

Equity and Mobility Advisory Committee:



— Shaping an Equitable Toll Program

Recommendations to the Oregon Transportation Commission

July 2022





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EMAC Members & Key Staff

Current and former EMAC members and project team staff who contributed to the development of EMAC's recommendations, include the following:

EMAC Members

Abe Moland (former representative of Clackamas County Health and Transportation)

Amanda Garcia-Snell (Washington County Community Engagement)

Bill Baumann (former representative of Community in Motion)

Diana Avalos Leos (former representative of League of United Latin American Citizens Latino Youth Conference)

Dr. Philip Wu (Oregon Environmental Council)

Dwight Brashear (SMART)

Eduardo Ramos (At-large member)

Fabian Hidalgo Guerrero (Causa)

Germaine Flentroy (Beyond Black/Play, Grow, Learn)

Ismael Armenta (At-large member)

James Paulson (WorkSystems Inc Board)

John Gardner (TriMet)

Kari Schlosshauer (former At-large member)

Michael Espinoza (Portland Bureau of Transportation)

Park Woodworth (Ride Connection)

Sharon Smith (Oregon Transportation Commissioner, serves as the committee liaison)

Project Team Staff

Lucinda Broussard, Oregon Toll Program Director

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Garet Prior, Toll Policy Manager

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Emergence: Setting the Structure

The Oregon Department of Transportation (ODOT) and the Oregon Transportation Commission (OTC) recognize and acknowledge that past land-use and transportation investments in the Portland metro area have had negative effects on local communities, especially those that have been historically underrepresented or underserved. The results of the 2018 Value Pricing Feasibility Analysis led the OTC to prioritize three equity and mobility strategies for a successful toll system:

- Improve public transportation and other transportation options for equity and mobility.
- Develop and implement special provisions for environmental justice populations¹, including low-income communities.
- Minimize and mitigate negative effects of diversion to advance neighborhood health and safety.

To address the need to implement these equity strategies, the OTC directed ODOT to convene the Equity and Mobility Advisory Committee (EMAC).

EMAC's Charge from the Oregon Transportation Commission

To ensure equitable processes and outcomes for the I-205 Toll Project and Regional Mobility Pricing Project, ODOT convened EMAC (Figure 1), a committee of individuals with professional or lived experience in equity and mobility, in May 2020. EMAC's charge was to directly advise the OTC and ODOT on how tolls on Interstate 205 (I-205) and I-5, in combination with other demand-management strategies, can include benefits for populations that have been historically and are currently underrepresented or underserved by transportation projects. These communities include but are not limited to people experiencing low incomes; Black people, Indigenous people, and people of color; older adults and children; people who speak languages other than English; and people experiencing a disability.



Equity & Mobility Advisory Committee

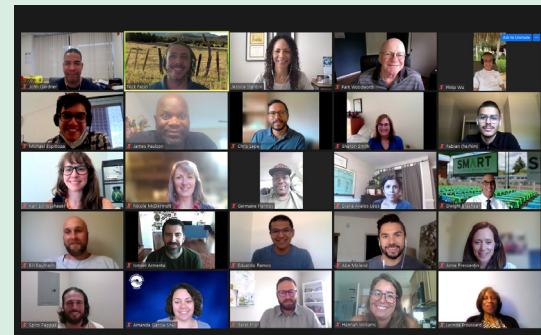


Image of EMAC meeting with members and project staff

Oregon Transportation Commission



Image of OTC Members (top left to right): Alando Simpson, Julie Brown, Sharon Smith, Bob Van Brocklin, and Marcilynn Burke

Figure 1. Members of EMAC and OTC

¹Environmental justice populations, as defined in Executive Order (E.O.) 12898 and the U.S. Department of Transportation Updated Order on Environmental Justice, include low-income populations and minority populations. Low-income means a person whose median household income is at or below the U.S. Department of Health and Human Services poverty guidelines. Minority is defined as a person who identifies as Black, Hispanic or Latino, Asian American, American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander.



Convening the Committee

EMAC began with 15 members, including members appointed by the ODOT director and members selected through an open application process. The members represent a spectrum of mobility and equity interests and were selected for the experiences and perspectives they offer to help inform Oregon's development of an equitable toll program.

Forming the committee was a collaborative process between states, cities, and counties. To start, the Project Team asked local agencies in Clackamas, Washington, Multnomah, and Clark counties, as well as the Cities of Vancouver and Portland, for their advice on who should represent their communities. For transit and ride services representation, the team asked TriMet, Ride Connection, CTRAN, and SMART to identify potential members with both equity and mobility experience. Then, to add the perspectives of active transportation, racial equity, social equity, and large business, regional partners were invited to offer recommendations. County coordinating committees and technical staff in Clackamas, Washington, and east Multnomah Counties contributed to the list of potential committee members, as did nearly 20 nonprofit organizations in the Portland metro area. ODOT appointed 12 of EMAC's 15 members through this process.

Three at-large committee members were designated through an open application process. The Project Team reviewed more than 40 applications using a blind review system. They selected top candidates on diversity and equity criteria, including commitment to and experience in supporting or advocating for equitable processes and outcomes; experience with the transportation system in the Portland metro area and/or southwest Washington; and interest in participating on the committee. From the original pool of applicants, the Project Team created a "short list" of five candidates; ODOT named three of these candidates to serve at-large.

To provide close connection between ODOT and the OTC as EMAC developed its recommendations, EMAC welcomed Commissioner Sharon Smith, a member of the OTC, to join the discussions as an ex officio member.



**Neighborhood
Health and
Safety**



Low-Income



**Transit &
Multimodal**



Strategy: Charting the Path

EMAC's Charter

In November 2020, EMAC adopted a Committee Charter as its first collaborative work product (**Figure 2**). This charter served as EMAC's founding document and was developed in partnership with the Project Team to guide the scope and operation of the committee. The charter included:

- Vision, mission, and guiding principles
- Committee purpose, approach, and accountability measures
- Work plan, operating procedures, committee structure, and “working together” agreements

EMAC Meetings

EMAC formally began work in May 2020 with a virtual reception where committee and Project Team members made introductions, reviewed group agreements, and reflected on equity and transportation questions. Over the course of the following 2 years, EMAC held 18 virtual meetings, through Zoom due to the ongoing COVID-19 pandemic and one hybrid meeting, to establish and continue its work advising the OTC on creating an equitable toll program. Meeting notices and materials were sent out in advance of each meeting to the Oregon Toll Program's email distribution list and posted to the EMAC webpage. Meetings were live-streamed on ODOT's YouTube channel, and recordings of the EMAC meetings are available on the EMAC playlist. Public participation at the regular EMAC meetings was encouraged, and at each meeting, facilitators either reserved 10 minutes to hear verbal comments from members of the public in attendance or convened a separate public breakout group. EMAC also accepted written or verbal comments via email, post mail, and voicemail. Comments received through these methods were collected, compiled, and distributed to EMAC members prior to each meeting. Accommodations for people experiencing disabilities, such as materials in alternate formats, were made available for each meeting if requested 48 hours prior to the meeting.

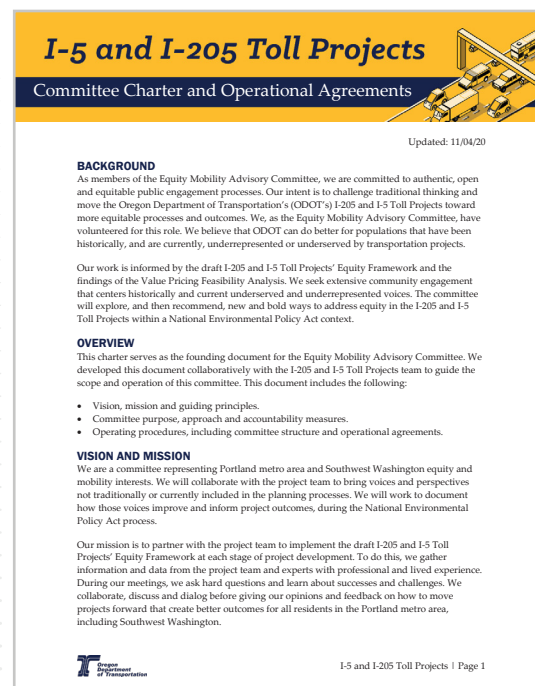


Figure 2. EMAC Charter Document



Scuba Team and The Navigators: EMAC Subcommittees

To fully engage with the NEPA environmental review process and carefully consider a wide range of equity needs and evaluation methods, EMAC members formed two sub-teams one year after the committee first convened. These sub-teams met between regular EMAC meetings. One of the sub-teams, known as the “Navigators,” focused on developing EMAC’s policy recommendations. The other sub-team, known as the “Scuba team,” focused on the NEPA environmental review process, including developing performance measures, mapping and identifying social resources, and providing input on the draft Low-Income Toll Report. Individualized meeting support for the EMAC members was provided by Project Team staff and two facilitators. The Project Team and facilitators coordinated with EMAC members regularly throughout the process, including one-on-one coordinating phone calls, virtual meetings, and correspondence.



Action: Shaping an Equitable Toll Program

Since 2020, EMAC has played an integral role in shaping the work of the Oregon Toll Program. The committee's contributions include providing strategic input and guidance on the following tasks:

- Development of an Equity Framework
- Preparation of a public involvement plan
- Community outreach
- NEPA analysis for the I-205 Toll Project, including identification of performance measures and social resources used to assess impacts
- Development of ODOT policy initiatives

The committee's recommendations to the OTC are based on the work EMAC has done to inform the planning and environmental review phase of the I-205 Toll Project and Regional Mobility Pricing Project.

Equity Framework

In developing recommendations for the OTC, EMAC considered needs and opportunities for advancing equity as part of the NEPA environmental review process. To guide this effort, EMAC developed and adopted an equity framework, which established a shared understanding of social justice, equity, and trauma-informed perspectives amongst all members to support health, affordability, and access to opportunity for the Portland metro area, including southwest Washington.

Throughout 2020, members of EMAC worked with other equity specialists and ODOT to create the [I-205 and I-5 Toll Projects' Equity Framework](#) (Figure 3). This framework includes:

- Goals for the proposed toll projects
- Description and dimension of equity within the context of the toll projects
- Organizing principles for addressing equity
- Five step iterative process to help reduce systemic inequities

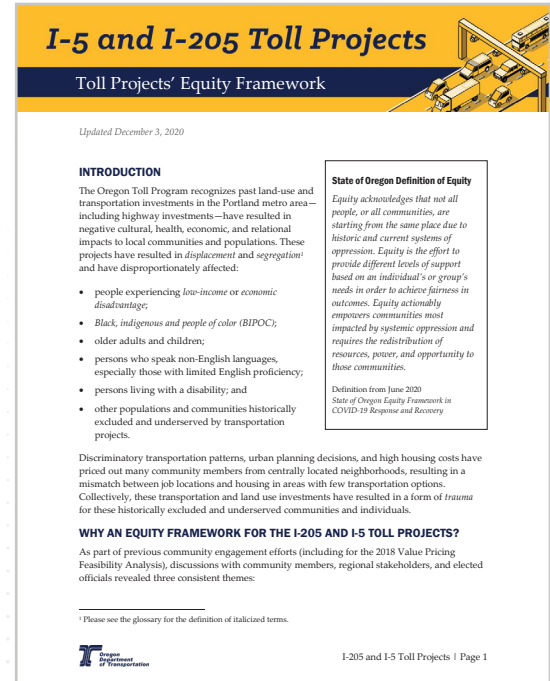


Figure 3. Equity Framework



The Equity Framework identified “equity” for transportation projects as the just allocation of burdens and benefits within a transportation system. For the Oregon Toll Program, equity is described in two ways: process equity and outcome equity.



Process equity means that the planning process, from design through to post-implementation monitoring and evaluation, actively and successfully encourages the meaningful participation of individuals and groups from historically excluded and underserved communities.

Outcome equity means that the toll projects 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 toll projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

Together, process and outcome equity focus on four areas:

Full Participation: Impacted populations and communities will play a major role throughout the projects. Agency accountability and transparency will be a key component of the toll projects’ activities.

Affordability: The toll projects will explore how to improve the affordability of the transportation system for affected populations and communities.

Access to Opportunity: The toll projects will focus on improving multimodal access to the region’s many opportunities for historically excluded and underserved communities.

Community Health: The toll projects will address air quality, noise, traffic safety, economic impacts, and other potential effects on historically excluded and underserved communities.





To achieve both process and outcome equity, the Equity Framework identified the following seven organizing principles:

Incorporate a trauma-informed perspective: Recognize the trauma associated with multiple historic and current events, including the ongoing killings of African Americans by police, the COVID-19 pandemic, and the economic ramifications from these events, as well as the impacts of past transportation and land use investments. While the future is uncertain, there is opportunity to demonstrate how ODOT can shift power to impacted community members to improve outcomes for all. Embracing this trauma-informed perspective ([see Figure 4](#)) in policy making can begin to address past harms, minimize burdens, and maximize benefits for historically and currently underserved community members.

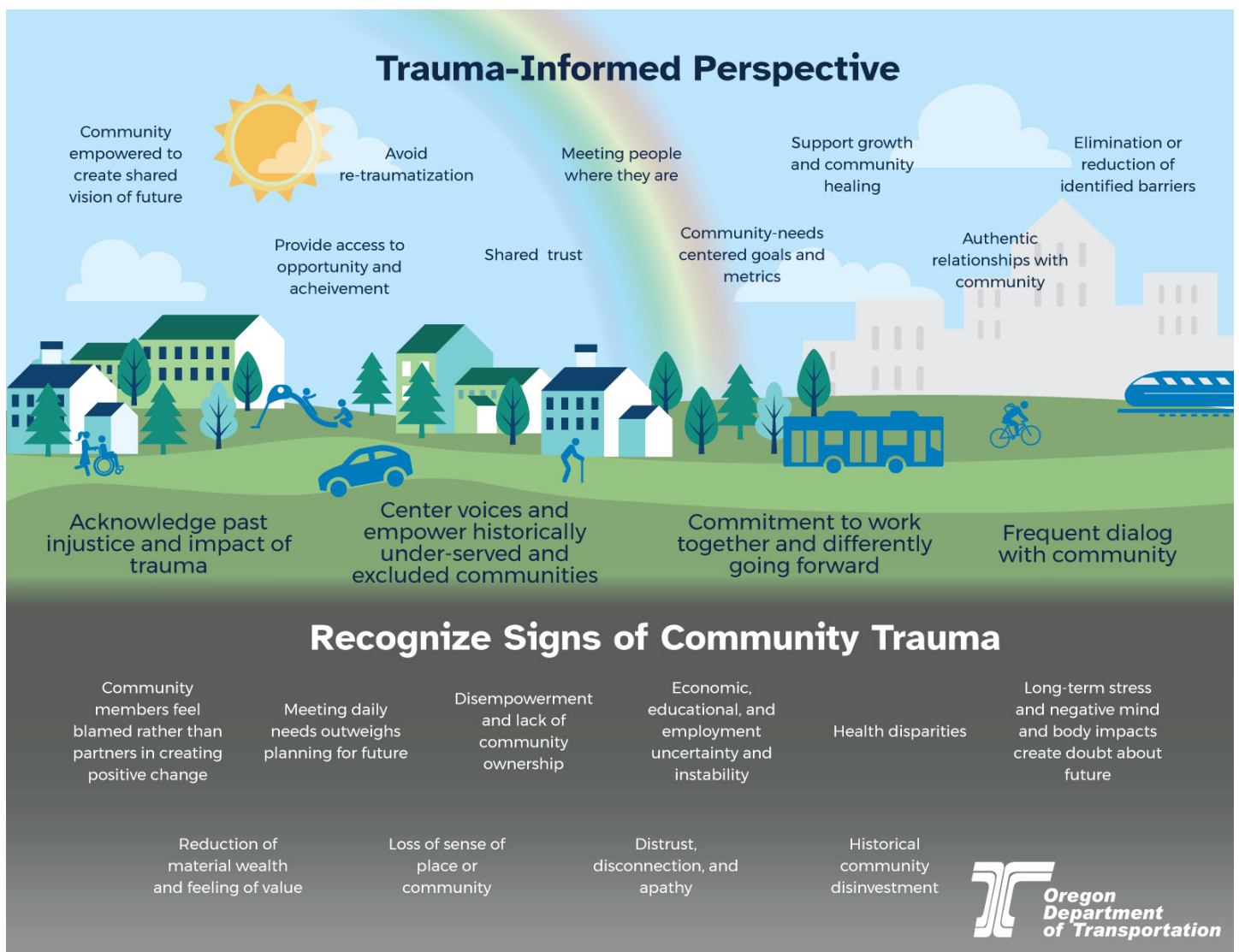


Figure 4. Trauma Informed Perspective



Begin with a racial analysis: By being explicit about race and systemic racism, the I-205 Toll Project can develop solutions that maximize benefits to all historically and currently excluded and underserved communities. By beginning with race, the Oregon Toll Program ensures that race will not be ignored or diminished as part of an overall analysis of equity in the system.

Acknowledge historic context: Communities that have been historically affected by the transportation system should be explicitly acknowledged and involved in a direct and meaningful way in Project development and follow-up.

Identify disparities: The Oregon Toll Program has developed this Equity Framework for the I-205 Toll Project and the Regional Mobility Pricing Project, consistent with Title VI of the Civil Rights Act, to analyze policy proposals as well as historical impacts, assess disparities in the distribution of project benefits and burdens, and provide remediation solutions where warranted.

Prioritize input from impacted historically excluded and underserved communities: The Oregon Toll Program is committed to identifying communities that have historically been excluded in transportation planning and that have been underserved or negatively impacted by prior transportation investments and plans, as well as those at highest risk of being negatively affected by the toll projects. ODOT commits to prioritizing the voices of impacted, excluded and underserved communities and ensuring that their concerns, goals, and experiences shape the design of the toll projects. This focus will help produce greater overall benefits throughout the system.

Attend to power dynamics among stakeholders: The Oregon Toll Program aims to elevate the needs and priorities of historically marginalized communities through this process. To do this requires that the Oregon Toll Program recognizes, understands, and shifts existing power dynamics within ODOT, other government agencies, groups, the community, and the Project teams.

Maintain a learning orientation: A focus on equity and implementing an all-lanes toll application are innovative nationally and new for ODOT. The Oregon Toll Program commits to letting equity drive its approach to the planning process, including NEPA studies and community participation. The Oregon Toll Program commits to striving for continuous improvement and to creating space conducive for growth and collective learning.



The Equity Framework uses a five-step iterative process² (Figure 5) that can help reduce systemic inequities and support the desired outcomes of the toll projects. This process encourages decision-makers to critically address health, racial, social, and economic disparities and historic disinvestment and transportation decisions that have harmed communities.

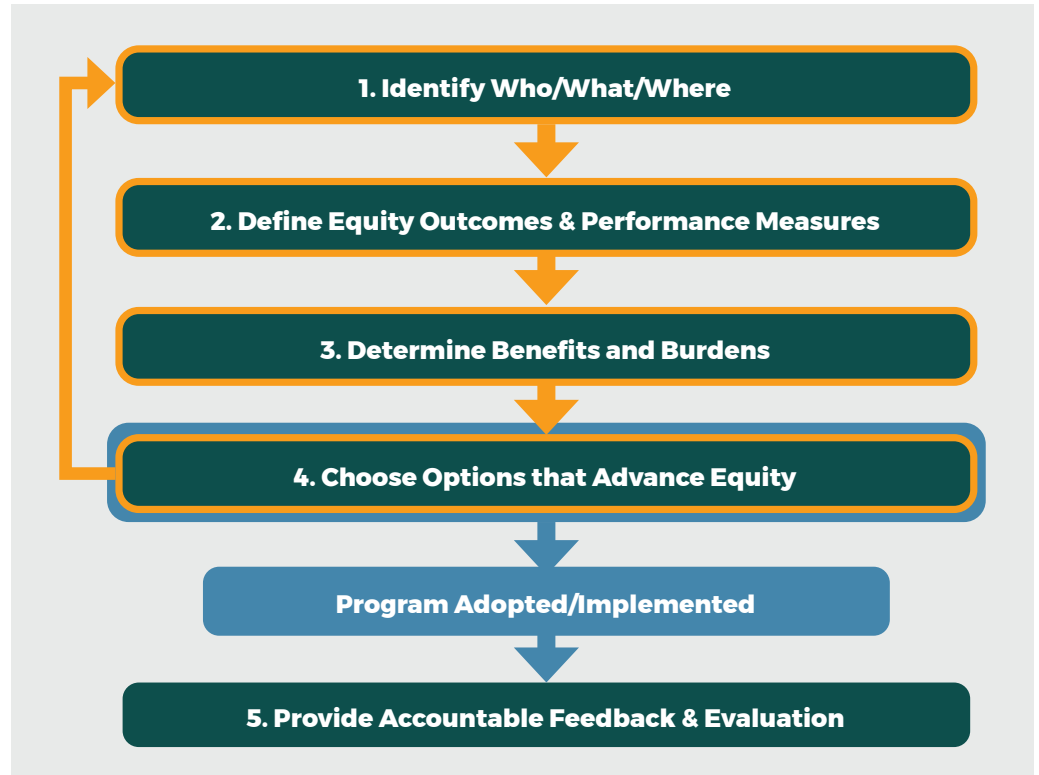


Figure 5. Equity Framework Five-Step Iterative Process

²The five iterative steps were adapted from TransForm, a transportation and land use policy organization. TransForm based its framework on a study of tolling equity practices worldwide, with special attention to guidance from the National Cooperative Highway Research Program's 2018 guidebook and toolbox, Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes.



ODOT and Oregon Transportation Commission Commitments Based on EMAC's Work

Public Involvement Plan

The Equity Framework and direct input from EMAC have informed the Regional Mobility Pricing Project's and I-205 Toll Project's Public Involvement and Communications Plan's equitable engagement considerations and approach. In late 2020, the I-205 Toll Project Public Involvement and Communications Plan was updated to better align with EMAC's revisions to the Equity Framework. Six of the Equity Framework's seven organizing principles (described in the previous section) were also incorporated to guide the implementation of all public engagement and communications in this phase. These principles, along with ODOT's public involvement goals, objectives, and success metrics, were included to help the agency advance process equity as defined in the framework.

EMAC has provided outreach support to the I-205 Toll Project and Regional Mobility Pricing Project teams to help inform the design and implementation of outreach activities, specifically to Equity Framework Communities³ and community-based organizations. EMAC meetings, sub team meetings, and one-to-one discussions have been used to solicit feedback on engagement objectives, audiences, outreach tools, and evaluation measures. EMAC members have also acted as messengers from their respective communities by sharing public feedback that they've been hearing on tolling and other ODOT projects with the Project Team.

Participation of EMAC was critical to targeted outreach efforts for the I-205 Toll Project and Regional Mobility Pricing Project in pre-NEPA public engagement efforts. EMAC members participated in discussion groups with community-based organizations and community engagement liaisons.⁴ Feedback from these discussions contributed to EMAC's ongoing work to craft tolling recommendations. Takeaways from these discussion groups have also been reported by EMAC members in public and at sub-team meetings. In 2022, a public engagement survey was created with EMAC's input, and EMAC members also supported the distribution of the survey by using toolkits to reach out to their respective communities.

³Equity Framework Communities are populations that are currently or have historically been disproportionately affected by local transportation projects. As discussed in the Oregon Toll Program's Equity Framework, Equity Framework Communities include low-income populations, minority populations, older adults, children, people experiencing a disability, persons with limited English proficiency, and households with no vehicle access.

⁴Community engagement liaisons are contractors who specialize in grassroots outreach and organizing in their respective communities and play a key role in outreach, engagement, and interpretation services. As of June 2022, contracted community engagement liaisons represent the following groups: People with disabilities, Black and African American, Native American, Vietnamese, Chinese, Latina/Latino/Latinx, and Slavic communities.



I-205 Toll Project

The I-205 Toll Project NEPA analysis requires the evaluation of impacts on environmental resources as a result of the toll project's implementation. EMAC worked closely with the Project Team on two aspects of the technical analysis that informed the assessment of impacts: I-205 Toll Project Performance Measures and identification of social resources within the area of potential impact. EMAC helped evaluate and refine the performance measures to more comprehensively address impacts on equity, specifically pertaining to transit and multimodal transportation options, neighborhood health and safety, and affordability. The performance measures are available on the [I-205 Toll Project webpage](#). The performance measures were further informed by the Equity Framework and were designed to go beyond what is typically required for environmental justice analysis in transportation projects.

EMAC's input on the social resources helped the Project Team identify appropriate categories of resources—such as medical facilities, social service providers (food assistance providers, housing services, job training, etc.), religious organizations, and schools—that should be considered in the analysis of impacts. EMAC's input also helped the Project Team develop an approach to analyzing impacts on affordability, including an analysis of the percentage of household income for lower-income drivers spent on tolling compared to the percentage of income spent on tolling for middle and higher-income drivers.

The analysis of impacts on environmental resources will be captured in the I-205 Toll Project Social Resources and Communities, Environmental Justice, and Economic Technical Reports and in the Environmental Assessment.





Regional Mobility Pricing Project

The Regional Mobility Pricing Project is in a planning and environmental linkages phase, which occurs before NEPA, but the Equity Framework developed by EMAC will be a guiding document for the analysis. An [Equity Framework Step 1](#) analysis memo was developed by the Project Team to help decision-makers critically address health, racial, social, and economic disparities, as well as historic disinvestment and transportation decisions that have harmed communities. This memo was presented to EMAC in April 2022. Similar to the I-205 Toll Project, there will be forthcoming performance measures, technical analysis memos, and engagement plans that will build on EMAC's work.



Policy and Equity and Mobility Strategies

In addition to EMAC's input on public engagement and the project-level analysis noted above, there have been other actions that ODOT and the OTC have committed to that stem directly from feedback received from EMAC:

- Exempt public transit and emergency response (police, fire, ambulance) vehicles from paying tolls.
- Provide a cash-based option for paying tolls.
- Invest in community-based organizations and transportation service providers to create more travel options for people before tolling begins. ODOT's Innovative Mobility Program will begin in 2022 and has explicit goals to invest in vanpools, transportation management associations, bike share, and engagement. Goals include the following:
 - » Provide or encourage use of multimodal transportation options, with a focus on marginalized communities that lack strong multimodal access.
 - » Support equitable solutions and transportation options for those affected by congestion pricing.
 - » Increase mode share for non-single occupancy vehicle transportation options and reduce vehicle miles traveled and related greenhouse gas emissions.



Additionally, ODOT is working with the Transit and Multimodal Work Group to pursue the following:

- Work with transit agencies to support equitable investments with toll revenues.
- Acknowledge that transit investments help enhance alternatives to driving and give people better choices while recognizing that not everyone will be interested in or able to take transit as an alternative to tolling.
- Study whether tolling will result in increased transit demand on routes that may lead to overcrowding, as well as other potential impacts, through toll project analysis.
- Prioritize capital investment to improve transit and multimodal safety in areas affected by diversion.
- Identify and provide increased transit or multimodal options and improvements through partnerships as toll project mitigation.
- Design the tolling system to support transit or multimodal options through improved congestion management.





EMAC Requests: Where Partnerships Will Be Needed to Deliver

Throughout the process with EMAC, actions requested to advance equity would require resources outside of ODOT. The following list includes EMAC requests and brief descriptions of the partnerships needed to deliver each one.

Transit-oriented development staff coordination with affordable housing and jobs development:

Partnership: ODOT will need to work with TriMet and Metro's transit-oriented development staff, landowners, and developers to accomplish the goal of coordinating the increased mobility that will result from congestion pricing with new, accessible, and affordable housing.

Provide enough investment to ensure that a competitive range of reliable, emissions-reducing transportation options (bike, walk, bus, carpool, vanpool, etc.) are provided.

Partnership: The services needed to achieve this excellent goal cannot be provided by ODOT alone. ODOT will need to work with Portland regional partners and service providers through long-range planning, such as the Regional Transportation Plan process, to identify the changes needed to achieve equity, climate, and mobility goals.

Equitable benefits that are offered in Oregon must extend into southwest Washington.

Partnership: ODOT will work with the Washington State Department of Transportation and other Washington service providers and jurisdictions to understand how the benefits of congestion pricing and/or programs to mitigate impacts would extend across state lines.

Design and implement an interoperable and easy-to-use fare/payment system across geographic boundaries and transportation options. Coordinate between Oregon and Washington, as well as across bike, scooter, carpooling, car sharing, and park-and-ride lots. Look at Rideshare Online as an example of rideshare and vanpool services that serve Oregon and Washington. Likewise, TriMet's HOP card is an example of a system that accommodates users in Oregon and Washington.

Partnership: ODOT will strive to achieve this goal but will require cooperation and agreements with other agencies, such as TriMet and C-Tran.



EMAC Recommendations

EMAC's Recommended Actions for the Oregon Transportation Commission in July 2022

In direct response to their charge, EMAC developed strategic recommendations in the form of recommended actions for the OTC. The following introduces and communicates the recommended actions in EMAC's voice.

EMAC advises ODOT and the OTC on creating a process for delivering equitable outcomes on the I-205 Toll Project and Regional Mobility Pricing Project. As is described in the Equity Framework, our work informs guidelines, strategies, processes, and policies to advance equity with implementable measures before and after tolling begins.

The following questions guide collaboration with ODOT and the OTC on structure and execution of an equitable public process before and after tolling begins. These are also intended to help determine whether equity is advanced through the Toll Program by ODOT and the OTC⁵:

Rate—What is the toll rate and the relative cost burden across aggregated demographic populations?

Revenue—How and where is toll revenue invested?

Responsibility—Who is responsible for long-term oversight and adjustments of the toll program? How will those responsible demonstrate transparency and accountability?

⁵For further context for the recommendations that follow in this document, when EMAC refers to equitable benefits, we mean not just for the residents of Oregon, but also of southwest Washington.

Request of the Oregon Transportation Commission in July 2022

We respectfully request that the OTC join us in partnership this July by supporting our recommended actions. By supporting these actions, the OTC would provide strategic direction to ODOT to center equity using these actions as the basis for future decisions.

We know that ODOT has more work to do to take the strategic direction provided in these actions and work to operationalize and implement. We look forward to working with the OTC and ODOT in that process.

These actions build from and connect to the Foundational Statements, which EMAC and OTC supported in November 2021. The following pages include the Foundational Statements, and each recommended action notes which statement(s) they address.



EMAC Recommendations

Foundational Statements

The Foundational Statements will serve as building blocks for the Equity and Mobility Advisory Committee's (EMAC) recommendations to inform commitments from ODOT and the Oregon Transportation Commission (OTC) to advance equity through the Oregon Toll Program. To provide high-level consensus, the following Foundational Statements were developed by EMAC, in partnership with ODOT staff and unanimously supported by the OTC at their November 18, 2021 meeting:

1. Provide enough investment to ensure that reliable, emissions-reducing, and a competitive range of transportation options (bike, walk, bus, carpool, vanpool, etc.) are provided to advance climate, safety, and mobility goals, and prioritize benefits to Equity Framework communities.
2. Climate and equity needs are connected and solutions must be developed to address both at the same time. Further work needs to be done to support both congestion management and vehicle miles traveled (VMT) reduction with an emphasis on increasing functional alternatives to driving, while not increasing diversion nor heavily impacting low-income car-dependent people.
3. 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).
4. To the greatest degree possible, investments that are necessary to advance equity must be delivered at the same time as highway investments and be in place on day 1 of tolling or before. Additional work needs to be completed to identify these investments.
5. Tolling must be a user-friendly system that is clear and easy to use by people of all backgrounds and abilities, including linguistic diversity, and those without internet access.
6. Equitable benefits that are offered in Oregon must extend into Southwest Washington.
7. Although the toll projects will have a statewide impact, they must be developed in coordination with regional partners to build an equitable and successful transportation system, together.



EMAC Recommendations

Congestion management approach

We understand the dual goals of the Oregon Toll Program: manage congestion and raise revenue for investments. We also know there are many paths to achieving and defining these goals, and we want to see greater clarity.

We believe that we cannot build our way out of congestion. To effectively address congestion, ODOT must prioritize managing system demand, with an emphasis on encouraging travel outside of peak-commute hours, reducing the number of vehicle trips taken, and increasing the use of higher-capacity and climate-friendly modes that can effectively move many more people with fewer cars. We recognize and support the definition of demand management as re-designing and operating the system to reduce congestion on the highways through tiered pricing and investment in transportation options, including the promotion of carpooling, vanpooling, and mass transit.

We recognize the relationship between congestion pricing, equity, and meeting climate action goals. We have worked to identify a wide range of multi-faceted strategies to equitably maximize the benefits of congestion pricing. We see this as a real opportunity to move the needle on core state and regional goals – and doing so in such a way that minimizes harm and provides disproportionate benefits to Equity Framework communities.

We acknowledge the delicate balance in setting toll rates. Raising the price too much for reinvestment and climate goals could burden populations already struggling with the region's high cost of living and increase diversion impacts to communities surrounding the highway. Keeping the price too low could leave us with no benefits from congestion pricing while traffic congestion burdens continue.

Recommended Action #1 (connects to Foundational Statements 1, 2, 3, and 7)

The following goals should guide ODOT's decisions on tolling related to congestion management, including design, setting rates, monitoring, and adjusting tolls, with an emphasis on avoiding disproportionate burdens and focusing on benefits among Equity Framework communities:

- Price the system to maximize efficiency of the toll corridors, emphasizing moving as many people as possible in the existing lanes, coupled with robust investments by ODOT and regional partners in reliable, emissions-reducing, and a competitive range of transportation options (bike, walk, bus, carpool, vanpool, etc.) to advance climate, safety, and mobility.
- Limit freight and longer-trips diverting into local communities.
- Improve access to jobs, healthcare services, education, recreation, and natural spaces.
- Improve air quality and reduce Greenhouse Gas (GHG) emissions.
- Reduce vehicle miles traveled (VMT) per capita.
- Increase mode shift from single-occupancy vehicles to higher-occupancy vehicles or transit.
- Price the system so that lower-income households pay a lower percentage of household income than middle and upper-income households pay.



EMAC Recommendations

Revenue generation approach

We understand that tolling alone cannot and should not bear the sole weight for raising enough revenue for investments to address past wrongs and existing disparities. We see the overarching goal to deliver major projects identified by the Oregon Legislature (raise revenue for infrastructure) and finance reliable, convenient, emissions-reducing, competitive, and health-promoting transportation options (bike, walk, bus, carpool, vanpool, etc.) with an emphasis on addressing the needs of historically excluded and underserved communities.

How toll revenues are invested is an essential question to determine if or how the Program advances equity. Without agreements or direction at this time, which could inform the official toll rate-setting process, we are concerned that there will not be adequate money left to address the needs and concerns of Equity Framework Communities.

We agree that congestion pricing through variable rate tolls, is needed on I-5 and I-205, and we understand that the OTC and ODOT must deliver major projects identified by the Oregon Legislature. We understand that investment-grade traffic and revenue analysis is not conducted until around six months before the final toll rates are set. Without the fine-tuned traffic and revenue analysis data available, we believe that the OTC must adopt a priority framework to guide ODOT and the future toll rate setting process.

We have routinely heard that people are worried about the increased cost of travel on their budget and community, especially on those experiencing financial hardship (low-income). We support the lowest toll rate possible for people experiencing low income, and programs to reduce impacts and unintended consequences on people experiencing low incomes. In creating an equitable system, we also consider the impacts on working class and middle-income families who do not have resilient finances.

We recognize that this may result in less toll revenue to fund various projects and programs, including needed programs or services to advance equity.

Recommended Action #2 (connects to Foundation Statement 1, 2, 3, and 7)

For the approach to revenue generation, the Oregon Transportation Commission should pursue the following strategy:

- Prioritize providing a substantial contribution to the low-income program (e.g. discounts, credits, or exemptions) to address affordability impacts for those with the least ability to pay.
- Select a rate schedule that emphasizes demand management and equity advancement.
- 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).



EMAC Recommendations

Involving Disadvantaged Business Enterprises, Minority Business Enterprises, and Women Business Enterprises and community-based organizations

We anticipate that businesses whose workers and goods frequent I-5 and I-205 will be among the groups most affected by tolling. We need to balance the cost of tolls with the benefits of investments and managed congestion. At the same time, we must identify impacted Disadvantaged Business Enterprises (DBE), Minority Business Enterprises (MBE), and Women- Business Enterprises (WBE) and proactively reduce their burden. We know that securing and maintaining a job is critical to combating poverty.

As the toll program aims to improve mobility, environmental, and other outcomes, it must not lose sight of the implications for business districts and corridors where changes may occur – especially for DBEs, MBEs, and WBEs that may not have the resources to adapt to major changes. Deep engagement and assessment of corridors and districts where significant changes are expected to occur, whether it be the direct or indirect impacts of vehicle trips, transit ridership, or other forms of travel, is essential. Preparing businesses for expected changes and helping buffer any negative impacts will help create a triple win for mobility, environment, and the economy.

Tolling and investment must create more jobs for women, small, and minority-owned businesses and in historically excluded communities.

Recommended Action #3 (connects to Foundational Statements 1, 4, and 7)

Identify and commit to a plan for increasing the percentage of dollars spent on Disadvantaged Business Enterprises, Minority Business Enterprises, and Women Business Enterprises that are awarded contracts for designing, building, and operating the toll system and projects supported by toll revenues.

Recommended Action #4 (connects to Foundational Statements 1, 4, 5, and 7)

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:

- CBO transportation services for carpool, vanpool, and other transportation programs building upon the concept of ODOT's newly created Innovative Mobility Program.
- Compensation for community members to participate in tolling-related transportation planning activities, projects, or committees.
- Toll education programs and ongoing engagement to inform the toll program.
- Increase enrollment in the Oregon Toll Program account holders and access to the low-income toll program.
- 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.



EMAC Recommendations

Accountability

We know that there are many other decisions the OTC will make before establishing the oversight and adjustment process for tolling.

We recognize that achieving equity is a process over time; however, establishing an oversight and adjustment process is a high priority for EMAC at this time. We must have clarity and confidence that after our work in planning for tolling is done that ODOT will continue with the kind of community-grounded equitable planning approach that has made this process successful in our eyes to date.

We strive to ground our equity advancement work on the realities that Equity Framework Communities are facing, and on solid evidence, research, and analysis.

We are doing our best to learn and provide recommendations based on community input, data, and best practices in the planning stage. We are also aware of the limitations of data, models, and other planning tools and that the actual benefits and impacts of tolling will need to be monitored once tolls are in place to really understand the effects of tolling on historically impacted and underserved communities and adjust accordingly.

These are our recommendations to advance equity based on what we know today. Actual impacts and benefits will need to be monitored once tolls are in place and implementation measures may need to be adjusted in the future.

As opposed to other transportation projects and plans where community engagement typically ends after the plan or project is finalized, tolling, as a programmatic strategy to manage congestion, offers an important opportunity to include community voice as roadway conditions, technology, toll revenues, and community needs, and priorities shift over time.

A commitment to ongoing engagement and consultation with historically excluded and underserved community leaders and organizations in monitoring, reporting, and programmatic changes after tolling begins is an essential step to building community understanding, capacity, trust, accountability, buy-in, and support. It can also help planners and policymakers ground-truth data, and generally make more informed decisions.

We know that new committees are coming online soon. There will be a Rules Advisory Committee that ODOT will support to provide a recommendation directly to the OTC on toll rate setting and rules that govern important items like enforcement and operations of tolling. We want to ensure that equity will be prioritized in their important work.



EMAC Recommendations

Recommended Action #5 (connects to Foundational Statements 4, 6, and 7)

To center equity in the important rule-making and I-205 Toll Project rate setting process, the following elements should be included:

- Include an EMAC member on the Rules Advisory Committee.
- The Rules Advisory Committee should include delegates on behalf of Equity Framework communities, people with lived or professional experience with equity. As delegates, committee members should be empowered to effectively and meaningfully participate in committee decision making.⁶
- EMAC should be provided with the investment-grade traffic and revenue analysis information and be given the opportunity to give feedback directly to the Rules Advisory Committee before they make a recommendation to the Oregon Transportation Commission.

Recommended Action #6 (connects to Foundational Statement 1, 2, 3, 5, 6 and 7)

Once tolls are in place and EMAC's work is complete, ODOT and the OTC should continue to support a toll equity accountability committee (that is separate and complementary to the Rules Advisory Committee) or establish another structure where equity voices are at the table in a consistent, transparent, and resource-supported way to ensure long-term accountability. Either the committee or another structure will review progress of the toll program over time to provide feedback and guidance to ODOT and the OTC to help advance equity processes and outcomes with tolling on I-5 and I-205.

The committee (or other entity) would monitor, evaluate, and provide feedback on the following:

- Equity commitments made to address EMAC's core intent: addressing issues of affordability, and the impact of diversion on neighborhood health and safety, and transit and multimodal transportation options.
- Equity commitments made as a part of mitigation in the I-205 and RMPP toll projects.
- Enrollment in and economic impacts of the low-income toll program over time.
- Disadvantaged Business Enterprise (DBE) commitments for workforce development and contracting of toll operations and projects funded by tolling.
- Improving ODOT's approach to equitable engagement and customer service practices.

⁶For further context about creating an inclusive and equitable decision making process, reference the Journal of American Planning Association's "[Building That Well-Known Ladder For Citizen Participation.](#)"



EMAC Recommendations

EMAC's Preferred Options for Future ODOT and Oregon Transportation Commission Decisions

EMAC's meetings in 2021 focused on the development of policy and strategy options to advance equity related to neighborhood health and safety, transit and multimodal investments, and affordability. These options were the starting point for the July 2022 Recommended Actions included above and relate to future actions required to implement an equitable toll program. The policy and strategy options below show the breadth of EMAC's work since 2020 and will inform future decision-making, but they are not intended to be part of the Recommended Actions for July 2022.

Policy

Defining the corridor for investments from toll revenues:

- A balanced approach for defining the area eligible for investment in toll revenues is needed; not just focusing on areas adjacent to the highway but also areas farther from the highway that will be affected. Consider a wider area of potential impact to include rural areas where Equity Framework Communities live, not a limited distance from the highway.

Exemptions, credits, or discounted toll rates:

- Provide exemptions for registered vanpools and carpools to promote ride sharing.
- Provide credits, exemptions, or discounts for non-emergency medical transportation, and support social service or nonprofit health organizations in their efforts to recruit and retain volunteer drivers.





EMAC Recommendations

Toll Projects

Improve the Oregon Toll Program's impact on health and safety through the development of the toll project environmental review process by completing the following actions:

- Design the toll system to reduce congestion on the highways and to improve the lives of those living near or traveling on the highways, who are disproportionately people from Equity Framework Communities.
- Analyze the benefits to neighborhood health and safety to determine what investments advance equity instead of maintaining the status quo.
- Provide detail about local air quality monitoring and conditions, which is beyond a look at the regional impact.
- Integrate a Health Impact Assessment, or elements of a Health Impact Assessment, into the environmental review process in order to take additional steps beyond what is traditionally measured in the federal review process to connect transportation planning to health outcomes.

Low-Income Toll Report

- Look beyond the standard definition of low-income. When establishing the definition of “low-income” for the income-based toll rate, include a range that encompasses more than the federal definition for poverty. For the I-205 Toll Project's federal environmental review process (NEPA), a measure of 200% of the federal definition for poverty was assumed. This should be the baseline for future consideration. The reality is that people often move below and above the federal definition for poverty in a short span of time.
- Set a no- or low minimum balance requirement for loading or maintaining transponders. Transponders should be free or should come pre-loaded with credits to cover the cost of the purchase. The cost of a transponder can be a barrier for people of lower incomes to purchase.
- Ensure the process of applying for exemptions, discounted rates, or credits considers varying degrees of technological competency and access. ODOT should account for internet reliability in rural areas and how that could affect access to online services (e.g., loading transponders, applying for exemptions).



EMAC Recommendations

Toll Rate Setting

- Select a toll rate schedule that is progressive in nature, meaning that higher-income drivers will pay a larger share or percentage of household income than lower-income drivers.
- Ensure that people experiencing low income who struggle to meet basic needs (food, shelter, clothing) will have a path forward to travel toll-free.
- Set price caps on increases to the lower-income toll rate to ensure it remains affordable for motorists with lower incomes over time.
- Find the right balance between discounts and/or exemptions and revenue generation to advance equity. Specifically, analyze the trade-offs between exemptions, credits, or discounted rates based on income versus collecting the toll revenues and investing them into equity and mobility strategies.

Operations

- Build into the system where voices from Equity Framework Communities are included in the decision-making process for future toll rate adjustments.
- Commit to offering additional time to pay a toll bill without incurring fines, and study options for effectively doing so. Tolling should not contribute to more financial indebtedness for people experiencing low income, nor should it lead to criminal penalties.
- Ensure the process of applying for exemptions, discounted rates, or credits considers varying degrees of technological competency and access. ODOT should account for internet reliability in rural areas and how that could affect access to online services (e.g., loading transponders, applying for exemptions).
- Design the system to be clear and easy to use for everyone, including non-English language speakers. Collaborate with trusted organizations and individuals within Equity Framework Communities to overcome historical and current barriers of trust, language, and financial impacts, including obtaining a transponder and understanding the toll rates for location and time of day.



EMAC Continuation (2022–2025)

EMAC will continue to convene until the toll rate setting process for the I-205 Toll Project and Regional Mobility Pricing Project are complete in late 2024 and early 2025, respectively. EMAC’s work aligns with and informs the toll project planning for equitable processes and outcomes. Several members will remain with the committee to sustain its necessary high functionality and knowledge. In contrast, some members will leave (a few have done so already) by July 2022. New members will be recruited during the summer of 2022 to replace the outgoing members. The new members will bring fresh voices to the work, expanding EMAC’s skills and capacity.

The **Oregon Department of Transportation’s Urban Mobility Strategy** is a cohesive approach to make everyday travel safer and more efficient in the Portland area.

Website: OregonTolling.org

Phone: 503-837-3536

Sign up for e-News: [@OregonTolling.org](https://OregonTolling.org). Click on “Contact Us.”

Twitter: [@UrbMobilityOfc](https://UrbMobilityOfc)

Scan the code to go
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The information in this document, and the public and agency input received, may be adopted or incorporated by reference into a future environmental review process to meet the requirements of the National Environmental Policy Act.



Appendix:

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A: EMAC Charter



I-5 and I-205 Toll Projects

Committee Charter and Operational Agreements



Updated: 11/04/20

BACKGROUND

As members of the Equity Mobility Advisory Committee, we are committed to authentic, open and equitable public engagement processes. Our intent is to challenge traditional thinking and move the Oregon Department of Transportation's (ODOT's) I-205 and I-5 Toll Projects toward more equitable processes and outcomes. We, as the Equity Mobility Advisory Committee, have volunteered for this role. We believe that ODOT can do better for populations that have been historically, and are currently, underrepresented or underserved by transportation projects.

Our work is informed by the draft I-205 and I-5 Toll Projects' Equity Framework and the findings of the Value Pricing Feasibility Analysis. We seek extensive community engagement that centers historically and current underserved and underrepresented voices. The committee will explore, and then recommend, new and bold ways to address equity in the I-205 and I-5 Toll Projects within a National Environmental Policy Act context.

OVERVIEW

This charter serves as the founding document for the Equity Mobility Advisory Committee. We developed this document collaboratively with the I-205 and I-5 Toll Projects team to guide the scope and operation of this committee. This document includes the following:

- Vision, mission and guiding principles.
- Committee purpose, approach and accountability measures.
- Operating procedures, including committee structure and operational agreements.

VISION AND MISSION

We are a committee representing Portland metro area and Southwest Washington equity and mobility interests. We will collaborate with the project team to bring voices and perspectives not traditionally or currently included in the planning processes. We will work to document how those voices improve and inform project outcomes, during the National Environmental Policy Act process.

Our mission is to partner with the project team to implement the draft I-205 and I-5 Toll Projects' Equity Framework at each stage of project development. To do this, we gather information and data from the project team and experts with professional and lived experience. During our meetings, we ask hard questions and learn about successes and challenges. We collaborate, discuss and dialog before giving our opinions and feedback on how to move projects forward that create better outcomes for all residents in the Portland metro area, including Southwest Washington.

In addition, our mission is to meet the goals and objectives of the Oregon Transportation Commission and deliver on ODOT's commitment to meaningfully involve the public in important decisions by providing for early, open, continuous and effective public participation processes.

We will use public involvement best practices to identify and meet the needs of communities that historically have been and currently are underrepresented and underserved by existing transportation systems. This includes people who are low-income, youth, older adults, Black, Indigenous, multi-racial, and people of color, people who may speak a language other than English, and people with disabilities, who may face challenges accessing employment and other services.

GUIDING PRINCIPLES

As a committee, we aim to:

- Apply new, independent, and creative thinking grounded in humility and a culture of continuous learning towards equity in tolling to provide equitable outcomes and an equitable engagement process for the I-205 and I-5 Toll Projects.
- Apply a holistic approach within the transportation system that looks at other social determinants of health, including trauma caused by historic injustices.
- Foster safety in our conversations by acknowledging and centering the current inequities that exist in the transportation system and the injustices that have been committed against people from historically underrepresented and underserved communities.
- Use a trauma-informed perspective to craft policy recommendations to prevent harm, facilitate community benefits, and to address past harms.
- Be goal oriented.
- Use data and evaluation tools to measure progress.
- Practice inclusivity and equity in Equity Mobility Advisory Committee meetings, by considering access, language, meeting times and technology, among other factors.
- Consider best practices for community engagement to create inclusive, comfortable, welcoming, and safe environments for all, and provide resources and strategies that are appropriate for the populations we wish to serve.
- Be open with our processes and consider ways to open our community engagement practices even further to help establish trust with the community.
- Make space for differing concerns, perspectives and opinions, even when they conflict.
- Review, improve, recognize and apply the draft I-205 and I-5 Toll Projects' Equity Framework to the decision milestones in the National Environmental Policy Act process.
- Provide written recommendations to the Oregon Transportation Commission.

EQUITY MOBILITY ADVISORY COMMITTEE PURPOSE

The committee shall advise the Oregon Transportation Commission. Specifically, we will:

- Promote a shared understanding of social justice, equity, and trauma-informed perspectives amongst all partners to support health, affordability, and access to opportunity for the Portland Metro area, including Southwest Washington.
- Provide input and support ODOT during the technical and environmental review process. Ensure milestone decisions and project developments are grounded in the draft toll projects' equity framework, including the development and refinement of performance measures and the evaluation of alternatives for the I-205 and I-5 Toll Projects.
- Provide input on mobility and equity strategies as the I-205 and I-5 Toll Projects are going through the environmental review process, including:
 - Availability of transit and other transportation options.
 - Transportation needs of, and benefits for, people of color and people with low incomes, limited English proficiency or disabilities that live near, or travel through, the project area.
 - Better understanding of neighborhood benefits and impacts for the communities near the tolled facilities (e.g., changes to cut-through traffic, pedestrian and bicycle options, transit access).
- Develop an equitable engagement plan that will result in ongoing input and participation from communities that have been historically and are currently underrepresented in transportation planning.
- Support the implementation of the equitable engagement plan by hosting or cohosting meetings, events and/or other activities as determined by the engagement plan.

COMMITTEE APPROACH

Our approach to this work will allow all members to fully participate regardless of their level of knowledge of the topic under consideration. We engage in interactive meetings with the project team to gain facts, data and an understanding of the projects under development. We advise and give input informally and directly to the project team during our committee meetings through our dialog and discussion.

We will strive for consensus when possible, while recognizing that consensus may not always be achievable with the understanding that consensus advice is more powerful to decision-makers. We will use written recommendations or memorandums to the Oregon Transportation Commission that describe the range of our committee's perspectives and considerations when we want to convey formal advice to decision-makers and record it for the community's use.

COMMITTEE ACCOUNTABILITY

We will hold ourselves accountable. For that, we will:

- Value lived and professional experiences equally to shape committee discussions and dialogs.
- Prepare for, attend and actively participate in committee meetings.

- Apply lessons and learnings gained through previous committee meetings to current work.
- Assess the quantity, quality and effects of our work annually.

WORK PLAN

The project team will guide us in delivering a work plan that meets the needs of the community and ODOT. Emergent community priorities, the adopted schedule for the I-205 and I-5 Toll Projects environmental review processes will inform the work plan. The facilitator and project team will work collaboratively with the committee to adjust the plan as needed.

GENERAL OPERATING PROCEDURES

Meetings

We will hold meetings monthly, or as needed, for the approximately two years. Meetings will be scheduled at a time and place that is convenient to most members and the community. ODOT will ensure that meetings are open to the public and accessible to all. ODOT will provide needed accommodations under the Americans with Disabilities Act or Civil Rights Title VI when requested.

Agreements

We agree to hold ourselves accountable to:

- Listen, believe, and reflect. We will avoid interrupting when we disagree. Instead, we will attempt to listen until we understand.
- Accept non-closure for the moment.
- Speak our own truths with compassion.
- Value and celebrate each other's experiences.
- Come with open hearts and open minds to help us explore possibilities. We will embrace mistakes and forgiveness so that we can all take risks, learn, and do better.
- Make space, then take space; be concise. Everyone should have the space and opportunity to share their ideas.
- Bring our best thinking into the room.
- Attack the problem, not the person.
- Acknowledge, explore and address disagreement, frustration, and differences of opinion.
- Attend to impact. Good intentions can still cause harm. When someone is hurt, focus on listening and understanding the impact.

Communications

Members agree that open communication is essential to all deliberations and is encouraged with the following guidelines.

Requests from the Media

Members will notify the designated ODOT staff member (Hannah Williams, Hannah.Williams@odot.state.or.us) of all requests from the media. If members do speak with

the media, they will clarify that they are speaking as an individual and will not speak on behalf of the project or the committee, nor characterize the points of view of other members.

Communications with Organizations and Individuals

Communications with other organizations or individuals about the committee's work is encouraged. When members speak with organizations or individuals other than the media, they will clarify that they are speaking as an individual and will not speak on behalf of the project or the committee, nor characterize the points of view of other members. Members may copy the facilitator on email or written communications from or to interest groups commenting on the Equity Mobility Advisory Committee's work. This would help the project team be aware of engagement activities and consider feedback. ODOT will include these communications in the public record as detailed below and copy to the full committee as appropriate.

Public Meetings and Records

Equity Mobility Advisory Committee meetings are open to the public. ODOT will conduct meetings under the provisions of Oregon Public Meetings Law (ORS 192.610-690) and provide notice to the public regarding the dates, times and locations of all meetings.

All records of the committee, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications among members related to the subject matter of the committee should not be treated as confidential and may be subject to public records requests. "Communications" refers to all statements and statements made during meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal private notes of individual members taken at public meetings might be considered to be public to the extent they "relate to the conduct of the public's business" (ORS 192.41 0(4)).

We, members of the Equity Mobility Advisory Committee, and the project team will be working closely together to ensure our work is meaningful, useful and reflects our community's values to the fullest extent. We may need to adjust this charter, our guidance document, as our work matures. We commit to: revisit the charter as needed to ensure it is still guiding us to support and reflect our community's needs and interests; to be open about our work and our outcomes; and, to provide the Oregon Department of Transportation decision-makers with advice that fully reflects our committee.



Appendix:

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B: Equity Framework



I-5 and I-205 Toll Projects

Toll Projects' Equity Framework



Updated December 3, 2020

INTRODUCTION

The Oregon Toll Program recognizes past land-use and transportation investments in the Portland metro area—including highway investments—have resulted in negative cultural, health, economic, and relational impacts to local communities and populations. These projects have resulted in *displacement* and *segregation*¹ and have disproportionately affected:

- people experiencing *low-income* or *economic disadvantage*;
- *Black, indigenous and people of color (BIPOC)*;
- older adults and children;
- persons who speak non-English languages, especially those with limited English proficiency;
- persons living with a disability; and
- other populations and communities historically excluded and underserved by transportation projects.

State of Oregon Definition of Equity

Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

Definition from June 2020
State of Oregon Equity Framework in COVID-19 Response and Recovery

Discriminatory transportation patterns, urban planning decisions, and high housing costs have priced out many community members from centrally located neighborhoods, resulting in a mismatch between job locations and housing in areas with few transportation options. Collectively, these transportation and land use investments have resulted in a form of *trauma* for these historically excluded and underserved communities and individuals.

WHY AN EQUITY FRAMEWORK FOR THE I-205 AND I-5 TOLL PROJECTS?

As part of previous community engagement efforts (including for the 2018 Value Pricing Feasibility Analysis), discussions with community members, regional stakeholders, and elected officials revealed three consistent themes:

¹ Please see the glossary for the definition of italicized terms.

- Concerns about tolling effects on communities experiencing low income
- Need for improved transit and other transportation choices
- Concerns with the potential for tolling to cause traffic to reroute to local streets

The Oregon Toll Program has developed this Equity Framework to identify the burdens and benefits of tolling and provide a process for determining how to equitably distribute those burdens and benefits from the I-205 and I-5 Toll Projects. The framework will guide the project to ensure tolling on I-205 and I-5 will lead to equitable outcomes. Additionally, the framework will ensure the Oregon Toll Program implements an intentional and equitable engagement process that makes historically excluded and underserved communities a priority.

To create this framework, the Oregon Toll Program worked with a team of equity specialists to create this, which will be updated over time as more individuals and organizations become involved in this work.

This I-205 and I-5 Toll Projects' Equity Framework includes:

- Goals for the proposed toll projects, and an explanation of why the Oregon Toll Program is prioritizing equity
- A definition of equity within the context of the toll projects, including key concepts and definitions related to equity
- The overall approach and organizing principles for addressing equity
- A set of actions for measuring benefits and burdens to historically excluded and underserved communities and populations

GOALS OF THE TOLL PROJECTS

The I-205 and I-5 Toll Projects were assigned two goals by the Oregon State Legislature:²

1. To reduce traffic congestion in the Portland metropolitan region by encouraging people to travel at less congested times or to change travel mode, thereby providing more reliable travel time; and
2. To generate revenues which can then help fund congestion relief projects or other efforts through the state's Congestion Relief Fund.

² In 2017, the Oregon Legislature approved House Bill 2017, known as Keep Oregon Moving. This bill committed hundreds of millions of dollars in projects that will address our congestion problem and improve the transportation system in the region and statewide. HB 2017 directed the Oregon Transportation Commission to pursue and implement congestion pricing on I-5 and I-205 in the Portland Metro region to provide additional traffic management tools to further manage congestion.

At the same time, the Oregon Toll Program has made community mobility and equity³ strategies key components of successful toll projects. The Oregon Toll Program is committed to minimizing burdens and maximizing benefits to communities that transportation projects have historically excluded and underserved. The Oregon Toll Program will engage these communities so that it can intentionally inform, listen to, learn from, and empower them throughout the toll projects' development, implementation, monitoring, and evaluation processes.

UNDERSTANDING EQUITY FOR THE I-205 AND I-5 TOLL PROJECTS

The Oregon Toll Program will consider the different transportation needs of historically excluded and underserved communities and the barriers those communities face so that the design of the toll projects improve access to jobs, goods, services, and key destinations.

“Equity” for transportation projects is the just allocation of burdens and benefits within a transportation system. For the purposes of ODOT’s toll projects, equity is described in two ways: process equity and outcome equity.

Process equity means that the planning process, from design through to post-implementation monitoring and evaluation, actively and successfully encourages the meaningful participation of individuals and groups from historically excluded and underserved communities.

Outcome equity means that the toll projects 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 toll projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

Together, process and outcome equity focus on four dimensions:

- **Full Participation.** Impacted populations and communities will play a major role throughout the Projects. Agency accountability and transparency will be a key component of the Toll Projects' activities.
- **Affordability.** The Projects will explore how to improve the affordability of the transportation system to affected populations and communities.
- **Access to Opportunity.** The Toll Projects will focus on improving multi-modal⁴ access to the region's many opportunities for historically excluded and underserved communities.

³ Community mobility and equity strategies could improve mobility for the broadest possible cross-section of the community and avoid, minimize, or mitigate negative impacts to historically excluded and underserved communities. Strategies could include improved transit and other transportation choices.

⁴ For the purposes of this document, “multi-modal access” considers and accommodates the many different modes that people use for transportation, including (but not limited to) private and for-hire motor vehicles, public transit

- **Community Health.** The Toll Projects will address air quality, noise, traffic safety, economic impacts and other potential effects on historically excluded and underserved communities.

OUR APPROACH

Explicit goals for these Toll Projects include reduced congestion and the generation of new funds to help pay for improved transportation facilities or other efforts funded by the state's Congestion Relief Fund. *Equitable community and mobility strategies will need to produce benefits beyond revenue generation and direct congestion management improvements on the I-205 and I-5 freeways.* Other benefits could include better functioning transportation facilities and services for people not using the freeways, and strategies for managing and limiting potential vehicle rerouting from the freeway through neighborhoods with significant populations of historically excluded and underserved communities.

The I-205 and I-5 Toll Projects can maximize potential positive benefits and minimize negative effects by following organizing principles to ensure both process and outcome equity:

1. **Incorporate a trauma informed perspective in our current context** by recognizing the trauma associated with multiple historic and current events, including the ongoing killings of African Americans by police, the COVID-19 pandemic, the economic ramifications from these events, as well as the impacts of past transportation and land use investments. While the future is uncertain, there is opportunity to demonstrate how ODOT can shift power to impacted community members to improve outcomes for all. Embracing this trauma-informed perspective in policy making can begin to address past harms, minimize burdens, and maximize benefits for historically underserved community members.
2. **Begin with a racial analysis.** By being explicit about race and systemic racism, the I-205 and I-5 Toll Projects can develop solutions that maximize benefits to all historically excluded and underserved communities. By beginning with race, the Oregon Toll Program ensures that race will not be ignored or diminished as part of an overall analysis of equity in the system.
3. **Acknowledge historic context.** Communities which have been historically affected by the transportation system should be explicitly acknowledged and involved in a direct and meaningful way in project development and follow-up.
4. **Identify disparities.** The Oregon Toll Program has developed this Equity Framework for the I-205 and I-5 Toll Projects, consistent with Title VI of the Civil Rights Act, to analyze policy proposals as well as historical impacts, assess disparities in the distribution of project benefits and burdens/, and provide remediation solutions where warranted.

and paratransit, walking, rolling a wheelchair or motorized assisted scooter, cycling, skateboarding, and the use of shared mobility devices such as bike share and scooter share programs. Multi-modal indicates that any one of these modes may be used and that multiple different modes may be used on a single trip.

5. **Prioritize input from impacted historically excluded and underserved communities.** The Oregon Toll Program is committed to identifying communities that have historically been excluded in transportation planning and who have been underserved or negatively impacted by prior transportation investments and plans, as well as those at highest risk of being negatively affected by the I-205 and I-5 Toll Projects. ODOT commits to prioritizing the voices of impacted, excluded, and underserved communities and ensuring that their concerns, goals, and experiences shape the design of the toll projects. This focus will help produce greater overall benefits throughout the system.
6. **Attend to power dynamics among stakeholders.** The Oregon Toll Program aims to elevate the needs and priorities of historically marginalized communities through this process. To do this requires that each of the projects recognize, understand, and shift existing power dynamics within ODOT, other government agencies, groups, the community, and the projects' teams.
7. **Maintain a learning orientation.** A focus on equity and using tolls to manage congestion are innovative nationally and new for ODOT. The Oregon Toll Program commits to letting equity drive its approach to the planning process, including National Environmental Policy Act (NEPA)⁵ studies and community participation. The Oregon Toll Program commits to striving for continuous improvement and to creating space conducive for growth and collective learning.

EQUITY IMPLEMENTATION STEPS

This framework uses a five-step iterative process that can help reduce systemic inequities and support the desired outcomes of the toll projects. This process encourages decision-makers to critically address health, racial, social, and economic disparities and historic disinvestment and transportation decisions that have harmed communities. Figure 1 illustrates the five iterative steps of the framework adapted from TransForm, a transportation and land use policy organization. TransForm based its framework on a study of tolling equity practices worldwide, with special attention to guidance from the National Cooperative Highway Research Program's 2018 guidebook and toolbox, *Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes*.⁶

⁵ The National Environmental Policy Act of 1970 (as amended) ensures the federal agencies consider the potential environmental effects of their proposed actions and inform the public about their decision making. It is especially important for communications related to this project because public outreach and engagement activities will frequently be tied to milestones in the NEPA process.

⁶ Pesesky, L., et. al., *Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes: Guidebook and Toolbox*, National Cooperative Highway Research Program Research Report 860 (Washington, D.C.: Transportation Research Board, 2008).

Figure 1. Five Step Process for Achieving Equitable Outcomes⁷



Oregon Toll Program actions for each step are delineated below.

Step #1: Identify Who, What, and Where

- Identify all historically excluded and underserved communities and small businesses the toll projects may disproportionately affect, including presenting the context of how and why these communities have been excluded and underserved by in the past through prior transportation and land use planning and investment.
- Document the travel patterns of historically excluded and underserved communities that may be affected by the toll projects, and anticipate potential changes to them.
- Develop a range of potential pricing strategies and related policy proposals that directly address community-identified mobility and equity priorities.

Step #2: Define Equity Outcomes and Performance Measures

Develop a set of performance measures that establish both *baseline conditions* for historically excluded and underserved communities, and the effects of different proposed pricing and equity strategies on these communities. Performance measures will address both process and outcome equity.

⁷ Cohen, S., and Hoffman, A., *Pricing Roads, Advancing Equity*, Report and toolkit (Oakland, California: TransForm, 2019).

Process Equity

Process Equity measures help determine how successful the projects are at achieving inclusive and accountable participation of historically excluded and underserved communities in the transportation planning and decision-making process.

Inclusive and Accountable Participation

Measures of participation. Representation on advisory committees:

- The number of workshops, virtual meetings, their locations, and the number of unique attendees from historically excluded and underserved communities
- The number of public comments and surveys received from historically excluded and underserved communities
- Measures of the distribution of print and web resources, including languages served

Responsiveness. The Oregon Toll Program will develop qualitative evaluation measures of its ability to be responsive in addressing comments, ideas and concerns voiced by historically excluded and underserved communities:

- Collect feedback from participants, the advisory committee, and equity sub-consultants on quality of facilitation and ability to incorporate the needs of historically excluded and underserved communities.
- Ensure continuous application and incorporation of the “Oregon Toll Program Approach” through the toll projects meetings and processes.
- Monitor regularly the following within decision-making processes and project management:
 - Projects’ adaptability to needs expressed by historically excluded and underserved communities
 - That historically excluded and underserved communities have a voice and the opportunity to directly impact design and outcomes
 - Transparent accountability: it is clear who the decision-makers are and how to influence decision-making
 - That the Oregon Toll Program is communicating directly and regularly with underserved and excluded communities and clearly describing the input, ideas and concerns that have been voiced, and how that feedback is being used in project development.

Outcome Equity

Outcome Equity measures will address three dimensions: affordability (user costs), access to opportunity, and community health to determine which pricing and equity strategies best advance equity.

1. Affordability

- **Travel costs.** Change in travel costs for historically excluded and underserved communities
- **Financial barriers.** Potential financial barriers that may limit use of the tolled facilities by historically excluded and underserved communities, including for the unbanked and for those who may have trouble putting up deposits for transponders or other required technologies

2. Access to Opportunity

- **Travel patterns.** Potential changes to travel patterns and behavior
- **Transportation options.** Alternative transportation choices (roads, transit, etc.) in the study area available to those who choose to not pay tolls, with some measure of their relative costs (in time and/or money) and benefits
- **Time penalties or improvements.** Effects on un-tolled alternatives, including roadways affected by rerouting and potential benefits or impacts to transit services

3. Community Health

- **Community health.** Health indicators, including those identified by historically excluded and underserved communities
- **Environmental impacts.** Projected changes in air, water, and noise pollution, as well as visual impacts
- **Safety.** Potential implications for safety, particularly for the most vulnerable road users (bicyclists and pedestrians)
- **Community cohesion or isolation.** Potential implications of changes in travel behavior and infrastructure on community cohesion or isolation, including potential impacts on rents
- **Small business.** Potential effect of construction or tolls on small businesses within historically excluded and underserved communities

Step #3: Determine Benefits and Burdens

Determine impacts (both positive and negative) related to the outcome and performance indicators that will be identified in Step Two, with an eye to determining the effects listed in Table 1. Table 1 lists a range of possible effects that could be considered as part of each of the toll projects' equity and mobility analyses and do not represent a final set of outcomes to be considered.

Table 1. Benefits and Burdens for Consideration

Potential Benefits and Burdens

User costs – both for the tolled facility as well as for any viable alternatives, including both monetary and non-monetary (such as time) costs

Choices – including travel options for those for whom a new toll might prove burdensome

Travel time – including delay or improvements to travel time

Transit – including changes to operating speed, reliability, and ridership from tolling as well as from potential improvements in transit as part of the projects

Traffic patterns – including potential rerouting impacts through neighborhoods with significant populations from historically excluded and underserved communities

Businesses – especially those at risk for impacts from changes in travel behavior, traffic rerouting, or construction

Noise – where it might be generated and whom might be exposed to it, including expected changes in noise on potential or existing diversion routes

Social – including improved access to opportunity

Environmental – including localized as well as regional changes to water and air quality for historically excluded and underserved communities

Visual – including any takings or impacts from the placement and construction of any physical infrastructure required as part of the Projects

Step #4: Choose Options that Advance Equity

- Determine which strategies are most promising to provide greater affordability, and potentially price certainty, as part of the tolling proposal.
- Involve historically excluded and underserved communities in meaningful review of these strategies.
- Determine which strategies will most benefit commuters from historically excluded and underserved communities.
- Determine which strategies will most benefit non-commuters in historically excluded and underserved communities.
- For those strategies that are not permissible in Oregon, due to constitutional restrictions or other legal considerations, find alternatives that similarly advance equity.
- Subject the final alternative(s) to detailed modeling to get a finer grain prediction of impacts.
- With the input of historically excluded and underserved communities, refine proposed pricing and equity strategies to optimize their performance.

Step #5: Provide Accountable Feedback and Evaluation

- Incorporate input from historically excluded and underserved communities and consider community priorities as part of the development of mobility and mitigation strategies.
- Prioritize funding commitments made to historically excluded and underserved communities as part of the toll projects and delineate responsibilities clearly, publicly, and transparently.

- Develop a timeline, with public input, describing who is responsible for determining if the I-205 and I-5 Toll Projects meet the Oregon Toll Program's goals and commitments to historically excluded and underserved communities.
- Make explicit who is responsible for providing continuous oversight of equity issues following implementation of the toll projects, including periodic evaluation and adjustments in toll policies and prices.
- Identify any equity issues or concerns raised for which the toll projects are unable to provide resolution. Such unresolved issues will be addressed in communications with historically excluded and underserved communities.
- Continue to seek ongoing opportunities for representatives of historically excluded and underserved communities to participate in the entire transportation planning process.

GLOSSARY - IMPORTANT DEFINITIONS

Many terms are used to indicate communities and populations affected by planning and land-use decisions. Planning documents frequently refer to communities that have historically been excluded by land-use projects and from transportation decision-making as “historically marginalized communities.” Some communities have been discriminated against systemically; these fall under the broad term of “historically underserved communities.”

This document uses the terminology “historically excluded and underserved communities” to be broad in the definition of the communities, populations and individuals who have been excluded from transportation decision-making and/or systematically discriminated against. Other terms often used to describe some of these communities include:

- **Marginalized communities/populations** are those communities that have been confined to the peripheral edge of society, and have had little involvement in, among other processes, transportation decision-making.
- **Vulnerable populations** include populations that are more likely to be transit-dependent and/or otherwise disproportionately affected by changes in travel cost and choices, such as the elderly, children, people of color, low-income persons, and persons with disabilities.
- **Low-income** is defined for the purposes of the toll projects as individuals or households with income below 200 percent of the federal poverty level for the area.
- **Environmental Justice (EJ) populations** include individuals who are African American, Asian American, Hispanic American, Native American and Alaska Native, Native Hawaiian and Pacific Islander, of two or more races, and/or low-income.
- **Black, indigenous and people of color**, also known as BIPOC, is a term for people who identify as Black, Asian, Hispanic, Latin American, Native American and Alaska Native, Central and South American indigenous, Native Hawaiian and Pacific Islander origin, and/or of one or more non-white races or ethnic groups.

Other terms used in this document include:

- **Displacement** occurs when people and businesses, often residences or businesses of people of color, are forced from their homes and commercial areas due to rising rents, property taxes, or government policy that directly relocates people or businesses or favors replacing current community members, homes or businesses with others, particularly white-owned or occupied residences and businesses.
- **Economic Disadvantage** refers to individuals and communities with significantly less wealth and financial resources and whose economic health and wellbeing has been impaired due to systemic barriers (such as limited access to opportunities, through

discrimination in education, or health care, hiring and promotions, lack of banking and credit or other factors) as compared to other people or communities in the same region.

Please see Appendix A for a written example of someone experiencing economic disadvantage.

- **Race** is a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (particularly color), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society at a given period of time. Racial categories subsume ethnic groups. (Based on Portland Metro definition)
- **Segregation** is when facilities, services, and opportunities such as housing, medical care, education, employment, and transportation in the United States are divided along racial, economic, ethnic, or religious lines. (Adapted from Portland Metro definition)
- **Systemic Racism** is a system of interrelated policies, practices, and procedures that work to advantage and position white people and communities over people of color. It can result in discrimination in criminal justice, employment, housing, health care, political power and education, among other issues.
- **Trauma** is the unique individual or group experience of an event or enduring set of conditions where resulting stress overwhelms the individual's or group's ability to manage their emotional and physical experience, resulting in long-lasting and adverse emotional, cognitive, and physiological effects. At the community level, trauma can result from current and historic systemic discrimination and violence against people from certain groups. (Adapted from Trauma Informed Oregon's *Standards of Practice for Trauma Informed Care: Definitions and Additional Resources* and U.S. Substance Abuse and Mental Health Services Administration's *Concept of Trauma and Guidance for a Trauma-Informed Approach*.)
- A **Trauma-Informed Perspective** is one that realizes the pathways and impacts of trauma within the community, is able to recognize the signs and symptoms of people experiencing trauma, responds by incorporating knowledge of trauma into practice, and actively seeks to avoid re-traumatization. In the context of toll projects, it realizes the ways transportation projects and planning processes have caused trauma, understands what this looks like in practice, and incorporates this knowledge into all aspects of toll development (staff training, policy development, project outreach etc.) to avoid re-traumatization. (Adapted from U.S. Substance Abuse and Mental Health Services Administration's four "R's" of a trauma-informed approach.)

Please see Figure 1 in Appendix A for a visual representation of a trauma-informed perspective.

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I-5 and I-205 Toll Projects

Toll Projects' Equity Framework – Appendix A



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ECONOMIC DISADVANTAGE

Example

A (hypothetical) young man who recently graduated from high school does not own a vehicle because he cannot qualify for a car loan due to his age and lack of credit. He also worries he can't afford the vehicle operating costs (gas, insurance and maintenance). He lives in an area he can afford but without a car, his only transportation option is to walk to one public bus stop from home, and the bus only operates on weekdays during daytime hours. He has less ability to access job locations compared to his former classmates whose parents co-signed on their car loans and help them with operating costs. Some other former classmates live in areas with more bus and train lines or have safe sidewalks and bike paths between home and job centers and have all found new jobs. But he can't apply for a job that requires weekend or evening work. The lack of options from the financial barriers he experiences limits his travel options and further limits his job prospects and income potential.