

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting February 16, 2005 Salem

On Wednesday, February 16, the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held an agenda briefing session in room 135 of the Transportation Building, 355 Capitol Street NE, Salem. The regular monthly meeting was held in conference 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:

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| Chair Stuart Foster | Executive Officer for Highways John Jackley |
| Commissioner Gail Achterman | Rail Division Administrator Kelly Taylor |
| Commissioner Mike Nelson | Motor Carrier Trans. Admin. Gregg Dal Ponte |
| Commissioner Randy Papé | Public Transit Administrator Martin Loring |
| Commissioner Janice Wilson | Transportation Safety Admin. Troy Costales |
| Director Bruce Warner | Region 1 Manager Matthew Garrett |
| Deputy Director Central Services Mike Marsh | Region 2 Manager Jeff Scheick |
| Deputy Director Highway Doug Tindall | Region 3 Manager Paul Mather |
| Communications Admin. Patrick Cooney | Region 4 Manager Bob Bryant |
| Trans. Development Admin. Craig Greenleaf | Region 5 Manager Monte Grove |
| Chief of Staff Lori Sundstrom | Chief Engineer/Tech. Serv. Mgr. Cathy Nelson |
| DMV Administrator Lorna Youngs | Commission Secretary Jill Pearson |

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Chair Foster called the meeting to order at 9:50 a.m.

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Director's report highlights:

- Last week the House Transportation Committee re-introduced its reauthorization bill (TEA LU) from last year. The Committee is expected to mark-up the bill sometime in early March.

The Senate is expected to re-introduce its bill (SAFETEA) sometime soon, within weeks. The goal is to have a new bill completed by the time the current extension of TEA-21 expires, May 31st. The Administration is signaling they are willing to support a funding level of \$284 billion, up from \$256 billion last year. A bill funded at \$284 billion would be a compromise between the House-passed \$275 billion funding level

and Senate-passed \$318 billion level. In comparison, TEA-21 was funded at \$218 billion over six years.

Oregon Delegation committee changes -- Rep. DeFazio moves up to ranking democrat on the U.S. House Transportation Subcommittee, and Senator Wyden left the U.S. Senate Transportation Committee (Environment and Public Works) to take a seat on the Finance Committee.

The delegation continues to push for a greater share of highway formula funding and additional dollars for Oregon bridges.

- ODOT began its Ways & Means hearings on February 14.

On January 24, Region 3 Manager Paul Mather and Director Bruce Warner updated the Senate Transportation Committee regarding the OSU Bridge Study.

On January 27, Director Warner briefed the House Transportation Committee on Information Management Technology, specifically ODOT's IT and CNIC issues.

The House and Senate Transportation committees met jointly on January 31 to hear testimony on Senate Bill 101 and 102, both regarding access management.

On February 2, Director Warner and Deputy Director for Highway Doug Tindall provided testimony to the House Transportation Committee on the OTIA program.

- On February 1, Director Warner met with Seaside Mayor Don Larson, City Manager Mark Winstanley, several city council members and local businesspeople to discuss the Highway 101 improvement project in Seaside.
- The agency's budget note last directed ODOT to provide opportunities for minority-owned, woman-owned and emerging small businesses to benefit from the OTIA III program. ODOT staff has been working hard on this issue for months now. Director Warner reported to the Commission that the department has significantly increased its requirements for minorities, women and apprentices in the contracted workforce. These increases will apply initially to projects in the tri-county Portland area and the OTIA III state bridge program, and then be extended, after a reasonable period of time, to projects in the rest of the state.

Current contract specifications for minorities were increased from a range of 4.5% to 2.5% to a range of 9% to 5%, depending on geographic location. Apprenticeship requirements have been increased to 20% of the total apprenticable hours in 5% increments.

The department is also making a significant effort to develop a workforce pool along with other agencies and organizations and to fund apprentice training programs in

cooperation with the Bureau of Labor and Industries, and we are working closely with the Governor's Office as well.

- On February 14th, Director Warner met with Congressmen James Oberstar and Peter DeFazio to brief them on the cracked bridge problem in Oregon.
- ODOT's central Oregon Region Manager Bob Bryant has been selected from a nationwide candidate pool to serve as Engineering Management Fellow with the American Association of State Highway and Transportation Officials in Washington, D.C.

During his absence, Doug Tindall will select someone to serve as the interim Region 4 Manager.

Bob's one-year appointment with AASHTO will begin March 1. During his tenure, Bob will work as a liaison for state transportation agencies, transportation engineers and policy makers from across the country.

Much of the work will include coordinating with standing committees to ensure that they have the resources they need, acting as a liaison and representing AASHTO at meetings on many topics including maintenance, construction and project delivery.

Bob also looks forward to the possibility of spending time with Senate and House leaders as Congress works to reach agreement on the proposed Federal Transportation Reauthorization Bill.

Several central Oregon projects, including the Redmond Reroute and Cooley Road Interchange projects, have potential funding resources included in the proposed bill.



Commission member reports:

Commissioner Achterman continues to meet regularly with the Oregon Transportation Plan Update Steering Committee. At the last meeting discussion focused on the analysis for the rail, marine and air modes. She gave a keynote address at the annual chapter meeting of ITS Oregon. At that meeting she also heard some interesting presentations from national experts on intelligent transportation systems. On February 8, she met with the new Mayor of Dundee to talk about some of the transportation challenges facing that area.

Commissioner Papé attended the Lane County Metropolitan Policy Committee meeting in Springfield last month to continue liaison activities. He worked on funding matters for completing phase three of the I-5/Beltline Interchange project which is critical to the transportation system for the Eugene/Springfield/Lane County area.

Commissioner Nelson worked with the Transportation Enhancement Advisory Committee (TEAC) which met on February 15 to decide which projects it would recommend to the Commission for funding approval at a future meeting. On behalf of the TEAC, he expressed appreciation to Pat Fisher and Marty Andersen of the Local Government Section for their coordination efforts. He attended a joint meeting of the Land Conservation and Development Commission (LCDC) and OTC with Chair Foster. Commissioner Nelson worked with Region Manager Monte Grove on several constituent requests and issues.

Commissioner Wilson met with ODOT staff to continue to learn more about the business.

Chair Foster spoke before and enjoyed presentations at a forum sponsored by 1000 Friends of Oregon in Seaside. He advised the citizens that if the project was not approved by them, the funding would be put to good use elsewhere. On February 14 he attended a ribbon cutting in Gold Hill with local elementary school students. As Commissioner Nelson noted, they met with LCDC and staff to refine the amendment of the Transportation Planning Rule which should come before both commissions in March for approval.



Public comments were received from:

- Jessica Harris-Adamson, Associated General Contractors, spoke regarding the department's increased workforce diversity requirements for OTIA III. The industry supports the program, but has reservations regarding the new direction this program is taking. AGC will continue to work with ODOT to ensure this program is effective and successful. The diversity goals are set very high and will be met on a project basis and not on a per-craft basis. The industry appreciates ODOT support in this area. The industry has reservations about requiring a certain number of apprentices per-craft, but appreciates that the program will be race and gender neutral. She asked that contractors also be held accountable for compliance or non-compliance for both apprenticeship and diversity goals on their own. AGC is committed to developing a pool of people who are ready and able to meet requirements, but wish that the pool was being created immediately on a statewide basis, as they will need to pull people from all over the state in order to meet the very high goals.

The Commission is committed to working with AGC to meet all workforce diversity goals and thanked Ms. Harris-Adamson for her comments.

- Sid Friedman, 1000 Friends of Oregon, commented on impacts of Measure 37 claims in the Newberg-Dundee project area. He asked how ODOT and the Commission plan to analyze costs associated with Measure 37 claims. The same question was asked at the December meeting of the Commission, but a response was not provided.

The Commission explained that when the bypass is built, it will comply with the bypass policy, and ODOT and the OTC will work with local communities to assure that there are appropriate zoning designations. The agency will also use other tools as protection against Measure 37 issues, such as access management. The agency will be aggressive with communities on how they plan so that there won't be a development windfall around the bypass. By the time the bypass is ready to be constructed, it will be well planned out. The Commission will not initiate a separate study on behalf of 1000 Friends of Oregon.

- Richard Koenig, Oregon citizen, had a concern about Oregon Administrative Rule 735-022-0120 relating to optional titling.

The Commission told Mr. Koenig that the record on OAR 735-022-0120 is closed and is included in the Consent Calendar portion of this meeting. Thus, the Commission cannot make Mr. Koenig's testimony or include any documents he presented to the Commission as part of the official record.



Region 2 Manager Jeff Scheick and Region 2 Planning and Development Manager Erik Havig requested adoption of the Rickreall Junction Transportation Facility Plan and the Interchange Area Management Plan for the new interchange being constructed at the intersections of Oregon 22 with Oregon 99W and Oregon 223. This adoption will also constitute an amendment to the Oregon Highway Plan. (Background in General Files, Salem.)

Mr. Scheick introduced Polk County Board of Commissioners Chair Ron Dodge, and Commissioners Mike Propes and Tom Ritchey. He thanked them for working together with ODOT in support of the Interchange Area Management Plan.

Commissioner Propes thanked Jim Allen with Polk County Community Development and ODOT staff for going above and beyond the call of duty to see to it that this is a successful project. He also thanked the Commission for its work in coming up with access management ideas and other options for the project.

The Commission thanked Polk County, the City of Rickreall and ODOT for the outstanding and innovative work in combining land use and transportation planning which will protect the interchange.

Public comment was received from:

- Rob Zako, 1000 Friends of Oregon, commented about this successful partnership effort. The project protects the surrounding land. 1000 Friends of Oregon supports this project and wants it to move forward.

Commissioner Papé moved to approve this request. The motion passed unanimously.



Jeff Scheick and Erik Havig requested Commission approval on the Newberg Dundee Transportation Improvement Project (NDTIP) Bypass Location Final Environmental Impact Statement (LFEIS) as the facility plan for a new Oregon 18 Corridor. This action will also amend the Oregon Highway Plan to add this corridor to the state highway system as a statewide expressway. (Background in General Files, Salem.)

Yamhill County Commissioner Leslie Lewis, Dundee Mayor Diane Ragsdale, Dave Haugeberg, Yamhill County Parkway Committee, and Jim Bennett, Newberg City Manager, attended in support of the adoption of this project.

Commissioner Lewis expressed high praise for the Commission and everyone from ODOT involved in this project. This work, and all of the land use policies that go along with it, is the result of a broad consensus to solve issues at Newberg and Dundee. It provides a strong foundation for the development and adoption of a facility plan for the new Oregon Highway 18 corridor.

Mr. Bennett expressed support for this request on behalf of Mayor Stewart and the Newberg City Council. The city is committed to the bypass protection policies previously adopted in its comprehensive plan and zoning ordinances that will ensure that the function of the bypass is protected in perpetuity after this project is completed.

Public comments were received from:

- John M. Ekman, Mineral Springs Road, Carlton, Oregon, representing Columbia Empire Farms and Dr. Robert B. Pamplin Jr., who want ODOT to fix what they feel are flaws in the LFEIS and requested that the Commission delay consideration of the LFEIS until resolution of the Land Use Board of Appeals cases with respect to the proposed bypass. (Written comments in General Files, Salem.)

The Commission asked the local government officials to provide status on the Land Use Board of Appeals cases noted by Mr. Ekman.

- Jack Kriz, 9455 NE Glen Hollow, Newberg, Oregon, requested the Commission to not take action on this item at this time. He also asked for a reassessment of the impacts of traffic volumes upon the project. (Written comments in General Files, Salem.)
- Marilyn Reeves, President of Friends of Yamhill County (PO Box 1083, McMinnville, Oregon), opposed the adoption of the NDTIP LFEIS. Her organization, other individuals and organizations were not provided adequate notice about this agenda item. The Project Oversight Committee has not acknowledged previous comments, or indicated whether those comments were accepted or rejected. (Written comments in General Files, Salem.)

- Rob Zako, 1000 Friends of Oregon, urged the Commission to postpone adoption of the NDTIP LFEIS. This action was not properly noticed. In response to the Commission's question about the status of the Land Use Board of Appeals cases, he said that petitioner briefs are due on March 11, and respondents have eight weeks to file their briefs. It will be May before the cases go before LUBA. (Written comments in General Files, Salem.)

Erik Havig pointed out that the Feb. 8 letter the Commission received about this item states that notification of this action was provided to each affected local jurisdiction and the Department of Land Conservation and Development. Notice of this action was not sent to all affected parties who provided testimony previously. He clarified that responses to comments have not been provided to the Commission or interested members of the public.

Dale Hormann, Assistant Attorney General, concurred with Mr. Zako's assessment of the timeline for the LUBA cases in this matter.

The Commission is concerned about the impacts to Wilsonville Road and McKay Road in Marion County. People will use those roads to get to I-5. It recommended the Yamhill County Commission and the mayors from Newberg and Dundee to work with Marion County on how to address access control and safety improvements on McKay Road and Wilsonville Road.

Commissioner Achterman moved to amend the Oregon Highway Plan to include the Newberg Dundee bypass corridor location as identified in the map provided to the Commission and designate it as a statewide expressway under the Oregon Highway Plan. She included in the motion to adopt the NDTIP as a facility plan for a new alignment for Highway 18 between Dayton and east Newberg.

The Commission requested that staff independently develop its own findings of fact to support these decisions and to come back to a future Commission meeting with the findings of fact for the Commission to finalize this.

Because of the concerns about notification, other concerns brought up at this meeting, and the need to adjust the facility plan package to meet the expectations of a plan that is separate from an environmental impact statement, Jeff Scheick recommended deferring any action until March or April when these concerns have been addressed.

Commissioner Achterman withdrew the motion.



Driver and Motor Vehicle Services (DMV) Administrator Lorna Youngs and Customer Service Manager Bill Seely reported on on-line access to DMV driving records by insurance companies. (Background in General Files, Salem.)

The Insurance industry asked DMV for online access to driver records, in order to speed up the process for verifying client status and help insurance companies provide quicker quotes to their clients. The current process has a 24-hour turnaround.

DMV investigates alleged misuse of personal information by auditing organizations that receive bulk driving records. Under the current system, DMV responds to complaints and actively looks for internet sites offering driving records for sale.

Other states claim that they have experienced limited problems with the misuse of records. The states surveyed by DMV did not have data to show that online access to records caused an increase in misuse of driving records.

Paul Cosgrove, Nationwide Insurance, would like Oregon to join the other states that allow online access to DMV records without a 24-hour delay. Insurance companies have protection systems in place to keep personal information confidential.

Lana Butterfield, representing Safeco Insurance Company, American Family Insurance and the Professional Insurance Agents of Oregon/Idaho, pledged that this will be a win/win situation for the insurance industry and DMV by amending House Bill 2501 which deals with resale issues.

The Federal Trade Commission has no data showing a correlation between online access to driving records and identity theft because there has not been any research in this area.

The Commission cares about the issue of identify theft, understands why access to driver records is important to the insurance industry, and because the insurance industry does not resell information, identity theft is not a big issue for them. However, it can be a problem for others who have access to driver records. It is very important for Oregon DMV to have clear data on identity theft and continue to monitor access to see if more identity theft occurs. The issue of resale must also be studied.



An update on statewide traffic mobility through construction sites was deferred to the April meeting. (Background in General Files, Salem.)



The Commission approved the next two meeting dates as:

- Wednesday, March 16, 2005, in Salem.
- Wednesday, April 20, 2005, in Salem.



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

1. Approve the minutes of the January 20, 2005, Commission meeting in Salem.
2. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.

3. Approve the following Oregon Administrative Rule (OAR) actions:

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| a. | Temporary adoption of OAR 731-146-0010 through 0140; 731-147-0010 through 0060; 731-148-0010 through 0020; and 731-149-0010; and temporary suspension of OAR 731-010-0030 relating to public contracts. |
| b. | Temporary amendment of OAR 735-070-0185 relating to reports of positive drug test results. |
| c. | Adoption of OAR 731-005-0400 through 0790 and 731-007-0200 through 0400 and the repeal of OAR 731-005-0001 through 0365 and 731-007-0010 through 0190 relating to public improvement contracts. |
| d. | Adoption of OAR 734-010-0200 through 0380 and the repeal of OAR 734-010-0010 through 0170 relating to prequalification for bidding. |
| e. | Adoption of OAR 735-022-0120 and the repeal of OAR 735-168-0070 relating to optional titling. |
| f. | Amendment of OAR 735-062-0020 and 0030 relating to proof of age and identity. |
| g. | Amendment of OAR 735-118-0000 and 0030 relating to ignition interlock devices. |
| h. | Amendment of OAR 735-010-0030 relating to driver records and fees. |
| i. | Amendment of OAR 735-034-0010 and 735-150-0080 relating to issuance of trip permits by dealers. |

4. Approval to amend the 2004-2007 STIP for FFY 2005 to add OR 238 at New Hope Road and Jacksonville Highway right-of-way acquisition project in Josephine County.

| Project Name | Key Number | PE Cost | RW Cost | Construction Cost | Total Project |
|-------------------|------------|---------|----------|-------------------|---------------|
| OR 238 @ New Hope | TBD | \$0 | \$25,000 | \$0 | \$25,000 |

5. Approval to amend the 2004-2007 STIP to advance OR 7: Cedar Street Traffic Signal project in Baker City.

| Section | Key No. | PE | Year | RW | Year | Utility Relocate | Const. | Year | Total Project Cost |
|--|---------|----------|------|----------|------|------------------|-----------|------|--------------------|
| OR 7: Cedar Street Traffic Signal (Baker City) | 13613 | \$45,000 | 2005 | \$40,000 | 2005 | \$10,000 | \$533,000 | 2006 | \$628,000 |

6. Approval to amend the 2004-2007 STIP to add the US 30 at 33rd Street Signals project in Astoria by transferring \$90,000 in Construction funds from the Region-Wide Operations Improvements project.

| Project Name | Key Number | PE Cost | R/W Cost | Construction Cost | Total Project Cost |
|---|------------|---------|----------|-------------------|--------------------|
| US 30 @ 33rd St. (Astoria) Signals ODOT's Shared Costs | 14121 | | | \$90,000 | |
| Safeway Store Shared Costs | | | | \$60,000 | |
| City of Astoria Shared Costs | | | | \$52,605 | \$202,605 |

Transfer funds from:

| Project Name | Key Number | PE Cost | R/W Cost | Construction Cost | Total Transfer |
|--|------------|---------|----------|-------------------|----------------|
| Region 2 Region-Wide Operations Improvements Project Funds | 12971 | \$0 | \$0 | \$90,000 | \$90,000 |

7. Approval to amend the 2004-2007 STIP and revise the scope to include OTIA III funding of \$20.8 million for the I-5 Beltline Interchange project in Eugene/Springfield.

The table below shows the proposed project funding by phase:

| Project Name | Key Number | PE Cost | RW Cost | Utility Relocation Cost | Const. Cost | Total Project Cost |
|----------------------------------|--------------------------------|-------------|-------------|-------------------------|--------------|--------------------|
| I-5 @ Beltline Interchange | Combine 12833, 13281, 13668 | \$4,000,000 | \$9,725,000 | \$1,800,000 | \$56,975,000 | \$72,500,000 |

Commissioner Wilson moved to approve the items on the Consent Calendar. The motion passed unanimously.



Chair Foster adjourned the meeting at 12:00 p.m.

Stuart Foster, Chairman

Gail Achterman, Member

Randy Papé, Member

Mike Nelson, Member

Janice Wilson, Member

Jill Pearson, Commission Secretary