

# I-5 and I-205 Toll Projects

## Equity and Mobility Advisory Committee Meeting #2 Summary



<b>Subject</b>	Equity and Mobility Advisory Committee Meeting #2
<b>Date and Time</b>	July 28, 2020   3:30-6 p.m.
<b>Location</b>	Online via Zoom
<b>Recording</b>	<a href="https://youtu.be/0lvbEkka9M0">https://youtu.be/0lvbEkka9M0</a>

### EQUITY AND MOBILITY ADVISORY COMMITTEE MEMBERS

Attendees	Organization
Abe Moland	Clackamas County Health and Transportation
Bill Baumann	Human Services Council
Diana Avalos Leos	League of United Latin American Citizens; Latino Youth Conference
Dr. Philip Wu	Oregon Environmental Council
Dwight Brashear	SMART
Eduardo Ramos	At-large member; City of Tigard
Fabian Hidalgo Guerrero	Causa
John Gardner	TriMet
Michael Espinoza	Portland Bureau of Transportation
Park Woodworth	Ride Connection
Phil Ditzler (ex-officio member)	Federal Highway Administration

Absent	Organization
Amanda Garcia-Snell	Washington County Community Engagement
Germaine Flentroy	Beyond Black/Play, Grow, Lean
Ismael Armenta	At-large member; Oregon Walks
James Paulson	WorkSystems Inc Board
Kari Schlosshauer	At-large member; Safe Routes Partnership
Alando Simpson (Oregon Transportation Commission liaison)	Oregon Transportation Commission Vice Chair

### PROJECT TEAM

Name	Organization	Name	Organization
Hannah Williams	ODOT	Josh Channell	WSP
Lucinda Broussard	ODOT	Carina Garcia	EnviroIssues
Nikotris Perkins	ODOT	Susan Hayman	EnviroIssues
Cooper Brown	ODOT	Brett Watson	EnviroIssues
Della Mosier	ODOT	Christine Moses	Buffalo Cloud Consulting

Name	Organization	Name	Organization
Anne Presentin	WSP	Francisco Ibarra	PSU
Heather Wills	WSP	Chris Lepe	Independent Equity Consultant

## WELCOME

Meeting facilitator Christine Moses, Buffalo Cloud Consulting LLC, welcomed the group. She introduced herself and her co-facilitator, Susan Hayman. Christine explained that the purpose of the meeting is to look at the Equity and Mobility Advisory Committee charge, the charter, and the draft I-205 and I-5 Toll Projects' equity framework. Christine provided an overview of Zoom controls. She then reminded all committee members and attendees that the Oregon Department of Transportation (ODOT) will record the meeting. ODOT will post the recording on the committee webpage.

Christine reviewed the agenda and acknowledged the land to center and honor Native American tribes. She also guided the group through a centering exercise.

Christine asked the committee members to reflect on the listening session and write about two new perspectives they gained in that meeting.

Christine introduced Hannah Williams and Lucinda Broussard with ODOT, Francisco Ibarra, the Equity and Mobility Advisory Committee Intern, and the consultant team.

## COMMITTEE PROCESSES

Christine reviewed the committee purpose and provided guidance on practices that the committee will use throughout their time working together. Christine invited the committee members to provide feedback on these practices. No committee members provided comment.

Christine provided an overview of the draft committee charter and asked the committee members to provide feedback. Committee members discussed, summarized by the following key points:

- One committee member commented that the charter should include language that incorporates a trauma-informed approach. The project team should be cognizant of the asks they make of community members considering the situation with COVID-19, social justice movements and the economic recession. Meeting communities where they are is important.
- Another committee member noted that community engagement best practices may look different during COVID-19. The charter should include language that acknowledges this so that communities know the project team is considering this.
- A committee member noted that the last sentence of the charter refers to "NEPA" (the National Environmental Policy Act). The committee member asked that the full name be spelled out with the acronym in brackets.

Christine thanked the committee members for their comments. Christine explained that the project team will incorporate revisions based on what the committee discussed. The committee will then move to adopt the charter as final at next month's meeting.

## **I-205 AND I-5 TOLL PROJECTS OVERVIEW**

### **Acknowledgement by ODOT**

Christine introduced Cooper Brown, Assistant Director for Operations, ODOT.

Cooper thanked Christine and the committee members for their time and provided an overview of his role. Cooper oversees various projects and departments at ODOT, such as the Climate Office and the Office of Urban Mobility, which is home to the ODOT Tolling unit.

Cooper recognized that the way ODOT has done things in the past has created harm, and resulted in segregation and displacement, primarily impacting communities of color. ODOT recognizes the need to do better and incorporate restorative justice practices. How ODOT delivers on their goals and values is what matters. It is ODOT's intent to include the committee in conversations that will help guide ODOT and make sure ODOT's actions are consistent with ODOT's values.

Cooper summarized the key elements that ODOT needs to address to make sure restorative justice is a core element of this work. ODOT needs to:

- Put people who have been displaced and underserved by past decisions at the forefront in meaningful ways.
- Focus on mobility and increased resources for those who are using the system.
- Address climate change as well as health and safety.
- Address community input and provide transparency around how feedback has influenced the project.

Cooper thanked committee members for their time and invited them to ask questions:

- Christine asked how ODOT will center restorative justice in the work.
  - Cooper explained that incorporating restorative justice includes soliciting feedback from those who have not historically been asked for input and those who have already provided input, but the input has not been incorporated. In addition, ODOT needs to make sure they are addressing the communities that have been negatively impacted and bring them into the conversation in a meaningful way.
- A committee member asked how ODOT's Climate Office will impact different projects and programs.
  - Cooper clarified that the Climate Office is only six months old and this is still being addressed. ODOT is looking at various strategies, including assessing initial impacts and mitigation, and where money is invested. The Climate Office is also promoting use of electric vehicles and creating the infrastructure to make it more economically accessible for everyone.

- Another committee member asked Cooper to identify the harm that he mentioned earlier and how long ago it occurred. The committee member also asked Cooper to explain what changes ODOT has made since those transgressions occurred.
  - Cooper provided one example of past harm. The construction of I-5 through the Albina community in Portland and the displacement it caused. ODOT played a part in that decision when they failed to consider the views and needs of the entire community.
  - Cooper also explained some of the recent changes within ODOT such as the new leadership under Director Kris Strickler. With the change in leadership there is also an increased focus on equity in the Oregon Transportation Commission. Director Strickler intends to coordinate decisions between highway and public transit investments. In addition, ODOT created an Assistant Director for Social Equity position, and hired Nikotris Perkins for the role.
  - Cooper recognized that ODOT needs to do more work for the community to see real impact. ODOT's strategic action plan will prioritize equity, modernizing the transportation system and sustainable funding. In the past, equity was considered and incorporated, and not dismissed. ODOT is now giving it a more central role, more weight, and asking the agency staff to consider equity in their decisions, including in investments, project development and in all aspects of the ODOT's work.

### **Project overview**

Christine asked Lucinda Broussard, ODOT Director of Toll Operations, to provide an overview of the project.

Lucinda explained that the I-205 and I-5 Toll Projects came out of House Bill 2017, in which the Oregon Legislature directed ODOT to study and implement tolls on I-205 and I-5 in the Portland metro region. In 2018, the Value Pricing Feasibility Analysis looked at toll options on these interstates. ODOT received feedback from stakeholders about toll implementation. Stakeholders shared feedback around common themes of equity, improved transit and other forms of transportation and diversion.

ODOT has been presenting to stakeholders across the region as the I-205 Toll Project advances. Lucinda explained that the project is beginning the National Environmental Policy Act environmental review process. As part of this process, the project team will look at developing a purpose and need statement for the project and alternatives for further study. For the I-205 Toll Project, the draft purpose is to manage congestion and generate revenue. ODOT will eliminate any alternative that does not meet this purpose from further consideration.

Lucinda described the committee's relationship to decision-making and how information travels through different stakeholders. Technical committees and groups provide information to the Equity and Mobility Advisory Committee. The advisory committee then provides feedback directly to the Oregon Transportation Commission.

## **STAKEHOLDER ENGAGEMENT OVERVIEW**

Hannah Williams, ODOT Toll Program Community Engagement Coordinator, provided an overview of public engagement efforts for the I-205 Toll Project. ODOT will launch a 45-day public engagement period beginning August 3. Hannah emphasized the importance of public input. The comments from the Value Pricing Feasibility Analysis are what led to the creation of the Equity and Mobility Advisory Committee. The project team's responsibility is to follow up on how feedback is influencing the project.

ODOT is working on monthly newsletters, media releases, social media ads, a website, a fact sheet and videos. The project team is also connecting with community partners through monthly emails.

ODOT is also seeking input through briefings with stakeholders, webinars, presentations and discussion groups. The comment period will include surveys, questionnaires and intentional engagement through the community engagement liaison program. The liaisons support reaching underserved and underrepresented communities and providing translation of materials. ODOT is also working with the Native America Youth and Family Center to reach Native American communities. ODOT will work with committee member Germaine Flentroy to discuss outreach with Black communities in the Portland metro area.

Committee members discussed the following key points:

- One committee member asked what steps the project staff are taking to reach various communities in a meaningful way, given that everything is virtual.
  - Hannah explained that project staff are reaching out to community-based organizations to ask them how they want to participate.
- Another committee member asked what engagement efforts ODOT is making for folks who are visually and hearing impaired. The committee member also asked if there are conversations about how to mitigate the technology gap that exists for some culturally-specific, community-based organizations who lack the resources to engage virtually.
  - Hannah explained that the project staff are in communication with community engagement liaisons to see which strategies work well for each community. While some communities prefer text messaging, others prefer Zoom or conference calls. For some groups there may not be an alternative, so project staff are looking into the possibility small-group, in-person interactions. Hannah will follow up with more details about engagement with folks who are visually and hearing impaired.
- A committee member asked if the project team has talked about offering stipends to individuals for participation in the engagement effort. The committee member also questioned whether this is an appropriate time to talk about tolls given the current pandemic.
  - Hannah explained that tolls wouldn't begin for several years, but that planning is going forward now. ODOT would like to compensate discussion group participants for their participation. Hannah will follow up about what's specifically in the scope for other engagement efforts.

- A member emphasized that now is the time to have conversations about tolls considering that the project is moving forward.
- Christine asked if the committee members could participate in the public comment period.
  - Hannah confirmed that committee members are welcome and encouraged to participate.

## **DRAFT I-205 AND I-5 TOLL PROJECTS' EQUITY FRAMEWORK**

Christine introduced Chris Lepe, an independent equity consultant, to present on the draft toll projects' equity framework.

Chris explained his experience as well as his role as an equity consultant in supporting the development of the draft toll projects' equity framework. Chris provided context on how the draft toll projects' equity framework became part of the process. During the Value Pricing Feasibility Analysis, the community provided strong recommendations to address needs of communities of color and low-income communities. Consultants and ODOT proposed drafting an equity framework as a roadmap to assess the equitable distribution of benefits and burdens. The draft toll projects' equity framework will guide the project to ensure equitable outcomes and processes.

Chris noted that while the toll program team has already reviewed the draft toll projects' equity framework, it is a draft and we encourage the committee to adapt and refine it as their own.

Chris provided a brief overview of the six guiding principles:

- Begin with a racial analysis and center race.
- Acknowledge historic context of communities that have historically affected by the transportation system.
- Identify disparities by assessing the distribution of benefits and burdens.
- Prioritize input from impacted historically and currently underrepresented and underserved communities.
- Attend to and shift power dynamics around stakeholders.
- Maintain a learning orientation and create a space for continued growth.

Chris provided an overview of the five steps of implementation:

- Step 1: Identify the communities of concern (who), their travel patterns (where) and the relationship between the project and the needs of those communities (what)?
- Step 2: Define equity outcomes and performance measures.
- Step 3: Determine benefits and burdens.
- Step 4: Choose options that advance equity.
- Step 5: Provide accountable feedback and evaluation.

Committee members discussed, summarized by the following key points:

- One committee member asked about the process for developing the draft toll projects' equity framework and who was involved at ODOT. Specifically, the committee member wanted to know the ODOT reviewers' understanding of equity.

- Chris clarified that the project team's consultant equity specialists developed the majority of the draft toll projects' equity framework, with input from ODOT staff.
- Lucinda and Hannah added that ODOT project staff were the reviewers. It is still considered a draft; the committee is encouraged to provide changes. Hannah also noted that she would follow up with committee members with more information on the equity specialists.
- Another committee member asked for more clarification on step one in the process and whether it would address why and how disparate impacts are occurring in different communities.
  - Chris noted that the public health lens is important, but was not the primary framing when they drafted the draft toll projects' equity framework. The committee and project team will collaborate on ways to address this in the equity framework.

Christine agreed that the question of "why" disparate impacts are occurring is critical and thanked committee members for their comments.

Chris continued a more in-depth explanation of *process equity* by providing some examples, such as:

- Representation on advisory committees.
- Responsiveness in addressing comments.
- Quality of meeting facilitation.
- Transparency about how feedback is being used in the project development.

For *outcome equity*, Chris explained three key themes including affordability, access to opportunity and community health.

Regarding determining benefits and impacts, Chris emphasized the need to interpret impacts as both positive and negative. Chris provided examples of potential benefits and burdens, such as user costs and travel time.

Chris emphasized the importance of accountable feedback and evaluation, especially when it comes to engaging with underserved communities. He explained that the framework would be used in future committee meetings by going through the five steps in order.

Committee members discussed the following key points:

- Committee members were pleased to see parallels between the draft toll projects' equity framework and similar documents at other government agencies in the Portland metro region.
- Committee members had questions about the methodology of applying the draft toll projects' equity framework and measuring outcomes, such as access to opportunity and community health.
  - Chris clarified that the equity specialist team is beginning conversations about this, though it will depend on the data that is available to them.

- Lucinda added that the committee now has an intern who will serve as their analyst.
- One committee member commented on the importance of affordability in the current economic crisis of COVID-19. Maximizing benefits for folks who do not have access to the economic relief is important.
- Another committee member commented on a recommendation that came out of the Value Pricing Policy Advisory Committee to use vanpools and carpools.
  - Chris agreed and provided an example of the Express Lane Program in San Diego that uses subsidized carpool and vanpool programs. San Mateo Valley also has a program to incentivize carpooling through an employer carpool app.
- A committee member commented on the need to provide translation when it comes to inclusive community engagement.

## **PUBLIC COMMENT**

### **Verbal public comment**

Christine and Susan invited observers to provide public comment at the meeting. We've included a summary of the comments below. Written community member comments submitted prior to the meeting are included at the end of the document.

### **Public comment #1 – John Lewis**

John Lewis, Director of Public Works for Oregon City, expressed appreciation for the comments made in the meeting. John expressed concern about the five alternatives as it pertains to the committee's work. John asked the committee to consider alternatives beyond the five that ODOT is currently considering. See Equity and Mobility Advisory Committee Meeting #2 [[video](#)], 2:12:20

### **Public comment #2 – Ian**

Ian asked that ODOT consider implementing equity objectives in their performance evaluations within their organization as well as with their consultants. See Equity and Mobility Advisory Committee Meeting #2 [[video](#)], 2:14:17

### **Public comment #3 – Christian Trejbal**

Christian Trejbal, Overlook Neighborhood Association, expressed concerns about tolled facilities along I-5 and potential effects in Overlook due to cut-through traffic in north Portland. Christian asked that the committee consider potential impacts to all neighborhoods as outlined in the Oregon Transportation Commission's committee purpose. See Equity and Mobility Advisory Committee Meeting #2 [[video](#)], 2:25:56

## **NEXT STEPS**

The next meeting is scheduled for Wednesday, Aug. 26, 3:30 pm – 6:00 pm. Committee members will adopt the committee charter, further discuss the draft toll projects' equity framework and review the draft 2020 committee work plan.

*Note: This document is only a summary of issues and actions from this meeting. It is not intended to be a transcript of the meeting, but rather an overview of points raised and responses from the Project Team. We have posted a full recording of the meeting on the [committee webpage](#).*

*The information in this document, and the public and agency input received, may be adopted or incorporated by reference into a future environmental review process to meet the requirements of the National Environmental Policy Act.*

*Please note that committee member and public comments during meetings are part of the public record and open to public records requests through the Oregon Public Records and Meetings Law.*

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## WRITTEN PUBLIC COMMENT

Community members submitted the following public comments to the committee via email prior to Equity and Mobility Advisory Committee Meeting #2.

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**Date received** 6/29/2020

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**Source** Project inbox

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**From** Manuel Lucero

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Subject: EMAC Public Comment

My name is Manuel Lucero and I live in Tualatin off the 5. I am a middle-class Hispanic male that comes from a diverse community that has many people of color. We completely oppose any tolling on the 205 and I-5 as inequitable, and view it as a form of redlining. If ODOT wanted to discourage driving, they should first offer a reliable and fast way to get into Portland for those who have to commute in for work or school (we are also already paying the Transport package tax on our paychecks). Otherwise, ODOT should toll areas like the Sellwood Bridge, where central Portlanders have access to protected bike lanes, Max, and numerous bus routes to

commute within the city. It really looks like you are trying to keep people who live on the outskirts of town out of your city to benefit the wealthy central Portlanders.

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**Date received** 6/29/2020

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**Source** Project inbox

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**From** Jamie Peng

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Subject: EMAC Public Comment

Hi EMAC--

I know these comments may not make it into today's meeting since my work week got away from me, but your instructions had noted that the public can submit public commenting at any time. I am keeping my comments to concerns over public safety.

The 2017 Max stabbing, the Central Park incident, and the past several months in the news have shown people of color that not all public spaces are safe, inclusive, or welcoming, and shows no signs of changing. As an Asian-American female, anti-Asian, COVID-related hate is a legitimate concern. I plan to continue driving as my main form of commuting should I ever return back to my office setting. My friend has been chased down SE Division Street by a man shouting about "communist China," and I have had a man yell 'Corona virus' at me just by virtue of walking (back in March). This is not even considering the racially-motivated cat calls that can occur while on foot or public spaces in the city while there is NO pandemic.

I am not anti-transit but feeling safe on transit is a privilege that people of color do not have. I live out in Clackamas County, and it takes 1.5hrs and 2-3 bus transfers each way to get into my work via bus. That is a long time to be exposed to multiple scenarios. I support healthy and walkable neighborhoods that encourage other forms of commuting, and I support initiatives that would encourage more teleworking. But for me, some friends, and my family, we are unlikely to abandon our cars any time soon due to these practical public safety concerns.

Thank you, Jamie Pang

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**Date received** 6/30/2020

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**Source** Project inbox

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**From** Patrick DeCorla-Souza

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Subject: EMAC Public Comment

I listened to the comments from EMAC members last night (June 29, 2020) and based on what I heard, I believe EMAC may be interested in exploring an innovative idea that addresses many of the issues raised. Under this new concept, congestion-based charges would be imposed on the entire urban freeway network and at transit park-and-ride facilities during peak periods. Motorists would be presented with two new attractive travel choices: (1) using a mobile app, they could pick up a passenger heading in the same direction and thereby earn cash payments; or (2) the driver could leave his or her car at home and get a ride at a nominal fare (equal to the transit fare) with someone who wishes to drive and earn cash. An exploratory analysis that I undertook for a hypothetical metro area suggests that revenues from freeway congestion pricing could be sufficient to support costs for implementing the new tolls and new operational

freeway improvements, and for cash payments to rideshare vehicle drivers amounting to 50 cents per mile driven.

A pilot project deployed in South Bend, Indiana, suggests the potential of app-based ridesharing to provide mobility services on a regionwide scale. In South Bend, the technology provides mobility citywide for those who can't or don't wish to drive. The program pays drivers to essentially act like Uber or Lyft drivers on their trip to work or other destination.

Drivers are paid 50 cents per mile to pick up a passenger. See:

<https://www.traffictoday.com/news/multimodal-systems/carpooling-initiative-that-pays-members-launched-in-south-bend.html>

The exploratory analysis that I conducted suggests that this new concept can

benefit everyone and address concerns expressed by EMAC members yesterday:

- Those who don't own a car or can't drive would have an additional travel option to enhance their mobility.

- Likewise, those who can't afford the new congestion charges would have a new travel option that won't require them to pay the new charges.
- Toll-payers would benefit from a faster trip and enhanced freeway operations as congestion would be reduced or eliminated.
- Those willing to pick up a passenger would be compensated with tax-free income (per IRS rules) which would be more than adequate to pay any new congestion charges.
- Those who live in or need to go to destinations where transit is less accessible will have a new travel option (as a rideshare vehicle passenger) that is much more convenient.
- On-demand ridesharing could provide access to transit stations and address "first/last-mile" issues for residents who live too far away from transit stations to walk to them.
- Freeway vehicle miles travelled (VMT) could be reduced significantly – at the extreme, by as much as 50 percent if every driver was incentivized to pick up a passenger.
- Traffic reductions would result in reduced noise and pollution impacts to communities near freeways.
- Reduced congestion would reduce pressure to expand freeways that could cause further community and environmental impacts.
- Commitments for long-term financial support of the app-based ridesharing program could be secured through public-private partnership contracts with a ride-hailing company.

Should EMAC be interested in this concept, I would be happy to share a draft paper that discusses the ideas in more detail and presents my analysis of the viability of the concept in a hypothetical metro area. My only request, in return, is that readers respond (see email address below) with any comments they may have on the paper.

Patrick DeCorla-Souza

Transportation Planner;

Former co-chair of the Congestion Pricing Committee of the Transportation Research Board;  
and Public-Private Partnership Program Manager at USDOT

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**Date received** 7/21/2020

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**Source** Project inbox

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**From** Mary Jane Mathews

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**Subject:** Committee Public Comments

To whom it may concern: I do not support Toll Roads as away to fund our highways. It will be awful for our local roads. I would rather pay higher registration fees. We are not "New Jersey" nor do we want to be. Please listen and Stop this idea now. Thank you for your time. Sincerely,  
Mary Jane Mathews (I have worked for DMV for 29 years with the public as a  
TSR 1)Lents Neighborhood Livability Association

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**Date received** 7/21/2020

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**Source** Project inbox

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**From** Mick Stevens

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Subject: Equity and Mobility Advisory Committee to discuss draft toll projects' equity framework at July 28 meeting

Dear Equity and Mobility Advisory Committee:

We lived in the San Francisco Bay area while my daughter was receiving life saving care at Stanford. In the Bay Area poor people are forced onto public transit while people with money can afford the tolls. In spite of that, the tolls just slow everything down to a crawl. We have many weekly appointments at Shriners Hospitals for Children, Doernbecher Children's Hospital and Randall Children's hospital because my daughter is medically complex and medically fragile. I don't work because she requires 24/7 care. A toll would put an even bigger burden on a family that is scraping by on a single income with extraordinary circumstances. Public transit doesn't work for us because there are no sidewalks or safe paths to push her wheelchair to the closest bus stops. Trimet Lift left us stranded at the hospital for several hours after a procedure and is not a viable solution for us. Additionally, our wheelchair accessible van is stocked like an ambulance specific to her needs, including a changing table for incontinence needs, power inverter and medical equipment for enteral feedings and suctioning. A wheelchair accessible vehicle already costs double the price of an average minivan. These tolls are heartless. There has to be a better solution or better solutions.

Thank you for your time and attention.

Sincerely,

Mick Stevens

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**Date received** 7/27/2020

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**Source** Project inbox

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**From** Darien Fenn

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Dear Committee Members,

In his recent book, *The Economists' Hour: False Prophets, Free Markets, and the Fracture of Society*, lead writer on business and economics for the Editorial Board of *The New York Times* Binyamin Applebaum describes a major turning point in how we in this country have managed economic affairs. Facing rapid inflation in the 1970s, economists recognized that there were tradeoffs between efficiency and equality, recommended that government focus only on efficiency and ignore inequality.

Although this strategy was successful in helping the overall economy, “it really contributed significantly to the rise of massive inequality in our society.” Applebaum calls this “a classic example of a revolution that went too far.”

Arguments for tolling rest almost entirely on efficiency improvements (i.e., reducing the costs associated with congestion). However, public concern over the inequities *inherent* in tolling remain the major obstacle to implementation: Controlling congestion by charging people to drive *inescapably* means that the burden will be born by those with the least money, while the benefits will be disproportionately enjoyed by those with the most money.

This inconvenient truth creates a challenge for stakeholders who see other obvious benefits: Pricing low-income drivers off the road may well reduce congestion. The vast sums of revenue tolling can raise would flow to construction firms and consultants (some of whom are commissioned to produce the reports that support tolling). The funds generated would also constitute a windfall for departments of transportation that would allow them to meet their mandates. And calling the revenue a “toll” or a “user-fee” creates a mechanism for raising taxes that would likely fail if directed through the normal revenue channels of income or gas taxes. Thus, in order to “nurture public and political support,” negative impacts on low-income and minority groups and women are downplayed or dismissed, research findings are cherry-picked to create the impression that there is support for tolling within affected groups and the public that is simply not there. Marketing tolling programs to the public has become part of an approach that includes step-by-step manuals and guidelines<sup>1 2</sup>. Unfortunately, one must read through this material carefully to discern the difference between the science and the sales pitch. In reviewing these materials, I made a point of tracing claims back to the original source material. Here are a few of the discrepancies this effort uncovered:

#### **Claims that low income people support tolling.**

Fact check: These claims have several sources.

- A logical fallacy that if low-income drivers use toll lanes, they must support them. (Note1)
- Toll road usage data where low-income is defined as almost \$80,000. (Note2)<sup>3</sup>
- Survey responses that actually refer to support for allowing *other people* to use toll roads. (Note3)<sup>4 5</sup>
- Surveys where the question is posed as a choice between paying a toll (which theoretically could be avoided) and a gas or sales tax increase (which could not)

#### **Claims that the option to pay a toll would be actually benefit low-income drivers**

Fact check: This is based on a hypothetical example of a parent able to avoid a late fee at day care by paying a toll. It is particularly interesting both because of how often it is repeated, and because it makes use of a well-known cognitive illusion that makes it seem more important than it is. (Note4)

#### **Claims that the general public supports tolling.**

Facts: Examining the original survey findings, one finds support from the public depends on what question was asked, but this detail is omitted in the reports. Examining the original data reveals questions that produce high support are for completing a partially-implemented toll road system (56% support)<sup>6</sup>, one means of speeding construction (52%)<sup>7</sup>, replace toll booths with

transponders (78%)<sup>8</sup>. Conversely, support for tolling existing roads was low (13%)<sup>9</sup>, or very low (“virtually all were opposed”)<sup>10</sup> for congestion pricing.

Facts: Some of the surveys were conducted after respondents were presented with biased questions (Note 5)<sup>11</sup> and at other times a marketing push. (Note 6)<sup>12</sup> Such one-sided procedures may be par for the course in marketing, but should not be interpreted as representing the public’s view.

There are many more concerns that could be raised, but I would conclude with a few comments. First, when considering the information you will be presented, I would be cautious about assuming that the facts are what they seem, or that your efforts are not bound up in a program intended to produce conclusions that may well be contrary to the public interest. Second, although discussions of equity tend to focus on income, there is substantial research that demonstrates it is more complex than that. Not only income, but gender, geographic location, type of employment, and schedule inflexibility, and other factors all need to be taken into consideration. Solutions that do not consider the circumstances of specific individuals will result in numbers of people who will be made substantially worse off by the imposition of toll roads in Oregon.

I would also strongly recommend that you read ODOT’s Title VI/Environmental Justice Engagement Summary Report. I think it helps provide some important insights into the impacts that tolling would have on vulnerable populations.

Thank you for your time.

Sincerely,

Darien S Fenn PhD

Licensed Psychologist

[XX]

Please contact me directly if you are interested in any of the reference materials quoted.

<sup>1</sup> In the USDOT’s FAQ, the response to “Isn’t pricing inequitable towards low-income motorists?” states “Results from surveys conducted for projects in operation show that drivers of all income levels use priced express lanes.” Taken at face value, this answer creates the impression that any use of a tolled facility obviates equity concerns. It is important to note here that just because the toll is paid actually says nothing about whether the amount of the toll is fair.

<sup>2</sup> One FHWA-supported study of toll road use defined low income as 300% of the poverty level, which currently for a family of four would mean families with an income of more than \$79,000 would have been counted as low-income toll road users.

<sup>3</sup> Support for HOT lanes among low income survey respondents can be high, but examined closely this is not the same as support for tolling. The survey question is typically in the form “do you support allowing a single driver to pay a toll and use the carpool lane?” This question does not ask if you would pay the toll yourself, but can be understood as “do you support allowing someone else to pay to use the carpool lane?” Comments from respondents suggest that this is actually what is happening. “You don’t have to use the toll road; but if you want to get out of congestion and use the toll roads, that’s entirely up to you.” or “I like tolls because I wouldn’t use them

and I wouldn't pay for it." A summary from focus groups concluded similarly: Many people are comfortable with the idea of tolling as long as [they themselves do not have] to pay a toll.

<sup>4</sup>The frequently repeated example goes like this: "a low-income parent racing to avoid the financial penalty associated with being late for pick-up at a day care facility ... is often pleased to have the option of paying a fee to bypass gridlock in the regular lanes." This is an example that is called a "**salient exemplar**" in cognitive science, where we tend to interpret as common something that is simply memorable. It would be difficult to imagine that the rare instance of being able to pay a toll to save a late fee (note that one would be paying something either way) would outweigh the burden to large numbers of low-income commuters who would be forced to pay in programs where all lanes are tolled (i.e., ODOT's concepts B, C & E)

<sup>5</sup>"Federal, state, and local transportation funds are being cut, and many states and communities are building and using toll roads as the best way to address traffic congestion." [emph added]

<sup>6</sup>The are often described as "clarifying information", but were in fact, frank efforts at persuasion: "Positive reaction to the plan came as a result of conveying the full rationale for why the tolled lanes would be necessary and carefully presenting key details of the concept." (1.)Harrington, W, Krupnick, AJ, & Alberini, A. "Overcoming Public Aversion to Congestion Pricing" Resources for the Future 1998.

(2.)Ungemah, D. "I'll Tell You What I Think! A National Review of How the Public Perceives Pricing" Transportation Research Record: Journal of the Transportation Research Board, No. 1996, 2007

(3.)Urban Partnership Agreement and Congestion Reduction Demonstration Programs. Report for Federal Highway Administration. Volpe Center 2014.

(4.) "Minnesota Poll; 69 Percent Comfortable with Toll Roads," *Star Tribune*, Jan. 28, 2004.

(5.)Pricing Focus Groups. Final Report. Prepared for Washington DOT. Enviroissues 2007.

(6.) "Poll Finds 58% Favor Foothill Extension," *Los Angeles Times*, June 7, 2001.

(7.) "Candidates Differ on Best Solution to Traffic Crunch: The Public May Be Open to the Idea of Toll Roads," *Your Voice, Your Vote, News & Record (Greensboro, North Carolina)*, Oct. 1, 2000.

(8.) Sullivan, E., *Evaluating the Impacts of the SR 91 Variable-Toll Express Lane Facility Final Report*, May 1998 [Online]. Available:

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(9.) Wilson Research Strategies, *Report on CTRMA Public Survey*, Aug. 2005.

(10.) Resource Systems Group, *Summary Report: Miami Value Pricing Focus Group Summary Report*, Prepared for Miami Value Pricing Project, June 2002.

(11.) "Road Test; Poll: Voters Want Next Mayor to Fix Traffic," *Saturday State Times/Morning Advocate*, May 29, 2004.

(12.) Resource Systems Group, *Summary Report: Orlando I-4 Express Lanes Focus Group Report*, Prepared for Florida's Turnpike Enterprise, Florida Department of Transportation, Tallahassee, July 2000.

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**Date received** 7/27/2020

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**Source** Project inbox

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**From** Tyler Stone

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**Subject:** Toll Project Feedback

Dear ODOT Toll Team:

I am writing as a public resident in Clackamas county regarding some comments and public feedback in advance of the tolling meeting on July 28, 2020.

I have looked through the presentation that is scheduled to be presented at the meeting and had a few questions that I believe the committee should consider and investigate before moving forward with any tolling plans.

- 1 With the current COVID-19 pandemic up-ending many daily commutes, and with the numerous announcements and research from companies that will be allowing employees to work from home either part-time or full-time (even after the pandemic ends), why is the tolling committee not investigating the positive and beneficial aspects that the lack of daily commuters will have on this project (I didn't see any mention of this on the presentation)? With many employees being able to work from home 1-3 days per week (or permanently), wouldn't it make sense to conduct surveys of employers and residents in the area to determine if commute levels will, in fact, naturally decline, and potentially significantly, given a new normal working environment for so many? I did not see a single mention of COVID's potential long-term impact on commuting and congestion in this presentation - why is that?
- 2 The tolling team cites "congestion" as a reason for launching this study. The world has changed, in a major way, since this team was launched. I strongly believe the committee needs to conduct extensive research on how this new commuting situation will impact congestion in the areas of focus. If the result of this research suggests a decline in commuters, and therefore a decline in congestion, then one of the key merits of tolling would no longer be in place. Note that given the fluid situation regarding COVID and its impact on commutes, this research may likely need to be conducted over a period of 2-3 years to determine what the normalized commuting levels will be after stay-at-home orders are fully lifted. A neglect to conduct this long-term research would be very irresponsible of the committee as it would not account for new information on commutes and congestion. I look forward to seeing how the committee plans to conduct this research.
- 3 Why does the presentation not mention any impact from out-of-state commuters? We know that many Washingtonians travel to Oregon to take advantage of the state's lack of sales tax. We see these drivers using our roads every day. Is the committee conducting any research on the impact of frequent out-of-state drivers and our roads (e.g. congestion and repair over time). Again, a neglect to undertake further research on this issue would be a disservice to Oregonians, whose roads have excess damage from commuters coming to our state to buy their high-priced goods. If there has been research conducted, can it please be presented to the public? Simply saying "congestion" is a problem without finding the source of congestion is not enough. Investigations need to be conducted to determine the source/reasons for congestion, and consider different approaches to managing it then

simply "putting up a toll." I look forward to seeing the work that needs to be done on this topic.

In summary, I believe there is extensive work that will be required of ODOT and the committee with respect to whether tolling makes sense, and where it makes sense. Simply looking at past patterns, without accounting for a significant change in commuting that is happening this year (and most likely traffic congestion too), would be irresponsible. Thus far, there does not appear to be any data being provided to the public of why congestion has happened and from which sources, so further work needs to be done on this front as well. I anticipate that understanding longer-term trends is imperative to making good and rational decisions, and would expect that surveys, feedback, and further investigation by the committee will take a long time (e.g. multiple years) to gain a full understanding of how our world is changing and how that ultimately affects tolling decisions.

In essence, the presentation should be changed to say "We **had** a congestion problem. Will we still have one going forward?" and then do the work necessary to understand if this is still the case.

I look forward to seeing the plan for how this research will be conducted and the results over time.

Best regards, Tyler