



State of Oregon Department of Environmental Quality

Commute Option Rule Policy and Regulatory Concepts for RAC Consideration

Commute Options Rulemaking 2021

Advisory Committee Meeting 3, Sept. 21, 2022

Trip Reduction Targets

| Policy | Support | Concerns | Comments |
|---|---------|----------|----------|
| Auto Trip Reduction Targets | | | |
| Retain 10% auto trip rate reduction from baseline as a target, not a compliance measure | | | |
| Allow an alternative target of 20% full-time remote workers | | | |
| Provide incentive to reach 20% trip reduction from baseline: reduce survey frequency to once/ 4 years | | | |
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Reducing Vehicle Miles Traveled

| Policy | Support | Concerns | Comments |
|---|---------|----------|----------|
| Vehicle Miles Traveled Reduction | | | |
| Trip reduction plans require MPO or local gov't approval as consistent with transportation system plans | | | |
| Trip reduction plans require narrative explanation of consistency with MPO or local gov't transportation system plans | | | |
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Reporting Requirements

| Policy | Support | Concerns | Comments |
|---|---------|----------|----------|
| Reporting, Surveying and Trip Reduction Plan Requirements | | | |
| Update employee commute option responsible person contact information within 30 days of change and at least annually | | | |
| Trip reduction plans include description of employer policies that support accessibility and distribution of commute option benefits among employees of color, across job types and across salary ranges. | | | |
| Survey employees 2 years after baseline survey, then every 4 years. | | | |
| Require 75% survey participation or alternative of 65% in every job type category (e.g. office-based, direct customer service, manufacturing) – only for employers outside of Portland metropolitan area. | | | |
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Geographic considerations

| Policy | Support | Concerns | Comments |
|--|---------|----------|----------|
| Geographic considerations | | | |
| Commute option programming mandatory for employers based within Metropolitan Planning Organization boundaries or within an urban growth boundary of an incorporated city with a population of at least 10,000. | | | |
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Employer considerations

| Policy | Support | Concerns | Comments |
|---|---------|----------|----------|
| Regulated employer considerations | | | |
| Commute option programming for employers with more than 100 employees at one worksite or more than 1,000 employees at multiple worksites within an MPO boundary or UGB of an incorporated city with a population of at least 10,000 people. | | | |
| Employer trip reduction plan total points requirement is tiered by employer size | | | |
| Employers who voluntarily opt in to providing commute options, surveying and reporting receive DEQ “commute option leader” certification or other promotional materials from DEQ. | | | |
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Exemptions

| Policy | Support | Concerns | Comments |
|--|---------|----------|----------|
| Exemptions (see rule text next page) | | | |
| Retain exemptions of OAR 340-0242-0210 and -0270 except change -0270(1)(C) to "Work shift changes occur between 7:00 p.m. and 7:00 a.m." | | | |
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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 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 within 90 days of notice by the Department.

- (1) Work site is located in an area with maximum parking ratio requirements at least as stringent as the Department'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'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'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.

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) Work site is located in an area for which:
 - (A) Public transit service during work shift changes is less frequent than thirty minute intervals; or
 - (B) The public transit service point is further than one-half mile from employee's usual parking area; or

(C) Work 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 (c) of this rule apply;

(b) The Department will grant a partial exemption for section (1)(d) of this rule 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 or total exemptions to the Department, on application forms provided by the Department, by the deadline for plan or notice submittal. The Department 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.

Alternative formats

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