



Memo

Date: September 7, 2022
To: Clackamas County Board of Commissioners
From: Commissioner Savas
Subject: Regional Toll Advisory Committee Charter Comments

Purpose:

To provide an update and opportunity for Commissioner feedback on a draft message to Regional Toll Advisory Committee (RTAC) staff regarding the draft committee charter shared at the first RTAC meeting on August 24.

Background:

The Oregon Department of Transportation (ODOT) created the RTAC in June 2022 in response to requests from multiple jurisdictions, including Clackamas County, for an opportunity for local policymakers to provide timely and direct input on ODOT's tolling proposals. On July 12, 2022, the BCC appointed me to serve as Clackamas County's RTAC representative.

The RTAC held its first meeting on August 24, 2022 and the committee was presented with a draft charter. I, along with other members, provided feedback on the charter during the meeting. Committee staff asked members to provide written comments by September 7, 2022, which I am planning to do. A draft of my comments are included as Attachment A.

My concerns with the proposed draft include:

- Having the ODOT Director—who the committee is intended to advise—serve as Chair
- Having ODOT staff in a voting role
- Limiting the committee's scope by listing "decisions" that committee members must agree to as fact
- Asking committee members to sign the charter

BCC Action:

Please let me know if you have questions or feedback on the draft, which will be emailed to RTAC staff later today.

Attachments:

Attachment A: Draft Email from Commissioner Savas to RTAC Staff Regarding Charter Concerns

DRAFT Email from Commissioner Savas to RTAC Staff Regarding Charter Concerns

Dear Director Strickler and RTAC Facilitator David Kim,

I appreciate the opportunity to provide feedback on the draft Regional Toll Advisory Committee (RTAC) charter.

Foremost, I am deeply concerned that the ODOT Director—who this committee is advising—has been put forward to serve as the Chair of this committee. It is a conflict of interest for the advisee to serve as Chair because of the Chair's role of setting the agenda and having the authority (alongside the facilitator) to guide conversation and table issues. This structure would undermine the purposeful independence of an advisory committee that is intended to provide outside perspective to the agency. ODOT staff do not chair the Regional ACTs or other similar advisory groups, and this group should be no different. I recommend having the committee select a Chair and Vice Chair, or Co-Chairs, from among the voting membership and that the ODOT Director serve as an Ex Officio member.

Similarly, I am concerned that ODOT's Urban Mobility Office Director appears to have been given a voting role on this committee. This group was established based on the April 25, 2022 agreement between ODOT and Metro, in which ODOT committed to "local input on the direction of tolling revenue" and to "ensuring a strong local voice in decisions" regarding toll revenue and diversion. Having ODOT staff as a voting member of this body is a clear conflict of interest and erodes the intention of this committee as a venue for local, impacted jurisdictions and community representatives to advise on the process and outcomes.

Additionally, ODOT has artificially limited the committee's scope by including a list of so-called "project decisions." The draft charter itself is unclear on whether these "decisions" are points of discussion within the committee's purview. For example, on page 2, "integration of the I-205 Toll Project with the Regional Mobility Pricing Project" and other concurrent projects is listed as one of several "key issues and project-level decisions" that the committee should focus its time on. Yet on page 3, ODOT attempts to make that exact conversation out-of-bounds by claiming that committee members must agree that "the I-205 Toll Project will be implemented first and will move ahead separately from the Regional Mobility Pricing Project." While I understand the intention to establish the committee's purview and not rehash prior conversations, this list only serves to limit conversation. This group is a forum for working together as a region to help identify solutions to create a balanced transportation system that works for everyone, but the "project decisions," placement of ODOT staff in the Chair's role, and the proposal for members to sign the charter inhibits that opportunity.

As one of only two RTAC members specifically representing communities and interests in Clackamas County—the first area to be tolled—I sincerely hope that the draft charter can be revised to better achieve our shared goal of having genuine, meaningful stakeholder input. Thank you for your consideration.

Sincerely,

Commissioner Paul Savas
Clackamas County RTAC Appointee