



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

California Environmental Quality Act

NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

LEAD AGENCY: Bay Area Air Quality Management District

Contact: Ian Peterson

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SUBJECT: Notice of Intent to adopt negative declaration pursuant to Section 21092 and 21092.3 of the Public Resources Code and CEQA Guidelines Section 15072

Project Title: Bay Area Commuter Benefits Program (Regulation 14: Mobile Source Emissions Reduction Measures; Rule 1: Bay Area Commuter Benefits Program)

Project Location: The proposed 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, Napa, San Francisco, San Mateo, and Santa Clara counties, as well as southwestern Solano County and the southern portion of Sonoma County.

Project Description: A program to encourage the use of transit and other alternative commute modes, such as vanpools, carpools, biking, walking, and telecommuting. The Air District and the Metropolitan Transportation Commission (MTC) are authorized to develop and adopt a Bay Area Commuter Benefits Program, pursuant to Government Code §65081(b). 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 apply to any public, private, or non-profit employer with 50 or more full-time employees in the Bay Area. The key substantive requirement of the Program is that employers (who do not already offer a compliant commuter benefit) would be required to offer one of the following commuter benefits to their employees:

1. **Pretax Option:** Consistent with Section 132(f)(2)(A) "Qualified Transportation Fringe Benefits" of the Internal Revenue Code, the employer would allow employees to exclude their transit or vanpool costs from taxable income, to the maximum level permitted by law; or
2. **Employee-paid Benefit:** The employer provides a 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; or

3. Employer-provided Transit: Transportation furnished by the employer at no cost, or low cost, as determined by the District or Commission, 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 District or Commission may approve an alternative commuter benefit proposed by the employer that would provide at least the same reduction in single-occupant vehicle trips as any of the three options above.

In addition to providing one of the commuter benefit options described above, the Program would also require employers to (1) designate an employee to serve as the Commuter Benefits Coordinator, (2) register with the District or MTC (via a web-based registration system), (3) notify employees about the commuter benefit and how to apply for it, and (4) provide the District or MTC with data necessary to evaluate the effectiveness of the Program.

Negative Declaration: A copy of the Negative Declaration, proposed rule, and supporting documents are available for review on the District's web site at <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Current-Regulatory-Public-Hearings.aspx> and at the District's office at 939 Ellis Street, San Francisco.

Written comments on the Negative Declaration must be addressed to:

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939 Ellis Street
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Comments may also be sent by fax to (415)-4741 or by email to ipeterson@baaqmd.gov.

Comments on the Negative Declaration will be received from January 21, 2014 until 5:00 pm on February 21, 2014.

Public Hearing: On Wednesday, March 19 at 9:45 am, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to consider adoption of the proposed Regulation 14: Mobile Source Emissions Reduction Measures; Rule 1: Bay Area Commuter Benefits Program, and the adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA). The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco.