

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director  
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Meeting Date	Agenda Category	Agenda Item #
July 21, 2021	Action	Revised

#### SUBJECT

Employee Traffic Reduction Program (ETRP) is a proposed amendment to State Rule 22, that would require large employers to support commute options in the workplace. A major revision to the previous draft rule, outlined in original board agenda packet materials, prompts this update and request for discussion and guidance.

#### PROPOSED ACTION/RECOMMENDATIONS

With a major revision to the draft rule proposed by CDPHE on 7/19, staff would like direction from the Board related to the current proposed amendment to Rule 22.

#### ACTION BY OTHERS

N/A

#### SUMMARY

As part of the State's Greenhouse Gas Emissions Reduction Roadmap, released in January 2021, the transportation sector was identified as a major contributor to GHG emissions in the ozone non-attainment area, and the state proposed action to encourage employers to support commute options in the workplace. The Air Quality Control Commission will hold a rulemaking hearing on Aug. 18, and DRCOG has party status, giving our organization an opportunity to testify.

Colorado Dept. of Public Health and Environment initially proposed an amendment to State Rule 22, known as Employee Traffic Reduction Program (ETRP). The draft amendment would have required large employers to support commute options in the workplace and outlined a list of requirements, including development and implementation of TDM plans, if needed to meet SOV rate targets. At the 7/19 prehearing conference, CDPHE issued a statement significantly revising their proposal, making plan development and implementation "voluntary", while retaining the requirement for annual surveys. This essentially makes it a "reporting rule". We do not at this time have a copy of the new language associated with this change.

Staff will present the key elements of previous draft ETRP, as well as the major revision presented on July 19, and seek direction from the Board.

#### PREVIOUS DISCUSSIONS/ACTIONS

[Apr. 21, 2021](#)– Colorado Dept. of Health and Environment informational presentation to Board of Directors

#### PROPOSED MOTION

At the Board's discretion

ATTACHMENTS
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1. CDPHE ETRP statement
2. Staff presentation

ADDITIONAL INFORMATION
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If you need additional information, please contact Douglas W. Rex, Executive Director, at (303) 480-6701 or [drex@drcog.org](mailto:drex@drcog.org); or Steve Erickson, Communications & Marketing Director, at (303) 480-6716 or [serickson@drcog.org](mailto:serickson@drcog.org).



July 19, 2021

Statement of CDPHE Concerning Revision to Employee Traffic Reduction Program (ETRP) Proposal

As we continue to prioritize air quality and a reduction of greenhouse gas emissions, the State of Colorado recognizes the need to find ways to reduce vehicle miles traveled, including reducing the number of single occupancy vehicle (SOV) commuting trips. These reductions can have numerous environmental and economic benefits for Coloradoans including businesses and their employees, and it is important for businesses to lead by example at a critical juncture for our commuting patterns.

After reviewing the various prehearing statements in this rulemaking, the state recognizes that many of the businesses, employees, and local communities that will be impacted by the rule have concerns about the Employer Traffic Reduction Program (ETRP) as currently proposed. Recognizing these concerns, the Department will revise its ETRP proposal to first focus on data gathering components to establish a strong baseline for future policy paired with setting a strong foundation through a voluntary trip reduction approach. This new proposal is based on the recognition that lasting and meaningful success will require strong buy-in from employers and employees who are subject to the program, and a pilot phase will facilitate our understanding of real world implementation successes and challenges. To this end, the Division is working on revising its proposal to include the following elements:

Opportunities for employers to voluntarily develop ETRP Plans to accomplish reductions in SOV commuting, paired with incentives for early adopters that include recognizing credit toward potential future rules;

Mandatory regulatory requirements that large employers in the DMNFR conduct annual SOV Drive Rate surveys in order to develop robust baseline data and track SOV Drive Rates in the DMNFR;

Aspirational SOV Drive Rates of 60% or less by 2025 to be demonstrated through employers' survey reporting;

Ongoing tracking of SOV Drive Rate reductions related to voluntary implementation to assess whether future changes are warranted to meet the target, which may include adoption of additional ETRP regulatory requirements in the future.



# EMPLOYEE TRAFFIC REDUCTION PROGRAM

(ETRP)

**Steve Erickson**

**Board of Directors, July 21, 2021**



# AGENDA



- Overview of Employee Traffic Reduction Program
  - Key components (of previous draft Rule)
  - APCD proposed major revision
  - Implementation considerations
  - Timeline
- Alignment with Metro Vision plan
- Discussion

# EMPLOYEE TRAFFIC REDUCTION PROGRAM



- Proposed State of Colorado amendment to Rule 22, requiring large employers to support commute options in the workplace
- Outlined in the State of Colorado Climate Action Roadmap
- Air Quality Control Commission hearing August 18-20

# EMPLOYEE TRAFFIC REDUCTION PROGRAM



- Applies to employers in ozone non-attainment area (largely DRCOG and NFRMPO areas) initially
- Applies to employers with 100+ employees
- **Previous draft Rule** was modeled in part on similar successful programs already in place in the western U.S.
  - Seattle, Los Angeles, Phoenix, Portland

# WHAT WOULD HAVE BEEN REQUIRED?



## **Previous draft Rule** required large employers to:

- Register, and designate an employee as Employee Transportation Coordinator (ETC)
- Conduct annual standardized survey to determine SOV rate
- If SOV rate higher than established targets, develop a plan to reduce drive alone trips
- Implement plan tactics that work for your organization and are also expected to produce results

# PLAN TACTICS – A PARTIAL MENU



- Distribute and post commute options information – for new employees. and periodically all staff
- Set up a network to facilitate carpool and vanpool ridematching
- Offer alternate work scheduling – telework, flex schedule, compressed work week
- Provide subsidies for transit passes or vanpools
- Offer commuter tax benefits
- Provide bike parking/lockers
- E.V. charging stations\*



# EMPLOYEE TRAFFIC REDUCTION PROGRAM



- What happens when an employer misses the target (**previous draft Rule**)?
  - Plan is adjusted – Way to Go partnership to assist
  - No penalties for failure to meet goals
  - Good faith effort with compliance based on tasks – surveys, planning and plan implementation – vs. performance to targets
  - “The ETRP rule is structured such that an employer that has met the requirements for developing and implementing an ETRP Plan but fails to achieve the SOV Drive Rate targets is required to revise the ETRP Plan but is not subject to penalties for failing to achieve the targets.”

# EMPLOYEE TRAFFIC REDUCTION PROGRAM



- DRCOG region well positioned for success – Way to Go has been working with employers for many years and has resources and infrastructure in place
  - MyWayToGo trip planning, tracking and ridematching platform
    - Already includes employer network and campaign portal
  - Robust outreach across the region – 8 TMA partners + DRCOG
  - Guaranteed Ride Home
  - Vanpool program
  - Survey (standardized) and plan templates
  - Employer campaigns and events – Bike to Work Day, GoTober
  - Turnkey package of support to employers – website, toolkit

# ALIGNMENT WITH METRO VISION



- Metro Vision calls for our region to:
  - Take action to ensure “the region has clean water and air, and lower greenhouse gas emissions” and specifically sees a future where the “region meets or exceeds applicable federal, state and local requirements and regional targets for air and water quality”
  - Work towards specific outcomes and measures for success, and outlines the goal of decreasing surface transportation-related GHG emissions per capita by 60%”

# ALIGNMENT WITH METRO VISION



- Metro Vision calls for our region to:
  - work towards a “connected, multimodal transportation system” in part to address traffic congestion, with specific measures for reductions in single-occupancy-vehicle (SOV) travel, vehicle miles traveled (VMT) per capita, and travel time variation (TTV).
  - Work towards “healthy, livable communities”, and we acknowledge poor air quality is a persistent threat to older adults and others with chronic respiratory illnesses such as asthma.
  - Work towards a “vibrant regional economy”, with “access to good jobs” – “severely” poor air quality threatens new job creation and ability to attract and retain the best talent

# MAJOR REVISION ANNOUNCED – 7/19



- **Prehearing conference** – Air Pollution Control Division (APCD) staff presents a written statement essentially defining this as a proposed **reporting rule**
- The only requirement is to **register** and **conduct annual surveys**
- Development and implementation of a plan is voluntary
- Aspirational SOV rates of 60% by 2025
- Survey results may be used to establish SOV targets in the future



# WAY TO GO PARTNERSHIP APPROACH



- We will work within the framework adopted to maximize reductions in VMT and single-occupancy vehicle travel in the region
- We are still well-positioned to support this “reporting rule” with outreach and tools in place to be successful
- A registration and a survey is still a step in the right direction - an entrée into a discussion with an employer

# EMPLOYEE TRAFFIC REDUCTION PROGRAM TIMELINE



- Hearing Aug. 18-20
- If approved implementation would begin Jan. 2022
- Registration, and initial surveys completed by April 2022
- Survey results submitted by July 2022
- As this was just announced on 7/19, we still do not have a copy of the planned revision to the rule



# QUESTIONS AND DISCUSSION





**THANK YOU!**

**Steve Erickson**

**Communications and Marketing Director**

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