

## RULE 9410 EMPLOYER BASED TRIP REDUCTION (Adopted December 17, 2009)

### 1.0 Purpose

The purpose of this rule is reduce vehicle miles traveled (VMT) from private vehicles used by employees to commute to and from their worksites to reduce emissions of oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOC) and particulate matter (PM).

### 2.0 Applicability

2.1 The trip reduction and administrative requirements of this rule apply to each employer in the San Joaquin Valley Air Basin with at least 100 Eligible Employees at a worksite for at least 16 consecutive weeks during the employer's previous fiscal year, that is located either,

2.1.1 Within an incorporated city with a population of at least 10,000, as determined by the Demographic Research Unit of the Department of Finance, or

2.1.2 Within an incorporated city with a population of less than 10,000, as determined by the Demographic Research Unit of the Department of Finance, and more than 50 percent of their employees work at least 2,040 hours per year, or

2.1.3 Within the unincorporated area of a county, and more than 50 percent of their employees work at least 2,040 hours per year.

### 3.0 Definitions

3.1 APCO: the Air Pollution Control Officer of the San Joaquin Valley Unified Air Pollution Control District.

3.2 Attendance at a Marketing Class/Focus Group: (*ETRIP measure*) Annual attendance by the Employee Transportation Coordinator at an Employee Trip Reduction program marketing class/focus group provided by the District or its designee.

3.3 "Best Workplaces for Commuters" Recognition: (*ETRIP measure*) 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 [www.bestworkplaces.org](http://www.bestworkplaces.org) for more information.

- 3.4 Bicycle Subsidy: (*ETRIP measure*) Employers pay for all or part of the purchase of a bicycle and/or bicycle improvements, repair, and storage for Eligible Employees that use these services and regularly commute by bicycle, as determined by the employer. The employer must provide information on the ETRIP regarding the monetary value of the bicycle subsidy and the frequency of distribution to Eligible Employees.
- 3.5 Bicycle Racks: (*ETRIP measure*) Racks and secure bicycle parking is provided to accommodate Eligible Employees who bicycle to work. The employer must provide secure bicycle parking for the foreseeable need of the bicycle commuters.
- 3.6 Break and/or Lunch Activities: (*ETRIP measure*) 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.
- 3.7 Carpool: a vehicle occupied by two (2) or more potential drivers, sixteen (16) years of age or older, traveling together to their worksites or destinations that eliminates at least a portion of one of their commute trips. Employers may set minimum eligibility criteria for incentives, including qualifying levels of ridership and trip distances.
- 3.8 CEO Communication: (*ETRIP measure*) 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. May occur as verbal or written communication.
- 3.9 Commute Trip: The trip made by an employee from home to the worksite. The commute trip may include stops between home and the worksite.
- 3.10 Commute Verification Form: A required questionnaire, distributed by employers to all Eligible Employees, designed to assess employee modes of transportation.
- 3.11 Commute Verification Period: A period of at least one week, selected by the employer to represent a typical work week. The Commute Verification Period shall not contain a federal, state, or local holiday, regardless of whether the holiday is observed by the employer. Employers with a Compressed Work Week schedule may opt to collect employee commute mode information over a two-week pay period providing that period does not contain a federal, state, or local holiday, regardless of whether or not the holiday is observed by the employer.

- 3.12 Comprehensive Bicycle Program: (*ETRIP measure*) Employer-promoted program which encourages bicycle commuting. This is intended to be a multi-faceted program that includes bicycle racks, information (such as bicycle lanes and safety considerations), and a repair kit or tools (such as a tire pump). The employer should also publicize any local Bike to Work events, typically held in May, to its employees.
- 3.13 Comprehensive Carpool Program: (*ETRIP measure*) Employer-promoted program designed to encourage the use of existing carpools or the development of new carpools. This is intended to be a multi-faceted program that includes internal ride matching or personalized commute assistance, ridesharing information, and resources on how to start a carpool. The employer should also publicize any local ridesharing events to its employees.
- 3.14 Comprehensive Vanpool Program: (*ETRIP measure*) Employer-promoted program designed to encourage the use of existing vanpools or the development of new vanpools. This is intended to be a multi-faceted program that includes information on vanpool availability, benefits of vanpooling, and any incentives offered by the employer or an outside agency.
- 3.15 Compressed Work Week (CWW): (*ETRIP measure*) 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 (2) weeks for participating 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. CWW examples include, but are not limited to, working three twelve-hour days (3/36) or four ten-hour days (4/10) within a one week period; or eight nine-hour days and one eight-hour day (9/80) within a two week period.
- 3.16 Discount Transit Passes: (*ETRIP measure*) Employers pay for part of the cost of commuting by local transit, commuter rail or train for Eligible Employees that use these services.
- 3.17 Discounted/Free Meals: (*ETRIP measure*) Employers provide participating Eligible Employees with meals free or at least fifty (50) percent discounted for their participation in the trip reduction program. The employer must offer meals to all participating Eligible Employees at least once per month.
- 3.18 Dry Cleaning: (*ETRIP measure*) Onsite pick up and delivery of Eligible Employees personal laundry through an outside agency.
- 3.19 Eligible Employee: Any employee that is not defined as an Excluded Employee.

- 3.20 Emergency Health and Safety Employee: Any employee that is required to have an authorized emergency response vehicle, as defined by California Vehicle Code Section 165, at home on an on-call basis, or any sworn peace officer or firefighter.
- 3.21 Employee Transportation Coordinator (ETC): An individual or entity appointed by an employer to develop, market, administer, and monitor the Employer Trip Reduction Implementation Plan (ETRIP) on a full or part-time basis. An employer with multiple worksites may select worksite-specific ETCs or select one ETC to serve for all worksites.
- 3.22 Employer: A person(s), firm, business, education institution, government agency, non-profit agency or corporation, or other entity which employs persons at a worksite. Several subsidiaries or units that occupy the same worksite and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer.
- 3.23 Employer-Provided Bicycles: (*ETRIP measure*) Bicycles that are provided by the employer and made available for employee use during lunch and breaks.
- 3.24 Employer Rideshare Event: (*ETRIP measure*) Employer sponsored events available to all Eligible Employees which promote rideshare opportunities, such as:
- 3.24.1 Employee Rideshare Fair that has multiple agencies or resources about alternative transportation in the vicinity of the worksite.
  - 3.24.2 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.
  - 3.24.3 Week-long Alternative Transportation/Rideshare event where Eligible Employees are encouraged to try alternative transportation throughout the week.
- 3.25 Employer Rideshare Newsletter: (*ETRIP measure*) An employer-distributed 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 newsletter should be at least two pages long and be text-driven to provide Eligible Employees with detailed information about ridesharing and alternative transportation. Could be an electronic newsletter.
- 3.26 Employer Rideshare/Alternative Transportation Focus Group(s): (*ETRIP measure*) Meetings conducted at least semiannually with a sample of Eligible

Employees to solicit input on commute behavior, incentives to rideshare, and any constraints to alternative commute modes.

- 3.27 Employer Rideshare/Alternative Transportation Meetings: (*ETRIP measure*) Semiannual meetings available to all Eligible Employees to help those employees identify those who live in similar areas to foster rideshare coordination.
- 3.28 Employer Trip Reduction Implementation Plan (ETRIP): A group of measures implemented by an employer, designed to provide transportation information, assistance, and/or incentives to employees. The purpose of such measures is to reduce mobile source emissions by reducing the number of vehicle miles traveled to the worksite.
- 3.29 Employment Agency Personnel: A person employed by an employment service or agency who reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer.
- 3.30 External Employee Ride Matching Services: (*ETRIP measure*) 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.
- 3.31 Excluded Employee: Emergency health and safety employees; employment agency personnel; farm workers; field personnel; field construction workers; home garage employees; on-call employees; part-time employees; seasonal employees; volunteers; and employees who do not report to work during the peak period.
- 3.32 External Guaranteed Ride Home Service: (*ETRIP measure*) 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 employee participated in ridesharing or alternative transportation that day. This need, as defined by the employer, 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, rental car, taxi, or by a Transportation Management Association or Organization (TMA/TMO).
- 3.33 Extra time Off: (*ETRIP measure*) The employer provides Eligible Employees additional time off 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.
- 3.34 Farm Worker: Any person employed in the growing of crops, or the raising of fowl or animals.

- 3.35 Field Construction Worker: Any employee who reports directly to work at a temporary field construction site.
- 3.36 Field Personnel: Employees who spend 20 percent or less of their work time per week at the worksite and either do not report to the worksite for pick-up of an employer-provided vehicle or do not return to the worksite at the end of the work day.
- 3.37 Fitness Area and/or Classes: (*ETRIP measure*) Employer-provided area to exercise during breaks or lunches. Examples may include, but are not limited to a fitness area with exercise equipment available for employee use or a room designated for an exercise video or fitness instruction during lunch at least once per week. External fitness area or classes within ¼ mile of the worksite also qualifies.
- 3.38 Flex Time Schedule: (*ETRIP measure*) Eligible Employees are permitted to adjust their work hours in order to accommodate alternative commute schedules or arrangements.
- 3.39 Health Facilities: (*ETRIP measure*) Services that provide first aid to Eligible Employees including, but not limited to, first aid, onsite nurse, etc. External health facilities within ¼ mile of the worksite also qualifies.
- 3.40 Healthy Air Living Partner: (*ETRIP measure*) An employer who registers with the San Joaquin Valley Air Pollution Control District as a Healthy Air Living Partner and remains a partner in good standing. See [www.healthyairliving.com](http://www.healthyairliving.com) for more information.
- 3.41 Home Garage Employee: An employee who is assigned an employer-owned vehicle for commutes to and from the worksite.
- 3.42 Independent Contractor: Any individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.
- 3.43 Internal Guaranteed Ride Home Service: (*ETRIP measure*) 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 employee participated in ridesharing or alternative transportation that day. This need, as defined by the employer, may be a personal emergency, an unplanned situation or business-related activities (such as overtime). This service may be provided by employer vehicle, rental car, taxi, or another employee.

- 3.44 Internal Ride Matching: (*ETRIP measure*) The employer provides rideshare matching service, zip code list or assistance in finding commute alternatives for all interested Eligible Employees. Information must be updated semiannually.
- 3.45 Lunch Delivery: (*ETRIP measure*) Employer-organized lunch delivery at least twice per month available to all Eligible Employees.
- 3.46 Monetary Incentive: (*ETRIP measure*) 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.
- 3.47 Onsite Bicycle Repair: (*ETRIP measure*) Services that would allow a bicycle repair person to repair and/or tune up employee bicycles by appointment when Eligible Employees sign up and agree to pay for said services.
- 3.48 Onsite Child Care: (*ETRIP measure*) Daycare service provided to Eligible Employees. External child care within ¼ mile of the worksite also qualifies.
- 3.49 Onsite Food Service: (*ETRIP measure*) Employer provides an onsite area where Eligible Employees can consistently purchase meals, such as a cafeteria or lunch truck service. External food service within ¼ mile of the worksite also qualifies.
- 3.50 Onsite Break Room and Kitchenette: (*ETRIP measure*) Eating area for employees at the worksite that includes at least a sink and a microwave or conventional stove.
- 3.51 Onsite Transit Information Center: (*ETRIP measure*) Employer-provided transit information center for general transit information and/or the onsite 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.
- 3.52 On-call Employee: An employee who is required to be on-call for at least 50% of their work time per year and the time on-call is subject to the following conditions:
- 3.52.1 The employee receives monetary compensation for the on-call or standby time; or
  - 3.52.2 Geographic restrictions are placed on employee's movements, and  
The extent by which the employee can engage in personal activities during on-call or standby periods is restricted by policy, and  
The employee can not trade his or her on-call responsibilities with another employee without prior approval from the employer.

- 3.53 Part-Time Employee: Any employee who reports to a worksite on a part-time basis for fewer than 32 hours per week.
- 3.54 Peak Period: The time from 6:00 a.m. through 10:00 a.m. on Monday through Friday, inclusive.
- 3.55 Personalized Commute Assistance: (*ETRIP measure*) 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:
- 3.55.1 Organize carpool/vanpool formation meeting(s).
  - 3.55.2 Assist in identifying bicycle and pedestrian routes.
  - 3.55.3 Assist in identifying park and ride lots.
  - 3.55.4 Assist in providing personalized transit routes and schedule information.
  - 3.55.5 Provide personalized follow-up assistance to maintain participation in the commute program.
- 3.56 Points Program: (*ETRIP measure*) Program where Eligible Employees earn points for each day of participation in the trip reduction program. As defined by the employer, points are redeemed for rewards such as, but not limited to: time off, gift certificates, cash or merchandise.
- 3.57 Postal Service: (*ETRIP measure*) Stamps for sale onsite and onsite mail pick up for Eligible Employees' personal mail. Post office within ¼ mile of worksite also qualifies.
- 3.58 Preferential Parking: (*ETRIP measure*) The employer provides preferential parking spaces for use by Eligible Employees when they participate 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 Eligible Employees (not including spaces reserved for management, visitors, or employer fleet), at least five (5) percent should be permanently designated as carpool/vanpool spaces.
- 3.59 Prize Drawing: (*ETRIP measure*) Eligible Employees are provided with a chance to win prizes, at least quarterly, for participation in the trip reduction program.
- 3.60 Production Worker: An employee whose wage and working conditions at a facility are regulated under Industrial Welfare Commission Wage Orders 1-2001 (Manufacturing Industry), 3-2001 (Canning, Freezing, and Preserving Industry), or 8-2001 (Industries Handling Products After Harvest) excluding those whose



job responsibilities are professional, administrative, legal, clerical, sales, or accounting.

- 3.61 Ride Match Bulletin Board: (*ETRIP measure*) An employer-provided bulletin board available to all Eligible Employees to voluntarily find rideshare partners. May including a map of the surrounding area and push pins.
- 3.62 Rideshare and Alternative Transportation Bulletin Boards: (*ETRIP measure*) 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.
- 3.63 Rideshare Agency Registration: (*ETRIP measure*) Provide worksite information to a regional rideshare agency and maintain or update information as appropriate and requested by the regional agency.
- 3.64 Rideshare Flyer: (*ETRIP measure*) 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.
- 3.65 Rideshare Orientation for New Employees: (*ETRIP measure*) Explanation of alternative transportation modes and if applicable, employer incentives to promote and encourage participation in a rideshare program during the employer's regular orientations for new, Eligible Employees.
- 3.66 Seasonal Employee: Any employee who is employed for less than 16 consecutive weeks in any fiscal year.
- 3.67 Shuttles: (*ETRIP measure*) Employers provide a shuttle for daily work commutes between employer worksites or between transportation stations and the worksite.
- 3.68 SOV: Single-Occupancy Vehicle, a vehicle occupied by one person.
- 3.69 Staggered Work Schedule: (*ETRIP measure*) The employer selects different start and stop times for departments or individuals within the company to promote ridesharing and accommodate public transit.
- 3.70 Startup Incentive: (*ETRIP measure*) Designed to reward Eligible Employees 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.

- 3.71 Telecommuting Program: (*ETRIP measure*) 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 excluding production workers, and employees who spend 20 percent or less of their work time per week at the worksite. In making telecommuting available to at least 10 percent of applicable employees, the employer can claim ETRIP points for this measure even if the possible participants do not take advantage of the program. Each participant who telecommutes should be allowed to telecommute at least one day per week.
- 3.72 Tier One Worksite: A worksite with one hundred (100) to two hundred and forty nine (249) Eligible Employees, for at least 16 consecutive weeks during the previous fiscal year.
- 3.73 Tier Two Worksite: A worksite with two hundred and fifty (250) or more Eligible Employees, for at least 16 consecutive weeks during the previous fiscal year.
- 3.74 Transit Subsidy: (*ETRIP measure*) 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 information on the ETRIP regarding the monetary value of the transit subsidy and the frequency of distribution to Eligible Employees.
- 3.75 Vanpool Subsidy: (*ETRIP measure*) Employers pay for all or part of the cost of commuting by vanpool for Eligible Employees that use these services. The employer must provide information on the ETRIP regarding the monetary value of the vanpool subsidy and the frequency of distribution to Eligible Employees.
- 3.76 Vehicle Miles Traveled (VMT): The measurement of the total miles traveled by all vehicles in a specified area during a specified time.
- 3.77 Volunteer: Any individual at a worksite who, of their own free will, provides goods or services without receiving any wages, salary, or other form of financial compensation from the employer for services provided.
- 3.78 Worksite: A location, structure, building, portion of a building, or grouping of buildings in close proximity in and around which employees work for the same employer. Close proximity means that the individual buildings making up the group of buildings are no more than one mile from a central work location with the largest number of employees reporting, are served by a common circulation or

access system, and are not separated by an impassable barrier to pedestrian travel which may include a freeway, flood control channel, railroad, etc.

#### 4.0 Exemption

An employer with fewer than 100 Eligible Employees at each worksite in the San Joaquin Valley Air Basin is exempt from all provisions of this rule.

#### 5.0 Trip Reduction Requirements

5.1 Employers shall implement an Employer Trip Reduction Implementation Plan (ETRIP) for each worksite with 100 or more Eligible Employees. Employers shall implement an ETRIP to meet the applicable point targets specified in Table 1. Employers subject to California Labor Code Sections 1682 through 1684 or with Eligible Employees (not excluded under Section 3.31) protected by the Migrant and Seasonal Agricultural Worker Protection Act will be required to comply with Phase 1 and Phase 2 point targets only.

5.2 An ETRIP shall include measures from each of the strategies, given in Table 2, to reach the specified point total for each strategy by the implementation deadlines specified in Table 1. Note that ETRIP strategies are initially phased in over a period of three years. The measures chosen to meet the point values specified in Table 1 shall be listed in the ETRIP as described in Section 6.3.

<b>Table 1: ETRIP Point Targets</b>				
<b>ETRIP</b>	<b>Tier One Worksite</b>	<b>Tier Two Worksite</b>	<b>Initial Submittal Deadline</b>	<b>Starting Implementation</b>
<b>Total Points Goal</b>	<b>44</b>	<b>66</b>	<b>September 1, 2013</b>	<b>January 1, 2014</b>
Minimum points per strategy				
Phase 1: Marketing Strategy	6	10	September 1, 2011	January 1, 2012
Phase 1: Program Support Strategy	6	8	September 1, 2011	January 1, 2012
Phase 2: Services and Facilities Strategy	8	10	September 1, 2012	January 1, 2013
Phase 3: Transportation, Alternative Schedule, and Incentives Strategy	14	20	September 1, 2013	January 1, 2014
<i>Additional Points Needed (from any measure or combination of measures, or from points earned by applying ETRIP measures to Excluded Employees or exempt worksites, as described in Section</i>	<i>10</i>	<i>18</i>	<i>September 1, 2013</i>	<i>January 1, 2014</i>

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<b>Table 2: Trip Reduction Strategies</b>	
<b>Phase 1: Marketing Strategy</b> <i>Measures that help increase trip reduction program awareness &amp; accessibility.</i>	<b>Point Values</b>
Healthy Air Living Partner	6
Employer rideshare event	5
Employer rideshare and alternative transportation meetings	5
Employer rideshare and alternative transportation focus group(s)	5
Onsite transit information center	3
Rideshare and alternative transportation bulletin boards	3
Attendance at a marketing class/focus group	3
Employer rideshare newsletter	3
“Best Workplaces for Commuters” Recognition	3
Rideshare flyer	1
CEO communication	1
Employer-adopted policy statement supporting employee ridesharing and alternative transportation	1
Rideshare orientation for new employees	1
Register with a local rideshare agency	1
Other measures approved by the District	Varies
<b>Phase 1: Program Support Strategy</b> <i>Measures that promote trip reduction program implementation</i>	<b>Point Values</b>
Internal Guaranteed Ride Home Service	
For Production Workers	5
For staff who are not Production Workers (i.e., office staff)	5
Internal ride matching	5
Personalized commute assistance	5
Ride match bulletin board	3
External employee ride matching services	3
External Guaranteed Ride Home Service	3
Other measures approved by the District	Varies
<b>Phase 2: Services and Facilities Strategy</b> <i>Measures that increase the convenience of program participation.</i>	<b>Point Values</b>
Onsite food service, or within ¼ mile of worksite	7
Onsite child care, or within ¼ mile of worksite	7
Showers and/or Lockers onsite	7
Onsite break room and kitchenette	5

Electric vehicle recharging	5
Onsite bicycle repair	2
Onsite ATM	2
Onsite vending machines	2
Bicycle racks	2
Health facilities, or within ¼ mile of worksite	2
Employer-provided bicycles	2
Fitness area and/or classes, or within ¼ mile of worksite	2
Lunch delivery	1
Check cashing	1
Direct deposit	1
Break and/or lunch activities	1
Dry cleaning	1
Postal service, or post office within ¼ mile of worksite	1
Onsite picnic tables	1
Maps to local conveniences	1
Other measures approved by the District	Varies
<b>Phase 3: Transportation, Alternative Schedules, and Incentives Strategy</b>	
<i>Measures that provide options to decrease VMT or encourage trip reduction program participation through monetary based incentives.</i>	
Compressed work week schedule (can receive credit for one of the following categories, and for only Column A or Column B)	A B
At least 75% employee participation rate*	15 8
50% - 74% employee participation rate*	12 6
25% - 49% employee participation rate*	9 4
10% - 24% employee participation rate*	6 2
* For a percentage based on all Eligible Employees, use Column A points. For a percentage based on all Eligible Employees except Production Workers, use Column B points.	
Telecommuting program	9
Comprehensive Vanpool program	8
Comprehensive Carpool program	8
Comprehensive Bicycle program	7
Shuttles	5
Flex time schedules	
For Production Workers	3
For staff who are not Production Workers (i.e., office staff)	3
Staggered work schedules	3

Monetary incentive	12
Extra time off	7
Vanpool subsidy	5
Transit subsidy	5
Bicycle subsidy	5
Startup incentive	3
Discount Transit Passes	3
Discounted or free meals	3
Preferential parking	1
Points program	1
Prize drawing	1
Other measures approved by the District	Varies

### 5.3 Points for ETRIP measures applied to Excluded Employees or exempt worksites

5.3.1 An employer can earn prorated ETRIP points for a worksite by applying ETRIP measures to Excluded Employees or exempt worksites. The employer will complete an Extra Points analysis to determine the total points for measures available to these employees.

5.3.2 Extra points are prorated for each ETRIP measure, up to the assigned point value, as specified in the following equation:

$$\text{Extra Points} = (\text{EE} \div \text{Tier Threshold}) \times \text{Points for the ETRIP measure}$$

Where EE = the total employees and for whom an ETRIP measure is applied:

- (a) who are Excluded Employees or
- (b) who work at exempt worksites

Tier Threshold = 100 for Tier 1 Worksites and 250 for Tier 2 Worksites

If  $(\text{EE} \div \text{Tier Threshold})$  is greater than 1.0, substitute 1.0 for  $(\text{EE} \div \text{Tier Threshold})$

5.3.3 The Extra Points can be applied to a worksite's ETRIP in the "Additional Points Needed" category only (see Section 5.1).

## 6.0 Administrative Requirements

### 6.1 Employer Registration

No later than July 1, 2010, or within 180 days after becoming subject to the trip reduction requirements of this rule, whichever is later, employers subject to the trip

reduction requirements of this rule shall submit a complete Employer Registration form to the APCO.

6.1.1 As part of the complete Employer Registration form, employers shall provide the following information:

6.1.1.1 Employer's business name and mailing address.

6.1.1.2 Separate identification of each worksite, including location address.

6.1.1.3 The employer's designated Employee Transportation Coordinator name(s) and telephone number(s) for each worksite.

6.1.1.4 The total number of employees reporting or assigned to each worksite, the total number of Eligible Employees, and the total number of Excluded Employees.

6.1.1.5 The trip reduction measures from Table 2 that are already in place.

## 6.2 Employee Notification

Employers shall facilitate the participation of employees and employee organizations in the development of Employer Trip Reduction Programs by providing information to its employees explaining the requirements and applicability of this rule to the employer and its worksite(s) prior to or at the time of registration.

## 6.3 Employer Trip Reduction Implementation Plan (ETRIP)

Employers shall prepare and submit an ETRIP for each worksite to the APCO, according to the schedule in Table 1. Each ETRIP shall be implemented according to the schedule in Table 1 or 30 days after APCO approval, whichever is later. The ETRIP shall be updated as necessary annually thereafter as included in the Annual Report.

6.3.1 The ETRIP shall contain a checklist of the measures chosen from each trip reduction strategy and the point total for each as listed in Section 5.0, according to Table 1 and Table 2.

6.3.2 An employer may submit a single ETRIP that covers multiple worksites when those worksites are using the same ETRIP measures. If worksites are

using differing ETRIP measures, then each worksite should have its own ETRIP.

- 6.3.3 The plan shall be signed by the highest ranking responsible official of the employer at the worksite or each worksite when a consolidated plan is submitted that covers multiple worksites. The official shall certify that the information provided is correct and that the commitments for the selected measures will be fulfilled according to the implementation schedule in the plan.
- 6.3.4 Employees shall be notified, in writing, of the content, implementation schedule, and availability of the ETRIP at least ten (10) calendar days prior to the submittal of the ETRIP to the APCO.
- 6.3.5 Employers shall keep records of steps taken to implement measures chosen to be included in the ETRIP on file for at least five years and shall make the records available to the APCO and United States Environmental Protection Agency (EPA), upon request.
- 6.3.6 Employers may modify ETRIP as necessary throughout the year and submit those revisions to the APCO within 30 days after implementation.
- 6.3.7 Failure to implement the measures stated in an APCO-approved ETRIP or failure to comply with the administrative requirements constitutes a violation of this rule.
- 6.3.8 The APCO shall act on ETRIPs within 45 days of submittal.
- 6.3.9 An employer shall revise and resubmit to the APCO any disapproved plan within 90 days of the disapproval. Disapproval of a resubmitted plan constitutes a final disapproval. Failure to submit a revised plan or final disapproval of the revised plan is a violation of this rule.
- 6.3.10 An employer may appeal any APCO disapproval of its ETRIP pursuant to the procedures listed in Regulation V (Procedures Before the Hearing Board).
- 6.3.11 An employer shall revise and resubmit its ETRIP within 90 days of a final determination that an element of an approved ETRIP violates any provision of law issued by an agency or court with jurisdiction to make such a determination.

#### 6.4 Commute Verification



6.4.1 For the calendar year beginning in January 1, 2014, and at least annually thereafter, employers shall collect information on the modes of transportation used for each Eligible Employee's commutes both to and from work for every day of the Commute Verification Period, as defined in Section 3.0, using either the Mandatory Commute Verification Method or a Representative Survey Method as described below:

6.4.1.1 **Mandatory Commute Verification Method:** The employer shall distribute Mandatory Commute Verification Forms to all Eligible Employees and require their completion and return by each Eligible Employee. The employer may utilize the example shown in Figure 1, other equivalent forms or electronic methods provided or approved by the APCO.

6.4.1.2 **Representative Survey Method:** The employer may propose an alternative data collection approach that will collect data from a representative sample of Eligible Employees.

6.4.1.2.1 The employer shall submit its sampling methodology to the District 120 days prior to the start of the calendar year in which the employer intends to use the method.

6.4.1.2.2 The APCO shall notify employers of its approval or disapproval of this method within 60 days of receipt.

**Figure 1: Mandatory Commute Verification Form**

<b>Figure 1: Mandatory Commute Verification Form</b>										
<b>Commute Verification Form Number:</b>						<b>Date:</b>				
<b>Day</b>	Monday		Tuesday		Wednesday		Thursday		Friday	
<b>Worked?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Arrived to work by	Left work by	Arrived to work by	Left work by	Arrived to work by	Left work by	Arrived to work by	Left work by	Arrived to work by	Left work by
Single occupant vehicle, gas motorcycle, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carpool - 2 people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carpool - 3+ people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vanpool (at least 6 people)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public transit, bicycle,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

pedestrian, electric vehicle, telecommute, compressed schedule non- work day										
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6.4.2 Employers shall keep commute verification records on file for at least five years and shall make the records available to the APCO and United States Environmental Protection Agency (EPA), upon request.

6.5 Annual Report

No later than March 31, 2015, and by March 31 annually thereafter, the employer shall submit a report to the APCO containing the following information:

6.5.1 The results of the Commute Verification for the previous calendar year, including the number of forms distributed, the number of forms completed and returned, the total number of trips to and from work, and the total number of each commute mode for the Eligible Employees during the Commute Verification period.

6.5.2 The measures implemented as outlined in the ETRIP and, if necessary, any updates to the ETRIP.

6.6 Changes in the Workforce

6.6.1 Employers who meet the applicability level in Section 2.1 after the initial registration deadline of July 1, 2010:

6.6.1.1 Shall register within 180 days to provide the information specified in Section 6.1 and shall notify employees per Section 6.2.

6.6.1.2 Shall conduct Commute Verification in accordance with Section 6.4 starting with the calendar year beginning in January in the first full calendar year after registration with the APCO.

6.6.1.3 Shall submit an ETRIP in accordance with Section 6.3 and the schedule in Table 1 beginning the first full calendar year after registration with the APCO and updated as a part of the Annual Report every calendar year thereafter.

6.6.1.4 Shall submit Annual Reports per Section 6.5 for the first full calendar year following their Employer Registration submission.

6.6.2 Employers who fall below the 100 Eligible Employee level after registering with the District for this rule shall notify the District in writing of their change in status within 90 days of their change in status.

7.0 District Support

The District shall supply Rule 9410 compliance support materials, services, and tools according to Table 4 below. As appropriate, these will be available via the District website and by contacting District offices.

Table 4 Rule Compliance Support Materials to be Provided by the District		
District-provided Resource	Corresponding Employer Requirement	Deadline
District webpage and listserv dedicated to Rule 9410	NA	February 1, 2010
Employer Registration Template and online Registration option	Section 6.1	May 1, 2010
Guidance and resources: Marketing and Program Support Strategies	Marketing and Program Support Strategies, Section 5.2	March 1, 2011
Training sessions, organized and facilitated by the District, Marketing and Program Support Strategies	Marketing and Program Support Strategies, Section 5.2	April 1 – December 1, 2011, with public noticing and outreach at least 30 days before the first training session
Electronic ETRIP submittal system	Section 6.3	July 1, 2011
Guidance and resources: Services and Facilities	Services and Facilities Strategy, Section 5.2	March 1, 2012
Training sessions, organized and facilitated by the District, Services and Facilities Strategy	Services and Facilities Strategy, Section 5.2	April 1 – December 1, 2012, with public noticing and outreach at least 30 days before the first training session
Guidance and resources: Transportation and Alternative Schedules Strategy and Incentives Strategy	Transportation, Alternative Schedules and Incentives Strategy, Section 5.2	March 1, 2013
Training sessions, organized and facilitated by the District, Transportation and Alternative Schedules Strategy and Incentives Strategy	Transportation, Alternative Schedules and Incentives Strategy, Section 5.2	First training to be held by April 1, 2013, with public noticing and outreach at least 30 days before the first training session
Commute Verification Methods templates and online reporting options	Sections 6.4 and 6.5	September 1, 2013

Annual Report guidance, resources, and online reporting system	Section 6.5	September 1, 2014
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## 8.0 Compliance Schedule

Employers shall comply with the requirements of this rule according to the deadlines indicated for the above sections and summarized in Table 5 below.

Requirement	Worksites subject to Trip Reduction Requirements in 2010	Worksites subject to Trip Reduction Requirements after July 1, 2010
Employer Registration	By July 1, 2010 (Section 6.1)	Within 180 days of becoming subject to the Trip Reduction Requirements. (Section 6.6.1.1)
Employer Trip Reduction Plan (ETRIP)	Submit by September 1, 2011, September 2012, and September 2013; and implement by January 1, 2012, January 1, 2013, and January 1, 2014, respectively. (See Table 1) Submit revisions as necessary in the Annual Report starting March 31, 2015 and every calendar year thereafter (Section 6.3)	Submit every calendar year by January 1 starting in the first full calendar year after registration with the APCO and implement within 120 days. Include revisions in the Annual Report thereafter. (Section 6.6.1.3)
Commute Verification	Once per year, every calendar year starting January 1, 2014 (Section 6.4)	Once per year every calendar year starting with the calendar year beginning in January in the first full calendar year after registration with the APCO. (Section 6.6.1.2)
Annual Report of previous year's Commute Verification results and ETRIP	Submit every March 31 starting in 2015 (Section 6.5)	Submit every March 31 after the first full calendar year of Commute Verification (Section 6.6.1.4)