

MEMORANDUM

To: NFRMPO Technical Advisory Committee (TAC)

From: Medora Bornhoft

Date: February 17, 2021

Re: Updated Employer-Based Trip Reduction Program Feedback

Background

The RAQC's Employer-Based Trip Reduction Program (ETRP) Work Group has been meeting since April 2020 to develop a regulatory ETRP for consideration by the RAQC Board. The RAQC Board is scheduled to discuss the ETRP at their meeting on March 5 and to consider endorsement on April 2. If endorsed by the RAQC, the ETRP would be submitted to the Air Quality Control Commission (AQCC) for their consideration at a rulemaking hearing request in May and a rulemaking hearing in August. The ETRP would apply throughout the Ozone Nonattainment area with the goal of improving air quality through reduced single occupancy vehicle (SOV) trips by commuters.

At their meeting on February 4, the Planning Council received a report on the ETRP proposal from the RAQC's Executive Director, Mike Silverstein. Discussion from Planning Council members indicated some support for the proposal as well as some concern about regulatory burden.

NFRMPO staff have been involved in the RAQC's ETRP Work Group and will be soliciting feedback from Planning Council on the ETRP at their meeting on March 4 to submit to the RAQC.

Updates

Compared to the version of the memo included in the TAC packet, the remainder of this memo has been updated to reflect the outcome of the ETRP Work Group meeting on February 16. The latest version of the ETRP regulatory proposal is available at https://raqc.egnyte.com/dl/sLqyw0NhAK/ETRP_Draft_Regulation_Version_6.pdf. The proposal includes the following elements:

- Applies to large employers, defined as employers with 250 or more full-time employees at a single worksite who begin their regular workday between 6:00 am and 12:00 pm.
- Requires large employers to assign an employee transportation coordinator (ETC) to implement, promote, and administer the organization's ETRP efforts. The ETC may be an internal employee or an outside entity contracted by the employer.
- Requires large employers to conduct surveys of employee commute behavior every two years, beginning in spring 2022.
- Requires large employers to develop an ETRP plan to reduce the number of measurable vehicle



miles driven by employees commuting to and from work by requiring employers to implement strategies designed to reduce the employee SOV commute rate.

- Specifies the following reduction requirements:
 - By January 1, 2023, or within one year of becoming an ETRP-affected large employer, large employers are to achieve a SOV employee commute rate of no greater than 75 percent. This translates to 25 percent of employees are not commuting to the worksite alone on any given workday.
 - By January 1, 2025 or within three years of becoming a ETRP-affected large employer, large employers are to achieve a SOV employee commute rate of no greater than 60 percent. This translates to 40 percent of employees are not commuting to the worksite alone on any given workday.
- Exempts employers from completing an ETRP plan if they can demonstrate a non-SOV commute rate that exceeds the required percentage (25 percent in 2023 and 40 percent in 2025).
- Specifies the survey response rate must be at least 75 percent.
- Allows employers to submit an alternative compliance demonstration for equivalent emissions reductions achieved via on-site equipment or process improvements, corporate vehicle fleet electrification, corporate vehicle use, or other Division-approved approaches.
- Identifies possible exemptions or delayed compliance for certain types of employers, such as for hospitals, schools, or case-by-case hardship determinations

The RAQC intends to hold further discussions with the ETRP Work Group on employer exemptions and on a possible tiered approach to setting SOV commute rate targets. A tiered approach could account for differences in land use and transportation infrastructure throughout the region by setting more stringent targets in downtown zones and less stringent targets in rural zones. The RAQC also intends to begin phase one of the outreach plan, which includes contacting large employers to inform them of the upcoming decision points and solicit feedback on the ETRP proposal.

NFRMPO staff propose the following updates to the draft regulation:

- Exclude field workers, defined as employees whose work duties involve driving (e.g. police officers), and seasonal workers from the employee count
- Create exemption for construction sites
- Create exemption for employers where at least 75 percent of the workforce must be on-site to complete their duties, such as at manufacturing facilities and warehouses.
- Instead of setting a uniform SOV commute rate target applicable to each employer, use a tiered approach and/or set employer-specific SOV commute rate targets (e.g. achieve the applicable zone's SOV target or achieve a 5 percent reduction from the employer's baseline).
- Ensure the State provides sufficient funding for the Air Pollution Control Division (APCD) to



administer the program and provide compliance assistance to employers

- Provide incentives to employers for achieving SOV commute rate targets

Action

NFRMPO staff invites TAC to provide a recommendation to Planning Council on feedback for the RAQC ETRP Work Group's proposed regulatory ETRP.