



State of Oregon Department of Environmental Quality

Draft Rules – Edits Highlighted

Commute Options Rulemaking

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

~~Text deleted from one location - and moved to another location~~

Division 242

RULES APPLICABLE TO THE PORTLAND AREA

Summary of rule changes: DEQ is proposing to revise several rules pertaining to the Employee Commute Options Program. The rule revisions would increase the auto trip reduction target to 20% from a baseline and allow an alternative not-to-exceed target in recognition of the prevalence of remote working since 2020. The revisions would eliminate some outdated exemptions that employers have not utilized and clarify allowances for partial exemptions. The revisions would specify required survey content and establish trip reduction plan criteria for an employer to receive DEQ's automatic trip reduction plan approval. The revisions would require alternatives to auto trip emission reductions if an employer fails to meet a trip reduction target after two revisions of their trip reduction plan.

340-242-0010

Employee Commute Options Program: What is the Employee Commute Options Program?

(1) The Employee Commute Options or "ECO" Program requires larger employers to provide commute options to encourage employees to reduce auto trips to the work site.

(2) ECO is one of several strategies included in the Ozone Maintenance Plan for the Portland Air Quality Maintenance Area. The Ozone Maintenance Plan will keep the area in compliance with the federal ozone standard.

(3) ECO is one of several strategies DEQ implements to help communities reduce mobile source emissions, such as greenhouse gas and toxic air contaminants, by reducing single occupancy vehicle trips to work sites.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363, ORS 468A.205(1)(c)

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0800
DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0020

Employee Commute Options Program: Who is Subject to ECO?

ECO applies to employers within the Portland Air Quality Maintenance Area (AQMA) with more than 100 employees at a work site. The Portland Air Quality Maintenance Area is defined in Oregon Administrative Rules (OAR) 340-204-0010 and is illustrated in Figure 1.

[NOTE: View a PDF of Figures by clicking on "Tables" link below..]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0810

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0030

Employee Commute Options Program: What Does ECO Require?

Employers must provide commute options that have the potential to reduce [the employee commute auto trips rate](#) by ~~ten~~ [twenty](#) percent ~~within three years of from the auto trip rate in its the employer's~~ baseline survey [or achieve and maintain an auto trip rate no higher than 65%](#). Employers must continue to provide commute options that have the potential to achieve and maintain the reduced auto trip rate. Options are available for alternative emission reduction measures, credits for past actions, and exemptions.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0820

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0040

Employee Commute Options Program: How Does the Department Enforce ECO?

Enforcement procedures and civil penalties in OAR, chapter 340, division 12 apply. Under 340-012-0053(2) and 340-012-0054(2)(g), violations of the ECO rules are Class Two violations. Failure to achieve a ~~ten percent~~ trip reduction [target](#) is not a violation; failure to make a good faith effort toward, or prepare and implement a plan designed to achieve, a ~~ten~~

~~percent~~ trip reduction target is a violation. Civil penalties are determined under 340-012-0045

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0830

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0050

Employee Commute Options Program: Definitions of Terms Used in These Rules

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to 340-242-0010 through 340-242-0290. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to 340-242-0010 through 340-242-0290.

(1) "Alternative fueled vehicle" means a vehicle that is not powered by gasoline or nonrenewable diesel, such as an electric vehicle.

~~(2)~~ "AQMA" means the Portland Air Quality Maintenance Area.

~~(3)~~ "Auto Trip" means a commute trip taken by vehicle to a work site.

~~(4)~~ "Auto Trip Rate" means the number of commute vehicles arriving at a work site divided by the number of employees that report to the work site.

~~(5)~~ "Baseline Auto Trip Rate" means the daily average auto trip rate established by the baseline survey.

~~(6)~~ "Baseline Survey" means the employee survey administered at the beginning of the ECO program, or when a new or expanding employer becomes subject to the ECO rules, or when an employer relocates.

~~(7)~~ "Car/Vanpool" means a motor vehicle occupied by two or more people traveling together for their commute trip that results in the reduction of a minimum of one auto trip.

~~(8)~~ "Compressed Work Week" means a schedule in which employees work their regularly-scheduled number of hours in fewer days per week or over a number of weeks (for example, a 40-hour, 8 hours per day, Monday through Friday work week is compressed into a 40-hour, 10 hours a day, Monday through Thursday work week.).

~~(9)~~ "Department" or DEQ means the Oregon Department of Environmental Quality.

~~(10)~~ "ECO Program" or "ECO Rules" means OAR 340-242-0010 through 340-242-0290.

(110) "Employee" means any person on the employer's payroll, who reports to work remotely or in-person, full or part-time (part time is 80 or more hours per 28-day period), for at least six consecutive months at the same work site, including business owners, associates, partners, and partners classified as professional corporations.

(12) "Employee Transportation Coordinator" means any person on the employer's payroll or with whom the employer contracts whose primary professional responsibilities are to support commute option programming at the employer's worksites.

(134) "Employer" means any person, business, educational institution, non-profit agency or corporation, government department or agency or other entity that employs more than 100 employees at a single work site.

(142) "Equivalent Emission Reduction" means a reduction of vehicle emissions, or other sources of volatile organic compounds (VOC), ~~and~~ nitrogen oxides (NOx) and carbon dioxide equivalent emissions, that results in a reduction of VOC, ~~and~~ NOx and carbon dioxide equivalent emissions equal to the emission reduction resulting from one eliminated auto trip.

(153) "Metro" means the regional government agency that serves the Portland metropolitan area.

(16) "Micro-mobility" means a person traveling on a bicycle, scooter or other lightweight, self-powered or electric-powered, transportation device.

(174) "New Employer" means any employer establishing a work site within the Portland AQMA, or any employer within the Portland AQMA that expands employment at a single work site to more than 100 employees, after the effective date of the ECO rules.

(185) "Non-Scheduled Work Week" means a work week with no regular daily scheduled starting or ending time, no scheduled work days, or employees are on-call. This does not include employees working a traditional "8 to 5" job who may work on a flexible schedule.

(196) "Target Auto Trip Rate" means a rate ~~ten percent~~ less than the baseline auto trip rate.

(1720) "Target Compliance Deadline" means the date by which employers must demonstrate progress toward achieving and maintaining their target auto trip rate. ~~The initial target compliance deadline is three years following registration.~~

(2148) "Telecommuting" means the employees perform regular work duties at home, or at a work center closer to home than to work, rather than commuting to work. The employees may telecommute full time, or commute to work on some days and telecommute on others.

(2249) "Vehicle" or "Auto" means a highway vehicle powered by a gasoline or diesel internal combustion engine with fewer than sixteen adult passenger seating positions.

(230) "Work site" means a property that is owned or leased by an employer or employers under common control, including a temporary or permanent building, or grouping of buildings that are in actual physical contact or separated only by a private or public roadway or other right-of-way.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0840

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0060

Employee Commute Options Program: Should All Employees at a Work Site Be Counted?

Notwithstanding exemptions allowed under OAR 340-242-0270 (1)(c) and (2)(b), ~~T~~the count of employees at a work site must include:

- (1) Employees from all shifts, ~~Monday through Friday~~ across all working days at the worksite, during a 24-hour period, based on monthly employee count averaged over a 12-month period;
- (2) Employees on the employer's payroll for at least six consecutive months at one work site; and
- (3) Part-time employees assigned to a work site 80 or more hours per 28-day-period; but
- (4) Excludes volunteers, disabled employees (as defined under the Americans with Disabilities Act), employees working on a non-scheduled work week, and employees required to use a personal vehicle as a condition of employment.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0850

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0070

Employee Commute Options Program: What are the Major Requirements of ECO?

To comply with ECO, employers must:

- (1) Conduct a baseline survey of employees to establish a baseline auto trip rate (or provide documentation of the current auto trip rate that is at least as accurate as a survey would provide);

(2) Calculate a target auto trip rate by reducing the baseline auto trip rate by ~~2~~40 percent or establish a target auto trip rate no greater than 65%;

(3) Submit a registration form as supplied by ~~the Department~~ DEQ;

(4) Design and implement a trip reduction strategy that has the potential to achieve the target auto trip rate by the target compliance deadline and the potential to maintain the target auto trip rate;

(5) Either:

(a) Prepare and implement an auto trip reduction plan for each work site and submit the plan to ~~the Department~~ DEQ for approval; or

NOTE: Enforcement will be based upon implementing the approved plan, see OAR 340-242-0110.

(b) Provide written notice to ~~the Department~~ DEQ of participation in an equivalent commute trip reduction program.

NOTE: Enforcement will be based on good faith effort, see OAR 340-242-0180 and special requirements in OAR 340-242-0110.

(6) Survey employees every two years, report survey findings to ~~the Department~~ DEQ; and

(7) Continue to implement strategies to achieve or maintain the target auto trip rate.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0860

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0080

Employee Commute Options Program: What are the Registration Requirements?

(1) Employers must submit a registration form to ~~the Department~~ DEQ on forms provided by ~~the Department~~ DEQ.

(2) Employers with multiple work sites may submit one ~~application~~ registration form for all work sites.

(3) Baseline survey findings must be submitted with the registration form in the format described on the registration form.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0870

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0090

Employee Commute Options Program: What are the Requirements for an Employee Survey?

(1) Employers may use the survey form provided by ~~the Department~~DEQ or an alternate survey instrument or an alternate method to obtain the information described in subsections (a) through (f) below. Any alternate survey instrument or method must be approved by ~~the Department~~DEQ before use. DEQ encourages employers to ask one or more questions about employee demographics (e.g. race, ethnicity, gender identity) to understand how access to commute options and benefits are distributed across the workforce. and Any survey instrument or method must ~~provide an opportunity for employees to indicate an interest in a carpool matching program~~ ask for the following information:

(a) How the employee traveled to work during the last week they worked;

(b) If the employee carpooled or vanpooled to work, how many people were in the car or van;

(c) Reasons for employee's choice to drive alone to work one or more days during the surveyed workweek;

(d) Reasons for employee's choice to commute by a means other than driving alone (e.g. transit, carpool/vanpool, cycle/walk, telecommute) one or more days during the surveyed workweek;

(e) The approximate round trip length of the employee's driving commute in miles; and

(f) The fuel source of vehicle the employee drove alone to work one or more days during the surveyed workweek (e.g. gasoline, diesel, electric.);

(2) The employer must distribute the survey form described in section (1) to all employees and achieve a minimum response rate of 75 percent.; If the employer ~~cannot~~does not achieve the minimum response rate for baseline or follow-up surveys ~~within a reasonable amount of time, the Department~~DEQ will assign a single occupant vehicle mode to the percentage of employees who did not respond up to the 75% rate.;

(3) Employers with more than 400 employees at a work site may survey a statistically valid random sample of employees and must follow ~~the Department~~DEQ's guidelines for random sampling.;

(4) Survey forms must be distributed during ~~the~~ a week following a typical work week for the employer and not bordering a holiday.;

(5) The baseline survey must not be distributed to employees earlier than one year before reporting the results to ~~the Department~~ DEQ (older baseline surveys can be used to apply for credit, see OAR 340-242-0250).;

(6) Follow-up surveys must not be distributed to employees earlier than 90 days before reporting the results to ~~the Department~~ DEQ.;

(7) Employers must report survey findings to the Department every two years. ~~and;~~

~~(8) An alternative method may be substituted for the survey. Alternative methods must be at least as accurate as survey findings and must be approved by the Department (such methods might include counting cars in an employee parking lot or conducting work site entrance verbal surveys).~~

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0880

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0110

Employee Commute Options Program: What If an Employer Does Not Meet the Target Auto Trip Rate?

(1) The initial target auto trip rate compliance date is three years after the closing date of the employer's baseline survey. Thereafter, the target auto trip rate compliance date is every two years.

(2) An employer with an approved trip reduction plan who has fully implemented all trip reduction strategies in its plan yet has not achieved its target auto trip rate by the target compliance date, ~~or does not maintain its target rate on biennial basis,~~ must submit a revised trip reduction plan within 60 days following the target compliance date in any given year. If an employer has not fully implemented all trip reduction strategies in its trip reduction plan, the employer is subject to ~~an~~ DEQ enforcement ~~action by the Department.~~

(~~3~~2) An employer participating in an equivalent commute trip reduction program who does not achieve its target auto trip rate by the target compliance date must demonstrate that a good faith effort was made to achieve the target rate. Requirements for documenting good faith effort are described in 340-242-0180. The employer must also submit a trip reduction plan within 60 days following the target compliance date. If an employer cannot demonstrate that a good faith effort was made, the employer is subject to ~~an~~ DEQ enforcement ~~action by the Department.~~

~~(43) An employer will not be required to submit further plan revisions to its initial plan if the employer has not achieved the target auto trip rate; after two trip reduction plan revisions and fully implementing all strategies two in the revised revisions trip reduction plan, the target auto trip rate is not reached. The employer must maintain all strategies identified in its plan and implement at least one of the trip reduction alternatives in 340-242-0240, or revisions to that plan, that resulted in improvements to the auto trip rate.~~

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0900

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0120

Employee Commute Options Program: How Will Employers Demonstrate Progress Toward the Target Auto Trip Rate?

Employers must submit employee survey findings, including a calculated auto trip rate, to ~~the Department~~DEQ. ~~The Department~~DEQ will compare the reported auto trip rate with the employer's target auto trip rate.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0910

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0140

Employee Commute Options Program: How Should Employers Account for Changes in Work Force Size?

The target auto trip rate remains constant regardless of changes in work force size. Employers experiencing an annual increase or decrease in the number of employees reporting to a work site must simply maintain the target auto trip rate.

NOTE: For example, an employer has 200 employees and 180 autos arriving at the work site. The employer's baseline auto trip rate is 180 autos/200 employees, or .90. The target auto trip rate is .90 minus 10 percent, or .81. The employer's work force increases to 300 employees. The target auto trip rate remains .81. In order to maintain the target auto trip rate, auto trips to the work site cannot exceed (300 X .81), or 243 trips. Similarly, if the employer's work force decreases to 100 employees, the target auto trip rate remains .81, and auto trips to the work site cannot exceed (100 X .81) or 81 trips.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0930

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0150

Employee Commute Options Program: How Can an Employer Reduce Auto Commute Trips to a Work Site?

Employee commute option programs include, but are not limited to:

- ~~(1) Promoting carpool and vanpool programs;~~
- ~~(2) Offering transit subsidies;~~
- ~~(3) Establishing telecommuting opportunities;~~
- ~~(4) Offering compressed work week schedules;~~
- ~~(5) Providing an emergency ride home program;~~
- ~~(6) Sponsoring shuttle buses to and from transit terminals and/or during lunch hours for errands;~~
- ~~(7) Improving facilities to promote bicycle use;~~
- ~~(8) Establishing on-site amenities to decrease employees' need for a car at the work site;~~
- ~~(9) Discontinuing parking subsidies and charging all employees for parking.~~

(1) Policies that support long-distance commuters and non-traditional shift workers, such as:

- (a) Coordinating a carpool matching program;
- (b) Preferential parking for carpools at the work site;
- (c) Daily stipends for carpoolers;
- (d) Providing or subsidizing an employee vanpool;

(2) Parking policies that provide employees financial and other incentives to choose commute options other than driving alone, such as:

(a) Ending parking subsidies, whereby the employer eliminates the portion of the parking cost the employer pays and the employee pays that parking cost. To minimize adverse financial effects on lower income employees, DEQ encourages a parking cash out program; and

(b) Parking cash out, whereby the employer ends parking subsidies, begins to charge employees for parking and provides an amount equivalent to the previous subsidy to each employee. Employees have the choice of spending the subsidy equivalent on parking at the work site or retaining the subsidy equivalent if they choose not to drive to and park at the work site;

(3) Policies that subsidize public and private high-occupancy transportation, such as:

(a) Partially or fully subsidize public transit passes; and

(b) Partially or fully subsidize vanpool fare;

(4) Policies that make active transportation convenient, affordable and attractive, such as:

(a) Providing facilities such as covered, secure bicycle parking, showers and lockers;

(b) Partially or fully subsidize micro-mobility memberships, where those services are available;

(c) Having an on-site bike fleet for employee use during the day (e.g. lunch errands);

(d) Offering employees an active transportation stipend for purchase or maintenance of equipment and supplies (e.g. bikes, sneakers, tire repair kits, rain jackets); and

(e) Providing “last mile” shuttles to transport employees safely from transit hubs or pedestrian areas to the worksite;

(5) Flexible work location and time policies that help employees with work/life balance, such as:

(a) Offering remote work and telecommuting;

(b) Offering flexible scheduling, including compressed work weeks;

(c) Providing an emergency ride home;

(d) Sponsoring a car-share program at the worksite; and

(e) Providing on-site or nearby childcare;

(6) Policies that educate about and support employee participation in commute option programming, such as:

(a) Annual celebrations, competitions, or festivals that promote commute options;

(b) Recognition of employees or workgroups using commute options;

(c) Buddy systems or mentoring of employees new to commute options;

(d) Education and training classes (e.g. bike repair, learning to take transit); and

(e) Membership with a transportation management agency that can offer technical, educational and promotional assistance.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0940

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0160

Employee Commute Options Program: What Should Be Included in an Auto Trip Reduction Plan?

An auto trip reduction plan must include:

(1) The results of the baseline survey (or comparable documentation);

(2) Calculation of baseline and target auto trip rates;

(3) Any employee commute option programs currently in use at the work site;

(4) New commute options to be implemented at the work site that have the potential to achieve and maintain the target auto trip rate;

(5) Empirical evidence (e.g. government or consultants' reports) that the commute option(s) to be offered or supported by the employer have the potential to achieve and maintain the target auto trip rate (employers may reference ~~the Department's report Alternatives to Single Occupant Vehicle Trips~~ studies and reports on DEQ's Employee Commute Options webpage or provide equivalent documentation);

(6) Any unique aspects of the business or work site influencing the trip reduction strategies selected;

(7) A schedule for implementing each of the selected commute option measures;

(8) A narrative description of employer policies that support equitable accessibility and distribution of commute option benefits, considering employee demographics (e.g. race, ethnicity, gender identity), job types and compensation ranges;

(9) Any alternative emission reduction proposals prepared by the employer according to OAR 340-242-0240; and

(10) The name, title, telephone number, and business mailing address of the person designated by the employer as the ~~contact~~ employee transportation coordinator for the work site (~~contact person~~ employee transportation coordinator does not have to be located at the work site); and a signed statement certifying that the documents and information submitted in the plan are true and correct to the best of that person's knowledge.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0950

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0170

Employee Commute Options Program: When Will the Department Act on a Submitted Auto Trip Reduction Plan?

(1) DEQ will approve any trip reduction plan meeting the criteria of 340-242-0160 and including at least one strategy in each of the policy categories (1) through (6) of 340-242-0150 within 30 days of plan submittal.

(2) ~~The Department~~DEQ will approve or notify the employer of deficiencies in a submitted auto trip reduction plan, based on the criteria in OAR 340-242-0160, by letter within 90 days ~~or the plan will be automatically approved.~~

(3) The employer will have ~~30-60~~ days to correct ~~any~~the deficiencies and resubmit the plan to ~~the Department~~DEQ. ~~Plan approvals will be documented by letter from the Department to the employer.~~ Employers must submit any subsequent plan modifications to ~~the Department~~DEQ for review and approval.

(4) If the employer objects to any condition or limitation or identified deficiency in ~~the Department's~~ DEQ's letter, the employer may request a contested case hearing before the Commission or its authorized representative. Such a request for hearing must be made in writing to the Director and received by ~~the Department~~DEQ within 20 days of the mailing date ~~of mailing of the~~ DEQ's letter. Any subsequent hearing will be conducted pursuant to the provisions of ORS chapter 183 and OAR chapter 340, division 11.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0960

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0180

Employee Commute Options Program: What is a Good Faith Effort?

(1) DEQ deems a good faith effort to include all the following actions:

(a) Employer met all requirements of OAR 340-242-0030, 0070, 0080, 0090, and 0160;

(b) Employer developed auto trip reduction strategies that have a reasonable likelihood of achieving the target auto trip rate based on studies and reports on DEQ's Employee Commute Options webpage or equivalent evidence; and

(c) Employer fully implemented all selected strategies intended to achieve the target auto trip rate.

(2) Employers who participate in an equivalent commute trip reduction program and then fail to meet their target auto trip rates must demonstrate that a good faith effort was made to meet the target trip reduction. An employer must demonstrate good faith effort by submitting written documentation of the following:

(a1) Employer established a baseline auto trip rate and corresponding target auto trip rate and conducted follow-up surveys to determine employee commute patterns and progress toward achieving the target trip reduction;

(b2) Employer selected trip reduction strategies that had a reasonable likelihood of success based on ~~documentation in the Department's report Alternatives to Single Occupant Vehicle Trips~~ studies and reports on DEQ's Employee Commute Options webpage or equivalent documentation (for example, auto trip reduction experience by employers in a comparable region); and

(c3) Employer fully implemented all selected trip reduction strategies, or their equivalent, on a schedule that would have reasonably allowed the employer to achieve the target auto trip rate by the target compliance deadline.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0970
DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0190

Employee Commute Options Program: How Does the ECO Program Affect New Employers, Expanding Employers and Employers Relocating within the Portland AQMA?

(1) An expanding employer who increases the number of employees at any single work site within the Portland AQMA to more than 100 after the effective date of the ECO rules must comply with the ECO rules. An employer relocating a work site within the Portland AQMA is considered a new employer upon relocation and must set a new baseline and target auto trip rate and comply with the ECO rules. Relocating employers may apply for credit for existing trip reductions that carry over to the new work site. Expanding employers and new employers must meet the requirements of this rule within the following number of days after they become affected employers:

- (a) Survey employees and submit survey findings and a registration form within 90 days;
- (b) Select strategies that have the potential to meet the target trip reduction and submit a trip reduction plan or notice of intent to reduce trips without an approved plan within 180 days; and
- (c) Conduct follow-up surveys every two years and report findings to ~~the Department~~[DEQ](#) within 90 days of surveying.

(2) An employer affected by this rule may choose to demonstrate compliance through 340-242-0260(5) (use of area average rate).

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0980

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0200

Employee Commute Options Program: Can a New or Relocating Employer Comply with ECO Through Restricted Parking Ratios?

An employer locating at a work site within the AQMA after the effective date of the ECO rules will be exempt from the ECO rules for that work site if:

- (1) The new work site meets the requirements of ~~the Department~~[DEQ](#)'s Voluntary Parking Ratio rules (OAR 340-242-0300 through 340-242-0390); or

(2) If the employer provides free or subsidized parking, including leased parking, above the Department's maximum parking ratio to any employees at the work site (except to employees required to have a vehicle at the work site as a condition of employment), then either:

(a) A transportation allowance is offered to those employees provided free or subsidized parking that exceeds ~~the Department~~ [DEQ](#)'s maximum parking ratio. The transportation allowance must be offered in lieu of the free or subsidized parking in an amount equal to or greater than the amount of the subsidy, but not to exceed the maximum allowed for transit by the Internal Revenue Service for the Qualified Transportation Fringe Benefits included under Section 132(F), Notice 94-3 of the tax code; or

(b) All employees at the work site are offered a transit subsidy or its equivalent at least equal to 50 percent of the value of a Tri-Met all-zone transit pass.

(3) An employer must submit this documentation with an exemption application to ~~the Department~~ [DEQ](#) by the deadline for plan or notice submittal and certify that they continue to meet these requirements every two years. Employers meeting the requirements of this rule do not need to conduct a baseline survey of employees. However, employers whose applications are denied must then conduct a baseline survey and submit the findings to ~~the Department~~ [DEQ](#) within 90 days of notice by ~~the Department~~ [DEQ](#).

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0990

DEQ 17-1996, f. & cert. ef. 8-14-96

[340-242-0210](#)

Employee Commute Options Program: Can an Existing Employer Comply with ECO Through Restricted Parking Ratios?

An employer will be considered to have met the target trip reduction and is exempt from the ECO rules if the employer provides documentation of the following. An employer must submit this documentation with an exemption application to ~~the Department~~ [DEQ](#) by the deadline for plan or notice submittal and certify that they continue to meet these requirements every two years. Employers meeting the requirements of this rule do not need to conduct a baseline survey of employees. However, employers whose applications are denied must then conduct a baseline survey and submit the findings to ~~the Department~~ [DEQ](#) within 90 days of notice by ~~the Department~~ [DEQ](#).

(1) Work site is located in an area with maximum parking ratio requirements at least as stringent as ~~the Department~~ [DEQ](#)'s maximum parking ratios (see OAR 340-242-0300 through 340-242-0390);

(2) Free or subsidized all-day parking is generally unavailable within a one-half mile radius of the work site; and

(3) If the employer provides free or subsidized parking, including leased parking, above ~~the~~ [Department DEQ](#)'s maximum parking ratio to any employees at the work site (except to employees required to have a vehicle at the work site as a condition of employment), then either:

(a) A transportation allowance is offered to those employees provided free or subsidized parking that exceeds ~~the Department~~ [DEQ](#)'s maximum parking ratio. The transportation allowance must be offered in lieu of the free or subsidized parking in an amount equal to or greater than the amount of the subsidy, but not to exceed the maximum allowed for transit by the Internal Revenue Service for the Qualified Transportation Fringe Benefits included under Section 132(F), Notice 94-3 of the tax code; or

(b) All employees at the work site are offered a transit subsidy or its equivalent at least equal to 50 percent of the value of a Tri-Met all-zone transit pass.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1000

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0220

Employee Commute Options Program: What if an Employer Has More Than One Work Site Within the Portland AQMA?

(1) An employer with more than one work site in the Portland AQMA may average its target trip reduction among those work sites in the AQMA. An employer must survey all included work sites every two years. Survey findings may be reported in aggregate or separately.

(2) One trip reduction plan may be developed for all work sites of an individual employer, but strategies must be selected based on the specific transportation characteristics of each work site.

(3) Work sites with 100 or fewer employees may be included in the interest of averaging trip reductions among all work sites. Those work sites must then survey and findings must be included in the employer's report to ~~the Department~~ [DEQ](#).

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1010
DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0230

Employee Commute Options Program: Can Employers Submit a Joint Plan?

Different employers with work sites located near each other and with common transportation needs may develop a joint trip reduction plan for all affected work sites. The plan must address each work site individually and each employer is individually accountable for meeting all ECO requirements. Each employer must report survey findings for each specific work site, and the ten percent trip reduction target applies to each employer's work sites. Trip reductions may not be averaged among employers.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1020

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0240

Employee Commute Options Program: Are There Alternatives to Trip Reduction?

Alternatives to trip reduction include:

(1) Employers may purchase surplus trip reductions from other employers required to comply with ECO to meet part or all of the target trip reduction. Surplus trips must be documented by survey before sale and must be maintained. ~~The Department~~DEQ must approve proposed transactions prior to finalizing. ~~The Department~~DEQ will confirm surplus trip transactions by letter to both employers.

(2) Employers may substitute equivalent emission reductions, [as described in OAR 340-242-0250](#), to meet their target trip reduction. Equivalent emission reduction proposals must be included in the employer's trip reduction plan or submitted with the notice of intent to comply without an approved plan. In order to receive credit as an equivalent emission reduction, ~~the Department~~DEQ must review and approve proposals before an employer implements the strategy. Employers selecting equivalent emission reduction strategies must meet the following requirements:

(a) Employer sufficiently documented emission calculations so that ~~the Department~~DEQ can quantify and verify the reduction;

(b) Employer calculated equivalent emissions according to guidelines issued by the ~~Department~~DEQ. ~~The Department~~DEQ must approve any alternate or modified calculation methods;

(c) Employer submits, on the same schedule as the biennial survey findings, documentation of actual equivalent emissions achieved; [and](#)

(d) Equivalent emission reductions may not be bought or sold between employers for the purpose of meeting the target trip reduction.

(3) Employers may contribute to an emission reduction fund at an annual rate of ~~\$100~~ [\\$1,100](#) per employee at the work site (see OAR 340-242-0060 to determine count of employees). An employer making partial progress toward the target trip reduction may choose to contribute proportionate to the percentage of the target trip reduction yet to be achieved. The emission reduction fund will be administered through Metro for [annual transit passes](#), new transit service, local jurisdiction alternative mode projects, and business-based Transportation Management Association (TMA) programs that result in trip reductions. Employers must make annual payments over the compliance period. The amount will be adjusted annually according to the Consumer Price Index.

[\(4\) Employers may contribute to a transportation management agency, a nonprofit transportation option provider or a charitable organization that is registered with the Oregon Department of Justice and whose purpose includes improving access to and conditions for commuting by means other than driving alone. The employer contribution must be at least at an annual rate of \\$1,100 per employee at the work site \(see OAR 340-242-0060 to determine count of employees\). An employer making partial progress toward the target trip reduction may choose to contribute proportionate to the percentage of the target trip reduction yet to be achieved.](#)

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1030

DEQ 17-1996, f. & cert. ef. 8-14-96

[340-242-0250](#)

Employee Commute Options Program: What Alternatives Qualify as Equivalent Emission Reductions?

Equivalent emission reduction alternatives at the work site include, but are not limited to, the following:

- (1) Use of alternative fueled vehicles (employer or employee vehicles);
- (2) Vehicle scrappage (older high-emitting employee or employer vehicles);
- (3) Forklift replacement (lower emitting technology);

(4) Lawn mower replacement (may include lawn mowers employees use at home if home is located within the Portland AQMA);

(5) Motor boat motor replacement (may include motor boats owned by employees who live within the Portland AQMA);

(6) Reductions in air pollution emissions from non-vehicle sources at the work site; [and](#)

(7) Reductions in non-commute vehicle traffic to the work site or within the work site.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1040

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0260

Employee Commute Options Program: Can Employers Get Credit for Existing Trip Reduction Programs?

~~The Department~~ [DEQ](#) may grant credits for documented trip reductions that occurred at an employer's work site any time before establishing a baseline auto trip rate. Credits will be granted upon approval by ~~the Department~~ [DEQ](#). ~~The Department~~ [DEQ](#) will approve or deny the employer's request for credit by letter to the employer. If the employer objects to any condition or limitation in that letter, the employer may request a contested case hearing as described in OAR 340-242-0170.

(1) Employers must demonstrate that pre-existing trip reduction programs resulted in actual trip reductions by providing:

(a) A description of the trip reduction programs and how they were implemented;

(b) The period of time that the programs have been in place;

(c) Survey findings or comparable documentation that demonstrates a ~~twenty~~ [en](#) percent reduction in the auto trip rate for the work site [or an auto trip rate no greater than 65%](#); and

(d) Current survey findings or comparable documentation verifying the employer has maintained the reduced auto trip rate.

(2) Applications for credits must be submitted to ~~the Department~~ [DEQ](#) with the trip reduction plan or notice of intent to reduce trips through participation in an equivalent commute trip reduction program.

(3) Credits will not be discounted and will be granted on a one-for-one basis.

(4) Trips documented for the purpose of receiving credits may not be bought or sold to other employers for the purpose of meeting the target trip reduction.

(5) Alternately, an employer may choose to provide documentation that its single occupant vehicle commute rate, at the time of registration, is equal to or less than two standard deviations below the mean rate for the Metro transportation zone which includes the employer's work site. Commute data for Metro's transportation zones is available from ~~the Department~~ [DEQ](#).

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1050

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0270

Employee Commute Options Program: Are Exemptions Allowed ~~if an Employer is Unable to Reduce Trips or Take Advantage of Alternate Compliance Options?~~

(1) An employer is fully exempt from OAR 340-242-0010 through 340-242-0290 if the employer submits reasonable documentation ~~for each of the following:~~

~~(a) that all W~~ork sites ~~with more than 100 employees are~~is located in an area for which:

~~(aA)~~ Public transit service during work shift changes is less frequent than thirty minute intervals; ~~or~~

~~(bB)~~ The public transit service point is further than one-half mile from employee's usual parking area; or

~~(cC)~~ ~~All W~~ork shift changes occur between 8:30 p.m. and 5:30 a.m.

~~(b)~~ Upon completing the employee survey and providing reasonable promotion for a carpool matching program, employees indicating a willingness to car/vanpool cannot be matched within the work site or through Tri-Met's carpool matching database or employee turnover rate is greater than 50 percent per year;

~~(c)~~ The nature of employees' work requires them to perform their work at the work site or during specific hours and days, eliminating the possibility of telecommuting or compressed work weeks/hours; and

~~(d)~~ No options exist for the employer to achieve equivalent emission reductions at no net annualized cost to the employer (including both capital and operating costs).

(2) Partial exemptions.

(a) The Department will grant a partial exemption for that portion of an employer's work force for which sections (1)(a) through (b) of this rule apply, meaning DEQ shall not require the employer to distribute surveys to employees reporting to a worksite described in (1)(a) or (b) and DEQ shall not require the employer to include trips to worksites described in (1)(a) or (b) in the auto trip rate calculation;

(b) ~~The Department~~ DEQ will grant a partial exemption for that portion of the employer's work force for which section (1)(c) of this rule applies, meaning DEQ shall not require employees that change shifts between 8:30 p.m. and 5:30 a.m. to be counted toward the total employees at the worksite. ~~in direct proportion to the remaining work trips to be reduced after quantifying all available equivalent emission reductions.~~

(3) Employers must submit requests for partial-worksite or total exemptions to ~~the Department~~ DEQ, on DEQ's application forms ~~provided by the Department~~, by the deadline for trip reduction plan ~~or notice~~-submittal. ~~The Department~~ DEQ will approve or deny the employer's request for exemption by letter to the employer. If the employer objects to any condition or limitation in that letter, the employer may request a contested case hearing as described in OAR 340-242-0170.

(4) Employers must renew requests for exemptions every three years.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1060

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0280

Employee Commute Options Program: Participation in the Industrial Emission Management Program

Employers that donate unused Plant Site Emission Limit (PSEL) to ~~the Department~~ DEQ's Industrial Emission Management program (see OAR 340-242-0400 through 340-242-0440) are exempt from the ECO rules.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1070

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0290

Employee Commute Options Program: What Kind of Records Must Be Kept and for How Long?

Employers must maintain records at the work site or other central location within the Air Quality Maintenance Area for at least three years, and must make those records available to ~~the Department~~[DEQ](#) upon request. Records must include:

- (1) The contents and results of employee surveys or other information gathering efforts;
- (2) A full description of all measures and incentives offered to employees and the associated employee ~~responses~~[utilization](#);
- (3) Other information associated with the development, implementation, evaluation, or modification of the trip reduction program.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 3-2007, f. & cert. ef. 4-12-07

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1080

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0300

Voluntary Maximum Parking Ratio Program: What is the Voluntary Parking Ratio Program?

The Voluntary Parking Ratio Program encourages property owners to voluntarily locate and design facilities that need less parking by building in a more pedestrian, bicycle and transit friendly manner.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1100

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0310

Voluntary Maximum Parking Ratio Program: Who Can Participate in the Voluntary Parking Ratio Program?

Any property owner constructing a new development or a re-development of an existing site that adds new building floor area and requires new parking spaces in the Portland Air Quality Maintenance Area (AQMA) for the specific land uses defined below in 340-242-0320

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1110

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0320

Voluntary Maximum Parking Ratio Program: Definitions of Terms and Land Uses

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0300 through 340-242-0390. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0300 through 340-242-0390.

(1) General Definitions:

(a) “AQMA” means the Portland Air Quality Maintenance Area as defined in OAR 340-204-0010.

(b) “CCTMP” means the Central City Transportation Management Plan as defined by ordinance number 169535 and resolution number 35472, adopted by City of Portland City Council December 6, 1995, effective January 8, 1996.

(c) “Department” means the Department of Environmental Quality.

(d) “Director” means the Director or the Director’s designee.

(e) “Employee Commute Options Program” or “Employee Commute Options Rule” means OAR 340-242-0010 through 340-242-0290.

(f) “Gross Floor Area” means the total area expressed in square feet of all floors of a building that include halls, stairwells, elevator shafts, basements, mezzanines or upper floors but excludes structured parking. Gross floor area is measured to the outside surfaces of exterior wall.

(g) “Gross Leasable Area” means total building area expressed in square feet designed for tenant occupancy and exclusive use that includes basements, mezzanines or upper floors, but does not include stairwells, elevator shafts. Gross leasable area is measured to the inside surfaces of exterior walls. Gross leasable area is that area for which tenant pays rent; it is the area that produces income.

(h) “OAR” means Oregon Administrative Rules.

(i) “Parking Ratio Permit” means a permit in letter form issued by the Department, bearing the signature of the Director or designee, that specifies the property owner’s requirements under the parking ratio program.

(j) “Parking Ratio Program” means the Voluntary Parking Ratio Program, OAR 340-242-0300 through 340-242-0390.

(k) “Parking Space” means any off-street area of space below, above or at ground level, open or enclosed that is used for parking one motor vehicle at a time. If the property owner intends to stack cars (valet parking) on-site and off-site, the total area or areas used for parking must

be calculated as parking spaces, not just the striped parking spaces. This does not include handicapped parking spaces officially designated pursuant to the Americans with Disabilities Act.

(l) “Property Owner” means individual, corporation, partnership, limited partnership (reflecting the proposed development), association, government, firm or joint stock company who owns title to real property.

(2) Land Use Definitions:

(a) “Bank with Drive-In and Walk-In” means banking facilities for motorists remaining in a vehicle and for someone walking into the building.

(b) “Commercial Retail” means either a free standing store or an integrated group of retail establishments planned, developed and managed as a unit. These retail facilities offer a variety of products, but do not include a separate grocery store.

(c) “Fast-food Restaurant with Drive-In Window” means a fast food restaurant with motor vehicle drive-in window order service.

(d) “General Office” means an office usually housing single or multiple tenants including, but not limited to, professional services; characterized by landscaped office park or campus-type atmosphere; a group of buildings where the tenant space is flexible to house a variety of uses including, but not limited to, start-up companies or small mature companies that require a variety of space, such as research and development, engineering, or biotechnology; or a facility that houses one or more agencies of city, county, state, federal or other governmental unit. These facilities may also include tenant and support services including, but not limited to, banks, restaurants and other small retail support services.

(e) “Light Industrial, Industrial Park, Manufacturing” means an area containing a number of industrial or related facilities such as office, warehouse, research and associated functions, manufacturing and fabrication; facilities that are diversified which may have a large number of small businesses and others with one or two dominant industries; or facilities with features including, but not limited to, craneways, heavy power, grade and/or dock level doors.

(f) “Medical Clinic/Hospital/Dental Clinic” means a facility that provides diagnostic outpatient care and is equipped to provide prolonged in-patient medical care.

(g) “Movie Theater” means indoor cinemas showing motion pictures. Live stage performances are not included in this land use.

(h) “Other Restaurants” means other establishments serving food for immediate consumption that are not classified as fast food with drive-in.

(i) “Place of Worship” means church, synagogue or other religious facility.

(j) “Schools” means a facility attended by students, including senior high school, junior college, technical college and university levels.

(k) “Sports Club and Recreational Facilities” means a facility offering multiple types of fitness activities including, but not limited to, basketball, tennis, racquetball, volleyball and basketball courts, weight training, aerobics, jazzercise, running. The facility may also include a sauna, swimming pool, game rooms and/or meeting rooms.

(l) “Supermarket” means a retail store selling a complete assortment of food and food preparation materials, household items, and other retail items; may include pharmacies, delicatessens, and snack bars.

(m) “Tennis and Racquetball Courts” means a facility where the predominant activity is tennis courts and/or racquetball courts; it may include exercise facilities.

(n) “Warehouse” means a facility that is primarily devoted to the storage of materials, but may also include some office and maintenance areas.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1160

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0330

Voluntary Maximum Parking Ratio Program: How Does a Property Owner Comply with the Voluntary Parking Ratio Program?

A property owner complies by building no more than the number of parking spaces specified by maximum parking ratios in OAR 340-242-0390 and obtaining a Parking Ratio Permit from ~~the Department~~ [DEQ](#).

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1120

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0340

Voluntary Maximum Parking Ratio Program: What are the Incentives for Complying with the Voluntary Parking Ratio Program?

(1) Employers in the development receive an exemption from the Employee Commute Options program in OAR 340-242-0010 through 340-242-0290.

(2) Property owners who require other air and water permits from ~~the Department~~ [DEQ](#) receive priority permit processing.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1130

DEQ 17-1996, f. & cert. ef. 8-14-96

[340-242-0350](#)

Voluntary Maximum Parking Ratio Program: Why Do I Need a Parking Ratio Permit?

(1) The parking ratio permit formally documents the agreement with ~~the Department~~ [DEQ](#) to construct parking within the maximum parking ratio and it provides an enforcement mechanism if the property owner builds more parking without the Department's approval.

(2) The parking ratio permit formally exempts applicable employers from the Employee Commute Options rule requirements.

(3) The parking ratio permit formally provides priority permit processing for other air and water permits from the Department.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1140

DEQ 17-1996, f. & cert. ef. 8-14-96

[340-242-0360](#)

Voluntary Maximum Parking Ratio Program: What is Required to Obtain a Parking Ratio Permit?

Any property owner who chooses to limit construction of parking facilities at its site must submit the following information:

(1) A completed permit application form;

(2) Identification of the proposed land uses in OAR 340-242-0320;

(3) A map showing the location of the site;

(4) A site plan showing the location of the parking and the total number of parking spaces proposed;

(5) Quantification of the gross leasable area and gross floor area of the buildings proposed for the site and the associated parking ratio;

(6) Facts about design and location features that will allow the facility to meet the trip demand with less parking. This can be documented by completing ~~the Department~~ [DEQ](#)'s Parking Ratio Checklist or providing similar documentation.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1150

DEQ 17-1996, f. & cert. ef. 8-14-96

[340-242-0370](#)

Voluntary Maximum Parking Ratio Program: How is the Parking Ratio Program Enforced?

(1) A Parking Ratio Permit is a written permit in letter form issued by ~~the Department~~ [DEQ](#) bearing the signature of the Director or his/her designee.

(2) The general permitting provisions of Oregon Administrative Rules, chapter 340, division 14 apply (issuance, renewal, denial, suspension), except that OAR 340-014-0025 (public notice requirement) does not apply.

(3) An employer is no longer exempt from the ECO rule requirements if the property owner fails to comply with the terms of the Parking Ratio letter permit.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1170

DEQ 17-1996, f. & cert. ef. 8-14-96

[340-242-0380](#)

Voluntary Maximum Parking Ratio Program: When Will the Department Act on a Submitted Permit Application?

(1) ~~The Department~~ [DEQ](#) will notify the applicant within 15 days of filing an application if further information is needed or if the application is complete.

(2) ~~The Department~~ [DEQ](#) will grant or deny a letter permit within 45 days of receiving a complete application.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1180

DEQ 17-1996, f. & cert. ef. 8-14-96

340-242-0390

Voluntary Maximum Parking Ratio Program: What are the Applicable Parking Ratios?

TABLE 1.

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.363

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1190

DEQ 17-1996, f. & cert. ef. 8-14-96

[No changes proposed to the remaining rules in chapter 340 division 242]

Division 254
RULES FOR INDIRECT SOURCES

340-254-0010

Policy

The Commission finds and declares Indirect Sources to be air contamination sources as defined in ORS 468A.005. The Commission further finds and declares that the regulation of Indirect Sources is necessary to control the concentration of air contaminants which result from Motor Vehicle Trips and/or Aircraft Operations associated with the use of Indirect Sources.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.025

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0100

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 118, f. & ef. 8-11-76

Reverted to DEQ 81, f. 12-5-74, ef. 12-25-74

DEQ 110(Temp), f. & ef. 3-17-76

DEQ 81, f. 12-5-74, ef. 12-25-74

340-254-0020

Jurisdiction and Delegation

The Commission finds that the complexity or magnitude of Indirect Sources requires statewide regulation and assumes or retains jurisdiction thereof. The Commission may, however, when any Regional Authority requests and provides evidence demonstrating its capability to carry out the provisions of these rules relating to Indirect Sources, authorize and confer jurisdiction upon such Regional Authority to perform all or any of such provisions within its boundary until such authority and jurisdiction shall be withdrawn for cause by the Commission.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.025

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0105

DEQ 118, f. & ef. 8-11-76

Reverted to DEQ 81, f. 12-5-74, ef. 12-25-74

DEQ 110(Temp), f. & ef. 3-17-76

DEQ 81, f. 12-5-74, ef. 12-25-74

340-254-0030

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, [340-242-0050](#) and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) “Associated Parking” means a Parking Facility or facilities owned, operated, and/or used in conjunction with an Indirect Source.

(2) “Average Daily Traffic” means the total traffic volume during a given time period in whole days greater than one day and less than one year divided by the number of days in that time period, commonly abbreviated as ADT.

(3) “Commence Construction” means to begin to engage in a continuous program of on-site construction or on-site modifications, including site clearance, grading, dredging, or landfilling in preparation for the construction, installation, or modification of an Indirect Source. Interruptions and delays resulting from natural disasters, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

~~(4) “Department” means the Department of Environmental Quality.~~

~~(5) “Director” means the Director of the Department or Regional Authority and authorized deputies or officers.~~

~~(46)~~ (46) “Indirect Source” means a facility, building, structure, or installation, or any portion or combination thereof, which indirectly causes or may cause Mobile Source activity that results in emissions of an air contaminant for which there is a National Ambient Air Quality Standard. Such Indirect Sources shall include, but not be limited to:

(a) Parking Facilities;

(b) Retail, Commercial, and Industrial Facilities;

(c) Recreation, Amusement, Sports, and Entertainment Facilities;

(d) Office and Government Buildings;

(e) Educational Facilities; [and](#)

(f) Hospital Facilities.

~~(57)~~ (57) “Indirect Source Construction Permit” means a written permit in letter form issued by ~~the Department~~ [DEQ](#) or Regional Authority having jurisdiction, bearing the signature of the Director, which authorizes the permittee to commence construction of an Indirect Source under construction and operation conditions and schedules as specified in the permit.

(68) “Indirect Source Emission Control Program” or “ISECP” means a program which reduces Mobile Source emissions resulting from the use of the Indirect Source. An ISECP may include, but is not limited to:

- (a) Posting transit route and scheduling information;
- (b) Construction and maintenance of bus shelters and turnout lanes;
- (c) Maintaining mass transit fare reimbursement programs;
- (d) Making a car pool matching system available to employees, shoppers, students, residents, etc.;
- (e) Reserving Parking Spaces for car pools;
- (f) Making Parking Spaces available for park-and-ride stations;
- (g) Minimizing vehicle running time within parking lots through the use of sound parking lot design;
- (h) Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such;
- (i) Limiting traffic volume so as not to exceed the carrying capacity of roadways;
- (j) Altering the level of service at controlled intersections;
- (k) Obtaining a written statement of intent from the appropriate public agency(s) on the disposition of roadway improvements, modifications, and/or additional transit facilities to serve the individual source;
- (l) Construction and maintenance of exclusive transit ways;
- (m) Providing for the collection of air quality monitoring data at Reasonable Receptor and Exposure Sites;
- (n) Limiting facility modifications which can take place without resubmission of permit application.

(79) “Mobile Source” means self-propelled vehicles, powered by internal combustion engines including, but not limited to, automobiles, trucks, motorcycles, and aircraft.

(840) “Off-Street Area or Space” means any area or space not located on a public road dedicated for public use.

(~~9~~¹¹) “Parking Facility” means any building, structure, lot, or portion thereof, designed and used primarily for the temporary storage of motor vehicles in designated Parking Spaces.

(~~10~~¹²) “Parking Space” means any Off-Street Area or Space below, above, or at ground level, open or enclosed, that is used for parking one motor vehicle at a time.

(~~11~~¹³) “Person” means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State and any agencies thereof, and the federal government and any agencies thereof.

(~~12~~¹⁴) “Population” means that population estimate most recently published by the Center for Population Research and Census, Portland State University, or any other population estimate approved by ~~the Department~~ [DEQ](#).

(~~13~~¹⁵) “Regional Authority” means a regional air quality control authority established under the provisions of ORS 468A.105.

(~~14~~¹⁶) “Reasonable Receptor and Exposure Sites” means locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the Indirect Source in question.

(~~15~~¹⁷) “Sensitive Area” means locations which are actual or potential areas containing Carbon Monoxide hotspots, as determined by ~~the Department~~ [DEQ](#).

(~~16~~¹⁸) “Vehicle Trip” means a single movement by a motor vehicle which originates or terminates at or uses an Indirect Source.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468A.025

History:

[DEQ 162-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0110

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DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92

DEQ 17-1990, f. & cert. ef. 5-25-90

DEQ 118, f. & ef. 8-11-76

Reverted to DEQ 86, f. 3-11-75, ef. 4-11-75

DEQ 110(Temp), f. & ef. 3-1-76 thru 7-14-76

DEQ 86, f. 3-11-75, ef. 4-11-75

DEQ 81, f. 12-5-74, ef. 12-25-74

[No changes proposed to division 254-0040 through 0080.]

340-254-0090

Statewide Employee Commute Option Program

(1) The purpose of the Statewide Employee Commute Program is to help communities reduce mobile source emissions, such as greenhouse gas and toxic air contaminants, by reducing single occupancy vehicle trips to work sites.

(2) Employers with worksites located outside the Portland Air Quality Maintenance Area must provide commute options to encourage their employees to reduce auto trips to the worksite if:

(a) The employer has one or more worksites located within an urban growth boundary of an Oregon incorporated city with a population exceeding 50,000; and

(b) More than 100 employees report to any one worksite within the urban growth boundary.

Statutory/Other Authority: ORS 468.020, ORS 468A.005, ORS 468A.025

Statutes/Other Implemented: ORS 468.020, ORS 468A.010, ORS 468A.025, ORS 468A.205(1)(c)

340-254-0100

Statewide Employee Commute Option Program Employee Count

(1) The count of employees at a work site must include:

(a) Employees from all shifts, across all working days at the worksite, based on monthly employee count averaged over a 12-month period;

(b) Employees on the employer's payroll for least six consecutive months at one work site; and

(c) Part-time employees assigned to a work site 80 or more hours per 28-day-period.

(2) The count of employees at a work site may exclude volunteers, employees with a disability (as defined under the Americans with Disabilities Act), employees working on a non-scheduled work week, and employees required to use a personal vehicle as a condition of employment.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468.020

340-254-0110

Requirements of the Statewide Employee Commute Option Program

To comply with the Statewide Employee Commute Option Program, an employer subject to 340-254-0090 must:

(1) Register all worksites that meet the criteria of OAR 340-254-0090(2)(a) and (b) with DEQ on one DEQ-supplied form;

(2) Designate an Employee Transportation Coordinator responsible for implementing commute option programming at the worksite and reporting to DEQ;

(3) Conduct a survey of employees upon registration and then every two years thereafter, as provided in OAR 340-254-0140, and with each survey calculate an auto trip rate for the worksite;

(4) Establish a target auto trip rate that complies with OAR 340-254-0120 for all worksites that meet the criteria of OAR 340-254-0090(2)(a) and (b). If the employer has multiple worksites, the employer may establish different target auto trip rates for each worksite or may establish one target auto trip rate that applies to all worksites.

(5) Design and implement an auto trip reduction plan that complies with OAR 340-254-0150 and that DEQ deems is reasonably likely to achieve and maintain the target auto trip rate at the worksite;

(6) Revise and implement the revised auto trip reduction plan if:

(a) the employer has not achieved the target auto trip rate within three years from the date of the first survey or maintained the target auto trip rate since the prior employee survey; or

(b) the auto trip rate has increased since the prior employee survey; and

(7) If after two revisions of the auto trip reduction plan, the employer has still not met its target auto trip rate, the employer may continue to revise its auto trip reduction plan or document one or more of the following alternative mobile emission reduction strategies:

(a) Contribution to a transportation management agency, a nonprofit transportation option provider or a charitable organization that is registered with the Oregon Department of Justice and whose purpose includes improving access to and conditions for commuting by means other than driving alone. The employer contribution must be at least at an annual rate of \$250 per employee at the work site (see OAR 340-254-0100 to determine count of employees). An employer making partial progress toward the target trip reduction may choose to contribute proportionate to the percentage of the target trip reduction yet to be achieved; or

(b) Implementation of one more equivalent emission reductions at the work site such as:

(A) Use of alternative fueled vehicles (employer or employee vehicles) and infrastructure;

(B) Vehicle scrappage (older high-emitting employee or employer vehicles);

(C) Forklift replacement (e.g. with electric or lower emitting technology);

(D) Reductions in air pollution emissions from non-vehicle sources at the work site; or

(E) Reductions in non-commute vehicle traffic to the work site or within the work site.

(c) Equivalent emission reduction proposals must be included in the employer's trip reduction plan. In order to receive credit as an equivalent emission reduction, DEQ must review and approve proposals before an employer implements the strategy. Employers selecting equivalent emission reduction strategies must meet the following requirements:

(A) Employer sufficiently documented emission calculations so that DEQ can quantify and verify the reduction;

(B) Employer calculated equivalent emissions according to DEQ guidelines. DEQ must approve any alternate or modified calculation methods; and

(C) Employer submits, on the same schedule as the follow-up survey findings, documentation of actual equivalent emissions reduced.

Statutory/Other Authority: ORS 468.020, ORS 468A.050

Statutes/Other Implemented: ORS 468.020, ORS 468A.010, ORS 468A.025, ORS 468A.205(1)(c)

340-254-0120

Options for setting a worksite target auto trip rate.

(1) An employer must establish a target auto trip rate that is:

(a) At least 15% less than the auto trip rate measured in the initial employee survey; or

(b) No greater than 75%.

(2) An employer with more than one work site that meet the criteria of OAR 340-254-0090(2)(a) and (b) may average its target trip reduction among those work sites.

(3) The employer may include work sites with 100 or fewer employees in the interest of averaging trip reductions among all work sites, but the employer must then survey employees at all included work sites and include all survey results in the employer's report to DEQ.

Statutory/Other Authority: ORS 468.020, ORS 468A.050

Statutes/Other Implemented: ORS 468.020, ORS 468A.025, ORS 468A.205(1)(c)

340-254-0130

Statewide Employee Commute Option Program Enforcement Procedures

(1) Enforcement procedures and civil penalties in OAR, chapter 340, division 12 apply. Under 340-012-0053(2) and 340-012-0054(2)(g), violations of the Statewide Employee Commute Option rules are Class Two violations. Failure to achieve an auto trip rate is not a violation; failure to make a good faith effort toward, or prepare and implement a plan designed to achieve, an auto trip rate is a violation. Civil penalties are determined under 340-012-0045.

(2) DEQ deems a good faith effort to include all of the following actions:

(a) The employer conducts an initial employee survey and calculates an auto trip rate;

(b) The employer developed auto trip reduction strategies that have a reasonable likelihood of achieving the target auto trip rate based on studies and reports on DEQ's Employee Commute Options webpage or equivalent documentation; and

(c) The employer fully implemented all selected strategies intended to achieve the target auto trip rate.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468.020

340-254-0140

Statewide Employee Commute Options Program Survey Requirements

(1) Employers may use the survey form that DEQ provides or an alternate survey instrument or an alternate method to obtain the information subsections (a) through (e) below. Any alternate survey instrument or method must be approved by DEQ before use. DEQ encourages employers to ask one or more questions about employee demographics (e.g. race, ethnicity, gender identity) to understand how access to commute options and benefits are distributed across the workforce. Any survey instrument or method must ask for the following information.

(a) How the employee travelled to work during the last week they worked;

(b) If the employee carpooled or vanpooled to work, how many people were in the car or van;

(c) Reasons for employee's choice to drive alone to work one or more days during the surveyed workweek;

(d) Reasons for employee's choice to travel by a means other than driving alone (e.g. transit, carpool/vanpool, cycle/walk, telecommute) one or more days during the surveyed workweek;

(e) The approximate round trip length of the employee's driving commute in miles; and

(f) The fuel source of vehicle the employee drove alone to work one or more days of the surveyed workweek (e.g. gasoline, diesel, electric).

(2) The employer must distribute the survey form to all employees in all worksites that meet the criteria of OAR 340-254-0090(2)(a) and (b) and achieve a minimum response rate of 75 percent; if the employer does not achieve the minimum response rate for baseline or follow-up surveys, DEQ will assign a single occupant vehicle mode to the percentage of employees who did not respond up to the 75% rate.

(3) Employers with more than 400 employees at a work site may survey a statistically valid random sample of employees and must follow DEQ's guidelines for random sampling.

(4) The employer must distribute survey forms during a week following a typical work week for the employer and not bordering a holiday.

(5) The baseline survey must not be distributed to employees earlier than one year before reporting the results to DEQ.

(6) The employer must not distribute follow-up surveys to employees earlier than 90 days before reporting the results to DEQ.

(7) The employer must report survey findings to DEQ every two years. The employer may report survey findings for multiple worksites in aggregate or separately.

Statutory/Other Authority: ORS 468.020, ORS 468A.050

Statutes/Other Implemented: ORS 468.020, ORS 468A.050

340-254-0150

Requirements of an auto trip reduction plan

An auto trip reduction plan must include all of the following:

(1) The results of the baseline employee survey or comparable documentation, including a calculated auto trip rate at the worksite.

(2) The target auto trip rate for each or all worksites, established under 340-254-120.

(3) Any employee commute option programs currently in use at the worksite.

(4) New commute options the employer intends to implement at the worksite that are reasonably likely to achieve and maintain the target auto trip rate.

(5) Empirical evidence or references (e.g. government or consultants' reports), that current and newly offered commute options are reasonably likely to achieve and maintain the target

auto trip rate. Employers may reference studies and reports on DEQ's Employee Commute Options webpage or provide equivalent documentation).

(6) Any unique aspects of the business or work site influencing the trip reduction strategies selected.

(7) A schedule for implementing each of the selected commute option measures.

(8) A narrative description of employer policies that support equitable accessibility and distribution of commute option benefits, considering employee demographics (e.g. race, ethnicity, gender identity), job types and compensation ranges.

(9) The name, title, telephone number, electronic mail address and business mailing address of the person the employer has designated to be the employee transportation coordinator for the work site (employee transportation coordinator does not have to be located at the work site); and a signed statement certifying that the documents and information submitted in the plan are true and correct to the best of that person's knowledge.

(10) The employer may develop one auto trip reduction plan for all work sites but must select strategies based on the specific transportation characteristics of each work site.

Statutory/Other Authority: ORS 468.020, ORS 468A.050

Statutes/Other Implemented: ORS 468.020, ORS 468A.025, ORS 468A.205(1)(c)

340-254-0160

Auto Trip Reduction Plan Approval and Deficiency Notification

(1) DEQ shall approve any trip reduction plan meeting the criteria of 340-254-0150 and including at least one strategy in at least four of the six policy categories (1) through (6) of 340-254-0170 within 30 days of plan submittal.

(2) DEQ will strive to approve a submitted auto trip reduction plan in writing or notify the employer in writing of deficiencies in a submitted auto trip reduction plan, based on the criteria in OAR 340-254-0150, within 90 days.

(3) The employer will have 60 days from the date of DEQ's notification to correct any auto trip reduction plan deficiencies and resubmit the auto trip reduction plan to DEQ.

(4) If the employer objects to any condition or limitation or identified deficiency in DEQ's notification, the employer may request a contested case hearing before the Commission or its authorized representative. The employer must request a hearing in writing to the Director and DEQ must receive the request within 20 days of the mailing date of DEQ's notification. Any subsequent hearing will be conducted under the provisions of ORS chapter 183 and OAR chapter 340, division 11.

Statutory/Other Authority: ORS 468.020, ORS 468A.050

Statutes/Other Implemented: ORS 468.020, ORS 468A.050

340-254-0170

Commute options to reduce worksite auto trips

Employee commute option programs include, but are not limited to:

(1) Policies that support rural and long-distance commuters, such as:

(a) coordinating a carpool matching program;

(b) preferential parking for carpools at the work site;

(c) daily stipends for carpoolers; and

(d) providing or subsidizing an employee vanpool.

(2) Parking policies that provide employees financial incentives to choose commute options other than driving alone, such as:

(a) Ending parking subsidies, whereby the employer eliminates the portion of the parking cost the employer pays and the employee pays that parking cost. To minimize adverse financial effects on lower income employees, DEQ encourages a parking cash out program; and

(b) Parking cash out, whereby the employer ends parking subsidies, begins to charge employees for parking and provides an amount equivalent to the previous subsidy to each employee. Employees have the choice of spending the subsidy equivalent on parking at the work site or retaining the subsidy equivalent if they choose not to drive to and park at the work site.

(3) Policies that subsidize public and private high-occupancy transportation, such as:

(a) Partially or fully subsidize public transit passes; and

(b) Partially or fully subsidize vanpool fare.

(4) Policies that make active transportation convenient, affordable and attractive, such as:

(a) Providing facilities such as covered, secure bicycle parking, showers and lockers;

(b) Partially or fully subsidize micro-mobility memberships, where those services are available;

(c) Having an on-site bike fleet for employee use during the day (e.g. lunch errands);

(d) Offering employees an active transportation stipend for purchase or maintenance of equipment and supplies (e.g. bikes, sneakers, tire repair kits, rain jackets); and

(d) Providing “last mile” shuttles to transport employees safely from transit hubs or pedestrian areas to the worksite.

(5) Flexible work location and time policies that help employees with work/life balance, such as:

(a) Offering remote work and telecommuting;

(b) Offering flexible scheduling, including compressed work weeks;

(c) Providing an emergency ride home;

(d) Sponsoring a car-share program at the worksite; and

(e) Providing on-site or nearby child care.

(6) Policies that educate about and support employee participation in commute option programming, such as:

(a) Annual celebrations, competitions, or festivals that promote commute options;

(b) Recognition of employees or workgroups using commute options;

(c) Buddy systems or mentoring of employees new to commute options;

(d) Education and training classes (e.g. bike repair, learning to take transit); and

(e) Membership in a transportation management agency that can offer technical, educational and promotional assistance.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468.020

340-254-180

Statewide Employee Commute Option Program Partnerships

(1) DEQ encourages employers to enter partnerships with nearby employers, non-profit organizations and any transportation management agencies or transportation option providers serving the region.

(2) Different employers with work sites located near each other or having common transportation needs may develop a joint auto trip reduction plan for all covered work sites. The plan must address each of the employers’ work sites separately from the other

employers' work sites. Each employer must report initial and follow-up survey findings for its own covered worksites.

(3) Multiple employers may share the resources of one Employee Transportation Coordinator.

340-254-190

Statewide Employee Commute Options Recordkeeping Requirements

Employers subject to OAR 340-254-0090 must maintain records at a covered work site for at least three years, and must make those records available to the DEQ upon request:

(1) The contents and results of employee surveys or other approved information gathering efforts;

(2) Copies of all the employer's auto trip reduction plans, including a full description of all measures and incentives offered to employees and the associated employee utilization;

(3) Any other information associated with the development, implementation, evaluation, or modification of the employer's auto trip reduction plans.

Statutory/Other Authority: ORS 468.020, ORS 468A.050

Statutes/Other Implemented: ORS 468.020, ORS 468A.050

340-254-0190

Voluntary Participation in Statewide Employee Commute Option Program

(1) Any employer not located in the Portland Air Quality Maintenance Area may voluntarily participate in the Statewide Employee Commute Option Program.

(2) DEQ will provide employers participating in the Statewide Employee Commute Option program voluntarily and fulfilling the requirements of section (3) of this rule the following:

(a) One review and assessment of the employer's commute option programming;

(b) A certificate, signed by the DEQ Director, recognizing the employer for voluntary participation in the Statewide Employee Commute Options program;

(c) DEQ-branded promotional materials (e.g. logos, certificates) that the employer may publicize;

(d) Recognition on DEQ's Employee Commute Option webpage as a commuter-friendly workplace;

(e) Expedited air quality permitting.

(3) Employers who choose to voluntarily participate in the Statewide Employee Commute Program must:

(a) Register with DEQ;

(b) Provide DEQ with name, electronic mail address, phone number and mailing address of the person responsible for commute option programming at the employer;

(c) Conduct an initial employee commute survey and calculate an auto trip rate;

(d) Provide DEQ with an auto trip reduction plan that documents commute options offered and equitable distribution across the workforce; and

(e) Maintain participation by submitting results from an employee commute survey to DEQ no less frequently than every four years. The employer must not distribute follow-up surveys to employees earlier than 90 days before reporting the results to DEQ.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468.020, ORS 468A.205(1)(c)

Translation or other formats

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