

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting

March 11, 2010

Salem

On Thursday, March 11, 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
Vice Chair Michael Nelson
Commissioner Mary Olson
Director Matthew Garrett
Chief of Staff Joan Plank
Deputy Director for Highways Doug Tindall
Communications Division Admin. Patrick Cooney

Region 4 Manager Bob Bryant
Rail Division Administrator Kelly Taylor
Trans. Development Administrator Jerri Bohard
Public Transit Administrator Michael Ward
Government Relations Manager Robin Freeman
Commission Assistant Amy Merckling

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Chair Achterman called the meeting to order at 9:08 a.m.

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Director's Report:

--The U.S. Senate passed a 30-day extension of the Federal Surface Transportation Program last week, ending a two-day shutdown of the Highway Trust Fund. The 30-day extension will probably be superseded soon when Congress finishes work on a "jobs" bill that would extend the Surface Transportation Program through the end of the year. The House passed this bill last week, and the Senate is expected to pass it this week. This bill will extend federal highway, transit, and safety programs through the end of the calendar year, offering much greater certainty on levels of funding as we go into the construction season. The legislation will also provide an infusion of \$19 billion into the Highway Trust Fund, which will ensure that funding is whole for the programs. However, it won't provide any additional funding to the states. At this point, it is extremely unlikely that Congress will provide states with additional resources for transportation, as it did under the Recovery Act.

--Last week, Director Garrett, Chief Financial Officer Les Brodie, Debt and Investment Manager Anthony Buckley, Deputy Director for Central Services Clyde Saiki, and State Debt Management Director Laura Lockwood-McCall met with bond rating agencies in San Francisco, in preparation of the final bond issue for the OTIA projects. They met

with Moody's, Standard & Poors, and Fitch, and talked about ODOT's mission, successful investment initiatives, historical and projected revenue, ODOT's bonding program, and the debt service coverage maintained. They spoke about the 2010 bond issue and ODOT's credit strength. The houses will give their bond rating for ODOT on March 15.

--The 2010 Special Legislative Session adjourned Thursday, February 25th. There were 215 bills, memorials, and resolutions introduced, and 115 of these were passed. ODOT tracked 57 bills, memorials, and resolutions, and 28 of these passed. ODOT submitted 28 pieces of testimony/presentations and 53 fiscals on bills and bill amendments. A handful of transportation bills passed during the 2010 session, and some had a significant impact on the department:

- o Senate Bill 1019 – the Senate transportation omnibus bill was amended and passed.
- o House Bill 3696 – the Program Change Bill transfers the duties, functions, and powers of the Oregon Interoperability Communication Plan, and the State Interoperability Executive Council (the Oregon Wireless Inoperability Network - OWIN) to ODOT from the Oregon State Police. *The Commission asked for a briefing on OWIN in the near future.*
- o Senate Bills 5563 and 5564 approved the \$64.7 million for the Transportation Headquarters building renovation. *The Commission asked for a briefing on all of the agency's leased space.*
- o Senate Bill 1024 will change highway access permit requirements to allow businesses greater increase in traffic volumes without obtaining a new permit.
- o Senate Bill 1031 will require destination resort applicants to include economic and traffic impact analyses for each proposed development.
- o Senate Bill 1059 reflects the work of the MPO Greenhouse Gas Emission Task Force.
- o Senate Joint Resolution 41 allows the legislature to meet annually for 160 days during odd-numbered years, and 35 days during even-numbered years.



Public Comments:

--Paul Smith from the City of Portland's Bureau of Transportation suggests ODOT establish a performance based program to allocate federal flex funds, and that the funds be allocated to performance based investments though an open and transparent, performance based competition. He also suggested creation of a statewide, public/private, multi-modal advisory board.

--Lane County Public Works Vegetation Management Coordinator Orin Schumacher proposed a partnership between Lane County and the Oregon Department of Transportation for a "reduced use herbicide" pilot project.

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The Commission considered approval of a request to designate the Beltline Highway in Eugene in honor of Randall C. Papé. *(Background materials in General Files, Salem)*

The City of Eugene passed a motion to rename the Beltline Highway as the Randy Papé Beltway. Governor Kulongoski sent Chair Achterman a letter in January requesting the Commission designate the Beltline Highway in honor of Randall C. Papé. Today, Director Garrett made the recommendation that the Beltline Highway be designated as the Randy Papé Beltway, from its intersection with OR 126, to its eastern terminus just east of I-5 at Gateway Street. He said it goes without saying that Randy left a legacy in many areas, certainly in transportation. The health of the transportation infrastructure is better, is safer, because of Randy's efforts. Director Garrett said he could think of no other honor better suited, to this man who gave so much, as for us to give this designation.

Former OTC Chair Stuart Foster gave public comments in support of the designation, and spoke on the merits of Randy Papé. Among his comments, he said, "One of the things that struck me as I was thinking about it, is how much money, millions of dollars, Randy Papé saved the state of Oregon. He was a great advocate of efficiencies within the department. He was directly involved in the negotiations with the potential private sector managers for the OTIA bridge program. As a result of his expertise and his skill, the department saved millions of dollars in eventually putting together the agreement with the Oregon Bridge Delivery Project. In addition, I have never seen anyone with the energy, passion, and tenacity of Randy Papé. I am absolutely certain that, but for Randy Papé, we would not have secured a transportation funding package in 2009." *(Verbatim comments in General Files, Salem)*

Chair Achterman thanked Stuart Foster for taking the time to come to the meeting, and for his eloquent comments on Randy Papé's service to the state, and the example he set. She said it's a privilege to make this designation in his honor.

Vice-Chair Nelson noted his thanks to Chair Achterman and Director Garrett for keeping this issue a number-one priority. He moved to approve the request to change the designation of the Beltline Highway to the Randy Papé Beltway. Commission members unanimously approved the motion.

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The Commission considered approval of a request to adopt the Chenoweth Interchange Area Management Plan (IAMP) in The Dalles. This IAMP is consistent with the 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 materials and PowerPoint presentation in General Files, Salem)*

Region 4 Manager Bob Bryant said the Chenoweth IAMP is an example of a successful collaboration with local government. This started as an effort to resolve a conflict. The Oregon Department of Transportation filed a land use appeal to a decision by the City of The Dalles to re-zone a significant portion of the industrial land north of the Chenoweth Interchange. ODOT positioned itself to be able to support the local jurisdiction's desire to re-zone that land, based on some conditions the Commission requested. One of those conditions was an Interchange Area Management Plan.

Land Use Planner Ana Jovanovic gave a PowerPoint presentation on the details of the Chenoweth IAMP. Highlights of the presentation:

- o Background and context
- o IAMP Goals
- o The preferred IAMP alternative
- o System Development Charges
- o Next steps

Chair Achterman said The Dalles is experiencing a lot of development activity, and there have been many conversations about providing resiliency and more reliability for north/south freight movement by exploring upgrades to Highway 97. One portion of that route is the bridge over the Columbia River in The Dalles. She asked the condition of the bridge. How many lanes exist? What are the opportunities to expand the crossing on Highway 197, working with the community of The Dalles and Wasco County?

Bob Bryant said the two-lane, steel structure is limited in capacity and has had significant maintenance issues. The bridge has reached its functional longevity, and structural investments have been needed to accommodate the increasing amount of traffic on Highway 197 across the river. Another consideration is the interchange of Highway 197 at Interstate 84. This location does not meet today's functional needs for the types of truck movement accommodated there. Currently, there is no funding program, or anticipated funding for the improvements needed on Highway 197.

Chair Achterman convened a hearing on the Chenoweth Area Management Plan and asked for comments. No testimony was given. The hearing was adjourned.

Vice-Chair Nelson moved to approve the motion to adopt the Chenoweth Interchange Area Management Plan (IAMP). Commission members unanimously approved the motion.



The Commission considered approval of the 2011 Legislative Concepts for submission to the Department of Administrative Services and the Governor's Office. (*Background materials in General Files, Salem*)

Government Relations Manager Robin Freeman gave an overview of the eleven 2011 Legislative Concepts. In consideration of comments made by the Commission at the

October 2009 OTC meeting, only concepts critical to the next session have been brought forward. The concepts increase efficiencies, bring ODOT into compliance with federal regulations, and address important safety issues.

Commissioner Olson asked if there are any unresolved federal compliance issues. Robin said the commercial driver license concept might need modification if changes to federal law occur.

Commissioner Olson moved to approve the 2011 Legislative Concepts. Commission members unanimously approved the motion.



Deputy Director for Highways Doug Tindall gave an update on Project Delivery/Practical Design. (*Background materials and PowerPoint presentation in General Files, Salem*)

Annually, the Highway Division provides the Commission a report on projects that have been completed, and on total expenditures versus original OTC authorization. Doug Tindall explained that the OTC has asked for follow-up reporting on areas of improvement identified in previous project delivery presentations. He said ODOT is continuing to complete these items, and today's presentation will focus more on ODOT's progress toward implementing Practical Design, as required by House Bill 2001.

Specific project improvements being worked:

- Refine STIP criteria
- Link Planning Environmental Process (LPEP)
- Develop a standard environmental commitment tracking process and tool
- Annual report to regulatory agencies and FHWA
- Develop and expand mitigation banking programs
- Expand use of environmental performance standards
- Develop new programmatic agreements with regulatory agencies
- 'Batching' projects by similar type
- Digital signatures
- Right of Way Data Management System
- Electronic bid document distribution
- Technical and inspector certification programs
- PM training for ODOT and consultants
- Web-based contract payment system
- Change order database
- Improve liaison agreements with performance measures and increased accountability
- Expand biological assessment certification
- Storm-water process improvements
- Mitigation site maintenance and reporting

Deputy Director Tindall explained that Practical Design is a philosophy to stretch scarce resources as far as possible to meet transportation system need best, while balancing cost and system value with good business practice. ODOT completed a Design-Build (D-B) project this year. A final assessment of that project showed that use of the D-B contract resulted in opening the highways and bridges on the project 18 months sooner than expected under the traditional Design-Bid-Build (D-B-B) method, and saved about \$12.6 million over the amount projected in the original procurement exemption. The project was awarded first place for paving quality by the Asphalt Paving Association of Oregon.

Vice-Chair Nelson asked if the economic factor should qualify as a performance measure for liaison agreements. Doug said the economic factor should be factored in as measurement. Chair Achterman said management lessons learned through improvement of ODOT's project delivery process should be applied to workforce development, on the workforce side. She thanked Doug for the excellent report.



The Commission received an update and PowerPoint presentation on the 2012-2015 Statewide Transportation Improvement Program (STIP) Criteria from Transportation Development Administrator Jerri Bohard and STIP Stakeholder Committee (SSC) Chair Dr. Scott Ashford. (*Background materials and PowerPoint presentation in General Files, Salem*)

A public review draft of the STIP criteria was sent to Area Commissions on Transportation, Metropolitan Planning Organizations, and other stakeholders. One response comment that seemed consistent was around issues that were not really part of the scope of this work, like funding levels, program allocations, and even project specific requests. She noted that 'prioritizing projects', and 'match to available funding level' are the two boxes discussed when talking about this criteria.

Jerri Bohard noted that the presentation was informational only. Approval will be brought to the April or May OTC meeting.

Highlights of the presentation:

- How a project gets into the STIP
- The STIP development process
- Accomplishments of the STIP Stakeholder Committee
- STIP criteria successes
- The STIP criteria – considerations
 - Relieving congestion
 - Safety
 - Operational effectiveness
 - Reducing need for more highway projects
 - Freight concerns
 - Economic health

- Cost-benefit comparison
- Livable communities
- Environmental stewardship
- Greenhouse gas goals
- Legislative direction
- Least cost planning
- Proposed changes for 2012-2015
- Documentation expectations
- New factors

Dr. Scott Ashford said the STIP Stakeholder Committee (SSC) would like direction from the Commission on some specific projects designated by House Bill 2001. The SSC has concern that some of those projects may come in under-funded. If that happens, would those projects have special priority, or would they go through the regular STIP process to get the extra funding? Chair Achterman said that projects designated in HB 2001 were called out with specific costs that were to be funded by specific revenue provided for those projects. Any competition, for the general state and federal funds that are a part of the STIP, should be equal and subject to the same criteria as all the other projects competing for those funds.

The SSC has reached consensus on greenhouse gas emissions and agrees there will be specific greenhouse gas emission criteria in the next STIP.

The SSC sees a better and more efficient use of funds if the safety silo of funds was made more transparent to see what projects might be combined with other projects for a more efficient use of funds.



The Commission considered approval of the 2010 Oregon Transportation Commission Work Plan. (*Background materials in General Files, Salem*)

Chief of Staff Joan Plank requested approval of the 2010 Oregon Transportation Commission Work Plan.

Commissioner Olson moved to accept the OTC 2010 Work Plan with the following changes:

- 1) Change the date in the title from "2010" to "2010/2011".
- 2) Page 4, to the last sentence of the description of Oregon Rail Transportation Reports, add the words "and action strategies".
- 3) Page 6, delete the last sentence of the description of Practical Design.
- 4) Page 6, to the last sentence of the description of Policy Analysis of Governance Issues, add the words "and engage in the development of related polices."
- 5) Page 7, in the first sentence of the description of Greenhouse Gas Emissions Reduction, replace the period after 'ORS 468A.205' with ", for" and delete the words "The focus is to be on".

- 6) Page 10, add "Audits" to the list of Fiduciary Responsibilities
- 7) Add "Community and citizen meetings" to the list of Partner and Stakeholder Relationships.

Commission members unanimously approved the motion.



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

1. Approve the minutes of the February 17, 2010, meeting and the February 24, 2010 Emergency telephone meeting in Salem.
2. Confirm the next commission meeting dates.
 - Tuesday and Wednesday, April 20-21, in Florence.
 - Thursday, May 13, 2010, in Wilsonville
3. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Approve the following rules:
 - a. Amendment of 734-074-0008 0020 relating to wide-base single tires for triple trailers.
 - b. Amendment of 735-062-0060 relating to vision testing for drivers over 50.
 - c. Amendment of 735-063-0000, 0050, 0060, 0070, and 0075 relating to CDL medical program; waiver of physical disqualification.
 - d. Adoption of 740-100-0010, 0060, 0065, 0070, 0080, 0085, 0090, 740-110-0010 relating to federal safety and hazardous materials transportation regulations.
5. Approve the proposed proclamation from Governor Theodore Kulongoski designating May 2010 as Transportation Safety Awareness Month.
6. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to include the following three Transportation Enhancement projects from the Reserve List: Canyon Journey Trail: Mill City Sections; River Road: 2nd Street – Community Center Pedestrian Facilities in Elkton; and Main Street: Bonanza – Front Street Sidewalk/Streetscape in Echo.
7. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add construction for the Interstate 405: Willamette River (Fremont) Bridge in Region 1. The project will be funded with Bridge Program funds. Total estimated project cost is \$10,525,000.

Commissioner Olson moved to approve the Consent Calendar. Commission members unanimously approved the motion.



Public comments continued. None.



Chair Achterman adjourned the meeting at 11:44 a.m.




Gail Achterman, Chairman


Michael Nelson, Vice-Chair


Mary Olson, Member

Not Present
Alan Brown, Member

Not Present
David Lohman, Member


Roxanne Van Hess, Commission Support

Stuart Foster's comments on Randy Papé
Oregon Transportation Commission Meeting
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"My name is Stuart Foster, and I am a private citizen, residing in Medford, Oregon. I am here today to speak in support of naming the Eugene Beltline Highway in honor of Randy Papé. "Randy was a bigger-than-life citizen of this state. Randy and I served on the commission for seven years. Gail served that same period of time with him."

"I remember so clearly, when he first came on the commission, he took detailed notes of everything in a little spiral notebook. He took notes of everything. Some of the rest of us, me being the biggest victim of this, didn't take notes like that and found ourselves, especially when we were new on the commission, putting our foot in our mouths. A lot. Randy never did. Randy absorbed all those facts. Randy knew what he was talking about. And when Randy spoke, we all needed to listen."

"He was soon managing our policy affairs in the independent republic of Eugene. And he referred to that with great affection, I should say. And he did it with great skill, grace, and aplomb."

"One of the things that struck me this morning as I was thinking about it, is how much money, millions of dollars, Randy Papé saved the state of Oregon. He was a great advocate of efficiencies within the department. Among many other things, he was directly involved in the negotiations with the potential private sector managers for the OTIA bridge program. As a result of his expertise and his skill, the department saved millions of dollars in eventually putting together the agreement with the Oregon Bridge Delivery Project."

"He just was a delight to work with too, as any of us who served with him know."

"Among the many projects he immersed himself in, resolving complex issues, was the I-5/Beltline Interchange Project, which was really a toughie. There was litigation. There were all sorts of things involved, swirling around that project, and he really rolled up his sleeves and went to work. He could be tough, and he could tell a community no when it was appropriate to do so. Yet, he usually found a way to pull diverse interests together in a move forward. On the I5/Beltline Interchange Project he hammered out a solution, and Springfield, Eugene, PeaceHealth, and the state of Oregon are better for it. Here's another example of him saving money; the unequivocal commitment of PeaceHealth to contribute to the funding of that I-5/Beltline Project."

"His greatest achievement on the commission, and for the citizens of this state, initially looked like a failure. In the 2007 legislative session, he threw himself into a transportation funding package with the energy, tenacity, and relentlessness of the then Oregon defensive end, Nick Reed. I can still see him, I've never seen this before and I saw him do it twice, I can still see him pounding the table,

Stuart Foster's comments on Randy Papé
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forcefully and passionately speaking to the business leaders of this state, and the legislative leadership, of the need for a transportation package *now*. He would say, 'we're on the five-yard, line and we've got to get this ball across the goal line.' In the many years that I have observed the legislative process, I have never seen anyone with the energy, passion, and tenacity of Randy Papé. We did not secure a funding package in 2007, but I am absolutely certain that, but for Randy Papé, we would not have secured a transportation funding package in 2009."

"We also need to remember that Randy Papé was first of all a gentleman, a philanthropist, and a class act. And an Oregon Duck. Maybe I should have said that first. It was a true privilege to serve with Randy, and to become his friend."

"I said earlier that the state needs to honor Randy. But, in reality, it is the state that has the honor of naming a state highway for Randy Papé."