Oregon

Tina Kotek, Governor

DATE: December 1, 2023

TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
             Director

SUBJECT: **Agenda Item C –** Tolling Rulemaking Update

Requested Action:
Provide a decision on the low-income toll program and feedback on the draft set of statewide toll rules.

Background:
Low Income Toll Program (LITP) Development
The Commission provided input to ODOT on the low-income toll program at its meetings in September and November 2023. At the November meeting, the Commission provided the following guidance with anticipated consideration for approval this month:

- Residents of Oregon and Washington State will be able to enroll.
- The benefit will be offered as a percentage discount on each trip, as opposed to a monthly credit.
- Customers whose household income is up to 200% of Federal Poverty Level (FPL) will receive a 50% discount. Toll rates will be set after the final traffic and revenue analysis is complete in 2025.
- ODOT will study 10% and 25% discounts for 300% of FPL and 400% of FPL in further traffic and revenue studies and will also analyze the various issues associated with administering this potential benefit tier, including income verification. This further analysis will inform the OTC's decision whether to offer this option as a level in the program. This decision will be made in early 2025, with the possible implementation two to three years afterwards.

Ratifying these commitments will allow ODOT to begin implementation work with a vendor immediately upon signing a contract in 2024 and focus resources on maximizing enrollment in this tier of benefits.

NOTE: The LITP will be applied to I-205 and the Regional Mobility Pricing Project; whether the Interstate Bridge Replacement Project includes an LITP and the contours of that program will be determined through agreement between the Oregon Transportation Commission and Washington State Transportation Commission.

Toll Rulemaking Update
Since approval of tolling policies in the Oregon Highway Plan (OHP) earlier this year, ODOT has been working with the Commission and interested parties to develop Oregon Administrative Rules that will govern tolling. The toll rules include elements of the low-income toll program, exemptions for various

types of vehicles, exemptions for tribal nations, and many other elements related to tolling. ODOT created a Statewide Toll Rule Advisory Committee (STRAC) to ensure that the voice of the customer is central to the process. In recruiting members to the committee, ODOT was intentional in its approach to diversity and equity. This resulted in a committee that included:

- Diversity of race, ethnicity, gender, ability, and age.
- Geographic diversity from throughout Oregon and a representative from Washington State.
- Woman- or minority-owned small business owners and trucking operators.
- Perspectives from outside of Oregon that have a history of interacting with tolling.
- A past and an active Equity & Mobility Advisory Council (EMAC) member, as well as a Regional Toll Advisory Committee member to provide connection.
- Voices from the public health and education community, who have not been traditionally included in transportation discussions.

Starting in January 2023, the STRAC held regular monthly meetings to provide feedback on a wide variety of topics, including ODOT's approach to enrollment, payment and collection, rate setting, and exemptions. STRAC was a very engaged committee, with numerous members spending time outside of meetings preparing for input and helping ODOT gain additional feedback. In addition to STRAC, ODOT conducted parallel and supportive engagement with Community-Based Organizations (CBOs) and Community Engagement Liaison Services (CELS). The CELS discussions were led by community members for the following: Vietnamese, Chinese, Latinx, Black and African, Slavic, Tribal and Native American, and people living with disabilities.

All of this input is captured in a comprehensive "2023 Rulemaking Engagement Report" that is attached to this letter.

Rulemaking Topic: Tribal Toll Exemption
In initial government-to-government consultations with tribal governments on the Urban Mobility Strategy and tolling, representatives requested that the Commission exempt tribal governments and members from tolls. Tribes expressed the importance of not having to pay tolls to access their ancestral lands as well as cultural, hunting, fishing and gathering sites.

After the discussion with the Commission in May, ODOT engaged tribes in formal government-to-government consultation. Through multiple meetings with a number of tribes, ODOT developed proposed rules that will exempt tribal governments and their enrolled members in recognition of their status as sovereign nations and in order to preserve their access to lands their people have lived on since time immemorial. The rules propose the most significant tribal tolling exemption in the country, which would be available to a list of specified tribes that have documented connections to Oregon. Additional details will be determined through the implementation process over the next two years, and ODOT and the tribal governments will develop Intergovernmental Agreements to establish the process for tribal member and vehicle enrollment.

For additional information, see the attached document that provides additional background.

Rulemaking Topic: Vehicle Exemptions and Discounts
Every tolling discount or exemption the Commission grants raises the cost to operate the system and collect revenue, even if the number of exempted vehicles is small. In addition, each exemption reduces toll revenue and increases traffic on the facility, lessening the effectiveness of demand management, increasing congestion, and impacting our ability to meet emission reduction goals, compared to not

offering the exemption. These costs and other impacts will require higher tolls for other customers to achieve the same results. From an equity perspective, ODOT is striving to create an accessible, low-barrier program and each new exemption or discount granted, although intended to meet a good purpose, will add to the complexity.

It is with this understanding that ODOT took a rigorous look at each discount or exemption granted, so that we can ensure it fulfills essential needs. The discount program will be the low-income toll program and the draft rules propose the following exemptions:

- Public transit, which includes bus (required by law), but also extended to public or non-profit operated paratransit, shuttles, and demand-response.
- Military (required by law).
- Police, fire, and ambulance emergency response vehicles.
- ODOT highway incident response vehicles.
- Tribal government vehicles and vehicles registered to an enrolled member.

A limited list of exempted vehicle types would be consistent with existing tolling operators, which includes Washington Department of Transportation (see comparison chart of 11 other toll facilities).

Rulemaking Topic: Rate Setting and Rate Review
The rules lay out processes and considerations for setting initial toll rates and adjusting these rates based on review of financial needs, transportation system performance, impact on customers, and other factors. The considerations are consistent with direction in the Oregon Highway Plan and the direction the Legislature and Commission has set for the toll program to both raise revenue to invest in system improvements and manage congestion. A major topic of discussion at STRAC and EMAC has been the future process for public engagement with rate adjustments. These rules reflect edits made to address those concerns, knowing that more work is needed on details before the Commission undertakes its first-rate adjustment process after the initial opening.

Rulemaking Topic: Other Key Elements
The rules also:

- Set out requirements for how to enroll and maintain a toll account.
- Specify how ODOT will protect customer information from disclosure.
- Lay out the process for designating tollways, which could include future private or public-private partnership projects.
- Describes steps in the compliance process that identifies the process for enforcement and reconciliation. This was a major concern for small businesses and equity community members.
- Specifies the approach to how vehicle rates will be informed by the existing Highway Cost Allocation Study process, which was a major concern from STRAC trucking industry members.

Outcomes:
Based on input from the STRAC and EMAC and following the policies set in the OHP, ODOT developed a proposed set of draft rules and seeks Commission feedback to finalize the draft rules for the official public comment and adoption process. This process will include public comment in April and will culminate with presentation of the final rules to the Commission for consideration and potential approval in June 2024.

Attachments:

- Attachment 01 – Draft Tolling Oregon Administrative Rules
- Attachment 02 – 2023 Statewide Toll Rulemaking Engagement Report
- Attachment 03 – 2023 Statewide Toll Rulemaking Engagement Report – Appendix
- Attachment 04 – Tribal Toll Exemption Memo

Oregon Department of Transportation

Draft Toll Rules

Date Updated: November 29, 2023

Department of Transportation
Chapter 731
Division 40
TOLLWAY PROJECTS

PURPOSE

**731-040-0010
Purpose**

(1) OAR 731, division 040, describes the process for initiating, evaluating, authorizing and administering tollway projects on state right of way proposed by private or public entities. The purpose of these rules is to explain how ODOT selects and operates its tolling program and to:

   a) Establish a uniform toll collection and enforcement system for transportation facilities across the state;
   b) Establish efficient processes for both photo and electronic toll collection including an effective toll billing system; and
   c) Ensure fair and efficient toll enforcement and adjudication processes that includes the process for imposing a civil penalty for failure to pay a toll, including issuing a notice and providing an opportunity for hearing.

(2) Public-Private Partnerships, as defined in OAR 731-070-0005 and proposed under the Oregon Innovative Partnerships Program (ORS 367.800 to 367.826), are subject to rules established in OAR 731, division 70, and OAR 731, division 040, as applicable.

Statutory/Other Authority: ORS 383.004 and 383.015
Statutes/Other Implemented:
History:
DOT 5-2012, f. & cert. ef. 7-19-12
DOT 3-1997, f. & cert. ef. 12-29-97

DEFINITIONS

731-040-0020
Definitions

As used in these <u>OAR 731, division 40</u>, rules:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Department" or "ODOT" means the Oregon Department of Transportation has the meaning given in <u>ORS 383.003</u>.

(3) "Director" means the Director of the Oregon Department of Transportation, or the person designated by the Director.

(4) "Electronic toll collection system" has the meaning given in <u>ORS 383.003</u>.

(5) "Interstate bridge" means a bridge over a waterway that contains a boundary line with another state and the line.

(6) "Invoice" or "Toll Invoice" means an invoice for toll payments not yet collected by an electronic toll collection system or other payment system.

(7) "Interoperability" commonly refers to an agreement with another organization to exchange charges and payments about known customers.

(8) "Outcome equity" means that the toll or roadway pricing project 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 priced projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

(9) "Private entity" has the meaning given in <u>ORS 383.003</u>.

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

(11) "Related facility" has the meaning given in <u>ORS 383.003</u>.

(12) "Registered account" is an account created by the tollway user.

(13) "Toll" has the meaning given in <u>ORS 383.003</u>.

(14) "Toll gantry" is the structure over the roadway on which electronic toll equipment is mounted. The physical location of the toll gantry is called a "Toll Zone." The terms are used interchangeably.

(15) "Toll Program Fund" means the fund described in ORS 383.009.

(16) "Toll rate" means an amount charged for the use of a tollway.

(17) "Tollway" has the meaning given in ORS 383.003.

(18) "Tollway operator" has the meaning given in ORS 383.003.

(19) "Tollway project" has the meaning given in ORS 383.003.

(20) "Tollway project revenue bonds" has the meaning given in ORS 383.003.

(21) "Tollway user" means the operator of the vehicle or registered owner of a vehicle at the time of the use of the tollway.

(22) "Transponder" is a type of vehicle identification device, for the purpose of assessing a toll and posting the toll to an account connected to the vehicle.

(23) "Unit of government" has the meaning given in ORS 383.003.

(24) "Unregistered account" is an account created by the Department for vehicles identified on the tollway system but without a pre-established toll account.

(25) "Variable rate toll" means any charge for the use of a tollway where toll rates vary, according to a published schedule.

(26) "Vehicle identification device" means any ODOT approved device or in-vehicle technology that supports electronic payment of tolls, for the purpose of assessing a toll and posting the toll to an account connected to the vehicle.

Statutory/Other Authority: ORS 184.619, 383.003, 383.004, 383.014 & 383.015
Statutes/Other Implemented: ORS 383.003 & 383.004
History:
DOT 5-2012, f. & cert. ef. 7-19-12
DOT 3-1997, f. & cert. ef. 12-29-97

ESTABLISHING PROJECTS, RATE SCHEDULES, AND ADJUSTMENTS

731-040-0030
Fees for government or private entity toll project applications

(1) A unit of government may propose a tollway or tollway project at any time. The Department will not assess an administrative fee to evaluate proposals from a unit of government.

(2) A private entity may propose tollway or tollway projects at any time. The Department will charge an administrative fee of $40,000 to review a tollway or tollway project proposed by a private entity.

(3) Fees charged for review of proposals are deposited in the Toll Program Fund.

(4) The department may utilize a competitive process in soliciting or evaluating proposals from private entities.

(5) A tollway or tollway project proposal submitted for consideration under the Oregon Innovative Partnerships Program (OIPP), ORS 367.800 to 367.826, is not subject to OAR 731-040-0030 (Fees for government or private entity toll project applications).

(6) In accordance with ORS 383.025, sensitive business, commercial or financial information presented to the Department by a private entity for the purpose of determining the feasibility of the entity's participation in a tollway project is exempt from disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478.

Statutory/Other Authority: ORS 184.619 & 383.015
Statutes/Other Implemented: ORS 383.015
History:
DOT 5-2012, f. & cert. ef. 7-19-12
DOT 3-1997, f. & cert. ef. 12-29-97

731-040-0040 (previously 731-040-0050)
Review process for toll projects submitted by government or private applicants

(1) A tollway or tollway project proposal submitted for consideration under the Oregon Innovative Partnerships Program (OIPP), ORS 367.800 to 367.826, is not subject to OAR 731-040-0040 (review process for toll projects submitted by government or private applicants).

(2) When reviewing a proposal, the Commission must consider the criteria listed in ORS 383.015, which include:

   a. The opinions and interests of units of government encompassing or adjacent to the path of the proposed tollway project in having the tollway installed;

b. The probable impact on local environmental, aesthetic and economic conditions and on the economy of the state in general;

c. The extent to which funding other than state funding is available for the proposed tollway project;

d. The likelihood that the estimated use will provide sufficient revenues to independently finance the costs related to the construction and future maintenance, repair and reconstruction of the tollway project, including the repayment of any loans to be made from moneys in the Toll Program Fund;

e. With respect to any portion of which will be financed with state funds or department loans or grants:
    i. The relative importance of the proposed tollway project compared to other proposed tollways; and
    ii. Traffic congestion and economic conditions in the communities that will be affected by competing tollway projects; and

f. The effects of implementation on community and local street traffic.

(3) In addition to these factors, the Commission shall consider:
a. The sufficiency of the funding plan for tolling and how it will cover the short- and long-term costs of the infrastructure improvement, as required by law and financing obligations, including: the initial capital outlay, cost of operating the tolling program, and revenue needed to cover long term maintenance, preservation, operations, and administration functions. This must include funding sources and relative funding shares, as well as analysis of the viability of the project if tolling does not move forward and the likely impact on other funding sources if the project were required to advance without toll revenue.

b. If the proposal includes variable rate pricing to manage congestion, the level of expected congestion relief in relation to state performance goals and standards. The proposer must evaluate if appropriate levels of congestion pricing alone can reasonably manage travel demand, prior to adding new throughway capacity, such as the addition of new through travel lanes.

c. The proposer's plan for how pricing will be paired with other actions to address roadway congestion holistically. For example, the use of ITS technology, access control and management, increasing multimodal options and implementing other demand management tools.

d. The proposer's analysis on how road pricing as a strategy will limit or reduce future vehicular travel demand from planned land use development.

e. The proposer's public engagement plan that describes how the project will collaborate with local communities and transportation service providers.

f. The proposer's plan for how they will address process equity and outcome equity in the design and implementation.

(4) A proposer shall address all of the above criteria in each proposal and submit it to the Department to review for completeness. Within 45 days from receiving the proposal, the Department will determine whether or not the proposal is complete.

(5) If the proposal is deemed complete, the Department will conduct an analysis of the proposal and present those findings to the Commission.

(6) As required by ORS 383.015, no tollway project shall be authorized unless the Department finds that either:
   a. Based on the Department's estimate of present and future traffic patterns, the revenues generated by the tollway project will be sufficient, after payment of all obligations incurred in connection with the acquisition, construction and operation of such tollway project, to ensure the continued maintenance, repair and reconstruction of the tollway project without the contribution of additional public funds; or

   b. The revenues generated will be at least sufficient to pay its operational expenses and a portion of the costs of its construction, maintenance, repair and reconstruction, and the importance of the tollway project to the welfare or economy of the state is great enough to justify the use of public funding for a portion of its construction, maintenance, repair and reconstruction.

(7) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing. The commission's authorization for further study shall not include an application of the state land use goals and shall not be a land use decision.

Statutory/Other Authority: ORS 184.619 & 383.015
Statutes/Other Implemented: ORS 383.015
History:
DOT 5-2012, f. & cert. ef. 7-19-12
DOT 3-1997, f. & cert. ef. 12-29-97

731-040-0041 (previously 731-040-0055)
Review process for toll projects on Interstate Bridges

(1) This rule applies to all proposals to establish tolls on an interstate bridge that is or will be a state highway, including those submitted by the department, those submitted jointly with the department under the authority of ORS 381.010 (Columbia River bridges), ORS 381.098 (Snake River bridges), and those submitted jointly with the department under ORS 367.800 to 367.826 (the Oregon Innovative Partnerships Program).

(2) Proposers shall pay fees, if applicable, identified in OAR 731-040-0030 (fees for government or private entity toll project applications).

(3) Proposers shall address all criteria for the application and follow the review and approval process identified in OAR 731-040-0040 (review process for toll projects submitted by government or private applicants)

(4) When reviewing a proposal to establish tolling and set toll rates on an interstate bridge that is or will be a state highway, the commission will consider:

   a. Whether another state has any authority over the bridge;

   b. Whether the proposal has been authorized or is expected to be authorized, by the governing body with jurisdiction over the proposal in the other state linked to Oregon by the bridge;

   c. Whether the proposal is consistent with conditions imposed by the governing body with jurisdiction over the proposal in the other state, if any;

   d. Whether the proposer has legal authority to implement the project in the other state, and if not, the level of coordination between the proposer and the entity having such authority; and

   e. Existing bi-state agreements on tolls and tollway projects.

(5) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

Statutory/Other Authority: ORS 184.619, 381.010, 381.098 & 383.004
Statutes/Other Implemented: ORS 383.004
History:
DOT 5-2012, f. & cert. ef. 7-19-12

731-040-0050 (previously 731-040-0052 and 731-040-0053)
Process for reviewing and approving the establishment of tolling and toll rates; generally

(1) This rule applies to all proposals to establish toll rates on highways, including those submitted by the department and those submitted by a public-private partnership created pursuant to ORS 367.806 jointly with the department.

(2) When reviewing a proposal to establish tolls and toll rates, the Commission will ensure that the following elements are addressed, as described in ORS 383.004:

   a. The amount and classification of the traffic using, or anticipated to use, the tollway;

   b. The amount of the toll proposed to be established for each class or category of tollway user and, if applicable, the different amounts of the toll depending on time and day of use;

   c. The extent of the tollway, including improvements necessary for tollway operation and improvements necessary to support the flow of traffic onto or off of the tollway;

   d. The location electronic toll collection systems to collect the toll for the tollway;

   e. The cost of constructing, reconstructing, improving, installing, maintaining, repairing and operating the tollway;

   f. The amount of indebtedness incurred for the construction of the tollway and all expenses and obligations related to the indebtedness including, without limitation, financial covenants, debt service requirements, reserve requirements and any other funding or financing requirements established under the terms of any indenture prepared under ORS 383.225 (Revenue declaration or indenture) and any other contracts establishing the terms of the indebtedness, if any;

   g. The value of assets, equipment and services required for the operation of the tollway;

   h. The period of time during which the toll will be in effect;

   i. The process for altering the amount of the toll during the period of operation of the tollway;

   j. The method of collecting the toll; and

   k. The rate of return that would be fair and reasonable for a private equity holder, if any, in the tollway.

(3) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission

decisions and findings will be issued in writing

(4) If the proposal is approved, the Commission will adopt a toll rate schedule. Rate schedules per tollway are identified in OAR 731-040-0090.

(5) Rates should be set, as appropriate, sufficient to:
   a. Cover the cost of toll operations and improvements, preservation, and maintenance of the tollway and related facilities, including paying any debt service issued to finance projects.

   b. Manage congestion to desired travel times, speeds, or reliability thresholds established for the project, and to meet any additional performance metrics on the tollway (e.g., increasing access to jobs, reduction in greenhouse gas emissions, or other metrics). At minimum, rates should be set so as to not reduce existing service levels.

(6) In adopting the rate schedule the Commission should consider:
   a. Identifying discounts or exemptions that are needed to address economic impacts to customers and support investment to achieve sufficient enrollment in these support programs.

   b. Simplifying the toll rate structure to help with communication to customers. This may include minimizing the number of different toll rates, rate changes throughout the day, or rounding all toll rates to the closest five (5) cent increment.

   c. The goals of the project in determining how to apply pricing overnight and during non-congested times. If tolls are designed to pay a significant portion of a project's cost, consider charging at all hours to ensure that all users help pay for construction of improvements.

   d. Consider setting pre-completion tolls after the start of construction of a project. Pre-completion toll rates should not be set at a level that is higher than is expected post-completion toll.

   e. When pricing over a longer length of roadway, pursue zones as long and consistent as possible.

   f. Rates should be structured to encourage users to shift their trips to less busy times of day, use other modes of transportation (e.g. public transportation, carpools, biking, and walking), or telecommute.

   g. Rates by vehicle type should be established in a manner that incorporates the principle of cost responsibility as a part of the highway cost allocation and adjust as needed to ensure compliance with Oregon state constitution requirements.

Statutory/Other Authority: ORS 184.619 & 383.015
Statutes/Other Implemented: ORS 383.015
History:
DOT 5-2012, f. & cert. ef. 7-19-12
DOT 3-1997, f. & cert. ef. 12-29-97

731-040-0051 (previously 731-040-0054 and 731-040-0055)
Process for reviewing and approving the establishment of tolling and toll rates; interstate bridges

(1) This rule applies to all proposals to establish tolls on an interstate bridge that is or will be a state highway, including those submitted by the department, those submitted jointly with the department under the authority of ORS 381.010 (Columbia River bridges), ORS 381.098 (Snake River bridges), and those submitted jointly with the department under ORS 367.800 to 367.826 (the Oregon Innovative Partnerships Program).

(2) When reviewing a proposal, the Commission will consider the toll rate setting factors identified in OAR 731-040-0050 (Process for reviewing and approving the establishment of tolling and toll rates).

(3) In addition, the Commission will consider:

  a. Whether another state has any authority over the bridge;

  b. Whether the proposal has been authorized or is expected to be authorized, by the governing body with jurisdiction over the proposal in the other state linked to Oregon by the bridge;

  c. Whether the proposal is consistent with conditions imposed by the governing body with jurisdiction over the proposal in the other state, if any;

  d. Whether the proposer has legal authority to implement the project in the other state, and if not, the level of coordination between the proposer and the entity having such authority; and

  e. Existing bi-state agreements on tolls and tollway projects.

(4)   The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

Statutory/Other Authority: ORS 184.619, 381.010, 381.098 & 383.004
Statutes/Other Implemented: ORS 383.004
History:

DOT 5-2012, f. & cert. ef. 7-19-12

731-040-0060 (previously <u>731-040-0056</u> and <u>731-040-0057</u>)
Process for approving revised toll rates, generally

(1) The tollway or tollway project operator will provide an annual performance review of each facility for the Commission to consider adjustments.

(2) Rate adjustments should maintain compatibility with the factors identified in establishing the initial rates, as identified in OAR 731-040-0050 (Process for reviewing and approving the establishment of tolling and toll rates; generally).

(3) The performance review will include information on the:
    a. Revenue and administration cost of the tollway or tollway project.

    b. Facility investments needed to meet financing requirements, maintenance, operations, preservation, and rehabilitation needs.

    c. Operations of the tollway or tollway project and major roadways nearby, including safety and traffic levels.

    d. Impact of tolls on cost responsibility requirements for light and heavy vehicles.

    e. Effect on greenhouse gas emissions and air quality; scale would be dependent on where data is available.

    f. Exemptions or discounts and their impact to revenue, administration cost, traffic patterns, and essential safety, equity, and travel needs.

    g. Low-income toll program enrollment, financial effect of tolls to customers experiencing low incomes, effect on travel patterns of customers experiencing low incomes, and revenue and administration cost impacts of the low-income toll program.

(4) Based on the performance review and public outreach with communities that were identified in the "process equity" plan that was provided in OAR 731-040-0040, the operator will propose to the Commission any changes to the toll rate schedule, including upward or downward adjustments to toll rates and updates to the toll rate framework, including exemptions, discounts, and rates for different vehicle classes.

(5) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

Statutory/Other Authority: ORS <u>184.619</u> & <u>383.015</u>
Statutes/Other Implemented: ORS <u>383.015</u>

History:
DOT 5-2012, f. & cert. ef. 7-19-12
DOT 3-1997, f. & cert. ef. 12-29-97

731-040-0061 (previously 731-040-0058 and 731-040-0059)
Process for approving revised toll rates, interstate bridges

(1) This rule applies to all proposals to establish tolls on an interstate bridge that is or will be a state highway, including those submitted by the department, those submitted jointly with the department under the authority of ORS 381.010 (Columbia River bridges), ORS 381.098 (Snake River bridges), and those submitted jointly with the department under ORS 367.800 to 367.826 (the Oregon Innovative Partnerships Program).

(2) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

(3) Rate schedules per tollway are identified in OAR ###-##-####. Rate adjustments should maintain compatibility with the factors identified in establishing the initial rates, as identified in OAR 731-040-0050 (Process for reviewing and approving the establishment of tolling and toll rates; generally).

(4) When revising the toll rates on an interstate bridge that is or will be a state highway, the Commission will consider the tolling and toll rate setting factors identified in OAR 731-040-0060.

(5) In addition, the commission will consider:

   a. Whether another state has any authority over the bridge;

   b. Whether the proposed toll schedule has been authorized or is expected to be authorized by the governing body with jurisdiction over the project in the other state linked to Oregon by the bridge;

   c. Whether the proposal is consistent with conditions imposed by the governing body with jurisdiction over the proposed toll schedule in the other state, if any;

   d. Whether the proposer has legal authority to approve the toll schedule in the other state, and if not, the level of coordination between the proposer and the entity having such authority; and

   e. Existing bi-state agreements on tollway projects.

Statutory/Other Authority: ORS 184.619, 381.010, 381.098 & 383.004
Statutes/Other Implemented: ORS 383.004

History:
DOT 5-2012, f. & cert. ef. 7-19-12

TOLL COLLECTION AND ACCOUNTS

731-040-0070
Toll accounts and payment system

(1) A user of the tollway must pay a toll, as set out in <u>OAR 731, division 40</u>.   Exceptions to the requirement for paying a toll, if any, are described in these OAR 731, division 40, rules, under each rule establishing the toll rate for a specific tollway or toll project.

(2) A tollway user may pay a toll, fee or fine to the Department, or its contractors or agents, using a method including but not limited to:
   a) Credit or debit card,
   b) Cash,
   c) Bank or Guaranteed Draft,
   d) Check, or
   e) Online payment systems, as technology and systems are established.

(3) All payments to the Department shall be in United States currency.

(4) A tollway user may establish a toll account with the department to pay a toll.

(5) The Department may create an unregistered toll account when a toll gantry detects a vehicle and license plate that is not associated with a registered ODOT or interoperable partner toll account.

(6) The Department will create a registered account prior to issuance of a transponder or vehicle reporting device to be associated with that account.

(7) The Department will accept payment of tolls with toll accounts of interoperable toll operators, as per agreements between the Department and the interoperable toll operators.

(8) The Department may look up registered owners of any detected license plate from any United States jurisdiction, and in any Canadian Province or Mexican state in which the department is able and permitted to perform a search for a registered owner.

ADMINISTRATIVE FEE, CIVIL PENALTY, & CUSTOMER DATA

731-040-0071

Administrative fees, payment process, dispute process, civil penalties, and customer data

(1) The Department may enforce the payment of a toll by one or more of the following, per ORS 383.035:
   a. Imposing an administrative fee;
   b. Imposing a civil penalty;
   c. Refusing to renew the motor vehicle registration; or
   d. Pursuing unpaid amounts through a collection process either internally or by assigning them to a collection agency.

(2) The Department will apply an administrative fee, consisting of one or more of the following:

Mailed Statement Fee	$2.00 per mailed statement
Returned Check/Automated Clearing House (ACH) Rejection Fee	$35.00
Invoice Fee	$5.00 per invoice

(3) The civil penalty and administrative fees established by the tollway operator will not exceed the actual cost of collecting the unpaid toll, per ORS 383.035(2).

(4) The Department may charge a fee for a vehicle travelling on a tollway without a toll account.

Payment process

(5) Tollway users will receive notifications from the Department of outstanding account debts and will be provided options for resolution as outlined in OAR 731-040-####. The Department may choose not to apply the administrative fee if the tollway user pays toll account debts within a time deemed acceptable by the Department.

(6) The Department will hold the registered owner of the vehicle as the responsible party for all tolls on unregistered accounts.

(7) Evidence from the electronic toll collection system will follow requirements established in ORS 383.045.

(8) If toll transactions remain unpaid for up to 30 days from the initial transaction, the Department may issue an invoice to the registered owner of the vehicle. The invoice would include all transactions posted to the account. They will be notified that they have 30 days to pay. Invoices will include the tolls due based on detection date, time and location, and any additional fees.

(9) If the toll account contains unpaid toll transactions after an issued invoice, the Department may issue a second invoice. The second invoice may include any

a. The Department may remit or reduce the amount of the civil penalty as part of settlement discussions, per ORS 383.035(3).

b. The Department may, in accordance with ORS 183.417, make an informal disposition of any contested case prior to the conclusion of any hearing resulting from a civil penalty imposed under ORS 383.035. This disposition may include a stipulation, agreed settlement, consent order or default order.

c. An informal disposition by stipulation, agreed settlement or consent order must be in writing, signed by the party or parties to the contested case and incorporated into the final order.

(17) An administrative law judge is authorized to issue a proposed order in a contested case hearing for failure to pay a toll. The administrative law judge presiding at a contested case hearing is not authorized to eliminate or reduce the amount of a civil penalty imposed by the department for failure to pay tolls, per ORS 383.035.

(18) Once the Civil Penalty is finalized, the Department may place a hold on vehicle registration renewals, per ORS 383.035, and pursue unpaid amounts through a collection process either internally or by assigning them to a collection agency.

(19) The vehicle registration hold will be removed when all outstanding balances are paid by the registered owner of the vehicle or vehicle ownership changes.

Dispute process

(20) Customers can dispute toll transactions and fees. The Department will document all dispute actions taken as part of the account record and make them available through the customer service account portal.

(21) Dispute requests should identify the transaction(s) time, date, and vehicle plate in dispute and provide written rationale for why the transaction is being disputed.

(22) The Department will receive, document, and review the dispute within approximately 45 days, depending on the scale and complexity of the dispute. The resolution may include the following:

a. Rejecting the dispute and continuing the compliance process;

b. Accepting the dispute and removing the debt; or

c. Coming to resolution on the debt with the customer for payment.

(23) Invoices that are in dispute waiting for a decision will have their compliance process paused. If the dispute is rejected, the invoice compliance period resumes, adjusting for the review time.

Customer data

(24) Customer records and information used to collect and enforce tolls will follow the requirements specified in ORS 383.075.

(25)   Information collected or maintained by a photo enforcement system may not be disclosed to anyone except those identified in ORS 383.075.

(26)   The Department may charge a reasonable fee under ORS 192.324 (Copies or inspection of public records) for providing information under this section.

(27)   A person or unit of government requesting information must meet the conditions identified in ORS 383.075.

(28)   Except as provided in ORS 383.075, tribal membership identification information is exempt from disclosure under Oregon Public Records Law and will be used solely for toll collection. The Department will note membership on the account but will not retain information that identifies the specific tribe or maintain any documentation.

(29)   The Department may not disclose information describing the time or date of any individual customer, unless required by law.

Statutory/Other Authority: ORS 383.075, 192.324, 183.413 to 183.470, 183.745
Statutes/Other Implemented:
History:

DISCOUNTS AND EXEMPTIONS

731-040-0080
Exempt vehicles
(1) Except as provided herein, all vehicles using a toll facility must pay the required toll. Only eligible vehicles may be exempted from paying tolls.

(2) An exempted vehicle should connect directly to the needs for operation, maintenance, safety, and/or person-carrying capacity of the tolled roadway or for emergency response.

(3) Exempted vehicle types will be reviewed annually as a part of the toll rate monitoring and adjustment process, as is identified in OAR 731-040-0060 and 731-040-0061.

(4) The registered owner of the vehicle must comply with the requirements of the Department to obtain the exemption.

(5) To receive the exemption, the registered owner of the vehicle must be connected to a registered toll account with the Department.

(6) Eligibility status would be verified through one of the following:
    a. Vehicle registration or classification information already held by the Department; or

b. Information as deemed acceptable by the Department that identifies the vehicle or registered vehicle owner as qualified.

(7) There is no limit on the number of vehicles that can be associated with accounts that are covering a fleet of vehicles.

(8) The following types of vehicles or users may receive an exempt toll account:
   a. Bus and vehicles operated by public or non-profit organizations exclusively providing fixed route, route deviation, paratransit, or demand responsive service and are open to the public or under contract with a governmental authority, as defined in 49 CFR 37.3 Definitions;
   b. Active military vehicles who meet the requirements of ORS 399.145;
   c. Authorized law enforcement agency vehicles, emergency response vehicles operated by fire departments, and ambulances; and
   d. Publicly owned or managed highway incident response operating and maintenance vehicles, as authorized by the Department.

(9) The Department will review these accounts on an annual basis and may require updated documentation from the customer to maintain the exemption.

(10) The Department may conduct audits of these accounts to verify the accuracy of account information, and eligibility.

Tribal toll exemption

(11) A vehicle traveling for tribal government business or registered to an enrolled member of the following tribal governments is exempt from paying a toll on a tollway located exclusively within the state of Oregon, as described in sections (#) to (#) of this rule:
   a. Burns Paiute Tribe
   b. Confederated Tribes of Grand Ronde Community of Oregon;
   c. Confederated Tribes of the Colville Reservation;
   d. Confederated Tribes of the Umatilla Indian Reservation;
   e. Confederated Tribes of Warm Springs Reservation of Oregon;
   f. Confederated Tribes of Siletz Indians of Oregon;
   g. Confederated Tribes and Bands of the Yakama Nation;
   h. Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians;
   i. Coquille Indian Tribe;
   j. Cow Creek Band of Umpqua Tribe of Indians;
   k. Cowlitz Indian Tribe;
   l. Fort Bidwell Indian Community;
   m. Fort McDermitt Paiute and Shoshone Tribes;
   n. Klamath Tribes;
   o. Nez Perce Tribe; and
   p. Tolowa dee-ni' Nation.

(12)   For an interstate bridge toll, interstate bridge toll, the Department applies a toll to a tribal government and a tribal member according to the bi-state toll project acceptance, rate setting, and rate adjustments process, as described OAR 731-040-####.

(13)   For a tribal government vehicle, the federally recognized tribal government must establish a registered toll account, in accordance with the process described in OAR 731-040-####. There is no limit on the number of vehicles that may be associated with a Tribal government vehicle account.

(14)   For a vehicle registered to a tribal member, the tribal member must register and establish a registered toll account, in accordance with the process described in OAR 731-040-####. A tribal member may associate up to six (6) vehicles with the account.

(15)   To establish a registered and exempted toll account, the tribal member applicant must indicate on the application the tribal member's enrollment in an eligible tribe and provide proof of enrollment. The Department will verify eligibility status through one of the following:

   a. Tribal identification card;
   b. Other membership documentation; or
   c. Other specifications identified in agreements between the Department and Tribal governments.

(16)   The Department may verify eligibility status and tribal enrollment by providing the application including enrollment information to the appropriate Tribal government. The Department may enter into agreements with federally recognized Indian Tribal governments to specify the process for membership determination and toll account enrollment.

(17)   The Department will define a process for youth and elders who are members of the tribal governments identified in (10) to receive the exemption when they travel in vehicles not owned by tribal members.

(18)   If the Department receives an application for a registered toll account that includes a request for a tribal member exemption and the Department has not entered into an agreement with the tribal member's tribe, the Department will contact the tribal government to provide an opportunity to review and verify the applicant's tribal membership.

Discounts based on income

(19)   The Department will offer discounted tolls for registered owner of the vehicle with a qualifying income. Discounts will be removed, included, or revised as part of the toll rate adjustment process as described in OAR 731-040-0060 and 731-040-0061.

(20)   To receive the discount, the registered owner of the vehicle must have a registered toll account with the Department.

(21)   To qualify for the toll discount, the registered vehicle owner must have verifiable income that is equal to or below 200% of the Federal Poverty Level for the vehicle owner's household size.

(22)   When registering for an account, the registered vehicle owner will provide documentation to determine eligibility status and would be verified through one of the following:
   a. Verification of enrollment in an existing Oregon public social services program, as identified in the Oregon ONE Eligibility;
   b. Verification of enrollment in TriMet's low-income fare program (Honored Citizen); or
   c. Information required by the Department to verify income.

(23)   There is a limit of three (3) vehicles that can be associated with a registered vehicle owner account.

(24)   The registered vehicle owner who qualifies for a discount must reapply for qualification every two years, calculated from the previous qualification date.

(25)   This discount is not meant to apply to use of the vehicle for commercial purposes. If found to be used for commercial purposes, the Department may remove the associated account and vehicles from the discount program.

(26)   The Department may conduct audits of these accounts to verify the accuracy of account information, and eligibility.

TOLL RATE SCHEDULES

731-040-0090
Toll Rate Schedules and Suspension of Tolls

(1) The Department shall make readily available all account terms and conditions at the time of account initiation, as well as in commonly available locations such as the toll program website and customer service account portal.

(2) The Department may suspend the collection of tolls on any tollway or toll project due to a declaration of emergency by the Governor to accommodate a rapid influx, migration or displacement of individuals as described in ORS 401.025(1)(b).

(3) The Department will classify vehicles according to their lengths and heights.

Statutory/Other Authority: ORS 401.025

Statutes/Other Implemented:
History:

2023 TOLL RULEMAKING ENGAGEMENT REPORT

OREGON DEPARTMENT OF TRANSPORTATION

Oregon Department of Transportation
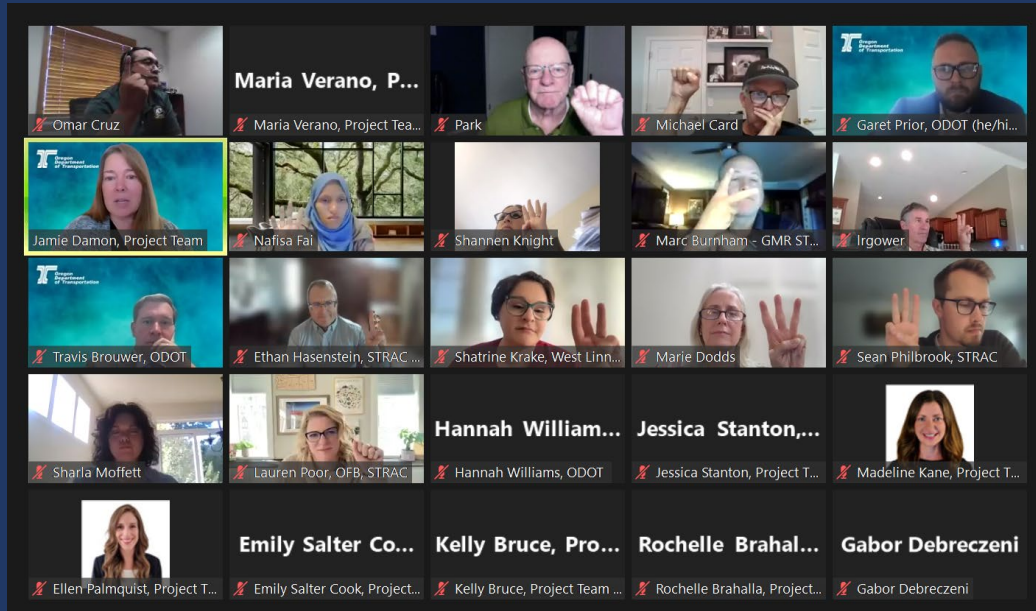
2023 Toll Rulemaking Engagement Report

December 2023

Prepared for:

Prepared by:

Si desea obtener información sobre este proyecto traducida al español, sírvase llamar al 503-731-4128.

Nếu quý vị muốn thông tin về dự án này được dịch sang tiếng Việt, xin gọi 503-731-4128.

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Consistent with the requirements of 23 U.S.C. 168, the information in this document, and the public and agency input received, may be adopted or incorporated by reference into the environmental review process to meet the requirements of the National Environmental Policy Act.

Table of Contents

1   Report Purpose

1.1   Purpose

This report details the 2023 [Statewide Toll Rulemaking Advisory Committee (STRAC)](#) process and the parallel community engagement process for rulemaking. Information in this summary will be shared with the Oregon Department of Transportation (ODOT) and Oregon Transportation Commission (OTC) to prepare for final adoption of the rules in mid-2024.

Statewide Toll Rulemaking Advisory Committee

1.2   Engagement Goals

To gain additional feedback outside of STRAC, the team established the following goals and high-level activities:

Goal 1: Coordinate engagement on rulemaking with existing projects and committees. To align engagement activities, avoid confusion, create efficiencies, and increase awareness about the entire Oregon Toll Program, the rulemaking project team worked closely with other toll projects and programs, including the Regional Mobility Pricing Project and the I-205 Toll Project. Additionally, the team used existing ODOT advisory committees, including EMAC, and outreach to trucking customers to co-produce events.

Goal 2: Ensure alignment with the rulemaking process and coordinate feedback to inform the STRAC's work. After feedback on rulemaking topics was received, the project team shared key themes and meeting summaries with STRAC members to inform discussions on rulemaking topics. STRAC members also played a role in crafting outreach questions and sharing opportunities for input.

Goal 3: Build upon past equity-focused toll engagement and relationships. The team built upon engagement with communities identified in the [Toll Projects' Equity Framework](#) , including Black/African American, Chinese, Vietnamese, Latinx, Russian, BIPOC, Native American, people with disabilities, and youth to center historically excluded and underserved communities. ODOT conducted a variety of activities to engage with these communities including discussion groups with community-based organizations and focus groups with Community Engagement Liaisons.

Goal 4: Develop a clear communications strategy and provide key messages to consistent questions or concerns. To offer clear and consistent messaging across multiple platforms, planned engagement activities were communicated through the monthly newsletters and STRAC meeting notices. As questions and concerns were raised, ODOT adjusted its messaging to provide clarity.

1.3   Rulemaking Engagement Process

ODOT organized a Statewide Toll Rulemaking Advisory Committee (STRAC) to inform the draft rules. They met nine (9) times and members included representatives from key customer audiences: local communities and businesses, transportation providers, employers, and trucking. To provide coordination among other toll advisory committees, STRAC included members of the [Regional Toll Advisory Committee (RTAC)](#) and the [Equity and Mobility Advisory Committee (EMAC).](#)

ODOT conducted an engagement process parallel to the STRAC process to gather feedback from communities on rulemaking topics. Engagement activities included discussions with community-based organizations (CBOs); communities identified in the Toll Projects' Equity Framework, including Black/African American, Chinese, Vietnamese, Latinx, Russian, BIPOC, Native American, people with disabilities, and youth; tabling events; webinars and meetings with trucking interests; and more. Feedback on rulemaking topics was summarized and shared with STRAC members to help inform the draft rules.

Out of pursing I-205 and I-5 Toll Projects' Equity Framework, which uses a five-step iterative process to help reduce systemic inequities and support the desired outcomes, we were intentional to create loops within the longer rulemaking decision process.
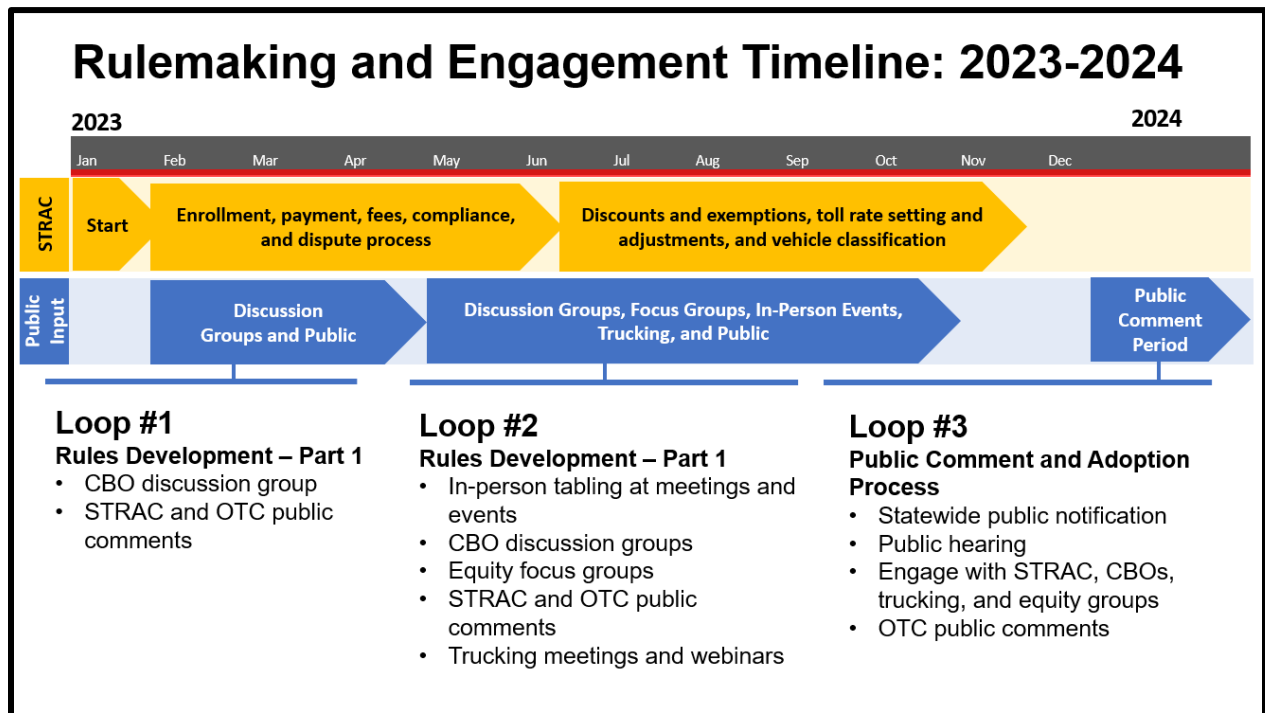
1.4   Background

ODOT has worked with community members and regional partners to develop a toll program that raises funds for transportation improvements, keeps drivers moving with less bumper-to-bumper traffic, and minimizes traffic on nearby streets caused by drivers avoiding a toll. Tolls are proposed for only I-5 and I-205 in the Portland metro area. ODOT is in the process of determining how customers interact with and use the toll system and how toll rates are set and adjusted. These decisions will be documented in updates to Oregon Administrative Rules (OARs) through a public process known as rulemaking.

2 Engagement Approach and Process

2.1 Audience and Activities

ODOT identified the following key audiences and engagement activities:

Audience	Activity
STRAC Committee	Committee meetings and pre- and post-meeting individual and small group discussions
Trucking	Online meetings and discussions, and individual outreach
Equity-Focused Communities	Community-based organization discussion groups and equity framework community focus groups
General Public	Public meeting notices, public comments, and in-person tabling events

Details on the process and input gained from these audiences and activities is described later in this report or noted in the Appendix.

2.2 Overall Reach

Between January and November 2023, the project team engaged approximately 4,912 people. The breakdown includes discussion groups (110), trucking presentations (79), and in-person tabling events (4,712).

Overview of Toll Rulemaking Engagement Activities

Engagement Activity	Timeframe	Level of Participation	Rulemaking Topics
Community Engagement Liaison Focus Groups	July and August 2023	88 participants	• Toll accounts • Toll payment • Discounts and exemptions
Community-Based Organization Discussion Groups	June and September 2023	22 participants	• Toll accounts • Toll payment • Discounts and exemptions
Commerce and Compliance Division Brown Bag Webinars	September and October 2023	59 participants	• Toll accounts • Toll payment • Discounts and exemptions • Vehicle classification

Engagement Activity	Timeframe	Level of Participation	Rulemaking Topics
Motor Carrier Transportation Advisory Committee Meetings	July and October 2023	20 participants	• Toll accounts • Toll payment • Discounts and exemptions • Vehicle classification
Public Comments for Statewide Toll Rulemaking Advisory Committee	January to November 2023	10 written comments	• All topics
Statewide Toll Rulemaking Advisory Committee Meetings and Notifications	January to November 2023	9 meetings	• All topics
STRAC Webpage	December 2022 and ongoing	2,378 views	• All topics

Additional Toll Program Engagement Activities
The following activities were primarily focused on the I-205 Toll Project and the Regional Mobility Pricing Project but included secondary information related to rulemaking. High level themes for these activities are included in Section 3.

I-205 Environmental Assessment Community-Based Organization Discussion Group	March 2023	13 participants	• Toll accounts
I-205 Environmental Assessment Community Engagement Liaison Focus Groups	April 2023	82 participants	• Toll accounts • Discounts
Tabling Events	June – October 2023	More than 4,000 attendees	• Toll accounts • Toll payment • Discounts and exemptions
Worksystems Inc. Board Meeting	September	5 participants	• Toll accounts • Discounts and exemptions

2.3   Audience and Activities: Statewide Toll Rulemaking Advisory Committee (STRAC)

Committee Purpose and Membership

The purpose of the STRAC was to advise ODOT on the development of rules that modernize and align with legislative changes and to add needed clarity about toll operations in an equitable, effective, and credible manner. The STRAC charter is available on the STRAC website. Members represented key customer audiences including local communities and businesses, transportation providers, employers, and trucking. To provide coordination among other toll advisory committees, STRAC included members of the Regional Toll Advisory Committee (RTAC) and the Equity and Mobility Advisory Committee (EMAC). The members were as follows:

STRAC Member	Organization
Elizabeth Mazzara Myers	Westside Economic Alliance
Jeff Spiegel	Penske Truck Leasing
Lanny Gower	XPO Logistics
Lauren Poor	Oregon Farm Bureau
Marc Ortega Kilman-Burman	Global Medical Response (GMR)
Marie Dodds	AAA Oregon/Idaho
Michael Card	Combined Transport Inc.
Nafisa Fai	Region Toll Advisory Committee (RTAC) Washington County Commission
Omar Cruz	May Trucking
Park Woodworth	Ride Connection
Philip Wu	Equity and Mobility Advisory Committee (EMAC)
Sean Philbrook	Identity Clark County
Shannen Knight	A Sight for Sport Eyes
Sharla Moffett	Oregon Business and Industry
Shatrine Krake	West Linn Chamber

A list of committee members biographies is available on the STRAC website.

Public Meetings and Process

STRAC members met nine times in 2023. Each meeting was three-hours long with the first and last meeting extended. Committee members received meeting materials at a minimum of one week in advance. For meetings with more information, materials were provided well in advance. ODOT staff offered "office hours" pre-meetings to help members process the information beforehand and set up individual and small group discussions with members post-meeting to address any remaining comments, questions, or concerns.

The STRAC developed the draft rules in a three-level process that increased in specificity each stage. The following graphic was provided to the committee at each meeting:

Level 1	Level 2	Level 3
Overview of topic, past decisions, guidance, and tradeoffs. Gather higher-level issues, questions, and comments.	Read and react to draft rules.	Review and react to final draft rules.
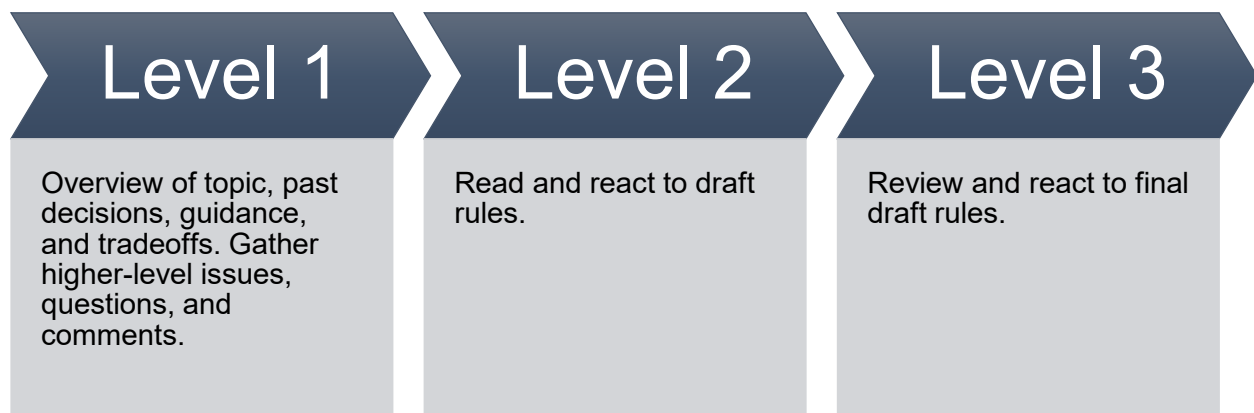
More information on STRAC's process and supportive documents that were created by ODOT to assist in feedback are available in the Appendix.

2.4   Audience & Activities: Equity-Focused (Community Engagement Liaison Focus Groups)

ODOT is continuing conversations across the Portland metro region to build a toll program on I-5 and I-205 that works for communities. In July and August of 2023, ODOT held eight discussion groups in partnership with Community Engagement Liaisons (CELs). These liaisons facilitated conversations with community members who identify as Vietnamese, Chinese, Latinx, Black and African, Indigenous, Slavic, people living with disabilities, and more. The CEL program is vital to our outreach work, helping us engage with communities who are often unrepresented in transportation decisions. In these discussion groups, we talked with community

Community Engagement Liaisons are active community leaders who provide interpretation, translation, and engagement services for toll projects. ODOT has held **41** discussion groups with liaisons since the start of the Oregon Toll Program.
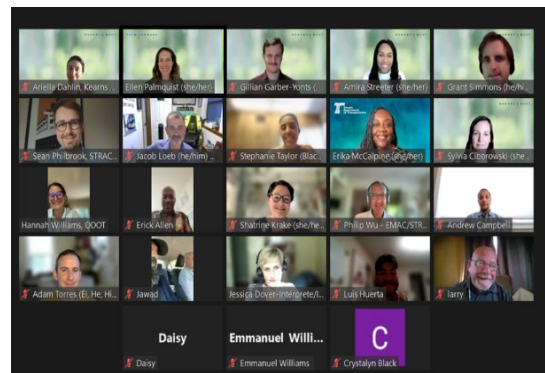
members about plans for toll accounts, payment options and process, data privacy, discounts, and exemptions. Participants then shared ideas about how to make it easy to sign up for an account, update information, and pay bills on time.

More information on CELs process and supportive documents that were created by ODOT to assist in feedback are available in the Appendix.

2.5   Audience & Activities Community Based Organizations (CBOs) Discussion Group

ODOT held two 90-minute virtual discussion groups with representatives from community-based organizations (CBOs) serving historically excluded and underserved communities. Each meeting included background on the Oregon Toll Program and break-out room discussions on rulemaking topics. The Jun.

6 discussion focused on signing up for toll accounts and the toll payment process. The discussion group included live interpretation in Spanish and gift cards were provided for participation. The Sept. 19 discussion focused on discounts, exemptions, and the Low-Income Toll Program. The project team reached out to over 50 CBOs that serve communities along I-5 and I-205 and statewide to participate in the discussions.

More information on CBOs process and supportive documents that were created by ODOT to assist in feedback are available in the Appendix.

June 6 CBO Discussion Group Participants

2.6   Audience & Activities: Trucking Community

In fall 2023, the project team coordinated with ODOT's Commerce and Compliance Division (CCD) to hold two, one-hour brown bag webinars with members of the trucking community. Each webinar included an overview of the Oregon Toll Program and the rulemaking process. The Sept. 27 webinar focused on enrollment and compliance for commercial accounts and the Oct. 25 webinar focused on vehicle classification and cost. The webinars included time for Q&A and discussion.

The rulemaking project team attended hybrid [Motor Carrier Transportation Advisory Committee (MCTAC)](#) meetings on July 20 and Oct. 19. The MCTAC is made up of representatives from ODOT, the Oregon

State Police, the trucking community, and related industries with an interest in motor carrier programs. ODOT presented on enrollment and compliance for commercial accounts during the July meeting and vehicle classification and cost during the October meeting. The meetings included brief Q&A and discussion.

More information on trucking process and supportive documents that were created by ODOT to assist in feedback are available in the Appendix.

2.7   Audience & Activities: General Public

<u>Tabling Events</u>

ODOT held more than 28 tabling events between June and Oct. 2023. During the tabling events, the project team encouraged community members to take fact sheets and to share comments or ask questions about the Oregon Toll Program and rulemaking topics. Fact sheets were available in five languages and Community Engagement Liaisons attended several events to provide interpretation services. 4,712 people were engaged at the tabling events.

The project team attended the CCD Motor Carrier Open House on Sept. 13 in Woodburn, Oregon and engaged with 26 members of the trucking community. The event included Oregon Toll Program materials and an invitation to the CCD Brown Bag Webinars in September and October.

ODOT partnered with Community Engagement Liaisons to share information in multiple languages during the Chinese Festival tabling event.

<u>Public Meeting Notifications and Public Comments</u>

Community members and interested parties were invited to provide input to the STRAC by sending emails or letters to the project team. Public comments were summarized for the STRAC prior to each meeting. Between January and October 2023, 10 comments were submitted through these channels. Community members and interested parties could also provide public comments during OTC meetings.

ODOT shared notices about STRAC meetings and public comment opportunities prior to each meeting through broadcast email notices to the Oregon Toll Program mailing list of nearly 10,000 subscribers. Meetings and engagement opportunities were also highlighted in the May, July, September, and November UMS Newsletter.

Members of the public were invited to watch STRAC meetings on YouTube Live. Meeting materials and the meeting recording were uploaded to the [STRAC website](#) prior to each meeting. The project team communicated with STRAC members by email and phone, and held office hours and one-on-one meetings as needed to ensure members were able to fully participate in the public meetings and provide their input.

More information on public input process and supportive documents that were created by ODOT to assist in feedback are available in the Appendix.

3   Feedback Received on Toll Rules

Throughout the process, input from all audiences helped shape updates to the draft toll rules. Through the STRAC meetings, redlined and clean versions of the draft rules were provided to show the changes proposed by ODOT. After the meetings, rules were noted to include input from STRAC members. The following chart provides information on this process:

STRAC Meeting	Topic(s)	Links to Draft Rules
March 2023	Customer accounts and enrollment	• Proposed rules • Rules with STRAC feedback
April 2023	Dispute process, fees, civil penalties, and compliance	• Proposed rules • Rules with STRAC feedback
May 2023	Customer accounts, enrollment, dispute process, fees, civil penalties, and compliance	• Redlined rules to address previous feedback • Rules with STRAC feedback
September 2023	Discounts and exemptions	• Proposed rules • Rules with STRAC feedback
October 2023	Project applications, rate setting, rate adjustments, and vehicle classification	• Proposed rules • Rules with STRAC feedback
November 2023	All topics and the fiscal and equity impact statements	• Redlined rules to address previous feedback • Rules highlighting previous feedback incorporated • Final draft rules with STRAC feedback • Fiscal and equity impact statements with STRAC feedback

Due to the technical and legally written nature of statewide rules the project team took an approach to identifying a selection of the topics for engagement. This selection was based on past input on areas of concern or question. These topics were: signing up for toll accounts (enrollment), payment system and data privacy, discounts and free trips (exemptions), and vehicle cost and classification.

More information on input and supportive documents that were created by ODOT to assist in feedback are available in the Appendix. This includes STRAC meeting summaries, public comments received, and summaries from trucking and equity-focused engagement meetings.

3.1   Signing Up for Toll Accounts (Enrollment)

In addition to the draft rules, ODOT created a "Toll Procedures FAQs" document to provide information on the current thinking for detailed enrollment and payment questions. This document was updated at the May meeting to address comments raised. Research from six other toll systems was gathered to display existing practices for accounts and what they cost. This information was used to create discussion questions and gather input that is noted in this section.

Key takeaways
Key themes for toll accounts included the following:

- **Partner with trusted organizations.** Partner with community-based organizations to help get people signed up for toll accounts and provide compensation and incentives for these services.
- **Account Incentives.** Interest in paying the least amount for tolls. More people would sign up for toll accounts if they received an incentive, like free trips and saved money.
- **Customer Service.** Interest in making it as easy as possible to sign up for a toll account. Provide locations for people to sign up for a toll account that they visit frequently, like grocery stores, schools, churches, libraries, community gathering spaces, and the Department of Motor Vehicles (DMV). Offer sign up locations in Washington and Oregon. Include account services to help businesses navigate the toll process.
- **Accessibility and Language.** Ensure that websites, apps, and materials meet accessibility guidelines for vision, language, and reading level. Provide in-person toll account services in different languages and mail information in different languages.
- **Toll Workshops.** Plan virtual and in-person events with interpreters available to share information about how to sign up for accounts. Individuals that attend the summit or workshop could become ambassadors for the Toll Program.
- **Information Sharing.** Provide signage on the highways about how to sign up for a toll account. Use social media accounts, including culturally specific accounts, to share information in visual and written formats.
- **Autopay and Pre-Paid Accounts.** Interest in using automatic payments instead of preloading the toll account with funds. Interest in signing up for pre-paid toll accounts to save money and avoid surprises. Frustration that they might pay more with a post-paid account or a mailed bill than a pre-paid account.
- **Compatible Technology.** Use technology that is compatible with other toll systems. This would be especially helpful for commercial vehicles and people that frequently travel out-of-state.
- **Electronic Toll System**. Support for using toll tag technology and all electronic tolls. Interest in how much toll tags would cost.

Similarities across groups
Similarities across groups included the following:

- Participants in most groups shared that they would sign up for an account if it would **save them money**.
- Almost all groups mentioned that they would like to have the opportunity to sign up for an account and **pay toll bills in person**.
- Participants in many groups shared that they would prefer navigating signing up for accounts with the **help of community-based organizations**.

Differences across groups
Differences across and within groups included the following:

Equity-Focused Community Engagement
- Participants in the Vietnamese focus group were concerned about having **sufficient funds** to cover toll trips. Participants were interested in having a **pass purchased in advance** to help with budgeting and planning trips. Participants were also interested in setting up **automatic payments** to remove the need to replenish funds.
- Participants in the Vietnamese and Chinese focus groups shared the importance of creating an **easy-to-use system** with account services in **different languages**.

- Participants in the People Living with Disabilities focus group shared the need for materials, websites, and apps to meet **accessibility** guidelines.
- Participants in the Slavic focus group were concerned about the impact of tolling on **families that travel frequently**.
- Participants in the Vietnamese and Black and African focus groups were interested in receiving **incentives** to sign up for an account.
- Participants in the Chinese, Latinx, and BIPOC focus groups were supportive of using a **mobile app**. Participants in the People Living with Disabilities focus group were more hesitant to support the use of an app, because apps are often not as accessible as other options. Participants in the Native American and Tribal focus group were concerned about the digital literacy of older individuals and difficulties navigating an app and suggested having toll customer service representatives available in-person and over the phone.
- Participants in the CBO discussion group were interested in **contracting with ODOT** to help get people signed up for accounts.
- Participants in the CBO discussion group suggested providing **sign-up locations in Washington and Oregon** and offering workshops to share information about tolling and get people signed up for accounts.

Trucking and Tabling Outreach
- Participants during tabling and trucking outreach activities were interested in using **technology that is compatible with other toll systems**.
- Participants in trucking outreach activities were interested in ODOT providing additional support services for companies to help navigate tolling.

STRAC
- A few members questioned the cost needed to achieve some of the unique enrollment practices being requested.

3.2   Payment System and Data Privacy

In addition to the draft rules, ODOT created document that identified the proposed system for payment, civil penalties, and disputes. This document was updated at the May meeting to address comments raised. Additionally, ODOT gathered research from ten other toll systems to communicate best practices for enforcement on unpaid tolls. This information was used to create discussion questions and gather input that is noted in this section.

Key takeaways
Key themes for the toll payment process, updating information, and data privacy included the following:

- **Customer Service.** Employ customer service agents that speak different languages. Offer in-person locations to pay toll bills and ask account questions.
- **Account Reminders and Information.** Send text, email, and social media reminders (including push-notifications) to pay toll bills and update information in multiple languages. Hesitancy exists about using phone calls as a primary method of contact due to phone scams. Support exists for providing a mobile app to manage account information and for having multiple options to interact with accounts. Interest in automatically updating toll accounts when someone's information is updated with the Oregon Department of Motor Vehicles (DMV).
- **Toll Signage.** Provide clear signage with instructions for how to pay a toll bill along highways.
- **Surprise Bills.** Concern about receiving a surprise toll bill in the mail when someone loans their car.

- **Toll Evasion.** Concern about vehicles without license plates not being charged a toll.
- **Citizenship Status.** Concern that unpaid tolls could jeopardize citizenship status.
- **Unpaid Bills.** In cases where someone doesn't pay their toll bill, offer payment plans or waive fees if a customer takes an educational class on how to sign up for an account and pay toll bills. Concern that withholding DMV registration was too strict of a consequence for not paying a toll bill. Support for having some consequences for missing payment.
- **Account Data.** Interest in what steps would be taken to protect bank and credit card information.
- **Mailing Fees.** Questions about how much the fee would be for mailing a toll bill. Frustration that there would be a fee associated with mailed bills.
- **Account Funds.** Questions about when funds in a pre-paid toll account would expire.

Similarities
Similarities across groups included the following:

- In general, participants were interested in a **variety of contact options,** including mail, text, email, and phone for navigating the toll payment process. They shared that the method depended on the age of the customer, digital literacy, and perceptions of legitimacy.
- Participants in most groups were concerned about **protecting personal information** when signing up for accounts, paying for toll bills, or enrolling in the Low-Income Toll Program.
- Many participants were interested in **providing signage along the highway** with information about how to pay a toll and what toll funds were used for. Participants in tabling outreach shared that this would be especially helpful for out-of-state drivers.

Differences
Differences across groups included the following:

Equity Community Engagement
- Participants from the Slavic focus group **preferred to be contacted by email.** Participants shared that they do not answer phone calls from unknown numbers and do not read physical mail.
- Participants from the Chinese focus group were **concerned about phone scams** and preferred to receive information by mail because it seemed more legitimate.
- Participants from the Latinx focus group were concerned about **receiving surprise toll bills** if they loaned someone their car.
- Participants in the Black and African focus group were concerned that unpaid toll bills could jeopardize someone's **resident status**.
- Participants in the People with Disabilities focus group expressed their desire for the website and application to be **Web Content Accessibility Guidelines certified** so that they can easily update their information.
- Participants in the Vietnamese and Slavic focus groups were interested in **updating toll account information automatically through the DMV**.
- Participants in the Vietnamese and BIPOC focus groups suggested using **mobile and web push-notifications** to prompt people to update their information.
- Participants in tabling outreach were concerned about **vehicles without license plates not paying** tolls.
- Participants in the CBO discussion group recommended using **financial assistance programs** to help people pay their toll bills.

Trucking and Tabling Outreach

- Differences across groups included greater concern for **administrative costs** from smaller trucking companies or businesses that would have to start a new process to maintain and pay toll bills.

3.3   Toll Discounts and Free Trips (Exemptions)

In addition to the draft rules, ODOT created a document that identified the proposed system for enrollment, recertification, and benefit distribution for the low-income toll program. ODOT gathered research on existing toll discount and exemption programs, existing regulations, policies, and rules, a comparison chart for different toll agencies approach to discounts and exemptions, research memo on self-certification as an option for enrollment verification, analysis of free trip (exemption) requests – which was revised to address comments raised, and a summary of all feedback received to-date on these topics. Additional analysis was conducted on multiple low-income toll discount options. This information was used to create discussion questions and gather input that is noted in this section.

Key takeaways
Key themes for low-income discounts and exemptions included the following:

- **Data Protection.** Interest in how data provided for the Low-Income Toll Program would be protected.
- **Income Verification.** Interest in offering a variety of ways to verify income information. Preference for using proof of enrollment in existing programs to qualify for a discount. Interest in using government assistance programs, Medicare and Medicaid, bank statements, employee verification letters, and pay stubs to qualify for a discount. Concern about the lack of verification options for people that are undocumented or unable to work and interest in distributing vouchers for people who are undocumented.
- **Partnering with trusted organizations.** Supportive of partnering with community-based organizations to assist with the income verification process and help people get signed up for the Low-Income Toll Program.
- **Expanding Exemptions.** Interest in providing exemptions for members of Federally Recognized Tribes, refugee and immigrant communities, and people living with disabilities. Some interest in providing exemptions for geographic areas that will be more impacted than tolling and individuals that provide a service, including delivering food, volunteering, driving people living with disabilities, and healthcare workers. Concern that daily commuters may not qualify for a discount.
- **Program Advertisement.** Suggestions for broadly advertising the Low-Income Toll Program to get people signed up.
- **Clear Guidelines.** Suggestions to provide strict guidelines for the application process to reduce fraud. Interest in having clear income requirements. Income requirement fluctuations can make confirming the income status of an applicant more difficult. Concern that certain programs, like child support or housing vouchers, could put individuals over the income threshold. Recommendations to not counting vouchers and child support in the application process.
- **Flexible Benefits.** Interest in having multiple benefit options. For example, being able to choose between a discount or a credit. The value of a discount versus a credit may change depending on an individual's travel patterns and needs. Interest in providing a discount for low-income businesses in addition to individuals.
- **Rideshare Services.** Questions about whether individuals that would qualify for a discount could apply their discount to rideshare services and different vehicles.
- **Balancing Discounts with Toll Rates.** Recognition of the need to balance discounts and exemptions with revenue needs. Many/some were interested in everyone paying to use the highways.

Similarities
Similarities across groups included the following:

- Most participants preferred providing **proof of enrollment in a different program** to qualify for the Low-Income Toll Program.
- Participants were generally supportive of providing a **discount for people experiencing low incomes.**

Differences
Differences across groups included the following:

Equity Community Engagement
- Participants in the People with Disabilities focus group use **rideshare programs** and were concerned about applying a discount to different vehicles.
- Participants in the Black and African focus group were interested in providing **bank statements or employee verification letters to qualify** for the Low-Income Toll Program.
- Participants in the Black and African focus group were concerned about the need for **undocumented individuals** providing personal information to register for a toll account or the Low-Income Toll Program.
- Participants in the Black, Indigenous, and People of Color focus group were interested in **exemptions** for refugee and immigrant communities, and people living with disabilities.
- Participants in the Native American and Tribal focus group were interested in an **exemption** for tribes.
- Participants in the CBO discussion group were interested in providing **exemptions** for people living in certain geographic areas and people that are required to drive for work.
- Participants in the CBO discussion group recommended **not including child support and vouchers** when calculating income for a discount program.
- Participants in the CBO discussion group were interested in **partnering with ODOT** to help with income verification and to provide education about the program.

Trucking and Tabling Outreach
- Participants in trucking outreach activities were interested in **limiting discounts and exemptions with revenue needs** to keep toll costs as low as possible for customers. Interest in all drivers paying to use the highways.
- Participants in tabling and trucking outreach were interested in providing a **discount for businesses.**

STRAC
- **Members were a bit divided** among those who wanted to see as limited or no extension of exemptions past what is required by law, compared to those who wanted to see a more robust low-income toll discount.
- Multiple members supported a **local or geographic discount** for those closest to the tolling facilities. Other requests included a **discount for agricultural vehicles** and some type of investment program to **support regional employers in helping their employees and business models adjust to tolls**.

3.4   Vehicle Classification and Cost

In addition to the draft rules, ODOT gathered research on existing regulations, policies, and rules, an analysis of how Highway Cost Allocation Study will interact with tolls, memo on how the shape-based classification system would work, a comparison chart of how other toll agencies classify and charge

different vehicles, and a summary of all [feedback received to-date](#) on these topics. This information was used to create discussion questions and gather input that is noted in this section.

Key takeaways
Key themes for vehicle classification included the following:

- **Weight-Mile Tax Considerations.** Questions about how ODOT will balance the weight mile tax with tolling for commercial vehicles. Concerns about the weight-mile tax and toll evasion and interest in cross-referencing out-of-state vehicles.
- **Use of Funds.** Concerns that existing fees for heavy vehicles are not being spent effectively to expand and modernize roads.
- **Oversized Loads.** Questions about how tolling will work for oversized loads and if these vehicles will be able to use I-5 and I-205.
- **Toll Multiplier.** Interest in whether the multiplier will be applied to the total length of the vehicle or by trip segment. Preference for implementing a multiplier by trip.
- **Towed Vehicles.** Questions about how towed vehicles would be tolled.
- **Accessible Information.** Interest in making sure rates are clear, posted ahead of time, and easy to find. Suggestions to provide an interactive map to plan trips and navigate tolls.

Similarities
Similarities across groups included concerns about **balancing the weight mile tax with tolls**.

STRAC
- Although trucking members voiced concerns with the current HCAS findings, they and other committee members were gen**erally supportive of how the rules were addressing cost responsibility in toll rate setting/adjustments**. The same was true about the shape-based classification system.

Differences of opinion
Differences across groups included greater concern for **administrative costs** from smaller trucking companies.

3.5   Toll Rate Setting and Adjustments (STRAC and Public)

In addition to the draft rules, ODOT gathered research on [existing practices](#) for toll rate setting and adjustments, existing [regulations, policies, and rules](#), [research on decision-making and performance metrics](#) of other toll projects, and a summary of all [feedback received to-date](#) on these topics. This information was used to create discussion questions and gather input that is noted in this section.

Key takeaways
Key themes for toll rate setting and adjustments included:

- General support for the simpler, clearer direction on what factors will be used to set toll rates. There has been concern about too many and competing goals (revenue, congestion, equity, climate, etc.).
- Support for the edits made to include "process and outcome equity" in the tolling application, rate setting, and rate adjustment process.

Similarities

- Similarities across groups included concerns about **what will happen once tolls are in place.** More specificity on the plan to notify, work with local communities, and have investments ready to address problems was desired.

Differences of opinion
- Some STRAC members were wary about connecting toll rates too closely to greenhouse gas reduction or climate goals in general. They voiced concerns about the costs to business from other climate regulations in the state.

3.6   Other

Overall, there is still much opposition to tolling in general or the current approach. This was voiced through STRAC members and received in the public comments. A few STRAC members oppose congestion pricing or an all-lanes tolling approach to I-205 and I-5.

4 Responses to STRAC Input and Community Feedback

4.1 Responses to Feedback

The final set of drat rules is the culmination of multiple, iterative rounds of review and input with the community and STRAC. At the November 17 STRAC meeting, ODOT presented and discussed draft rules that included the following:

- **Yellow highlights** = Comments received, and topics discussed.
- **Green highlights** = Previously accepted changes due to STRAC feedback.
- Redlined text = Changes made to address STRAC feedback.

This document received a final round of input from STRAC (see final draft rules with STRAC's comments). The draft toll rules before the Orgon Transportation Commission at their December 11 meeting include additional revisions to address STRAC comments at their final meeting.

Draft Toll Rules – Redlined

Statewide Toll Advisory Committee (STRAC) November 2023 Meeting Materials
Date Updated: November 10, 2023

Yellow highlighted = Comments received and topics discussed
Green highlighted = Previously accepted changes due to STRAC feedback
Redlined = Changes made to address STRAC feedback

Department of Transportation
Chapter 731
Division 40
TOLLWAY PROJECTS

PURPOSE

731-040-0010
Purpose

(1) OAR 731, division 040, describes the process for initiating, evaluating, authorizing and administering tollway projects on state right of way proposed by private or public entities. The purpose of these rules is to explain how ODOT selects and operates its tolling program and to:

  a) Establish a uniform toll collection and enforcement system for transportation facilities across the state;

Draft toll rules discussed with STRAC on November 17, 2023

In addition to changes in the draft rules, ODOT received feedback that informed future toll operations development. The follow chart identifies feedback or concerns raised, and how ODOT is planning to address this in rules or procedures.

Rulemaking Topic	Feedback and Concerns	Proposed Changes and Next Steps
Toll Accounts	- Make it easy to sign up for toll accounts. - Make toll accounts compatible with other toll systems.	- **Added options** to allow drivers to register for an account on the website, by mail, by phone, and in-person. - Establish a **system that is interoperable** with Washington's toll system on day one and pursue agreements with other existing toll operators (e.g., E-Z Pass) to simplify access to enrollment for customers.
Toll Payment Process and Data	- People need multiple payment options. - Work with customers to resolve unpaid bills. - Protect customer data.	- **Added options** to allow drivers to pay online, by mail, or in-person with credit card, cash, or check. - **Added additional time** to the payment process to resolve unpaid toll bills with the customer before the debit is pursued through internal collections. State law directs ODOT to place a hold on a driver's license if any tolls are unpaid, but we're planning that to be the last step that would

		• only occur after months of notification and opportunities to reconcile. • Reinforced ODOT's commitment to state law requirements that **limit access to customer data from tolling**. ODOT will not be taking and storing pictures of people and information shared with law enforcement will only be accessible by court order.
Discounts and Exemptions	• Reduce the impacts of tolling on people with low incomes. • Consider Oregon's weight-mile tax and cost responsibility system when setting toll rates.	• Committed to making the **Low-Income Toll Program live on day one of tolling**. • **Limited exemptions** to only what is required and necessary (transit, military, Tribal, emergency response and highway safety), to keep the toll rates as low as possible for everyone.
Vehicle Classification	• Use a classification system that is easy to operate and accepts existing toll accounts.	• **Developed a shape-based system** with width and heigh guidelines for light, medium, and heavy vehicles that is cost-effective and simple for customers to navigate. This system would be cheaper to set up and maintain than traditional axle-based systems.
Additional concerns	• Electric vehicles will be exempt from paying tolls. • People from out of state will be exempt from paying.	• Electric vehicles and people from outside of Oregon will **not** be **exempt** from paying tolls. They will have to pay tolls like any other non-discounted or exempt group.

For concerns and questions about information outside of toll rules, ODOT created the following graphic to show where those topics will be considered or addressed.

Toll rate setting and revenue allocation
• Final toll rates, including by vehicle type
• Revenue allocation and financing

Toll projects
• Performance metrics
• Local mitigation projects and reporting

Operations
• Enrollment for all customers
• Education, communications, and engagement
• Interoperable agreements
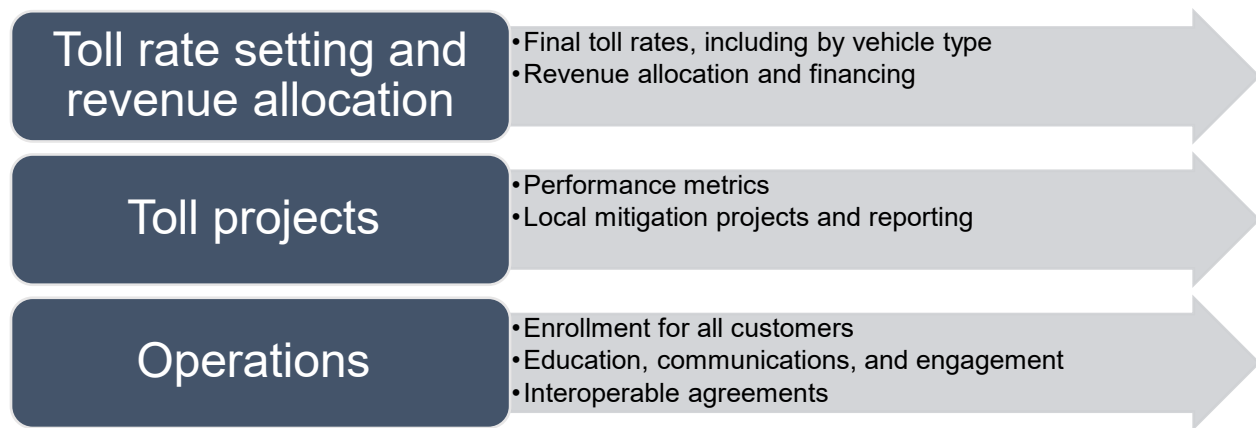
5   Next Steps

In November 2023, the STRAC provided final input on the draft toll rules. This input and a set of draft rules will be brought before the Oregon Transportation Commission at their December 11 meeting for feedback and direction. Between December 2023 and early 2024, ODOT will prepare for public comment period engagement, conduct a thorough review of the draft rules with the Department of Justice, and publish the rules on the Secretary of State's website. ODOT will hold a public comment period and outreach in early 2024, with plans to bring the rules to the OTC for possible adoption in mid-2024.

Toll Rulemaking Process Timeline

2023	*Early 2024*	*Mid-2024*	
Draft Rules	Public Comment Period	Final Rules	OTC Decision

Rulemaking engagement

2023 Toll Rulemaking Engagement Report: Appendix

December 2023

Prepared for:

Oregon
Department
of Transportation

Prepared by:

KEARNS ⚡ WEST

Si desea obtener información sobre este proyecto traducida al español, sírvase llamar al 503731-4128.

Nếu quý vị muốn thông tin về dự án này được dịch sang tiếng Việt, xin gọi 503-731-4128.

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Consistent with the requirements of 23 U.S.C. 168, the information in this document, and the public and agency input received, may be adopted or incorporated by reference into the environmental review process to meet the requirements of the National Environmental Policy Act.

Oregon
Department
of Transportation

Table of Contents

Statewide Toll Rulemaking Advisory Committee (STRAC)
Meetings and Materials

STRAC Meeting	Meeting Materials
January 27	• STRAC Orientation Agenda • STRAC Charter - DRAFT • STRAC Charter - Attachment A - Membership • STRAC Charter - Attachment B - Committees and Inputs • STRAC Charter - Attachment C - Rule Process • Equity terms • 2023_0119_ STRAC Orientation Presentation - 508 v.1
February 24	• STRAC Meeting 2 - Agenda • STRAC Meeting 2 - Rules Outline • STRAC Meeting 2 - Feedback to date • STRAC Work Plan 2023 • STRAC Meeting 2 - Presentation
March 24	• STRAC Meeting #3 - Agenda • STRAC Meeting #3 - Toll Procedures FAQs • STRAC Meeting #3 - Toll Rules - March • STRAC Meeting #3 - Electronic Toll Comparisons • STRAC Charter - Signed • STRAC Meeting #3 - Presentation
April 28	• Agenda • Toll Rules - April • Toll Enforcement Common Practices • Process Flow Enforcement
May 26	• STRAC Meeting 5 - Agenda • STRAC Meeting 5 - Toll Procedures • STRAC Meeting 5 - Toll Rules _ Edits • STRAC Meeting 5 - Toll Rules _ Clean • STRAC Meeting 5 - Process Flows • STRAC Meeting 5 - Presentation
July 21	• Agenda • Presentation • Outline of draft rules for part 2 topics • Summary of feedback received to-date • Existing practices for toll rate setting and adjustments • Existing low income, discount, and exemption programs • Research: regulations, policies, and rules – part 2 topics • Comparison charts of existing toll discounts and exemptions

STRAC Meeting	Meeting Materials
September 22	• Agenda • Community Engagement Memo • Discounts and Exemptions Memo • Draft Toll Rules • Self-Certification Research Memo • Low-Income Process Flow • Tolling Implementation Update Packet • Tolling Implementation Update Presentation • Meeting Presentation
October 27	• Agenda • Draft Toll Rules • Highway Cost Allocation Study • Toll Rate Setting Research • Vehicle Class Memo • Presentation
November 17	• Agenda • Engagement Summary • Draft Toll Rules - Clean • Draft Toll Rules - Redlined • OARs Outline • Fiscal and Equity Impact Statements • Exemptions Research

Meeting Summaries

- January 27, 2023, Meeting Summary
- February 24, 2023, Meeting Summary
- March 24, 2023, Meeting Summary
- April 28, 2023, Meeting Summary
- May 26, 2023, Meeting Summary
- July 21, 2023, Meeting Summary
- September 22, 2023, Meeting Summary
- October 27, 2023, Meeting Summary
- November 17, 2023, Meeting Summary (link will be updated in later December 2023)

Community-Based Organizations Discussion Groups

June 6 Discussion Group Attendees	September 19 Discussion Group Attendees
Word is Bond	82nd Avenue Business Association
Urban League of Portland	Clackamas Workforce Partnership Center
Latino Network	Community in Motion
Black United Fund of Oregon	Ethiopian and Eritrean Cultural Resource Center
Urban League of Portland	Exceed Enterprises
82nd Avenue Business Association	Hayden Island Neighborhood Network
Muslim Educational Trust	Imagine Black
Muslim Educational Trust	Muslim Educational Trust
Exceed Enterprises	New Martyrs of Russia Orthodox Church
Latino Leadership Northwest	Latino Leadership Northwest
Black Community Portland	Vietnamese Community of Clark County

June 6 Meeting

Subject	Community-Based Organization Discussion Group
Date and Time	June 6, 2023 5-6:30 p.m.
Location	Virtual Zoom Meeting
Attendees	11
Staff, Presenters, and Committee Members	Erika McCalpine, ODOT Hannah Williams, ODOT Sylvia Ciborowski, Kearns & West Amira Streeter, Kearns & West Ellen Palmquist, Kearns & West Ariella Dahlin, Kearns & West Gillian Garber-Yonts, Kearns & West Grant Simmons, Kearns & West Jessica Dover, Community Engagement Liaisons (Interpreter) Adam Torres, Equity and Mobility Advisory Committee (EMAC) Dr. Phillip Wu, Statewide Toll Rulemaking Advisory Committee (STRAC) and EMAC Sean Philbrook, STRAC Shatrine Krake, STRAC

Attendee	Organization
Andrew Campbell	Word is Bond
Crystalyn Black	Urban League of Portland
Daisy Ulloa	Latino Network
Emmanuel Williams	Black United Fund of Oregon
Erick Allen (EA)	Urban League of Portland
Jacob Loeb	82nd Avenue Business Association
Jawad Khan	Muslim Educational Trust
Jawad Khoja	Muslim Educational Trust
Larry King	Exceed Enterprises

Oregon Department of Transportation

Attendee	Organization
Luis Huerta Hernandez	Latino Leadership Northwest
Stephanie "Bastet" Lynch Taylor	Black Community Portland

Event Summary

The Community-Based Organization (CBO) Discussion Group began at 5:00 pm on Tuesday, June 6, 2023. The objectives of the meeting were to:

- Inform and build relationships with CBOs.
- Provide a brief update on the Toll Program and focus on rulemaking discussion questions.
- Close the feedback loop with attendees from the March discussion group and be intentional about follow-up.
- Share opportunities for further engagement
- Have tolling advisory committee representatives hear community feedback directly from CBOs.

ODOT invited representatives from CBOs serving equity-framework communities.

The virtual discussion was facilitated by Erika McCalpine, ODOT, and included live interpretation in Spanish. The meeting opened with a presentation from Hannah Williams, ODOT, on the Regional Mobility Pricing Project (RMPP), the I-205 Toll Project, and toll rulemaking. Following the presentation, Amira Streeter, Kearns & West, facilitated questions on the toll program. Hannah Williams shared additional information about enrollment and enforcement topics before Erika McCalpine directed participants to join break out rooms for group discussions.

Oregon Toll Program Update

Hannah Williams presented updates on RMPP and the I-205 Toll Project, the Low-Income Toll Program, how tolling will work, and the Statewide Toll Rulemaking Advisory Committee (STRAC). There was a short question session after the presentation. Participants asked the following questions:

- Question from Andrew Campbell: Will funds be available for CBOs to partner with ODOT?

  Response, Hannah Williams, ODOT: Explained that there is an ongoing need to work with CBOs and that ODOT is trying to figure out which services CBOs are interested in providing. Share that an evaluation would be distributed following the meeting to indicate which types of services CBOs are interested in partnering with ODOT to provide.

- Question from Stephanie Lynch Taylor: How many times could someone be tolled driving down I-5? After you're tolled once, are you good for the entire roadway?

  Response, Hannah Williams, ODOT: For the I-205 Toll Project, there is a toll on the Abernathy Bridge and the Tualatin River Bridge. For RMPP, congestion pricing, using variable rate tolling, will be used along parts of I-5 and I-205 will be tolled. We don't know yet where toll gantries will be located.

- Question from Shatrine Krake, STRAC: Will the RMPP environmental assessment be open for public comments like the I-205 environmental assessment?

  Response, ODOT: Yes, there will be a public comment period. In late 2023, FHWA and ODOT will share the Draft Environmental Assessment for public review and comment. ODOT will continue to provide ongoing project updates and opportunities for involvement.

Break Out Room Discussions on Enrollment and Enforcement

Participants discussed the following questions on toll account enrollment and data privacy and enforcement. Key themes that emerged from the discussion groups are included below.

Question: What are the best ways we can encourage you and the communities you serve to sign up for accounts?

Key Themes:

- **Provide CBOs with incentives, compensation, and contracts to share information and get people signed up for accounts.** CBOs are trusted by and accessible to the communities they serve, making them excellent resources to share information about tolling and sign people up for accounts. Participants noted that offering enrollment through CBOs as early in the program as possible could help ODOT enroll more people.
- **Use individual incentives to get people signed up early.** Providing a discount (one-time or annual) or waiving fees for the first three months to one year of the Toll Program could increase the number of people who sign up early. CBOs shared an example of TriMet handing out pre-loaded HopCards.
- **Recommend using financial assistance programs to assist people facing financial difficulties.** CBOs suggested providing income-based payment plans, fee waivers, or discounted rates for qualifying individuals.
- **Partner with the Oregon Department of Motor Vehicles (DMV) to sign up for accounts.** CBOs were supportive of offering kiosks and other ways to sign up for a toll account at the DMV.
- **Tradeoffs with in-person and virtual sign-up options.** CBOs recognized the value of signing-up for an account online with a credit card. Participants shared that physical payment options, like a HopCard, may be more convenient for some customers and can help protect someone's identity.
- **Offer sign-up locations in Vancouver.** Participants shared that many customers may live in Vancouver. Offering sign-up locations in Washington and Oregon will be important.

Question: What communications materials or community resources do you think we should use to reach your community to share information about tolls and get people signed up for an account?

Key Themes:

- **Host community summits or outreach workshops to build trust and prevent misinformation.** CBOs suggested planning virtual and in-person events (not hybrid) with interpreters available to share information. Individuals that attend the summit or workshop could become ambassadors for the Toll Program.
- **Provide materials in multiple languages.** CBOs stressed the importance of providing materials that are accessible and available in multiple languages.
- **Share information in digital and physical spaces.** CBOs noted the value of providing information digitally on social media and streaming platforms and providing QR codes on printed materials to easily access additional information. CBOs also stressed the importance of providing information at places community members frequently access including libraries, community centers, neighborhood associations, events, and rest stops.
  Distribute information through schools and colleges. CBOs recommended distributing information through educational institutions to reach both students and parents.
- **Tolling will take time to implement.** CBOs shared that it will take time for the community to understand how to set up an account and pay a toll.

Question: What are ways to get and keep up-to-date information on tolls accounts for the communities you serve?

Key Themes:

- **Offer in-person locations to update information.** Participants recommended allowing customers to update their information at the same places they can sign up for an account or pay a fee. This could include CBOs, kiosks, services centers, and other in-person locations.
- **Provide reminders to update your information.** CBOs shared creative solutions for reminding people to update their information when they move or sell their car. For example, including a reminder to update your address in a welcome packet.

Question: We're ultimately looking to prevent collections but in cases where someone doesn't pay their bills we have rules for enforcement. What could be added or changed to improve accessibility and equity in this process?

Key Themes:
- **Concerns about withholding DMV registration.** CBOs shared that withholding DMV registration may adversely impact underrepresented and marginalized communities. They recognized that withholding registration is a tool for enforcement and highlighted the need to build trust with the community. CBOs urged ODOT to find ways to balance the needs of the system with the interests of the people.
- **Offer payment plans.** CBOs recommended offering payment plans for customers that cannot afford to pay all their toll bills at one time.
- **Waive enforcement fees.** Participants recommended waiving fees if customers take an educational class on how to sign up for an account and pay toll bills. The classes could be offered online or in-person.
- **Provide information about how and where to sign up with the toll bill.** CBOs stressed the need to pair bill collection with education on how to sign up for an account.

Participants asked the following clarifying questions during the discussions:

- Question: Will Washington residents have to pay the toll?

  Response, ODOT: Anyone using Oregon roads and/or bridges that have tolls will receive a bill for a toll.

- Question: Will someone have to pay late fees if they do not pay their toll on time?

  Response, ODOT: Several fees could be accrued if someone does not pay a toll on time. Fees will be set during the rulemaking process.

- Question: Can ODOT work with the DMV to suspend someone's license if they don't pay?

  Response, ODOT: ODOT is considering the following factors before escalating to collections, penalties, or DMV registration hold: the number and cost of unpaid tolls or fees, enrollment in the low-income toll program or financial hardship, other hardship reasons (medical emergency, bereavement, military service, etc.).

Next Steps
Hannah Williams shared opportunities for further engagement.

- ODOT is looking for CBO events to attend this summer and will pay for a table.
- ODOT is conducting interviews with CBOs to gather feedback on important community resources and to understand how to best engage with communities moving forward. Invitations for interviews will be sent out in June.

- ODOT will host additional CBO discussion groups on low-income discounts and exemptions late summer and fall 2023.
- The RMPP Draft Environmental Assessment public comment period is anticipated to take place in fall/winter 2023.
- CBOs and the public will have the opportunity to share input on draft rules during the rulemaking public comment period and public hearing in December 2023 and January 2024.

Closing

Erika McCalpine and Hannah Williams thanked the attendees for their participation and closed the meeting.

September 19 Meeting

Subject	September CBO Discussion Group
Date and Time	September 19, 2023 5:30 pm – 7:00 pm PST
Location	Virtual Zoom Meeting
Attendees	11
Staff, Presenters, and Committee Members	Hannah Williams, ODOT Ben Duncan, Kearns & West Ellen Palmquist, Kearns & West Maria Verano, Kearns & West Gillian Garber-Yonts, Kearns & West

Attendee	Organization
Jacob Loeb	82nd Avenue Business Association
Samir Randolph	Clackamas Workforce Partnership Center
Gerina Hatch	Community in Motion
Yonas Kassie	Ethiopian and Eritrean Cultural Resource Center
Larry King	Exceed Enterprises
Pam Ferguson	Hayden Island Neighborhood Network
Kelie McWilliams	Imagine Black
Jawad Khan	Muslim Educational Trust
Aleksandr Kirilin (AK)	New Martyrs of Russia Orthodox Church
Luis Huerta Hernandez	Latino Leadership Northwest
Phung Ojala	Vietnamese Community of Clark County

Event Summary

The Community-Based Organization (CBO) Discussion Group began at 5:30 pm on Tuesday, September 19, 2023. The objectives of the meeting were to:

- Hear a brief update on the Oregon Toll Program.
- Have a conversation about discounts, exemptions, and the Low-Income Toll Program.
- Learn about opportunities to stay updated and provide input on how to build a toll program that works for you.

ODOT invited representatives from CBOs serving equity-framework communities.

The virtual discussion was facilitated by Ben Duncan, Kearns & West. The meeting opened with a presentation from Hannah Williams, ODOT, on the Regional Mobility Pricing Project and the I-205 Toll Project. Hannah Williams shared additional information about discounts, exemptions, and the Low-Income Toll Program followed by small group discussions in break-out rooms.

Oregon Toll Program Update

Hannah Williams presented information on how tolling will work, updates on the Regional Mobility Pricing Project and the I-205 Toll Project, and information about discounts, exemptions, and the Low-Income Toll Program. There was a short question session after the presentation. Participants asked the following questions:

- Question from Samir Randolph: How is congestion defined for the Toll Program?

- Comment from Kelie McWilliams: The Denver discount program is limited to people who live in two specific areas of town; it is designed to make up for the displacement of a Black neighborhood.

- Question from Samir Randolph: What will ODOT do to ensure enrollment in the Low-Income Toll Program is not low?

  Response, Hannah Williams, ODOT: That is why we are here. We have heard we need to look at the interoperability of other programs and plug into that. We want to hear what is going on in your world and what is working for you. We can collect information and influence what is and is not feasible. These decisions have not been made - we are looking to understand what the barriers are for enrollment in discount programs.

- Comment from Samir Randolph: Will ODOT partner with CBOs to help people enroll in the Low-Income Toll Program?

  Response, Hannah Williams, ODOT: Yes. ODOT is looking to hear from CBOs about what works and does not work for enrollment.

- Comment from Yonas Kassie: I work with African refugees and immigrants and recommend ODOT reach out to and involve these groups in discussions about tolling.

- Comment from Yonas Kassie: Consider those who use the system the most, including Uber drivers, delivery drivers, and medical transportation.

- Comment from Pam Ferguson: Recommend including an incentive to enroll in the Low-Income Toll Program by a certain date to encourage people to sign up.

1.1   Break Out Room Discussions on Discounts, Exemptions, and the Low-Income Toll Program

Participants discussed the following questions on discounts, exemptions, and the Low-Income Toll Program. Key themes that emerged from the discussion groups are included below.

1.   **Question:** How has your organization helped people sign up for benefit programs such as discounts, health care, or transit passes? What has your experience been?

Key Themes:
- **Partnering with CBOs.** Many CBOs shared that they did not offer enrollment services for discount programs but were willing to educate the public on how to register for a toll account.

CBOs that did offer these services, like Ethiopian and Eritrean Cultural and Resource Center (EECRC), were interested in assisting with income verification for the Low-Income Toll Program.

- **Concerns About Enrollment.** Participants recommended strict guidelines for the Low-Income Toll Program application process to reduce fraud. Participants also shared that certain programs, like child support or housing vouchers, could put people over income threshold. Participants recommended not counting vouchers and child support in the application process.
- **Clear Income Requirements.** Participants recommended having a clear baseline for income requirements. Income requirements for other programs often fluctuate and can make confirming the income status of an applicant more difficult.

2. **Question:** Which of the following options do you think would work best for communities enrolled in Oregon's Low-Income Toll Program?
   - 50% discount on each trip
   - Credit for a certain number of free trips per month

Key Themes:
- **Flexible Benefits.** Participants recommended giving the applicant a choice between the discount or credit option. Participants also recommended allowing participants to use both benefit types.
- **Credit and Discount Tradeoffs:** Many participants thought that the 50% discount would be more beneficial because it would result in a greater cost reduction for those who travel frequently. Frequent drivers may include families, truck drivers, delivery drivers, and people who live in neighborhoods that would need to use tolled roads more often. For those who travel less frequently, the credit option may be preferable.
- **Geographic Exemptions:** Participants shared that certain geographic areas, like Hayden Island and Black communities between I-5 and I-205, will be impacted by tolling more than others and should receive exemptions. Participants were also interested in exemptions for people providing a service, like delivering food, volunteering, driving people living with disabilities, and healthcare workers.

3. **Question:** What is the best way for people to provide income information?
   - Proof of enrollment in an existing program (SNAP, WIC, housing voucher, etc.).
   - Last 2 paystubs from your work.
   - Last year's tax return.
   - Proof of enrollment in TriMet's low-income fare program.
   - Other options: _____.

Key Themes:
- **Verification Options.** Participants were interested in a variety of options for providing income information. People who are self-employed may benefit from showing their tax returns while others may prefer to show a paystub. Participants acknowledged there may be security concerns when sharing this type of information. Participants recommended having a variety of ways to provide income information.
- **Enrollment in Other Programs:** Many participants were supportive of sharing proof of enrollment in TriMet's Low-Income Fare Program, the Affordable Care Act, or other programs to qualify for the Low-Income Toll Program.

Next Steps
Hannah Williams shared next steps for the rulemaking process and the following opportunities for further engagement:

- Complete a survey for the Regional Mobility Pricing Project from Sept. 26-Oct. 9 and help share the survey with their networks.

- Share input on draft rules during the rulemaking public comment period and public hearing in early 2024.
- Request a briefing for their organization.
- Attend and provide comments at tolling advisory committee meetings.

Closing

Hannah Williams and Ben Duncan thanked the attendees for their participation and closed the meeting.

Community Engagement Liaison Focus Groups

In July and August, ODOT held eight discussion groups in partnership with the Community Engagement Liaisons (CELs) program. CELs facilitated conversations with Vietnamese, Chinese, Latinx, Black and African, Indigenous, People of Color, Slavic, people living with disabilities, and Tribal and Native American community members. The project team talked with community members about plans for toll accounts, payment options and process, data privacy, and discounts and exemptions. Participants then shared ideas about how to make it easy to sign-up for an account, update information, and pay bills on time. Input from the focus groups was shared with the Statewide Toll Rulemaking Advisory Committee (STRAC) for consideration and used to help inform draft rules for toll accounts, payment options and process, data privacy, and discounts and exemptions.

Community Engagement Liaison Focus Groups

Focus Group	Date	Attendees
Vietnamese Community	July 25, 2023	9
People Living with Disabilities	August 7, 2023	6
Chinese Community	August 8, 2023	12
Latinx Community	August 9, 2023	16
Black and African Community	August 10, 2023	11
Racial and/or Ethnic Minorities (BIPOC) Community	August 11, 2023	14
Slavic Community	August 14, 2023	15
Native American and Tribal Community	August 17, 2023	5

CELs recruited participants for the focus groups within the I-5 and I-205 Portland metro region through a variety of methods, such as direct outreach and social media. Participation ranged from five to 16 attendees. Focus groups were virtual and held in the evenings. Each group included a presentation on the Oregon Toll Program and brief question and answer period followed by background information and discussion on toll accounts, payment options and process, data privacy, and discounts and exemptions. The focus groups included open-ended questions and multiple-choice questions with Zoom Polls. Several meetings were in-language and included translated materials. Gift cards were provided for participation. See the CEL Focus Group Appendix for full summaries of each of the focus groups.

Desired outcomes

Desired outcomes of the focus groups were to:
- Provide a brief update on the Oregon Toll Program.

- Invite feedback to inform draft rules, specifically to understand preferences for ways to sign up for toll accounts, update toll account information, establish a process for toll payment, and discounts and exemptions.
- Share opportunities for future engagement as toll projects and policies continue to develop.

Focus group overview

ODOT worked with the CEL program to plan and facilitate eight focus groups. CELs used community connections and social media to invite participants. Participation ranged from five to 16 attendees. Input from the focus groups was shared with the Statewide Toll Rulemaking Advisory Committee (STRAC) for consideration and used to help inform the development of draft rules for toll accounts, payment options and process, data privacy, and discounts and exemptions.

Focus group format and agenda

Focus groups were virtual and held in the evenings. Each group included a presentation on the Oregon Toll Program and brief Q&A followed by background information and discussion on toll accounts, payment options and process, data privacy, and discounts and exemptions. The focus groups included open-ended questions and multiple-choice questions with Zoom Polls. Several meetings were held in language, including the Vietnamese, Chinese, Latinx, and Slavic focus groups. Translated materials were provided.

Focus group participants

Table 2-1 lists the focus group audiences, CEL facilitator, dates, and total participants.

Focus Group Participants

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Vietnamese Community	Thi Luong	July 25, 2023,	5:30 – 7pm	9
People Living with Disabilities	Trevor Attenberg	August 7, 2023,	5:30 – 7pm	6
Chinese Community	Yvonne Li	August 8, 2023,	5:30 – 7pm	12
Latinx Community	Romeo Sosa	August 9, 2023,	5:30 – 7pm	16
Black and African Community	Roseline Jindori Yunusa Vakkai	August 10, 2023,	5:30 – 7pm	11
Racial and/or Ethnic Minorities (BIPOC) Community	Lung Wah Lazum	August 11, 2023,	5:30 – 7pm	14
Slavic Community	Hanna Grishkevich	August 14, 2023,	5:30 – 7pm	15
Native American and Tribal Community	Daria Bingham	August 17, 2023,	5:30 – 7pm	5

Focus Group Discussion Questions

The discussion groups were designed to be conversational to understand community needs and concerns, as well as to hear new ideas. The facilitator asked the following questions during the meetings:

Signing Up for Toll Accounts

- If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?
- What do you think are the best options to encourage people to sign up for toll accounts?

Data Privacy and Keeping Information Up to Date

- What are ways to get and keep up-to-date information on toll accounts?

Toll Collections Process

- We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?

Exemptions and Discounts

- What is the best way for people to provide income information?

Key Takeaways

Pre-paid toll accounts

We shared that if you signed up for a toll account and put money in your account, you would get the best deal. We asked participants if they would consider setting up a pre-paid account. Key takeaways include:

- Interest in signing up for pre-paid toll accounts to save money and avoid surprises.
- Provide in-person toll account services in different languages.
- Interest in setting up automatic payments rather than preloading the toll account with funds.
- Provide reminders to replenish funds when the toll account balance is low.
- Concerns about protecting bank and credit card information.
- Provide in-person locations to replenish toll accounts and make payments.
- Frustration that you might pay more with post-paid accounts or mailed bills versus pre-paid accounts.
- Questions about when funds in a toll account would expire.

Key differences between groups
- Participants in the Vietnamese focus group were concerned about having sufficient funds to cover toll trips. Participants were interested in having a monthly pass to plan trips accordingly. Participants were also interested in setting up automatic payments to remove the need to replenish funds.
- Participants in the Vietnamese and Chinese focus groups shared the importance of creating an easy-to-use system with account services in different languages.
- Participants in the People Living with Disabilities focus group shared the need for materials, websites, and apps to meet accessibility guidelines.
- Participants in the Slavic focus group were concerned about the impact of tolling on families that travel frequently.

Key similarities among groups
- Participants in most groups shared that they would sign up for an account if it would save them the most money.
- Almost all groups mentioned that they would like to have the opportunity to pay toll bills in person.

Toll accounts

We shared that we are looking into multiple ways customers can register for an account and pay their toll bill, including with cash, in person, or by mail. We asked participants about the best ways to encourage community members to sign up for accounts. Key takeaways include:

- Partner with community organizations to help get people signed up for toll accounts. Provide compensation for these services.
- Offer incentives, like free trips, to sign up for a toll account.
- Offer locations for people to sign up for a toll account that they visit frequently, like grocery stores, churches, and community gathering spaces.
- Provide signage on the highways about how to sign up for a toll account and pay your bill.
- Mail information in different languages to help people register for a toll account.
- Share information using short videos, in addition to written formats.
- Ensure websites, apps, and materials meet accessibility guidelines.
- Use social media accounts, including culturally specific accounts, to share information.

Key differences between groups
- Participants in the Vietnamese and Black and African focus groups were interested in receiving incentives to sign up for an account.
- Participants in the Chinese, Latinx, and BIPOC focus groups were supportive of using an app. Participants in the People Living with Disabilities focus group were more hesitant to support the use of an app, because apps are often not as accessible as other options. Participants in the Native American and Tribal focus group were concerned about the digital literacy of older individuals and difficulties navigating an app.

Key similarities among groups
- Participants in the Latinx, Black and African, and Native American and Tribal focus groups shared that they would prefer navigating account registration and payment with the help of community-based organizations.
- Almost all focus groups shared the importance of providing advertisements, mailings, and other information in multiple languages. Many participants shared that highways signs, social media, and mailings would be helpful ways to share information about the program.

Toll account data

We shared ODOT's draft plan for collecting data and asked participants about the best ways to keep information up to date on toll accounts. Key takeaways include:

- Provide pop-up reminders to update your account information quarterly or when replenishing funds.
- Send text and email reminders to update account information.
- Offer a mobile app to manage account information.
- Automatically update accounts when information is updated with the Oregon Department of Motor Vehicles (DMV).

Key differences between groups
- Participants from the Chinese focus group were concerned about phone scams and preferred to receive information by mail because it seemed more legitimate.
- Participants in the People with Disabilities focus group expressed their desire for the website and application to be WCAG certified, in order to be able to easily update their information.

- Participants in the Vietnamese and Slavic focus groups were interested in updating toll account information automatically, through the DMV.
- Participants in the Vietnamese and BIPOC focus groups suggested using pop up reminders to prompt people to update their information.

Key similarities among groups
- Participants in most groups were concerned about protecting personal information when signing up for accounts, paying for toll bills, or enrolling in the Low-Income Toll Program.

Toll payment process

We shared ODOT's draft plan for collecting payments and asked participants about the best communication methods to let people know about payment options. Key takeaways include:

- Employ customer service agents that speak different languages.
- Provide notices and bills in multiple languages.
- Send text and email reminders to pay toll bills.
- Concerns about receiving a surprise toll bill in the mail when someone borrows a car.
- Post on social media to remind people to pay toll bills.
- Concerns about using phone calls as a primary method of contact due to phone scams.
- Concerns that unpaid tolls could jeopardize citizenship status.

Key differences between groups
- Participants from the Slavic focus group preferred to be contacted by email. Participants shared that they do not answer phone calls from unknown numbers and do not read physical mail.
- Participants from the Latinx focus group were concerned about receiving surprise toll bills if someone borrowed their car.
- Participants in the Black and African focus group were concerned that unpaid toll bills could jeopardize someone's citizenship status.

Key similarities among groups
- In general, focus group participants were interested in a variety of contact options, including mail, text, email, and phone. They shared that the method depended on the age of the customer, digital literacy, and perceptions of legitimacy.

Discounts and exemptions

We shared ODOT's draft plan for discounts and exemptions and asked participants about the best ways to provide income information. Key takeaways include:

- Questions from individuals that would qualify for a discount about if they could apply their discount to rideshare services and different vehicles.
- Provide more details on how data will be protected.
- Preference to use proof of enrollment in existing programs to qualify for a discount.
- Interest in using government assistance programs, Medicare and Medicaid, bank statements, employee verification letters, and paystubs to qualify for a discount.
- Concerns about the lack of verification options for people that are undocumented or unable to work.
- Concerns that people who are undocumented do not qualify for programs used to provide income information, like the Supplemental Nutrition Assistance Program.
- Interest in distributing vouchers for people that are undocumented.
- Interest in providing exemptions for members of Federally Recognized Tribes, refugee and immigrant communities, and people living with disabilities.

Key differences between groups

- Participants in the People with Disabilities focus group use rideshare programs and were concerned about applying a discount to different vehicles.
- Participants in the Black and African focus group were interested in providing bank statements or employee verification letters to qualify for the Low-Income Toll Program.
- Participants in the Black and African focus group were concerned about undocumented individuals providing personal information to register for a toll account or the Low-Income Toll Program.
- Participants in the BIPOC focus group were interested in exemptions for refugee and immigrant communities, and people living with disabilities.
- Participants in the Native American and Tribal focus group were interested in an exemption for tribes.

Key similarities among groups

- Most participants preferred providing proof of enrollment in a different program to qualify for the Low-Income Toll Program.

Next Steps

Feedback from the Community Engagement Liaison Focus Groups was shared with the Statewide Toll Rules Advisory Committee (STRAC) during their September meeting. Input from the focus groups will be used to inform draft rules and operations for tolling. To-date, the following solutions have been developed to respond to community feedback:

- Low-income toll program on day one of tolling.
- Pay online, by mail, or in-person with credit, cash, or check.
- Multiple options to enroll and in-person and assistance available in many languages.
- Addresses and photos of license plates and vehicles will only be used for billing.

Focus Group Summaries
Vietnamese Focus Group

Vietnamese Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Vietnamese Community	Thi Luong	July 25, 2023,	5:30 – 7pm	16 (7 staff, 9 participants)

Themes that commonly appeared in the Vietnamese focus group included maintaining an account balance, ease of signing up, and accessible materials.

Maintaining an Account Balance. Participants were concerned about maintaining sufficient funds in their toll account to cover their trips. They were interested in paying for tolls in a variety of ways including setting up automatic payments, using a monthly pass, or being billed at the end of the month.

Ease of Signing Up: Participants shared the importance of providing language assistance services to help individuals with limited English proficiency register for toll accounts. Participants suggested partnering with community-based organizations to assist with the registration process and providing registration services at community events, grocery stores, and other community spaces.

Oregon Department of Transportation

Accessible Materials. Participants noted that materials need to be available in different languages. Participants suggested including a notification on envelopes or postcards that is easily recognizable in different languages to ensure people do not discard mail.
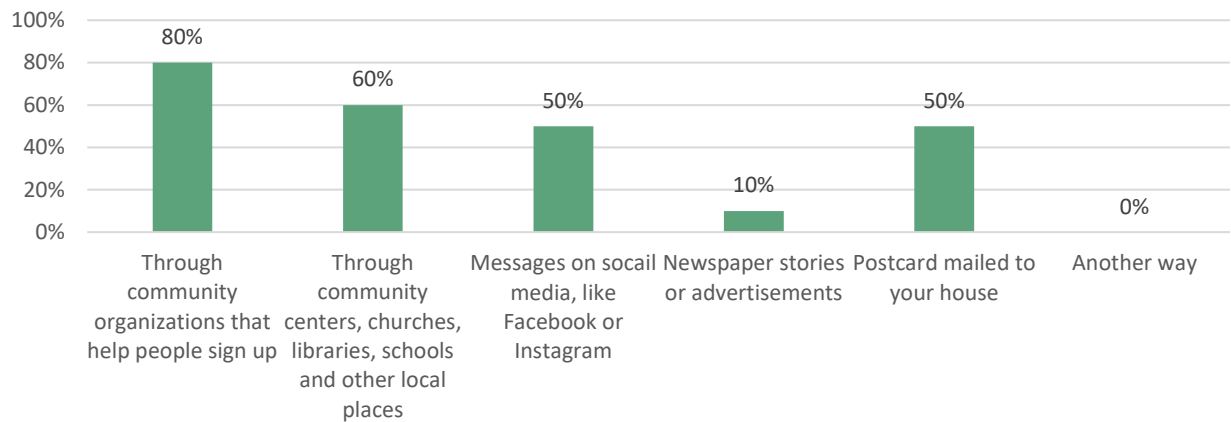
Vietnamese Discussion Group Summary

Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants were hesitant about signing up for a prepaid toll account. They felt that setting up automatic payments would be easier than replenishing the account with funds and didn't want to worry about their balance. Participants were interested in purchasing a monthly pass or being billed at the end of the month. • Participants shared that providing in-person account services in different languages would be helpful for seniors and individuals with limited English proficiency.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants suggested providing signage on the highway near toll gantries with information about how to sign up for a toll account and pay your toll bill. • Participants suggested mailing information in various languages and helping people register for accounts at community events, grocery stores, and community-based organizations. • Participants suggested providing incentives to get community members to sign-up for accounts.
What are ways to get and keep up-to-date information on toll accounts?	• Participants suggested automatically updating toll accounts when information with the DMV changes. • Participants suggested using a quarterly pop-up or a reminder when replenishing funds to update personal information.

Discussion Group Summary	
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants shared that the best way to alert someone of an overdue payment would be by mail. Mailings should be in various languages with a notification on the envelope to prompt people to open it. Text messages and emails would also be effective ways for someone to find out that they were missing a payment. • Participants suggested using social media posts to remind people to check their accounts, so they don't miss payments. • Customer service should be available in multiple languages. Participant shared that automated systems are often challenging for individuals with limited English proficiency.
What is the best way for people to provide income information? (multiple choice)	• Participants shared that community members may be hesitant to provide information to government agencies, especially after the DMV breach. It's important to share how data will be protected. • Participants were supportive of providing proof of enrollment in another low-income program to qualify.

Vietnamese Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.

- Through community organizations that help people sign up: 80%
- Through community centers, churches, libraries, schools and other local places: 60%
- Messages on social media, like Facebook or Instagram: 50%
- Newspaper stories or advertisements: 10%
- Postcard mailed to your house: 50%
- Another way: 0%

Vietnamese Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.
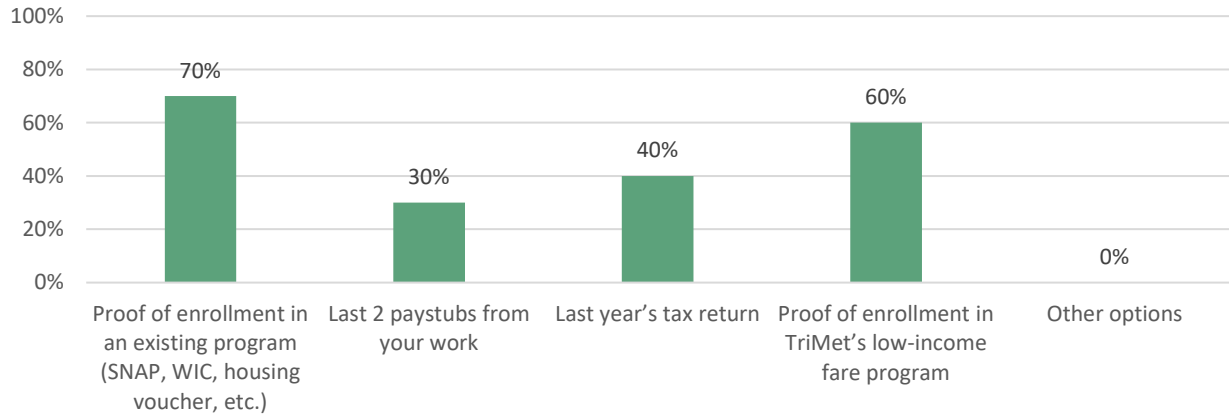
People with Disabilities Focus Group

Table 6-1 People with Disabilities Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
People with Disabilities	Trevor Attenberg	August 7, 2023, | 5:30 – 7pm	10 (4 staff, 6 participants)

Themes that commonly appeared in the People with Disabilities focus group included rideshare considerations, accessibility, and income verification.

Rideshare Considerations. Many participants rely on various vehicles and drivers, making it difficult to cover the tolls, especially if the cost varies. Participants were concerned about not being able to transfer a discount to different cars or ride services.

Accessibility. Participants shared the importance of providing information orally, in the form of short videos, and ensuring all platforms used WCAG (Web Content Accessibility Guidelines).
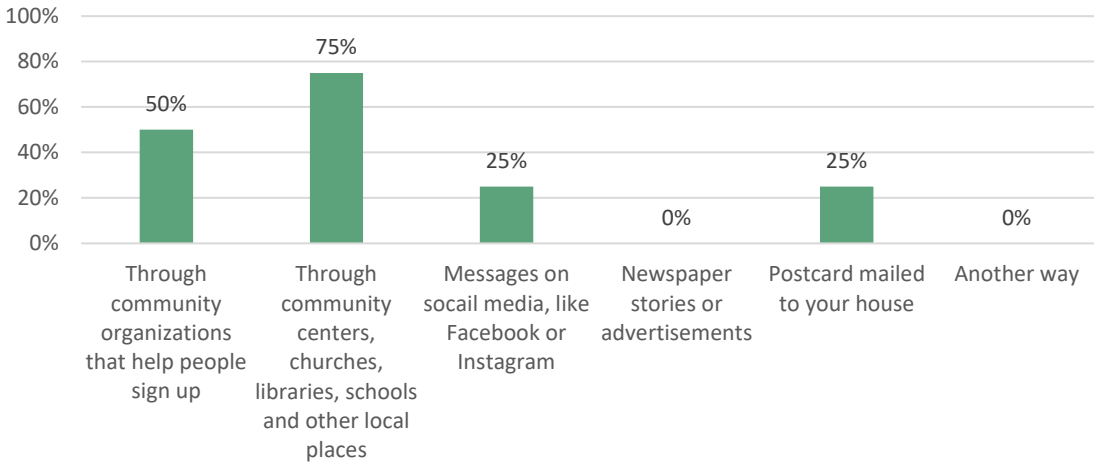
Income Verification. Participants felt that existing discount programs could be used to qualify for the Low-Income Toll Program. Participants were interested in exemptions for people living with disabilities.

People Living with Disabilities Discussion Group Summary Figure

Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants were interested in learning how a discount could be applied to different cars and ride services. • Participants were interested in why a pre-paid account would cost less.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants expressed that information should be shared orally, via short videos, in addition to written formats. Participants recommended using Washington's Good to Go program as a model. This program eliminates late fees for account holders.
What are ways to get and keep up-to-date information on toll accounts?	• Participants shared that they would be hesitant to provide personal information because of the recent DMV data breach. • Participants stressed that the toll website or application needs to meet Web Content Accessibility Guidelines (WCAG). Participants clarified that apps are not always WCAG regulated. Captcha also creates accessibility issues.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants shared that text messages and emails are the most reliable methods of communication. Emails and phone calls are also good notification options.
What is the best way for people to provide income information? (multiple choice)	• Participants mentioned numerous programs that could be used to qualify for the Low-Income Toll Program, including Oregon Health Plan (OHP), Supplemental Security Income (SSI), and Social Security Disability Income (SSDI). Participants shared that connecting Home Care Services and determining eligibility regardless of income would make tolling more inclusive. • Participants shared that public transit is not accessible to many people living with disabilities. • Participants were concerned about the amount of information needed to sign up for the Low-Income Toll Program. Participants were interested in registering for the Low-Income Toll Program using government assistance programs as a qualifier.

People Living with Disabilities Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.

Through community organizations that help people sign up: 50%

Through community centers, churches, libraries, schools and other local places: 75%

Messages on social media, like Facebook or Instagram: 25%

Newspaper stories or advertisements: 0%

Postcard mailed to your house: 25%

Another way: 0%

People Living with Disabilities Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.

Proof of enrollment in an existing program (SNAP, WIC, housing voucher, etc.): 80%

Last 2 paystubs from your work: 40%

Last year's tax return: 0%

Proof of enrollment in TriMet's low-income fare program: 60%

Other options: 20%
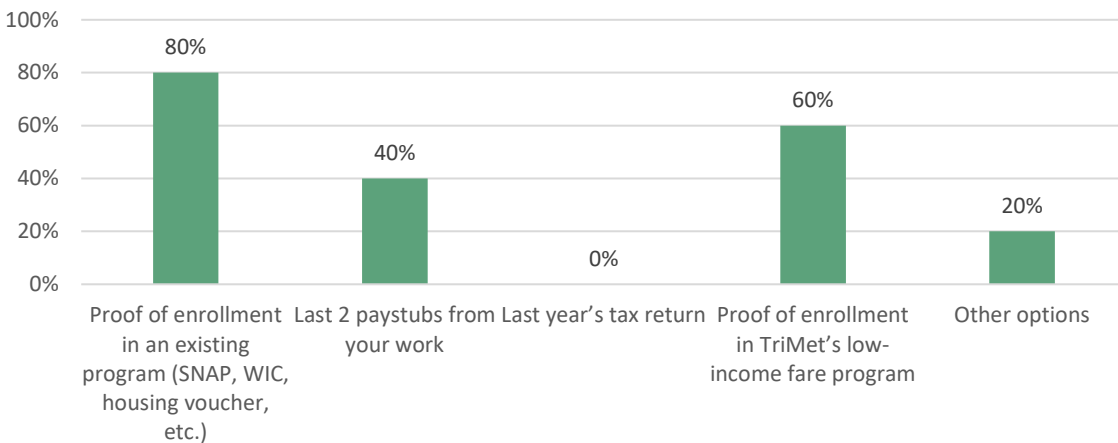
Chinese Focus Group

Chinese Community Focus Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Chinese Community	Yvonne Li	August 8, 2023, | 5:30 – 7pm	15 (3 staff, 12 participants)

Themes that commonly appeared in the Chinese Community focus group included privacy concerns and ease of use.

Privacy Concerns. Participants expressed concerns about providing personal information that would be stored on a database and linking credit or debit cards to an account. Participants would prefer to use enrollment in existing programs to qualify for a discount and to manually reload their accounts to limit security risks.

Ease of Use. Participants shared the importance of creating user-friendly communications, websites and apps. Participants preferred a variety of communication methods and agreed that all communications must be provided in multiple languages.

Chinese Discussion Group Summary

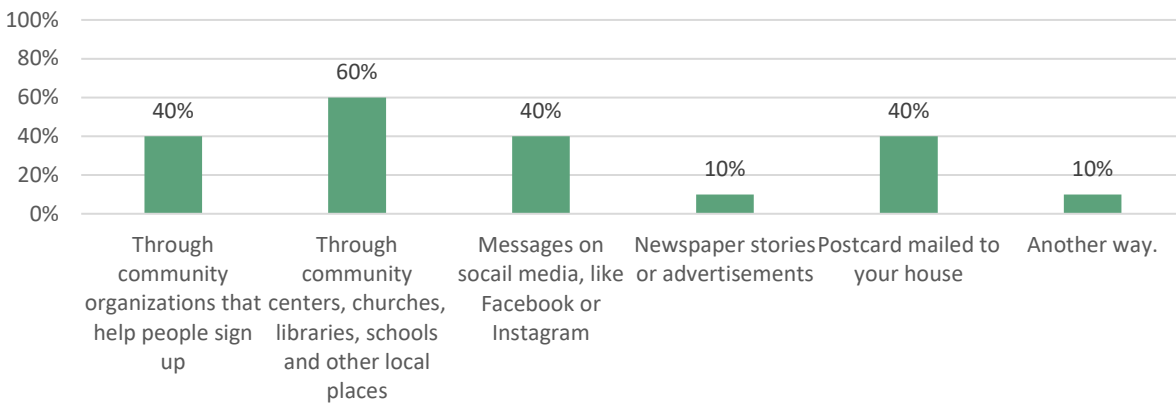| Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants shared that they would sign up for the pre-paid account because of the lower cost. • Participants shared that it would be helpful to receive an automatic reminder to add money to their toll account when their balance was low. • Some participants were concerned about connecting their account to a credit or debit card because of the recent DMV data breach. Participants shared that they would prefer to reload their toll accounts manually, rather than have their information stored in the system.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants shared that in-person communication options and assistance for account registration would be beneficial for individuals with limited English proficiency. • Participants recommended using culturally specific social media accounts to share information, like WeChat. • Participants preferred receiving information in the mail because it would seem more legitimate coming from a government agency.

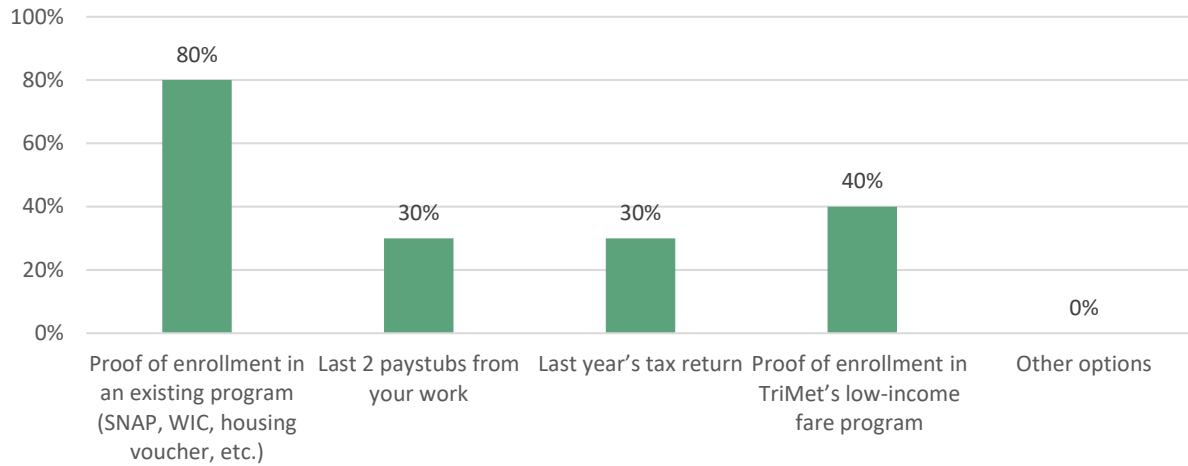| Discussion Group Summary	
What are ways to get and keep up-to-date information on toll accounts?	• Participants were supportive of using an app because it would be easy to use and convenient. • Participants would prefer a centrally located place where they could find information about where the tolls were, how far away they were from their location, and what the cost would be. • Some participants were supportive of receiving text or email alerts.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants preferred mailed notices because they seem more legitimate and would not be discarded. Participants recommended providing information in multiple languages. • Some participants were not supportive of phone notifications, given the number of phone scams. Participants felt that a phone service would confuse people and open them up to further fraud opportunities.
What is the best way for people to provide income information? (multiple choice)	• Participants believed it would be best to share proof of enrollment in existing programs to qualify for a discount program. Participants did not feel comfortable providing personal information to a database.

Chinese Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.

Chinese Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.

Proof of enrollment in an existing program (SNAP, WIC, housing voucher, etc.)	80%
Last 2 paystubs from your work	30%
Last year's tax return	30%
Proof of enrollment in TriMet's low-income fare program	40%
Other options	0%

Latinx Focus Group

Latinx Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Latinx Community	Romeo Sosa	August 9, 2023,	5:30 – 7pm	19 (3 staff, 16 participants)

Themes that commonly appeared in the Latinx focus group included concerns about surprise toll bills, partnering with community-based organizations, and sharing information about tolling.

Surprise Toll Bills. Participants were concerned about someone borrowing their car and acquiring unknown toll bills. To avoid this, participants shared that they would register for a toll account.

Partnering with Community-Based Organizations. Participants were concerned about making mistakes when using the online toll account system. Participants would prefer to visit community-based organizations for help with registering, paying, and updating information.

Sharing Information. Some participants had never heard about the Oregon Toll Program. Participants recommended sharing more information about tolling to build trust with the community.

Oregon Department of Transportation

Table 6-2 Latinx Discussion Group Summary

| Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants shared that they would sign up for a toll account if the cost was lower. • Participants were concerned about surprise toll bills if someone borrowed their car. To prevent this, participants agreed that they would open a toll account.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants would prefer to register for a toll account through trusted community-based organizations. They felt that these organizations would help them avoid language-based errors. • Participants suggested sharing information about tolling through social media and the mail.
What are ways to get and keep up-to-date information on toll accounts?	• Participants shared that they prefer email and text communications because they are quick and easy. • Some participants mentioned that they would not feel comfortable giving out their mailing address for communications.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants shared that an app with notifications would allow for real-time updates. Several participants shared that they would prefer email or text message notifications because they would not need to download an app.
What is the best way for people to provide income information? (multiple choice)	• Participants shared that they would prefer using the last two paystubs or enrollment in an existing discount program to apply for the Low-Income Toll Program. • Participants felt that community members who live or work on the I-205 should receive a special toll rate.

Latinx Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.
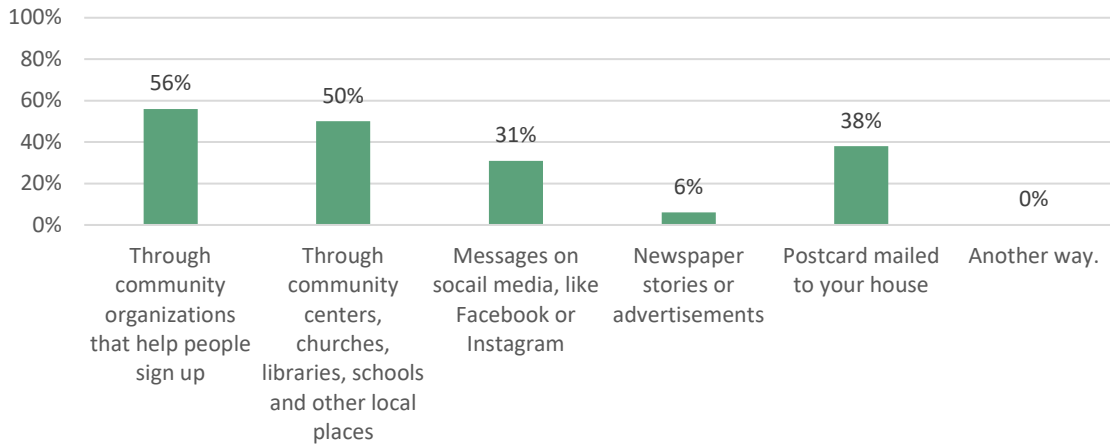
Latinx Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.
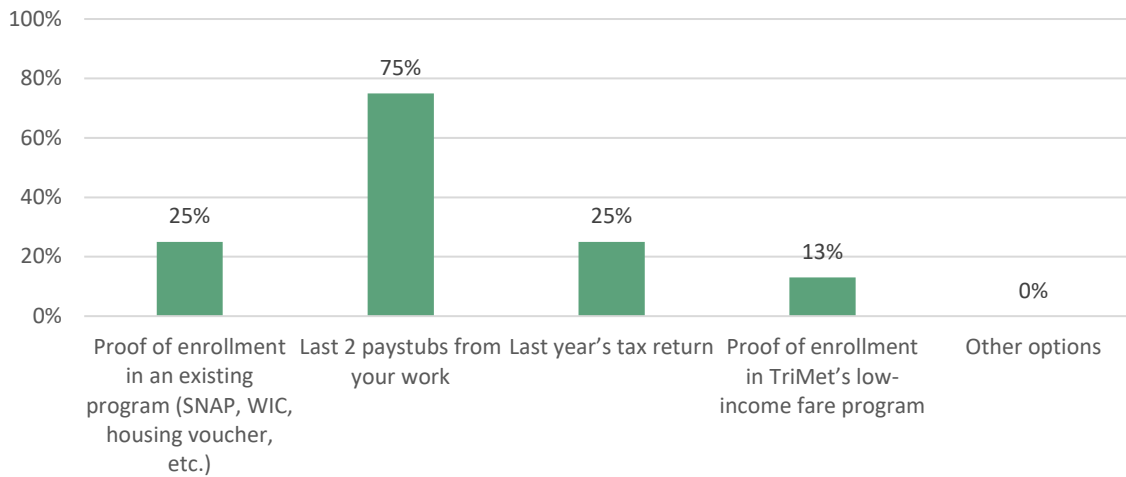
Black and African Focus Group

Black and African Focus Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Black and African Community	Roseline Yunusa-Vakkai	August 11, 2023, | 5:30 – 7pm	14 (3 staff, 11 participants)

Themes that commonly appeared in the Black and African focus group included income verification, community partnerships, and citizenship barriers.

Income Verification. Participants shared concerns with income verification options for the Low-Income Toll Program. Many assistance programs have qualifiers that are not accessible to immigrants. Participants suggested that community-based organizations could distribute toll vouchers to individuals that meet income requirements but may not qualify for the Low-Income Toll Program.

Community Partnerships. Participants suggested partnering with community-based organizations to assist with signing up for toll accounts and maintaining toll account information. Participants shared that they trust community-based organizations to handle their personal information with care.

Citizenship barriers. Participants expressed concerns that unpaid toll bills could impact applications for citizenship. Participants were also concerned about undocumented individuals providing information to the government.

Table 6-3 Black and African Discussion Group Summary

Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants shared that they would sign up for a pre-paid account if it was the lowest price. • Participants suggested incentivizing signing up for a pre-paid account with a bonus or extra funds.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants recommended providing account services at stores to replenish toll account or pay toll bills. • Participants agreed that providing information through social media, billboards, or community gathering spaces is the best way to reach a broad audience. • Participants recommended providing account services through churches, libraries, and schools.

Discussion Group Summary	
What are ways to get and keep up-to-date information on toll accounts?	• Participants suggested using a variety of options to keep information up to date to appeal to different ages and demographics. • Participants suggested partnering with community-based organizations to assist the community with keeping toll account information up to date.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants were concerned that unpaid tolls could jeopardize their citizenship status.
What is the best way for people to provide income information? (multiple choice)	• Participants were concerned that people who are unemployed or unable to work would not have W-2s or paystubs and would not qualify for the Low-Income Toll Program. • Participants suggested providing community-based organizations with toll vouchers. This would be especially beneficial for undocumented individuals that may not qualify for the Low-Income Toll Program. • Participants suggested that bank statements or employee verification letters also be considered for the Low-Income Toll Program verification. • Participants expressed concerns about undocumented individuals providing personal information to register for a toll account or the Low-Income Toll Program.

Figure 6-1 Black and African Discussion Group Zoom Poll 1

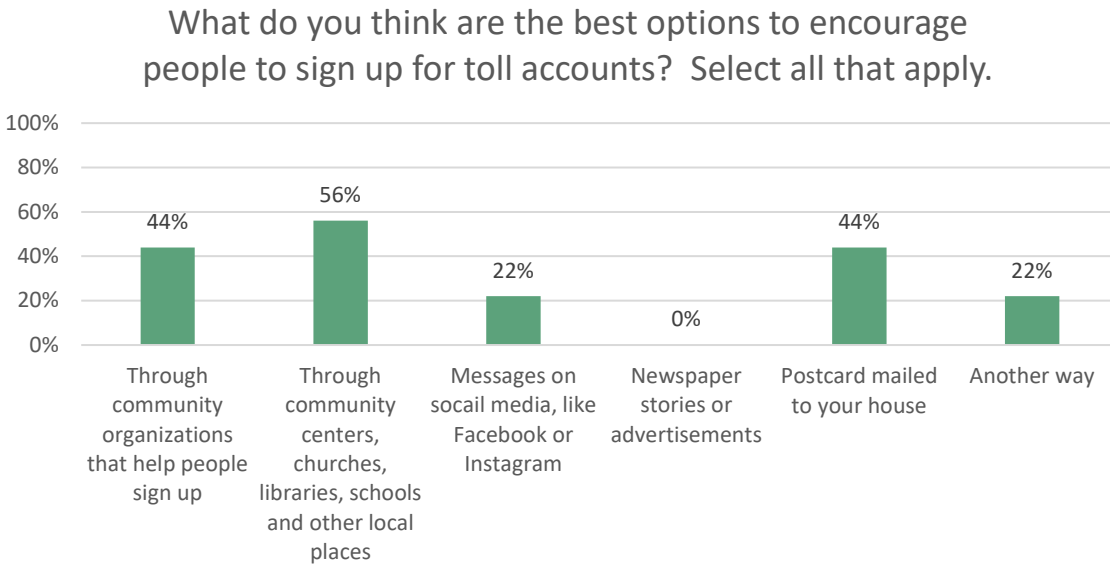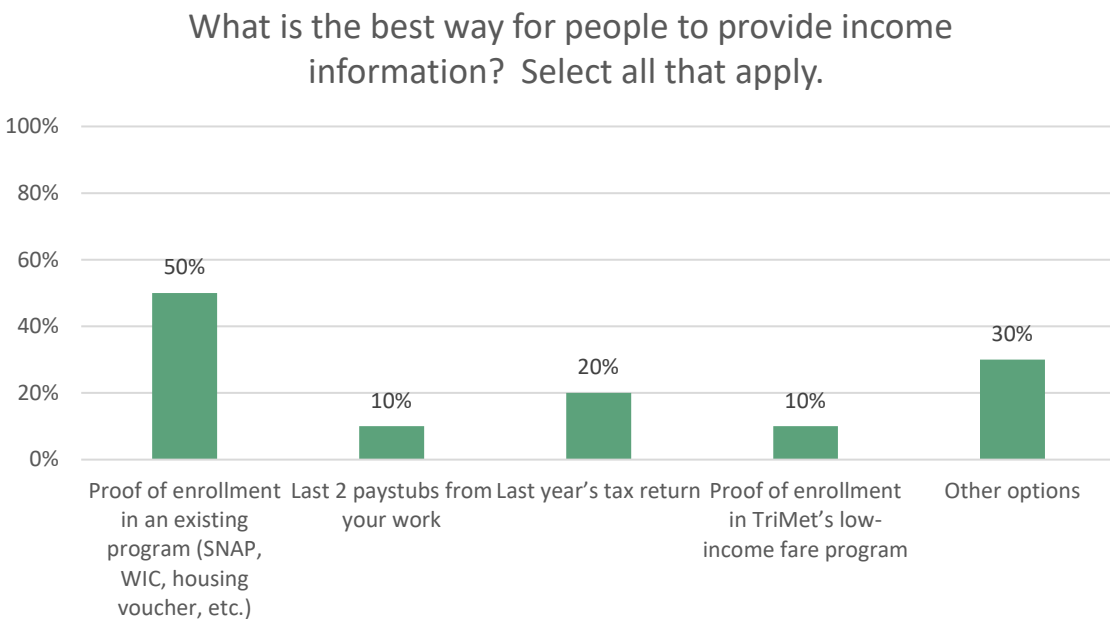### What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.

Figure 6-2 Black and African Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.

Racial and/or Ethnic Minority (BIPOC) Focus Group

Table 6-4 BIPOC Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Racial and/or Ethnic Minority (BIPOC) Community	Lung Wah Lazum	August 11, 2023, | 5:30 – 7pm	18 (4 staff, 14 participants)

Themes that commonly appeared in the BIPOC focus group included ease of access and frequent notifications.

Ease of Access. Participants were concerned that registering for a toll account would be difficult and suggested making the program as easy to access as possible. Participants suggested developing visual aids and informational materials to guide enrollment. Participants preferred using an app because it would be easy to understand and navigate.

Frequent Notifications. Participants expressed their desire to have all aspects of the tolling account be as quick and easy as possible. Participants wanted notifications to be sent through an application or email immediately after a toll was passed without payment. Participants recommended advertising for the accounts on social media so that they could register immediately after seeing the post.

Table 6-5 BIPOC Discussion Group Summary

Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants shared that they would choose the option that was the lowest price. Participants were frustrated that the pre-paid option would cost the least because not everyone has extra money to add to an account. • Some participants were concerned that signing up for the program might be difficult. • Participant wanted to know if account funds would expire after a certain amount of time.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants agreed that the best ways to reach a broad audience would be through social media, billboards, or community gathering spaces. • Participants suggested using advertisements on social media with information about how to register for an account. Participants also liked the idea of registering at a church, library, or school to avoid errors.

Discussion Group Summary	
What are ways to get and keep up-to-date information on toll accounts?	• Participants were interested in using an app to access information. Some participants expressed concern that not everyone would be able to use apps, and they would prefer email or mail. • Participants suggested providing daily email of push notifications about account activities.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants shared that app and email notifications would be the best options to remind someone their toll payment is coming up or to notify someone that they missed a payment. Mail and phone notifications could also be used. Participants expressed that they would want to receive a notification immediately after they missed a payment. • Participants suggested providing a penalty for late payment to incentivize people to make their payments on time. They noted that the penalty should not be expensive.
What is the best way for people to provide income information? (multiple choice)	• Participants shared that the best option was to use proof of enrollment in another program to qualify for the Low-Income Toll Program. • Participants listed Medicaid and Medicare as additional programs to consider for enrollment. • Participants were interested in providing exemptions for low-income, refugee, and immigrant communities and people living with disabilities.

Figure 6-3 BIPOC Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.

Through community organizations that help people sign up: 40%
Through community centers, churches, libraries, schools and other local places: 53%
Messages on social media, like Facebook or Instagram: 47%
Newspaper stories or advertisements: 20%
Postcard mailed to your house: 20%
Another way: 7%

Figure 6-4 BIPOC Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.
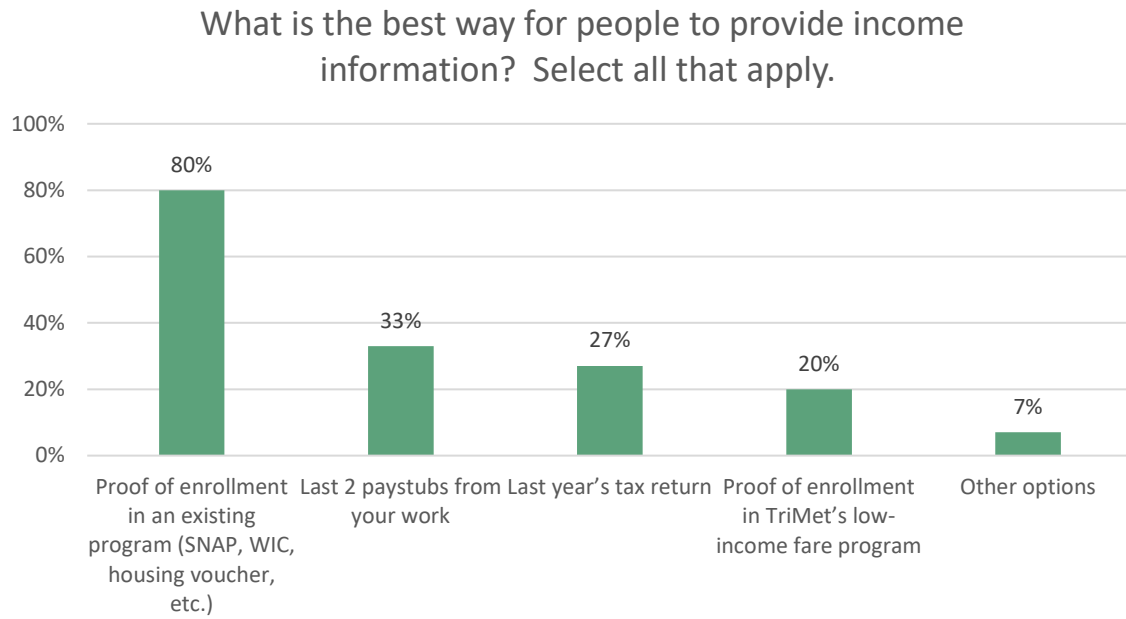
Slavic Focus Group

Table 6-6 Slavic Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Slavic Community	Hanna Grishkevich	August 14, 2023,	5:30 – 7pm	18 (3 staff, 15 participants)

Themes that commonly appeared in the Slavic focus group included the cost burden of tolling and toll notifications.

Cost Burden. Participants were concerned that the people who would most be impacted by tolls would be middle class families that frequently drive on tolled roads. Participants suggested there be exceptions for trips for school and work related activities.

Toll Notifications. Participants shared their concern about missing communications relating to tolling. Participants mentioned that they do not read mail that could be perceived as "junk" and do not answer phone calls from unknown numbers. They suggested using billboards and social media posts to remind community members to look at their tolling account would prevent missed communications.

Table 6-7 Slavic Group Summary

Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants were interested in signing up for a toll account to pay the lowest price. • Participants were concerned about the cost of the toll, especially those that travel on roads that would be tolled up to 5 times per day for work. • Participants noted that they would prefer to pay in person for the toll, if they did not have money on their account, rather than receive a bill in the mail.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants suggested advertising on billboards to inform people that there will be tolls in advance of driving through them. Participants noted that the message should be short and informative. • Participant shared that advertising on social media would help reach a wider audience and would help keep the community informed about any changes or updates.

| Discussion Group Summary	
What are ways to get and keep up-to-date information on toll accounts?	• Participants would treat toll bills similar to other bills, with the understanding that they would have to keep their information up to date. • Participants suggested working with the DMV to keep information up to date.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants shared that email is the best form of contact. People do not answer calls from unknown numbers and may dispose of mail. • Participants mentioned that having a way to pay for the toll in person would prevent people missing a payment.
What is the best way for people to provide income information? (multiple choice)	• Participants were concerned that providing the last two paystubs would not work for someone whose employment was recently terminated. They suggested providing a letter of unemployment to be eligible for immediate assistance.

Figure 6-5 Slavic Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.
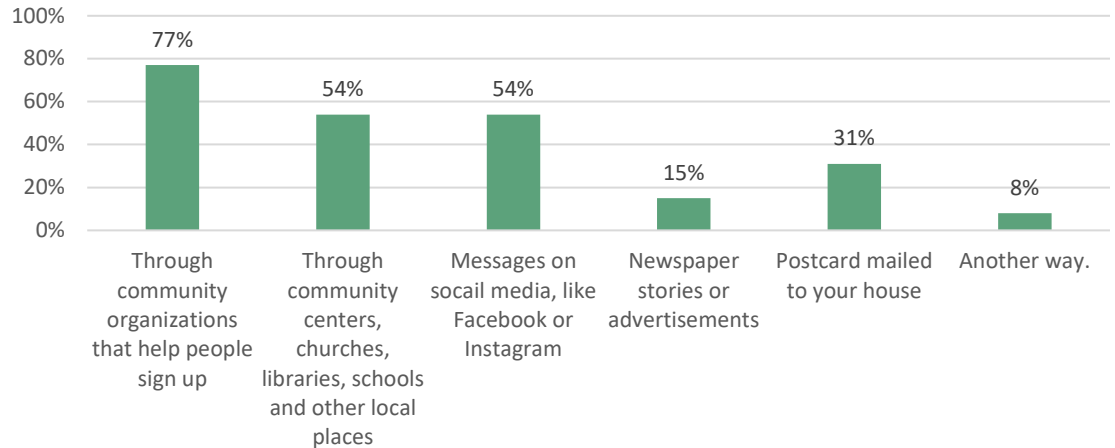
1 Figure 6-6 Slavic Discussion Group Zoom Poll 2

What is the best way for people to provide income information? Select all that apply.
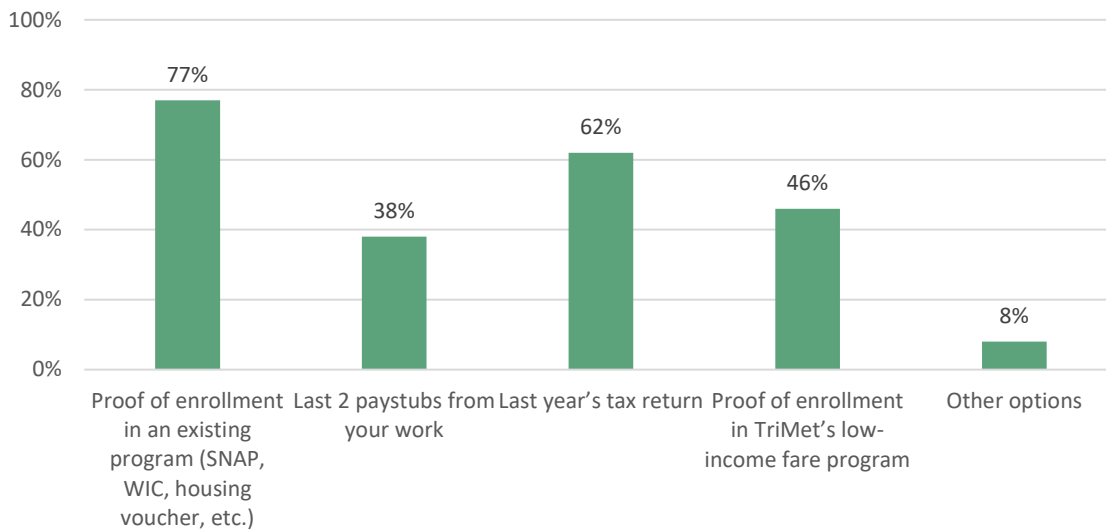
Tribal and Native American Focus Group

Tribal and Native American Group Summary – Facilitator, Date, Time, Attendees

Focus Group Audience	Facilitator	Date & Time	Number of Attendees
Tribal and Native American Community	Daria Bingham	August 17, 2023, | 5:30 – 7 pm	10 (5 staff, 5 participants)

Themes that commonly appeared in the Native American focus group included privacy concerns, using a variety of communications methods, and exemptions for tribal members.

Privacy Concerns: Participants expressed distrust for government agencies and concerns about the recent DMV data breach. Participants shared that they would be hesitant to provide personal and income information to sign up for an account or enroll in a discount program.

Communications Methods. Participants recommended using a variety of communication methods to reach audiences of different ages including push notifications, email and text updates, and mailed information.

Exemptions for Tribal Members. Participants shared multiple times that they believed members of the federally recognized tribes should be exempt from tolling. They stated that this would be a way to establish more trust with the members and to help their community.

Table 6-8 Tribal and Native American Discussion Group Summary

Discussion Group Summary	
Question	**Key Themes**
If you signed up for a toll account and put money in your account, you would get the best deal. Is this something you would consider doing?	• Participants mentioned that they did not trust ODOT to protect their information from data breaches. However, they would likely register for the toll account if it was the best deal. • Participants shared that the online account system would be difficult to access for seniors or others that are not technologically savvy. • Some participants shared that they would actively avoid tolls by driving on other roads.
What do you think are the best options to encourage people to sign up for toll accounts? (Multiple choice)	• Participants were interested in seeking help from community-based organizations when registering for an account. Participants were concerned that assisting the community with toll registration would create too much work for the community-based organizations and suggested providing compensation. • Participants suggested working with the Native American Youth and Family Center (NAYA), the Confederated Tribes of Siletz Indians, JOIN, Indian Health Services, and Impact NW.

Discussion Group Summary	
What are ways to get and keep up-to-date information on toll accounts?	• Participants shared that a text or email would be the best way to keep information up to date. Participants also suggested using push notifications to remind people to update their information. • Participants shared that many people have P.O. Boxes and are not able to check them frequently so an electronic notification would be the most helpful.
We know that there are many reasons why someone might miss a toll payment. What are the best communication methods to let people know about payment options?	• Participants mentioned that young people would prefer text and email reminders, but older people would prefer mailed or in-person information.
What is the best way for people to provide income information? (multiple choice)	• Participants shared that proof of enrollment in a state program would be the best way to apply for the Low-Income Toll Program. • Participants were concerned about providing personal information to register for the program that could be susceptible to a data breach.. • Participants felt strongly that members of Federally Recognized Tribes should be exempt from paying tolls. Membership could be confirmed through the tribes or through the school system.

Figure 6-7 Tribal and Native American Discussion Group Zoom Poll 1

What do you think are the best options to encourage people to sign up for toll accounts? Select all that apply.

Option	Percent
Through community organizations that help people sign up	80%
Through community centers, churches, libraries, schools and other local places	60%
Messages on social media, like Facebook or Instagram	60%
Newspaper stories or advertisements	40%
Postcard mailed to your house	40%
Another way.	40%
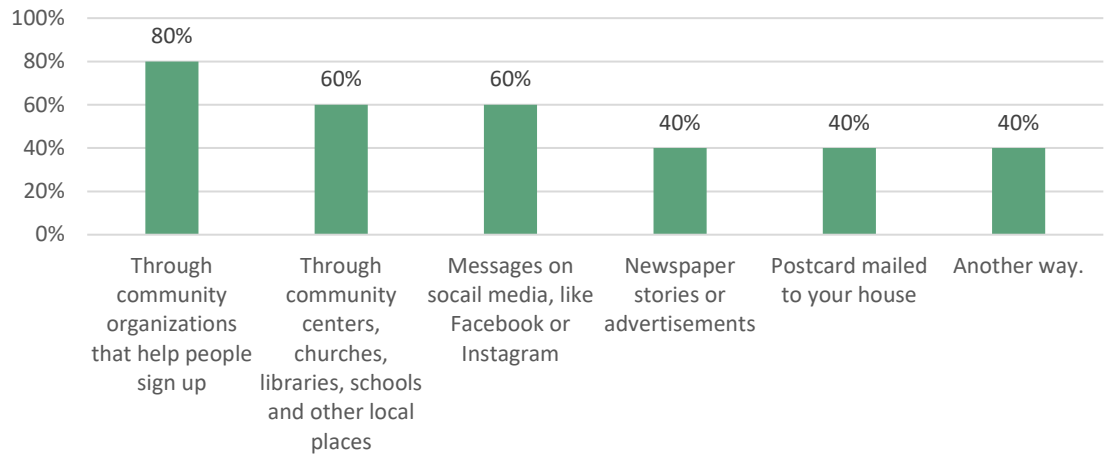
Figure 6-8 Tribal and Native American Discussion Group Zoom Poll 1

What is the best way for people to provide income information? Select all that apply.

Option	Percent
Proof of enrollment in an existing program (SNAP, WIC, housing voucher, etc.)	60%
Last 2 paystubs from your work	20%
Last year's tax return	20%
Proof of enrollment in TriMet's low-income fare program	60%
Other options	20%
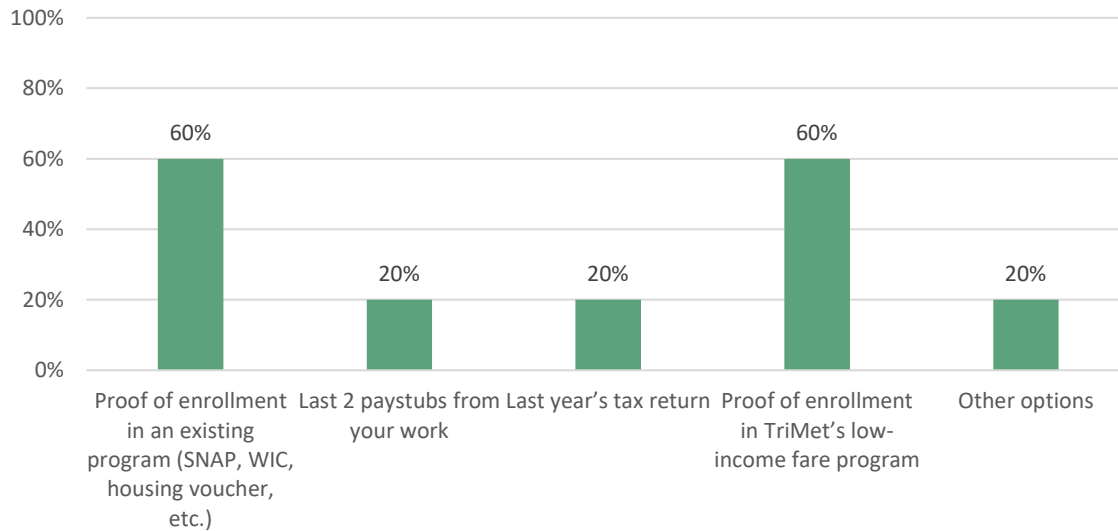
Trucking

September 27 Webinar Attendees	October 25 Webinar Attendees
Associated General Contractors Oregon Chapter	AGC Oregon
Bestpass	Bestpass
Boshart Trucking	Boshart Trucking
Combined Transport	Bridgeway
Comdata	CDM Smith
FastCore	Disdero Lumber Company
Hill Meat Company	Hill Meat Company
Hughes Fire Equipment	Hughes Fire Equipment
Identity Clark County	Iwasaki Bros
JJ Keller	Lile Relocation Services
PGN	Market Express
Premier Truck Group	Oregon Beverage Recycling Cooperative
Providence	Oregon Trucking Online
Quality Trading Co	Port of Portland
RSB Logistic Group	Premier Truck Group
Ryder	Providence
Schneider Electric	Quality Trading USA
Signature Transport Inc	Sunstate Equipment
Tillamook	Thornrun
Waste Connections	Tillamook
Waste Management	

September 27 Commerce and Compliance Division Brown Bag Webinar

Subject	Commerce and Compliance Division Brown Bag Webinar
Date and Time	September 27, 2023 12:00 pm – 1:00 pm PST
Location	Virtual Teams Meeting
Attendees	25
Staff, Presenters, and Committee Members	James Buell (ODOT), Michelle Bowlin (ODOT), Elisha Brackett (ODOT), Jennifer Galvin (ODOT), Philip Grant (ODOT), Sven Johnson (ODOT), Chuck Larsen (ODOT), Jason Lawrence (ODOT), Renee Mercado (ODOT), Phil Miller (ODOT), Kim Ostrin (ODOT), Carla Phelps (ODOT), Tamera Prince (ODOT), Garet Prior (ODOT), Amy Ramsdell (ODOT), Howard Russell (ODOT), Ryan Sinks (ODOT), Hannah Williams (ODOT), Yvonne Wolf (ODOT), Sylvia Ciborowski (Kearns & West), Kirsten Hauge (Kearns & West), Ellen Palmquist, (Kearns & West), Amira Streeter (Kearns & West), Josh Channell (WSP)

Materials
- Annotated agenda
- Presentation slides

Attendee	Organization
Angela Anderson	RSB Logistic Group
Samia Barakat	Ryder
Scott Bishop	Signature Transport Inc
Brant Boyer	NA
Tom Campbell	NA
Mike Card	Combined Transport
Eric Carlson	JJ Keller
Laura Cook	Providence
Julie Doney	FastCore
Matt Eide	Quality Trading Co
Katie Kawasoe	Hill Meat Company
Tanner Lloyd	Associated General Contractors Oregon Chapter
Pat McHugh	Tillamook
Jo Moody	PGN
Megan Pearl	Comdata
Sean Philbrook	Identity Clark County
Marge Reed	NA
Mary Richards	Bestpass
John Schmitz	Premier Truck Group
Hedie Schulte	Boshart Trucking
Sheryl Sherry	Schneider Electric
Alvara Stroh	Waste Management
Sheri Taylor	Hughes Fire Equipment
Audra Tiller	Waste Connections
Margaret Valdez	Waste Management

Event Summary

The Commerce and Compliance Division (CCD) Brown Bag Webinar began at 12:00 pm on Wednesday, September 27, 2023. The objectives of the webinar were to:

- Share an overview of the Oregon Toll Program and project updates.
- Gain feedback on the tolling approach to enrollment and compliance for commercial accounts. Input will be shared with ODOT and STRAC to inform the rulemaking process and operations development.
- Share information about the rulemaking process and the upcoming October webinar on draft plans for vehicle classification and cost.
- Answer questions about the Oregon Toll Program.

The webinar was open to invited members of the freight community. Attendees registered ahead of time on the CCD website.

The virtual discussion was facilitated by Jason Lawrence, ODOT. The meeting opened with a presentation from Garet Prior, ODOT, on the Oregon Toll Program. Garet Prior and Phil Miller, ODOT, shared additional information about enrollment and compliance followed by time for Q&A and discussion.

Oregon Toll Program Update

Garet Prior shared an overview of the Oregon Toll Program, described how tolling will work, and shared updates on the Regional Mobility Pricing Project, the I-205 Toll Project, and the statewide toll rulemaking process.

Enrollment and Compliance Approach

Garet Prior and Phil Miller presented the draft plan for enrollment and compliance for commercial customers and how it addresses questions and comments from trucking customers. Participants shared the following questions and comments.

Question: Will weight mile tax rates be reduced when tolling is implemented?

- **Response from ODOT:** *ODOT will consider the weight mile tax when setting toll rates for commercial vehicles. There will be a higher toll rate for commercial vehicles.*

Question: Will commercial vehicles have to pay tolls on sections where weight mile tax is also paid?

- **Response from ODOT:** *Yes, ODOT anticipates that this will be an additional fee to use those facilities.*

Comment: How is ODOT balancing exemptions and the Low-Income Toll Program with revenue needs?

- **Response from ODOT:** *Exemptions and the Low-Income Toll Program will be factored into the analysis to understand what toll rates need to be. Initial analysis for the Low-Income Toll Program shows a low impact to revenue generation. ODOT wants to keep administrative costs low for the groups that are exempt from tolling. ODOT is considering exemptions connected to safety, transportation response, equity, and climate needs.*

Comment: Trucking and freight companies are concerned that existing fees are not being spent to expand and modernize roads.

Question: Why can't ODOT increase the fuel tax?

- **Response from ODOT:** *Revenue generation is an ongoing challenge. ODOT feels the needed investments can be delivered with tolling. ODOT will keep administrative costs as low as possible to keep toll costs as low as possible.*

Question: Will there be electronic tolls from the Abernethy Bridge to the I-205 Bridge? I'm familiar with tolls for bridge projects, but this sounds like a new revenue stream.

- **Response from ODOT:** *There will be additional toll gantries along the I-5 and I-205 corridors. ODOT does not know the specific toll gantry locations. The I-205 Toll Project and the Interstate Bridge Replacement Program would use tolls to pay for new infrastructure. RMPP will apply congestion pricing, which means higher tolls would be charged during rush hours and lower (or no) fees would be charged during busy times of day, to reduce congestion. This model is used in New York City as well.*

Question: Does congestion pricing work to reduce traffic?

- **Response from ODOT:** *Congestion pricing has worked for other facilities. ODOT is planning to set toll rates for specific times of day so people can plan their trips in advance. A small change in traffic during peak periods can yield a change in the system. Toll rates would be lower during certain times of day.*

Comment: It would make more sense to add the average cost per mile that commercial vehicles pay in taxes to electric vehicles and bicycles.

Comment: Trucking and freight companies do not have control over delivery windows and often must travel during peak times. Concerned about providing discounts and exemptions for certain users.

- **Response from ODOT:** *ODOT recognizes that tolling will impact business models. A small reduction in the amount of traffic on the road (3-5%) will increase free flowing traffic. ODOT will watch the system closely to optimize toll rates and service offerings.*

Comment: Historically, commercial vehicles have not seen prices decrease. Once rates are set, we assume they will increase.

Next Steps
Garet Prior shared next steps for the rulemaking process and the following opportunities for further engagement:

- Complete a survey for the Regional Mobility Pricing Project from Sept. 26-Oct. 9.
- Join the CCD webinar on October 25 to learn more about the rulemaking process and discuss vehicle rate structures.
- Attend and provide comments at tolling advisory committee meetings.
- Share input on draft rules during the rulemaking public comment period and public hearing in early 2024.

Closing
Garet Prior and Jason Lawrence thanked the attendees for their participation and closed the meeting.

Resources
- September 27 CCD Brown Bag Webinar Recording: https://www.youtube.com/watch?v=VMscjROm7Sw
- Regional Mobility Pricing Project: https://www.oregon.gov/odot/tolling/pages/i-5-tolling.aspx
- I-205 Toll Project: https://www.oregon.gov/odot/tolling/pages/i-205-tolling.aspx
- Statewide Toll Rulemaking Advisory Committee: https://www.oregon.gov/odot/tolling/Pages/Statewide-Toll-Rulemaking-Advisory-Committee.aspx
- Toll Options Survey: https://www.surveymonkey.com/r/69B6FPD
- October Webinar Registration: https://forms.office.com/Pages/ResponsePage.aspx?id=E9CwKLxGZEqNhhyKMc9ZDabDcToRA89JgcYl5eYAkBRUNjFDR0ZSSzJaRlRQQ1VJTEhLQTFEUU1XOC4u

October 19 Motor Carrier Transportation Advisory Committee Summary

Subject	Motor Carrier Transportation Advisory Committee
Date and Time	October 19, 2023, 8:30 a.m. – 10:00 a.m.
Location	Hybrid via Teams and in-person at the Commerce and Compliance Division (CCD)
Project Staff Attendees	Garet Prior (ODOT), Phil Miller (ODOT), Daniel Porter (ODOT), Ellen Palmquist (K&W), Jason Lawrence (ODOT), Eliza Brackett (ODOT), Sven Johnson (ODOT), Boren John (ODOT), Kenneth Stewart (ODOT), Erik having (ODOT)

	Meeting Attendees	Organization/Role
1	Mark Gibson	NA
2	Kaiger Braseth	NA
3	Joseph Gardner	NA
4	Andrew Eno	FMCSA
5	Peter Van Houten	Bobs Metals
6	Tasha Cockreham	Highway Transport
7	Sherry Eidson	Peterson Trucks
8	Diane DeAutremont	Lile
9	Waylon Buchan	CFM PDX
10	Andrew Owens	AM Transport
11	Jana Jarvis	Oregon Trucking Associations, Inc.

* Other in-person attendees are not included.

Questions and Comments Received

Question: Who would be responsible for the toll if a tow truck is towing another vehicle?

- **Response from ODOT:** The intent would be for the vehicle towing to be responsible for the toll. We'll investigate what would happen if there was a toll tag in the vehicle being towed. We will be capturing license plates in addition to the transponders.

Question: Is the length category flexible? The longest log truck we use is 38 feet long.

- **Response from ODOT:** There will be a number of cases that are close to the long length category. ODOT can work with customers on a case-by-case basis to navigate this when they sign up for an account.

Action Items
- Phil/Garet: Look into toll responsibility for tow trucks towing an additional vehicle.
- Garet: Coordinate sharing STRAC packet/materials with MCTAC members for awareness.

October 25 Commerce and Compliance Division Brown Bag Webinar

Subject	Commerce and Compliance Division Brown Bag Webinar
Date and Time	October 25, 2023 12:00 pm – 1:00 pm PST
Location	Virtual Teams Meeting
Attendees	34 participants

Staff, Presenters, and Committee Members	James Buell (ODOT), Elisha Brackett (ODOT), Jennifer Galvin (ODOT), Thomas Parker (ODOT), Chuck Larsen (ODOT), Jason Lawrence (ODOT), Phil Miller (ODOT), Kim Ostrin (ODOT), Carla Phelps (ODOT), Daniel Porter (ODOT), Tamera Prince (ODOT), Garet Prior (ODOT), Amy Ramsdell (ODOT), Ryan Sinks (ODOT), Hannah Williams (ODOT), Sylvia Ciborowski (Kearns & West), Madeline Kane (Kearns & West), Ellen Palmquist, (Kearns & West), Amira Streeter (Kearns & West)

Attendee	Organization
April	NA
Ashley Alcala	Disdero Lumber
Aubrey Staveley	Sunstate Equipment
Callie Weber	Badger State Western, Inc.
Carmen Merlo	Port of Portland
Christine Logue	Oregon Trucking Associations
Danielle	NA
Diane DeAutremont	Lile International Companies
Emily Eckert	Thorn Run Partners
Arti Gupta	CDM Smith
Heather Therriault	NA
Hedie Schulte	Boshart Trucking
Jean Ferl	Mount Shasta Bottling and Distributing
Jeanette Chambers	Sunstate Equipment
Joe Gardner	NA
John Schmitz	Premier Truck Group
Katie Kawasoe	Hill Meat Company
Kirsten Adams	Associated General Contractors Oregon-Columbia Chapter Foundation
Kyle Dickens	Hughes Fire Equipment
Laura Cook	Providence Health & Services
Marge Reed	NA
Marisol Cosme	Bridgeway
Mary Richards	Bestpass
Matt Eide	Quality Trading Co.
Melanie Dabulskis	Hill Meat Company
Mike Card	Combined Transport
Miti	NA
Rachael Howe	Market Express LLC
Sam Nathman	Oregon Beverage Recycling Cooperative
Scott Schriber	Tillamook County Creamery Association
Sean Philbrook	Identity Clark County
Sheri Taylor	Hughes Fire Equipment
Tanner Lloyd	Associated General Contractors Oregon Chapter
Thad Stovall	Iwasaki Bros., Inc.

Event Summary

The Commerce and Compliance Division (CCD) Brown Bag Webinar began at 12:00 pm on Wednesday, October 25, 2023. The objectives of the webinar were to:

- Share an overview of the Oregon Toll Program and project updates.
- Share a summary of what was heard during the September webinar.
- Gain feedback on the tolling approach to vehicle classification and cost for commercial accounts. Input will be shared with ODOT and STRAC to inform the rulemaking process and operations development.
- Answer questions about the Oregon Toll Program.

The webinar was open to invited members of the freight community. 34 attendees registered ahead of time on the CCD website.

- The virtual discussion was facilitated by Jason Lawrence, ODOT. The meeting opened with a presentation from Garet Prior, ODOT, on the Oregon Toll Program. Garet Prior, Daniel Porter, and Phil Miller, ODOT, shared additional information about vehicle classification followed by time for Q&A and discussion.

Oregon Toll Program Update

Garet Prior shared an overview of the Oregon Toll Program and shared updates on the Regional Mobility Pricing Project, the I-205 Toll Project, and the statewide toll rulemaking process.

Vehicle Classification and Cost

Garet Prior, Phil Miller, and Daniel Porter provided background information on the Highway Cost Allocation Study (HCAS). The HCAS is a study that is the main instrument used during legislative sessions to determine changes in weight-mile and fuel taxes and vehicle registration fees. ODOT staff then presented the draft plan for vehicle classification and cost for commercial customers. Participants shared the following questions and comments.

Question: Where is tolling addressed in the HCAS 2023 report?

- **Response from ODOT**: *Link to report appendix with information on tolling: https://www.oregon.gov/odot/tolling/Documents/STRAC%20Meeting%208%20-%20Highway%20Cost%20Allocation%20Study.pdf*

Question: What is ODOT's plan for tolling oversized loads?

- **Response from ODOT**: *The oversized load would need a special permit. Oversized vehicles would be considered heavy vehicles for the purpose of the toll. In Oregon anything over 80,000 lbs. requires a size and weight permit. ODOT has annual or single trip permits depending on the size of the load. Tolling will not require any additional permits. Once enrolled in the system, the company will be billed accordingly.*

Question: Will ODOT restrict the size and weight of vehicles that can use I-5 and I-205?

- **Response from ODOT**: *No, tolling will not add additional restrictions. The Abernethy Bridge will have 19 feet of clearance and there will be minimal changes to I-5, clearance heights.*

Question: Is ODOT proposing to use the toll rates in Exhibit 3 of the HCAS Appendix, or will the base the policy for PCE (Programmatic Categorical Exclusions) be used to set rates?

- **Response from ODOT**: *After the Federal Highway Administration's environmental review process, there will be a six to eight month toll rate setting process. This will include robust public comment and analysis. We will conduct a bonding investment grade traffic and revenue analysis with multiple toll rates studies. Then, the Oregon Transportation Commission (OTC) will adopt a base toll rate.*

Question: What height will toll gantries be? Will oversized loads and large pieces of equipment be able to travel on I-5?

- **Response from ODOT**: *Toll gantries will be 19 ft 1in.*
  - o **Comment**: There are some opportunities to move oversized equipment from Asia through Oregon.
- **Response from ODOT**: *Dimensions and proposed structures have been through the Motor Carrier Transportation Advisory Committee (MCTAC) and ODOT is fairly far along in the design process. Making a change at this point will be a challenge.*

Question: Will revenue from tolling only go to maintenance and operations?

- **Response from ODOT**: *Yes, toll revenue will fund maintenance and operations. For I-205, toll revenue will go to paying for the Abernathy Bridge construction. There will also be required mitigation to address local impacts, as part of the environmental process.*

Question: How will vehicles be identified for billing?

- **Response from ODOT**: *Signing up for an account will be the lowest cost option for customers and the least expensive option to administer. Customers with accounts will have a transponder in their vehicle. Transponders cost less than $1 and are the size of a band aid. ODOT will also have license plate capture technology for billing. In addition to the Oregon DOT program and our partners at Washington DOT, ODOT will be able to accept pre-pass accounts, which support the Weight Station Bypass Program.*

Question: Will tandem tractor trailers be considered heavy vehicles?

- **Response from ODOT**: B*ased primarily on height and length, it will be classified as medium or heavy, if it has a trailer.*

Question: Will plates be read?

- **Response from ODOT**: *Plates will be read. ODOT has not determined which plate type will be read yet.*

Question: How much will the fee be for mailed toll bills?

- **Response from ODOT**: *ODOT is working on this through the rulemaking process and will be transparent about what the fees will be. There will be a mailing and administrative fee. ODOT anticipates approximately $5 per invoice.*

Comment: Fees in Texas are $1.15 and in Southern California, fees are $25 to $50 per bill.

Question: Will occasional travelers be able to pass through without paying a toll?

- **Response from ODOT**: *All unpaid toll bills impact the Highway Trust Fund. ODOT is required to pursue the debt to an extent and does not have authority according to state law to waive the toll bill. However, there are steps built into the process to ensure ODOT is not spending excess money to track down a small toll bill.*

Question: Will the multiplier for medium and heavy vehicles be applied to the total length of the trip or by segment?

- **Response from ODOT**: *For the Abernethy Bridge, there will be one multiplier. For I-5 and I-205, ODOT is still determining if it will be by segment or length of trip.*

Comment: I-66 in Virginia DOT implemented a multiplier by segment rather than by trip and received some backlash.

Closing

Oregon Department of Transportation

Garet Prior and Jason Lawrence thanked the attendees for their participation and closed the meeting at 1:18 pm.

Resources
- Regional Mobility Pricing Project: https://www.oregon.gov/odot/tolling/pages/i-5-tolling.aspx
- I-205 Toll Project: https://www.oregon.gov/odot/tolling/pages/i-205-tolling.aspx
- Statewide Toll Rulemaking Advisory Committee: https://www.oregon.gov/odot/tolling/Pages/Statewide-Toll-Rulemaking-Advisory-Committee.aspx\

Public Comments

Public comments received for STRAC meetings and public notifications:

- January 27, 2023, Meeting Public Comments
- February 24, 2023, Meeting Public Comments
- March 24, 2023, Meeting Public Comments
- April 28, 2023, Meeting Public Comments
- May 26, 2023, Meeting Public Comments
- September 22, 2023, Meeting Public Comments
- October 27, 2023, Meeting Public Comments
- November 17, 2023, Meeting Public Comments

Oregon
Tina Kotek, Governor

Tribal Exemption and Oregon Toll Program: Background, Rationale, and Development of Rules

Background

ODOT proposes providing tribal members and vehicles conducting tribal government business toll-free access to ancestral lands, cultural and religious sites, and hunting, fishing, and gathering sites by extending an exemption from tolls to a specified list of federally recognized tribes that have acknowledged connections to land in Oregon.

In government-to-government consultations with tribal governments on the Urban Mobility Strategy and tolling, tribal representatives requested that tribal government vehicles and members be exempted from tolls. Tribes expressed the importance of not having to pay tolls to access their ancestral lands as well as cultural, hunting, fishing, gathering, cultural, and religious sites.

We are building from the following understanding:
- Federally recognized tribes are sovereign nations. For more information about tribal sovereignty, see the National Congress of American Indians report "Tribal Nations and the United States: An Introduction" and the Oregon Legislative Commission on Indian Services education resource webpage.
- Tribes have historical and cultural ties to resources throughout the state of Oregon.
- Language in the treaties between the federal government (United States) and the Yakama Nation and the Nez Perce Tribe provide a right of free travel and pre-empt tribal members from paying tolls.
- The Oregon Highway Plan Toll Amendment states: "Ensure that rate setting structures and fees are consistent with existing tribal sovereignty or treaty rights and ensure that ODOT undertakes government to government consultation with impacted tribes."

Identifying exempt tribes

A vehicle traveling on tribal business or registered to an enrolled member of the following federally-recognized tribal governments would be exempt from paying a toll on a tollway located exclusively within the state of Oregon:
- Burns Paiute Tribe
- Confederated Tribes of Grand Ronde Community of Oregon
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon
- Confederated Tribes of Siletz Indians of Oregon
- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
- Coquille Indian Tribe

- Cow Creek Band of Umpqua Tribe of Indians
- Cowlitz Indian Tribe
- Fort Bidwell Indian Community
- Fort McDermitt Paiute and Shoshone Tribes
- Klamath Tribes
- Nez Perce Tribe
- Tolowa dee-ni' Nation

Through the federal consultation process under National Historic Preservation Act (NHPA), these tribes have been determined to have ancestral lands within the State of Oregon or other connections to sites within the state that require consultation to determine potential impacts. Under Oregon Revised Statute 182.164, ODOT and other state agencies must cooperate with the state's nine federally-recognized tribes on policy development and implementation. ODOT has chosen to expand beyond the nine federally-recognized tribes of Oregon because of the impacts to multiple tribes outside the state's boundaries that have connections to the state.

Furthermore, ODOT needed a measure to delineate what tribes could access this program. Federal recognition ties to a designated process under federal and state laws (e.g. NEPA, NHPA, ORS 182.162-.168) and executive orders (e.g., Presidential Executive Order 13175, Oregon EO 90-30).

Note: For interstate bridges, ODOT will apply tolls to tribal governments and their members according to the bi-state toll project acceptance, rate setting, and rate adjustments process.

Key considerations

Traffic and revenue impacts
In determining the agency's approach to applying tolls to tribes and their members, ODOT conducted limited analysis of the likely impact on traffic and revenue from offering tribal members reduced tolls or exemptions from tolls. This analysis led ODOT to conclude that offering exemptions for federally-recognized tribal governments and their members would have relatively limited revenue impact given the small number of enrolled members of Northwest tribes. A number of data points informed this:
- Oregon's nine federally recognized tribes have a total of about 29,000 enrolled members, less than 1% of the state's population.
- The Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians, and Cowlitz Indian Tribe, who likely have the most members in the Portland metro area and Willamette Valley, have a total of about 14,000 enrolled members. Many of these members reside outside the metro region; the Siletz Tribe notes that 30% of its members live outside Oregon.
- American Indian and Alaskan Natives make up 0.9% of the population of the four-county Portland Metropolitan Statistical Area.

While ODOT has no data on the level of use of I-5 and I-205 by members of Northwest tribes, all of these data points indicate that offering tribes and their members reduced tolls or exemptions would have little impact on toll revenue or traffic volumes on toll facilities.

Extension beyond treaty-based exemptions (preemption)
The Yakama Nation and Nez Perce have tribal treaties which preempt paying tolls. However, ODOT chose to expand the exemption beyond those who have treaty-based exemptions or pre-emptions because relying only on treaties that were negotiated in the 19th century, often under coercive conditions, would be counter to the rationale of providing toll-free access to ancestral lands and cultural, hunting, fishing, and gathering sites and is not seen as fair by other impacted tribes. In addition, other tribes believe that the right to toll-free travel to access their ancestral lands may be an implicit right they reserve even if it is not spelled out in their treaty. If ODOT exempted only those with specific treaty language, many Oregon tribal members would have to pay tolls to access their ancestral lands.

Selection based on tribal enrollment
ODOT will rely on enrollment in a tribe because the agency recognizes and respects tribal sovereignty. Tribes have the sole ability to determine their membership and it is not appropriate for ODOT to play the role of determiner of tribal membership.

Statewide application, instead of a project-by-project basis
ODOT recommends exempting members of the specified tribes for all toll projects on a statewide basis rather than on a project-by-project basis because determining which tribes should be exempt from paying tolls on a specific facility would be administratively burdensome, costly to the state, and difficult to determine. The legacy of expropriation of lands, forced movement of multiple tribes from different areas into reservations, and termination of tribal status and lands means that it is very difficult and inappropriate for a state agency to determine which tribe's members should have toll-free access to particular lands. We wanted to offer a seamless and consistent understanding of how the exemption would apply to different toll projects across the state, so that customers would not have to determine what facilities are exempt or non-exempt. In addition, administering a tribal exemption based on applying individual tribal exemptions to each toll facility would be costly and difficult to administer; a broader exemption is much simpler and less costly for ODOT to administer as a steward of public funds.

The exception to this approach may be interstate bridges. For interstate bridges, ODOT will apply tolls to tribal governments and their members according to the bi-state toll project acceptance, rate setting, and rate adjustments process, as ODOT does not have authority to unilaterally exempt anyone from a toll on a bi-state facility.

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Development of the draft rules

Following a policy discussion with the Commission in May 2023, ODOT reached out to the tribes and asked for comments on the draft rule language from July 7 to September 15. Engagement during this time included:

- Conversations and comments received from Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, Cowlitz Indian Tribe, and Tolowa Dee-Ni Nation.
- Presentation and discussions at the LCIS Economics Cluster, Natural Resources Workgroup and Cultural Resources Cluster meetings.

Changes made to the rules (OARs) to address feedback ODOT received
ODOT made a number of changes to the draft tribal exemption language based on tribal input, which included:

- Increased the number of vehicles allowed per exempt member from two (2) to six (6).
- Drafted new language to make it explicit that tribal member identification would not be subject to public records request and that ODOT does not expect to retain information that identifies member information to a specific tribe.
- Removed the term "eligible" to provide clarity and avoid confusion.
- Added rule language to identify ODOT's intent to work with the tribes on extending the benefit to tribal youth and seniors.

Key issues ODOT will continue to work with the tribes
We received requests that asked for clarifying information or specific details of how the toll exemption would be administered. Through discussions about operationalizing the toll exemption, we heard a range of opinions from tribal governments on their preferences in working with ODOT to confirm membership. To provide a flexible customer service approach and in recognition of individual needs of tribes as sovereign nations, ODOT is proposing that more detailed issues get worked out in our operational procedures and through specific intergovernmental agreements rather than in the rules.

With the work on these procedures and agreements forthcoming, we wanted to provide information on how we plan to address more detailed issues that we heard about from multiple tribes:

- **Exemptions for tribal youth and elders.** ODOT heard that if we are to achieve our stated policy goal of providing toll free access to ancestral lands and cultural practices, we need to extend this benefit to vehicles that are transporting tribal seniors and youth. We heard that these tribal members may not be the registered vehicle owner and could rely on non-tribal members or non-tribal government vehicles for transportation to access ancestral lands and cultural practices. We recognize there is a long history of tribal youth being separated from their families, tribes, and culture and do not wish to perpetuate additional harm.

ODOT is committed to ensuring the exemption extends to tribal youth and elders. To operationalize this, we need to work through the questions about what documentation would be provided from non-tribal members and their vehicles and how we would operate this; for example, whether it take the form of a rebate or use some other method of providing the exemption. We would also want to understand how many vehicles the tribes expect may request this exemption, based on data such as the number of tribal youth who live with non-tribal member custodians. This would help ODOT understand the customer service staffing needed to operate this element of the program.

- **Tribal employees using their personal vehicles for tribal business that meets the policy intent for why the toll exemption is being granted.** ODOT heard from multiple tribes that to serve the needs of government services, some tribal employees use their personal vehicles. Each tribe operates differently, and the ability for each tribe to provide sufficient government-owned vehicles is different and hampered by historic inequities.

  ODOT is committed to extending the exemption to non-tribal member government employees who are using their personal vehicle while conducting tribal government business. This would not include employees traveling to and from work or serving commercial business needs. To operationalize this process in a way that does not overly burden tribal governments, tribal government employees, or ODOT, we need to work through the questions about how to operate this program and what documentation would be provided. There are existing government-to-government reimbursement processes that we could learn from. This could be addressed through reimbursements on an expected schedule (monthly, quarterly, etc.) and not on a transaction-by-transaction basis. We would also want to know how often this exemption would be used to get a sense of volume of transactions that would need to be processed, based on travel patterns of tribal government employees.

- **Reimbursement for tribal costs to administer the program.** ODOT heard from multiple tribes that although there was positive support for the exemption, it will add administrative costs to coordinate with ODOT to operate (e.g. membership and fleet confirmation and communications to help raise awareness about enrollment).

  ODOT is committed to further discussing how to limit the administrative burden and/or compensate tribes for time spent. As noted above, there are existing processes we can learn from and we see this being worked out on a government-to-government basis through the intergovernmental agreement development, as each tribe will take a different approach to administering the program.

- **Pre-empted tribes.** The Yakama and Nez Perce have language in their treaties with the federal government (United States) that pre-empts them from being tolled, and the tolling rule recognizes this by including them among the tribes that would be exempted from paying tolls. During consultation, ODOT heard from the Nez Perce and Yakama that they would like to see an explicit

recognition of their treaty right to toll-free travel put forward by ODOT and the Commission; both asked for this to be included in the rules.

ODOT is committed to recognizing and respecting the treaty rights of the Nez Perce, Yakama, and any other tribes that have similar treaty-based pre-emptions from tolling. Washington State Department of Transportation has addressed this issue by promulgating policy statements recognizing the treaty rights of the Nez Perce and Yakama to not pay tolls. ODOT will continue to explore the most appropriate means of recognizing these rights, whether in the rules or in separate policy statements.

Requests ODOT cannot accommodate
Due to what we expect as challenging and costly for ODOT and the tribes to operationalize by day one of tolling, or not directly connecting with the policy intent of the toll exemption, we were not able to meet some of the requests we received. These included:
- Extension of the toll exemption to non-tribal members who are descendants.
- Exemption applying automatically to interstate bridges. ODOT does not have legal authority to apply this unilaterally and will negotiate this issue with Washington in the bi-state agreement for tolls on the Interstate Bridge.
- Application of the exemption to all employees working for tribal-owned businesses (including casinos).