

# Draft Toll Rules – Redlined

Statewide Toll Advisory Committee (STRAC) November 2023 Meeting Materials

Date Updated: November 10, 2023

**Blue highlighted = State law**

**Purple highlighted = Existing state rules (OARs)**

**Redlined = Changes made to address STRAC feedback**

Department of Transportation  
Chapter 731  
Division 40  
TOLLWAY PROJECTS

## PURPOSE

### 731-040-0010

#### Purpose

- (1) OAR 731, division 040, describes the process for initiating, evaluating, authorizing and administering tollway projects on state right of way proposed by private or public entities. The purpose of these rules is to explain how ODOT selects and operates its tolling program and to:
  - a) Establish a uniform toll collection and enforcement system for transportation facilities across the state;
  - b) Establish efficient processes for both photo and electronic toll collection including an effective toll billing system; and
  - c) Ensure fair and efficient toll enforcement and adjudication processes that includes the process for imposing a civil penalty for failure to pay a toll, including issuing a notice and providing an opportunity for hearing.
  
- (2) Public-Private Partnerships, as defined in OAR 731-070-0005 and proposed under the Oregon Innovative Partnerships Program (ORS 367.800 to 367.826), are subject to rules established in OAR 731, division 70, and OAR 731, division 040, as applicable.

Statutory/Other Authority: ORS 383.004 and 383.015

Statutes/Other Implemented:

History:

DOT 5-2012, f. & cert. ef. 7-19-12

DOT 3-1997, f. & cert. ef. 12-29-97

## DEFINITIONS

### 731-040-0020

#### Definitions

As used in these OAR 731, division 40, rules:

- (1) "Commission" means the Oregon Transportation Commission.
- (2) "Department" or "ODOT" means the Oregon Department of Transportation has the meaning given in ORS 383.003.
- (3) "Director" means the Director of the Oregon Department of Transportation, or the person designated by the Director.
- (4) "Electronic toll collection system" has the meaning given in ORS 383.003.
- (5) "Interstate bridge" means a bridge over a waterway that contains a boundary line with another state and the line.
- (6) "Invoice" or "Toll Invoice" means an invoice for toll payments not yet collected by an electronic toll collection system or other payment system.
- (7) "Interoperability" commonly refers to an agreement with another organization to exchange charges and payments about known customers.
- (8) "Private entity" has the meaning given in ORS 383.003.
- (9) "Related facility" has the meaning given in ORS 383.003.
- (10) "Registered account" is an account created by the tollway user.
- (11) "Toll" has the meaning given in ORS 383.003.
- (12) "Toll gantry" is the structure over the roadway on which electronic toll equipment is mounted. The physical location of the toll gantry is called a "Toll Zone." The terms are used interchangeably.
- (13) "Toll Program Fund" means the fund described in ORS 383.009.
- (14) "Toll rate" means an amount charged for the use of a tollway.

- (15) “Tollway” has the meaning given in [ORS 383.003](#).
- (16) “Tollway operator” has the meaning given in [ORS 383.003](#).
- (17) “Tollway project” has the meaning given in [ORS 383.003](#).
- (18) “Tollway project revenue bonds” has the meaning given in [ORS 383.003](#).
- (19) “Tollway user” means the operator of the vehicle or registered owner of a vehicle at the time of the use of the tollway.
- (20) “Transponder” is a type of vehicle identification device. It can be attached or embedded device containing a radio frequency identification (RFID) used to identify the vehicle as it passes under a toll gantry, for the purpose of assessing a toll and posting the toll to an account connected to the vehicle.
- (21) “Unit of government” has the meaning given in [ORS 383.003](#).
- (22) “Unregistered account” is an account created by the Department for vehicles identified on the tollway system but without a pre-established toll account.
- (23) “Variable rate toll” means any charge for the use of a tollway where toll rates vary, according to a published schedule.
- (24) “Vehicle identification device” means any ODOT approved device or in-vehicle technology that supports electronic payment of tolls. This may include radio frequency identification (RFID) toll transponders, connected-vehicle technologies and applications, future cell phone or GPS technologies, or other future devices.

Statutory/Other Authority: [ORS 184.619](#), [383.003](#), [383.004](#), [383.014](#) & [383.015](#)

Statutes/Other Implemented: [ORS 383.003](#) & [383.004](#)

History:

DOT 5-2012, f. & cert. ef. 7-19-12

DOT 3-1997, f. & cert. ef. 12-29-97

## **ESTABLISHING PROJECTS, RATE SCHEDULES, AND ADJUSTMENTS**

**731-040-0030**

**Fees for government or private entity toll project applications**

- (1) A unit of government may propose a tollway project at any time. The Department will not assess an administrative fee to evaluate proposals from a unit of government.

- (2) A private entity may propose tollway projects at any time. The Department will charge an administrative fee of \$40,000 to review a tollway project proposed by a private entity.
- (3) Fees charged for review of proposals are deposited in the Toll Program Fund.
- (4) The department may utilize a competitive process in soliciting or evaluating proposals from private entities.
- (5) A tollway project proposal submitted for consideration under the Oregon Innovative Partnerships Program (OIPP), ORS 367.800 to 367.826, is not subject to OAR 731-040-0030 (Fees for government or private entity toll project applications).

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383.015

History:

DOT 5-2012, f. & cert. ef. 7-19-12

DOT 3-1997, f. & cert. ef. 12-29-97

### **731-040-0040 (previously 731-040-0050)**

#### **Review process for toll projects submitted by government or private applicants**

- (1) A tollway project proposal submitted for consideration under the Oregon Innovative Partnerships Program (OIPP), ORS 367.800 to 367.826, is not subject to OAR 731-040-0040 (review process for toll projects submitted by government or private applicants).
- (2) When reviewing a proposal to authorize a tollway project, the Commission must consider the criteria listed in ORS 383.015, which include:
  - a. The opinions and interests of units of government encompassing or adjacent to the path of the proposed tollway project in having the tollway installed;
  - b. The probable impact of the proposed tollway project on local environmental, aesthetic and economic conditions and on the economy of the state in general;
  - c. The extent to which funding other than state funding is available for the proposed tollway project;
  - d. The likelihood that the estimated use of the tollway project will provide sufficient revenues to independently finance the costs related to the construction and future maintenance, repair and reconstruction of the tollway project, including the repayment of any loans to be made from moneys in the

**Toll Program Fund;**

- e. With respect to tollway projects, any portion of which will be financed with state funds or department loans or grants:
  - i. The relative importance of the proposed tollway project compared to other proposed tollways; and
  - ii. Traffic congestion and economic conditions in the communities that will be affected by competing tollway projects; and
- f. The effects of tollway implementation on community and local street traffic.

(3) In addition to these factors, the Commission shall consider:

- a. The sufficiency of the funding plan for tolling and how it will cover the short- and long-term costs of the infrastructure improvement, as required by law and financing obligations, including: the initial capital outlay, cost of operating the tolling program, and revenue needed to cover long term maintenance, preservation, operations, and administration functions. This must include funding sources and relative funding shares, as well as analysis of the viability of the project if tolling does not move forward. Reasons for not pursuing tolling must verify how other funding sources will be impacted if the project still moves forward.
- b. If the proposal includes variable rate pricing to manage congestion, how the proposer evaluated the level of expected congestion relief in relation to state performance goals and standards. Evaluate if appropriate levels of congestion pricing alone can reasonably manage travel demand, prior to adding new throughway capacity, such as the addition of new through travel lanes.
- c. The proposer's plan for how pricing will be paired with other actions to address roadway congestion holistically. For example, the use of ITS technology, access control and management, increasing multimodal options and implementing other demand management tools.
- d. The proposer's analysis on how road pricing as a strategy will limit or reduce future vehicular travel demand from planned land use development.
- e. The proposer's public engagement plan that displays how the project will collaborate with local communities and transportation service providers.
- f. The proposer's plan for how the project will address equity in the design and implementation of road pricing. Equity efforts must focus on both "process equity" and "outcome equity," which are defined as follows:
  - i. Process equity means that the planning process, from design to post-implementation monitoring and evaluation, actively and successfully

encourages the meaningful participation of individuals and groups from historically excluded and underserved communities.

- ii. Outcome equity means that the toll or roadway pricing project will acknowledge existing inequities and will strive to prevent historically excluded and underserved communities from bearing the burden of negative effects that directly or indirectly result from the priced projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

(4) A proposer shall address all of the above criteria in each proposal and submit it to the Department to review for completeness. Within 45 days from receiving the proposal, the Department will determine whether or not the proposal is complete.

(5) If the proposal is deemed complete, the Department will conduct an analysis of the proposal and present those findings to the Commission.

(6) As required by ORS 383.015, no tollway project shall be authorized unless the Department finds that either:

- a. Based on the Department's estimate of present and future traffic patterns, the revenues generated by the tollway project will be sufficient, after payment of all obligations incurred in connection with the acquisition, construction and operation of such tollway project, to ensure the continued maintenance, repair and reconstruction of the tollway project without the contribution of additional public funds; or
- b. The revenues generated by the tollway project will be at least sufficient to pay its operational expenses and a portion of the costs of its construction, maintenance, repair and reconstruction, and the importance of the tollway project to the welfare or economy of the state is great enough to justify the use of public funding for a portion of its construction, maintenance, repair and reconstruction.

(7) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing. The commission's authorization for further study shall not include an application of the state land use goals and shall not be a land use decision.

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383.015

History:

DOT 5-2012, f. & cert. ef. 7-19-12

DOT 3-1997, f. & cert. ef. 12-29-97

## **731-040-0041 (previously 731-040-0055)**

### **Review process for toll projects on Interstate Bridges**

- (1) This rule applies to all proposals to establish tolls on an interstate bridge that is or will be a state highway, including those submitted by the department, those submitted jointly with the department under the authority of ORS 381.010 (Columbia River bridges), ORS 381.098 (Snake River bridges), and those submitted jointly with the department under ORS 367.800 to 367.826 (the Oregon Innovative Partnerships Program).
- (2) Proposers shall pay fees, if applicable, identified in OAR 731-040-0030 (fees for government or private entity toll project applications).
- (3) Proposers shall address all criteria for the application and follow the review and approval process identified in OAR 731-040-0040 (review process for toll projects submitted by government or private applicants)
- (4) When reviewing a proposal to establish tolling and set toll rates on an interstate bridge that is or will be a state highway, the commission will consider:
  - a. Whether another state has any authority over the bridge;
  - b. Whether the proposal has been authorized or is expected to be authorized, by the governing body with jurisdiction over the proposal in the other state linked to Oregon by the bridge;
  - c. Whether the proposal is consistent with conditions imposed by the governing body with jurisdiction over the proposal in the other state, if any;
  - d. Whether the proposer has legal authority to implement the project in the other state, and if not, the level of coordination between the proposer and the entity having such authority; and
  - e. Existing bi-state agreements on tolls and tollway projects.
- (5) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

Statutory/Other Authority: ORS 184.619, 381.010, 381.098 & 383.004

Statutes/Other Implemented: ORS 383.004

History:

DOT 5-2012, f. & cert. ef. 7-19-12

**731-040-0050 (previously 731-040-0052 and 731-040-0053)**  
**Process for reviewing and approving the establishment of tolling and toll rates; generally**

- (1) This rule applies to all proposals to establish toll rates on a state highway or highways, including those submitted by the department and those submitted by a public-private partnership created pursuant to ORS 367.806 jointly with the department.
- (2) When reviewing a proposal to establish tolls and toll rates, the Commission will ensure that the following elements are addressed, as described in ORS 383.004:
  - a. The amount and classification of the traffic using, or anticipated to use, the tollway;
  - b. The amount of the toll proposed to be established for each class or category of tollway user and, if applicable, the different amounts of the toll depending on time and day of use;
  - c. The extent of the tollway, including improvements necessary for tollway operation and improvements necessary to support the flow of traffic onto or off of the tollway;
  - d. The location of toll booths or electronic toll collection systems to collect the toll for the tollway;
  - e. The cost of constructing, reconstructing, improving, installing, maintaining, repairing and operating the tollway;
  - f. The amount of indebtedness incurred for the construction of the tollway and all expenses and obligations related to the indebtedness including, without limitation, financial covenants, debt service requirements, reserve requirements and any other funding requirements established under the terms of any indenture prepared under ORS 383.225 (Revenue declaration or indenture) and any other contracts establishing the terms of the indebtedness, if any;
  - g. The value of assets, equipment and services required for the operation of the tollway;
  - h. The period of time during which the toll will be in effect;
  - i. The process for altering the amount of the toll during the period of operation of the tollway;
  - j. The method of collecting the toll; and



k. The rate of return that would be fair and reasonable for a private equity holder, if any, in the tollway.

(3) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing

(4) If the proposal is approved, the Commission will adopt a rate schedule. Rate schedules per tollway are identified in OAR 731-040-0090.

(5) Rates should be set, as appropriate, sufficient to:

- a. Cover the operations, maintenance, preservation, and financing requirements of the tolling or congestion pricing system and administration;
- b. Provide supportive investment in low-income discount program to address financial impacts and achieve sufficient enrollment;
- c. Manage congestion to desired travel times, speeds, or reliability thresholds established for the project, and to meet any additional system performance metrics (e.g., increasing access to jobs, reduction in greenhouse gas emissions, etc.).

(6) Other factors the Commission should consider in adopting the rate schedule include:

- a. Simplifying the toll rate structure to help with communication to customers. For example, minimizing the number of different toll rates, rate changes throughout the day, or rounding all toll rates to the closest 10 cent increment.
- b. The goals of the project in determining overnight and non-congested pricing. If tolls are designed to pay a significant portion of a project's cost, consider charging at all hours to ensure that all users help pay for construction of improvements. If there is not a revenue target, consider not charging tolls during non-congested hours, particularly overnight.
- c. Setting pre-completion tolls after the start of construction of a project should be considered to raise revenue for the project and manage traffic. Pre-completion toll rates should be set at a level that is less than the expected post-completion toll. Prior to project completion tolls should not be charged during non-congested hours, particularly overnight.
- d. When rate pricing over a longer length of roadway, allow variable rates to be applied in different roadway segments by defining road pricing zones. Zones should be as long as possible and should only be divided where there is a major system connection location that significantly changes the traffic characteristics as compared to an adjacent zone. The rates are then allowed to vary between zones.

- e. Rates should be structured to encourage users to shift their trips to less busy times of day, other modes of transportation (e.g. public transportation, carpools, biking, and walking), or telecommute.
- f. Rates by vehicle type should be established in a manner that acknowledges the principle of cost responsibility as a part of the highway cost allocation and adjust as needed to ensure compliance with Oregon state constitution requirements.

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383.015

History:

DOT 5-2012, f. & cert. ef. 7-19-12

DOT 3-1997, f. & cert. ef. 12-29-97

### **731-040-0051 (previously 731-040-0054 and 731-040-0055)**

#### **Process for reviewing and approving the establishment of tolling and toll rates; interstate bridges**

- (1) This rule applies to all proposals to establish tolls on an interstate bridge that is or will be a state highway, including those submitted by the department, those submitted jointly with the department under the authority of ORS 381.010 (Columbia River bridges), ORS 381.098 (Snake River bridges), and those submitted jointly with the department under ORS 367.800 to 367.826 (the Oregon Innovative Partnerships Program).
- (2) When reviewing a proposal, the Commission will consider the toll rate setting factors identified in OAR 731-040-0050 (Process for reviewing and approving the establishment of tolling and toll rates).
- (3) In addition, the Commission will consider:
  - a. Whether another state has any authority over the bridge;
  - b. Whether the proposal has been authorized or is expected to be authorized, by the governing body with jurisdiction over the proposal in the other state linked to Oregon by the bridge;
  - c. Whether the proposal is consistent with conditions imposed by the governing body with jurisdiction over the proposal in the other state, if any;
  - d. Whether the proposer has legal authority to implement the project in the other state, and if not, the level of coordination between the proposer and the entity having such authority; and

e. Existing bi-state agreements on tolls and tollway projects.

(4) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

Statutory/Other Authority: ORS 184.619, 381.010, 381.098 & 383.004

Statutes/Other Implemented: ORS 383.004

History:

DOT 5-2012, f. & cert. ef. 7-19-12

### **731-040-0060 (previously 731-040-0056 and 731-040-0057)** **Process for approving revised toll rates, generally**

(1) The tollway operator will provide an annual performance review of each tollway facility for the Commission to consider adjustments.

(2) Rate adjustments should maintain compatibility with the factors identified in establishing the initial rates, as identified in OAR 731-040-0050 (Process for reviewing and approving the establishment of tolling and toll rates; generally).

(3) The performance review will include information on the:

- a. Revenue and administration cost of the tolling system.
- b. Facility investments needed to meet financing requirements, maintenance, operations, preservation, and rehabilitation needs.
- c. Operations of the tollway and major roadways nearby, including safety and traffic levels compared to congestion management goals.
- d. Impact of tolls on cost responsibility requirements for light and heavy vehicles.
- e. Impact to goals for climate and greenhouse gas reduction, health, and air quality improvement for the tollway corridor or region.
- f. Exemptions offered and their impact to revenue, administration cost, traffic patterns, and essential safety, equity, and travel needs.
- g. Low-income toll program enrollment, financial impact to customers experiencing low incomes, impact on travel patterns of customers experiencing low incomes, and revenue and administration cost impacts of the low-income toll program.

(4) Based on the performance review and public outreach, with communities that were identified in the “process equity” plan that was provided in OAR 731-040-0040, the tollway operator will propose to the Commission any changes to the toll rate

schedule, including upward or downward adjustments to toll rates and updates to the toll rate framework, including exemptions, discounts, and rates for different vehicle classes.

- (5) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383.015

History:

DOT 5-2012, f. & cert. ef. 7-19-12

DOT 3-1997, f. & cert. ef. 12-29-97

### **731-040-0061 (previously 731-040-0058 and 731-040-0059) Process for approving revised toll rates, interstate bridges**

- (1) This rule applies to all proposals to establish tolls on an interstate bridge that is or will be a state highway, including those submitted by the department, those submitted jointly with the department under the authority of ORS 381.010 (Columbia River bridges), ORS 381.098 (Snake River bridges), and those submitted jointly with the department under ORS 367.800 to 367.826 (the Oregon Innovative Partnerships Program).
- (2) The Commission may approve, conditionally approve, or disapprove proposals, and the proposals may be revised and re-submitted for consideration. Commission decisions and findings will be issued in writing.
- (3) Rate schedules per tollway are identified in OAR ###-##-####. Rate adjustments should maintain compatibility with the factors identified in establishing the initial rates, as identified in OAR 731-040-0050 (Process for reviewing and approving the establishment of tolling and toll rates; generally).
- (4) When revising the toll rates on an interstate bridge that is or will be a state highway, the Commission will consider the tolling and toll rate setting factors identified in OAR 731-040-0060.
- (5) In addition, the commission will consider:
  - a. Whether another state has any authority over the bridge;
  - b. Whether the proposed toll schedule has been authorized or is expected to be authorized by the governing body with jurisdiction over the project in the other state linked to Oregon by the bridge;

- c. Whether the proposal is consistent with conditions imposed by the governing body with jurisdiction over the proposed toll schedule in the other state, if any;
- d. Whether the proposer has legal authority to approve the toll schedule in the other state, and if not, the level of coordination between the proposer and the entity having such authority; and
- e. Existing bi-state agreements on tollway projects.

Statutory/Other Authority: ORS 184.619, 381.010, 381.098 & 383.004

Statutes/Other Implemented: ORS 383.004

History:

DOT 5-2012, f. & cert. ef. 7-19-12

## TOLL COLLECTION AND ACCOUNTS

### 731-040-0070

#### Toll accounts and payment system

- (1) A user of the tollway system must pay a toll, as set out in OAR 731, division 40. Exceptions to the requirement for paying a toll, if any, are described in these OAR 731, division 40, rules, under each rule establishing the toll rate for a specific tollway.
- (2) A tollway user may pay a toll, fee or fine to the Department, or its contractors or agents, using a method including but not limited to:
  - a) Credit or debit card,
  - b) Cash,
  - c) Bank or Guaranteed Draft,
  - d) Check, or
  - e) Online payment systems, as technology and systems are established.
- (3) All payments to the Department shall be in United States funds.
- (4) A tollway user may establish a toll account with the department to pay a toll.
- (5) The Department may create an unregistered toll account when a toll gantry detects a vehicle and license plate that is not associated with a valid ODOT or interoperable partner toll account.
- (6) The Department will create a valid account prior to issuance of a transponder or vehicle reporting device to be associated with that account.
- (7) The Department shall accept payment of tolls with valid toll accounts of interoperable toll operators, as per agreements between the Department and the interoperable toll operators.

- (8) The Department may look up registered owners of any detected license plate from any United States jurisdiction, and in any Canadian Province or Mexican state in which the department is able and permitted to perform a search for a registered owner.

## ADMINISTRATIVE FEE, CIVIL PENALTY, & CUSTOMER DATA

731-040-0071

### Administrative fees, payment process, dispute process, civil penalties, and customer data

- (1) The Department may enforce the payment of a toll by one or more of the following, per [ORS 383.035](#):
- Imposing an administrative fee;
  - Imposing a civil penalty;
  - Refuse to renew the motor vehicle registration; or
  - Pursuing unpaid amounts through a collection process either internally or by assigning them to a collection agency.

- (2) The Department will apply an administrative fee, consisting of one or more of the following:

Mailed Statement Fee	\$2.00 per mailed statement
Returned Check/Automated Clearing House (ACH) Rejection Fee	\$35.00
Invoice Fee	\$5.00 per invoice

- (3) The civil penalty and administrative fees established by the tollway operator will not exceed the actual cost of collecting the unpaid toll, per [ORS 383.035\(2\)](#).

- (4) The Department may charge a fee for a vehicle travelling on a tollway without a toll account.

### Payment process

- (5) Tollway users will receive notifications from the Department of outstanding account debts and will be provided options for resolution as outlined in OAR 731-040-####. The Department may choose not to apply the administrative fee if the tollway user pays toll account debts within a time deemed acceptable by the Department.
- (6) The Department will hold the registered owner of vehicle as the responsible party for all tolls on unregistered accounts.

- (7) Evidence from the electronic toll collection system will follow requirements established in ORS 383.045.
- (8) If toll transactions remain unpaid for up to 30 days from the initial transaction, the Department may issue an invoice to the owner of record. The invoice would include all transactions posted to the unregistered account. The owner of record will be notified that they have 30 days to pay. Invoices will include the tolls due based on detection date, time and location, and any additional fees.
- (9) If the toll account contains unpaid toll transactions after an issued invoice, the Department may issue a second invoice. The second invoice may include any additional transactions that occurred. The vehicle owner of record will be notified that they have to pay. They will be notified that if payment is not received, then their account may be placed in delinquent status.
- (10) If the toll account contains unpaid toll transactions from the second invoice, the Department may choose to place an account in delinquent status. The Department would then pursue a process that would include one or a combination of the following actions:
  - a. Pursuing unpaid toll transactions and/or fees through the Department's collection process;
  - b. Issuing a Notice of Civil Penalty;
  - c. Refuse to renew the motor vehicle registration, per ORS 383.035(4); and
  - d. Pursuing unpaid toll transactions and/or fees through a collection process by referring them to the Department of Revenue or assigning it to a collection agency.
- (11) In pursuit of resolution with the tollway user the Department may choose to defer putting an account into delinquency status for reasons that include, but are not limited to:
  - a. The current number and cost of unpaid tolls or fees;
  - b. Factors in determining the calculation of collecting the unpaid toll transaction versus the cost to administer, per ORS 383.035(2);
  - c. Enrollment in the low-income toll program or financial hardship; or
  - d. Other hardship reasons, such as a medical emergency, bereavement, military service, etc.

### **Civil Penalty process**

- (12) A tollway user who receives a Notice of Proposed Civil Penalty is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act, ORS 183.413 to 183.470, 183.745, and OAR 137-003-0501 to 137-003-0700.
- (13) A tollway user who has received a Notice of Proposed Civil Penalty must submit a written request by email or mail for a contested case hearing to the Department.



- (14) The Civil Penalty will be \$50.00 per unpaid toll invoice.
- (15) If the Department does not receive a timely request for a contested case hearing, the tollway user will have defaulted and waived the right to a hearing, except for good cause as provided in OAR 137-003-0528. The Department's file constitutes the record of the case.
- (16) The Department's desire is to identify and come to a resolution with the tollway user for toll account debts. Resolution could include:
- The Department may remit or reduce the amount of the civil penalty as part of settlement discussions, per ORS 383.035(3).
  - The Department may, in accordance with ORS 183.417, make an informal disposition of any contested case prior to the conclusion of any hearing resulting from a civil penalty imposed under ORS 383.035. This disposition may include a stipulation, agreed settlement, consent order or default order.
  - An informal disposition by stipulation, agreed settlement or consent order must be in writing, signed by the party or parties to the contested case and incorporated into the final order.
- (17) An administrative law judge is authorized to issue a proposed order in a contested case hearing for failure to pay a toll. The administrative law judge presiding at a contested case hearing is not authorized to eliminate or reduce the amount of a civil penalty imposed by the department for failure to pay tolls, per ORS 383.035.
- (18) Once the Civil Penalty is finalized, the Department shall issue a suspension of vehicle registration renewals, per ORS 383.035, and will pursue unpaid amounts through a collection process either internally or by assigning them to a collection agency.
- (19) The vehicle registration hold will be removed when all outstanding balances are paid or ownership changes.

## **Dispute process**

- (20) Customers can dispute toll transactions and fees. The Department will document all dispute actions taken as part of the account record and make them available through the customer service user interface.
- (21) Dispute requests should identify the transaction(s) time, date, and vehicle plate in dispute and provide written rationale for why the transaction is being disputed.
- (22) The Department will receive, document, and review the dispute within approximately 45 days, depending on the scale and complexity of the dispute. The resolution may include the following:
- Rejecting the dispute and continuing the enforcement process;



- b. Accepting the dispute and removing the debt; or
- c. Coming to resolution on the debt with the customer for payment.

(23) Invoices that are in dispute waiting for a decision will have their escalation process paused. If the dispute is rejected, the invoice escalation period resumes, adjusting for the review time.

## Customer data

(24) Driver records and information used to collect and enforce tolls will follow the requirements specified in ORS 383.075.

(25) Information collected or maintained by a photo enforcement system may not be disclosed to anyone except those identified in ORS 383.075.

(26) The Department may charge a reasonable fee under ORS 192.324 (Copies or inspection of public records) for providing information under this section.

(27) A person or unit of government requesting information must meet the conditions identified in ORS 383.075.

(28) Sensitive business, commercial or financial information presented to the Department by a private entity for the purpose of determining the feasibility of the entity's participation in a tollway project is exempt from disclosure under ORS 192.311, per ORS 383.025.

~~(28)~~(29) Tribal member identification information will not be subject to public disclosure. The Department will note membership on the account but will not retain information that identifies the specific tribe or maintain any documentation.

~~(29)~~(30) The Department will not disclose information on the time or date any customer incurred a toll unless required under state law.

Statutory/Other Authority: ORS 383.075, 192.324, 183.413 to 183.470, 183.745

Statutes/Other Implemented:

History:

## DISCOUNTS AND EXEMPTIONS

**731-040-0080**

### Exempt vehicles

- (1) Except as provided herein, all vehicles using a toll facility must pay the required toll. Only **eligible** vehicles may be exempted from paying tolls.

- (2) An exempted vehicle should connect directly to the needs for operation, maintenance, safety, and/or person-carrying capacity of the tolled roadway or for emergency response. Exempted vehicle types will be reviewed annual as a part of the toll rate monitoring and adjustment process, as is identified in OAR 731-040-0060 and 731-040-0061.
- (3) The registered owner and operator of the qualified vehicle must comply with the requirements of the Department to obtain the exemption.
- (4) To receive the exemption, the eligible vehicle must be connected to a registered toll account with the Department.
- (5) Eligibility status would be verified through one of the following:
  - a. Vehicle registration or classification information already held by the Department; or
  - b. Information as deemed acceptable by the Department that identifies the vehicle or registered vehicle owner as qualified.
- ~~(6)~~ There is a limit of three (3) vehicles that can be associated with an exempt individual member account.
- ~~(7)~~(6) There is no limit on the number of vehicles that can be associated with accounts that are covering a fleet of vehicles.
- ~~(8)~~(7) The following types of vehicles or users may receive an exempt toll account:
  - a. Bus (defined as 15 people or more) and paratransit and vehicles operated by public or non-profit organizations exclusively providing fixed route, route deviation, paratransit, or demand responsive service and are open to the public or under contract with a governmental authority, as defined in 49 CFR 37.3 Definitions;
  - b. Active military vehicles and personnel who meet the requirements of ORS 399.145;
  - c. Authorized; police, fire, and ambulance emergency response vehicles; such as police, fire, and ambulance services; and
  - d. Public owned or managed hHighway incident response and transit operating and maintenance vehicles, as authorized by the Department.
- ~~(9)~~(8) The Department will review these accounts on an annual basis and may require updated documentation from the customer to maintain the exemption.

## Tribal toll exemption

[PLACEHOLDER FOR LANGUAGE HERE]

## Discounts based on income

- (1) The Department will offer discounted tolls for those with qualifying incomes. Discounts will be removed, included, or revised as part of the toll rate adjustment

process as described in OAR 731-040-0060 and 731-040-0061.

- (2) To receive the discount, the eligible account holder must connect their vehicle to a registered toll account with the Department.
- (3) To qualify for the toll discount, the registered vehicle owner must have verifiable income that is equal to or below 200% of the Federal Poverty Level for the vehicle owner's household size.
- (4) When registering for an account, the registered vehicle owner will provide documentation to determine eligibility status and would be verified through one of the following:
  - a. Verification of enrollment in an existing Oregon public social services program, as identified in the [Oregon ONE Eligibility](#);
  - a-b. [Verification of enrollment in TriMet's low-income fare program \(Honored Citizen\)](#); or
  - b-c. Information required by the Department to verify income ~~level~~;
- (5) ~~The~~ [There](#) is a limit of three (3) vehicles that can be associated with an individual member account.
- (6) A person who qualifies for a discount must reapply for qualification ~~each bi-~~ [annually](#) ~~year~~, calculated from the person's previous qualification date.

## TOLL RATE SCHEDULES

### 731-040-0090

#### Toll Rate Schedules and Suspension of Tolls

- (1) The Department shall make readily available all account requirements and rules at the time of account initiation, as well as in commonly available locations such as the toll account website.
- (2) The Department may suspend the collection of tolls on any tollway due to a declaration of emergency by the Governor to accommodate a rapid influx, migration or displacement of individuals as described in [ORS 401.025\(1\)\(b\)](#).

Statutory/Other Authority: [ORS 401.025](#)

Statutes/Other Implemented:

History: