§ 201. State agency employee vehicle efficiency. 1. For the purpose of this section:

a. "state agency" means any department of the executive, any bureau, commission, agency, board or other agency, any public authority, and the judiciary and the legislature.

b. "state office" means any building or facility in the state wherein one hundred or more employees, in aggregate, of any state agency are located whether or not such office building or facility is owned, rented or leased by the state.

2. Each state agency shall institute a program at each state office to increase the average passenger occupancy per vehicle in commuting trips between home and the work place. In the area designated as severe non-attainment for ozone, as designated by the administrator of the United States environmental protection agency, such increase shall be not less than twenty-five percent above the average vehicle occupancy standard for such trips as such standard is established in accordance with the federal Clean Air Act, 42 U.S.C. Section 7401 et seq., as amended by Public Law 101-549, November fifteenth, nineteen hundred ninety, hereinafter referred to as "the Act", and regulations promulgated pursuant thereto. Where parking for a state agency occurs on properties under the jurisdiction of the office of general services, the state agency shall institute such program in consultation with the commissioner of general services. Where parking for a state office occurs on properties not controlled by the office of general services, each state agency shall be solely responsible for instituting such program. When instituting such a program, a state agency shall take into account the location of each facility, the availability of mass transit, and the scheduling of employees at each work site using such facility. Such program may include designation of parking spaces to be used exclusively by multiple occupancy vehicles, provided that the number of such spaces shall be determined with reference to the ability of users of such facilities to engage in ride-sharing, provided, however, that the designation of such spaces shall in no way displace handicapped parking spaces established pursuant to section twelve hundred three-c of

the vehicle and traffic law. A plan for such program shall be completed on or before November fifteenth, nineteen hundred ninety-five, and implemented on or before November fifteenth, nineteen hundred ninety-seven.

3. The provisions of this section shall not exclude any state agency from any duty or responsibility to implement an employee trip reduction program pursuant to section 7511a(d)(1)(B) of the Act. To the extent permitted by the Act, programs instituted under this provision may be used to comply with the employee trip reduction provisions of section 7511a(d)(1)(B) of the Act. Implementation of this section shall be consistent with any agreements which may be made as a result of collective bargaining or other negotiations between the state and its affected employee unions.