

September 12, 2022

Oregon Transportation Commission
c/o Oregon Highway Plan Manager
OHPmanager@odot.oregon.gov

Dear Oregon Transportation Commissioners:

As a supplement to the comments submitted by the Clackamas County Board of Commissioners, attached are specific proposed language changes to the OHP Policy Language intended to address their concerns.

The specific language changes are recommended to address the following concerns:

1. Local and regional engagement on tolling programs must happen at all levels
2. Corridors should have a “minimal state of readiness” before starting a congestion pricing program
3. The definition of “diversion” is too prescriptive and does not reflect how ODOT has been describing it throughout the I-205 Tolling project
4. The definition of “corridor” is too prescriptive
5. Through the rate setting process, address impacts of people living near facilities with no other choices, support for freight staying on the facility and longer trips.
6. Clarify policy language around support for alternative modes, supporting equity throughout the process and investments need to support Congestion Pricing.
7. Local jurisdictions should not be responsible for the projects identified as mitigations and more work needs to be done to determine the appropriate trigger for mitigations.

Thank you for the opportunity to comment.

Sincerely,

Karen Buehrig

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Long Range Planning Manager

Clackamas County

Proposed changes to the OHP Amendment to Goal 6 Tolling.

- Additions are in **Red with Underline**.
- Deletions are in ~~Black text and are crossed out.~~

1. Local and regional engagement on tolling programs must happen at all levels

Proposed changes: Move Policy 6.13 to the beginning of the policies and add language that has been recommended by EMAC and in the ODOT Commitments that were agreed upon during the Regional Transportation Plan process. Also, add language to 6.14 on local participation

Specific Changes to the OHP Amendment Language

6.13 Policy

Roadway Pricing on the Interstate and Freeway System requires a partnership with local, impacted jurisdictions as well as the equity framework communities.

Although toll projects will have a statewide impact, they must be developed in coordination with the regional partners to build an equitable and successful transportation system together. (EMAC Foundational Statement 7)

6.13.A Action.

The Oregon Transportation Commission is Oregon’s toll and roadway pricing authority
Per ORS 383.004 the OTC has been given authority over tolling and road pricing design, execution and management rules and decisions.

The OTC will implement pricing programs to raise revenue and/or manage congestion, independent of land use actions and decisions. Since pricing is a mechanism for system management, such as ramp metering, establishment of pricing rate adjustments are not to be considered land use actions.

6.13.B Action

Elevate the role of local policy makers and stakeholders by creating a Regional Toll Policy Advisory Committee and clarifying the role for local decision making for Road Pricing project.(ODOT Commitment)

6.13.C Action

Once tolls are in place and EMACs work is complete, ODOT and the OTC should continue to support a toll equity accountability committee (that is separate and complimentary to the RAC) or establish another structure where equity voices are at the table in a consistent, transparent and resource supported way to ensure long term accountability. (Recommended Action #4)

6.13.D Action

Build into the system where the voices from the Equity Framework identified communities are included in the decision-making process for the future toll rate adjustments (EMAC Operations Comment)

6.13.E Action

Collaborate with regional and local agencies and communities when:

- Setting, evaluating, and adjusting mobility goals.

	<ul style="list-style-type: none"> ○ <u>Identifying traffic safety and diversion impacts and mitigations.</u> ○ <u>Setting rates and determining revenue allocation</u> ○ <u>Long term oversight of roadway pricing</u>
	<p>6.15.B Action</p> <p><u>With input from the local Regional Toll Advisory Committee</u>, the OTC will evaluate and adjust all road pricing programs on a regular basis with a minimum of annual review, with consideration to effectiveness toward goals, rate adjustments and revenue generation thresholds.</p>
<p>2. Corridors should have a “minimal state of readiness” before starting a congestion pricing program</p>	
<p>Amend the Policies at the beginning of the document to include guidance on “minimal state of readiness. Also, add language to reinforce the need to work with local partners.</p>	
<p>Draft Language Changes to 6.1</p>	<p>6.1 Policy: Utilize tolling, congestion pricing or a combination to achieve documented outcomes.</p> <p>6.1.A Action When tolling is used to fund a specific improvement, consider adding congestion pricing if high levels of congestion exist or it is anticipated within the planning horizon.</p> <p>6.1.B Action <u>Work with regional and local partners to develop</u> application specific objectives for tolling and congestion pricing consistent with the policies in this plan, recognizing more than one objective can be achieved but should be balanced.</p> <p>6.1.C Action Road pricing options must not conflict with, and try to shall support, other statewide, <u>regional, and local goals</u> around sustainability and climate, health and equity, with an emphasis on addressing the needs of historically or currently underrepresented and underserved communities.</p> <p><u>6.1.D. Action</u> <u>Complete an evaluation of the local transportation systems, including all modes, during the initial project identification process to inform if demand management programs, transit service and multimodal connectivity improvements in the impacted area exist and assess if there are significant gaps that would impact the ability to use travel options in the area. Use this information when deciding the number of lanes to include in the tolling program</u></p>

- 3. The definition of “diversion” is too prescriptive and does not reflect how ODOT has been describing it throughout the I-205 Tolling project
- 4. The definition of “corridor” is too prescriptive

Presently, under the policies that guide using revenue within the project corridor, it also includes language about how to define **diversion**. These references should be removed. This section should be clearer on the **different factors for setting rates** for infrastructure focused projects verses congestion pricing focused projects. The **reference to “project corridor”** should be removed. The rate setting process should also **include information on** how the infrastructure focused toll projects would be **closed after payment** of the infrastructure. Consider merging 6.10 and 6.11, with deleting policies in 6.11. Reword definition of “Diversion” in 6.12

Draft
Language
Changes to
6.10

6.10-Policy Utilize tolling or roadway pricing revenue within the project corridor

~~Use funds on the tolled/priced project corridor. The corridor is defined as the tolled/priced roadway and the immediate area of impact adjacent to the project, generally within 1 mile of the priced facility or as defined through the project-specific NEPA process identifying significant impacts. Additionally the corridor should be limited to arterials that generally move traffic in the same direction. If no arterial exists within, then a collector that generally moves traffic in the same direction as priced roadways may be considered.~~

The corridor is defined as the tolled/priced roadway and the area of impact, generally is defined as a broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, freight, active transportation and transit route alignments or as defined through the project-specific NEPA process.

Additional infrastructure investments needed to address impacts of the road pricing an Interstate or highway shall be identified as mitigations during the NEPA process and shall be included within the project. Additional infrastructure on the local roadway system may be needed as identified through on-going project monitoring

~~Diversion that is considered significant is when there is a substantial increase in large trucks or an increase in non-short distance trips to the local system that changes the potentially impacted facility’s v/c ratio by 0.05 or more.~~

6.10.A-Action

Ensure compliance with U.S. Code Title 23 [Section 129](#) when a toll project is approved under this section. This section requires toll revenue first go to paying for transportation improvements with capital investments to which the toll project is linked.

6.10.B Action

Collaborate with regional and local agencies and communities when identifying diversion impacts and mitigations.(Metro Diversion Action)

6.10.C Action

Use a data-driven approach to identify potential diversion impacts on local streets both during and after implementation of pricing projects; monitor with real-time data after implementation. (Metro Diversion Action)

	<p><u>6.10.D Action</u> <u>Identify corridor priorities for construction (seismic improvements, bottleneck relief projects, etc.) and operations, maintenance, administration for revenue usage.</u></p> <p><u>6.10.E-Action</u> <u>Target net revenues for larger congestion management related projects in corridor as part of project mitigation, including enhanced transit, modal overpasses, etc.</u></p> <p><u>6.10.F Action</u> <u>Transit and multimodal transportation options should be increased with congestion pricing projects. This can be done through direct toll revenue allocation, when compliant with the Oregon Constitution, or through partnerships.</u></p> <ul style="list-style-type: none"> - <u>Larger investments in transit-supportive infrastructure, such as bus-on-shoulder and park-and-rides, could be funded through a capital investments approach.</u> - <u>Investments in carpools, vanpools, shuttles, and other demand responsive type of shifts to higher occupancy vehicles should also be considered as they may better match the needs of longer-trip users of the interstate and freeway system</u>
Policy 6.12	Address impacts to neighborhood health and safety within the corridor (mitigation)
	<p><u>6.12-Policy Address impacts to neighborhood health and safety within the corridor (mitigation)</u></p> <p><u>Diversion is the movement of automobile trips from one facility to another because of pricing implementation. All trips that change their route in response to pricing are considered diversion, regardless of length or location of the trip.(Metro Definition)</u></p> <p>Acknowledge that diversion, the choice of some drivers to choose off priced system routes, Diversion may have impacts to adjacent communities and coordinate with these communities to mitigate significant impacts when feasible.</p> <p>6.12.A Action Tolling and congestion pricing projects should be planned and operated to limit support longer-trips and freight diversion to stay on the priced facility. (rerouting) through local communities on parallel roads.</p> <p>6.12.B Action Trips that previously used the interstate or freeway for local travel / short trips (three miles or less) should not be considered as diversion. Local trips are better served on local roads and preserve capacity on the interstates and freeways for their purpose in connecting people on longer trips.</p> <p>6.12.C-Action When providing investments to address neighborhood health and safety impacts in communities because of diversion (rerouting) , prioritize capital investments in <u>safety, transit</u>, biking and walking networks, consistent with constitutional restrictions.</p>

	<p>6.12.D-Action Partner with communities when providing investments related to diversion and consider improvements to all modes.</p> <p><u>6.12.E Action</u> <u>Reinvest a portion of revenues into areas in or near the area being priced to manage diversion caused by pricing projects.</u></p> <p>-</p> <p><u>6.12 F Action</u> <u>Any negative impacts to transit travel time, reliability or access to transit due to diversion must be addressed as part of project mitigation through transit-priority treatments, transit-supportive infrastructure or other strategies mutually agreed upon by transit providers and local partners.</u></p>
<p>Revisions to other sections in OHP document</p>	<p>6.4.A Action Recognize that Implementation of any road pricing mechanism is likely to impact overall VMT and therefore should be structured to minimize diversion of freight or longer trips to local roads and encourage VMT reduction.</p>
<p>5. Through the rate setting process, address impacts of people living near facilities with no other choices, support for freight staying on the facility and longer trips.</p>	
<p>The rate setting process should take into consideration tools that can be used to encourage freight and longer trips to stay on the Interstate and Highway system. In addition, rates setting should consider the investment needs of the corridor/project.</p>	
<p>Policy 6.7</p>	<p>Structure rates so as not to impose unfair burdens on people experiencing low-income, and to advance equity and support the appropriate users of the facility</p>
<p>Draft Language Changes to 6.7</p>	<p><u>6.7. Policy Structure rates so as not to impose unfair burdens on people experiencing low-income and to advance equity</u> <u>Provide a progressive fee structure which includes exemptions or discounts for qualified users. (Add in descriptions of Low Income toll report). The rates should also consider impacts to local users with no alternatives, as well as ways to support freight and those traveling for longer trips.</u></p> <p>6.7.A Action When planning for, implementing, and managing road pricing systems including rate setting, engage the following groups for feedback and analysis:</p> <ul style="list-style-type: none"> • People experiencing low-income or economic disadvantage • Black, indigenous and people of color (BIPOC) • Older adults and youth • Persons who speak non-English languages, especially those with limited English proficiency • Persons living with a disability • Small, minority, and woman- owned businesses • Other populations and communities historically underrepresented by transportation projects – this shall be determined at the project-level

	<p>6.7.B Action While setting or adjusting road pricing rates, analyze the impacts to affordability by the percentage of household income for lower- income drivers compared to middle and higher-income drivers. (EMAC Recommended Action 1)</p> <p>6.7.C Action Set a no- or low minimum balance requirement for loading or maintaining road pricing accounts used by the public.</p> <p>6.7.D Action Road pricing should not contribute to major financial indebtedness for people experiencing low income. Establish rate discounts, exemptions, account supplementation and/or other processes for low-income users.</p> <p><u>6.7.E Examine and incorporate appropriate exemptions and discounts for those living near priced facilities and local businesses impacted by road pricing projects.</u></p> <p><u>6.7.F Consider identifying caps for total daily tolling or congestion pricing revenue collection for individual users</u></p>
	<p>6.8.C Action Set rates <u>for tolling projects</u> sufficient to:</p> <ul style="list-style-type: none"> • Cover the cost of the tolling system and administration as is required by law • Reach the desired revenue needed to pay for the planned share from tolling for the infrastructure improvement, operations, and maintenance • Manage congestion to desired travel times, speeds or reliability thresholds established for the project • Meet any additional system performance metrics, defined for corridors, a series of corridors or by segments. • <u>Maintain the lowest possible toll rates for everyone while generating sufficient revenue for Oregon Legislature-identified multi-modal capital investments and project mitigations (including for the low-income program).</u> <p>6.8.D (New) <u>Set rates for congestion pricing projects sufficient to:</u></p> <ul style="list-style-type: none"> • <u>Cover the cost of the congestion pricing system and administration as is required by law</u> • <u>Reach the desired revenue needed to pay for the planned share from tolling for the multimodal infrastructure improvement, operations, and maintenance</u> • <u>Manage vehicle demand and congestion to desired travel times, speeds, or reliability thresholds established for the entire project corridor, including for transit</u> • <u>Meet any additional system performance metrics, defined for corridors, a series of corridors or by segments.</u> • <u>Emphasize demand management and equity advancement</u> • <u>Maintain the lowest possible toll rates for everyone while generating sufficient revenue to fund the full set of multimodal infrastructure improvements and other complementary strategies that enhance corridor and system performance and advance equity and climate goals</u>

<p>6. Clarify Policy Language around support for alternative modes, supporting equity throughout the process and integrate the need to support alternative modes when implementing Congestion Pricing</p>	
<p>Policies related to shifting trips to other modes should be separated from the policies shift to off-peak travel unique actions are needed to achieve these results, therefore some of the Actions are move to 6.2. Also, the language in 6.6 related to Equity should be strengthen. Update language in Section 6.3 about investment needed to support Congestion Pricing.</p>	
<p>Policy 6.5</p>	<p>Connect shifting travel to off-peak hours and to biking, walking and public transportation to design and operations of road pricing mechanisms</p>
<p>Draft Language Changes to 6.5</p>	<p>⇨ 6.5 Policy <u>Invest in public transportation, pedestrian and bikeway facilities to support the shift in travel to other modes. Connect shifting travel to off-peak hours and to biking, walking, and public transportation to the design and operations of road pricing mechanisms</u></p> <p>Ensure that road pricing as strategy evaluates potential shift to other travel times and modes of transportation (e.g. public transportation, carpools, biking, and walking), or telecommute, or times of travel to reduce climate impacts.</p> <p style="text-align: center;">*— Action</p> <p>Pursue congestion pricing strategies to manage demand so that the recurring congestion performance objectives are met during all hours of the day.</p> <p style="text-align: center;">*— Action</p> <p>Upon completing toll bond obligations, consider congestion pricing strategies for ongoing reliability and demand management purposes.</p> <p><u>6.5.A Action</u></p> <p>While developing the tolling project and/or road pricing application <u>project or program</u>, collaborate with transit agencies, local jurisdictions, and other modal groups on the following:</p> <ul style="list-style-type: none"> • Increase (or support) public transportation <u>services</u>, transportation option service providers, or biking and walking options for those unable to afford tolls within the project or project area • Understand how the benefits of a better managed, less congested interstate or freeway may provide opportunities for new, expanded, or enhanced transit service • Understand how the impacts of diversion (rerouting) of vehicle trips may impact existing or planned transit service routes <p><u>Action 6.5.B</u></p> <p><u>Provide ongoing funding for community-based organizations (CBOs) that serve communities identified in the Oregon Toll Program’s Equity Framework and that are impacted by tolling to support the following transportation-related activities including, but not limited to:</u></p> <ul style="list-style-type: none"> - <u>CBO transportation services for carpool, vanpool, and other transportation programs building upon the concept of ODOT’s newly created Innovative Mobility Program.</u>

	<ul style="list-style-type: none"> - <u>Compensation for community members to participate in tolling-related transportation planning activities, projects, or committees.</u> - <u>Toll education programs and ongoing engagement to inform the toll program.</u> - <u>Increase enrollment in the Oregon Toll Program account holders and access to the low-income toll program.</u> - <u>Include CBOs in the monitoring process to identify and help prioritize actions to address neighborhood health and safety issues caused by increased diversion of freight or longer-trips from tolling.</u> <p><u>6.5.C Action</u></p> <p><u>There must be toll-free travel options available to avoid further burdening people experiencing low-incomes who are struggling to meet basic needs (food, shelter, clothing, healthcare). (EMAC Foundational Statement 3</u></p>
Policy 6.6	Center Equity when designing tolling and pricing frameworks
Draft Language Changes to 6.6	<p>6.6- Policy: Center equity when designing road pricing projects and programs</p> <p>While the reason to price the system will not be to improve equity directly, equity must be considered and addressed in the design, execution and management of any road pricing program. Equity efforts must focus on both “process equity” and “outcome equity,” which are defined as follows:</p> <p><i>Process equity</i> 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.</p> <p><i>Outcome equity</i> 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.</p> <p>6.6. A Action</p> <p><u>Integrate</u> Engrain equity into decision-making processes and ensure equity outcomes are achieved when developing, implementing, and managing road pricing programs, by:</p> <ul style="list-style-type: none"> • Ensure full participation of impacted populations and communities throughout the project and applications by identifying specific populations, groups, or geographic areas that will be used to discern for equity. The Agency must be accountable and transparent. • Explore how road pricing application will impact overall household budgets, populations and communities and maintain affordability, in balance with other objectives. • Projects will identify ways to support multi-modal access through partnerships and expand opportunities

	<p>for historically excluded and underserved communities.</p> <ul style="list-style-type: none"> Projects will consider the project impacts to outcomes such as community health, including air quality, noise, traffic safety, economic impacts and other potential effects on historically or currently excluded and underserved communities. <p><u>6.6.B Action</u> <u>Establish feedback mechanisms, a communication plan, and recurring regular engagement over time with equity groups that were involved in the co-creation process.</u></p>
<p>Draft Language Changes to 6.3</p>	<p>6.3-Policy Use congestion pricing to manage reduce traffic congestion</p> <p>Reduce delays, stops-and-starts, and increase reliability of travel times through congestion pricing to improve overall mobility on Oregon’s interstates and freeways where mobility targets are not met and the system is experiencing regular recurring congestion. The intent of congestion pricing is to <u>Improve reliability and efficiency by managing congestion, reducing VMT, and increasing transportation options through investments in modal alternatives, including transit-supportive elements and increased access to transit. (Metro Mobility)</u></p> <p>change some users’ behavior so that they choose a different mode of transportation, time of day, route or not to make the trip. Congestion pricing can be considered as a complimentary part of a tolling project incorporating new or upgraded infrastructure, but also can be considered as a travel demand strategy for an interstate or freeway segment without any planned infrastructure projects.</p> <p>6.3.A-Action Congestion pricing should be considered for interstate or freeway corridors that exceed <u>the mobility standards as adopted in (cite Transportation Planning Rule)</u> an Annual Average Daily Traffic (AADT) to Capacity ratio (AADT/C) of 9.0 or greater or where average vehicle speeds are less than 45 mph.</p> <p>6.3.B-Action Prior to adding new throughway capacity such as the addition of new through travel lanes, demonstrate that system and demand management strategies, transit service and multimodal connectivity improvements, and pricing cannot adequately address throughway deficiencies and bottlenecks.</p> <p>6.3.C-Action Pair <u>congestion</u> pricing with other actions to address roadway congestion holistically, including the use of ITS technology, access control and management, increasing modal options and implementing other demand management tools.</p> <p>6.3.D-Action Utilize congestion pricing to have a moderate impact on reducing vehicle travel on interstates and freeways with the ability to manage impacts to people experiencing low income and diversion (rerouting) and especially when there few available alternate route and mode options for real time decisions.</p>

	<p><u>6.3.E Action</u> <u>Use congestion pricing to shift travel to different times of day on the same facility</u></p> <p><u>6.3.F-Action</u> <u>Pursue congestion pricing strategies to manage demand so that the recurring congestion performance objectives are met during all hours of the day</u></p>
<p>7. Local jurisdictions should not be responsible for the projects identified as mitigations and the metrics used for identifying mitigations should not be included within the policy language.</p>	
<p>Currently within the OHP Tolling Amendment, there is specific direction about how mitigations should be identified in context of setting rates. The metrics that specify what is significant and could be considered a mitigation should be removed because each project is unique and the mitigations should be identified on a project by project basis.</p>	
<p>Draft Language Changes to 6.8.B</p>	<p>6.8.B Action</p> <p>Establish rates consistent with the roadway classification, purpose, and function; and the desired use of such facilities. As such:</p> <ul style="list-style-type: none"> • Discourage short trips (three miles or less) and prioritize longer distance travel on interstates and freeways; when evaluating diversion (rerouting) to local streets, limiting these new short trips should not be a priority as compared to limiting diversion (rerouting) of freight or longer trips (three miles or more) • Any change of 0.05 to the existing/planned V/C from diverted traffic is considered significant and mitigation may be considered • Keep freight on interstates and freeways and off local streets, when possible.