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**Clackamas County**  
[www.clackamas.us](http://www.clackamas.us)

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Thursday, September 05, 2024  
6:45 PM – 8:30 PM

Zoom Link:

<https://clackamascounty.zoom.us/j/84291814705?pwd=bv33ZjhgTtoc36auxiPScKQ9uAj47q.1>

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### AGENDA

**6:45 p.m. Pledge of Allegiance**

**Welcome & Introductions**

*Chair Paul Savas & Mayor Brian Hodson, Co-Chairs*

**Housekeeping**

- Approval of August 01, 2024 C4 Minutes

**Page 04**

**6:50 p.m. State Transportation Improvement Fund (STIF): Upcoming Grant Process**

*Presenting: Kristina Babcock, Clackamas County – on behalf of the Clackamas Public Transit Small Providers (PTSPs); John Serra, Trimet*

- PTSP Presentation Materials
- TriMet Presentation Materials

**Page 06**

**Page 27**

**7:30 p.m. STIF: Regional Coordination Funds Update**

*Presenting: Trent Wilson, ClackCo Government Affairs*

**7:40 p.m. Joint Committee on Transportation (JCT), September 26 at Happy Valley – Discussion and Planning**

*Presenting: Trent Wilson, ClackCo Government Affairs*

- Current Clackamas Values and Outcomes

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**8:00 p.m. C4 Retreat: Housing Production Menu Update**

*Presenting: Trent Wilson, ClackCo Government Affairs*

- Housing Production Menu Update Presentation

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**8:20 p.m. Updates/Other Business**

- JPACT/MPAC Updates
- ODOT Tolling Rules Committee [Public Comment Period](#)
- Other Business

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**8:30 p.m. Adjourn**

## 2024 General Information



### Current Voting Membership

		C4 Exec	C4 Metro	C4 Rural	JPACT	MPAC	R1ACT
Clackamas County	Commissioner Paul Savas	●	●	●	●		●
Clackamas County	Commissioner Ben West		●	●			
Canby	Mayor Brian Hodson	●		●			●
CPOs	Kenny Sernach	●	●	●			
Estacada	Mayor Sean Drinkwine			●			
Fire Districts	Matthew Silva (Estacada Fire District)	●					
Gladstone	Mayor Michael Milch	●					
Hamlets	Mark Hillyard			●			
Happy Valley	Council Brett Sherman	●	●		●	●	●
Johnson City	Vacant						
Lake Oswego	Mayor Joe Buck		●		●	●	
Milwaukie	Councilor Rebecca Stavenjord		●			●	
Molalla	Mayor Scott Keyser			●			
Oregon City	Commissioner Adam Marl		●			●	
Portland	Vacant						
Rivergrove	Councilor Doug McLean		●				
Sandy	Mayor Stan Pulliam			●			
Sanitary Districts	Paul Gornick (Oak Lodge Water Services)	●					
Tualatin	Councilor Valerie Pratt		●				●
Water Districts	Sherry French (Clackamas Water District)		●			●	●
West Linn	Mayor Rory Bialostosky		●				
Wilsonville	Mayor Julie Fitzgerald		●				

### Current Ex-Officio Membership

MPAC Citizen Rep	Ed Gronke
Metro Council	Councilor Christine Lewis
Port of Portland	Emerald Bogue
Rural Transit	Todd Wood (Canby Area Transit)
Urban Transit	John Serra (TriMet)

## Frequently Referenced Acronyms and Short-forms:

### Related to the Clackamas County Coordinating Committee (C4)

#### C4 Metro Subcommittee

#### C4 I-205 Diversion Subcommittee

**CTAC:** Clackamas Transportation Advisory Committee (C4 Transportation TAC)

### Related to Metro and Metro Committees

**JPACT:** Joint Policy Advisory Committee on Transportation (Metro)

**MPAC:** Metro Policy Advisory Committee (Metro)

**TPAC:** Transportation Policy Advisory Committee (JPACT TAC)

**MTAC:** Metro Technical Advisory Committee (MPAC TAC)

### Related to the Oregon Department of Transportation (ODOT) and Tolling

**OTC** Oregon Transportation Commission (ODOT policy decision body)

**Region 1:** ODOT's geographic designation for the metro area + Hood River

**R1ACT:** ODOT Region 1 Advisory Committee on Transportation

**UMO:** ODOT's Urban Mobility Office

**RTAC:** ODOT's Regional Tolling Advisory Committee

**STRAC:** ODOT's State Tolling Rules Advisory Committee

**EMAC:** ODOT's Equity Mobility Advisory Committee (for tolling)

### General Transportation Acronyms

**STIP:** State Transportation Improvement Plan (ODOT)

**RTP:** Regional Transportation Plan (Metro)

**TSP:** Transportation System Plan (Local – county and cities)

**HCT:** High Capacity Transit

**UPWP:** Urban Planning Work Program

### General Housing and Land Use Acronyms

**H3S:** Clackamas County's Health, Housing, and Human Services Department

**HACC:** Housing Authority of Clackamas County

**SHS:** Supportive Housing Services (Regionally approved funds for housing services)

**OHCS:** Oregon Housing and Community Services

**LCDC:** Land Conservation and Development Commission

**DLCD:** Department of Land Conservation and Development

**UGB:** Urban Growth Boundary

**UGMA:** Urban Growth Management Agreement

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**Thursday, August 01, 2024**  
**Virtual Meeting via Zoom**

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**Attendance:**

**Members:**     **Clackamas County:** Paul Savas, Ben West; **CPOs:** Pamela Burbach (Alt.); **Fire District:** Matthew Silva; **Gladstone:** Michael Milch; **Happy Valley:** Josh Callahan (Alt.); **Lake Oswego:** Joe Buck; **Milwaukie:** Rebecca Stavenjord; **Sewer District:** Paul Gornick; **Transit:** John Serra (TriMet, Urban), **Tualatin:** Valerie Pratt; **Water District:** Sherry French (CRW); **Wilsonville:** Julie Fitzgerald; Caroline Berry

**Staff:**             Trent Wilson (PGA)

**Guests:**             Matthew Tschabold (Governor’s Office); Kelly Reid (DCLD); Ethan Stuckmeyer (DLCD); Mark Ottenad (Wilsonville), Rick Cook, Jamie Lorenzini (Happy Valley), Jamie Stasny (DTD); Dayna Webb (Oregon City); Neelam Dorman (ODOT)

**The C4 Meeting was recorded and the audio is available on the County’s website at <https://www.clackamas.us/meetings/c4/c4meetings>. Minutes document action items approved at the meeting, as well as member discussion.**

<b><u>Agenda Item</u></b>	<b><u>Action</u></b>
<b>Approval of May 2, 2024 C4 Minutes</b>	Minutes approved.
<b>New State Housing Goals and Rules</b>	<p>Matt Tschabold from the Governor’s office joined staff from DLCD to discuss various housing goals and rules that are advancing because of the Governor’s executive order and supporting legislation to advance housing production.</p> <p>Communities can expect methodology that will guide housing production expectations, and be supported by a newly created state agency called the Housing Accountability and Production Office (HAPO).</p> <p>DLCD identified 2 comment periods that were open in August that communities could participate in.</p>
<b>Clackamas Joint Values and Outcomes Updated Draft</b>	Members discussed an updated draft that included edits and input from the county and cities. C4 adopted the new language, and because there were substantive changes requested the document be shared back with cities for logo consideration.
<b>C4 Retreat Recap and Transcript</b>	Time was limited, so staff shared the transcript is included in the packet, and that a team of policy staff from the county and cities were working to return

	to the C4 in September with ideas on how to advance the housing production discussion.
<b>Updates/Other Business</b>	JPACT – No Meetings in August  MPAC – No meetings in August

Adjourned at 8:35 p.m.

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the left and right sides of the frame, creating a modern, dynamic feel. The central area is a clean white space where the text is placed.

# Clackamas County Transit Providers HB 2017



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KRISTINA BABCOCK

# FY24-25 STIF Impact

- Expansion of transit service in Clackamas County
  - Last mile shuttles w/Regional Coordination Dollars
    - CCC Xpress
    - Estacada
    - Shuttle purchases
- Increased demand response services for Dialysis and Medical Rides
- Increased coordination of services between transit providers (fare integration / integrated website)
- Mt Hood area:
  - Continued additional service on the Mt Hood Express
  - New vehicles
  - Transit Hub Study

# FY25-27 STIF Plans

- Continued funding for existing MHX service
- Provide increased demand response services for Seniors and Persons with disabilities (TRP and Senior Centers and Small Providers)
- Match funds for purchase of two buses (1 for MHX and 1 for TRP)
- Transit Hub Development
- Address missing connections identified in the Transit Development Plan (TDP)
- Regional Coordination Projects



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DWIGHT BRASHEAR

# SMART

SOUTH METRO AREA  REGIONAL TRANSIT

- SMART is owned and operated by the City of Wilsonville
- Gave 195,288 rides in FY2024
- Nine routes: Six in town and connections to Canby, Salem, & Tualatin
- Programs: Dial-A-Ride, SMART Options; Vanpool
- All service is free except to Salem and medical trips out of town



# FY24-25 STIF Impact

## Service Accomplishments

- Continued regional connectivity to Tualatin Park & Ride and Salem Downtown Transit Center
- Continued local service on neighborhood shuttles
- Continued out of town Dial-a-Ride service for medical appointments
- Provided federal grant match for 3 new CNG cutaway buses
- Will provide construction match for operations yard expansion



# FY26-27 STIF Plans

- Continue regional service to Tualatin and Salem
- Continue administering the STIF program and providing a program reserve for projects that may exceed total planned expenses
- Continue out of town Dial-a-Ride service for medical appointments
- Electric and CNG vehicles for replacement and service expansion
- Regional service to Clackamas Town Center
- New regional service to Woodburn and Keizer in coordination with Cherriots' Route 80X
- SMART Transit Center TOD customer service employees to provide regional transit information
- Bus stop and amenities to improve access and connections



**CANBY  
AREA  
TRANSIT**

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TODD WOOD

# Canby Area Transit

A division of the City of Canby



- Population: 17,817 (2018)
- Services:
  - 99x from Woodburn to Oregon City Monday through Saturday
  - Demand response and paratransit service Monday through Saturday
- Ridership:
  - Weekday: 99x - 61,835 / DR - 11,127
  - Weekend: 99x - 3,398 /DR - 545

# FY24-25 STIF Impact

- Saturday Services:
  - Continued to operate services on Saturday
  - Includes fixed route from Woodburn to Oregon City
  - Includes demand response and paratransit services
  - Became Fareless September 2022
  
- City Loop:
  - Began October 2023
  - Operates Mon-Saturday
  - Fareless Service



# FY26-27 STIF Plans

- ▶ Continuation of Saturday services at current levels
  - ▶ Route 99X
  - ▶ Demand response and Paratransit
- ▶ Continuation and expansion of Local Canby Loop Route
  - ▶ Monday through Friday
  - ▶ Operate at least 12 hours per day
  - ▶ Serve Canby High School as well as most Canby Parks and businesses
  - ▶ Expand to Saturdays July 1, 2023



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MIKE STRAUCH



- Operating in Clackamas County since 1989
  - Serving a large rural area of 100 square miles, with a population in excess of 20,000
- 3 Routes Serving:
  - Clackamas Community College (5:00am - 8:30pm, M-F; 7am - 5:00pm, Sat)
  - Canby Area Transit Center (6:30am - 6:15pm, M-F)
  - City of Molalla (7:30am - 5:30pm, M-F; 9:30am - 4pm, Sat)
- Deviated Fixed-Route service open to the public
  - City Bus Route deviates from the regular fixed-route, with advanced reservation. Service is free.
  - \$1 fare for service to Canby and Clackamas Community College.



# FY24-25 STIF Impact

- Additional service:
  - Clackamas Community College - more service during morning commute
  - Molalla - new Saturday service, 9:30am - 4pm
  - Canby - extended service morning and evening
- Improved rider safety and comfort with updated amenities and services, including simme seats and solar lighting
- Introduce tools to improve rider information, simplify trip planning, and provide riders access to real-time vehicle arrival information through Passio Go.
- Continue to pursue new vehicles to maintain service reliability and make them more efficient.

# FY26-27 STIF Plans

- Maintain current service levels
- New service:
  - City Express Service from 10am - 4pm
- Improve rider safety and comfort with updated amenities and services, making transit more convenient - adding 6 more simme seats to what has already been installed
- Adding 4 new e-readers
- Purchase two smaller transit buses to update the fleet





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ANDI HOWELL

# Celebrating over 20 Years of Service

- Department in Sandy, OR
- Sandy Population: 11,000
- Known as Sandy Area Metro (SAM)
- Ridership: 111,714
- All in-town fixed routes, free of charge
- \$1.00 dial-a-ride
- \$2.00 out-of-town medical rides

## Routes:

- SAM Gresham Route
- **SAM Clackamas Town Center**
- SAM Estacada Route
- SAM In-town Shopper Shuttle **(Saturday)**
- SAM rides General Public Dial-A-Ride
- Out-of-town Non-Emergency Medical rides



# FY24-25 STIF Impact

- **CONTINUED SERVICE ENHANCEMENTS:**

- Continued expanded hours on 3 routes:
  - SAM Gresham (1 hour/Mon-Friday)
  - SAM Estacada (1 hour/Mon-Saturday)
  - SAM Shopper (2 hours/Mon-Friday)

- **NEW SERVICE**

- SAM Shopper Saturdays

- **REGIONAL COORDINATION**

- SAM Clackamas Town Center (6 runs day/6 days per week)

- **CAPACITY PLANNING/CONSTRUCTION PROJECT**

- Funding set aside for future expansion planning and construction of driver training/break area and maintenance bay at the Sandy Operations Center

- **PROGRAM RESERVE**

- Approved category to cover cost of preserving service.

- **ADMINISTRATIVE COSTS**

- Cover costs of administering STIF program, including project/plan development, ongoing





Questions / Comments?

# TriMet STIF Investments FY 24-25

## STIF invests in our community:

- Honored Citizen reduced fare offers qualifying riders unlimited rides for \$28 per month. This program has served more than 64,000 Oregonians since 2018 resulting in \$14.5M in savings.
- TriMet has become a national leader with our enhanced safety and security efforts. Our Safety Response team connects people on and around our system with social services for housing, mental health, and addiction services, while discouraging inappropriate and illegal behavior.
- This funding supports the most comprehensive restructuring of our bus service in TriMet's 50+ year history, with significant upgrades to services in Clackamas County that began last week. Overall, these changes will bring bus service to 50,000 more residents and weekend service to 100,000 more.

# Better Connections

TriMet doubled its regional coordination program during the last biennium

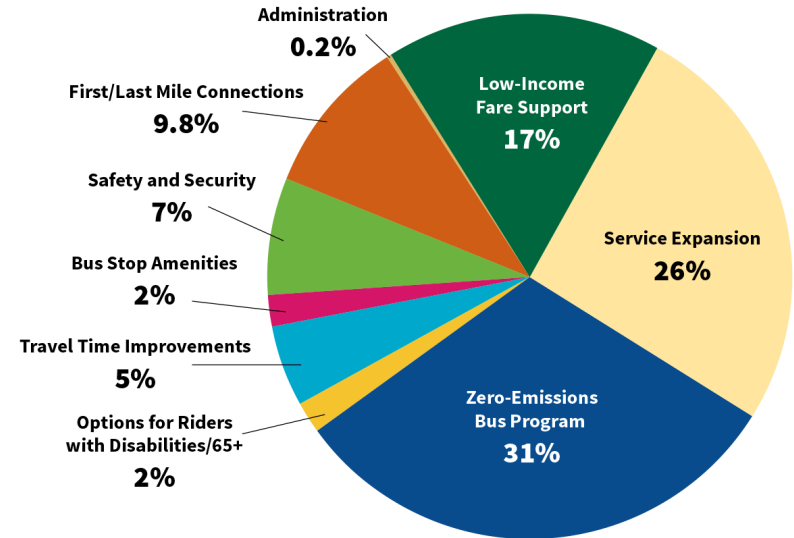
- TriMet provided \$2.2M to Clackamas County during this Biennium to operate shuttle service
  - Clackamas Industrial Shuttle
  - Oregon City Shuttle
  - Clackamas Community College Xpress Shuttle from Clackamas Town Center
  - Estacada Shuttle
- TriMet provided SMART \$3.6M to run service into the TriMet District
- Sandy Area Metro is receiving \$900k to operate the Sandy To Clackamas Town Center Express Line

## STIF funds new service

- Tualatin to Oregon City, Line 76
- West Linn to Lake Oswego, Line 153
- Wilsonville, Lake Grove/Mountain Park to PCC Sylvania and downtown Portland
- Restored service levels between Oregon City and Clackamas Town Center
- Oregon City Transit Center rehabilitation/expansion

# FY 24-25 Allocation

<b>Low-Income Fare Support</b> FY24 <b>\$15.3 million</b> FY25 <b>\$16.2 million</b>	<b>Riders with Disabilities/Age 65+</b> FY24 <b>\$2 million</b> FY25 <b>\$2 million</b>	<b>Safety and Security</b> FY24 <b>\$7 million</b> FY25 <b>\$5.9 million</b>
<b>Service Expansion</b> FY24 <b>\$24.4 million</b> FY25 <b>\$23 million</b>	<b>Travel Time Improvements</b> FY24 <b>\$4.2 million</b> FY25 <b>\$4.2 million</b>	<b>First/Last Mile Options</b> FY24 <b>\$9.4 million</b> FY25 <b>\$7.9 million</b>
<b>Zero-Emissions Bus Program</b> FY24 <b>\$47.6 million</b> FY25 <b>\$7.2 million</b>	<b>Bus Stop Improvements</b> FY24 <b>\$1.5 million</b> FY25 <b>\$1.4 million</b>	<b>Program Compliance</b> FY24 <b>\$210,000</b> FY25 <b>\$220,000</b>



**Joint Values and Outcomes  
for the 2025 State Legislative Transportation Package  
by the Communities of Clackamas County**

**Approved on 8/1/2024 for Logo Gathering**

The jurisdictions named here support a seamless, functional transportation system that prioritizes safety and the reliable movement of people and goods.

We acknowledge that without adequate transportation funding to address maintenance and capital projects in our communities, our collective transportation system will continue to struggle, maintenance projects will become capital projects, and our transportation systems will fail to meet public expectations and uses. As the state legislature considers funding solutions to address state and local needs, the values and outcomes named here will be the foundation of our advocacy.

**These values are not an endorsement of any collective or particular funding proposal.**

**To ensure an equitable, balanced, and seamless system for all, a transportation package should...**

- Develop in collaboration with local voices and jurisdictions
- Protect and retain the 50/30/20 revenue formula from the State Highway Fund
- Secure operations and maintenance funding for state and local partners
- Increase safety for all travel modes and reduce diversion from highways onto local roads

**To ensure maximum and efficient utilization of public dollars, a transportation package should...**

- Provide local jurisdictions with the resources to implement state requirements
- Build trust through budget transparency, implement cost saving measures, and limit administrative costs
- Maximize our opportunity to leverage federal funds for local and state projects of significance
- Secure varied revenue sources to diversify funding tools for local and state agencies

**To advance projects that build public trust and accountability, a transportation package should...**

- Finish what was promised in HB 2017 and HB 3055, including the I-205 widening and bridge improvements between Stafford Rd and Abernethy Bridge.
- Formulate a list of additional, high-priority projects for future funding, such as Sunrise Corridor and other investments addressing growth in urban, suburban, and rural communities

**To provide accessibility and funding to multimodal facilities and services, a transportation package should...**

- Complete gaps in transit service, sidewalks, and bike lanes
- Improve transit operations, including regional coordination and equitable access to transit
- Invest in transit and paratransit so that it is a convenient, reliable, and safe travel option
- Provide sustainable long-term funding for first- and last-mile transit solutions
- Consider investments that improve safety for commuters reliant on bicycles, scooters, and other non-traditional transportation options

**To support housing production and economic opportunities, a transportation package should...**

- Accelerate transportation networks supporting developing areas
- Improve the operations of regional freight routes, bridges and arterials
- Improve safety and reduce congestion on roads that connect urban and rural communities

## **DISCUSSION DRAFT**

### **C4 Housing Production Action Items Menu**

At the 2024 C4 Retreat, attendees requested staff from partner agencies discuss possible action items where the county and cities might coordinate on trending housing production topics, then return to C4 to present those.

The concepts below represent high-level concepts that, if C4 agrees, can set the stage for future discussions. This is a discussion menu, only. No decisions have been made.

#### **Informational**

These topics reflect potential informational items that will be timely in the coming months as Metro advances the urban growth report and as the state advances housing production goals.

- City Panel – Housing Production Strategies Lessons Learned
- 2040 Growth Plan
- Vision Commission
- Tools for Housing Production
- DLCDC Output

#### **Action Oriented**

These topics reflect potential action items that C4 may wish to coordinate on as housing production goals advance.

- State Housing Infrastructure Funding Strategy
  - Must have/Moratorium-related projects
  - Unlocks Developable Area projects
- Master List of Housing Production Investments (Dashboard)
  - Data Collection (of need and progress)

#### **Policy Level Topics**

These topics, which need additional discussion, reflect a lingering issue that housing production will have an expense. C4 may be a venue where communities can strategize on or advance conversations about local or regional funding.

Department of Transportation  
Chapter 731  
Division 40  
TOLLWAY PROJECTS

### **731-040-0010**

#### **Purpose**

- (1) OAR 731, division 40, describes the process for initiating, evaluating, authorizing and administering Tollway Projects on state right of ways proposed by private entities, local or regional governments, the Oregon Department of Transportation, and combinations thereof.
- (2) OAR 731, division 40, includes requirements for submitting project proposals; guidelines for considering financial and other issues; requirements for consistency with other state and federal policies and processes; and the establishment and adjustment of toll rates by the Oregon Transportation Commission.

Statutory/Other Authority: ORS 184.619, 383.004 & 383.015

Statutes/Other Implemented: ORS 383

History:

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

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

### **731-040-0020**

#### **Definitions**

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

- (1) "Commission" means the Oregon Transportation Commission.
- (2) "Department" means the Oregon Department of Transportation.
- (3) "Director" means the Director of the Oregon Department of Transportation, or the Director's designee.
- (4) "Interstate bridge" means a bridge over both a waterway that contains a boundary line with another state and the boundary line.

- (5) "OIPP Partnership Agreement" means a public-private partnership under the Oregon Innovative Partnership Program, as defined in OAR 731-070-0010.
- (6) "Outcome equity" means acknowledging existing inequities and striving to prevent historically excluded and underserved communities identified at the project-level from bearing a disproportionate burden of negative effects that directly result from the project, and seeking to improve transportation accessibility, options for travel, and affordability for the identified community or communities.
- (7) "Private entity" has the meaning given in ORS 383.003.
- (8) "Process equity plan" means a plan for implementing a Tollway Project, from design to post-implementation monitoring and evaluation, that encourages the meaningful participation of individuals and groups from historically excluded and underserved communities, as identified for the Tollway Project.
- (9) "Related facility" has the meaning given in ORS 383.003.
- (10) "Toll" has the meaning given in ORS 383.003.
- (11) "Tollway operator" has the meaning given in ORS 383.003.
- (12) "Tollway project" has the meaning given in ORS 383.003.
- (13) "Tollway Concept Proposal" or "TCP" means an unsolicited preliminary proposal for a tollway project that is used to investigate the project's feasibility and potential impacts and benefits.
- (14) "Unit of government" has the meaning given in ORS 383.003.

Statutory/Other Authority: ORS 184.619, 383.003, 383.004, 383.014 & 383.015

Statutes/Other Implemented: ORS 383

History:

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

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

### **731-040-0030**

#### **Administrative Fees for Unsolicited Tollway Concept Proposals**

- (1) A private entity, individual or unit of government may submit an application for review of an unsolicited Tollway Concept Proposal at any time. A private entity or individual must pay an administrative fee of \$5,000 to the Department for the Department's review of an unsolicited TCP. The fee to submit a revised Tollway

Concept Proposal for Department review is \$2,500. Administrative fees are due and payable at the time of application submission. Applications submitted without the fee will not be reviewed by the Department. A unit of government is not required to pay an administrative fee for the review of an unsolicited TCP.

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383

History:

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

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

### **731-040-0031**

#### **Initiation Process for Unsolicited Tollway Concept Proposals**

- (1) This rule applies to unsolicited TCPs from private entities, individuals and units of government, pursuant to ORS 383.015.
2. Any administrative fees described in OAR 731-040-0030 must accompany the application. The Department will publish the requirements for content and format of a TCP application on the Department's website. Requirements include but are not limited to:
  - a) Information about the applicant entity or consortium of entities (private, public or a combination) including financial information, experience in transportation infrastructure development, public-private partnerships, or federal-aid highway construction.
  - b) A description of the proposed Tollway Project scope, location, and all proposed interconnections with other transportation facilities; the key risks and assumptions associated with the Project.
  - c) A description of any work completed to develop the Tollway Project, including planning, environmental analysis, or preliminary engineering.
  - d) A discussion of support or opposition from local governments and communities impacted by the project, the significant social and economic benefits and burdens of the project.
  - e) A discussion of project financing, including secured or pledged funds, and their source, anticipated public funding, including funds sought from the Department.

- (2) The Department will review the TCP and make a recommendation to the Commission based on the criteria in ORS 383.015.
- (3) Based on the agency recommendation, the Commission may:
  - (a) Approve the proposed concept for further development into a full tollway project through a competitive solicitation for an OIPP project or a Department-initiated tollway project; or
  - (b) Reject the proposal.
- (4) A Tollway Concept Proposal may be revised and re-submitted by the proposer for Department reconsideration and recommendation to the Commission once, unless otherwise directed by the Commission or Department. The resubmittal fee described in 731-040-0030 must accompany the resubmitted proposal.

**Statutory/Other Authority:** ORS 184.619 & 383.015

**Statutes/Other Implemented:** ORS 383.015

**History:**

#### **731-040-0040**

#### **Authorization of Tollway Projects**

- (1) This rule applies to all proposed tollway projects.
- (2) The Department will evaluate a proposed tollway project and provide findings and a recommendation to the Commission. The Department may not recommend authorization of a tollway project unless the Department makes one of the findings described in ORS 383.015(3).
- (3) The Commission will review the proposed tollway project, the Department's findings and recommendations, the factors identified in ORS 383.015(2), and consider the following:
  - (a) How the proposed tollway project will coordinate tolling with existing and potential new transportation services or investments to address congestion on the tollway.
  - (b) How the proposed tollway project will incorporate process equity and outcome equity into the project's design, implementation, and operations.
- (4) Upon review of the proposed tollway project, the Commission will authorize, authorize with conditions, or reject the proposal. A Commission decision is issued in

writing.

- (5) A proposal may be revised and re-submitted by the proposer for Department reconsideration and recommendation to the Commission once, unless otherwise directed by the Commission or Department.

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383

History:

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

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

### **731-040-0041**

#### **Authorization of Tollway Projects on Interstate Bridges**

- (1) This rule applies to all proposed tollway projects to establish tolls on an interstate bridge that is or will be a state highway under the Department's jurisdiction, including proposals submitted by the Department and proposals submitted jointly with the Department under the authority of ORS 381.010 (Columbia River bridges) or ORS 381.098 (Snake River bridges). These tollway projects are also subject to the requirements of OAR 731-040-0040.
- (2) The Department will consider the factors identified in OAR 731-040-0040 in evaluating the proposal and provide findings and a recommendation to the Commission. The Department may not recommend authorization of a tollway project unless the Department makes one of the findings described in ORS 383.015(3).
- (3) The Commission will consider the tollway project proposal, the Department's findings and recommendations, and all of the following:
  - (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 any 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.

- (4) The Commission will authorize, authorize with conditions, or reject the proposal. A Commission decision is issued in writing.
- (5) A proposal may be revised and re-submitted by the proposer for Department reconsideration and recommendation to the Commission once, unless otherwise directed by the Commission or Department.

Statutory/Other Authority: ORS 184.619 & 383.015

Statutes/Other Implemented: ORS 383

History:

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

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

### **731-040-0050**

#### **Process for Approving Initial Rates on Tollways**

- (1) This rule applies to all proposals to approve initial toll rates on an authorized tollway project, including proposals submitted jointly with the Department under an OIPP agreement.
- (2) The operator must create a process equity plan prior to submitting a proposal for initial rates and the rate proposal must include feedback on the proposed rate obtained by engaging with communities identified in the process equity plan.
- (3) The toll rate proposal must include an evaluation of how outcome equity has informed the design of the proposal and plans for how it will inform the implementation and operation of the tolled facility.
- (4) The Department will evaluate the toll rate proposal and provide a recommendation to the Commission.
- (5) When establishing initial toll rates, the Commission must consider the Department's recommendations and the factors described in ORS 383.004 and set rates to address the following:
  - (a) The cost of toll operations and improvements, preservation, and maintenance of the tollway project, tollway, and related facilities, including paying any debt service issued to finance tollway projects.
  - (b) Management of congestion to desired thresholds, as established for the tollway, including but not limited to, travel times, speeds, reliability, increasing accessibility, reducing greenhouse gas emissions, and avoiding, to the extent practicable, the reduction of existing service levels on the tollway.

- (6) In addition to the factors described in section (5) of this rule, the Commission may consider:
- (a) Authorizing toll reductions or exemptions. The reduction or exemption may be limited and directly related to the needs for operation, maintenance, safety, person-carrying capacity of the roadway, or for emergency response.
  - (b) Simplifying the rate structure to help with communication and public understanding, which may include minimizing the number of different rates, limiting rate changes throughout the day, or rounding rates to the closest 5 cent increment.
  - (c) Determining how or if to apply toll rates for overnight and non-congested periods.
  - (d) Structuring rates to encourage users to shift trips to less busy times of day, telecommute, or use other modes of transportation, such as public transportation, carpools, biking, and walking.
  - (e) Setting rates based on vehicle classification, in accordance with requirements for fairness and proportionality between classes of vehicles, as provided in Article IX, section 3a(3), of the Oregon Constitution.
- (7) The Commission will approve, conditionally approve, or disapprove a proposal to establish initial toll rates. A Commission decision is issued in writing.

Statutory/Other Authority: ORS 184.619 & 383.004  
Statutes/Other Implemented: ORS 383.004, 383.035  
History:  
DOT 5-2012, f. & cert. ef. 7-19-12

### **731-040-0051**

#### **Process for Approving Initial Toll Rates on Tollways on Interstate Bridges**

- (1) This rule applies to a proposal to approve initial toll rates on an interstate bridge that is or will be a state highway under the Department's jurisdiction, including proposals submitted by the Department, or jointly with the Department under ORS 381.010 (Columbia River bridges), or ORS 381.098 (Snake River bridges). Approval of tolls on interstate bridges is also subject to the requirements of OAR 731-040-0050.
- (2) The proposal must be submitted to the Department for review. The Department will consider the factors identified in OAR 731-040-0050 in evaluating the initial toll rate

proposal and provide a recommendation to the Commission.

- (3) The Commission will consider the Department's recommendation, the factors identified in OAR 731-040-0050, and all the following:
  - (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 any 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.
- (6) The Commission will approve, conditionally approve, or disapprove a proposal to establish initial toll rates. A Commission decision is issued in writing.

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

Statutes/Other Implemented: ORS 383

History:

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

### **731-040-0060**

#### **Process for Approving Revised Tolls**

- (1) This rule applies to a tollway operator, including a tollway operator operating jointly with the Department under an OIPP agreement.
- (2) Proposals to revise toll rates shall include analysis and documentation of the following:
  - (a) How the proposed toll rate revisions account for the factors in OAR 731-040-0050(5) and (6).
  - (b) Feedback gained from engagement with communities identified in the process equity plan on the revised toll rates.
  - (c) How outcome equity will be impacted by the revised toll rates; and

- (d) Explaining revisions to the toll rates, toll exemptions, reductions, or toll rates for different vehicle classifications.
- (3) The Department will consider the operator's performance review(s), described in OAR 731-040-0059, evaluate the proposed toll rate revisions and provide a recommendation to the Commission.
- (4) The Commission will review the Department's recommendation and approve, conditionally approve, or disapprove a proposal to revise toll rates. A Commission decision is issued in writing.

Statutory/Other Authority: ORS 184.619 & 383.004

Statutes/Other Implemented: ORS 383

History:

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

### **731-040-0061**

#### **Process for Approving Revised Tolls on Interstate Bridges**

- (1) This rule applies to a tollway operator's proposal to revise the tolls on a tollway on an interstate bridge that is or will be a state highway under the Department's jurisdiction, including proposals submitted by the department, or jointly with the department under ORS 381.010 (Columbia River bridges) or ORS 381.098 (Snake River bridges). Approval of revised toll rates on these interstate bridges is also subject to the requirements of OAR 731-040-0060.
- (2) The Department will consider the operator's performance review(s), described in OAR 731-040-0059, evaluate the proposed revisions and provide a recommendation to the Commission.
- (3) The Commission will consider the Department's recommendation, and all of the following:
  - (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 any 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.

(4) The Commission will approve, conditionally approve, or disapprove a proposal to revise toll rates. A Commission decision is issued in writing.

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

Statutes/Other Implemented: ORS 383

History:

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

### **OAR 731-040-0062**

#### **Tolling System Compatibility with the State of Washington**

Toll collection and enforcement systems used on tollways in Oregon shall be interoperable with toll collection and enforcement systems used in the State of Washington to the extent technology permits.

Statutory/Other Authority: ORS 383.014

Statutes/Other Implemented: ORS 383

History:.

### **OAR 731-040-0064**

#### **Civil Penalties for Failure to Pay a Toll**

(1) In addition to any other penalty or sanction provided by law, a person who is required to pay a toll as described in ORS 383.035 and fails to pay a toll established pursuant to ORS 383.004, shall pay to the department, for each unpaid toll:

(a) The amount of the toll;

(b) For the first unpaid toll, a civil penalty of \$15; and,

(c) For each subsequent unpaid toll: The limit provided in ORS 383.035;

(2) Each time a bill is sent to a person for an unpaid toll, an administrative fee of \$2 shall be assessed as reimbursement for labor, materials, printing and postage expenses.

(3) An unpaid toll will be considered a subsequent unpaid toll if the person was assessed a civil penalty for an unpaid toll within three years of the unpaid toll under consideration.

(4) Civil penalties and administrative fees assessed under this rule shall be collected as provided in ORS 183.745 and according to the procedures in OAR 137-003-0501 to 137-003-0700.

(5) The department shall refuse to renew the motor vehicle registration of the motor vehicle owned by a person who at the time of application for registration has unpaid tolls, civil penalties or any administrative fees charged under this section.

Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 383.035, 383.055

Statutes/Other Implemented: ORS 383.035, 383.055

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

### **731-040-0065**

#### **Tollway Operator Performance Review**

(1) This rule applies to tollway operators, including those operating jointly with the Department under an OIPP agreement.

(2) A tollway operator shall provide a written annual performance review of the tollway to the Department and Commission no later than one year from the date of commencing operations. Subsequent annual reviews shall cover a state fiscal year and be due after the end of the fiscal year. If the tollway operator intends to propose revised toll rates in the coming fiscal year, the tollway operator shall include the analysis and documentation described in OAR 731-040-0060(2) in the review.

(3) The written annual performance review must include the following:

(a) Revenue and administration costs for the tollway project and tollway.

(b) Status of tollway project investments, financing requirements, and needs for maintenance, operations, preservation, and rehabilitation.

(c) A report on mobility and safety of the tollway and adjacent roadways included in the tollway project footprint and any changes to travel patterns associated with imposing tolls.

- (d) Overall amount of tolls collected, and tolls collected, including tolls owed, by vehicle classification.
- (e) Information on transportation mobility and air quality, where monitoring data is available, that would inform the Department's pursuit of state greenhouse gas emissions reduction and air quality goals.
- (f) Number and classification of vehicles receiving reductions and exemptions, the impact of reductions and exemptions to revenue and administration costs.
- (g) If a low-income toll program applies to the tollway, the number of vehicles enrolled in a low-income toll program as a percentage of the estimated number of potentially qualifying customers for that tollway, the impact to revenue and administration costs, and a report on the aggregate travel patterns of vehicles participating in a low-income toll program.

Statutory/Other Authority: ORS  
Statutes/Other Implemented: ORS 383  
History:

**731-040-0075**  
**Customer Data**

- (1) Customer records and information used to collect and enforce tolls follow the disclosure requirements specified in ORS 383.075.
- (2) Public records request fees and requirements for the Department are described in OAR 731-001-0025.
- (3) An individual requesting customer records or data must submit a request in writing as prescribed by the Department, which is identified on the Department's webpage. The request must include:
  - (a) Government issued identification to verify the identity of the requestor.
  - (b) Information demonstrating that the requester is one of authorized individuals or entities that may access driver records and information used to collect and enforce tolls, as is identified in ORS 383.075(2) and (3).
  - (c) A description of the requester's intended use of the information and how that intended use will conform to the requirements in ORS 383.075.
- (4) The Department may disclose the requested records if the Department is satisfied that requester has provided reasonable assurances that the requester's identity,

uses of the information, and any applicable permissions comply with the requirements of this rule and ORS 383.075.

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

Statutes/Other Implemented:

History:

DRAFT