

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting January 21, 2009 Salem, Oregon

On Wednesday, January 21, 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:

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	
Public Transit Administrator Michael Ward	
Governor's Sr. Trans. Advisor Chris Warner	

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The Oregon Transportation Commission conducted its monthly meeting on January 21 by telephone.

Vice-Chair Nelson called the meeting to order at 9:35 a.m.

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Director's report highlights:

- The American Council of Engineering Companies (ACEC) awarded ODOT and its consulting partners four awards at the January 14th ACEC Annual Award Dinner. The Spencer Creek Bridge project received two Honor Awards; the North Ontario Interchange with CH2M Hill and Kittleson & Associates received an Honor Award; and the Highway 38 Elk Creek to Hardscrabble Creek Design Build project with T.Y. Lin, Parametrix and others won a Grand Award.
- ODOT secured \$8.3 million from the federal Covered Bridge Program for FY 2008. Oregon was the number one recipient of this discretionary program funding.



Deputy Director for Highways Doug Tindall briefed the commission on the department's response to the biggest series of winter storms to hit the state in 40 years. The commission members were exuberant in their praise of the work done by ODOT crews to keep roads open and safe, and to reopen them as soon as practicable when we had to close them. The Commission acknowledged the dedication of the department and recognized the sacrifice many made during the holidays.

In follow-up to the storm event, ODOT and a number of other agencies participated in a legislative hearing last week with the House Transportation Committee to review the overall storm response. The discussion was on what went well, and where improvements could be made.

The lesson learned is that we are not staffed, equipped, or have adequate budget to respond to this large of a storm in a manner to satisfy everyone. ODOT cannot be everywhere at all times. Decisions made to best protect the safety of the traveling public were successful because Oregon had no traffic fatalities during this period of time.

Following last year's winter, ODOT predicted current maintenance limitations could survive a moderate winter this year. The December storm stretched resources to the limit. ODOT is currently calculating the amount of damage to highways and total storm expenditures. The goal is to try to stay within the maintenance limitation. However, Mr. Tindall informed the legislature that a maintenance limitation increase might be needed for the remaining biennium.

Doug Tindall discussed other lessons learned and talked about the outstanding job communication/public affairs staff did keeping the public informed.

The Commission suggested it would be appropriate to address a letter to maintenance staff to commend their work during this time.



Public Comments: No public comments.



The Commission received an update on two reports relating to the implementation of new driver license and identification card issuance standards required by the Oregon Legislature and the Governor's Executive Order. (*Background material in General Files, Salem*)

DMV Administrator Tom McClellan briefed the Commission on reports due to the legislature and the governor on the effects of SB 1080 (tightened identity document requirements and implemented legal presence requirements for driver licenses and ID cards).

DMV has successfully implemented significant changes in the past year that have resulted in significantly reduced incidents of fraudulent activity and documents. Calls to law enforcement regarding fraudulent documents dropped from about 66 per month to less than 5 per month. Fewer driver license and identification card transactions means reduced wait times in field offices. In addition, the number of drive tests has declined. The largest decrease has been in Spanish language tests, from about 1180 per month to 150 per month. The number of calls to the call center dropped by 50 percent, and 99 percent of Social Security numbers were verified.

Implementation of HB 3624 requiring proof of Social Security number and full legal name resulted in DMV changes to rules, policy, training and procedures. Many citizen issues arose, and new rules were adopted September 2008 that addressed these issues so citizens could get what they needed while staying within the intent of the bills.

The Commission congratulated DMV for the successful implementation of the bills and praised the rule revisions that made details easier for people while still achieving the purpose of the law.

The Commission asked how the decline in issuance of identification cards would impact funding for the transit program. Tom McClellan and Michael Ward will come back to the next OTC meeting with a revenue forecast for transit.



The Commission received a progress report on ODOT's Employee Recruitment and Retention Strategy. (*Background material and PowerPoint presentation in General Files, Salem*)

Technical Services Manager Cathy Nelson presented a report on department efforts to improve recruitment and retention of engineers.

ODOT's recruitment strategy consists of growing the transportation pool by creating student awareness and understanding through programs like "Take Your Child to Work Day", the intern and graduate engineering programs, ODOT's Engineering Day, the college internship program and graduate engineering program and feedback from intern and graduate engineers.

ODOT's retention strategy includes management mentorship, core technical/managerial/leadership training, and Highway Division's commitment to recruitment and retention.

The Commission commended the aggressiveness of the program and supports the mentorship program. It encouraged the department to consider working some of the courses through local community colleges for cost effective training. Cathy said most training is in-house at this time, but they have been researching what the community colleges offer to avoid using resources to recreate training that already exists.

The Commission asked what process was in place to exchange information on good applicants with neighboring states. For example, Washington State has excessive engineer applications, but no open positions. Are we having conversations to share these applications? Employment and Special Programs Consultant Blake Dye said there are established relationships with other agencies that interact to share candidate pools.

Director Garrett saluted the leadership of Doug Tindall, Cathy Nelson, and Blake Dye for being very focused and aggressive in our efforts to grow the best qualified and diverse workforce, and to retain that workforce. They are working this on many levels; engineering, professional, and technical.



The Commission considered approval of a request to amend 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*)

The Commission had a short discussion of its policy governing *Federal Reauthorization Program Earmark Requests* and directed the department to circle back to the Area Commissions on Transportation (ACTs) to explain how their project lists migrated to the list of earmarks the department would offer to the congressional delegation.

The agenda item was then deferred to a later meeting to allow time to talk to stakeholder groups to ensure they understand the direction ODOT has taken and ensure all the issues related are addressed. There is a lag in congressional action on authorization, which gives us time to have these discussions without compromising moving forward and securing funding for the projects.

The Commission noted that some ACTs have expressed confusion on how ODOT got to the list of projects moving forward. More discussion is needed with regional stakeholders to give a fuller understanding of criteria and why some projects did not meet the five criteria points.

Vice-Chair Nelson agreed to postpone this agenda item. Director Garrett will advise Chair Achterman of the reasons for this action.



The Commission considered approval of a request to appeal the Crossing Trails Destination Resort to the Land Use Board of Appeals. (*Background material in General Files, Salem*)

Region 4 Manager Bob Bryant and Kathy Lincoln from the Department of Justice brought a request to appeal a recent land use decision by Crook County regarding the Crossing Trails Destination Resort. Crossing Trails is one of four destination resorts in the area of Powell Butte. There are issues of proportional share of funding and conditions of timing for mitigation and traffic improvements needed to ensure safe accommodation of traffic

movement associated with the development. The due date for a LUBA appeal is January 23, 2009.

The Commission asked for clarification on issues of fairness, timing and impacts raised in a letter submitted by Peter Livingston.

The Commission heard comments from Schwabe, Williamson & Wyatt Attorney Peter Livingston and Crossing Trails representatives Gene Gramzow and Martin Hall:

- Disputed ODOT's comment that staff did not have sufficient time to review reports on traffic impact. It is their opinion ODOT took the position from day one that the project could not proceed without facility improvements being completed first, which, in effect, killed the application.
- If ODOT appeals, a cross appeal will probably be filed regarding the proportionate share contribution requirement.
- ODOT is attempting to solve transportation problems at the expense of a single applicant.
- Crossing Trails does not agree with ODOT's reading of earlier decisions, particularly around county codes for when facilities need to be provided.
- Development can not proceed until improvements have been made, but there is no time table by ODOT to say when these improvements will occur, effectively shutting down economic development.

The Commission noted there seems to be an issue on what the developer is required to contribute to transportation system improvements if a facility is already failing, versus when a facility has not yet failed. This issue might need clarification by LUBA or a higher court. The Commission also noted that should the appeal go forward to clarify these issues, there is still time for the parties to have discussions, find a common ground, and come to a mutually acceptable resolution.

Gene Gramzow discussed Crossing Trail's belief that the proportionate share funding ODOT requests is not fair because the other destination resorts in the area were not required to contribute the same amounts.

Bob Bryant said the issue around timing and proportional share funding is not around who is responsible for construction, but rather if there is commitment and sufficient funding to be able to construct it when it was needed.

The Commission noted that this decision raises sensitive issues. Both economic development and/or transportation systems could be impacted negatively, depending on the decision made. While there is concern about not wanting to stand in the way of economic development, the Commission feels the appeal is necessary to clarify some points before moving forward.

Commissioner Lohman moved to approve the request for the department to appeal to the Land Use Board of Appeals the county's decision to allow the development to go ahead without appropriate transportation improvements. The motion was approved unanimously.



The Commission considered approval of a request to release for public comment the list of potential state highway system projects that could be funded by the anticipated federal economic stimulus package. *(Background material in General Files, Salem)*

Director Garrett asked for approval to take the list of projects identified as potential candidates for the economic stimulus package out for public comment. The federal stimulus package is not being signed until mid-to late February. Based on previous assumptions, the department prepared a list of 50 projects that were ready for construction. With this delay, ODOT would like to take a more through look at projects and assure that stakeholders understand the criteria and rationale behind our decisions.

The Commission noted that there was some concern by ACTs about the orientation being too short term and that better investments might be had with longer projects than those that can start this summer construction season. Director Garrett explained that the language of the House bill has prescriptive timelines about when funds need to be obligated to projects. As it stands now, 50 percent of the funds need to be obligated in 120 days. This fact demands the type of projects that are ready to proceed. The other 50 percent is dependent on the final language of the stimulus package.

The Commission said it is important to look at the integrity of the list against future scrutiny. What will this list look like a year from now?

Commissioner Brown moved to approve the request to release the list for public comment. The motion passed unanimously.



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

1. Approve the minutes of the December 10, 2008, commission meeting in Portland.
2. Confirm the next two commission meeting dates.
 - Wednesday, February 18, 2009, in Salem
 - Wednesday, March 18, 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. Adoption of 735-070-0043 relating to the definition of a valid commercial driver license.
5. Approve an amendment to the 2008-2011 Statewide Improvement Program (STIP) to add the U.S. 30: Burnt River (Lime) Bridge project in Baker County.
6. Approve an amendment to the 2008-2011 STIP to cancel Region 5 Jurisdictional Exchanges project in Malheur County and U.S. 30: E Idaho/Washington Street in Ontario.

7. Approve an amendment to the 2008-2011 STIP to cancel the U.S. 20: Hogg Rock Rockfall Mitigation project in Linn County and add the Region 2 Culvert Improvements projects in Region 2.
8. Approve a request to apply for a \$100,000 Federal Motor Carrier Safety Administration (FMCSA) grant to support traffic enforcement efforts aimed at reducing crashes between cars and trucks.
9. Approve a Type A Immediate Opportunity Fund request in the amount of \$226,500 to the City of Hubbard for improvements on Highway 99E and Schmidt Lane NE to support the expansion of two businesses, Pacific Building Systems and Valley Rolling Corporation.
10. Approve a Type A Immediate Opportunity Fund request in the amount of \$357,500 to the City of Hermiston for transportation improvements for Hermiston Industrial Park.
11. Approve an increase in construction authorization in the amount of \$573,189 on the Highway 62 Corridor Solutions, Unit 1 project in Jackson County. This will change the construction authorization from \$15,496,308 to \$16,069,497.
12. Approve an increase in construction authorization in the amount of \$2,088,171 on the Interstate 5: Victory Boulevard to Lombard Street project in Multnomah County. This will change the construction authorization from \$62,549,755 to \$64,637,926.

Commissioner Brown moved to approve the Consent Calendar. The motion passed unanimously.

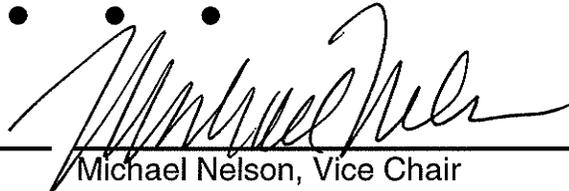
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Public comments continued. No public comments.

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Vice-Chair Nelson adjourned the meeting at 11:38 AM

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Not present

 Gail Achterman, Chairman

Michael Nelson, Vice Chair

Not present

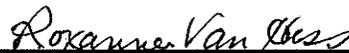
 Janice Wilson, Member



Alan Brown, Member



David Lohman, Member



Roxanne Van Hess, Commission Support