

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 582

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 amended, 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~~ *jointly* with the local air quality management district, to adopt a commute benefit ordinance that requires covered employers operating within the common ~~jurisdiction area~~ of the organization and district with ~~20 or more a~~ *specified number of* covered employees to offer those employees certain commute benefits. The bill would require that the ordinance specify certain matters, including any consequences for noncompliance. *The bill would provide for the ordinance to be adopted by the county transportation commission rather than the metropolitan planning organization in those counties where the Southern California*

Association of Governments is the designated metropolitan planning organization.

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 driving alone.~~

8 (b) ~~On~~ *Notwithstanding Section 40717.9 of the Health and Safety*
9 *Code, and except as otherwise provided in subdivision (e), on or*
10 *after January 1, 2013, a metropolitan planning organization, in*
11 ~~partnership with the~~ *and a local air quality management district,*
12 ~~may with respect to the common area within their respective~~
13 *jurisdictions may jointly adopt a commute benefit ordinance that*
14 *requires covered employers with 20 or more covered employees*
15 *operating within the common jurisdiction area of the organization*
16 *and district to offer all covered employees one of the following*
17 *choices:*

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

23 (2) Employer-paid benefit: a program whereby the covered
24 employer ~~covers~~ *offers employees a subsidy to offset* the monthly
25 cost of commuting via a public transit system ~~requested by each~~
26 ~~covered employee or reimburses each covered employee's qualified~~
27 ~~vanpool charges. or by vanpool. In 2013, the subsidy shall be equal~~
28 *to either the monthly cost of commuting via transit or vanpool, or*
29 *seventy-five dollars (\$75), whichever is lower. This amount shall*
30 *be adjusted annually consistent with the California Consumer*
31 *Price Index.*

32 (3) Employer-provided transit: transportation furnished by the
33 covered employer at no cost, *or low cost as determined by the*

1 *metropolitan planning organization*, to the covered employee in
2 a vanpool or bus, or similar multipassenger vehicle operated by
3 or for the employer.

4 (c) *An employer offering, or proposing to offer, an alternative*
5 *commuter benefit on the employer's own initiative, or an employer*
6 *otherwise required to offer an alternative commuter benefit as a*
7 *condition of a lease, original building permit, or other similar*
8 *requirement, if the alternative is not one of the options identified*
9 *in subdivision (b), may seek approval of the alternative from the*
10 *metropolitan planning organization. The metropolitan planning*
11 *organization may approve an alternative if it determines that the*
12 *alternative provides at least the same benefit in terms of reducing*
13 *single-occupant vehicle trips as any of the options in subdivision*
14 *(b). An employer that offers an approved alternative to covered*
15 *employees in a manner otherwise consistent with this section is*
16 *not required to offer one of the options in subdivision (b).*

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

19 ~~(e)~~

20 (d) A commute benefit ordinance adopted pursuant to this
21 section shall specify all of the following: (1) how the implementing
22 agencies will inform covered employers about the ordinance, (2)
23 how compliance with the ordinance will be demonstrated, ~~and (3)~~
24 (3) *the procedures for proposing and the criteria that will be used*
25 *to evaluate an alternative commuter benefit pursuant to subdivision*
26 *(c), and (4) any consequences for noncompliance.*

27 (e) *In the region served by the multicounty transportation*
28 *planning agency described in Section 130004 of the Public Utilities*
29 *Code, the county transportation commission created in each county*
30 *within that region, rather than the multicounty transportation*
31 *planning agency, shall be the agency authorized to adopt the*
32 *commute benefit ordinance pursuant to subdivision (b) in*
33 *conjunction with the local air quality management district.*

34 (f) *Nothing in this section shall limit or restrict the statutory or*
35 *regulatory authority of a metropolitan planning organization or*
36 *air quality management district.*

37 ~~(d)~~

38 (g) As used in this section, the following terms have the
39 following meanings:

1 (1) “Covered employer” means any employer for which an
2 average of 20 or more employees per week perform work for
3 compensation within the ~~jurisdiction~~ *area* where the ordinance
4 adopted pursuant to this section operates, *except that a metropolitan*
5 *planning organization, at its option, may provide for the ordinance*
6 *to apply solely to employers with 50 or more employees otherwise*
7 *meeting the requirements of this paragraph.* In determining the
8 number of employees performing work for an employer during a
9 given week, only employees performing work on a full-time basis
10 shall be counted.

11 (2) “Covered employee” means an employee who performed
12 at least ~~10~~ 20 hours of work per week within the previous calendar
13 month within the ~~jurisdiction~~ *area* where the ordinance adopted
14 pursuant to this section operates.