SCENARIO 1 (3.6%)

(Adopted November 3, 1989)(Amended June 6, 1992)(Amended June 11, 1993)
(Amended June 10, 1994)(Amended May 12, 1995)(Amended May 10, 1996)
(Amended May 9, 1997)(Amended May 8, 1998)(Amended May 14, 1999)
(Amended May 19, 2000)(Amended May 11, 2001)(Amended May 3, 2002)
(Amended June 6, 2003)(July 9, 2004)(Amended June 3, 2005)

PROPOSED AMENDED RULE 308. ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS FEES

(a) Applicability

Provisions of this rule shall apply to fees assessed for worksite registrations and filings pursuant to Rule 2202 On-Road Motor Vehicle Mitigation Options. Fees shall be paid for the submission or resubmission of Annual Registrations, Employee Commute Reduction Programs (ECRP), Annual Programs, strategy amendments, extension requests, Average Vehicle Ridership (AVR)/Creditable Commute Vehicle Reduction (CCVR) Certification, Software Certification, emission reduction project review, and transfer of emission reduction credits.

(b) Definitions

(1) AMENDMENTS are changes to Rule 2202 registrations, and/or ECRP strategies which materially affect the implementation of the program or the addition or deletion of a worksite to a multi-site program.

(2) ANNUAL PROGRAM is a program submitted to the District that contains AVR results and a plan to achieve the performance requirements for the worksite.

(3) EVALUATION is the District's evaluation of a program resulting in approval or disapproval of that program.

(4) PROGRAM is any data and/or report required by Rule 2202 On-Road Motor Vehicle Mitigation Options to be submitted to the District

(5) RESUBMITTAL is any revised program or revised Annual Program submitted to the District to correct a disapproved program.

(6) SUBMITTAL is any program provided to the District in accordance with Rule 2202 On-Road Motor Vehicle Mitigation Options.

(c) Program Fees

(1) Rule 2202 Registration Fees

All persons submitting a Rule 2202 registration to implement any compliance option in the rule, except for an ECRP or an AQIP, shall pay annually, the following fees at the time of registration.

(A) Single Site Registrations

Single site programs are subject to a $~~412.04 for FY 04-05 and $412.04 for FY 05-06 and thereafter~~426.87 per worksite annual registration fee.

(B) Multiple Site Registrations

Multiple site programs are subject to a fifteen percent (15%) discount of the fee established in subparagraph (c)(1)(A) per worksite annual registration fee.

(C) Resubmittals and Amendments

Resubmitted and amended registrations shall be subject to fifty percent (50%) of the fee established in subparagraph (c)(1)(A) and (c)(1)(B).

(2) Employee Commute Reduction Program (ECRP) Fees

All persons electing to submit an ECRP shall pay the following fees at the time of submittal. The Annual Program and ECRP Offset fees will become effective on June 7, 2004.

(A) Single Site Submittals

Per Worksite	Annual Program	ECRP Offset
500 or more employees	$~~784.55 and $784.55 for FY 05-06 and thereafter~~812.79	$~~507.19 and $507.19 for FY 05-06 and thereafter~~525.45
250 to 499 employees	$~~586.69 and $586.69 for FY 05-06 and thereafter~~607.81	$~~380.37 and $380.37 for FY 05-06 and thereafter~~394.06

(B) Multisite Program Submittals

Triennial program fees for multiple site program submittals are subject to a fifteen percent (15%) discount of the fee established in subparagraph (c)(2)(A).

(C) Resubmittals

The single site resubmittal fee shall be fifty percent (50%) of the single site submittal fee established in subparagraph (c)(2)(A). The multisite resubmittal fee shall be fifty percent (50%) of the multisite program submittal fee established in subparagraph (c)(2)(B).

(D) Electronic Media Submittals

Persons submitting an ECRP using District-certified electronic media shall pay the appropriate fee established in paragraphs (c)(2)(A) and (B), less $~~123.63 and $123.63 for FY 05-06 and thereafter~~128.08 per submittal.

(E) Sites achieving (AVR) Targets

Any employer who achieves their Average Vehicle Ridership (AVR) target and chooses to file, a High AVR No-Fault Inspection, pursuant to Rule 2202 ECRP guidelines, in lieu of an Annual Program, shall pay no filing fee.

(F) Program Strategy Amendments

A person submitting an amendment to program strategies consisting of the deletion or the replacement of any existing program strategies shall pay a fee of $~~123.63 and $123.63 for FY 05-06 and thereafter~~128.08 for each submittal per worksite. This fee shall not apply when the amendment consists solely of additional or enhanced strategies to the program or when the strategy amendment is submitted at the same time as part of the Annual Program submittal. Furthermore, any employer adding or deleting a worksite to a multi-site or geographic program shall pay a fee of $~~123.63 and $123.63 for FY 05-06 and thereafter~~128.08 per worksite being added or deleted, unless the worksite being deleted is no longer subject to Rule 2202.

(G) Extension Requests

Any person requesting a due date extension, or a change in the permanent due date, shall pay a fee of $~~62.54 and $62.54 for FY 05-06 and thereafter~~64.79 per worksite.

(H) AVR/CCVR Certification Fees

Any person requesting District certification of AVR/CCVR verification methods, (including but not limited to random sampling, record-keeping or restructuring of the AVR survey form) pursuant to Rule 2202 ECRP guidelines, shall pay a fee of $~~316.90 and $316.90 for FY 05-06 and thereafter~~328.31. No additional fee will be due after a first disapproval and resubmittal. A second fee of $~~316.90 and $316.90 for FY 05-06 and thereafter~~328.31 shall be paid with a second resubmittal after a second disapproval.

(3) Late Submittal and Resubmittal Fees

A fifty percent (50%) increase in the applicable registration, or ECRP fee established in subparagraph (c)(1), (c)(2)(A), (c)(2)(B) or (c)(2)(C) shall be paid as a late fee where an applicable fee is not received in full on or before the due date for the registration, or ECRP.

(d) Determination of Applicability of Late Fees

The fee payment will be considered to be received by the District if it is postmarked by the United States Postal Service on or before the registration/ECRP due date and received in full. If the registration/ECRP due date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the registration/ECRP due date. No further program applications for a particular worksite will be accepted or approved until such time as all overdue fees have been fully paid.

(e) Government Agencies

Federal, state, or local government agencies or public districts shall pay all fees.

(f) Software Certification Fees

The District may certify independent computer software capable of reproducing registration/ECRP forms, thereby allowing employers to file registration/ECRP using electronic media.

(1) Fees for certification will be assessed to cover the costs of processing the certification application and for the testing and validation of the software's reliability and ability to meet District's software specifications and program requirements.

(2) Fees shall be paid at the time that the software is submitted for certification as follows:

(A)	Initial Certification Fee	$~~634.03 for FY 04-05 and $634.03 for FY 05-06 and thereafter~~656.86
(B)	Recertification Fee	$~~316.90 for FY 04-05 and $316.90 for FY 05-06 and thereafter~~328.31

(g) The District will certify ECRP training programs pursuant to Rule 2202 ECRP guidelines. Fees for certification will be assessed to cover the costs of processing the certification application, reviewing the proposed curriculum, and assessing the training provider's qualifications.

(1) Fees shall be paid at the time that the qualifications and/or the curriculum is submitted for certification as follows:

	Provider Firm	Certification	Recertification
(A)	Instructor	$~~316.90 for FY 04-05 and $316.90 for FY 05-06 and thereafter~~328.31	$~~158.28 for FY 04-05 and $158.28 for FY 05-06 and thereafter~~163.98
(B)	Curriculum	$~~634.03 for FY 04-05 and $634.03 for FY 05-06 and thereafter~~656.86	$~~316.90 for FY 04-05 and $316.90 for FY 05-06 and thereafter~~328.31

(2) Fee for the District's initial training program for new Employee Transportation Coordinators shall be $~~54.37 for FY 04-05 and $54.37 for FY 05-06 and thereafter~~56.33 per person.

(h) Request for Time Extension of Payment Due

Whenever this rule requires fees to be paid by a certain date to avoid expiration, cancellation, or the imposition of an increased fee for late payment, the Executive Officer may, for good cause, grant an extension of time, not to exceed one hundred eighty (180) days, within which the fee payment shall be made. Any request for an extension of time hereunder shall be made in writing and accompanied by a statement of reasons why the extension should be granted.

(i) An employer who has declared bankruptcy, for the official business or governmental operations of its organization or company, through a judicial court filing and confirmation process, may request the Executive Officer to grant a temporary waiver from complying with the requirements of Rule 2202 and Rule 308. Upon demonstration of the filing and confirmation of bankruptcy, the Executive Officer will grant an exemption for the duration of bankruptcy, not to exceed two (2) years from the date of the waiver.

(j) Adjustment of Fees

The Executive Officer may, upon finding an administrative error by District staff regarding the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth within this rule, rescind, reduce, increase, or modify such fee. Any request for such relief from an administrative error shall be received by the District in writing prior to the expiration date of notification of the amount due, accompanied by a statement of why such relief should be granted. Claims for refund of any fee required by this rule shall be submitted in writing within one (1) year after the fee was paid.

(k) Service Charge for Returned Check

Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a $~~30.16 for FY 04-05 and $30.16 for FY 05-06 and thereafter~~31.25 service charge.

(l) Extensions to Surrender MSERC's

Any person requesting an extension to surrender MSERC's to the District shall pay a fee of $~~62.54 for FY 04-05 and $62.54 for FY 05-06 and thereafter~~ 64.79 per worksite.

(m) Emission Reductions Project Review

Any person requesting the approval of a project resulting in emission reductions, pursuant to the provisions of Rule 2202(f)(5), shall be assessed an evaluation fee of $~~312.59 for FY 04-05 and $312.59 for FY 05-06 and thereafter~~323.84 at the time of submittal. This fee will become effective on June 7, 2004. Additional evaluation fees may be assessed in accordance with Rule 309(c)(3) if necessary.

(n) Transfer of Emission Reduction Credits

Any person requesting a transfer of emission reduction credits shall pay a fee of $~~61.11 for FY 04-05 and $61.11 for FY 05-06 and thereafter~~63.31 per transaction. This fee will become effective on June 7, 2004. Credit transactions shall be jointly registered with the District by the credit transferor and transferee. The transferee shall be assessed the transaction fee per transaction at the time the transaction is registered with the District, unless the transferee is surrendering credits to meet the registration requirements for the current compliance year.