

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting January 14, 2010 Salem

On Thursday, January 14, 2010, at 8:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a briefing session and reviewed the agenda in Room 135 of the Transportation Building, 335 Capitol Street N.E., Salem, Oregon. The regular monthly meeting began at 9:00 a.m. in room 122.

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
Commissioner Janice Wilson
Commissioner Alan Brown
Commissioner David Lohman
Director Matthew Garrett
Chief of Staff Joan Plank
Deputy Director for Highways Doug Tindall

Trans. Development Administrator Jerri Bohard
Public Transit Administrator Michael Ward
Communications Division Admin. Patrick Cooney
Region 1 Manager Jason Tell
Commission Assistant Amy Merckling
Rail Division Administrator Kelly Taylor

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Chair Achterman called the meeting to order at 9:00 a.m.

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Director's Report:

--Director Garrett announced the retirement of Lorna Youngs from state service effective Dec. 1, 2009. He said the agency will miss Lorna's keen insight, analytical abilities and leadership, and will be losing one of the state's most accomplished public servants. "I am losing a colleague who has made ODOT a better agency and has made me a better director," he said. Lorna Youngs started her career with the state more than 25 years ago with the Oregon Department of Agriculture, and has served ODOT since 2000 when she became the administrator of DMV. In 2004, she was named Interim Rail Division Administrator, and in August 2005, Gov. Kulongoski appointed her to serve as ODOT's interim director. Most recently, Lorna has served as Deputy Director for Central Services Division for the past two years.

--Director Garrett introduced Clyde Saiki, who joined ODOT on Monday, as Deputy Director for Central Services. Clyde comes to ODOT from the Oregon Department of Human Services, which he joined in 1986. He has managed contracts and personnel offices, facilities, financial services, human resources,

information security, and developed and presented budgets. He represented the department with tribes and counties, at the legislature, and with many other groups. On his way up to Deputy Director for Operations at DHS, he amassed a broad and deep level of experience in numerous disciplines.

-- Director Garrett gave a year-end recap of Oregon's traffic toll on fatalities. ODOT showed a 10% decrease in fatalities from 2008 to 2009. The preliminary fatal count for 2009 sits at 375. The last time Oregon experienced this low of a statewide fatality toll was in 1949 (356) and 1945 (353). In 1949 the fatality rate based on vehicle miles traveled was 6.38. If nothing had changed since then, Oregon would have experienced 2,217 fatalities last year alone. Contributing to this decrease:

- Safety belt use still at 96 plus percent, top three in the country
- Pedestrian fatal count lowest since 1944 (verified)
- Bicyclist count still staying very low
- Motorcyclist count up by 8 over last year
- Increased traffic law training for officers, prosecutors, and judges
- Involved citizenry at the advisory committee, policy team and technical panel levels of highway safety
- Increased equipment, radar, LIDAR, e-ticket, e-crash, mobile terminals for officers, court technology, photo radar, red light cameras
- Road improvements like extension of rumble strips, center barriers (cable on 26, concrete barriers on 18/22), left turn pockets, new asphalt all across the state

Director Garrett applauded the work of Troy Costales and the Traffic Safety Division for making this happen.

--A *Needs & Issues Survey* goes out every biennium to see how ODOT is perceived by the general public. A recent survey showed that the overall evaluation of agency performance has remained relatively constant over the past 10 years. On the average, 79% thought the agency was doing an excellent or good job. The *2009 Needs & Issues Survey* showed an average of 82.4% who rated ODOT as good or excellent. Director Garrett said ODOT will never stop trying to improve, and we know that the positive ratings correlate to satisfaction with ODOT services. In other words, people form their impressions of the department on how they feel they were treated when they came in contact with the agency. In today's climate of cynicism and distrust of government, he is pleased with how Oregonians see the department.

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Public Comments: None

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Deputy Director for Highways Doug Tindall and Rail Division Administrator Kelly Taylor presented the Commission a request for approval of an additional \$3.4 million of

American Recovery and Reinvestment Act (ARRA) funds for ODOT's purchase of passenger train equipment. *(Background material in General Files, Salem)*

The purchase of this equipment will ensure that Oregon's passenger rail service continues when the State of Washington expands its daily passenger rail operations, and the current equipment Oregon leases from Washington is no longer available. Oregon's partnership with the State of Wisconsin to contract with Talgo Inc., allowed purchase of the two train sets for \$6 million less than had Oregon purchased the sets separately. In response to a question from Commissioner Brown, Kelly explained that Talgo is a Spanish Corporation, but 60 percent of the work for the sets will be done by American workers at a plant in Wisconsin.

Commissioner Wilson said she supports the request because, with Washington needing its trains back in preparation for the Olympics, this allows Oregon to continue passenger rail service and places Oregon in a good position for contention when high speed rail comes to the west coast.

Commissioner Lohman asked what would happen if the request was not approved. Kelly explained that, of the five train sets that exist today on the Eugene to Vancouver, B.C. corridor, three belong to Washington, and two belong to Amtrak. Currently, those five train sets are at maximum capacity. Washington has an on-going revenue source to make improvements to its track, and will be adding runs to increase the number of train runs between Seattle and Portland. As Washington increases its number of runs, Oregon will lose the two sets being leased. Oregon will be out of trains, and Amtrak does not have spare equipment to fill in for the service.

Commissioner Brown said he does not support the request because ARRA funds are to make improvements that put Oregonians to work, and he feels these funds could be better spent around the state.

Commissioner Lohman gave a motion to approve the request for funds to purchase two train sets. Chair Achterman, Commissioner Wilson, and Commissioner Lohman voted to approve the request. Commissioner Brown voted no. The majority vote approved the request.



The Commission considered approval of a request to amend the 2008-2011 Statewide Transportation Improvement Program as to contingency projects, if federal stimulus funds become available, and approval of additional ARRA funds for Transportation Enhancement projects. *(Background material in General Files, Salem)*

Doug Tindall gave a brief overview of the six requests:

1. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add \$2,000,000 for preliminary engineering work to determine and

prepare projects that likely can be ready for construction in 2010 should additional federal stimulus funds become available.

2. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add an American Recovery and Reinvestment Act funded construction project: Highway 372: Bend City Limits to Mt. Bachelor Section in Deschutes County. The total estimated project cost is \$8,900,000.
3. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add \$20,600,000 in potential unallocated American Recovery and Reinvestment Act funds to the Interstate 84: Tower Road – Stanfield project in Region 5.
4. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add an American Recovery and Reinvestment Act funded construction project in Tillamook County. Total estimated project cost is \$900,000.
5. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add the Oregon 34: Milepost 1.0 – Lake Creek Bridge preservation project in Linn County. The total estimated project cost is \$5,015,000.
6. Approve additional ARRA funds for Transportation Enhancement (TE) projects.

The Commission clarified that item #1 is not a request for ARRA funds. It is to advance state highway funds from the STIP for preliminary engineering design work, so if a second stimulus package funds become available, Oregon is ready to utilize the funds.

The Commission also clarified that items #2-6 would move projects to the STIP if there are savings on stimulus projects, or if other re-allocated ARRA funds become available, ODOT will be in a position to invest them. It's important to note that, while savings aren't expected to cover all these projects, this will create a safety net to allow reinvestment of any savings, or redistributions from other states that may not have obligated their funds.

Because of the tight time frames, project readiness is the most important criteria for putting projects on the list. Highest volume roads should get first priority.

Commissioner Lohman said we are dealing with three scenarios at one time: expected savings from existing ARRA projects; expected opportunity to get re-allocated ARRA funds from other states; and, going out to other non-highway modes and local governments to talk preparedness, so they can be as ready as possible to deal with the short time frames.

Commissioner Wilson asked where funds would be available to assist other modes in preparedness work. Doug Tindall explained that flex funds will become available from

the Jobs and Transportation Act (JTA), and the Commission will have the option of allocating those funds across other modes.

Commissioner Wilson asked if new administrative rules would need to be in place to allocate funds. Assistant Attorney General Dale Hormann responded that a new rule is scheduled for approval in April. Chair Achterman said we need to be prepared with the rule, should a second stimulus package be approved.

Chair Achterman said the goal is to get partners in sync with the highway division in terms of project readiness. She suggested it might be useful, in terms of guidance, to consider these points:

- Funding suggestions. Where could we get funds to help other modes prepare?
- Process. What kind of process would we use to work with them?
- Workshop with other modes and partners?

Doug Tindall noted that the funds would not be wasted if ARRA funding is not available because these are projects that will be completed, and will be added to the next STIP if necessary.

Commissioner Lohman moved to approve amendments to the STIP to add items 1 through 6 to the STIP. Commission members unanimously approved the motion.



Office of Innovative Partnerships Manager Jim Whitty and State Maintenance Engineer Luci Moore requested approval of a request for a determination, under authority of Oregon Administrative Rule 731-070-0240, that the project to outsource maintenance of Oregon Highway 219 from milepost 10.05 to milepost 36.52 (excluding MP 20.16 to 20.59) has the potential to accelerate cost-effective delivery and promote innovative approaches to carry out the project, and therefore shall be enrolled in the Office of Innovative Partnerships Program (IOPP). (*Background material in General Files, Salem*)

Jim Whitty gave a brief background of the rule and the Office of Innovative Partnerships Program.

Luci Moore said a statewide committee of maintenance professionals was established to develop criteria for selecting a core group of projects for consideration. Some of the criteria include:

- Decent level of year-round work.
- Near the contracting community.
- Low impact to crews.
- Not an interstate.
- Complete maintenance management sections for Financial Service's purposes, so direct comparisons between historical and future costs can be made.

ODOT is looking for one prime contractor. The contract will be performance based.

Commissioner Lohman moved to approve the request for determination. Commission members unanimously approved the motion.



The Commission considered approval of an increase in construction authorization of \$5,300,000, on the U.S. 20: Pioneer Mountain to Eddyville project. This will change the construction authorization from \$209,980,628 to \$215,280,628. (*Background material in General Files, Salem*)

Doug Tindall gave a brief background of the project and talked about the landslide that caused the unexpected additional costs.

Commissioner Brown declared a possible conflict of interest and will refrain from voting on this issue.

Commissioner Lohman said this project could be the 'poster child' project on how a project can run over costs.

Chair Achterman said that, originally, many questions were raised about why money was being spent on a low usage road to the coast. The argument made, at that time, was that an alternate route to the coast was needed. The reasons given then as justification have given us many lessons learned about the project selection process. There are benefits to this project never anticipated. Lessons learned need to be captured, and we need to continue to look at practical design options.

Commissioner Wilson moved to approve the increase in construction authorization. Commissioner Brown abstained. The motion was unanimously approved by the other members.



The Commission considered approval of the adoption of the Interstate 5/Wilsonville Road Interchange Area Management Plan (IAMP), which implements Policy 3C of the Oregon Highway Plan, and is consistent with IAMP requirements of the department's Access Management Rule (OAR 731-015-0165). Adoption of the IAMP will constitute an amendment to the 1999 Oregon Highway Plan. (*Background material and PowerPoint presentation in General Files, Salem*)

Region 1 Manager Jason Tell introduced Region 1 Planning Manager Lainie Smith and Senior Planner Michael Ray.

Lainie Smith gave a PowerPoint presentation on the Interstate 5/Wilsonville Road Interchange IAMP.

Public comment was received. Parker Johnstone, Wilsonville Honda, wanted to assure the Commission had received the letter stating his opposition to the proposed IAMP. The Commission said it had received the letter and understood his concern about the impact to businesses.

Commissioner Wilson moved to approve the IAMP. The motion was unanimously approved.



Public comment was heard from Tillamook County Commissioner Mark Labhart. He complimented ODOT for the assistance, the work, the generosity, and the technical knowledge that ODOT provided in solving a problem on the Blain Road Bridge.



Region 1 Manager Jason Tell requested approval to amend the 2008-2011 Statewide Transportation Improvement Program to adjust the scope of the Interstate 5/99W Connector project, in Region 1, to include projects recommended by the Project Policy Steering Committee. *(Background material in General Files, Salem)*

The request is to shift OTIA dollars programmed for the I 5/99W Connector project, as well as local funds, away from building one big facility, to a series of small projects with the same goal. The OTIA dollars will be distributed to projects on the state system. Local dollars, primarily from Washington County, will go toward local elements that are part of the plan. This is being done in a coordinated fashion with local governments, and is a good approach given the limited dollars available to serve the tremendous needs. Once the intergovernmental agreement has been executed, the OTIA dollars can be spent.

Commissioner Wilson applauded Jason's efforts on this creative proposal that brought all the partners together to rethink this complex issue.

Commissioner Wilson moved to approve the request. The motion was unanimously approved.



Sustainability Program Manager Margi Lifsey gave a report on Sustainability, Volume 2. *(Background material and PowerPoint presentation in General Files, Salem)*

Recently, Margi Lifsey was the kick-off speaker for the first national AASHTO Sustainability Fair Exchange. She said it is crystal clear that Oregon is the leader in the nation on sustainability. Multiple states have asked to use Oregon's program as a model.

Highlights of PowerPoint presentation on ODOT's Sustainability Program:

- o Definition of sustainability

- ODOT's strategic plan for sustainability
- Focus areas
- Volume 1, ODOT's creation of the plan from a vision
- Volume 2, Performance measures for internal operations
- Volume 3, Transportation system
- Current successes that save energy and resources, promote recycling, protect the environment, and produce cost savings

Volume 1 of ODOT's Sustainability Plan was introduced last year. Volume 2, which sets explicit goals and performance measures to achieve those goals, is ready for implementation.

The Commission thanked Margi for the excellent work.



The Commission received an annual report on the effects of implementing the 2008 driver license and identification card issuance standards as required by the Oregon Legislature. (*Background material in General Files, Salem*)

DMV Administrator Tom McClellan and Research Unit Manager Barnie Jones gave the first of four annual reports, required by the legislature, on the effects of implementation of Senate Bill 1080, legal presence requirements for issuing driver licenses. A companion bill, House Bill 3624, details the specific impacts to report on, such as changes in the rates of uninsured and unlicensed drivers, number of accidents, etc.

Tom discussed some of the methodologies used to gather the information. The report's conclusion is that changes in driver licensing requirements have had no apparent impact on unlicensed or uninsured driving after the first year of implementation of SB 1080. He noted, however, that the fact that relatively few drivers have been affected is probably due to licenses being issued for eight years. As more drivers are unable to obtain an original driver license or renew their license, the effects of the law on unlicensed and uninsured drivers will become clearer.

At the Commission's guidance, ODOT engaged Portland State University to evaluate the social/economic effects. The first phase of the PSU study, a literature review, found very little on studies done on driver license policy changes that affect social/economic conditions. PSU is researching Oregon's undocumented population and compiling information from general public interviews done last summer. Next spring, employers throughout Oregon will be interviewed. Tom will bring the results to the Commission as it becomes available.

Workloads at DMV offices have decreased in volume, likely due to the economy. However, transaction time has increased because of the new identification requirements.

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The Commission received a presentation from the Mid-Valley Area Commission on Transportation (MWACT) and considered approval of its biennial report, charter, and operating agreements. *(Background material and PowerPoint presentation in General Files, Salem)*

ODOT Area Manager Tim Potter introduced MWACT Chair Ken Woods and Vice-Chair Cathy Clark.

Chair Ken Woods presented the biennial report that describes MWACT's procedures and accomplishments over the last two years, and demonstrates how MWACT meets the OTC's goals. He said the most notable change in the last two years is the addition of a seventeenth position at MWACT. The position represents the Yamhill County transit area. Twelve of the seventeen MWACT positions are now elected officials. There were no requested changes to the charter.

Vice-Chair Cathy Clark gave a PowerPoint presentation review of area MWACT projects:

- I-5/Kuebler Interchange
- Salem River Crossing
- Sublimity Interchange
- I-5/Woodburn Interchange
- Newberg-Dundee Bypass, Phase 1
- Fort Hill Interchange
- OR 22/51 Interchange

The Commission thanked MWACT for the presentation.

Commissioner Brown moved to approve MWACT's biennial report and renew the charter. The motion was unanimously approved by commission members.

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The Commission considered approval of the consent calendar. *(Background material in General Files, Salem)*

1. Approve the minutes of the December 16, 2009, meeting in Portland.
2. Confirm the next commission meeting dates.
 - Wednesday, February 17, 2010, in Salem
 - Wednesday, March 10, 2010, 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 732-005-0000 through 732-005-0081 and the adoption of 732-030-0005 through 732-030-0035 relating to the Special Transportation Program.
 - b. Temporary adoption of 734-020-0148 relating to hearings that result from the towing of abandoned or hazard vehicles.
 - c. Amendment of 735-040-0097, 735-046-0010, 735-046-0050 and the adoption of 735-040-0098 relating to consular corps registration plates and non-profit group registration plates.
 - d. Amendment of 735-062-0070 relating to provisions for conducting a drive test.
 - e. Amendment of 735-062-0290 relating to undercover driver licenses or ID cards for law enforcement officials.
5. Approval of Miscellaneous Resolution Number 310 in preparation for the March 2010 Highway User Tax Revenue Bond Sale.
6. Approval of Miscellaneous Resolution Number 311 for Capital Project Costs. This resolution authorizes reimbursement of costs for projects authorized in the 2009 Jobs and Transportation Act.
7. Approve a request to deny the Petition for New Rule submitted to the Oregon Department of Transportation pursuant to Oregon Revised Statute 183.390.
8. Approve a request to delegate authority to the Division of Motor Vehicles (DMV) Administrator to initiate rulemaking or issue a denial when a petition is submitted by an interested person pursuant to Oregon Revised Statute 183-390 for adoption of a new administrative rule or modification or repeal of an existing DMV rule related to vehicle titling, vehicle registration, or driver licensing.
9. Approve a request to increase student tuition for TEAM Oregon motorcycle safety training courses.
10. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add the Oregon 8: TV Highway at 178th Avenue in Washington County. The total estimated project cost is \$1,230,000.
11. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to expand the scope and delay construction for the U.S. 101 Business: Lewis and Clark River Bridge in Clatsop County. The current estimated project cost is \$3,000,000.

Commissioner Wilson moved to approve the Consent Calendar. The motion was unanimously approved by commission members.



Public comments continued. None.

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Chair Achterman adjourned the meeting at 1:25 PM.

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Gail Achterman, Chairman

Not present.

Michael Nelson, Vice Chair

Unavailable for signature

Janice Wilson, Member



Alan Brown, Member



David Lohman, Member



Roxanne Van Hess, Commission Support