

Commute Options Rulemaking

Advisory Committee Charter

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



State of Oregon
Department of
Environmental
Quality

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

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Objectives and Scope

Policy Objectives

DEQ initiated the Employee Commute Option program in rule in 1996 as a pollution reduction strategy in the Portland-Vancouver Ozone Air Quality Maintenance Plan. The program requires employers in the Portland area, with more than 100 employees at a worksite to develop a plan to reduce commute trips by 10% from a baseline, survey their employees, and report results to DEQ biannually. DEQ is working with several other state agencies to implement projects that will reduce greenhouses gas emissions from the transportation sector. A statewide commute option rule is one of those projects. This rulemaking will also strengthen the existing Portland metro area Employee Commute Option program. ECO has other air quality benefits, as well as reducing greenhouse gases from transportation. ECO also reduces ozone precursor emissions – such as nitrogen oxides and volatile organic compounds - and toxic air contaminants. Transportation emissions are likely to disproportionately affect communities of color, lower income households and other vulnerable populations living near roadways.

Why expand and strengthen commute options at this time? Employer based commute option programs bring multiple benefits to air quality, workers and employers. Commute options like using transit, biking and telecommuting in the Portland metro area have kept more than 30,000 metric tons of greenhouse gasses, hundreds of tons of smog forming pollutants, and tens of tons of toxic air contaminants out of the air each year.

The current ECO program regulates approximately 400 employers at over 600 worksites in the Portland metro region. If the statewide rule had a similar applicability threshold, that could add as many as 600 employers to the program. DEQ currently envisions a statewide commute rule to apply to larger employers within Metropolitan Planning Area boundaries.

DEQ will look to advisory committee members to share ideas for incentives that would encourage smaller employers or employers outside of MPO boundaries to voluntarily participate in a commute option program. Many communities outside the Portland metro area are already implementing successful commute option programs. DEQ will work with advisory committee members to design a statewide rule that complements and supports local programs.

Revisions to current ECO rules may include increasing the requirements for employer transportation plans, short of requiring specific incentives, but giving more credit for strategies that studies show are most effective at reducing single occupancy vehicle commutes. DEQ also envisions expanding survey questions or using existing information sources to better understand the locations workers are commuting from and what transportation options are available in those areas.

DEQ will also ask advisory committee members for ideas about methods to estimate reductions in vehicle miles traveled and emissions. ECO currently uses Portland-metro specific factors (such as average commute length) to estimate emission reductions. Ideally, DEQ would measure

the effectiveness of an expanded commute option program with the same model inputs, calculations and assumptions as other agencies use for transportation and land use planning.

Fiscal and Economic Impact

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

Roles

DEQ Facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee Members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager, Karen F. Williams. DEQ will meet individually with any RAC member who is unable to attend a meeting.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;

- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-Committee Member Attendees

Advisory committee meetings are open to the public. Those who attend the committee meetings, but are not members of the committee, may observe but not actively participate. DEQ may allow time for public input at the end of the meeting, after the RAC completes its business.

DEQ Staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ Support and Website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting summaries will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee webpage [link](#).

Committee Meetings

1. All committee meetings will be:
 - open to the public
 - advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)

- [noticed by email](#) to the Commute Option Rulemaking GovDelivery list
 - noticed on DEQ's Facebook/Twitter account
 - held remotely on Zoom via weblink or call-in number.
2. The committee is expected to meet up to five times, between 2 to 4 hours each meeting, between May and August 2022.
 3. At least one meeting may focus exclusively on policies applicable only in the Portland metropolitan area under current Employee Commute Option regulations and proposed rule revisions to Division 242. Such a meeting may be optional for RAC members representing interests outside the Portland metropolitan region.
 4. Meeting materials and agenda will be posted to the advisory committee webpage.

Decision Making

DEQ will use the committee's discussions to inform its draft rule and rule revisions. DEQ will then propose draft rules for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

Membership

In convening this committee, DEQ selected members that reflect the range of communities that the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed rules on the business or organization they represent.

Advisory Committee Membership	
Committee Members	
Name	Affiliation
Adriana Britton	TriMet
André Lightsey-Walker	The Street Trust
BreAnne Gale	City of Bend
Dan Kaempff	Metro
Danielle Maillard (alternate)	Oregon Walks
Darin Lund (alternate)	Trimet
Dennis Bell	Meduri Farms
Dr. Jennifer Dill	Portland State University
Dr. Jenny Liu	Portland State University
Elizabeth Graser-Lindsey	Community member
Eloise Navarro	NAACP Eugene-Springfield
Izzy Armenta	Oregon Walks
Jenny Taylor (alternate)	Go Lloyd
Jodi Guetzloe Parker	Laborers Local 737
Julie Warncke	City of Salem
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
Liz Hormann (alternate)	City of Portland Bureau of Transportation
Marne Duke (alternate)	Metro
Michael Harrison	OHSU
Mike Jaffe	Mid-Willamette Valley Council of Governments
Miles Pendleton (alternate)	NAACP Eugene-Springfield
Morgan Beltz (alternate)	Oregon Business & Industry

Nicholas Meltzer	Oregon Cascades West Council of Governments
Ophelia Cavill	Go Lloyd
Paige West	Rouge Valley Transit District
Peter Hurley	City of Portland Bureau of Transportation
Rob Inerfeld	City of Eugene
Sara Wright	Oregon Environmental Council
Sarah Iannarone (alternate)	The Street Trust
Shane Rhodes (alternate)	City of Eugene
Sharla Moffett	Oregon Business & Industry
Tyler Deke (alternate)	Bend Metropolitan Planning Organization
Vjera Thompson	9 Wood
Government Advisors	
Stephanie Millar	Transportation Options Program Manager, Oregon Dept. of Transportation

Travel Expenses

DEQ will not reimburse travel expenses for this RAC since all RAC meetings will be held remotely.

Public Records and Confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information Exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public Involvement

All meetings will be open to the public. DEQ may set aside time for the public to speak and provide input once the RAC has concluded its business for that meeting.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting in the first quarter of 2023.

DEQ Contacts

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Alternate Contact: Michael Orman, Air Quality Planning Manager, Michael.orman@deq.oregon.gov, 503-509-8623