



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# PUBLIC HEARING NOTICE

January 21, 2014

TO: INTERESTED PARTIES  
FROM: EXECUTIVE OFFICER / APCO  
SUBJECT: **PUBLIC HEARING: PROPOSED REGULATION 14,  
RULE 1: BAY AREA COMMUTER BENEFITS  
PROGRAM**

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On **Wednesday, March 19, 2014**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to consider adoption of proposed **Regulation 14: Mobile Source Emissions Reduction Measures, Rule 1: Bay Area Commuter Benefits Program**, and also to consider adoption of a CEQA Negative Declaration. The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. **District Board meetings commence at 9:45 a.m.**

California Government Code § 65081 (added by Senate Bill 1339 in 2012) authorizes the Bay Area Air Quality Management District (Air District) and the Metropolitan Transportation Commission (MTC) to jointly adopt and implement a Bay Area commuter benefits ordinance on a pilot basis through the end of year 2016. In response to Senate Bill 1339, the Air District is proposing adoption of Regulation 14, Rule 1: *Mobile Source Emissions Reduction Measures, Bay Area Commuter Benefits Program*. The proposed rule will serve as the foundation for the Bay Area Commuter Benefits Program (Program). The primary objective of the Program is to reduce emissions of greenhouse gases (GHGs) and criteria air pollutants. The Program would accomplish this by expanding the number of employers who provide commuter benefits to their employees.

The Program would apply to employers with 50 or more full-time employees within the jurisdiction of the Air District,<sup>1</sup> based on the total number of full-time employees at all Bay Area worksites combined. The Program would require these employers to select one of four commuter benefit options to offer their employees.

- Option 1: Pre-tax option: Allow employees to exclude their transit or vanpooling costs from taxable wages, consistent with Section 132(f) of the Internal Revenue Code;
- Option 2: Employer-provided subsidy: A transit or vanpool subsidy to reduce or cover employees' monthly transit/vanpool costs, to a maximum of \$75 per month;

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<sup>1</sup> The District's jurisdiction consists of nine counties, including all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, as well as the western portion of Solano County and the southern portion of Sonoma County. See <http://www.arb.ca.gov/app/dislookup/dislookup.php>

- Option 3: Employer-provided transit: a free or low-cost shuttle, vanpool or bus service, operated by or for the employer; or
- Option 4: An alternative commuter benefit that would be as effective as the other options in reducing drive-alone commuter trips (and/or vehicle emissions).

In addition to providing one of the commuter benefit options described above, employers would be required to register by means of a web-based registration process, designate a contact person, notify employees of the commuter benefit selected, maintain records to document implementation of the commuter benefit, and provide information needed for purposes of Program evaluation. If the Air District Board of Directors adopts the proposed rule and the MTC Commissioners concur with this action, then employers would have six months from the effective date of the rule to select one of the commuter benefit options and comply with the requirements of the Program.

Pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.), an initial study for the proposed rule has been conducted, concluding that the proposed rule would not have significant adverse environmental impacts. Notice is hereby given that the Air District intends to adopt a negative declaration for the amendments pursuant to Public Resources Code section 21080(c) and California CEQA Guidelines section 15070 et seq.

The proposed rule (Regulation 14, Rule 1), a staff report, a socio-economic analysis, a CEQA environmental analysis and draft Negative Declaration are available on the District website to: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Current-Regulatory-Public-Hearings.aspx>.

Comments on the proposed rule, the supporting documents, and the draft Negative Declaration may be directed to David Burch, Principal Environmental Planner, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, California, 94109, or via e-mail to [commuterbenefits@baaqmd.gov](mailto:commuterbenefits@baaqmd.gov). **Written comments on the regulatory proposal and Negative Declaration will be accepted until 5:00 p.m. on Friday, February 21, 2014.**

**SAN FRANCISCO PUBLIC TRANSPORTATION**

**MUNI -- #47 AND #49 NORTH AND SOUTH ON VAN NESS AVENUE  
#38 EAST AND WEST ON GEARY BOULEVARD/O'FARRELL STREET  
BART -- CIVIC CENTER STATION 8<sup>th</sup> AND MARKET STREETS**

Attendees are encouraged to ride public transit, rideshare, bicycle or walk to and from the Public Hearing.