

Introduced by Senator Emmerson
(Principal coauthor: Assembly Member Huffman)

February 17, 2011

An act to add Section 65081 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 582, as introduced, Emmerson. Commute benefit policies.

Existing law requires transportation planning agencies to undertake various transportation planning activities, including preparation of a regional transportation plan. Existing law requires transportation planning agencies that are designated under federal law as metropolitan planning organizations to include a sustainable communities strategy as part of the regional transportation plan for their region. Existing law creates air quality management districts with various responsibilities relative to reduction of air pollution.

This bill, beginning on January 1, 2013, would authorize a metropolitan planning organization, in partnership with the local air quality management district, to adopt a commute benefit ordinance that requires covered employers operating within the common jurisdiction of the organization and district with 20 or more covered employees to offer those employees certain commute benefits. The bill would require that the ordinance specify certain matters, including any consequences for noncompliance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65081 is added to the Government Code,
2 to read:

3 65081. (a) It is the intent of the Legislature to encourage
4 metropolitan planning organizations and local air quality
5 management districts to work with local employers to adopt
6 policies that encourage commuting by means other than the
7 single-occupancy vehicle.

8 (b) On or after January 1, 2013, a metropolitan planning
9 organization, in partnership with the local air quality management
10 district, may adopt a commute benefit ordinance that requires
11 covered employers with 20 or more covered employees operating
12 within the common jurisdiction of the organization and district to
13 offer all covered employees one of the following choices:

14 (1) A pretax option: a program, consistent with Section 132(f)
15 of the Internal Revenue Code, allowing covered employees to elect
16 to exclude from taxable wages employee commuting costs incurred
17 for transit passes or vanpool charges, or bicycle commuting, up to
18 the maximum amount allowed by federal tax law.

19 (2) Employer-paid benefit: a program whereby the covered
20 employer covers the monthly cost of commuting via a public transit
21 system requested by each covered employee or reimburses each
22 covered employee's qualified vanpool charges.

23 (3) Employer-provided transit: transportation furnished by the
24 covered employer at no cost to the covered employee in a vanpool
25 or bus, or similar multipassenger vehicle operated by or for the
26 employer.

27 The commute benefit ordinance shall provide covered employers
28 with at least six months to comply after the ordinance is adopted.

29 (c) A commute benefit ordinance adopted pursuant to this
30 section shall specify all of the following: (1) how the implementing
31 agencies will inform covered employers about the ordinance, (2)
32 how compliance with the ordinance will be demonstrated, and (3)
33 any consequences for noncompliance.

34 (d) As used in this section, the following terms have the
35 following meanings:

36 (1) "Covered employer" means any employer for which an
37 average of 20 or more employees per week perform work for
38 compensation within the jurisdiction where the ordinance adopted

1 pursuant to this section operates. In determining the number of
2 employees performing work for an employer during a given week,
3 only employees performing work on a full-time basis shall be
4 counted.

5 (2) “Covered employee” means an employee who performed
6 at least 10 hours of work per week within the previous calendar
7 month within the jurisdiction where the ordinance adopted pursuant
8 to this section operates.