

**7620.0610 EMPLOYER-BASED MOTOR FUEL CONSERVATION MEASURE.**

Subpart 1. **Purpose.** The purpose of this measure is to conserve motor fuel by requiring certain employers to reduce employee commuting and business-related motor fuel consumption in an energy supply emergency. The department shall inform affected employers before May 25, 1983, of the requirements for participating in the employer-based conservation measure. The governor may not implement this measure before May 25, 1983.

Subp. 2. **Scope.** The following employers are required to comply with the provisions of this measure:

A. employers who have employment sites where 100 or more persons are employed during the course of any 24-hour period during a normal work week;

B. all educational institutions at the postsecondary school level with a total combined student faculty commuting population of 200 or more persons, including colleges, universities, and technical colleges; and

C. state, county, and municipal governments who have employment sites where 50 or more persons are employed.

Employers having fewer employees at a location shall be encouraged to adopt strategies listed under this subpart or implement any other conservation activity which reduces employee-commuting and business-related motor fuel consumption.

Subp. 3. **Technical assistance.** Technical assistance in the preparation of emergency motor fuel conservation plans will be provided by the department upon request.

Subp. 4. **Employer plans.** Employer plans may be submitted to the department for each applicable site or in conjunction with a business consortium, community, local, municipal, or county-wide plan, so long as each employer subject to this part identifies the conservation strategies adopted for each work site and the program elements listed under subpart 9.

Employers may choose to submit energy conservation plans to the department before the declaration of an energy emergency in the form and manner provided in subpart 5 or 6.

Subp. 5. **Employer emergency motor fuel conservation plan.** Employers may submit an emergency motor fuel conservation plan that demonstrates how employee-commuting and business travel motor fuel consumption would be reduced during an energy supply emergency. The employer may choose conservation strategies which achieve the required reduction.

Employer plans must contain conservation strategies which taken together would reduce an employer's baseline consumption by 15 percent.

Employers submitting self-styled emergency motor fuel conservation plans shall include a calculation of their baseline consumption as defined in part 7620.0100, the expected motor fuel savings attributed to the selected strategies, and the plan elements described in subpart 9.

Employers will be credited for travel reduction actions taken prior to submission of their plans that yield ongoing fuel savings.

The assistant commissioner may decline to certify an employer plan submitted under this paragraph which fails to support the level of savings attributed to each of the proposed activities. Self-styled employer plans may contain any of the strategies provided in subpart 6.

Subp. 6. **Employer motor fuel reduction strategies.** Employers shall select at least four strategies from the categories I and II, but in no case less than one from category I.

Subp. 7. **Category I.** Category I strategies:

A. Establish a carpool program for employees. An employer rideshare program may be independently sponsored or provided in conjunction with a local or community ridesharing program. A rideshare program must minimally provide for: promotion of ridesharing through company bulletins, advertisements, and policies; the capability to match employees to carpools through ride boards, computer listings, or other methods which provide information necessary to match rideshare applicants; and a rideshare coordinator who will be responsible for the sponsored program.

B. Sponsor an employee vanpool program. An employer may purchase, rent, lease, or otherwise provide employees with vans for commuting to and from work. The employer may demonstrate an equivalent level of employee participation in an independent or employee-owned vanpool, but in any case shall maintain a participation rate of at least seven percent of total employment to qualify as providing a vanpool program.

C. Provide an auxiliary transportation service (e.g., subscription bus or shuttle service) or participate in a consortium of two or more employers to provide the service. A qualifying auxiliary transportation service shall consist of vehicles with a minimum carrying capacity of 20 passengers, a participation rate of 50 percent of employees who live within a three-mile radius of the work site, or the equivalent number, and at least one commuter check point at least five miles from the work site.

Employer-sponsored rideshare programs which fulfill the requirements of subpart 7 will be certified by the department. Employers may issue "identifying" rideshare stickers to qualifying employees' vehicles. Rideshare vehicles will be eligible to purchase fuel as priority vehicles under the flag system described in part 7620.0650 and will be exempt from the odd-even purchase restriction described in part 7620.0630.

Subp. 8. **Category II.** Category II strategies:

A. Adopt and enforce a parking management strategy which provides for preferential parking for high-occupancy vehicles in employer parking lots or subsidizes at least 20 percent of the cost of contract parking in independently operated parking facilities for employee carpools, or both.

B. Prohibit the use of company-owned vehicles for single occupancy commuting and adopt a policy of using company vehicles for employee carpools.

C. Purchase an electric or electric hybrid vehicle.

D. Promote transit use by employees through direct sale of transit passes at the work site, fare subsidies, or display of direct and connecting routes serving the work site.

E. Provide facilities which promote employee commuting by bicycle or moped. These facilities might include indoor or sheltered bicycle parking, high security bicycle parking, showers and dressing areas for bikers.

F. Participate with a rideshare agency to provide jitney service to persons requesting travel to a destination on or near the route taken for business purposes. An employer-owner or employee-owned vehicle used for business purposes may be used for the jitney service.

G. Institute flexible or staggered work hours.

H. Participate in an independently sponsored truck and bus fuel economy project which offers both energy-conscious driver education and instruction on fuel-economizing vehicle maintenance and accessories. Employers choosing this strategy must maintain a fleet of at least ten vehicles used for cargo and freight hauling.

Subp. 9. **Content of conservation plan.** An employer submitting an emergency motor fuel conservation plan according to subpart 5 or 6 shall identify in its plan the following:

A. the carpool, vanpool, or subscription bus program sponsored or subscribed to, and an estimate of the number of employees currently using and expected to use such services;

B. title of the person or persons responsible for supervising each plan component;

C. the internal media to be used to inform employees of the employer's program;

D. the administrative assistance and in-house resources that the employer will provide for employee ridesharing services;

E. the schedule for implementing chosen strategies; and

F. the personnel (by title or position) that will perform essential plant protection for the firm during a driving ban.

Subp. 10. **Employers actions upon governor's order.** Employers shall institute all strategies contained in an approved employer conservation plan when the governor orders the employer-based motor fuel conservation measure.

Subp. 11. **Employers without conservation plan.** Employers who do not have an approved emergency motor fuel conservation plan before the declaration of an energy supply emergency for motor fuel shall:

A. submit to the department within 15 days after declaration of an energy supply emergency for motor fuel a plan to reduce baseline consumption by at least 15 percent over a period of three months or longer; or

B. institute a compressed work week pursuant to an executive order of the governor that designates the weekday on which employers not qualifying under subpart 5, 6, or 11, item A, shall not perform or have an employee perform any activity related to the business except where:

(1) business- or employment-related activity can be performed at an employer's or employee's place of residence;

(2) activities required in certain industrial processes must operate continuously to prevent long-term or irreparable damage to a system or process; and

(3) plant protection requires a minimum level of attention or surveillance.

C. the following businesses or governmental activities shall be exempt from a compressed work week regardless of subpart 11:

(1) public or private services essential to public health and safety such as health and residential care facilities, medical facilities, law enforcement activities, and emergency services;

(2) agriculture;

(3) energy production;

(4) telecommunications; and

(5) sanitation services.

Subp. 12. **Public announcement.** The emergency operating center shall publicly announce the implementation of the employer-based conservation measure at least ten days prior to the effective date of the measure.

**Statutory Authority:** *MS s 216C.15*

**History:** *L 1987 c 258 s 12, c 312 art 1 s 9; L 1989 c 246 s 2*

**Published Electronically:** *October 11, 2007*