



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 291**

April 5, 1995 - Offered by COMMITTEE ON ENVIRONMENT AND UTILITIES.

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.

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

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

7 144.3712 (2) (a) The department shall promulgate by rule requirements for
8 employers who are located in areas described under sub. (1) (a) or (b) to implement
9 programs to reduce work-related trips and miles traveled by employes. The
10 department shall develop the rules in accordance with 42 USC 7511a (d) (1) (B) and
11 the guidance issued by the administrator of the federal environmental protection
12 agency under 42 USC 7408 (f). ~~The rules shall require that each employer who~~
13 ~~employs 100 or more persons in an area described under sub. (1) (a) or (b) increase~~
14 ~~average passenger occupancy per vehicle in commuting trips between home and~~

1 ~~workplace during peak travel periods by not less than 25% above the average~~
2 ~~passenger occupancy per vehicle for all such trips in the area as of November 15,~~
3 ~~1992, or any later date specified by the federal environmental protection agency.~~

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

5 144.3712 (2) (b) The rules under par. (a) shall establish reasonable limits on
6 the direct and indirect expenses that an employer may be required to incur to comply
7 with the rules. The rules shall specify a limit for each of the following:

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

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

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

13 144.3712 (3) (a) If Except as provided under sub. (4) or (5), if an employer is
14 located in an area that is described before November 15, 1993, by the department
15 under sub. (1) (a) or (b) and is subject to the rules promulgated under sub. (2), the
16 employer shall submit to the department, no later than November 15, 1994, a plan
17 that demonstrates that the employer will comply with the rules no later than
18 November 15, 1996.

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

20 144.3712 (3) (b) The department may not require as a condition of approving
21 a compliance plan that an employer incur annual expenses greater than the limits
22 established under sub. (2) (b).

23 (c) Notwithstanding any other provision of this section, an employer is
24 considered to meet the requirements of this section if the employer's compliance plan

1 is approved by the department and the employer makes reasonable efforts to
2 implement the compliance plan.

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

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

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

9 2. A reduction of emissions of volatile organic compounds, achieved after the
10 effective date of this subdivision [revisor inserts date], in the areas described
11 under sub. (1) (a) or (b) that is at least 1.3 times the reduction of the emissions of
12 volatile organic compounds that would be achieved under a compliance plan under
13 sub. (3) (a).

14 3. A reduction of emissions of volatile organic compounds, achieved after the
15 effective date of this subdivision [revisor inserts date], in the areas described
16 under sub. (1) (a) or (b) that is equal to or greater than the reduction of the emissions
17 of volatile organic compounds that would be achieved under a compliance plan under
18 sub. (3) (a), if the emissions reduction is included in an operation permit under s.
19 144.391 or another document that is enforceable by the federal government.

20 (b) Notwithstanding any other provision of this section, an employer with an
21 alternate control plan under par. (a) 1. or 2. that is approved by the department is
22 considered to meet the requirements of this section if the employer makes reasonable
23 efforts to implement the alternate control plan.

