

Meeting #9 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 ninth and final meeting, on November 17, 2023, where they finalized input on the draft rules and Fiscal and Equity Impact statements.

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:

- Hear feedback from discussion groups and trucking engagement efforts to inform STRAC input.
- Complete STRAC’s review and input on the draft toll rules. Note where there is general agreement and where there are a range of opinions.
- Review and gather input on the rulemaking Fiscal and Racial Equity Impact Statements.
- Understand the final steps of the rulemaking process, status of the other toll advisory committees and ODOT’s appreciation for STRAC’s work this past year.

Meeting Attendance

The meeting recording is on the Oregon Toll Program’s [YouTube channel](#). The meeting was live streamed on YouTube and has 35 views as of November 29, 2023.

STRAC Project Team	Committee Members
<ul style="list-style-type: none">• Travis Brouwer• Garet Prior• Kelly Bruce• Hannah Williams• Jamie Damon• Madeline Kane• Maria Verano• Ellen Palmquist• Phil Miller• Susie Ashenfelter	<ul style="list-style-type: none">• Ethan Hasenstein• Jeff Speigel• Marc Ortega Kilman-Burman• Marie Dodds• Michael Card• Commissioner Nafisa Fai• Dr. Philip Wu• Sean Philbrook• Shannen Knight• Sharla Moffett• Park Woodworth <p>Absent:</p> <ul style="list-style-type: none">• Lauren Poor

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| | <ul style="list-style-type: none">• Shatrine Krake• Elizabeth Mazzara Myers• Lanny Gower• Omar Cruz |
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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 which classic 1974 film does this clip appear”? STRAC members were asked to put their answers in the chat. The answer was Blazing Saddles.

Travis Brouwer provided welcoming remarks and shared his appreciation for STRAC’s time and engagement. Travis shared that this is the last STRAC meeting. With the Committee’s input, ODOT is hoping to finalize draft rules and share them with the Oregon Transportation Commission (OTC) in December. ODOT anticipates filing the draft rules and holding a public comment period and public hearing in the spring of 2024 and sharing final rules with the OTC in June.

ODOT and OTC Update

Travis provided an update on OTC direction during their November meeting on the Low-Income Toll Program (LITP). The information the OTC received on the LITP was informed by work completed by the STRAC, the Equity and Mobility Advisory Committee (EMAC), and others. The OTC provided direction to:

- Commitment to provide a 50% discount for customers whose income is up to 200% Federal Poverty Level (FPL).
- Residents of both Oregon and Washington State would be able to enroll.
- The benefit would be offered as a percentage discount.
- Commitment to study 10% and 25% discounts for 300% FPL and 400% FPL in further traffic and revenue studies.

ODOT will share the Fiscal and Racial Equity Impact Statements with the OTC in December, which include some elements of the LITP. Travis encouraged STRAC members to provide verbal and written comments for the OTC meeting.

Jamie Damon then addressed concerns shared in an email sent by a STRAC member about the process outcomes of the committee. Jamie shared that the committee member was looking for confirmation about whether the goal of the committee was to reach consensus around the policy and rules for tolling. The STRAC member noted that there was not consensus about several of the topics in the rules. Jamie then clarified that while consensus would be a great result, it was not the required outcome. Jamie then shared that ODOT wants to make sure that the rules reflect the input from the range of the communities represented on the STRAC. Travis Brouwer added that STRAC members will have additional opportunities to share [written and verbal public comment](#) at upcoming OTC meetings.

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

Question: A STRAC member asked how ODOT is going to confirm the income of Washington residents?

Response: *Garet Prior shared that ODOT will verify income by working with Washington's Department of Human Services to look up if someone qualifies for social assistance programs.*

Question: A STRAC member asked how the LITP will reduce diversion but not increase congestion?

Response: *Travis Brouwer responded that ODOT will share the [Traffic and Revenue Analysis](#) with STRAC. ODOT believes that the LITP discount will attract some drivers that would have diverted to local routes back to the highway. ODOT does not anticipate that this will increase congestion and recognizes that some drivers will still choose to divert to local routes.*

Question: A STRAC member shared concerns about ODOT implementing tolling and noted that ODOT recently announced that the agency needs to reduce winter weather services because of budget shortfalls. The STRAC member asked if basic road maintenance and service are challenging to the agency now, how will ODOT be able to implement a toll program?

Response: *Travis Brouwer responded that the legislature dedicated \$30 million of funding annually to support the implementation of tolling. The funds are not available for maintenance and day-to-day operations. ODOT will also use federal funds for implementation that cannot be used for maintenance. Tolling is designed to be self-supporting, and revenue would cover the cost of maintaining and staffing the system.*

Question: A STRAC member asked if funds are dedicated to certain sections, will tolls sunset once maintenance is completed?

Response: *Travis Brouwer responded that it will depend on the purpose of the toll. This is a decision that will be made in the future when the debt service is paid off on any bonds ODOT issued. ODOT will likely not recommend taking tolls off any section of highway because road maintenance is never complete. Tolling will provide funds to continue to pay for roadway and bridge improvements and replacements. These decisions will be made by the OTC in the future.*

Question: A STRAC member asked if the OTC would receive a written report in addition to a verbal presentation at the meetings?

Response: *Garet Prior shared that ODOT plans to share line-item hand verbal comments from the STRAC with the OTC in December.*

Response: *Travis Brouwer reminded STRAC members to share written comments to include in the OTC packet.*

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 purpose of a "Level 3" meeting is for STRAC members to review and respond to draft rules.

Garet Prior presented the rulemaking process timeline to provide context for how the STRAC's work fits into the larger process. He shared that draft rules will be shared with the OTC in December. ODOT will touch base with the STRAC in 2024 as ODOT prepares for the rulemaking public comment period. Final rules will be shared with the OTC for review during their June meeting.

What We've Heard

Hannah Williams, ODOT, shared an overview of rulemaking engagement. Hannah thanked STRAC members for volunteering their time and for the work they've put in to support the process and engagement. This is a team effort with STRAC members, staff, and partners working together to engage the community. Hannah shared that ODOT is trying to build a toll program that works for communities. Hannah explained the feedback that ODOT has consistently received; questions about how to sign up, what happens if drivers don't pay a toll, and what type of discounts will be available.

Hannah shared that the [Engagement Report](#) summarizes input received on rulemaking topics. Topics discussed include vehicle classification and cost approach, signing up for a toll account, the Low-Income Toll Program, and paying tolls and updating information. Engagement activities included discussions with community-based organizations, focus groups with equity framework communities, webinars and meetings with trucking interest groups, and tabling events. Hannah summarized key themes and ODOT's proposed responses found in the Engagement Report.

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

Comment: A STRAC member commented that the way ODOT has approached engagement is to ask how the community wants to see tolling implemented, not if they want tolling or not. In a lot of these meetings, there are questions and comments that are not supportive of tolling.

Response: *Hannah Williams shared that ODOT is committed to developing a toll program that works for communities and is trying to have focused conversation with communities. We have included the sentiment that community members do not want tolls.*

Question: A STRAC member noted that many people have shared concerns about the pre-paid accounts system, including the amount of money required to load to the account and having tolls that are odd numbers so that there is always a balance, and asked if this issue has been raised in the engagement ODOT has done?

Response: *Phil Miller responded that the issue has come up. If the toll ends up being an odd number, funds could be left in the account. The replenishment amount can be set at a rate of the user's choice when the account is established, which is typically \$30-\$40. The intent would be to not tie up hundreds of dollars a month.*

Response: *Garet Prior shared that in the draft rules, there is rule language about trying to round to the nearest 10 cents. ODOT did not identify a dollar amount minimum threshold in the rules because the agency wants to allow flexibility for the customer and ODOT.*

Comment: A STRAC member thanked the project team for all the work they've done with engagement. They noted that this is a difficult topic to engage communities. The report demonstrates that ODOT is listening and responding to comments through the draft rules.

Should we toll or shouldn't we toll has been outside of the scope of this committee's work, but the value proposition for people is important and needs to be included in engagement moving forward.

Draft Rule Review

Jamie Damon then began the final draft rule review, she noted that the version of the rules shared on screen highlights the changes and discussion to date and explained that some of the topics discussed will not appear in the draft rules. Gareth Prior then shared the draft rules outline and reviewed additional research done on toll exemptions.

STRAC members then reviewed the draft language and provided comments. Comments and suggested changes are captured in this [version of the rules](#).

Topics Not Addressed in Draft Rules

Gareth shared other topics that were discussed by the STRAC but do not appear in the rules. He noted that while the topics aren't captured in the rules, they will be addressed through other policies and practices. Gareth noted the following topics and the places where the topics will be addressed:

- **Toll rate setting and revenue allocation** will be addressed in final toll rates for each approved project, and through revenue allocation and financing.
- **Toll projects** will each have to identify performance goals in their applications and will have to measure their performance in their annual review, including the impacts on diversion and local streets.
- **Toll operations** will address how customers enroll, as well as education, communications and engagement efforts. Interoperable agreements will also be addressed through operations.

STRAC Member Feedback

To gather feedback from the STRAC members, Jamie asked each member if they had any other comments on the draft rules.

STRAC members shared the following reflections:

Marc Burnham: Shared appreciation for the responses from staff. He recognized Shannen Knight for asking great questions. He stated that the existing issues he has are with congestion pricing and tolling 24 hours/day.

Marie Dodds: Stated that she has no issues with the rules, but expressed concerns about components of the currently proposed projects plans to include congestion pricing and not having non-tolled lanes. She noted that she understands that these issues will not be addressed by the committee, and said that, for now, her concerns and comments have been captured.

Commissioner Fai: Stated that she feels comfortable with the current draft of the rules and shared that she will follow-up with ODOT with any remaining issues or concerns.

Shannen Knight: Shared that the project team has done a pretty good job of incorporating comments into the draft rules. She has some remaining concerns that are not related to the rules.

Sharla Moffett: Stated that she has some additional questions that don't relate to the specifics of the rules, including the 2025 transportation package. She shared that there is more conversation required surrounding the 2025 transportation package.

Sean Philbrook: Shared that he feels good about the rules within the scope of the STRAC's work. He noted that this has been a great process and that he is grateful to have been part of it. He is happy that Washington state residents will be able to apply for the LITP. He expressed his thanks for the opportunity and noted that Washington sends thousands of their residents to Oregon for employment and that this makes a lot of sense.

Jeff Spiegel: Stated that he has no issues with the draft rules. He expressed that he has fundamental issues with tolls for trucking.

Park Woodworth: Shared that he is supportive of the current status of the rules. He noted that vanpools can be addressed in the future.

Dr. Phil Wu: Said that this process has been remarkable. He expressed appreciation for going through the draft rules bullet by bullet and going around the table. He stated that from EMAC's perspective, there is appreciation that many of EMAC's foundational statements and recommendations are reflected in the draft rules.

Finalizing the Draft Rule Review

Travis Brouwer then thanked STRAC members for their time and effort with the rulemaking process. He acknowledged the amount of work that the STRAC did by diving into complicated and controversial topics. He noted that the group was up to the task and met the request to bring the voice of the customer into the process. He shared that he has been impressed by everyone's expertise and the different perspectives brought to the table. Travis thanked STRAC members for the time spent reviewing materials and providing input. ODOT recognizes that there are still concerns about tolling and that there is still work to do. ODOT is hopeful that while not everything is reflected in the draft rules, STRAC members can live with what's in the rules. Travis reminded STRAC members to provide verbal and written testimony for the [OTC](#). Travis shared that STRAC members are tolling experts and ODOT hopes they will continue to be part of the process.

Fiscal and Equity Impact Statements

Jamie Damon introduced the Fiscal and Equity Impact Statements and noted that they are a required part of Oregon rulemaking. Garet Prior then provided an overview of the statements, and Travis Brouwer explained the legislative requirements of the statements.

Susie Ashenfelter, ODOT, then presented on the Equity Impact Statement. She shared that ODOT has a broad definition of equity and that it is important to recognize that not all communities start from the same place. ODOT defines equity as the effort to provide different levels of support based on an individual or a group's needs to achieve better outcomes. Intentional outreach and engagement goes above and beyond the requirements of the house

bill and addresses the requirements while aligning with ODOT's goals of achieving more equitable outcomes for communities. Susie acknowledged that there is more work to be done in this space on how ODOT measures and assesses these effects.

Garet reviewed elements in the [statements](#) before walking through the document. Jamie shared that input on the statements will be incorporated following the meeting. The statements will be available for the public during the public comment period and public hearing process.

Comments and proposed changes were captured in this [version of the statements](#).

Next Steps

Garet shared that ODOT will check in with STRAC on the final statements. These will be included in the 2024 materials for OTC adoption.

Committee Updates

Hannah Williams provided an overview of upcoming committee meetings for the Regional Toll Advisory Committee (RTAC), the OTC, and for EMAC. The EMAC will be held on December 4, the next OTC meeting is December 11, and the next RTAC meeting is November 27.

Committee Report Outs

Dr. Phil shared that EMAC had a busy month, with a November 8 meeting on Tribal Consultation, Equity Framework, and Equity and Mitigation Implementation Plans. On December 4, EMAC will meet to discuss the OTC's upcoming decisions on the Low-Income Toll Program.

Commissioner Nafisa Fai shared that the next meeting RTAC meeting will focus on discussions around the I-205 Toll Project.

Next Steps and Thank You

Jamie Damon shared that ODOT will share the draft rules with the OTC during their December 11 meeting. ODOT anticipates a public comment period in early 2024 with final rules and an OTC decision in mid-2024. Jamie asked STRAC members to stay tuned for the 2024 public hearing and public comment period. Jamie asked STRAC members to share an evaluation on the final meeting and overall rulemaking process.

Garet Prior stated that ODOT will share the packet for the December 11 OTC meeting with the STRAC members ahead of time. Garet thanked STRAC members for their participation in the process and for their commitment to discussing issues openly and respectfully.

Travis Brouwer thanked the Kearns & West team for their support with the process. He thanked the STRAC members for their constructive engagement and for bringing their perspectives to the table to help inform the draft rules. ODOT hopes STRAC members will continue to provide their expertise in the process moving forward.

The meeting adjourned at 1:25pm.