



1/6/2022

To: Oregon Department of Transportation
Attn: Oregon Tolling Team – Scoping Comment
Cc: Brendan Finn, Director ODOT Urban Mobility Office
Re: Regional Mobility Pricing Project (RMPP) Scoping

Dear Mr. Finn,

Thank you for your hard work and leadership bringing congestion pricing to the greater Portland metro area. It is The Street Trust's position that accurately pricing use of the shared right-of-way is a promising tool for managing congestion, with many safety, climate, and social benefits when effectively administered. At present, our natural environment and communities are bearing most of the costs of an ill-designed and inaccurately priced transportation system including air pollution, GHG emissions, and crashes, in addition to high infrastructure and maintenance costs. Our position is supported by extensive work on existing pricing programs in London, Stockholm, Singapore, and other cities where, without exception, areawide pricing strategies have met their objective of reducing congestion and sustaining the relief over long periods. Oregon must ensure our efforts are likewise effective at reducing congestion, but we must also lead in our own right by ensuring our tolling is implemented equitably.

For that reason, we share the concerns about ODOT's proposed Regional Mobility Pricing Program (RMPP) as outlined in the enclosed letter (see *Tolling Comment Letter to ODOT from Climate and Public and Active Transportation Advocacy Organizations*, below), and want to emphasize and elaborate a few points.

First, the dueling purposes of the RMPP as currently designed by ODOT (relieving congestion and generating revenue for highway expansion projects) will undermine our ability to achieve either goal. **We must set a clear, singular purpose for the RMPP of reducing congestion by reducing VMT, with the proceeds of the pricing directed to multimodal transportation investments that make it easier, safer, cheaper, and faster for people to move around our region without driving, particularly by public transit.**

In September 2022, the Oregon Transportation Commission (OTC) accepted the “**Low Income Toll Report**” (LITR) findings on implementation of an equitable, inclusive

tolling program. We congratulate ODOT and OTC for their support of this report and the **Equity and Mobility Advisory Committee** (EMAC) which largely developed it.

It is our opinion that as designed, ODOT's RMPP is not adhering to EMAC's foundational statement in the OTC-approved LITR that, **"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 one of tolling or before."** As currently proposed, the RMPP does not have a plan for funding and administering public and active transportation service and infrastructure enhancements necessary to mitigate the impacts of tolling on people experiencing low-incomes in our region.

Low-income carve-outs for people driving may be necessary, but they are wholly insufficient to equitably administer a congestion pricing program. In cities where congestion pricing has been implemented, the shift from driving to public transit has been significant and well-documented. In those cities, the revenue from the pricing has been largely directed to investments in increased and faster bus and rail service. In both London and Stockholm, the promise of improved public transit was, in fact, a major selling point for the public in accepting the new, increased cost of driving. Unfortunately, the Oregon Constitution prohibits similar investment in transit via tolling, including the RMPP. For that reason, we believe **further study is warranted to explore the impacts and develop solutions for funding the increased demand for public transit resulting from the RMPP.** This includes development of a funding plan for **immediately mitigating tolling impacts on current transit system users with an emphasis on the needs of people experiencing low-incomes and living with a disability**, in alignment with the EMAC report.

The RMPP as proposed does not reflect the overarching EMAC concerns expressed beyond the Low-Income Toll Report that **ODOT must provide for residents reliable, low-carbon, transportation alternatives to driving such as bicycling, walking, and carpooling, etc. to achieve climate, safety, and mobility goals, and prioritize benefits to Equity Framework communities.** The EMAC recommendations appear only to have been applied in the low-income toll policy development, and otherwise ignored in this proposal, including in diversion mitigation strategies. It is disconcerting to see a public advisory committee that is focused on equity be largely sidelined in this policy making when equitable implementation is central to program success.

For that reason, The Street Trust insists that ODOT to develop solutions to mitigate the harms of RMPP and ensure tolling proceeds are directed to low-carbon, public and active transportation options that are affordable, timely and safe, not to pay off the debt for construction of road expansion projects that increase vehicle miles traveled, exacerbate existing inequities, and create new maintenance obligations. The RMPP proposal lacks an equity-driven governance structure for determining how

tolling proceeds will be administered. ODOT/UMO/OTC should rely heavily on EMAC's people and processes to guide their spending priorities and decision-making.

Finally, the RMPP as currently proposed does not **make clear how ODOT plans to align with regional multimodal priorities and plans, including the financially constrained Regional Transportation Plan (RTP)**. ODOT must be explicit about how it will use tolling revenue to fund capital projects, and what kind of transit investments might accompany tolling projects to meet increased demand and mitigate potential harms. We encourage to the highest extent possible alignment between ODOT Office of Urban Mobility's Transit Strategy and Metro's High Capacity Transit study and believe that prior to RMPP implementation, ODOT must 'show its math' on projected funding sources for future capital projects and planning or engineering work they plan to include in the regional corridors, including tolling infrastructure and tolling mitigation solutions.

Respectfully Submitted,



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Enclosed: Tolling Comment Letter to ODOT from Climate and Public and Active Transportation Advocacy Organizations

December 29, 2022

To whom it may concern,

Thank you for the opportunity to provide feedback on the Regional Mobility Pricing Program (RMPP) scope. Our organizations are following the RMPP because of the enormous potential that congestion pricing holds as a tool to support climate, safety, and equity outcomes. True congestion pricing has been shown to be very effective in shifting vehicle trips to less congested times and routes and to more space-efficient and less-polluting modes. It can be designed to support the location of jobs, housing and services closer together as well as shifting the existing

distribution of benefits and burdens and ensure that more people have better access to affordable, safe, convenient, less-polluting transportation options.

The RMPP scope is not designed to produce these outcomes. It has several major flaws that will, in fact, drive in the opposite direction.

GENERAL SUGGESTED CHANGES

We are very concerned that ODOT continues to prioritize revenue generation - to fund roadway expansion - over all other goals in the design of its pricing policy. This prioritization not only undercuts the congestion reduction and the climate and equity potential of pricing, but also further burdens low-income households with transportation costs. ODOT's own Strategic Action Plan lays out goals for ODOT to "reduce our carbon footprint," improve access to public and active transportation," and "reduce congestion in the Portland region." Pricing can - if designed thoughtfully - be a really effective tool to achieve these goals. The proposed Regional Mobility Pricing Program is not designed to reach them. In addition, we remain concerned that as pricing is being framed as a revenue generation tool, this policy element moves further away from the agreed-upon goals established in HB 2017: a variable pricing structure designed to manage the movement of cars.

The primary purpose of the Regional Mobility Pricing Program should be to reduce the amount of vehicle miles traveled (VMT), which yields important benefits in two areas:

- reducing congestion and increasing system efficiency
- reducing climate emissions, air pollution, and traffic violence.

The revenue collected through tolling should be used to support the ability of people to get around the region through low-carbon multimodal options that are affordable, timely and safe, not to pay off the debt for construction of road expansion projects that increase vehicle miles traveled and create new maintenance obligations. The revenue must also mitigate the harmful impacts of tolling.

To this end, we recommend that the proposed RMPP be revised to do the following:

- Require a complete analysis, including an EIS, of all the "Urban Mobility Strategy" projects and tolling in the regional freeway system. This is necessary to accurately inform the RMPP and the other projects.
- Establish that the top priority of the program is not generating revenue, but managing demand by reducing VMT while increasing access, equity, and efficiency, and reducing the transportation cost burden on households with the least resources.
- Require ODOT to develop a mechanism to exchange toll revenue for unrestricted Federal dollars to fund transit operations and non-roadway projects.
- Require that any pricing must explicitly align with regional multimodal priorities and regional transportation plans.

The following are our comments on the RMPP draft documents.

COMMENTS ON THE DRAFT PURPOSE AND NEED STATEMENT

The [Purpose and Need document](#) states “The purpose of the Regional Mobility Pricing Project is to use congestion pricing on I-5 and I-205 to manage traffic congestion on these facilities in the Portland, Oregon metropolitan area in a manner that will generate revenue for transportation system investments.” This clearly establishes that the primary purpose is revenue generation, with congestion management as a secondary outcome.

If the proposal actually intends to address the purported needs, the purpose must be substantially rewritten. The needs are identified as:

1. Daily traffic congestion is negatively affecting the quality of life in the growing Portland region
2. Traffic congestion adversely affects the Portland metropolitan area economy.
3. State and federal transportation revenue sources are increasingly insufficient to fund transportation infrastructure needs.
4. Our regional transportation system must reduce greenhouse gas emissions by managing congestion.
5. A lack of comprehensive multimodal travel options in the Portland metropolitan region contributes to congestion and limits mobility.
6. The Portland metropolitan area’s transportation networks have resulted in inequitable outcomes for historically and currently excluded and underserved communities.

The “purpose” of this project directly addresses only Need #3. Needs #1 and #2 will be addressed only as much as revenue demands allow. Needs #4, #5, and #6 are not addressed in the purpose statement. This contortion highlights some of the fundamental concerns we have about how far the RMPP is moving away from the goals stakeholders agreed on at its creation.

The purpose of this project actually sharply undercuts all of the needs other than #3 by omitting any commitment to use revenue to provide meaningful, practical alternatives to driving alone on the tolled road. Given the debt obligations of the bonds that ODOT will be issuing to pay for construction of massive projects (primarily for accommodation of more vehicles), there is no guarantee that any revenue will be “left over” to use for anything else.

The goals and objectives are too vague to provide clear understanding of the expected outcomes of this proposal, or commitments to specific actions. The words “support” and “collaborate” are used for the objectives that would directly address Needs #2, #4, #5 and #6. For example, “collaborate with transit providers to support availability and enhancements to transit...” does not include a commitment to fund the necessary increases in transit service to accommodate mode diversion. Without that funding, “collaboration” is empty.

The goal with the strongest verbs is need #3 - the project will “provide” revenue. Vehicle safety will be “improved,” but safety for people walking, biking and riding transit will only be “supported.” The goals and objectives are written in a way that eliminates accountability for addressing all the needs except the need for revenue. **We believe a strong purpose and needs statement in alignment with matching policies is critical to ensure the success of the RMPP into the next several decades.**

COMMENTS ON THE PROPOSED ACTIONS DOCUMENT

The “congestion pricing” proposed by the RMPP is not, in fact, purely congestion pricing. It is tolling that has two parts - a base rate that is dedicated to the purpose of generating revenue, and an additional congestion price, deployed at peak times, that is dedicated to the purpose of reducing demand at those times. This proposal is not congestion pricing; it’s tolling wearing a congestion pricing hat. **This creates an enormous weakness in ODOT’s proposal - the two goals will come into direct conflict if the pricing component is successful in reducing driving.**

This is explicitly stated in the “Project Benefits” section of the proposal: “The project concept developed during the planning phase was intended to manage severe congestion, not eliminate all congestion during all hours. If congestion were completely eliminated, tolls would have to be prohibitively high causing financial hardship and significant rerouting to the surrounding roadways to avoid the toll.” When the revenue generation goal is threatened by the congestion reduction element of the pricing, the revenue goal wins. (Note that the only reason the tolls would “have to be prohibitively high” is because the purpose of the project is revenue generation.) Congestion pricing is not deployable as a tool to achieve other ends; it comes preloaded with a goal (reducing congestion), and cannot be separated from that.

This conflict may be the cause of the lack of clarity in the [Proposed Action](#) document on the setting of toll rates. The section describing the “assumed toll rates” indicates that the modeling (before implementation) will be organized around the principle that rates will be lower where demand is lower, which makes sense for congestion pricing. However, in the section about how toll rates will be monitored and adjusted after implementation “based on actual (not modeled) traffic data”, it is not explained how traffic data will affect the magnitude and direction of toll rate changes. It is clear from the statement above that the primary drive for changes in the toll rates will be the need for revenue.

The Proposed Action document also clarifies that this proposal will not analyze the sections of the system on I-205 and I-5 that are proposed for tolling through other projects. This omission means that the analysis will fail to consider the way that all these tolling and highway expansion projects will interact with the RMPP. We know that pricing on other facilities such as the proposed I5 Bridge Replacement and accompanying freeway expansion elements will require some level of tolling that is not being recognized in the current scope. **The interactions of these pricing tools, as well as the highway expansion projects they are funding, is critical to ensure equity, climate, and safety outcomes, and this proposal should include a complete analysis of the system.**

COMMENTS ON RESOURCE TYPES

- Under “Transportation,” the following impacts should be analyzed:
 - For every impact analyzed for vehicular travel, the same impact must be analyzed for other modes. For example, if travel time impacts are assessed for motor vehicles, travel time impacts should be assessed for people riding transit, people on foot, people riding bicycles, etc.
 - Impacts on safety for pedestrians, bicyclists, and transit riders.
 - Impacts on mobility and access for pedestrians, bicyclists, and transit riders, including travel delay, length of travel time, having to stand on an over-capacity transit vehicle, length of waiting time at signals, etc.
 - Special in-depth analysis should be provided for the impacts for people who are already most-burdened and least-benefited by the existing transportation system, particularly environmental justice communities and people who do not have access to a private vehicle for transportation.
 - Impacts of maintaining the level of congestion necessary to keep generating the desired level of revenue.
 - Impact of pricing on transportation behavior
 - Additional congestion reduction impacts of investment in transit, walking and biking in the corridor.
- Under “Environmental Justice,” the analysis should assess impacts to access to jobs, education, affordable housing, and other important resources for people living in environmental justice communities, as well as safety and air quality.
- The “Air Quality” analysis should include impacts of air quality on environmental justice communities.

Other Issues

We also note that this proposed policy does not reflect the concerns raised by or the [recommendations of ODOT’s own Equitable and Mobility Advisory Committee](#). For example, the first of the “Foundational Statements” on page 19 of the recommendations document is “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.” The EMAC recommendations appear only to have been applied in the low-income toll policy work, and otherwise ignored in this proposal. It is disconcerting to see a public advisory committee that is focused on equity be ignored in this policy making impact.

Thank you for the opportunity to weigh in on this proposal. We have serious concerns about the implementation of the RMPP. Pricing, if well-designed, could support significant progress toward many of our state and regional goals, but this program as proposed will not achieve that without major changes.

Sincerely,

Sara Wright, Oregon Environmental Council

Brett Morgan, 1000 Friends of Oregon

Sarah Iannarone, The Street Trust

Vivian Satterfield, Verde

Victoria Paykar, Climate Solutions

Rob Zako, Better Eugene-Springfield Transportation

Mary Peveto, Neighbors for Clean Air

Chris Smith, No More Freeways

Dick Dolgonas, Bike Walk Roseburg

Kiel Johnson, BikeLoud PDX

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Stuart Liebowitz, Douglas County Global Warming Coalition