

# **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

## **RULE 2202 – ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS EMPLOYEE COMMUTE REDUCTION PROGRAM GUIDELINES**

**February 5, 2016**

### **Deputy Executive Officer**

Planning, Rule Development, and Area Sources  
Philip Fine, Ph.D.

### **Assistant Deputy Executive Officer**

Planning, Rule Development, and Area Sources  
Jill Whynot

### **Planning and Rules Manager**

Planning, Rule Development, and Area Sources  
Carol A. Gomez

AUTHORS: ERNEST LOPEZ – AIR QUALITY SPECIALIST  
(REVISIONS) ANTONIO THOMAS – SENIOR TRANSPORTATION SPECIALIST

---

TECHNICAL ASSISTANCE: ANTONIO THOMAS - SENIOR TRANSPORTATION SPECIALIST  
LANE GARCIA - TRANSPORTATION PLAN REVIEWER

REVIEWED BY: WILLIAM WONG – PRINCIPAL DEPUTY DISTRICT COUNSEL  
LAUREN NEVITT - SENIOR DEPUTY DISTRICT COUNSEL

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD**

**Chairman:** WILLIAM A. BURKE, Ed.D.  
Speaker of the Assembly Appointee

**Vice Chairman:** BEN BENOIT  
Councilmember, Wildomar  
Cities of Riverside County

**Members:** MICHAEL D. ANTONOVICH  
Supervisor, Fifth District  
County of Los Angeles

JOHN J. BENOIT  
Supervisor, Fourth District  
County of Riverside

JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District  
City of Los Angeles

MICHAEL A. CACCIOTTI  
Councilmember, South Pasadena  
Cities of Los Angeles County/Eastern Region

JOSEPH K. LYOU, Ph.D.  
Governor's Appointee

LARRY McCALLON  
Mayor, Highland  
Cities of San Bernardino County

JUDITH MITCHELL  
Councilmember, Rolling Hills Estates  
Cities of Los Angeles County/Western Region

SHAWN NELSON  
Supervisor, Fourth District  
County of Orange

Dr. CLARK E. PARKER, SR.  
Senate Rules Committee Appointee

DWIGHT ROBINSON  
Councilmember, Lake Forest  
Cities of Orange County

JANICE RUTHERFORD  
Supervisor, Second District  
County of San Bernardino

**Executive Officer:** BARRY R. WALLERSTEIN, D.Env.

## **PREFACE**

Implementation of an Employee Commute Reduction Program (ECRP) is strictly optional under Rule 2202. This program is designed to meet ambient air quality standards mandated by the Federal Clean Air Act. As an indirect mobile source emission control strategy it is intended to reduce vehicle miles traveled and increase the average vehicle ridership (AVR) of work related trips at subject worksites.

Rule 2202 and the guidelines for the ECRP are consistent with the Health and Safety Code §40717 which establishes compliance requirements for California transportation performance standards.

This document has been prepared to assist employers in understanding the development and implementation requirements of the ECRP at their worksites. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving and maintaining the employers' designated AVR targets.

SCAQMD staff is available to answer questions and to provide assistance to employers who are developing and implementing programs. The entire guidance document should be read in order to fully understand the program requirements. Direct any questions concerning these guidelines to the Transportation Programs Hotline at (909) 396-3271.

# TABLE OF CONTENTS

<b>I. PROGRAM OVERVIEW</b>	<b>1</b>
<i>A. Introduction</i>	<i>1</i>
<i>B. Applicability</i>	<i>1</i>
<b>1. Program Notification</b>	<b>1</b>
<i>C. Types of Employee Commute Reduction Programs</i>	<i>1</i>
Figure 1. Rule 308 – Notification Flow Chart	2
<i>D. Program Submittal Schedule</i>	<i>3</i>
<i>E. Program Types</i>	<i>3</i>
<b>1. Single Site Program</b>	<b>3</b>
<b>2. Multi-Site Program</b>	<b>3</b>
<b>3. High AVR Program</b>	<b>4</b>
<b>4. AVR Improvement Program</b>	<b>4</b>
Examples of Qualifying and Non-Qualifying Submittals	5
Table 1. AVR Improvement Program Submittal Examples	5
<i>F. Program Administration</i>	<i>5</i>
<b>1. Program Submittal and Compliance</b>	<b>5</b>
<b>2. Program Implementation</b>	<b>6</b>
<i>G. Record Retention Requirements</i>	<i>6</i>
<i>H. Compliance</i>	<i>6</i>
<b>II. PROGRAM IMPLEMENTATION</b>	<b>7</b>
<i>A. Program Review</i>	<i>7</i>
<i>B. Calculating AVR</i>	<i>8</i>
<b>1. Employee Categories</b>	<b>8</b>
<b>2. Police, Sheriff, and Federal Field Agents</b>	<b>8</b>
<b>3. AVR Adjustments</b>	<b>9</b>
<i>C. AVR Data Collection Methods</i>	<i>11</i>
<b>1. AVR Survey</b>	<b>11</b>
a) AVR Survey Parameters	11
b) Window Period for AVR Calculation	12
c) AVR Calculation	12
<b>2. Random Sampling</b>	<b>12</b>
<b>3. Alternative AVR Data Collection</b>	<b>13</b>

<i>D. Aggregating AVR for Multi-site Employers (Optional)</i> .....	14
<i>E. Annual AVR Performance Requirement</i> .....	15
<i>F. Good Faith Effort Determination Elements</i> .....	15
Figure 2. Rule 2202 Requirements – Compliance Flow Chart .....	16
<b>III. ADMINISTRATION OF THE ECRP</b> .....	<b>17</b>
<i>A. Employee Transportation Coordinators</i> .....	17
<i>B. Consultant Employee Transportation Coordinator</i> .....	18
<i>C. Centralized Rideshare Service Center</i> .....	18
<b>IV. SPECIAL PROCEDURES</b> .....	<b>19</b>
<i>A. Extensions</i> .....	19
<i>B. Program Amendments</i> .....	19
<i>C. Change of Ownership</i> .....	20
<i>D. Relocation</i> .....	20
<i>E. Declared Bankruptcy</i> .....	20
<i>F. Declared State of Emergency</i> .....	21
<i>G. Program Disapproval Appeals</i> .....	21
<i>H. Delay Program Review Request</i> .....	21
<b>V. EMPLOYEE COMMUTE REDUCTION STRATEGIES</b> .....	<b>21</b>
<i>A. Commute Reduction Strategies</i> .....	21
<i>B. Parking Cash-out Program</i> .....	26
<b>VI. GLOSSARY</b> .....	<b>27</b>
<b>VIII. ATTACHMENT I</b> .....	<b>31</b>

## **I. PROGRAM OVERVIEW**

### ***A. Introduction***

Rule 2202 is designed to reduce mobile source emissions from employee commutes. The Rule provides employers with a menu of emission reduction strategies that can be implemented to meet the designated emission reduction target (ERT) for their worksite. As an alternative to meeting an ERT, Rule 2202 also allows employers the option to implement an Employee Commute Reduction Program (ECRP) that meets the rule exemption requirements. The implementation of an ECRP is expected to lead to achievement and maintenance of the employer's designated average vehicle ridership (AVR) target, determined by the worksite's AVR Performance Zone pursuant to Rule 2202 (1)(3), through the reduction of work related vehicle trips.

### ***B. Applicability***

This program can be implemented by any employer that employs 250 or more employees at a worksite, on a full or part-time basis, calculated as a monthly average over the prior six consecutive months. Each monthly employee population for the prior consecutive six months is added and then divided by six to determine whether the employer's average employee population figure is 250 or more.

#### **1. Program Notification**

Employers with 250 or more employees upon becoming subject to Rule 2202 shall notify the SCAQMD in writing within 30 days and include the following information:

- a. Employer's name;
- b. Worksite and mailing address of the business;
- c. Name, title, phone number, and email address of the highest ranking official at the worksite;
- d. Name, title, phone number, and email address for a contact person at the worksite; and,
- e. Number of employees at the worksite.

Once the employer has notified the SCAQMD, within 90 calendar days from that notification, the employer must submit an initial ECRP, if that compliance option is chosen.

Any employer that is subject to Rule 2202 but fails to notify the SCAQMD within 30 calendar days of becoming subject to the rule will be subject to the Failure to Notify Surcharge as set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and may be subject to civil or criminal enforcement action (see Figure 1).

### ***C. Types of Employee Commute Reduction Programs***

On the program due date, or within 90 calendar days of becoming subject to the Rule, an employer choosing to comply through this option must submit one of the following ECRP annual programs:

- a. A single-site employer must submit a single site ECRP.
- b. A multi-site employer may submit either a Multi-Site ECRP, separate single site programs, or a combination of multi-site and single site programs.

## Rule 308 – Notification Requirements

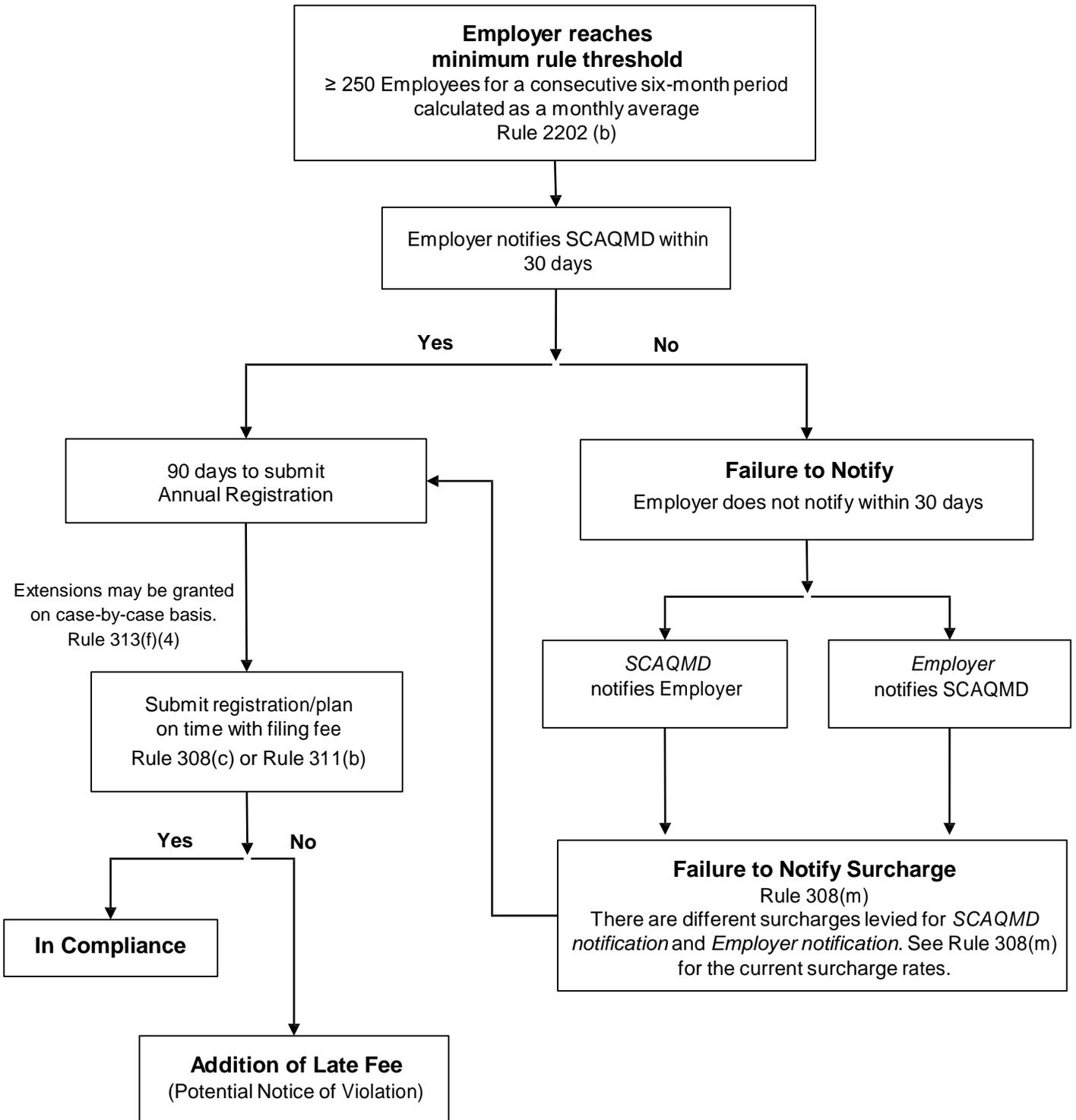


Figure 1. Rule 308 – Notification Flow Chart

#### **D. Program Submittal Schedule**

Employers must submit an annual ECRP by the established due date. The ECRP reports the AVR status for the current year and, when not achieving the target AVR, an implementation plan that will achieve or make progress toward the AVR target for the worksite. Worksites included in a Multi-Site program submittal must all have the same annual due date and be located within the same AVR Performance Zone. Annual due dates shall remain permanent unless modified by the Executive Officer or designee or a written request to change the due date is submitted by the employer and approved in writing by the SCAQMD.

#### **E. Program Types**

An ECRP that reports the results of an AVR data collection method and calculation, and/or a plan that the employer will implement to meet the AVR target, must be submitted to the SCAQMD by the program due date. ECRPs must be submitted in the format approved by SCAQMD and include the following elements:

##### **1. Single Site Program**

- a. A management commitment endorsed by the highest-ranking official at the worksite or the person responsible for allocating the resources necessary to implement the program. This endorsement shall include a commitment to fully implement the program and that all data in the program is accurate to the best of the employer's knowledge. The endorsement, commitment, and signature line can be found in the ECRP compliance forms;
- b. The name of the Employee Transportation Coordinator (ETC), On-site Coordinator, and/or Consultant ETC;
- c. The name of the worksite contact person, if different from the ETC;
- d. The number of employees that begin work during a typical work week within the peak commute window;
- e. The AVR calculation and AVR data collection method;
- f. Specific strategies as defined in section II.F. Good Faith Effort Determination Elements, the employer will implement;
- g. Emission credit offset calculations and the emission reduction credit amounts or the Air Quality Investment Program (AQIP) fee amount required to meet the worksite AVR target if the option in Rule 2202 (I)(3)(A) is selected; and,
- h. Any applicable supporting documentation.

##### **2. Multi-Site Program**

In addition to submitting the elements described above for each worksite, employers submitting Multi-Site ECRPs shall submit a matrix that identifies specific strategies offered at each individual worksite. Worksites can only be added to or removed from a multi-site program during the annual submittal or a program amendment submittal. New worksites may be added to a multi-site program provided the multi-site submittal is within the 90 calendar days specified for new worksites in section *I.B. Applicability*; otherwise new worksites shall remain as a single site program until the appropriate time to become part of the multi-site program.

Employers submitting Multi-Site ECRPs should consider the following:

- a. The option of aggregating AVR for worksite submittals located within the same AVR Performance Zone, as described in section *II.D. Aggregating AVR for Multi-site Employers*;
- b. In lieu of attaining the designated AVR at each employer worksite, surplus vehicle reductions from sites in the multi-site plan that exceed their designated AVR may be credited towards an employer's worksite that has not met the target AVR for those worksites located within the same AVR Performance Zone;
- c. Implementation of a Centralized Rideshare Service Center (CRSC) in lieu of having a trained ETC at each worksite in the multi-site plan;
- d. Designation of On-Site Coordinators for each worksite; and/or,
- e. The option of voluntarily including worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule.

### **3. High AVR Program**

Any worksite submitting a High AVR Program, one that meets or exceeds the target AVR, is eligible for the reduced annual filing fees established in Rule 308 (c)(1)(A) and (c)(1)(B). To qualify, the following conditions must be met:

- a. The annual employee survey must be conducted and the resulting AVR calculation must meet or exceed the target AVR;
- b. It cannot be a first-time submittal resulting from a change of ownership as described in section *IV.C. Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owner's ECRP;
- c. The target AVR must be met only through the implementation of an ECRP and cannot be met using emission credits or AQIP fees; and,
- d. The employer submits an ECRP in the format approved by SCAQMD and includes the elements describe in section I.E. Program Types and Features, excluding the Good Faith Effort Determination Elements.

### **4. AVR Improvement Program**

Any worksite submitting an ECRP that has an improvement of 0.05 or greater in the worksite AVR compared to the previous compliance year submittal, or demonstrates a minimum AVR increase of 0.01 per year when compared to the previous two compliance years is eligible for a 20% reduction of the annual filing fees established in Rule 308 (c)(2) and a reduced program submittal as described in paragraph f. below. To qualify, the following conditions must be met:

- a. The annual employee survey must be conducted and the resulting AVR calculation must have an AVR increase of 0.05 or greater when compared to the previous compliance year submittal or has an AVR increase of 0.01 per year when compared to the previous two compliance years;
- b. The worksite must have an approved ECRP for the compliance years that are used for the AVR comparison as described above;

- c. The program cannot be a first-time submittal resulting from a change of ownership as described in section IV.C. *Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owners ECRP;
- d. For multi-site programs, the aggregate AVR may be used to qualify for this reduction provided that a multi-site program with an aggregated AVR that is improved in comparison to the previous compliance year or previous two years;
- e. The AVR improvement must be only through the implementation of an ECRP and cannot be met by using emission credits or AQIP fees;
- f. The employer submits an ECRP in the format approved by SCAQMD and includes the elements described in section I.E. Program Types and Features, excluding the Good Faith Effort Determination Elements; and,
- g. The employer shall continue to implement the approved program strategies until the next program submittal that requires inclusion of strategies or submittal of a program amendment.

### **Examples of Qualifying and Non-Qualifying Submittals**

If Employer A is submitting its ECRP in 2015 and has an AVR improvement of 0.01 every year when compared to the previous two years then it could submit an AVR Improvement Program. Employer B has an improvement of 0.01 when compared to the previous year, but there was a decline in AVR when compared to the submittal two years ago, it would not be eligible. If employer C has an increase of 0.05 over the previous year submittal it would be eligible. When an employer has a different program submittal option, they cannot use any prior year for the AVR Improvement, as shown by Employer D. The AVR Improvement Program examples are summarized in Table 1 below.

Table 1. AVR Improvement Program Submittal Examples

Submittal Year AVR	2012	2013	2014	2015	AVR Improvement
Employer A	1.30	1.31	1.32	1.33	Yes
Employer B	1.30	1.31	1.30	1.31	No
Employer C	1.30	1.30	1.30	1.35	Yes
Employer D	1.29	1.30	AQIP submit	1.35	No

## **F. Program Administration**

### **1. Program Submittal and Compliance**

All employers who choose to implement an ECRP shall submit an annual program plan that will lead to the achievement and maintenance of the annual AVR target. Employers unable to increase their AVR or meet the annual AVR target must submit one of the options listed in section II.E. *Annual AVR Performance Requirement*.

## **2. Program Implementation**

Employers shall implement their ECRP within 30 days of receipt of their written program approval. An alternative program implementation date may be used if included in the Program submittal that has been approved or if otherwise stated in the written program approval. Any ECRP previously approved by the SCAQMD will remain in effect until:

- a. A new program is approved;
- b. An approved alternative is used to comply with Rule 2202;
- c. The employer receives notification from SCAQMD that they are no longer subject to the Rule; or
- d. Rule 2202 is rescinded.

### **G. Record Retention Requirements**

Employers must maintain records using the following criteria:

- a. The employer must keep detailed records of the documents which verify the AVR calculation for a minimum of three compliance years.
- b. Records which verify that all strategies in the ECRP have been marketed and offered shall be kept at the worksite for a minimum of three compliance years. Examples of records include but are not limited to: AVR calculation data; employee surveys; marketing materials; meeting agendas; proof of incentive purchases and distributions; and/or, plug-in hybrid electric vehicle (PHEV) type and home to work trip distances for the zero emission AVR credit.
- c. Employers who have a qualifying AVR Improvement Program shall keep all records at the worksite, records as specified in paragraph b above, of the most recently approved ECRP which describes the good faith effort determination elements. This may require maintaining records longer than the minimum three compliance years as specified in paragraphs a and b above.
- d. Employers who implement their programs using a Centralized Rideshare Service Center (CRSC) as described in section III.C., shall maintain records and documents at the CRSC, unless, upon written approval by the Executive Officer or designee, other record retention arrangements have been made.
- e. Records may be maintained electronically provided that the materials can be viewed by commonly available software.

### **H. Compliance**

Failure to comply with any provisions of this Rule or this ECRP Guideline document is a violation of Rule 2202 and is subject to the penalties outlined in the Health and Safety Code §42400 *et seq.* Examples of violations include, but are not limited to:

- a. Failure to maintain records as described in section G. *Record Retention Requirements*;
- b. Falsification of records;
- c. Failure to submit an annual program;
- d. Failure to submit proper fees in accordance with the provisions of Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;

- e. Failure to submit a management commitment verifying implementation of the program as approved by the SCAQMD, and/or;
- f. Failure to implement components of an approved annual program.

The SCAQMD will not impose any ECRP requirements that are not a part of Rule 2202, the ECRP Guidelines, Rule 308, Rule 311, or Rule 313, and will only request information to determine compliance with these rules.

If a final determination that an element of an approved ECRP violates any provision of law is issued by any agency or court with jurisdiction to make such determination, then the employer shall, within 45 calendar days, submit a proposed program revision to the SCAQMD which shall be designed to achieve an AVR equivalent to the previously approved program.

## **II. PROGRAM IMPLEMENTATION**

### ***A. Program Review***

The SCAQMD staff will review ECRPs using the following criteria:

- a. ECRPs will be approved provided the program complies with all requirements of Rule 2202, the ECRP Guidelines, Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;
- b. Employer continues to demonstrate a good faith effort towards achieving the target AVR or has made appropriate changes/additions to the strategies when AVRs have declined or remained consistently low. Program submittals which fail to show an overall improvement in AVR from the previously submitted ECRP and do not provide revisions or additions to the strategy section are not considered to be a good faith effort on the part of the employer and may not be approved as submitted;
- c. Within 90 calendar days of receipt of the program submittal, the SCAQMD will in writing, approve, preliminarily disapprove the program, or request up to 30 additional days to review the program, indicating to the employer the reasons for requiring additional review time;
- d. If a program is not approved or disapproved within 90 calendar days, or if the SCAQMD has not requested additional review time, the program shall be deemed approved;
- e. After the employer submits an ECRP, the SCAQMD will contact the employer to provide an opportunity to discuss any program inadequacies; and,
- f. If these inadequacies are not addressed, the SCAQMD will preliminarily disapprove the ECRP and provide in writing the reasons for the preliminary disapproval;
  - 1. Any ECRP preliminarily disapproval by the SCAQMD must be revised by the employer and resubmitted within 30 calendar days of receipt of the notice of the preliminary disapproval;
  - 2. The SCAQMD has 90 calendar days to approve or issue a final disapproval of the resubmitted ECRP;
  - 3. If a notice of final disapproval is given, the employer will be in violation of Rule 2202 until a revised ECRP is submitted and approved by the SCAQMD or a successful appeal is taken, in accordance with Rule 216 – Appeals, to the Hearing Board.

## **B. Calculating AVR**

### **1. Employee Categories**

Employees that do not begin work at least one day during the 6:00 a.m. - 10:00 a.m. peak commute window are not included in the peak AVR calculation. Employees that are classified in the “Other Days Off” category are included in the AVR calculation if they begin work in the window at least one day during the survey week. The net effect of “Other Days Off” on the AVR calculation will be neutral. Employees in this category include, but are not limited to, the following:

- employees on vacation, sick, or furlough;
- employees on per-diem or on-call that do not meet the definition of field personnel;
- employees on jury duty, military duty;
- employees who begin work outside the window provided they begin in the window at least one other day during the week;
- employees not scheduled to work that day;
- employees that are home dispatched;
- employees on maternity leave;
- employees on bereavement leave; and/or,
- employees on medical /disability leave.

The following employee categories, as defined in the Glossary, are not considered for rule applicability or in calculating AVR:

- temporary employees;
- seasonal employees;
- volunteers;
- field personnel;
- field construction workers; and/or,
- independent contractors.

### **2. Police, Sheriff, and Federal Field Agents**

Police, Sheriff, and Federal Field Agents, as defined in the Glossary, are included for rule applicability but are not required to be included in the 6:00 a.m. - 10:00 a.m. peak window survey or included in the AVR calculation. It is the discretion of the employer whether to include them in the window count. Surveying only part of this group is not acceptable. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including, but not limited to, ride matching and transit information for all employees as well as preferential parking and guaranteed return trips for employees who are ridesharing. Employees who perform non-field work or non- investigative functions are required to be included in the peak window survey and included in the AVR calculation. Examples of Federal Field Agents include, but are not limited to, field employees of the Federal Bureau of Investigation (FBI), Customs and Border Protection or US Coast Guard.

### 3. AVR Adjustments

- a. Carpools are counted as 2-6 people traveling together for 51% of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- b. Vanpools are counted as 7-15 people traveling together for 51% of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- c. Employees walking, bicycling, telecommuting, using public transit, using a zero emissions vehicle (ZEV) or other vehicles as approved by the Executive Officer or designee, or on their day off under a compressed work week, should be counted as employees arriving at the worksite with no vehicle.
  - i. Carpool occupants of a ZEV may be counted as arriving at the worksite with no vehicle by marking the zero emission option on the AVR survey.
  - ii. Employees arriving to work in a plug-in hybrid electric vehicle (PHEV) can be considered to be using a ZEV provided that the entire home-to-work trip is made exclusively under electric power without use of the gasoline engine or cogeneration system.
  - iii. None of the employee ZEVs can be included in the AVR calculation if the employer has implemented a ZEV charging program that will result in the generation of emission reduction credits pursuant to Rule 2202 (f)(6) or other approved SCAQMD emission credit programs.

- d. Compressed Work Week (CWW) credit will only be granted when all days worked and all CWW days off fall within the established AVR survey period.

Employers may develop alternatives to the recognized compressed work week schedules of 3/36, 4/40, and 9/80 upon written approval by the SCAQMD. The proposed alternative must ensure that the resulting trip reductions are real, surplus, quantifiable, and enforceable.

The types of CWW day(s) off must be clearly indicated on the AVR survey as follows:

- i. 3/36 - 3 days work, 12 hours per day, 2 days off during the survey week;
- ii. 4/40 - 4 days work, 10 hours per day, 1 day off during the survey week; or
- iii. 9/80 - 9 days work, 80 hours per two weeks, 1 day off in a 2 week period during the survey.

If a person on a 3/36 scheduled work week works a 4<sup>th</sup> day during the established work week, an employer may take credit for one (1) CWW day off.

- e. Non-commuting AVR credit is allowed for employees who remain at the worksite (if in the SCAQMD's jurisdiction), or entirely out of the SCAQMD's jurisdiction, for at least a full 24-hour period, to complete work assignments, and who generate no vehicle trips during the AVR window associated with arriving at the worksite. Non-commuting AVR credit is calculated as arriving at the worksite with no vehicle. Examples of employees who may be considered to be in this category are firemen, airline pilots, or flight attendants.

- f. AVR credit for all employees leaving the worksite, during the window, may be calculated and averaged with employees arriving at the worksite during the window to obtain an aggregate AVR. However, if off-peak credits are used in the AVR calculation this credit cannot be used.
- g. Off-Peak Credits - Employers may receive additional credits from employee trip reductions that occur outside of the peak window. An AVR survey or an alternative approved data collection method is required to obtain this data. This AVR survey cannot be older than 6 months at the time of program submittal. This credit may be calculated as follows:

$$AVR = \frac{E}{V - [CCVR \div 2.3]}$$

Where:

- E = Total number of weekly window employees in the peak window.
- V = Total number of weekly window vehicle trips in the peak window.
- CCVR = Creditable commute vehicle reductions that occur outside of the peak window.
- 2.3 = Discount factor.

- h. Non-Regulated Worksite Credits - Employers may voluntarily include worksites with less than 250 employees as described in section *II.D. Aggregating AVR for Multi-site Employers* and/or employees of other businesses located at the worksite not subject to the Rule.
- i. Reduced Staffing - Employers may receive additional trip reduction credits, that have been discounted, from reduced staffing that occurs during events that are longer than five consecutive work days, such as school recesses/breaks, inventory, or temporary facility closures, as approved by SCAQMD. A separate AVR survey is required to obtain this data. This AVR survey cannot be older than 12 months old at the time of program submittal. This credit is not allowed for staff reductions resulting from actions such as layoffs, relocations, transfers, facility closures or temporary closures that are part of regularly schedule facility vacations. This credit may be calculated as follows:

$$AVR = \frac{E \times T}{[V_n \times T_n] + [V_r \times T_r \times 1.15]}$$

Where:

- E = Total number of weekly window employees during the regular operating schedule.
- T = Total number of annual operating workdays for the worksite, which is the sum of T<sub>n</sub> and T<sub>r</sub>. For example, the default value is 260 days for employers with a 5 day work schedule, and a default value of 365 days for a 7 day work schedule.
- V<sub>n</sub> = Total number of weekly window vehicle trips during the regular operating schedule.
- T<sub>n</sub> = Total number of regularly scheduled operating days for the worksite.
- V<sub>r</sub> = Total number of weekly window vehicle trips that occur during the reduced staffing schedule.
- T<sub>r</sub> = Total number of reduced staffing schedule days.
- 1.15 = Discount factor.

The same methodology used for determining the total number of annual workdays for the worksite (T) shall be applied to determine the values for Tn and Tr.

- j. Employees that begin work during the window and do not respond to the survey must be calculated as one employee per vehicle arriving at the worksite.
- k. Drive alones count as one person per vehicle arriving at the worksite.
- l. Reporting errors resulting from missing or incorrect information must be calculated as one employee per vehicle arriving at the worksite. Reporting errors that do not indicate the time when the employee begins work must be assumed to occur in the peak window.

### **C. AVR Data Collection Methods**

Each employer must collect AVR data by one of the following applicable methods:

#### **1. AVR Survey**

Employers must conduct an AVR survey approved by the SCAQMD. The survey should be taken over five consecutive workdays, Monday through Friday, and identify the transportation modes that employees used to travel to the worksite and begin work during the 6:00 a.m. - 10:00 a.m. window, each day during the survey week. The AVR survey data must be available and traceable to an individual employee. This may be through employee identification numbers, employee signature, or a pre-approved electronic identifier specific to each employee. The surveys shall be distributed at the end of or following the planned survey week so that the survey responses will represent actual commute activity. An SCAQMD approved employee survey form can be found in the ECRP forms.

##### **a) AVR Survey Parameters**

The AVR survey data cannot be more than six months old at the time of program submittal. The six month period begins on the final day of the survey period. The response rate to the survey must be at least 60 percent of those employees who begin work during the window. The remaining non-responses over 60 percent to 100 percent shall be treated as single occupant vehicle commuters, however, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the "Other Days Off" category. The net effect on the AVR calculation will be neutral. The AVR survey must be conducted during a typical work week. The weeks to be specifically excluded from the AVR survey week are the weeks including the following dates:

New Year's Day	January	1
Martin Luther King Jr. Birthday	January	(Third Monday)
Presidents Day	February	(Third Monday)
Memorial Day	May	(Last Monday)
Independence Day	July	4
Labor Day	September	(First Monday)
California Rideshare Week	October	(First Week)
Veteran's Day	November	11
Thanksgiving Day	November	(Fourth Thursday)
Christmas Day	December	25

AVR surveys shall not be conducted during these weeks even if the employer does not observe these holidays or is open for business. Nor shall employers conduct an AVR survey during a week in which they observe a holiday not listed above.

The days these holidays are observed may vary from year to year; therefore, it will be the responsibility of the employer to obtain these specific holiday dates to ensure exclusion of these weeks from their AVR survey week.

#### **b) Window Period for AVR Calculation**

The employer must calculate the AVR based on the 6:00 a.m. - 10:00 a.m., Monday through Friday window except for businesses operating seven days a week. The AVR window for businesses operating seven days a week is 6:00 a.m. - 10:00 a.m. and the AVR reporting period is the five consecutive days, of the seven operating days, when the majority of the employees are scheduled to begin work. Businesses operating seven days a week may survey over a seven day period so that for purposes of AVR reporting, they will account for individual employees over that portion of their five day work week that falls within the five consecutive days.

The employer may use an alternative window or week upon writing the SCAQMD and receiving written approval. The alternative window must be a consecutive four hour period between 4:00 a.m. and 11:00 a.m. and a consecutive five day period of the seven day week when the majority of their employees are scheduled to report to the worksite in the peak window. Consequently, the reporting period must be the same five consecutive days for all employees included in the AVR calculation.

#### **c) AVR Calculation**

The AVR calculation is based on data obtained from an approved SCAQMD survey method, random sampling, or recordkeeping, and shall include all employees who begin work in the 6:00 a.m. - 10:00 a.m. window.

The AVR is calculated by dividing the number of employees who report to the worksite, by the number of vehicles that arrive at the worksite, during the five day window period. The AVR figure should be rounded off to the second decimal place. For example: 1.4576 becomes 1.46 AVR.

### **2. Random Sampling**

Employers with a minimum of 400 employees reporting to the worksite during the peak window, have the option of determining AVR by a random sample method. The random sample method and sample size must receive written approval from the SCAQMD prior to administration of the survey. The random sample method shall comply with all of the following criteria:

- a. Members of the sample must be selected on a probability basis (random selection) that assures that each population member is given an equal chance of selection;
- b. All employees reporting in the window for calculating AVR must be considered as the relevant population from which the sample is drawn;

- c. The sample must measure all potential commute modes for employees arriving at the worksite during the window and shall account for all employees not arriving at the worksite during the window due to compressed workweek day off, vacation, sick leave, furlough day, or other (e.g., maternity leave, bereavement leave, etc.);
- d. Any employees designated for the random sample that do not respond to the survey are counted as solo drivers;
- e. At least 60 percent survey response rate must be achieved;
- f. Data from the last three compliance years shall be kept at the worksite and available for inspection;
- g. Any data submitted via electronic media must be compatible with SCAQMD's software;
- h. The random sample survey must be taken not more than six months prior to submittal of the Annual Program, with the six month period beginning on the last day of the survey week; and,
- i. The random sample method must be re-certified 60 calendar days prior to the program due date, only when the employer proposes to modify its approved certification method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

### 3. Alternative AVR Data Collection

Employers have the option of selecting an alternative AVR data collection method for calculating the worksite AVR. Alternative AVR data collection methods must be certified by the SCAQMD prior to use, in accordance with the ECRP guidelines and the following criteria:

- a. Employers, vendors, consultants, or other entities requesting certification for alternative AVR data collection methods must request certification at least 60 calendar days prior to the annual ECRP due date;
- b. Data must be gathered from all employees who begin work during the window;
- c. The response rate to the data collection method must be at least 60 percent of those employees who begin work during the peak window. The remaining non-responses over 60 percent to 89 percent shall be treated as single occupant vehicle commuters. However, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the "Other Days Off" category in the AVR calculation;
- d. The data collected must reflect the daily commuting activity of employees and their modes of travel that occur during each month or quarter of the program cycle;
- e. Quarterly or monthly AVR must be calculated separately, and must be aggregated to determine the yearly AVR calculation;
- f. Data from the last three compliance years shall be kept at the worksite and be made available upon request;
- g. The following data must be available, and traceable to individual employee records: travel mode for each day data is collected; any data that is specified in section *II.C. AVR Data Collection Methods*; and, employee ID number or other individual identification;
- h. Any data submitted via electronic media must be compatible with the SCAQMD's software;
- i. The data used for the AVR calculations cannot be more than six months old, with the six month period beginning on the last day of the survey week; and,

- j. The alternative AVR data collection method shall be re-certified 60 calendar days prior to each program due date, when the employer proposes to modify its approved method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

#### ***D. Aggregating AVR for Multi-site Employers (Optional)***

Employers that submit a multi-site plan may choose to aggregate the AVR data for all of the regulated worksites in that ECRP. For worksites that belong to the multi-site employer, the aggregate AVR is the total number of window employees divided by the total number of vehicle trips for all the worksites in the multi-site plan. All worksites that are to be included in the aggregate AVR calculation must be within the same AVR Performance Zone.

Aggregate AVR can be obtained in three steps. First, the number of peak window employees used in calculating each worksite AVR must be added. This sum will yield the total number of window employees for all worksites. Second, the number of vehicle trips used in calculating each worksite AVR must be added. This total will yield the total number of vehicle trips for all worksites. Finally, the total number of employees must be divided by the total number of vehicle trips to obtain the combined AVR for all worksites. This calculation will then yield the aggregate AVR for the multi-site employer.

Example:

$$\text{AVR} = \frac{\text{Window employees for site 1} + \text{window employees for site 2} \dots}{\text{Vehicle trips for site 1} + \text{vehicle trips for site 2} \dots}$$

Employers submitting multi-site programs may also voluntarily include worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule. In order to do so, all provisions of the AVR Data Collection section must be met, and the employer must demonstrate that an AVR baseline calculation has been established. Employers at non-regulated worksites are not required to implement other ECRP elements, such as having an on-site ETC or offering employer incentives and good faith effort determination elements. Employers voluntarily including worksites that have less than 250 worksite employees, must provide a letter of declaration signed by an official authorized to contract on behalf of and/or legally bind the employer which declares the following:

- a. The employer is voluntarily agreeing to subject itself to the authority and requirements of Rule 2202 for the worksites which currently have fewer than 250 employees, and that they are doing so freely and wholly voluntarily without any duress on behalf of the SCAQMD;
- b. The employer waives its right to challenge the applicability of Rule 2202 to any and all included sites within the SCAQMD should enforcement action be taken against the employer; and,
- c. The employer is receiving a benefit from agreeing in that they are being allowed to claim vehicle trip credit toward their aggregate AVR.

### **E. Annual AVR Performance Requirement**

Employers shall submit an ECRP and demonstrate that they have met the annual average vehicle ridership target for the AVR Performance Zone in which the worksite is located. Employers unable to meet the annual AVR target and are not submitting a High AVR or AVR Improvement plan must submit:

- a. An ECRP Offset annual plan where the difference between the worksite AVR and the target AVR Performance Zone is offset through participation in the Air Quality Investment Program (AQIP) or implementation of Emission Reduction Strategies (ERS) in accordance with the provisions of Rule 2202; or
- b. An ECRP annual plan that includes the requirements described in section II.F. *Good Faith Effort Determination Elements* subject to the following conditions:
  - i. Unless otherwise stated, the good faith determination elements must be implemented such that they are reasonably likely to improve a worksite AVR by at least 0.01 annually. Employers must continue to demonstrate a good faith effort toward achieving the AVR target.
  - ii. If a worksite AVR decreases, remains the same, or does not improve from the previously submitted ECRP, the selection of strategies must be modified, the number of strategies increased, or an ECRP offset, AQIP, or ERS be implemented.
  - iii. Employers shall implement all currently approved good faith effort plan strategies until a new ECRP is approved.
  - iv. Employers may choose to implement programs or strategies offered by third party service providers (e.g., County Transportation Commissions, TMA/TMO, contracted services). If any plan strategy offered by a third party service provider is discontinued, the employer shall continue to implement the discontinued strategy or amend the plan.
  - v. Deletion or substitution of any plan strategies is not allowed unless approved by the Executive Officer or designee in writing.

A flow chart that identifies the good faith effort determination elements and the various rule options that employers may use to comply with the Rule requirements is shown in Figure 2.

### **F. Good Faith Effort Determination Elements**

Employers submitting an ECRP who have not attained their target AVR, and are not submitting a High AVR or AVR Improvement Program plan, shall demonstrate that the elements for the required strategies in each of the three (3) listed categories are implemented. Descriptions of each element can be found in section V. *Employee Commute Reduction Strategies*.

1. Marketing Strategies. Must include at least five (5) of the following strategies:
  - a. Attendance at a marketing class,
  - b. Direct communication by the highest ranking official,
  - c. Employer newsletter, flyer, announcements, memos or letters
  - d. Employer rideshare events, New hire orientation,
  - e. Rideshare bulletin boards, Rideshare website,
  - f. Rideshare meetings or focus group(s), or
  - g. Other marketing strategies that have been approved by the SCAQMD.

## Rule 2202 Requirements

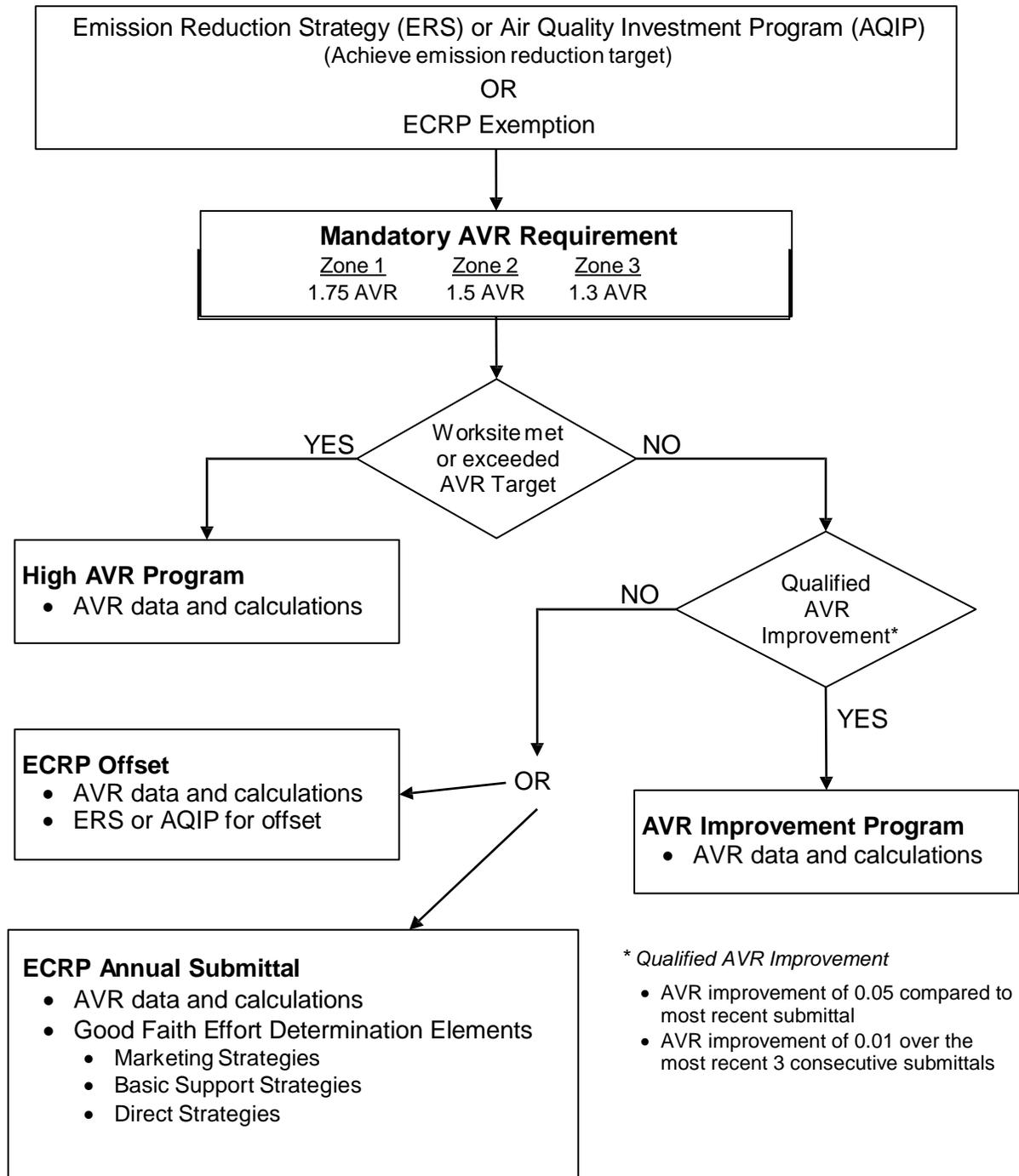


Figure 2. Rule 2202 Requirements – Compliance Flow Chart

2. Basic Support Strategies. Must include at least five (5) of the following strategies:
  - a. Commuter Choice Programs,
  - b. Flex time schedules,
  - c. Guaranteed return trip,
  - d. Personalized commute assistance,
  - e. Preferential parking for ridesharers,
  - f. Ride matching services,
  - g. Transit information center, or
  - h. Other basic support strategies that have been approved by the SCAQMD.
  
3. Direct Strategies. Must include at least five (5) of the following strategies:
  - a. Auto services,
  - b. Bicycle program,
  - c. Compressed work week schedules,
  - d. Direct financial awards,
  - e. Discounted or free meals,
  - f. Employee clean vehicle purchase program,
  - g. Gift certificates,
  - h. Off-peak rideshare program,
  - i. Parking charge or subsidy program,
  - j. Parking cash-out/parking management (voluntary)
  - k. Points program, l. Prize drawings,
  - m. Startup incentive,
  - n. Telecommuting,
  - o. Time off with pay,
  - p. Transit subsidy,
  - q. Vanpool program, or
  - r. Other direct strategies that have been approved by the SCAQMD.

### **III. ADMINISTRATION OF THE ECRP**

#### ***A. Employee Transportation Coordinators***

Employers must designate an employee to serve as an Employee Transportation Coordinator (ETC) for each worksite with 250 or more employees or per Multi-Site program. This person must successfully complete an SCAQMD ETC certification course.

This training provides the individual with the necessary information to conduct the survey process, prepare and implement the program, market the program and track the program results.

Employers submitting a multi-site program may designate an ETC at one worksite and designate On-Site Coordinators for all other worksites. The On-Site Coordinator is a person designated and instructed by the employer to have knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is accountable for program implementation rather than plan

development. The ETC or the On-site Coordinator must be at the worksite and available during normal business hours when the majority of employees are at the worksite.

In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement must be designated and trained. The SCAQMD must be notified of this change in writing by the employer within 12 weeks after the beginning of the absence.

### ***B. Consultant Employee Transportation Coordinator***

An employer may use a Consultant ETC in lieu of an ETC, provided the Consultant ETC meets the definition of an ETC and the same minimum certification requirements as the ETC. A Transportation Management Association/Transportation Management Organization (TMA/TMO) may be considered a Consultant ETC provided its staff, acting in this capacity, meets the same certification requirements as the ETC. As an alternative to having a Consultant ETC available during normal business hours, the employer shall designate an On-Site Coordinator for each worksite.

### ***C. Centralized Rideshare Service Center***

The Centralized Rideshare Service Center (CRSC) may be used by employers submitting a Multi-Site ECRP to provide equivalent services in lieu of having a certified ETC at each worksite. Employers must have written approval from the SCAQMD prior to implementing a CRSC. The request for approval must include information describing the CRSC in detail and show how it will provide equivalent ETC services to the specific worksite(s).

The request for implementing a CRSC must have the following elements:

- a. Identification of the CRSC location;
- b. Description of the process of employee access to rideshare information and services, including an explanation of how it will provide services equivalent to having an ETC at each worksite;
- c. Description of how each worksite will market, implement and maintain records in a manner equivalent to having an ETC or On-Site Coordinator at the worksite;
- d. Explanations of the ETC availability and accessibility to employees affected by the program; and,
- e. Assurance that copies of all relevant supporting program materials is maintained at the CRSC, unless, upon written approval, other record retention arrangements have been made. Program materials include, but are not limited to, all marketing materials, flyers, brochures, pamphlets, schedules, and copies of the most recently approved Multi-Site ECRPs.

SCAQMD staff will review each request on a case by case basis to determine whether the CRSC meets the following criteria:

- a. Identifies the CRSC facility location and demonstrates availability and accessibility to the ETC by all employees;

- b. Demonstrates that the Multi-Site ECRP is adequately marketed and implemented at all included worksites; and,
- c. Ensures that all other sites in the Multi-site program submittal have identified a worksite contact person who:
  - i. Has knowledge of the employer's Multi-Site ECRP;
  - ii. Has knowledge of the employer's marketing methods; and,
  - iii. Is available to meet with SCAQMD compliance staff.

## **IV. SPECIAL PROCEDURES**

### ***A. Extensions***

If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be requested from the SCAQMD. An employer may request an extension to the program due date under the following:

- a. The request must be in writing, state the reason for the extension request, the length of time needed, and include the appropriate filing fee, as specified in Rule 308 (n) and Rule 313 (f)(4);
- b. All extension requests and fees must be received by the SCAQMD, no later than 15 calendar days prior to the program due date;
- c. Requests are considered on a case-by-case basis and shall include reasonable justification for the extension request, such as, but not limited to, organizational restructuring, or the unforeseen long-term absence of an ETC;
- d. An employer may request an extension to the program due date after the program has been disapproved for the first time. The request must be received within 15 calendar days of the receipt of the plan disapproval. The SCAQMD will inform the employer in writing within 15 calendar days of receipt of request, whether the extension has been granted;
- e. An employer may, upon receipt of a written objection to the terms of the proposed program by an employee, employee representative or employee organization; request a single extension of 30 calendar days. A copy of the written objection should be attached to the request. One such request shall be granted by the SCAQMD; no subsequent extension may be granted for this purpose; and,
- f. Any change in the permanent due date that results in additional time to submit a plan will be considered an extension of time and shall be subject to the extension filing fee, as specified in Rule 308 (n) and Rule 313 (f)(4).

### ***B. Program Amendments***

An approved ECRP may be amended between program submittal dates by submitting a proposed program amendment in writing to the SCAQMD along with the applicable fee. Any change to the implementation of an approved program requires written SCAQMD approval. The program amendment must include the following:

- a. Letter of explanation of proposed amendment signed by the highest ranking official;
- b. A copy of each affected strategy page from the last approved plan;
- c. A copy of each of the proposed replacement strategy pages; and,

- d. Applicable amendment fee as specified in Rule 308.

Employers proposing changes in strategies are encouraged to consider comparable ones that will continue making progress towards attaining the target AVR. Section V. *Employee Commute Reduction Strategies*, identifies a number of strategies that can be selected to substitute for those being changed. Any previously approved ECRP shall remain in effect until the amendment is approved by SCAQMD in writing. SCAQMD will either approve or disapprove the amendment within 90 calendar days of receipt.

Amendment requests may be approved if the employer demonstrates to the satisfaction of the Executive Officer or designee that the new strategy will result in an AVR which is equal to or better than the strategy it is replacing.

The amendment fees shall not apply when the amendment consists solely of the addition of strategies to the program or improvements to the existing strategies of an approved program. Improvements to existing strategies may include, but are not limited to, increased meeting frequency or increases to subsidy amounts.

### **C. Change of Ownership**

In the case of ownership mergers or change of ownership, the new owner must notify the SCAQMD of this change within 30 calendar days of the new ownership. The new employer, within 90 calendar days must submit a new ECRP or other compliance option to the SCAQMD which adheres to all provisions of Rule 2202 and Guidelines, or submit a letter which states they will continue to implement the program approved by the SCAQMD for the prior owner(s).

### **D. Relocation**

Any employer relocating to a new worksite must notify the SCAQMD within 30 calendar days of the relocation. Relocations fall into two categories:

- a. Employers relocating within two miles of the previous worksite address may elect to continue to implement the most recently approved ECRP or the employer may elect to submit a new ECRP. The employer must inform SCAQMD of the preference in the notification of relocation letter.
- b. Employers relocating more than two miles from the previous worksite must submit a new ECRP within 90 calendar days of the relocation.

Worksite relocations that occur over time are subject to applicability requirements as described in section I.B. *Applicability* and Rule 2202 (b).

### **E. Declared Bankruptcy**

An employer who has declared bankruptcy for the official business or governmental operations of its organization or employer through a judicial court filing and confirmation process may request the SCAQMD grant a temporary waiver from complying with the requirements of this Rule. Upon demonstration of the filing and confirmation of bankruptcy, the SCAQMD will grant an exemption for the duration of bankruptcy, not to exceed two years from the date of the waiver.

Employers shall submit an ERCP within 90 days of the bankruptcy waiver expiration unless they have submitted a written request for an exemption from the rule requirements pursuant to Rule 2202 (l)(1).

#### ***F. Declared State of Emergency***

During a period of significant impairment of transportation systems associated with an event resulting in a local, state or federally declared state of emergency, the SCAQMD may approve programs or program amendments including strategies which decrease trips associated with any location in the SCAQMD, including locations other than a worksite included in the program. Such strategies may be included in any program and may be a substitution for measures contained in an approved program. In the event of substitution, the employer shall demonstrate that any decrease in AVR at a worksite subject to the program will be offset by trips reduced elsewhere in the SCAQMD.

#### ***G. Program Disapproval Appeals***

The SCAQMD has 90 calendar days to review the resubmitted Annual Program submittal. If the employer believes that the program meets the requirements of Rule 2202 and the Guidelines, and that the program was improperly disapproved, the employer may appeal the disapproval to the SCAQMD Hearing Board in accordance with Rule 216 - Appeals. A petition for appeal of disapproval must be made within 30 calendar days after the employer receives the notice of disapproval.

#### ***H. Delay Program Review Request***

If an employer, employee, employee representative or employee organization requests a delay in action of program review, the request must be in writing to the SCAQMD within 30 calendar days of program submittal and cannot delay the period of time to exceed the 90th day after submittal.

### **V. EMPLOYEE COMMUTE REDUCTION STRATEGIES**

#### ***A. Commute Reduction Strategies***

Below are the descriptions of the Good Faith Effort Determination Elements that employers can choose to implement. These strategies can be developed and implemented to meet the individual needs of employers in achieving the designated AVR target. Direct financial strategies are not required for program approval.

1. Auto Services - The employer provides auto services for employees participating in the commute reduction program. The employer must provide the type of service (e.g., oil changes, car washes, fuel, oil change, tune-up, repair certificate, etc), monetary value, frequency, eligibility, and minimum requirements to participate in the program.
2. Bicycle Program - The employer provides eligible employees, who commute by bicycle, unique incentives and tools only available to bicyclists and not offered elsewhere in the plan. Examples of incentives that can be included in a program are:

- Bicycle matching/meetings;
  - Shoes, clothing, helmets, etc.;
  - Lockers, racks, etc.;
  - Bicycle repair services;
  - Tools or repair kits;
  - Discounts at local bicycle shops; or
  - Other bicycle related services.
3. Commuter Choice Programs - The employer provides a Commuter Choice tax benefits program, based on Section 132(f) of the federal tax code. This program allows employees to set aside pre-tax income for qualified commute modes. Section 132(f) covers transit, vanpool and bicycle benefits as well as qualified parking.
  4. Compressed Work Week - A Compressed Work Week (CWW) schedule applies to employees who, as an alternative to completing the basic work requirements in five eight-hour workdays in one week, or ten eight-hour days in two weeks, are scheduled in a manner which reduces trips to the worksite. Employers must indicate if the CWW is offered to all employees, or eligible employees and the total number of employees participating in each type of CWW schedule. It is recommended, but not required, that employers implementing this strategy have a formal written policy on CWW schedules.
  5. Direct Communication - Direct communication by the employer's highest ranking official at the worksite, to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program. This must occur, at a minimum, on an annual basis and may occur as electronic or written communication.
  6. Direct Financial Awards - The employer, or other funding sources, provides eligible employees with cash subsidies for participation in the organization's commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
  7. Discounted/Free Meals - The employer provides eligible employees with free or discounted meals for their participation in the commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
  8. Employee Clean Vehicle Purchase/Lease Program - Encourage and offer incentives for employees who purchase or lease partial zero emission vehicles (PZEV), advance technology PZEV (AT-PZEV), or zero emission vehicles (ZEV) (e.g., credit union loan rate discounts, financial incentives).
  10. Employee Newsletter, Flyer, Announcements, Memos or Letters - A communication tool to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program that is updated and distributed, at a minimum, on a quarterly basis. If provided electronically, an update or notice must be sent to all employees of the communication's availability.
  11. Employee Rideshare Events - Employer sponsored events which promote rideshare opportunities that occur, at minimum, annually.
  12. Flex Time - The employer permits employees to adjust their work hours in order to accommodate public transit schedules or rideshare arrangements. Ideally, employers

would have a formal written policy on Flex Time. Do not select this strategy unless flex time is linked to your rideshare program.

13. Gift Certificates - The employer or other funding source provides eligible employees with gift certificates for participation in the commute reduction program. The employer must provide the certificate's monetary value, frequency, eligibility, and minimum requirements to participate in the program.
14. Guaranteed Return Trip - The employer provides eligible employees with a return trip to the point of commute origin, when a need for the return trip arises. 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, TMA/TMO, or other entities.
15. Marketing Class - The ETC attends a marketing class within 12 months prior to plan submittal. Proof of attendance must be included along with the submittal. The marketing class may include, but is not limited to:
  - Development of a communication/marketing plan;
  - Development of marketing materials;
  - Development of presentation materials;
  - Use of existing programs (e.g., Rideshare Week, rideshare fairs, etc.); and,
  - Fundamentals of marketing (including promotion techniques and consumer behavior).
16. New Hire Orientation – The employer provides newly hired employees an overview of alternative commute options and employer incentives to promote and encourage participation in a rideshare program.
17. Off Peak Rideshare Program - The employer may voluntarily expand their commute reduction program to include employees who commute outside of the peak window.
18. Other Strategy(ies) - The employer can provide many types of strategies designed to encourage solo commuters to participate in the employee commute reduction program under each strategy heading. These strategies can include, but are not limited to, educational programs, use of clean fuel vehicles for commuting, employer vehicles for ridesharing, carsharing, mobility hub services, rideshare clubs, on-site amenities, electric vehicle infrastructure, voluntary worksite transfers, or the use of TMA/TMO services. Employers who list more than one strategy may receive credit for each individual strategy.
19. Parking Charge/Subsidy - A parking fee is charged to employees who drive alone to the worksite and/or in exchange, employers may provide a subsidy to employees that can be used for the cost of alternative transportation modes. The employer must provide the monetary value of the charge/subsidy, frequency, eligibility, and minimum requirements to participate in the program. Employers who implement a Parking Charge/Subsidy strategy cannot claim credit as a Parking Cash-out program unless both are independent strategies.
20. Parking Cash-Out/Parking Management Strategies – The employer may voluntarily choose to offer a cash allowance to an employee, at a minimum equivalent to the parking value that the employer would otherwise pay to provide the employee with a parking space as described in the provisions of the Health and Safety Code §43845. Employers may select

this strategy as a Good Faith Determination Element provided they are not legally obligated to implement this requirement.

21. Personalized Commute Assistance - The employer provides personalized assistance such as transit itineraries, carpool matching and personal follow-up to employees. Examples of ways an employer can provide this service to employees are:
  - Organize carpool/vanpool formation meeting(s);
  - Assist in identifying park and ride lots;
  - Assist in identifying bicycle and pedestrian routes;
  - Assist in providing personalized transit routes and schedule information; or
  - Provide personalized follow-up assistance to maintain participation in the commute reduction program.
22. Points Program - Employees earn points for each day of participation in the employer's commute reduction program. Points are redeemed for such rewards as time off, gift certificates, cash or merchandise. The employer must provide the monetary value of the points, frequency, eligibility, and minimum requirements to participate in the program.
23. Preferential Parking for Ridesharers - The employer provides eligible employees with preferential parking spaces to park their vehicles. These spaces must be clearly posted or marked in a manner that identifies them for carpool or vanpool use only. The employer shall provide, at a minimum, the following information:
  - Number of preferential parking spaces,
  - Minimum number of persons per vehicle required to be eligible,
  - Minimum number of days or percentage of ridesharing required to be eligible, and
  - Method of vehicle identification (e.g., tags, stickers, or license plate number).
24. Prize Drawings - The employer provides eligible employees, at a minimum, quarterly, with a chance to win prizes for participation in the commute reduction program. The employer must provide the monetary value of the prizes, frequency, eligibility, and minimum requirements to participate in the program.
25. Rideshare Bulletin Board - A physical display with materials that encourage and promote rideshare participation, publicizes incentives and, provides information about the employer's rideshare program. The bulletin board should be in a location that would be most likely viewed by the majority of employees and must contain different information than the Transit Information Center. It may be necessary to have more than one bulletin board depending on the size of the worksite or employee population.
26. Rideshare Matching Services – The employer provides, at a minimum, annually, rideshare matching services, zip code lists, or assistance in finding commute alternatives for all employees. The employer must indicate how and when employees are matched (e.g., during new hire orientation, as part of the employer's annual AVR survey, or on demand). The employer must also indicate how the service is provided to employees, such as:
  - Employer based system;
  - Regional commute management agency;
  - TMA/TMO system;
  - Zip code lists/maps; and/or
  - Outside service (e.g., consulting services).

27. Rideshare Meetings / Focus Groups - Meetings conducted with employees, at a minimum, semi-annually, to solicit input on commute behavior, incentives to rideshare, and to discuss ways to overcome the constraints to participating in alternative commute modes. These meetings may also be used to introduce employees who live in similar areas to foster the development of carpools and vanpools.
28. Rideshare Website – An employer’s website that is designed to act as a repository for information on the rideshare plan, that is updated, at a minimum, quarterly and is readily accessible to all employees. Employers may also implement other social marketing applications that are administered by the employer for the purposes of encouraging site specific employee trip reductions. At a minimum, quarterly notices must be given to the employees about the availability of the web site.
29. Startup Incentives - Incentives designed to reward solo commuters for joining a carpool, vanpool, or other alternative commute modes, and are generally provided over a short period of time. The employer must provide the monetary value of the incentives, frequency, eligibility, duration, and minimum requirements to participate in the program.
30. Telecommuting - Telecommuting means working at home, off-site, or at a telecommuting center for a full workday that eliminates the trip to work or reduces travel distance to the worksite by more than 51%. Ideally, employers would have a formal written policy on telecommuting. Employers must state if telecommuting is offered to all employees or eligible employees/units, the total number of employees participating in the program, the number of days per week employee’s work at home or at a satellite work center, if a formal written policy exists, and if any training/orientation sessions are held in support of the program.
31. Time Off With Pay - The employer provides eligible employees additional time off with pay for participation in the commute reduction program. The employer must provide the monetary value of the incentive, the amount of earned time off, frequency, eligibility, and minimum requirements to participate in the program.
32. Transit Information Center - The employer provides a transit information center that makes available general transit information and/or the on-site sale of public transit passes, tickets or tokens to the worksite employees. At a minimum, the information must be updated quarterly.
33. Transit Subsidy - Employers pay for all or part of the cost of commuting by local mass transit, commuter rail, train, or other public transit. The employer must provide the monetary value of the transit subsidy, frequency, eligibility, and minimum requirements to participate in the program.
34. 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:
  - Total number of vans participating in the program;
  - If the vans are employer owned or leased vans;
  - If the vans are third-party owned or leased vans;
  - If the vans are employee owned or leased vans;
  - Amount and type of subsidies provided for insurance;

- Amount and type of subsidies for fuel and/or maintenance;
- If empty seats are subsidized, and value and length of time this subsidy is offered; and,
- Any other benefit unique to vanpoolers that is not duplicated elsewhere in the ECRP submittal.

### ***B. Parking Cash-out Program***

Employers who are subject to the parking cash-out provisions of the Health and Safety Code §43845 are required to offer a cash allowance to employees in lieu of a parking space when the employer would otherwise pay to provide the employee with a parking space. Parking cash-out applies to worksites where the employer leases employee parking, the parking lease is not included or bundled in the building lease, and the employer is able to reduce the number of parking spaces without penalty.

All employers subject to Health and Safety Code §43845 have a legal obligation to comply with state law regardless of whether an employer incorporates parking cash-out as one of the strategies in Rule 2202.

Employers not legally required to implement the parking cash-out provision, may voluntarily choose to offer a parking cash-out allowance to their employees and claim credit as a Good Faith Effort Determination Element.

## VI. GLOSSARY

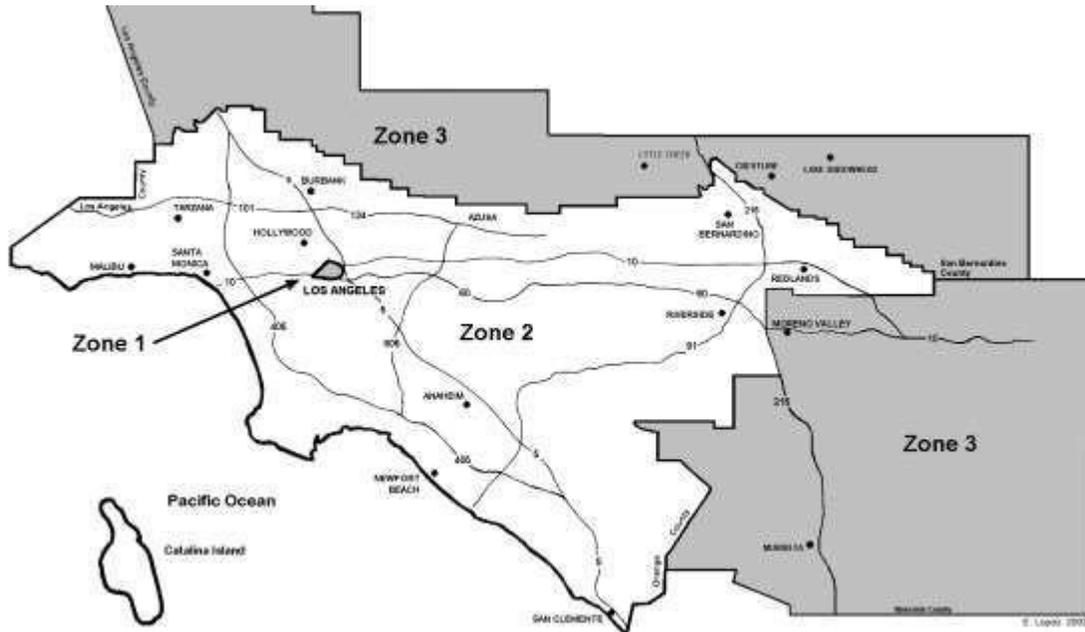
1. **AGGREGATE AVR** means the weighted average AVR of an employer that has several different worksites within the same AVR Performance Zone that are included within one Employee Commute Reduction Program.
2. **AVERAGE VEHICLE RIDERSHIP (AVR)** is the current number of employees that begin work during the window for calculating AVR divided by the number of vehicles arriving at the worksite during the same window.
3. **AVR CALCULATION** means the numerical method used to determine the worksite's AVR, calculated to two decimal places, in accordance with these guidelines.
4. **AVR DATA COLLECTION METHOD** is a method for gathering employee commute mode data needed to calculate an employer's AVR.
5. **AVR PERFORMANCE ZONE** is a geographic area that determines the average vehicle ridership performance requirement or target for a worksite pursuant to the map in Attachment I of this guideline. The AVR Performance Zones are as follows:
  - Zone 1: 1.75 AVR
  - Zone 2: 1.5 AVR
  - Zone 3: 1.3 AVR
6. **AVR WINDOW** is the period of time, Monday through Friday between the hours of 6:00 a.m. and 10:00 a.m. used to calculate AVR in accordance with these guidelines. AVR Window, as applied to businesses operating seven days a week, is the period of time, Sunday through Saturday between the hours of 6:00 a.m. and 10:00 a.m., used to calculate AVR in accordance with these guidelines.
7. **CARPOOL** is a vehicle occupied by two to six people traveling together between their residences and their worksites or destinations for 51% of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for 51% of the total trip distance.
8. **CENTRALIZED RIDESHARE SERVICE CENTER (CRSC)** may be used by employers submitting Multi-site programs that will provide equivalent services in lieu of having a trained ETC and implementation records at each worksite.
9. **COMPLIANCE YEAR** is the time period beginning when an ECRP is approved until a new ECRP is approved. Program amendments and extensions do not affect the compliance year.
10. **COMPRESSED WORK WEEK (CWW)** is an alternative schedule used to complete basic work requirements in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules for this Rule are, but not limited to, 36 hours in three days (3/36), 40 hours in four days (4/40), or 80 hours in nine days (9/80).
11. **CONSULTANT ETC** means a person that meets the definition of and serves as an ETC at a worksite other than the Consultant's employer.
12. **DIRECT FINANCIAL AWARD** means an employee commute reduction strategy in which the employer awards cash subsidies to an employee for specified rideshare behavior.
13. **DISABLED EMPLOYEE** means an individual with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle.

14. **EMPLOYEE** means any person employed full or part-time by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. This term excludes the following: seasonal employees, temporary employees, volunteers, field personnel, field construction workers, and independent contractors.
15. **EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP)** means an Annual Program, under the Employee Commute Reduction Program option, submitted to the SCAQMD, in accordance with these guidelines.
16. **EMPLOYEE TRANSPORTATION COORDINATOR (ETC)** is an employee who has completed an SCAQMD certified training course and has been appointed to develop, market, administer, and monitor the Employee Commute Reduction Program at a single worksite. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite.
17. **FEDERAL FIELD AGENT** means any employee who is employed by any federal entity whose main responsibility is National Security and performs field enforcement and/or investigative functions. This does not include employees in non-field or non-investigative functions.
18. **FIELD CONSTRUCTION WORKER** means an employee who reports directly to work at a construction site.
19. **FIELD PERSONNEL** means 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 and dispatch of an employer-provided vehicle.
20. **HOLIDAYS** are those days designated as National or State Holidays that shall not be included in the AVR survey period.
21. **INDEPENDENT CONTRACTOR** means an 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.
22. **LOW-INCOME EMPLOYEE** means an individual whose salary is equal to, or less than, the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden.
23. **MULTI-SITE EMPLOYER** means any person(s), firm, business, educational institution, non-profit agency or corporation, government agency or other entity which has more than one worksite located within the SCAQMD where 250 or more employees report to each worksite.
24. **MULTI-SITE PROGRAM** means an Employee Commute Reduction Program submitted to the SCAQMD to comply with these guidelines that encompasses more than one worksite within a single AVR Performance Zone that belongs to a multi-site employer.
25. **NONCOMMUTING AVR CREDIT** applies to employees who arrive at the worksite during the window for calculating AVR, and remains at the worksite or out of the SCAQMD's jurisdiction for a full 24 hour period or more to complete work assignments.

26. OFF PEAK COMMUTE TRIP is a commute trip that occurs outside the peak commute window of 6:00 a.m. - 10:00 a.m., Monday through Friday.
27. ON-SITE COORDINATOR is a person who has been designated by the employer as such and has knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is limited to program implementation rather than program development.
28. PARKING CASH-OUT is a program where an employer offers to provide a cash allowance to an employee, at a minimum equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space pursuant to the provisions of the Health and Safety Code §43845.
29. PART-TIME EMPLOYEE means any employee who reports to a worksite fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability and for AVR calculations of the employer, provided the employees begin work during the window for calculating AVR.
30. POLICE/SHERIFF means an employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are police officers and sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions.
31. SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.
32. STRATEGY means an Employee Commute Reduction Program element developed, offered and/or implemented by employers for the purpose of encouraging employees to use alternative modes of transportation other than single occupant vehicles when reporting to work during the window.
33. STUDENT WORKER means a person who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for rule applicability and if they begin work during the 6:00 a.m. - 10:00 a.m. window are counted for AVR calculation.
34. TELECOMMUTING means working at home, off-site, at a satellite office or at a telecommuting center, for a full workday that eliminates the trip to work or reduces travel distance by more than 51 percent.
35. TEMPORARY EMPLOYEE means any person employed by an employment service or agency that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.
36. TRANSIT is a shared passenger transportation service which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without private arrangement. Transit include buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

37. **TRANSPORTATION MANAGEMENT ASSOCIATION OR TRANSPORTATION MANAGEMENT ORGANIZATION (TMA/TMO)** means a non-profit association that has a financial dues structure joined together in a legal agreement for the purpose of achieving mobility and air quality goals and objectives within a designated area.
38. **VANPOOL** is a vehicle occupied by seven to 15 people traveling together between their residences and their worksites or destinations for 51% of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for 51% of the total trip distance.
39. **VEHICLE TRIP** is determined by the means of transportation used for the greatest distance of an employee's home-to-work commute trip for employees who begin work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:
- Single-occupant vehicle = 1
  - Carpool = 1 divided by number of people in carpool
  - Vanpool = 1 divided by number of people in vanpool
  - Motorcycle, moped, motorized scooter, motor bike = 1 divided by number of people on bike
  - Public transit = 0
  - Bus pool = 0
  - Bicycle = 0
  - Walking and other non-motorized transportation modes = 0
  - Non-commuting = 0
  - Telecommuting = 0 on days employee is telecommuting for the entire day
  - Compressed Workweek = 0 on employee's compressed day(s) off
  - Zero-emission vehicles = 0
40. **VOLUNTEER** means any person(s) at a worksite who, of their own free will, provides goods or services, without financial gain.
41. **WORKSITE** means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single worksite, even if they do not have the above characteristics, if they are located within a 2 mile radius and are in the same AVR Performance Zone.
42. **WORKSITE EMPLOYEE THRESHOLD** means 250 employees employed at a single worksite for the prior consecutive six month period calculated as a monthly average, and 33 or more employees scheduled to report to work during the window any one day during the prior consecutive 90 days.

## VIII. ATTACHMENT I



### AVR PERFORMANCE ZONES

- A worksite's AVR Performance Zone depends on its location.
- District's Source/Receptor Areas are shown in Attachment 3 of Rule 701 - Air Pollution Emergency Contingency Actions.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the SCAQMD's Source/Receptor Area 1.
- **Zone 2** corresponds to the SCAQMD's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Zone 1 - Central City Area.
- **Zone 3** corresponds to the SCAQMD's Source/Receptor Areas 13, 15, 24 through 31, and 36 through 38.

