



State of Oregon Department of Environmental Quality
Written Comments
Commute Option Rulemaking 2021
Advisory Committee Meeting 1

This document is a compilation of written comments received related to the first meeting of the advisory committee for the Commute Options 2021 Rulemaking held May 9, 2022.

Comments

Elizabeth Graser-Lindsey	1
Lindsay Walker, Nike	5
BreAnne Gale, City of Bend	7
Sharla Moffett, Oregon Business & Industry	10
Nick Meltzer, OR Cascades West Council of Governments	17
Kathy Fitzpatrick, Mid-Columbia Economic Development District	18

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.oregon.gov.

Effectiveness and Improvements to Employee Commute Options

What additional information should DEQ consider asking for in a survey?

Distance of commute by mode, **type of transportation option** so greenhouse gas (GHG) emissions (CO2 eq) can be calculated and tracked.

Annual survey (or more often if software could allow it).

How might the ECO rule incentivize more effective commute reduction strategies?

- The ECO rule should require year-over-year improvements in commute emissions to the goal (zero by 2050, or 20% by 2050 or required by the Governor’s Climate Executive Order but better than required because things like freight are harder to get to the necessary amount). The ECO rule percentage reduction should be front-loaded to compensate for sectors that can’t decrease as easily such as freight.
- The cafeteria of options, that are alternatives to single-occupancy, CO2-emitting, internal-combustion-engine (ICE) driving, should be increased to include all the good options.

<i>Transportation Option</i>	<i>Distance miles</i>	<i>VMR miles</i>	<i>Type of Option</i>	<i>Carbon Intensity g/mile or g/hour</i>	<i>Emissions g/mi</i>	<i>Emission Reduction</i>
Single occupancy ICE car						
Electric car (when ICE before)		Ø -- none	mpg eq	g/mile		
Bus/Transit (partially electric)		Ø		g/mile-rider		
Car/van pool (possibly electric)		Ø		g/mile-rider		
Bike		Ø				
Walk		Ø				
Telecommute		Full distance		g/hour for zoom		
Job Trade (work closer to home)		Change in distance				
Move (live closer to work)		Change in distance				

Job trading is easiest to achieve for businesses and government that have lots of locations with similar workers such as school districts with teachers, janitors and office staff who could be moved to the location nearest their home; banks with branches with tellers, managers and grocery chains with stores with clerks, stockers, etc who could be moved to the location nearest their home.

Job trading between separate businesses and governments with similar positions takes a bit more effort but offers big opportunities.

Governments could trade human resources, traffic engineers, planner, social workers, receptionists, janitors, etc. in many cases. Businesses could trade the whole range of employees.

Before my sister retired she did Human Resources (paperwork for hires) for the City of Portland but lived in Oregon City. Essentially the same job is available at the City of Oregon City and Clackamas County in Oregon City, but those openings weren't available when she was job seeking and she wasn't available when those entities were looking for employees with her knowledge. Therefore, she had to drive to parking lot and take light rail and maybe a bus over 20 miles to work rather than be able to bike about one mile.

I hear that school teachers are criss crossing the region from their home location to the school where they teach. If they were able to teach closer to home, they would be able to attend after school functions and to get to know the community where their students live; it would also be easier to address family emergencies with their own children and family and see their own kids' teachers.

The location where a person is hired and home location of a person who a business hires is primarily a function of which job and which suitable person were available at the moment the position opened. Location of the job and the resident location of the person typically has nothing to do with it. To reduce vehicle miles traveled in the long run is helpful to unwind some of these complemented locations and let the business and employees find close by complements.

With tools such as human resources meetings and/or software and employer and employee incentives, these tortuous locational complexities could be unwound reducing greenhouse gases and air pollution; reducing driving, overcrowded roads, demand for road expansions contrary to environmental needs, costs of capacity road work without the need for punitive measures – such as tolls or parking fees – against people who might rather not drive; and improving people's daily lives by saving them possibly hours a day.

Job trading gives the opportunity for the most long-term results in reducing Vehicle Miles Traveled (VMT) and making sure Every Mile Counts. With really good trades the employee can bike or walk to work and old-fashioned communities/neighborhoods (like Woodstock, Sellwood, Hollywood, Lents, Albino, Portsmouth, Kenton, etc. in Portland) begin to be re-assembled so non-motorized transportation becomes less necessary and walking and biking more normalized and possible.

- Charge a 100%-refundable business commuting fee that can be applied to subsidizing employees rather than paid to Oregon. It could be based on the current employer subsidies of bus passes. If that amount is \$50¹/month or

¹ Best Work Places defines Primary Benefits as >= \$30/month. For the Portland Metro region, \$308-1,100/year is the cost of a TriMet transit pass. 38% of employers provide a subsidized bus pass and 5% provide a universal pass apparently according to data Karen Williams obtained, 5-20-22.

\$600/year (an amount many employers are used to), the fee would be this amount times the number of workers. However, it would be assessed as \$0.15/annual employee commute mile (\$600/year-employee / 4,000 miles/year-employee where the 4,000 miles/employee comes from about 200 work days/year * 20 miles/employee which I learned at a recent meeting), to incentivize reducing the vehicle miles traveled.

Transportation Option	Incentive for Employee
Single occupancy ICE car	∅
Electric car when ICE before	\$1,000 (pro-rated repayment if employee leaves in < 3 yrs)
Bus/Transit	\$50/month or \$300/year
Car/van pool	\$300/year
Bike	\$300/year
Walk	\$300/year
Telecommute	None – apply to other options
Compressed Work Week	Only prorate for days don't commute to work
Job Trade (work closer to home)	\$3,000 (pro-rated repayment if employee leaves in < 10 yrs)
Move (live closer to work)	\$3,000 (pro-rated repayment if employee leaves in < 10 yrs)

- All employers should participate. The number of employees at the workplace should not affect the participation. A bank has lots of little branches; a school district has lots of schools with less than 100 employees. All employees should count not just traditional commuting hours, not just full-time employees (e.g. include night shifts, part-time employees). GHG emissions and other pollutants is not about road capacity or full-time status.
- Reporting should be annual or more often. With software, it could be daily and just take seconds.

How should we calculate emissions saved?

The Annual Employer Emission Total is the distance * emissions summed up for all employees annually. Multimode employees (e.g. car and bus OR bike and bus) will require more effort to calculate.

It would be ideal if the data could be daily (if software were available)

If an employee makes an improvement, Miles * Change in CI * Days, or
Change in Miles * CI * Days,
this will yield an Employee Emission Reduction to be taken off the Annual Employer
Emission Total to give the Employer Percent Reduction.

If the employer workforce grows, the Employer Emission Total Baseline will be
increased by the new Employee Emission value. If the employer workforce shrinks, the
Employer Emission Total Baseline will be decreased by the departing Employee
Emission value.

How could DEQ make reporting easier?

Software that does the calculating so the data just needs to be entered.

How could ECO incentivize smaller businesses to participate voluntarily?

If all employers were subject to an Annual Employer Commute Fee, then employers
would be incentivized to participate to get all their money back. (Employers currently
pay a TriMet tax annually. This could be compared to the amount of the refundable
Annual Employer Commute Fee. It could possibly be legislatively or by DEQ diverted
which would be pleasing to businesses. However, TriMet subsidies might go down, but
single-occupancy commuting would go down too).

May 23, 2022

VIA EMAIL: karen.williams@deq.oregon.gov

Karen Williams
Air Quality Planner
Oregon Department of Environmental Quality
700 NE Multnomah St.
Suite 600
Portland OR 97232

Dear Ms. Williams,

Thank you for the opportunity to submit comment on the Department of Environmental Quality's Commute Options Rulemaking. The following comments are in response to the discussion questions presented during the May 9th 2022 meeting, based on Nike's experience administering the ECO program at our Washington County worksites and Portland area retail stores:

Benefits and Challenges of Employee Commute Options

- **Data Benefits:** The data collected on employee commute patterns as a requirement of the ECO Program helps serve our planning of campus services and facility development. Although only two specific survey questions are required by DEQ, we ask several additional questions to learn more about employee commute and campus circulation challenges and preferences. This feedback ultimately helps shape our employee transportation programming.
- **Survey Administration Challenges:** Survey administration and data analysis is a labor-intensive task. The task multiplies when employees do not have access to an online survey (paper surveys require additional data entry) or require the survey in a language other than written English (translation services). Nike has partnered with our local Transportation Management Association, Westside Transportation Alliance, to assist with some of these tasks, but this is a resource that is neither free nor broadly available. We have also employed small incentives to help achieve required survey response rates. Again, an option that may not be feasible for all businesses. Each of these tasks presents a challenge for smaller businesses and inhibits voluntary participation. Herein lies an opportunity for DEQ to provide direct survey administration as well as assistance to businesses in development of their transportation options programming.
- **Contractor Exclusion:** The ECO Rule currently exempts contractors from the ECO program. It's worth recognizing this exclusion given most employers utilize some form of third-party contract support. The exclusion limits contractor access to transportation option programming and impacts commute choices. Although Nike has opened contractor access to our last-mile shuttle and bikeshare programs, due to co-employment concerns, we're unable to directly influence commute choices. This also presents a data gap for a segment of the population travelling to our campus.

Effectiveness and Improvements to ECO

- **Travel Mode Updates:** To better reflect new means of commuting, we recommend expanding the types of travel modes included in the trip reporting question to include eMobility devices (e.g., eScooters, eskateboards), Transportation Network Companies/Rideshare Companies (e.g., Uber/Lyft), eBikes, and electric vehicles.
- **Electric Vehicle Reporting:** Although EVs still contribute to traffic congestion, considering the clean air benefits of their adoption, deducting EV commute trips from the drive alone rate may be worthy of consideration.
- **Define Carpooling:** Feedback from employees suggest there may be confusion over what constitutes a carpool, pointing towards the need to define this term. Given interest in drive-alone trip reduction, carpools that don't include potential drivers (e.g., children below driving age being dropped off at childcare) should be excluded from reporting.
- **Incentivizing Participation:** As noted previously, direct support for survey administration and support of transportation options programming development may support voluntary participation in the ECO program. There may also be opportunities to provide tax incentives for commute programming, to connect employers who might leverage their combined investments in commute options, and (with permission and/or anonymized) provide survey results to local governments/transit agencies so that they can develop transportation resources that better serve commuting employees.

We look forward to continued participation in the RAC process and additional opportunities to provide input as the rulemaking process progresses. Please let us know if you have any questions about the feedback above.

Sincerely,

Lindsay Walker
Employee Transportation Program Manager
CBRE | Nike, Inc. Account
One Bowerman Drive
Beaverton, OR 97005

From: [BreAnne Gale](#)
To: [TripReduction2021 * DEQ](#)
Subject: FW: DEQ Commute Option Rulemaking: Responses Requested from RAC Members by May 18 and 23, 2022
Date: Monday, May 23, 2022 2:23:15 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Good afternoon,

Please see my comments and responses to the questions below.

Best,

BreAnne



BreAnne Gale, AICP | Senior Planner
Pronouns: She/Her/Hers
Growth Management Division
P: 541-323-8573 | bgale@bendoregon.gov



[City of Bend Growth Management Division](#) | Working collaboratively to plan for the future of Bend | [Click here](#) to learn about what we're currently working on.

[Discussion Questions in May 9 presentation](#)

Please send your thoughts and comments on the topics discussed in the first RAC meeting and/or responses to any of these questions to tripreduction2021@deq.oregon.gov by May 23 2022. Note: all responses are part of the public record and will be posted on the rulemaking webpage under RAC Meeting #1.

Benefits and Challenges of Employee Commute Options

- If you work with an ECO program now, how do you think ECO benefits your employees or workers in general?
Generally, helps the organization be more flexible with remote work options and provides incentives for employees to take alternate forms of transportation.
- To which workers or employees do you think those benefits are most accessible? Least accessible?
Commute options benefits seem to be most accessible for people who live closest to the office - where walking or bicycling is convenient and relatively safe and easy. It's least accessible for people who live further away and for people with young children who trip share.
- How do you think ECO benefits employers? More so for certain kinds of employers?

Provides employers an opportunity to reward employees for travel choices and behavior. ECO also allows employers PR credibility, to demonstrate they are progressive and committed to sustainability and the environment.

- What are the costs or more generally, resource needs, you've experienced in implementing ECO?

I do not have enough experience with the implementation of ECO to answer this question.

- What are some successes achieved and challenges you've faced in implementing ECO?

I do not have enough experience with the implementation of ECO to answer this question.

Effectiveness and Improvements to Employee Commute Options

- What additional information should DEQ consider asking for in a survey?

Employee information including salary (or hourly wage) and employee title (for both participating and non-participating employees to understand how different types of employees are or are not participating.

Stats on types/effectiveness of incentives

Commute lengths

Employee commute locations

- How might the ECO rule incentivize more effective commute reduction strategies?

"Accreditation" or grading, scoring. Better reporting. Open reporting for participants to crowdsource and share program information (what's working, what's not, innovation, etc.).

- How should we calculate emissions saved?

- How could DEQ make reporting easier?

Yes, standardized web based form reporting.

- How could ECO incentivize smaller businesses to participate voluntarily?

Provide specialty state certification to recognize voluntary participation. Better promotion, education and outreach about the environmental benefit of voluntary participation. "Template Program" materials for small employers to use/easily implement. I know of many smaller businesses and organization with sustainability effort and goals who are not aware of the program and would likely participate if they knew it existed and better understood the benefits (and could easily communicate those benefits within their organization and to their consumers).

How could ECO better serve racial equity?

(Some context on this question: we know that government policies, systems and decisions have not resulted in an equitable distribution of environmental or economic benefits and burdens. Many studies show the strongest predictor of poorer health and well-being outcomes is race; revising or rebuilding government policies to address racial equity will likely uplift many disadvantaged or underrepresented communities such as people with less income, immigrant populations, older individuals and youth.)

- What should DEQ consider when striving to assure that benefits from ECO are accessible to workers who are Black, Indigenous and people of color? Workers whose

first language is not English?

Promoting innovative strategies such as progressive pricing/incentives based on salary/income. Development of equity mapping to understand disparities in employee participation and commute origin location.

- Might ECO have different advantages or disadvantages for businesses owned by or largely serving people of color?

Yes it might have disadvantages just based on the nature of different professions (i.e. construction, cleaning services, hospitality, agriculture), typical demographic profiles of these employees, and general difficulties for those employees to participate (based on the job characteristic such as a-typical hours, longer shifts, location of job sites, need to vehicle for tools/materials/etc.).

PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others. Thank you.

May 23, 2022

VIA EMAIL: karen.williams@deq.oregon.gov

Karen Williams
Air Quality Planner
Oregon Department of Environmental Quality
700 NE Multnomah St.
Suite 600
Portland OR 97232

RE: Comments on Commute Options 2021 Rules Advisory Committee Meeting #1

Dear Ms. Williams:

Thank you for the opportunity to provide comments on the Department of Environmental Quality's Commute Options Rulemaking. Oregon Business & Industry (OBI) is a statewide general business association representing 1,600 members who collectively employ more than 250,000 Oregonians in a wide variety of sectors and from all parts of our state. OBI appreciates the opportunity to serve on the Rules Advisory Committee (RAC) on behalf of its large and diverse membership and we offer the following comments on the Commute Options RAC Meeting #1 held on May 9, 2022.

OBI and our members support and encourage employees to use alternative forms of transportation. However, to be realistic options for employees those alternatives to driving personal vehicles to work must take be realistic, practicable and implementable at a reasonable cost. We also support the current model, which requires the large business to make "a good faith effort" to implement their commute options plan. Employers can only provide alternatives and encourage their use they cannot require employees to utilize these options as transportation to work is a personal decision based on the individual employee's circumstances. Every employee has a unique set of reasons for what informs their transportation choices.

Many aspects of daily commuting have changed significantly since the Employee Commute Options (ECO) rule was first adopted. At the same time, many have not. All businesses that are or will be subject to the rule are different depending on their size (workforce of 100 or 1,000), specific location, job type (requirements, expectations and responsibilities), products they manufacture, services they offer, and the geographic region from which their employees commute. These unique factors must be considered as DEQ contemplates updates to the ECO program.

COVID-19 Workforce Impacts

One of the most obvious changes in employment in recent years was brought about by the COVID-19 pandemic. Across all economic sectors, the single biggest challenge employers continue to face are workforce shortages. As consumers, we all see the effects of the workforce

crisis at grocery stores, restaurants, medical offices, daycare providers, and retail stores. Many businesses have signs posted imploring customers to be patient because they are not fully staffed. In addition, employers are experiencing raw material shortages, supply chain interruptions, shipping delays, high inflation, rising employment costs, and changes in operations to keep employees safe by reducing COVID transmission. All of this has made it that much more challenging for businesses to get back on their feet.

For a variety of reasons, it will be challenging for employers to offer transit incentives that are sufficiently enticing to dissuade some employees from using their personal vehicles for commuting. Although the world is *beginning* to look more “normal,” COVID remains a significant factor in the decisions we make about our daily lives—including taking transit. Employees may be immunocompromised, live in a home with others who are immunocompromised, live in a multi-generational home, work in a setting where they are exposed to other immunocompromised people, care for young children not eligible for the vaccine, or any number of other scenarios that would discourage or prevent them from taking public transit.

It is critical this rulemaking take into account the realities at this point in time that do not create unrealistic or infeasible expectations of employers. This is particularly important when workforce issues remain a major challenge and employers are often hiring employees that live further away from the worksite as compared to their pre-pandemic workforce.

Carpool/Vanpool Options Will Also Be Impacted by COVID

Similar to the COVID concerns described above related to transit, employees may not see carpools or vanpools as a viable option for them. Other riders in a carpool may not share the same concerns or values when it comes to reducing COVID transmission. An employee in a carpool could ask others in the carpool to mask, but, unless carpoolers all share the same view of masking, vaccines and limiting exposure, this could lead to difficult conversations or an unwillingness by some carpoolers to mask. The bottom line is that carpooling may be of limited use since employees participating in a single carpool will need to share similar values around COVID transmission, exposure, vaccines and masking.

COVID Impacts Make it Challenging to Calculate the Baseline for New Employers

With the ECO program’s expansion to cities outside Portland Metro, employers new to the program will need to establish a baseline. We foresee challenges in trying to establish a fair and representative baseline for employers new to the program as compared to those that have been in the program for many years prior to the pandemic. At this point in time, telecommuting is not at its peak since the onset of the pandemic and greater numbers of employees are returning to in-person work. It is safe to say that:

- Many employees continue to telecommute or work in a hybrid format.
- Most employers have plans for returning to an in-person or hybrid work format that will result in an overall decrease in telecommuting.
- For office employees who, prior to the pandemic, carried out their work primarily in-person, it seems unlikely that there will be a wholesale return to the 100% in-person work format for the foreseeable future.

Based on these assumptions, we draw the following conclusions with regard to telecommuting:

- a) Daily commuting remains at a significantly reduced level compared to pre-pandemic commuting rates.
- b) Daily commuting will increase from current levels.
- c) Daily commuting in personal vehicles will not fully return to pre-pandemic commuting rates anytime soon.

The current state of employee commuting makes it extremely problematic for employers new to the ECO program to calculate a baseline from which to establish a commute trip reduction plan. What if 70% of a business's workforce continues to telecommute at this time and their company goal is to have 80% return to a fully in-person work format with 20% telecommuting? In a scenario like this, an employer's goals for greater employee presence at the worksite would be directly in conflict with a 10% commute trip reduction plan calculated from the baseline if a survey carried out any time in the near term. An employer would not be able to demonstrate that "a good faith effort" was made to carry out the trip reduction plan when the employer's goal is to increase the number of onsite employees rather than decrease employee numbers.

Due to these circumstances, a more representative alternative to the current method of calculating the baseline will need to be developed. Alternatively, the employer survey results of employees who telecommute during all or part of their work week should be credited to the employer and count toward their new trip reduction goal. Employers should not be disincentivized or punished for trying to bring employees back to work after an historic global pandemic when telecommuting still remains relatively high and the goal is to get more employees back to the office. Parts of our state and economy will be forever harmed if businesses are never able to return to some version of "normal."

Workforce Size Will Dictate What Is Possible for an Employer

The ECO program applies to employers with more than 100 employees. One of the options listed in the current rule is a shuttle that picks up employees at a transit stop and transports them to the worksite. This may be cost effective for an employer with 500 or more employees at a single location (or multiple worksites in close proximity). Shuttles are expensive to purchase or rent, they must be maintained, have a driver, be insured and shuttles create an additional liability for the employer. This is unlikely to be a cost effective option for most employers that maintain a workforce closer to 100. Additionally, a sufficient number of employees must take transit in order for this to make sense.

One example provided to OBI was of a very large employer in a community subject to the new rule that voluntarily spent more than \$12,000 one year for their employees to ride a private shuttle with established stops around the local area. On a "high ridership" day, there were about 23 employees that took advantage of the shuttle. Even if 23 employees used the shuttle 5 days a week for 49 weeks of the year (a high estimate), the per employee per trip cost would have been well over \$20 (nearly \$50 per day), which is not a good value even for a very large employer.

Changes in the proposed rule must take into account the restraints that smaller businesses must operate within and not burden them with unreasonable goals. And even very large

employers must see value in the options they provide to employees as alternatives to commuting in personal vehicles.

Commute Timeframe in the Current Rule and Time Shifting

Currently, employers are exempt from including employees in the trip reduction plan with shift changes that occur between 8:30 p.m. and 5:30 a.m. That means the time window for shift changes or work hours for which employers must reduce commute trips is from 5:30 a.m. to 8:30 p.m., which is a 15-hour time window. This schedule fails to recognize that most commuting occurs between 7 and 9 a.m. and 4 and 6 or 6:30 p.m. We would urge you to develop schedules that align with commonly understood commute times.

Although the current rules do not include time shifting as an option, DEQ staff have stated that shifting work hours would be an acceptable commute option. Even if this were a viable alternative for some employers and their employees, the 15-hour window that applies to the ECO program does not allow for many realistic options. For example, if time shifted hours ran from 10 a.m. to 7 p.m., this would still be fully within the non-exempt period. If shifting work hours is to be a viable option, the exempt timeframe must be more flexible and reasonable.

Union Negotiated Work Schedules Are Not Flexible

Many employees in Oregon's workforce are represented by unions that negotiate terms of employment on behalf of their members, including work schedules. These are complex negotiations and, once a contract is signed, an employer cannot modify the schedule. Additionally, it is often the case that there is some combination of union and non-union employees at a worksite. However, the presence of any union employees with negotiated work schedules at a worksite frequently impacts the scheduling needs for non-union employees as well. For any employer with union-represented employees at their worksite, modifying schedules is not a viable trip reduction option.

Shifted and Compressed Work Schedules Could Negatively Affect Equity

Employees have unique reasons why transit doesn't work for them. Employees with very young children or school-age children are likely to have difficulties utilizing a shifted or compressed work schedule (e.g. four 10-hour days rather than five 8-hour days) due to childcare needs. Affordable childcare is a scarce commodity, and is often not located with convenient transit in mind. Daycare, school or other childcare options are most likely to work primarily for employees with a fairly traditional work schedule—and that usually still requires some juggling by the employee/parent.

Lower income families are generally more likely to have two working parents than higher income families. And, in a single-parent household, that one parent normally must work. In general, low income, two-working parent and single-working parent households are very unlikely to be able to utilize shifted and compressed work schedules due to the typical hours of operation for childcare providers and schools.

Transit Options Are Limited for Early Morning Shifts and Can Be Lengthy

Many industrial, manufacturing, healthcare and other shifts begin at 6 a.m. That means employees must arrive at the site prior to 6 a.m. and be ready to clock in at 6 a.m. While there is

an exemption for transit stops that are less frequent than 30-minute intervals, a quick review of TriMet's early morning schedules indicates that many intervals are 29 minutes, which is still a fairly long wait time. Additionally, the new rule should consider how many stops and transfers a single commute would entail. The fact is that transit options are extremely limited at this time of day and walking to transit stops during non-daylight hours for much of the year could also present safety concerns that would naturally deter an employee from utilizing transit during those hours.

Using TriMet's trip planner from my home in Cedar Mill (a Portland address in unincorporated Washington County), current transit schedules would not allow me to get to many locations by 6 a.m. The example destinations I used are OBI members that are employers subject to the ECO rule and located in the NW Industrial District and Swan Island areas. The distance from my home to all business locations I searched was between 10 and 15 miles. I could not get to any of these destinations by 6 a.m. using public transportation and earliest the transit trip to one business location took an hour and 43 minutes with an arrival time of 8:01 a.m. Many trip times were not substantially reduced at any point in the day due to poor transit access.

Additionally, other agencies are proposing rules that will necessitate changing work schedules. Oregon OSHA has adopted rules requiring employers to limit employees' exposure to excessive heat and wildfire smoke. In most cases, that will require changes to nontraditional working times. Transit simply isn't a reasonable option when work shifts start at 2 a.m. or 3 a. m.

Finally, if early morning transit options and very lengthy trip times are a problem for getting employees to work efficiently and on time for what is, by far, the state's largest transit agency, we have to assume that these challenges would be even more significant for smaller transit providers.

Transit Providers Are Also Experiencing Workforce Shortages

In December 2021, Portland Metro Area transit provider TriMet announced the cancellation of 50-60 transit runs per day. An [April 26, 2022 OPB story](#) reported that TriMet is experiencing its most severe staffing shortages in history, many routes are delayed and 300 operators are needed to maintain its normal service levels.

Smaller transit agencies are even more strained. With smaller budgets, more limited workforces, less frequent service and lower ridership, it is almost a certainty that the cities subject to the new rule are experiencing more significant challenges impacting a transit rider's ability to get where they are going in a timely manner.

Safety Concerns Make Transit Less Attractive

Since the onset of the pandemic, news outlets have reported on safety issues in Portland including violence as well attacks on transit employees. Increasing violence, open drug use and trash in the urban core have become more prevalent making employees more inclined to drive personal vehicles. As the Northwest Labor Press reported in February 2022 in its article [Unsafe Streets](#), there were 649 physical attacks on TriMet employees in 2021, up 51% from the previous year. In January 2022, the TriMet board was compelled to create a new offense that applies to individuals who propel bodily fluids or other dangerous substances at a TriMet

employee or contractor. Although the article doesn't indicate that transit passengers were subjects of assault, violent acts on public transit are becoming more prevalent and the perception of transit safety is becoming increasingly negative.

In Bike Portland's March 2022 post [How Can We Improve Safety on Public Transit](#), the article notes that women and people of color are most vulnerable to harassment and assault when using public transportation and that more needs to be done to improve safety on transit.

Shifting to a Vehicle Miles Traveled (VMT) Approach May Negatively Affect Equity

The affordable housing crisis in Oregon is not news. Real estate prices and building costs are at an all-time high as the result of low inventory, increased costs for building materials, rising interest rates, increased labor costs, high land costs exacerbated by land use restrictions, and skyrocketing inflation. For many Oregonians, the only way to find affordable housing is to move further away from metropolitan areas where housing costs are high.

During the meeting, an idea was floated by a RAC member to shift the program's objective to reducing VMT rather than commute trips. Many Willamette Valley employers that will be subject to the expanded rule have employees commuting significant distances including from coastal communities. It is important to recognize that many low income employees are increasing the distance of their commutes in order to find more affordable housing. Oregon policymakers are trying to find answers to this challenging and complex issue, but shifting to a reduction of total employee VMT would make where an employee lives an employer problem. Employers would ostensibly be required to track the number of miles each of their employees is commuting to comply with the program. Not only would this be significantly more labor intensive for employers, but this policy could result in employees commuting from greater distances to be less attractive candidates to employers than those that live closer to the worksite. This would be a discriminatory outcome for employees who want jobs and an unfortunate result for employers that are experiencing major workforce shortages.

For these reasons, OBI believes the program should continue its focus on employee commute trips rather than a reduction in total VMT.

The Survey Process is Labor Intensive and DEQ Should Be Thoughtful About Requiring More Data

In talking with our members, carrying out the survey process and getting the required number of employee surveys returned can be extremely challenging. Although employers with more than 400 employees may use a statistically valid sample rather than obtaining completed surveys from 75% of employees, determining what is statistically valid has presented some challenges. Employers have found it extremely difficult to reach this threshold and often have to pester employees for weeks to reach the 75% threshold. We would appreciate some discussion around an alternative survey methodology that facilitates obtaining the necessary data but does not result in such a burden to employers or force them to hassle employees repeatedly for weeks. There was also fairly significant support during the RAC meeting for more data gathering related to the ECO program. With the challenges around getting surveys returned, we would like to make sure there is a thoughtful discussion around the type and amount of data that is truly needed. Is it "need to know" data or "nice to know" data? What is the cost to employers versus

the benefit to ECO program? Would more survey questions be an additional barrier to getting surveys returned?

A longer survey doesn't necessarily mean a better survey. And it certainly doesn't provide value if an employee doesn't complete it because it is too long. Consider what additional data is truly important and whether additional survey questions could be another deterrent to getting completed surveys back from employees.

Smaller Cities Have Fewer Viable Commute Options

We have articulated some of the commute option limitations that smaller cities subject to the new rule will face, but it bears repeating that, for the seven new cities that will be included in the rulemaking, it is going to be challenging to offer meaningful commute options due to much more limited budgets and investments in transit, bicycle and pedestrian transportation. Although there are several RAC members from outside the Portland Metro Area, it is important that expectations for the tri-county area are not imposed on smaller communities, unless, after thoughtful deliberation, they are truly viable commute options that work for all seven of the new cities subject to the rule.

Employers Will Differ in Their Ability to Achieve Trip Reduction Targets and 'A Good Faith Effort' Should Remain the Compliance Threshold

Although OBI has presented a long list of challenges we see at this point in time, we support the ECO program and recognize the important contributions it can make in improving air quality and reducing GHG emissions. Our manufacturing and industrial members work to improve air quality every day through implementing the terms of their state air permits and, more than ever, are navigating an exceedingly complex and challenging regulatory environment.

Our overriding concern is that each workplace is unique based on dozens of factors and the rule expansion must recognize these differences. What works for one employer based on proximity to transit, times of shift changes, size of workforce, and ability to offer onsite services to employees, may not work for other employers. Most of all, the commute options being offered must fit the needs of the workforce at that particular company or the options are unlikely to be utilized. An employer's good faith effort to implement the ECO program should continue to be the requirement since an employer can only offer options, but cannot require employees to utilize them.

Thank you for the opportunity to provide comments on the ECO RAC Meeting #1. We look forward to the discussions ahead on this important rulemaking.

Sincerely,



Sharla Moffett
Director
Energy, Environment, Natural Resources & Infrastructure

From: [Nick Meltzer](#)
To: [WILLIAMS Karen * DEQ](#)
Cc: [Tyler Deke](#); [MILLAR Stephanie L](#)
Subject: Re: DEQ Commute Options Rulemaking Advisory Committee: Draft Slides for Monday, May 9 Meeting
Date: Monday, May 9, 2022 12:19:48 AM

Hi Karen,

I won't be able to attend the meeting today due to having family visiting, but I wanted to share a few comments related to the discussion questions.

My understanding is that COGs/MPOs will be receiving funds from the TO program to assist employers with implementing this new rulemaking. If that is still the case, then I can think of a few questions worth asking them initially, including "Do you support having a local representative to help you...etc.," and " Are you familiar with or have you heard of the local MPO/COG." And another might be " what assistance do your foresee needing to help start a program?" I think those questions will help the program staff be as effective as possible.

Related to the social equity discussion questions, I think we need to mandate the information is provided in multiple languages depending on what is spoken at the employer. This has been a discussion point for the Get There website for some time I believe. As to how to reduce harms to BIPOC communities, I think a lot of that comes back to understanding our own biases and knowing that not everyone sees riding the bus as a good thing, so encouraging carpooling, remote work, etc. in addition, and working with employers on that.

Thanks!
Nick

From: [Kathy Fitzpatrick](#)
To: [TripReduction2021 * DEQ](#)
Subject: Response to Discussion questions (May 9)
Date: Thursday, May 19, 2022 1:18:01 PM

My responses below in blue--thank you!

Benefits and Challenges of Employee Commute Options

If you work with an ECO program now, how do you think ECO benefits your employees or workers in general?

I work with [Commute Options](#) as a subcontractor to provide a rewards incentive program to employers in Sherman, Wasco, and Hood River counties. In these rural counties, there aren't many of the traditional issues (parking limitations, congestion), but some employers do struggle with recruitment and retention issues that are exacerbated by long commutes, rising gas prices, and employee morale that can be improved with a focus on health and wellness. Many have sustainability values and you can align the program with those. These are the reasons that employers value the program I offer:

1. Additional support to their employee health and wellness efforts
2. Solutions (van pool, transit passes, carpooling tools, education) to long commutes and high gas prices
3. Help employers meet their company sustainability goals, community vitality goals, etc
4. Help with employee morale by engaging them in fun walking and rolling competitions
5. Outreach and Technical assistance to educate employees as to their commute options.

So although I am not in a region that has an ECO mandate, I am still doing the work to bring commute trip reduction tools to employers--it's just harder to do without a mandate. An ECO rule mandate would give me even more tools: 1. an open door and legitimate access to employers (it is really tough for me now to get a meeting with someone in HR to start the conversation) 2. a set structure for how the program will work.

To which workers or employees do you think those benefits are most accessible? Least accessible?

If you focus solely on the 9-5 commute trip you miss addressing the commute AND the mobility needs of the greater population both in the rural and in the urban areas. In my region, some of those who need commute options the most include our migrant/seasonal farm workers. Many are full time residents, but travel from county to county as the demand shifts throughout the ag season. So if they live in Hood River, they could be working in The Dalles or Mosier in early spring, eastern Klickitat County in summer, and Hood River in the fall.

There are also the unique mobility needs of the Tribal Fishers who travel up and down the Columbia River during fishing season with their families.

Many of the jobs in my region involve shift work: industrial-type jobs like at Tofurkey or

Cardinal Glass, health care facilities,

How do you think ECO benefits employers? More so for certain kinds of employers?

1. Additional support to their employee health and wellness efforts
2. Solutions (van pool, transit passes, carpooling tools, education) to long commutes and high gas prices
3. Help employers meet their company sustainability goals, community vitality goals, etc
4. Help with employee morale by engaging them in fun walking and rolling competitions
5. Outreach and Technical assistance to educate employees as to their commute options.

What are the costs or more generally, resource needs, you've experienced in implementing ECO?

Staff time to initiate contact with the employer and maintain the program with their employees

Rewards system (see the [Commute Options Get There Rewards program](#)) (gift cards, etc)
Outreach materials

What are some successes achieved and challenges you've faced in implementing ECO?

The ODOT statewide Get There Challenge and other local challenges always create a big surge in people biking and walking to work in my area.

People sharing their commute stories say that the program encourages them to get started and stay with their walk/bike/transit commute.

Effectiveness and Improvements to Employee Commute Options

Stronger mandates

What additional information should DEQ consider asking for in a survey?

How might the ECO rule incentivize more effective commute reduction strategies?

How should we calculate emissions saved?

How could DEQ make reporting easier?

How could ECO incentivize smaller businesses to participate voluntarily?

Offer rewards programs, cover staff time to implement engaging programs and challenges,

How could ECO better serve racial equity?

Expand the definition of commute. Address broader range of mobility challenges.

Provide more staff time and programming to first identify what the commute challenges are for those employees not being served.

(Some context on this question: we know that government policies, systems and decisions have not resulted in an equitable distribution of environmental or economic benefits and burdens. Many studies show the strongest predictor of poorer health and well-being outcomes is race; revising or rebuilding government policies to address racial equity will likely uplift many disadvantaged or underrepresented communities such as people with less income,

immigrant populations, older individuals and youth.)

What should DEQ consider when striving to assure that benefits from ECO are accessible to workers who are Black, Indigenous and people of color? Workers whose first language is not English?

Consider that the commute solutions and programs will need to be tailored to the needs of the underserved populations of each of the employers and first go to those employees and ask them what their needs are and how we can restructure the program to meet those needs.

Might ECO have different advantages or disadvantages for businesses owned by or largely serving people of color?

Only if there is first an effort to work with them to identify the advantages/disadvantages. Put money into this outreach.

Kathy Fitzpatrick
Mobility Manager
Mid-Columbia Economic Development District
802 Chenoweth Loop Rd
The Dalles, OR 97058
www.mcedd.org

I am working remotely at this time. For all phone contact please use my cell phone #: 541-400-0124

Pronouns: she, her, hers