

# EMAC Meeting #25 Materials

1. Meeting #25 Agenda
2. Proposed changes to the Equity Framework
3. Meeting #24 Summary

# Meeting Agenda

<b>Subject</b>	Equity and Mobility Advisory Committee Meeting #25
<b>Date and Time</b>	November 8, 2023/ 12:00 p.m. to 2:30 p.m.
<b>Zoom Info</b>	Participants can join via <a href="#">Zoom webinar</a> or by phone at (253) 215-8782 US (Tacoma). Participants can also watch the <a href="#">YouTube livestream</a> of the meeting.
<b>Facilitator</b>	Jessica Stanton

Committee Members	Organization
Tangerine Behere	Ride Connection
Paul Burgess	Fourth Plain Forward
Jeff Christian	At-large member; Columbia Distributing
LaQuinta Daniels	Clark County Juvenile Court
Germaine Flentroy	Beyond Black/Play, Grow, Learn
Leah Fisher	Clackamas County Public Health Division
Amanda Garcia-Snell	Washington County Community Engagement
John Gardner	TriMet
Olivia Holden	At-large member; City of Vancouver
Duana Johnson	At-large member
James Paulson	WorkSystems, Inc. Board
Rachel Winslow	At-large member
Dr. Philip Wu	Oregon Environmental Council
Commissioner Alicia Chapman	Oregon Transportation Commission (OTC) Liaison

## Objectives

- Deepen understanding of the ODOT’s Tribal engagement activities about the Toll Program, including Tribal government-to-government consultations and indigenous community outreach.
- Review and discuss proposed changes to the ODOT Toll Projects’ Equity Framework to add language that includes Tribal nations.
- Preview ODOT’s Implementation Plan outline.
- Update the committee on how ODOT is advancing equity in the Toll Program.

## Meeting Agenda

Equity and Mobility Advisory Committee Meeting #25 November 8, 2023/ 12:00 p.m. to 2:30 p.m.

### Materials

- Meeting agenda
- PowerPoint presentation
- Proposed changes to the Toll Projects' Equity Framework
- Draft implementation plan outline
- EMAC Meeting #24 Summary
- Submitted Public Comments

Time	Item	Lead
12:00 p.m. (10 minutes)	<b>Welcome and Objectives</b> <ul style="list-style-type: none"><li>- Review Meeting 25 meeting objectives</li><li>- Introductions</li></ul>	Jessica Stanton, Facilitator
12:10 p.m. (60 minutes)	<b>Tribal Engagement in the Oregon Toll Program and Updating the Equity Framework</b> <ul style="list-style-type: none"><li>- Introduction to Tribal Governments and consultations</li><li>- Overview of Tribal Government consultation for the I-205 Toll Project and RMPP</li><li>- Overview of Indigenous community members engagement for the I-205 Toll Project and RMPP</li><li>- Broader toll program engagement among Indigenous community members</li><li>- Proposed changes to the Equity Framework and rationale to add language that includes Tribal Nations</li></ul> <b>Discussion:</b> <ul style="list-style-type: none"><li>- What questions do you need answered before we incorporate these changes into the Equity Framework?</li><li>- Do you approve of the proposed changes to the Equity Framework?</li></ul>	Jessica Stanton, Facilitator Kassandra Rippee, ODOT Carolyn Holthoff, ODOT Anna Howe, ODOT
1:10 p.m. (5 minutes)	<b>Break</b>	

## Meeting Agenda

Equity and Mobility Advisory Committee Meeting #25 November 8, 2023/ 12:00 p.m. to 2:30 p.m.

Time	Item	Lead
1:15 p.m. (30 minutes)	<p><b>ODOT Implementation Plan</b></p> <ul style="list-style-type: none"> <li>- Overview of Equity and Mitigation Implementation Plan Outlines</li> <li>- EMAC's contributions to the toll program's equity approach</li> <li>- Next Steps</li> </ul> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>- Are there things you expected to see that you're not seeing?</li> <li>- What kind of changes would you like to see?</li> <li>- Is there anything missing from the future milestones/decision points?</li> </ul>	Jessica Stanton, Facilitator Mandy Putney, ODOT
1:45 p.m. (30 minutes)	<p><b>Updates on Advancing Equity</b></p> <ul style="list-style-type: none"> <li>- Review Regional Mobility Pricing Project (RMPP) Survey results</li> <li>- Summer engagement overview</li> <li>- I-205 Toll Project next steps</li> </ul>	Jessica Stanton, Facilitator Mandy Putney, ODOT
2:15 p.m. (10 minutes)	<p><b>Public Comment</b></p> <ul style="list-style-type: none"> <li>- Public comment</li> <li>- Comments from EMAC members about what they are hearing from their communities</li> </ul>	Nick Fazio, Project Team Members of the Public
2:25 p.m. (5 minutes)	<p><b>Going Forward</b></p> <ul style="list-style-type: none"> <li>- Next steps</li> <li>- Meeting #26 will be held virtually in December</li> <li>- Closing</li> </ul>	Jessica Stanton, Facilitator
2:30 p.m.	<b>Adjourn</b>	All

Please note that committee member comments during meetings are part of the public record and open to public records requests through the Oregon Public Records and Meetings Law.

## Public Comment

We welcome public comment to the Equity and Mobility Advisory Committee. You can submit written or verbal comments at any time. **Please submit comments by email ([oregontolling@odot.state.or.us](mailto:oregontolling@odot.state.or.us)) with "Committee Public Comment" in the subject line, or call 503-837-3536 and state "Committee Public Comment" in your message.** If we receive your comment by 11:00 a.m. two business days before the meeting, we will send them to the committee in advance. All comments received after 11:00 a.m. two business days before the meeting will be provided to the committee at the next meeting. We will ensure that all written and verbal comments we receive prior to or at the meeting are included in the meeting summary.

## Meeting Agenda

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## Equity and Mobility Advisory Committee Purpose

The committee shall advise the Oregon Transportation Commission by:

- Providing input and supporting ODOT during the technical and environmental review process to ensure milestone decisions and project developments are grounded in the draft toll projects' equity framework, including the development and refinement of performance measures and the evaluation of alternatives for the I-205 Toll Project and the Regional Mobility Pricing Project.
- Providing input on mobility and equity strategies as the I-205 Toll Project and the Regional Mobility Pricing Project are going through the environmental review process, including:
  - Availability of transit and other transportation options
  - Transportation needs of, and benefits for, people of color and people with low-incomes, limited English proficiency or disabilities that live near or travel through the project area
  - Better understanding of neighborhood benefits and impacts for the communities near the tolled facilities (e.g., changes to cut-through traffic, pedestrian and bicycle options, transit access)
- Developing an equitable engagement plan that will result in ongoing input and participation from communities that have been historically and are currently underrepresented in transportation planning
- Supporting the implementation of the equitable engagement plan by hosting or cohosting meetings, events and/or other activities as determined by the engagement plan

# I-5 and I-205 Toll Projects

## Toll Projects' Equity Framework



*NOTE: This is a draft document. These proposed changes are pending review by tribal governments.*

Updated October 30, 2023

### INTRODUCTION

The Oregon Toll Program recognizes past land-use and transportation investments in the Portland metro area—including highway investments—have resulted in negative cultural, health, economic, and relational impacts to local communities and populations. These projects have resulted in *displacement* and *segregation*<sup>1</sup> and have disproportionately affected:

- people experiencing *low-income* or *economic disadvantage*;
- *Black, indigenous and people of color (BIPOC)*;
- *Tribal governments (Federally Recognized Tribes)*
- older adults and children;
- persons who speak non-English languages, especially those with limited English proficiency;
- persons living with a disability; and

other populations and communities historically excluded and underserved by transportation projects.

Discriminatory transportation patterns, urban planning decisions, and high housing costs have priced out many community members from centrally located neighborhoods, resulting in a mismatch between job locations and housing in areas with few transportation options. Collectively, these transportation and land use investments have resulted in a form of *trauma* for these historically excluded and underserved communities and individuals.

#### State of Oregon Definition of Equity

*Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.*

Definition from June 2020  
State of Oregon Equity Framework in  
COVID-19 Response and Recovery

<sup>1</sup> Please see the glossary for the definition of italicized terms.

## WHY AN EQUITY FRAMEWORK FOR THE I-205 AND I-5 TOLL PROJECTS?

As part of previous community engagement efforts (including for the 2018 Value Pricing Feasibility Analysis), discussions with community members, regional stakeholders, and elected officials revealed three consistent themes:

- Concerns about tolling effects on communities experiencing low income
- Need for improved transit and other transportation choices
- Concerns with the potential for tolling to cause traffic to reroute to local streets

The Oregon Toll Program has developed this draft Equity Framework to identify the burdens and benefits of tolling and provide a process for determining how to equitably distribute those burdens and benefits from the I-205 and I-5 Toll Projects. The framework will guide the project to ensure tolling on I-205 and I-5 will lead to equitable outcomes. Additionally, the framework will ensure the Oregon Toll Program implements an intentional and equitable engagement process that makes historically excluded and underserved communities a priority.

To create this framework, the Oregon Toll Program worked with a team of equity specialists to create this initial draft, which will be updated over time as more individuals and organizations become involved in this work.

This I-205 and I-5 Toll Projects' Equity Framework includes:

- Goals for the proposed toll projects, and an explanation of why the Oregon Toll Program is prioritizing equity
- A definition of equity within the context of the toll projects, including key concepts and definitions related to equity
- The overall approach and organizing principles for addressing equity

A set of actions for measuring benefits and burdens to historically excluded and underserved communities and populations

## GOALS OF THE TOLL PROJECTS

The I-205 and I-5 Toll Projects were assigned two goals by the Oregon State Legislature:<sup>2</sup>

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<sup>2</sup> In 2017, the Oregon Legislature approved House Bill 2017, known as Keep Oregon Moving. This bill committed hundreds of millions of dollars in projects that will address our congestion problem and improve the transportation system in the region and statewide. HB 2017 directed the Oregon Transportation Commission to pursue and implement congestion pricing on I-5 and I-205 in the Portland Metro region to provide additional traffic management tools to further manage congestion.



1. To reduce traffic congestion in the Portland metropolitan region by encouraging people to travel at less congested times or to change travel mode, thereby providing more reliable travel time; and
2. To generate revenues which can then help fund congestion relief projects or other efforts through the state's Congestion Relief Fund.

At the same time, the Oregon Toll Program has made community mobility and equity<sup>3</sup> strategies key components of successful toll projects. The Oregon Toll Program is committed to minimizing burdens and maximizing benefits to communities that transportation projects have historically excluded and underserved. The Oregon Toll Program will engage these communities so that it can intentionally inform, listen to, learn from, and empower them throughout the toll projects' development, implementation, monitoring, and evaluation processes. **The Program recognizes that tribes are sovereign nations and is engaging in government-to-government consultation.**

## UNDERSTANDING EQUITY FOR THE I-205 AND I-5 TOLL PROJECTS

The Oregon Toll Program will consider the different transportation needs of historically excluded and underserved communities and the barriers those communities face so that the design of the toll projects improve access to jobs, goods, services, and key destinations.

"Equity" for transportation projects is the just allocation of burdens and benefits within a transportation system. For the purposes of ODOT's toll projects, equity is described in two ways: process equity and outcome equity.

*Process equity* means that the planning process, from design through to post-implementation monitoring and evaluation, actively and successfully encourages the meaningful participation of individuals and groups from historically excluded and underserved communities.

*Outcome equity* means that the toll projects will acknowledge existing inequities and will strive to prevent historically excluded and underserved communities from bearing the burden of negative effects that directly or indirectly result from the toll projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

Together, process and outcome equity focus on four dimensions:

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<sup>3</sup> Community mobility and equity strategies could improve mobility for the broadest possible cross-section of the community and avoid, minimize, or mitigate negative impacts to historically excluded and underserved communities. Strategies could include improved transit and other transportation choices.

- **Full Participation.** Impacted populations and communities will play a major role throughout the Projects. Agency accountability and transparency will be a key component of the Toll Projects' activities.
- **Affordability.** The Projects will explore how to improve the affordability of the transportation system to affected populations and communities.
- **Access to Opportunity.** The Toll Projects will focus on improving multi-modal<sup>4</sup> access to the region's many opportunities for historically excluded and underserved communities.
- **Community Health.** The Toll Projects will address air quality, noise, traffic safety, economic impacts and other potential effects on historically excluded and underserved communities.

## OUR APPROACH

Explicit goals for these Toll Projects include reduced congestion and the generation of new funds to help pay for improved transportation facilities or other efforts funded by the state's Congestion Relief Fund. *Equitable community and mobility strategies will need to produce benefits beyond revenue generation and direct congestion management improvements on the I-205 and I-5 freeways.* Other benefits could include better functioning transportation facilities and services for people not using the freeways, and strategies for managing and limiting potential vehicle rerouting from the freeway through neighborhoods with significant populations of historically excluded and underserved communities.

The I-205 and I-5 Toll Projects can maximize potential positive benefits and minimize negative effects by following organizing principles to ensure both process and outcome equity:

1. **Incorporate a trauma informed perspective in our current context** by recognizing the trauma associated with multiple historic and current events, including the ongoing killings of African Americans by police, the COVID-19 pandemic, the economic ramifications from these events, as well as the impacts of past transportation and land use investments. While the future is uncertain, there is opportunity to demonstrate how ODOT can shift power to impacted community members to improve outcomes for all. Embracing this trauma-informed perspective in policy making can begin to address past harms, minimize burdens, and maximize benefits for historically underserved community members.
2. **Begin with a racial analysis.** By being explicit about race and systemic racism, the I-205 and I-5 Toll Projects can develop solutions that maximize benefits to all historically excluded and underserved communities. By beginning with race, the Oregon Toll Program ensures that race will not be ignored or diminished as part of an overall analysis of equity in the system.

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<sup>4</sup> For the purposes of this document, "multi-modal access" considers and accommodates the many different modes that people use for transportation, including (but not limited to) private and for-hire motor vehicles, public transit and paratransit, walking, rolling a wheelchair or motorized assisted scooter, cycling, skateboarding, and the use of shared mobility devices such as bike share and scooter share programs. Multi-modal indicates that any one of these modes may be used and that multiple different modes may be used on a single trip.

3. **Acknowledge historic context.** Communities which have been historically affected by the transportation system should be explicitly acknowledged and involved in a direct and meaningful way in project development and follow-up.
4. **Identify disparities.** The Oregon Toll Program has developed this draft Equity Framework for the I-205 and I-5 Toll Projects, consistent with Title VI of the Civil Rights Act, to analyze policy proposals as well as historical impacts, assess disparities in the distribution of project benefits and burdens/, and provide remediation solutions where warranted.
5. **Prioritize input from impacted historically excluded and underserved communities, inclusive of tribal governments.** The Oregon Toll Program is committed to identifying communities that have historically been excluded in transportation planning and who have been underserved or negatively impacted by prior transportation investments and plans, as well as those at highest risk of being negatively affected by the I-205 and I-5 Toll Projects. ODOT commits to prioritizing the voices of impacted, excluded, and underserved communities, and tribal governments, and ensuring that their concerns, goals, and experiences shape the design of the toll projects. This focus will help produce greater overall benefits throughout the system.
6. **Attend to power dynamics among stakeholders.** The Oregon Toll Program aims to elevate the needs and priorities of historically marginalized communities through this process. To do this requires that each of the projects recognize, understand, and shift existing power dynamics within ODOT, other government agencies, groups, the community, and the projects' teams.
7. **Maintain a learning orientation.** A focus on equity and using tolls to manage congestion are innovative nationally and new for ODOT. The Oregon Toll Program commits to letting equity drive its approach to the planning process, including National Environmental Policy Act (NEPA)<sup>5</sup> studies and community participation. The Oregon Toll Program commits to striving for continuous improvement and to creating space conducive for growth and collective learning.

## EQUITY IMPLEMENTATION STEPS

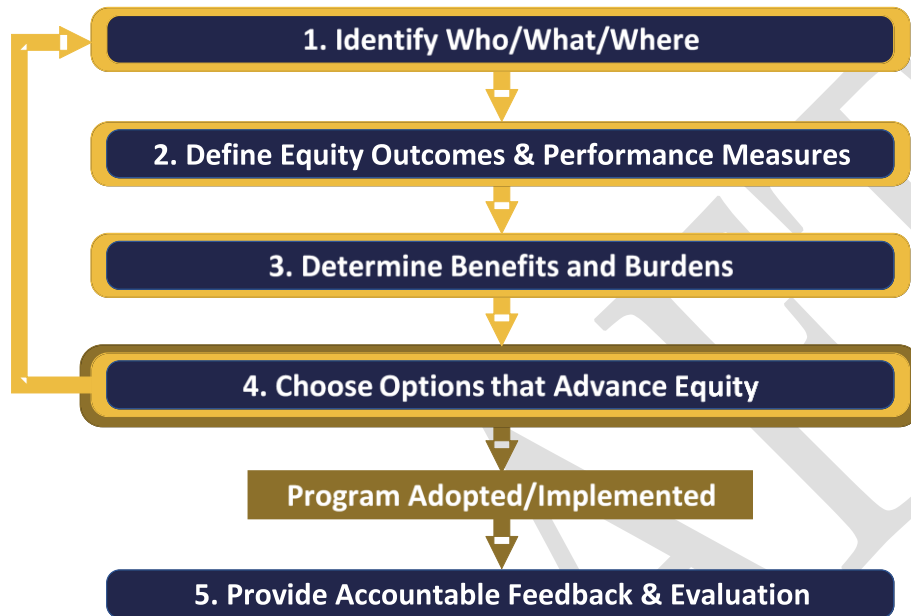
This framework uses a five-step iterative process that can help reduce systemic inequities and support the desired outcomes of the toll projects. This process encourages decision-makers to critically address health, racial, social, and economic disparities and historic disinvestment and transportation decisions that have harmed communities. Figure 1 illustrates the five iterative steps of the framework adapted from TransForm, a transportation and land use policy

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<sup>5</sup> The National Environmental Policy Act of 1970 (as amended) ensures the federal agencies consider the potential environmental effects of their proposed actions and inform the public about their decision making. It is especially important for communications related to this project because public outreach and engagement activities will frequently be tied to milestones in the NEPA process.

organization. TransForm based its framework on a study of tolling equity practices worldwide, with special attention to guidance from the National Cooperative Highway Research Program's 2018 guidebook and toolbox, *Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes*.<sup>6</sup>

**Figure 1. Five Step Process for Achieving Equitable Outcomes<sup>7</sup>**



Oregon Toll Program actions for each step are delineated below.

### **Step #1: Identify Who, What, and Where**

- Identify all historically excluded and underserved communities, tribal governments, and small businesses the toll projects may disproportionately affect, including presenting the context of how and why these communities have been excluded and underserved by in the past through prior transportation and land use planning and investment.
- Document the travel patterns of historically excluded and underserved communities that may be affected by the toll projects, and anticipate potential changes to them.
- Develop a range of potential pricing strategies and related policy proposals that directly address community-identified mobility and equity priorities.

<sup>6</sup> Pesesky, L., et. al., *Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes: Guidebook and Toolbox*, National Cooperative Highway Research Program Research Report 860 (Washington, D.C.: Transportation Research Board, 2008).

<sup>7</sup> Cohen, S., and Hoffman, A., *Pricing Roads, Advancing Equity*, Report and toolkit (Oakland, California: TransForm, 2019).

## Step #2: Define Equity Outcomes and Performance Measures

Develop a set of performance measures that establish both *baseline conditions* for historically excluded and underserved communities, and the effects of different proposed pricing and equity strategies on these communities. Performance measures will address both process and outcome equity.

### Process Equity

*Process Equity* measures help determine how successful the projects are at achieving inclusive and accountable participation of historically excluded and underserved communities in the transportation planning and decision-making process.

### Inclusive and Accountable Participation

**Measures of participation.** Representation on advisory committees:

- The number of workshops, virtual meetings, their locations, and the number of unique attendees from historically excluded and underserved communities
- The number of public comments and surveys received from historically excluded and underserved communities
- Measures of the distribution of print and web resources, including languages served

**Responsiveness.** The Oregon Toll Program will develop qualitative evaluation measures of its ability to be responsive in addressing comments, ideas and concerns voiced by historically excluded and underserved communities:

- Collect feedback from participants, the advisory committee, and equity sub-consultants on quality of facilitation and ability to incorporate the needs of historically excluded and underserved communities.
- Ensure continuous application and incorporation of the “Oregon Toll Program Approach” through the toll projects meetings and processes.
- Monitor regularly the following within decision-making processes and project management:
  - Projects’ adaptability to needs expressed by historically excluded and underserved communities
  - That historically excluded and underserved communities have a voice and the opportunity to directly impact design and outcomes
  - Transparent accountability: it is clear who the decision-makers are and how to influence decision-making
  - That the Oregon Toll Program is communicating directly and regularly with underserved and excluded communities and clearly describing the input, ideas and

concerns that have been voiced, and how that feedback is being used in project development.

### **Outcome Equity**

*Outcome Equity* measures will address three dimensions: affordability (user costs), access to opportunity, and community health to determine which pricing and equity strategies best advance equity.

#### **1. Affordability**

- **Travel costs.** Change in travel costs for historically excluded and underserved communities
- **Financial barriers.** Potential financial barriers that may limit use of the tolled facilities by historically excluded and underserved communities, including for the unbanked and for those who may have trouble putting up deposits for transponders or other required technologies

#### **2. Access to Opportunity**

- **Travel patterns.** Potential changes to travel patterns and behavior
- **Transportation options.** Alternative transportation choices (roads, transit, etc.) in the study area available to those who choose to not pay tolls, with some measure of their relative costs (in time and/or money) and benefits
- **Time penalties or improvements.** Effects on un-tolled alternatives, including roadways affected by rerouting and potential benefits or impacts to transit services

#### **3. Community Health**

- **Community health.** Health indicators, including those identified by historically excluded and underserved communities
- **Environmental impacts.** Projected changes in air, water, and noise pollution, as well as visual impacts
- **Safety.** Potential implications for safety, particularly for the most vulnerable road users (bicyclists and pedestrians)
- **Community cohesion or isolation.** Potential implications of changes in travel behavior and infrastructure on community cohesion or isolation, including potential impacts on rents
- **Small business.** Potential effect of construction or tolls on small businesses within historically excluded and underserved communities

### Step #3: Determine Benefits and Burdens

Determine impacts (both positive and negative) related to the outcome and performance indicators that will be identified in Step Two, with an eye to determining the effects listed in Table 1. Table 1 lists a range of possible effects that could be considered as part of each of the toll projects' equity and mobility analyses and do not represent a final set of outcomes to be considered.

**Table 1. Benefits and Burdens for Consideration**

#### Potential Benefits and Burdens

**User costs** – both for the tolled facility as well as for any viable alternatives, including both monetary and non-monetary (such as time) costs

**Choices** – including travel options for those for whom a new toll might prove burdensome

**Travel time** – including delay or improvements to travel time

**Transit** – including changes to operating speed, reliability, and ridership from tolling as well as from potential improvements in transit as part of the projects

**Traffic patterns** – including potential rerouting impacts through neighborhoods with significant populations from historically excluded and underserved communities

**Businesses** – especially those at risk for impacts from changes in travel behavior, traffic rerouting, or construction

**Noise** – where it might be generated and whom might be exposed to it, including expected changes in noise on potential or existing diversion routes

**Social** – including improved access to opportunity

**Environmental** – including localized as well as regional changes to water and air quality for historically excluded and underserved communities

**Visual** – including any takings or impacts from the placement and construction of any physical infrastructure required as part of the Projects

### Step #4: Choose Options that Advance Equity

- Determine which strategies are most promising to provide greater affordability, and potentially price certainty, as part of the tolling proposal.
- Involve historically excluded and underserved communities and tribal governments in meaningful review of these strategies.
- Determine which strategies will most benefit commuters from historically excluded and underserved communities.
- Determine which strategies will most benefit non-commuters in historically excluded and underserved communities.
- For those strategies that are not permissible in Oregon, due to constitutional restrictions or other legal considerations, find alternatives that similarly advance equity.
- Subject the final alternative(s) to detailed modeling to get a finer grain prediction of impacts.

With the input of historically excluded and underserved communities and tribal governments, refine proposed pricing and equity strategies to optimize their performance.

**Step #5: Provide Accountable Feedback and Evaluation**

- Incorporate input from historically excluded and underserved **communities and tribal governments** and consider community priorities as part of the development of mobility and mitigation strategies.
- Prioritize funding commitments made to historically excluded and underserved communities as part of the toll projects and delineate responsibilities clearly, publicly, and transparently.
- Develop a timeline, with public input, describing who is responsible for determining if the I-205 and I-5 Toll Projects meet the Oregon Toll Program's goals and commitments to historically excluded and underserved communities.
- Make explicit who is responsible for providing continuous oversight of equity issues following implementation of the toll projects, including periodic evaluation and adjustments in toll policies and prices.
- Identify any equity issues or concerns raised for which the toll projects are unable to provide resolution. Such unresolved issues will be addressed in communications with historically excluded and underserved communities.

Continue to seek ongoing opportunities for representatives of historically excluded and underserved communities **and tribal governments** to participate in the entire transportation planning process.



## GLOSSARY - IMPORTANT DEFINITIONS

Many terms are used to indicate communities and populations affected by planning and land-use decisions. Planning documents frequently refer to communities that have historically been excluded by land-use projects and from transportation decision-making as “historically marginalized communities.” Some communities have been discriminated against systemically; these fall under the broad term of “historically underserved communities.”

This document uses the terminology “historically excluded and underserved communities” to be broad in the definition of the communities, populations, individuals, and tribal governments who have been excluded from transportation decision-making and/or systematically discriminated against. Other terms often used to describe some of these communities include:

- **Marginalized communities/populations** are those communities that have been confined to the peripheral edge of society, and have had little involvement in, among other processes, transportation decision-making.
- **Vulnerable populations** include populations that are more likely to be transit-dependent and/or otherwise disproportionately affected by changes in travel cost and choices, such as the elderly, children, people of color, low-income persons, and persons with disabilities.
- **Low-income** is defined for the purposes of the toll projects as individuals or households with income below 200 percent of the federal poverty level for the area.
- **Environmental Justice (EJ) populations** include individuals who are African American, Asian American, Hispanic American, Native American and Alaska Native, Native Hawaiian and Pacific Islander, of two or more races, and/or low-income.
- **Black, indigenous and people of color**, also known as BIPOC, is a term for people who identify as Black, Asian, Hispanic, Latin American, Native American and Alaska Native, Central and South American indigenous, Native Hawaiian and Pacific Islander origin, and/or of one or more non-white races or ethnic groups.
- **Tribal governments (Federally Recognized Tribes)** are sovereign nations as recognized by the United States Government, and consultation with federally recognized tribes occurs through a government-to-government consultation process separate and distinct from public and community outreach and comment.

Other terms used in this document include:

- **Displacement** occurs when people and businesses, often residences or businesses of people of color, are forced from their homes and commercial areas due to rising rents, property taxes, or government policy that directly relocates people or businesses or favors replacing current community members, homes or businesses with others, particularly white-owned or occupied residences and businesses.
- **Economic Disadvantage** refers to individuals and communities with significantly less wealth and financial resources and whose economic health and wellbeing has been

impaired due to systemic barriers (such as limited access to opportunities, through discrimination in education, or health care, hiring and promotions, lack of banking and credit or other factors) as compared to other people or communities in the same region.

*Please see Appendix A for a written example of someone experiencing economic disadvantage.*

- **Race** is a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (particularly color), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society at a given period of time. Racial categories subsume ethnic groups. (Based on Portland Metro definition)
- **Segregation** is when facilities, services, and opportunities such as housing, medical care, education, employment, and transportation in the United States are divided along racial, economic, ethnic, or religious lines. (Adapted from Portland Metro definition)
- **Systemic Racism** is a system of interrelated policies, practices, and procedures that work to advantage and position white people and communities over people of color. It can result in discrimination in criminal justice, employment, housing, health care, political power and education, among other issues.
- **Trauma** is the unique individual or group experience of an event or enduring set of conditions where resulting stress overwhelms the individual's or group's ability to manage their emotional and physical experience, resulting in long-lasting and adverse emotional, cognitive, and physiological effects. At the community level, trauma can result from current and historic systemic discrimination and violence against people from certain groups. (Adapted from Trauma Informed Oregon's *Standards of Practice for Trauma Informed Care: Definitions and Additional Resources* and U.S. Substance Abuse and Mental Health Services Administration's *Concept of Trauma and Guidance for a Trauma-Informed Approach*.)

A **Trauma-Informed Perspective** is one that realizes the pathways and impacts of trauma within the community, is able to recognize the signs and symptoms of people experiencing trauma, responds by incorporating knowledge of trauma into practice, and actively seeks to avoid re-traumatization. In the context of toll projects, it realizes the ways transportation projects and planning processes have caused trauma, understands what this looks like in practice, and incorporates this knowledge into all aspects of toll development (staff training, policy development, project outreach etc.) to avoid re-traumatization. (Adapted from U.S. Substance Abuse and Mental Health Services Administration's four "R's" of a trauma-informed approach.)

*Please see Figure 1 in Appendix A for a visual representation of a trauma-informed perspective.*

## **AUTHORS AND CONTRIBUTORS**

The following individuals contributed extensively to this Equity Framework

### **Primary Authors of the I-205 and I-5 Toll Projects' Draft Equity Framework**

- Alan Hoffman – Independent policy and planning consultant, Co-author of *Pricing Roads, Advancing Equity* guidebook and toolkit
- Amber Ontiveros – Owner of Amber Ontiveros and Associates – Transportation Equity Consultants
- Chris Lepe – Mariposa Planning Solutions - Independent equitable transportation and land use consultant
- Desiree Williams Rajee – Founder and Principal of KAPWA Consulting – Equity Strategy and Leadership
- Leslie Parker – Amber Ontiveros and Associates – Transportation Equity Consultants

### **Additional Contributors to Revised Versions**

- Abe Moland – Equity and Mobility Advisory Committee Member
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- Brooke Jordan – WSP Toll Projects Consultant Team; Consultant Team Task Lead
- Christine Moses, Owner of Buffalo Cloud Consulting, LLC. – Equity and inclusion facilitator and consultant
- Diana Avalos Leos – Equity and Mobility Advisory Committee Member
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- James Paulson – Equity and Mobility Advisory Committee Member
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- Penny Mabie – EnviroIssues; Equity and Mobility Advisory Committee Co-Facilitator
- Dr. Phillip Wu – Equity and Mobility Advisory Committee Member
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### **ODOT Contributors**

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# Meeting Summary

<b>Subject</b>	Equity and Mobility Advisory Committee – Meeting #24
<b>Date and Time</b>	October 4, 2023 / 2:30 p.m.
<b>Location</b>	Virtual via Zoom; recording available via <a href="#">YouTube livestream</a>

## Attendance

Committee Members	Organization	Attendance
Ismael Armenta	At-large member; Oregon Walks	
Tangerine Behere	Ride Connection	
Paul Burgess	Fourth Plain Forward	Virtual
Jeff Christian	At-large member; Columbia Distribution	In person
LaQuinta Daniels	Clark County Juvenile Court	Virtual
Germaine Flentroy	Beyond Black/Play, Grow, Learn	
Amanda Garcia-Snell	Washington County Community Engagement	In person
John Gardner	TriMet	In person
Fabian Hidalgo Guerrero	At-large member; Oregon Food Bank	
Olivia Kahn	At-large member; City of Vancouver	In person
Duana Johnson	At-large member	
James Paulson	WorkSystems, Inc.	In person
Adam Torres	Clackamas County Public Health	
Rachel Winslow	At-large member	
Dr. Philip Wu	Oregon Environmental Council	In person
Commissioner Alicia Chapman	Oregon Transportation Commission (OTC) Liaison	In person

Name	Meeting Role	Name	Meeting Role
Jessica Stanton	Facilitator	Nick Fazio	Project team
Rochelle Brahalla	Project team	Perla Solis	Project team
Mandy Putney	ODOT, Presenter	Logan Cullums	Project team
Garet Prior	ODOT, Presenter	Jodi Mescher	Project team
Zoie Wesenberg	ODOT, Presenter	MJ Jackson	Project team

## 1 Welcome, Introductions, and Objectives

Jessica Stanton welcomed meeting participants, 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 Low-Income Toll Options

Jessica reviewed a history of EMAC's involvement in developing the Low-Income Toll Program (LITP). EMAC's work has included forming the committee charter, developing the equity framework, establishing foundational statements, providing recommendations to the Oregon Transportation Commission (OTC), and developing the Low-Income Toll Report. EMAC members have been discussing the importance of considering a smaller discount option for individuals up to 400 percent of the Federal Poverty Level (FPL). EMAC members have also indicated that transportation costs as a percentage of income and a broad spectrum of income types and sources should be considered.

James Paulson provided an analysis of the workforce that would likely be enrolled in the LITP, particularly looking at the workforce sector that would fall into the 200 – 400 percent FPL. He noted that an individual at the 200 percent FPL would be someone making minimum wage. James commented that people making living wage jobs typically work in the service sector or in jobs that require them to be in-person and therefore require them to use the transportation system to get to work.

- An EMAC member asked to consider the portion of income goes to housing and transportation for people in the low-income range that are dependent on the transportation system.
- An EMAC member noted that the analysis is projecting for the future workforce but does not reflect future wages and suggested adding the projected wage growth to the analysis.
- An EMAC member said that another element to consider is the impact on diversion and identifying the tipping point that would encourage people to shift to public transit. The system should not be set up to price low-income users out of the system.
- An EMAC member commented that the analysis needs to consider commuters origin and destination because the existing transportation system is not adequate for commuters. They added that the 200 – 400 FPL range does not accurately represent the low-income population in the region considering the high cost of living.

Garet Prior, ODOT, discussed the LITP development process and reminded EMAC members that STRAC is focused on the enrollment and verification process while EMAC is focused on the level of benefit, benefit types, enrollment process, and long-term community involvement. Garet shared that ODOT is committed to implementing a LITP for up to 200 percent FPL and to determine options for a 200 – 400 percent FPL program to analyze in greater depth to allow the OTC to make a decision in 2025. The OTC will identify the geographic extent that will be eligible for the LITP.

One aspect for the LITP to consider is the customer benefit level. Garet shared that basing the LITP on the 200 percent FPL is a common practice, would allow the program to rely on existing service providers for income verification, and would support people facing challenges to pay for basic survival needs. Adding an additional benefit level up to 400 percent FPL would reach customers earning minimum wage and attempt to not further transportation cost burden on households. Garet discussed the trade-offs to consider with adding an additional benefit level, including administration costs and increasing enrollment rates. Further analysis is needed to understand the additional benefits up to 400 percent FPL. ODOT could be the first tolling program in the county to offer a 400 percent FPL benefit level.

ODOT has conducted research about the efficiency of a self-certification program that would allow users to self-report their income and enroll in the LITP. ODOT has found that in similar programs fraud has

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been minimal and there are processes in place to address potential fraud. Even when self-certification is offered, customers will provide documentation to verify their income or eligibility for the program.

Garet reviewed key findings for the I-205 Toll Project, projecting the value and enrollment rates for a 100 percent discount, 50 percent discount, and credit options for 200 and up to 400 percent FPL. The analysis also projects the impacts to revenue and traffic for each benefit level. Garet noted that the assumptions were used for modeling and analysis work, and they do not reflect actual enrollment. Once the tolls are in place, ODOT will implement a monitoring program to show the actual impact of the program and recommend adjustments as needed.

- An EMAC member asked how the analysis for the I-205 Toll Project projected a 23 percent enrollment rate.
  - The analysis looked at 17 different low-income programs and found that a higher benefit level correlates to a higher enrollment rate. Garet noted that the analysis makes some assumptions from transit and housing programs, so the actual enrollment rates may vary.
- An EMAC member asked to clarify what the 100% discount would be. Garet clarified that the 100% discount would be free travel for individuals that qualify. The analysis shows that this benefit level would result in a 6.9 percent reduction in revenue and a 5 percent increase in traffic at this benefit level.
- An EMAC member shared that TriMet's low-income program offers a benefit level up to 200 percent FPL and there is not a free option.
- Commissioner Chapman asked if the projected 23 percent enrollment rate for a 100 percent discount reflects all drivers or all low-income drivers.
  - Garet clarified that the analysis shows a 23 percent enrollment rate for all low-income drivers. He added that further analysis is needed to understand commuting patterns for low-income drivers.
- An EMAC member asked for clarity about the disparity between enrollment rates at the 100 percent and 50 percent discount level.
  - The analysis used assumptions from 17 different programs to project the enrollment rates. In general, the analysis found that people will use the facility more than they have the option of 100 percent free travel.
- An EMAC member commented that the analysis seems to show a minimal impact of adding the 200 to 400 percent FPL benefit level.
  - Garet commented that adding the additional benefit level would have high administrative costs. There is not an existing program at that benefit level, so ODOT would need to do a lot of work to income verify.

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**Discussion question: What feedback do you have for ODOT about tradeoffs between implementing a 0-200% FPL option and getting a 400% FPL option off the ground? Should everyone pay something or is it important for there to be a free option? What low-income options should be studied in the toll rate setting process?**

- An EMAC member commented that the program should consider credits instead of discounts because people may be more likely to do a mode-shift if they know they have limited credits to use, whereas a discount may not have an impact on the volume of traffic.
- An EMAC member asked how a credit could be applied for SW Washington residents.
- An EMAC member commented that a goal of the toll program is to reduce congestion, so the LITP needs to consider any impacts that would encourage driving.
  - Gareth responded that the LITP will need to consider trade-offs between increasing coverage for low-income individuals and spending time/money on community engagement and increasing enrollment for drivers in the 200 percent FPL range.
- An EMAC member commented that there are other organizations that offer transportation resources that should be used in conjunction with the LITP to off-set the cost of tolling.
  - Another EMAC member agreed and suggested reaching out to CBOs to have them be involved in the administration of the LITP rather than ODOT spending more time to develop administrative processes.
- An EMAC member said that the program needs to consider that there will likely be an increase in low-income population in the future.
- An EMAC member commented that self-verification should be used because that would reduce administrative expenses and the analysis shows limited cases of fraud.
  - Gareth reiterated that there are no other programs doing income verification up to the 400 percent FPL, so ODOT would need to establish a new system for income verification for individuals at this level.
- An EMAC member noted that Women, Infants, and Children (WIC) is a federal program that uses a self-verification to offer benefits up to 250 percent FPL. They asked if the LITP should consider that benefit level to make use of existing systems.
  - Gareth responded that ODOT has been discussing the 400 percent FPL based on recommendations from the Low-Income Toll Report, but the LITP may end up at a lower income level. The 200 percent FPL would be encompassing of WIC.
  - Another EMAC member reinforced that the 400 percent FPL benefit level is important to consider because of the current cost of living. They stated that they would not be comfortable moving forward with only a 200 percent FPL benefit level.
  - An EMAC member responded that the LITP needs to consider trade-offs between offering support, administrative costs, and political buy-in to support the LITP.
- Commissioner Chapman reiterated that the overall toll program goals are to generate revenue and reduce VMT. If there is a 100 percent discount for the LITP, that would encourage people to drive more which is counterintuitive to the purpose of the program.



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- An EMAC member commented that the easiest approach may be to focus on the workforce because there are already organizations that can support the operation of the program and incentivize people to mode shift.
- An EMAC member commented that they would prefer a slide-scale benefit level over increasing the benefit up to 400 percent FPL.
- An EMAC member commented that the analysis should include income levels for youth because they will be accessing the system.
- An EMAC member asked if there has been any analysis about including vehicle-dependent industries, such as ride-share, medical transport, and independent contractors.
  - Dr. Wu, STRAC liaison, responded that the STRAC is considering rules for exemptions for vehicle-dependent industries and the distinction between public and private agency vehicles. Categories for exemptions and enforcement of the program will be further discussed by the STRAC.
- Jessica asked EMAC members if they felt that everyone should pay something to use the system (i.e., no free toll option). All EMAC members in person agreed, however EMAC members attending virtually commented that they are supportive of a free option for low-income drivers.
  - EMAC members clarified that they support no free options with the assumption that other programs would be available for supplemental assistance.

Garet discussed the benefit types under consideration, free trips, discounts, or credits. He shared that ODOT has not received clear direction on the preference in benefit type. There are general concerns about the ability to maintain a balance in accounts for a credit system.

***Discussion question: What is the type of benefit (free trips, discounts, or credits) we should move forward? What should ODOT consider making this decision?***

- Commissioner Chapman asked about the proposed implementation of the LITP and whether eligibility would be tied the user of the registered vehicle.
  - Garet responded that the LITP account would be tied to the vehicle.
  - An EMAC member commented that was an important point to consider, because a family sharing one vehicle would use the credits more frequently, whereas an overall discount would all multiple users of car to receive the benefit.
  - Garet commented that the rules proposed state that up to 3 vehicles per household can be registered to receive the benefit, with the monthly benefit spread across those vehicles through a joint account. The benefit level would be based on the household income, but the program would be administered through the registered vehicles for each household. For example, the registered owner of the vehicle would receive the credit, and any dependents would also receive that credit.

EMAC members discussed that they would like additional information and definition of a credit and discount system before providing direction on which type of benefit is preferable. EMAC members also requested additional information about the administrative costs and ease of access for each benefit type.

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- An EMAC member requested data about the number of trips people make under the 200 percent FPL compared to 400 percent FPL.
- An EMAC member asked if a credit system could be rolled over month-to-month so that users aren't encouraged to make additional trips.
- An EMAC member commented that there will be a need for a process for CBOs to provide credits.
  - Another EMAC member agreed and added that there should be close coordination with organizations to implement the LITP and effectively reach the workforce.

Another LITP option to consider is the appropriate geographic scope of the LITP. ODOT is currently considering making the LITP available for all Oregon residents. Additional work is needed to understand if and how that can be extended to Washington residents because that will be a bi-state process and may have a legality issue to address. ODOT is seeking EMAC's input on what the geographic extent should be to provide a recommendation to the OTC.

***Discussion question: What is an appropriate geographic scope/extent for the low-income toll program?***

- An EMAC member commented that limiting the geographic extent to historically under-represented neighborhoods would not accurately represent the low-income population and demographics today. Instead, the LITP should look at workforce and commute patterns. For example, east Portland has a higher percentage of commuters because of limited job opportunities.
- An EMAC member noted that TriMet's low-income program is available to all Oregon residents. They suggested making the LITP available to all Oregon and Washington residents.
  - EMAC members agreed that the program should be applicable to Washington residents.
  - An EMAC member noted that there is a large portion of the workforce in Vancouver commuting from Idaho, so the program should also consider those users.
  - Commissioner Chapman agreed that it would be lower administrative burden to include all Oregon and Washington residents.
- An EMAC member suggested making the program available to anyone that pays income tax in Oregon.
  - Another EMAC member responded that this would exclude non-residents trying to access health care and social services.
  - EMAC members agreed that there needs to be more consideration and discussion about the inclusion of SW Washington.

### 3 Public Comments

One person provided public comment in person:

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- Dean Surr, founder of vote before tolls, provided input based on what he has heard from the community. He said that tolling is a very confusing topic for the general public and noted that the timeline and legislative direction has not been clear to follow. He said that ODOT wants to directly confuse the public so they can implement tolls before construction projects are paid off. He summarized a message at the Tualatin Chamber of Commerce briefing about the commuter-equity consideration for individuals commuting between West Linn and Oregon City. Meanwhile, east-west commuters would not have to pay a toll, so that is an inequitable system.

No participants joined online to provide public comment.

## 4 Updates on Advancing Equity

Dr. Wu provided an update on the STRAC. STRAC has been discussing rules and processes that would implement a user-friendly system while keeping the toll fees as low as possible. There are a several questions about accessing the LITP benefits that need to be addressed.

- An EMAC member said that it would be administratively easier for enrollment to be on a set date.
- Another EMAC member recommended the LITP enrollment period to last for two years to remove the administrative burden for income verification.

James provided an update on RTAC, noting that the committee will be meeting less frequently going forward to have more time between meetings for a deeper analysis on projects.

## 5 Going Forward

The next EMAC meeting will be held virtually on Wednesday, November 8th at 12:00 pm to preview the implementation reports, discuss tribal consultation and indigenous community engagement processes, and propose updates to the Equity Framework.

## 6 Action Items

The project team heard the following requests for action items:

- Further analysis of how youth will access the system.
- Further define credits, discounts, or a free system to provide clarity to the conversation.
- Provide more information about the administrative costs and ease of access for each benefit type.
- Provide data on the number of vehicle trips people under 200 percent FPL make compared to 400 percent FPL.