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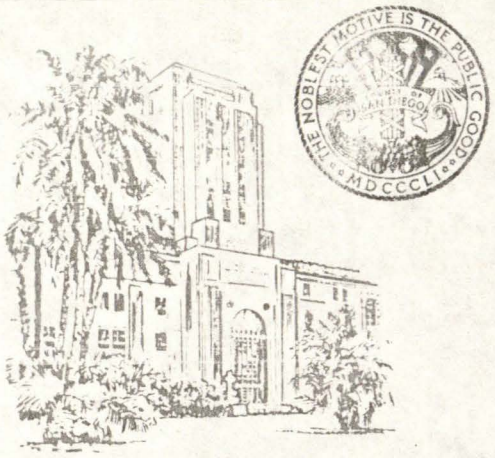

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REGIONAL TASK FORCE ON THE HOMELESS

1600 PACIFIC HIGHWAY • SAN DIEGO, CALIFORNIA 92101 • (619)531-5544

February 24, 1992

Mr. Ken A. Carson
Vice President, Human Resources
Teledyne Ryan Aeronautical
P.O. Box 85311
San Diego, CA 92186-5311

Dear Mr. Carson:

Thank you for bringing your concerns regarding proposed Regulation XIV to my attention. As you are probably aware, Regulation XIV was put on hold pending review and resolution of issues with the Transportation Control Measure Plan developed by the San Diego Association of Governments (SANDAG). State law requires the Board of Directors of the Air Pollution Control District (APCD) to first consider the SANDAG Plan before moving ahead with Regulation XIV.

On October 1, 1991, the APCD Board of Directors considered the SANDAG Plan and asked that specific issues be addressed. The Plan is being reviewed by a subcommittee of representatives for the APCD and the SANDAG Board of Directors. Following APCD consideration and adoption of the Regional Air Quality Strategy including the revised Transportation Control Measure Plan, Regulation XIV will be completely revised to reflect the adopted Plan and then subject to public review. Your input at that time is very strongly encouraged.

Responses to your specific concerns are enumerated below:

1. Regarding your concern that the goals in Regulation XIV for downtown are unattainable, there are employers in the downtown area who have already achieved these goals. The trip reduction standards in Regulation XIV were established based on factors including accessibility to transit and employment density for rideshare matching. Downtown employers are not at a disadvantage. Quite the contrary, the downtown area has the County's best, most extensive transit service and highest employment density. Unincorporated areas of the County, with relatively little transit and low employment density, were given the lowest standards. Lower standards outside downtown should not be viewed as more easily attainable. Meeting these standards will require a comparable effort.

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2. It is not our intention to require businesses to become an enforcement arm of the District. Potential enforcement against employees for not completing commute travel surveys will be the responsibility of APCD. The need for such enforcement is included in Regulation XIV at the request of many businesses who fear that they may not be able to require their employees to complete the surveys; the lack of surveys will undermine their progress toward meeting the trip reduction goals.

3. You indicated that the cost to San Diego employers of implementing the regulation places local businesses at a competitive disadvantage and that it has become extremely difficult and costly for businesses to thrive in this community. While this point is frequently made, please bear in mind that the Air Pollution Control Board is mandated to implement this program by both federal and state law. Federal law applies to similar nonattainment areas throughout the nation, and state law applies to similar areas (basically all major metropolitan areas) throughout California.

   These mandates are based on a need to protect and improve public health and thereby reduce a current substantial public health cost. Furthermore, there are serious sanctions for not implementing federally mandated programs. Funding can be withheld and industry can be subject to very stringent emission offset requirements which effectively impede industrial growth. While regulatory cost is a key concern, these other factors affecting the regional economy can not be ignored.

   Concern for implementation costs is one reason Regulation XIV was revised to provide for voluntary actions. Mandatory actions are only required if the voluntary programs are not successful. The APCD/SANDAG Subcommittee is also sensitive to cost and additional program flexibility is likely to be provided. Finally, revisions to Regulation XIV reflecting the final Air Quality Strategy adopted by the APCD will be subject to a socioeconomic analysis that will quantify economic aspects of the regulation before it is adopted.

If you have any further concerns or questions, please do not hesitate to contact me or my staff.

Sincerely,

Leon L. Williams
Supervisor, Fourth District

LLW:rs:cmc