

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112 (A) or (B)

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

NOTICE OF FINAL RULEMAKING

PINAL COUNTY

- 1. Sections Affected Rulemaking Action**
Ordinance 121300AQC - Pinal County Area A Travel Reduction Ordinance Amend
- 2. Statutory Authority:**
Generally, see A.R.S. Title 49, Chapter 3, Article 3, which affords the Board of Supervisors authority to adopt rules and implement a permitting program. Specifically, see A.R.S. §§ 49-112, 49-471, 49-479 and 49-480.
- 3. The effective date of the rules:**
January 18, 2002 (30 days after resolution is signed by the Board Chairman)
- 4. A list of all previous notices appearing in the Register addressing the final rules:**
See 6 A.A.R.. 4204, November 3, 2000, Notice of Public Information
See 6 A.A.R.. 4207, November 3, 2000, Combined Notice of Proposed Rule Adoption and Notice of Public Hearing
See 7 A.A.R. 5084, November 2, 2001, Combined Notice of Proposed Rule Adoption and Notice of Public Hearing
- 5. Name and address of the person with whom persons may communicate regarding the rulemaking:**

Name	Donald P. Gabrielson, Director
Address:	Pinal County Air Quality Control District P.O. Box 987 Florence, Arizona 85232
Telephone:	(520) 868-6929
Fax:	(520) 868-6967
E-mail:	don.gabrielson@co.pinal.az.us
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**
Under A.R.S. § 49-474.01, Pinal County must adopt and enforce a travel reduction ordinance in "Area A."

These changes approved by the Pinal County Board of Supervisors amend the existing Pinal County Travel Reduction Ordinance, by clarifying the relationship between Pinal County program and the "task force" appointed by the Maricopa County Board of Supervisors. The current changes also adopt penalty provisions that may apply to those who choose not to comply with the Pinal County ordinance.
- 7. A list of all studies regarding evaluation of or justification for the proposed revisions.**
None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. A summary of the economic, small business and consumer impact statement**
Persons affected by this action will be those individuals and entities that are required to participate in the Travel Reduction Program in Pinal County. The costs to the County, as a political subdivision, will be those continuing costs

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

required to administer the travel reduction program. On the other hand, the County has corresponding authority to collect permit fees and request grant funding, which will balance out the costs to the County for rulemaking and administration of the transportation reduction program.

The costs to affected businesses will reflect the program administration costs for survey distribution and implementation of control measures. An approved travel reduction plan will enable major employers to stay in compliance with the requirements of the travel reduction program.

This action will have no effect on state revenues.

Given the legislative mandate for a Transportation Reduction Program in Area A, the County does not know of any less intrusive or less costly alternative methods of achieving the purpose of this action.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Added 1. (B) In Pinal county to Item #1 - to clarify the applicable area of the ordinance.

11. A summary of the principal comments and the agency's response to them:

One individual attended the public workshop on November 27, 2001, and was not opposed to the amendments to the Pinal County Area A Travel Reduction Ordinance. No one spoke at the public hearing on December 19, 2001.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their locations in the rules:

None

14. Was the rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

Pinal County Area A Travel Reduction Ordinance

As Amended December 19, 2001

(Originally Adopted December 13, 2000)

Whereas A.R.S. § 49-474.01.B requires that the Pinal County Board of Supervisors make and enforce an ordinance consistent with the provisions of A.R.S. § 49-588 to encourage the reduction of the commuter use of motor vehicles by employees of the county and employees whose place of employment is within Area A;

Whereas, the Pinal County Board of Supervisors finds that the legislature intended that the aforementioned requirement should apply only to employees of the county whose place of employment is in Area A;

Whereas, the Pinal County Board of Supervisors finds that in defining "major employer" in A.R.S. § 49-581, the legislature intended that "a single work site" means a single parcel of land, or one or more adjoining parcels, including parcels separated by a right-of-way;

Whereas, A.R.S. §11.251.01 provides that the Board of Supervisors may impose penalties for the violation of ordinances; Now therefore, by this Ordinance the Pinal County Board of Supervisors hereby:

1. Establishes the Pinal County Travel Reduction Program, which shall have effect in Area A as defined by A.R.S. § 49-541 1.(b) In Pinal county;
2. Incorporates by reference the Travel Reduction Program definitions set forth at A.R.S. § 49-581; ~~and the definition of the Travel Reduction program regional task force ("Task Force") set forth in A.R.S. §49-582;~~
3. Appoints the Director of the Air Quality Division of the Pinal County Department of Health and Human Services, or his designee, as Pinal County's Travel Reduction Plan Program Coordinator ("Program Coordinator");

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

4. Directs that ~~to the extent that~~ affected employers in Pinal County must provide information ~~to the task force, those employers shall provide that information to the Program Coordinator, who shall aggregate and transmit that information to the task force at a time and in a manner consistent with the objectives set forth in A.R.S. § 49-474.01.B;~~
 5. Requires that each year, each major employer, meaning an employer in Area A having fifty or more employees working at or reporting to a single work site during any twenty-four hour period for at least three days per week at least six months of the year shall:
 - A. Provide each regular employee with information on alternate mode options and travel reduction measures. This information shall also be provided to new employees at the time of hiring.
 - B. Participate in a survey and reporting effort as directed by the Program Coordinator on behalf of the task force. The results of this survey shall form a baseline against which attainment of the targets in Paragraph 9 below shall be measured as follows:
 - (1) The baseline for participation in alternative modes of transportation shall be based on the proportion of employees commuting by single occupancy vehicles.
 - (2) The baseline for vehicle miles traveled shall be the average vehicle miles traveled from place of residence to work per employee for employees not residing on the work site.
 - C. Prepare ~~and submit~~ a travel reduction plan for submittal to the Program Coordinator as the representative of the task force. The Program Coordinator shall assist in preparing the plan. Major employers shall submit plans within nine weeks after they receive survey data results. The plan shall contain the following elements:
 - (1) The name of the designated transportation coordinator.
 - (2) A description of employee information programs and other travel reduction measures which have been completed in the previous year.
 - (3) A description of additional travel reduction measures to be undertaken by the major employer in the coming year. The following measures may be included:
 - (i.) A commuter matching service to facilitate employee ridesharing for work trips.
 - (ii.) Provision of vans for vanpooling.
 - (iii.) Subsidized carpooling or vanpooling which may include payment for fuel, insurance or parking.
 - (iv.) Use of company vehicles for carpooling.
 - (v.) Provision for preferential parking for carpool or vanpool users which may include close-in parking or covered parking facilities.
 - (vi.) Cooperation with other transportation providers to provide additional regular or express service buses to the work site.
 - (vii.) Subsidized bus fares.
 - (viii.) Construction of special loading and unloading facilities for transit and carpool and vanpool users.
 - (ix.) Cooperation with political subdivisions to construct walkways or bicycle routes to the work site.
 - (x.) Provision of bicycle racks, lockers and showers for employees who walk or bicycle to and from work.
 - (xi.) Provision of a special information center where information on alternate modes and other travel reduction measures is available.
 - (xii.) Establishment of a full-time or part-time work at home program for employees.
 - (xiii.) Establishment of a program of adjusted work hours which may include telecommuting, compressed workweeks or staggered work hours. Work hour adjustments should not interfere with or discourage the use of ridesharing and transit.
 - (xiv.) Establishment of a program of parking incentives such as a rebate for employees who do not use the parking facility.
 - (xv.) Incentives to encourage employees to live closer to work.
 - (xvi.) Implementation of other measures designed to reduce commute trips such as the provision of day care facilities or emergency taxi services.
 - (xvii.) Incentives for use of reduced emission vehicles.
6. Requires that all employers in area A with one hundred or more employees at a single work site shall notify their employees of the employees' duty to comply with the requirements of section 49-542, namely the requirement that vehicles used to commute to a place of work in Area A comply with relevant vehicle emission testing requirements. ~~Based upon the standard form prepared by the task force, the~~ The Program Coordinator shall prepare and make available a standard information form for use by all employees of those employers.
7. Designates that except as provided in Paragraph 10 below, an approvable travel reduction plan shall meet all of the following criteria:
 - A. The plan shall designate a transportation coordinator.
 - B. The plan shall describe a mechanism for regular distribution of alternate mode transportation information to employees.
 - C. For employers that in any year meet or exceed annual regional targets for travel reduction, the plan shall accurately and completely describe current and planned travel reduction measures.

- D.** For employers that, in any year, fall below the regional targets for travel reduction, the plan shall include commitments to implement:
- (1) At least two specific travel reduction measures in the first year of the regional program.
 - (2) At least three specific travel reduction measures in the second year of the regional program.
8. Directs that after the second year, and annually thereafter, the Program Coordinator shall review the individual travel reduction programs, and assess their effectiveness. For employers not meeting regional targets, the Program Coordinator may recommend additional measures to such employer. ~~The Program Coordinator shall report the results of those reviews, and a report of any additional measures recommended, to the task force.~~
9. Directs that employers shall implement all travel reduction measures they consider necessary to attain the following reduction targets in the proportion of employees commuting by single occupancy vehicles or commuter trip vehicle miles travel reductions per regulated work site:
- A.** Five per cent reduction in the proportion of employees commuting by single occupancy vehicles as determined in the annual survey in the first year, except that in area A the reduction shall be ten per cent.
 - B.** In the second, third, fourth and fifth years an additional five per cent reduction in the proportion of employees commuting by single occupancy vehicles as determined in the annual survey, except that in area A the reduction shall be ten per cent. If the percentage of employees commuting in single occupancy vehicles is sixty per cent or less, additional reductions are not required.
10. Directs that notwithstanding any other requirements, a major employer may be in compliance with the requirements of Paragraphs 5, 7 and 9 above, by submitting a plan that demonstrates achievement of emissions reductions equivalent to those that would have been obtained through compliance with the requirements of Paragraph 9 above. Emissions reductions achieved for the purpose of compliance with this subsection shall be in addition to any other emissions reductions that are otherwise required by law, rule, ordinance or permit. The plan may contain any of the following measures to achieve emissions reductions:
- A.** Voluntary polluting vehicle trade-outs only if both of the following conditions are met:
 - (1) Vehicles are not crushed.
 - (2) The program applies only to vehicles owned by the major employer or its employees.
 - B.** Use of clean on-road vehicles.
 - C.** Use of clean off-road mobile equipment.
 - D.** Remote sensing.
 - E.** Other mobile source emissions reductions.
 - F.** Emissions reductions from stationary sources.
 - G.** Peak commute trip reductions.
 - H.** Other work-related trip reductions.
 - I.** Vehicle miles traveled reduction programs.
 - J.** Fuel additives which have been shown to reduce hydrocarbon, carbon monoxide or particulate matter emissions of significant polluting on-road vehicles, off-road mobile sources or area sources by twenty per cent or more.
11. Violations
- A.** Failure by a major employer to meet travel reduction goals as prescribed in this ordinance does not constitute a violation if the major employer is attempting in good faith to meet the goals.
 - B.** Except as provided in subsection A above, any affected employer, meaning one other than an employer voluntarily participating in this program, who violates the requirements of this ordinance is subject to a fine not to exceed one hundred dollars for the first violation, two hundred dollars for a second violation within one year, and three hundred dollars for each additional violation within one year. Violations of this ordinance that continue for more than one day constitute separate violations on each day.
 - C.** Violations of any of the following requirements may subject an affected major employer to increased fines, up to the maximum fine for a Class I misdemeanor:
 - (1) Failure to collect or supply information requested.
 - (2) Failure to disseminate information on alternate modes and other travel reduction measures as specified in this article.
 - (3) Failure to designate a transportation coordinator
 - (4) Failure to submit an approvable travel reduction plan.
 - (5) Failure to implement an approved plan within the time schedule provided or failure to perform a revision of a plan as required.