

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
December 16, 2009
Portland**

On Wednesday, December 16, 2009, at 9:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a briefing session and reviewed the agenda in Room 344 of the Region 1 Headquarters. The regular monthly meeting began at 10:00 a.m., in Public Meeting Rooms A and B.

Notice of these meetings was made by press release of local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

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

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

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Chair Achterman called the meeting to order at 10:00 a.m.

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Director's Report:

- Commissioner Janice Wilson was awarded a 5-year Service Pin.
- Announced appointment of Clyde Saiki as Deputy Director for Central Services.
- The Green Light Weigh Station Preclearance Program passed another milestone.

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Public Comments: None.

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The Commission received a presentation from Region 4 Manager Bob Bryant and City of Bend Manager Eric King on the status of the City of Bend's proposal to rezone approximately 200 acres of Juniper Ridge property to light industrial. (*Background material and PowerPoint presentation in General Files, Salem*)

Eric King gave a brief outline on the background of the Juniper Ridge zone change and talked about transportation mitigation and financial strategy for the project. Steve Peterson discussed the economic condition of Central Oregon. Nick Arnos reviewed the results of traffic impact analysis done in the area and a phasing strategy for the project. David Deets discussed funding strategies.

Chair Achterman noted that the project must meet performance measures tied to each phase.

The Commission said it is important to note that when the intergovernmental agreement comes back to the commission, it must show how the project ties to the Highway 97 corridor refinements.

Public comment received from Wayne Schnur discussed a newspaper article about a 20-year limitation on how far, including surrounding areas, future highway planning can be expanded and developed. Bend's current population of 80,000 is expected to grow to possibly 200,000 in the future, and these people will use the north corridor when traveling to Portland or west. The Juniper Ridge project has taken a lot of time and money because of topographical constraints, and he proposes exclusion be made to the 20-year limitation to allow the opportunity for one or two more lanes for future development. He feels this foresight will save ODOT and Oregon citizens millions of dollars.

Chair Achterman thanked Mr. Schnur for the comments. It's important to have perspective from the citizen's advisory group on the challenges. She asked Bob Bryant and Jerri Bohard to follow up to get more information on planning horizon parameters.



Region 1 Manager Jason Tell and City of Portland Bureau of Transportation Director Susan Keil gave a presentation on the "State of the System" in Portland. (*Background material and PowerPoint presentation in General Files, Salem*)

Jason Tell said ODOT has worked in close partnership with the City of Portland over the last year, and has focused on the areas of safety, emergency preparedness, and multi-modal issues.

Susan Keil gave a PowerPoint presentation on the City of Portland's "State of the System." She discussed Portland's mission statement, challenges, funding, partnerships, new initiatives, and environmental stewardship.

The Commission applauded the City of Portland's good working relationship with ODOT.

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Public Transit Administrator Michael Ward gave an informational briefing on the implementation of the Oregon Rideshare Database project. (*Background material in General Files, Salem*)

Michael Ward thanked the numerous Transportation Demand Management (TDM) professionals who participated in the effort, saying that the Public Transit Division would not have been able to complete the project without their support. The goal of the project is to bring a unified, statewide, highly robust and modern rideshare program that offers a viable alternative to single occupancy vehicle (SOV) travel to the state. Currently, only Portland, Salem, Albany/Corvallis, Eugene, Bend, and the Rogue Valley have active TDM programs.

In addition, Oregon has had discussions with TDMs across state lines to develop a regional rideshare program, and has been working to develop public/private relationships as a way to work with retailers and employers in leveraging the statewide database, both to reduce SOV mileage and as a benefit to employees.

Marketing and education outreach are critical to let people know this program is available, as are incentives. Successful rideshare programs around the country all employ various incentive mechanisms.

The program is a state initiative and currently funded by ODOT through licensing fees. Ongoing financial support/management of the program is being explored with local government partners and private enterprises.

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The Commission received a status report on the Oregon Statewide Port Strategic Plan sponsored by the Oregon Business Development Department. (*Background material and PowerPoint presentation in General Files, Salem*)

Transportation Development Administrator Jerri Bohard, Freight Mobility Planner Michael Bufalino, OBDD Port Manager Dave Harlan, and Parsons Brinckerhoff Supervising Transportation Planner Chuck Green participated in the report.

Dave Harlan presented the Oregon Ports Strategic Plan and discussed the state's needs and the importance of the plan to Oregon jobs and economy. Chuck Green discussed the plan's recommendations, accountability, expectations, establishment of a training and certification program for port officers, and funding through Infrastructure Finance Authority (IFA.) A final draft of the plan will go out for public comment in preparation for the 2011 Legislature.

Chair Achterman noted that one major issue identified is the lack of prioritization and alignment across several funding sources. New programs are on parallel tracks through

both the IFA and *ConnectOregon*, without showing a strategic linkage to Oregon transportation priorities. It may be time for the legislature to look at port authorizing statutes and how to differentiate between various kinds of ports, recognizing the variety of functions they have, and basing funding and support accordingly. A partnership model in which economic development is considered as key.



The Commission considered approval of a request to delegate authority to the Deputy Director for Highways to sign an Intergovernmental Agreement with the Travel Information Council to operate and maintain selected rest areas, and for the transfer of funds to the Travel Information Council as prescribed in House Bill 2001. (*Background material and PowerPoint presentation in General Files, Salem*)

Office of Maintenance Engineer Luci Moore gave a brief overview of the agreement that resulted from HB 2001 and directs ODOT to transfer management, maintenance, and improvement at select rest areas to the Travel Information Council (TIC.)

Victory Group President Craig Campbell said this is a unique and exciting opportunity to enhance some of Oregon's rest areas to capture the spirit of the local communities, emphasize Oregon's pride in its sustainability program, and use the rest stops as economic indicators for people coming to Oregon to make them feel welcome and safe while directing them to areas of interest around the state.

Travel Information Council's Cheryl Gribskov said that starting January 1, 2010, each rest area will have a staff manager, or assistant manager, for a minimum of eight hours each day. The managers come from ODOT, State Parks, or out of the local community, putting some unemployed Oregonians back to work.

The Commission thanked TIC for all its work on this effort. It is an excellent opportunity in terms of tourism to promote economic development in Oregon.

Commissioner Wilson moved to approve delegation of authority to the Deputy Director of Highways to sign the agreement. The Commission unanimously approved the motion.



The Commission received an update on implementation of House Bill 2186 from Transportation Development Administrator Jerri Bohard. (*Background material in General Files, Salem*)

Jerri Bohard gave a brief overview of HB 2186, which created a Metropolitan Planning Organization (MPO) Greenhouse Gas Emissions Task Force. The task force consists of 16 members, including members of the current six MPOs, and will work through three phases:

Phase 1: Recognizing this work will have to be done with existing resources, and develop a tool-kit for reduction of greenhouse gas emissions.

Phase 2: Develop targets for MPOs to use when updating their regional transportation plans.

Phase 3: Evaluation of regional transportation plans.

Chair Achterman noted three points for consideration in future discussions:

1. The EPA has determined that CO2 is a hazard.
2. The boundaries of MPOs don't line up with the travel shed.
3. 34% of emissions in Oregon are from the transportation sector. To meet statutory state emission targets, should funds be allocated proportionately across those emissions, or should they be allocated disproportionately based upon ease of reduction and the economic and social impact of reduction?



The Commission considered approval of Administrative Rule 731-050-0030 for spending federal flexible transportation funds, and discussed the process for distribution of the remaining flexible funds. (*Background material in General Files, Salem*)

Deputy Director for Highways Doug Tindall and Transportation Development Administrator Jerri Bohard lead a discussion on how flex funds have been used in the past and alternatives for future use to give staff guidance for future policy decisions.

Doug Tindall said there is interest in assuring ODOT is making the greatest use of federal funds through non-traditional highway use. The legislature directed ODOT to maximize the amount of federal funds to be flexed, to provide additional non-highway funding, but essentially take highway revenue increase from the gas tax increase to back-fill the highway funds for the money being flexed.

Once mandatory program distributions, and other flex funds that have been set aside are deducted from the total amount in the flexible funding program, there will be approximately \$14 million remaining in uncommitted new funds. The Commission discussed priorities and whether the funds should be placed in existing programs or made available for competitive proposals.

Commissioners Lohman and Brown indicated they would place highest priority on transportation planning, research, and data collection, elderly and disabled transportation programs, and transit operating assistance.

Commissioner Wilson would not support 'planning' as an overall category, but would support planning if it was specified. She would place highest priority on elderly and disabled transportation programs, (if it would be enough to have an effect), bicycle and pedestrian programs, and transportation enhancement projects.

Chair Achterman said her overarching concern in this funding is to have the allocations match up to achieving the strategic direction of the transportation plan. While it's important to address the outstanding needs of the MPOs and ODOT, the legislature expects the development of tangibles.

Oregon Environmental Council member Chris Hagerbaumer said highway dollars have been placed in silos apart from multi-modal funds. This inhibits flexibility. She suggests being free with the funds and not placing them in categories, and not setting minimums on projects because that often unintentionally leads to setting a maximum in some people's mind. There should be more competition for funds, with criteria for multi-modal projects just as there are STIP criteria based on eligibility and performance.

Public Comment was received from:

--David Barenburg from the City of Portland's office of Government Relations has worked the legislative side of this issue. This new infusion of funds is very exciting, and he suggests using some of the funds to be a catalyst to reach goals on congestion, greenhouse gas emission, and multi-modal issues.

--Paul Smith from the City of Portland Bureau of Transportation suggested that the state could maximize the effectiveness of the flexible funds by using a performance based, competitive program that awards innovation. He also expressed concern about expanding the current "silo" grant process because it fails to recognize that programs combining capital, and outreach demand management and system management, often perform better than a single program hitting a silo.

Allocation of the \$24 million begins in January, and comes to ODOT in increments of \$2 million a month.

The Commission's comments on next steps:

- 1) Correct math on flexible funding distribution list.
- 2) Include in the distribution list any flex fund money left after the \$24 million, the criteria, and an accounting of what's been taken off the top because it's mandatory.
- 3) Start conversation on what will happen after 2011. Use that as a template to plan – If that's what we want to do then, how do we spend the money now to get there?
- 4) Think about the purpose of what we are trying to achieve with these funds.
- 5) Consider setting up an advisory group, like *ConnectOregon*, that embraces existing advisory groups to analyze how to be successful in the new program initiative. Possibly a half-day workshop.



Chief of Staff Joan Plank presented the Commission with a request to authorize an expenditure of \$1.5 million in the 2008-2011 STIP to increase workforce diversity in

highway construction as outlined in Senate Bill 894 adopted by the 2009 Legislative Assembly. (*Background material in General Files, Salem*)

This expenditure would assure that apprentices are available for highway construction work and that those apprentices represent a diverse population. The \$1.5 million will be executed through an inter-agency agreement with the Bureau of Labor and Industry.

Commissioner Lohman moved to approve the expenditure request. The motion was unanimously approved by the Commission.



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

1. Approve the minutes of the October 20-21, 2009, workshop and meeting in Gleneden Beach, November 10, 2009, commission meeting in Salem and the December 2, 2009, special telephone meeting in Salem.
2. Confirm the next commission meeting dates.
 - Wednesday, January 14, 2010, in Salem.
 - Wednesday, February 17, 2010, in Salem
3. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Approve the following Oregon Administrative Rule (OAR) actions:
 - a. Temporary amendment of rules in chapter 731 relating to procurement; incorporating provisions of HB 2867 and SB 479
 - b. Amendment, adoption and repeal of rules in chapter 731, division 70 relating to the Oregon Innovative Partnerships Program
 - c. Amendment of 735-020-0080 relating to vehicle seller notice
 - d. Temporary amendment of rules in chapter 735, divisions 24 and 158 and temporary suspension of 735-024-0080 relating to towing and appraisal of abandoned vehicles
 - e. Amendment of 735-050-0050 through 735-050-0120 relating to financial responsibility requirements for motor vehicles
 - f. Amendments and repeals in 735, divisions 62 and 70 relating to CDL hazardous materials endorsements
 - g. Amendment of 735-062-0007 through 735-062-0125 relating to limited term driver licenses, driver permits and ID cards
 - h. Amendment of 735-062-0035 relating to waiver of reinstatement fee in certain circumstances
 - i. Amendment of 735-064-0100 relating to hardship or probationary permit restrictions
 - j. Amendment of 735-064-0220 and 735-072-0035 relating to convictions used in driver improvement and other programs
 - k. Amendment of 735-080-0020 through 735-080-0060 relating to the renewal of disabled person parking permits

- l. Amendment of 735-090-0120 and adoption of 735-090-0125 relating to implied consent hearings
 - m. Amendment and adoption of rules in chapter 735, division 150 relating to vehicle dealer consignment practices and dealer-only auctions
 - n. Amendment of 740-055-0020 relating to acceptable payment methods from motor carriers
 - o. Amendment of 740-200-0040 and 740-200-0045 relating to the re-adoption an international agreement and clarifying audit procedures
5. Approve a request to adopt the Boardman Main Street Interchange Area Management Plan and associated amendments with the condition that the projects identified in the plan are determined to reasonably likely to be funded under the Transportation Planning Rule when the city has established the necessary funding mechanisms to implement the plan. The plan will amend the Oregon Highway Plan to include an Access Management Plan for the Main Street interchange with Interstate 84 in Boardman.
 6. Approve an increase in construction authorization in the amount of \$2,542,297 on the Interstate 5 South Medford Interchange project in Jackson County. This will change the construction authorization from \$69,016,837 to \$71,559,134.
 7. Acknowledge receipt of the Immediate Opportunity Fund Annual Report for State Fiscal Year 2009.
 8. Approve a request of the route location and highway design for the relocation of the U.S. 97 Reroute, Phase 1 (Redmond), The Dalles – California Highway No. 4, in Deschutes County (Right-of-Way Drawing No. 1R-4-1108 dated October 2009.)
 9. Acknowledge the filing of Multnomah County Ordinance 1148 establishing Vehicle Registration Fees for construction of a new Sellwood Bridge.
 10. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add a construction phase to the Interstate 5: Wilsonville Road Interchange project. The total estimated project cost is \$21,461,831.
 11. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to change the scope and budget for the U.S. 26: North Fork Quartz Creek Bridge in Clatsop County. The total estimated project cost is \$12,744,000.
 12. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add a new construction project on U.S. 20 at 7th Street and Bailey in Tumalo. The total estimated project cost is \$200,000.
 13. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add a construction phase to the Oregon 140 Beatty Curve project in Klamath County. The total estimated project cost is \$3,549,000.
 14. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add \$2,800,000 in federal aid funds to the Oregon 82 Imbler – Joseph Chip Seal project in Wallowa County. The total estimated project cost is \$2,800,000.
 15. Approve a request to amend the 2008-2011 Statewide Transportation Improvement Program to add the U.S. 30: Lower Columbia River Highway at Cornelius Pass Road project in Multnomah County. The total estimated project cost is \$4,351,000.

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

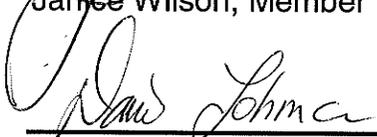
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Public comments continued. None.

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Chair Achterman adjourned the meeting at 3:53 PM.

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 Gail Achterman, Chairman	Not present Michael Nelson, Vice Chair
 Janice Wilson, Member	 Alan Brown, Member
 David Lohman, Member	 Roxanne Van Hess, Commission Support