OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting
December 15, 2010
Salem

On Wednesday, December 15, 2010, at 8:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a briefing session and reviewed the agenda in the Small Hearing Room of the Public Utility Commission Building, 550 Capitol Street N.E., Salem, Oregon. The regular monthly meeting began at 9:00 a.m. in the Main Hearing Room.

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 Mary Olson
Commissioner Dave Lohman
Commissioner Alan Brown
Director Matthew Garrett
Chief of Staff Joan Plank
Interim Deputy Director Operations Jerri Bohard
Communications Division Admin. Patrick Cooney
Highway Division Administrator Paul Mather
Region 2 Manager Jane Lee
Technical Services Administrator Cathy Nelson
Rail Division Administrator Kelly Taylor
Interim Trans. Dev Administrator Barbara Fraser
Commission Assistant Amy Merckling

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Chair Achterman called the meeting to order at 9:03 a.m.

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The Director's Report was given by Deputy Director of Operations Jerri Bohard. Highlights of the report were:

-- Women in Transportation presented its *WTS of Portland Project of the Year Award* to the City of Seaside for its Transportation System Plan. In 2005, the residents of Seaside voted down a proposed highway widening project along US 101 due to concerns about community and business impacts and livability. In 2008, ODOT's Northwest Region 2 Planning Unit embarked on a collaborative process with Seaside to develop a Transportation System Plan (TSP) for the city. The essence of the TSP is to identify alternate mobility standards, so it jointly allowed ODOT and the city to manage the overall transportation system. In the near future, the TSP will be brought for approval of the alternative mobility standards. Matt Garrett and Eric Havig attended the WTS award presentation.

-- In 2009 Oregon's fatality toll declined to 377, which is 200 fewer than experienced in 1995 (almost a 35% decline). ODOT is continuing its progress toward zero fatalities with a strong 14% decline compared to last year at this same time. Earlier this week, a

national data release was sent out indicating that the nation overall has seen an increase in fatalities for the first time in 17 months.

-- Motor Carrier Transportation Division completed its 2010 customer survey and the 936 customers who returned surveys this year indicated general satisfaction with staff and the service provided. Surveys were sent to ten different customer groups and, among other questions, each group was asked to rate MCTD on six aspects of service – timeliness, accuracy, helpfulness, expertise, availability of information, and overall service. The overall service received 91% favorable rating.

-- The National Partnership for Highway Quality recognized ODOT with its *2010 Making a Difference Award for Partnering*. ODOT is receiving the honor for collaborating with 11 environmental regulatory agencies to design a programmatic permitting process for the OTIA III State Bridge Delivery Program that delivers on its commitment to minimize impacts as it repairs and replaces hundreds of aging highway bridges statewide. This single set of environmental standards meets all the contributing agencies' goals, while allowing contractors maximum flexibility in how they achieve them. The sheer scope of the bridge program meant that ODOT had to change the way it does business. KBA, Inc., Vice President Dennis Jackson presented the award to OTIA III Bridge Delivery Unit Manager Ray Mabey, Major Projects Branch Environmental Program Manager Geoff Crook, OBDP Program Manager John Craig, and OBDP Environmental Manager Shelly Richards. Also recognized were Hal Gard, Steve Norquist, Russ Olson, Ron Reisdorf, Tim Dodson, and Thor Alvarado. Ray Mabey and Shelly Richards said a few words about how what has been learned will be carried forward for more successes for the department.

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Public and written comments were received from Joe DeWeese from Bend, Oregon. He is involved with the Stop the Bend DMV Group, and spoke in opposition of the relocation of the Bend DMV office, and the spending of funds for this purpose. In addition, the general lack of transparency and public involvement in such decisions is also a concern. If a new effort is made to relocate the DMV in the future, it is his recommendation that a new set of people be chosen to represent ODOT, DAS, and the DMV, as he feels the first group has lost all credibility with the citizens of Bend.

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The Commission received an informational briefing on the final report on Practical Design from Technical Services Administrator Cathy Nelson. *(Background materials in General Files, Salem)*

House Bill 2001, the Jobs and Transportation Act (JTA), requires ODOT to implement transportation design practices that follow the concept of practical design. Specifically, Section 19 states that the standards should incorporate maximum flexibility in application of standards that reduce the cost of project delivery, while preserving and enhancing safety and mobility. Cathy Nelson gave a PowerPoint presentation on practical design in ODOT.

Highlights of the presentation were:

- background: strategy research; communication plan; rollout and training
- definition: practical design is a strategy to deliver focused benefits while working with the realities of a constrained funding environment
- key values: safety; corridor context; optimize the system; public support; efficient cost
- roles and responsibilities
- developing practical solutions
- implementing: defining/documenting/delivering
- tools and processes
- system performance measures
- examples: R4, Maupin; R3, North Umpqua Highway widening

Commissioner Lohman said the presentation would be very beneficial for stakeholders throughout the state.

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The Commission received a request for approval of the proposed draft Environmental Performance Standards and Permitting Administrative Rule that complies with Section 18 of the 2009 Jobs and Transportation Act (JTA). *(Background materials in General Files, Salem)*

Geo-Environmental Section Manager Hal Gard presented the request for the proposed draft rule, and gave a PowerPoint presentation on the requirements of Section 18 (Environmental Performance Standards) of the JTA. Section 18 directs ODOT to adopt administrative rules that take into consideration environmental performance standards for all state highway construction projects and local government projects funded by ODOT, and, to improve the environmental permitting process for highway construction projects. The strategy is to reduce the time required to deliver design projects, reduce the cost of delay associated with redesigning projects, maintain strong commitment to environmental stewardship, and reduce Oregon's dependence on foreign oil.

Highlights of the presentation were:

- performance standards: streamlining; stewardship and sustainability; development
- issues with traditional approaches
- regulatory performance standards
- benefits of performance-based permitting
- processed used to develop proposed rule
- intent behind rule structure

Commissioner Olson moved to approve the proposed draft to administrative rules. Commission members unanimously approved the motion.

Chair Achterman said there has been great work done by other councils of government that could be used to help improve ODOT processes. Moving forward, ODOT should take in practices used elsewhere to take this to a different level.

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The Commission received a presentation on the Draft Tolling Policy statement intended to amend related components of the Oregon Transportation Plan. *(Background materials in General Files, Salem)*

Deputy Director of Operations Jerri Bohard introduced David Williams from Region 1 who gave the presentation. The Commission will provide feedback on the policies and strategies laid out in short form in the presentation, with the notion that the policies and strategies would potentially be added to the Oregon Transportation Plan in the new section related to tolling.

The proposed tolling policy is organized into four major, logically-related components. Each component addresses: a) stated objectives; b) analysis of likely effects; c) public attitudes; d) consistency with applicable laws, regulations, and adopted plans; and e) transparent decision making.

The four components are:

1. new toll facilities – how the state will consider proposed toll projects intended to fund new roadway capacity
2. pricing existing capacity – how the state will consider time-of-day pricing of existing, and currently non-tolled, state highways
3. consistent and supportive policy objectives – how the state will determine which public policy objectives provide legitimate rationales for highway tolling
4. toll revenues – how the state will determine how toll revenues are applied

Jerri Bohard said discussion will continue on the tolling policy, and a packet will be brought to the OTC after the first of the year.

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The Commission considered adoption of Oregon Administrative Rule 731-017-0005 through 0055 relating to an application process for economic development projects that are unable to meet the Transportation Planning Rule related to state highways. *(Background materials in General Files, Salem)*

Interim Planning Section Manager Erik Havig and Principal Planner Michael Rock gave a PowerPoint presentation detailing the House Bill 3379 legislative requirement that directs ODOT to adopt rules for an application process that local governments can use when its unable to meet the requirements of the Transportation Planning Rule (TPR), Section 0060. Local government applications can consider additional options to meet TPR requirements through time extensions, alternative funding plans, and changes to

traffic performance measures (including consideration of measures other than volume-to-capacity ratios).

Highlights of the presentation were:

- key elements and objectives
- coordination between local plan amendment processes and the ODOT application/approval process
- provides for pre-application meeting with applicants and coordination with Business Oregon and the Department of Land Conservation and Development
- application process schedule
- developing an Implementation Guidance Document
- stakeholder committee develop recommendations

Commissioner Olson moved to adopt the rule. Commission members unanimously approved the motion.

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The Commission received an update on Electric Vehicles (EV) from Innovative Partnership Program Project Director Art James. *(Background materials in General Files, Salem)*

The EV Charging Network project was enrolled in the Innovative Partnerships Program in November 2008, by an OTC determination that the project had the potential to accelerate cost-effective delivery, and promote innovative approaches to carry out the project. Mr. James reported on developments, emerging trends, and future opportunities in the movement toward electrification of the transportation system.

Highlights of the presentation were:

- two workshops hosted
- market advantages in Oregon
- Oregon's collaborative approach
- types of electronic vehicles
- Governor's Alternative Fuel Working Group
- Partnerships
- ODOT Advisory Team
- milestones
- program grants
- timeline and future activities
- Green Highway Initiative

Commissioner Olson noted the impact to gas tax revenue anticipated from increased electric vehicle use, and asked if there were projections from the manufacturers as to the rate the vehicles will come into the market. Art James responded that manufacture's are projecting that by 2020 a quarter of new cars sold will be electric.

However, manufacturers will introduce different types of technology, and eventually one will prevail as the popular choice.

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The Commission received a presentation on the proposed Draft Oregon Freight Plan, and considered approving release of the Draft Oregon Freight Plan for public comments. *(Background materials in General Files, Salem)*

ODOT Interim Transportation Development Administrator Barbara Fraser, ODOT Freight Mobility Manager Michael Bufalino, and Cambridge Systematics, Inc. Consultant Michael Fischer presented the draft of the Oregon Freight Plan.

Commissioner Lohman said the plan is ODOT's first multimodal freight plan and will be the framework for future freight planning, and ultimately will provide investment direction. The purpose of the Oregon Freight Plan is to improve freight connections to local, state, regional, national, and global markets in order to increase trade-related jobs and income for Oregon workers and businesses. It will also help identify where barriers exist, and where freight moves. It will also provide valuable information to the Area Commissions on Transportations for decision making.

A lot of time was spent on situation analysis to assure the strategies being developed were based on actual ground facts, such as Oregon's dependency on trade, predicted freight tonnage increases and its effect on passenger rail service, and predicted funding levels.

Michael Fischer gave a brief presentation summarizing the plan. Highlights of the presentation were:

- the purpose – stated above
- the freight story – economic structure, industry logistics patterns, freight demand and infrastructure, and organization and public policy
- the Oregon economy – industries the Oregon economy will be dependent on in the future
- industry and the freight system – industries key to Oregon economy, and their impact on freight movement and the various modes of transportation
- anticipated increases in population, GSP, and employment
- Oregon's four primary multimodal corridors
- issues addressed by strategies in the plan – freight system, freight outreach, policy, and funding
- strategies to address the issues

Michael Bufalino said the next step is public outreach. Communications will go to a large group of stakeholders starting tomorrow. A media update of the Freight Plan webpage will follow, with instructions on submitting comments, recommendations, or questions on the plan. Meetings are being scheduled throughout the state with

stakeholders. He noted one change to the plan. Page 3 of the Executive Summary has a duplication of text that will be removed.

Commissioner Lohman moved to approve the draft Freight Mobility Plan for public review and comment. Commission members unanimously approved the motion.

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

1. Approve minutes of the September 22, 2010, meeting in Salem; October 19-20, 2010, meeting and workshop in Bend; and the November 9, 2010, meeting in Keizer.
2. Confirm the next two Commission meeting dates:
   - Wednesday, January 19, 2011, in Salem
   - Wednesday, February 16, 2011, 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 731-035-0070 relating to the use of Multimodal Transportation Fund interest earnings for passenger rail projects.
   b. Amendment of 734-051-0020 to 0530 relating to Access Management.
   c. Adoption of 735-032-0065 relating to county or district vehicle registration fees.
   d. Amendment of 735-046-0050 relating to the *Congressional Medal of Honor* registration plate.
   e. Amendment of 735-090-0000 to 0101 relating to implied consent hearings.
   f. Amendment of 735-150-0055 relating to dealer title and registration document preparation service fees.
   g. Repeal of 741-125-0010 relating to blockage of public rail-highway grade crossings.
5. Approve a request to adopt the U.S. 26: Glencoe Road Interchange Area Management Plan (IAMP) in Washington County which implements Policy 3C of the Oregon Highway Plan and is consistent with the IAMP requirements of the Department's Access Management Rule (OAR 734-051-0155). Adoption of the IAMP will constitute an amendment to the 1999 Oregon highway Plan.
6. Approve a request to amend the 2010-2013 Statewide Transportation Improvement Program to add the Oregon 47: Bridge Street mile point 61.55 to 61.80 project in the City of Vernonia. The total estimated cost is $3,800,000.
7. Approve a request to amend the 2010-2013 Statewide Transportation Improvement Program to add the Interstate 5 southbound: Carmen Drive – Lower Boones Ferry Road operations project in Washington County. The total estimated project cost is $400,000.
8. Approve a request to amend the 2010-2013 Statewide Transportation Improvement Program to add eight Region 1 preservation projects as follows:

a. U.S. 26: Wolf Creek – NW Strassel Road in Washington County. The estimated Preliminary Engineering cost is $182,000.
b. Oregon 99E: Mile point 19.55 – Canby in Clackamas County. The estimated Preliminary Engineering cost is $34,000.
c. U.S. 26: SE Cherryville Drive – Salmon River in Clackamas County. The estimated Preliminary Engineering cost is $206,000.
d. Oregon 35: Mile point 94 – Hood River in Hood River County. The estimated Preliminary Engineering cost is $245,000.
e. U.S. 26: Mile point 22.5 – SE Luzon Lane in Clackamas County. The estimated Preliminary Engineering cost is $72,000.
f. Oregon 224: Rock Creek – Deep Creek in Clackamas County. The estimated Preliminary Engineering cost is $135,000.
g. U.S. 30: Columbia City – Tide Creek in Columbia County. The estimated Preliminary Engineering cost is $116,000.
h. Oregon 99E: 10th Street – Mile point 14 in Oregon City. The estimated Preliminary Engineering cost is $84,000.

9. Receive an interim report that the agency is required to present to the December 2010 meeting of the Legislative Emergency Board on the implementation of the Oregon Wireless Interoperability Network project.
10. Receive an interim report that the agency is required to present to the December 2010 meeting of the Legislative Emergency Board on the implementation of the Oregon Innovative Partnerships Program required under Oregon Revised Statute 367.826.

Commissioner Olson moved to approve the Consent Calendar. Commission members unanimously approved the motion.

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Public comments. None.

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Chair Achterman adjourned the meeting at 1:57 p.m.

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Gail Achterman, Chairman

Not present
Michael Nelson, Vice Chair

Mary Olson, Member

Unavailable for signature
Alan Brown, Member

David Lohman, Member

Roxanne Van Hess, Commission Support