



HB22-1138

SHORT TITLE: Reduce Employee Single-occupancy Vehicle Trips

LONG TITLE: Concerning the creation of programs to reduce the number of single-occupancy vehicle commuter trips by improving access to alternative transportation options.

SPONSORS: Representatives Gray and Herod/Senators Hansen and Winter

COMMITTEES: House Finance Committee

PURPOSE OF THE BILL: To reduce single occupancy vehicle trips for commuting and thereby reducing emissions by incentivizing employers to provide alternative transportation options for their employees.

PROPONENTS OF THE BILL: Governor's Energy Office, environmental organizations

POTENTIAL STAKEHOLDERS: Business organizations statewide, individual companies and institutions, workers who rely on personal vehicles for errands before and after work

BACKGROUND: Over the past 40 years the Air Quality Control Commission has considered ways in which to reduce vehicle miles traveled (VMT) as a means of improving air quality; this is a continuation of that effort.

The Governor's Roadmap for GHG reduction, efforts at the Energy Office, and the passage of HB 19-1261 all require significant reductions of GHG from all sectors of the economy. Additionally, the downgrading of the Front Range air quality to severe non-attainment will require reduction in emissions. Vehicle emissions are currently identified as a major source of GHG emissions and emissions which form ozone, leading to air quality issues. A previous attempt at rulemaking through the AQCC incorporating many measures from this bill was ultimately withdrawn.

Is this bill necessary this year? No

How does the bill change current law? It places responsibility for reducing VMT on employers to change commuting habits of their employees.

Does the bill affect the prior appropriations system? No

How is the bill implemented? The bill creates an income tax credit for employers who create and submit to CDOT a "clean commuting plan" for their employees including measures to reduce VMT in single-occupancy vehicles, focusing on essential employees and those earning less than \$40,000 per year. To claim the credit, employers must conduct an employee commuter survey, submit it to CDOT, and offer two or more transportation alternatives to employees. It requires the Executive Director of CDOT, the Energy Office and metropolitan planning organizations to develop a commuter survey which must be conducted annually and submitted to CDOT by all employers having 100 or more employees that report to a single work site. These large employers in a non-attainment area must comply



beginning January 1, 2023; large employer in the five metropolitan planning areas must comply beginning January 1, 2025; other large employers must comply beginning January 1, 2027. Other employers that are not large employers as defined in the bill may voluntarily participate in the program.

Practical considerations: Will employees respond to the survey? Is there a threshold of responses that employers must meet? What about those who must deal with childcare, household errands, other personal requirements that demand single-occupancy commute? Can employers legally require employees to disclose personal information such as required in the survey? Will employers who arrange or encourage ride-sharing or carpooling options have any liability for auto accidents depending on driver's history? Will commuting under the program become an workplace activity for purpose of injury (worker's compensation)?

Fiscal Impact: There is no fiscal note as yet. This is likely to be an expensive program.

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