

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN EMISSIONS FORMULA FOR EMPLOYER-BASED TRIP REDUCTIONS

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the adoption of a regulation which establishes an emissions formula, or calculation methodology, for determining the level of emission reductions which would be equivalent to achieving employer-based average vehicle ridership (AVR) goals.

DATE: June 29, 1995

TIME: 9:30 a.m.

PLACE: Air Resources Board
Lower Level Hearing Room
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 29, 1995, and may continue at 8:30 a.m., June 30, 1995. This item may not be considered until June 30, 1995. Please consult the agenda for the meeting, which will be available at least 10 days before June 29, 1995, to determine the day on which this item will be considered.

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW OF PROPOSED ACTION

Sections Affected: Proposed adoption of new Sections 2330, 2331, and 2332, Subchapter 8.5, Title 13, California Code of Regulations.

Background: The California Clean Air Act (Statutes of 1988, Chapter 1568) requires air pollution control districts to adopt plans to achieve and maintain state ambient air quality standards (Health and Safety Code section 40910 et. seq.). The Act also requires districts to adopt transportation control measures to the extent necessary to meet the attainment plan requirements (sections 40716, 40717, 40910, 40918(c), 40919(a) and (d), 40920(a) and (c), and 40920.5(a)). The transportation control measures are to reduce growth in vehicle trips and miles traveled, and to increase vehicle occupancy during commute periods. In order to meet these requirements, a number of air districts have adopted employer-based trip reduction regulations and included these measures in their attainment plans. Employer-based trip reduction rules require major employers to reduce air pollution emissions associated with the commute travel of their employees by reducing drive-alone commute trips. For example, employees may be encouraged to carpool, ride transit, walk, or bike to work or to use alternative work schedules.

In 1992, the Health and Safety Code was amended to require districts to provide employers the option of using alternative strategies to achieve equivalent emission reductions to those associated with employer-based trip reduction regulations. (See Health and Safety Code sections 40717.1 and 40717.5). Sources subject to the regulations are authorized to "use alternative strategies...which provide equivalent or greater vehicular emission reductions and which are not otherwise required to be achieved by statute or regulation" (Health and Safety Code section 40717.5(c)(3)). To determine the emissions reductions that would be equivalent to meeting trip

reduction requirements, a formula is needed. State law requires the ARB to adopt such a formula to be used by all districts when they adopt or amend employer trip reduction rules.

The language in State law reads:

"the state board, in consultation with the public, the regulated community, and other interested parties, shall develop, and adopt in a public hearing, within six months of the enactment of this section, and periodically update, a calculation methodology which shall be used by districts to determine emissions equivalency pursuant to paragraph (3) of subdivision (c). In developing the formula, the state board shall take into account and consider any suggestions made by those parties." (Health and Safety Code section 40717.5(d); emphasis added.)

An ARB-adopted formula provides air districts and employers a statewide, consistent way to calculate an emission reduction goal for employers who wish to use alternatives to meet trip reduction requirements. The requirement for a uniform calculation procedure is particularly important for employers who must comply with trip reduction rules in multiple air districts.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the economic and environmental impacts of the proposal, if any. Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990. The proposed methodology for assessing emission benefits of alternative strategies is written in plain english. The board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to Ms. Pam Burmich, Transportation Strategies Group, at (916) 323-8475, P.O. Box 2815, Sacramento, CA 95812.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the State; costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code; or other nondiscretionary savings to local agencies.

The adoption of the proposed regulation would enhance implementation of current air district employer-based trip reduction regulations and provide additional flexibility to affected parties which may reduce compliance costs. As a result, the Executive Officer has determined that adoption of the

proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assesment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation will affect those small businesses which are now required to meet air district employer trip reduction regulations, by providing them a methodology to assess the emission benefits of alternative compliance strategies.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected by the proposed action.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, June 28, 1995, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

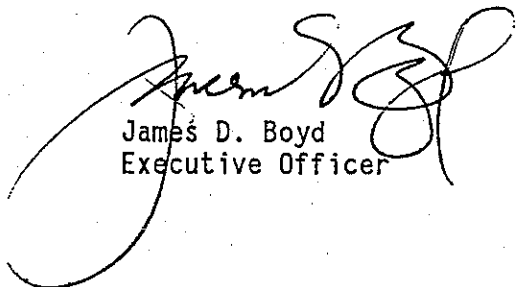
This regulatory action is proposed under that authority granted in Sections 39600, 39601 40717.5(d) and 40916(c) of the Health and Safety Code. This action is proposed to implement, interpret and make specific Sections 39613, 40717, 40717.1, 40717.5, 40916, 40918, 40919, 40920 and 40920.5. of the Health and Safety Code.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications.

The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD



James D. Boyd
Executive Officer

Date: May 2, 1995