

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
December 10, 2008
Portland, Oregon**

On Wednesday, December 10, 2008 at 12:00 p.m., the Oregon Transportation Commission (OTC) met in Executive Session to consult with legal counsel on pending litigation pursuant to ORS 192.660 (2) (h). At 12:30 p.m., the OTC and Oregon Department of Transportation staff held a working lunch briefing session and reviewed the agenda in Room 344 at Region 1 Headquarters, 123 NW Flanders Street, Portland. The regular monthly meeting began at 1:00 p.m. in Public Meeting Rooms A and B.

Notice of these meetings was made by press release of local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

| | |
|---|--|
| Chair Gail Achterman | Public Transit Administrator Michael Ward |
| Vice Chair Michael Nelson | Governor's Sr. Trans. Advisor Chris Warner |
| Commissioner David Lohman | Commission Assistant Amy Nichols |
| Commissioner Alan Brown | Region 1 Manager Jason Tell |
| Director Matt Garrett | Region 2 Manager Jane Lee |
| Chief of Staff Joan Plank | Region 3 Manager Paul Mather |
| Deputy Director for Highway Doug Tindall | Region 4 Manager Bob Bryant |
| Deputy Director Central Services Lorna Youngs | Region 5 Manager Monte Grove |
| Trans. Development Administrator Jerri Bohard | |
| Communications Div. Admin. Patrick Cooney | |

● ● ●

Chair Achterman called the meeting to order at 1:00 p.m.

● ● ●

Director's report highlights:

- Review of OAR amendments relating to acceptable proof of legal name, legal presence, identity and date of birth.
- Oregon receives top ranking on roadway safety awards.
- Recent sting on household goods movers.
- State of the System – 2008 Report on Oregon's Transportation System.
- Women in Transportation Seminar (WTS) selected ODOT's Solar Highway Project as WTS's project of the year.

● ● ●

Public Comments:

Sharon Nasset talked about the economy and transportation, and the importance of assuring that funds spent on transportation also work to bring jobs and economy into the area. In

particular, she talked about the St Johns Bridge area that has 1000 acres that can not be developed because there is no access. A location environmental impact study for a bridge across the Willamette would allow local citizens to start raising funds to build.



The Commission considered approval of an amendment to the 2008-2011 STIP to add \$2 million for preliminary engineering work to determine and prepare projects that likely can be ready for construction in 2009. *(Background material and PowerPoint presentations in General Files, Salem)*

Deputy Director for Highways Doug Tindall and Senior Federal Affairs Advisor Travis Brouwer talked about a federal economic stimulus package likely to include transportation funding aimed at providing jobs by the 2009 construction season. In order to use the stimulus funds, ODOT requests an additional \$2 million for preliminary engineering work required to determine and prepare projects for construction in 2009. Doug Tindall discussed the types of projects that might qualify.

The Commission asked if the work done will benefit ODOT should the stimulus package not come through. Doug Tindall explained that this type of work is always necessary and beneficial for future project development.

The Commission asked if the funds would be "pure federal formula funds" and therefore distributed to cities, counties, and state under standard state law split. Travis said there would be no split requirements. Congress declined setting specific allocations for local governments. ODOT has, however, talked to cities, counties, and MPOs about developing lists should funds be available. Project readiness will be the defining factor on which projects qualify.

The Commission said that as we have these conversations, we need to think about the criteria for projects that go on the list. Projects that benefit the local system and the state system would be preferable to single system projects. Every project that goes on the list should be vetted against the biggest return for the investment.

Vice-Chair Michael Nelson moved to approve the STIP amendment. The motion passed unanimously.



The Commission received a report on the Public Transit-Human Service Transportation Coordination Plans/Coordinated Plans: including the planning requirements, implementation, current status, and findings. *(Background material and PowerPoint presentations in General Files, Salem)*

Public Transit Administrator Michael Ward discussed the Federal Transit Administration law that requires communities to plan for transportation services benefiting seniors, people with disabilities and people with low income. The planning process is required in order for projects

to qualify for funding under the New Freedom, Job Access and Reverse Commute, and 5310 Capital Programs. Oregon's Special Transportation Fund (STF) program also requires a very similar plan as a condition of funding. Rather than require two separate planning processes, Public Transit Division (PTD) implemented a mandatory planning process referred to as "the Coordinated Plan." Each STF Agency is required to complete and adopt a plan. PTD hired Association of Oregon Counties (AOC) to work with individual STF Agencies, as needed, to help them complete the planning process. The majority of STF Agencies adopted the plans as required.



The Commission received an update from the Oregon Bicycle and Pedestrian Advisory Committee (OBPAC) on its activities. *(Background material and PowerPoint presentation in General Files, Salem)*

ODOT Bicycle & Pedestrian Facility Specialist Sheila Lyons introduced members of OBPAC: Jerry Norquist, Jerry Zelada, Kathryn Beaumont and Carl Rody. Sheila discussed the role and activities of the ODOT Pedestrian and Bicycle Program including grant programs, publications and partnerships. A three-year facilities inventory of bicycling and walking facilities on urban state highways shows that 45% of highways need sidewalks, and 41% need bicycle facilities.

OBPAC Chair Jerry Norquist said it's important that the bicycling and pedestrian portion of the community be involved in transportation discussions. There are strong economic and environmental benefits from this involvement and OBPAC is here to offer its service to the Commission. He also spoke about the Public Policy Makers Ride program in Portland (an educational ride from Point A to Point B to see what the needs are) and the Oregon Bike Summit, which will be held in Salem this year.

OBPAC Vice-Chair Jerry Zelada voiced concern about the perception of bicycle/pedestrian values and a need to change those perceptions.

The Commission asked how bicycle/pedestrian funding fits into the Governor's Transportation Package. OBPAC Government Relations and Public Affairs Director Karl Rhode said the more specific language that was part of the recommendations from the Governor's Vision Committee will be in the bills that comprise the package. The Governor has indicated enthusiasm for increased funding for bicycling and commitment to increasing the number of people who bicycle and walk; not only for health issues, but as part of achieving sustainability goals and the reduction of greenhouse gas.

The Commission thanked Sheila Lyons and the advisory committee for the work they have done and asked that this be taken to the next step of working with Region staff to prioritize the investments to match STIP investments with opportunities to do bicycle/pedestrian improvements. The Commission's goal is to work together on tough policy questions and the cultural changes occurring.



The Commission received a presentation on the Bid and Award phase of Project Delivery Performance Improvement. (*Background material and PowerPoint presentations in General Files, Salem*)

In follow-up to the OTC workshop, the Commission heard a report on the fourth phase of the project delivery process. Doug Tindall, Specifications Office of Pre-Letting Manager Eryca McCartin, and Procurement Oversight and Construction Manager Wynnette Gentemann talked about the process to award construction contracts and construction management.

Highlights of the report on the process to award construction contracts:

- The bid and award process
- PS&E review and estimate
- Final engineers estimate
- Advertisement
- Procurement/Bid opening schedule
- Construction Authorization
- Final approval and awarding
- Timeframes and reasons for delay
- Stakeholders
- Costs and continuous improvements



The Commission received a presentation on the Construction phase of Project Delivery Performance Improvement. Doug Tindall and State Construction & Materials Engineer Jeff Gower gave a report on the fifth phase of the project delivery process, construction management. (*Background material and PowerPoint presentations in General Files, Salem*)

Highlights of the report on the process for construction management:

- Contract management: project manager, inspectors, testers
- Quality assurance/quality control
- Environmental compliance
- Workforce monitoring
- Change order process
- Payments/disputes/claims resolution process
- Stakeholder involvement
- Key performance measures
- Continuous improvements

The Commission noted that as we move forward with continuous improvement projects, the question will be how to streamline project delivery by using improved methods such as electronic bidding. It asked Jeff Gower what could be done at his end to tighten up the process if resources were available. Jeff had three suggestions:

- Conversion of the training certification program to a web-based training would make it more available to people throughout the state because they wouldn't have the expense of traveling to, and staying in, Salem for a week.
- Automation for construction equipment would allow electronic input of designs into construction equipment to automatically build a project to grade without the cost of staking.
- Project management tools are now available in web-based system packages that allow project managers to collect and enter data to build a payment system that feeds back to designers to align with original estimates.

The Commission asked what noteworthy improvements have been made in this area in the last 5-10 years. Jeff said that in terms of efficiency and savings for the agency, the most noteworthy improvement was the installation of a quality control/quality assurance program that resulted in the development of the Materials Testing Certification Program which has improved materials quality and ODOT's relationship and partnerships with general contractors.

The issue of retention of engineers was discussed.



The Commission considered approval of items on the Consent Calendar. (*Background material in General Files, Salem*)

1. Approve the minutes of the November 13, 2008, commission meeting in Salem.
2. Confirm the next commission meeting dates.
 - Wednesday, January 21, 2009, in Salem.
 - Wednesday, February 18, 2009, in Salem
3. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Approve the following Oregon Administrative Rule (OAR) actions:
 - a. Amendment of 734, divisions 59 and 60 relating to the highway sign program
 - b. Amendment of 734-071-0010 relating to over-length loads
 - c. Amendment of 734-073-0110 and repeal of 734-073-0120 relating to auto and boat transporters
 - d. Adoption of 735-032-0036 relating to vehicle registration stickers
 - e. Amendment of 735-010-0130, 735-062-0005, 735-062-0015 and 735-062-0020 and the adoption of 735-062-0014 relating to proof of legal name, legal presence, identity and date of birth
 - f. Amendment of 735-064-0110 relating to hardship or probationary permits
 - g. Amendment of 740-015-0020 and 0040 relating to online access PIN for motor carriers
 - h. Amendment of 741, divisions 100 and 200 relating to rail-highway crossings
5. Approve amendments to the 2008-2011 Statewide Transportation Improvement Program (STIP) to cancel the following seven safety projects in Region 2. The total estimated project savings for cancelling these projects is \$8,869,758.

- a. Oregon 22 at Grove Street and Oregon 226 in Mehama. Total project savings is \$454,000.
- b. Oregon 99 West at Whiteson/Riverbend Roads in Yamhill County. Total project savings is \$691,000.
- c. Oregon 211 at Meridian Road in Clackamas County. Total project savings is \$1,381,564.
- d. Oregon 99 West at Bethel Road in Polk County. Total project savings is \$1,775,000.
- e. Oregon 214: Silver Creek Falls Highway at Cascade Highway in Marion County. Total project savings is \$1,500,000.
- f. Oregon 18 at Gopher Valley Road in Yamhill County. Total project savings is \$476,194.
- g. Oregon 22 West at Perrydale Road in Polk County. Total project savings is \$2,592,000.

The cost savings will be used to increase funding for the following six 2008-2011 STIP safety projects in Region 2. The total estimated project cost of these projects is \$9,702,000.

- h. Oregon 99 West: McMinnville Signals and Safety in Yamhill County. Total project cost is \$1,204,000.
 - i. U.S. 20 at Airport Road in Lebanon. Total project cost is \$1,349,000.
 - j. Oregon 164 at Scrael Hill Road in Linn County. Total project cost is \$1,778,000.
 - k. Oregon 99 East at Checkerboard Road in Marion County. Total project cost is \$2,321,000.
 - l. Oregon 99 East at Belle Passi Road in Marion County. Total project cost is \$2,640,000.
 - m. U.S. 20 at Big Lake Road in Linn County. Total project cost is \$410,000.
6. Approve an amendment to the 2008-2011 Statewide Transportation Improvement Program to add a new development project, U.S. 30 at Brewery Grade intersection in The Dalles.
 7. Approve an amendment to the 2008-2011 Statewide Transportation Improvement Program to add a development project, 9th Street Extension in Prineville.
 8. Approve Miscellaneous Resolution 309. Resolution to issue one or more series of Highway User Tax Revenue Bonds for 2009.
 9. Approve an amendment to the Oregon Transportation Infrastructure Bank (OTIB) loan documents with Cascade Sierra Solutions.
 10. Approve a report to the Legislature recommending a change to flat fee tax rates for certain commercial motor carriers.
 11. Approve an increase in construction authorization in the amount of \$1,592,872 on the Interstate 5: Seven Oaks Interchange project in Jackson County. This will change the construction authorization from \$26,289,069 to \$27,881,942.

Commissioner Lohman moved to approve the Consent Calendar with the exclusion of two items on Consent Calendar item #4:

- a. OAR 734 division 60 and
- h. OAR 741 divisions 100 and 200

The motion passed unanimously.



Public comments continued.

Roger Martin talked about the Oregon Transit Association's concern that transportation needs of the elderly and handicapped are not being adequately addressed in the upcoming legislative session. The Governor's program was presented at a recent Oregon Highway User's Conference, and funding in this area is declining while the demand continues to grow. Mr. Martin asked for the commission's leadership and help in obtaining the necessary funds to continue providing services for the elderly and handicapped.

The Commission recognized the need and noted that there needs to be "dedicated" transit funding for the elderly and handicapped in addition to discretionary funds so this battle does not have to be fought every legislative session.

• • •

Vice-Chair Nelson adjourned the meeting at 4:22p.m.

• • •



Gail Achterman, Chairman



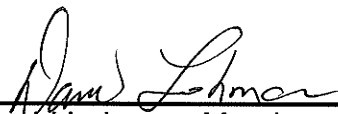
Michael Nelson, Vice Chair

Not present

Janice Wilson, Member



Alan Brown, Member



David Lohman, Member



Roxanne Van Hess, Commission Support