



## SB 1339

# Bay Area Commuter Benefits Program

---

**Transportation is the largest source of air pollution in the Bay Area.** Reducing motor vehicle travel is necessary to reduce the pollutants that adversely impact public health, and to achieve the State's bold climate protection targets set by AB 32 and SB 375. The Bay Area Commuter Benefits Program would assist the Bay Area in protecting public health and achieving climate protection targets.

Senate Bill 1339 (Yee), signed by the Governor in fall 2012, authorizes the Bay Area Air Quality Management District (Air District) and the Metropolitan Transportation Commission (MTC) to jointly adopt a regional commute benefit program. Pursuant to SB 1339, the Air District and MTC are developing a Bay Area Commuter Benefits Program (Program) to promote the use of alternative commute modes such as transit, ridesharing, and bicycling.

The Program would require employers with 50 or more full-time employees in the Bay Area to offer their employees one of the following benefits:

- The option to pay for their transit or vanpooling expenses with pre-tax dollars, as permitted by current federal law;
- A transit or vanpool subsidy to reduce or cover the employees' monthly transit or vanpool costs;
- A free or low-cost bus, shuttle, or vanpool service (operated by or for the employer); or
- An alternative commuter benefit that is as effective as the other options in reducing single-occupant vehicle trips (and/or vehicle emissions).

Building on the success of similar requirements adopted in the cities of San Francisco, Berkeley and Richmond, the Bay Area Commuter Benefits Program would facilitate a regional approach to encourage the use of sustainable commute modes. In cities where these policies are already in place, most employers have chosen the pre-tax option, which has the potential to offer substantial economic benefits by reducing payroll and/or income taxes for both employers and employees. In implementing the Program, the Air District and MTC would provide information and assistance via the 511.org Rideshare program to help employers develop an effective commuter benefit program for their employees.

## WHAT'S NEXT

The Air District and MTC will be conducting public workshops throughout the Bay Area during October 2013 to obtain comments and feedback on the proposed draft Program ([www.baaqmd.gov/commuterbenefits](http://www.baaqmd.gov/commuterbenefits)). Following the workshops, staff will amend the draft Program, if necessary, and present the proposed Program at a public hearing before the Air District's Board of Directors and MTC's Commissioners in **early 2014**. If adopted by both governing boards, employers will then have **six months** to comply with the Program.

# Bay Area Commuter Benefits Program

## Frequently Asked Questions

---

### 1. WHAT IS THE PURPOSE OF THE BAY AREA COMMUTER BENEFITS PROGRAM (PROGRAM)?

The purpose of the Program is to reduce emissions of air pollutants and greenhouse gases by promoting the use of alternative commute modes such as transit, ridesharing, and bicycling. The Program would require employers with 50 or more full-time employees in the Bay Area to offer one of the following commuter benefits:

- The option for employees to pay for their transit or vanpooling costs using pre-tax dollars;
- A transit or vanpool subsidy to reduce or cover employees' monthly transit/vanpool costs;
- Access to a low-cost or free shuttle, vanpool or bus service, operated by or for the employer; or
- An alternative commuter benefit that would be as effective as the other options in reducing drive-alone commuter trips (and/or vehicle emissions).

The Program would **not** require employers to attain any specific standards or targets. The Program would **not** require any employees to take advantage of the commuter benefit or to change his/her commute mode.

### 2. WHEN WOULD THE PROGRAM GO INTO EFFECT?

It is anticipated that the Air District and MTC will present the Program to the Air District's Board of Directors and MTC's Commissioners for their consideration in **early 2014**. If adopted by both governing boards, employers would have six months to implement the Program.

### 3. WHICH BUSINESSES WOULD BE AFFECTED BY THE PROGRAM?

The Program would apply to all employers with 50 or more full-time employees (at all Bay Area worksites combined) within the Air District's jurisdiction. This includes the entirety of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, plus the southwestern portion of Solano County and the southern portion of Sonoma County. For precise details, visit [http://www.arb.ca.gov/qaweb/mapdemo/map\\_module.php](http://www.arb.ca.gov/qaweb/mapdemo/map_module.php).

### 4. WHAT IF AN EMPLOYER HAS MORE THAN ONE WORKSITE IN THE BAY AREA?

Employers with multiple Bay Area worksites that collectively employ 50 or more full-time employees would be subject to the Program. A multi-site employer would have the flexibility to offer the same commuter benefit at all its Bay Area worksites, or to choose the most appropriate commuter benefit (see #1 above) for each worksite.

### 5. WHAT IF AN EMPLOYER IS LOCATED IN A CITY WITH A LOCAL COMMUTER BENEFIT ORDINANCE?

Several Bay Area cities have local commuter benefit ordinances that are similar to the regional Program. In developing the regional Program, the Air District and MTC seek to support and complement the existing local ordinances to the greatest extent feasible. Employers affected by the Program will receive instructions on how and where to register, as well as where to go for assistance in implementing a commuter benefits program.

### FOR MORE INFORMATION

For additional information on the Program, please visit [www.baaqmd.gov/commuterbenefits](http://www.baaqmd.gov/commuterbenefits). To submit questions or comments on the draft Program, please email [commuterbenefits@baaqmd.gov](mailto:commuterbenefits@baaqmd.gov) or call 415.749.8671.