

**OREGON TRANSPORTATION COMMISSION**

**Minutes of the Regular Monthly Meeting  
November 14, 2012  
Salem, Oregon**

On Wednesday, November 14, 2012, at 9:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a premeeting briefing session and reviewed the agenda in Room 149, the Mike Hollern Conference Room at the Transportation Building, 355 Capitol Street NE, Salem, Oregon. Highlights of the premeeting were:

A review of the agenda.

•  
Legislative Update – Betsy Imholt provided a summary of results from the state election, and what they mean for the next legislative session.

•  
OTC Work Plan – Jerri Bohard discussed next steps for the Work Plan. Staff will request OTC approval in January 2013.

• • •

The regular monthly meeting began at 10:30 a.m. in the Gail L. Achterman Conference 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:

Commission Chair Pat Egan	Communication Div. Admin. Patrick Cooney
Commissioner Dave Lohman	DMV Division Admin. Tom McClellan
Commissioner Mary Olson	Rail Division Administrator Hal Gard
Commissioner Mark Frohnmayer	Region 1 Manager Jason Tell
Director Matthew Garrett	Region 2 Manager Sonny Chickering
Chief of Staff Dale Hormann	Region 4 Manager Bob Bryant
Trans. Development Div. Admin. Jerri Bohard	Commission Assistant Jacque Carlisle

• • •

Chair Egan called the meeting to order at 10:32 a.m.

● ● ●  
**Director's Report**

Director's report highlights were:

●  
**Green Light Program**

The Motor Carrier Division's Green Light program precleared its 16 millionth truck on October 11, 2012, when a 2007 Peterbilt, operated by Ram Trucking, received a bypass at the Woodburn Port of Entry.

As of October 2012, the Green Light program weighed in-motion and precleared trucks 16,000,000 times in the past 13 years. The economic benefit is that truckers have so far saved 1.3 million hours of travel time and \$160 million in operating costs as they cleared Oregon weigh stations without having to slow or stop. Moreover, from the aspect of environmental benefits, according to emission tests, the 16 million weight station preclearance events resulted in less emission of 10,672 pounds particulate matter, 21,328 pounds hydrocarbons, 51,200 pounds carbon monoxide, 170,672 pounds nitrogen oxides, and 30,576,019 pounds carbon dioxide. The program is currently serving 3,600 trucking companies with 33,000 trucks equipped with transponders. This is an investment that continues to yield economic and environmental dividends.

●  
**Motor Carrier Division Recognition**

Director Garrett said ODOT's Motor Carrier Division recently pitched a no-hitter. ODOT is a member in a multinational base state agreement known as the International Registration Plan, Inc. (IRP), which is a collective undertaking through U.S. states and Canadian provinces to mutually assist each other in the collection of apportioned vehicle registration fees due each jurisdiction by motor carriers domiciled within their borders. There are financial, registration, audit and IT requirements that must be rigorously adhered to in order for the revenues to flow in a timely manner to the places they are due.

Each member jurisdiction undergoes an exhaustive review of the IRP program every five years through what is known as a peer review process. ODOT was subject to such a review in September of this year. The lead reviewer observed that he has been doing such peer reviews for many years, and does not honestly know how many such reviews he has conducted. However, over the years, he can count on one hand the times that a jurisdiction was found to be flawless. On this occasion, ODOT and the Motor Carrier Division (MCTD) have been added to that list of jurisdictions found to be perfect. We've joined an elite group. This accomplishment is the result of the combined efforts of MCTD and the Central Services work group known as the Motor Carrier Application Development (MCAD) unit responsible for our IT needs.

As a follow up to the perfect no-hitter, Director Garrett said the Motor Carrier Division came close to replicating that with its recently concluded Peer Review of the ODOT

International Fuel Tax Agreement Program (IFTA). The review, done by a committee of jurisdictions from across the country, resulted in a near perfect assessment, reduced only by notice of two inconsequential and easily remedied compliance findings. Short of a grand slam, this feat does qualify as a home run. This is another manifestation of the successful collaboration of MCTD with our MCAD business partners.

Director Garrett asked staff that had participated in these efforts to stand while he read a message prepared by Motor Carrier Division Administrator Gregg Dal Ponte, which read, "In my 32 years of private and public sector work, in corporations and in state government, I have never worked with more talented and dedicated people. ODOT and the State of Oregon are well served by these people and I am quite proud of each and every one of them." Director Garrett recognized and thanked the following individuals: IRP staff Ric Listella, Laurie Hall, Gayle Green, Darcy Halter-Alotta, and Jim Leamon (IS-MCAD), and IFTA staff Ric Listella, Rick Kauffman, Carolyn Henderson, Gayle Green, and Jon Reimer (IS-MCAD).

### • *Environmental Awards*

ODOT has been the recipient of three environmental awards. Two of ODOT's Innovative Partnerships projects that use alternative energy sources to power parts of the transportation system have won Federal Highway Administration (FHWA) environmental awards, and a project to improve safety for both vehicles and wildlife on US 97 in Central Oregon was also honored.

Each year, FHWA hands out Exemplary Human Environment Initiatives (EHEI) to projects that either create or improve conditions for human activities while protecting the natural environment. FHWA also offers awards for Exemplary Ecosystem Initiatives (EEI) to ecosystem and habitat projects that are unique or highly unusual in their geographic scope, use cutting edge science or technology, attain high level of environmental standards, achieve high quality results, and/or promote environmental interests that are particularly valuable or noteworthy.

This year, a total of 18 projects received the EEI or EHEI—or both—and Oregon had three of these projects.

- The West Coast Electric Highway, which is creating a network of electric vehicle charging stations that connect Oregon's communities and major destinations, won both the EEI and the EHEI awards—the only project in the nation to get both awards.
- ODOT's Solar Highway program won an EHEI for developing the nation's largest solar highway project at the I-5 Baldock Rest Area just south of Wilsonville.
- ODOT also won an EEI for building wildlife passage undercrossings on US 97 as part of a major highway upgrade. These undercrossings allow animals to cross the highway without getting struck, reducing both animal mortality and vehicle crashes that injure people.

•

### ***Bistate Tolling***

A joint Washington/Oregon Transportation Commissions meeting was held in Pendleton to discuss the Columbia River Crossing project and bistate tolling structures. Director Garrett said the agency appreciated the Commissions' feedback on the discussion about the preferred bistate toll-setting approach. He said there was clear direction to move forward with an approach that shared toll responsibility, and the related debt between the states needs to be accomplished and moved forward. The subcommittee that Chair Egan and Commissioner Olson sit on continues to work a draft intergovernmental agreement (IGA). It's in the process of fine tuning by ODOT staff before being shared with WSDOT staff, and we are showing significant progress in reaching the end of the year Washington tolling legislative requirements. ODOT, along with the Department of Justice, the Oregon Treasurer's Office, as well as some bonding and investment experts will continue to support the subcommittee's work and whatever needs it may have. This collaboration and this time-sensitive work will continue to be imperative to secure the IGA, with the hope that WSDOT will take action at its December 12<sup>th</sup> meeting, as we anticipate action at our December 19<sup>th</sup> OTC meeting.

● ● ●

### ***Public Comments***

Public comments were received from:

•

Britta Franz of "Rail Now" said the two new Talgo train sets, which are scheduled to go on-line soon, will not add much of anything except to the comfort of the passengers. They will not improve the on-time figures, nor the frequency of rides needed to commute workers back and forth. It will not allow us to project true potential ridership, and the improvements in freight and freight costs and speed that we should be able to figure out, but are unable to legitimately do until we know what the ridership is. She said the Commission is the future of Oregon's rail, and we've got to recognize that the Willamette Valley is the health and strength of this area, so it's in the Commission's hand to initiate and promote interest in this alternative transportation. She urged determination of the Cascadia Corridor within the next six months. This has been dragging out, and we are losing the attention of the membership.

•

John Gear of Salem spoke in opposition to the Salem River Crossing project that ignores land use goals, promotes sprawl, will destroy northeast Salem, and is based on racist notions of who gets the benefits and who gets the burdens of transportation planning. This is old thinking at its worst. Simply put, ODOT policy and guidance in Oregon Highway Plan Policy 1G1 directs ODOT and local governments to improve system efficiency and management before adding capacity. The Salem River Crossing project blatantly ignores this policy. He urged ODOT and Region 2 staff to check the policy before the Salem River

Crossing project is allowed to spend any more money. The project needs to be told to focus on making the best use of what is in place before pouring any more concrete. He offered to answer any questions because it is clear ODOT is not getting the straight story about this project from its partners.

•

Chuck Sides of Salem spoke in support of proposed upgrade interchange improvements on the I-5 Corridor at the Kuebler Interchange, and asked the Commission to consider moving the unsolicited conceptual proposal to the next step in the Oregon Innovative Partnerships program (OIPP) process when it comes before the Commission in December.

• • •

***Oregon Bike and Pedestrian Advisory Committee (OBPAC)***

The Commission received an informational presentation to provide an update from the Oregon Bike and Pedestrian Advisory Committee (OBPAC), and Oregon Department of Transportation staff in the Active Transportation Section about recent information and trends relating to biking and walking in Oregon. In addition, OBPAC members asked for feedback on OBPAC's work plan. ***(Background materials in Director/Commission/History Center File, Salem.)***

***Background:***

Oregon is a leader in the nation for biking and walking. Oregon cities have the highest percentage of people who bike and walk to work compared to other cities across the nation. Oregon is renowned for its innovative planning, design and education to accommodate and promote biking and walking as part of the larger transportation system. The numbers continue to increase in both urban and rural communities.

The Oregon Legislature formed the Oregon Bicycle and Pedestrian Advisory Committee (OBPAC) in 1973 in the Oregon Bike Bill (ORS 366.112). The governor-appointed committee is made up of eight members who represent a variety interests. The legislature directed the committee to "...advise the department regarding the regulation of bicycle traffic and the establishment of bicycle lanes and paths." In 1995, the committee added pedestrians to its purview, as the Oregon Transportation Commission and Governor Kitzhaber directed.

ODOT Sustainability Program Manager Margi Bradway introduced the panel members who participated in the presentations: ODOT Bicycle and Pedestrian Facility Specialist Shelia Lyons, OBPAC Chair A.J. Zelada, and OBPAC member Jerry Norquist.

Margi Bradway started with the presentation, *Biking and Walking in Oregon*. Highlights of the presentation were:

- Commute trips in Oregon – Corvallis has the highest percentage, and Eugene has the second highest percentage of commute trips by bike in the *nation*. The Portland Metro region has the highest percentage of bike trips of U.S. Metro Areas with more than 1 million residents.
- Oregon’s bicycle friendly communities.
- Bike and pedestrian safety – In 2011, the number of bicyclists injured in Oregon increased a dramatic 14 percent, compared to the national level at zero percent increase. The number of pedestrians injured increased by 21 percent, compared to the national increase of 19 percent.
- Currently, about 58 percent of Oregon’s urban state highways have bike lanes and sidewalks, with a target of 78 percent.
- The first Bike and Pedestrian Plan was created in 1995, and an update will start in spring of 2013. The plan will be consistent with the Oregon Transportation Plan and Intermodal Oregon. A needs assessment will be conducted.
- The *Bicycle and Pedestrian Design Guide* was updated in 2011.
- The ODOT Pedestrian and Bicycle Program consults with ODOT staff and local agencies on design, contributes to policy and procedures, administers ODOT’s one percent bikeway and walkway expenditures, and produces numerous publications.
- Oregon’s Bicycle Bill (ORS 366.514) was signed into law in 1971, and created the Oregon Bicycle and Pedestrian Advisory Committee (OBPAC), with a vision to ensure that Oregon is the best place to bike or walk.

Jerry Norquist noted the Commission’s earlier comments on the importance of data collection, and said a bike counter has been installed on the Hawthorne Bridge in Portland. It was installed in August, 2012 to collect real-time data, and since that date has counted 527,000 riders crossing the bridge. Jerry talked about the economic impacts of bicycling and walking, and how the bike tourism industry contributes a very substantial amount of money to local economies. Cycle Oregon alone contributes over \$6 million to local economies every year during its weekly event. Travel Oregon has commissioned a study to determine the economic benefit of Oregon’s bicycle tourism industry. Oregon is one of the nation’s top bike destinations because of its scenery, low traffic counts and speeds on rural roads, and the condition of our roads.

AJ Zelada continued the presentation with a talk about the work of the Oregon Bike and Pedestrian Advisory Committee (OBPAC). He said the average trip length in the Portland region is shrinking, but we need to continue to reduce, with particular aim at the trips that are less than three miles, and therefore are very doable by walking, transit or bicycle. We need more, and better, data to really analyze vehicle miles traveled. He talked about how OBPAC spends its funding, communicates with its audience, conducts research, and promotes tourism, health and safety.

Chair Egan said we look forward to the Oregon Bike Plan coming out in 2013.

● ● ●

## *At-Risk Driver Program*

The Commission received an informational presentation about Oregon's At-Risk Driver Program, which is administered by the Driver and Motor Vehicle Services Division (DMV). *(Background materials in Director/Commission/History Center File, Salem.)*

### ***Background:***

Oregon law requires DMV to administer a program to identify licensed drivers who may no longer be able to drive a vehicle due to functional or cognitive loss. At a recent Commission meeting, DMV presented a report from a work group created by HB 3185 (2011) to assess the current program and analyze the potential for various changes. The Commission approved that report and it was submitted to the Oregon Legislature. Commission members expressed interest in learning more about the program. This agenda item provides background information about the program's features and how it impacts the safety of Oregon's highways.

DMV Division Administrator Tom McClellan introduced DMV Control Unit Manager Bill Merrill who gave a presentation on the successful and very well-regarded program. He said the At-Risk Program was created in 2004 to improve highway safety by identifying unsafe drivers and suspending their driving privileges. There are five components of the program which has no age limitations:

1. Mandatory reporting – Primary care providers are required to report individuals with severe and uncontrollable cognitive or functional impairments that may affect a person's ability to operate a motor vehicle safely. Suspension is immediate, and driving privileges can be reinstated only after testing by a doctor. Of the 1600-1700 mandatory reports received annually, about ten percent of the individuals are reinstated.
2. Voluntary reporting - Medical professionals, law enforcement, social service providers, family and friends are urged to report medical conditions or diagnosis, and/or observed driving behaviors that may affect a person's ability to drive safely. These individuals are notified that they have 60 days to retest with DMV/doctor, or their driving privilege will be suspended. Of the 2800 voluntary reports received annually, a majority are reinstated after testing.
3. Self-reporting.
4. DMV vision screening for first time driver applicants and at each renewal after the age of 50.
5. Voluntary request for retesting.

The most frequently reported impairments are seizures, judgment, problem solving, and reaction time. Bill Merrill provided some crash statistics relating to age and accidents that show the youngest drivers are involved most frequently in accidents, followed by the oldest drivers.

● ● ●

## *Transportation and Growth Management Program*

The Commission received an informational presentation about the Transportation and Growth Management Program from ODOT Transportation Development Division Administrator Jerri Bohard, ODOT Program and Economic Analysis Unit Manager Robert Maestre, and Matt Crall from the Department of Land Conservation and Development (DLCD). *(Background materials in Director/Commission/History Center File, Salem.)*

### ***Background:***

The Transportation and Growth Management program (TGM) began in 1993 as a partnership between the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD). It's a successful partnership that provides transportation and land use planning funding and assistance for more than 1,000 projects to local governments throughout Oregon. The program has always taken a multimodal approach to transportation planning and integrated transportation and land use planning and stands as one of the few sources of planning assistance to local governments.

TGM helps local governments, cities, counties, Metropolitan Planning Organizations (MPO), special districts and Native American Tribes to get their planning done in a way that supports their community needs and expectations, and gives considerations to state policies and goals. TGM uses the expertise of experienced consulting teams and staff from ODOT and DLCD to advise, scope, and participate in the local planning done with TGM funds. The program contracts and intergovernmental agreements (IGA) mandate extensive meaningful public involvement and the production of "deliverables" and "adoptable products."

The program made a number of changes to its operations, the most significant of which is an annual cycle of grant applications and awards. It reduced the time from award notification to contract and IGA execution substantially. After an absence of many years, the Governor's office is again represented on the program's Advisory Committee and Management Oversight Committee. The Advisory Committee helps establish program policy and direction and will review a number of possible topics for consideration by local governments when using TGM funds, such as health impacts and greenhouse gas (GHG) emissions reductions.

Requests from local governments for assistance from the TGM grant program are running at 2-3 times available funding. Requests for assistance for the "quick response" service offered by the program dropped due to the lack of new large-scale developments that have unresolved transportation planning issues. TGM also offers two additional services to local governments, assistance with writing/refining local development codes and an outreach/education service. ODOT provides overall program administration and accountability to the Federal Highway Administration, the program's primary funder. Both ODOT and DLCD contribute management time to the program. In accord with the agency's

rightsizing effort, the 15.5 FTE traditionally allocated to the program have been reduced to 13.5, with reduction of an additional 1-2 FTE under consideration.

The presentation by the ODOT and DLCD program managers provided the Commission with information on the purpose, history, status, structure, operations and likely near-term future of the program. Highlights of the presentation on the Transportation and Growth Management Program (TGM) were:

- the purpose of TGM
- goals
- outcomes
- benefits
- history
- program design
- funding
- interagency agreement
- services, range of services
- grants, grant budget, grant process
- accountability
- TGM tangibles
- FHWA expectations
- next biennium

Matt Crall from the Department of Land Conservation and Development (DLCD) spoke about community assistance, and some of the programs the DLCD is responsible for, such as code assistance, quick response, outreach and education, and TSP assessments.

Director Garrett asked why there has been a decrease in the number of TGM projects since 1997. Robert Maestre explained the decrease is mainly attributed to the nature of the projects. The nature and the size of projects in 1997 were much smaller, and a lot of cities got their first Transportation System Plan (TSP) and did the basics. Now the projects are more massive, more strategic, and more complicated. Director Garrett said we have to articulate the complexity of current programs so there is no misunderstanding with the legislature, which was looking to throw this program out in the early 2000's.

Chair Egan said, given the progress that has been made in terms of legislative acknowledgement that this program has value and doesn't need to be looked at over our shoulders collectively, we need to keep momentum and make sure every legislator that has an interest sees that data. This is testament to the good work being done.

● ● ●  
***Consent Calendar***

The Commission considered approval of the Consent Calendar. ***(Background materials in Director/Commission/History Center File, Salem.)***

1. Approve the minutes of the October 16-17, 2012, Commission meeting in Silverton.
2. Confirm the next two Commission meeting dates:
  - Wednesday December 19, 2012, meeting in Salem
  - Wednesday, January 16, 2013, in Salem
3. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Request approval of the following Oregon Administrative Rules:
  - a. Amendment of 734-010-0220, 290, 300, 320, 330, 340, 350 and 380, and the repeal of 734-010-0310 and 370 relating to contractor performance evaluations.
  - b. Amendment of 734-059-0100 relating to digital billboard applications and fees.
  - c. Amendment of 735-012-0000 relating to a fee increase for the Vehicle Code Book.
  - d. Adoption of 735-070-0006 relating to the possibility of early reinstatement of suspended driving privileges.
5. Request approval to forward the Flat-Fee rate recommendation to the Oregon Legislature. In accordance with Oregon Revised Statutes 825.482, authorize the director to convey to the Legislative Assembly the adjustment to the Flat-Fee rates based on the attached *Testing for Revenue Neutrality of Flat Fee Firms in Oregon (2011) Final Report*, prepared by Dr. Catherine T. Lawson.
6. Request approval to use Access Management funding for an offer to purchase property and solve access issues within the Interchange Management Area of the Bend Parkway-Revere Interchange.
7. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program to add safety improvement work to the Full Federal Oversight (FFO) Interstate 84 Kamela Interchange - 2<sup>nd</sup> Street Undercrossing project in La Grande. The estimated cost of the safety improvement work is \$1,626,507 with funding coming from a series of good bids during the last year in the Interstate Maintenance program. The total estimated project cost is \$48,465,002.
8. Request approval to appear before the Oregon Legislative Emergency Board in December 2012 to seek approval to increase the Federal Funds limitation by \$12.8 million, and Other Funds limitation by \$900,000 for Public Transit Division.
9. Request approval to appear before the Oregon Legislative Emergency Board in December 2012 to seek retroactive approval to apply for a \$154,824 Commercial Driver License Program Improvement Grant from the Federal Motor Carrier Safety Administration.
10. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program to authorize the use of \$876,500 from the Transportation Enhancement discretionary account to construct a paved shared-use path in Salem, connecting the site of Minto Island Bridge to Minto-Brown Island Park, and onto River Road South. The total estimated cost of the project is \$1,023,699.
11. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program to add \$600,000 from the Transportation Enhancement discretionary account to construct a paved shared-use path under the Interstate 84 Sandy River bridges in conjunction with the Interstate 84: Sandy River–Jordan Road—Bundle 210 bridge

project already in progress in Troutdale. The total estimated cost of the project is \$84,329,000.

12. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program to authorize the use of \$575,200 from the Transportation Enhancement discretionary account to preserve and restore the historic baggage depot at the Salem Amtrak Station for use as a passenger depot and intermodal transit hub. The total estimated cost of the project is \$874,154.

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



Chair Egan adjourned the meeting at 2:32 p.m.

Handwritten signature of Pat Egan in blue ink.

Pat Egan, Chair

*(Not present)*

Tammy Baney, Member

Handwritten signature of David Lohman in blue ink.

David Lohman, Member

Handwritten signature of Mark Frohnmayer in blue ink.

Mark Frohnmayer, Member

Handwritten signature of Mary Olson in blue ink.

Mary Olson, Member

Handwritten signature of Roxanne Van Hess in blue ink.

Roxanne Van Hess, Commission Support