

# Equity and Mobility Advisory Committee (EMAC) Recommendations for July 2022 Oregon Transportation Commission Action

The Equity and Mobility Advisory Committee (EMAC) advises the Oregon Department of Transportation (ODOT) and the Oregon Transportation Commission (OTC) on creating a process for delivering equitable outcomes on the I-205 Toll Project and Regional Mobility Pricing Project. As is described in the Equity Framework, our work informs guidelines, strategies, processes, and policies to advance equity with implementable measures before and after tolling begins.

The following questions guide collaboration with ODOT and the OTC on structure and execution of an equitable public process before and after tolling begins. These are also intended to help determine whether equity is advanced through the Toll Program by ODOT and the OTC:<sup>1</sup>

- **Rate** – What is the toll rate and the relative cost burden across aggregated demographic populations?
- **Revenue** – How and where is toll revenue invested?
- **Responsibility** – Who is responsible for long-term oversight and adjustments of the toll program? How will those responsible demonstrate transparency and accountability?

## Request of the Oregon Transportation Commission in July 2022

We respectfully request that the Oregon Transportation Commission (OTC) join us in partnership this July by supporting our recommended actions. **By supporting these actions, the OTC would provide strategic direction to ODOT to center equity using these actions as the basis for future decisions.**

We know that ODOT has more work to do to take the strategic direction provided in these actions and work to operationalize and implement. We look forward to working with the OTC and ODOT in that process.

These actions build from and connect to the Foundational Statements, which EMAC and OTC supported in November 2021. The following pages include the Foundational Statements and each recommended action notes which statement(s) they address.

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<sup>1</sup> For further context for the recommendations that follow in this document, when EMAC refers to equitable benefits, we mean not just for the residents of Oregon, but also of southwest Washington.

## **Foundational Statements**

The Foundational Statements will serve as building blocks for the Equity and Mobility Advisory Committee's (EMAC) recommendations to inform commitments from ODOT and the Oregon Transportation Commission (OTC) to advance equity through the Oregon Toll Program. To provide high-level consensus, the following Foundational Statements were developed by EMAC, in partnership with ODOT staff and unanimously supported by the OTC at their November 18, 2021 meeting:

1. Provide enough investment to ensure that reliable, emissions-reducing, and a competitive range of transportation options (bike, walk, bus, carpool, vanpool, etc.) are provided to advance climate, safety, and mobility goals, and prioritize benefits to Equity Framework communities.
2. Climate and equity needs are connected and solutions must be developed to address both at the same time. Further work needs to be done to support both congestion management and vehicle miles traveled (VMT) reduction with an emphasis on increasing functional alternatives to driving, while not increasing diversion nor heavily impacting low-income car-dependent people.
3. There must be toll-free travel options available to avoid further burdening people experiencing low-incomes who are struggling to meet basic needs (food, shelter, clothing, healthcare).
4. To the greatest degree possible, investments that are necessary to advance equity must be delivered at the same time as highway investments and be in place on day 1 of tolling or before. Additional work needs to be completed to identify these investments.
5. Tolling must be a user-friendly system that is clear and easy to use by people of all backgrounds and abilities, including linguistic diversity, and those without internet access.
6. Equitable benefits that are offered in Oregon must extend into Southwest Washington.
7. Although the toll projects will have a statewide impact, they must be developed in coordination with regional partners to build an equitable and successful transportation system, together.

## **Congestion management approach**

**We understand the dual goals of the Oregon Toll Program: manage congestion and raise revenue for investments.** We also know there are many paths to achieving and defining these goals, and we want to see greater clarity.

**We believe that we cannot build our way out of congestion.** To effectively address congestion, ODOT must prioritize managing system demand, with an emphasis on encouraging travel outside of peak-commute hours, reducing the number of vehicle trips taken, and increasing the use of higher-capacity and climate-friendly modes that can effectively move many more people with fewer cars. We recognize and support the definition of demand management as re-designing and operating the system to reduce congestion on the highways through tiered pricing and investment in transportation options, including the promotion of carpooling, vanpooling, and mass transit.

**We recognize the relationship between congestion pricing, equity and meeting climate action goals.** We have worked to identify a wide range of multi-faceted strategies to equitably maximize the benefits of congestion pricing. We see this as a real opportunity to move the needle on core state and regional goals – and doing so in such a way that minimizes harm and provides disproportionate benefits to Equity Framework communities.

**We acknowledge the delicate balance in setting toll rates.** Raising the price too much for reinvestment and climate goals could burden populations already struggling with the region's high cost of living and increase diversion impacts to communities surrounding the highway. Keeping the price too low could leave us with no benefits from congestion pricing while traffic congestion burdens continue.

### **Recommended Action #1 (connects to Foundational Statements 1, 2, 3, and 7)**

The following goals should guide ODOT's decisions on tolling related to congestion management, including design, setting rates, monitoring, and adjusting tolls, with an emphasis on avoiding disproportionate burdens and focusing on benefits among Equity Framework communities:

- Price the system to maximize efficiency of the toll corridors, emphasizing moving as many people as possible in the existing lanes, coupled with robust investments by ODOT and regional partners in reliable, emissions-reducing, and a competitive range of transportation options (bike, walk, bus, carpool, vanpool, etc.) to advance climate, safety, and mobility.
- Limit freight and longer-trips diverting into local communities.
- Improve access to jobs, healthcare services, education, recreation and natural spaces.
- Improve air quality and reduce Greenhouse Gas (GHG) emissions.
- Reduce vehicle miles traveled (VMT) per capita.
- Increase mode shift from single-occupancy vehicles to higher-occupancy vehicles or transit.
- Price the system so that lower-income households pay a lower percentage of household income than middle and upper-income households pay.

## **Revenue generation approach**

**We understand that tolling alone cannot and should not bear the sole weight for raising enough revenue for investments to address past wrongs and existing disparities.** We see the overarching goal to deliver major projects identified by the Oregon Legislature (raise revenue for infrastructure) and finance reliable, convenient, emissions-reducing, competitive, and health-promoting transportation options (bike, walk, bus, carpool, vanpool, etc.) with an emphasis on addressing the needs of historically excluded and underserved communities.

**How toll revenues are invested is an essential question to determine if or how the Program advances equity.** Without agreements or direction at this time, which could inform the official toll rate-setting process, we are concerned that there will not be adequate money left to address the needs and concerns of Equity Framework Communities.

**We agree that congestion pricing through variable rate tolls, is needed on I-5 and I-205, and we understand that the OTC and ODOT must deliver major projects identified by the Oregon Legislature.** We understand that investment-grade traffic and revenue analysis is not conducted until around six months before the final toll rates are set. Without the fine-tuned traffic and revenue analysis data available, we believe that the OTC must adopt a priority framework to guide ODOT and the future toll rate setting process.

**We have routinely heard that people are worried about the increased cost of travel on their budget and community, especially on those experiencing financial hardship (low-income).** We support the lowest toll rate possible for people experiencing low income, and programs to reduce impacts and unintended consequences on people experiencing low-incomes. In creating an equitable system, we also consider the impacts on working class and middle-income families who do not have resilient finances.

We recognize that this may result in less toll revenue to fund various projects and programs, including needed programs or services to advance equity.

### **Recommended Action #2 (connects to Foundation Statement 1, 2, 3, and 7)**

For the approach to revenue generation, the Oregon Transportation Commission should pursue the following strategy:

- Pursue a large carve-out to provide the low-income discounts, credits, or exemptions to address affordability impacts.
- To inform the strategy for what is left over after bond-financed multimodal capital investments, which includes mitigation, select a rate schedule that is optimal for managing demand.

## **Accountability**

**We know that there are many other decisions the OTC will make before establishing the oversight and adjustment process for tolling.** We recognize that achieving equity is a process over time; however, establishing an oversight and adjustment process is a high priority for EMAC at this time. We must have clarity and confidence that after our work in planning for tolling is done that ODOT will continue with the kind of community-grounded equitable planning approach that has made this process successful in our eyes to date.

**We strive to ground our equity advancement work on the realities that Equity Framework Communities are facing, and on solid evidence, research, and analysis.** We are doing our best to learn and provide recommendations based on community input, data, and best practices in the planning stage. We are also aware of the limitations of data, models, and other planning tools and that the actual benefits and impacts of tolling will need to be monitored once tolls are in place to really understand the effects of tolling on historically impacted and underserved communities and adjust accordingly.

These are our recommendations to advance equity based on what we know today. Actual impacts and benefits will need to be monitored once tolls are in place and implementation measures may need to be adjusted in the future.

**As opposed to other transportation projects and plans where community engagement typically ends after the plan or project is finalized, tolling, as a programmatic strategy to manage congestion, offers an important opportunity to include community voice as roadway conditions, technology, toll revenues, and community needs and priorities shift over time.**

A commitment to ongoing engagement and consultation with historically excluded and underserved community leaders and organizations in monitoring, reporting, and programmatic changes after tolling begins is an essential step to building community understanding, capacity, trust, accountability, buy-in, and support. It can also help planners and policymakers ground-truth data, and generally make more informed decisions.

We know that new committees are coming online soon. There will be a Rules Advisory Committee that ODOT will support to provide a recommendation directly to the OTC on toll rate setting and rules that govern important items like enforcement and operations of tolling. We want to ensure that equity will be prioritized in their important work.

### **Recommended Action #3 (connects to Foundational Statements 4, 6, and 7)**

To center equity in the important rulemaking and I-205 Toll Project rate setting process, the following elements should be included:

- Include an EMAC member on the Rules Advisory Committee.
- The Rules Advisory Committee should include enough people with lived or professional experience with equity, as defined in the Oregon Toll Program's Equity Framework, to avoid "tokenism" and marginalizing their voices.
- EMAC should be provided with the investment-grade traffic and revenue analysis information and be given the opportunity to give feedback directly to the Rules Advisory Committee before they make a recommendation to the Oregon Transportation Commission.

#### **Recommended Action #4 (connects to Foundational Statement 1, 2, 3, 5, 6 and 7)**

Once tolls are in place and EMAC's work is complete, ODOT and the OTC should continue to support a toll equity accountability committee (that is separate and complementary to the Rules Advisory Committee) or establish another structure where equity voices are at the table in a consistent, transparent, and resource-supported way to ensure long-term accountability. Either the committee or another structure will review progress of the toll program over time to provide feedback and guidance to ODOT and the OTC to help advance equity processes and outcomes with tolling on I-5 and I-205.

The committee (or other entity) would monitor, evaluate, and provide feedback on the following:

- Equity commitments made to address EMAC's core intent: addressing issues of affordability, and the impact of diversion on neighborhood health and safety, and transit and multimodal transportation options.
- Equity commitments made as a part of mitigation in the I-205 and RMPP toll projects.
- Enrollment in and economic impacts of the low-income toll program over time.
- DBE commitments for workforce development and contracting of toll operations and projects funded by tolling.
- Improving ODOT's approach to equitable engagement and customer service practices.

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## **Involving small, minority, and women-owned businesses and community-based organizations**

**We anticipate that businesses whose workers and goods frequent I-5 and I-205 will be among the groups most affected by tolling.** We need to balance the cost of tolls with the benefits of investments and managed congestion. At the same time, we must identify impacted small, minority, and women-owned businesses and proactively reduce their burden. We know that securing and maintaining a job is critical to combating poverty.

As the toll program aims to improve mobility, environmental, and other outcomes, it must not lose sight of the implications for business districts and corridors where changes may occur – especially for small, minority, and women-owned businesses that may not have the resources to adapt to major changes. Deep engagement and assessment of corridors and districts where significant changes are expected to occur, whether it be the direct or indirect impacts of vehicle trips, transit ridership, or other forms of travel, is essential. Preparing businesses for expected changes and helping buffer any negative impacts will help create a triple win for mobility, environment, and the economy.

Tolling and investment must create more jobs for women, small, and minority-owned businesses and in historically excluded communities.

### **Recommended Action #5 (connects to Foundational Statements 1, 4, and 7)**

Identify and commit to a plan for increasing the number of small, minority, and women-owned businesses that are awarded contracts for designing, building, and operating the toll system and projects supported by toll revenues.

### **Recommended Action #6 (connects to Foundational Statements 1, 4, 5, and 7)**

Provide ongoing funding for community-based organizations (CBOs) that serve communities identified in the Oregon Toll Program's Equity Framework and that are impacted by tolling to support the following types of activities:

- CBO transportation services for carpool, vanpool, and other transportation programs building upon the concept of ODOT's newly created Innovative Mobility Program.
- Compensation for community members to participate in tolling-related transportation planning activities, projects, or committees.
- Toll education programs and ongoing engagement to inform the toll program.
- Increase enrollment in the Oregon Toll Program account holders and access to the low-income toll program.
- Include CBOs in the monitoring process to identify and help prioritize actions to address neighborhood health and safety issues caused by increased diversion of freight or longer-trips from tolling.