



CITY OF
West Linn

March 9, 2023

Sent via email

Erik Havig, Statewide Planning Section Manager
Oregon Department of Transportation

Dear Mr. Havig:

Thank you for the opportunity to comment on the Tolling Notice to the Department of Land Conservation and Development ("Notice") on the question of whether the statewide tolling program should be added to the list of "Programs Affecting Land Use" under OAR 731, Division 015. The City of West Linn requests that you enter these comments into the record of this proceeding.

Using the definition of "Toll Program"¹ provided in the notice as being limited to "the necessary processes and systems to set toll rates, establish toll user accounts, collect toll revenue, manage toll equity programs (such as low income and other programs that may provide discounts or exemptions to certain users), enforcement and other functions necessary to run a toll system" (Notice, at pg. 2-3), to the extent that ODOT is proclaiming that the adoption of what it calls the "back room" functions of the tolling program is exempt from land use regulations, the City believes that this may be technically correct. As ODOT concedes, the "Toll Program *does not include any of the physical infrastructure on a highway necessary to implement an electronic toll collection system...*"(emphasis added). (Notice, at pg. 3).²

The current question that is the subject of this notice and pending decision cannot apply to the actual implementation of any tolling. Clearly the purpose of the technical, "back room" functions of the tolling program is to institute it on a specific project, for example on I-205. This implementation will create diversionary trips and other impacts that most certainly implicate Goal 12, the City of West Linn's transportation system plan, and plans of neighboring jurisdictions. Therefore, this future implementation should be subject to land use review.

ODOT should clearly state that it understands that the implementation of the Tolling Program will most certainly have a cascading effect on the land use system and therefore will work within Oregon's land use system and rules to ensure that impacts from that implementation are considered.

We appreciate the opportunity to comment on this item.

Sincerely,

Rory Bialostosky, Interim Mayor
City of West Linn

John Williams, City Manager
City of West Linn

¹ The City of West Linn would note that the Notice discusses the "Toll Program" (Notice, at pg. 2, 3) and the "tolling program" (Notice, at pgs 1, 3, 5 – 12) interchangeably throughout the Notice. The City of West Linn, therefore, presents these comments with the understanding that the definition cited above applies to both terms.

² Pursuant to the Notice, physical infrastructure to implement an electronic toll collection system includes "signs or other structures necessary to install transponder readers, cameras or other features," (Notice, at pg. 3). West Linn believes this would also include gantries and any other physical equipment that would be required to be installed.