UPDATED INFORMATIVE DIGEST

Sections Affected: 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. seg.). 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 was needed. State law required the Air Resources Board (the "Board") 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.)

Staff conducted public workshops in February and May of 1995 and also consulted individually with air districts and employers to develop a calculation methodology. Subsequently, staff developed new sections 2330, 2331, and 2332, Subchapter 8.5, Title 13, California Code of Regulations, which establish an emissions formula, or calculation methodology, for determining the level of emission reductions which are equivalent to those which would be achieved under the employer-based trip reduction rules adopted by air pollution control districts. These regulations were released to the public for review and comment on May 12, 1995.

At the June 29, 1995, public hearing, staff presented the proposed regulations to the Board along with minor modifications in response to comments received since May 12, 1995. The modifications clarified that employers with employment sites in more than one air district may use a single formula to calculate the emissions reduction target at all their sites.

At that time, the Board directed the Executive Officer to adopt sections 2330, 2331, and 2332, Subchapter 8.5, Title 13, California Code of Regulations as modified, after making the modifications available to the public for comment for a period of at least 15 days. The Board further directed the Executive Officer to consider such written comments as may be submitted during this period, to make such modifications as may be appropriate in light of the comments received, and to present the regulations to the Board for further consideration if warranted.

The modifications were released to the public on July 28, 1995 and the comment period ended August 18, 1995. No comments were received.