

**OREGON TRANSPORTATION COMMISSION**

**Minutes of the Regular Monthly Meeting  
February 18, 2009  
Salem, Oregon**

On Wednesday, February 18, 2009, 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	Governor's Sr. Trans. Advisor Chris Warner
Vice-Chair Michael Nelson	Commission Assistant Amy Merckling
Commissioner David Lohman	Region 1 Manager Jason Tell
Commissioner Alan Brown	Region 2 Manager Jane Lee
Director Matt Garrett	Region 3 Manager Paul Mather
Chief of Staff Joan Plank	Region 4 Manager Bob Bryant
Deputy Director for Highway Doug Tindall	Region 5 Manager Monte Grove
Deputy Director Central Services Lorna Youngs	DMV Administrator Tom McClellan
Trans. Development Administrator Jerri Bohard	Technical Services Admin. Cathy Nelson
Communications Div. Admin. Patrick Cooney	Rail Division Administrator Kelly Taylor
Public Transit Administrator Michael Ward	

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

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The Commission considered approval of a Statewide Transportation Improvement Program (STIP) amendment to a list of State Highway System Projects to be funded by the federal economic stimulus package. *(Background material in General Files, Salem)*

Deputy Director for Highways Doug Tindall gave a brief history of how the stimulus list was developed and addressed some of the policy questions that have been raised in public comment letters received to date.

The Commission asked what safeguards were in place to ensure that Oregon workers would benefit, and not workers from out-of-state. Doug said that during the Pioneer-Eddyville project, equipment was imported, but for the most part, people weren't. While there are no guarantees, the projects should put mostly Oregonians to work. 70% of OTIA III workers are Oregon residents. *(Doug Tindall later clarified the comment about the number of Oregon residents employed by OTIA III. He said 74% of the work is contracted to Oregon firms, and 91% of the employees are Oregon residents. The Commission suggested this corrected information be forwarded to the members of the legislature who were in attendance at the*

*morning session, but not present in the afternoon to hear this update. Doug said he would follow-up.)*

The Commission asked to what degree projects allocated within the 120-day period take into account geographic equity and distressed areas. Doug said most of the projects are in economically distressed areas.

Senator Bruce Starr asked that ODOT work with the legislature on the process to put Oregonians back to work. While he agrees with most of Doug Tindall's comments, and recognizes the need to move quickly, he has not seen this partnership process. There has been no opportunity for the legislature to weigh in on the list. Senator Starr also questioned the idea that local governments could not move quickly on projects and asked that action on this item be deferred until legislative participation and public engagement occurs in a legislative hearing venue.

The Commission asked for a time frame to accomplish the hearing. Senator Starr felt a hearing could be held by the end of next week or the beginning of the following week. The Commission noted that its goal should be to move quickly on projects and possibly benefit from additional funds reallocated from states that don't move fast enough. Senator Starr agreed, but cautioned against moving so quickly that projects might be open for later criticism.

Associated General Contractors Executive Director Mike Salsgiver said their main motivation is employment and the goal to provide stable and predictable funding sources for transportation. He urged the Commission to work with legislators to synchronize and complete a package that provides employment.

1000 Friends of Oregon Executive Director Bob Stacey proposed viewing the \$300 million as a one-time opportunity to add long-term flexibility to expenditures across the entire transportation system. There are transportation, bikeway, and pedestrian improvements that are ready to go, and are equal to the amount in the Surface Transportation Program. The funds are not guaranteed for the state highway system only and he suggests addressing other modes that have needs such as Tri-Met, Cherriots, Lane Transit, and other systems that support off-highway transportation.

Joint Policy Advisory Committee on Transportation (JPACT) Chair Rex Burkholder submitted five principles and suggestions for the Commission's consideration when adopting a list of stimulus projects:

- 1) Coordinate with local governments to maximize the impact of state and local funds.
- 2) Be flexible in developing and adopting the state's project list given the possibility of longer obligation time frames.
- 3) Consider focusing investments in metropolitan areas where the economic impacts will be the greatest.
- 4) Ensure that investments the state makes with stimulus funds have significant short-term and long-term economic impacts.
- 5) Maximize the use of stimulus funds to leverage other federal, state, and local funding.

Deputy of Government Affairs for Washington County Jim McCauley suggested re-examining the second stimulus package to look for strategic investments, and elements that will be helpful more long term to meet local community needs.

The Commission asked if various city and county lists have been compared with the ODOT list to identify overlaps. Doug Tindall responded that the ODOT list is composed mainly of state highway projects, so there may, or may not, be overlap. Director Garrett said meetings are scheduled in the next few days with the League of Oregon Cities and Association of Oregon Counties on just this issue.

Oregon City Engineer/Public Works Director Nancy Kraushaar talked about Oregon City's application for \$14.5 million for the I-205/Hwy 213 Jug Handle project.

A decision on this item was deferred until the afternoon to give the Commission time to discuss today's comments.



After lunch, the Commission returned to this agenda item. In consideration of the discussions with the legislature, MPOs, cities and counties, the Commission understands the extreme importance of creating jobs for Oregonians during this construction season. While there is a very real time constraint for achieving that objective, the OTC recognizes the importance of taking the time to have the conversations with cities and counties already scheduled for this Friday, February 20, and to have conversations with the legislature to establish understanding of how stimulus dollars fit with the efforts of the transportation package for the 2009 legislature.

Two projects must be allowed to go to scheduled bid letting. Commissioner Lohman moved to approve the following projects immediately with stimulus dollars:

- US 101 Reedsport - Winchester Bay paving project 1.9 million (listed on stimulus list)
- US 26 North Plains to 185<sup>th</sup> Avenue 2.9 million (listed on stimulus list)

Chair Achterman motioned to defer action until February 27<sup>th</sup> on the list of projects except for the two that have tighter time frames. Input must be received by the commission prior to this date.

The motions were unanimously approved.



The Commission considered approval of a request to amend the Commission Policy #10 on Federal Reauthorization Highway Program Earmark requests and recommend projects to the congressional delegation for earmarks. (*Background material in General Files, Salem*)

Senior Federal Affairs Advisor Travis Brouwer gave a brief overview of the Federal Reauthorization Highway Program Earmark Requests. Last month, the Commission asked

ODOT to communicate to stakeholders how the list of 60 recommended projects was pared down to 21 projects. That step has been completed, a number of concerns have been answered, and the ACTs (Area Commissions on Transportation) were made aware that their recommendations to the OTC will be provided to the congressional delegation so it will be aware which projects, even those not recommended by the Commission, are considered regional or state-wide priorities by our advisory bodies.

The requested amendment would remove two sections of the policy: 1) Earmark Sponsor's Roles and Responsibilities, and, 2) Use of Earmarks for Local Contribution to State Highway Projects; the last two sections of the earmark policy.

Commissioner Lohman moved to approve the policy amendment and list of recommended projects. The motion passed unanimously.



The Commission received an update on the Columbia River Crossing project. *(Background material and PowerPoint presentation in General Files, Salem)*

Columbia River Crossing Project Sponsors Council Co-Chair Henry Hewitt, Co-Project Manager Richard Brandman and Port of Portland Executive Director Bill Wyatt provided an update and a review of the key decision points and issues affecting the project.

Richard Brandman gave an overview of the project: project partners; six major problems on I-5 the project addresses; suggested alternatives; operational effects, and the project schedule. The major issues being addressed at this point are the number of bridge lanes and existing add/drop lanes (entering and leaving the interstate).

Bill Wyatt discussed the Port's support of the project for traffic mobility and economic development.

Council Co-Chair Henry Hewitt said a panel of 39 people decided the locally preferred alternative by a vote of 37 to 2. The Project Sponsors Council was created to address the many questions left unanswered.

Public comment was received from Sharon Nasset who stated that the NEPA process had not been followed and requested the project perform a supplemental environmental impact study to thoroughly study the port-to-port connection.



The Commission reviewed the process for developing the criteria for the 2012-2015 STIP Stakeholder Committee Representation and received a presentation on return on investment for multi-modes and least cost planning concepts. *(Background material and PowerPoint presentations in General Files, Salem)*

Transportation Development Administrator Jerri Bohard gave a presentation on the STIP project selection process. She discussed the process for refining STIP eligibility criteria and prioritization factors, and principles to be considered in relationship to the 2009 Jobs and Transportation Act (HB 2120). There are two phases to the process: working criteria for the 2012-2015 STIP; and possibly adding new members based on language that comes out of legislation. Least cost planning will be an important aspect of this planning.

HDR Company National Director of Economics and Finance Dave Lewis gave a presentation on sustainable return on investment (SROI). He described sustainable return on investment as a marriage of least cost planning and deliberative democracy by balancing values with resources and deciding on the right level of sustainability. SROI enables quantitative understanding of the significance of transit investment for the economic well-being of a region; facilitates community understanding, deliberation and consensus; and allows comparative return on investment ranking of alternative scenarios for the region, including transit, highways, and non-structural options.

The Commission thanked Dr. Lewis for the fascinating presentation and commented it would be interesting to get a sense of how this works in a community. While conceptually it makes a lot of sense, how does local constituency react? Dr. Lewis said the response can range to both sides of bookends, depending on the given community.

The Commission said the presentation brought forward the realization that analytical tools, which can be utilized in transportation planning and project selection, are available now. These types of tools were not available when the Oregon Transportation Plan was started.



The scheduled discussion with members of the State Aviation Board was cancelled.



The Commission received an update on the Oregon Freight Advisory Committee 2008 Annual Report. (*Background material in General Files, Salem*)

Transportation Development Administrator Jerri Bohard, OFAC Chair Susie Lahsene, and OFAC Vice-Chair Martin Callery presented the annual report.

Susie Lahsene said moving freight is an economic imperative and relies on an interconnected system. OFAC has been particularly productive in this area the last year by providing input to the OTC on the 2010-2013 STIP, *Connect Oregon II*, federal reauthorization of the Surface Transportation Bill, the Columbia River Crossing project, and the Oregon Freight Plan.

OFAC recognizes improvement is needed to the state's multimodal transportation system, specifically in the areas of:

- o Long-range investment strategy
- o Mobility bottlenecks
- o Data and analysis methods

- Legislative partnerships and public education/outreach programs

Martin Gallery discussed aspects of freight mobility and suggested the OTC consider getting input from port and rail officials for possible opportunities, and also consider revisiting non-highway projects that did not get funded in *ConnectOregon* I and II.

The Commission suggested that as we move forward and tap into the expertise available on collecting high-quality data and analysis, we consider what a long-range strategy would look like and work a new level of planning for freight mobility through an integrated plan.

The Commission asked the status of the West Coast Corridor Coalition. Susie Lahsene said there is value to the coalition even though it has not been active in the past several months. She explained the success of this type coalition is dependant on organization and funding, and there have been challenges in these areas in the past. However, under the leadership of a new executive director, the coalition is getting stronger again. Director Garrett said ODOT will be more aggressive in focusing on corridors.



The Commission received an overview of the Oregon Department of Transportations (ODOT) public highway-railroad crossing regulatory authority and considered approval of an amendment to Oregon Administrative Rule 741, divisions 100 to 200 relating to highway-railroad crossings. (*Background material in General Files, Salem*)

Rail Division Administrator Kelly Taylor explained that control and regulation of railroad-highway crossings is vested exclusively to the Oregon Department of Transportation. Under this law, the road authority and the railroad have equal standing when decisions on final orders are made. In the past ten years, 800 cases (involving 1900 crossings) have been heard and only one went to a contested case hearing. All others were solved through the collaborative efforts of ODOT, the railroad, and the road authority.

Commissioner Nelson moved to approve the amendment to the rule. The motion passed unanimously.



The Commission considered approval of the termination of Miscellaneous Contracts and Agreements No. 23475 with Central Oregon and Pacific Railroad, Inc. (CORP), concerning the *ConnectOregon* grant for Winchester Freight Rail Yard improvements, and rescind Oregon Transportation Commission (OTC) approval of the grant. (*Background material in General Files, Salem*)

Kelly Taylor gave a brief history of the grant and conditions that lead to the request for termination. Public comments were received.

State Representative Tim Freeman expressed his support of the grant and noted the economic importance to the community. He asked the Commission to consider continued funding to the project.

Roseburg City Manager Eric Swanson voiced his support of the project and the need to distinguish between problems of rail design and rail operator.

Roseburg resident Tom Hawksworth, co-author of the *ConnectOregon* II application, clarified that there is no connection between the Winchester Yard application and the Coos Bay Line application and stressed the need for the continued economic growth and development.

Commissioner Nelson moved to terminate the *ConnectOregon* grant agreement with the Central Oregon & Pacific Railroad, Inc., Misc. Contracts and Agreements #23475, and rescind the *ConnectOregon* grant award, conditioned upon the Director of the Department of Transportation sending a notice of intent to terminate to CORP which is based upon the original notice of payment suspension and the ODOT position taken in its answer to the CORP litigation. If those issues are not resolved to the complete satisfaction of the Director, the termination and rescission will take effect upon subsequent written notice from the Director to CORP. The motion passed unanimously.



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

1. Approve the minutes of the January 21, 2009, commission meeting in Portland.
2. Confirm the next two commission meeting dates.
  - Wednesday, March 18, 2009, in Salem
  - Wednesday, April 15, 2009, 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) action:
  - a. Amendment of 734, divisions 59 and 60 relating to the highway sign program
  - b. Adoption of 735-032-0036 relating to vehicle registration stickers
  - c. Amendment of 735-062-0040 to 0140 relating to waiver of a motorcycle knowledge or drive test
  - d. Amendment of 735-063-0000 to 0075 relating to CDL medical standards
  - e. Amendment of 735-160-0010 to 0125 relating to commercial driver training schools
5. Approve an amendment to the 2008-2011 Statewide Improvement Program (STIP) to cancel the Oregon 213: Mount Scott Creek and Union Pacific Railroad bridge project in Clackamas County.
6. Approve an increase in construction authorization in the amount of \$1,173,838 on the Interstate 5: Eagle Mill Road – Neil Creek Road in Jackson County. This will change the construction authorization from \$20,032,284 to \$21,206,122.

7. Approve an increase in construction authorization in the amount of \$1,064,497 on the SW 4<sup>th</sup> Street – SE 2<sup>nd</sup> Street project in Ontario. This will change the construction authorization from \$5,807,080 to \$6,871,578.
8. Adopt the Interstate 5 Kuebler Boulevard Interchange Area Management Plan (IAMP). The Kuebler IAMP has been prepared pursuant to OAR 7340051-0155(b) and the ODOT Guidelines for Preparation of IAMPs.
9. Acknowledge receipt of the Immediate Opportunity Fund Annual Report for the 2008 fiscal year.
10. Approve a request to appoint Mr. Kim Clark to the Winter Recreation Advisory Committee as Ski Area Operator Representative. Mr. Clark's appointment will fill behind a recently vacated position and will run through June 2009.

Commissioner Brown moved to approve the consent calendar. The motion passed unanimously.

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Chair Achterman adjourned the meeting at 3:24 PM.

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Gail Achterman, Chairman



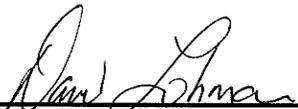
Michael Nelson, Vice Chair

Not present

Janice Wilson, Member



Alan Brown, Member



David Lohman, Member



Roxanne Van Hess, Commission Support