

**OREGON FREIGHT ADVISORY COMMITTEE (OFAC)
MEETING NOTES**

September 13, 2006 * 1:30 – 4:30 p.m.
David Evans and Associates, Inc.
2100 SW River Parkway
Portland, OR 97201

1. Call to Order / Introductions

Bob Russell, Chair of Membership and Nominations Subcommittee called the meeting to order at 1:30 p.m., and self-introductions were made by OFAC members and guests.

2. April 5, 2006 Meeting Notes & Follow Up

Steve Bates motioned and Mike Montero seconded the meeting notes from the May 17, 2006 meeting be accepted as written. Meeting notes were unanimously accepted.

3. Update on ConnectOregon

Bob Russell, Martin Callery, and Julie Rodwell facilitated a lengthy round robin panel discussion concerning the *ConnectOregon* process from its inception through project selection by the Oregon Transportation Committee (OTC). Comments were received from OFAC members who participated on one of the nine review committees, the OFAC Projects Subcommittee, or the Consensus Committee. In addition to listing numerous good points of the *ConnectOregon* program, the committee specifically discussed recommendations for improving future legislation if there is a *ConnectOregon II*, the rule language, the application format and process, the review process, and outreach by ODOT. Comments were categorized as: Good Points; Need Improvement; and Next Steps and is attached as Exhibit A.

4. Freight Aspects of SAETEA-LU

Travis Brouwer, ODOT Federal Liaison, provided a high-level overview of the SAFETEA-LU program and discussed how provisions of the bill will impact freight in Oregon. Mr. Brouwer reported there is more emphasis on freight mobility in the new SAFETY-LU bill but it stops short of a growing freight mobility agenda. There is, however, more recognition of the need for an expanded freight mobility effort.

Congressman DeFazio, the ranking Democrat in the House, was instrumental in assuring new provisions in SAFETEA-LU that provide a 43% increase to Oregon's highway funds. Oregon received a \$200m earmark for bridge repairs (\$160m for repairing bridges and making associated improvements on Interstate 5 along with \$40m for bridges throughout the rest of the state). Oregon will also receive \$3.1m per year to make improvements to highway-rail grade crossings to eliminate safety hazards, and \$5m per year for projects under the new Freight Intermodal Distribution Pilot Program.

A number of rail related projects were earmarked but not funded. A number of provisions in SAFETEA-LU create programs within US DOT to develop institutional capacity to improve the

freight system. Those programs are: *National Cooperative Freight Transportation Research Program; Freight Planning Capacity Building Program; and a National Intermodal System Improvement Plan.*

Mr. Brouwer advised the reauthorization of SAFETEA-LU is three years away but it is likely the next bill will be delayed. He offered to work with OFAC on its agenda that ODOT needs to be advocating for in the next SAFETEA-LU bill.

5. Update on Goods Movement Action Plan (GMAP)

Julie Rodwell, Freight Mobility Section Manager, reported there is still a debate about what the plan will be called: GMAP vs. Freight Master Plan (FMP). Stakeholder interest has been expressed numerous times for a FMP; the OFAC Bylaws require it and, additionally, it was specifically recognized as a need during the *ConnectOregon* process. This will be the state's first FMP and will be completed under the framework of the Oregon Transportation Plan and will provide freight forecasts through 2015.

The plan will be a two part study. The Transportation Research Board (TRB) "Critical Issues in Transportation, 2005" identified nine critical freight issues and the Freight Master Plan will address the three most critical to Oregon in Phase I of the study: congestion, finance, and infrastructure. Phase I will include collection of data and analysis, forecasts, deficiencies, challenges between capacity and demand, driver shortages, fuel costs, etc. It is recognized that this study can't solve all these issues, but it is important to have a dialogue with stakeholders. Phase I of the study will result in a State of Freight document to be completed summer, 2007.

Phase II will be the analysis and strategies phase which will result in the Freight Master Plan with an expected completion date of summer, 2008. All modal plans will be integrated into the Freight Master Plan. It will take the challenges identified in Phase I and determine how to address them. Outcomes of the planning effort will include an Action Plan that informs statewide transportation investment strategies; advises OTC and ACTs on freight considerations; creates a stronger partnership between industry and government which will strengthen the connection between transportation and economic development, fosters stakeholder support; enhances understanding of freight issues; and elevates importance of effective freight movement.

Ms. Rodwell advised ODOT will be on the October OTC agenda to request approval to go forward with the Freight Master Plan.

Comments from OFAC concerning Ms. Rodwell's presentation included requests to:

- ◆ Take into account impact that federal controls have on agencies over and above state rules and requirements;
- ◆ Include an economic analysis;
- ◆ Include rural Oregon in the freight analysis, not just the Metro area;
- ◆ Include tying together movement of freight and people because of shared infrastructure;
- ◆ Include a project list; and
- ◆ Use current data in analyses, not data that is a year old.

6. STIP Update

Karen Green, FMS staff, provided a summary of OFAC involvement in the STIP process and updated the committee on the status of freight-related projects from the 2004-07 and the 2006-2009 STIP. She obtained the most current data from the OTC amended projects and funding list for the 2006-2009 STIP, data from the ODOT Office of Project Delivery, and revised federal earmark data. Currently the 2004-2007 STIP is in the construction phase and 2006-2009 STIP projects are in the first year of development. Ms. Green recommended that future OFAC status reports utilize a combined project list.

The 2004-2007 STIP projects reflected OFAC Projects Subcommittee work completed in 2001-2002 which focused on projects enhancing freight mobility, modernization, bridge and special projects, and included a placeholder for Metro priorities which were added later. Under the 2006-2009 STIP, the OFAC OTIA III process established freight project eligibility criteria (Level 1) and developed freight project prioritization factors and removed freight mobility barriers for (Level 2).

Currently there are 56 projects (Regions 1 through 5) that have been fully funded and 63 partially funded totaling 119 STIP projects. A summary of projects in each region was included in the handouts provided at the meeting.

Ms. Green requests OFAC approve the new project tracking format (tracking 2004-2007, 2006-2009 and 2008-2011 STIP projects in one spreadsheet). No formal approval was received. Ms. Green also advised that the Projects Subcommittee needed to reconvene as soon as possible to review \$20 OTIA III local bridge funds that were returned because of project changes; review the draft 2008-2011 STIP before year end; and discuss long-term OFAC input to future STIPs.

7. OTIA III Local Agency Bridge Program

Marty Andersen, ODOT Local Government Section, stated that due to project changes approximately \$6.5M in OTIA III funds and \$20M in Freight and Bridge program funds is being returned. He requests OFAC review and prioritize project recommendations for use of the funds. He presented two funding options for review by OFAC, both use the previously prioritized list of unfunded projects as a starting point. Option 1 adds up to three identified projects that did not compete for OTIA funds because they were to be funded under HBP (federal dollars). The three structures are major freight routes and have substantial project overruns. These projects will have to be delayed or canceled and will need to apply for future funding. By adding the three projects to the OTIA III program, they will be fully funded and completed one to two years sooner. The three projects will need to be added to the existing list and then ranked against the other projects to see if they are high enough on the priority scale to fund. Option 2 involves using the original prioritized list of projects eligible but not funded, re-evaluating them based on the new cracked bridge criteria, and updating three-year old cost estimates.

Mr. Andersen will update the technical data for each bridge on the unfunded list and staff will set up a Projects Subcommittee meeting for discussion regarding project prioritization and development of a project funding recommendation to OFAC at the October 4, 2006 meeting.

8. Railroad Crossing Closure Procedures

David Lanning from the ODOT Rail Division gave a PowerPoint presentation explaining the Railroad Crossing Order administrative process. ODOT has exclusive authority to control and regulate highway-rail crossing pursuant to ORS 824.200 – 824.256. The ODOT Director has delegated rail issues to Kelly Taylor, ODOT Rail Administrator. The Rail Division's role is to balance the needs of the rail and the road authority. The Rail Division works cooperatively with all road authorities and all railroads on crossing safety matters by enforcing compliance with state laws and rules; assuring participation of all involved parties in crossing Order application matters; and assuring public safety is addressed at public crossings. Parties involved in Orders are the railroad that is affected by road work at a crossing and the road authority that is constructing road work at a crossing. Only road authorities or railroads may apply for a crossing Order.

Mr. Lanning described the project development and crossing order process with a flow chart. When a project is scoped a determination is made as to whether the project is within 500 feet of a railroad. If not, no action is required; however, if it is, the ODOT Rail Division must be notified that the project will alter, close, or create a railroad crossing. The road authority constructing the crossing needs to work with the railroad and ODOT Rail Division to design the crossing portion of the project and submit a draft crossing Order application. This initiates a legal process that culminates in a Crossing Order. The ODOT Rail Division serves the Application on the railroad and road authority. If there are no objections, a Final Order is signed by the Rail Division Administrator. If the Application is contested, the only option is to send the Application to the Administrative Hearings Division, (a separate State agency) where they handle all pre- and post-hearings through an administrative law judge who will preside and recommend a proposed order. After a 45-day comment period, the Final Crossing Order is sent to the ODOT Director for signature. A Final Crossing Order establishes permanent legal requirements on all parties and is enforceable in a court of law. A Final Order can be appealed through the State Court of Appeals pursuant to ORS 183.482.

When the Rail Division receives an application to close a crossing, a crossing closure analysis is completed which includes reviewing the amount of daily traffic, daily train counts, types and speeds of trains, traffic circulation for available alternate routes, out-of-direction travel distance and time, and history of reported train-involved incidents at the site. Also taken into consideration are impacts to emergency services, public facilities, businesses, and pedestrian / bicycle access and safety.

Mr. Lanning was asked where does impact to businesses fit into the flow chart and when and where is it appropriate for other businesses or trade organizations to voice their concerns? He advised that because the only legal parties to an Order are the railroad and the local government, the only option for other businesses to voice their opinions is through local government. ODOT is not permitted to hear comments or concerns. Craig Greenleaf advised whether or not local government has formed a procedure by local ordinance as to how they are going to hear these matters, it is an open forum, a public meeting process, before local government even offers their position. Mike Montero suggested that this is one of the structural deficiencies of this process. That unless it is codified that local government must notify interested parties, then the process

will finish before all concerned know about it. There needs to be a formal recommendation that the process is embedded in this issue. Several members suggested that it is understandable that ODOT Rail Division staff involved in a hearing cannot hear concerns by parties not legally involved; however, it was expressed that in the interest of public relations and short of changing the law, someone within ODOT should be able to hear concerns on specific crossing closure applications. Rian Windsheimer, ODOT Region 1, advised that as part of the region and not part of the rail issue, they are happy to listen in an unofficial capacity.

9. Solicitation of Problem Statements

Julie Rodwell reported the deadline to submit stage one problem statements to the ODOT Research Section is December 1. She advised staff will be happy to work with OFAC to put together potential problem statements. Staff will work with Susie Lahsene to set up a Policy Subcommittee meeting in early November.

Next OFAC Meeting will be October 4, 2006 at the Port of Portland, Commissioners' Room from 1:30 until 4:45.

The meeting was adjourned at 4:20

**Oregon Freight Advisory Committee (OFAC)
September 13, 2006 Meeting Attendees**

OFAC Members (General, Associate, & Alternate)

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| Steve Bates | Redmond Heavy Hauling |
| Bill Burgel | HDR Engineering, Inc. |
| Martin Callery | International Port of Coos Bay |
| Nick Fortey | Federal Highway Administration |
| Ann Gardner | Schnitzer Steel |
| Greg Gilmer | NORPAC |
| Jerry Grossnickle | Bernert Barge Lines, Inc. |
| Ann Hanus | OECD |
| John Kratochvil | Oregon Department of Agriculture |
| Rob Mathers | Kinder Morgan Energy |
| Mike Montero | Montero & Associates LLC |
| Deena Platman | Metro |
| Jim Nave | Union Pacific Railroad |
| Bob Russell | Oregon Trucking Associations |
| Don Schellenberg | Oregon Farm Bureau |
| Jonathan Schlueter | Westside Economic Alliance |
| Charles Tindall | Blue Line Transportation Company |
| Larry Weber | Oregon Department of Aviation |
| Lonny Welter | Columbia County Road Department |

ODOT

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| Craig Greenleaf | Executive Sponsor, ODOT, Transportation Development |
| Julie Rodwell | Freight Mobility Section |
| Teddie Baker | Freight Mobility Section |
| Karen Green | Freight Mobility Section |
| Rian Windsheimer | ODOT, Region 1 |

Other Attendees

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| Arlene Dietz | A & C Dietz, Associates |
| David Patterson | Consultant |
| Sorin Garber | Sorin Garber Consulting Group |
| Steve Kale | SR Kale Consulting |