



1995 SENATE BILL 137

April 12, 1995 - Introduced by Senators PANZER, COWLES, ANDREA, PETAK, HUELSMAN, FARROW, ROSENZWEIG, DARLING and PLEWA, cosponsored by Representatives HOVEN, LAZICH, DUFF, JENSEN, POWERS, WALKER and GUNDERSON. Referred to Committee on Environment and Energy.

1 **AN ACT** *to renumber and amend* 144.3712 (2) and 144.3712 (3); and *to create*
2 144.3712 (2) (b), 144.3712 (3) (b) and (c) and 144.3712 (4) and (5) of the statutes;
3 **relating to:** the employe trip reduction program and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

The federal clean air act requires a state that contains an area that is classified as a severe ozone nonattainment area to require employers in that area to implement a program to reduce work-related vehicle trips and miles traveled by employes. The employe trip reduction program (also called the employe commute options program) must require each employer of 100 or more persons in the area to increase passenger occupancy per vehicle in commuting trips during peak travel periods. The program must also require each of those employers to submit a compliance plan by November 15, 1994, that shows that the employer will comply with the requirements of the program no later than November 15, 1996. States that do not comply with requirements of the clean air act may be subject to penalties, including the loss of certain federal highway funds.

Current state law requires the department of natural resources (DNR) to promulgate rules for an employe trip reduction program that is consistent with federal law. This bill requires DNR to promulgate rules that establish reasonable limits on the expenses that an employer may be required to incur for the employe trip reduction program. This bill provides that an employer is considered to meet the requirements of the employe trip reduction program if the employer has an approved compliance plan for the program and makes reasonable efforts to implement the compliance plan. This bill authorizes an employer to submit and implement a plan for an alternate way to achieve air quality benefits similar to an employe trip reduction compliance plan or to reduce emissions of volatile organic compounds by 1.3 times the amount that would be achieved by an employe trip reduction

compliance plan instead of submitting and implementing an employe trip reduction compliance plan. The bill authorizes the secretary of natural resources to suspend the employe trip reduction program in this state if the federal requirement to implement the program is suspended or terminated.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 144.3712 (2) of the statutes is renumbered 144.3712 (2) (a) and
2 amended to read:

3 144.3712 (2) (a) The department shall promulgate by rule requirements for
4 employers who are located in areas described under sub. (1) (a) or (b) to implement
5 programs to reduce work-related trips and miles traveled by employes. The
6 department shall develop the rules in accordance with 42 USC 7511a (d) (1) (B) and
7 the guidance issued by the administrator of the federal environmental protection
8 agency under 42 USC 7408 (f). ~~The rules shall require that each employer who~~
9 ~~employs 100 or more persons in an area described under sub. (1) (a) or (b) increase~~
10 ~~average passenger occupancy per vehicle in commuting trips between home and~~
11 ~~workplace during peak travel periods by not less than 25% above the average~~
12 ~~passenger occupancy per vehicle for all such trips in the area as of November 15,~~
13 ~~1992, or any later date specified by the federal environmental protection agency.~~

14 **SECTION 2.** 144.3712 (2) (b) of the statutes is created to read:

15 144.3712 (2) (b) The rules under par. (a) shall establish reasonable limits on
16 the direct and indirect expenses that an employer may be required to incur to comply
17 with the rules. The rules shall specify a limit for each of the following:

18 1. The maximum annual expenses for each worksite subject to the rules.

1 2. The maximum annual expenses for each employe subject to the rules at a
2 worksite.

3 **SECTION 3.** 144.3712 (3) of the statutes is renumbered 144.3712 (3) (a) and
4 amended to read:

5 144.3712 (3) (a) If Except as provided under sub. (4) or (5), if an employer is
6 located in an area that is described before November 15, 1993, by the department
7 under sub. (1) (a) or (b) and is subject to the rules promulgated under sub. (2), the
8 employer shall submit to the department, no later than November 15, 1994, a plan
9 that demonstrates that the employer will comply with the rules no later than
10 November 15, 1996.

11 **SECTION 4.** 144.3712 (3) (b) and (c) of the statutes are created to read:

12 144.3712 (3) (b) The department may not require as a condition of approving
13 a compliance plan that an employer incur annual expenses greater than the limits
14 established under sub. (2) (b).

15 (c) Notwithstanding any other provision of this section, an employer is
16 considered to meet the requirements of this section if the employer's compliance plan
17 is approved by the department and the employer makes reasonable efforts to
18 implement the compliance plan.

19 **SECTION 5.** 144.3712 (4) and (5) of the statutes are created to read:

20 144.3712 (4) **ALTERNATIVE CONTROL PLAN.** (a) Instead of submitting a
21 compliance plan under sub. (3) (a), an employer may submit to the department a plan
22 for an alternate control program that provides for any of the following:

23 1. Air quality benefits similar to a compliance plan under sub. (3) (a), as
24 determined by the department.

