

Meeting #7 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 seventh meeting on September 22, 2023, where they continued the committee's work in developing rules relating to discounts and exemptions.

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:

- Build upon past STRAC member and community input to inform feedback on the draft rules for discounts and exemptions.
- Review and provide feedback on the approach for enrollment, verification, and recertification in the low-income toll program and the proposed toll exemptions.
- Understand the current stage of STRAC's work in the rulemaking process, including the expected timeline for Oregon Transportation Commission (OTC) decision-making.
- 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 56 views as of October 3, 2023.

Meeting Summary

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

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: “In the 16th and 17th centuries, local governments accepted money and what other form of payment for use of their tolled roads on an annual basis?” STRAC members were asked to put their answers in the chat. The answer was six days of labor building the road. In the 16th and 17th centuries, local governments financed road improvements through property taxes and up to six days of labor per year from their residents to finance road work.

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 gave an overview of the OTC meeting and shared the materials that were shown at the meeting. Travis then spoke about what a modern transportation system could look like for the area. Finally, Travis shared ODOT’s recommendations for the Low-Income Toll Program followed by a brief question and answer period.

Question: A STRAC member asked what the reason was for including a 400% federal poverty benefit level (FPL).

Response: *Travis Brouwer responded that people in this income bracket are still struggling to pay day-to-day bills. ODOT wants to limit the impact of tolling. There is also a benefit cliff with the 200% FPL. If people make slightly more than 200% of the federal poverty level, they wouldn’t qualify. ODOT wants to make sure it is possible to operate a program at 400% of the federal poverty level without significant administrative costs.*

Question: A STRAC member asked if ODOT had considered coupling a low-income benefit with frequency of use?

Response: *Travis Brouwer responded that ODOT’s focus has been on exemptions and the Low-Income Toll Program. People that use the system frequently are the most likely to sign up for a pre-paid account that will offer them the lowest price.*

Where We've Been and Where We're Going

Garet Prior 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.

Jamie Damon then reviewed the STRAC engagement process and explained that this meeting is a "Level 2" meeting focused on the Low-Income Toll Program, discounts, and exemptions. The "Level 2" meeting objective is to read and react to draft rules.

What We've Heard

Jamie Damon noted that there has been a large effort to increase engagement over the summer and that through these events and activities we have been able to gather feedback relevant to the work of the STRAC.

Hannah Williams then shared an overview of recent events and the key themes and trends of the feedback. Hannah provided a report on the Community Engagement Liaisons (CELs) Discussion Group, the Community-Based Organization (CBO) Discussion Group, and the Workforce Briefing. STRAC members then had an opportunity to ask questions about the engagement.

Question: A STRAC member asked if there was a grant program for CBOs, and asked for the amount that has been spent on outreach.

Response: *Hannah explained that the Interstate Bridge Replacement Project has a grant program and has distributed applications. She shared that for other tolling projects there are compensation methods including contracts and price agreements for engagement services. She offered to follow up regarding the total amount spent on outreach.*

Question: A STRAC member asked if there is a system where people can pay for tolls after they have used the system instead of pre-loading their account.

Response: Garet Prior confirmed that that will be a topic at a future meeting.

Question: A STRAC member asked if people had made requests for more robust transit.

Response: *Hannah Williams responded that a common theme in comments is that people are interested in options and alternatives to driving including transit.*

Response: *Garet Prior added that ODOT is trying to avoid a one-size fits all approach where mitigation strategies are applied in the same way in every space. Different areas have different needs.*

Question: A STRAC member asked if toll bills would be broken down by trip.

Response: *Garet Prior responded that people will be able to log in to their account and review their bill and the trips taken.*

Comment: A STRAC member suggested partnering with the “Employee Commute Options” program.

Discounts and Exemptions

Jamie Damon introduced the topics of discounts and exemptions and the process for discussing the topics. Garet Prior provided a recap of what we’ve heard from STRAC members at past meetings related to discounts and exemptions.

Garet Prior then explained that ODOT is working to find the right balance when providing discounts and exemptions. Noting that discounts or exemptions may result in higher tolls for other drivers, higher administration costs, less revenue, a more complex system, and they may impact emissions reduction. Garet shared the six factors that ODOT is considering when evaluating possible discounts and exemptions: revenue, congestion, climate, equity, administration, and policy.

The exemptions proposed in rule were presented to the STRAC members. Garet Prior noted that some of the exemptions are required by law and cannot be removed from the administrative rules. The proposed exemptions are:

- Public transit (required by law)
- Military personnel (required by law)
- Emergency response vehicles, such as police, fire, ambulance, etc.
- Highway safety response vehicles
- Tribal government vehicles and vehicles registered to an enrolled tribal member

The STRAC members then had an opportunity to ask clarifying questions to the project team.

Question: A STRAC member asked if toll bills will show which toll gantry a customer drove through and specify the time?

Response: *Garet Prior responded that a bill will be sent to the online registered account. The bill will show time stamps for each toll.*

Question: A STRAC member asked ODOT to consider ways to layer systems to create a more integrated travel experience for the user.

Response: *Garet Prior responded that ODOT can work with travel providers to provide a more seamless experience.*

Question: A STRAC member asked if ODOT could clarify the cost of administration for providing an exemption for farm vehicle plates. The member further stated that farm product prices are determined by the commodities market and farmers cannot pass along an increase in business costs such as tolls to consumers.

Response: *Garet Prior responded that ODOT understands the equity concern for this industry. An exemption for farm plates would be lower on the administrative cost scale because ODOT has this information. It would add complexity for the operations system needing to take note of the farm plate. It's more incremental, but it does increase the cost.*

Question: A STRAC member asked if there would be someone manually looking at each plate.

Response: *Garet Prior responded that once account information is in the system, it will be mostly automated but there will still be staff to verify that the information provided is correct. For exemptions, ODOT needs to consider if there is a reverification process. There will be staff to maintain the system.*

Response: *Travis Brouwer added that any exemption adds operational costs. Someone could be misbilled or there could be issues with the plates. ODOT is cautious of providing an exemption for one industry over another. Exemptions that are for in-state industry have been challenged in other states.*

Question: A STRAC member asked if ODOT could provide more information about the tribal and military exemptions.

Response: *Garet Prior stated that ODOT has been working with their operations team for the military exemption, which is state law. There are other states that provide similar exemptions, and ODOT will look to them to see how to do this in a way that isn't onerous to the customer and doesn't create high administrative costs for ODOT.*

Response: *Travis Brouwer added that ODOT cannot toll some tribal members because of existing treaties. ODOT will work with tribes to help enroll their members with a non-revenue*

account. Travis added that the total population of Oregon's nine federally recognized tribes is around 10,000 members. The revenue impact of this will be very small.

Question: A STRAC member asked if there was a way to provide relief from tolling if someone loses their job and can't pay their toll bills.

Response: *Garet Prior replied that ODOT wants to keep rates low to avoid impacts. ODOT received funding from the federal government for an innovative mobility fund. This funding is available to seed projects to increase mobility options.*

Question: A STRAC member asked what the justifications for exempting private businesses were.

Comment: A STRAC member stated that for medical vehicles, fees are set by the county and cannot be passed on. Ambulances rotate depending on the calls that come in to ensure geographic coverage.

Response: *Garet Prior noted that ODOT is less concerned about exemptions based on public or private status and more interested in providing an exemption to protect health, life, and safety needs.*

Comment: A STRAC member stated that exempting ambulances and safety vehicles would reduce overall revenue.

Response: *Garet Prior responded that ODOT is looking to balance exemptions and meeting essential health and safety needs.*

Response: *Travis Bouwer mentioned that exemptions for all forms of public transportation, including private coach/charter buses, are required under federal law. Exemptions for ambulances are common across toll systems.*

Question: A STRAC member asked if ODOT could provide a toll pass that a business could purchase for an employee at a discounted rate?

Response: *Garet Prior responded that ODOT is a transportation agency and the benefit we provide needs to be connected to a license plate. It's hard to exempt people, or groups of people, or businesses if they don't have a direct connection to a license plate. ODOT will investigate a pass option.*

Comment: A STRAC member commented that as fuel prices increase, fuel surcharges increase. This is a way for the trucking industry to pass on costs. Tolling will be impossible to

pass on because a driver doesn't know which route they will take. The customer doesn't want to pay for a toll, especially if it could be bypassed.

Comment: A STRAC member responded that cost allocation studies should be factored into toll costs for freight users.

Response: *Garet Prior responded that the rules will reference the Highway Cost Allocation Study. The STRAC will cover how cost allocation is considered in the next meeting.*

Question: A STRAC member asked if school buses were exempt?

Response: *Garet Prior commented that school buses would not be exempt.*

Temperature Check

To get a better understanding of what the STRAC members think about the proposed exemptions, Jamie Damon facilitated an activity called a temperature check where STRAC members were asked to hold up fingers representing their level of support for the proposed exemptions. Zero fingers meant that they did not support the proposed exemptions and five fingers indicated full support.

Jamie then asked the STRAC members to explain why they held up as many fingers as they did.

STRAC members who held up 0-2 fingers shared the following:

Comment: A STRAC member shared that they could not support a list of exemptions that did not include programs that directly support transit like vanpools and social service programs.

Comment: A STRAC member commented that the list of exemptions is too long, and that the point of tolling should be to raise revenue and that exemptions will reduce revenue. The STRAC member shared their support for no exemptions.

Comment: Two other STRAC members shared their concern for too many exemptions, but noted that they understood that there will have to be some exemptions as required by law.

Comment: A STRAC member stated that people traveling through Oregon should have to pay tolls, that there should be an un-tolled lane, and that emergency vehicles should be exempt. They said that drivers should have a choice.

STRAC members who held up 3-4 fingers shared the following:

Comment: A STRAC member voiced their preference for a conservative approach for exemptions as it will result in higher rates for other drivers. They noted that they do not support congestion management tolling but do support un-tolled lanes. They also shared their concern for the impact tolling will have for weight mile taxing.

Response: *Travis Brouwer shared that ODOT is currently considering 150% and 200% toll rate increase for heavy vehicles.*

Response: *Garet Prior shared that an un-tolled lane is outside of the scope of this rulemaking.*

Comment: A STRAC member noted that there are limits to the number of vehicles eligible for full exemptions and stated that there should be more in-depth conversations about vehicles receiving discounts as there will be substantial revenue loss due to the number of discounts applied.

Comment: A STRAC member suggested adding an exemption for vehicles with farming plates.

Comment: A STRAC member commented on the delicate balance between equitable tolling and providing exemptions without overburdening other users, and noted the importance of flexibility, clarity, and fairness. The STRAC member stated that having clear and easy-to-understand rules, and explaining the reasoning for the exemptions, will be important.

No STRAC members held all five fingers up.

Low-Income Discounts

Jamie Damon introduced the topic of low-income discounts, and provided an overview of how the group would discuss the topic. Garet Prior then shared a recap of STRAC member feedback related to the Low-Income Toll Program. The Self-Certification Memo and Enrollment Documents were shared in the chat.

Garet Prior presented the context and background for the Low-Income Toll program, including the legislative history and past OTC decisions and policy. To provide additional context, Jessica Stanton, Equity and Mobility Advisory Committee (EMAC) facilitator, shared how EMAC has helped to advance the Low-Income Toll Program. Garet then presented the rationale for using the 200% Federal Poverty Level as a guide to qualify for the Low-Income Toll Program and shared the rationale for additional benefit levels. Garet Prior then shared the Traffic and Revenue Analysis for the I-205 Toll Project and the further need for investigation before deciding if using the 400% Federal Poverty Level is feasible.

Garet then spoke about the outreach and analysis done to aid the OTC's decision and the STRAC's and EMAC's role in the development of the Low-Income Toll Program.

Low-Income Toll Process Flows

Emily Salter Cook shared the Low-Income Toll Program's process flows for enrollment, benefit distribution, and recertification process.

The STRAC members had the opportunity to ask clarifying questions.

Question: A STRAC member asked if ODOT is considering giving different percent discounts for people at different federal poverty levels. The STRAC member noted that free trips would have more of an unknown cost to ODOT depending on when the user is traveling. The credit option has a known financial impact. Free trips would benefit customers unable to alter their travel time. The credit will not go as far as the free trip option. The credit option would work to achieve climate and congestion management because you would want to make the credit stretch.

Response: *Garet Prior responded that ODOT is considering two levels of discounts. A substantial discount for travelers with incomes up to 200% of the federal poverty level, and a more limited discount for those with an income between 201% to 400% of the federal poverty level.*

Question: A STRAC member asked if there were other programs that use 400% of the federal poverty level for benefit programs.

Response: *Garet Prior responded that ODOT could only find one example nationwide that used 400% of the federal poverty level for benefit programs. Most programs use 200% of the federal poverty level.*

Question: A STRAC member stated that credit cards could be an issue for the program and asked what it would look like to add cash to an account.

Response: *Garet Prior responded that ODOT is working with the DMV to have kiosks in place where customers could pay with cash. In other places, customers can purchase transponders in convenience stores.*

Question: A STRAC member asked if there was a way for business owners or non-profit organizations to purchase trips for someone else to cover toll costs at 100%.

Response: *Garet Prior responded that it would be a robust administrative burden for non-profits to administer benefits. ODOT is considering partnering with CBOs to help with marketing and communications, including sharing information about how to sign up for an account and pay toll bills.*

Looking Ahead & Next Steps

Jamie Damon shared the rulemaking timeline and spoke about what can be expected in the coming months.

Community Engagement Update

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

Committee Report Outs

Jessica Stanton provided a high-level review of the upcoming meetings and topics for discussion for the EMAC.

Commissioner Nafisa Fai provided an overview of past meetings, as well as the conversations and outcomes of the meetings, and previewed the upcoming meetings for the RTAC.

Hannah Williams then provided notice of a survey for the Regional Mobility Pricing Project and an update on future engagement activities.

Wrap-Up and Next Steps

Jamie Damon shared that the next STRAC meeting will be held on October 27, 2023, from 9:00am to 12:00pm, and that the STRAC would be receiving an evaluation for this meeting.

Travis Brouwer thanked STRAC members for their valuable feedback and dedication. He reflected on the concerns that were shared during the meeting and the feedback received about possible mitigation for the concerns. Travis noted that the STRAC is dealing with challenging and complicated topics and recognized the effort of the STRAC members.

The meeting adjourned at 12:05pm.