

Equity and Mobility Advisory Committee: Shaping an Equitable Toll Program

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Emergence: Setting the Structure

The Oregon Department of Transportation (ODOT) and the Oregon Transportation Commission (OTC) have publicly recognized and acknowledged that past land-use and transportation investments in the Portland metro area have had negative impacts on local communities, and especially those that have been historically underrepresented or underserved. The results of the 2018 Value Pricing Feasibility Analysis led the OTC to prioritize three equity and mobility strategies for a successful toll system:

- Improved public transportation and other transportation options for equity and mobility
- Special provisions for environmental justice populations¹, including low-income communities
- Strategies to minimize and mitigate negative impacts of diversion to advance neighborhood health and safety

To address the need to implement these equity strategies, the OTC directed ODOT to convene the Equity and Mobility Advisory Committee (EMAC).

EMAC's Charge from the Oregon Transportation Commission

To ensure both equitable processes and outcomes for the I-205 Toll Project and Regional Mobility Pricing Project, ODOT convened EMAC, a committee of individuals with professional or lived experience in equity and mobility, in May 2020. This committee's charge was to directly advise the OTC and ODOT on how tolls on the I-205 and I-5 highways, in combination with other demand management strategies, can include benefits for populations that have been historically and are currently underrepresented or underserved by transportation projects. These communities include (but are not limited to) people experiencing low incomes; Black people, Indigenous people, and people of Color; older adults and children; people who speak languages other than English; and people experiencing a disability.

Equity and Mobility Advisory Committee & Oregon Transportation Commission



- **Neighborhood health and safety**
- **Low-income**
- **Transit and multimodal**

¹ Environmental Justice (EJ) communities, as recognized by the National Environmental Policy Act (NEPA), include members of ethnic and racial minority populations and people experiencing low incomes.

Convening the Committee

EMAC consisted of 15 members, including members appointed by the ODOT director and members selected through an open application process. The 15 members represented a spectrum of mobility and equity interests and were selected for the experiences and perspectives they offered to help inform Oregon's development of an equitable toll program.

Forming the committee was a collaborative process between states, cities, and counties. To start, the project team asked local agencies in Clackamas, Washington, Multnomah, and Clark counties, as well as the cities of Vancouver and Portland, for their advice on who should represent their communities. For transit and ride services representation, the team asked TriMet, Ride Connection, CTRAN and SMART to identify potential members with both equity and mobility experience. Then, to add the perspectives of active transportation, racial equity, social equity, and large business, regional partners were invited to offer recommendations. County coordinating committees and technical staff in Clackamas, Washington, and east Multnomah counties contributed to the list of potential committee members, as did nearly 20 non-profit organizations in the Portland metro area. ODOT appointed 12 of EMAC's 15 members through this process.

Three at-large committee members were designated through an open application process. The project team reviewed more than 40 applications using a blind review system. They selected top candidates on diversity and equity criteria, including: commitment to, and experience in, supporting or advocating for equitable processes and outcomes; experience with the transportation system in the Portland metro area and/or southwest Washington; and interest in participating on the committee. From the original pool of applicants, the project team created a "short list" of five candidates; ODOT named three of these candidates to serve at-large.

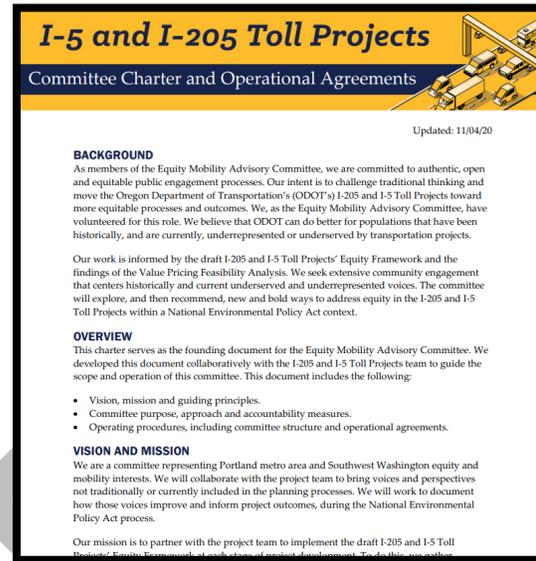
To provide close connection as recommendations have been developed, EMAC welcomed Sharon Smith, a member of the Oregon Transportation Commission, to join the discussions as an ex officio member.

Strategy: Charting the Path

EMAC's Charter

In November 2020, the Equity and Mobility Committee adopted a [Committee Charter](#) to guide their work as their first collaborative work product. This charter served as the founding document and was developed in partnership with the project team to guide the scope and operation of the committee. The charter included:

- Vision, mission, and guiding principles
- Committee purpose, approach, and accountability measures
- Work plan, operating procedures, committee structure, and "working together" agreements



EMAC Meetings

EMAC formally began work in May 2020 with a virtual reception where committee and project team members made introductions, reviewed group agreements, and reflected on equity and transportation questions. Over the course of the following two years, EMAC held 19 virtual meetings, through Zoom due to the ongoing Covid-19 pandemic, to establish and continue their work in advising the OTC on creating an equitable toll program. Meeting notices and materials, were sent out in advance of each meeting to the Oregon Toll Program's email distribution list and posted to the [EMAC webpage](#). Meetings were livestreamed on [ODOT's YouTube channel](#), and recordings of the EMAC meetings are available on the [EMAC playlist](#). Public participation at the regular EMAC meetings was encouraged, and at each meeting, facilitators either reserved 10 minutes to hear verbal comments from members of the public in attendance or convened a separate public breakout group. EMAC also accepted written or verbal comments via email, post mail, and voicemail. Comments received through these methods were collected, compiled, and distributed to EMAC members prior to each meeting. Accommodations for people with disabilities, such as materials in alternate formats, were made available for each meeting if requested 48 hours prior to the meeting.

Scuba Team and The Navigator's: EMAC Subcommittees

To fully engage with the National Environmental Policy Act (NEPA) environmental review process, and carefully consider a wide range of equity needs and evaluation methods, EMAC formed two sub team "working groups" one year into their work together. These groups met in between regular EMAC meetings to advance the work of EMAC. One working group, known as the "Navigators," focused on developing EMAC's policy recommendations. The other working

group, known as the “Scuba team,” focused on the NEPA environmental review process, including developing performance measures, the mapping and identification of social resources, and input on the draft Low-Income Toll Report (LITR).

Individualized meeting support for the EMAC members was provided by project team staff and two facilitators. The project team and facilitators coordinated with EMAC members consistently and regularly throughout the process, including one-on-one coordinating phone calls, virtual meetings, and correspondence.

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Action: Shaping an Equitable Toll Program

Since 2020, EMAC has played an integral role in shaping the work of the Oregon Toll Program. The committee's contributions include providing strategic input and guidance on the following tasks:

- Development of an Equity Framework
- Preparation of a public involvement plan
- Community outreach
- NEPA analysis for the I-205 Toll Project, including identification of performance measures and social resources used to assess impacts
- ODOT policy initiatives

The committee's recommendations to the OTC are based on the work EMAC has done to inform the planning and environmental review phase of the I-205 Toll Project and Regional Mobility Pricing Project (RMPP).

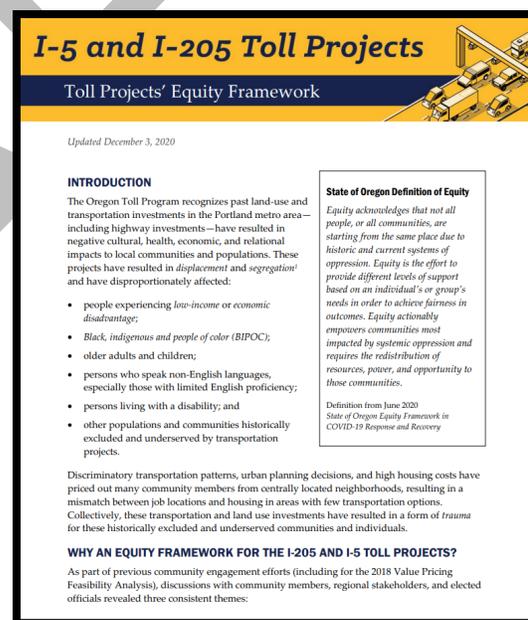
Equity Framework

In developing recommendations for the OTC, EMAC considered needs and opportunities for advancing equity as part of the NEPA environmental review process. To guide their effort, EMAC developed and adopted an Equity Framework, which established a shared understanding of social justice, equity, and trauma-informed perspectives amongst all members to support health, affordability, and access to opportunity for the Portland Metro area, including southwest Washington.

Throughout 2020, members of EMAC worked with other equity specialists and ODOT to create the I-205 and I-5 Toll Projects' Equity Framework. This framework includes:

- Goals for the proposed toll projects
- Description and dimension of equity within the context of the toll projects
- Organizing principles for addressing equity
- Five step iterative process to help reduce systemic inequities

The Equity Framework identified "equity" for transportation projects as the just allocation of burdens and benefits within a transportation system. For the Oregon Toll Program, equity is described in two ways: process equity and outcome equity.



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

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

Together, process and outcome equity focus on four dimensions:

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

To achieve both process and outcome equity, the Equity Framework identified the following organizing principles:

- **Incorporate a trauma-informed perspective.** Recognize the trauma associated with multiple historic and current events, including the ongoing killings of African Americans by police, the COVID-19 pandemic, the economic ramifications from these events, as well as the impacts of past transportation and land use investments. While the future is uncertain, there is opportunity to demonstrate how ODOT can shift power to impacted community members to improve outcomes for all. Embracing this trauma-informed perspective in policy making can begin to address past harms, minimize burdens, and maximize benefits for historically and currently underserved community members.
- **Begin with a racial analysis.** By being explicit about race and systemic racism, the I-205 Toll Project can develop solutions that maximize benefits to all historically and currently excluded and underserved communities. By beginning with race, the Oregon Toll Program ensures that race will not be ignored or diminished as part of an overall analysis of equity in the system.
- **Acknowledge historic context.** Communities which have been historically affected by the transportation system should be explicitly acknowledged and involved in a direct and meaningful way in project development and follow-up.
- **Identify disparities.** The Oregon Toll Program has developed this Equity Framework for the I-205 and I-5 Toll Projects, consistent with Title VI of the Civil Rights Act, to analyze policy proposals as well as historical impacts, assess disparities in the distribution of project benefits and burdens, and provide remediation solutions where warranted.

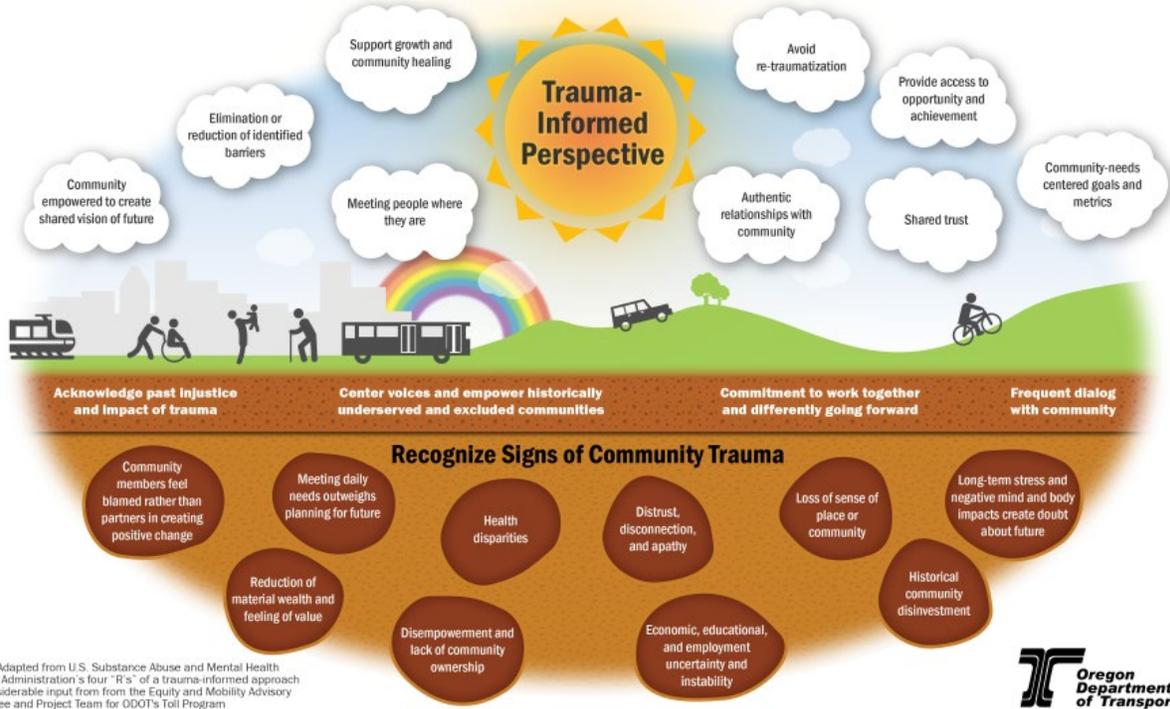
- **Prioritize input from impacted historically excluded and underserved communities.** The Oregon Toll Program is committed to identifying communities that have historically been excluded in transportation planning and who have been underserved or negatively impacted by prior transportation investments and plans, as well as those at highest risk of being negatively affected by the Project. ODOT commits to prioritizing the voices of impacted, excluded, and underserved communities and ensuring that their concerns, goals, and experiences shape the design of the Project. This focus will help produce greater overall benefits throughout the system.
- **Attend to power dynamics among stakeholders.** The Oregon Toll Program aims to elevate the needs and priorities of historically marginalized communities through this process. To do this requires that the Oregon Toll Program recognizes, understands, and shifts existing power dynamics within ODOT, other government agencies, groups, the community, and the Project teams.
- **Maintain a learning orientation.** A focus on equity and implementing an all-lanes toll application are innovative nationally and new for ODOT. The Oregon Toll Program commits to letting equity drive its approach to the planning process, including NEPA studies and community participation. The Oregon Toll Program commits to striving for continuous improvement and to creating space conducive for growth and collective learning.

The Equity Framework uses a five-step iterative process² that can help reduce systemic inequities and support the desired outcomes of the toll projects. This process encourages decision-makers to critically address health, racial, social, and economic disparities and historic disinvestment and transportation decisions that have harmed communities.



² The five iterative steps were adapted from TransForm, a transportation and land use policy organization. TransForm based its framework on a study of tolling equity practices worldwide, with special attention to guidance from the National Cooperative Highway Research Program’s 2018 guidebook and toolbox, Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes.

Trauma-Informed Perspective



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ODOT and OTC Commitments Based on EMAC's Work

Public Involvement Plan

The Equity Framework and direct input from EMAC have informed the I-5 and I-205 Toll Projects' Public Involvement and Communications Plan's (PIP) equitable engagement considerations and approach. In late 2020, the PIP was updated to better align with EMAC's revisions to the Equity Framework. Six of the Equity Framework's seven organizing principles were also incorporated to guide the implementation of all public engagement and communications in this phase. These principles, along with ODOT's public involvement goals, objectives, and success metrics, were included to help the agency advance process equity as defined in the framework.

EMAC has provided outreach support to the I-205 and RMPP project teams to help inform the design and implementation of outreach activities, specifically to Equity Framework Communities³ and Community-Based Organizations. EMAC meetings, sub team meetings, and one-to-one discussions have been used to solicit feedback on engagement objectives, audiences, outreach tools, and evaluation measures. EMAC members have also acted as messengers from their respective communities by sharing with the Project Team and the public feedback that they've been hearing on tolling and other ODOT projects.

Participation from EMAC was critical to targeted outreach efforts for the I-205 Toll Project and RMPP in its pre-NEPA public engagement efforts. EMAC members participated in discussion groups with Community-Based Organizations and Community Engagement Liaisons⁴. Feedback from these discussions contributed to the committee's ongoing work to craft tolling recommendations. Takeaways from these discussion groups have also been reported by EMAC members in public and sub team meetings. In 2022, a public engagement survey was created with EMAC's input, and EMAC members also supported the distribution of the survey by using toolkits to reach out to their respective communities.

I-205 Toll Project

The I-205 Toll Project NEPA analysis requires the evaluation of impacts to environmental resources as a result of the toll project's implementation. EMAC worked closely with the project

³Equity Framework Communities (EFC), are populations that are currently or have historically been disproportionately affected by local transportation projects. As discussed in the Oregon Toll Program's Equity Framework, EFCs include low-income populations, minority populations, older adults, children, people experiencing a disability, persons with LEP, and households with no vehicle access.

⁴Community Engagement Liaisons (CELs) are contractors who specialize in grassroots outreach and organizing in their respective communities and play a key role in outreach, engagement, and interpretation services. As of June 2022, contracted CELs represent the following groups: People with disabilities, Black and African American, Native American, Vietnamese, Chinese, Latina/Latino/Latinx and Slavic communities.

team on two aspects of the technical analysis that informed the assessment of impacts: I-205 Toll Project Performance Measures and identification of social resources within the area of potential impact. EMAC helped evaluate and refine the performance measures to more comprehensively address impacts to equity, specifically pertaining to transit and multimodal transportation options, neighborhood health and safety, and affordability. The performance measures are available on the [I-205 Toll Project webpage](#). The performance measures were further informed by the Equity Framework and were designed to go beyond what is typically required for environmental justice analysis in transportation projects.

EMAC's input on the social resources helped the project team identify appropriate categories of resources – such as medical facilities, social service providers (food assistance providers, housing services, job training, etc.), religious organizations, and schools – that should be considered in the analysis of impacts. To discern for economic equity, the project will analyze impacts to affordability by the percentage of household income for lower-income drivers compared to middle and higher-income drivers.

This analysis will be captured in the I-205 Toll Project Social Resources and Communities, Environmental Justice, and Economic Technical Reports and the Environmental Assessment.

Regional Mobility Pricing Project

The RMPP is in a Planning and Environmental Linkages phase, which occurs before NEPA, but the Equity Framework developed by EMAC will be a guiding document for the analysis. An [Equity Framework Step 1](#) analysis memo was developed by the team and presented to EMAC in April 2022. Similar to the I-205 Toll Project, there will be forthcoming performance measures, technical analysis memos, and engagement plans that will build from EMAC's work to-date.

Policy and Equity and Mobility Strategies

In addition to the impact to public engagement and the toll project level analysis noted above, there have been other actions that ODOT and the OTC have committed to doing that stem directly from feedback received from EMAC. They are as follows:

- Exempt public transit and emergency response (police, fire, ambulance) vehicles from paying tolls.
- Provide a cash-based option for paying tolls.
- Investment in Community-Based Organizations and transportation service providers to create more travel options for people before tolling begins. ODOT's [Innovative Mobility Program](#) will begin in 2022 and has explicit goals to invest in vanpools, transportation management associations, bike share, and engagement. Goals include the following:
 - Provide or encourage use of multimodal transportation options, with a focus on marginalized communities who lack strong multimodal access.
 - Support equitable solutions and transportation options for those impacted by congestion pricing.

- Increase mode share for non-single occupancy vehicle transportation options and reduce Vehicle Miles Traveled (VMT), and related Greenhouse Gas (GHG) Emissions.
- Through ODOT's work with the Transit Multimodal Work Group, the following have either been accomplished or are actively in progress:
 - Work with transit agencies to support equitable investments with toll revenues.
 - Acknowledge that transit investments help enhance alternatives to driving and give people better choices while recognizing that not everyone will be interested or able to take transit as an alternative to tolling.
 - Study whether tolling will result in increased transit demand on routes that may lead to overcrowding, as well as other potential impacts through toll project analysis.
 - Prioritize capital investment to improve transit and multimodal safety in areas affected by diversion.
 - Identify and provide increased transit or multimodal options and improvements through partnerships as toll project mitigation.
 - Design the tolling system to support transit or multimodal options through improved congestion management.

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EMAC Requests: Where Partnerships Will Be Needed to Deliver

Throughout the process with EMAC, actions requested to advance equity would require resources outside of ODOT to deliver. The following list includes EMAC requests and brief descriptions of the partnerships that would be needed to deliver each one:

- Transit Oriented Development (TOD) coordination with affordable housing and jobs development.
 - **Partnership:** ODOT will need to work with TriMet and Metro's TOD staff, landowners, and developers to accomplish the goal of coordinating increased mobility brought by congestion pricing with new, accessible, and affordable housing.
- Provide enough investment to ensure that reliable, emissions-reducing, and a competitive range of transportation options (bike, walk, bus, carpool, vanpool, etc.) are provided.
 - **Partnership:** The services needed to achieve this excellent goal cannot be provided by ODOT alone. ODOT will need to work with Portland regional partners and service providers through long range planning, such as the Regional Transportation Plan process, to identify the changes needed to achieve our equity, climate, and mobility goals.
- Equitable benefits that are offered in Oregon must extend into Southwest Washington.
 - **Partnership:** ODOT will be working with the Washington Department of Transportation and Washington service providers and jurisdictions to understand how the benefits of congestion pricing and/or programs to mitigate impacts would extend into another state.
- Design and implement an interoperable and easy-to-use fare/payment system across geographic boundaries and transportation options. Coordinate between Oregon and Washington, as well as across bike, scooter, carpooling, car sharing options, and park and ride lots. Look at Rideshare Online as an example of rideshare and vanpool services that serve Oregon and Washington. Likewise, TriMet's HOP card is an example of a system that accommodates users in Oregon and Washington.
 - **Partnership:** This is a goal to which ODOT will strive to achieve, but will require cooperation and agreements with agencies that are outside of ODOT (e.g., TriMet, C-Tran, etc.).

EMAC's Recommendation Actions for July 2022 for ODOT and the OTC

[INSERT LANGUAGE HERE FROM JUNE EMAC
MEETING]

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EMAC's Preferred Options for Future ODOT and OTC decisions

EMAC's meetings in 2021 focused on the development of policy and strategy options to advance equity related to neighborhood health and safety, transit and multimodal investments, and affordability. These options were the starting point for the July 2022 Recommended Actions included above and relate to future actions required to implement an equitable Toll Program. The policy and strategy options below are meant to show the breadth of EMAC's work since 2020 and to inform future decision-making, but are not intended to be part of the Recommended Actions for July 2022.

Policy

Defining the corridor for investments from toll revenues

- A balanced approach for defining the area eligible for investment in toll revenues is needed; not just focusing on areas adjacent to the highway but also areas farther from the highway that will be affected. Consider a wider area of impact to include rural areas where Equity Framework-identified communities live, not a limited distance from the highway.

Exemptions, credits, or discounted toll rates

- Provide exemptions for registered vanpools and carpools to promote ride sharing.
- Provide credits, exemptions, or discounts for non-emergency medical transportation, and to support social service or non-profit health organizations recruit and retain volunteer drivers.

Toll Projects

Improve the Oregon Toll Program's impact on health and safety through the development of the toll project environmental review process by completing the following actions:

- Design the toll system to lessen congestion on the highways to improve the lives of those living near or traveling on them, which are disproportionately people from Equity Framework-identified communities.
- Analyze the benefits to neighborhood health and safety to determine what investments are advancing equity, not just maintaining the status quo.
- Provide detail about local air quality monitoring and conditions, which is beyond a look at the regional impact.
- Integrate a Health Impact Assessment (HIA) or elements of an HIA into the process in order to take additional steps than what is traditionally measured in the federal review process to connect transportation planning to health outcomes.

Low Income Toll Report

- Look beyond the standard definition of low-income. When establishing the definition for “low-income” for the income-based toll rate, include a range that encompasses more than the federal definition for poverty. For the toll projects federal environmental review process (NEPA), a measure of 200% of the federal definition for poverty was assumed. This should be the baseline for future consideration. The reality is that people move below and above the federal definition for poverty in a short span of time.
- Set a no- or low minimum balance requirement for loading or maintaining transponders. Transponders should also be free or should come pre-loaded with credits to cover the cost of the purchase. The cost of a transponder can be a barrier for people of lower incomes to purchase.
- Ensure the process of applying for exemptions, discounted rates, or credits considers varying degrees of technological competency and access. ODOT should account for internet reliability in rural areas and how that could affect access to services online (load transponders, apply for exemptions, etc.).
- Set a no- or low minimum balance requirement for loading or maintaining transponders. Transponders should also be free or should come pre-loaded with credits to cover the cost of the purchase. The cost of a transponder can be a barrier for people with lower incomes to purchase.

Toll Rate Setting

- Select a toll rate schedule that is progressive in nature, meaning that higher-income drivers will pay a larger share or percentage of household income than lower-income drivers.
- Ensure that people experiencing low income who struggle to meet basic needs (food, shelter, clothing) will have a path forward to travel toll-free.
- Set price caps on increases to the lower-income toll rate to ensure it remains affordable for motorists with lower incomes over time.
- Find the right balance between discounts and/or exemptions and revenue generation to advance equity. Specifically, analyze the tradeoffs between exemptions, credits, or discounted rates based on income versus collecting the toll revenues and investing them into equity and mobility strategies.

Operations

- Build into the system where voices from Equity Framework identified communities are included in the decision-making process for future toll rate adjustments.
- Commit to offering additional time to pay a toll bill without incurring fines and study options for effectively doing so. Tolling should not contribute to more financial indebtedness for people experiencing low income, nor should it lead to criminal penalties.
- Ensure the process of applying for exemptions, discounted rates, or credits considers varying degrees of technological competency and access. ODOT should account for internet reliability in rural areas and how that could affect access to services online (load transponders, apply for exemptions, etc.).

- Design the system to be clear and easy to use for everyone, including non-English language speakers. Collaborate with trusted organizations and individuals within Equity Framework communities to overcome historical and current barriers of trust, language, and financial impacts, including obtaining a transponder and understanding the toll rates for location and time of day.

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EMAC Continuation (2022 - 2025)

The Equity and Mobility Advisory Committee will continue to convene until the toll rate setting process for the I-205 Toll Project and Regional Mobility Pricing Project are complete in late 2024 and early 2025, respectively. EMAC's work aligns with and informs the toll project planning for equitable processes and outcomes. Several members will continue to be with the committee to sustain the committee's necessary high functionality and knowledge. In contrast, some members will leave (a few have done so already) by July 2022. New members will be recruited during the summer of 2022 to replace the outgoing members. The new members will bring new voices to the work, expanding EMAC's skills and capacity.

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