

Meeting Summary

Subject	Regional Toll Advisory Committee Meeting #11
Date and Time	November 27, 2023 / 9:00-11:30 a.m.
Location	Hybrid: Billy Frank Jr. Conference Center at Ecotrust and online via Zoom

Attendee	Organization / Role	Attendance
Committee Members		
Rory Bialostosky	City of West Linn	In person
Heidi Lueb (alternate for Frank Bubenik)	City of Tigard	In person
Denise Harvey	Confederated Tribes of Grand Ronde	Virtual
Nafisa Fai	Washington County	In person
Carley Francis	Washington State Dept. of Transportation	In person
Sarah Iannarone	The Street Trust	Virtual
Jana Jarvis	Oregon Trucking Association	Virtual
Christine Lewis	Metro Council	In person
Anne McEnerny-Ogle	City of Vancouver	In person
James Paulson	EMAC Liaison	In person
Matt Ransom	SW Washington Regional Transportation Council	In person
Dean Reynolds	Cowlitz Indian Tribe	Virtual
Cutris Robinhold	Port of Portland	In person
Margi Bradway (alternate for Jesse Beason)	Multnomah County	In person
Paul Savas	Clackamas County	In person
Cynthia Castro (alternate for Mingus Mapps)	City of Portland	In person
Jon Isaacs	Metro Chamber	In person
Tom Markgraf (alternate for JC Vannatta)	TriMet	In person
Kris Strickler	ODOT Director	In person
Brendan Finn	ODOT, Urban Mobility Office (ex officio)	In person
Other attendees		
Travis Brouwer	ODOT Assistant Director, Presenter	In person
Garet Prior	ODOT, Presenter	In person
Zoie Wesenberg	ODOT, Presenter	In person
David Kim	Facilitator	In person
Kirsten Beale	Committee coordinator	Virtual
Anne Pressentin	Facilitation support	In person
Paul Comery	Notetaker	In person
Sine Madden	WSP	In person
Dawn Walter	Committee coordinator	In person

Member regrets: Shawn Donaghy, Willy Myers, Julie Wilcke Pilmer, Kasi Woidyla, Della Moiser, Keith Lynch, and Michelle Belkot

1 Welcome and Opening Remarks

David Kim, facilitator, opened the meeting and welcomed participants. David provided reminders about meeting logistics, mentioning the meeting is public and hybrid, and reminded everyone about the meeting agreements outlined in the meeting charter. David reviewed the agenda and recognized a new member of the committee from Multnomah County, Commissioner Jesse Beason, who is replacing Multnomah County Commissioner Jayapal.

Kris Strickler, ODOT Director, welcomed all members and thanked everyone for their patience around rescheduling the meeting and attending directly after a holiday weekend. Director Strickler shared thanks for members' participation and reiterated the value of feedback and input in developing the toll program, specifically on the topics of revenue allocation, diversion and mitigation, and the low-income toll program. Director Strickler shared the difficulties in advancing three related but separate toll programs simultaneously with multiple objectives, and noted that a goal for ODOT is to increase clarity around which projects are being referred to.

Director Strickler acknowledged the tension around what we are trying to accomplish as a region, what revenue is available, and the source of that revenue. ODOT is not only searching for a sustainable revenue source; there are policy objectives that need to be achieved as well. The goal is not only to fund a few specific projects, and also create a framework by which the region can come together and recognize that there is a give and take for implementation. ODOT currently does not know what revenue allocation will look like. If ODOT doesn't build the projects, there will not be toll revenue. Director Strickler called attention to the difference ODOT is struggling with which is that the gas tax is collected across the entire state, and tolls charge for the use of a specific facility.

Director Strickler shared the timeline for ODOT's revenue allocation conversation with OTC and that the RTAC meeting in January will serve to continue the conversation about revenue allocation. He asked for the committee's input, but noted that the input needs to be framed in the context of what is possible, versus raw comparisons to other funding sources. He stated the importance of a conversation that considers balancing equity and the implementation of these projects.

Director Strickler acknowledged the recently completed draft Implementation Plan, and concluded his remarks by thanking staff and local agency partners for their input and reiterated that ODOT heard from partners that they needed to listen. In response, the team has been holding many discussions with community members.

- Commissioner Savas expressed appreciation for Director Strickler's comments with regards to revenue and revenue sharing and stated that one of his concerns is not just sharing revenue for the sake of sharing revenue, but rather sharing for the sake of mitigation projects for the increase of traffic funneling to local streets.
 - Director Strickler said that gets back to the hard work ODOT staff needs to do. He acknowledge there is diversion today and it will get worse if nothing is done.

Brendan Finn provided an update on the Joint Committee on Transportation Planning, including details of meetings already held and the schedule and topics that will be covered in upcoming meetings. The meetings are geographically planned, and details about upcoming meetings are shared online at olis.oregonlegislature.gov.

2 Abernethy Bridge Toll Scenario Trade-offs

Travis Brouwer and Brent Baker shared a presentation on the Abernethy Bridge Toll Scenario Trade-offs. ODOT is currently conducting additional financial analysis and a revised toll rate structure for the I-205 Toll Project to adjust for the revised point toll on the Abernethy Bridge. ODOT is seeking feedback on the scenarios before conducted more detailed analysis.

One trade-off to consider is peak vs. off-peak rates; previously there were high rates for peak and low rates for off-peak. Travis noted that higher rates may have impacts on diversion. ODOT has a \$385-\$400-million-dollar revenue target for this point toll. When the rate structure was initially published, ODOT received a lot of feedback, including a desire for rates to be low enough that drivers did not significantly divert traffic to local roads, and a desire for a \$0-dollar overnight toll. Additionally, ODOT heard that the public needs more information on toll rate assumptions to provide feedback on the environmental assessment. Brent Baker detailed four toll scenarios and the trade-offs for each, with the no-build as the reference point.

- Scenario 0 – A base case that has essentially the same toll rates as the Environmental Assessment without the Tualatin River bridge toll but with lowered truck toll multipliers. The max truck toll multiplier is set at twice the auto toll. Toll rates are assumed to escalate at the rate of inflation (2.15%/year). For the analysis, the AM peak rate would be \$1.95 and the PM peak rate would be \$2.25, and the shoulder times would be \$0.75. Scenario 0 is designed to encourage drivers to shift the time of day they make their trip to off-peak times.
- Scenario 1 – This scenario attempts to achieve the same revenue has Scenario 0 but with a flatted toll rate. This scenario has two toll rates only, at peak and off-peak times. For the analysis, the peak rate would be \$1.80 and the off-peak rate would be \$1.00.
- Scenario 2 – This scenario is a congestion management scenario with highest peak period rates and no overnight tolls. This scenario will analyze if a single point toll at the Abernethy Bridge can manage congestion for the entire project corridor. It would require a higher toll to influence traffic throughout the 7-mile stretch from Abernethy to Stafford Road. For the analysis, there would be seven peak hours where toll rates would be over \$4 and up to \$5.60. This scenarios shows a great impact on travel over the bridge, but less impacts along the corridor further away from the toll point.
- Scenario 3 – This scenario emphasizes revenue generation with higher variable tolls than scenario 0. AM and PM peak toll rates have been equalized at \$2.75, with higher mid-day toll rates of \$1.5 and nine hours with a minimum toll of \$.75.

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Scenarios 0 and 1 improve on the no build scenario, with higher vehicle speeds and more reliable traffic flow during the peak period. These scenarios have substantial hours of stop and go traffic, and they have the least amount of diversion to arterials. Scenario 2 has very good speeds and there is expected to be no hours of congestion, however, scenario 2 has higher diversion. Scenarios 2 would have higher revenue. Scenario 3 has similar performance as scenarios 0 and 1, with a little less stop and go traffic and more diversion compared to other scenarios.

ODOT has looked at two basic scenarios, using private market toll bonds and a scenario that included toll bonds and Federal TIFIA loans. When looking at bonds only, none of the scenarios generate the revenue needed, meaning that ODOT would need a TIFIA loan. Scenarios 2 and 3 are viable for hitting the funding target, and Scenarios 0 and 1 get to about 85% of the revenue target and with tweaks could hit the revenue target needed to complete the Abernethy Bridge construction. Travis reiterated that there is no perfect rate structure that accomplishes everything and ODOT needs to balance the tradeoffs. A toll at the Abernethy bridge is not the best tool to manage congestion on the seven-mile section of I-205.

- Commissioner Savas asked what NA refers to on slide 14 as well as in the fourth column for arterial impacts and diversion.
 - Brent responded that the No Build Scenario does not have a toll being charged, so the revenue impact is not applicable as there is no revenue being generated. NA for the arterial impacts and diversion is basically the status quo because the numbers are for 2027. ODOT is not saying there are no impacts now, rather congestion in the corridor today is the reference point to measure other scenarios relative to the no build.
- Commissioner Savas said that we are at ground zero for diversion today and that, every business day, diversion is a big deal. The analysis does not recognize the existing diversion, and using the terms “limited”, “least”, “most”, or “medium” diversion is too vague. Commissioner Savas said that he appreciates the detail about the toll rates and average speeds, but the amount of diversion in the area needs to be better defined with metrics. Commissioner Savas said that he has heartburn about the fact that existing diversion is not recognized and saying “least” diversion given the impression that there is little to no impact and nothing will be done to address the existing diversion. He suggested there be a column that shows how many cars are diverted, like the level 2 analysis for the Interstate Bridge Replacement (IBR) which has more definition.
 - Brent responded that diversion has a specific meaning in this context as the effect of pricing the roadway. When the roadway is unpriced, people make route choices based on their expected travel times and existing conditions. When talking about tolling, diversion is a response to pricing. That response can take a number of different effects; some people may change their route to avoid the toll, and some people may be attracted to the facility because it performs better and it will have more reliable travel times. There are other types of diversion as well such as time shifting, change in destination, mode shift, frequency shift, or some people may decide to not take a trip. ODOT’s analysis of diversion is considered in response to the pricing in relation to the no toll option.
 - Director Strickler responded that he hears Commissioner Savas. He asked if the team can include background information of the current congestion related to diversion in the

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meeting packet. Director Strickler agreed that the group would benefit from seeing existing congestion as well as toll-related diversion specific to pricing. He suggested a language change to be more specific than “limited” and “least” diversion.

- Commissioner Savas responded that including existing data and changing the language would help. He suggested adding a column with the data, estimated diversion, or the traffic counts. He said that if decision makers understood the existing diversion today, the added third lane may not have been canceled.
- Director Strickler deferred to the team on whether the data is available to be released to the public. He asked what the duration is on the toll revenue that is related to TIFIA versus non-TIFIA, noting that there are people around the table looking at revenue sharing and when additional revenue may be available for other needs in the region.
 - Travis responded that toll back bonds will be shorter in duration, about 20–25-years, and TIFIA extends out to 35 years. A benefit on merging the two is taking advantage of toll bonds on the short end and TIFIA on the long end. The 35 years can defer interest payments for several years, so it would be close to forty years for the TIFIA repayment.
- Jana Jarvis asked about the total cost of the Abernethy Bridge. She mentioned that there was about \$450 million dollars in HB 2017 that was originally directed to Rose Quarter that was diverted to Abernethy. Jana asked how tolling the bridge impacts the cost and if the intent is to take some of the toll revenue back to the Rose Quarter project. She commented that there needs to be a better understanding of the total goal for the interstate system, asking if traffic getting on at one exit and off at the next exit is the best use of the interstate system.
 - Travis responded that the money that was made available for Rose Quarter initially and then expanded to all the UMS projects by the legislature in 2021 has now been fully allocated by the OTC. There was about \$560 million dollars in cash and bond proceeds. Some of that is going to the Rose Quarter and some of that is going to I-205. ODOT assumed a cost of \$662 million dollars, of which a portion comes from tolls (ODOT is targeting \$385 million for certain). A chunk of the remainder will come from HB 2017 dollars. The amount of money available from tolls will prevent ODOT from needing to draw funds from elsewhere and preserve funds for Rose Quarter.
- Jana noted that the highway cost allocation study indicated that the multiplier for medium duty trucks should be 1.1 and the multiplier for heavy trucks should be 1.5, however Travis suggested a multiplier of 2. She said that trucks already pay more than they should.
 - Travis responded that ODOT will continue to look at that as they set the toll rates and monitor to make sure they are not further throwing the cost responsibility out of whack.
- Sarah Iannarone commented that she supports Commissioner Savas’ call for a better understanding of the baseline of the impacts on the local system today of not pricing the right of way. She added that The Street Trust supports tolling for congestion management and using the proceeds to address the diversion. She said that for some, the goal is to get people to mode shift.

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- Sarah asked why there is an asterisk for scenario 2 which says, “tolls may change travel behavior beyond primary route choice for which additional analysis would be needed to estimate.”
 - Brent responded that the asterisk is intended to apply to scenario 2’s results only. The modeling tools used for this analysis had already been benchmarked in the scenario 0 toll rates. The project team feels very comfortable with the range of tolls that were tested for scenario 0, 1, and 3 with the limited tools that were used. With scenario 2 ODOT acknowledges that toll rates that high may have more effects beyond route choice and a more robust analysis would be needed if there is interest in scenario 2.
- Curtis Robinhold commented that the Port has been pricing the parking garages at the airport to create vacancy. He urged ODOT to consider how easy it is to understand the toll system, commented that a flat rate is easier to understand. He added that he would like to see some zero-dollar times overnight.
 - Travis replied that rounding the toll rates is a good practice.
- Jon Issac commented that he would like more clarifying language to define limited, moderate, and significant diversion.
- Mayor Heidi Lueb asked if the scenarios include the Low-Income Toll Program (LITP) reductions.
 - Brent confirmed that the scenarios do include LITP reductions.
- Mayor Lueb asked about the difference between gross revenue and net revenue. She commented that there is a significant gap between the two measures and there should be more discussion around the difference.
 - Brent responded that the net revenue is what is available now to pay for improvements. To go to the credit markets to borrow against the gross revenue, there needs to be more than what is needed to pay that debt service and a level of coverage in case the revenue fluctuates. To calculate gross to net revenue there are a number of things that might happen, such as uncollectable tolls or the cost of collecting tolls and paying back processing fees. Maintenance of the facility is another deduction from gross revenues, and the requirement to pay for toll collection and maintenance is built into the contract for financing.
- Councilor Lewis asked if the level 1 analysis considered behavior change and effects on diversion and mobility from the LITP, or if that will be included in the level 2 analysis.
 - Brent responded that the level 1 analysis made an allowance deduction for the LITP, and modeling those effects will be included in the level 2 analysis.
 - Councilor Lewis commented that the households eligible for the LITP would have a dramatic impact on the modeling. She said that travel is a right, not a benefit. Being able to travel a four-mile radius safely for her is impossible safely without I-205, and there is no transit. I-205 safety and congestion management may benefit those traveling through the

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corridor but does not benefit the rest of the community. Councilor Lewis said that she is coming back to revenue sharing to spend money on parallel facilities to the corridor.

- Margi Bradway said that from a policy perspective at the county, congestion management is really important. She noted that scenario 2 looks like it raises more money than needed to meet the revenue goal and asked if scenario 2 and 3 can be combined to get less diversion and still meet revenue goals. Margi asked if it is possible to think about bonding for the project as a package of projects upfront to include impacts to local roads and manage diversion, and to get around the issue of paying back the TIFIA loans first.
 - Brent clarified that diversion may take many different forms. The level one analysis is focused on route diversion and time of day shift, it does not capture the mode shift to transit. The level 2 would capture mode shift change. Scenario 2 would likely create some additional mode shift that is not currently captured in the analysis.
- Margi asked if the team could do some if/then scenarios on transit investments. There are challenges in using toll revenue for transit, but it would be good to know what is possible to help manage diversion.
- Mayor Rory Bialostosky said that putting the toll on the bridge is going to have a disproportionate impact on West Linn and Oregon City. He asked what the annual gross revenue would be (on slide 15), saying that it would help to understand how much revenue would be lost to administrative costs.
 - Brent responded that the team would need to follow-up with gross annual revenue.
- Mayor Bialostosky commented that it is not clear what diversion means and that it would be helpful to have traffic counts. He said that, in West Linn, trust in ODOT is low because of mitigation that was proposed in the EA. The EA predicted 100 percent increase in traffic on major business district and only one mitigation was suggested, so that is why they are talking about revenue sharing.
- Mayor Anne McEnery-Ogle commented that explaining the process builds trust and helps to understand the complexity of the process. It's important to show your work.
- Commissioner Fai commented that RMPP is evaluating two pricing options and the project should aim for comprehension. She asked if the toll program for the whole state is being piecemealed. She asked about the cost of the Abernethy Bridge, the I-5 bridge, and if the estimated \$662 million is the total for all those projects.
 - Travis responded the \$662 million is the cost of the Abernethy bridge phase 1a project, not including the additional lanes on I-205, the Tualatin bridge, or any other work.

3 Implementation Plans

Brendan shared details on the implementation plans and timeline for the production of the document. The equity implementation plan will describe how ODOT centers the voices of historically excluded and underserved communities. Topic areas include: understanding equity and the needs of the community, establishing a LITP, developing toll rules for an accessible and equitable toll program, and long term equity commitments and accountability.

Brendan shared the timeline for equitable toll program development, the diversion management and mitigation plan, and presented ODOT's approach for limiting vehicle diversion from the tolled highways onto the local road network. He discussed the input that led to the projects that complement the toll program. The Public Transit Strategy and Nexus projects staff working group has recommended holding the list until more information is available. Refinement is anticipated once outcomes on traffic patterns and funding sources are available.

- Commissioner Savas commented that “refine and define traffic mitigation if needed” is really troubling because it demonstrates that ODOT does not understand existing conditions. There are no alternatives on this corridor, for biking, walking or transit. RMPP will be an additional cost and an additional incentive for people to divert. Commissioner Savas said the key findings are not complete enough and may be insufficient for decision making. You have a lot of that detailed data for the Level 2 analysis that was done in October 2022.
- Cynthia Castro said that one request from the City of Portland is for ODOT to include RTAC in the OTC conversation on toll revenue allocation in January. ODOT should also discuss how PTS and nexus projects will be funded, and how ODOT plans to work with partners to refine the list once there is more information about traffic diversion impacts.
 - Brendan replied that ODOT will bring the refined numbers back to the work group. After a robust discussion about the tradeoffs there will be an understanding of what revenue exists, and that number will be deliberated on for the projects.
- Matt Ransom asked how long the implementation plan is.
 - The implementation plan is about 15 pages with a lot of graphics.
- Matt suggested including the OTC's decision to include Washington residents in the LITP in the implementation plan so that people can understand the decision. He added that Washington residents are asking the same question about if they are eligible for diversion mitigation.
- Councilor Lewis commented that the timeline is linear with no pause, which many people had hoped for. She asked how ODOT will receive feedback after publishing the implementation plans.
 - Brendan replied that ODOT has been working with Metro staff and is open to hearing from partners however possible.

- Mayor Anne McEnery-Ogle agreed with the request to include decisions about SW Washington. She commented that ODOT should be more specific about public engagement. She said that the City can give ODOT a list of all the events for the agency to add specifics on how to engage the public.
- Mayor Bialostosky said he would have liked an opportunity to comment on the draft implementation plan. He suggested pushing ODOT to change the NEPA process for identifying impacts. Mayor Bialostosky said the nexus list is not the answer to mitigation and traffic impacts because the funding is not identified and tolls are not sufficient to cover the full cost of the project.

4 Public Comment

One person provided public comment in person:

- Doug Allen: I have another request for showing your work. On the PTS there is an attachment A where ODOT concluded that toll revenue cannot be used to fund transit operations such as an express bus on I-205. ODOT and the Department of Justice are relying on 30-year-old precedent that have been rendered obsolete by more recent decisions. Tolls are not a tax per California definition. If having a single point of tolling it is not sufficient to manage congestion, there is no reason you cannot have multiple toll points on I-205.

5 Oregon Toll Program Updates

James Paulson provided an update on EMAC's work. He said the committee has spent a lot of time on the LITP and has discussed what other communities are doing for low-income support with tolling. 200% of the federal poverty level (FPL) and below is more generally done, but moving to 300 to 400% of FPL gets more complicated. James noted two groups specifically that are going to be heavily impacted by tolling, youth and the workforce. He said that getting people to and from their jobs is at the heart of the program. James also discussed EMAC's conversations on Tribal engagement as well as how to engage with community groups and survey work.

Commissioner Fai provided an update on the STRAC, sharing the committee held a final meeting on November 17. STRAC reviewed and provided feedback on draft rules and fiscal-equity impact statements. The public comment period will begin in April next year and OTC will adopt draft rules.

Garet Prior, ODOT, gave an update on the LITP. He shared that, of the 100+ toll programs, only 4 programs have LITP and these are limited by geography. He shared that ODOT's recommendations to the OTC would make this the most progressive LITP. ODOT's recommendations include:

- Commitment to implement at 50% discount for customers whose income is up to 200% FPL
- Residents of Oregon and Washington state able to enroll.
- The benefit will be a percentage discount.
- Commitment to study 10% and 25% discounts for 300% FLP and 400% FPL in further traffic and revenue studies to inform OTC's decision whether to offer this tier.

Zoie Wesenberg, ODOT, shared that in response to community requests, ODOT is considering two potential express toll lane options for I-205 between Stafford Road and the Abernethy Bridge. The findings will be available in early 2024. Since Governor Kotek's announcement to delay tolling, ODOT has increased community engagement efforts. The project team is nearly done documenting the engagement and will be looking at those results to determine how to further improve engagement. Links summarizing the engagement efforts have been posted on the RTAC website.

- Commissioner Fai asked if ODOT has ruled out managed lanes or a priced express lane to fund the construction of the 3rd lane on I-205.
 - Zoie responded that ODOT is looking at Stafford Road to Abernethy bridge for an express lane. An analysis of an express lane option completed in 2018 showed limited revenue generation, but ODOT is considering priced lanes again at RTAC's request.
- Commissioner Savas asked if the analysis of the express lane will factor into the lack of readiness in the area. He said from a revenue standpoint, the elements that would make a multimodal functional system don't exist today.
 - Zoie said ODOT will consider whether the revenue will be sufficient to cover the cost of the additional third lane.

6 Next Steps and Close Out

Director Strickler provided closing remarks, saying that he hears RTAC members' request for ODOT to show the work. There is an understanding around the table that ODOT does not have all the answers today, but we should share what we have. Director Strickler also said he heard that there is concern about what is congestion related diversion and getting to the raw data will help to understand it, and that RTAC members want to hear more definition around the administrative cost. He commented that it is more expensive to administer a toll program than other programs currently have in place. The gas tax is not providing a congestion management benefit. Director Strickler acknowledged the lack of sufficiency of NEPA mitigation. There are going to be more needs identified than there are funds available to pay for the projects.

David closed out the meeting with reminders about meeting evaluation forms and next meeting time.

7 Action Items

- ODOT provide more specific information about I-205 toll revenue scenarios, including specific data that informed results.
- ODOT provide information on the process to move from gross to net toll revenue
- Provide data on existing diversion off I-205 due to congestion

- Revise I-205 toll revenues scenarios memo to use “least” instead of “limited” diversion

8 Meeting Evaluation

Meeting participants were asked to provide feedback on the committee meeting via an evaluation form that was provided for both in person and virtual attendees. The results of the meeting evaluations are summarized in the table below:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Question 1: I clearly understood the agenda, the meeting objectives, and knew what the group was trying to accomplish during this meeting.	0	0	0	1	1
Question 2: Members had a chance to speak and contribute to items under consideration.	0	0	0	0	2
Question 3: The meeting was well facilitated.	0	0	0	1	1
Question 4: There were adequate options for public comment.	0	0	0	0	1

Written comments received on the meeting evaluation forms were:

- Commenter 1: Better use of time for committee discussion.