

Meeting Summary

Subject	Equity and Mobility Advisory Committee – Meeting #25
Date and Time	November 8, 2023/ 12:00 p.m. to 2:30 p.m.
Location	Virtual via Zoom; recording available via YouTube livestream

Attendance

Committee Members	Organization	Attendance
Tangerine Behere	Ride Connection	Virtual
Paul Burgess	Fourth Plain Forward	Virtual
LaQuinta Daniels	Clark County Juvenile Court	Virtual
Leah Fisher	Clackamas County Public Health Division	Virtual
Amanda Garcia-Snell	Washington County Community Engagement	Virtual
Bruce Smith (alternate for John Gardner)	TriMet	Virtual
Duana Johnson	At-large member	Virtual
James Paulson	WorkSystems, Inc.	Virtual
Rachel Winslow	At-large member	Virtual
Dr. Philip Wu	Oregon Environmental Council	Virtual

Name	Meeting Role	Name	Meeting Role
Denise Harvey	Confederated Tribes of Grand Ronde, Presenter	Jessica Stanton	Facilitator
Mandy Putney	ODOT, Presenter	Rochelle Brahall	Project team
Anna Howe	ODOT, Presenter	Nick Fazio	Project team
Carolyn Holthoff	ODOT, Presenter	MJ Jackson	Project team
Dustin Kennedy	ODOT, Presenter	Jodi Mescher	Project team
Patrick Flanagan	ODOT, Presenter	Anne Pressentin	Project team
Kassandra Rippee	ODOT, Presenter	Perla Solis	Project team

1 Welcome, Introductions, and Objectives

Jessica Stanton welcomed meeting participants and facilitated a round of self-introductions. Jessica reviewed meeting logistics, and reminded EMAC members that this meeting is public. She reviewed EMAC’s working agreements and discussed the meeting agenda and objectives.

2 Tribal Engagement in the Oregon Toll Program and Updating the Equity Framework

Kassandra Rippee, ODOT, introduced Tribal government and sovereignty. Tribes have a unique relationship to government consultation founded by law (ORS 182.162-168 and NHPA, NEPA, and EO 13175). Consultation law requires agencies to develop and implement policy on relationships in cooperation with tribes and provides tribes an opportunity to identify concerns and participate in the resolution of adverse effects. Tribal consultation is a government-to-government process and happens separately from any public engagement process. Patrick Flanagan, ODOT, commented that the proposed changes to the equity framework are to reinforce the unique legal status of Tribes as separate sovereign nations.

Carolyn Holthoff, ODOT, discussed Tribal consultation for RMPP and the I-205 Toll Project. Tribal consultation has involved meetings between agency officials and tribal councils, coordination with tribal government staff, and formal correspondence. Intertribal tolling meetings have been used to continue tribal coordination in between project key milestones to keep the tribes informed and engaged. Tribal consultation has helped to inform the rule-making process. ODOT is proposing an exemption for tribal members and tribal government vehicles of specified federally recognized tribes.

Discussion question: What questions do you have about Tribal Government outreach?

- An EMAC member asked why intertribal meetings are not considered Tribal consultation.
 - Tribal consultation is a specific process defined by law that is government-to-government consultation.
- An EMAC member asked if ODOT is conducting Tribal consultation outside of Oregon. They asked if there is a similar level of consultation and engagement outside of Oregon.
 - ODOT is consulting with tribes outside the Oregon border, including tribes in Washington, Idaho, and California, and there have been consistent levels of consultation regardless of state borders.

Anna Howe, ODOT, shared an overview of indigenous community member engagement. ODOT has held three discussion groups with indigenous community members, conducted focused engagement with indigenous community members during public comment periods, and worked on relationship building and information sharing with community-based organizations serving indigenous community members. ODOT has heard from indigenous community members that travel across state lines from southwest Washington to the Portland metro area is critical to access social, healthcare, and cultural services. Indigenous community members have expressed concerns about tolling inhibiting travel autonomy on indigenous land. This input has guided ODOT to pursue what will be the nation's most comprehensive tribal tolling exemptions.

Discussion question: What questions do you have about engagement with indigenous communities?

- An EMAC member asked who is engaging Washington Urban Indigenous peoples.

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- Anne Pressentin, project team, responded that most of ODOT's work has been focused in Oregon, but there is a need to expand the outreach. Anne added that the project team welcomes suggestions for indigenous community members to connect with.
- An EMAC member asked if ODOT has conducted outreach with members of the Cowlitz Indian Tribe.
 - ODOT has engaged in government-to-government consultation with the Cowlitz Indian Tribe but has not conducted focused engagement with Cowlitz tribal members.
 - Anna said that she will follow-up with specific requests to increase engagement with indigenous community members in southwest Washington.
 - Dean Reynolds, RTAC member and Cowlitz Tribe member, confirmed that ODOT has conducted government-to-government outreach with the Cowlitz Indian Tribe.

Jessica reviewed the proposed changes to the Toll Project Equity Framework to include tribal governments in the definition of Equity Framework communities, include tribal governments in addition to historically excluded and underserved communities when references in the document, and to acknowledge the sovereignty of tribal nations and the government-to-government consultation process.

Discussion question: What questions do you have about the changes to the Equity Framework? Do you approve of the proposed changes to the Equity Framework?

- Dean Reynolds, on behalf of the Cowlitz Indian Tribe, stated that their government is an entity that deals with other governments on a government-to-government basis. The Tribe's relationship with other sovereigns is based on political status and is different. Cowlitz Tribal Council also wanted to offer edits to the equity document in a way that reflects that the Tribe's point of view will be addressed in direct government-to-government consultation. The Tribe should not be diluted by being categorized in the equity framework.
 - Carolyn responded that ODOT shared the equity framework with tribes at the beginning of October for comments and received comments back from one tribe. The changes proposed to the equity framework have been shared with tribes. However, the framework is a living document and ODOT is willing to revise based on additional tribal input. Patrick reiterated that government-to-government consultation is the best way to understand tribal feedback.
- An EMAC member asked the equity framework shifts to engage indigenous community members as a sub-group and as a disaggregated focal group. This is challenging because some sub-groups are not sovereign nations, but how can ODOT engage with indigenous community members diplomatically? They added that this topic needs more conversation because individuals can't represent tribal governments.
 - Jessica responded that the team should set another time to engage in this topic because it does lead to a larger conversation.
 - Mandy said that the proposed changes reflect input directly from the input received from tribal governments; they are not ODOT-initiated edits. They change provide some guidance to EMAC and ODOT on how to move forward with engagement. Carolyn added that indigenous community populations are not just Oregon or Washington based, so engagement needs to make sure they are capturing all indigenous community members in the Portland metro area.

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- An EMAC member said that the consultation process is unclear from EMAC’s perspective. They asked about the process for sharing updates to the equity framework from tribal consultation will be shared with EMAC.
 - Carolyn said that feedback will not be directly shared with EMAC. Some information about natural and cultural resources will not be publicly disclosed. Most of the government-to-government consultation is discussed with individual tribes and will be summarized at a high-level for the NEPA process.
 - Denise commented that tribal leaders and representatives are involved in many organizations and boards that participate in these conversations.
- *[comment from chaf]* As an Urban Indigenous community member with lived experience living here off of my tribal lands to utilize Education and VA Services. I am willing to help in the defining wording of the differences of outreach process.
- An EMAC member noted that it sounds like tribes should not be connected to groups that are not sovereign nations. They asked if the project should reconsider using the term “BIPOC” because that groups sovereign nations with other groups that are not sovereign nations.
 - Carolyn responded that ODOT has been discussing this and is looking to the Office of Social Equity for leadership and direction.

Jessica asked if EMAC members approve the proposed changes to the equity framework. EMAC members approved the proposed changes to the equity framework. EMAC members said that they need more time to come back to this topic and continue to refine the equity framework to recognize the distinction between sovereign nations and indigenous community member outreach.

3 ODOT Implementation Plan

Mandy Putney, ODOT, discussed the implementation plan that will be submitted to Governor Kotek on December 15 to demonstrate how ODOT is planning to advance equity and address diversion. ODOT has been developing a reader friendly, action-oriented implementation plan with two chapters: an equity implementation plan and a diversion mitigation plan. The implementation plan describes ODOT’s process for incorporating partner and public input into toll program decision-making processes, outlines future milestones and decisions, and forecasts how ODOT will continue to provide opportunities for input and collaboration. The implementation plans cite EMAC’s contributions to the Oregon Toll Program equity strategy to-date.

The equity plan focuses on three main topic areas. The first focuses understating the equity needs of the community, how ODOT engages partners and the public, and how that input is reflected and incorporated into the toll program policy and process. The second is the bulk of the plan, and described how ODOT is establishing a low-income toll program, the steps taken to get here and what’s to come, and how ODOT is centering equity in the larger statewide rulemaking process. The final topic area is long-term accountability and provides a timeline for how ODOT will work with EMAC to develop a structure for long-term accountability.

The diversion mitigation chapter presents ODOT’s approach to limiting vehicle diversion from tolled highways onto local streets. This plan focuses around three topic areas; Toll Program, project design and mitigation for diversion impacts; projects that complement the toll program, including the public

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transportation strategy and nexus projects; and the Oregon Toll Program Adaptive Management Framework, which is a long-term monitoring plan.

Mandy reviewed the draft equity implementation plan and diversion implementation plan timelines and processes.

Discussion question: Are there things you expected to see that you're not seeing? What kind of changes would you like to see? Is there anything missing from the future milestones/decision points?

- An EMAC member asked what FHWA stands for.
 - Mandy clarified that FHWA is the Federal Highway Administration, which is the decision-making body once the NEPA analysis is complete.
- An EMAC member asked if there is community engagement involved in the diversion implementation plan.
 - Ongoing community engagement with the public is a key aspect of NEPA. All the steps included in this process would be done with the public. Mandy commented that the timeline graphic can be revised to better reflect the ongoing engagement.
- An EMAC member asked how the various committees fit into the implementation plan process.
 - STRAC will be concluded before 2024, so they won't be directly involved. However, the draft toll rules that is the work product of the STRAC will go forward for public comment in 2024. RTAC will be involved in some of these conversations, particularly about adaptive traffic management and toll revenue and allocation. The OTC will set the initial direction in the beginning of 2024.
- An EMAC member asked what the complementary projects refer to. They also asked why identifying revenue streams and identifying toll-free multimodal travel options are not grouped together.
 - ODOT has been working with partners to identify Public Transportation Strategy projects and nexus projects to complement the Toll Program. Once there is more information about the impacts of the Toll Program, transit agencies will refine their lists and therefore update the PTS and nexus project lists.
- An EMAC member asked who the partner agencies are.
 - The partner agencies could just say "agencies" because it refers to any agency that is included in discussions. Participating agencies are agencies with a more formal role in the process; there is a separate list of participating agencies for the I-205 Toll Project and for RMPP.

4 Updates on Advancing Equity

Mandy discussed ODOT's updates on advancing equity and reviewed the Summer 2023 engagement tabling approach to meet community members where they are. Over the summer, ODOT went to 28 informational tabling events across the Portland metro region and engaged with 4,712 individuals.

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Through the summer engagement approach, ODOT is bringing people through the process, increasing transparency, and building rapport with the community. Feedback during tabling was much more positive or neutral than previous engagement efforts. ODOT has heard that community members want more information and value transparency, and most people left the tabling events appreciating the project team for sharing information and being available for questions.

- An EMAC member shared that they attended a tabling event without disclosing their role on the committee and they appreciated the information that was shared, and they appreciated seeing what the community engagement looks like.

Mandy shared that planning is underway to build out and diversify the approach to outreach for the toll projects during the winter months. ODOT will continue to prioritize Equity Framework Communities, especially those that received less outreach over the summer months.

In summer 2023, ODOT developed three potential options for RMPP, which were discussed with EMAC at the August meeting. A survey was designed to gain input on community preferences for tolling on I-5 and I-205. The survey received over 8,700 responses, with several hundred responses in Spanish, Chinese, Russian, and Vietnamese. To encourage participation in the survey, the project team used a variety of engagement and outreach methods, including approaches to reach Equity Framework Communities. ODOT is continuing to analyze how well the options meet traveler and community needs. Public and partner feedback will inform next steps of the project, which will include further analysis and public engagement.

Survey respondents of color and from Clackamas County more frequently said that they drive on I-5 or I-205 daily. Most respondents said I-5 and I-205 traffic is a problem, but one they live with. Survey respondents preferred having some hours during the day with no tolls and an interest in minimizing drivers rerouting to nearby roads. Most respondents said they don't consider it reasonable to pay for a faster trip without having information about trip costs and time savings.

- An EMAC member commented that they have heard feedback from the community that felt the survey was leading because it didn't offer an opportunity to share feedback on the program overall and share that they don't want tolling as an option.
 - Mandy responded that the survey didn't ask general questions because it was focused on refining the RMPP options. ODOT has been working to inform the public that ODOT has been given direction from legislation to implement tolling.
- An EMAC member asked how many survey participants dropped the survey without answering all the questions because it wasn't asking the general questions they wanted to answer.
 - Anne responded that many people answered the substantive questions, but there tends to be a drop-off in responses at the end of surveys, which include the demographic questions.

Dr. Wu shared an update on the STRAC. He shared that the upcoming meeting on November 17th will be the final STRAC meeting to finalize the draft rule-making recommendations.

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Mandy shared an update on the RTAC. The November 13th meeting will be rescheduled for another Monday in November. One of the topics on the agenda will be the implementation outline. The committee will be moving to meeting every other month in 2024.

5 Public Comments

No members of the public joined to share a public comment. Jessica reminded meeting attendees that they can submit public comment at any time by emailing oregontolling@odot.oregon.gov, or by calling 503-837-3536.

6 Going Forward

The next EMAC meeting will be held virtually on December 4, 2024. EMAC will be meeting in-person in January 2024. The Oregon Transportation Commission (OTC) will meet on Thursday, November 9, 2023. A discussion about the low-income toll program is on the agenda with a presentation to share EMAC's comments.

7 Action Items

The project team heard the following requests for action items:

- Follow-up with Duana Johnson to discuss suggestions for indigenous community members to engage in SW Washington.
- Clarify distinction between the outreach process for tribal consultation with sovereign nations and community outreach with indigenous community members.
- Approve changes to Equity Framework as directed by EMAC members. In addition, have further discussion about use of “BIPOC” terminology to reflect EMAC input and to be consistent with ODOT’s language. Identify the changes in the framework to show that it is a living document.
- Send out draft implementation plan timelines to EMAC members for their review. Continue to refine implementation plan timeline graphics to reflect EMAC input.