

Meeting #5 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 as well as how toll rates will be set and adjusted. The STRAC held its fifth meeting on May 26th, 2023, where they continued the committee's work in developing rules relating to customer accounts, enrollment, enforcement, and data privacy.

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 (OTC) decision-making.
- Review and provide feedback on ODOT's responses to the committee's comments, questions, and edits to the draft rules and procedures for account types, enrollment, enforcement, and data privacy. Hear about what the OTC had to say on these draft rules at their May meeting.
- 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 64 views as of June 5, 2023.

STRAC Project Team

- Travis Brouwer
- Phil Miller
- Garet Prior
- Kelly Bruce
- Jamie Damon
- Madeline Kane
- Ariella Dahlin
- Ellen Palmquist

Committee Members

- Elizabeth Mazzara Myers
- Ethan Hasenstein
- Marc Ortega Kilman-Burman
- Marie Dodds
- Commissioner Nafisa Fai
- Omar Cruz
- Park Woodworth
- Dr. Philip Wu
- Sean Philbrook
- Shannen Knight
- Shatrine Krake
- Sharla Moffett

Absent:

- Lanny Gower
- Lauren Poor
- Michael Card
- Jeff Spiegel

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: “What is the oldest known toll road?” STRAC members were asked to put their answers in the chat. The answer is the Susa-Babylon Highway. The Susa-Babylon Highway operated in the 7th century and connected the capital of Persia with the Aegean Sea.

Travis Brouwer provided welcoming remarks and highlighted the importance of STRAC members’ role in developing the administrative rules. Travis also shared his appreciation for the questions and comments provided by STRAC members at the previous meetings and for their continued dedication.

Tolling Update

Travis Brouwer shared Governor Kotek’s direction to delay the collection of tolls until 2026. He explained that the delay will provide ODOT more time to engage communities, develop solutions to address equity concerns, and find new ways to move the program forward. He also explained that there will also be a legislative committee providing direction and oversight. The delay does not impact the development of a toll program or the STRAC’s work. The STRAC then had an opportunity to ask questions.

Question: A STRAC member asked how the new tolling committee will fit in with the other committees.

Response: *Travis Brouwer responded that the Joint Committee on Transportation Special Subcommittee on Transportation Planning was officially appointed by the Legislature and ODOT isn’t sure how it aligns with other committees yet. Lindsey Baker, ODOT’s Assistant Director of Government and External Relations, has been having conversations with committee members to understand their interests and how to structure the committee discussions. The committee does not have any legislation assigned to it or legislative authority and it is not an approval body. The primary role of the committee will be to provide feedback and input to ODOT and the OTC. Travis shared the [link to the committee](#) in the chat for STRAC members.*

Question: A STRAC member was asked why the existing legislative committee wasn’t tasked with looking at tolling.

Response: Travis Brouwer responded that some of the members on the new committee have been very engaged in tolling and are part of the joint committee. Other members are not on the joint committee. The new committee also has membership from all parts of the state.

Where We've Been and Where We're Going

Jamie Damon reviewed the STRAC engagement process and explained that this meeting is a "Level 3" meeting. The "Level 3" meeting objective is to refine draft rule language drafted 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.

Accounts, Payments, and Enforcement Draft Rules – Level 3 Review

Introduction

Jamie Damon explained that the project team would be sharing feedback received since they began their work as a committee.

What We've Heard: Equity-Focused Community Engagement

Garet Prior presented the feedback provided through equity focused community engagement:

- Concerns about people experiencing low-incomes being able to pay the toll online.
- The need to be able to pay in cash.
- Many questions about how to pay and how to get your bill if you don't sign up online.
- Concerns about non-English speakers getting into a new system.
- Questions about whether trucks and cars will pay the same rate.
- Desire to make the program accessible and easy to understand.
- Questions on the logistics of tolling and payments.

What We've Heard: Oregon Transportation Committee

Garet Prior provided a recap of the May 11, 2023, OTC meeting and shared the feedback the committee members provided.

At the meeting, the committee discussed the toll policy decision timeline, the work of the STRAC and rulemaking process, and Tribal governments and tolls. The committee shared their support for the work of the STRAC and their approach for centering equity. They expressed their appreciation for the effort the STRAC has made and their commitment to moving the rules forward.

Draft Rule Revisions

Garet Prior and Jamie Damon then shared the revisions made to the rules and processes as a result of feedback from the STRAC. They noted the updates made to the rules and processes related to definitions, account types, interoperability, compliance processes, and vehicle types. STRAC members then had an opportunity to provide further input and to ask questions.

Accounts for large and small commercial users

Comment: A STRAC member shared their appreciation for the revisions made to incorporate the STRAC's feedback.

Question: A STRAC member asked the project team to clarify the costs for mailed invoices and administrative fees.

Response: *Garet Prior responded that ODOT would charge \$2 for a mailed statement to recuperate the cost of developing and mailing out the statement. ODOT is estimating a \$5 administrative fee to cover the cost of mailing the invoice and any additional information that needs to be provided. This could include the images ODOT captured and the timing of the toll to ensure the debt is attributed to the correct person. ODOT does not know the exact cost of these items and is using industry best practices and experience to provide an estimate. After ODOT has resources under contract, the agency will have more clarity on what these costs will be. The information on accounts and charges is free and available online.*

Question: A STRAC member asked the project team to clarify what the total administrative fee could be.

Response: *Garet Prior explained that at the 30-day mark, the highest the administrative fee could be is \$2. After 60 days, an additional \$5 would be charged and at 90 days, sending a second invoice would be an additional \$5. The maximum you could pay in fees is \$12.*

Question: A STRAC member asked how ODOT will make sure that they are getting notices and invoices to customers, especially in cases where customers cannot receive mail or when customers sell their car with unpaid tolls.

Response: *Garet Prior responded that ODOT will use all the tools available to contact the individual. The mailings for the civil penalties are sent through certified mail. ODOT has heard from EMAC and others of the importance of working on a communications and engagement process to fill in these gaps and reach people that are difficult to connect with and will work with community partners to help reach out. If a car is sold with unpaid fines, the individual charged would be able to provide information that they were not the owner of the car during the transactions to remove them. If someone sells a vehicle, they would also need to update their account to remove the vehicle.*

Question: A STRAC member asked who will receive discounts and exemptions.

Response: *Garet Prior responded that discounts and exemptions will be discussed during STAC meetings this summer and fall.*

Question: A STRAC member asked if there will be a billing cycle for accounts that are not pre-paid but are registered.

Response: *Phil Miller responded that decisions have not yet made on that matter. For post-paid accounts, there will likely be different price points. For customers that do not want to have anything online, they might have a higher price point.*

Question: A STRAC member asked if ODOT has considered how to ease the burden for employers that are subsidizing vanpools or other options that could help accomplish greenhouse gas reduction goals.

Response: *Garet Prior responded that this request will be addressed by the committee. Right now, ODOT is focused on setting up enrollment and the customer interface for providers.*

Interoperability with existing toll systems

Question: A STRAC member asked if the technology ODOT purchases will be compatible with existing systems, like E-ZPass, and added that with transponders and tags, it's important to have some continuity. They also asked what processes or systems are in place to have a seamless connection as technology changes.

Response: *Phil Miller responded that ODOT used this input to help guide technology development and ensure fleet operators don't have to keep buying devices. The systems ODOT is purchasing will read all three existing types of technology nationwide. ODOT wants to be open to all customer bases.*

Comment: A STRAC member shared that emergency vehicles frequently move between Vancouver and Portland and will often travel to areas where data shows accidents may occur, which means travel over tolled bridges. They also shared that emergency vehicles are limited to certain types of tolling technology that doesn't interfere with any of their other systems.

Compliance process

Question: A STRAC member asked how ODOT will work with the DMV to reduce toll evasion, and ensure that registrations are up to date given that the timeline for registration was extended during COVID.

Response: *Garet Prior responded that ODOT and the DMV are partnering, and are working out who would bear the burden of the customer's service and application experience. ODOT is considering providing kiosks and other resources to support DMV.*

Question: A STRAC member noted that the current rules list the civil penalty at \$15, and asked if ODOT is proposing to increase the penalty to \$50. The STRAC member noted concern that the \$50 fee may be more than what it costs to collect the unpaid amounts.

Response: *Garet Prior responded that ODOT would be proposing to increase the \$15 civil penalty to \$50, and are working to determine the agency's cost to go through the civil penalty process.*

Question: A STRAC member noted that in the current rules there is a timeframe of ten days for requesting a hearing and asked if this needs to be updated and/or reflected in the new draft rules.

Response: *Garet Prior responded that the current timeline in rule is shorter than what's proposed in the new draft rules. The civil penalty process in the proposed rules doesn't start for 90-120 days into the process. Once the civil penalty notification goes out, a customer will have 20 days minimum to contest this.*

Comment: A STRAC member shared their concern about the possible consequence on DMV registration renewal.

Question: A STRAC member asked how the compliance process would work for someone that is out of state.

Response: *Garet Prior responded that at end of the process, if a customer is not associated with a registered vehicle in the state of Oregon, ODOT would send the unpaid amount to a third-party collections agency to collect the debt that is outstanding.*

Question: A STRAC member asked what will happen to additional toll charges when someone is in a civil penalty process.

Response: *Garet Prior responded that when ODOT issues notice of civil penalty, the amount that the agency is pursuing is locked in. If the customer continues to accrue additional unpaid tolls, these cannot be legally added to the existing civil penalty. The toll charges that accumulate over time will not disappear and will continue to be posted to an account.*

Question: A STRAC member asked what it will cost ODOT to collect unpaid fees and tolls.

Response: *Phil Miller responded that ODOT will try to reconcile with customers throughout the process because the longer it goes on, the more it costs. The complexity of the case is also a factor. It's challenging to project administrative costs until contracts are in place. ODOT can look at similar agencies to provide a range.*

STRAC Member Roundtable

After a short break, Jamie Damon asked each STRAC member to share feedback on the work the STRAC is doing. STRAC members shared that:

- Hope for leniency and grace period for paying tolls after implementing tolling.
- Questions about how different vehicle types will be addressed.
- Questions about funding sources.
- Interest in robust update on how the state is going to educate Oregonians about tolling.
- Appreciation for the rulemaking process to date.
- Interest in clarifying the complete picture for what penalties will look like.
- Request to maintain some flexibility in tolling so that it can be adapted and adopted in different communities.

Looking Ahead & Next Steps

Jamie Damon noted that the STRAC has completed its review of the first set of rules relating to account types, enrollment, enforcement, and data privacy, and that after a break in June the STRAC will be returning in July to complete a “Level 1” review of a new set of rules relating to the low-income program, rate setting and adjustments, and vehicle rate structure and exemptions.

Garet Prior then reshared the rulemaking timeline and highlighted the processes that will occur in the STRAC, in public engagement, in the agency, and with the OTC.

Jamie then shared the topics for discussion at the upcoming “Level 1”, “Level 2”, and “Level 3” meetings, and Garet previewed the information that will be shared during the meetings, and the community engagement that will support the STRAC’s work.

Discussion

Jamie Damon then asked the STRAC about how the process has worked for them so far, and what information or community input would be helpful to bring back to the STRAC in preparation of their upcoming meeting.

Question 1: *We've completed the first set of rules topics (definitions, enrollment, payment processing, and enforcement) using the level 1,2,3 approach. Before we start the next set of topics (low-income program, rate setting process, vehicle rates), what are some observations and reflections on how this approach worked that we could apply to our next round of work?*

Question: A STRAC member asked about how EMAC and STRAC will align their work, and what the joint meeting will look like and how it will set the foundation for some crosswalk between the committees.

Response: *Garet Prior responded that the July STRAC meeting will be a Level 1 review for both committees. EMAC will provide input that will inform what gets codified in the rules. For the low-income toll program, there are some elements that will be established in rule and some that EMAC will want included as programmatic or other types of goals outside of rule.*

Question 2: *In preparation for our upcoming meetings, what are key questions or important information do you want to make sure we discuss?*

Question: A STRAC member asked when they can expect to see a sample schedule for variable rate tolling.

Response: *Garet Prior responded that the schedule is anticipated to be available in 2025, after the draft rules are developed for toll rate setting. This committee is not providing feedback on the final rates but is providing a process for getting to the final rates.*

Question: A STRAC member asked if the committee can make a strong recommendation for not tolling 24 hours a day.

Response: *Garet Prior confirmed that the committee can make that recommendation. The final rate is built on policy decisions made along the way. This is something that could be established in rule.*

Comment: A STRAC member noted that in other states where there is forced mandatory tolling, there is a general purpose lane or a free choice lane. They also shared concern for out of state drivers not being charged for using tolled facilities.

Response: *Garet Prior responded that there is no policy direction about letting people outside of Oregon get a free pass. For many bridge projects in the US, all lanes are tolled. There is a*

tradeoff with not tolling overnight looking at if you have to charge more at other times. Decisions haven't been made about 24-hour tolling or having free periods of the day where tolls are higher in other parts of the day.

Comment: A STRAC member shared their concern that tolling 24 hours a day will result in diversion.

Response: *Garet Prior responded that ODOT will work to share information on diversion and the tradeoffs for not tolling 24 hours a day.*

Comment: A STRAC member suggested that it would be helpful to have an understanding of what the cost-burden is associated with vehicle fees before a user gets on the highway (weight mile tax, heavy vehicles fuel tax, flat fees, etc.).

Response: *Garet Prior responded that ODOT will reach out to committee members to make sure they're capturing additional resources.*

Question 3: *As you know our engagement team is sharing information with the broader community about the rules development process and gathering feedback to bring back to you to inform your work. Is there anything you would like us to ask the community?*

Comment: A STRAC member noted that based on the directive from the Governor, equity and diversion should be the focus of our community engagement. They expressed interest in how the conversation of diversion is handled.

Comment: A STRAC member noted that many of the engagement opportunities are in the middle of the day and shared an interest in having after hours engagement opportunities for businesses and employees. The STRAC member asked if there is a way to build a calendar that could be shared with the STRAC group to send it out early and plan who can attend.

Community Engagement Update

Garet Prior provided an overview of upcoming committee meetings for the Regional Toll Advisory Committee (RTAC), the OTC, and for EMAC.

Committee Report Outs

Dr. Philip Wu and Commissioner Nafisa Fai provided updates about the work of the EMAC and the RTAC.

Wrap-Up and Next Steps

Jamie Damon shared that the next STRAC meeting is on July 21, 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.