

Urban Mobility Strategy Regional Toll Advisory Committee

Committee Charter and Protocols ~~---~~ **DRAFT – Aug 18,** **2022 Oct. 27, 2022 Nov. 28, 2022**

Preamble

Variable rate tolling, also known as congestion pricing or value pricing, is a type of user fee in which a higher price is set for driving on a road when demand is greater, usually in the morning and evening rush hours. One goal is to reduce congestion by encouraging people to travel at less congested times or by other modes, and to provide a more reliable travel time for paying users. Another goal, among others, is to raise revenue to pay for the existing system and transportation investments.

Oregon House Bill 2017 from the 2017 Legislative session directed the Oregon Transportation Commission (OTC) to seek approval from the Federal Highway Administration (FHWA) by December 2018 to implement variable rate tolls on the I-5 and I-205 corridors, from the Washington state line to their intersection in Oregon. Based on the Value Pricing Feasibility Analysis, which was completed in 2018, OTC sought and received that approval and is now required, per the legislation, to implement variable rate tolls. In 2021, the Oregon Legislature further clarified this direction through passage of HB 3055.

OTC and the Oregon Department of Transportation (ODOT) are now moving forward with variable rate toll projects on I-5 and I-205. Completion of the federal environmental review process must occur before tolls may be collected. In parallel, the Oregon Highway Plan and Oregon Administrative Rules, as state implementing policies, will be amended by OTC to provide guidance for local project planning and establishment of toll rates. In addition, the Regional Transportation Plan is being updated by Metro, as the designated metropolitan planning organization, and will reflect regional priorities related to congestion pricing.

Throughout the planning and environmental review processes, ODOT works with government officials and stakeholders to seek input so that the voices of all those who may be affected can be heard.

Purpose of Charter

This charter is intended to provide a clear and mutually agreeable statement of the roles and responsibilities of the Regional Toll Advisory Committee (Committee or RTAC) members, ODOT, and project staff. It also identifies the way in which the Committee will operate, including decision-making processes, meeting conduct and communication. Once agreed upon by the Committee, the charter will guide the work and conduct of the Committee in an open and transparent process.

Purpose of the Committee

The Regional Toll Advisory Committee shall advise the ODOT Director in developing toll projects being planned for the Portland metropolitan area. Committee meetings will provide a forum for members to provide regional perspectives and feedback to ODOT leadership in advance of OTC or ODOT toll-related decisions. Members will be responsible for representing



stakeholder organizations and interests, communicating routinely with their constituencies and providing recommendations to the ODOT Director.

The Regional Toll Advisory Committee shall focus their deliberations on key issues and project-level decisions. This includes:

- Integration of the I-205 Toll Project with the Regional Mobility Pricing Project as well as the 2023 update to the Regional Transportation Plan and 2022 updates to the Oregon Highway Plan and Oregon Transportation Plan
- Centering of equity in process and outcomes
- Monitoring of diversion and funding projects that address diversion impacts
- Providing local input on criteria for allocation of ~~net~~-toll revenue

Committee Composition

The Committee will be composed of approximately 25 members representing a variety of interests and perspectives, including:

- Oregon Department of Transportation
- Washington Department of Transportation
- Federal Highway Administration
- Tribal Governments
- City, county, and metropolitan planning organization officials from Oregon and Washington in the four most directly affected counties of Multnomah, Clackamas, Washington and Clark
- Port of Portland
- Highway users
- Advocates for equity, social justice, and environmental justice
- Public transportation
- Active transportation (walking, biking and rolling)
- Environmental quality
- Public health
- Business
- Labor
- Freight

~~The RTAC will also include an ex officio m~~Members representing the Federal Highway Administration and ODOT will be non-voting members.

Committee members will be approved by the ODOT Director. The ODOT Director also will serve as a committee chair so as to hear member discussions directly.

Should a member no longer represent their constituents, agency or organization (through change in office, position or other circumstance), ODOT reserves the right to revisit the committee's standing membership to ensure the committee's representativeness.

Committee Meetings

The full Committee will meet about 12 times through late 2023. It will be facilitated by a neutral facilitator. Meeting observers are asked to silently observe the meeting. An opportunity for public comment to the Committee will be provided at each meeting. ~~In addition, a project email address enables the public to provide comment to the Committee.~~

Committee Responsibilities

As described in HB 1717 and referenced in HB 3055, variable rate tolling is designed to ~~relieve~~manage congestion on I-5 and I-205 ~~as well as raise revenue for transportation investments~~ in the Portland metropolitan area. The OTC and ODOT are evaluating tolling projects ~~that~~ with the following additional project goals will:

~~**Manage congestion:** Variable rate tolling can be used to manage demand and encourage more efficient use of the transportation system by shifting trips to less congested times or designated lanes through pricing and/or maximizing the use of other modes to improve roadway reliability.~~

~~**Finance transportation improvements that manage congestion:** Variable rate tolling can be used as a means to finance the construction of roadway improvements that will improve the efficient movement of goods and people.~~

- ~~• Support management of congestion and travel demand~~
- ~~• Provide benefits for historically and currently excluded and underserved communities~~
- ~~• Limit additional traffic diversion from variable rate tolling on I-5 and I-205 to affected roads and neighborhoods~~
- ~~• Support multimodal transportation choices to provide travel options and manage congestion~~
- ~~• Create a sustainable revenue stream to fund maintenance, improvements and modernization of existing infrastructure, as well as other transportation system investments~~
- ~~• Support safe travel regardless of the transportation mode~~
- ~~• Contribute to regional improvements in air quality and reductions in GHG emissions that contribute to climate change effects~~
- ~~• Support statewide and regional economic growth~~
- ~~• Maximize integration with future congestion pricing systems and other transportation systems~~

Existing statutes and rules, as well as the results of public processes since 2017 have resulted in ~~the following project decisions, which will inform deliberations of this committee:~~ ~~During their deliberations, members will accept as resolved the following:~~

- ~~• Planning for variable rate tolling the Portland metropolitan area will proceed to achieve dual goals of managing congestion and financing transportation improvements.~~



- The I-205 Toll Project will be implemented first and will move ahead separately from the Regional Mobility Pricing Project.
- I-205 tolls ~~will pay~~are needed for the I-205 Improvements Project.
- If a regional toll system is not implemented, tolls for completion of the I-205 Improvements Project will end once construction bonds are fully repaid.
- All lanes will be tolled.
- The toll program in Oregon will use variable rate tolls based on time of day and will collect tolls electronically.
- Project decisions will be consistent with the Oregon Highway Plan and other related state policies.

When evaluating options and making recommendations, the Committee shall refer to the Oregon Transportation Plan policies and at a minimum consider the following factors:

- **Equity impacts:** Consistency with the adopted Equity Framework and July 2022 recommendations from the Equity and Mobility Advisory Committee, whether the option will disproportionately impact currently or historically underrepresented and underserved households or communities and to what extent mitigation strategies could reduce the impact. These households or communities include people experiencing low-income or economic disadvantage, Black, indigenous and people of color (BIPOC); older adults and children; persons who speak non-English languages, especially those with limited English proficiency; persons living with a disability and other populations and communities historically excluded and underserved by transportation projects.
- **Revenue and cost:** To what extent the option will raise sufficient revenue to cover the cost of implementing congestion pricing as well as the ongoing operational expenses, including the costs of maintenance and repairs of the facility.
- **Traffic operations improvements:** To what extent the option will improve the traffic operations of the priced facility, including but not limited to increasing reliability and mitigating congestion.
- **Diversion of traffic:** To what extent the option may cause diversion to other routes and modes that will impact the performance and operations of other transportation facilities, including both roads and public transportation service.
- **Adequacy of public transportation service:** To what extent public transportation service is available to serve as an alternative, non-tolled mode of travel.
- **Impacts on the community, economy, and environment:** Whether and how the option will impact the surrounding community, economy, and/or environment, as well as the freight movement and economy of Oregon the state and Southwest Washington in general.
- **Public input:** To what extent the public supports a particular pricing option as a way to address congestion.
- **Consistency with state and regional law and policy:** Whether the option will comply with existing Oregon Transportation Commission policies, state laws, and regional planning regulations.
- **Feasibility under federal law:** Whether the option is or will be allowable under federal tolling laws.
- **Project delivery schedules:** Whether a pricing option has the potential to alter the expected delivery schedule for a project on the corridor.

The Committee will also serve as a communications link between the technical analysis and stakeholders. Members will convey project-related information to and from respective



communities and interest groups, and identify stakeholders and help facilitate contact with those groups and individuals.

Process and Protocols

While the Committee is advisory and does not have decision-making authority, the Committee will be called upon to provide insight, observations, feedback and recommendations to the ODOT Director. All Committee feedback will be respectfully considered, in addition to technical findings and input received from the broader public. The OTC is the tolling authority in Oregon and will make final decisions about toll projects, policies and rates, and what to submit to FHWA when necessary for approval.

Committee Recommendation Development Process

All members are encouraged to challenge themselves and each other to think creatively and to approach project development with an open mind. While it is important to identify problems, it is even more important to seek thoughtful solutions that advance the conversation.

The Committee's work will center on providing feedback and recommendations to ODOT Director on an ongoing basis consistent with the project development schedule. Feedback and recommendations will, at a minimum, address the following questions:

- What opportunities exist to accelerate the schedule for delivery of the Regional Mobility Pricing Project to reduce the implementation gap between RMPP and the I-205 Toll Project?
- What partnerships should ODOT and local jurisdictions pursue for short-term and long-term monitoring of mitigation strategies to address negative impacts from diversion to low-income workers, small businesses, neighborhoods, local roads and the broader transportation system?
- What partnerships and resources should ODOT and local public transportation providers pursue to make public transportation and multimodal travel a viable alternative to driving on I-5 and I-205?
- Does the committee agree that the proposed action for the Regional Mobility Pricing Project aligns with state goals detailed in the Oregon Highway Plan and regional goals in the 2023 Regional Transportation Plan?
- What feedback criteria should OTC consider when ~~adopting criteria for the~~ allocation of ~~net~~ toll revenue within corridors, consistent with the Oregon Highway Plan and other policies?

At key milestones, straw polls or votes may be taken. The Committee will strive for consensus when possible, while recognizing that consensus may not be achievable and understanding that consensus advice is more powerful to decision-makers.

The Committee will use written recommendations or memorandums to the ODOT Director and staff that describe the range of member perspectives, rationale and considerations when conveying formal advice and to record it for the community's use. Majority and minority opinions may be included.



The Director, serving as the chair, and any ~~ex-officio~~non-voting member of the committee will not ~~take part in any votes~~, but may be asked to provide their insight or expertise in the development of minority or majority statements.

Work Plan

The project team will develop a committee work plan that meets the needs of the community and ODOT. Emergent community priorities and the schedule for the toll projects will inform the work plan. A Committee facilitator and project team will work collaboratively with ODOT to adjust the plan as needed.

Meeting Protocols

- Meetings will be actively facilitated to ensure that discussions are consistent with the Committee charter and to ensure that feedback and recommendations are advanced from the group in a timely manner.
- The facilitator will ensure that all committee members have an equal opportunity to participate. Members agree to give the facilitator permission to keep the group on track and table discussions as needed to keep the group moving.
- The ODOT Director will serve as chair for the Committee. In this role, he will provide input on meeting agendas in consultation with members and act as an active liaison to the Oregon Transportation Commission and ODOT leadership in Region 1 and the Urban Mobility Office.
- Members agree to follow the meeting ground rules as established with the group's facilitator, including:
 - Silence electronics.
 - Be curious and willing to learn and contribute.
 - Ask questions of each other to gain clarity and understanding.
 - Express yourself in terms of your preferences, interests, and outcomes you wish to achieve.
 - Listen and speak respectfully and try sincerely to understand the needs and interests of others.
 - Seek common ground.
 - Honor each other by being honest, authentic, and brave.
 - Make space, then take space; be concise. Everyone should have the opportunity to share their ideas.
 - Attend to impact. Good intentions can still cause harm. When someone is hurt, focus on listening and understanding the impact.
- Meetings will be scheduled in advance and attendance is important given the delivery schedules of the projects. Members will make their best effort to attend all meetings. Members will notify the facilitator or designated staff in advance if unable to attend and will provide written comments or vote prior to the meeting.
- Alternates are allowed when a member cannot attend to represent the interests of the member and provide input on the member's behalf.

- Should members be absent for more than two consecutive meetings, ODOT reserves the right to reconsider their standing membership in the Committee, and may offer their membership to another party. An alternate member may not routinely replace a standing Committee member.
- ~~Non-voting Ex Officio~~ members may choose to participate in conversations, sharing their perspectives and expertise with the group. ~~Non-voting Ex Officio~~ members will not participate in votes or the development of minority or majority statements.
- The project will make every effort to ensure meeting materials are finalized at the time of electronic distribution to Committee members, however, there may be instances where updated versions of materials are provided; in these cases, staff will describe the changes. Members will make their best effort to review all materials in advance and come prepared to participate.
- Committee meetings are open to the public. ODOT will conduct meetings under the provisions of Oregon Public Meetings Law (ORS 192.610-690). When safe to do so, meetings will be held at a location accessible to the members and public. All meetings will be recorded, livestreamed and closed-captioned. ODOT will provide needed accommodations under the Americans with Disabilities Act or Civil Rights Title VI when requested.
- Public notification of Committee meetings will occur at least one week in advance and the agenda and meeting materials will be made available on ODOT's tolling website— to the committee's webpage (<https://www.oregon.gov/odot/tolling/Pages/Regional-Toll-Advisory-Committee.aspx>). Members of the public may request reasonable accommodations in alignment with ADA regulations.
- During in-person meetings, a printed version of materials will be available to all members at the commencement of the meeting and posted on the website.
- Time—At least ten minutes will be reserved at each meeting to hear verbal public comment. Efforts will be made to provide up to two minutes of speaking time per person, depending on the number of people seeking to comment.
- Meetings will begin and end on time. If agenda items cannot be completed on time, the committee will decide if the meeting should be extended, an additional meeting scheduled, or the discussion continued at the next scheduled meeting.
- Meeting summaries will be produced for each meeting by the project team to reflect group discussion, feedback, areas of agreement and tasks and assignments related to advancement of the group's work. Draft summaries will be distributed, and committee members given the opportunity to clarify or edit the summary to make sure it accurately reflects the meeting.
- Meeting summaries will be published online after Committee members have been provided an electronic copy of the summary for their information or clarification if required.

- Members are asked to silence mobile phones and electronic devices and refrain from personal live streaming or other use of social media during the committee meeting sessions.

Communication

- All records of the committee, including formal documents, discussion drafts, meeting summaries and exhibits, are public records.
- Members will share information with their organizations and/or constituents, gather information from their constituents to help inform committee discussions and encourage their participation in the process.
- A project email address enables the public to provide comment to the Committee. Emails submitted will be distributed to the members before the meeting and included in the meeting summaries.
- Members will not take actions or discuss issues in any way that undermines an open and transparent group process.
- Members will notify designated ODOT staff of all requests from the media. If members do speak with the media, they will clarify that they are speaking as an individual and not speak on behalf of the project or the Committee, nor characterize the points of view of other members.
- The facilitator and supporting staff will be available at and between meetings to address questions, concerns and ideas. The facilitator and staff will respond to all member inquiries in a timely manner.
- The facilitator may contact Committee meeting members between meetings to address any potential areas of concern or conflict that may arise during the committee process.

Members:

Frank Bubenik
City of Tualatin

Anne McEnery-Ogle
City of Vancouver

~~Wayne Chow~~Willy Myers
Oregon State Building and Construction
Trades Council

James Paulson
Worksystems, Inc.; EMAC liaison

Shawn Donaghy
Greater Vancouver Chamber

Lynn Peterson
Metro

Suzanne Donaldson
Cowlitz Tribe

Matt Ransom
SW Washington Regional Transportation
Council

Nafisa Fai
Washington County

Curtis Robinhold
Port of Portland

Carley Francis
Washington State Dept. of Transportation

Richard Rylander
Clark County, WA

Jo Ann Hardesty
City of Portland

Vivian Satterfield
Verde

Denise Harvey
Confederated Tribes of Grand Ronde

Paul Savas
Clackamas County

Kathy Hyzy
City of Milwaukie

JC Vannatta
TriMet

Sarah Iannarone
The Street Trust

Jessica Vega Pederson
Multnomah County

Jon Isaacs
Portland Business Alliance

Julie Wilcke Pilmer
Ride Connection

Jana Jarvis
Oregon Trucking Association

Kasi Woidyla
Virginia Garcia Memorial Health Center

Non-voting members:

Keith Lynch
FHWA, Ex Officio

Facilitator:

David Kim

Brendan Finn and Della Mosier
ODOT, Urban Mobility Office

Chair:

Kris Strickler
ODOT, Director

