



“Clean Commute” Emerges

Heavy Handed “Incentive” to Reduce Workforce Commute

Under the guise of improving air quality, legislation to “incentivize” employers to provide and encourage the use of alternative methods of commuting to the workplace was introduced this week. House Bill 22-1138 by Representative Matt Gray (D-Broomfield) and Senator Faith Winter (D-Broomfield) presents an exhaustive list of requirements to qualify for a 50% tax credit to provide various types of alternative modes of transportation. The bill further requires employers of 100 employees or more to respond to survey information about the employee commute practices that will ultimately inform recommendations for further action by the Air Quality Control Commission for mandatory reductions in “vehicle miles traveled” (VMT) by employees.

In June of 2021, the NCLA led the Colorado business community in capturing the defeat of the Employer Transportation Reduction Program (ETRP), a proposed AQCC regulation creating a mandatory program to change employee driving behavior. NCLA’s work to demonstrate significant and statewide business resistance and strong argument against the rule led the Governor to intercede and pulled the plug on the AQCC rulemaking of the E-TRiP program. HB 1138 is in direct response to the failure of the ETRP program with sponsors’ desire to secure the tenets of the mandatory program with an ETRP-like statutory approach.

Leading up to AQCC decision to further reduce VMT, beginning in 2023, employers with over 100 employees in the “non-attainment area” in which Fort Collins, Loveland and Greeley reside, are required to:

- Annually conduct a commuter survey of its employees and submit the completed commuter surveys to the department of transportation by April 30 of the year in which the survey was conducted;
- Offer its employees qualified transportation fringe benefits allowed pursuant to federal law;
- Offer its employees commuter choice information in electronic or hard copy format and update the information every 6 months; and
- Offer a cash allowance in lieu of a parking space under certain circumstances.

Senate President Resigns Leaving Behind a Shuffled Deck

President of the Colorado Senate resigned this week to take a post in the Biden Administration. Leroy Garcia of Pueblo has been president for three years and will be term limited this year. The resignation sets in motion a race to fill the position of President. The leading contender is Senate Majority Leader Steve Fenberg of Boulder. A progressive, his leadership style will be in stark contrast

to that of Garcia. Should he be chosen by his caucus to lead the Senate, his Leader position is left open creating a domino affect of leadership. Senator Dominck Moreno of Adams County and Vice Chair of the Joint Budget Committee is positioning to fill the role with a few others vying for the slot.

NCLA Tracking Report

On a bi-weekly basis, the NCLA Board reviews and considers its position on pending legislation. See the [NCLA 2022 Legislative Tracking Report](#) list the measures thus far introduced that the NCLA is monitoring and upon which the NCLA will or has taken a position.