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May 25, 2022

TO: California Air Resources Board

RE: Comment on ARB's 2022 Climate Change Scoping Plan

In the ARB's Draft 2022 Scoping Plan Update, the word "vehicle" is used 255 times and the word "parking" only once.

To remedy this neglect, the Plan should recommend enforcing California's parking cash-out law as a way to reduce vehicle miles travelled and carbon emissions. The Air Resources Board is the agency authorized by the Legislature to interpret and administer the parking cash-out law.

California's parking cash-out law requires employers of 50 or more employees to offer commuters the option to take the cash value of any parking subsidy offered if they don't take the parking subsidy ([Section 43845 of the California Health and Safety Code](#)). Because the law applies only to parking spaces that employers rent rather than own, the employer saves on paying for the parking space if a commuter takes the cash. The law requires regulated employers who offer free parking at work to treat all commuters equally, regardless of how they get to work.

Parking cash out has two great advantages as a way to reduce vehicle travel and carbon emissions: efficiency and equity.

Efficiency. Case studies of employers who began to offer parking cash out found that vehicle travel to work fell by 652 VMT per employee per year. **Carbon emissions fell by 800 pounds per employee per year** (see pages 66–67 in [Parking Cash Out](#)). Compliance with California's parking cash-out law provides many benefits at almost no cost.

Equity. Parking cash out is a valuable fringe benefit mandated by state law. Failure to offer parking cash out thus denies transit riders a commuting subsidy, and most transit riders are people of color and poor. For example, 91% of [LA Metro](#)'s bus riders are people of color and their median household income is \$15,600 per year. Some of these bus riders must be offered free parking at work but do not take it. One recent study found that in Southern California less than 1% of employers with more than 250 employees offer parking cash out. Parking cash out prevents any unintended bias in employer-paid parking.

The Air Resources Board is responsible for enforcing the cash-out law, and it has published an excellent [guide for employers](#). In 2002, California's Legislative Analyst [audited](#) the ARB's treatment of the cash-out law and recommended the ARB should enforce it. The ARB did not follow this recommendation. Disappointed that the ARB had not enforced the law, in 2012 the Legislature amended the cash-out law to give the ARB the authority to establish a penalty for violators. The ARB has not done so.

As a start toward enforcement, the Air Resources Board could begin by asking all employers of more than 50 people a simple question: "Does this firm comply with § 43845 of the California Health and Safety Code? Yes No"

This question would be easy for employers to answer because they can log onto the Air Resources Board's website to check their compliance at this link:

http://www.arb.ca.gov/planning/tsaq/cashout/cashout_guide_0809.pdf

Asking employers whether they comply with the cash-out law is reasonable because failure to comply denies a state-required fringe benefit to employees who do not drive to work—most of whom are people of color and poor.

If being asked this question leads employers to comply with the law, it will reduce traffic congestion, air pollution, fuel consumption, and carbon emissions. At the very least, this proposed question will provide information on how many employers comply with the parking cash-out law.

Sincerely,

A handwritten signature in black ink that reads "Donald Shoup". The signature is written in a cursive, slightly slanted style with a horizontal line at the end.