



Selected Draft Rule Revisions: Division 242

Commute Options Rulemaking

Advisory Committee Meeting 5, April 17, 2023

Rule	Revision	Explanation
340-242-0010 Employee Commute Options Program: What is the Employee Commute Options Program?	<p>[add] (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.</p> <p>Cite ORS 468A.205(1)(c) as statute implemented.</p>	<p>Acknowledges that ECO's purpose is also to reduce GHGs and air toxics.</p> <p>Statutory target: By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels.</p>
340-242-0030 Employee Commute Options Program: What Does ECO Require?	<p>[revise] Introduce two options for auto trip reduction targets.</p> <ul style="list-style-type: none"> • Auto trip reduction target 20% from baseline (increase from current 10%) • Establish new auto trip target not-to-exceed 65%. 	<p>Recognize need for more reduction in auto trips and VMT in order to achieve GHG targets.</p> <p>Recognize prevalence of remote work and establish appropriate not to exceed auto trip rate target consistent with need to reduce VMT and GHGs.</p>
40-242-0050 Employee Commute Options Program: Definitions of Terms Used in These Rules	<p>[add] "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.</p> <p>[add] "Micro-mobility" means a person traveling on a bicycle, scooter or other lightweight, self-powered or electric-powered, transportation device.</p>	<p>Define "Employee Transportation Coordinator" and specify that commute option programming should be among their primary professional responsibilities.</p>

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340-242-0070 Employee Commute Options Program: What are the Major Requirements of ECO?	<p>[revise] (2) Calculate a target auto trip rate by reducing the baseline auto trip rate by <u>20</u> percent [add] <u>or establish a target auto trip rate no greater than 65%</u>;</p>	<p>Change to be consistent with Div. 242-0030</p>
340-242-0090 Employee Commute Options Program: What are the Requirements for an Employee Survey?	<p>[add] required survey questions:</p> <p>(a) How the employee traveled to work during the last week they worked.</p> <p>(b) If the employee carpooled or vanpooled to work, how many people were in the car or van.</p> <p>(c) Reasons for employee's choice to drive alone to work one or more days during the surveyed workweek.</p> <p>(d) Reasons for employee's choice to travel by a means other than driving alone (e.g. transit, carpool/vanpool, bike, walking) or telecommute one or more days during the surveyed workweek.</p> <p>(e) The approximate round trip length of the employee's driving commute in miles.</p> <p>(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).</p>	<p>Specify required information that is necessary for DEQ to determine ECO's effectiveness and improve program delivery. (a) through (d) are already in DEQ's survey template; (e) and (f) are new.</p>

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	<p>[add] 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.</p>	<p>To better understand degree of equitable distribution of commute option benefits among employees.</p>
<p>340-242-0110 Employee Commute Options Program: What If an Employer Does Not Meet the Target Auto Trip Rate?</p>	<p>[add] (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.</p> <p>[delete] An employer will not be required to submit further plan revisions to its initial plan.</p> <p>[revise/add] If the employer has not achieved the target auto trip rate after two trip reduction plan revisions and implementing all strategies in the revised trip reduction plan, the employer must maintain all strategies identified in its plan <u>and implement at least one of the trip reduction alternatives in 340-242-0240.</u></p>	<p>Put compliance dates in this rule instead of in definitions.</p> <p>Establish requirement for alternative emission reductions or alternative trip reduction if an employer doesn’t meet trip reduction target after two tries.</p>

Rule	Revision	Explanation
<p>340-242-0150 Employee Commute Options Program: How Can an Employer Reduce Auto Commute Trips to a Work Site?</p>	<p>[Revise] Categorize commute options into six groups. Six groups are: (see draft rule text for examples of commute options)</p> <p>(1) Policies that support long-distance commuters and non-traditional shift workers.</p> <p>(2) Parking policies that provide employees financial and other incentives to choose commute options.</p> <p>(3) Policies that subsidize public and private high-occupancy transportation.</p> <p>(4) Policies that make active transportation convenient, affordable and attractive.</p> <p>(5) Flexible work location and time policies that support employees' work/life balance.</p> <p>(6) Policies that educate about and support employee participation in commute option programming.</p>	<p>Update and organize the list of strategies; draw attention to strategies that are most effective in different types of land developments.</p>
<p>340-242-0160 Employee Commute Options Program: What Should Be Included in an Auto Trip Reduction Plan?</p>	<p>[add] (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.</p>	<p>A flexible way for employers to investigate and assess the accessibility of commute options to all their employees; may help to identify racial disparities in benefit distribution.</p>

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340-242-0170 Employee Commute Options Program: When Will the Department Act on a Submitted Auto Trip Reduction Plan?	<p>[add] DEQ automatically approves trip reduction plans that have at least one option from each of the six groups in Div. 242-0150.</p>	<p>Provides an incentive to implement the most effective travel demand management strategies (e.g. parking cash-out, transit subsidies)</p>
340-242-0240 Employee Commute Options Program: Are There Alternatives to Trip Reduction?	<p>[revise] Increase the minimum amount that employers may contribute to an emission reduction fund from an annual rate of \$100 per employee to \$1,100 per employee at the work site.</p> <p>[add] A fourth option for alternatives to trip reduction: document contribution at an annual rate of \$1,100 per employee to a nonprofit transportation management agency or a charitable organization focused on non-auto mobility.</p>	<p>Update the minimum amount of an employer's financial commitment made in lieu of auto trip reductions at the worksite. \$1,100 is equivalent to the cost of an annual TriMet pass.</p>
340-242-0270 Employee Commute Options Program: Are Exemptions Allowed	<p>[delete] Some exemptions:</p> <ul style="list-style-type: none"> • If not able to find carpool matches • If all work must be in person • If alternative emissions reductions can't be achieved at no net cost. <p>[revise] To be fully exempt from ECO, require that all worksites with more than 100 employees are in areas with distant (more than ½ mile) or infrequent (more than 30 minute intervals) transit or all work shift changes occur between 8:30 p.m. and 5:30 a.m.</p> <p>[revise] a “partial exemption” means that employers don't have to count certain employees toward their total that requires them to adhere to ECO rules (if more than 100 employees).</p>	<p>To encourage employers to investigate and try as many commute options as possible, even if some – like telecommuting or carpooling – aren't feasible.</p> <p>Criteria of “no net cost” does not support need to strengthen the rules, alternative emission reductions are one option to achieve trip reduction target equivalency.</p> <p>Employers already exempt are not affected because the MOUs codifying their exemptions do not expire.</p>

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