Initial Study/Negative Declaration for the Bay Area Air Quality Management District Regulation 14, Mobile Source Emission Reduction Measures Rule 1 - Bay Area Commuter Benefits Program

Prepared for:

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January 14

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Chapter 1

INTRODUCTION

Purpose of This Document

This Negative Declaration assesses the environmental impacts of the proposed adoption of Regulation 14, Mobile Source Emission Reduction Measures – Rule 1, Bay Area Commuter Benefits Program. This assessment is required by the California Environmental Quality Act (CEQA) and in compliance with the State CEQA Guidelines (Title 14 California Code of Regulations §15000 et seq.). A Negative Declaration serves as an informational document to be used in the decision-making process for a public agency that intends to carry out a project; it does not recommend approval or denial of the project analyzed in the document. The BAAQMD is the lead agency under CEQA and must consider the impacts of the proposed rule when determining whether to adopt them. The BAAQMD has prepared this Negative Declaration because no significant adverse impacts are expected to result from the proposed rule.

Scope of This Document

This document evaluates the potential impacts of the proposed amendments on the following resource areas:

- aesthetics,
- agriculture and forestry resources,
- air quality,
- biological resources,
- cultural resources,
- geology / soils,
- greenhouse gas emissions,
- hazards & hazardous materials,
- hydrology / water quality,
- land use / planning
- mineral resources,
- noise,
- population / housing,
- public services,
- recreation,
- transportation / traffic, and
- utilities / service systems.

Impact Terminology

The following terminology is used in this Initial Study/Negative Declaration to describe the levels of significance of impacts that would result from the proposed rule:

- An impact is considered *beneficial* when the analysis concludes that the project would have a positive effect on a particular resource.

- A conclusion of *no impact* is appropriate when the analysis concludes that there would be no impact on a particular resource from the proposed project.

- An impact is considered *less than significant* if the analysis concludes that an impact on a particular resource topic would not be significant (i.e., would not exceed certain criteria or guidelines established by BAAQMD). Impacts are frequently considered less than significant when the changes are minor relative to the size of the available resource base or would not change an existing resource.

- An impact is considered *less than significant with mitigation incorporated* if the analysis concludes that an impact on a particular resource topic would be significant (i.e., would exceed certain criteria or guidelines established by BAAQMD), but would be reduced to a less than significant level through the implementation of mitigation measures.

Organization of This Document

The content and format of this document, described below, are designed to meet the requirements of CEQA.

- Chapter 1, "Introduction," identifies the purpose, scope, and terminology of the document.

- Chapter 2, "Description of the Proposed Rule," provides background information of Regulation 14, Rule 1, describes the proposed rule, and generally describes the intended effects of the rule's requirements.

- Chapter 3, "Environmental Checklist," presents the checklist responses for each resource topic. This chapter includes a brief setting description for each resource area and identifies any potential impact of the proposed rule on the resources topics listed in the checklist.

- Chapter 4, "References" identifies all printed references and personal communications cited in this document.

- Chapter 5, "Acronyms" provides a list of all abbreviations used in this document.

Chapter 2

DESCRIPTION OF PROPOSED RULE

Project Information

1. Project Title	Bay Area Commuter Benefits Program
2. Lead Agency Name and Address	Bay Area Air Quality Management District 939 Ellis Street San Francisco, California 94109
3. Contact Person and Phone Number	Ian Peterson, Environmental Planner II 415-749-4783 or ipeterson@baaqmd.gov
4. Project Location	The Bay Area Commuter Benefits Program would apply to the area within the jurisdiction of the Bay Area Air Quality Management District which encompasses all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa, and portions of southwestern Solano and southern Sonoma Counties.
5. Project Sponsor's Name and Address	Bay Area Air Quality Management District 939 Ellis Street San Francisco, California 94109
6. General Plan Designation	See "Project Description"
7. Zoning	See "Project Description"
8. Description of Project	A Program to encourage the use of transit and other alternative commute modes, such as vanpools, carpools, biking, walking, and telecommuting.
9. Surrounding Land Uses and Setting	See "Setting"
10. Other Public Agencies Whose Approval Is Required	Metropolitan Transportation Commission

Background

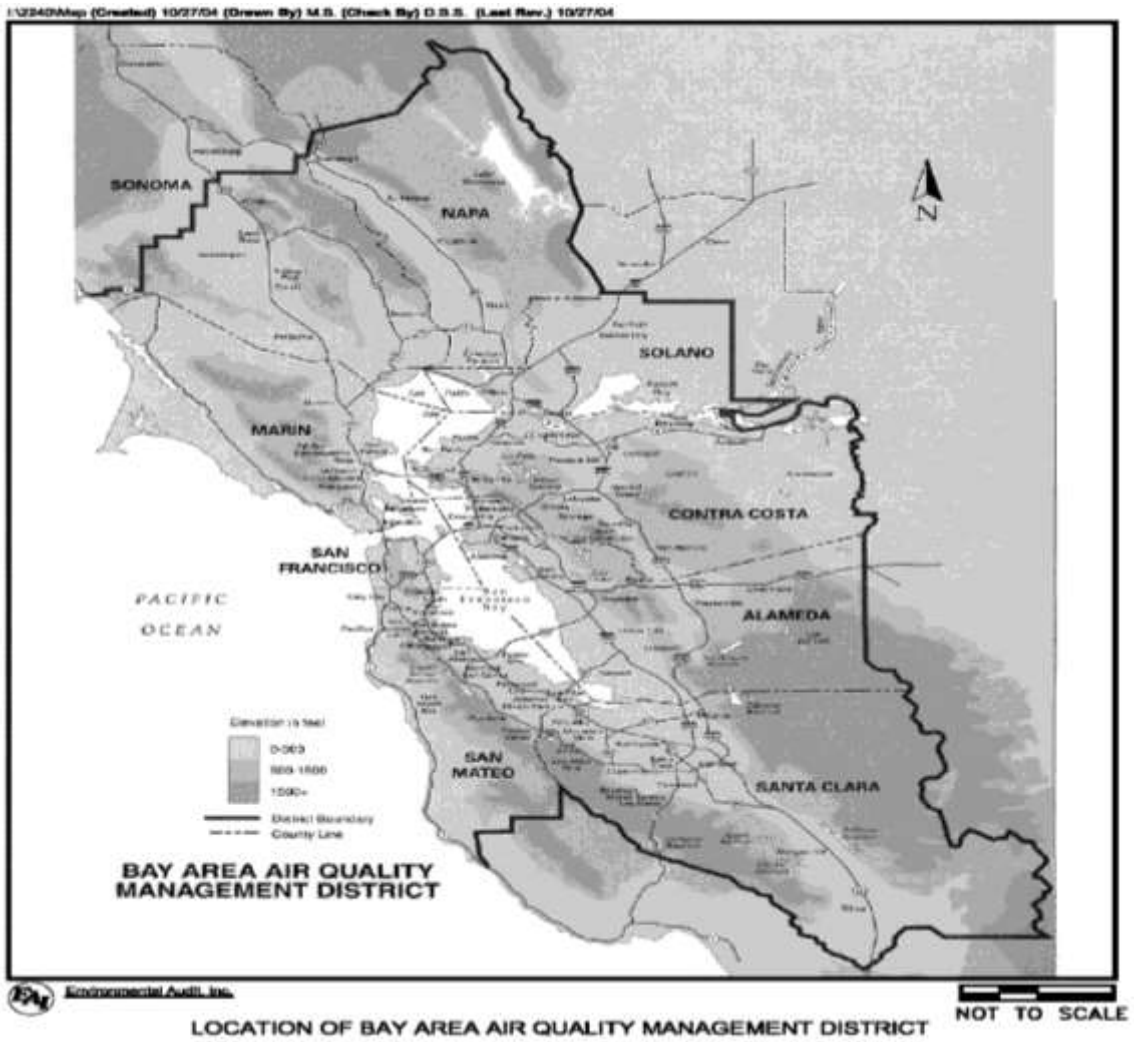
The California State Legislature created the Bay Area Air Quality Management District (Air District) in 1955 as the agency primarily responsible for developing and enforcing rules and regulations to reduce air pollution and improve public health in the San Francisco Bay Area Air Basin (SFBAAB). The Air District is governed by a 22-member Board of Directors (Board) composed of locally elected officials from each of the nine Bay Area counties. The Board oversees policies and adopted regulations for the control of air pollution within the Air District. The Air District's jurisdiction encompasses all of seven counties – Alameda, Contra

Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa – and the southwestern portions of Solano and southern Sonoma Counties (see figure 1, below).

The Air District, in partnership with the Metropolitan Transportation Commission (MTC) is developing the Bay Area Commuter Benefits Program (Program) pursuant to authority under California State Government Code §65081, as enacted by Senate Bill 1339 (Yee, 2012). The Program would be implemented through adoption of a new regulation, Regulation 14 (Mobile Source Emission Reduction Measures), Rule 1. The proposed Program is modeled on local commuter benefit ordinances that have been adopted by several Bay Area entities in recent years, including the City and County of San Francisco, San Francisco International Airport, the City of Berkeley, and the City of Richmond.

The proposed Program seeks to reduce single-occupant vehicle commute trips to Bay Area work sites. The key objective of the proposed Program is to reduce motor vehicle travel, and the related emissions of greenhouse gases and other air pollutants, by requiring employers to encourage their employees to use transit and other alternative commute modes. The Program will not impose any numerical targets or standards on employers, nor would it require any individual commuter to change his or her commute mode.

Figure 1: BAAQMD Jurisdictional Boundary



LOCATION OF BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Project Description

Pursuant to Government Code §65081(b), the Air District and MTC are authorized to develop and adopt a Bay Area Commuter Benefits Program (Program). The Air District, in association with MTC, developed the Program following its normal rule-making process that included extensive public outreach efforts and educational opportunities for employers during the months leading up to undertaking the environmental review process. A proposed new rule (Regulation 14, Rule 1) has been developed by Air District staff to serve as the foundation for the Program. If approved, the Program will require any public, private, or non-profit employer with 50 or more full-time employees within the jurisdictional boundary of the Air District to offer one of four options to its employees. As defined by statute and outlined below, the key substantive requirement of the Program is that employers subject to the Program (who do not already offer a compliant commuter benefit to their employees) would need to offer one of the following commuter benefits:

1. Pretax Option: consistent with Section 132(f)(2)(A) "Qualified Transportation Fringe Benefits" of the Internal Revenue Code, this option allows employees to pay for their transit or vanpool expenses with pre-tax dollars; or

2. Employer-provided Subsidy: an employer-provided subsidy to offset the cost of commuting via public transit or by vanpool. The subsidy shall equal the monthly cost of commuting via transit or vanpool, or $75, whichever is lower. The amount shall be adjusted annually, consistent with the California Consumer Price Index; or

3. Employer-provided Transportation: transportation furnished by the employer at no cost, or low cost, as determined by the Air District, to the covered employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer; or

4. Alternative Benefit: the Air District may approve an alternative method that would be as effective as the other three options in reducing single-occupant vehicle trips (and/or vehicle emissions).

The Program would also require employers to (1) designate an employee to serve as the Commuter Benefits Coordinator, (2) select one of the commuter benefit options described above to provide to covered employees, (3) register with the Air District and MTC (via an on-line registration system), (4) notify employees about the commuter benefit and how to apply for it, and (5) provide the Air District and MTC with data necessary to evaluate the effectiveness of the Program.

Federal law, as codified in IRS Code 132(f), defines commuter benefits for transit and vanpooling as "qualified transportation fringe benefits" that are not taxable to the employee. The Air District anticipates that most employers will choose to offer Option 1 (i.e. to allow their employees to use pre-tax dollars to cover their monthly transit or vanpool costs). This can substantially reduce the out-of-pocket costs of transit and vanpools to employees. The employer also saves money because it does not have to pay FICA taxes (Social Security and Medicare) on the dollars that the employee sets aside to pay his or her transit or vanpool fares. Option 1 can provide savings to employers of 7.65% or more on wages set aside by employees as pre-tax; depending on their tax bracket, employees can save 40% or more on their net costs for transit or vanpools. Many Bay Area employers already offer one or more commuter benefit to their employees. The purpose of the Program is to expand the number of Bay Area employers who make the federal commuter tax benefits (Option 1 above), or some other equally effective commuter benefit, available to their employees.

In addition to reducing emissions of greenhouse gases and other air pollutants, the Program is expected to result in a variety of positive outcomes, including direct savings in payroll taxes for employers and income taxes for employees, helping employers to recruit and retain employees, reducing commuter peak period traffic congestion on Bay Area roadways, protecting public health, and helping the Bay Area to attain and maintain State and national air quality standards.

The proposed Program would remain in effect until January 1, 2017, unless extended by subsequent statute.

Project Goals and Objectives

The proposed Program is designed to improve air quality by reducing emissions of criteria air pollutants and greenhouse gases from motor vehicles, while improving the efficiency of the region's transportation network. The Program aims at reducing the volume of single-occupant motor vehicles that are primarily driven during weekday peak hour commute times. Notably, several local governments have already adopted and begun implementing similar commuter benefit ordinances in the Bay Area (see City & County of San Francisco, Program No. 199-08 of the San Francisco Environmental Code; City of Berkeley, Program No. 7, 113-N.S., Chapter 9.88 of the Berkeley Municipal Code; and City of Richmond, Program 22-09 N.S., Chapter 9.62 of the Richmond Municipal Code). By expanding the number of employers who offer commuter benefits, the Program would reduce worker commute costs and employer payroll taxes, help retain and increase transit ridership, encourage healthier modes of travel, and relieve roadway congestion. In addition, the proposed Program will assist the region in reducing its greenhouse gas emissions.

The Air District has identified the following goals of the Program, listed below in order of importance:

1. Improve air quality
2. Reduce greenhouse gas emissions
3. Increase transit ridership
4. Reduce roadway congestion
5. Implement the 2010 Clean Air Plan control measures

Transportation is the single largest source of air pollution[1] and greenhouse gas emissions[2] in the Bay Area. On average, in the Bay Area, cars, buses, and other commercial vehicles travel about 149 million miles a

[1] BAAQMD, 2011. Base Year 2008 Bay Area Emissions Inventory Summary Report. Available for download from http://www.baaqmd.gov/Divisions/Planning-and-Research/Emission-Inventory.aspx

[2] BAAQMD, 2010. Source Inventory of Bay Area Greenhouse Gas Emissions, Base Year 2007. Accessed March, 2013. Available for download from http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx

day.[3] Of the trips made by Bay Area residents, approximately 30% are for work with an average one-way commute distance for the region of about 13 miles.[4] While commute trips make up a little over one-quarter of total person trips, they tend to be longer distance trips and comprise the majority of peak hour trips when traffic congestion is worse.[5] Furthermore, US Census data shows that 68% of commuters traveling to work drove alone, compared to 10% taking public transportation.[6] The number of vehicles traveling along the region's freeway and local roadway networks fluctuate with the time of day, commonly known as "the rush hour", peaking from 6am to 10am in the morning and 3pm to 7pm in the afternoon. According to the most recent traffic modeling conducted for the Bay Area regional transportation plan, the evening commute is expected to grow beyond 10,000,000 vehicle miles traveled per hour by 2040 (see Final MTC Technical Supplementary Report: Predicted Travel Responses, at page 58). As illustrated in Tables 1 and 2, the number of commuters in San Francisco and Santa Clara counties is expected to continually increase in response to projected growth in Bay Area population and employment.

Table 1: Total Commuters to San Francisco, by Direction of In-Commute[7]

	1990	2000	2010	2020	2030
San Francisco Residents	299,900	321,900	328,600	362,00	402,800
Golden Gate Corridor	42,100	39,200	49,600	43,100	36,800
Bay Bridge Corridor	121,800	137,600	169,300	199,700	218,600
Peninsula Corridor	87,000	80,600	81,100	95,400	101,700
TOTAL, to San Francisco	550,800	579,300	628,600	700,200	759,900

Source: MTC, 2004. Commuter forecasts for the San Francisco Bay Area, data summary, at page 8.

[3] MTC, 2013. Travel Demand Forecasts from Plan Bay Area 2040 Public Draft Environmental Impact Report prepared for Bay Area RTP/SCS, Transportation Analysis at page 2.1-13, see also Table 2.1-17 *Daily Vehicle Miles of Travel Per Capita (2010-2040).* Available at http://onebayarea.org/pdf/Draft_EIR_Chapters/2.1_Transportation.pdf

[4] MTC, 2013. Travel Demand Forecasts from Plan Bay Area 2040 Public Draft Environmental Impact Report prepared for Bay Area RTP/SCS, at page 2.1-14. Available at http://onebayarea.org/pdf/Draft_EIR_Chapters/2.1_Transportation.pdf

[5] MTC, 2013. Final Technical Supplementary Report: Summary of Predicted Traveler Responses. Accessed July, 2013. Available at http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Predicted_Traveler_Responses.pdf

[6] Bay Area Census. Selected Census data from the San Francisco Bay Area, 2006 to 2010 ACS. Provided by the Metropolitan Transportation Commission and Association of Bay Area Governments. Accessed March, 2013. Available at http://www.bayareacensus.ca.gov/bayarea.htm

[7] MTC, 2004. Commuter Forecasts for the San Francisco Bay Area 1990-2030 Based on ABAG Projections 2003 and Census 2000 Data Summary. Available for download from http://www.mtc.ca.gov/maps_and_data/datamart/stats/Commuter_Forecasts_Data_Summary_May2004.pdf

Table 2: Total Commuters to Santa Clara County, by Direction of In-Commute[8]

	1990	2000	2010	2020	2030
Santa Clara County Residents	710,600	727,900	762,400	932,300	1,031,200
Peninsula Corridor	53,000	73,600	83,100	80,200	79,800
Monterey Bay	23,800	35,400	53,500	54,100	64,500
East Bay	60,300	81,900	108,200	109,500	116,900
San Joaquin Valley	9,200	16,500	30,400	28,900	31,300
TOTAL, to Santa Clara	550,800	935,200	1,037,600	1,205,00	1,323,600

Source: MTC, 2004. Commuter forecasts for the San Francisco Bay Area, data summary, at page 9.

Furthermore, a recent study using U.S. Census data was conducted to better understand commuter travel patterns and distances for metropolitan areas in the United States.[9] Two Bay Area metropolitan statistical areas (San Francisco-Oakland-Fremont and San Jose-Sunnyvale-Santa Clara) were found to have the nation's highest percent of "mega commuters", defined as traveling 90 or more minutes and 50 or more miles to work, one-way. Thus, reducing commuter vehicle trips and encouraging shifts to other forms of commute mode can have a substantial benefit of improving air quality and reducing GHG emissions as well as traffic congestion.

[8] MTC, 2004. Commuter Forecasts for the San Francisco Bay Area 1990-2030 Based on ABAG Projections 2003 and Census 2000 Data Summary. Available for download from http://www.mtc.ca.gov/maps_and_data/datamart/stats/Commuter_Forecasts_Data_Summary_May2004.pdf

[9] Fields, Alison, Ph.D & Rapino, Melanie, Ph.D. "Mega Commuters in the U.S., Time and Distance in Defining the Long Commute using the American Community Survey. Working Paper 2013.

Chapter 3

CALIFORNIA ENVIRONMENTAL QUALITY ACT

General Information

Under the California Environmental Quality Act (CEQA), a public agency that seeks to carry out or approve any discretionary project (i.e. any activity that requires the exercise of agency judgment or deliberation and foreseeably may cause physical damage to the environment) must first assess the project's potential environmental effects (Public Resources Code §§21065, 21080(a), 21100, 21151; and State CEQA Guidelines §15357). In general, a CEQA document contains information that informs a public agency's decision-makers by identifying possible adverse effects to the environment caused by a project, developing ways to avoid or minimize a project's potentially significant adverse environmental effects, and describing reasonable alternatives that will still achieve the project's primary goals. A public agency's decision-making body must consider this information and weigh environmental consequences to the project's objectives prior to approval.

Air District staff finds that the proposed Program is defined as a "project" under CEQA and is thus required to undertake the environmental review process (PRC §21000 et seq.). A typical first step is to prepare an "initial study" that examines numerous environmental areas (see Appendix G: Environmental Checklist Form of the State CEQA Guidelines). As explained above, the ultimate outcome of the CEQA process is intended to inform the Air District's governing Board, other public agencies, and interested parties of possible adverse environmental impacts (directly or indirectly) that could result from implementing the Program before it is approved.

The Air District, acting as the lead agency, has prepared an initial study pursuant to State CEQA Guidelines (§15063). The purpose of an initial study is to provide information to be used as the basis for deciding whether to prepare a negative declaration or an environmental impact report and provide the factual basis supporting that decision. The initial study also provides information about the proposed project to other public agencies and interested parties prior to the release of any draft environmental documents. An "environmental checklist" has been included that was used to determine if the Program may have potential adverse effects on the environment.

Consistent with CEQA, the Air District did not identify any environmental area that may be adversely affected by the proposed Program. Accordingly, a draft negative declaration has been prepared for public review and comment ((PRC §§21064, 21080(c), State CEQA Guidelines §§15063(b)(2); 15064(f)(3); 15070 et seq.). Written comments on the scope of the environmental analysis that are submitted during the 30-day public review period will be considered by District staff. Questions and comments on the initial study or draft negative declaration should be directed to the Air District staff contact listed below.

District Staff Contact:

Ian Peterson, Environmental Planner II
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

ipeterson@baaqmd.gov
(415) 749-4783

All reference materials are available for review at the Air District's office listed directly above.

Setting

The San Francisco Bay Area is generally characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays. The California Coastal Range splits resulting in a western coast gap, Golden Gate, and an eastern coast gap, Carquinez Strait, and opens access to the greater Central Valley of California. The region encompasses the major cities and metropolitan areas of San Francisco, Oakland, and San José, along with smaller urban and rural areas. The nine-county area contains many cities, towns, airports, and associated regional, state, and national parks, connected by a network of roads, highways, railroads, bridges, tunnels, and commuter rail. The combined urban area of San José and San Francisco is the largest in Northern California, the second largest in the state, and the 55th largest urban area in the world. The region is bound by the Pacific Ocean to the west; Mendocino and Lake Counties to the north; Yolo and Sacramento to the east; and Santa Cruz and San Benito to the south.

The proposed Program would affect certain employers within the Air District's jurisdiction, an area of approximately 5,600 square miles that encompasses seven Bay Area counties and southwestern Solano County and southern Sonoma County. The Bay Area is home to approximately 7.15 million people[10] and has an extensive transportation network that includes interstate and state freeways, county expressways, local streets and roads, bike paths, sidewalks, and a wide assortment of transit technologies (heavy rail, light rail, intercity rail, buses, trolleys and ferries). Transportation systems located within the Bay Area include railroads, airports, waterways, and highways. The Port of Oakland and three international airports in the area serve as hubs for commerce and transportation. The transportation infrastructure for vehicles and trucks in the Bay Area ranges from single lane roadways to multilane interstate highways. The Bay Area contains over 1,300 directional miles of highways and over 33,000 directional miles of arterial and local streets. In addition, there are over 11,500 transit route miles managed by 22 transit agencies including rapid rail, light rail, commuter, diesel and electric buses, cable cars, and ferries. The Bay Area also has an extensive local system of bicycle routes and pedestrian paths and sidewalks. This includes 700 miles of Class I, 2,000 miles of Class II, and 1,300 miles of Class III bicycle facilities.

The region is also served by numerous interstate and U.S. freeways. On the west side of San Francisco Bay, Interstate 280 and U.S. 101 run north-south. U.S. 101 continues north of San Francisco into Marin County. Interstates 880 and 660 run north-south on the east side of the Bay. Interstate 80 starts in San Francisco, crosses the Bay Bridge, and runs northeast toward Sacramento. Interstate 80 is a six-lane north-south freeway which connects Contra Costa County to Solano County via the Carquinez Bridge. State Routes 29 and 84 (both highways that allow at-grade crossings in certain parts of the region) become freeways that run east-west, and cross the Bay. Interstate 580 starts in San Rafael, crosses the Richmond-San Rafael Bridge, joins with Interstate 80, runs through Oakland, and then runs eastward toward Livermore. From the Benicia-Martinez Bridge, Interstate 680 extends north to Interstate 80 in Cordelia. Caltrans constructed a second freeway bridge adjacent and east of the existing Benicia-Martinez Bridge. The new bridge consists of five northbound traffic lanes. The existing bridge was re-striped to accommodate four lanes for southbound traffic. Interstate 780 is a four lane, east-west freeway extending from the Benicia-Martinez Bridge west to I-80 in Vallejo.

[10] US Census, 2010

Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by this Project (i.e., the project would involve one impact that is a "Potentially Significant Impact"), as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture/Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gases	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

Determination

On the basis of this initial evaluation:

☑ I find the proposed project COULD NOT have a significant effect on the environment, and that a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Printed Name For

Evaluation of Environmental Impacts

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less that significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declarations: Less than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact to a "Less than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis", as described in (5) below, may be conferenced).

5) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used: Identify and state where they are available for review.

    b) Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures: For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the state is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The checklist is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

    a) The significant criteria or threshold, if any, used to evaluate each question; and

    b) The mitigation measure identified, if any, to reduce the impact to less than significant

Environmental Checklist and Discussion

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less-than-Significant Impact	No Impact
I.	**AESTHETICS.**				
	Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☑
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	☐	☐	☐	☑
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☑
d)	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Visual resources are generally protected by the City and/or County General Plans through land use and zoning requirements.

Impacts

I. a) – d): The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. There are no provisions under the proposed Program that require the construction or modification of any buildings or structures, alteration or addition of lighting. The proposed Program would also not result in fundamentally changing any of the physical components of the transportation network in a way that would substantially degrade the visual character of scenic vistas or a street or neighborhood. Thus, the proposed Program has no potential to affect scenic vistas, substantially degrade the existing visual quality of any site and its surroundings, or create new sources of substantial light or glare which would adversely affect day or nighttime views of an area.

Based upon the above considerations, no significant adverse aesthetic impacts are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact

II. AGRICULTURE AND FORESTRY RESOURCES.

In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b)	Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	☐	☐	☐	☑
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☑
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide a commuter benefit to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Agricultural and forest resources are generally protected by city and/or county general plans, community plans through land use and zoning requirements, as well as any applicable specific plans, ordinances, local coastal plans, and redevelopment plans.

Impacts

II. a) - e): The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. There are no provisions under proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. Consequently, there is no building associated with the proposed Program that would convert farmland to other uses, would not conflict with zoning for agricultural uses or conflict with a Williamson Act contract, conflict with zoning for timberland, would not conflict with existing zoning or rezoning of forestland or timberland zoned for timberland production, would not result in the loss of forest land or conversion of forest land to non-forest land, and would not result in conversion of farmland or forest land to another use. Further, there are no provisions in the proposed Program that would affect land use plans, policies, zoning, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements will be altered by the proposed Program.

Based upon the above considerations, no significant adverse impacts to agricultural or forestry resources are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY:				
When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☑
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☐	☐	☑
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☑
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☑
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☑
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide a commuter benefit to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

It is the responsibility of the Air District to ensure that state and federal ambient air quality standards are achieved and maintained in its geographical jurisdiction. Health based air quality standards have been established by California and the federal government for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), PM_{10}, $PM_{2.5}$, sulfur dioxide (SO_2) and lead. These standards were established to protect sensitive receptors with a margin of safety from adverse health impacts due to exposure to air pollution. The California standards are more stringent than the federal standards. California has also established standards for sulfate, visibility, hydrogen sulfide, and vinyl chloride. The state and

national ambient air quality standards for each of these pollutants and their effects on health are summarized in Table 3 below. The Air District monitored levels of various criteria pollutants at 24 monitoring stations in 2012.

Table 3: State and Federal Ambient Air Quality Standards

	STATE STANDARD	FEDERAL PRIMARY STANDARD	MOST RELEVANT EFFECTS
AIR POLLUTANT	CONCENTRATION/ AVERAGING TIME	CONCENTRATION/ AVERAGING TIME	
Ozone	0.09 ppm, 1-hr. avg. > 0.070 ppm, 8-hr	0.075 ppm, 8-hr avg. >	(a) Short-term exposures: (1) Pulmonary function decrements and localized lung edema in humans and animals (2) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (b) Long-term exposures: Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (c) Vegetation damage; (d) Property damage
Carbon Monoxide	9.0 ppm, 8-hr avg. > 20 ppm, 1-hr avg. >	9 ppm, 8-hr avg.> 35 ppm, 1-hr avg.>	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; (d) Possible increased risk to fetuses
Nitrogen Dioxide	0.03 ppm, annual avg.> 0.18 ppm, 1-hr avg. >	0.053 ppm, ann. avg.> 0.10 ppm, 1-hr avg.>	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; (c) Contribution to atmospheric discoloration
Sulfur Dioxide	0.04 ppm, 24-hr avg.> 0.25 ppm, 1-hr. avg. >	0.5 ppm, 3-hr. avg.> 0.075 ppm, 1-hr avg.>	(a) Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma
Suspended Particulate Matter (PM_{10})	20 µg/m3, annual arithmetic mean > 50 µg/m3, 24-hr average>	150 µg/m3, 24-hr avg.>	(a) Excess deaths from short-term exposures and exacerbation of symptoms in sensitive patients with respiratory disease; (b) Excess seasonal declines in pulmonary function, especially in children
Suspended Particulate Matter ($PM_{2.5}$)	12 µg/m3, annual arithmetic mean>	12 µg/m3, annual arithmetic mean> 35 µg/m3, 24-hour average>	Decreased lung function from exposures and exacerbation of symptoms in sensitive patients with respiratory disease; elderly; children.
Sulfates	25 µg/m3, 24-hr avg. >=		(a) Decrease in ventilatory function; (b) Aggravation of asthmatic symptoms; (c) Aggravation of cardio-pulmonary disease; (d) Vegetation damage; (e) Degradation of visibility; (f) Property damage
Lead	1.5 µg/m3, 30-day avg. >=	1.5 µg/m3, calendar quarter> 0.15 µg/m3, 3-mo. avg. >	(a) Increased body burden; (b) Impairment of blood formation and nerve conduction
Visibility-Reducing Particles	In sufficient amount to give an extinction coefficient >0.23 inverse kilometers (visual range to less than 10 miles) with relative humidity less than 70%, 8-hour average (10am – 6pm PST)		Nephelometry and AISI Tape Sampler; instrumental measurement on days when relative humidity is less than 70 percent

Source: BAAQMD, 2013.

At the federal level, the Clean Air Act (CAA) Amendments of 1990 give the U.S. EPA additional authority to require states to reduce emissions of ozone precursors and particulate matter in nonattainment areas. The amendments set attainment deadlines based on the severity of problems. At the state level, the California Air Resources Board has traditionally established state ambient air quality standards, maintained oversight authority in air quality planning, developed programs for reducing emissions from motor vehicles, developed air emission inventories, collected air quality and meteorological data, and approved state implementation plans. At a local level, California's air districts, including the Air District, are responsible for overseeing stationary source emissions, approving permits, maintaining emission inventories, maintaining air quality

stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required by CEQA. The Air District is governed by a 22-member Board of Directors composed of publicly-elected officials apportioned according to the population of the represented counties. The Board has the authority to develop and enforce regulations for the control of air pollution within its jurisdiction. The Air District is responsible for implementing emissions standards and other requirements of federal and state laws. It is also responsible for developing air quality planning documents required by both federal and state laws.

Impacts

III. a): The proposed Program will not obstruct the implementation of the Bay Area 2010 Clean Air Plan (CAP), which is required pursuant to state law. On the contrary, reducing commuter vehicle trips is one of several strategies that the CAP relies upon to reduce air pollution. For example, the CAP contains 17 transportation control measures (TCMs) among which include improving transit service; encourage walking, bicycling, and transit use; and supporting employer based trip reduction programs to reduce emissions and make progress towards attaining and maintaining state and federal ambient air quality standards for ozone and particulate matter in the Air District (see Air District 2010 Clean Air Plan, Transportation Control Measures (TCM) TCM A-1, TCM A-2, TCM B-2, TCM C-1, TCM C-3, TCM D-1, and TCM D-2). TCM C-1 specifically proposes the concept of developing a regional commuter benefits Program.

Based upon the above considerations, implementation of the proposed Program will not conflict or obstruct implementation of the Bay Area 2010 Clean Air Plan.

III. b): The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. The Program is not expected to increase transit ridership such that any transit agency would need to purchase new buses or trains or increase the frequency of bus or train service. Existing capacity within transit agencies is expected to be able to handle any increase in ridership due to the Program. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite. Implementing the Program is expected to reduce daily commute VMT and thereby reduce air pollutant emissions. Emissions reduction estimated in Table 4 below are based on an analysis conducted for the Program's estimated region-wide reduction in VMT in 2015.

Table 4: Region-wide Emission Reductions (2015)

Pollutants	ROG	NOx	PM2.5	PM10	CO2
MT/year	-2.8	-5.9	-0.1	-0.1	-12,714

Source: ICF, 2013. Commuter Benefits Analysis – Revised for SB 1339, Table 1: 2015 Region-wide changes in SOV trips, VMT, and emissions as a result of the PROGRAM, at page 4

In addition, the proposed Program is also expected to reduce emissions of ammonia, a precursor to particulate matter, and the following air toxics by about 0.01 tons per day: benzene, 1,3 butadiene, formaldehyde, and acetaldehyde.

Based upon the above considerations, implementation of the proposed Program will not violate any air quality standard or contribute to an existing or projected air quality violation.

III. c): As explained above, the overall effect of the proposed Program is a shift from single occupancy vehicles to travel modes that do not generate new vehicle trips, and therefore, result in emission reductions of ozone precursors (NOx and ROG), particulate matter, and toxic air contaminants. Thus, the cumulative air quality impacts of the proposed Program are expected to be beneficial.

III. d): The proposed Program is not expected to directly or indirectly expose sensitive receptors to substantial pollutant concentrations. As described above in response to question III b., overall emissions are expected to decrease in the Bay Area as the primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. The Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area to meet any increased demand for transit service. In addition, there are no provisions under the proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. Rather, implementation of the proposed Program is expected to reduce vehicle miles traveled (VMT). Thus, the proposed Program will result in a reduction of emissions by eliminating vehicle trips that would otherwise occur throughout the SFBAAB.

Based upon the above considerations, implementation of the proposed Program will not expose sensitive receptors to substantial air pollutant concentrations.

III. e): Any potential odors associated with the Program could potentially be related to diesel exhaust emissions from transit buses or passenger trains. Since the Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area to meet any increased demand for transit service, the Program is not expected to increase diesel emissions and therefore odors within the Bay Area. The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. Implementation of the proposed Program is expected to reduce vehicle miles traveled (VMT). Thus, the proposed Program will result in a reduction of emissions by eliminating vehicle trips throughout the SFBAAB.

Based upon the above considerations, implementation of the Program will not create objectionable odors affecting a substantial number of people.

III. f): The Air District has adopted numerous rules and regulations to reduce air pollution from stationary sources since 1955. Implementing the Program will not diminish or inhibit any of these existing rules and regulations and will not preclude future rules or regulations directed toward stationary sources. As discussed above, the proposed Program will implement transportation control measures identified in the Bay Area 2010 Clean Air Plan.

Based upon the above considerations, implementation of the proposed Program not will diminish an existing rule or regulation or future compliance requirement resulting in a significant increase in air pollutants.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV.	**BIOLOGICAL RESOURCES.** Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☑
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☑
e)	Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f)	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

The areas affected by the proposed rule amendment are located in the Bay Area-Delta Bioregion (as defined by the State's Natural Communities Conservation Program). This Bioregion is comprised of a variety of natural communities, which range from salt marshes to chaparral to oak woodland. Biological resources are generally protected by the City and/or County General Plans through land use and zoning requirements which minimize or prohibit development in biologically sensitive areas. Biological resources are also protected by the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service. The U.S Fish and Wildlife Service and National Marine Fisheries Service oversee the federal Endangered Species Act. Development permits may be required from one or both of these agencies if development would impact rare or endangered species. The California Department of Fish and Wildlife administers the California Endangered Species Act which prohibits impacting endangered and threatened species. The U.S. Army Corps of Engineers and the U.S. EPA regulate the discharge of dredge or fill material into waters of the United States, including wetlands.

Impacts

IV. a) - e): The Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area to meet any increased demand for transit service resulting from the Program. There are also no provisions under proposed Program that require the construction or modification of any buildings or structures, or provisions that would affect land use plans, policies, or regulations. Thus, the proposed Program would not affect in any way habitat conservation or natural community conservation plans, agricultural resource or operations, and would not create divisions in any existing communities.

Based upon the above considerations, no significant adverse biological impacts are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
V.	**CULTURAL RESOURCES.** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☑
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☑
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☑
d)	Disturb any human remains, including those interred outside a formal cemetery?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Cultural resources are defined as buildings, sites, structures, or objects which might have historical architectural, archaeological, cultural, or scientific importance. The Carquinez Strait represents the entry point for the Sacramento and San Joaquin Rivers into the San Francisco Bay. This locality lies within the San Francisco Bay and the west end of the Central Valley archaeological regions, both of which contain a rich array of prehistoric and historical cultural resources. The areas surrounding the Carquinez Strait and Suisun Bay have been occupied for millennia given their abundant combination of littoral and oak woodland resources.

The State CEQA Guidelines define a significant cultural resource as a "resource listed or eligible for listing on the California Register of Historical Resources" (Public Resources Code Section 5024.1). A project would have a significant impact if it would cause a substantial adverse change in the significance of a historical resource (State CEQA Guidelines Section 15064.5(b)). A substantial adverse change in the significance of a historical resource would result from an action that would demolish or adversely alter the physical characteristics of the historical resource that convey its historical significance and that qualify the resource for inclusion in the California Register of Historical Resources or a local register or survey that meets the requirements of Public Resources Code Sections 50020.1(k) and 5024.1(g).

Impacts

V. a) - d): There are no requirements as a result of the proposed Program that require the construction or modification of any buildings or structures. Thus, the proposed Program has no potential to cause a substantial adverse change in the significance of a historical resource, an archaeological site, directly or indirectly destroy a unique paleontological resource, or disturb any human remains.

Based upon the above considerations, no significant adverse impacts to cultural resources are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☑
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☑
• Strong seismic ground-shaking?	☐	☐	☐	☑
• Seismic–related ground failure, including liquefaction?	☐	☐	☐	☑
• Landslides?	☐	☐	☐	☑
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☑
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☑
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☑
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

The San Francisco Bay Area is a seismically active region, which is situated on a plate boundary marked by the San Andreas Fault System. Several northwest trending active and potentially active faults are included with this fault system. Under the Alquist-Priolo Earthquake Fault Zoning Act, Earthquake Fault Zones were

established by the California Division of Mines and Geology along "active" faults, or faults along which surface rupture occurred in Holocene time (the last 11,000 years). In the Bay area, these faults include the San Andreas, Hayward, Rodgers Creek-Healdsburg, Concord-Green Valley, Greenville-Marsh Creek, Seal Cove/San Gregorio and West Napa faults. Other smaller faults in the region classified as potentially active include the Southampton and Franklin faults. Ground movement intensity during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geological material. Areas that are underlain by bedrock tend to experience less ground shaking than those underlain by unconsolidated sediments such as artificial fill. Earthquake ground shaking may have secondary effects on certain foundation materials, including liquefaction, seismically induced settlement, and lateral spreading.

Regional basement rocks consist of the highly deformed Great Valley Sequence, which include massive beds of sandstone inter-fingered with siltstone and shale. Unconsolidated alluvial deposits, artificial fill, and estuarine deposits, (including bay mud) underlie the low-lying region along the margins of the Carquinez Straight and Suisun Bay. The estuarine sediments found along the shorelines of Solano County are soft, water-saturated mud, peat and loose sands. The organic, soft, clay-rich sediments along the San Francisco and San Pablo Bays are referred to locally as Bay Mud and can present a variety of engineering challenges due to inherent low strength, compressibility and saturated conditions. Landslides in the region occur in weak, easily weathered bedrock on relatively steep slopes.

Construction is regulated by local city or county building codes that provide requirements for construction, grading, excavations, use of fill, and foundation work including type of materials, design, procedures, etc., which are intended to limit the probability of occurrence and the severity of consequences from geological hazards. Necessary permits, plan checks, and inspections are generally required. City or county general plans prepared in California include a Seismic Safety Element. The Element serves primarily to identify seismic hazards and their location in order that they may be taken into account in the planning of future development. The California Building Code is the principle mechanism for protection against and relief from the danger of earthquakes and related events.

In addition, the Seismic Hazard Zone Mapping Act (Public Resources Code §§2690 – 2699.6) was passed by the California legislature in 1990 following the Loma Prieta earthquake. The Act required that the California Division of Mines and Geology (DMG) develop maps that identify the areas of the state that require site specific investigation for earthquake-triggered landslides and/or potential liquefaction prior to permitting most urban developments. The act directs cities, counties, and state agencies to use the maps in their land use planning and permitting processes.

Local governments are responsible for implementing the requirements of the Seismic Hazards Mapping Act. The maps and guidelines are tools for local governments to use in establishing their land use management policies and in developing ordinances and review procedures that will reduce losses from ground failure during future earthquakes.

Impacts

VI. a), b): There are no provisions under the proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. Thus, the proposed Program has no potential to expose people or structures to earthquake faults, ground-shaking, liquefaction, landslides, soil erosion, or loss of topsoil. In addition, the proposed Program would not expose people or property to other

geological hazards or other natural hazards because the primary effect of the Program is a reduction in air pollutant emissions from vehicle trips.

VI. c, d): There are no provisions under proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. Thus, there would no potential of building on a geological unit or soil that is unstable or on expansive soil.

VI. e): The proposed Program does not include or affect in any way septic tanks or alternative water disposal systems and does not generate any wastewater.

Based upon the above considerations, no significant adverse impacts to geology or soils are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☑
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide a commuter benefit to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation and storms. Global warming, a related concept, is the observed increase in the average temperature of the earth's surface and atmosphere. One identified cause of global warming is an increase of greenhouse gases (GHGs) in the atmosphere. The six major GHGs identified by the Kyoto Protocol are (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), haloalkanes (HFCs), and perfluorocarbons (PFCs). The GHGs absorb long wave radiant energy reflected by the earth, which warms the atmosphere. GHGs also radiate long wave radiation both upward to space and back down toward the surface of the earth. The downward part of this long wave radiation absorbed by the atmosphere is known as the "greenhouse effect." Some studies indicate that the potential effects of global climate change may include rising surface temperatures, loss in snow pack, sea level rise, more extreme heat days per year, and more drought years.

Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g. gasoline, diesel, coal, etc.), are believed to have contributed to the increase in atmospheric levels of GHGs. Emission inventories typically focus on GHG emissions due to human activities only, and compile data to estimate emissions from industrial, commercial, transportation, domestic, forestry, and agriculture activities. For example, approximately 37% of California's estimated GHG emissions resulted from the transportation sector in 2011 and 27% of the state total were attributed to passenger vehicles.[11] The GHG emission

[11] CARB, 2013. California Greenhouse Gas Inventory for 2000-2011 – By Category as Defined in the 2008 Scoping Plan. Accessed October, 2013. Available at http://www.arb.ca.gov/cc/inventory/data/data.htm

inventory prepared by the BAAQMD in Table 5 below reports direct emissions generated from sources within the Bay Area.

Table 5: Annual Bay Area Greenhouse Gas Emission Inventory Projections (metric tons of CO_2-equivalent

Annual GHG Emissions: Bay Area Year 2007 (Metric Tons / Year)

SOURCE CATEGORY	CO_2	CH_4	N_2O	PFC/HFC	SF_6	Total GHG CO_2-Equivalent	Biogenic CO_2
INDUSTRIAL/ COMMERCIAL							
Oil Refineries							
Refining Processes	3,445,064	79	--	--	--	3,446,782	--
Refinery Make Gas Combustion	4,772,971	97	6	--	--	4,776,959	--
Natural Gas and Other Gases Combustion	4,860,268	267	18	--	--	4,871,495	--
Liquid Fuel Combustion	89,450	1	1	--	--	89,760	--
Solid Fuel Combustion	1,000,216	29	6	--	--	1,002,637	--
Waste Management							
Landfill Combustion Sources	--	1,241	1	--	--	26,455	584,565
Landfill Fugitive Sources	--	56,747	3	--	--	1,192,596	154,411
Composting/POTWs	--	2,773	965	--	--	357,224	--
Other Industrial/ Commercial							
Cement Plants	841,350	13	3	--	--	842,475	--
Commercial Cooking	134,612	--	--	--	--	134,612	--
ODS Substitutes/Nat. Gas Distrib./Other	--	16,356	--	2,184	0.13	4,390,999	21
Reciprocating Engines	550,270	1,989	1	--	--	593,584	234,013
Turbines	354,697	78	1	--	--	356,663	66,141
Natural Gas- Major Combustion Sources	2,400,044	51	3	--	--	2,402,179	--
Natural Gas- Minor Combustion Sources	8,979,100	172	165	--	--	9,033,745	--
Coke Coal	989,442	28	6	--	--	991,823	--
Other Fuels Combustion	349,171	132	2	--	--	352,485	85,346
Subtotal	28,766,652	80,052	1,181	2,184	0.13	34,862,465	1,124,497
RESIDENTIAL FUEL USAGE							
Natural Gas	6,456,173	124	118	--	--	6,495,464	--
LPgas/Liquid Fuel	166,508	3	11	--	--	169,911	--
Solid Fuel	--	6,242	67	--	--	151,742	628,550
Subtotal	6,622,682	6,369	196	--	--	6,817,118	628,550
ELECTRICITY/ CO-GENERATION							
Co-Generation	5,292,826	1,261	4	--	--	5,320,398	89,512
Electricity Generation	2,730,973	163	1	--	1.18	2,762,968	3,525
Electricity Imports	7,102,311	59	33	--	--	7,113,680	--
Subtotal	15,126,111	1,483	37	--	1.18	15,197,047	93,037
OFF-ROAD EQUIPMENT							
Lawn and Garden Equipment	105,742	192	77	--	--	133,803	--
Construction Equipment	1,785,078	289	11	--	--	1,794,433	--
Industrial Equipment	729,035	433	41	--	--	750,852	--
Light Commercial Equipment	226,118	111	42	--	--	241,375	--
Subtotal	2,845,974	1,025	171	--	--	2,920,462	--
TRANSPORTATION							
Off-Road							
Locomotives	88,092	5	35	--	--	99,152	--
Ships	731,679	74	28	--	--	742,064	--
Boats	509,165	252	168	--	--	566,451	--
Commercial Aircraft	1,877,665	91	68	--	--	1,900,661	--
General Aviation	231,066	46	8	--	--	234,642	--
Military Aircraft	478,178	31	15	--	--	483,454	--
On-Road							
Passenger Cars/Trucks up to 10,000 lbs	26,070,815	2,783	1,480	--	--	26,587,907	--
Medium/Heavy Duty Trucks > 10,000 lbs	3,232,949	181	208	--	--	3,301,335	--
Urban,School and Other Buses	722,698	21	192	--	--	782,755	--
Motor-Homes and Motorcycles	156,636	147	42	--	--	172,846	--
Subtotal	34,098,941	3,629	2,246	--	--	34,871,276	--
AGRICULTURE/ FARMING							
Agricultural Equipment	183,929	34	2	--	--	185,364	--
Animal Waste	--	25,860	254	--	--	621,761	--
Soil Management	15,954	--	899	--	--	294,758	43,110
Biomass Burning	--	97	8	--	--	4,363	3,145
Subtotal	199,883	25,991	1,163	--	--	1,106,246	46,255
GRAND TOTAL EMISSIONS	**87,660,281**	**118,549**	**4,993**	**2,184**	**1.3**	**95,774,635**	**1,892,340**

Source: BAAQMD, 2010. Source Inventory of Bay Area Greenhouse Gas Emissions. See Table K, at page 19

Impacts

VII. a): The proposed Program would establish requirements for all employers above a minimum threshold size to provide commuter benefits to their employees. The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. The transportation sector is the second largest source of greenhouse gas emissions in the Bay Area. On average, in the Bay Area, cars, buses, and other commercial vehicles travel about 149 million miles a day.[12] Of the trips made by Bay Area residents, about 30% are for work with an average one-way commute distance for the region of about 13 miles.[13] Furthermore, it is reported from 2006 to 2010 that 68% of commuters traveling to work drove alone, compared to 10% taking public transportation.[14] While commute trips make up a little over one-quarter of total person trips, they tend to be longer distance trips and comprise the majority of peak hour trips when traffic congestion is worse.[15] The number of vehicles traveling along the region's freeway and local roadway networks fluctuate with the time of day, commonly known as "the rush hour", peaking from 6am to 10am in the morning and 3pm to 7pm in the afternoon. For example, the evening commute is expected to grow beyond 10,000,000 vehicle miles traveled per hour by 2040 (MTC, Summary of Predicted Traveler Responses 2013).

Several Bay Area cities were found to have the top two highest number of "mega commuters" in the nation where a commuter travels over 50 miles to work, one way.[16] Furthermore, forms of public transportation (transit, commuter, and intercity rail, and buses) have relatively lower GHG emission per passenger-mile traveled (PMT) whereas light-duty trucks and passenger cars have the highest (see Transportation's Role in Reducing U.S. Greenhouse Gas Emissions. Vol. 1, at Figure 2.11, page 2-19).[17] The report examined GHG estimates for various transportation modes, specifically including Bay Area Rapid Transit (BART), Caltrain, and the San Francisco Municipal Transit Agency (MUNI). For example, the approximate operational GHG emissions for a typical sedan is 230 g/CO2e per passenger mile of travel (PMT) whereas Bay Area rail transit systems are comparatively lower at 64, 74, and 69 g/CO2e/PMT, respectively (see Table 2.2 Life-Cycle GHG Estimates for Various Transportation Modes, at page 2-25). An analysis of the Program prepared for the Air District on the effects of potential mode shift show a reduction in GHG emissions can be reasonably expected when the Program is implemented. According to this analysis, the Program is expected

[12] MTC, 2013. Travel Demand Forecasts from Plan Bay Area 2040 Public Draft Environmental Impact Report prepared for Bay Area RTP/SCS, Transportation Analysis at page 2.1-13, see also Table 2.1-17 *Daily Vehicle Miles of Travel Per Capita (2010-2040)*. Accessed November, 2013. Available at http://onebayarea.org/pdf/Draft_EIR_Chapters/2.1_Transportation.pdf

[13] MTC, 2013. Travel Demand Forecasts from Draft Environmental Impact Report prepared for Bay Area RTP/SCS, at page 2.1-14. Accessed November, 2013. Available at http://onebayarea.org/regional-initiatives/plan-bay-area/plan-elements/environmental-impact-report.html

[14] Bay Area Census. Selected Census data from the San Francisco Bay Area, 2006 to 2010 ACS. Provided by the Metropolitan Transportation Commission and Association of Bay Area Governments. Accessed March, 2013. Available at http://www.bayareacensus.ca.gov/bayarea.htm

[15] MTC, 2013. Final Technical Supplementary Report: Summary of Predicted Traveler Responses. Accessed July, 2013. Available at http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Predicted_Traveler_Responses.pdf

[16] Fields, Alison, Ph.D & Rapino, Melanie, Ph.D. "Mega Commuters in the U.S., Time and Distance in Defining the Long Commute using the American Community Survey. Working Paper 2013

[17] United States Department of Transportation, 2010. Transportation's Role in Reducing U.S. Greenhouse Gas Emissions. Vol. 1: Synthesis Report. April 2010.

to reduce up to 12,714 metric tons of carbon dioxide per year in 2015 (ICF International 2013). Thus, reducing motor vehicle trips by encouraging shifts to alternative commute modes helps to reduce emissions of greenhouse gases.

VII. b): Implementation of the proposed Program would complement other plans, policies, and regulations that have been adopted for the purpose of reducing greenhouse gas emissions. This includes, but is not limited to: AB 32 (Chapter 488, Statutes of 2006, the California Global Warming Solutions Act of 2006) and SB 375 (Chapter 354, Statutes of 2008, the Sustainable Communities & Climate Protection Act of 2008), as well as helping local jurisdictions in the Bay Area with adopted plans for reducing greenhouse emissions meet their GHG reduction goals.

In 2008, the California Air Resources Board (CARB) adopted the AB 32 Scoping Plan. Pursuant to statute, CARB is in the process of updating the Scoping Plan which includes an emphasis on nurturing local and regional action to reduce GHG emissions through land use and transportation planning processes. The 2008 Scoping Plan contains a variety of actions that comprise the State's overall approach to addressing GHG emissions and confronting the issues of climate change. These actions include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as the cap-and-trade system currently being implemented. Primary authority to implement regulations and Programs promulgated under AB 32 rests with CARB. Among these regulatory responsibilities, CARB views local governments as being essential partners in achieving California's goals to reduce GHGs (see Climate Change Scoping Plan: A framework for change (2008) "…[local governments] have broad influence and, in some cases, exclusive authority over activities that contribute to significant direct and indirect GHG emissions through their planning and permitting process, local Programs, and municipal operations." at page 26.) (See also "Regional Transportation-Related Greenhouse Gas Targets– "…supporting measures that should be considered in both the regional target-setting and [SCS] processes include the following:…Programs to reduce vehicle trips while preserving personal mobility, such as employee transit incentives, telework Programs, car sharing, parking policies, public education Programs and other strategies." at pages 48 to 49.)

The 2008 Scoping Plan encourages local governments to adopt a GHG emissions reduction goal consistent with the State's overarching goal of reducing statewide emissions to 1990 levels by 2020. Passenger vehicles are the largest single contributor of GHG emissions in California[18] and in the Bay Area[19] accounting for approximately 134.93 mmtCO2e and 26.6 mmtCO2e, respectively. State law (i.e. SB 375) provides a mechanism for local governments to address air pollution and GHG emissions from vehicles, known as a "Sustainable Communities Strategy" or SCS. Pursuant to SB 375, metropolitan planning organizations (MPOs) are required to develop a SCS as part of their regional transportation plans (RTPs). Together, the RTP/SCS must demonstrate how land use changes and other strategies can achieve regional targets for GHG emission reductions from transportation sources. Providing commuters with options and alternative modes of transportation are common strategies in RTP/SCSs already beginning to be implemented in regions throughout the State (e.g. see San Diego Association of Governments (SANDAG), 2050 Regional Transportation Plan at Chapter 8: Demand Management: Innovative Incentives for Taking the Path Less Traveled [trip reduction Programs for employers with 100+ employees; Commute employer outreach and

[18] CARB, 2013. California Greenhouse Gas Inventory for 2000-2011 – By Category as Defined in the 2008 Scoping Plan. Accessed October, 2013. Available at http://www.arb.ca.gov/cc/inventory/data/data.htm

[19] BAAQMD, 2010. Source Inventory of Bay Area Greenhouse Gas Emissions, Base Year 2007. Accessed March, 2013. Available at http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx

services Program; financial incentives and subsidies to encourage commuter carpool, vanpool, and transit ridership]; Sacramento Area Council of Governments (SACOG), Metropolitan Transportation Plan/Sustainable Communities Strategy 2035 at Chapter 2: Planning Process [recommendations for new performance measures, transportation: congestion, transit ridership, carpooling, bicycling and walking]; and Chapter 4: Summary of Budget & Investments [funding Program for financial incentives for taking alternative modes or telecommuting to work, vanpool subsidies]).

The Bay Area's RTP/SCS ("Plan Bay Area") was developed to meet the long-range transportation and housing needs of the Bay Area. Plan Bay Area proposes a land use distribution approach and transportation investment strategy that will work towards enhancing the region's transportation system which in turn can improve the economy and environment. Great care was also taken to gauge the effects of the plan on the region's low-income and minority populations. A separate equity analysis was conducted to identify "communities of concern" that considered five performance metrics: housing and transportation affordability, potential for displacement, healthy communities, access to jobs, and mobility for all system users. Several ranging scenarios were developed to assess how different projects and policies might affect the region's future. This included varying combinations of land use patterns and transportation investments that were evaluated together to see if they achieved, or fell short of, the plan's performance targets. Among them were ways to support equitable and sustainable development by maximizing the effectiveness of the regional transit network and reducing GHG emissions by providing convenient access to employment for people of all incomes. Coupled with transit access, connecting housing to job-rich areas, chiefly in the region's Priority Development Areas (PDAs), that already have an existing transit infrastructure translates into relieving dependency on vehicular travel, reductions in VMT and roadways congestion while providing more mobility options to low-income commuters. The proposed Program plays an integral role in helping the Plan achieve its GHG reduction mandates under SB 375 (7% by 2020; 15% by 2035) in addition to its many other related goals of meeting the transportation and housing demands of a growing, and aging, population (see *Investment Strategy 6: Protect Our Climate* "…we have to invest in technology advancements and provide incentives for travel options to help meet these emission targets", at page 84). Specifically, Plan Bay Area depends on the proposed Program to achieve GHG emission reductions as part of MTC's Climate Program Initiatives.

There are also several examples of local governments in the Bay Area implementing transportation demand measures that target commuter trips. For example, as part of Marin County's 2006 Greenhouse Gas Reduction Program, county employees are encouraged to take public transit or carpool to work by being offered an extra $20 a week. About 15% of county employees are reported as participating in the Program. The City of South San Francisco's Transportation Demand Management (TDM) Program requires all development projects that generate 100 or more trips to achieve a minimum 28% alternative mode by offering incentives such as free and preferential parking for carpools and vanpools. The City of Alameda requires businesses with 50 or more employees to adopt a trip reduction Program, which also includes preferential parking for ridesharing participants, among other measures.

By expanding the number of employers who offer commuter benefits, the proposed Program will reduce motor vehicle trips and emissions in the Bay Area. The proposed Program will also encourage Bay Area commuters to choose alternative transportation modes instead of driving alone to work, thereby reducing emissions of greenhouse gases. Accordingly, the proposed Program would help the Bay Area to achieve the GHG reduction goals in the Scoping Plan, Plan Bay Area, the Air District's climate protection resolution (adopted in November 2013) and in other local government planning efforts throughout the Bay Area.

Based upon the above considerations, no significant adverse impacts to greenhouse gases are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☑
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☑
c)	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
d)	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☑
e)	Be located within an airport land use plan or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
f)	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☑
i)	Significantly increased fire hazard in areas with flammable materials?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

There are many federal and state rules and regulations that facilities handling hazardous materials must comply with which serve to minimize the potential impacts associated with hazards at these facilities. Under the Occupational Safety and Health Administration (OSHA) regulations [29 Code of Federal Regulations (CFR) Part 1910], facilities which use, store, manufacture, handle, process, or move highly hazardous materials must prepare a fire prevention plan. In addition, 29 CFR Part 1910.119, Process Safety Management (PSM) of Highly Hazardous Chemicals, and Title 8 of the California Code of Regulations, General Industry Safety Order §5189, specify required prevention Program elements to protect workers at facilities that handle toxic, flammable, reactive, or explosive materials.

Section 112 (r) of the Clean Air Act Amendments of 1990 [42 U.S.C. 7401 et. Seq.] and Article 2, Chapter 6.95 of the California Health and Safety Code require facilities that handle listed regulated substances to develop Risk Management Programs (RMPs) to prevent accidental releases of these substances, U.S. EPA regulations are set forth in 40 CFR Part 68. In California, the California Accidental Release Prevention (CalARP) Program regulation (CCR Title 19, Division 2, Chapter 4.5) was issued by the Governor's Office of Emergency Services (OES). RMPs consist of three main elements: a hazard assessment that includes off-site consequences analyses and a five-year accident history, a prevention Program, and an emergency response Program.

Affected facilities that store materials are required to have a Spill Prevention Control and Countermeasures (SPCC) Plan per the requirements of 40 Code of Federal Regulations, Section 112. The SPCC is designed to prevent spills from on-site facilities and includes requirements for secondary containment, provides emergency response procedures, establishes training requirements, and so forth.

The Hazardous Materials Transportation (HMT) Act is the federal legislation that regulates transportation of hazardous materials. The primary regulatory authorities are the U.S. Department of Transportation, the Federal Highway Administration, and the Federal Railroad Administration. The HMT Act requires that carriers report accidental releases of hazardous materials to the Department of Transportation at the earliest practical moment (49 CFR Subchapter C). The California Department of Transportation (Caltrans) sets standards for trucks in California. The regulations are enforced by the California Highway Patrol.

California Assembly Bill 2185 requires local agencies to regulate the storage and handling of hazardous materials and requires development of a business plan to mitigate the release of hazardous materials. Businesses that handle any of the specified hazardous materials must submit to government agencies (i.e., fire departments) an inventory of the hazardous materials, an emergency response plan, and an employee training Program. The information in the business plan can then be used in the event of an emergency to determine the appropriate response action, the need for public notification, and the need for evacuation.

Impacts

VIII. a), b), and g): There are no requirements as a result of the proposed Program that require the construction or modification of any buildings or structures, or alteration of existing structures. In addition, the Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area to meet any increased demand for transit service resulting from the Program. Therefore, transit agencies are not expected to generate any additional amounts of hazardous waste or expand the number of locations where hazardous waste is generated or stored. Thus, the proposed Program has no potential to create a significant hazard to the public or the environment through routine transport, use, and disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. In addition, there are no provisions that would impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

VIII. c), d): Government Code §65962.5 typically refers to a list of facilities that may be subject to Resource Conservation and Recovery Act (RCRA) permits or site cleanup activities. The proposed PROGRAM does not involve in any way the handling or use of hazardous or acutely hazardous material. Since the propose Program does not involve the use, handling, or disposal of hazardous materials, it will not affect facilities that may be included on the RCRA list or have the potential to emit emissions that may be hazardous to the public or the environment.

VIII. e) and f): The proposed Program will not adversely affect any airport land use plan or result in any safety hazard for people residing or working in the Air District. U.S. Department of Transportation – Federal Aviation Administration Advisory Circular AC 70/7460-2K provides information regarding the types of projects that may affect navigable airspace. For example, projects that involve construction or alteration of structures greater than 200 feet above ground level within a specified distance from the nearest runway; objects within 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each one foot vertically from the nearest point of the runway); etc., may adversely affect navigable airspace.

There are no requirements as a result of the proposed Program that require the construction or modification of any buildings or structures, or alteration of existing structures. Although some affected facilities may be located in the vicinity of public or private airports, there are no aspects of the Program that could generate safety hazards for people residing or working in the area. Therefore, the proposed Program will not result in structures or facilities that would be located within an airport land use plan.

VIII. h) and i): The proposed Program does not involve or affect the use of flammable materials, nor require the construction of any structures that could cause or be affected by wildland fires.

Based upon the above considerations, no significant adverse impacts to hazards or hazardous materials are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☑
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☑
c)	Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	☐	☐	☐	☑
d)	Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	☐	☐	☐	☑
e)	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☑
f)	Otherwise substantially degrade water quality?	☐	☐	☐	☑
g)	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h)	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☑
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☑
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

The affected areas are located within the San Francisco Bay Area Hydrologic Basin. The primary regional groundwater water-bearing formations include the recent and Pleistocene (up to two million years old) alluvial deposits and the Pleistocene Huichica formation. Salinity within the unconfined alluvium appears to increase with depth to at least 300 feet. Water of the Huichica formation tends to be soft and relatively high in bicarbonate, although usable for domestic and irrigation needs. Reservoirs and drainage streams are located throughout the area and discharge into the Bays. Marshlands incised with numerous winding tidal channels containing brackish water are located throughout the Bay Area.

The Federal Clean Water Act of 1972 primarily establishes regulations for pollutant discharges into surface waters in order to protect and maintain the quality and integrity of the nation's waters. This Act requires industries that discharge wastewater to municipal sewer systems to meet pretreatment standards. The regulations authorize the U.S. EPA to set the pretreatment standards. The regulations also allow the local treatment plants to set more stringent wastewater discharge requirements, if necessary, to meet local conditions.

The 1987 amendments to the Clean Water Act enabled the U.S. EPA to regulate, under the National Pollutant Discharge Elimination System (NPDES) Program, discharges from industries and large municipal sewer systems. The U.S. EPA set initial permit application requirements in 1990. The State of California, through the State Water Resources Control Board, has authority to issue NPDES permits, which meet U.S. EPA requirements, to specified industries.

The Porter-Cologne Water Quality Act is California's primary water quality control law. It implements the state's responsibilities under the Federal Clean Water Act but also establishes state wastewater discharge requirements. The RWQCB administers the state requirements as specified under the Porter- Cologne Water Quality Act, which include storm water discharge permits. The water quality in the Bay Area is under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board.

In response to the Federal Act, the State Water Resources Control Board is required to develop, adopt, and implement a Basin Plan for the Region.[20] The Basin Plan is the master policy document that contains descriptions of the legal, technical, and Programmatic bases of water quality regulation in the Region. The San Francisco Bay Basin Plan identifies the: (1) beneficial water uses that need to be protected; (2) the water quality objectives needed to protect the designated beneficial water uses; and (3) strategies and time schedules for achieving the water quality objectives. The first comprehensive Basin Plan for the San Francisco Bay Region was adopted and approved in April 1975. Subsequently, major revisions were adopted in 1982, 1986, 1992, 1995, 2002, 2004, and 2011. The beneficial uses of the Carquinez Strait, San Pablo

[20] RWQCB, 2013. Water Quality Control Plan for the San Francisco Bay Basin. Available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/Programs/planningtmdls/basinplan/web/docs/BP_all_chapters.pdf

Bay, and Suisun Bay that must be protected which include water contact and non-contact recreation, navigation, ocean commercial and sport fishing, wildlife habitat, estuarine habitat, fish spawning and migration, industrial process and service supply, and preservation of rare and endangered species.

Impacts

IX. a) – f): There are no provisions under the proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. The proposed Program has no provision that affects hydrology and water resources in any way. Thus, implementation of the proposed Program would not require the construction of additional water resource facilities, the need for new or expanded water entitlements, or an alteration of drainage patterns. The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The proposed Program would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. In fact, to the extent that the Program is successful in decreasing motor vehicle travel, this should help to reduce runoff of water pollutants from motor vehicle and Bay Area roadways.

IX. g) – j): The proposed Program does not involve construction of any structures and does not require modifications or alterations to existing facilities. Therefore, there are no components of the proposed Program that would place housing within a 100-year flood hazard area nor would the proposed Program place structures that would impede or redirect flood flows. Similarly, the proposed Program has no potential to expose people or structures to a significant risk of loss, injury, or death involving flood or inundation by seiche, tsunami, or mudflow.

Based upon the above considerations, no significant adverse impacts to hydrology and water quality are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
X.	**LAND USE AND PLANNING.** Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☑
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to a general plan, specific plan, local coastal Program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☑
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Land uses are generally protected and regulated by city and/or county general plans through land use and zoning requirements.

Impacts

X. a) – c): There are no provisions of the proposed Program that would directly or indirectly affect land use plans, policies, or regulations. The Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area, the development of new transit centers or maintenance facilities to meet any increased demand for transit service resulting from the PROGRAM. Therefore, the Program will not interfere with any local land use plans or land use planning decisions.

Based upon the above considerations, no significant adverse impacts to land use and planning are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Mineral resources are generally protected and regulated by city and/or county general plans through land use and zoning requirements.

Impacts

XI. a) and b): There are no provisions under proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. The Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area, or the development of new transit centers or maintenance facilities to meet any increased demand for transit service resulting from the Program. Thus, the proposed Program would not result in the loss of availability of a known mineral resource of value to the region and the residents of the state or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Based upon the above considerations, no significant adverse impacts to mineral resources are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII.	**NOISE.** Would the project:				
a)	Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☑
b)	Expose persons to or generate of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☐	☑
c)	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☑
d)	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☑
e)	Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
f)	Be located within the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Noise issues related to construction and operation activities are addressed in local General Plan policies and local noise ordinance standards. The General Plans and noise ordinances generally establish allowable noise limits within different land uses including residential areas, other sensitive use areas (e.g., schools, churches, hospitals, and libraries), commercial areas, and industrial areas.

Impacts

XII. a) – f): There are no provisions under proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. The Program is not expected to

require any transit providers to increase the number of buses or trains operating within the Bay Area, or the development of new transit centers or maintenance facilities to meet any increased demand for transit service resulting from the Program.

Based upon the above considerations, no significant adverse impacts to noise are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII.	**POPULATION AND HOUSING.** Would the project:				
a)	Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	☐	☐	☐	☑
b)	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
c)	Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Population and housing growth and resources are generally protected and regulated by city and/or county general plans through land use and zoning requirements.

Impacts

XIII. a) – c): Human population in the Bay Area is anticipated to grow regardless of whether the proposed PROGRAM is implemented or not. One of the positive effects of the Program is that it should help the Bay Area cope with the projected growth in population and employment that will impose new demands on the regional transportation infrastructure. The proposed Program would not result in the creation of any industry that would induce or inhibit population growth or distribution. Because the proposed Program has no effect on population growth or distribution, the proposed Program would not directly or indirectly induce the construction of single or multi-family housing units.

Based upon the above considerations, no significant adverse impacts to population and housing are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
Fire protection?	☐	☐	☐	☑
Police protection?	☐	☐	☐	☑
Schools?	☐	☐	☐	☑
Parks?	☐	☐	☐	☑
Other public facilities?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Given the large area covered by the Air District, public services are provided by a wide variety of local agencies. Fire protection and police protection/law enforcement services within the Air District are provided by various districts, organizations, and agencies. There are several school districts, private schools, and park departments within the Air District. Public facilities within the Air District are managed by different county, city, and special-use districts.

City and/or county general plans usually contain goals and policies to assure adequate public services are maintained within the local jurisdiction.

Impacts

XIV. a): The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. The Program is not expected to require any transit providers to increase the number of buses or trains operating within the Bay Area, or the development of new transit centers or maintenance facilities to meet any increased demand for transit service resulting

from the Program. In addition, the proposed Program does not induce or redistribute population growth and therefore would not increase demand on local fire or police services, schools, parks or other public facilities.

Based upon the above considerations, no significant adverse impacts to public services are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
b)	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Recreational areas are generally protected and regulated by city and/or county general plans at the local level through land use and zoning requirements. Some parks and recreation areas are designated and protected by state and federal regulations.

Impacts

XV. a) and b): As discussed under "Land Use and Planning" and "Population and Housing" above, there are no provisions of the proposed project that would affect land use plans, policies, ordinances, or regulations. Land use and other planning considerations are determined by local governments. No land use or planning requirements, including those related to recreational facilities, will be altered by the proposed Program. The proposed Program does not have the potential to directly or indirectly induce population growth or redistribution. As a result, the proposed Program would not increase the use of, or demand for existing neighborhood and/or regional parks or other recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Based upon the above considerations, no significant adverse impacts to recreation are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☑
b) Conflict with an applicable congestion management Program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☑
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d) Substantially increase hazards because of a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☑
e) Result in inadequate emergency access?	☐	☐	☐	☑
f) Conflict with adopted policies, plans, or Programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Transportation systems located within the Bay Area include railroads, airports, waterways, and highways. The Port of Oakland and three international airports in the area serve as hubs for commerce and transportation. The transportation infrastructure for vehicles and trucks in the Bay Area ranges from single

lane roadways to multilane interstate highways. The Bay Area currently contains over 19,600 miles of local streets and roads, and over 1,400 miles of state highways. In addition, there are over 9,040 transit route miles of services including rapid rail, light rail, commuter, diesel and electric buses, cable cars, and ferries. The Bay Area also has an extensive local system of bicycle routes and pedestrian paths and sidewalks. At a regional level, the share of workers driving alone was about 68 percent in 2010.[21] In addition, the portion of commuters that carpool was about 11 percent in 2010. About 3 percent of commuters walked to work. Other modes of travel (bicycle, motorcycle, etc.) accounted for approximately 3 percent of commuters.

The region is served by numerous interstate and U.S. freeways. On the west side of San Francisco Bay, Interstate 280 and U.S. 101 run north-south. U.S. 101 continues north of San Francisco into Marin County. Interstates 880 and 660 run north-south on the east side of the Bay. Interstate 80 starts in San Francisco, crosses the Bay Bridge, and runs northeast toward Sacramento. Interstate 80 is a six-lane north-south freeway which connects Contra Costa County to Solano County via the Carquinez Bridge. State Routes 29 and 84, both highways that allow at-grade crossings in certain parts of the region, become freeways that run east-west, and cross San Francisco Bay. Interstate 580 starts in San Rafael, crosses the Richmond-San Rafael Bridge, joins with Interstate 80, runs through Oakland, and then runs eastward toward Livermore. From the Benicia-Martinez Bridge, Interstate 680 extends north to Interstate 80 in Cordelia. Interstate 780 is a four lane, east-west freeway extending from the Benicia-Martinez Bridge west to I-80 in Vallejo.

The Metropolitan Transportation Commission is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area. Preparing and regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities, is among MTC's top responsibilities. Transportation planning is also conducted at the state and county level. Planning for interstate highways is generally done by the California Department of Transportation. Most local counties maintain a transportation agency that has the duties of transportation planning and administration of improvement projects within the county and implements the Transportation Improvement and Growth Management Program, and congestion management plans (CMPs). A CMP identifies a system of state highways and regionally significant principal arterials and specifies level of service standards for those roadways.

Impacts

XVI. a), b) and f): There are a number of agencies within the Bay Area that have plans, policies or ordinances that could directly or indirectly effect the overall operation of the transportation system throughout the Bay Area. These include the Metropolitan Transportation Commission (MTC), Congestion Management Agencies, Bay Area Rapid Transit (BART), Caltrain, Amtrak, AC Transit, SFMTA, VTA and numerous other transit providers. In addition, the Air District's 2010 Clean Air Plan (CAP) also includes mobile source policies and Programs that could indirectly influence the operation of the region's transportation network.

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees to reduce vehicle trips and VMT. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing

[21] U.S. Census 1990 and 2000; American Community Survey, 2010. Data provided by MTC. Accessed November, 2013. Available at http://www.census.gov/acs/www/about_the_survey/american_community_survey_and_2010_census/

a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

Most employers are anticipated to offer employees the option to pay for transit expenses with pre-tax dollars. The Air District conservatively estimates 2% of commuters who currently drive single occupant vehicles will shift to transit as a result of decreased transit costs (ICF International 2013), or about 44,800 riders. A supplementary report prepared by MTC provides additional technical analysis of predicted travel behavior resulting from transit investments dedicated in Plan Bay Area, including the Program, was also used to assess the region's current and future transit capacity.[22] The Air District's estimates and MTC's report indicate that even if every person who is anticipated to shift from driving alone will instead take heavy-rail (e.g. BART, Caltrain, SMART, etc.), there is sufficient capacity to accommodate the additional transit riders. As further explained below, current commuter rail services only fill 17% of their total seat-miles and regional transit systems are being expanded to accommodate an anticipated increase in transit ridership. Capacity constraints are generally considered to become an issue only if utilization levels exceed 80%, where a passenger would find it difficult or impossible to find a seat (see Plan Bay Area 2040 Public Review Draft Environmental Impact Report, Transportation Analysis, at page 2.1-35). Therefore, implementation of the Program is not expected to significantly affect the region's transit system capacity.

Transit capacity is generally measured in terms of "seat-miles" where the distance (miles) a transit vehicle travels is multiplied by the number of its seats. Daily transit seat-miles are expected to increase by 27% by 2040 as a result of transit expansion and frequency improvement projects described in Plan Bay Area. The largest increases in seat-miles are proposed for heavy-rail (i.e. BART), with the addition of 12,609,000 seat-miles resulting in a 29% increase. Capacities on other commuter rail systems (i.e. MUNI, AC, VTA, etc.) are projected to grow by an additional 8,379,000 seat-miles, an increase of 58%. These increases will primarily result from projects such as BART to San José, eBART, SMART, and Caltrain electrification and other improvements (see Plan Bay Area 2040 Public Review Draft Environmental Impact Report, Transportation Analysis, at page 2.1-26). Although population in the Bay Area will continue to increase, implementing the proposed PROGRAM and other transportation control measures (in conjunction with Plan Bay Area) will result in greater percentages of the population using transportation modes other than single occupant vehicles. As a result, relative to population growth, the performance of the existing regional circulation system, taking into account all modes of transportation, is not expected to decline in response to implementing the Program.

The proposed Program will complement and support the transportation control measures and other related control measures developed as part of the Air District's 2010 Clean Air Plan, as well as the regional transportation plan, Plan Bay Area, prepared by MTC and the Association of Bay Area Governments (ABAG). The Air District's CAP contains a variety of transportation control measures that include strategies, among others, to: enhance mobility by improving bus service (TCM A-1); improving rail service (TCM A-2); improving ferry service (TCM A-3); improving the efficiency of freeways and arterial systems (TCM B-1); improving transit efficiency and use (TCM B-2); and improving the movement of goods and reduce diesel emissions (TCM B-4). These specific strategies that serve to reduce vehicle trips and vehicle miles traveled, such as the Program's objective of promoting the use of alternative commute modes, such as mass transit, ridesharing, and telecommuting, are expected to result in reducing traffic congestion.

[22] MTC, 2013. Final Summary of Predicted Traveler Responses. Supplementary Technical Documents Prepared for Plan Bay Area. Accessed November, 2013. Available at http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Predicted_Traveler_Responses.pdf

XVI. c): Neither air traffic nor air traffic patterns are expected to be directly or indirectly affected by adopting the proposed Program. The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite. The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. There are no provisions under proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures. Thus, the proposed Program would not result in a change in air traffic patterns or a change in location that results in a substantial safety risk.

XVI. d): The proposed Program does not require the construction or modification of any buildings or structures, or alteration of existing structures that may either directly or indirectly result in roadways that may increase hazards due to design features such as sharp curves, etc. or incompatible uses.

XVI. e): The proposed Program does not require the construction or modification of any buildings or structures, or alteration of existing structures that may either directly or indirectly result in inadequate emergency access.

Based upon the above considerations, no significant adverse impacts to transportation or traffic are expected to occur due to implementation of the Program, and therefore, no further analysis is warranted.

		Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements needed?	☐	☐	☐	☑
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☑
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☑

Discussion

The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite.

The Air District covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses and the affected environment vary greatly throughout the

area. Water is supplied by several water purveyors in the Bay Area. Solid waste is handled through a variety of municipalities, through recycling activities, and at disposal sites.

City and/or county general plans usually contain goals and policies to assure adequate utilities and service systems are maintained within the local jurisdiction.

Impacts

XVII. a) – e): The proposed Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite. The primary effect of the proposed Program would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. There are no provisions under proposed Program that require the construction or modification of any buildings or structures, alteration or addition of existing structures.

As discussed in the section addressing hydrology and water quality, the proposed Program would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. Thus, implementation of the proposed Program would not result in exceeding wastewater treatment requirements, require the construction of new water or wastewater treatment facilities, or require new sources of water be developed.

XVII. f), g): The proposed Program is expected to result in a loss of future anticipated vehicle trip and associated emission reductions. The proposed Program has no provisions that generate solid or hazardous waste, require additional waste disposal capacity, or generate waste that does not meet applicable federal, state, or local regulations.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☑
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☐	☑
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☑

Discussion

XVIII. a) – c): Implementation of the proposed Program is expected to result in overall benefits to the environment. As discussed throughout this checklist, the Program would establish a requirement for all employers above a minimum threshold size to provide commuter benefits to their employees. As described in the Project Description above, employers subject to the Program would choose from among several commuter benefits options, including allowing employees to pay for their transit or vanpool fare using pre-tax dollars; providing a subsidy to defray the cost of employees transit or vanpool fares; or providing buses or shuttles for employees from transit stations and/or residential areas to the worksite. The primary effect of the proposed PROGRAM would be a modest shift in the regional commute mode split, by reducing the use of single occupancy vehicles and increasing the use of alternative commute modes, such as transit, ridesharing, bicycling, and walking. There are no provisions under proposed Progra that require the construction or modification of any buildings or structures, alteration or addition of existing structures.

Furthermore, there are no provisions of the proposed Program that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements will be altered by the proposed Program. The proposed Program would not cause adverse effects that would degrade the quality of the environment, reduce habitat or fish or wildlife species, threaten a plant or animal community, or eliminate examples of California history or prehistory or in any way have an environmental effect that would cause adverse effects on human beings.

Chapter 4

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Chapter 5

ACRONYMS

AB	Assembly Bill
APCD	air pollution control district
AQMD	air quality management district
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BRT	Bus Rapid Transit
CAP	Clean Air Plan
CalARP	California Accidental Release Prevention Program
CCAA	California Clean Air Act
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CO_2	carbon dioxide
PROGRAM	commuter benefits Program
CMA	congestion management agency
CMP	congestion management plan
DEIR	draft environmental impact report
DMG	Division of Mines and Geology
FICA	Federal Insurance Contributions Act
GC	Government Code
GHG	greenhouse gas
CH_4	methane
g	grams
HFCs	haloalkanes
HMTA	Hazardous Material Transportation Act
mmtCO2e	million metric tons carbon dioxide equivalent
MPO	metropolitan planning organization
MTC	Metropolitan Transportation Commission
Muni	San Francisco Municipal Transit Agency
NPDES	national pollutant discharge elimination system
NOx	nitrous oxides
N_2O	nitrous oxide
OES	Office of Emergency Services
OSHA	Occupational Safety and Health Administration
PFCs	perfluorocarbons
PMT	passenger-mile traveled
PM	particulate matter
PM10	particulate matter less than 10 microns in diameter
PM2.5	particulate matter less than 2.5 microns in diameter
PDA	Priority Development Areas

PSM	process safety management
PRC	Public Resources Code
ROG	reactive organic gas
RTP	regional transportation plan
RWQCB	regional water quality control board
RCRA	Resource Conservation and Recovery Act
SACOG	Sacramento Area Council of Governments
SANDAG	San Diego Association of Governments
SB	Senate Bill
SFBAAB	San Francisco Bay Area Air Basin
SFMTA	San Francisco Municipal Transportation Agency
SCS	Sustainable Communities Strategy
SMART	Sonoma-Marin Area Rail Transit
SF_6	sulfur hexafluoride
SOV	single occupant vehicle
SPCC	spill prevention control and counter measures
TCM	transportation control measures
TEP	Transit Effectiveness Project
TDM	transportation demand management
TIP	Transportation Improvement Program
US EPA	United States Environmental Protection Agency
VMT	vehicle miles traveled