

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION TRAVEL REDUCTION PROGRAMS

[R07-128]

PREAMBLE

- 1. Sections Affected**

R2-1-801	<u>Rulemaking Action</u>
R2-1-805	Amend
	Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-703
Implementing statute: A.R.S. § 41-786
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 12 A.A.R. 4023, October 27, 2006.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Kayelen Rolfe, Manager Travel Reduction Programs
Address:	Arizona Department of Administration 100 N. 15th Ave., 4th Floor, Suite 431 Phoenix, AZ 85007
Telephone:	(602) 542-3638
Fax:	(602) 542-3636
Name:	Rob Smook, Rules Administrator
Address:	Arizona Department of Administration 1501 W. Madison Phoenix, AZ 85007
Telephone:	(602) 542-6161
Fax:	(602) 542-3125
- 5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. The subject matter of the rulemaking prescribes how public or private transportation subsidies can be administered to state employees. The new rulemaking will make minor changes to reflect current practice on the administration of public and private transportation subsidies to state employees.
- 6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Notices of Proposed Rulemaking

The agency did not utilize a study for evaluating or justifying the rulemaking.

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. **The preliminary summary of the economic, small business, and consumer impact:**

Adoption of this minor rule change will have minimal financial impact. Besides reprinting the application form, which occurred when supplies were low, the only other costs involve staff time associated with preparing, reviewing, and publishing these rules.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Kayelen Rolfe, Manager
Travel Reduction Programs
Address: Arizona Department of Administration,
Management Services Division
100 N. 15th Ave., 4th Floor, Suite 431
Phoenix, AZ 85007
Telephone: (602) 542-3638
Fax: (602) 542-3636

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

Written comments will be received at the address listed in item #9 for 30 days after this Notice of Proposed Rulemaking is published in the Register. A public hearing will be scheduled if one is requested. Otherwise, the record will be closed at the end of the 30-day period following publication in the Register. Should a request for a public hearing be received, notice of that proceeding will be published in a future edition of the Register.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

12. **Any material incorporated by reference and its location in the rules:**

None

13. **The full text of the rules follows:**

TITLE 2. ADMINISTRATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION
TRAVEL REDUCTION PROGRAMS

ARTICLE 8. REIMBURSEMENT FOR PUBLIC OR PRIVATE TRANSPORTATION

Section
R2-1-801. Definitions
R2-1-805. Transportation Program Reduced Cost Procedure

ARTICLE 8. REIMBURSEMENT FOR PUBLIC OR PRIVATE TRANSPORTATION

R2-1-801. Definitions

In this Article, unless otherwise specified:

1. "Bus" means a motor vehicle designed to carry 16 or more passengers including the driver.
2. "Commute" means travel to and from an employee's place of employment.
3. "Director" means the chief executive officer of the Department of Administration or the director's designee.
4. "Eligible employee" means an individual who is employed by the state of Arizona, in pay status, and lives or works in a vehicle emissions control area, as defined in A.R.S. § 49-541, except a university employee or employee subject to the provisions of A.R.S. § 23-981.01.
5. "Pay status" has the same meaning as in R2-5-101(36) (47).
6. "Private transportation" means the conveyance of passengers, by a commercial enterprise, on scheduled routes by bus on an individual passenger fare-paying basis.

7. "Public transportation" has the same meaning as in A.R.S. § 41-786(B).
- ~~10-8.~~ "Reduced cost" means an eligible employee's share of the total cost of public or private transportation that remains after the reimbursement subsidy is paid.
- ~~11-9.~~ "Reimbursement subsidy" means the portion of the total cost of public or private transportation that is paid through a contract with the state of Arizona on behalf of an eligible employee under A.R.S. § 41-786.
- ~~8-10.~~ "Transportation card" means the evidence of an eligible employee's participation in a transportation program, issued to the employee by the Department of Administration.
- ~~9-11.~~ "Transportation program" means a system for reimbursement or subsidy of public or private transportation expenses under A.R.S. § 41-786.

R2-1-805. Transportation Program Reduced Cost Procedure

- A. An eligible employee seeking to pay a reduced cost shall complete, sign, and submit an application and payroll deduction authorization form to the office designated by the Department of Administration. The application form shall contain the following:
1. The employee's name and ~~social security number~~ employee identification number;
 2. The name and mailing address of the state agency compensating the employee;
 3. For public transportation, the type of public transportation card requested; and
 4. The employee's agreement to comply with the conditions in subsection (B).
- B. As a condition of receiving a transportation card, an eligible employee shall agree:
1. Not to allow anyone else to use the transportation card;
 2. To use the transportation card only for trips to and from work with a state agency, board, or commission, unless the employee incurs the maximum monthly charge in commuting;
 3. To be responsible for charges incurred with the transportation card;
 4. To notify the office designated by the Department of Administration if the transportation card is lost or stolen;
 5. To pay \$5 on a payroll deduction to replace a lost, damaged, or stolen transportation card;
 6. To surrender the transportation card upon termination of employment with the state; and
 7. That use of the transportation card after receiving notice from the Department of Administration of change in the transportation program policies constitutes the employee's agreement to the change.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

**CHAPTER 1. DEPARTMENT OF ADMINISTRATION
TRAVEL REDUCTION PROGRAMS**

[R07-129]

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|------------------------------------|---------------------------------|
| R2-1-901 | Amend |
| R2-1-902 | Amend |
| R2-1-905 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
- Authorizing statute: A.R.S. § 41-703
- Implementing statute: A.R.S. § 41-786
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
- Notice of Rulemaking Docket Opening: 12 A.A.R. 4023, October 27, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- Name: Kayelen Rolfe, Manager
Travel Reduction Programs
- Address: Arizona Department of Administration
100 N. 15th Ave., 4th Floor, Suite 431
Phoenix, AZ 85007
- Telephone: (602) 542-3638

Notices of Proposed Rulemaking

Fax: (602) 542-3636

Name: Rob Smook, Rules Administrator

Address: Arizona Department of Administration
1501 W. Madison
Phoenix, AZ 85007

Telephone: (602) 542-6161

Fax: (602) 542-3125

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

The purpose of this rulemaking is to address the issues identified in the previous five-year review report approved by the Governor's Regulatory Review Council. The subject matter of the rules prescribes how vanpool subsidies will be administered by the state. The new rulemaking will make minor changes to reflect current practice on the administration of vanpool transportation subsidies to state employees.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

The agency did not utilize a study for evaluating or justifying the rulemaking.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Adoption of this minor rule change will have minimal financial impact. Besides revising the online application form, the only other costs involve staff time associated with preparing, reviewing, and publishing these rules.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Kayelen Rolfe, Manager
Travel Reduction Programs

Address: Arizona Department of Administration
Management Services Division
100 N. 15th Ave., 4th Floor, Suite 431
Phoenix, AZ 85007

Telephone: (602) 542-3638

Fax: (602) 542-3636

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Written comments will be received at the address listed in item #9 for 30 days after this Notice of Proposed Rulemaking is published in the *Register*. A public hearing will be scheduled if one is requested. Otherwise, the record will be closed at the end of the 30-day period following publication in the *Register*. Should a request for a public hearing be received, notice of that proceeding will be published in a future edition of the *Register*.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Any material incorporated by reference and its location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION
TRAVEL REDUCTION PROGRAMS

ARTICLE 9. REIMBURSEMENT FOR ~~VAN POOL~~ VANPOOL TRANSPORTATION

Section

- R2-1-901. Definitions
- R2-1-902. Vanpool Reimbursement Subsidy Eligibility
- R2-1-905. Vanpool Reduced Cost Procedure

ARTICLE 9. REIMBURSEMENT FOR ~~VAN POOL~~ VANPOOL TRANSPORTATION

R2-1-901. Definitions

In this Article, unless otherwise specified, the following terms apply:

1. "Commute" means travel to and from an employee's place of employment.
2. "Director" means the ~~director~~ chief executive officer of the Department of Administration or the Director's designee.
3. "Eligible employee" means an individual who is employed by the state of Arizona ~~in a paid work status, in pay status, who~~ and lives or works in a vehicle emissions control area, as defined in A.R.S. § 49-541, except a university employees employee and those employees or employee subject to the provisions of A.R.S. § ~~23-981(01)~~ 23-981.01.
4. "Paid work status" means ~~the condition of an employee of the state of Arizona who is receiving pay for work or for compensated absence from work.~~ "Pay status" has the meaning in R2-5-101(47).
5. "Reduced cost" means ~~the~~ an eligible employee's share of the total cost of vanpool transportation ~~which~~ that remains after the reimbursement subsidy ~~has been~~ is paid.
6. "Reimbursement subsidy" means the portion of the total cost of vanpool transportation which is paid, on behalf of an eligible employee, to a regional transit authority or state agency through a contract with the state of Arizona.
7. "Regional transit authority" means ~~an incorporated city or town, regional public transportation authority as defined in A.R.S. § 28-2502, or regional transportation authority as defined in A.R.S. § 28-2902~~ a regional transportation authority as defined in A.R.S. § 48-5302 or regional public transportation authority as defined in A.R.S. § 48-5102 which operates or licenses a vanpool program.
8. "State agency" means an agency which administers a vanpool program in an area not served by a regional transit authority.
9. "Vanpool" means ~~7~~ seven or more persons who commute in ~~an~~ a van sponsored by a regional transit authority or administered by a state agency.

R2-1-902. Vanpool Reimbursement Subsidy Eligibility

A reimbursement subsidy shall be paid to a regional transit authority or a state agency on behalf of an eligible employee in a ~~paid work~~ pay status who:

1. Commutes in a vanpool operated by the regional transit authority or administered by a state agency, and
2. Has completed the vanpool reimbursement subsidy application form.

R2-1-905. Vanpool Reduced Cost Procedure

An eligible employee seeking to pay a reduced cost shall complete the vanpool transportation subsidy form and submit it to the Department of Administration Travel Reduction Program. The application form shall contain the following:

1. The employee's name and ~~social security number,~~ employee identification number,
2. The name and mailing address of the state agency compensating the employee, and
3. The employee's signature.