The District expects to draft a rule that applies to employees that work at individual worksites having at least 100 people. As such, individuals who conduct field work in personal vehicles would be exempt.
- 8. Comment:** Simple web based or technology based reporting will be helpful to decrease amount of time needed to comply with administrative requirements of this rule.  
**Response:** The District plans to make this rule as simple and cost effective as possible. A web-based reporting system could be efficient for the employer and for the District, so the District will consider making this approach available while allowing alternative reporting for those who would rather not report electronically.
- 9. Comment:** Establishing a baseline and tracking progress may be hard for certain businesses. Coordinating carpools may be challenging with facilities with hourly shift changes and could potentially cause more traffic in the area.  
**Response:** The District is considering exempting off-peak employees when those shifts have less than 100 people. The Draft Rule does not require employers to establish a baseline for participation.
- 10. Comment:** Managing off worksite habits might pose problems with employees so the situation should really be approached emphasizing the benefits and incentives for alternative transportation. Strong education and awareness for employees will make the implementation of this rule successful.  
**Response:** Information about the benefits of this rule will be available and emphasized throughout the implementation of this rule.

**11. Comment:** Implementing this rule may be difficult for some employers depending on location of the worksite. Some worksites may not have transit access or the mass transit option may be complicated and time consuming making it unreasonable for people to use to get to work.

**Response:** The District understands that bus commutes are not always a practical option when commuting to work and will consider providing multiple compliance options to make this rule feasible and cost effective for the diverse set of stakeholders. Conversely, the rule may present opportunities for better collaboration with local transit systems.

**12. Comment:** South Coast's Rule 2202 allows three compliance options including a pay out option, rideshare, and Mobile Source Emission Reduction Credits as an option. Mobile Source Emission Reduction Credits seem to work well and have quantifiable reductions.

**Response:** The District has reviewed South Coast's Rule 2202. While the District is not ruling out their approach at this time, the District currently favors a simpler approach that focuses on getting people to commute to work with fewer cars on the road. This rule is one of the District's few opportunities to achieve much needed mobile source reductions through a regulation.

### February 10, 2009 Bakersfield Workshop

19 people in attendance

**13. Comment:** What are the considerations for large employers with multiple worksites and shifts varying the amount of people at a worksite at any given time?

**Response:** The District is considering defining applicable employers as those who have 100 or more employees at any one worksite that come to work during peak times. Definitions and exemptions are still being drafted, and this situation will be considered during that process.

**14. Comment:** Will this rule apply to government employers?

**Response:** Yes, this rule will apply to all employers (public or private) that meet the criteria for number of employees.

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

**15. Comment:** Multiple comments were given on being able to count programs already implemented, such as the Healthy Air Living campaign.

**Response:** There are a number of employers that have put some great programs in place to reduce employee vehicle trips. Anything that is already in practice will be applied to compliance with Rule 9410.

**16. Comment:** Will using hybrid or electric vehicles count as an option? Will videoconferencing count as an option?

**Response:** Electric vehicles, when used during the employee commute, are being considered as options. Hybrid vehicles emit and are thus treated like other vehicles. Though the District encourages the use of hybrids in an employer fleet and videoconferencing in the workplace, these are beyond the scope of this rule as it applies to employee commutes during peak times.

**17. Comment:** How might this rule affect employers with temporary, contracted, or seasonal employees?

**Response:** There will be exemptions regarding these types of employees.

**18. Comment:** Will there be credit given for clean fleets or vanpool options already implemented?

**Response:** See comment 15. Please note that a business work fleet is beyond the scope of this rule, though the District applauds and recognizes the contribution cleaner work fleets have made in improved air quality.

**19. Comment:** We support a large menu list of options to comply.

**Response:** Comment noted.

**20. Comment:** Will this rule supplant the Healthy Air Living program? The menu list of options from the HAL campaign should be included as options for compliance with this rule.

**Response:** The Healthy Air Living program is a voluntary District program, whereas this rule will be required for applicable employers. The options offered to businesses under the Healthy Air Living program will be considered as compliance options for this rule.

**21. Comment:** Will there be any exemptions for special situations such as handicap employees and those who are the primary transportation for children?

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

**Response:** Those situations will be considered during the drafting of the rule, though there can be opportunities for these employees to carpool or use alternative transportation in some cases as well. The draft rule will indicate that any employee with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle will be excluded from Rule requirements.

**22. Comment:** Our workplace has been using vanpools for over 25 years and has been very successful. We have one natural gas van which only gets a round trip of about 30 miles and therefore can not be used for longer distance work trips. Will this rule only target employee trips to and from work, or work trips for employers with a large service area?

**Response:** This rule will only target trips to and from work.

**23. Comment:** Will any credits be given for worksites that are downgraded or shut down?

**Response:** The District is not promoting downgrading or shutting down worksites to comply with this rule. Also, the District prefers an approach that does not use credits.

**24. Comment:** Tax benefits are not good for carpools but apply to vanpools, transit passes, bikes and parking cash-out programs. What are the potential tax credits?

**Response:** The District is looking into the potential tax benefits at this time.

**25. Comment:** Some employers will have difficulties offering mass transit options because there is no access to their facility for bus systems. Will the District work with transit agencies to establish better transit?

**Response:** Hopefully, through this rule, there may be an increased demand for mass transit and with more use, transit systems will expand to accommodate more people. This rule may present opportunities for better collaboration with mass transit systems. Where add transit is not practical, a number of other options may be more successful in reducing employee trips.

**26. Comment:** Will there be a buy-out or opt-out option to comply with this rule, as it may be expensive to implement? This program should be used to encourage, not require, employers and employees to implement trip reduction programs because it is too costly at this time.



**Response:** A credit based system is not being considered for compliance at this time. The rule will undergo a socioeconomic analysis later in the rule development process to assess the feasibility and cost for implementation. A menu based approach will be offered so that employers will be able to choose which options are the most cost effective and feasible for implementation to comply with this rule. As a regulation, though, Rule 9410 will help the District to move beyond simply encouraging trip reduction (as through the HAL program) to require trip reduction.

**27. Comment:** Please consider allowing a centralized reporter for large employers with multiple worksites that have to comply instead of an administrative reporter for each worksite to decrease the amount of time and money needed to comply with reporting requirements.

**Response:** The District is making an effort to offer simple reporting requirements to minimize additional time and money needed to comply with this rule. A single administrative reporter for multiple worksites will be considered in the drafting of this rule.

### February 11, 2009 Fresno Workshop

19 people in attendance (13 Fresno and 6 Modesto)

**28. Comment:** What percentage of employees will be expected to participate?

**Response:** The Draft rule does not set participation level requirements.

**29. Comment:** What constitutes a successful program? Could you specify the program components of the successful worksites given as examples in the presentation? How can we report or share what we, as an employer, are already doing?

**Response:** The programs used as examples in the presentation were just some of the worksites that participated in the Healthy Air Living program and did not comprise all who participated or all employers who have some kind of trip reduction program. The specific program components for the worksites mentioned are given in more detail in the Draft Staff Report. Employers can share what they are already doing now by submitting a written comment during the public comment period or through the Healthy Air Living business flyer. The District wants to learn about as many employer based trip reduction success stories or lessons learned as possible. Employers will also be able to report what

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

is already being done at their workplace through the reporting requirements of this rule when implemented.

**30. Comment:** How many tons per day were assigned to this commitment in the State Implementation Plans? Will those emissions reduction estimates be evaluated as part of this process?

**Response:** In the *2007 Ozone Plan*, the District committed to reducing a quarter ton per day of NOx through this project, though; in the *2008 PM2.5 Plan* the reductions were not specified. At this time the emissions reduction calculations have not been determined but will be developed for the Draft Rule.

**31. Comment:** The required targets should be set high to help attain SIP goals. There is compelling evidence for the Valley's need for this rule and the emissions reductions that can be achieved will really make a difference in the Valley.

**Response:** Comment noted.

**32. Comment:** The rule should require employers with 100 or more employees to implement a menu based program with a simple tiered system. Please consider a good menu list of options to comply with measurable emissions reductions for each option. This can be a really great rule.

**Response:** The Draft Rule utilizes a menu based approach with two tiers based on employer size. The District is looking into emissions reductions based on program implementation rather than reductions based on individual measures.

**33. Comment:** In our experience, ride matching and carpooling has been hard to track participation because people will sign up and then not carpool or they do not report that they are carpooling. This may make it hard to track progress and emissions reductions.

**Response:** Comment noted.

**34. Comment:** The Car-Less Commute in Merced County through the bus system is a great program and another resource to add as an option.

**Response:** See Comment 2.

**35. Comment:** We appreciate the approach of a no "one size fits all" program and are glad the diverse workforce and various locations are recognized as potential challenges to the implementation of this rule. What constitutes as a program and

how will options already being implemented at a worksite be incorporated into the program created by the rule?

**Response:** Program components will be defined in the Draft Rule. The options employers have already implemented will be able to be incorporated in reaching the target set for compliance. The District will recognize the progress employers have already made in reducing vehicle trips and providing options for their employees.

### **Written Comments on the Draft Staff Report for Rule 9410**

Comment period held from January 26, 2009 through February 25, 2009.

*Comments were received from the following people and organizations:*

**Greenwood Environmental (Greenwood)**  
**San Joaquin Refining Company (SJ Refining)**  
**Big West of California (Big West)**  
**Olivieri Commercial Group (Olivieri)**  
**California League of Food Processors (CLFP)**  
**Kern Oil and Refining Company (Kern Oil)**  
**Plains LPG Services (Plains)**  
**Council of Fresno County Governments (Fresno COG)**  
**Turlock Irrigation District (TID)**

**36. Comment:** South Coast Air Quality Management District's (SCAQMD) Rule 2202 allows three compliance options, including a pay out option, an Employee Commute Reduction Program (ECRP) option, and a Mobile Source Emission Reduction Credits (MSERCs) option. The District's current staff report seems to only follow the guidelines of the SCAQMD's ECRP. With ECRP, employers must instigate a number of workplace incentives to meet compliance. This is not an ideal solution for many firms, as it can require a great deal of employee effort and administration throughout the year, often requiring firms to hire one or more staff to create and monitor an effective program. Often the public transportation infrastructure just doesn't exist to allow an employer to successfully implement a practical plan. SCAQMD will allow a combination of the above strategies in order to meet compliance requirements, and we believe that since the SJVAPCD currently has a mobile source program, Rule 9410 provides a perfect opportunity to put this mobile source program into effect and allow for real, quantifiable, surplus emission reductions. It would allow employers the flexibility to both reduce drive-alone employees and to offset any shortfall through the purchase and retirement of MSERCs. This would allow the market to clean the air as has

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

been proven successful under the SCAQMD's Rule 2202 program. We believe a trip reduction program alone will not be practical for cleaning the SJVAPCD air. (Greenwood)

**Response:** The District has reviewed SCAQMD's Rule 2202. While the District is not ruling out a credit system as a compliance option at this time, the District currently favors a simpler approach that focuses on reducing the number of motor vehicles on the road. A large majority of the Valley's NOx comes from motor vehicles contributing to both ozone and PM2.5 concentrations. While state and federal laws preempt the District's authority to regulate tail-pipe emissions standards for mobile sources, the District can reduce mobile source emissions through other avenues such as this rule. Consistent with the District's *2007 Ozone Plan* and *2008 PM2.5 Plan* commitments, the main goal for this project is to reduce vehicle trips by creating a simple, cost effective rule that doesn't place additional strain on employers.

**37. Comment:** Many employers have multiple locations within the District that have different physical mailing addresses. Each facility should be treated independently and should not be required to have a trip reduction program unless that specific location has 100 or more employees for the given shift under consideration. (SJ Refining, Big West, Kern Oil, Plains)

**Response:** The District is considering defining applicable employers as those who have 100 or more employees at any one worksite that come to work during peak times. The District is taking various shift times into consideration while drafting the applicability and exemptions of this rule.

**38. Comment:** The proposed rule should not include employers that hire employees requiring special needs or are handicapped. (SJ Refining, Big West)

**Response:** The draft rule will indicate that any employee with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle will be excluded from rule requirements.

**39. Comment:** The proposed Rule should include credits for employees that ride motorcycles and bicycles to and from work. Credits should also be provided for employees that drive hybrid vehicles to and from work. (SJ Refining, Big West)

**Response:** Bicycles and electric scooters will be included in the Draft Rule for credit. At this time, the District does not anticipate including motorcycles and hybrid vehicles due to the emissions they still emit. Hybrid drivers are still encouraged to carpool to reduce vehicle trips.

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

**40. Comment:** Employers should receive proper credit for trip reduction measures already in place. (SJ Refining, Big West)

**Response:** Employers will be able to count programs that are already in place towards compliance for this rule.

**41. Comment:** Golden Empire Transportation, the bus system in Bakersfield, should add additional routes so that more passengers can use the bus system to help comply with this rule. (SJ Refining, Big West)

**Response:** The District understands that bus commutes are not always a practical option when commuting to work. The Draft Rule will provide multiple compliance options to make this rule feasible and cost effective for the diverse set of stakeholders. Conversely, the rule may present opportunities for better collaboration with local transit systems.

**42. Comment:** The APCD could also hold workshops via webinars. This would facilitate stakeholders not having to drive to Fresno, Modesto and Bakersfield to attend planned workshops. It could all be done via the internet. (SJ Refining, Big West)

**Response:** The District is webcasting its workshops.

**43. Comment:** Contractors should be excluded from the employee counts. (Big West, Kern Oil, Plains)

**Response:** There will be exemptions regarding these types of employees in the Draft Rule.

**44. Comment:** Occasionally, workers will be required to work overtime to fill in for another employee. Under these circumstances, carpooling and other transit options are not viable and these types of non-routine circumstances should be considered when setting a target. (Kern Oil)

**Response:** The District will consider these situations when drafting the rule. Guaranteed Ride Home service is an option employers can offer to address situations where an employee made need an unexpected ride home. Specific situations eligible for Guaranteed Ride Home service may vary and is defined by each program. This service is often offered to employers through partnerships with regional rideshare programs and is described in more detail in the Draft Staff Report.

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

**45. Comment:** This rule holds the potential for obtaining real reductions in air pollution emissions as well as reducing the congestion experienced on our roadways during peak-use periods, which can improve air quality while promoting the safe and efficient management, operation and development of transportation systems. (Fresno COG)

**Response:** Comment noted. This rule has the potential to increase use of public transportation and better collaboration with local organizations.

**46. Comment:** In light of the future requirements to craft a Sustainable Communities Strategy per SB 375, Fresno COG requests estimates for anticipated reductions of GHG emissions (CO<sub>2</sub> equivalents) to be developed and added to the Draft Rule. Acknowledging the difficult nature faced with the estimation of GHG reductions, Fresno COG suggests perhaps investigating the use of a suitable surrogate such as “anticipated vehicle miles traveled reduction” be considered, should setting GHG reduction estimates not be presently feasible. (Fresno COG)

**Response:** The District is drafting emission reductions and looking into GHG emission calculations to better support the regulations of AB 32 and SB 375.

**47. Comment:** The District should not establish a fixed total mileage or emissions reductions target as many factors could significantly limit the ability of food processors and other types of manufacturers to consistently meet annual targets. CLFP’s main concerns are that a majority of workers at processing plants are seasonal production workers and many facilities are located in rural areas. Relying on voluntary car pooling and ride sharing to meet mileage reduction targets can be difficult with the annual turnover associated with a seasonal work force. There is also a lack of mass transit options and bike routes in rural areas. Therefore, a number of the options suggested by the District to reduce trips may not be feasible in many cases, greatly limiting the choices available to a company to satisfy mandated mileage or emissions reduction targets. As a result, the District’s program must provide a maximum flexibility for employers and recognize that individual circumstances may limit potential results. (CLFP)

**Response:** There will be exemptions regarding seasonal and contracted employees. Various options can be offered to meet reductions target and the District will take into consideration situations, such as rural locations, when drafting the rule.

**48. Comment:** Union rules may limit management’s ability to adjust work schedules. Liability and worker’s compensation issues may be associated with company-owned or sponsored van pools or shuttles. (CLFP)

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

**Response:** The District will consider potential these issues when drafting the rule.

**49. Comment:** The District should ensure that reporting requirements are not onerous. It will be difficult for large firms with hundreds of employees working several shifts to account for how every employee traveled to and from work. CLFP suggests that the District work with stakeholders to develop aggregate measures and reasonable reporting requirements. (CLFP)

**Response:** The District favors simple reporting requirements to minimize additional time and money needed to comply with this rule. Commenters can make specific suggestions on how this might be accomplished throughout the rule development process.

**50. Comment:** The District should subject this proposed rule to a rigorous cost effectiveness analysis that reflects the true costs to be incurred by firms. The analysis should include estimates for the staff time and resources used by firms to comply with the rule. The analysis should also reflect that some of the options suggested (e.g. telecommuting) that may not be logistically or economically feasible for many companies. (CLFP)

**Response:** Cost effectiveness and socioeconomic analyses occur later in the rule development process when more specific requirements are drafted. The Draft Rule will include flexibility so that each employer can choose the most cost effective options for their business or agency. The District strongly encourages stakeholders to provide compliance cost estimates.

**51. Comment:** Turlock Irrigation District (TID) supports the District's goal to reduce emissions from vehicles by implementing an employer based trip reduction program. Due to the number of locations and shifts for our employees, ridesharing, vanpools or shuttles are not a viable option for trip reduction program implementation for our agency. Although ridesharing is not impossible, it would not result in a significant participation rate. TID would still make alternative transportation an option by providing incentives such as preferred parking, but it would have to be one of several options in our program, possibly creating difficulties in reaching specified targets. The rule should recognize the unique situations and make-up of employers and the options viable at their place of business and for their employees. (TID)

**Response:** The District recognizes that this rule will apply to a diverse set of employers, and some options may be more feasible than others for different employers. Therefore, the District will offer multiple compliance options allowing employers to choose which components to implement based on their specific

## SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Draft Staff Report: Rule 9410

June 24, 2009

---

situation. Rule applicability will be determined by worksite and for peak-shift employees.

**52. Comment:** Rule 9410 must recognize the inability of employers to require or force its employees to comply with this program and the diversity of its workforce in using such a program. TID supports the idea of toolkits and training in establishing a program that works for our employees to achieve the necessary trip reductions. (TID)

**Response:** Comment noted.

**53. Comment:** Since park-and-ride lots have lower vehicle miles traveled (VMT) than traditional parking lots, the District should look into more cost effective paving and gravel options for park-and-ride lots. (Olivieri)

**Response:** The District is looking into this option welcomes more details on paving options.