

# Commute Options Rulemaking 2021

## Summary

### Rulemaking Advisory Committee Meeting #1

May 9, 2022, 12:30 p.m. to 3 p.m. PT

Zoom Webinar

#### List of attendees

##### Committee Members in attendance (for all or part of meeting)

- Adriana Britton, Trimet
- André Lightsey-Walker, The Street Trust
- BreAnne Gale, City of Bend
- Dan Kaempff, Metro
- Dennis Bell, Meduri Farms Inc.
- Elizabeth Graser-Lindsey, Community member
- Eloise Navarro, NAACP Eugene-Springfield
- Izzy Armenta, Oregon Walks
- Dr. Jenny Liu, Portland State University
- Jodi Parker, LiUNA Local 737
- Julie Warncke, Salem Public Works
- Kathy Fitzpatrick, Mid-Columbia Economic Development District
- Kathy Kleczek, Northern Oregon Coast Transit and Transportation Options
- Kiki Dohman, Salem Area Mass Transit
- Kim Curley, Commute Options
- Lindsay Walker, Nike
- Mike Jaffe, Mid-Willamette Valley Council of Governments
- Michael Harrison, Oregon Health Sciences University
- Ophelia Cavill, Go Lloyd
- Paige West, Rogue Valley Transit District
- Peter Hurley, Portland Bureau of Transportation
- Rob Inerfeld, City of Eugene
- Sara Wright, Oregon Environmental Council
- Sharla Moffett, Oregon Business and Industry
- Stephanie Millar, Oregon Dept. of Transportation
- Tyler Deke, Bend Metropolitan Planning Organization (alternate)
- Vjera Thompson, 9 Wood

##### RAC Alternates in attendance (for all or part of meeting)

- Marne Duke (alternate)
- Darin Lund, Trimet (alternate)
- Liz Hormann, PBOT (alternate)
- Danielle Maillard, Oregon Walks (alternate)

##### DEQ Staff in attendance (for all or part of meeting)

- Karen F. Williams, Air Quality Planner and rule writer
- Rose Lim, Air Quality Operations Employee Commute Options Coordinator



State of Oregon  
Department of  
Environmental  
Quality

**Air Quality Division**  
700 NE Multnomah St.,  
Suite 600  
Portland, OR 97232  
Phone: 503-229-5696  
Fax: 503-229-6124  
Contact: Karen F.  
Williams  
[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

*DEQ is a leader in  
restoring, maintaining  
and enhancing the quality  
of Oregon's air, land and  
water.*

- Gerik Kransky, Air Quality Operations and Policy Analyst
- Anna Ramos, Air Quality Operations Specialist
- Brian Latta, Air Quality Program Analyst
- Tim Wollerman, Air Quality Operations Manager

### **Agenda Item: Welcome and Introductions**

DEQ staff, rulemaking advisory committee members and alternates in attendance introduced themselves and briefly described their interest in this rulemaking. DEQ policy analyst and meeting facilitator, Gerik Kransky, reviewed tips for remote meeting participation and participation guidelines.

### **Agenda Item: Overview existing commute rule**

DEQ rule writer, Karen Williams, reviewed the commute option rulemaking scope, the topics to be discussed at advisory committee meetings and the overall rulemaking timeline. The advisory committee will meet over the summer of 2022, a public comment period and one or more public hearings will take place in the fall of 2022 and DEQ will present proposed rules to the Environmental Quality Commission in early 2023.

Karen Williams and DEQ Employee Commute Option coordinator, Rose Lim, described the Employee Commute Option program, operating since 1996 as a pollution reduction strategy in the Ozone Maintenance Plan for the Portland-Vancouver-Salem area. The program requires employers in the Portland metropolitan area with more than 100 employees at a worksite to complete a baseline survey of their employees about how they get to work, submit a transportation plan to DEQ that contains incentives capable of reducing 10% of drive-alone auto trips to the worksite from the baseline, surveying their employees biannually and reporting those results to DEQ. In addition to reducing ozone-forming pollutants, the program has also annually prevented the emission of tens of thousands of tons of carbon dioxide (a greenhouse gas) and tens to hundreds of tons of toxic air contaminants that are in vehicle emissions.

### **Questions and Comments**

Question: Is there a fact sheet available? Will you share these slides?

*Response:* Yes. DEQ will provide the link to the current ECO program webpage; a fact sheet is posted there. DEQ will post these slides on the rulemaking advisory committee webpage.

Question: What needs to be reduced by 10%?

*Response:* Employers must have a plan to reduce 10% of single-use auto trips from a baseline auto trip rate.

Question: Your map shows businesses participating that have fewer than 100 employees at a worksite; why is that?

*Response:* Several employers participate voluntarily; these are businesses with fewer than 100 employees at a worksite.

Question: Is the 10% reduction requirement progressive, in other words, after a business achieves a 10% reduction in drive-alone auto commutes, will they later be required to further reduce their auto commutes by another 10%?

*Response:* No, future efforts continue to be measured against the initial baseline.

Question: Does length of trip matter?

*Response:* DEQ does not currently ask for or track length of trips, only the number of drive-alone auto trips. DEQ uses an average trip length of 19.6 in its calculations; this comes from the metro-area Household Travel Survey that Oregon Dept. of Transportation carries out about every 10-years.

Question: Does the baseline get updated?

*Response:* No, the baseline stays the same; employers are still required to survey employees and implement incentives to hold that reduction even after they achieve it. DEQ does not enforce the 10% reduction, itself.

Question: Are public employers subject to the same rules?

*Response:* Yes.

Question: Are contractors regulated on worksites when they number more than 100?

*Response:* No, contractors are not on the payroll of the worksite employer, so the contracting employer does not have to include contracted employees in their survey. DEQ does not require commute rule compliance for the business providing the contracted employees, even if there are more than 100 contracted personnel at a worksite.

### **Agenda Item: Assess benefits and burdens; discuss areas to strengthen ECO**

Gerik Kransky facilitates a discussion among advisory committee members in response to questions posed about members' experience with the current commute options program. Karen Williams introduces next set of discussion questions by describing some ways DEQ is considering strengthening the Employee Commute Option program, such as requiring employers to survey commute length and instituting quantitative criteria for employers' transportation plans to encourage the most effective trip reduction strategies.

### **Questions and Comments**

Question: What happens when a business work force grows? For example, if a baseline is established for 100 commuting employees, but the company grows to 200 commuting employees?

*Response:* An employer meets their target by reducing the percentage of auto-based trips, not an absolute number. A 10% reduction in auto-based trips from the baseline survey would remain the target, even if workforce grows.

Question/Comment: Does DEQ produce an annual or bi-annual report which describes the effectiveness of the program? Washington State has found that regular reporting of the benefits and challenges of their commute option program, especially around reduction in vehicle miles traveled and aligned with legislative session, has been effective in building funding for the program.

*Response:* DEQ is not required to publish an annual report but does generate an internal report of emissions and vehicle miles traveled reductions achieved. DEQ will share the most recent annual calculations with advisory committee members.

Comment: Member recommends a way to consistently show employers the benefits of an employee commute option program beyond mode split changes, e.g. health costs saved, greenhouse gas reductions.

Comment: We had a lot of success when we instituted a bike program but found that many employees had switched from public transit, not auto driving. We'd struggled with instituting telecommuting before COVID, but now many employees telecommute. Some employees have reported not feeling safe on public transit. We've found some employees with school-aged children struggle to use alternative modes of transportation because they may need a car after work for certain activities.

Comment: Surveys can be helpful for employers to learn more about their employee commuting habits and ask other questions of their workforce. We support the benefit that if an employer provides a Trimet pass, they are exempt from other commute option rule requirements and would like to see this kind of incentive expanded. As far as burdens, the survey is a big lift for employers, especially those relying on paper surveys and we'd like to see this made more accessible. We would like to see more information and best-practice sharing among employers in the same commute-shed.

Comment: The value of reporting is high – both for securing funding and also letting the public know how the program is working. Perhaps we could have employers receive some sort of badge or certification to show their engagement and achievements in the commute option program.

Comment: I like the idea of a flexible point system for employer transportation plans, so employers encourage reductions based upon the best options available to them. Consider reducing the survey requirements – particularly the 75% participation now required - so employers focus more of their resources on commute option programming.

Comment: Also like the idea of putting more time into transportation plan review, rather than surveying. Still, we should have vehicle miles traveled reduction targets and we should be including VMT in the survey. This is in light of state targets, Governor's executive order, and Dept. of Land Conservation and Development's new proposed rules. We should look to the evidence about what works; see a recent report from California Air Pollution Control Officers Association about what strategies work; for example, providing transit passes works but parking management and pricing more strongly influences people's commuting choices.

Comment: The program should require year-over-year improvements in vehicle miles traveled reductions, rather than simply a 10% reduction in the auto trip rate; front loading the program to attain Governor's goal of net-zero by 2050. It's easy to calculate commute length from addresses using online mapping tools. Consider asking about type of vehicle (e.g. electric vs. fossil fueled, engine size) in an effort to better calculate and compare emissions from different options. Consider charging a business a commute fee based on the amount of vehicle miles that commutes to the worksite generate, then refund that fee to the employer as they invest in commute option incentives for their employees. For employers with multiple worksites (e.g. grocery stores, school districts), reward employers for placing their employees in locations closer to their homes

Comment: Agree that free parking is a big disincentive for alternative commuting. We should look to and consider incorporating elements from successful programs in other states. The definition of carpooling in a survey might be scrutinized and developed to only include efforts which demonstrably reduce trip miles (e.g. dropping children off at daycare isn't carpooling because it does not reduce daily auto trips to the worksite).

Comment: Workforce is one of the biggest challenges we hear about from employers. We caution against making VMT the focus because this could disadvantage certain types of employers and employees, such as those located far from easy access to public transit. Flexibility is important given different types of business models and types of employees, e.g. employees doing hard physical work all day or working outside may not want to ride a bike to work or wait outside in the heat for a bus. Let's not create a one-size-fits-all in this rulemaking.

Comment: I support collecting more detailed information about where employees are commuting to and from to have more accurate calculations of VMT reduced that can then be reported. This would also help us understand which incentives will be most effective for different types of businesses and compare Oregon's program effectiveness to other states' programs. Another comment is about the baseline, not only periodically updating the baseline, but considering if we are penalizing businesses who have already put in lots of work to reduce auto commutes and have a low baseline to start with.

Comment: I agree with the importance of revisiting/revising carpooling language. Many of our employees currently list family members as carpool partners, such as dropping off at school or community college.

Comment: Expand and update the examples of alternative commute modes, such as E-mobility devices, UBER/LYFT.

Comment: Surveys, both baseline and follow-ups, should be in more languages.

Comment: We don't produce an existing condition report when we go into an organization and we could do that to better understand their situation and options available. We should find ways to support having a person on site to champion commute options, interact and share best practices with other commute option champions at other employers; we've found these positions can get bounced around and have a lot of turnover.

Comment: Surveys, responses, results and reports should be published in multiple languages. These are not just for planners - those that participated in surveys want to see their input reflected and used.

### **Agenda Item: Discuss how ECO can better serve racial equity**

DEQ introduces questions to encourage RAC members' comments about how the employee commute option program could better serve racial equity. What should DEQ consider when striving to assure that ECO benefits are accessible to workers who are Black, Indigenous and people of color? Workers whose first language is not English? Might ECO have different advantages or disadvantages for businesses owned by or largely serving people of color?

### **Questions and Comments**

Comment: It is difficult to unpack how ECO benefits directly serve or could better serve racial equity, but we have moved to an income-based fee for parking. In our institution, there is greater diversity in some of the lower paid positions, such as custodial staff. We charge for parking to fund our commute option incentives and suspected that those most able to pay a fee were those with higher incomes.

Comment: This is an opportunity to reflect on how people most financially burdened with car dependence may overlap with racial demographics to some extent. We should leverage ECO activities toward workers most on the margins of being able to afford a car to make more opportunities for them get to work safely and conveniently in ways other than driving. We can also request information from groups of concern to better understand what the needs are.

Comment: If you look at Portland, the parts of town where more people who are Black, Indigenous and people of color live are often those areas with less access to public transit and active modes of transportation, as well as more crashes and other safety concerns. While these barriers may be beyond what ECO can directly impact, they will affect the effectiveness of the ECO program as a whole. ECO can spotlight these issues – can show that not everyone has the same level of access to commute benefits even if an employer has a robust program in place.

Comment: I agree that lack of data regarding racial demographics is a concern. Regarding contract workers, co-employment concerns may restrict employers from offering commute option benefits to contracted service workers. It would be nice if we could bridge that gap. And other circumstances, such as daycare access and time constraints, can be huge burdens for some people considering transportation options.

Comment: ECO Northwest did a study last year showing that people of color work in a higher percentage in the manufacturing sector than in all other economic sectors in Oregon – from assembly line up to

management. Employees in manufacturing and heavy industry work at times that are challenging to get to work and transit options are limited.

Comment: I'd like more information about the distribution of incentive types offered across participating businesses – as not all incentives are created the same. Not only what are the different types of benefits, but who is receiving them and what is their value?

*Response:* Rose Lim, ECO coordinator, describes current incentives most commonly offered: telecommuting, compressed work week, transit subsidies, flexible work schedule, and bike amenities. DEQ doesn't track where benefits go or how they are distributed among employees or companies. Also, DEQ does not dictate the incentives – employers are free to choose those. DEQ does not require employers to count in their worksite total employees who do not work shifts between traditional rush hour times and those not on fixed schedules.

Question: What % of employers have attained 10% reductions? How many cycles does it take for them to get to 10%?

*Response:* DEQ does not track how long it takes employers to reach the 10% reduction target but notes the suggestion. In DEQ's experience, employers with more than 1,000 employees are more able to meet the 10% auto trip reduction target.

Comment: We need to consider time, safety and system completeness issues and report those challenges to state, regional and local governments to emphasize their responsibility to build safe transportation networks. It is important to invest in 2040 growth centers in Portland and state-identified Climate Friendly areas. While this is not part of the employee commute rule, it is important context for the rules when reporting on the program.

Comment: I am part of new rulemaking for Washington Commute Trip Reduction and they are expanding the program geographically. Racial equity and geographic equity may be related. Can we consider benefits of a commute option rule on rural, lower-income and underserved populations?

Comment: In my research into farming and rural economies, I found that off-farm income is often necessary, and many of those sources of income are in urban areas. These folks need to commute and don't have alternatives to driving, except perhaps van pools.

### **Agenda Item: Review basis for developing a statewide commute rule**

Karen Williams introduces some concepts that will be discussed at the next meeting regarding a potential statewide program. Every Mile Counts is an effort coordinated through ODOT, DEQ, Dept. Land Conservation and Development and OR Dept. of Energy, to reduce greenhouse gasses from transportation. Expanding the employee commute option program was one of the projects that the agencies identified. Others were programs to promote transportation electrification, fuels with lower carbon content, other alternative fuels and Dept. of Land Conservation and Development's Climate Friendly and Equitable Communities rulemaking. Next month, the RAC will discuss elements of a potential statewide program, such as where the program will apply and which employers would be regulated.

### **Agenda Item: Next steps**

Karen will email these discussion questions and requests that RAC members send thoughts about those questions and other feedback on this meeting by May 23, 2022. Karen will be sending a poll for the next

meeting time and will aim to space meetings about a month apart. If you're not able to make a meeting, Karen is happy to follow up with you individually or in a group.

Question: Are there guidelines for sharing the work of the RAC? Can people outside the RAC submit comments to DEQ?

*Response:* DEQ encourages RAC members to reach out to their constituencies and communities to get their feedback and bring that back to the RAC table. More than 50% of RAC members can't meet together because that would be a quorum and have to be a public meeting. But RAC members can reach out to each other and confer about common interests, perhaps sharing resources and submitting joint comments. A RAC member can speak only for themselves, not the RAC. The greater public will have an opportunity to submit comments once the public comment period is open this fall.

Anonymous comment received via the Wufoo link: please refer to all by first names. DEQ asks that members please let DEQ know how you wish to be identified and referred to.

**Agenda Item: Public comment**

There was no public input.

Meeting adjourned at approximately 3:00 p.m. Pacific Time.

**Alternative formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)