



## 1995 ASSEMBLY BILL 291

April 4, 1995 - Introduced by Representatives HOVEN, LAZICH, DUFF, JENSEN and POWERS. Referred to Committee on Environment and Utilities.

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

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### *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 employees. 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 to promulgate rules for an employe trip reduction program that is consistent with federal law. This bill provides that an employer is not subject to penalties for failure to achieve increases in passenger occupancy per vehicle if the employer has an approved compliance plan for the employe trip reduction 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 reduce emissions of air contaminants 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. This bill also authorizes the governor to suspend the employe trip reduction program if the governor determines that one house of

congress has passed legislation that eliminates or substantially modifies the requirement to implement the program.

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

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***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 amended to read:

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

13           **SECTION 2.** 144.3712 (3) of the statutes is renumbered 144.3712 (3) (a) and  
14 amended to read:

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

