

# Statewide Toll Rulemaking Advisory Committee (STRAC) Meeting #2 Summary

The Oregon Department of Transportation (ODOT) convened a committee of 17 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 second meeting on February 24th, 2023, to begin the committee's work in developing rules relating to customer interactions with tolling in Oregon.

The meeting was held virtually and hosted over Zoom. The meeting was live streamed via YouTube and closed captioned to ensure accessibility.

The objectives of the meeting were to:

- Develop a shared level of understanding of content and topics under consideration of the committee and the approach for rulemaking, which include:
  - Customer accounts
  - Payment processing for non-online accounts
  - Toll transactions & due date
  - Civil penalties and administrative fees
  - Dispute provisions
- Share the feedback of past engagement efforts related to the content and topics considered by the committee.
- Engage the expertise of the committee members to begin drafting rule language.

## Meeting Attendance

The meeting recording is on the Oregon Toll Program's [YouTube channel](#). The meeting was live-streamed on YouTube and has 73 views to date.

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

## Presentation Topics and Discussion, Welcome and Introductions

Jamie Damon, facilitator, opened the meeting and welcomed attendees and viewers. She provided instructions on accessibility tools and how the public can submit their comments. Jamie confirmed the attendance of STRAC members, reviewed the agenda, and shared meeting guidelines and objectives.

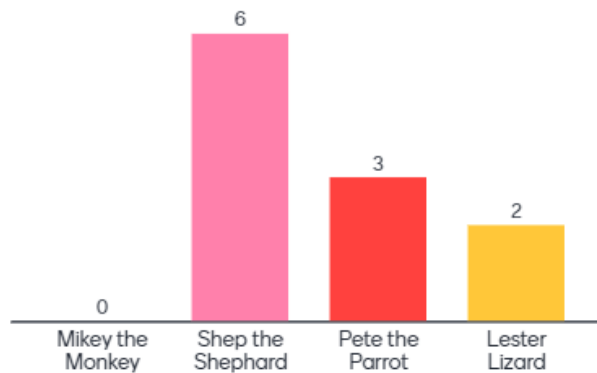
Gareth Prior shared the STRAC engagement process and explained the “Level 1” meeting’s objectives are to review relevant topics, understand past decisions, guidance and tradeoffs, and gather higher-level issues, questions, and comments. The subsequent meetings- “Level 2” and “Level 3” meetings - will focus on draft rule language.

The project team then showed the STRAC members the rulemaking process timeline to help set a context for how the STRAC’s work fits into the larger process.

Jamie Damon then led the STRAC members through an interactive activity where she asked the attendees a trivia question about the unofficial mascot for tolling at the Colorado Department of

Transportation. STRAC members entered their guesses using the virtual poll (results shown below), and Jamie shared the story of Shep the Shepherd, the “Turnpike Dog”.

## Which of the following became an "unofficial mascot" for tolling at the Colorado Department of Transportation? Mentimeter



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 efforts made by STRAC members to this point, and their continued dedication.

### Feedback We've Heard to Date

Hannah Williams provided an overview of the engagement completed to date. She explained there has been significant engagement since the state began exploring tolling, and detailed the audiences and tactics pursued in the multiple rounds of engagement. She also offered follow-up meetings with interested STRAC members to learn more about the feedback ODOT has received.

### Equity and Mobility Advisory Committee (EMAC) Feedback

Dr. Philip Wu and Park Woodworth, STRAC and EMAC committee members, shared context on past engagement activities and input the EMAC has completed to date, and how that engagement helped to develop Foundational Statements, Recommendations to the Oregon Transportation Commission (OTC), and operational policy recommendations. Park and Dr. Wu shared recommendations particularly pertinent to the topics currently under consideration by the STRAC; easy to use and accessible accounts, collaborations with trusted Community Based Organizations (CBOs), and considerations for paying toll bills and applying exemptions.

STRAC members then had the opportunity to ask questions to the EMAC members and project team:

**Question:** A STRAC member noted they had just seen the I-205 Environmental Assessment (EA) posted for public comment and asked if it is possible to get input and review on the I-205 EA in 45 days considering the length of the document (over 200 pages)?

**Response:** *Dr. Wu responded that as committee members, there isn't always time to go through every page of the document, so they rely on the committee staff to summarize the information. The EMAC will also reference the Environmental Assessment when questions arise about environmental impacts.*

**Response:** *Hannah Williams added that ODOT has tools to summarize the information for different learning styles. Videos are available that focus on the key findings for air, noise, transportation, and Environmental Justice (EJ). ODOT also provides factsheets and holds webinars to make the document more accessible and to provide direction on the best way to comment. ODOT encourages committee members to dig into areas of the document they're specifically interested in.*

### Community Feedback

Hannah Williams introduced the work of the Community Engagement Liaisons (CELs) and shared a video of the CELs summarizing feedback from their representative communities. She then shared the input the Urban Mobility Office (UMO) received about customer interactions with the tolling system throughout the multiple rounds of engagement, such as:

- Concerns for procedural burdens
- Necessity of an easy to use and accessible customer account system
- Need for partnerships with CBOs and other community resources
- Questions about how the system will work for infrequent users
- Need for non-electronic payment options
- Need for incentives for pre-paying tolls
- Concern for how tolls will be enforced and impacts on individuals

### STRAC Feedback

Hannah Williams then shared related feedback the STRAC members provided in their convening interviews:

- Concerns with impacts to small businesses, trucking, workforce, underserved communities, and tourism
- Interest in a fair, accessible and smooth process/toll implementation, and ease of use of the program
- Concern about how dispute processes are handled with other agencies

STRAC members had an opportunity to ask questions to the project team about the engagement to date:

**Question:** A STRAC member observed there are many questions and concerns about tolling, including the process for initiating tolling. The STRAC member asked if this is a standard reaction to large transportation projects or if it is unique to tolling. The STRAC member also asked what ODOT is doing to address this perception and understanding gap.

**Response:** *Garet Prior responded that this reaction is typical for projects spanning three or four years. Tolling is a significant, complex, and contentious issue and there are some fundamental questions that haven't been answered yet. ODOT endeavors to engage the public and to provide information as it becomes available.*

## Customer Accounts and Interactions Overview

Garet Prior and Phil Miller provided an overview of customer accounts and payment processing. Phil outlined the types of customer accounts (license plates and transponders) and the different account features.

After explaining customer accounts and payment processing the STRAC members had an opportunity to ask the project team questions:

**Question:** One STRAC member asked if mobile tolling is an option that could be more inclusive.

**Response:** *Phil Miller responded that mobile tolling isn't available yet. The intended design of the system uses transponders and license plates. There is an interest in moving to other options, including Bluetooth. Other options for the system may be available as technology improves and changes. For those who do not want to use transponders, the most practical method to rely on are license plates.*

**Question:** A STRAC member asked how much a transponder costs and who would pay for it.

**Response:** *Phil Miller responded that the current plan is that transponders will be provided by ODOT.*

**Question:** A STRAC member asked if there have been discussions with major toll providers for the trucking industry to make sure their transponders from other states are compatible.

**Response:** *Phil Miller responded that ODOT has been working with a technology consultant and they are looking at partnerships with E-Z Pass and Best Pass. ODOT wants to make it as easy as possible for heavy interstate vehicles to adopt the system. ODOT is also working with the Washington Department of Transportation and the Breeze By Program to build a cohesive system.*

**Question:** One STRAC member noted many people are concerned about their privacy and being tracked. They asked if there is consideration of how traveler information will be kept or stored.

**Response:** *Phil Miller responded that data security for customers is key. The general intent is that outside of what the customer needs, the data that tracks an individual will not be accessible by outside parties except by court order, which is a standard practice in other states. Data security is a detail ODOT is still working on. ODOT is highly aware of the need for the protection of payment and personal information. ODOT is committed to taking measures according to industry standards to protect payment information.*

## User scenarios

After explaining the account features Phil Miller described how the two types of accounts could work for different groups of users. He provided scenarios for:

- Daily commuters
- Small businesses
- Freight, fleet, and bi-state commuters
- Tourists or visitors
- Low-income users

After sharing the different user scenarios STRAC members had the opportunity to provide comments and feedback:

**Question:** One of the STRAC members asked if self-service kiosks will be used.

**Response:** *Phil Miller confirmed that self-service kiosks will be used.*

**Question:** A STRAC member asked if ODOT is considering a specific customer account category for small business, and how ODOT is defining a small business.

**Response:** Phil Miller responded that ODOT is not defining trades as any specific category. The system will be designed to support a small company (3-4 trucks) or a larger user. ODOT will make sure that the accounts are manageable so that if a company has any number of trucks, they can manage all vehicles through one account. ODOT will make sure to have a notification plan for customers on how to get the best combination of low price and convenience as possible.

Phil Miller explained that some business owners run cash operations, and they may not want to use a credit card to pay for tolls. There will be options for small business owners who may want to have a cash-based option or an option where they can interact with someone.

**Question:** A STRAC member asked about which user group Uber and Lyft drivers fit in.

**Response:** Phil Miller responded that Uber and Lyft drivers would likely be heavy users of the system and would likely have a pre-paid account with a transponder.

**Question:** A STRAC member asked if ODOT is considering cash apps like Venmo.

**Response:** Phil Miller responded that ODOT is looking into cash apps.

**Question:** A STRAC member noted that some states have thresholds for tourists before they toll (number of days they can use the system before having to pay the toll) and asked if ODOT is considering doing the same.

**Response:** Phil Miller responded that ODOT has not yet reached that point in the development of their business rules.

**Question:** Hannah Williams asked Phil Miller if there was a way to ensure someone receives notice for payment in their preferred language.

**Response:** The first invoice to a customer is in English. ODOT is open to suggestions for how to support additional languages. He added that as a public agency, ODOT is required to provide information in an alternate format or in a language other than English upon request.

**Suggestion:** A STRAC member suggested using a QR code on the invoice that provides language options when opened, and shared that this approach is used in San Francisco.

**Response:** Gareth Prior responded that a QR code could be an option and added that educational material could also be sent out with the invoice.

**Comment:** A STRAC member commented that leaving an un-tolled lane would help to make it more equitable and logistically simpler.

**Question:** A STRAC member asked if there will be options to pay in cash close to where people live and at locations that people can get to without taking the freeway.

**Response:** *Phil Miller responded that locations are subject to agreements that ODOT can reach with different users. There will be kiosks where you can pay your bill. ODOT will also investigate arrangements with other businesses that accept cash payments for other state and local programs. ODOT is looking into potential additional charges for these options.*

**Response:** *Garet Prior shared that ODOT is working with CBOs to identify community organizations or retailers in neighborhoods where tolls can be paid, and also considering inclusion with utility bills or other bills.*

**Response:** *Travis Brouwer shared that the Department of Motor Vehicles is going to be deploying customer service kiosks later this year. ODOT will be exploring using the kiosks for toll transactions, including cash transactions.*

**Question:** A STRAC member stated that one of the benefits touted with tolling is to have a more efficient and predictable system, and asked how customers know what they need to pay at any time? They stated that it is confusing for the consumer and small businesses, and asked how ODOT is building in certainty for the user.

**Response:** *Phil Miller responded that one of the purposes of the program is to help manage traffic by price and there will be a lot of advanced signage telling customers what the price is. The price will not change every 15 minutes, it will be a scheduled period of prices through the day (likely three periods). Prices will be published on the website and elsewhere in advance and these rates will stay locked in for a substantial period of time.*

**Question:** A STRAC member asked if the freeways will be tolled 24/7, and if the reason for the toll is to manage congestion, why would ODOT consider tolling when there is no traffic.

**Response:** *Garet Prior responded that the topic of 24-hour tolling is outside of the scope of the STRAC and is a policy decision that will be made in the future.*

**Question:** A STRAC member shared that they have a Tri-Met card and have been able to add funds to the card at local grocery stores, and asked if this is possible for ODOT tolling.

**Response:** *Phil Miller confirmed they will consider that option.*

**Suggestion:** A STRAC member suggested that utilizing places that take gas payments may be a good option and shared a variety of ways to think about cash options. The STRAC member noted to ensure payment efficiency, include self-service kiosks as an option for people.



## Invoices, Civil Penalties & Dispute Process

Garet Prior described the process for what would happen if a toll were unpaid. He explained the process for submitting invoices and notices of civil penalties to customers, and the dispute process. Garet further reviewed this process and presented the chart included in the rule outline document shared with STRAC members.

After the presentation, STRAC members had the opportunity to ask questions to the project team:

**Question:** A STRAC member asked if there is a way to implement preventative measures, and if there is an automated process which can be initiated to notify users when their account balance is low.

**Response:** *Phil Miller confirmed that a low account balance notice will be a part of the plan.*

**Question:** A STRAC member asked if there will be other notification methods other than mail.

**Response:** *Phil Miller responded that for non-account holders, the only way to contact them would be through their mailing address. ODOT is considering methods for designing the envelope to catch people's attention.*

**Question:** A STRAC member asked if it would be possible to have a phased approach to collecting delinquency fees.

**Response:** *Phil Miller responded that any variation will be possible. ODOT's intent is to keep the rules as simple as possible. The current best practice is to keep the fees at a low, uniform level.*

## Customer Accounts and Interactions Discussion

After a short break, Jamie Damon brought the committee back together and reviewed the questions for discussion. She explained the feedback gathered in the meeting will be used to draft rule language.

**Question #1:** **One way to ensure most of the toll fee goes towards investment in the system is to have a low-cost administrative system. A registered account with a pre-paid balance will be the most efficient and cost-effective to manage.**

**What actions and incentives should ODOT provide to encourage this?**

**STRAC Member Input:** A STRAC member expressed appreciation for having received the questions prior to the meeting and shared the following thoughts:

- Those that grew up, worked, and went to college in this region have likely never been on a toll system or paid a toll before. Tolling is new to the region and a brand-new concept to many of the residents of this region. Ease of use should be a top priority.
- Integrating the platform into systems that people are using already will make it easier for customers to use the system.
- A first-time bonus credit or permanent rate reduction for heavy users could also be helpful. They also suggested that the customer should be allowed to choose between the two benefits.
- Adding multiple vehicles onto an account will be useful and there could be an incentive for multiple vehicle accounts.
- Providing the transponder free of charge is a major incentive to sign up.

**STRAC Member Input:** A STRAC member shared to build trust in the system with low-income communities, align the various services and agencies with whom these populations already engage (social services agencies, health care, spiritual or religious organizations). Members of these organizations can serve as ambassadors in partnership with ODOT in encouraging people to open an account. Providing free initial trips is a great way to incentivize opening an account.

**STRAC Member Input:** After having reviewed the discussion questions, a STRAC member provided the following feedback:

- Encourage having an app for tolling and using Bluetooth to create an instant account.
- Develop marketing materials for different users (goods and products, emergency operators, transit, occasional users, non-profit businesses), and offer set pricing or incentives for these groups.
- Send transponders to residents whose only option is to travel on the freeway and provide them with a year of free tolls. ODOT could consider impact zones.

**STRAC Member Input:** A STRAC member stated that it is important to get the system and processes right the first time, and to make it as user friendly as possible. They recommended using billboards before tolling begins and providing an incentive for early adopters like a reduced rate or free passes.

**STRAC Member Input:** A STRAC member wondered what it might look like to have incentive packages that businesses can offer to their employees in partnership with ODOT.

**STRAC Member Input:** A STRAC member recommended working in parallel with the Motor Voter Program to sign up for tolling. After signing up, a user would receive a transponder in the mail.

**Question:** A STRAC member asked if 30% of all fees collected would go to administrative costs, and shared that as the process moves along, it would make sense for administrative costs to decrease.

**Response:** *ODOT is trying to figure out how to keep administrative costs as low as possible while having a high quality and inclusive system. ODOT is trying to find the right balance of what to focus on and what to invest in.*

**STRAC Member Input:** A STRAC member provided the following feedback after reviewing the discussion question:

- At a certain point, this system will reach a level of maturity where the incentives are no longer necessary and may be counterproductive to revenue and congestion management policy goals. ODOT will need to consider when the incentives will phase out.
- Truckers and haulers already experience the weight-mile tax. The goal is to shift the user fee program to the user groups that are most impacted by and benefit the most from the infrastructure. If ODOT is looking at discounts for heavy users, this can be counterproductive.

**STRAC Member Input:** A STRAC member shared that ODOT is proposing a variable rate toll to manage congestion and will need to figure out how to raise funds for these facilities. Considering incentives, the member suggested that a relationship with TriMet may be valuable. ODOT could partner with TriMet and their counterpart in Washington. ODOT could also partner with the Street Trust to figure out how to manage congestion and incentivize biking as a mode of transportation. ODOT should consider meeting with these agencies to figure out how to build a sustainable system.

**Response:** *Phil Miller responded ODOT is strategizing around advertising to help build awareness on transit or route alternatives. Advertising and marketing are important components of the process and ODOT intends to provide information via several channels. ODOT also aims to identify places where people can pay at locations that are accessible by public transportation.*

**Response:** *Garet Prior added that ODOT is developing a plan for coordination with congestion pricing, transit, and the bike and pedestrian community.*

**STRAC Member Input:** A STRAC member encouraged ODOT to engage the community and determine how civil penalties can be less impactful. The STRAC member added that the civil penalty process can be inaccessible and intimidating.

**Question:** A STRAC member asked if there is any forecast of the number of people that will face enforcement or punishment and civil penalties.

**Response:** *Phil Miller shared that ODOT is concerned about how the enforcement and penalties process will operate and does not have specific projections. The projections for the number of expected penalties will be developed over the next year. In the past the people who received penalties tended to be people without transponder accounts or people that didn't pay.*

**STRAC Member Input:** A STRAC member recommended a low-frequency radio station to share information about the tolls and the toll rates. The station can have messaging in different languages and could be a good way to educate people about the program and incentives. The station information could be advertised along the roadside.

**STRAC Member Input:** A STRAC member stated their support for providing free or reduced fees to highly impacted users and requested considering the use of the term “transponder”.

**Response:** *Phil Miller responded that ODOT will name the program over the next year and take this feedback into consideration. He added many other agencies use the term “pass” instead of “transponder”.*

**STRAC Member Input:** A STRAC member requested more information about how tolls fees or administrative fees would increase as features are added to the system, and asked if it is a requirement to provide benefits to Southwest Washington residents.

**Response:** *Garet Prior responded that the recommendation to include Southwest Washington residents is a recommendation from the EMAC, which is not legal or binding, but was developed by the committee and presented to the OTC. Garet Prior continued that there is a state law regarding how inter-state projects are implemented, but this law speaks more to ODOT being required to work with the Washington Department of Transportation on operations.*

**Question:** A STRAC member asked if ODOT has identified how much revenue will be generated, how incentives may differ for different users, and how the incentives will work for prepaid heavy user accounts.

**Response:** *Garet Prior said ODOT seeks to understand the incentives heavy users and trucking agencies need to sign up for the pre-paid account.*

**STRAC Member Input:** A STRAC member shared their concern about administrative costs. In many states, trucks incur 30-45% operating costs. The administrative costs for fuel taxes are 1-

2%. If administrative costs are high, the STRAC member is concerned that revenue generation will be limited. The STRAC member shared that making a comment about incentives without knowing the costs is difficult.

**STRAC Member Input:** A STRAC member requested that ODOT communicate that tolling will occur all day, every day, rather than just at peak congestion times. People aren't aware of this.

**STRAC Member Input:** A STRAC member shared ODOT needs to bring employers into the conversation and provide a tax credit or benefit to participating employers. They also suggested encouraging employees to be part of the system. The STRAC member noted that the positioning of billboards will be critical, and that ODOT must set these up at intersections that could experience diversion.

**Question #2: Going after outstanding toll bills is a costly, time-consuming process for the customer and ODOT. ODOT is trying to strike a balance between imposing proportionate consequences without causing long-term financial indebtedness.**

**How can this be accomplished?**

**STRAC Member Input:** A STRAC member noted that in the freight industry there is a challenge of license plates getting stolen off of trucks and then the freight company receiving tolls and fines for tolls incurred with the stolen license plate. The committee member requested that ODOT develop a process wherein companies do not continue to receive fines once the license plate has been flagged.

**STRAC Member Input:** A STRAC member suggested that ODOT consider best practices for communicating, educating, and getting buy-in for tolls, as it will be critical in getting programmatic compliance. The committee member also suggested very clearly explaining to the public why tolling is being implemented.

**STRAC Member Input:** A STRAC member recommended setting up payment capabilities that will allow people to pay their fines over time and in installments.

**STRAC Member Input:** A STRAC member shared that they have concerns about what will happen if people change addresses and do not receive bills that go to their previous address. The STRAC member suggested having alternative methods of contact, like text and email for contacting customers.

**Response:** *Phil Miller responded that there are a few options to help identify people with an outdated address. Once people are registered, ODOT can use an email or phone number to follow-up.*

**Question:** A STRAC member asked about options for low-income users to wave or reduce the fee.

**Response:** *Garet Prior responded ODOT is considering if they can waive the fee or provide a discount for someone who doesn't have a registered account and falls into the low-income program discount.*

**STRAC Member Input:** A STRAC member reflected that it appears there are two types of heavy users: industry and people who live in close proximity to tolled facilities.

**STRAC Member Input:** Multiple STRAC members stated that it was challenging to answer a question about financial impacts without the known fees and toll rates, or examples of what other states are doing.

1 **Response:** *The project team committed to providing more examples and information at further STRAC meetings.*

## Wrap-Up and Next Steps

The second STRAC meeting concluded with a brief update from Hannah Williams on upcoming engagement opportunities. Jamie Damon shared the next STRAC meeting is March 24, 2023, from 9:00am to 12:00pm.

Travis Brouwer thanked STRAC members for all their valuable feedback and dedication.

*The meeting adjourned at 12:00pm.*