OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting
July 16, 2008
Salem, Oregon

On Wednesday, July 16, 2008, at 8:00 a.m., the OTC and Oregon Department of Transportation staff held a briefing session and reviewed the agenda in Room 135 of the Transportation Building, 355 Capitol Street NE, Salem. The regular monthly meeting began at 9:30 a.m. 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:

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

July 16, 2008

Chair Achterman called the meeting to order at 9:30 a.m.

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Deputy Director Doug Tindall provided the Director's report highlights:
The Glenn Jackson Scholarship Program was established for employees to contribute to a scholarship fund awarded annually to the child of an ODOT employee. This year's recipient, Michelle Prodzinski, is the daughter of Dan Prodzinski, a 22-year ODOT employee who works in the Region 2 Dispatch Center. Michelle will receive $2,500 a year for four years to study accounting and entrepreneurship at Gonzaga University and has been identified as one of 25 incoming students to participate in the Gonzaga University Hogan Entrepreneurial Leadership Program. Congratulations to Michelle!

ODOT received the 2008 FTA Transportation Planning Excellence Award for the development of the 2006 Oregon Transportation Plan. Chair Achterman was instrumental in bringing about the Transportation Plan. The biennial award recognizes outstanding initiatives across the country to develop, plan, and implement innovative transportation planning practices. Federal Highway Administration Administrator Phillip Ditzler also recognized Chair Achterman's efforts.

Chair Achterman awarded Vice Chair Nelson a service pin for his five years of service on the Oregon Transportation Commission.

ODOT was nominated and has been selected to receive the Oregon Rehabilitation Association's 2008 Annual award for Employer of the Year. The award is presented annually to an employer who demonstrates commitment to job opportunities for people with disabilities.

The Federal Highway Administration has completed a formal review, for the first time in 15 years, of Oregon's size and weight enforcement program. The Motor Carrier Transportation Division received an 'A' grade in the review, particularly in its efforts to safeguard Oregon bridges; recognition that we are doing a good job in that arena.

The Oregon State Board of Engineering Examiners and Land Surveyors has adopted a new rule that allows the use of digital signatures. This will be a substantial cost savings for ODOT. Ron Singh, ODOT Chief of Surveys, was instrumental in getting this accomplished.

The Central Oregon Transit Enhancement Project was adopted by the Deschutes County Board of Commissioners. The plan establishes a comprehensive vision for coordinated public transportation services throughout the county and central Oregon. It identifies priorities and actions to be undertaken in the near term to achieve this goal.

Vice-Chair Nelson expressed appreciation and recognition for the incredible efforts of the Transportation Enhancement Advisory Committee staff, particularly those of Dan Bolt, who will soon be stepping off the advisory committee. Mr. Bolt has been on the committee since its inception.

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Public Comments:
--Wayne Giesy spoke and provided written comments supporting existing railroad rights of way and proposing a westside rail line from Salem to Corvallis. *(Written comments in General Files, Salem)* The Commission noted that the issue of preserving existing and planning future rights of way is a major part of our land use program and will be discussed later during the "Big Look" agenda item. An assessment of the rail system is planned for the next year to 18 months and the Commission will make sure Mr. Giesy gets invited to the meeting when that report is presented. Mr. Giesy concluded by paying tribute to Doug Tindall for all his help.

--The Wilsonville Chamber of Commerce provided written comment on the Chamber's position on the I-5/99W Connector Project. The board unanimously recommends several projects that support the chamber's mission:

- Extend the westside commuter rail line to the City of Sherwood town center.
- Add auxiliary lanes along I-5: northbound from north Wilsonville/Elligsen Road interchange to I-205, and southbound from I-205 to interchange.

- Extend 124th Avenue from Tualatin-Sherwood Road to Coffee Creek industrial area. *(Written comments in General Files, Salem)*

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The Commission considered a request to delegate to the Director and Deputy Director for Highways the authority to approve cost overruns of any amount when the primary cause is cost escalation. *(Background material in General Files, Salem)*

Doug Tindall said increases in asphalt prices will cause construction overruns greater than $500,000, the limit of authority delegated to the Director and Deputy Director for Highways to approve. Paving projects make up most of the work occurring during this summer and because asphalt is a large portion of the contract cost, we must either request expedited approval from the Commission or shut down the project until OTC approval is received. To ensure Commission oversight of projects, the delegation change is only requested until July 1, 2009.

The Commission noted changes to item #8 of Delegation Order #3. Item #8 will read:

> The authority to carry out design, construction and traffic management on behalf of the Department. This includes approval of construction contract progress and final payments, time extensions, overruns up to $500,000, *when one third or more of the increased cost is due to reasons other than cost escalation as provided in the contract specifications, change orders, and contractor claims. Until July 1, 2009, this includes approval of overruns of any amount when more than two thirds of the increased cost is due to cost escalation as provided in the contract specifications, change orders and contractor claims.*

Commissioner Wilson moved to approve this request. The motion passed unanimously with the wording changes noted above.

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An additional opportunity for public comment and review was provided and the Commission considered adoption of the Public Involvement Policy. (*Background material in General Files, Salem)*

Transportation Development Division Administrator Jerri Bohard and ODOT Long Range Planning Manager Robert Maestre presented an update to the Public Involvement Policy for the Commission's consideration for approval. A preliminary draft of the policy was brought to the Commission in April. Based on suggestions made at that time, the policy was updated and opened for the official 45-day review and comment period.

Several items were clarified in the draft:

- Consultation requirements for ODOT with Federal, State and other agencies;
- Separate and distinct process for consulting with non-metropolitan area local officials; and
- Involve advisory committees in the development of the statewide transportation improvement program.

The next steps include preparation of a guide book for use within ODOT based on nationwide best practices and a careful review of existing ODOT procedures and manuals to assure they follow the intent of the policy.

The Commission noted that this is an extremely challenging area. Public involvement is needed early in the process, but people do not always pay attention to issues until there is a personal involvement, at which time, it may be too late. The policy has the right content, but it will take a lot of repetitive work to implement it and create an awareness in the general public of the need to participate early on. When region managers are out talking with the various Area Commissions on Transportation and other partners, the Commission hopes they will use the passing of this policy as a means of showing ODOT's commitment to public involvement.

It was noted that Portland State University has a Public Involvement Institute that might have best practices beneficial for developing the guide book.

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

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Portland Tribune Editor Steve Clark and Department of Land Conservation and Development Director Richard Whitman gave a presentation on the Big Look Task Force. (*Background material and PowerPoint presentation in General Files, Salem)*

Sorin Garber, key consultant, and John Evans, lead staff person for the Big Look Task Force, gave a presentation on the task force which looked at Oregon's land use history over the past 35 years and then looked to Oregon's needs in the future and how land use can best suit Oregon and its citizens. Public outreach will be held August-October, and beginning in November stakeholder outreach will begin. The overarching principals of the outreach will be: providing a healthy economy; sustaining a prosperous economy; ensuring a desirable quality of life; and maintaining a program that is fair and equitable.

Preliminary recommendations include:

- Identify and protect lands of statewide importance
- Use of land use planning tools
- Realign the Oregon Land Conservation and Development Commission
- Plan for and anticipate economic growth

- Establish expectations for reduction of greenhouse gases

Commission comments:

- The report contains a lot of information on the problems, but the focus should be more on the recommendations.
- The final paragraph on Page 11 talks about identifying and protecting the most important lands. This is a major point and should be emphasized.
- Manufacturing is a key component of this state and should be stressed in the report.
- The report does not clarify what is meant by 'market based tools'. Give examples.
- Vehicle miles traveled reduction is only a part of greenhouse gases, there are other areas that need discussion such as discretionary trips and congestion reduction strategies.
- The idea of Safe Harbors needs to be clarified. How would this be developed and who would be involved?
- Preserving existing rights of way should be more predominant in the report.
- The urban/rural reserve issue is a great idea, but the 20-year period is too short.
- What does realigning LCDC (Page 3) mean?
- What does realigning LUBA (Page 17) mean?
- When discussing land use planning, is the erosion of personal property rights part of the discussion?
- Is eminent domain an area the task force has examined?
- The second paragraph on Page 20 states there is no need to modify the current planning process for retail and office use. It was noted there may be a land use decision made July 16, 2008 eliminating the requirement for communication with the Commission. These decisions could affect decisions made by the Commission. For example, decisions made by the City of Tualatin regarding the Nyberg Road Interchange that negated the work done by an OTIA I project. We need to make sure in the initial stages of land use planning that we are working together to understand all the impacts, short-, medium-, and long-term so the best decisions are made in the long run. Where are the current loopholes in this process?
- Need to erase the perception of east side/west side division and discrimination in land use laws.
- Define a clear balance of state, region and local responsibilities.
- Address manufacturing community issues.
- Streamline the critical permit process.
- Preserving right- of way for infrastructure is significant. There must be recognition that there are things of statewide significance that should not be trumped by local jurisdictions.
- Recognize that funds may not be available for projects approved and the impacts.

- What are the considerations being made when we consider Urban Growth Boundary expansions? The cost must be considered as a critical variable in evaluating the alternatives.
- The issues of migration of industrial land to commercial uses must be addressed.

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Driver and Motor Vehicle Services Division Administrator Tom McClellan and Transportation Safety Division Administrator Troy Costales reported on various Oregon Department of Transportation programs relating to driver licensing and safe drivers. *(Background material in General Files, Salem)*

Programs to promote safety on the roads are broken into several categories: first time drivers; at-risk drivers; loss of driving privileges; crash analysis; and special programs like mandatory driver education, vehicle safety inspections, urban driving challenges and driver retesting.

Increased driver education requirements, funded in part by driver license fees, have resulted in a 50 percent decline in teen deaths in Oregon. DMV regulates 25 commercial drive schools and 126 instructors. Motorcycle driver education is self-funded from fees charged to register motorcycles.

Once a license has been issued, there are programs in place to monitor driver performance and restrict and/or remove driving privileges for problem drivers. The Problem Drivers Pointer System (PDPS) is used by all states to share information on driver records between the states before and after licensing a driver. The Commercial Driver License Information System (CDLIS) provides the same type of information on commercial drivers. The Driver Improvement and Habitual Offender programs restrict or suspend drivers depending on the number of driving convictions or crashes on their records, and the At-Risk Mandatory and Voluntary Reporting programs look at individuals reported as unsafe drivers due to medical conditions or other impairments. There are other programs designed to allow limited driving privileges for those who have been suspended or revoked.

The Commission asked for follow-up information on:

- What do statistics show on the amount of congestion caused by vehicle breakdown?
- Revisit the impaired driver list. What are we doing now on re-testing and what are other states doing?
- What would it take to make mandatory driver education a requirement? What does the driver education provider community think about the cost effectiveness?

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The Commission received a report on the Multnomah County Bridges Strategic Plan. *(Background material in General Files, Salem)*

In follow-up to the August 2006 approval of two Oregon Transportation Infrastructure Bank loans, Karen Schilling, Transportation Planning Manager, and Kim Peoples, Road Service Manager from Multnomah County, gave an update on Multnomah County's strategic plan for funding, managing, and maintaining its bridges. The county is looking at implementing a local Vehicle Registration Fee. State statutes say they need agreement from Metro, TriMet, Washington and Clackamas counties as well as the City of Portland. They were not able to secure agreement from all these jurisdictions so they will be taking this to the upcoming legislative session to take this requirement away.

Another state statute the county was trying to meet was to share 40 percent of this revenue with local jurisdictions. Multnomah County wanted to raise the money to dedicate solely to Willamette River bridges, so it's worked to secure the needed agreements with all cities within Multnomah County. This was also unsuccessful.

The Joint Policy Advisory Committee on Transportation also looked at this and agreed to some regional principals. The funding would be dedicated to large regional projects, with some going to regional projects and the remainder going to the city, alternative mode-supporting facilities and freight mobility projects.

The Commission noted that the origin of the request came from Oregon Transportation Investment Act bridge funds. To build the best working relationship, the Commission would like a better understanding of planning and what the needs are for all the bridges so the county is not caught in emergency situations in which large funds are needed. The Commission also noted the need for solid communication with the Bridge Division.

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Deputy Director for Central Services, Lorna Youngs and Chief Financial Officer Les Brodie gave an update on the Oregon Transportation Infrastructure Bank (OTIB) in follow-up to a request from the Commission at the March OTC meeting to see how it was being used and how to align it better to the goals and objectives of the department and changes to federal and state statute. *(Background material and PowerPoint presentation in General Files, Salem)*

Les Brodie gave a brief history of the OTIB and talked about its criteria, activity, funding throughout the state, project types and infrastructure bank commonalities. Loans are generally to non-profit entities and because original funds were federal, they must be applied to highway related projects. However, monies from loans paid back with general funds can be used for non-highway projects.

In addition to interest earnings and initial capital, there was a $17-million, one-time, line of credit provided by highway funds that adds to the capitalization. It was noted that loans appear to be on a first-come, first-serve basis and the Commission would like to see a more strategic approach. The limitation of this program is that the loans have to be repaid, which limits the applicants.

Due to these limitations, Lorna asked for more clarification on what direction the Commission wants to pursue with these loans. The Commission said it is interested in being able to move more funds to multi-modal projects and infrastructure funding. If the goal is leveraging to escalate project delivery, maybe smaller loans might make a bigger impact. Right now, the more sophisticated jurisdictions are the ones using the funds and we might want to market to some of the smaller jurisdictions. We may need to educate the smaller jurisdictions that these funds are available.

The Commission asked for a follow-up report, by year, on the number of applications received, how many loans were approved, who the loans were made to and their purpose.

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The Commission considered approval of an Oregon Transportation Infrastructure Bank loan increase to Multnomah County in the amount of $1,400,000 (for a total loan of $4,600,000) for the 223rd Sandy Boulevard Bridge Street Undercrossing project. *(Background material in General Files, Salem)*

Commissioner Brown moved to approve this OTIB loan increase. The motion passed unanimously. Vice Chair Nelson was not present.

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

1. Approve the minutes of the June 19 and 20, 2008, commission meeting in Enterprise.

2. Confirm the next two commission meeting dates.

   - Wednesday and Thursday, August 20 and 21, 2008, in Redmond.
   - Wednesday, September 10, 2008, in Salem.

3. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.

4. Approve the following Oregon Administrative Rules:

a.	Amendment of OAR 734-017-0005 relating to retractable studded tires.
b.	Amendment of OAR 735-070-0170 relating to violation of out-of-service orders.
c.	Amendment of OAR 735-160-0003 relating to driver school exemptions.
d.	Amendment of OAR 740-100-0030 relating to truck mileage recording devices.

5. Approve an amendment to the 2008-2011 Statewide Transportation Improvement Program to add the Oregon 22: Lancaster Drive SE Over crossing (Salem) project. The total estimated project cost is $3,892,000.

6. Approve an amendment to the 2008-2011 Statewide Transportation Improvement Program to add the Interstate 5 Exit 99 Signing Improvements project in Douglas County. The total estimated project cost is $500,000.

7. Approve an amendment to the 2008-2011 Statewide Transportation Improvement Program to cancel four pavement preservation projects: Oregon 22: Pamelia Road – Twin Meadows (Linn County) in the amount of $2,488,000; Oregon 126: Deerhorn – Greenwood Drive (Lane County) in the amount of $2,811,000; Oregon 99E: Calapooia Street to Corvallis – Lebanon Highway (Linn County) in the amount of 2,230,000; and U.S. 101: Sutton Creek – Siuslaw River Bridge (Lane County) in the amount of $3,728,997. Region will use the funds from the cancelled projects, totaling $11,257,997, to deliver six pavement preservation projects in the 2008-2011 STIP as described in the background material.

8. Approve the route location and highway design for the relocation of the state highway for the section of highway described as U.S. 395 – Bowers Bridges Creek, Warner Highway (No. 431), in Lake County.

9. Approve a *Connect*Oregon I project scope change from rehabilitation of the Coos Bay railroad bridge to purchase and rehabilitation of the Coos Bay rail line for restoration of rail service to south Oregon coast.

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

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Commissioner adjourned the meeting at 3:00 p.m.

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Gail Achterman, Chairman

Michael Nelson, Vice Chair

Janice Wilson, Member

Alan Brown, Member

David Lohman, Member

Roxanne Van Hess, Commission Support