

Chapter NR 486

EMPLOYEE COMMUTE OPTIONS PROGRAM

NR 486.01 Applicability; purpose.
 NR 486.02 Definitions.
 NR 486.03 General requirements; exceptions.
 NR 486.04 Notification; registration.
 NR 486.05 Employee transportation coordinator.
 NR 486.06 Employee commute options compliance plans and surveys.

NR 486.07 Compliance plan submittal deadline.
 NR 486.08 Compliance plan review, approval and disapproval process.
 NR 486.09 Annual employee commute options compliance plan renewal.
 NR 486.10 Averaging; trading.
 NR 486.11 Recordkeeping and monitoring.
 NR 486.12 Enforcement procedures and penalties.

Note: On April 28, 1996, the governor suspended enforcement of this chapter by the department pursuant to s. 285.33 (5) (b), Stats.

NR 486.01 Applicability; purpose. (1) **APPLICABILITY.** This chapter applies to all employers with worksites of 100 or more employees in the Wisconsin severe ozone nonattainment area, pursuant 42 USC 7511a (d) (1) (B).

(2) **PURPOSE.** The purpose of this chapter is to establish, pursuant to s. 285.33, Stats., requirements for the development of an employee commute options program, otherwise referred to as an employee trip reduction program.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (2), Register, December, 1994, No. 468, eff. 1-1-95; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1997, No. 493.

NR 486.02 Definitions. The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) “Affected area” means Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha counties.

(2) “Affected employee” means an employee who reports on a regular schedule to a worksite of 100 or more employees during the peak travel period.

(3) “Affected employer” means any person, firm, business, educational institution, the state, a political subdivision of the state, the federal government, nonprofit agency or corporation, or other entity which employs a weekly average of 100 or more employees during one ozone season at a worksite within the affected area.

(4) “Alternative means of commuting” means travel between an employee’s place of residence and primary worksite other than in a vehicle occupied by one person. Alternative means of commuting include but are not limited to the use of public transit, carpools, vanpools, buspools, bicycling, walking, telecommuting and compressed work schedules which are designed to reduce the number of days per week an employee must travel to work.

(5) “Average passenger occupancy” means the number of affected employees reporting to a worksite during the peak travel period divided by the number of vehicles in which those employees report as determined by the survey information described under s. NR 486.06 (3).

(6) “Base average vehicle occupancy rate” means the number of employees reporting to all employers in the affected area during the peak travel period divided by the number of vehicles in which those employees report, as determined in 1992 from travel survey results submitted by the department and approved by the U.S. environmental protection agency. The base average vehicle occupancy rate for the affected area is 1.12.

(7) “Buspool” means a contracted bus service, usually administered by employers or employees, and typically involving limited pickup and destination stops, guaranteed seats, and advance reservations and ticket issuance.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

(8) “Carpool” means a group of 2 to 4 persons commuting to and from work in a vehicle.

(9) “Clean fuel vehicle” means a vehicle that operates on liquid petroleum gas, methanol, compressed natural gas or electricity or which has been certified by the department as a clean fuel vehicle meeting low emission, ultra low emission or zero emission vehicle standards.

(10) “Commuter transportation incentive or disincentive” means the financial benefits, amenities or other strategies employers develop in their employee commute options compliance plans which encourage or facilitate employees to use alternative means of commuting and which discourage single occupancy vehicle travel. Commuter transportation incentives include but are not limited to the compliance plan options described in s. NR 486.06 (2) (h).

(11) “Compliance plan” means the employee commute options program plan required under this chapter and described in s. NR 486.06.

(12) “Compressed work schedule” means a work schedule which reduces the number of days an employee is required to travel to a worksite. Examples of a compressed work schedule include but are not limited to: 4 10-hour work days per week; 3 12-hour work days per week; and 8 9-hour work days plus one 8-hour work day in a 2 week period.

(13) “Employee” means any person who is employed by an affected employer and who reports to a worksite that is owned or operated by that employer. The term “employee” includes full-time and part-time employees, and temporary employees not substituting for absentee permanent employees, who work at least 440 hours during the ozone season, but does not include volunteers.

(14) “Employee transportation coordinator” means a person who has completed department approved training on employee commute options and who has primary responsibility for developing and coordinating the alternative means of commuting strategies in an affected employer’s compliance plan.

(15) “Guaranteed ride home” means transportation provided by the employer for employees who rideshare when the employee experiences unforeseen overtime, emergency, illness or other situations which prevent the employee from meeting the employee’s alternative means of commuting schedule.

(16) “Peak travel period” means the time from 6 a.m. to 10 a.m. Monday to Friday.

(17) “Public transit” means transportation by bus, shared-ride taxicab, rail, or other conveyance, either publicly or privately owned, that provides the public with general or special service on a regular and continuing basis and is a funded program under s. 85.20, Stats.

(18) “Target average passenger occupancy rate” means the average passenger occupancy rate which affected employers shall

meet. It is the base average vehicle occupancy rate multiplied by 1.25. The target average passenger occupancy rate for the affected area is 1.4 passengers per vehicle.

(19) "Telecommuting" means an employee working at the employee's residence using electronic communication or other means to perform job functions which would otherwise be performed at the worksite.

(20) "Transportation allowance" means a financial fringe benefit provided by the employer which is used by an employee to purchase transportation services for commuting to the worksite.

(21) "Vanpool" means a group of 5 or more persons commuting to and from work in a vehicle designed to carry not more than 15 adult passengers.

(22) "Worksite" means a place of employment or base of operation of an employee within the affected area. Where places of employment or bases of operation of employees are adjacent or separated only by a private or public roadway or other private or public right-of-way, and where those places of employment or bases of operation are owned or operated by the same employer or by employers under common control as described in s. NR 486.03 (1), those places of employment or bases of operation shall be considered a single worksite.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (2) to (5), (9) to (11), (13), (14), (16) and (22), Register, December, 1994, No. 468, eff. 1-1-95; correction in (10) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527.

NR 486.03 General requirements; exceptions. (1) GENERAL REQUIREMENTS. Each affected employer shall comply with the requirements of this chapter at each affected worksite. Each affected employer shall submit and implement a plan to increase the average passenger occupancy rate of its affected employees to not less than 1.4 passengers per vehicle by November 15, 1996 or within 2 years of the employer's initial compliance plan submittal if it is due after November 15, 1994. For purposes of this chapter, if several subsidiaries or units occupy the same worksite and report to one common governing board or governing entity, they are considered to be one employer, unless they are operated and managed separately and distinctly.

(2) **EXCEPTIONS.** The following exceptions shall apply to the requirements of this section:

(a) An affected employer is not required to comply with the employee commute options requirements of this chapter for a worksite if the affected employer demonstrates to the department's satisfaction that a weekly average of 33 or fewer employees report to the worksite during the peak travel period of the ozone season.

(b) A separate worksite, including a worksite of an affected employer, which has during the ozone season a weekly average of fewer than 100 employees is not subject to the requirements of this chapter.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (1), (2) (a) and (b), Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.04 Notification; registration. (1) NOTIFICATION. The department shall use the following means to notify affected employers of the requirements of this chapter:

(a) The department shall obtain mailing lists which contain the names, addresses and number of employees, if known, of employers with 100 or more employees in the affected area and mail information to the employers about the employee commute options program.

(b) After mailing the information under par. (a) the department shall publish notifications of the employee commute options program and registration requirements of this chapter in newspapers having a circulation in the affected area counties.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

(2) **REGISTRATION.** Affected employers shall use the following registration procedures:

(a) Affected employers located in the affected area prior to November 15, 1993 shall within 60 days of receipt of registration forms from the department submit the completed forms to the department. Affected employers which have not received the registration forms shall obtain the forms from the department and submit the completed forms within 60 days after publication of the registration requirements in newspapers having a circulation in the affected area counties. The information required on the registration forms shall include the following:

1. The name and address of the employer.
2. The name, address and telephone number of the person or persons designated to receive the compliance plan forms required under s. NR 486.06.
3. The address of each worksite in the affected area employing 100 or more employees at a single worksite and the number of employees at each worksite.
4. Other information as may be necessary to implement the requirements of this chapter.

(b) Employers who become affected employers on or after November 15, 1993 shall register with the department within 60 days of qualifying as an affected employer.

Note: The forms referred to in this section are available on request from the following address: Wisconsin Department of Natural Resources, Bureau of Air Management, Employee Commute Options Program, PO Box 7921, Madison WI 53707.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a) and (b), Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.05 Employee transportation coordinator.

(1) **GENERAL REQUIREMENTS.** Each affected employer shall designate and register with the department at least one person as an employee transportation coordinator for the employer. One coordinator may be designated for more than one worksite of an affected employer. A coordinator may be a person under contract to the affected employer. The coordinator shall register for and complete a primary training program approved by the department. The coordinator shall complete the primary training program prior to the development and submittal of the compliance plan to the department under ss. NR 486.06 and 486.07. If the only designated coordinator terminates employment with the employer or terminates his or her designated coordinator status, the employer shall designate and register another coordinator with the department within 60 days of the termination. If the affected employer's coordinator does not report to the affected worksite a minimum of half-time, the department may require assurances that staff resources at the worksite are sufficient to implement the alternative means of commuting in an approved compliance plan.

(2) **PRIMARY EMPLOYEE TRANSPORTATION COORDINATOR TRAINING.** The coordinator training program shall include but not be limited to the following:

- (a) Training on the requirements of this chapter.
- (b) Training on the sections of the clean air act pertaining to the employee commute options program included in 42 USC 7511a (d) (1) (B).
- (c) Information on the contribution of vehicle emissions to the severe ozone air quality problem in the affected area.
- (d) Training on the correct procedures for completing and submitting department employee commute options compliance plan forms.
- (e) Training on evaluating effective alternative means of commuting based on characteristics of the employer worksite and the travel and work characteristics of the affected employees.
- (f) Training on the effective promotion of the alternative

means of commuting strategies in the employer's compliance plan.

(g) Information on alternative commuting strategies which will assist affected employers in achieving and maintaining their target average passenger occupancy rate.

(3) SUBSEQUENT TRAINING. The employee transportation coordinator shall attend subsequent training on the employee commute options program as may be required by the department but not more frequently than every 2 years.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (b) and (d), (3), Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.06 Employee commute options compliance plans and surveys. **(1) COMPLIANCE PLAN SUBMITTAL.** (a) Affected employers shall complete and submit compliance plans to the department using forms provided by the department.

(b) Separate worksites of the same affected employer which are within 2 miles of each other may submit a combined compliance plan upon prior approval of the department.

(c) Two or more affected employers may submit a combined compliance plan upon prior approval of the department for separate worksites which are located within 2 miles of each other. Each affected employer submitting a combined compliance plan shall comply with sub. (2) (b).

(2) COMPONENTS OF A COMPLIANCE PLAN. The department's bureau of air management shall provide general guidance to assist employers in understanding the requirements of the employee commute options program, including guidance related to the completion of forms that must be submitted as part of an affected employer's compliance plan. The compliance plans submitted to the department under this chapter shall include the following information:

(a) The name and address of the worksite or worksites, and the names and addresses of the employee transportation coordinator or other personnel who will be responsible for compliance plan development and implementation.

(b) A letter to the department signed by the chief executive officer or the highest ranking official at the worksite certifying the accuracy of the information in the compliance plan and a commitment to implement the alternative means of commuting in the compliance plan approved by the department.

(c) Documentation indicating that the employee transportation coordinator has completed a department approved training program and any subsequent training as may have been required by the department.

(d) Documentation of the number of employees employed at the worksite or worksites, using forms prescribed by the department.

(e) A calculation of the worksite average passenger occupancy rate using the results of the survey required under sub. (3).

(f) A profile of worksite employee characteristics as they pertain to the development of the compliance plan using forms prescribed by the department.

(g) A profile of the worksite transportation access characteristics using forms prescribed by the department.

(h) An employer plan for providing alternative means of commuting incentives or single occupancy vehicle commuting disincentives or both to its employees which are sufficient to achieve or maintain the target average passenger occupancy rate by November 15, 1996 or within 2 years of the employer's initial compliance plan submittal if it is due after November 15, 1994. The employer shall include a time schedule for implementing the commuter transportation incentives or disincentives or both. *Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.*

which will promote alternative means of commuting by its employees. The schedule may include contingency strategies and trial periods to test alternative means of commuting. The alternative means of commuting strategies shall be in effect throughout the year. Employers may augment the strategies in an approved compliance plan during the ozone season. The alternative means of commuting strategies may include one or more of the following commuter transportation incentives or disincentives or other strategies approved by the department:

1. Establishment of a transportation allowance policy which provides financial incentives for employees to choose alternative means of commuting.

2. A parking fee structure or preferential parking policy or both for employees which encourages alternative means of commuting and discourages single occupancy vehicle trips.

3. Financial or fringe benefit incentives for using buspools, carpools and vanpools and for walking or biking to the worksite.

4. Subsidies for employee use of public transit or buspools.

5. Establishment of employer buspool, carpool and vanpool information and matching programs and coordination with similar public programs.

6. Employer sponsored vehicles for buspool, carpool and vanpool commuting, work related travel and employee personal travel needs.

7. A guaranteed ride home program for employees.

8. Telecommuting and work at home options for employees.

9. Promotion of compressed work schedules for employees.

10. Facility improvements which promote biking and walking to work by employees.

11. Promotion of flexible work schedules which facilitate the use of alternative means of commuting.

12. Promotion of the use of clean fuel vehicles for commuting.

13. Dissemination of general information to employees on the environmental, financial and other benefits of alternative means of commuting.

14. Provision of worksite amenities which promote the use of alternative means of commuting.

15. Assessment by survey or other means of the types of alternative means of commuting incentive and disincentive strategies employees feel would most likely result in attaining and maintaining the target average passenger occupancy rate.

16. Promotion of programs and policies which encourage employees to reside close to their worksite.

(3) AVERAGE PASSENGER OCCUPANCY SURVEY REQUIREMENTS. Affected employers shall determine the average passenger occupancy by conducting a survey of affected employees using forms and methods provided or approved by the department. The survey shall be taken over a consecutive 5 day period which begins on Monday and which does not include a holiday, follow a week which includes a Friday holiday, or precede a week which includes a Monday holiday. Surveys which are used to demonstrate compliance with the target average passenger occupancy rate shall be taken during the ozone season. The employer shall tabulate and report the results of the survey to the department for each worksite and include the following information:

(a) The number of affected employees reporting to the worksite during the peak travel period on each day of the Monday through Friday workweek and the number of affected employees absent, having a scheduled day off due to a compressed work schedule, working at home or reporting to an alternative worksite.

(b) The number of affected employees using each mode of travel in commuting to work during the peak travel period, in-

cluding the use of single occupancy vehicles, public transit, buspooling, carpooling or vanpooling, clean fueled vehicles and other alternative means of commuting. The following guidelines shall apply to the computation of the average passenger occupancy for each survey day:

1. An employee who reports to the worksite alone in a vehicle not considered a clean fuel vehicle shall be counted as one person reporting to the worksite in one vehicle.

2. An employee who reports in a carpool or vanpool shall be counted as reporting to the worksite in a fraction of a vehicle proportionate to the number of people sharing a ride to their worksite.

3. An employee who reports by public transit or buspool shall be counted as one person reporting to the worksite in zero vehicles.

4. An employee telecommuting or working at home and who does not commute to the worksite shall be counted as one person reporting to the worksite in zero vehicles.

5. An employee working full-time on a compressed work schedule shall be counted as one person reporting to the worksite on their compressed weekday off in zero vehicles.

6. An employee who reports to the worksite by walking or riding a nonmotorized bicycle from the employee's residence shall be counted as one person reporting to the worksite in zero vehicles.

7. An employee who transfers to a carpool, vanpool, buspool or public transit vehicle at a transit or rideshare collection point or to a bicycle or to walking shall make the transfer a minimum of 2 miles from the worksite in order to be counted as reporting to the worksite in a carpool, vanpool, buspool or public transit vehicle, or by walking or bicycling. If the transfer point is less than 2 miles from the worksite, the employee shall be counted as reporting to the worksite according to the mode of travel to the transfer point.

8. An employee who reports to the worksite in a clean fuel vehicle shall be counted as one person reporting to the worksite in a fraction of a vehicle according to a formula prescribed by the department.

9. An employee who reports to the worksite in a vehicle that is continuing to another worksite shall be counted as one person reporting to the worksite in accordance with subd. 2.

Note: The forms referred to in this section are available on request from the following address: Wisconsin Department of Natural Resources, Bureau of Air Management, Employee Commute Options Program, PO Box 7921, Madison WI 53707.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (b), (c), (2) (intro.), (3) (intro.), (b) (intro.), 7. and 8., Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.07 Compliance plan submittal deadline. (1)

CURRENTLY AFFECTED EMPLOYERS. Affected employers located in the affected area prior to November 15, 1993 shall submit compliance plans to the department no later than November 15, 1994 or within 120 days of formal notification by the department that compliance plans are due, whichever comes first.

(2) FUTURE AFFECTED EMPLOYERS. Employers which become affected employers on or after November 15, 1993 shall submit plans to the department within 180 days of becoming affected employers.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93.

NR 486.08 Compliance plan review, approval and disapproval process. (1) COMPLIANCE PLAN REVIEW.

The department shall review each compliance plan required to be submitted under this chapter. The department shall notify the employer within 90 days of the submittal of the department's decision to approve the plan as submitted, to conditionally approve

the plan if the employer modifies the plan according to recommendations made by the department within 60 days, to disapprove the plan and require the submittal of another plan, or to extend the department's review of the compliance plan document beyond 90 days. If the department extends its compliance plan review period beyond 90 days, the employer's compliance plan shall be considered conditionally approved until the department notifies the employer of its final approval or disapproval decision.

(2) COMPLIANCE PLAN APPROVAL. The department's criteria for granting approval or conditional approval of the employer's compliance plan shall include the following:

(a) The compliance plan is submitted on forms prescribed by the department.

(b) The information on the forms is complete and legible.

(c) The information and data on the forms are accurate.

(d) The compliance plan includes sufficient and appropriate alternative means of commuting incentive or disincentive strategies or both to ensure the affected employer's target average passenger occupancy rate will be achieved no later than November 15, 1996. If the employer's initial compliance plan submittal is due after November 15, 1994, the target average passenger occupancy rate shall be achieved within 2 years of the initial submittal due date.

(e) The plan contains any other information required to implement the requirements of this chapter.

(3) COMPLIANCE PLAN DISAPPROVAL. If an employer's submitted compliance plan fails to meet the criteria of sub. (2) the department may disapprove it and require the submittal of another plan within 60 days of the department's disapproval notification. If the department's review of the second plan does not result in approval or conditional approval, the employer shall submit a third plan within 30 days. If the third plan cannot be approved by the department, the employer shall implement alternative means of commuting strategies contained in the plan which are approved by the department in its response to the third plan submittal. The department shall provide the reasons for all disapprovals in writing to the employer.

(4) COMPLIANCE PLAN MODIFICATIONS. Employers shall notify the department of any significant modifications to the department approved compliance plan within 60 days after the modifications. The department shall determine whether the modifications affect the approval status of the employer's compliance plan and shall provide a written response approving or disapproving the modifications. Within 90 days after receipt of the notification from the employer, the department shall notify the employer of the department's decision to approve the modification as submitted, to conditionally approve the modification subject to implementation of recommendations made by the department, or to disapprove the modification. If the department extends its review of the modification beyond 90 days, the employer's modification shall be considered conditionally approved until the department notifies the employer of its final approval or disapproval of the modification. The department shall provide the reasons for disapproving a modification in writing.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (4), Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.09 Annual employee commute options compliance plan renewal.

Affected employers shall submit compliance plan renewals on an annual basis, beginning no later than November 15, 1996, or within 2 years of the plan approval date by the department of their initial compliance plan, whichever comes later. If the employer's initial compliance plan submittal is due after November 15, 1994, the compliance plan re-

newal shall be submitted within 2 years of the initial submittal due date.

(1) **ANNUAL COMPLIANCE PLAN RENEWAL FORMS, SURVEYS AND SUBMITTAL.** The compliance plan renewal shall include the following:

(a) An update of the information specified in s. NR 486.06 using forms provided by the department.

(b) An evaluation of the average passenger occupancy rate documented in the compliance plan renewal compared with the target average passenger occupancy rate required for compliance. The employer shall use forms and methods provided or approved by the department.

(c) A progress report on the employer's alternative means of commuting strategies in its initial department approved compliance plan which includes reasons for any omissions or delays or both in implementing the plan strategies.

(d) An assessment of the changes in travel mode and worktrip distances experienced by employees participating in alternative means of commuting as a result of the employee commute options program. The employer shall use forms and methods provided or approved by the department.

(e) A revised set of alternative means of commuting strategies using forms provided by the department which is appropriate and sufficient to increase the affected employer's average passenger occupancy to the target average passenger occupancy rate within 1 year after submitting the employee commute options compliance plan renewal. This requirement shall only apply to employers which fail to achieve the target average passenger occupancy rate of 1.4.

(f) A commitment to continue the alternative means of commuting strategies in a department approved plan at a level sufficient to maintain the continued achievement of the target average passenger occupancy rate for a minimum of 1 year. This requirement shall apply to employers which achieve compliance with the target average passenger occupancy rate of 1.4

(2) **ANNUAL COMPLIANCE PLAN RENEWAL REVIEW, APPROVAL AND DISAPPROVAL.** The department's criteria for reviewing and granting approval or conditional approval of the employer's annual compliance plan renewal shall include the criteria and processes described in s. NR 486.08 except that:

(a) Affected employers failing to achieve the target average passenger occupancy rate after implementing the alternative commuting strategies in the initial compliance plan and the first annual compliance plan renewal may be required to implement other alternative means of commuting strategies approved by the department.

(b) Affected employers submitting 2 consecutive annual compliance plan renewals which achieve the target average passenger occupancy may be permitted by the department to submit biennial plans which certify that the target average passenger occupancy rate is being maintained by the employer's alternative means of commuting strategies.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (d) and (e), Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.10 Averaging; trading. Employers wishing to participate in an averaging or trading option shall submit details of the proposal to the department and obtain department approval before implementing the option.

(1) **AVERAGING.** Affected employers may comply with the

target average passenger occupancy rate of 1.4 by participating in a department approved averaging option. This option allows affected employers to combine affected employees for purposes of surveying the average passenger occupancy rate of all worksites participating in the averaging option and determining compliance with the target average passenger occupancy rate of not less than 1.4. The department will permit averaging for the following combinations of affected worksites:

(a) Affected employers participating in combined employee commute options compliance plans as described in s. NR 486.06 (1) (b) and (c).

(b) Separate affected worksites of the same employer within the affected area.

(2) **TRADING.** Affected employers may participate in a department approved trading option. The trading option allows affected employers which exceed the target average passenger occupancy rate to trade the excess average passenger occupancy credits to employers which do not achieve the target average passenger occupancy rate. The requirements for participating in a department approved trading option shall include the following:

(a) Affected employers participating in the trading option shall provide information to the department demonstrating that use of the option will result in substantially the same reduction in vehicle use or emissions as would be required if the trading option was not used.

(b) Affected employers participating in the trading option shall provide information demonstrating that the traded average passenger occupancy credits will be during the same ozone season.

(c) Affected employers participating in the trading option shall be required to demonstrate compliance with the target average passenger occupancy rate on an annual basis during the ozone season.

(d) Affected employers participating in the trading option shall be required to use department approved forms and methods for computing and trading average passenger occupancy credits.

Note: The forms referred to in this section are available on request from the following address: Wisconsin Department of Natural Resources, Bureau of Air Management, Employee Commute Options Program, PO Box 7921, Madison WI 53707.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a), Register, December, 1994, No. 468, eff. 1-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1997, No. 493.

NR 486.11 Recordkeeping and monitoring. Affected employers shall retain copies of their completed employee commute options compliance plan forms for a period of not less than 3 years. Employers shall also maintain records of information relevant to the development and implementation of alternative means of commuting strategies in their approved compliance plans. The department may inspect, verify and audit an employer's compliance plan records and monitor activities related to an employer's alternative means of commuting strategies.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; am. Register, December, 1994, No. 468, eff. 1-1-95.

NR 486.12 Enforcement procedures and penalties. Affected employers shall be subject to department enforcement procedures and penalties in accordance with ss. 285.83 and 285.87, Stats., and ch. NR 494 if they fail to comply with the requirements of this chapter.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1997, No. 493.