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RULE 9410 EMPLOYER BASED TRIP REDUCTION (Adopted [date of rule adoption])

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 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,

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.

2.2 Each employer in the San Joaquin Valley Air Basin with at least 80 employees is required to maintain records of their number of employees to allow the APCO to assess the applicability of this rule.

3.0 Definitions

3.1 General Definitions

3.1.1 Agricultural Worker: any person employed in the growing of crops or the raising of fowl or animals or eligible under Migrant and Seasonal Agricultural Worker Protection Act.

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

3.1.3 Carpool: a vehicle occupied by two (2) or more people traveling together between their residences and their worksites or destination for the majority

(more than 50 percent) of the total trip distance. Employees who work for different employers are included within this definition as long as they are traveling together in the vehicle for the majority of the total trip distance.

- 3.1.4 Commute Trip: the trip made by an employee from home to the worksite. The commute trip may include stops between home and the worksite.
- 3.1.5 Eligible Employee: any employee to be counted for applicability with this rule not including excluded employees as defined in Section 3.13.
- 3.1.6 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.
- 3.1.7 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.
- 3.1.8 Employee Transportation Survey: a questionnaire distributed by employers to employees designed to assess employee modes of transportation.
- 3.1.9 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 work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer.
- 3.1.10 Employer Program Manager (EPM): an employee, with policy and budget authority, who is responsible for the implementation of the ETRIP for fulfilling the requirements of this rule.
- 3.1.11 Employer Trip Reduction Implementation Plan: a measure or group of measures implemented by an employer, designed to provide transportation information, assistance, and/or incentives to employees. The purposes of such measures are to reduce mobile source emissions by reducing the number of motor vehicles driven to the worksite.
- 3.1.12 Excluded Employee: any employee who is not counted to determine applicability of with this rule, including the following: agricultural workers; emergency health and safety employees; field personnel; field construction workers; independent contractors; medically excused employees; part-time employees; seasonal employees; temporary employees; volunteers; and

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employees who do not report to work during the peak period as defined in Section 3.21.

- 3.1.13 Field Construction Worker: any employee who reports directly to work at a temporary field construction site.
- 3.1.14 Field Personnel: employees who spend 20 percent or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up of an employer-provided vehicle.
- 3.1.15 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.
- 3.1.16 Medically Excused Employee: any individual with a physical or other medically diagnosed impairment that prevents the employee from traveling to the worksite by any means other than a single-occupant vehicle.
- 3.1.17 Part-Time Employee: any employee who reports to a worksite on a part-time basis for fewer than 32 hours per week.
- 3.1.18 Peak Commute Trip: any employee trip between home and the worksite, occurring for the purpose of reporting to work, during the peak period.
- 3.1.19 Peak Period: the time from 6:00 a.m. through 10:00 a.m. on Monday through Friday, inclusive.
- 3.1.20 Seasonal Employee: any employee who works for the employer for less than 16 weeks (80 total calendar days) in any calendar year.
- 3.1.21 Seasonal Employer: an employer which has at least 80 percent of its employees working for a total of less than 16 weeks (80 total calendar days) in any calendar year.
- 3.1.22 SOV: Single-Occupant Vehicle, a vehicle occupied by one person.
- 3.1.23 Survey Week: a regular, five-day work-week running from Monday through Friday (inclusive). The survey week for worksites with Saturday and Sunday work schedules will include only those work days Monday through Friday. The survey week shall not contain a federal, state, or local holiday, regardless of whether the holiday is observed by the employer. Alternatively, an employer may opt to survey 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. The survey week should be representative of a typical work week.

- 3.1.24 Telecommuting: a system of working at home or at an off-site, telecommute facility that reduces the one way trip to work by at least 80% of the commute distance or completely eliminates the trip to work.
- 3.1.25 Temporary Employee: 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.
- 3.1.26 Tier One Employer: an employer with one hundred (100) to two hundred and forty nine (249) eligible employees at one worksite. See Sections 3.6 and 3.33.
- 3.1.27 Tier Two Employer: an employer with two hundred and fifty (250) or more eligible employees at one worksite. See Sections 3.6 and 3.33.
- 3.1.28 Vanpool: a vehicle occupied by up to fifteen (15) employees including the driver who commute together to work for the majority of their individual commute trip distance. Employees who work for different employers are included within this definition as long as they are in the vehicle for the majority of their individual trip distance.
- 3.1.29 Vehicle: a device by which any person or property may be propelled, moved, or drawn upon a highway, except the following: 1) a device moved exclusively by human power, 2) a device used exclusively upon stationary rails or tracks, 3) buses used for public or private transit, 4) a device powered solely by an electrical source.
- 3.1.30 Vehicle Miles Traveled (VMT): the measurement of the total miles traveled by all vehicles in a specified area during a specified time.
- 3.1.31 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 reimbursement from the employer for services provided.
- 3.1.32 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.

- 3.2 Definitions of Measures included in Employer Trip Reduction Plan (ET RIP)
- 3.2.1 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.
- 3.2.2 “Best Workplaces for Commuters” Recognition: 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.
- 3.2.3 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: Bicycle matching/meeting; shoes, clothing or helmets; lockers; bicycle racks; bicycle repairs or repair kits (such as a tire pump); or discounts at local bicycle shops
- 3.2.4 Bicycles: Provided by the employer and made available for employee use during lunch and breaks.
- 3.2.5 Bike Racks: Sufficient racks and secure bike parking is provided to accommodate eligible employees who bike to work.
- 3.2.6 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.
- 3.2.7 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.
- 3.2.8 CEO Communication: Direct communication by the employer’s CEO to introduce alternative commute modes, outline incentives, and encourage

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participation in a rideshare program. This must occur, at a minimum, on an annual basis. Might occur as verbal or written communication.

- 3.2.9 Commuter Choice Program: Transit or vanpool benefits that employers can provide to eligible employees on a tax-free basis to assist commuters in reducing their vehicle trips.
- 3.2.10 Compressed Work Week (CWW): 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 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 schedule. 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.
- 3.2.11 Discount Transit Passes: Employers pay for part of the cost of commuting by local transit, commuter rail or train for eligible employees that use these services.
- 3.2.12 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.
- 3.2.13 Dry Cleaning: Employer promoted onsite pick up and delivery through an outside agency where eligible employees pay for services, but not the delivery fees.
- 3.2.14 Employer Rideshare Event: Employer sponsored events available to all eligible employees which promote rideshare opportunities, such as:
  - 3.2.14.1 Employee Rideshare Fair that has multiple agencies or resources about alternative transportation in the vicinity of the worksite
  - 3.2.14.2 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.
  - 3.2.14.3 Week-long Alternative Transportation/Rideshare event where eligible employees are encouraged to try alternative transportation throughout the week.

- 3.2.15 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 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.
- 3.2.16 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.
- 3.2.17 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.
- 3.2.18 External Employee Ride Matching Services: 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.
- 3.2.19 External Guaranteed Ride Home Service: 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.
- 3.2.20 Fitness Area and/or Classes: 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
- 3.2.21 Flex Time Schedule: Eligible employees are permitted to adjust their work hours in order to accommodate public transit schedules or rideshare arrangements.
- 3.2.22 Health Facilities: Services that provide first aid to eligible employees including, but not limited to, first aid, onsite nurse, etc.

- 3.2.23 Healthy Air Living Partner: Register with the San Joaquin Valley Air Pollution Control District as a Healthy Air Living Partner. See [www.healthyairliving.com](http://www.healthyairliving.com) for more information.
- 3.2.24 Internal Guaranteed Ride Home Service: 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.
- 3.2.25 Internal Ride Matching: 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.
- 3.2.26 Lunch Delivery: Employer-organized lunch delivery at least twice per month.
- 3.2.27 Monetary Incentive: 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.
- 3.2.28 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.
- 3.2.29 Onsite Child Care: Service provided to eligible employees with children to help reduce the need to drive alone to the worksite.
- 3.2.30 Onsite Food Service: Employer provides an onsite area where eligible employees can consistently purchase meals, such as a cafeteria or lunch truck service.
- 3.2.31 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.

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- 3.2.32 **Parking Cash-out Program:** 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.
- 3.2.33 **Personalized Commute Assistance:** 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:
- 3.2.33.1 Organize carpool/vanpool formation meeting(s).
  - 3.2.33.2 Assist in identifying bicycle and pedestrian routes.
  - 3.2.33.3 Assist in identifying park and ride lots.
  - 3.2.33.4 Assist in providing personalized transit routes and schedule information.
  - 3.2.33.5 Provide personalized follow-up assistance to maintain participation in the commute program.
- 3.2.34 **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.
- 3.2.35 **Postal Service:** Stamps for sale onsite and onsite mail pick up for eligible employees' personal mail.
- 3.2.36 **Preferential Parking:** 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.
- 3.2.37 **Prize Drawing:** Eligible employees are provided with a chance to win prizes, at least quarterly, for participation in the trip reduction program.
- 3.2.38 **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.

- 3.2.39 Rideshare Flyer: 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.
- 3.2.40 Rideshare Orientation for New Employees: 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.
- 3.2.41 Shuttles: Employers provide a shuttle for daily work commutes between employer worksites or between transportation stations and the worksite.
- 3.2.42 Staggered Work Schedule: The employer selects different start and stop times for departments or individuals within the company to promote ridesharing and accommodate public transit.
- 3.2.43 Startup Incentive –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.
- 3.2.44 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.
- 3.2.45 Time Off with Pay: 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.
- 3.2.46 Transit Subsidy: 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.
- 3.2.47 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.

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4.0 Exemptions

4.1 An employer with fewer than 80 employees at all the employer’s worksites in the San Joaquin Valley Air Basin is exempt from all provisions of this rule.

4.2 Seasonal employers as defined in Section 3.0 are exempt from the requirements of this rule.

5.0 Trip Reduction Requirements

5.1 Employers shall implement an Employer Trip Reduction Implementation Plan (ETRIP) for each worksite that meets applicable point targets specified in Table 1.

<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>

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. 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 2: Trip Reduction Strategies</b>	
<b>Marketing Strategy</b> <i>Measures that help increase trip reduction program awareness &amp; accessibility</i>	<b>Points</b>
Employer rideshare event	5
Employer rideshare and alternative transportation meetings	5

Employer rideshare and alternative transportation focus group(s)	5
On-site transit information center	3
Rideshare and alternative transportation bulletin boards	3
Attendance at a marketing class/focus group	3
Employer rideshare newsletter	3
Rideshare flyer	1
CEO communication	1
Rideshare orientation for new employees	1
Other measures approved by the District	Varies
<b>Implementation Strategy</b>	
<i>Measures that promote trip reduction program implementation</i>	
Internal ride matching	5
Internal Guaranteed Ride Home Service	5
Personalized commute assistance	5
External employee ride matching services	3
External Guaranteed Ride Home Service	3
Healthy Air Living Partner	1
“Best Workplaces for Commuters” Recognition	1
Preferential parking	1
Other measures approved by the District	Varies
<b>Transportation and Alternative Schedules Strategy</b>	
<i>Measures that provide options to decrease VMT</i>	
Compressed work week schedules	15
Telecommuting Program	9
Vanpool program	7
Bicycle program	7
Carpool program	7
Shuttles	5
Flex time schedules	3
Staggered work schedules	3
Other measures approved by the District	Varies
<b>Incentives Strategy</b>	
<i>Measures that encourage trip reduction program participation through monetary based incentives.</i>	
Monetary incentive	9
Time off with pay	9
Transit subsidy	5
Commuter Choice Programs	5
Parking cash-out program	5
Startup incentive	3

Discount Transit Passes	3
Discounted or free meals	3
Points program	1
Prize drawing	1
Other measures approved by the District	Varies
<b>Services and Amenities Strategy</b>	
<i>Measures that increase the convenience of program participation.</i>	
Onsite food service	7
Onsite child care	7
Showers and/or Lockers onsite	5
Onsite bike repair	5
Electric vehicle recharging	5
Onsite ATM	3
Onsite vending machines	3
Bike racks	3
Health facilities	3
Bicycles	3
Fitness area and/or classes	3
Employer organized lunch delivery	1
Check cashing	1
Break and/or lunch activities	1
Dry cleaning	1
Postal service	1
Other measures approved by the District	Varies

## 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 Employee 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 and Employer Program Manager name(s) and telephone number(s) for each worksite. An ETC may also serve as the EPM provided that the individual meets the criteria specified in Section 3.0.
  - 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.
- 6.2 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 initial ETRIP for each worksite to the APCO by September 1, 2010. The ETRIP shall be implemented by January 1, 2011. The ETRIP shall be updated as necessary annually thereafter as included in the Annual Report.
- 6.3.1 The ETRIP shall contain the following information:
    - 6.3.1.1 A checklist of the measures chosen from each trip reduction strategy category and the point total for each as listed in Section 5.0.
    - 6.3.1.2 A checklist of the additional measures chosen from the trip reduction strategies and the total point value achieved as listed in Section 5.0.
  - 6.3.2 An employer may submit a consolidated plan that covers multiple worksites.
  - 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 new 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 90 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 Employee Transportation Surveys
- 6.4.1 For the calendar year beginning in January 1, 2011, and semiannually thereafter, employers shall conduct an Employee Transportation Survey.
  - 6.4.2 Each semiannual survey shall collect information on the modes of transportation used for eligible employee commutes both to and from work for every day of the survey week, as defined in Section 3.0.
  - 6.4.3 The surveys must take place at least 120 days apart.

6.4.4 Employers shall keep survey 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, 2012, 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 Employee Transportation Survey for the previous calendar year, including the number of surveys distributed and the number of surveys completed.

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 Employee Transportation Surveys semiannually 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 beginning in January of 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 Compliance Schedule

7.1 Employers shall comply with the requirements of this rule according to the deadlines indicated for the above sections and summarized in Table 3 below.

Table 3: Compliance Deadline Summary Table		
Requirement	Worksites subject to Trip Reduction Requirements in 2010	Newly Subject Worksites (subject to the rule after July 1, 2010)
Employer Registration	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 September 1, 2010 and implement by January 1, 2011. Submit revisions as necessary in the Annual Report every calendar year thereafter (Section 6.3)	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)
Employee Transportation Survey	Semi-annually, every calendar year starting January 1, 2011 (Section 6.4)	Semi-annually, 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 Surveys and ETRIP	Every March 31 starting in 2012 (Section 6.5)	Every March 31 after the first full calendar year of Employee Transportation surveys (Section 6.6.1.4)