(Adopted December 8, 1995)(Amended March 8, 1996)
(Amended November 8, 1996)(Amended October 9, 1998)
(Amended January 11, 2002)(Amended February 6, 2004)
(Amended June 6, 2014)(Amended August 4, 2023)

RULE 2202 - ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS

(a) Purpose

The purpose of this Rule is to provide Employers with a menu of options to reduce mobile source emissions generated from Employee commutes, to comply with federal and state Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the federal Clean Air Act.

(b) Applicability

Effective June 19, 1998, this Rule applies to any Employer who employs 250 or more Employees on a full or part-time basis at a Worksite for a consecutive six-month period calculated as a monthly average, except as provided in subdivision (l) of this Rule. Effective February 6, 2004, Employers shall notify the District within 30 days when they become subject to Rule 2202 or no longer qualify for the Employee threshold exemption pursuant to paragraph (l)(1). Employers shall have 90 days from the date of notifying the District to comply with provisions of this Rule.

(c) Sunset Provision

This Rule shall be rescinded, at such time that a replacement measure is implemented which produces an equivalent level of emission reductions and such emission reductions are real, quantifiable, enforceable, and surplus relative to the most recently adopted state implementation plan.

(d) Definitions

For the purpose of this Rule, the following definitions shall apply:

(1) AIR QUALITY INVESTMENT PROGRAM (AQIP) is an emission reduction option, in which monies collected by the District from Employers are used to fund programs or purchase emission reductions that have been approved by the District's Governing Board.

(2) AREA SOURCE CREDITS (ASCs) are emission credits, issued pursuant to Regulation XXV – Intercredit Trading.

(3) AVERAGE VEHICLE RIDERSHIP (AVR) is the current number of Employees scheduled to report to work during the window for calculating AVR divided by the number of vehicles arriving at the Worksite during the same window.

(4) BUSINESS TYPE/CLASSIFICATION is the activity type that classifies the primary nature of work conducted at the Worksite.

(5) DISABLED EMPLOYEE means an individual with a physical impairment that prevents the Employee from traveling to the Worksite by means other than a single-occupant vehicle.

(6) EMISSION REDUCTION CREDITS (ERCs) are as defined in subdivision (l) of Rule 1302 – Definitions and also includes the permanent credit issued under Rule 1309(f)(1).

(7) EMISSION REDUCTION TARGET (ERT) is the annual VOC, NOx, and CO emissions required to be reduced based on the number of Employees per Worksite and the Employee Emission Reduction Factor, determined in accordance with the provisions of subdivision (e) of this rule.

(8) EMPLOYEE is any person Employed by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. The term exempts the following in accordance with the Rule 2202 - Definitions: seasonal Employees; temporary Employees; Volunteers; Field Personnel; Field Construction Workers; and Independent Contractors.

(9) EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP) is a compliance option that allows Employers the ability to choose and implement various rideshare strategies included in the ECRP Guidelines at the Worksite.

(10) EMPLOYEE TRANSPORTATION COORDINATOR (ETC) is an individual who has completed a South Coast AQMD certified training course and has been appointed to develop, market, administer, and monitor the Worksite's chosen Rule 2202 compliance option.

(11) EMPLOYER is any person(s), firm, business, educational institution, non-profit agency or corporation, government agency, or other entity that employs 250 or more Employees. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one Employer.

(12) FEDERAL FIELD AGENT means any Employee who is employed by any federal entity whose main responsibility is National Security and performs field enforcement and/or investigative functions. This does not include Employees in non-field or non-investigative functions.

(13) FIELD CONSTRUCTION WORKER means an Employee who reports directly to work at a construction site.

(14) FIELD PERSONNEL means Employees who spend 20% or less of their work time, per week, at the Worksite and who do not report to the Worksite during the peak period for pick-up and dispatch of an Employer-provided vehicle.

(15) INDEPENDENT CONTRACTOR means an individual who enters into a direct written contract or agreement with an Employer to perform certain services and is not on the Employer's payroll.

(16) INTER-POLLUTANT CREDITING means the use of emission credits of one type of pollutant that may be used in lieu of another type of pollutant.

(17) LOW-INCOME EMPLOYEE means an individual whose salary is equal to or less than the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the Employer is based. Higher income Employees may be considered to be "low-income" if the Employees demonstrate that the program strategy would create a substantial economic burden.

(18) MOBILE SOURCE EMISSION REDUCTION CREDITS (MSERCs) are emission credits issued pursuant to Regulation XVI - Mobile Source Offset Programs.

(19) MOTOR VEHICLE means a self-propelled vehicle, consistent with California Vehicle Code 415.

(20) NITROGEN OXIDES (NOx) are nitric oxides and nitrogen dioxides, collectively expressed as nitrogen dioxide.

(21) PART-TIME EMPLOYEE means any Employee who reports to a Worksite on a part-time basis fewer than 32 hours per week, but more than four hours per week. These Employees shall be included in the Employee count for purposes of Rule applicability; and for Average Vehicle Ridership (AVR) calculations of the Employer provided the Employees report to the Worksite during the window for calculating AVR.

(22) PEAK COMMUTE TRIP is any Employee trip from home to work occurring for the purpose of reporting to work during the Peak Window.

(23) PEAK WINDOW is the period of time, Monday through Friday between the hours of 6:00 AM and 10:00 AM, and used in calculating the Vehicle Trip Emission Credit.

(24) PERFORMANCE ZONE is a geographic area that determines the Employee Emission Reduction Factor for a particular Worksite pursuant to the map in Attachment I of this Rule.

(25) POLICE/SHERIFF means any Employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such Employees are only police officers and sheriffs, who perform field enforcement and/or investigative functions. This would not include Employees in non-field or non-investigative functions.

(26) RECLAIM TRADING CREDIT (RTC) is as defined in paragraph (c)(63) of Rule–2000 - General.

(27) SCHOOL means any public or private School, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the School in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A School does not include any private School in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of School property.

(28) SCHOOL DISTRICT means a public agency of the state that is a school district of every kind or class except a community college district, and shall include a County Office of Education.

(29) SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural Employee who is employed for up to a continuous 16-week period.

(30) SHORT TERM EMISSION REDUCTION CREDITS (STERCs) are as defined in subdivision (am) of Rule 1302 – Definitions.

(31) STUDENT WORKER means a student who is enrolled and gainfully employed (on the payroll) by an institution. Student workers who work more than four (4) hours per week are counted for Rule applicability and if they report during the 6:00 AM - 10:00 AM window are counted for

AVR calculation.

(32) TELECOMMUTING occurs when an Employee works from home, off site, a satellite office, or a Telecommuting center which eliminates a commute trip to the Worksite or reduces the commute travel distance by more than 50%.

(33) TEMPORARY EMPLOYEE means any person employed by an employment service or agency that reports to a Worksite other than the employment agency's Worksite, under a contractual arrangement with a temporary Employer. Temporary Employees are only counted as Employees of the temporary agency for purposes of rule applicability and calculating AVR.

(34) VEHICLE MILES TRAVELED (VMT) means the number of miles traveled one-way by a Motor Vehicle for a Worksite commute trip.

(35) VEHICLE TRIP EMISSION CREDITS (VTEC) are the emission reductions that result from the reduction of Peak Commute Trips; other work-related trips; or other District approved method; expressed in pounds per year per pollutant, and determined according to the provisions of subdivision (g) of this Rule.

(36) VOLATILE ORGANIC COMPOUND (VOC) is any volatile compound of carbon, excluding: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds as defined in Rule 102 – Definition of Terms.

(37) VOLUNTEER means any person(s) at a Worksite who, of their own free will, provides goods or services, without any financial gain.

(38) WORKSITE means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same Employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single Worksite, even if they do not have the above characteristics, if they are located within a 2-mile radius and are in the same Performance Zone.

(e) Requirements

An Employer subject to this Rule shall annually register with the District to implement an emission reduction program, in accordance with subdivisions (f) and (g), that will obtain emission reductions equivalent to a Worksite specific Emission

Reduction Target (ERT) specified for the compliance year. The annual ERT shall be determined according to the following equation, for VOC, NOx, and CO, based on Employee Emission Reduction Factors specified in paragraph (m)(1) of this Rule.

$$\begin{bmatrix}\text{Emission}\\ \text{Reduction}\\ \text{Target}\\ (\text{lbs/year})\end{bmatrix} = \left[[\text{Employees}] \times \begin{bmatrix}\text{Employee Emission}\\ \text{Reduction Factor}\end{bmatrix}\right] - \begin{bmatrix}\text{Vehicle Trip}\\ \text{Emission Credit}\end{bmatrix}$$

Where:

Employees	=	Average daily number of Employees reporting to work in the Peak Window for a typical Monday through Friday period excluding those weeks which include a national holiday.
Employee Emission Reduction Factor	=	Determined by year of the registration submittal and the Worksite Performance Zone in paragraph (m)(1) of this rule.
Vehicle Trip Emission Credits	=	Determined according to subdivision (g) of this rule.

(f) On-Road Vehicle Mitigation Options

To comply with subdivision (e), Employers may elect to use one or more of the following emission reduction options:

(1) Mobile Source Emission Reduction Credits (MSERCs)

Any Employer may elect to use Mobile Source Emission Reduction Credits that were issued in accordance with the provisions of Regulation XVI.

(2) Emission Reduction Credits (ERCs)

Any Employer may elect to use Emission Reduction Credits (ERCs) issued in accordance with the provisions of Regulation XIII New Source Review, provided that such credits were approved for transfer into the Rule 2202 program prior to June 6, 2014. ERCs transferred into the Rule 2202 program shall be subject to annual discounting in accordance with the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines.

(3) Short Term Emission Reduction Credits (STERCs) from Stationary Sources

Any Employer may elect to use Short Term Emission Reduction Credits (STERCs) in accordance with the provisions of Regulation XIII, provided such credits were generated from sources after January 1, 1996.

(4) Area Source Credits (ASCs)

Any Employer may elect to use Area Source Credits that were issued in accordance with the provisions of Regulation XXV.

(5) Air Quality Investment Program (AQIP)

Employers may participate in the AQIP by submitting an air quality investment, to be placed in a restricted fund, in accordance with Rule 311 – Air Quality Investment Program (AQIP) Fees.

The District shall use these funds to obtain an emission reduction or air quality benefit that is equivalent to the sum of the ERTs for all participating Employers in the AQIP.

(6) Other Emission Reduction Strategies

Notwithstanding the foregoing provisions, any Employer may receive credit toward an ERT for any emission reduction strategy that the Employer or other person demonstrates to the Executive Officer achieves real, quantifiable, enforceable, and surplus emission reductions for a discrete period of time. Such strategies may include, but are not limited to, the reduction of non-work trips, other vehicle or engine accelerated turnover programs, the provision of new vehicle purchase subsidies or discounts, and local community or development projects that reduce trip or energy demand or that expand clean fuel or high-occupancy travel options. The Executive

Officer shall not approve an alternative emission reduction program unless it is consistent with other District regulations and the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines.

(7) Employee Commute Reduction Program (ECRP)

Any Employer may elect to implement an ECRP that demonstrates conformance with the ECRP Guidelines. Employers must annually submit a program that will meet an Average Vehicle Ridership (AVR) performance requirement of 1.75 for Performance Zone 1; 1.5 for Performance Zone 2; and 1.3 for Performance Zone 3, unless the following conditions are met:

(A) Employers surrender the difference in emission reductions between the Worksite AVR and the Performance Zone requirement through participation in the Air Quality Investment Program (AQIP) or surrendering of equivalent emission credits in accordance with the provisions of subdivisions (f) or (g); or

(B) Employers comply with the good faith effort determination elements described in the ECRP Guidelines. All approved good faith effort elements shall be maintained during the plan compliance year. Deletion or substitution of any good faith effort element is not allowed unless approved in writing by the District.

(g) Vehicle Trip Emission Credits (VTEC)

Employers may elect to implement any of the following strategies and obtain vehicle trip emission credits that can be used to comply with subdivision (e). Such actions are at the sole discretion of the Employer.

(1) Peak Commute Trip Reductions

Employers may receive VTEC from Employee commute reductions that occur during the Peak window in accordance with the Rule 2202 - On- Road Motor Vehicle Mitigation Options Implementation Guidelines. VTEC obtained from Peak Commute Trip reductions shall be determined according to the following equation:

$$\text{VTEC} = \begin{bmatrix}\text{Creditable Commute} \\ \text{Vehicle Reductions (CCVR)}\end{bmatrix} \times \begin{bmatrix}\text{Emission} \\ \text{Factor (EF)}\end{bmatrix}$$

Where:

CCVR = The daily average of total commute vehicle reductions that are real, surplus, and quantifiable.

EF = Annual Emission Factor (pounds/year/daily commute vehicle).

In calculating VTEC for the subsequent year, Employers may utilize data from previous years obtained by one of the following methods:

(A) Default data based on the weighted average of the Average Vehicle Ridership survey data of the previous three consecutive years; or

(B) Data obtained by conducting an Average Vehicle Ridership survey in accordance with the Rule 2202 - Employee Commute Reduction Program Guidelines; or

(C) Data based on the default Average Vehicle Ridership of 1.10; or

(D) Data obtained by an alternative methodology, which may include documentation of the CCVR claimed, approved by the Executive Officer or designee.

(2) Other Work-Related Trip Reductions

Employers may receive additional VTEC from Employee commute reductions that occur outside of the Peak Window or from non-commute vehicle usage calculated as creditable trip reductions and approved by the Executive Officer or designee. VTEC obtained from other work-related trip reductions shall be determined according to the following equation:

$$\text{VTEC} = \left[\frac{\text{Creditable Trip Reductions (CTR)}}{\text{Conversion Factor (CF)}}\right] \times [\text{Emission Factor (EF)}]$$

Where:

CTR = The daily average of one-way trip reductions that are real, surplus, and quantifiable. A round trip is considered to be two one-way trips.

CF = 2.0 for Peak Window trips; 2.3 for other trips.

EF = Annual Emission Factor (pounds/year/daily commute vehicle).

(3) Vehicle Miles Traveled (VMT) Reduction Programs

Subject to approval of the Executive Officer or designee, Employers may elect to implement VMT reduction programs and receive VTEC towards their ERT. Reduction of annual Employee commute VMT may result from employment center relocation, video-conference centers, Telecommuting centers or other alternative programs approved by the Executive Officer or designee. The Executive Officer shall not offer any VTEC for a VMT reduction program unless it includes baseline VMT estimates and demonstrates that VMT reductions result in real, quantifiable, enforceable, and surplus emission reductions.

(4) Parking Cash-Out Program

Employers may elect to implement a Parking Cash-Out Program to reduce employee commutes and receive VTEC toward their ERT. Parking Cash-Out is a program where an Employer offers to provide a cash allowance to an Employee, equivalent to the parking subsidy that the Employer would otherwise pay to provide the Employee with a parking space. Incorporation of the Parking Cash-Out Program as one of the options in Rule 2202, does not relieve the affected parties from complying with the provisions of the Health and Safety Code section 43845.

(h) General Emissions Credit Provisions

The following provisions shall apply to any of the strategies in subdivisions (f) and (g):

(1) An Employer or other person seeking credit under this Rule may use actual annual mileage per vehicle, or alternative estimates of vehicle miles traveled (VMT) contained in Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines.

(2) Emission credit strategies that do not provide the precise amount of surplus emission reductions required for each of the three pollutants addressed by this Rule (VOC, NOx, and CO) may still qualify for equivalent credit if the Employer provides equivalent credits obtained pursuant to paragraph (h)(3).

(3) Any person holding emission credits, other than vehicle trip emission credits (VTEC), pursuant to this Rule may trade some or all of those credits to other Employers.

(4) Emission credits issued pursuant to paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) that have been transferred into the Rule 2202 program, shall not be used to comply with or meet the requirements of any other District rule or program, with the exception of ERCs pursuant to paragraph (f)(2), for which the original ERC certificate may be transferred out of the Rule 2202 program at any time in accordance with the following conditions:

(A) None of the original ERC certificate has ever been used in any discrete year to comply with any requirement of this rule since the initial transfer into the Rule 2202 program;

(B) The applicant submits an application for transfer and applicable fees, and receives approval of the Executive Officer, based on a determination that none of the original ERC certificate has been used. Upon approval by the Executive Office and reissuance of an ERC certificate, the ERCs may be used in any District program

authorizing use of such ERCs except Rule 2202; and,

(C) The amount of ERC certificate to be reissued in pounds per day shall be based on the amount that was transferred into Rule 2202 minus the 10% originally discounted when the ERC was initially transferred into the program.

(5) All emission credits submitted pursuant to subdivision (f) must be valid for a minimum of six (6) months of the Employer's registration compliance year. This provision shall not apply to emission credits generated from projects approved or submitted prior to February 6, 2004.

(6) An Employer may apply inter-pollutant crediting, using VOC or NOx emission credits issued pursuant to subdivision (f), in lieu of all or part of a Worksite's CO emission reduction target in accordance with the Rule 2202 Implementation Guidelines and the following crediting ratios:

1 pound of VOC = 10 pounds of CO

1 pound of NOx = 6 pounds of CO

(7) Emission credits issued pursuant to paragraph (f)(6), but not used in the Rule 2202 program, shall not be used to comply with or meet the requirements of any other District source specific rule unless otherwise authorized by other District rules or programs.

(8) Emission Reduction Credits (ERCs), as defined in paragraph (d)(5), on or after June 6, 2014, cannot be transferred into the Rule 2202 program.

(9) Reclaim Trading Credits (RTCs), on or after June 6, 2014, cannot be transferred into the Rule 2202 program.

(10) Upon rescission of this Rule, any unused emission credits, with the exception of ERCs, may be applied to other emission reduction programs pursuant to and consistent with District rules and regulations. ERCs assigned to, or designated for use in the Rule 2202 program shall be permanently retired and will no longer be available for use unless otherwise specified in paragraph (h)(4).

(i) Program Administration

Rule 2202 shall be administered according to the following:

(1) Employers shall annually register with the District to implement one or more of the emission reduction options in subdivision (f) for each Worksite. The registration shall include the following information:

(A) The name of the highest ranking company official, the name of the contact person, company address, telephone numbers for all participating Worksites;

(B) Effective January 1, 2025, Business Type/Classification as detailed in the Rule 2202 Implementation Guidelines and ECRP Guidelines;

(C) The on-road vehicle mitigation option(s) that will be used;

(D) The total number of Employees that report to work in the Peak Window;

(E) The total number of Employees at that Worksite;

(F) Effective January 1, 2025, the VMT of employees arriving at the Worksite as detailed in the Rule 2202 Implementation Guidelines or ECRP Guidelines;

(G) Effective January 1, 2025, information on Telecommuting practice as detailed in the Rule 2202 Implementation Guidelines or ECRP Guidelines; and,

(H) Calculations for VOC, NOx, and CO emission reductions for any of the on-road vehicle mitigation options in subdivision (f) or the vehicle trip emission credit options in subdivision (g).

(2) Annual registration shall include changes in employment base and any other changes that would necessitate adjustment in emission reduction targets or program implementation.

(3) Annual registration due dates shall remain permanent unless a formal request to change the due date has been submitted by the Employer and approved in writing by the District.

(4) The approved Rule 2202 Registration shall remain in effect until the next annual registration due date.

(5) Effective January 1, 2025, Employers must designate an Employee Transportation Coordinator (ETC) if the Worksite will be conducting and submitting an AVR survey as part of their annual plan submittal. The designated ETC must successfully complete a South Coast AQMD ETC training and certification course.

(6) Employers may request to amend their Emission Reduction Program at any time and implement the amendments with written approval of the Executive Officer subject to the criteria contained in paragraph (i)(1).

(7) Rather than registering with the District for each individual Worksite, an Employer may submit a single registration to implement an Emission Reduction Program that meets the aggregated ERT of several sites.

(8) Emission credits obtained pursuant to subdivision (f) or (g) shall be surrendered to the Executive Officer within the first six months of the approval of the registration forms. The Executive Officer may grant

extensions not to exceed six months on a case-by-case basis upon a finding that earlier compliance would present an unreasonable hardship.

(9) Records which document the accuracy and validity of all information submitted to the District as required by this Rule shall be kept by the Employer for a minimum of three years and made available upon request during normal business hours.

(10) On a semi-annual basis the Executive Officer shall recommend to the District's Governing Board the release of monies from the AQIP restricted fund. The program shall be administered and consideration of proposals shall be subject to the following:

(A) Proposals shall be accepted on an ongoing basis;

(B) Equal consideration shall be given to cost-effective proposals and those that achieve long-term advancement of mobile source technology;

(C) The amount of emission reductions required to demonstrate equivalent emission reductions shall be determined on a semi-annual basis, as the sum of the ERTs for all the participating Employers;

(D) Inter-pollutant crediting may be applied toward the CO emission reductions required to demonstrate equivalent emission reductions in subparagraph (i)(8)(C) in accordance with the crediting ratios specified in paragraph (h)(6);

(E) The allocation of funding shall be recommended for proposals that reduce equivalent emissions within each county proportional to the contribution level of Employers within each county to the greatest extent feasible; and,

(F) The emissions reductions are demonstrated to be real, quantifiable, enforceable, and surplus, in accordance with the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines.

(G) The Executive Officer is authorized to use up to 5% of the AQIP funds collected in any given year for program administration.

(11) Registration forms submitted by Employers shall be subject to the fee schedule set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and Rule 311 – Air Quality Investment Program (AQIP) Fees. Employers choosing to implement the Employee Commute Reduction Program under paragraph (f)(7) shall be subject to the fee schedule set forth in Rule 308.

(12) Any Employer subject to Rule 2202 or to the exemptions of paragraph (f)(7) of this Rule shall comply with the requirements of Rule 701 – Air Pollution Emergency Contingency Actions.

(13) All registrations submitted pursuant to subdivision (e) and projects subject to paragraphs (f)(5) and (f)(6) shall be subject to the emission factors under which they were originally approved, funded, or implemented.

(14) Any person submitting a project pursuant to paragraph (f)(6) shall submit an application as described in the Rule 2202 Implementation Guidelines and shall be subject to the fee schedule set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees.

(15) All emission credit transfers to non-Rule 2202 Employers or any transfer of credits outside of the credit submittal cycle shall be subject to the applicable fee schedule set forth in Regulation III - Fees.

(j) Previously Delegated Programs

Any Employer that is in compliance with an ordinance adopted by a local government that has a trip reduction ordinance that was approved by the District prior to the effective date of this rule, and that has an existing memorandum of agreement with the District, shall be deemed in compliance with this Rule.

(k) Delegation to Local Governments

The District may delegate authority to implement all or part of Rule 2202, except for the provisions of paragraph (f)(5), to any local government that satisfies the following criteria:

(1) The local government adopts an ordinance that is at least as stringent as Rule 2202 in the following areas:

(A) Applicability;

(B) Emission reductions target;

(C) Vehicle trip emission credit calculations;

(D) Annual registration; and

(E) Recordkeeping.

(2) The local government demonstrates to the satisfaction of the Executive Officer that:

(A) It has an implementation plan providing adequate resources to adopt and enforce the ordinance; and

(B) Multiple site Employers with more than one regulated Worksite in the District have the option of complying with the District Rule instead of the local ordinance.

(3) The local government has executed a Memorandum of Understanding with the Executive Officer specifying the procedures to monitor and review performance of the local government in implementing the program, and procedures for revocation of delegation if the Executive Officer determines that performance of the local government is inadequate.

(l) Exemptions

(1) Employee Threshold

Any Employer whose Employee population at the Worksite decreases to fewer than 250 Employees for the prior consecutive six month period, calculated as a monthly average; or fewer than 33 Employees are scheduled to report to work Monday through Friday between 6:00 a.m. – 10:00 a.m. for the prior consecutive 90 days, may submit a written request to the Executive Officer or designee to be exempted from this rule. Employers must submit a registration form not later than 90 days after they know or should have known that they no longer qualify for this exemption.

(2) Declared Bankruptcy

An Employer who has declared bankruptcy, for the official business or governmental operations of its organization or company, through a judicial court filing and confirmation process, may submit a written request to the Executive Officer to grant a temporary waiver from complying with the requirements of this rule. Upon demonstration of the filing and confirmation of bankruptcy, the Executive Officer will grant an exemption for the duration of bankruptcy, not to exceed two years, from the date of the waiver.

(3) Primary and Secondary School Districts and Schools

Any public or private primary or secondary school district or school that buses two students for every one Peak Window Employee at Worksites subject to the Rule is exempt from Rule 2202, according to the following criteria:

(A) School districts and Schools shall keep records demonstrating the maintenance of this ratio on-site and make them available upon request by the Executive Officer or designee; and

(B) On a case-by-case basis, the Executive Officer or designee may approve a request by a School district or School to modify the default student-to-Employee ratio to reflect location, trip length and other School district or School specific busing program characteristics in order to maintain equivalency with emission reductions which would occur if the district or School met its

emission reduction goals under Rule 2202; and

(C) The Executive Officer may periodically update and publish the default student-to-Employee ratio to reflect changes to revised emission factors published by the California Air Resources Board. School districts and Schools may opt not to be exempt but to implement a Rule 2202 program and claim credit for surplus emission credits earned through a student busing program and other Rule 2202 compliance options.

(4) Primary and Secondary School District Financial Hardship

Due to their financial hardship, notwithstanding the criteria of paragraph (l)(3), School districts that have received a Negative or Qualified Certification status from their County Board of Education pursuant to Chapter 6, Part 24 of Division 3 of the Education Code, deeming that based upon current projections the School district or county office of education will not or may not meet its financial obligations, may request the Executive Officer to grant a temporary exemption from the requirements of the Rule. The Executive Officer shall grant a temporary exemption for the period during which the Negative or Qualified Certification status applies.

(5) Police/Sheriff/Federal Field Agents

Employers may exclude Police, Sheriff, or Federal Field Agents from the number of Employees in the Peak Window for Average Vehicle Ridership surveys provided that:

(A) These Employees be included in the Employee count for rule applicability, and

(B) Those Worksites electing to exclude such Employees from the Average Vehicle Ridership surveys and calculations must provide the basic support strategies including, but not limited to, ridematching and transit information for all Employees, and preferential parking and guaranteed return trips for said Employees who are ridesharing.

(6) Persons subject to this rule who are unable to comply with any part of this rule may apply for a variance with the District's Hearing Board in accordance with Regulation V – Procedure Before the Hearing Board.

(m) Emission Factors

The emission factors, which shall be used in calculations pursuant to this Rule, shall be revised upon EPA's final approval for use of the California Air Resources Board (CARB) approved on-road mobile source emission factor (EMFAC) model.

(1) The Employee emission reduction factors (pounds per year per Employee) specified in the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines shall be used in determining the Emission Reduction Target with respect to the Worksite Performance Zone. The Performance Zone is determined by the Worksite location within the geographic boundaries as described in Attachment I of this rule.

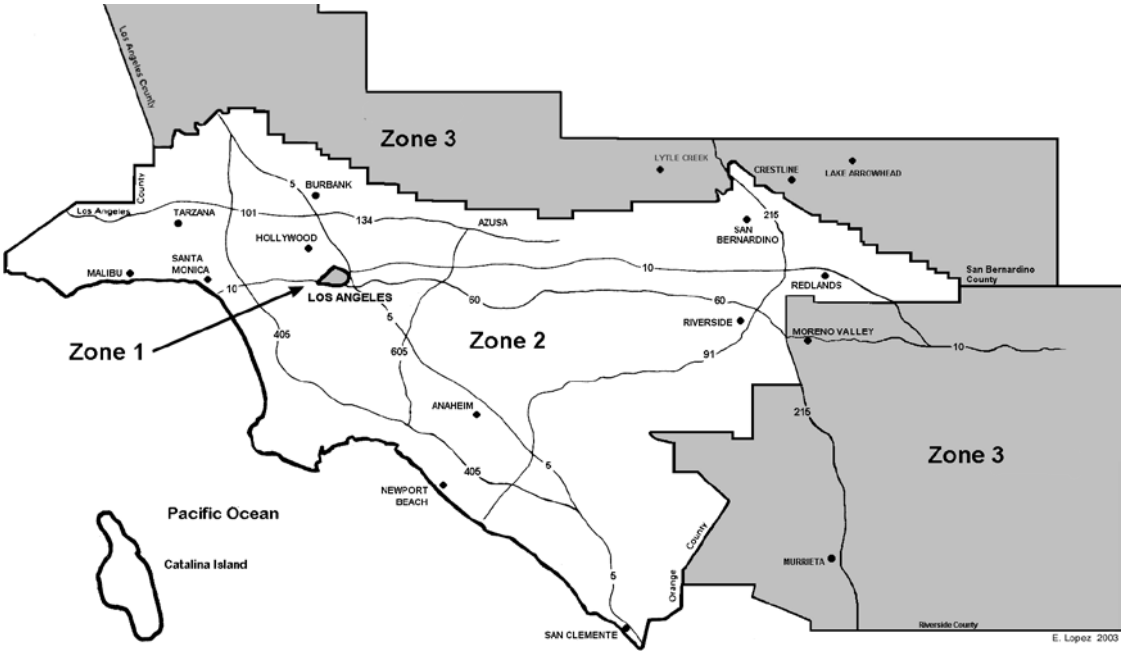
(2) The default emission factors (pounds per year per daily commute vehicle), specified in the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines, may be used in determining vehicle trip emission credits.

(3) The emission factors specified in paragraphs (m)(1) and (m)(2) may be modified to site specific emission factors reflecting vehicle age and trip length characteristics of the Employee vehicle fleet, in accordance with the calculation procedures included in Rule 2202 - On-Road Motor Vehicle Emissions Mitigation Options Implementation Guidelines.

(n) Guidelines

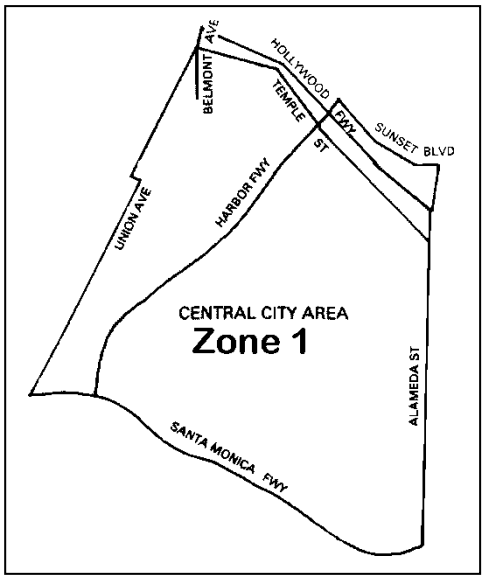
The Executive Officer shall periodically publish updates to the Rule 2202 – On-Road Motor Vehicle Mitigation Options Implementation Guidelines and the Employee Commute Reduction Program Guidelines.

ATTACHMENT I



PERFORMANCE ZONES

- A Worksite's Performance Zone depends on its location.
- District's Source/Receptor Areas are shown in Attachment 3 of Rule 701 - Air Pollution Emergency Contingency Actions.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the District's Source/Receptor Area 1.
- **Zone 2** corresponds to the District's Source/Receptor Areas 1 through 12, 16 through 23, and 32 through 35, excluding the Zone 1 - Central City Area.



- **Zone 3** corresponds to the District's Source/Receptor Areas 13, 15, 24 through 31, and 36 through 38.