104TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 104–387

EMPLOYER TRIP REDUCTION PROGRAMS

DECEMBER 6, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLILEY, from the Committee on Commerce, submitted the following

REPORT

[To accompany H.R. 325]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

29–006

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(B) of the Clean Air Act is amended to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. Any State required to submit a revision under this subparagraph (as in effect before the date of enactment of this sentence) containing provisions requiring employers to reduce work-related vehicle trips and miles travelled by employees may, in accordance with State law, remove such provisions from the implementation plan, or withdraw its submission, if the State notifies the Administrator, in writing, that the State has undertaken, or will undertake, one or more alternative methods that will achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions.".

PURPOSE AND SUMMARY

The purpose of the bill is to make the Employer Trip Reduction (ETR) program, established in 1990 by Section 182(d)(1)(B) of the Clean Air Act (42 U.S.C. 7511a–(d)(1)(B)), a voluntary measure to be implemented only at the discretion of individual States. The bill amends Section 182(d)(1)(B) in its entirety and adds additional statutory language to allow States to remove ETR requirements from their State Implementation Plan (SIP), or to withdraw their ETR SIP submission from consideration for approval by the Environmental Protection Agency (EPA) without submitting a SIP revision. The bill requires States that remove or withdraw ETR requirements to have undertaken or to undertake alternative methods to achieve equivalent emission reductions.

BACKGROUND AND NEED FOR LEGISLATION

GENERAL BACKGROUND

Car pooling and other transportation control measures are hardly new ideas. Prior to the enactment of the 1990 Clean Air Act Amendments, many localities undertook efforts to reduce the number of vehicles on the road. California, in particular, has mandated employer trip reduction programs since 1988.

During consideration of the 1990 Clean Air Act Amendments, however, efforts to reduce commuter traffic took on new importance due, in part, to projections that increasing vehicle miles traveled (VMT) might work to offset the reduction in emissions obtained through new automotive tailpipe standards.

The House-approved version of the 1990 Clean Air Act Amendments (H.R. 3030) did not specifically include an employer trip reduction program. Section 182(c)(5) of the House bill did include a requirement for States with serious ozone nonattainment to submit plan revisions including "measures to reduce congestion, including passenger mile trips and miles traveled per trip" as part of transportation control measures to be implemented if overall vehicle emissions and congestion levels were not consistent with those previously projected. However, the specific provisions of the ETR (Sec-

tion 182(d)(1)(B) of the Clean Air Act Amendments of 1990) were added through conference with the Senate.

In general, ETR is based on the theory that a reduction in the number of employee trips to and from work (expressed in the statute as an increase in average vehicle occupancy, or "AVO") will result in reduced air emissions from mobile sources. It was assumed that this reduction in air emissions would, in turn, assist the nation's most polluted areas in complying with national ambient air quality standards.

Under present law, ETR applies only in "severe" ozone nonattainment areas and serious carbon monoxide nonattainment areas. Specifically, ETR is presently a required State Implementation Plan (SIP) submission in the following States and metropolitan areas:

California: Los Angeles-South Coast Air Basin, Mohave Desert Air Quality District, Sacramento, Ventura County.

New York, Connecticut, and New Jersey: New York-Northern New Jersey-Long Island.

Pennsylvania, New Jersey, and Delaware: Philadelphia-Wilmington-Trenton.

Illinois and Indiana: Chicago-Gary Lake County.

Maryland: Baltimore and Philadelphia-Wilmington-Trenton.

Texas: Houston-Galveston-Brazoria.

Wisconsin: Milwaukee-Racine.

RECENT FEDERAL AND STATE ACTIVITY

On January 27, 1995, in a letter to Representative Donald A. Manzullo, Assistant EPA Administrator for Air and Radiation Mary Nichols indicated that "EPA has emphasized that it is the State's role to determine the appropriateness of an employer's (ECO) plan and to define and determine what constitutes a good faith effort * * * it is not EPA's intent to enforce against individual employers, as this is the State's responsibility, or to look over the shoulder of states as they implement the program. Failure to meet trip reduction goals will not trigger actions against the states * * * the program merely requires a good faith effort." [1]

During 1995, several States subject to ETR requirements took action to suspend their State ETR programs or otherwise took alternative measures regarding ETR. For example, on March 13, 1995, Governor Jim Edgar of Illinois announced suspension of mandatory employer trip reduction. This followed action by the Pennsylvania Department of Environmental Resources to similarly suspend implementation and enforcement of ETR on February 27, 1995, and action by the New Jersey DOT to disband its Enforcement and Compliance Unit for ETR. In Texas, the Natural Resources Conservation Commission decided during 1995 to convert ETR into a market-based system of incentives and work on a revised ETR SIP submission. The State of Maryland acted, in the early summer of 1995, to suspend its ETR program due to take effect in the fall of 1995. In California, legislation was signed into law on October 12, 1995, which would prohibit air management districts from mandat-

[1] In referring to the ETR program, EPA has also utilized the term "Employee Commute Options" or "ECO".

ing employer trip reduction programs "unless the program is expressly required by federal law." The California state measure, SB 437, has an effective date of January 1, 1996.

Against this background of State action on ETR and in response to a hearing held by the Subcommittee on Oversight and Investigations on March 16, 1995, EPA organized a special "ECO Flexibilities Work Group" to assess the ETR program. This group met twice and then issued a report to the Clean Air Act Advisory Committee (CAAAC) on April 21, 1995. This report was largely accepted by the CAAAC and then referred to EPA for action. The report called for several efforts to increase the "flexibility" of the ETR program but specifically avoided the issue of legislative changes to the Clean Air Act.

On July 11, 1995, EPA announced its implementation of the CAAAC recommendations. EPA agreed to allow "regionalization" of the program at the behest of a State, to only require good faith efforts for compliance, to allow more flexible credits, and to allow seasonal rather than full year ECO plans. Additionally, EPA accepted an "emission equivalency" proposal based on Project XL, an effort by EPA to allow "alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits." (60 Fed. Reg. 27282).

Subsequent Oversight and Investigations Subcommittee correspondence with EPA, however, determined that it was questionable whether the statutory provisions of Clean Air Act respecting ETR would allow "emission equivalent" programs to be implemented in place of ETR requirements. In a November 14, 1995, letter from EPA Assistant Administrator Mary Nichols to Oversight and Investigations Subcommittee Chairman Joe Barton, Assistant Administrator Nichols noted that, "We considered whether EPA would be able to approve ECO State Implementation Plan (SIP) submittals that allow emissions reductions in lieu of trip reductions. We did not find sufficient legal authority in the statute to support this option, due to the ECO provision's clear focus on reducing trips."

Additionally, in the same letter, Assistant Administrator Nichols indicated that even if a "Project XL" emission equivalent proposal was accepted as a substitute for ETR in a particular State, "in any state with an approved ECO SIP, the requirements of that SIP still apply even if EPA approves a Project XL proposal * * *. The existence of a Final Project Agreement for an emissions equivalence XL project does not necessitate or authorize a SIP revision." The letter also indicated that "selection of a Project XL proposal for emission equivalence or the signing of a Final Project Agreement will not obviate any section 304 liability for affected employers."

Previously, under questioning at the March 16th Oversight and Investigations Subcommittee hearing, Assistant Administrator Nichols also indicated that EPA could not approve purely "voluntary" ETR programs. On page 228 of Serial No. 104–5, Hearings before the Subcommittee on Oversight and Investigations, the following exchange was recorded between Chairman Joe Barton and Assistant Administrator Nichols:

> Mr. BARTON. * * * Are you telling me that you can approve a state implementation plan that only requires voluntary compliance with this section of the act?
>
> Ms. NICHOLS. I want to try and be careful to distinguish between what is voluntary and what is enforceable. I don't believe a plan which simply said every employer who is subject to this should try and do something would be an enforceable provision.

NEED FOR LEGISLATION

Many States and employers which have attempted to implement ETR consider the program to be overly prescriptive and of questionable value in terms of improving overall air quality. Critics contend that the ETR results in limited air quality gains at excessive cost and that the program—which affects an estimated 28,000 employers and 12,000,000 employees nationwide—is overly intrusive.

In this regard, EPA has estimated that ETR has a net social cost of $1.2 to $1.4 billion/year ("Employee Commute Options Guidance," December 1992, p. 20) while the Congressional Research Service (CRS) has indicated that yearly reductions in volatile organic chemicals (VOCs) emissions attributable to a fully operable ETR program would only represent 0.5 to 0.8 percent of current emissions and that probable nitrous oxides (NO_X) reductions would amount to only 0.7 to 1.1 percent of current emissions ("Air Quality: Impacts of Trip Reduction Program on States and Affected Employers," 8/18/93, p. 4).

More recently, EPA Assistant Administrator Nichols has been quoted as saying that emission reductions from ECO are "minuscule" (Chicago Tribune, January 21, 1995) and EPA Director of the Office of Mobile Sources Margo Oge has been quoted as saying, "With a 20% reduction in trips—that's basically what the ECO requires—we don't get significant emission reductions" (air daily, September 29, 1995).

At the March 16, 1995, hearing of the Subcommittee on Oversight and Investigations, it was noted that the changing American workforce and the many responsibilities that employees bear with respect to their families can make car pooling or van pooling options very difficult to implement. For example, June B. Barry, Vice President of Human Resources at Betz Laboratories in Trevose, Pennsylvania, testified that:

> Many of our workforce are members of dual career families. A significant percentage of our workforce goes to school at night to pursue graduate education and undergraduate degrees. Are we responsible in emergency situations dealing with child care and elder care and education and the variety of other problems that people encounter to get the employee to their family when car pools don't work? Since our business is worldwide, the majority of the professional workforce cannot leave at a preappointed time, mainly due to customer calls and servicing the customer. What does forcing people into car pools really mean? It means that regardless of whether you have a family obligation, church obligation, night school, or a vari-

> ety of other things that you do to and from work, the Federal Government is going to tell you when you can go to work and when you can leave; that you have to hop into a van pool or a car pool despite your individual needs or obligations * * *

Other witnesses at the March 16th hearing found little employee acceptance of their attempts to implement an ETR program. Robert T. Moore, Manager of Facility Planning, Engineering, and Regulatory Operations at Compaq Computer Corporation in Houston, Texas, testified:

> We have taken measures to proactively comply with the trip reduction program, including surveying our employees and achieving a 97 percent response rate, hiring an employee transportation coordinator, working with the local Metropolitan Transit Authority to provide limited bus service to our facilities, and establishing an electronic ride share bulletin board for those employees who wish to find a car pool partner. We implemented a telecommuting pilot project, which allows employees to work from their homes and not drive to work. We maintain on-site food, dry cleaning and banking services. We are installing bike racks and maintaining showers and lockers for cyclists. All of the above have cost Compaq significant resources in time, money and effort. Unfortunately, these programs combined have increased our average vehicle occupancy by about 1 percent * * *

Moreover, by focusing on trips to and from a worksite, the existing statutory language of Section 182(d)(1)(B) does not guarantee that overall emissions will be reduced in a linear relationship to the reduction in single occupancy vehicle (SOV) commuting trips. The need for employees to travel to a mass transit location or car pool meeting area, for example, will offset at least some of the reduction in emissions gained through increasing the occupancy level of the vehicle which actually travels to and from the worksite.

Finally, as referenced above, the present statutory language of the ETR provision is prescriptive. Under the existing Section 182(d)(1)(B), a State "shall" submit an ETR SIP revision and such revision "shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within 2 years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this paragraph not later than 4 years after such date." Hearings held by the Oversight and Investigations Subcommittee and subsequent correspondence from the Subcommittee to EPA seriously questioned whether EPA has present legal authority to "waive" or ignore such statutory requirements or whether States and employers subject to the ETR requirement could engage in other activities designed to reduce air pollution as an "emission equivalent" substitute to the statutory requirement without being subjected to the possibility of future enforcement actions or civil lawsuits under Section 304 of the Clean Air Act.

On September 7, 1995, the Speaker's Advisory Group on Corrections, a bipartisan task force, recommended to the Speaker that H.R. 325 be placed on the House Corrections Calendar.

HEARINGS

The Subcommittee on Oversight and Investigations held an oversight hearing regarding the Employer Trip Reduction program on March 16, 1995. Witnesses at this hearing were as follows: June B. Barry, Vice President, Human Resources, Betz Laboratories, Inc.; Robert T. Moore, Manager, Facility Planning, Engineering, and Regulatory Operations, Compaq Computer Corp.; Daniel R. McMullen, Corporate Executive Director, Human Resources, Precision Twist Drill Co.; Carla Berroyer, Bureau Chief, Bureau of Urban Program Planning, Illinois Department of Transportation; Robert A. Wyman, Partner, Latham and Watkins; Colin F. McNeil, President, PENJERDEL Council; Dee Angell, President, Association for Commuter Transportation; C. Kenneth Orski, President, Urban Mobility Corporation; and Mary D. Nichols, Assistant Administrator, Air and Radiation, Environmental Protection Agency.

COMMITTEE CONSIDERATION

On November 16, 1995, the Subcommittee on Health and Environment met in open markup session and approved H.R. 325 for Full Committee consideration, without amendment, by a voice vote. On November 29, 1995, the Full Committee met in open markup session and ordered H.R. 325 reported to the House, as amended, by a voice vote, a quorum being present.

ROLLCALL VOTES

Clause 2(l)(2)(B) of rule XI of the Rules of the House requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 325 reported or in adopting the amendment. The voice votes taken in Committee are as follows:

COMMITTEE ON COMMERCE—104TH CONGRESS VOICE VOTES (NOV. 29, 1995)

Bill: H.R. 325, Employee Trip Reduction Programs.

Amendment: Amendment by Mr. Hastert re: strike language which allowed for employer compliance plans as part of an ETR SIP revision and inserted language which allowed States to withdraw ETR SIP revisions or ETR SIP requirements without filing a SIP revision if the State notifies the Administrator the State has undertaken or will undertake alternative measures.

Disposition: Agreed to, by a voice vote.

Motion: Motion by Mr. Bliley to order H.R. 325, as amended, reported to the House.

Disposition: Agreed to, by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee has held an oversight hearing

on this legislation and made findings which are reflected in this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Pursuant to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform and Oversight.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee states that H.R. 325 would result in no new or increased budget authority or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, following is the cost estimate provided by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 6, 1995.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 325, a bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes. H.R. 325 was ordered reported by the House Committee on Commerce on November 29, 1995. We estimate that enacting this bill would result in no significant cost or savings to the federal government, because it would have a negligible effect on the workload of the implementing agency, the Environmental Protection Agency (EPA). The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 325 would eliminate the Clean Air Act's requirement that certain states with ozone nonattainment areas submit plans for requiring employers in such areas to implement programs to reduce the amount of work-related miles traveled by employees. Affected states (now numbering eleven) could substitute other programs that are equally as effective in reducing emissions. CBO believes that this flexibility would result in lower costs to state and local governments in high-pollution areas. However, because EPA has already taken administrative actions to provide states with some

flexibility, savings resulting from the enactment of this bill are unlikely to be large.

States would incur lower administrative costs to the extent that substitute programs require less monitoring than current programs. Based on information from state air pollution officials, CBO believes that these savings to state governments would not be significant. Two states cover their administrative costs completely with federal grant money and four states have temporarily suspended their programs. Several other states indicated that they have taken advantage of the flexibility allowed by EPA and therefore would not significantly alter their programs if the bill were to become law.

State and local agencies that are now subject to trip-reduction requirements could also face lower compliance costs under substitute programs. Based on recent studies of the cost per employee of current programs, CBO estimates that state and local governments are now paying less than $50 million per year to comply with trip-reduction requirements. The additional flexibility that would be provided by this bill would result in a savings of some portion of this cost.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kim Cawley, and for state and local impacts, Pepper Santalucia.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that H.R. 325 would have no inflationary impact.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(6) of the Federal Advisory Committee Act are created by this legislation.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

The legislation repeals the present mandatory requirements of Section 182(d)(1)(B) of the Clean Air Act which require States to submit acceptable and complete ETR SIP revisions and which require employers of over 100 employees to file compliance plans which convincingly demonstrate compliance with a 25% increase in AVO and other requirements of a State ETR SIP and the statutory language of Section 182(d)(1)(B). The legislation makes ETR a voluntary element of the Clean Air Act, to be undertaken only if a State decides, on its own volition, to include such a program as part of its State Implementation Plan.

The legislation provides that States may, at their discretion, submit a SIP revision at any time to require employers to implement programs to reduce work-related vehicle trips and miles traveled by their employees. Such programs must be developed in accordance with EPA guidance but no mandatory elements are specified for

such guidance other than the guidance be developed pursuant to Section 108(f) of the Clean Air Act.

Although any program developed by a State pursuant to this legislation may be part of a SIP designed to achieve attainment or to meet other obligations under the Clean Air Act (including requirements for a 15% reduction in volatile organic emissions or any other SIP revision) there will not be no Federal requirement that any State or any individual employer design, submit or implement any ETR SIP revision or any alternative program to reduce vehicular emissions associated with trips to and from an employer's worksite.

The legislation further provides that if a State which was previously required to implement the ETR program under Section 182(d)(1)(B) of the Clean Air Act now wishes to make changes to its State Implementation Plan or SIP submissions affecting ETR, the State must designate alternative methods to achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions. This provision ensures that the bill will be emission-neutral and will not weaken the Clean Air Act. The procedure for making these changes is simple and straightforward. To remove provisions from a SIP or withdraw a SIP submission, a State will only be required to specify, in writing, what actions it has undertaken, or will undertake, to achieve emission reductions equivalent to those contemplated under the previous ETR program.

In either removing ETR provisions from a SIP or withdrawing an ETR SIP submission, a State may designate an existing non-mandatory program contained in its current SIP submittals or State Implementation Plan as an equivalent emissions program. A State may also designate a future non-mandatory program as an emission equivalent program. In order to remove or withdraw ETR provisions from a SIP or SIP submittal, all that is required is that the State identify efforts which provide the same or greater level of emission reductions as were contained in the State's current implementation plan or its ETR SIP submittal.

For example, if a State previously indicated in its SIP or SIP submittal that ETR would reduce emissions by 2 tons per day, it will only be required under this legislation to designate alternative methods which have already been undertaken or will be undertaken to reduce emissions by 2 tons per day. Previous requirements contained in Section 182(d)(1)(B) to achieve a 25% increase in average vehicle occupancy (AVO) are repealed by this legislation and any determination of "emission equivalency" is specifically not to be based on a calculation of emission reductions which might theoretically result from a 25% increase in AVO in any State.

Since the legislation provides a procedure by which a State can, on its own volition, remove an ETR SIP revision from its State Implementation Plan or withdraw its ETR submission from EPA, no State will be required to file a formal SIP revision. Instead, as outlined above, a State can terminate all present obligations under ETR and the previous statutory language of section 182(d)(1)(B) if it notifies EPA, in writing, what the State has done or will do to achieve emission reductions that are equivalent or greater than those expected under its previous ETR program. Nothing in this legislation is intended to change the underlying Clean Air Act re-

quirements, if any, applicable to the alternative emission reduction so designated by the State.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 182 OF THE CLEAN AIR ACT

SEC. 182. PLAN SUBMISSIONS AND REQUIREMENTS.

(a) * * *

* * * * * * *

(d) SEVERE AREAS.—Each State in which all or part of a Severe Area is located shall, with respect to the Severe Area, make the submissions described under subsection (c) (relating to Serious Areas), and shall also submit the revisions to the applicable implementation plan (including the plan items) described under this subsection. For any Severe Area, the terms "major source" and "major stationary source" include (in addition to the sources described in section 302) any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 25 tons per year of volatile organic compounds.

(1) VEHICLE MILES TRAVELED.—(A) * * *

[(B) Within 2 years after the date of enactment of the Clean Air Act Amendments of 1990, the State shall submit a revision requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of 100 or more persons in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 percent above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify average vehicle occupancy rate which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within 2 years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this paragraph not later than 4 years after such date.]

(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section

108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. Any State required to submit a revision under this subparagraph (as in effect before the date of enactment of this sentence) containing provisions requiring employers to reduce work-related vehicle trips and miles travelled by employees may, in accordance with State law, remove such provisions from the implementation plan, or withdraw its submission, if the State notifies the Administrator, in writing, that the State has undertaken, or will undertake, one or more alternative methods that will achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions.

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