

Meeting #4 Summary: Statewide Toll Rulemaking Advisory Committee (STRAC)

The Oregon Department of Transportation (ODOT) convened a committee of people from across the state to help develop Oregon Administrative Rules (OARs) that will advise ODOT on how customers will interact with and use tolling systems and how toll rates will be set and adjusted. The STRAC held its fourth meeting on April 28th, 2023, where they continued the committee's work in developing rules relating to customer accounts, payment processing, civil penalties, administrative fees, and dispute provisions.

The meeting was held virtually and hosted over Zoom. The meeting was live-streamed via YouTube and closed-captioning was provided.

The objectives of the meeting were to:

- Understand the current stage of the committee's work in the rulemaking process including the expected timeline and process for Oregon Transportation Commission decision-making.
- Build upon past STRAC member input and share common practices in the tolling industry to inform STRAC member feedback on draft rules relating to civil penalties and administrative fees as well as the process to dispute bills.
- Understand the role and status of the other toll advisory committees.

Meeting Attendance

The meeting recording is on the Oregon Toll Program's [YouTube channel](#). The meeting was live-streamed on YouTube and has 48 views as of May 12, 2023.

STRAC Project Team

- Travis Brouwer
- Phil Miller
- Garet Prior
- Kelly Bruce
- Hannah Williams
- Jamie Damon
- Madeline Kane
- Violeta Alvarez
- Amira Streeter

Committee Members

- Elizabeth Mazzara Myers
- Ethan Hasenstein
- Lanny Gower
- Lauren Poor
- Marc Ortega Kilman-Burman
- Marie Dodds
- Commissioner Nafisa Fai
- Omar Cruz
- Park Woodworth
- Dr. Philip Wu
- Sean Philbrook
- Shannen Knight
- Shatrine Krake
- Jeff Spiegel

Absent:

- Michael Card
- Sharla Moffett

Opening

Introduction & Welcome

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. To center the committee, Jamie asked the members to answer a trivia question: “Which state has the oldest toll road?” STRAC members were asked to put their answers in the chat. The answer is Pennsylvania. The Philadelphia and Lancaster Turnpike which was operated privately from 1792 – 1923 and is now part of U.S. Route 40.

Travis Brouwer provided welcoming remarks and highlighted the importance of STRAC members’ role in developing the administrative rules. He reviewed the topics under consideration at the meeting and communicated the concerns of community members about enforcement and data management. He noted that the statutory provisions related to data collection are a good starting point, but that the STRAC will provide helpful input to make sure ODOT meets the needs of users in the administrative rules. Travis also shared his appreciation for the questions and comments provided by STRAC members at the last meeting and for their continued dedication.

Where We’ve Been and Where We’re Going

Jamie Damon reviewed the STRAC engagement process and explained the “Level 2” meeting objectives are to read and react to current draft rules. The subsequent “Level 3” meeting will focus on refining draft rule language refined in the past two Level 2 meetings.

Garet Prior then presented the rulemaking process timeline to provide context for how the STRAC’s work fits into the larger process. He shared the timeline for the OAR development and the engagement that will be occurring throughout the rulemaking process.

Travis Brouwer provided a presentation on the Urban Mobility Strategy (UMS). He explained that the objective of the UMS is to reduce congestion and improve mobility, and that tolling will be one tool in the strategy to raise revenue and improve infrastructure. Travis then reviewed the planned tolling projects. STRAC members then had an opportunity to ask questions about the projects.

Question: A STRAC member asked why portions of I-205 will be tolled before the rest of the system.

Response: Travis explained that tolling will begin first on portions of I-205 to help pay for the improvements being made to those sections. He noted that this is consistent with legislative intent.

Question: A STRAC member asked how tolling will impact re-routing onto local streets.

Response: Travis explained that diversion and mitigation will be analyzed throughout the National Environmental Policy Act (NEPA) process. Modeling is currently underway to determine impacted intersections and ODOT is reviewing options for increasing safety and mitigating issues. Travis noted that local governments will also be tasked with managing regional growth and its impact on traffic on local streets.

Additional Information: Garet Prior shared a link to a [video](#) about diversion and mitigation on the toll projects.

Payment Process and Equitable Enforcement: Overview

Introduction

Jamie Damon introduced the topic of payment processes and equitable enforcement and reminded the STRAC of the question that was posed to the committee during their second meeting:

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 we fine-tune this balance?

Community Feedback

Dr. Phil Wu, Equity and Mobility Advisory Committee (EMAC) and STRAC member, shared feedback that the EMAC has received on the topics of enforcement and payment processing.

Common Practices

Phil Miller then presented best practices for making the payment process as easy as possible. He shared proactive enforcement measures and options for lessening the burden and cost for users and the agency.

Phil explained that other states utilize dispute hearings, registration holds, and driver's license suspensions when tolls are un-paid. He noted that ODOT is not considering suspending licenses if tolls are not paid.

Garet Prior introduced the processes that are currently being proposed by ODOT. He explained that portions of the proposed processes are required by statute and cannot be changed in rule. Garet shared the proposed processes for payments, disputes, and civil penalties.

The committee then offered feedback and questions on the proposed processes.

Question: A STRAC member noted that if motorists receive notifications in real-time of toll fees, it would be helpful to have pull-outs where motorists can pull-over to pay tolls on their devices.

Response: *Phil Miller responded that motorists will not be expected to pay in real-time and will be able to pay when it is safe for them to do so or when they next log into their account.*

Question: A STRAC member asked if considerations had been made for commercial accounts with multiple violations to aggregate them into one monthly invoice.

Response: *Phil Miller said that they hadn't considered aggregation but will forward the input. He noted that over 90% of commercial vehicles have a fleet account.*

Question: A STRAC member asked if ODOT is considering allowing a contractor or local agent in the collection of tolls, and if there could be a possibility for partnerships with trusted community organizations.

Response: *Phil Miller responded that it is a consideration but may be challenging based on legal constraints on who can handle payments.*

Question: A STRAC member asked if the EZPass system could be ready to stand up on day one of tolling. ODOT should prioritize this level of functionality.

Response: *Phil Miller confirmed that they are planning for the system to be interoperable with other states from the start but will need time to establish agreements with private providers.*

Comment: Multiple STRAC members requested that the 10-day period to pay a toll should be extended and noted difficulties in receiving notifications and making payments within a 10-day period especially if the motorist is from out of state.

Comment: A STRAC member asked that ODOT share with the public what they will receive when they go through a toll gantry – outline different scenarios for example, unregistered, out of state, etc.

Comment: A STRAC member asked that ODOT consider one collection fee in a 30-day period rather than compounded fees.

Comment: A STRAC member encouraged ODOT to do extensive public outreach to help move folks from unregistered to registered such as providing incentives, sharing information on bills about how much they would save if registered, waiving the fee if the register at the time of paying the toll bill.

Comment: A STRAC member noted that community members without a permanent address that may qualify for waivers of fees or penalties may not be aware of penalties until after it's too late to apply the waiver and a hold is placed on their registration.

Comment: A STRAC member asked that ODOT should err on the side of forgiveness in the first 6 months to a year. Focus on education and awareness to build goodwill with the public.

Response: *Garet Prior responded that the DMV will need to be brought into the process.*

Question: A STRAC member asked if the toll fees will be impacted by the weight per mile tax.

Response: *Travis Brouwer responded that toll fees will be in addition to current fees and taxes.*

Customer Data Overview

Community Feedback

Hannah Williams shared the feedback received to date on customer data and noted that ODOT has received many questions about how data will be saved, shared, stored and tracked.

Data Collection Requirements

Garet Prior noted that there are limits to the use and collection of customer data in statute, but that ODOT wants to incorporate additional protections to address concerns. He shared the limitations of electronic tolling technology and the requirements established in law.

STRAC members then had the opportunity to ask questions and provide feedback.

Question: A STRAC member asked if drivers will be tracked each time they go under a gantry.

Response: *Garet Prior confirmed that transponder or license plate information will be collected at each gantry and Travis Brouwer explained that ODOT will collect the data, but it will not be shared except through a legally defined process.*

Question: A STRAC member asked how ODOT is planning to store data.

Response: Travis Brouwer stated that ODOT is developing protocols for storing data.

Civil Penalties, Administrative Fees, and Dispute Provisions: Draft Rules

Garet Prior reviewed the draft rules relating to civil penalties, administrative fees, data collection, and dispute provisions, and noted the section in rule that are required by statute.

STRAC members then provided the following feedback on the rules:

- STRAC members suggested providing additional time to pay tolls.
- STRAC members suggested there be more stringent enforcement penalties for repeat offenders who evade tolls through altering license plates or removing license plates.
- STRAC members suggested a carve-out for toll payments for out-of-state drivers and questioned what will happen to drivers experiencing houselessness.
- STRAC members requested that drivers receive notice of due tolls through multiple methods.
- STRAC members asked that the process and timeline for payment be clarified.
- STRAC members suggested we need a process for when someone sells a car with unpaid tolls associated with the license.
- STRAC asked that ODOT have staff who are dedicated to addressing the issues for fleet customers.
- STRAC suggested that once a license plate is flagged as fraudulent it should be tracked in the system to minimize continuous fee collection communication.

A full accounting of the comments and questions raised is noted in the draft rules.

Community Engagement

Community Engagement Update

Hannah Williams provided an overview of recent and upcoming engagement with equity framework communities and with other transportation committees.

Committee Report Outs

Dr. Philip Wu and Commissioner Nafisa Fai provided updates about the work of the EMAC and the Regional Toll Advisory Committee (RTAC).

Wrap-Up and Next Steps

Jamie Damon shared that the next STRAC meeting is on May 26, 2023, from 9:00am to 12:00pm. She noted that STRAC members will receive a meeting evaluation form, and that there will be no June meeting.

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

The meeting adjourned at 12:00pm.