

State of California
AIR RESOURCES BOARD

Resolution 94-49

June 9, 1994

Agenda Item: 94-6-5

WHEREAS, Health and Safety Code sections 39600 and 39605 authorize the Air Resources Board (Board) to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist the local air pollution control and air quality management districts (Districts);

WHEREAS, Health and Safety Code section 40910 requires the attainment plans developed by the Districts in response to the California Clean Air Act to focus particular attention on reducing emissions from transportation sources, and Health and Safety Code section 40717 requires Districts to adopt, implement, and enforce transportation control measures as necessary to attain state and national ambient air quality standards;

WHEREAS, Health and Safety Code section 40716 authorizes the Districts to adopt and implement regulations to encourage or require the use of ridesharing, vanpooling, and other measures to reduce the number or length of vehicle trips;

WHEREAS, several Districts have adopted or plan to adopt employer-based trip reduction rules which require that employers with 100 or more employees develop and implement trip reduction plans to decrease the number of solo-occupant vehicles arriving at the worksite;

WHEREAS, Health and Safety Code section 39603(a) authorizes the Board to appoint advisory groups and committees as it deems necessary;

WHEREAS, Health and Safety Code sections 39613(a) and (b) require the Board to convene a 15-member Technical Review Group (hereinafter referred to as the "Advisory Committee") to develop consistent definitions for employer-based trip reduction rules for statewide use by Districts and congestion management agencies as defined in Government Code section 65088 et. seq.;

WHEREAS, on November 18, 1994 the Air Resources Board appointed fifteen individuals to the Advisory Committee representing business, labor, local governments, and environmental interests, consistent with section 39613(b);

WHEREAS, the Advisory Committee held five public meetings at which they developed recommendations;

WHEREAS, Health and Safety Code section 39613(c) lists twenty ridesharing terms that are to be defined by the Advisory Committee to the extent needed, and authorizes the Committee to define additional terms as it deems necessary;

WHEREAS, the Advisory Committee developed definitions for twenty-one separate ridesharing terms: thirteen from section 39616(c) and eight additional terms added by the Committee;

WHEREAS, Health and Safety Code sections 39613(e) and (f), respectively, require that the recommended definitions be submitted to the Board by April 1, 1994 and that the Board approve the definitions it deems are needed on or before June 30, 1994;

WHEREAS, the Board finds:

1. The U.S. Environmental Protection Agency has published ridesharing definitions with specific requirements for determining the worksite employee threshold for employers in severe and extreme federal nonattainment areas that are more stringent than those in the definition recommended by the Advisory Committee.
2. The definition for "disabled employee" is not related to any other terms defined by the Advisory Committee, does not appear in most local ridesharing rules, and may be considered discriminatory by some members of the public.
3. Although not expressly stated in the Advisory Committee's definition of "employee transportation coordinator," air districts should be permitted to develop training requirements for "employee transportation coordinators" to best serve local needs.
4. Although not directly expressed in the Advisory Committee's definition of "compressed workweek," employers subject to district ridesharing rules should be permitted to choose applicable survey weeks to receive adequate credit for employees participating in a compressed workweek schedule.
5. A committee of experts in the field of data collection and analysis, as it relates to ridesharing, is needed to establish "standardized data reporting requirements."
6. The definitions developed by the Advisory Committee accomplish the intention of the statute and will provide consistency to ridesharing rules implemented by districts, congestion management agencies and others, to the benefit of those agencies and employers subject to those rules;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the definitions recommended by the Advisory Committee on Ridesharing with the following amendments and deletions:

- the definition of "worksite employee threshold" is approved with the understanding that it may be superseded in severe and extreme federal nonattainment areas;
- no action is taken on the definition of "disabled employee;"
- the definition of "employee transportation coordinator" is approved with the understanding that the definition does not prohibit training requirements;
- the definition of "compressed workweek" is approved with the understanding that employers may select the applicable survey week;
- the definition of "vehicle trip" is modified to include the following language at the end of that definition: "Zero-Emission Vehicles = 0," and
- the definition of "seasonal employee" is modified to add "or an agricultural employee who is employed for up to a continuous 16-week period" at the end of that definition.

BE IT FURTHER RESOLVED, that the Board directs staff to distribute the approved definitions to Districts and congestion management agencies throughout the state and to recommend and promote their incorporation into proposed and existing ridesharing rules;

BE IT FURTHER RESOLVED, that the Board directs staff to convene a technical committee to develop recommendations for standardized data reporting requirements for ridesharing rules, and that this committee should include participants from air districts, congestion management agencies, the State Department of Transportation, regional ridesharing agencies, private consultants, and interested members of the original Committee;

BE IT FURTHER RESOLVED, that the Board wishes to thank the members of the AB 1336 Advisory Committee on Ridesharing for their diligent and thoughtful service.

I hereby certify that the above is a true and correct copy of Resolution 94-49, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary