

Commute Options Rulemaking 2021

Summary

Rulemaking Advisory Committee Meeting #3

Sept. 21, 2022, 8:30 a.m. to 12 p.m. PT

Zoom Webinar

List of attendees

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

- Adriana Britton, Trimet
- André Lightsey-Walker, The Street Trust
- BreAnne Gale, City of Bend
- Dan Kaempff, Metro
- Elizabeth Graser-Lindsey, Community member
- Izzy Armenta, Oregon Walks
- Dr. Jenny Liu, Portland State University
- Dr. Jennifer Dill, Portland State University
- Jodi Parker, LiUNA Local 737
- Julie Warncke, Salem Public Works
- Kathy Fitzpatrick, Mid-Columbia Economic Development District
- Kathy Kleczek, Northwest Transportation Options
- Kiki Dohman, Salem Area Mass Transit
- Lindsay Walker, Nike
- Michael Harrison, Oregon Health Sciences University
- Nick Meltzer, Oregon Cascades West Council of Governments
- Paige West, Rogue Valley Transit District
- Peter Hurley, Portland Bureau of Transportation
- Rob Inerfeld, City of Eugene
- Sara Wright, Oregon Environmental Council
- Sharla Moffett, Oregon Business & Industry
- Stephanie Millar, Oregon Dept. of Transportation
- Vjera Thompson, 9 Wood

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

- Liz Hormann, PBOT
- Shane Rhodes, City of Eugene
- Tyler Deke, Bend MPO

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

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



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Oregon's air, land and
water.*

Agenda Item: Welcome, logistics, agenda review

DEQ staff review agenda, meeting participation tips and guidelines.

Agenda Items: Recap highlights of Meetings 1 and 2

DEQ began by summarizing what was discussed with the RAC in the first two meetings. At the first meeting, the RAC learned about project scope and pollutants of concern and discussed program benefits, burdens and intersections with other land use policies. At the second meeting, the RAC discussed how to measure success in a commute option program, examples from other states, and where new rules might apply in Oregon.

Comment: In the rural areas, employers are reaching out to transportation option providers. We need tools, solutions, subsidies to give them; we don't have the parking pressures of urban areas; our commuters travel long distances.

Comment: There is a difference between what we can do in rulemaking and what we do programmatically. There is a statewide RFP in place now that will help address vanpooling needs in rural areas.

Question: What constitutes a larger employer?

Response: Generally, more than 100 employees at a worksite for current rules; we'll look at some other potential thresholds later today.

Comment: We've talked about equity in terms of racial equity, but we should also consider other disadvantaged communities such as low-income and people living great distances from their worksites.

Response: Centering racial equity is something we need to keep in the front of our minds; making deliberate decisions and asking who is benefiting and who is burdened by our policies. As well, we should consider how policies are affecting other disadvantaged communities: lower-income, workers without access to remote work, workers living far from their worksites because of housing affordability, workers working non-traditional hours. We also need to consider differences in local economies, public transit access and land use.

Comment: I don't see where that is reflected in the documents we were sent. I'd appreciate if that is highlighted.

Question: Was the employer survey information sent?

DEQ Response: It was not, apologies. DEQ will send this information following the meeting.

Comment: Information from this meeting, such as slides, should be posted to the public website.

DEQ Response: DEQ will work with our web team at the meeting break and see if we can get the information posted.

Agenda Items: Review and discuss information from employer outreach, research

DEQ summarizes information received from a targeted employer survey. DEQ sent questions to employers regulated under current Employee Commute Option rules who have not met their auto trip reduction targets in the last few years. RAC members had requested in the second RAC meeting more information about why employers were not meeting their targets. DEQ sent out about 150 surveys and received about 45 responses from employers mostly in the manufacturing, retail and service industries, with a few government employers also responding. DEQ inquired about what the employers felt were the strongest incentives for their employees not to drive to work, what did their employees say the barriers to non-auto commuting were, and what employers needed to expand their commute option programming. Employers identified the most effective commute options for their employees as: offering flexible schedules, subsidizing or free transit passes and supporting carpools. Multiple employers identified the following barriers that their employees

experience to alternative commuting: transit access and frequency, family care responsibilities, living too far away from work. Employers said support in these areas would help them: more accessible transit, educational resources, commute option coordination, carpool matching.

Question: How many employers is this out of? 150 employers out of how many?

DEQ Response: It's out of about 400 employers and 600 worksites.

Comment: Surprised that employers would say carpool matching is a need when there is a good carpool matching tool out there. Might they mean that they need help reaching out to their employees about that tool? We don't know that answer but this is still good information to have.

Question: Are there other characteristics that you noticed among the 150 employers not meeting targets? For example, are they sites that have free parking? Are they of a certain size?

DEQ Response: We don't have an answer for you on the full 150, although we could go back into the list and look up sizes. We have employer addresses, so we could figure out where they are in the city and whether they are likely to have parking lots, but don't have that kind of information compiled and handy. Of the respondents, we do know something about their characteristics. About 50% of respondents were sized at 100 – 249 employees at a worksite, about 75% of respondents were 499 or less; remainder were more than 500 and 1,000 employees. Another characteristic among the respondents was that a large majority said less than 10% of their employees had access to telecommuting. Another interesting note: a large number of respondents indicated that remote work was the strongest incentive for their employees not to drive to work; yet, most employers said fewer than 10% of their employees had access to remote work.

Question: Does the current employee commute survey ask about remote work and how many employees use that option?

DEQ Response: Yes, we ask on the survey how the employee got to work (if they didn't drive) and remote work or telecommuting is one of the options they can choose.

Comment: Didn't DEQ send information to the RAC earlier this year about how the size of the employer correlates with their success in meeting their auto trip rate reduction target? My recollection was that larger employers were more successful. I'm not surprised by many of the responses to this employer survey and suggest DEQ spend some time reviewing the responses. For people living in unincorporated Washington County, for example, it is impossible to get by bus to Swan Island for a shift that starts at 6 a.m. Even leaving at 6 a.m., such a person could not make it to work by 8 a.m. For manufacturing employees and employers that have workers that must show up on site, there can be an internal equity issue when office workers are allowed to work remotely. We'll get into this later, but the document DEQ sent with the point system is a quantum leap from what we do now. Some items are extremely expensive, geographically biased, demographically biased. However, some things like carpooling could work and DEQ's and ODOT's assistance with setting those up would be helpful.

Comment: Thank you for the research on this. Regarding employers with a combination of workers that must come to the job site and office workers that can work remotely, we should have conversations with employers and strategize on this if employers are having remote workers come in just for the sake of coming in because others can't work remotely – that seems regressive. It would be helpful to see a survey of the employers that are successful in reaching their trip reduction targets; what are their strongest incentives to employees and how does that compare with incentives less successful businesses are offering?

Comment: In my experience working with large employers on transportation management, what makes the difference is having one person who really cares about the goal – someone in leadership or a really motivated

staff person who is allowed to take on the role of “champion.” Just bigger sticks or bigger carrots won’t necessarily make this kind of leadership arise. I appreciate the point system approach; don’t necessarily agree on the biases mentioned by previous commenter; we have to start the conversation somewhere.

Comment: A challenge that we have noted is with national or multi-national companies. A local manager might want to establish a commute option program but needs to get approval from a national, corporate office.

DEQ reviews information sent ahead to RAC members regarding greenhouse gas production from passenger transportation emission from other areas of the state – Metropolitan Planning Organization areas outside of the Portland metropolitan region. RAC members had requested this information at the second RAC meeting. DEQ saw three tiers of contribution: the Portland metro region being the top contributor; a second tier containing the Salem, Eugene and Medford area MPOs – each at about 10% or more of the Portland region contribution; and a third tier containing the Middle Rogue, Albany, Bend and Corvallis MPOs.

Comment: Do you know per capita what these numbers represent?

DEQ Response: We don’t have that information handy but we can work with the analyst who produced this data to find out. We could “ballpark” it by looking at population, but that is not necessarily the driving population.

Comment: For these MPO areas, is there information about people’s ability to access jobs and about transportation insecurity – about how lack of transportation options affect people’s ability to get and keep jobs. In talking to employers, getting employees who can get to the worksite is often a problem; they need affordable, reliable ways to get to work. Will we be talking about that element of commute options?

DEQ Response: DEQ hopes that RAC members can tell us if you think these issues are adequately considered and reflected in the policy concepts we’ll be discussing later today. If not, please help us get there.

Question: Do you have a write up of the assumptions that went into this analysis? I would like to see if this lines up with our region’s climate action plan and the inventory we’ve done.

DEQ Response: DEQ will follow up with the analyst that did this work and get additional information to the RAC. The analyst did work with the greenhouse gas inventory section of DEQ to make sure the calculations aligned reasonably with the reported emissions.

-- 15 minute break -

Agenda Item: Review and discuss commute option policy and regulatory concepts

DEQ resumes with presentation about policy concepts sent to RAC members ahead of time. The first topic is about tiering requirements of a commute option program by size of employer. In particular, DEQ presents the concept of weighting certain commute options based on their likelihood of reducing drive-alone commutes, not by requiring employers to offer particular options, but by assigning each option a point score. The employer’s trip reduction plan, then, would have to add up to a certain number of points.

Comment: Our employer is large and our success with auto trip reduction likely has more to do with our location in central Portland than our size. Location is more important than size. At this point, I don’t support tiering responsibility in this way.

Comment: If the target is the same (e.g. 10 % reduction), I don’t see why there would be different thresholds for plan sufficiency. I also agree that location is more important than size; initially I don’t like the tiering concept. I like the general concept of flexibility in the plan and the plan components get a certain number of points. Later, I have a question about the point values for the different options - Is the point value tied to

performance characteristics, such as the California Air Pollution Control Officers Association standards? (e.g. one strategy is three times more effective as another)?

Comment: I have concerns about a shift from “progress from baseline” to a score card approach. I’d like to see more emphasis on performance and results and less on the offerings. The goal of the program is air quality improvement but the policy concepts presented are almost all about trip reduction. Investment in electric vehicles seems to be a small afterthought – we may hit goals of air quality improvement with shift to electric vehicles over the next 10 years; just focusing on trip reduction, we may be missing the mark.

Comment: The points are not correlated with the goal we are trying to achieve. One-third of businesses using these strategies are not meeting their goals. Strategies used in the past are not necessarily going to be the most effective in getting us where we need to go now. Reducing CO₂, reducing vehicle miles traveled and reducing sole-occupancy vehicle trips all benefit equity – because disadvantaged people might lack a car; so the closer their work location is to their home, the better off they are going to be. Location is key. The ECO rules should incentivize all good actions, like businesses transferring employees to branches near their homes or incentivizing EV use. The South Coast Air Quality Management District commute plan we reviewed at our last meeting followed this quantitative approach.

Comment: Geographic location and land use is important, as is job type – both affect employers’ ability to comply with ECO rule requirements. Who is going to review all these plans? Does DEQ have the resources to review all these statewide plans?

Comment: Agree with comments made about geography – this has stronger relationship to employer success, largely because of access to transit and parking pricing. That needs to be in here somehow. Relationship with size has less evidence. The current program is trip reduction from a baseline; some employers are already doing a great job; it becomes harder to continue to meet target after initial success. One approach would be a numeric target that everyone needs to meet – not from a baseline – perhaps based on geography. Then points in the plan would be related to how close you are to meeting your target – if you’re meeting target because you don’t provide parking and have great transit – you’re done; but if you’re not meeting your target, you’d need more points in your plan.

Comment: Could we look at both size and location? Such as performance points tied to location. If you’re in a location with good transit, you’re held to a higher standard. A large employer on the periphery of an urban area should still have to provide commute programming, though it would be different from an employer in a central urban location (e.g. telecommuting, flexible scheduling). Regarding the state’s capacity: there is a financial need for the state to oversee this expanded program; perhaps we can help with advocacy to the Legislature; perhaps if funding were available, the state could contract with MPOs that are more connected to local jurisdictions and employers. I’m not a big fan of EVs for this program because that’s not what this program is about, but recognize the challenges for some employers of offer commute options (e.g. manufacturing, shift workers) – so having EV infrastructure (e.g. on site chargers) could be a last-resort way to achieve the equivalent of trip reduction targets.

DEQ reviews an example of a point system for different commute options that would go into a trip reduction plan. The document was sent ahead of time to RAC members. The suggested point system is based on DEQ’s research of what kinds of incentives seem to work best at actually changing people’s behavior. DEQ intends this to be a first cut and is open to RAC member comments.

Comment: Tiering and point system might not be the best approach. I agree with a previous commenter that comparing your trip reduction to a baseline is the way to go - for an employer already doing a great job reducing trips to their worksite, they don’t need to select more options. On the other hand, if you’re an employer with a very high rate of people driving to work and you’re not offering much for commute options,

perhaps DEQ does need to have more aggressive standards for you. We shouldn't just be looking at number of employees. An employer should not necessarily get credit for having paid parking (e.g. in downtown Portland) because that is out of their hands. Could we require certain strategies? For example, the employer doesn't have total freedom to pick among strategies. For example, having an employee transportation coordinator on staff would be a requirement – that education and coordination and dedicated implementation is essential. This would also facilitate employee onboarding – showing them transportation options when they first arrive on the job; providing individual trip planning.

Comment: I like the performance-based approach. Letting employers choose how they get to an outcome makes a lot of sense, letting them choose strategies that work best for them. Charging for parking in small urban areas would be difficult to implement.

Comment: Bike and active transportation amenities need more description; in some areas, zoning requirements already require bike parking. I don't see financial incentives that would cover active transportation among these options. RAC member also offers assistance with finding research about the performance that can be expected from different commute options.

Comment: We should be quantifying and reducing actual emissions, not just practices that are somewhat associated with emission reduction and are not quantitatively related. These practices haven't been working; we need to think bigger. It would be easy for an employee, with just a few minutes per year, to indicate how far away they work and what mode they use. Then use a statewide list of emissions associated with that mode. The point system approach misses how you can reduce emissions by reducing distance of travel.

Comment: The pandemic changed commuting in a very big way. Businesses are still recovering from those impacts and are having trouble finding enough employees. We should not discourage employers from addressing their workforce challenges. We are way beyond the 10% reduction from baseline just with telecommuting that is happening now. Regarding the issue of location, so many of the commute options here are not going to work for manufacturing employers and employers outside of Portland-metro. Many options are complex and cost-intensive. I can imagine many businesses having trouble adding up to the required number of points. Would this point system mean DEQ is moving away from "good faith effort?"

DEQ Response: No, we are not proposing moving away from good faith effort as a basis for showing compliance. The quantification proposed is for assessing the adequacy of the trip reduction plans. Good faith effort to some extent is always a subjective judgment and it's DEQ's responsibility to make that call. DEQ intended the point system to clarify value (e.g. potential trip reduction) – to help employer decide what makes sense for them to invest in - what's going to be most effective in changing employee behavior? DEQ also intended that the point system would aid transparency – to help the public see what standards DEQ is using to determine trip reduction plan adequacy.

Comment: It feels like this has gotten unnecessarily complex. Again, a workplace could be more than meeting their trip reduction target just with 20% of their workforce telecommuting three days per week. Also location is a big issue – in Seattle, if you are not located within a certain distance of a transit hub, you are not subject to the commute option program (because you don't have the same kinds of options as others closer to transit). Even carpooling and vanpooling is very difficult for employers with multiple different shift schedules.

Comment: I like that in the proposed scoring system that charging for parking receives a large number of points; it stresses the importance of this strategy (even if we don't go with a point system ultimately). Employees can make the decision about how something is going to impact them and we've found that charging daily parking has been more impactful than, for example, monthly charges. An employee receives positive or negative reinforcement each day. Whether or not we go with a point system, I think it's incredibly

powerful to provide child care at work; it's also very expensive. Companies that are able to do this should receive a lot of credit.

Comment: I agree with the performance-based approach. I agree that charging for parking is one of the more important tools, as well as child care. I struggle with incentives for telecommuting because some employers don't have that available for the majority of their employees (e.g. hospitals, manufacturing). If we go with weighted scoring, it doesn't seem right this gets so many points.

Comment: We support a point-based system for evaluating plan effectiveness. It would provide more clarity for employers and reviewers about what is acceptable. We'd like to see more detail in the strategies (e.g. charging for parking vs. charging daily for parking). Perhaps DEQ could provide plan templates appropriate to different regions of the state. Agree that review and approval should occur at the local level, e.g. MPO; DEQ would have to substantially staff up to review hundreds of plans and not know the context as well as local governments. DEQ should be asking for state funding for implementation. In Washington, one of the most important features of the Commute Trip Reduction rule was that Washington Dept. of Transportation provided funding to cities and counties. This is a lift for all of us: cities, employers, regions, DEQ and we'll need additional funding. We should also continue to explore a numeric target, as one commenter suggested – if an employer is doing a great job, they should not be penalized by having their baseline reset. See mode share targets in Metro's regional transportation functional plan, differentiated for downtown vs. industrial area.

Comment: Charging for parking on a daily basis is more effective than monthly. We should incentivize - maybe with points - employers to provide flexibility so employees can make the choice on a day-to-day basis about how they will get to work and when they might switch out of their cars.

Comment: Location of the employer is very important, but there is also the issue of housing costs pushing people further out from employment centers. DEQ can't change that but in those instances, promoting carpool trips is helpful to those employers. The scoring system we are looking at today seems to build on what DEQ provides now (in the trip reduction plan template), which is a list of commute options and their relative value. Ideally, we would have a tool that does calculations for the employers (rather than a big spreadsheet to check off commute options used) and also points them to nearest resources, like TDM partners. Employers need to know who they can talk to and need to be able to assess what they can do and what's of value to them.

Comment: Appreciate the attempt to make things more transparent, but it's also important we don't make things too complicated for employers. It would be helpful for an employer to look at a list of options and learn which might be most valuable to them; perhaps instead of a point system, DEQ could offer some scenarios (like stories from employers who have had successes), such as "if you are located in a downtown location, these strategies might be more helpful to you." Another idea – can we incentivize employers to get to a particular reduction target? When an employer enters a program – they get a target and have to improve each year, but once they get there, they don't have to do as much; like an employer whose target was 20% reduction – if they are attaining that with telecommuting, they don't have to do as much; their administrative burden within the program is less. We've had success with "commute week challenges" – getting people to try out other modes for a week and see which ones are possible.

Question: Is there an intent that baselines are going to be reset? If so, that would penalize employers that have made huge investments in commute options.

DEQ Response: DEQ takes note of that concern. We didn't have an intent to reset baselines but appreciate the flag to be conscious of that. We agree we don't want to penalize employers that are doing a good job and made investments in commute options.

DEQ presents three particular policy concepts about trip reduction targets for RAC member comment. DEQ sent policy concepts to RAC members ahead of time but there is not time in today's meeting to hear comments on all of them. DEQ requests that RAC members send written comments on the remaining policy concepts.

Comment: We are comfortable with the "10% reduction from baseline" regulatory context. We don't think extending the survey to every four years is a good idea; keeping at two years keeps us in touch with employee commuting practices. I don't think there is anything DEQ could do to help us make further commute reductions; we are doing nearly all the strategies and we are at the point where the local government-employer-transit district relationship is more important for advancing capital and operational projects.

Comment: The "10% reduction from baseline" target wouldn't bring the ECO rule into compliance with the Governor's executive order and it doesn't strengthen the ECO rule. Surveying every four years would make progress less measured. Rather than surveying over two weeks every two years, the survey would be more effective if done only for one day, but annually.

Comment: This one really needs work. The targets need to be revised and strengthened and these don't do that. We're particularly concerned with doing surveys less frequently – we need more frequent, not less. Targets need to be consistent with the Climate Friendly and Equitable Communities rules that the Land Conservation and Development Commission just adopted and consistent with regions' targets – and these are not. We are concerned that DEQ has not proposed a VMT reduction target since all regions, cities and counties need to have transportation plans that reduce VMT consistent with CFEC rules. A VMT reduction target might also be more equitable for manufacturing companies that have employees with longer commutes and lower-income employees that have longer commutes. A 25-mile VMT reduction is more valuable than a 2-mile trip reduction.

Comment: DEQ has the authority to regulate emissions, not vehicle miles traveled. Using VMT as a target would have to be crafted to be clear that it was a proxy for emission reduction. What about tiered trip reduction targets – where employers in Portland-metro had a higher target reduction and employers in the rest of the state started with a 10% reduction target? I'm not in favor of giving more credit to employers with 20% of their workforce telecommuting because that favors white-collar, 8 to 5 jobs.

DEQ Response: Regarding using regional VMT reduction as a target, among the policy concepts sent to RAC members ahead of time was the suggestion that DEQ would require that employers have their local jurisdiction (e.g. MPO) deem their trip reduction plan consistent with regional VMT reduction goals. This would be instead of having VMT reduction targets for individual employers. DEQ invites RAC members to please comment on this concept following the meeting.

Agenda Item: Wrap up, roundtable, next steps

DEQ asks RAC members if they support having another meeting, likely in November, to continue discussion of policy concepts. There is general support for holding a meeting in November. A RAC member recommends that for future meetings, it would be helpful to get materials earlier and have a space where RAC members could make comments ahead of time and see each other's comments.

DEQ requests that RAC members send comments on this RAC meeting and the policy concepts to TripReduction2021@deq.oregon.gov by Monday, Oct. 10, 2022.

Agenda Item: Public input

Greg Alderson, Portland General Electric: PGE complies with the current ECO program at four of our facilities. We have a range of facilities in other counties and employees have a wide range of job functions and commute options available. Depending on facilities, PGE provides transit passes, bike amenities,

subsidized EV charging. More than half of the workforce works remotely or hybrid at this point. PGE is open to having more of our facilities covered as long as there are realistic options. It's more about geography, local infrastructure and local services than size of the company. Maintaining flexibility and compliance based on good faith is a reasonable policy approach. Working with DEQ on review and compliance rather than a bunch of jurisdictions is the most efficient way to proceed. A point system is not consistent with having flexibility and it's not clear how that would be used for compliance or not. If DEQ's objective is to reduce GHGs from commuting, DEQ should allow employers to support employee switch to electric vehicles. Request that meeting materials are posted for the general public at the time DEQ sends them to RAC members.

Meeting adjourned at approximately 12 p.m. Pacific Time.

Alternative formats

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