

Meeting Summary

Subject	Regional Toll Advisory Committee Meeting #4
Date and Time	January 23, 2023 / 9:00-11:30 a.m.
Location	Hybrid: Billy Frank Jr. Conference Center at Ecotrust and online via Zoom

Attendee	Organization / Role	Attendance
RTAC Members		
Michelle Belkot	Clark County	Virtual
Rory Bialostosky	City of West Linn (Clackamas County cities)	In person
Emerald Bogue (alternate to Curtis Robinhold)	Port of Portland	In person
Frank Bubenik	City of Tualatin	In person
Shawn Donaghy	C-TRAN (Washington business)	Virtual
Suzanne Donaldson	Cowlitz Indian Tribe	Virtual
Nafisa Fai	Washington County	In person
Carley Francis	Washington State Dept. of Transportation	In person
Denise Harvey	Confederated Tribes of Grand Ronde	Virtual
Sarah Iannarone	The Street Trust	In person
Jana Jarvis	Oregon Trucking Associations	In person
Katherine Kelly (alternate to Anne McEnery-Ogle)	City of Vancouver	In person
Keith Lynch	FHWA (ex officio)	In person
Mingus Mapps	City of Portland	In person
Willy Myers	Columbia Pacific Building Trades Council	In person
James Paulson	EMAC Liaison	In person
Lynn Peterson	Metro	In person
Matt Ransom	SW Washington Regional Transportation Council	In person
Paul Savas	Clackamas County	In person
JC Vannatta	TriMet	In person
Julie Wilcke Pilmer	Ride Connection	Virtual
Kasi Woidyla	Virginia Garcia Memorial Health Center	In person
Kris Strickler	ODOT Director, serving as chair	In person
David Kim	RTAC facilitator	In person
Brendan Finn	ODOT, Urban Mobility Office (ex officio)	In person
Della Mosier	ODOT, Urban Mobility Office (ex officio)	In person
Project Team		
Nathaniel Price	FHWA, Presenter	In person
Mandy Putney	ODOT, Presenter	In person
Kirsten Beale	Committee coordinator	In person

Attendee	Organization / Role	Attendance
Anne Presentin	Project team	In person
Nick Fazio	Zoom host	Virtual
David Kim	Facilitator	In person

**Not in attendance: Susheela Jayapal, Multnomah County; Jon Isaacs, Portland Business Alliance*

1 Welcome and Agenda Review

David Kim, facilitator, welcomed the attendees and talked through the logistics and objectives of the meeting. He reminded the audience that this is a public meeting and a hybrid meeting. David noted that meeting agenda was adjusted to review the rulemaking process prior to discussing the committee charter.

2 Rulemaking Process Overview

Travs Brouwer, ODOT, reviewed the rulemaking process for tolling and the role of the Statewide Toll Rule Advisory Committee (STRAC). STRAC will be focused on providing input to OTC regarding tolling operations (account management, customer interaction) and the process to review and update toll rates but will not be involved with toll revenue allocation or discussions around mitigation impacts. Setting the actual rates is a separate process. He reviewed the general timeline for the rulemaking process and shared the STRAC roster. Travis noted that the STRAC is a statewide committee and as such, the rules set need to work for the entire state. STRAC members Mostly reside in the Portland metropolitan area and others represent voices of customers from throughout the state. Commissioner Fai of RTAC also will serve on STRAC.

- Kasi Woidyla asked if STRAC will establish the application process for the low-income toll program.
 - Travis responded that one of the most important aspects of the STRAC’s work is to operationalize the basic framework for the low income toll program that the OTC has received in concept from EMAC. He added that it will be important to consider the various traffic and revenue scenarios that come forward. Travis clarified that the low income program will be taken up as part of the rate framework conversation in the third phase of the STRAC workplan.
 - . He added that the Low-Income Toll Report was broad, so the STRAC will work through those rules so that the program is not an administrative burden for customers or the state.
- Kasi commented that there are no BIPOC organizations represented on the STRAC. She added that unless these communities are specifically reached out to, they often do not have the capacity to apply. She shared her concern that tangential representation would not give ODOT the input they need. Kasi encouraged ODOT to reach out to BIPOC organizations and commented that she would share her recommendations to reach out to.

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- Travis replied that there are several BIPOC individuals as well as a member from EMAC represented on the STRAC. He added that ODOT has reached out to several BIPOC organizations and agreed that Kasi's comment about organizational capacity is important to consider. Travis commented that there could be opportunities to engage with these groups in the future as the STRAC convenes.
- Commissioner Savas commented that one of the customers not involved in the STRAC is the government and noted that regional governments, especially public service providers from Clackamas County, have been left out of STRAC.
 - Travis responded that ODOT will ensure coordination and communication with Clackamas County as the program moves forward.
- President Peterson commented that it doesn't appear that any of the groups are discussing how toll revenue will be allocated and how the toll rates will be set. She asked when that conversation will occur.
 - Travis responded that STRAC will be operating in the policy framework of congestion pricing set by the Oregon Transportation Commission (OTC) and noted that the model of variable-rate congestion pricing may not be the same for every tolling facility.
- Commissioner Mapps said he shares the concerns of previous speakers. He asked about the lack of representation from certain groups, such as climate and active transportation advocates, and where those voices fit into the conversation.
 - Travis responded that the STRAC membership includes a wide variety of perspectives, including some members backgrounds in environmental issues.
- Mayor Bubenik expressed concern that ODOT is not listening meaningfully and incorporating feedback and that they are not willing to change certain things.
 - Travis responded that ODOT is going to listen to feedback. He added that in some cases ODOT can adjust based on feedback. He also said that RTAC is the place to discuss the larger transportation system.
- Commissioner Savas commented that if ODOT can assure that government will be exempt from toll rates, that will have a large cost impact to regional governments.
- Sarah Iannarone commented on the relationship between the STRAC and the OTC in 2023. She commented that EMAC members need to be fully resourced with ODOT staff and stipends to offer support for historically marginalized groups to participate.
- Jana Jarvis commented that any business transaction needs to consider the impact on the trucking industry and that the trucking industry will not be able to recoup losses from tolling.

3 Adoption of the Charter

Director Strickler provided opening remarks, commenting that he is hearing a need for ODOT to do a better job of communicating what the agency is hearing and how it is incorporating that input. He stated that he has heard a lot of input and not everything can be accommodated in the program. He has heard that people are interested in the discussion around mitigation, projects, and revenue distribution. He added that RTAC is framed to have those conversations. He commented that he understands that members will not be content with the final product as it is currently framed, but that trust can be built through the process and discussions with RTAC. Director Strickler stated that the team is poised and ready to start talking about timing and mitigation impacts, which will be a separate process from STRAC. Brendan Finn, ODOT, added that those discussions are included in the committee work plan and will be discussed in upcoming meetings. Director Strickler added that part of listening to feedback is being upfront about what can be accommodated and what can't. He said this is one of the most difficult things the agency has done and that staff are doing their best to make sure RTAC can dive into the details.

David reviewed updates to the Committee Charter. A redlined charter was prepared and included in the meeting packet. He said the current version is different than when we started and a good faith effort was made to reflect the feedback received.

Discussion: Can anyone not accept the edits as shown in the redlined charter?

- Mayor Bialostosky commented that the charter should include language about the extent to which the toll programs could worsen traffic in the travel corridors and that it does not include preemptive strategies for addressing diversion and rerouting impacts.
 - Brendan asked the group if the language could be changed to “to what extent the option will *impact*” and heard no objections from the committee. Brendan added that an upcoming meeting would provide an update on the mitigation strategies.
- Commissioner Savas commented that the language to “support safe travel” as well as reducing GHG emissions could be strengthened to include monitoring over time to manage the impacts around safety and climate.
- President Peterson asked about the role of RTAC in monitoring over time and how to consider that in the charter.
 - Della Mosier, ODOT, commented that ODOT has an opportunity to bring the topic of ongoing mitigation monitoring as a future meeting topic.
- President Peterson commented that it will be important to know where revenue for long term monitoring is coming from as well as revenue to address problems.
 - Brendan responded that there is a commitment from ODOT to maintain ongoing monitoring. He added that the role of RTAC is to inform the OTC and the agency so they understand what the impacts will be and where investments will be made.

- Mayor Bubenik asked when a baseline will study be done for rerouting and diversion impacts.
 - Della responded that ODOT will bring that presentation to a future meeting.
- Commissioner Mapps commented that he would like to see clarity on how the revenue will be used.
- Matt Ransom commented that it would be helpful to have clarification at a future meeting on the feedback loop from OTC to the legislation.
- Commissioner Savas commented that the use of the word “monitoring” was concerning because it doesn’t include commitment to address any concerns that come up.

David concluded the discussion and added that the project team will continue to engage with RTAC members offline to address their concerns. He noted that this is a process document which is not intended to provide answers to programmatic questions. David suggested using the time in between meetings to revise the charter so the committee could move forward; there were no objections.

4 Cooperative Agreement for RMPP

Nathaniel Price, FHWA, discussed the cooperative agreement between FHWA and ODOT. This is an agreement that documents ODOT’s agreement to meet the requirements of the Value Pricing Pilot Program (VPPP). The agreement provides ODOT with authority to establish, operate, maintain, and monitor the Regional Mobility Pricing Project as a toll facility.

- Jana asked if there has been an analysis of the standard operating costs of toll collection.
 - Keith Lynch, FHWA, responded that it varies between different programs based on what the rates are, but in general the operating costs account for about 5% of the revenue. Keith said it depends on what the program considers in those costs (i.e., back-office operations, ongoing, enforcement, or startup costs).
 - Commissioner Savas responded that ODOT has said the operating costs would account for about 30% of the revenue.
- Commissioner Fai commented that she has a list of FAQs and requested written answers from ODOT to the following:
 - What is the estimated annual gross and net toll revenue?
 - What do we consider transit projects under Title 23?
 - Is there a decision role for federal use of revenue? Are there a federal or state restrictions on the use of revenue?
 - Once tolling is implemented, will those roads be eligible to receive federal funding?
 - What does self-sustaining of these two facilities look like?
 - What are some revenue projections versus the cost of the project? What percent of the revenue collected will be the toll collection cost?

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- Will commercial use be subsidized?
- We are tolling to increase revenue but also doing congestion pricing to shift transportation modes and address congestion – how did this reconcile the feasibility of fully recovering the cost of the project?
- Sarah Iannarone asked how to mitigate the impacts of tolling on the 30% of Oregonians that don't drive and asked if the impacts to all system users would be considered.
 - Nathaniel responded that there is nothing specific to the impacts on underserved communities or regions in the cooperative agreement. Those mitigation efforts will be included as required in the NEPA analysis.
- President Peterson asked for examples of performance measures used in the past by other states as a reference for monitoring outcomes.
- Commissioner Fai asked where input from RTAC on the cooperative agreement would be considered.
 - Brendan responded that the committee work plan does include an opportunity for input and will be discussed in future meetings. Della added that ODOT is seeking feedback from RTAC on ways to close the gap on I-205 and I-5 tolling and providing input on the cooperative agreement will help in that conversation.

5 Project and Program Delivery Schedule

David reminded the RTAC the next presentation and discussion was connected to one of the RTAC's key questions:

What opportunities exist to accelerate the schedule for delivery of the Regional Mobility Pricing Project (RMPP) to reduce the implementation gap between RMPP and the I-205 Toll Project?

Mandy Putney, ODOT, reviewed the 2017 legislative direction under HB 2017 for ODOT to move forward with projects including OR 217 construction, Rose Quarter planning, design of the I-205 improvements, transit operations, and congestion pricing planning. In 2021, ODOT received more direction from the legislature under HB 3055, which provided some funding flexibility to construct I-205 improvements at the Abernethy Bridge. The budget note also reaffirmed that additional funding sources are needed to keep up with transportation needs and that use of tolls is a fair and impartial way to improve the system for roadway users.

I-205 improvements are under construction using the funding provided by HB 2017, which allowed ODOT to issue construction bonds that will be paid back by toll revenue. Without toll revenue, Phase II of the improvements project will not move forward. This would mean that travel time, safety, and seismic benefits will not be realized, and by 2045 there will be 14 hours of congestion daily in the I-205 improvements area.

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Mandy continued that the I-205 tolling timeline is not flexible as it is directly related to the construction schedule and the need to continue with other improvements, while RMPP has opportunities for acceleration. Mandy focused on two critical path items in the Oregon Toll Program schedule. The first is the NEPA decision, currently on schedule for an updated Environmental Assessment in Quarter 2 of 2024. The second critical path item is to finalize the USDOT/ODOT cooperative agreement, currently on schedule in Quarter 4 of 2024.

Mandy presented ideas to close the implementation gap that are under consideration based on the critical path schedule, conversations with senior staff, and conversations with FHWA. These included:

- Complete Regional Mobility Pricing Project environmental analysis (NEPA) on schedule and with regional support.
- Concurrent USDOT approval of cooperative agreement with NEPA process
- Create policy alignment

David Kim asked for feedback and input on the proposed ideas from the committee.

- Commissioner Savas asked if there is an opportunity for the Legislature to fund I-205 improvements without tolling until RMPP begins rather than moving up the timeline of RMPP. He noted that the gap between the two projects is because the agency needs more revenue, and the Legislature may be able to fund the gap.
 - Della responded that the I-205 improvements are necessary for seismic risk and therefore there is an urgent need to address these improvements as directed by the Legislature. She reiterated that ODOT is addressing a financial concern and a regional seismic responsibility that they have been directed by the Legislature to provide for.
 - Commissioner Savas clarified that he is not questioning the need to implement the I-205 improvement project. To keep the project moving forward, he suggested going back to the Legislature and HB 3055 to see if there is additional revenue available that can be used to fund the gap so RMPP and VPP can be at the same time.
- Mayor Bubenik asked for clarification on what it means to initiate pre-completion on the tolling facilities.
 - Mandy responded that ODOT is looking at starting tolling on I-205 before construction is complete for the next phase of improvements.
- Jana asked about the impacts to I-5 from rerouting and diversion between I-205 and I-5. She added that trucks take I-205 to avoid I-5 and expressed concern that traffic will divert from I-205 to I-5 once I-205 tolling begins.
 - Mandy responded that the project team is on the verge of releasing the draft Environmental Assessment (EA) for I-205 which includes a traffic analysis that considers those impacts. She added that traffic estimates show improvements in travel time with

tolling and the added third lane. Mandy added that businesses will need to do a cost-benefit analysis of possible congestion or a reliable trip on a tolling corridor.

- Mayor Bialostosky asked about the I-205 construction cost estimates and short-fall funding. He shared his concern that the funds be conserved for mitigation of the effects of rerouting to local roads and transit projects.
 - Mandy responded that construction is underway at the Abernethy Bridge and the money has been programmed. ODOT is continuing to move forward with the next phase of construction. There is not a current cost estimate, but that will be part of the cost and risk analysis with FHWA moving forward. Mandy continued that ODOT is committed to mitigation efforts and is working with transit partners on a regional public transportation strategy. She added that part of this conversation will focus on funding sources that will be available considering the constitutional restrictions.
- Matt Ransom asked if there an example of a VPPP from another city that has been signed by the US DOT secretary.
 - The project team will follow-up with an example.
- Commissioner Fai asked if there has been an analysis to see if there will be sufficient traffic willing to pay tolls to recover the costs of the project.
 - Mandy responded that a Level 2 analysis for traffic and revenue has been completed. Based on the rate schedule, the estimated revenue available for capital construction would be \$500 – 800 million for about a 30-year time frame. Mandy noted this is a range because of the uncertainty around the low-income toll program and other market factors and added that ODOT will have a concise estimate at the investment analysis once those details are refined.
 - Director Strickler added that ODOT will follow up on the exact time frame.

David closed the conversation by stating that this topic relates to one of the RTAC key questions on closing the implementation gap between RMPP and the I-205 Toll Project. Members will have the opportunity to finalize this recommendation at the next meeting.

6 Public Comment

Two individuals joined online to share public comment.

- John McCabe is a resident of West Linn. He shared his concerns about the impacts of rerouting and diversion in West Linn. He stated that Mandy shared the actual amount of time that people are in congestion was 15 minutes and therefore, there is not an issue with congestion in West Linn. He continued that the whole community will be devastated. John commented that the studies are incorrect; people will use I-5 and will not be willing to use I-205. He referred to

examples in Florida, Texas, and New York. He commented that the project should go back to the beginning and get truth to the community.

- Paul Edgar stated that he is a resident of Oregon City and has been very active in transportation issues. He commented that the problem with tolling is diversion as people bypass the Abernethy Bridge and feed into Oregon City. He commented that tolling will clog the local streets and make it difficult for people to navigate 99E. Paul added that tolling will kill viability for the business community in downtown Oregon City and added that it is a death sentence being proposed to the region. He also commented on the administrative costs and referred to administrative costs of 40% in Washington. He stated that the cost of tolling has been significantly greater than anything that has been talked about so far.

One individual joined in person to share public comment.

- Mary Baumgardner, West Linn City Council President, shared that she is concerned about diversion and would specifically like to talk about equity. She commented that she doesn't believe that the tolling system being discussed will be equitable and she hasn't heard anything that would address those concerns. In West Linn she has been advocating for transit funding as the 43 corridor is an important part of a transportation system serving people that have been priced out of other areas. She noted that West Linn is known for being wealthy, but there are many people in the community suffering financially, especially in the recent past as a result of Covid. She commented that people will avoid the area and burden I-5. She added that she would like regional implementation and that she is not against tolling to fund transportation infrastructure, but ODOT needs to listen.

7 Project Updates

Next, Mandy provided updates on recent and upcoming EMAC meetings. She discussed the RMPP scoping period and notable engagement outcomes. Since the beginning of the scoping comment period from November 8th through January 6th, approximately 4,700 public comments were received, there were nearly 100 participants at public webinars and dozens of community and agency conversations. Mandy also discussed I-205 EA engagement. The upcoming EA comment period will be 45 days and should begin in February.

- Commissioner Fai asked for an update on the road user charge that only applies to electric vehicles.
 - The project team will follow-up with an update on this.
- Emerald Bogue requested to have each committee described with their distinct role as a reference point to understand where RTAC fits into the big picture.
- Commissioner Savas commented that he is concerned about the diversion impacts to businesses during off-peak hours because the traffic study only considers peak-hour traffic.

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- Mandy replied that the traffic methodology was determined working with partner agency staff. The goal of the NEPA document is to fully demonstrate the potential range of benefits and impacts. ODOT uses the peak-hour traffic as a worst-case scenario to understand the estimated impacts. Mandy added the NEPA document considers a wide range of topics including the economy.
- Mayor Bialostosky commented that RTAC members need to work collectively for mitigation and transit investments because the current estimates look like there isn't funding available.

8 Next Steps and Close Out

Director Strickler shared his reflections on the meeting and commented that the agency needs to dive into the details and address tension points that RTAC members bring to the table. He stated that the foundation from this point going forward is based in congestion pricing. He acknowledged there will be tension over how to balance impacts and benefits of congestion pricing and around the financial implications. Director Strickler commented that he is committed to the mitigation of impacts created by tolling in the future. He also recognized that there are other decisions-makers outside of RTAC impacting how this program will go forward.

The next RTAC meeting will be Monday, February 27, 2023.

9 Action Items

The project team heard requests for additional information during the meeting. Action items for the project team are:

- Add ongoing monitoring of mitigation efforts as a discussion item to a future RTAC meeting
- Share examples of performance measures used by other tolling programs as a reference for mitigation monitoring
- Provide responses to questions brought by Commissioner Fai
- Share an example of a VPPP that has been signed by the US DOT Secretary
- Follow-up with specific traffic analysis data for the anticipated rerouting between I-205 and I-5
- Follow-up with the exact time frame used for the I-205 Toll Project Level 2 traffic and revenue analysis.
- Provide a description of each committee and its distinct role

10 Meeting Evaluation Results

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

Please select the response that best describes your feelings about each statement.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I clearly understood the agenda, the meeting objectives, and knew what the group was trying to accomplish during this meeting.		2	2		
I understand the revisions made to the Regional Toll Advisory Committee charter and feel comfortable with the process for adoption.		1	3		
Members had a chance to speak and contribute to items under consideration.	1	2	1		
The meeting was well facilitated.	2	1	1		
There were adequate options for public comment.	1	2	1		

One member submitted written feedback: "We need to get to the assignment of this committee."

11 Written Public Comment

For public comments sent before the meeting, see attached.