

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
June 19-20, 2014
Bend, Oregon**

On Thursday, June 19, 2014, at 10:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff met with the Central Oregon Regional Solutions Team, Lower John Day Area Commission on Transportation (LJDACT) members, and Central Oregon Area Commission on Transportation (COACT) members in the Barnes and Sawyer Room, at the Deschutes Service Building, 1300 NW Wall Street, Bend, Oregon. That afternoon, at 3:00 p.m., OTC members and ODOT staff took a bus tour of Region 4 projects. That evening, the OTC and ODOT staff held a no-host dinner with the Central Oregon Regional Solutions Team, and LJDACT and COACT members in the Deschutes Room B at the Bend Riverhouse, 3075 Highway 97, Bend.

On Friday, June 20, 2014, at 8:30 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a premeeting briefing session and agenda review in the DeArmond Room of the Deschutes Service Building. The formal monthly meeting began at 10:00 a.m., in the Barnes and Sawyer Room.

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 Catherine Mater	Rail and Public Transit Div. Admin. Hal Gard
Commissioner Dave Lohman	Central Services Deputy Director Clyde Saiki
Commissioner Tammy Baney	Int. Communication Sect. Mgr. Dave Thompson
Commissioner Susan Morgan	DMV Division Administrator Tom McClellan
Commissioner Mark Frohnmayer	Region 4 Manager Bob Bryant
Director Matthew Garrett	Planning Section Manager Erik Havig
Dep. Director for Public Affairs Travis Brouwer	Budget Manager Darryl Ficker
Highway Division Administrator Paul Mather	Commission Assistant Jacque Carlisle
Transportation Safety Div. Admin. Troy Costales	

Thursday, June 19

Chair Mater called the meeting to order at 10:09 a.m.

● ● ●
Workshop Item #1
Welcome

City of Bend Mayor Jim Clinton welcomed the Commission and talked about the Highway 97 partnership and Oregon's unique situation of being squeezed between two more populous states, and the resulting pass-through traffic, particularly for the railroad. Rail is the logical way to move heavy items and will become more and more logical as the price of energy keeps rising. Local communities like Bend are at the forefront of that interface between increased rail traffic and safety/infrastructure needs.

● ● ●
Workshop Item #2
Panel Discussion on U.S. Highway 97

The Commission participated in an informational panel discussion about U.S. Highway 97. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

In 2008, 2010 and 2013 the Oregon Transportation Commission (OTC) received informational presentations on the U.S. 97: Bend North Corridor project. This is another briefing on the progress and current status for this project.

The U.S. 97: Bend North Corridor project, authorized by the Commission through a developmental milestone, is focused on long-term improvements to address safety and mobility on U.S. 97 at the north end of Bend, and within the Bend Parkway corridor context.

The project completed two critical milestones in the land use process with its recent adoption into the Bend Metropolitan Planning Organization's (MPO) Regional Transportation Plan (RTP) and the City of Bend's Transportation System Plan (TSP). Currently, the Final Environmental Impact Statement (FEIS) has been submitted to the Federal Highway Administration (FHWA) for its initial review and comment, with the Record of Decision (ROD) anticipated by August 2014. For additional details <http://www.us97solutions.org/>.

●

The Commission received an update on the U.S. 97: Bend North Corridor project from Region 4 Manager Bob Bryant, Region 4 Tech Center Manager Jon Heacock, Region 4 Planning and Environmental Manager Amy Pfeiffer, and Bend City Manager Eric King.

Presentation:

Region 4 Manager Bob Bryant started the discussion by giving a brief background of transportation in Central Oregon and introduced Planning and Environmental Manager Amy Pfeiffer who gave a presentation on U.S. 97/Bend North Corridor Solutions. Highlights of the presentation were:

- history/background – focused on scaling back the project
- key attributes – improved connectivity, reduced rural land impacts, phasing opportunities
- phasing opportunities – incremental improvements provide operations and safety benefits and capture available funding
- current updates – Record of Decision anticipated September 2014
- moving forward – the City of Bend and ODOT will work together to review U.S. 20/U.S. 97 connectivity, Robal Road connection to U.S. 97, and Empire Avenue phasing.

Discussion:

Commissioner Lohman said one of the issues is that the bypass has become less and less a bypass because of all the connections, and he is concerned about spending a large amount of money creating a continuation of the bypass, and then turning around and letting more access into it. That just turns around to more problems in the future. Bob Bryant responded that the sensitive balance between accommodating Highway 97 traffic and providing access to the community has been a long-standing point of discussion. This particular topic is not part of the NEPA analysis to FHWA because stakeholders agreed they could come back if needed and take a more focused look at impacts and the benefits of balancing access to the community with a need to ensure mobility on Highway 97.

Commissioner Morgan said it is good to see attention is being paid to level crossing issues with the railroad, because when you look at congestion issues, level crossings are a huge issue. It is excellent to have a collaborative long-range plan, and a blueprint put in place for the future, but we also need to recognize that future is unknown and as the plan unfolds there may be changes. It will not be a successful project if all of the competing needs aren't involved in the decisions being made.

Director Garrett said concerns have been raised by residents and some commercial areas along this corridor, and he asked the status of conversations addressing the concerns. Bend City Manager Eric King responded that many of the concerns have been addressed and came off the table as the project was downscaled. He does not see a lot of loose ends. Bob Bryant commended Amy Pfeiffer for her diligence working with stakeholders to be responsive and sensitive to issues raised.

Commissioner Baney said she would be remiss if she didn't underscore the agency's ability to adjust and compromise.



The Commission received an update and participated in a discussion with partnership representatives on the TRIP97 collaborative effort.

Background:

During the April 2012 OTC meeting in Madras, a panel of Central Oregon Area Commission on Transportation (COACT) members and other community leaders discussed perspectives on the

importance of U.S. 97, with a common vision of how best to preserve, maintain, operate and enhance the corridor as an asset to the communities and regions it serves.

A highlight of the discussion was the introduction of a unique planning effort for U.S. 97, just getting under way in Central Oregon, called TRIP97, which is a collaborative effort among city, county and state agency partners. Expected outcomes of TRIP97 include:

- Providing certainty and clarity for economic development by using a corridor approach to mobility with new and creative performance measures and evaluation tools, notably as related to the Oregon Transportation Planning Rule and the Oregon Highway Plan.*
- Diversifying funding opportunities, such as to use small increments of funding from many different sources, and to create leverage opportunities and tie funding strategies to broader community growth and economic development opportunities.*
- An ongoing governance structure and agreed-upon practices, including a practical, intermodal, and best value evaluation approach to develop and prioritize transportation strategies, investment, and related land use decisions.*

During the December 2012 OTC meeting, the Commission participated in an informal panel discussion and an updated presentation with TRIP97 Partnership representatives. The discussion focused on:

- Performance Measures (mobility, economy, safety, environment, alternate modes, accessibility, network redundancy/connectivity)*
- Governance options, funding options*
- The importance of outreach, stakeholder involvement*
- An innovative approach in qualitative evaluation of user types (e.g., freight industry, commuters, pedestrians, emergency services, etc.).*

Project materials, work-in-progress, opportunities for involvement, and additional background information can be found at www.trip97.com.

Participants in the panel discussion:

- ~ Bend City Manager Eric King
- ~ La Pine City Manager Rick Allen
- ~ Redmond City Manager Keith Witcosky
- ~ Madras City Administrator Gus Burrell
- ~ Deschutes County Administrator Tom Anderson
- ~ Jefferson County Administrator Jeff Rasmussen
- ~ Deschutes County Public Works Director Chris Doty
- ~ ODOT Region 4 Manager Bob Bryant.

Presentation:

Eric King started the presentation on TRIP97 by introducing Chris Doty who talked about TRIP97. Highlights of the presentation were:

- o TRIP97 is a collaborative multiagency effort with the vision of U.S. 97 continuing to serve as an economic engine for Central Oregon

- problems include: the current planning practice can result in large, unaffordable projects; projects must show an ability to fund in this environment where state and federal resources are questionable; the intent of the Transportation Planning Rule (TPR) conflicts with land use and employment growth; and these limit opportunities to maximize U.S. 97 as an asset (supporting economic growth)
- the solution is an update to the TPR to help implement the concept of adopting new performance measures for the corridor - performance measures with a system approach versus location by location and with expanded metrics to account for safety, reliability, redundancy, environment, modes, and economic development
- the solution is shifting how we balance land use and growth in communities with transportation demands and mobility goals, and establishing new and unique funding mechanisms by creating local, state, and federal partnerships
- the tools to reach these goals will be: jurisdictional cooperation and collaboration; having one voice with a consistent message; new transportation analysis methodologies; and a wide range of lower cost improvement options
- performance evaluations will consist of corridor metrics focused on the entire corridor, segment metrics to assess individual urban/rural sections, and narratives from the user's perspective to assess tradeoffs
- funding goals and funding sources to consider
- governance options that promote regional collaboration
- outreach efforts in progress with broad group of stakeholders
- feedback to date shows that financing is the greatest challenge, but there are also concerns about equity across jurisdictions, the complexity of methodologies, and creating another level of government

Discussion:

Keith Witcosky said he is optimistic about being able to use this tool to address a number of the circulation and economic development issues. The issues and challenges come down to how to pay for it, who decides where the money goes, and how it gets prioritized. This group works as a team and is motivated because if they can figure out the solution, that innovation can be used other places around the state. He noted that ODOT's Bob Bryant and Gary Farnsworth are phenomenal to work with and he gives them credit.

Tom Anderson said some of the conversation, from the accounting perspective, has been about the challenge of allocating funds outside your jurisdiction. The economic benefits are largely centered in the cities, but by virtue of the fact the two counties recognize the rising-tide concept in terms of economic benefit, it shows the importance of being collaborative and working together. That faith in allocating funds outside of your jurisdiction is reflective of how important it is to everyone and how critical it is to the region to be collaborative.

Jeff Rasmussen said the governing board in Jefferson County is on board with the concept. They are the smaller player and want to make sure the funding mechanisms are fair and equitable. Because Jefferson County is surrounded by high-value farmland, they don't see the growth of other counties, but they want to be very productive working with their partners, especially the City of Madras, in using this as an economic development tool.

Gus Burril said Madras is aggressively pursuing expanding its airport operations, industrial park, and other options that paint a picture of a small town that is not stagnant, but a growing town with businesses expanding their operations. Madras wants to be at the table when opportunities come along.

Chair Mater asked for a sense of framework for how much work is left before first time out performance. What do you expect, and how is that going to shape itself out? What's the benchmark? Eric King responded that the benchmark is going to lead to an amendment of the Oregon Highway Plan. A performance metrics change will be one piece, and funding options are going to have to take a legislative track and get creative with some of the options. There are things being done locally to capture growth and they are exploring urban renewal options as a funding mechanism. There are cities in the corridor that are going through their transportation system plans (TSPs) and amending or completely revising the plans so there is a lot of evaluation at the local level. Let's use those planning processes as a next step to try and put the overlay of TRIP97, thinking of the bigger picture and what that might look like, which could set us up to get mechanisms in place for our own TSP, especially on the funding side.

Rick Allen said it has been a great collaborative effort, which just shows there is an overall lack of transportation funding. There are a lot of projects and we are going to have to look at things differently. He has been involved with this for several years now, and ultimately the low hanging discussions have happened and we have to start moving higher. That next phase will start to clarify where we are going.

Eric King said the cities are just embarking on the TSPs which will make projects more specific that could be funded. The feedback heard from elected officials has been, "yes, this concept or package sounds good, but tell me what I'm getting for my money." How is it going to be prioritized and how are we going to then filter those projects through the court or segment performance metric that are in concept right now. That has to be done before we get to the funding because we can't talk about all these funding mechanisms if there's nothing to show for it. In the background, we need to work on the governance model, staying together and not losing the collaboration we've worked so hard to build and maintain.

Commissioner Lohman said he has been impressed with past efforts to cobble together transit systems in this corridor, and asked what part transit plays in meeting the goals of TRIP97? Transportation funding is decreasing, which logically means looking at ways to use public transportation a lot more than in the past, and yet funding for public transportation is even more challenged. Transit has to be part of the solution. Chris Doty said you can't not involve public transit in the conversation about TRIP97 elements. The time isn't right in terms of refinement to have any clarity now, and we can't bring something forward that doesn't have transit being discussed as part of the solutions and funding component. Eric King said the Regional Solutions Team has offered to help bridge this gap.

Commissioner Baney asked for clarification on the nexus between COACT and the TRIP97 group. How do they prioritize projects and how will the ACT help inform decisions? Director Garrett added another dimension to the question by saying the ACT and the Regional Solutions Team have an elegant dance that needs to take place so they won't step on each other. Both

choose priorities, and the better synced up we are, the more opportunity comes animating those type priorities. ODOT Area Manager Gary Farnsworth said the TRIP97 Steering Committee is focused on the 97 corridor, but has had consistent dialogue with the ACT to share information and get feedback, so when decisions need to be made there is an understanding about how TRIP97 will benefit Oregon and impact the other members along the corridor.

Commissioner Morgan noted the importance of not neglecting our federal representatives in this discussion. That piece of the funding dialogue is a big chunk of what makes this whole thing roll over.

Chair Mater said the tougher the scenario gets in terms of crisis and recognizing what's ahead for funding, the more we don't have any choice but to look very unusually and very differently at different funding venues that provide a real advantage to that collective approach in small community areas with the right kind of project.



The OTC broke for lunch at 11:40 a.m.

The Commission reconvened in formal session in the Barnes and Sawyer Room at 12:43 p.m.



Workshop Item #3

Panel Discussion with Lower John Day Area Commission on Transportation (LJDACT)

The Commission participated in a panel discussion with LJDACT members and considered approval of its updated charter and biennial report. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Oregon Transportation Commission originally chartered LJDACT in 2000. The biennial report describes LJDACT's procedures and accomplishments over the past two years and demonstrates how it meets the OTC's "Policy on the Formation and Operation of Area Commissions on Transportation (ACTs)" and the Highway Division directive that implements the policy. Pursuant to Highway Division Directive HWY ORG 01-02, LJDACT is required to present a biennial report to the Oregon Transportation Commission (OTC) every two years.

In preparation for this meeting, the Commission posed the following questions for the Area Commission on Transportation members to consider as part of the discussion.

- 1. As the OTC, we struggle with the balance between maintaining the transportation assets we have and expanding the transportation system. What does this balance look like in the Lower John Day area?*

2. *As we look to find new revenue for transportation, what are the key opportunities for transportation investments to help the economic situation here? What investments covered meet the statewide needs?*
3. *How do the roles of the ACTs and advisory committees change in view of Governor Kitzhaber's direction to the Commission? What do you see as some of the opportunities and some of the difficulties in changing the model?*

Governor Kitzhaber's six principles to OTC (from Governor Kitzhaber's address to the OTC in August 2011)

- *Do we have the right group of individuals at the table at the beginning of the process to define the problem and solution together?*
- *Should ODOT manage or own the facility or would it be better managed for a diverse set of outcomes, by another agency or jurisdiction?*
- *Are we creating programs that do not simply invest in the future of the transportation system, but meet a multitude of community objectives?*
- *Does each decision move us closer to a sustainable, safe, low carbon, multimodal system?*
- *Does the decision maximize benefit for the least cost under the limited resources?*
- *Finally, does this decision or policy move us closer to finding a more rational transportation funding mechanism for the future?*

LJDACT members participating in the discussion were:

- ~ County Judge and LJDACT Chair Gary Thompson
- ~ Wheeler County Commissioner Rob Ordway
- ~ ODOT Transportation Engineer Brad DeHart
- ~ ODOT Region 4 Area Manager Gary Farnsworth

Discussion:

Gary Thompson started the discussion by presenting the LJDACT charter and commenting the ACT has had a difficult time getting port representatives for the marine and aviation modes. Representation from all modes is one of the requirements of being an ACT. There are no airports in the region outside of a small emergency airport, so the ACT doesn't know how to deal with the lack of airport mode representation. Director Garrett said ODOT will work with its sister agencies to make sure the appropriate aviation representative is at the table. Chair Thompson said representation from the other modes is good, with the exception of members from the private sector with the challenge of time constraints. LJDACT currently does not have a private sector representative.

Chair Thompson said the ACT is clearly focused on maintaining current assets, but given the rural nature of the area, it is constantly looking for ways to pool resources just to hold the system together. The biggest need is money for maintenance. LJDACT fully embraces the governor's directive, with membership expansion reflected in the new charter, and it also shares resources for maintenance and operation. The opportunities are growing, dialogue has become intermodal and community based, which conflicts with some members who believe bike/ped does not belong at the table. A good portion of people in the rural area believe bike/ped is money that should be spent on the roads. In addition, they would like to see some

way of taxing bikes so they pay their share and to help pay for bike/ped funding. The 20 percent of *ConnectOregon* funds that went to very expensive bike/ped projects this year could have made a big difference for some of the other modes. Highway 97 has become a major artery from Washington and Canada, south to California because of the congestion on I-5. All the trucks coming south on Highway 97 are causing problems at the Biggs Junction and the ACT is looking to build a truck parking facility there with assistance from the county or state. Gary Farnsworth said the truck parking issue is consistently seen in messages to ODOT on the limited truck parking available on I-84 and U.S. 97 in particular.

In response to a question from Commissioner Frohnmayer on how many of the trucks on the highway do not have a destination in Oregon, Chair Thompson said about 75 percent of the trucks are pass-through. Putting trucks on trains for transit through Oregon would work through the I-5 Corridor, but doesn't coming up the Deschutes River Canyon because of height restrictions due to tunnels.

Chair Thompson said there is also the ongoing struggle with policy issues that prevent their Road Department and ODOT from sharing equipment. That restriction requires both to have the same type of equipment for the same roads. Director Garrett said this is an area we can explore as long as the exchange is equitable and the discipline of the Highway Trust Fund is maintained.

Chair Mater said we should take a concentrated look at the elimination of redundancies as part of the internal strategy, and Director Garrett said we are currently looking for opportunities not only with equipment, but also with the co-location and sharing of facilities.

Chair Mater asked for follow up from the department on this issue, with a mapping showing where it's done in the state and where those disconnects potentially might exist, and what the constraints are to closing up those gaps.

Action:

Commissioner Baney moved to approve the LJDACT Charter. Commission members unanimously approved the motion.

● ● ●
Workshop Item #4

Panel Discussion with Central Oregon Area Commission on Transportation (COACT)

The Commission participated in a panel discussion with COACT members and considered approval of its updated Operating Guidelines and biennial report. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Oregon Transportation Commission originally chartered COACT in 1998. The biennial report describes COACT's procedures and accomplishments over the past two years and demonstrates

how it meets the OTC's "Policy on the Formation and Operation of Area Commissions on Transportation (ACTs)" and the Highway Division directive that implements the policy. Pursuant to Highway Division Directive HWY ORG 01-02, COACT is required to present a biennial report to the Oregon Transportation Commission (OTC) every two years.

In preparation for this meeting, the Commission posed the following questions for the Area Commission on Transportation members to consider as part of the discussion.

- 1. As the OTC, we struggle with the balance between maintaining the transportation assets we have and expanding the transportation system. What does this balance look like in Lower John Day area?*
- 2. As we look to find new revenue for transportation, what are the key opportunities for transportation investments to help the economic situation here? What investments covered meet the statewide needs?*
- 3. How do the roles of the ACTs and advisory committees change in view of Governor Kitzhaber's direction to the Commission? What do you see as some of the opportunities and some of the difficulties in changing the model?*

Governor Kitzhaber's six principles to OTC (from Governor Kitzhaber's address to the OTC in August 2011)

- Do we have the right group of individuals at the table at the beginning of the process to define the problem and solution together?*
- Should ODOT manage or own the facility or would it be better managed for a diverse set of outcomes, by another agency or jurisdiction?*
- Are we creating programs that do not simply invest in the future of the transportation system but meet a multitude of community objectives?*
- Does each decision move us closer to a sustainable, safe, low carbon, multimodal system?*
- Does the decision maximize benefit for the least cost under the limited resources?*
- Finally, does this decision or policy move us closer to finding a more rational transportation funding mechanism for the future?*

COACT members participating in the discussion were:

- ~ Gary Farnsworth, ODOT Region 4 Central Oregon Area Manager
- ~ Alan Unger, COACT Chair and Deschutes County Commissioner
- ~ Gus Burrell, COACT Member and City of Madras Administrator
- ~ Ken Mulenex, COACT Member and City of LaPine Mayor
- ~ Bill Braly, COACT Member and Deschutes County Bicycle and Pedestrian
- ~ George Endicott, COACT Member and City of Redmond Mayor
- ~ Gary Judd, COACT Member and Bend Municipal Airport
- ~ Mike McCabe, COACT Member and Crook County Judge
- ~ Marcos Romero, COACT Member and Deschutes National Forest Services
- ~ Charlie Every, COACT Member and Charlie Every Trucking Inc.

Discussion:

Gary Farnsworth introduced COACT Chair and County Commissioner Alan Unger who introduced the panel participants.

Chair Unger said COACT is an engaged ACT, with lively well attended meetings. COACT is responsive to direction from the OTC about such things as community connections, engagement by all modes, and adjusting to make Highway 97 and freight a focus for projects moving forward, while also managing to maintain regional equity. He said the Area Managers authorized by ODOT are very valuable to the process.

Gary Judd from the Bend Municipal Airport gave a brief background on how the six area airports came to be involved with COACT as the aviation mode, which has turned into a tremendous success story not only for the coordination for forest services but also for the quality of life in the area. Although a good portion of funding for these airports is federal, most have a hard time meeting the ten percent match required. This is where *ConnectOregon* came in and made a huge difference. The airports had a big presence, but no say in what was going on at a time when questions were starting to be asked about how airports fit into the big transportation picture. Are there adequate roads to the airport to meet activity and need? Is the access appropriate? How do the airports fit into the transportation system in Oregon, and how to integrate them so they're not a separate system no one understands?

Commissioner Baney said emergency preparedness is a secondary offshoot of what has occurred. That relationship and discussion needs to be built and coordinated into the conversation about what that would mean to all of our airports. Gary Judd said that discussion has started regarding the Redmond Airport being a key component because it has the runways and capability. The secondary discussion is the fact that no one knows what the impact will be when that event occurs, and we need to ask if there is backup fuel capacity needed for all the airports.

George Endicott is on the Governor's Task Force for Resilience Planning. The Redmond Airport has been identified as a primary FEMA recovery site for the State of Oregon in the event of a Cascadia subduction because it is believed to be the one airport that will be stable. Most of the airports west of the mountains are anticipated to be adversely impacted by cracked runways and so forth. This means huge impacts on Redmond in terms of hundreds of flights and providing some kind of support all the way to Klamath Falls, which is recognized in a secondary capacity as a FEMA site. It's important to recognize that the old issue is not if, but when.

Charlie Every Trucking representative Charlie Every was asked to discuss the needs and troubles of the trucking industry providing supplies to the area. Being a part of COACT, he has found out that the connection between railroads and trucks is a lot bigger than he expected, and he has learned the importance of a bike path. COACT has helped open the eyes of a lot of the trucking industry on some issues, and also allowed the industry to give its input to TRIP97 about the drastic shortage of parking places for trucks required by law to make periodic stops. Towns are getting industrial areas and when roads are redone to accommodate the industrial areas, they should include an easy and safe way to get trucks off Highway 97 and through the industrial area without going through residential or downtown areas.

George Endicott said one issue that has come up is funding and how the original purpose of *ConnectOregon* has got a little perverted the last session. We all recognize the importance of bike/pedestrian needs, but to put it into a process that was intended to be economic development driven has somehow moved the agenda. He recommends a separate funding source not part of the *ConnectOregon* process for those needs.

Bill Braly represents bike/ped interests for COACT and said it is difficult in a rural environment to say bicycles are an economic development issue, and while there are still needs for bike/ped infrastructure, they pale in comparison to getting the Redmond Airport ready for the big one. He would very much support a funding mechanism for bike/ped that doesn't put them on a competitive basis with some of the larger projects.

Ken Mullenex said it is important to recognize Charlie Every's comments about parking spaces for trucks. LaPine is the newest city to join COACT and it is learning more every day. LaPine used to have several truck parking spaces by the McDonalds, but they were taken away by an ODOT safety project. LaPine's association with ODOT has been terrific, and the collaboration to help LaPine move forward with the new overpass is going to change the face of that whole section of Highway 97, and address some of those trucking needs. LaPine is sensitive to the truck parking needs, and as we move forward, hopes to look for opportunities to put in a pull-off rest area to meet the trucking requirements for mandatory stops.

Gus Burril talked about the many things ODOT has done to help balance the needs in Madras. Madras recognizes some of that work has impacted the trucking industry to a degree because, as access management curbs have come in, the open shoulders have disappeared, creating safety issues. Madras supports bike/ped work, but agrees it is hard for bike/ped projects to compete.

Mike McCabe said Crook County is a pretty rural area, and when you start putting mileage type and fuel issues on it, those are big issues.

Marcos Romero said COACT is a huge recreational area and that area is surrounded by public forest service lands. The Forest Service, working with other agencies, can take advantage of and promote bike/ped opportunities. It is tough for bike/ped to compete with the trucking industry and some of the larger projects of the area, so he would like to see some other avenues for funding bike/ped.

Chair Mater thanked the COACT members for their participation and presentations, and congratulated them for having the complexity of people it has within the ACT and the work they are achieving.

Action:

Commissioner Lohman moved to approved COACT's updated Operating Guidelines and Biennial Report. Commission members unanimously approved the motion.

● ● ●

Workshop Item #5
Report on Central Oregon Regional Solutions Advisory Committee

The Commission received an informational update about the work of the Central Oregon Regional Solutions Advisory Committee from Central Oregon Regional Solution Director and Central Oregon Coordinator Annette Liebe, Deschutes County Commissioner and Central Oregon RSAC Member Alan Unger, and City of LaPine Mayor and Central Oregon RSAC Member Ken Mulenex. *(Background materials in Director/Commission/History Center File, Salem.)*

Background:

Regional Solutions Centers (RSCs) are places for state agencies to collaborate with each other, local governments, and other public, private, and civic interests to solve problems and seize opportunities. Regional Advisory Committees – made up of Oregonians appointed by the governor from business, civic organizations, government, foundations, and higher education – identify priorities to guide the work in each of the ten regions. The committees also help connect resources from the community to expand the state’s collective capacity to solve problems and seize opportunities.

Governor Kitzhaber believes that to rebuild Oregon’s economy, all of us—public, private, and civic partners—must work together. The state can no longer afford single objective investing. The RSCs allow regional leaders and citizens to leverage all available funding to complete the highest priority projects.

The Regional Solutions Centers are located at the universities in Bend, Medford, Eugene, Portland, Tillamook, and La Grande. Satellite offices are located in Salem, The Dalles, Klamath Falls, and Coos Bay. The centers are staffed by Regional Solutions Teams composed of a representative from each of five state agencies: the Department of Environmental Quality (DEQ), the Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), the Department of Housing and Community Services (OHCS), and the Business Development Department (OBDD). Other state agencies are added to the teams as needed for regional priorities. The teams are led by a Regional Coordinator who represents the governor as a catalyst for action in each region. State agency directors meet regularly with the governor to review and evaluate the RSCs’ work based on the number of projects completed.

RSCs complete projects addressing the priorities identified by the Regional Solutions Advisory Committees (RSACs). Team members collaborate with each other, local officials, private citizens, and with other organizations to effectively complete projects. RSCs are also part of the Oregon Solutions Network which links them with the State’s dispute resolution program, Oregon Consensus, and the State’s collaborative implementation program, Oregon Solutions. For each regional priority, the coordinator develops a work plan including objectives, expected outcomes, agency involvement, targets, and milestones. Through collaboration, efficient communication, and strategic action, the RSCs work to achieve Oregon’s most important economic and community objectives.

The Central Oregon Regional Solutions Advisory Committee has identified the following top priorities for Central Oregon:

- *Establishment of four year university (OSU Cascades)*
- *Job retention and growth*
- *Land and infrastructure to retain and attract employers*
- *Sewer infrastructure*
- *Central Oregon transit system*
- *Regional agriculture*
- *Water availability*
- *Forest health and increased utilization of timber resources*
- *Regional arts and culture*

Discussion:

Regional Solutions Committee (RSC) members participating in the discussion were:

- ~ Annette Liebe – Regional Solution Director/Central Oregon Coordinator
- ~ Alan Unger – COACT Chair/Deschutes County Commissioner/RSAC Member
- ~ Ken Mulenex – City of LaPine Mayor/Central Oregon RSAC Member/COACT member

Annette Liebe started the discussion by introducing Alan Unger and Ken Mulenex, both of whom serve on the Central Oregon Regional Solutions Advisory Committee. She gave a update and overview of Regional Solutions, and what it has been going with the implementation of House Bill 4015 adopted by the Legislature in the February session. House Bill 4015 established the Regional Solutions program in statute, a requirement for bond revenue identified for Regional Solutions priority projects. The statute also established Advisory Committee membership, and the five member Executive Committee of the Advisory Committee, consisting of a representative from the Association of Oregon Counties, the League of Oregon Cities, a private sector representative, a philanthropic representative, and a Governor's convener. The Central Oregon Executive Committee met last Friday, adopted a Charter, and identified additional members to add to the core group of five.

Eleven regional priorities have been identified by the advisory committee:

- establish four year university (OSU Cascades)
- job retention/growth
- ensure the region has land and infrastructure available to retain/attract employees
- sewer infrastructure
- Central Oregon transit system
- regional agriculture
- water availability
- improve forest health and increasing access to timber resources
- support regional arts and culture
- regulatory integration and streamlining

Commissioner Unger talked about some of the Regional Solutions projects they have been working on in partnership with ODOT. He said transportation is one of those things that touches everyone, and how to pay for transit is a challenge. They have an innovative budding

system that relies on federal money, and they need to figure out how to have local money come into the system, probably from a property tax. How do they find the money to build the support, and to market and sell the transit system, when all the funding goes to operations?

Mayor Mulenex shared some of the work the Regional Solutions Team has done in outreach meetings with the City of LaPine. He said it's important to understand that when you don't have the history, you don't have the expertise. And, you really don't have the money or the staff. There are a lot of challenges to face, and the steps are a lot slower moving forward. One of the issues around that is where do you turn with the ideas you have? How do you gain the knowledge and history as you look to tomorrow? The Governor's Regional Solutions program is the organization that has really helped find and identify avenues to move things forward that need to be moved. It has been instrumental in bringing about solutions across the board in Central Oregon.

Chair Mater asked how innovative the Solutions Team is in looking at alternative modes of sewer treatment for a situation like LaPine. What's the expertise to pull that kind of creative thinking into the conversation? Annette Liebe responded that Solutions Team members are not expected to be technical experts, but rather the link back to the technical expertise that exists within their agency. In terms of sewage treatment in particular, they were very successful in providing technical assistance from the Department of Environmental Quality (DEQ) to an individual who builds LEED certified affordable housing in LaPine, and who wanted to do an alternative sewage treatment system. The DEQ was able to provide very specific information about how the facility would need to be engineered in order to do an alternative treatment system. DEQ has regulatory requirements it is not able to waive, but it is moving more in the direction of looking at those creative and potentially more sustainable treatment systems.

Chair Mater said a component of the Regional Solutions Team was to create venues so there is adequate infrastructure that could respond to investment opportunities coming in. With constriction of budget, does that change the format and structure, or is the Regional Solutions Team reevaluating what it prioritizes because of that constriction? Annette Liebe responded that with the constraints in budget at the local, county, and state levels, the leveraging of resources is even more important. The Regional Solutions Team makes sure it has all the information available in terms of all the different funding opportunities that exist within the state bureaucracy. It has also built a very strong partnership with USDA Rural Development and is looking to bring in the federal partners as well.

Commissioner Baney said when a project makes it on the list, there is the assumption that all the components within that community are in place to complete the project. That includes such things as the infrastructure to complete the project, the skilled workforce to fill the jobs created, and that there is affordable housing available for those workers needed to complete the project. With the eleven regional priorities, she does not hear that same comprehension. She heard infrastructure, transportation, education, but nothing about affordable housing. If we were successful in bringing in 200 new jobs tomorrow, we would not have a place to house them, regardless of the income level. In addition, there is not transportation between the communities either. Commissioner Baney said that as decisions are made from the OTC

perspective, she hopes Regional Solutions is mirroring that up with all the other components that will help make that decision successful, and that a comprehensive look is taken at housing, transportation, infrastructure all together, and not just at silos. Annette Liebe said she expects a robust discussion at the next Regional Solutions meeting around the role of housing and where it fits in the regional priorities.

Chair Mater closed the discussion by summarizing the actions requested.

Action:

ODOT staff will provide an overview of shared equipment and the combination component.

ODOT staff will provide more detailed information to the OTC about the truck parking space issue and the federal requirements for truck drivers.

Follow up to Commissioner Frohnmayer’s question about tracked data showing the percentage of traffic in Oregon that is pass-through only.



Chair Mater adjourned the meeting at 2:27p.m., to prepare for the Region 4 project tour.



That evening, the OTC and ODOT staff held a no-host dinner with the Central Oregon Regional Solutions Team, and LJDACT and COACT members in the Deschutes Room B, at the Bend Riverhouse, 3075 Highway 97, Bend.



Friday, June 20

On Friday, June 20, 2014, at 8:30 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a premeeting briefing session and agenda review in the DeArmond Room of the Deschutes Service Building, 1300 NW Wall Street, Bend, Oregon. The formal monthly meeting began at 10:00 a.m., in the Barnes and Sawyer Room, at the Deschutes Service Building. Highlights of the briefing session were:

•
Matt Garrett reviewed the agenda.

•
Paul Mather and Clyde Saiki talked about the Secretary of State's Workforce Management Audit.

• • •
Chair Mater called the formal meeting to order at 10:08 a.m.

• • •
Director's Report

Supreme Court Ruling on Viewcrest Interchange Executive Summary

On May 30, 2014, the Oregon Supreme Court affirmed the 2012 Oregon Court of Appeals ruling that reversed the inverse condemnation decision made in 2008 by the Linn County Circuit Court, which favored S. Fred Hall and Viewcrest Investments, LLC against the Oregon Department of Transportation. The decision remands the circuit court to reverse its decision and enter a directed verdict in favor of ODOT.

This case involved about 25 acres of land adjacent to I-5 located at the Viewcrest Interchange north of Albany in which ODOT began a public planning process in 2001 to address certain safety concerns regarding the interchange. It was determined in the planning process that closing the interchange was the best option available, which would leave the subject property landlocked. Additionally, the option drew concerns from the public because it did not identify a replacement interchange. This prompted ODOT to delay the closure of the Viewcrest Interchange. Through the period of delay, the owners of the subject property attempted to sell it or reach an agreement to develop it. Those efforts proved to be unsuccessful. The real estate broker working with the owners claimed that efforts to sell the property were unsuccessful due to the uncertainty of the interchange being closed.

In 2008, the owners filed an action for inverse condemnation against ODOT, claiming that actions taken during the planning process essentially prevented them from selling their property and resulted in a reduction in the overall value of the land. The court, through a jury decision, found in favor of the property owners and awarded them \$4 million with the determination that ODOT's planning actions reduced the overall value of the property by \$3.3 million. Added to this amount was accrued interest from the time of judgment until paid, along with outstanding attorney fees. Up until the time the Court of Appeals reversed the decision in 2012, the total amount owed per the judgment was estimated to be above \$5 million for a property with an estimated value of slightly over \$600 thousand.

ODOT appealed the decision in 2012 on several fronts; the overall premise of the appeal was that an inverse condemnation could not be claimed unless it was proven that ODOT had deprived the owners of all economical viable use of their property. The Court of Appeals ultimately concluded that there was no evidence that demonstrated that ODOT's planning action lowered the value of the plaintiffs' property, rendering the court decision summarized above.

The Oregon Supreme Court decision has affirmed that the actions taken by ODOT in its planning of the Viewcrest Interchange between 2001 and 2008 did not constitute an inverse condemnation. With this affirmation, ODOT is not responsible for any payment of the estimated \$5 million in damages required by the 2008 court decision. Most importantly, the decision confirms in case law that there is generally no taking of property when the agency's planning process may reduce the value of a property, unless the owner is deprived of all economical viable use of the property or the action results in physical occupation or invasion of property rights that substantially interfere with the owner's use and enjoyment of the property.

This decision enables ODOT to maintain its current process of project planning and public information sharing without creating any unintended risks, delays, or increased cost to the acquisition of property needed for transportation projects. If the Oregon Supreme Court would have reversed the Appellate Court decision, and reaffirmed the Circuit Court decision, the process of acquiring property for public purposes at ODOT and throughout the state would have to be changed drastically. The change would have greatly modified how the planning process would need to be conducted in order to protect from unintended and unbudgeted property acquisition cost.

•

OTC Chair Catherine Mater

Director Garrett introduced and welcomed new Oregon Transportation Commission Chair Catherine Mater. Chair Mater is a civil engineer, business owner and active contributor to statewide health, economic development and sustainability efforts. Principal of Mater Engineering in Corvallis, Mater is a past commissioner of the Oregon Economic Development Department, a past member of the Oregon Health Council, and a current member of the Oregon Global Warming Commission. Mater earned a B.S. in Political Science and an M.S. in civil engineering at Oregon State University. Commission Term: 06/01/14 to 06/30/14.

•

OTC Commissioner Mark Frohnmayer

Director Garrett said farewell to departing Commissioner Mark Frohnmayer, whose term has ended. Commissioner Frohnmayer graduated from UC Berkeley in 1996 with a degree in Electrical Engineering and Computer Science. After 11 years in the computer games industry and a successful exit from his first startup, GarageGames, he turned his entrepreneurial energy towards sustainable business development in Oregon. He founded Arcimoto in October 2007 to bring quality, affordable, sustainable vehicles to the public, and served on the Oregon governor's Alternate Fuel Vehicle Infrastructure Working Group in 2009 and was peer selected as one of the Pacific Northwest's clean technology Pivotal Leaders. He is currently serving on the Oregon Passenger Rail Leadership Council, which was appointed by Oregon Gov. Kitzhaber to guide the Oregon Passenger Rail Environmental Impact Statement Project. Director Garrett said the one thing he will most remember about Mark Frohnmayer is that he asks "why", because he truly wants to understand the purpose, the cause engaged, and the beliefs and values of the organization. ODOT has learned much from Mark since 2011. Director Garrett said he would miss Mark's intellect, courage, achievement and innovation. Commissioner Frohnmayer has made this agency better, and Director Garrett said he can't thank him enough for asking why. Commissioner Frohnmayer was presented a plaque and card from staff.

• • •

Public Comments

Public comments were received from:

•

Liz Dickson, from the law firm of Hurley Re in Bend, spoke on behalf of Bend Center LLC, who has owned and managed the mall located at the north end of town since the early 1990s. She said there have always been two separate and distinct opinions, those who want to move freight, and those who want to move people. She commended ODOT, and also the City of Bend, for being instrumental in finding the in-between, and helping reach a compromise that works for everyone. She said from the perspective of people who are investing in Central Oregon and who are interested in helping Bend grow and continue to be vital, the highways are a huge part of that for a lot of reasons.

•

Annie Christensen provided written and verbal comments on *ConnectOregon V* funding. She spoke in opposition to the movement of crude oil by rail and coal by barge through Oregon.

•

Meriel Darzen provided written and verbal comments on behalf of James Hoffmann, owner of Hopville Farms LLC in Clatskanie, Oregon. She said Mr. Hoffman is strongly opposed to the Port Westward *ConnectOregon V* application for funding and strongly urges the Commission to

deny the application which will subsidize and increase the high risk transport of coal and crude oil transport through Oregon, and place its vital natural resources in jeopardy.

•
Darrel Whipple, from Rainier, Oregon, provided written and verbal comments to register his strong opposition to *ConnectOregon V* funding being requested for dock expansion at Port Westward which would allow transport of explosive crude oil through Oregon, in unsafe tank cars, on unsafe tracks. He requested the OTC deny the grant application for Port Westward.

•
Jasmine Zimmer-Stucky, Community Organizer for Columbia Riverkeeper, provided written and verbal comments in opposition to application for funding that would give public money to unpopular and dangerous coal and oil projects.

(The 15-minute Public Comment period ended. Public comments continued when the Commission reconvened from lunch at 12:30 p.m.)

•
Connie Peterson provided written and verbal comments urging the Commission to not approve applications for the proposed terminal at Port Westward, the Global Oil terminal, and to the City of Rainier, all of which will accommodate increased oil and coal transport through Oregon and the subsequent pollution.

•
Thiel Larson provided written and verbal comments asking the Commission to not approve the applications for Port Westward, Global Oil, and the City of Rainier, that will accommodate increased oil train transportation in Oregon.

•
Diane Hodiak provided written and verbal comments urging the Commission to not make decisions that will facilitate the movement of oil or coal through Oregon until a thorough investigation of alternatives and impacts can be made.

•
Cheryl Howard, from the Deschutes County Bike and Pedestrian Advisory Committee, gave verbal comments promoting the importance of the simplest of all the modes: walking.

•
Phil Stenbeck, Planning Director for the City of Prineville, said Prineville submitted two applications for *ConnectOregon V*, one for a bike/pedestrian project and the other for the airport. Prineville has seen substantial growth in the past three years that the airport cannot come close to accommodating. Currently, the airport is handling three times the anticipated traffic volume daily, and there are public health issues associated with repairs needed at the airport. He strongly urged the Commission to move Prineville's application forward because of the tremendous economic benefit it would have for the community and the benefit to public

health, safety and welfare, and the quality of life. He also said that Prineville would like to be a part of TRIP97.

•

Jeff Monson, Executive Director for Commute Options and COACT member, has seen a shift to more awareness and understanding of bike/ped and multimodal transportation. He is also a member of the Transportation Options Topic Plan group. It is a very diverse committee and Oregon is the first in the nation to develop a TO plan at this high level that looks at the non-infrastructure aspect of transportation planning. He appreciates the Commission's support for multimodal where a culture can be developed where more people are walking, biking, carpooling, or taking a bus. He urged the Commission to continue the Safe Routes to School program which is invaluable in the Central Oregon area.

•

Joe Willis, of Schwabe, Williamson and Wyatt, provided written and verbal comments stating his opposition the policy ODOT is employing for condemnation cases. In particular, he opposes the practice of demanding a waiver of rights of condemnees to contest the legality of the condemnation action, and if no waiver is provided, objecting to release of the funds deposited while asserting the right to immediately take possession of the property. While the law allows ODOT to take immediate possession of condemned property, there are proper steps to do so. ODOT has gone to court several times for this and has lost for not following the proper procedures. Yet ODOT continues with the practice. He asked the Commission to look into this practice and put a stop to it.

• • •

2015-2017 Agency Request Budget & Policy Options Packages

The Commission considered approval of the Oregon Department of Transportation's proposed 2015-2017 Agency Request Budget, which includes the proposed Policy Options Packages. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

Oregon government's biennial budget process has three major phases: the Agency Request Budget (ARB), the Governor's Recommended Budget (GRB), and the Legislatively Adopted Budget (LAB). State agencies start the ARB cycle early in even-numbered years. The Agency Request Budget lays out the policies and finances for the upcoming budget period and is prepared under the guidelines set by the Department of Administrative Services (DAS).

Policy Option Packages (POPs) are used to increase, create new programs, or modify existing programs.

There are nine proposed policy packages for the 2015-2017 biennium totaling approximately \$175.7 million. There are 48 new positions proposed for the Driver and Motor Vehicle Services (DMV) system modernization project.

The projected revenue used to build ODOT's proposed 2015-2017 ARB is based on the December 2013 Transportation Economic and Revenue Forecast. Expenditure amounts were prepared in accordance with DAS rules.

The proposed 2015-2017 ARB limitation for expenditures of \$3.35 billion is a decrease of \$717 million from the 2013-2015 budget. The primary changes are a reduction of \$652.8 million in Highway due to the completion of Oregon Transportation Investment Act (OTIA) III projects and the cancelling of the Columbia River Crossing project.

Presentation:

ODOT Central Service Deputy Director Clyde Saiki and ODOT Budget Manager Darryl Ficker presented the 2015-2017 Agency Request Budget. Highlights of the presentation were:

- budget timeline – budgets due, Governor's budget, and legislatively adopted budget (LAB)
- ODOT construction programs – *ConnectOregon* I-V, ARRA, OTIA I/II/III, JTA, STIP
- draft budget – base down without policy option packages (POPs), revenue continues soft, uncertainty of federal funds, limited number of policy packages
- highway adjusted current service level down from 2013-15 LAB by \$629.6 million due to construction projects payout
- debt service increased \$17.2 million from 2013-15 LAB to \$596.9 million for 2015-17
- bond revenue
- personal services down from 2013-25 LAB by \$2.4 million - medical insurance held flat and agency-initiated personal services reduction of 3 percent
- service and supplies down from 2013-15 LAB by \$601.9 million due to changes in projects payout schedule
- capital outlay projected to increase by \$34.2 million through POPS
- special payments projected down by \$3 million due to completion of *ConnectOregon* projects
- request budgets by Divisions

Discussion:

Clyde Saiki proposed a change to Policy Option Package 140, DMV System Modernization, to have the Commission approve the POP, but with a \$1 placeholder, which would give staff time to provide Commission members more detailed information about the funding behind the project. In addition, it would give the opportunity for staff to meet with the Commissioners to provide that detail, and come to a final number for the July OTC meeting. Chair Mater noted for the record to reflect that the official POP 140, DMV System Modernization, include the amendment for a \$1 placeholder, with the understanding it will be brought back in July.

Commissioner Baney asked, in reference to the Capitol Construction POPs for Meacham and South Coast, what the process is and how do we engage and approach that issue to make sure we are sharing services and are able to share resources, including buildings and facilities? She asked for a brief overview as to the protocol and priorities for this. Paul Mather responded there are a number of needs in ODOT facilities, and each time we look at those needs, we look at how we could collocate or better provide service in conjunction with local agencies. There are a number of examples of where that has borne fruit around the state, the first being in

Jackson County. In the Meacham and South Coast situations, they will have those conversations, though the isolated location of Meacham does not offer the opportunities that may be available in the South Coast area.

Commissioner Lohman commented that we still struggle for funding for multimodal, non-highway kinds of infrastructure. That point is brought home very clearly in this budget for \$3.5 billion where almost 60 percent goes to highways. We have a long way to go in terms of balancing things so we really are offering transportation alternatives. The problem is with our Constitution that limits us from being a truly multimodal agency. He also mentions that car ownership rates per state shows Oregon ranked at #50 – it costs less to own a car here than any other state.

Commissioner Frohnmayer said the department has done an amazing job of figuring out very creative ways to use every dollar that *is* flexible for things that are off highway. He hopes we continue to encourage that, and for income streams coming in, every dollar that does not have shackles on it be used as productively as possible to make us the multimodal agency we are working toward.

Commissioner Baney said we are now very committed in capital expenditures toward rail. Her worry is that there is not a sustainable funding package married up to that to make sure the operations are taken care of. That is not a recipe for success, and she hopes we have the support of the legislature to make sure some of this happens.

Action:

Commissioner Morgan moved to approve the proposed 2015-2017 Agency Request Budget, plus the Policy Option Packages, with the amendment that the dollar value under the DMV Modernization Program would be a placeholder of one dollar. Commission members unanimously approved the motion.



2015 Oregon Traffic Safety Performance Plan

The Commission considered approval of the 2015 Oregon Traffic Safety Performance Plan and Section 405 application, and considered authorizing the Transportation Safety Division's Administrator to sign necessary agreements to carry out projects in the safety program. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The 2015 Oregon Traffic Safety Performance Plan and Section 405 application satisfies a federal project and planning requirement for funding. The document summarizes the major safety issues, our goals, how we will approach the goals, and how we will measure success. Areas analyzed include Bicycle Safety, Community Traffic Safety Programs, Impaired Driving, Motorcycle Safety, Occupant Protection, Pedestrian Safety, Police Traffic Services, Roadway Safety, Work Zone Safety, Driver Education, Speed, and Youthful Drivers. It also contains the

materials for Oregon's Section 405 application for Occupant Protection, Impaired Driving, Traffic Records and Motorcycle Safety.

The plan was reviewed and approved by the Oregon Transportation Safety Committee June 11, 2014 and will be submitted to the National Highway Traffic Safety Administration and the Federal Highway Administration June 30, 2014. The Governor's Advisory Committee on DUII endorsed the impaired driving program pages at its June 6, 2014 meeting. The Governor's Advisory Committee on Motorcycle Safety will consider a request to endorse the motorcycle safety program pages at its July 31, 2014 meeting.

The 2015 document includes all funding sources and projects in the Transportation Safety Division for 2015.

Discussion:

ODOT Transportation Safety Division Administrator Troy Costales and Oregon Transportation Safety Committee Chair Mike Lavery presented the plan and asked the OTC to approve it.

Action:

Commissioner Morgan moved to approve the Traffic Safety Performance Plan. Commission members unanimously approved the motion.



The OTC broke for lunch at 11:42 a.m. Hal Gard and Matt Garrett talked about oil trains. Chris Cummings talked about *ConnectOregon V*.

The Commission reconvened in formal session in the Barnes and Sawyer Room at 12:27p.m.



Transportation Options Topic Plan

The Commission received an update on the work to develop Oregon's first statewide Transportation Options (TO) Topic Plan from ODOT Rail and Public Transit Division Administrator Hal Gard, ODOT Planning Manager Erik Havig, and ODOT Senior Planner Michael Rock.

(Background materials in Director/Commission/History Center File, Salem.)

Background:

ODOT continues work to develop a new statewide transportation options (TO) plan to establish a vision and policy guidance that integrates transportation options (TO) in local, regional, and state transportation planning, programming and investment. TOs are defined as strategies,

programs, services and investments that enhance traveler opportunities and encourage efficient transportation choices to walk, bike, take transit, drive, share rides and telecommute. Transportation options are an inherent component of the Oregon Transportation Plan (OTP) and ODOT's Intermodal Oregon efforts. Developing a new topic plan provides the foundation for more robust implementation of TO programs and investments in the future.

ODOT staff worked closely with the Policy Advisory Committee (PAC) to guide TO plan development. The PAC includes stakeholders from around the state representing interests of active transportation, public health, the business community, freight, local jurisdictions, and existing TO and transit providers. The PAC is co-chaired by ODOT Transportation Development Division Administrator Jerri Bohard and ODOT Rail and Public Transit Division Administrator Hal Gard. Seven PAC meetings have been held to date, with three additional meetings planned through September 2014.

The project has reached several key milestones, including initial development of the draft goals, policies and strategies. Staff will highlight key elements of this work for the Oregon Transportation Commission (OTC) during the June presentation. Refinements to the language will continue as the draft plan is finished, through public review and comments anticipated later this year.

Development of the draft goals, policies and strategies is an iterative process, built on several work products to inform not only the policy language, but also other sections of the draft plan. Primary work elements are:

- Plan Scope - Agreement on the scope of items covered in the plan was an important step since TO actions and programs play a role in many different transportation and community programs and objectives. The Project Team worked with the PAC on a document commonly referred to as "What's In, What's Out?" to help define the scope and potential topics early in the project.*
- Stakeholder Interviews - Stakeholder interviews were conducted across Oregon. Surveys were distributed to other stakeholder groups to obtain information to document programs and identify issues and opportunities for TO. Stakeholder contacts included public and private TO providers, including vanpools, ODOT staff, other state agencies, university representatives, advocacy groups, and TO program users from each region. A Stakeholder Interview Summary documents much of the input received.*
- Draft Vision - The PAC has developed a draft vision to guide overall TO plan development. The latest version of the draft vision states: "By 2035, Oregon's state, regional, and local transportation systems reflect public and private investments in a range of transportation options that refer to strategies, programs, services, and investments that enhance traveler opportunities and encourage efficient transportation choices to walk, bike, take transit, drive, share rides, and telecommute. This allows people and goods to travel efficiently and safely to promote economic, human, community, and environmental health. Oregon's transportation system users have greater opportunities and can readily access information to choose the options that best meet their travel needs, budget, and choices."*

- *Existing Conditions - As an outcome of interviews with TO providers and direct research, an assessment and report of existing TO programs was developed. The draft Existing Conditions report documents statewide programs as well as programs specific to each region. The Report will be finalized and serve as technical elements of the draft TO plan.*
- *Issues and Opportunities - A memo cataloging issues and opportunities for TO across Oregon was developed in close coordination with the PAC and vetted through stakeholder review. This Issues and Opportunities document is organized by draft goal area and served as a framework for the draft plan's policies and strategies.*
- *Best Practices Reports - The project team has developed a paper researching and reviewing best practices for TO across the nation in several topic areas. The draft Best Practices Report highlights the business case for TO, state and regional program coordination, TO technology, funding, governance, and TO integration. A separate white paper considers vanpooling practices in more detail.*
- *Focus Groups - Seven focus groups were assembled to review various elements of the draft TO plan's policies and strategies. The topics included: health and insurance, human services, outreach and education, return on investment, ridesharing, safety, and technology. The Project Team used input from the focus groups to revise the draft policies and strategies, which were shared and discussed further with the PAC. The PAC will continue to meet through fall 2014 to identify potential performance measures, evaluate funding opportunities, and develop the draft plan document for public review.*

More information is available on the TO Plan project website at:

<http://www.oregon.gov/ODOT/TD/TP/Pages/toplan.aspx>

Presentation:

Rail and Public Transit Division Administrator Hal Gard introduced Planning Manager Erik Havig and Senior Planner Michael Rock who gave a progress report on a new topic plan, the first Transportation Options Plan in the nation. Development of the plan is another example of the really strong partnership between the two divisions he oversees and the Transportation Development Division.

Mr. Gard explained that transportation options are all the strategies, programs, services, and investments for ways to get around other than a single occupancy vehicle, and how people can start making effective and efficient choices. He discussed why the plan was created, its objectives and some of the many benefits.

Michael Rock gave a presentation on the Transportation Options Plan (TO). Highlights of the presentation were:

- developed under the guidance of the Policy Advisory Committee who considered such things as scope, stakeholder interviews, vision, existing conditions, best practices, focus groups, and issues and opportunities
- focused on policies, strategies, and programs

- included is traveler information and resources for things like rideshare, transit, bike and pedestrian programs
- service planning is covered in outside plans, such as for transit districts and other local providers
- timeline transitioning from Phase II, development of policies and strategies, to Phase III, development of the plan
- draft goals are safety, accessibility, mobility and system efficiency, health and environment, funding, coordination, land use, equity, knowledge, and economy
- next steps: draft plan completed later in year and sent out for public review

Discussion:

Commissioner Lohman said he is very supportive of the idea because this is an area where vision and understanding is needed about the conditions and issues. However, he is skeptical about how the overlap with all the other plans will play out as the different groups' needs and priorities rise up. This is a challenge we will have to watch closely. Hal Gard responded that the Public Transportation Plan is the next one on the docket for development, and is called that intentionally because it is where we'll start drawing some really strong connections on the links between public transportation and other transportation services.

Chair Mater underscored Commissioner Lohman's concern. She said that some of the directives that came from meetings with Senators Merkley and Wyden, and their expectation for increased efficiency and making sure we are not overly redundant in our approach, make Commissioner Lohman's caution well advised.



Type C Immediate Opportunity Fund (IOF) Grant to the Port of The Dalles

The Commission considered approval of a Type C Immediate Opportunity Fund (IOF) grant in the amount of \$500,000 to improve access to the North Chenoweth Industrial Site at the Port of The Dalles in Region 4 by extending River Trail Way. This grant request qualifies under the IOF Type 'C' category as it involves transportation infrastructure improvements associated with a Certified Project Ready Industrial Site. The total estimated project cost for the improvements is \$3.2 million. The Port of The Dalles is providing the remaining funds of \$2.7 million. ODOT Region 4 Manager Bob Bryant presented the IOF. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Port of The Dalles is the primary land developer in The Dalles, Oregon. The Port developed 200 acres, including the Google Site, one of the first certified sites in Oregon. Although privately owned, the Port was also a key partner in the certification of the Northwest Aluminum Industrial Site. The Port, the City of The Dalles, and other partners identified the need for additional industrial sites and are moving ahead with the next site certification, the North Chenoweth Industrial Business Park.

The North Chenoweth Industrial Business Park is an 83.44 acre industrially zoned parcel owned by the Port of The Dalles. The site will be divided into 26 lots ranging from .87 to 3.98 acres in size. The Port is committed to maintaining a portion of the park to merge into larger sites, if needed. The developable area of the site is approximately 60 acres.

Developing land in The Dalles is challenging. There are exposed basalt rock outcroppings, variant subsurface conditions, the Columbia River and Chenoweth Creek (essential Salmonid Habitats), dual-jurisdictional wetlands, and the National Scenic Area overlay. These conditions make development restrictive and land use decisions complex. Despite the challenging landscape, the Port has made considerable progress in moving the North Chenoweth site closer to development and aims to achieve site certification by mid-2014.

The Port is developing the site and infrastructure in partnership with the City of The Dalles. The two entities have an intergovernmental agreement in place stipulating that the road improvements will be deeded to and maintained by the City of The Dalles upon completion.

The total project cost is estimated at more than \$3.2 million. The Port is providing \$2.7 million of the estimated cost and is financing approximately \$2.2 million of its portion through a loan from Oregon Business Development Department's (OBDD) Infrastructure Finance Authority. The schedule calls for the road work to be completed and the site to receive certification in 2014.

If this item is approved, the IOF balance for the 2013-2015 biennium will be \$5.2 million.

Discussion:

Region 4 Manager Bob Bryant presented the IOF application for approval, saying the purpose of the IOF is to provide economic development in the State of Oregon. ODOT partners with Business Oregon to administer the program and to ensure applications are consistent with the guidance policy established and adopted by the OTC.

Mr. Bryant introduced Business Oregon's Business Development Officer Carolyn Meece and Port of The Dalles Executive Director Andrea Klass who talked briefly on the importance of the application to the port and to Business Oregon. The port's primary mission is to bring jobs and capital investment to the community, particularly after Northwest Aluminum closed in 1986 and sent The Dalles into a severe state of recession. Since 1986, they have brought in 57 small to mid-sized businesses that employ more than 1,700 people. Carolyn Meece added that this is part of their Regional Solution Team's projects, and a priority for the team.

Commissioner Lohman said that when expansion of IOF's to include Type C loans came before the Commission in 2009, he expressed reservations based on his economic development experiences in the late 1980s. People were desperate for development and many were of the mind the solution was that, if they could just make it development ready they would be fine. It's much more complex than that, and the solution people tended to jump to didn't work out. That's why Commissioner Lohman is skeptical of putting money into making industrial land development-ready. He is not opposed to the idea of providing transportation infrastructure

without jobs attached to it, but it needs to be done very carefully. Chair Mater said The Dalles has had such a great track record succeeding, it wipes out almost all of the risk associated.

Commissioner Morgan appreciates Commissioner Lohman's comments on the need for caution, but said she is comforted by the fact that the Regional Solutions Team has vetted the project.

Action:

Commissioner Baney moved to approve The Dalles IOF grant application. Commission members unanimously approved the motion.



Adopt Temporary Oregon Administrative Rules

The Commission considered approval to adopt temporary rules to establish criteria for the designation and posting of Department real property as closed to public entry, and to clarify that the procedure outlined in Oregon Administrative Rules 734-035-0010 through 734-035-0040 pertains to the removal of personal property from illegal camping on state highway right of ways where the state highway real properties are not closed to public entry. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Oregon Department of Transportation (ODOT) owns real property, much of which is open to the public only for vehicular use of state highways and other transportation facilities. Many of these properties contain steep slopes, unstable rock, water features, utility infrastructure, and other hazards. Public access to ODOT real property for purposes other than transportation use presents an immediate risk to the safety of the individuals accessing the property, the traveling public, and ODOT employees and contractors performing construction, maintenance, operation, and other activities. In addition, unauthorized public access to ODOT property, outside the highway and its shoulders, presents the imminent and appreciable risk of injury to natural, scenic, cultural or archaeological resources.

ODOT has a fiduciary duty to safeguard Highway Trust Fund assets, which include real property. The placement of personal property on ODOT property impairs the operation of vehicles and equipment by ODOT employees and contractors engaged in construction, operation, and maintenance activities.

The Department of Justice advised that these rules are immediately necessary to address ongoing risks to safety, infrastructure, and natural resources, to provide clarity and direction to ODOT staff, remedy existing unsanitary or unsafe conditions, and facilitate ODOT and contractor access to perform work to the state highway system infrastructure.

ODOT staff recommends approval of these temporary rules.

Discussion:

ODOT Highway Division Administrator Paul Mather asked approval of the temporary rules to clarify practices around posting property for no trespassing and for the removal of personal property from state property. ODOT, along with other public agencies, is working through the very complex issue of homeless people using public property. The Department of Justice has made a recommendation to clarify more specifically in the Administrative Rules, the practice of posting property as no trespassing.

The temporary rules are effective for six months, at which time the rules will be brought back to the Commission to put into formal rules. During that six months, the formal process for Administrative Rules will be completed, including the open public comment process to give input to those rules.

Commissioner Lohman asked what the current practice is for vacation notice. Paul Mather responded that for property not posted as no trespass, the current time given to vacate is 10 to 19 days. The policy and procedures for properties posted as no trespass is what the rule seeks to clarify, starting with the policy and procedure for actually posting property as no trespassing. What are the properties that we post, and under what criteria do we post those properties?

Action:

Commissioner Lohman moved to approve the temporary rules. Commission members unanimously approved the motion.

● ● ●
Consent Calendar

The Commission considered approval of the Consent Calendar. **(Background materials in Director/Commission/History Center File, Salem.)**

1. Approve the minutes of the May 15-16, 2014, Commission meeting in Astoria.
2. Confirm the next two Commission meeting dates:
 - Thursday, July 17, 2014, meeting in Salem.
 - Thursday and Friday, August 21-22, 2014, meeting in Ontario.
3. Request approval to adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Request approval of the following Oregon Administrative Rules:
 - a) Adoption of 734-051-1065 and 734-051-3015, the amendment of 734-051-1030, 734-051-1040, 734-051-1070, 734-051-2010, 734-051-2020, 734-051-3010, 734-051-3020, 734-051-3040, 734-051-3050, 734-051-3060, 734-051-3070, 734-051-4020, 734-051-5060, 734-051-5120 and 734-051-7010 and the repeal of 734-051-8010, 734-051-8015, 734-051-8020, 734-051-8025 and 734-051-8030 relating to Access Management.
 - b) Adoption of 735-028-0005 and the amendment of 735-028-0000 and 735-028-0040 relating to voluntary odometer readings.

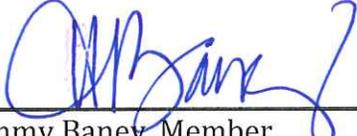
- Request approval to amend the 2012–2015 Statewide Transportation Improvement Program to cancel the U.S. 26: Springwater At-Grade Intersection project and add a new project on SE Hogan Road from SE Division Street to U.S. 26 in the City of Gresham, in Region 1. The funding for the new project will be made up of remaining unspent funds from the cancelled project and by the City of Gresham. The total estimated cost of the new project is \$3,500,000.

Action:

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



Chair Mater adjourned the meeting at 1:33 p.m.

	
Catherine Mater, Chair	David Lohman, Member
	<i>NOT available</i>
Tammy Baney, Member	Mark Frohnmayer, Member
	
Susan Morgan, Member	Roxanne Van Hess, Commission Support