

Statewide Toll Rulemaking Advisory Committee (STRAC) Meeting #1 Summary

Subject	STRAC Meeting #1 Summary
Date and Time	January 27, 2023 - 9:00 a.m. – 3:00 p.m.
Location	Virtual via Zoom
Project Staff Presenters and Panelists	Travis Brouwer (ODOT), Gareth Prior (ODOT), Erik Havig (ODOT), Hannah Williams (ODOT), Kelly Bruce (ODOT), and Erika McCalpine (ODOT)
Facilitator	Jamie Damon (Kearns & West)

Overview

The Oregon Department of Transportation (ODOT) convened a committee of 18 individuals from across the state to help develop Oregon Administrative Rules (OARs) that will determine how customers will interact with and use tolling systems and how toll rates will be set and adjusted. The STRAC held its first meeting on January 27th, 2023, to orient the members to the content and roles associated with the tolling rulemaking.

The meeting was held virtually and hosted over Zoom. To ensure accessibility, the meeting was live-streamed via YouTube, and closed captioned.

The objectives of the meeting were:

- Develop a shared understanding of committee charge, purpose, and timeline.
- Develop a shared understanding of the Oregon Toll Program, roles, and commitment to equity.
- Seek understanding and adoption of the committee charter.

Meeting Attendance

The meeting was recorded and the recording was posted to the project homepage. The meeting was livestreamed on YouTube and at its highest had 60 viewers.

STRAC Project Team	Committee Members
<ul style="list-style-type: none">• Travis Brouwer• Erika McCalpine• Erik Havig• Gareth Prior• Kelly Bruce• Hannah Williams• Jamie Damon• Madeline Kane• Violeta Alvarez• Ellen Palmquist• Amira Streeter	<ul style="list-style-type: none">• Elizabeth Mazzara Myers• Ethan Hasenstein• Jeff Spiegel• Lanny Gower• Lauren Poor• Marc Ortega Kilman-Burman• Marie Dodds• Michael Card• Commissioner Nafisa Fai• Omar Cruz• Park Woodworth• Dr. Philip Wu• Sean Philbrook• Shannen Knight• Sharla Moffett• Shatrine Krake <p>Absent:</p> <ul style="list-style-type: none">• Susan Nelson-Ellis

Presentation Topics and Discussion Welcome and Introductions

The meeting was opened by Jamie Damon who welcomed attendees and viewers and explained how to use accessibility tools, and how the public can submit comments. Jamie reviewed the agenda and shared meeting guidelines.

Travis Brouwer gave welcoming remarks and highlighted the importance of the role the STRAC members will play in developing the administrative rules. Travis also shared his appreciation for the dedication of the STRAC members.

Jamie Damon shared the diversity in interests and geographic location of the STRAC members, and initiated introductions for presenters, project team members, and STRAC members. STRAC members were asked to share their name, organization, geographic location and complete the sentence “at the end of this process I hope that...”

STRAC members shared that they hope the process will take into account a range of perspectives, lessons learned from other states, and consider the impact to local communities,

business, low-income users, and the state economy. They shared they hope the result is a fair and simple program that achieves the objectives of raising the needed revenue while reducing congestion.

Diversity, Equity, and Inclusion Training

Erika McCalpine presented ODOT's commitment to centering equity in tolling projects and the development of the administrative rules. Erika provided a glossary of terms to establish a shared understanding. She explained the difference between equality, equity, and justice and their application in government processes. The different dimensions of diversity were explored, and diversity was defined. STRAC members received information to help them identify privilege and implicit bias, and Erika explained cognitive moral development.

Diversity, Equity, and Inclusion Training Discussion

Discussion: STRAC members acknowledged the importance of the training in the rulemaking process, and the need to identify challenging narratives. STRAC members also demonstrated their commitment to engage in dialogue concerning equity, diversity, and inclusion.

Response: *Erika emphasized that equity is a broader topic than we have time to fully address. She stated that ODOT acknowledges the harm that the agency has caused historically by not considering all groups when making decisions, and that it is important to have equity focused discussions to show that the agency is intentional in the work to advance equity. She highlighted the role of the STRAC in this work. Erika told the committee she is available to return to the group to discuss equity as they continue their work. She explained that ODOT takes equity seriously and is invested in examining the impacts on communities they serve.*

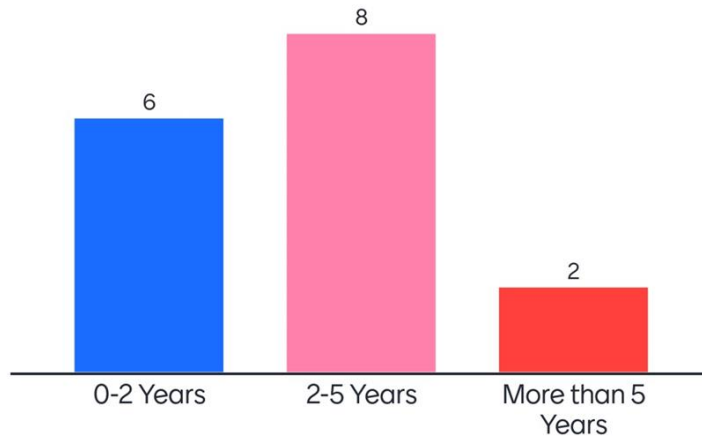
Toll Program Overview

After a short break, STRAC members re-convened and were provided a series of presentations on the tolling program.

Jamie Damon opened the Toll Program Overview portion of the meeting with an interactive activity. STRAC members had the opportunity to participate in a virtual poll about the number of years they have been engaged in tolling in Oregon. Below are the results of the poll:

How many years have you been involved with or tracking the development of a toll program in Oregon?

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Introduction to Oregon Tolling, Program Overview, and Policy Overview

Travis Brouwer explained the visioning and legislative history of tolling in Oregon. He presented the main challenges that led to the need for tolling including funding, congestion, safety, gaps in multimodal transportation, access, and climate change. The overall benefits of tolling were outlined, many of which directly address the challenges that Travis mentioned.

Travis then provided a high-level presentation on the toll programs currently being considered in the state and the current plan for how the gantries will operate.

Erik Havig reviewed the purpose, content, and policy included in the Oregon Highway Plan (OHP) amendment. He noted what is not addressed in the amendment, and the areas of the amendment most likely to inform rulemaking.

Introduction to Oregon Tolling, Program Overview, and Policy Overview Discussion

Comment: A STRAC member noted that tolling alone does not necessarily improve travel time or air quality. Tolling only improves those things if it reduces congestion, and so when the team is describing the benefits of tolling it is important to highlight the need to reduce congestion to impact travel times and air quality. The member also highlighted the challenges that may arise as a result of tolling such as diversion, and the impact on people experiencing low-incomes.

Response: Travis Brouwer acknowledged the comment and stated that tolling can have the benefits that were presented, and that ODOT believes that it is possible to design a system that achieves these goals.

Question: A STRAC member stated that tolling is prevalent in many U.S. cities, especially on the East Coast. They asked about the history of tolling in Oregon.

Response: Erik Havig responded that Oregon has a history of tolling including on the Astoria-Megler bridge – which was removed once the facility was “paid for”, and currently has a toll on the Bridge of the Gods between Cascade Locks, Oregon and Stevenson, Washington. He noted that early in the late 1800s and 1900s Oregon had private toll roads, and ODOT has looked at tolling for several projects in the past. The current toll rules were written 10-12 years ago and limited the types of tolling and pricing the state could implement. Federal rules now allow exemptions that would allow the state to toll. The rules, requirements, and regulations continue to evolve and adapt to changing conditions and new technologies. As the STRAC considers tolling, it is important to understand that the rules will guide toll programs operated only by the state.

Response: Travis Brouwer explained that the work of the STRAC will inform administrative rules for the state highway system. Local governments have the ability to toll their own roads and the administrative rules would not apply. There may be partnerships with these governments, but they would be able to set their own toll rates.

Question: A STRAC member asked if there were any cost estimates identified during the time of the statewide transportation visioning panel regarding the overall investment necessary to address the needs?

Response: Travis Brouwer responded that there was a congestion work group that the Legislature put together that looked at cost estimates. The work group was not able to raise enough money at a state level to meet the needs to address congestion. The group realized they would need to engage ODOT to address tolling. The group recognized that tolling was needed to meet the need.

Question from the chat: A STRAC member asked how the Oregon Transportation Plan (OTP) will influence the work of the STRAC.

Response: Erik responded that the OTP is the umbrella plan for all modes of transportation. ODOT is working on an overhaul of the OTP and looking to release a public draft for review in March 2023. The OTP will set high level goals and objectives to make sure that all modes of transportation are helping the state realize a vision for future transportation. The document will set reasonable expectations, help us think about how to make decisions and tradeoffs, and think about how to balance goals and objectives. The Oregon Highway Plan (OHP) will look at

specific goals and objectives for the highway system and how we invest to get the outcomes we want from the system.

Question: Two STRAC members asked about successful toll program examples from other states.

Response: Erik Havig explained that ODOT will implement a modern tolling system in Oregon and that many states are looking to modernize their systems in a similar way. The STRAC will help ODOT address how to make tolling as efficient as possible. He noted that there are not a lot of states that are proposing congestion pricing in the same way as Oregon is considering. Many states price certain lanes (managed lanes) together with free lanes on the same facility. Oregon is considering tolling all lanes.

Response: Travis Brouwer added that many toll systems are designed as a general revenue source. The most analogous to Oregon is Washington in the Puget Sound metro region. Washington has introduced tolling on several facilities and has more planned, with all electronic tolling, and is building a modern toll system that ODOT can learn from. The state has used tolling on bridges, express lanes on I-405 and SR 167, and has a tolled tunnel through downtown Seattle. As a casual user of the system, it is easy to use. We will be looking to Washington for best practices and to learn from some of the challenges that they've faced.

He noted that there are a number of states that have their own toll system. However, Oregon is unique in that we are not currently considering dynamic pricing and are considering tolling all lanes.

Comment: A STRAC member noted that there is also a [Freight Plan](#) under the umbrella of the Oregon Transportation Plan and that we should consider the guidelines for freight from this plan as part of the process.

Comment: A STRAC member requested that ODOT consider the impacts of the global pandemic on our state's economy as we discuss tolling in Oregon.

Response: Erik Havig responded that ODOT hasn't flagged the overall impact to the state's economy as a specific area of study but are considering how a tolling program would impact people, goods, and movement. He recognized that ODOT needs to maintain and develop enough revenue to build and operate the system and to meet congestion reduction outcomes. The pandemic has influenced how different users may be impacted.

Response: Garet Prior added that at the project level, ODOT is looking at the impact of the pandemic in modeling and are looking to other states for their data as well.

Question: Two STRAC members asked why congestion pricing is being considered for all lanes, and the impacts it may have on revenue and diversion especially when other states have not done this.

Response: *Travis Brower noted that there's a mix of approaches to tolling across the country with express lanes and all lanes. Washington has all lanes on the Tacoma Narrows Bridge. ODOT did a value pricing feasibility study with the Legislature that looked at the system in Oregon. The study found that most of Oregon's highways are too small to accommodate an express lane. When drivers use the I-405 express lanes, there are two express lanes and three free lanes. ODOT isn't planning to expand the highway system beyond three lanes. ODOT has found that the express toll lanes wouldn't have any beneficial traffic impact. The people using it would go faster but the other lanes would slow down. Also, ODOT couldn't find a place where an express toll lane would be financially feasible; most express lanes break even so people are being taxed without a net benefit. ODOT looked at I-205 for an express toll lane from Stafford to Abernathy and the net revenue was close to zero and would not have provided the revenue needed to build the infrastructure improvements and meet congestion relief. The tolling projects include both interstate routes in the Portland metropolitan area. The goal of congestion pricing is to reduce congestion on the interstate, and to keep drivers on the freeway. ODOT will review options for mitigation.*

Response: *Erik Havig added that the policy work sets up the framework for conversations around mitigation and how to have conversations at the project level. ODOT recognizes this as an issue that needs to be discussed when tolling is implemented.*

Equity Framework & Low-Income Toll Report and Program

Garet Prior explained the role and work of the Equity Mobility Advisory Committee (EMAC) and introduced two members of the STRAC who are also members of the EMAC, Park Woodworth and Dr. Phil Wu. Park and Dr. Wu gave a high-level presentation of the work they have been doing in the committee and the recommendations provided to the Oregon Transportation Commission (OTC). Garet then detailed the development and implementation of ODOT's Equity Framework, and the equity framework communities considered in project development.

Garet then shared an overview of the [Low-Income Toll Report](#) (LITR), and the options for implementing a Low-Income Toll Program.

Equity Framework & Low-Income Toll Report and Program Discussion

Question: A STRAC member asked how those with limited or no access to broadband or mobile phones could be considered as well as the unbanked.

Response: *Garet Prior explained that cash-based options are being considered to help provide access to those who are unbanked or do not have access to broadband or a mobile phone. He also noted that the LITR found different discount needs for people at different percentages of*

the Federal Poverty Level (FPL). As an example, he noted that they found a discount is needed for households equal to or below 200% of the FPL.

Response: Park Woodworth (STRAC and EMAC member), explained that the EMAC is continuing to work to determine exactly what levels of assistance or reduction in cost would be needed or who would be exempt.

Response: Dr. Phil Wu (STRAC and EMAC member), noted that many of the questions this group has raised are things that the EMAC has looked at for over 2.5 years. EMAC has considered cost, and who will share in the cost and how this will be mitigated for low-income communities. They have also considered neighborhood health and safety through diversion and what mitigating factors would be needed. EMAC has looked at how to measure environmental, social, and safety degradation. The overall view of EMAC was to make sure that ODOT has a trusting relationship with communities that in the past have been harmed. He shared that the way to approach this is to not repeat mistakes that have happened in the past. The equity framework developed will be important in driving this work forward.

Question: A STRAC member asked about the balance between providing waivers and reducing congestion, and the impact of a low-income discount on traffic.

Response: Garet Prior explained that ODOT analysis showed that if a benefit is provided at 200% of the FPL, actually more drivers would use the road and the objective of raising revenue would be met. ODOT will conduct additional analysis to better understand the impacts to congestion relief and revenue generation.

Toll Program News and Engagement

Hannah Williams shared ODOT's general and equitable engagement approaches used to provide information and to gather input from the public, including public meetings, surveys, meeting with Community Based Organizations, and translated and accessible materials. Hannah also highlighted the work of Community Engagement Liaisons who help ODOT to engage with communities throughout Oregon utilizing culturally-specific approaches.

At the end of the overview, participants were given a lighthearted pop quiz on the information presented in the first half of the meeting

Toll Program News and Engagement Discussion

Question: A STRAC member requested that materials and notifications for the public be shared with the STRAC for distribution within their networks.

Response: Hannah Williams noted that information about meetings will be distributed in a monthly newsletter and encouraged members to join the distribution list.

STRAC Overview

After a break, the STRAC members reconvened, and Jamie Damon asked the members to participate in an interactive activity where they listed words they believe describe the future toll system from a customer's perspective. The results are shown below in a word cloud image.

Enter up to 3 words that describe our future toll system from a customer's perspective.

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Toll Program Roles

Garet Prior presented the overall structure and committees associated with the toll program. Garet outlined the STRAC's role the overall process and an expected timeline. Commissioner Nafisa Fai (STRAC and RTAC member) talked about the role and work of the Regional Toll Advisory Committee (RTAC).

Toll Program Roles Discussion

Question: A STRAC member asked about the timeline for the STRAC.

Response: Garet Prior clarified that the STRAC will be meeting into the fall of 2023.

Question: A STRAC member asked for more information about the financing plan behind tolling.

Response: Garet Prior clarified that the financing plan for tolling is outside of the scope of the STRAC.

Question: Multiple STRAC members asked for clarification about the roles of other toll related committees and the process for decision-making.

Response: *Garet Prior explained that the decision to toll has already been made, but that the committees are looking at the operations and implementation of tolling. He noted that there is an overlap in membership in the STRAC with other committees, and that there may be opportunities for some of the committees to meet jointly. He noted that the OTC is the group that will approve the rules that ODOT drafts with the help of the STRAC. He clarified that the STRAC has a state-wide focus and the RTAC is focused on the Portland Metro area including Vancouver. has a more regional focus.*

Additional Information: *ODOT has developed a memo to better illustrate the different committees and where decisions are being made ([see document here](#)). The OTC is the decision-making body that will approve the administrative rules.*

Additional Information: *To support conversations at EMAC, ODOT developed a tolling history and guardrails document that outlines how the decision to toll was made ([see document here](#)).*

Question: A STRAC member asked if it is in this group's mission to consider different rates for different commodities/commercial groups.

Response: *Travis Brouwer responded that ODOT has not contemplated different rates by commodity and is not aware of a system that does this. He stated that he does not believe that ODOT is planning to pursue this.*

Charter Review

Kelly Bruce and Jamie Damon reviewed the scope, equity statement, and principles outlined in the committee Charter. STRAC members had the opportunity to provide feedback on the Charter to help finalize the document for approval by all members.

Charter Review Discussion

STRAC members requested the following revisions to the scope of the work:

- Consider the possible impacts on the economy and ask that economy and business be included as considerations in the Charter.
- Cite the Oregon Transportation Plan and associated plans in the Charter.

STRAC members requested the following revisions to the description of "out of scope" work:

- Clarify the differences between policy and rulemaking.

- The work of the STRAC is to develop rules about how tolls will operate and be implemented in the state and asked that this charge be brought to the forefront of the Charter.
- clarify who is the decision-making body responsible for developing system performance targets

STRAC members requested the following revisions to membership and expectations:

- Ensure that the committee is equitable and diverse and made suggestions for adding additional representation from differently abled and Black, Indigenous and People of Color (BIPOC) communities.

STRAC members requested the following revisions to engagement surrounding the STRAC:

- Update to include people who both benefit from and are impacted by tolling and clarify who is considered a “stakeholder”.

Wrap-Up and Next Steps

The first STRAC meeting concluded with a conversation about the format and scheduling of future STRAC meetings and a confirmation of next steps. STRAC members were asked to provide their day of the week preferences for regular monthly meetings, with the most preference toward Monday and Friday meetings.

The project team committed to updating the Charter based on committee feedback and circulating a pdf version to the group for members to sign.

The meeting adjourned at 2:30pm.