

**NOTES**  
**Oregon Local Program Committee Meeting**  
**April 29, 2016 - 9 a.m. – 11 a.m.**  
**Marion County Public Works, 5155 Silverton Road NE, Bldg. 1**  
**Salem Oregon**

**In Attendance**

Cory Crebbin, OLPC Chair, City of Medford  
John Vial, OLPC Vice-Chair, Jackson County  
Cindy Schmitt, OLPC Member, Marion County  
Chuck Knoll, OLPC Member, Linn County  
Gary Stockhoff, OLPC Alternate Member, Washington County  
Riad Alharithi, Multnomah County  
Steve Preszler, Marion County  
Karen Odenthal, Mid-Willamette Valley Council of  
                    Governments  
Jeff Graham, FHWA  
Kerry Werner, OLPC Alternate Member, City of Eugene  
Michael Faught, OLPC Member, City of Ashland  
David Daly, City of Gresham  
Cole Grisham, OLPC Member, ODOT  
Sam Hunaidi, OLPC Member, ODOT  
Mark Foster, ODOT  
Mac Lynde, ODOT  
Tiffany Hamilton, ODOT  
John Baker, ODOT  
John Huestis, ODOT  
Bert Hartman, ODOT  
Holly Winston, ODOT  
Joe Squire, ODOT  
Christy Wood, ODOT  
Joe Gray, ODOT  
Bob Pappe, ODOT  
Julie Redden, ODOT

**Introductions and Welcome**

Cory Crebbin welcomed everyone and introductions were made. Cory thanked Marion County for hosting the Oregon Local Program Committee and providing refreshments. Marion County will be hosting future meetings of OLPC.

## **Election of Officers**

Cory Crebbin called for nomination of officers in accordance with the OLPC Charter, which requires the election of officers at OLPC's first meeting of the year. Cory Crebbin was nominated as Chair and John Vial was nominated as Vice Chair. A vote was taken and OLPC members unanimously re-elected Cory and John.

## **Active Transportation Section Update**

Mac Lynde advised OLPC members that ODOT's 2016 Intermodal Leadership Team has been seeking ways to improve the efficiency of the delivery of federally funded projects. With federal funds expected to diminish in coming years, ODOT is looking at ways to utilize the federal funds more efficiently. Allowing local agencies to exchange federal funds for state funds on smaller projects will allow local agencies to deliver their projects in an easier way without having to follow extra rules and regulations associated with federal funds. A workshop will be held in June to discuss revised local project delivery options. The morning session will focus on state funded local projects and the afternoon session will focus on sustainability of the Certification Program and establishment of a Certification User Group. Look for an invitation soon.

Congestion Mitigation Air Quality (CMAQ) Funding. FHWA has approved certain areas as eligible areas to receive funds. Salem and Eugene are now eligible areas for CMAQ funding. The addition of these two areas will force ODOT to look at how these funds are allocated. There will be a stakeholders meeting with MPO partners to talk about the pros and cons of the current process and future changes.

Fixing Americas Surface Transportation (FAST) Act will trigger an update to the Association of Oregon Counties and the League of Oregon Cities Federal-aid Project Guidelines and Working Agreement. The agreement covers the STP allocations, the local bridge program and the Certification Program. Work on the agreement should begin this summer.

## **Reauthorization of Federal Surface Transportation Act**

John Baker provided an overview of the new Act. In December 2015 the United State Congress signed into law a new transportation bill. The Fixing Americas Surface Transportation (FAST) Act provides funding for highways and transit programs for five years. The Act provides an increase in funding from \$482 million in 2015 to \$507 in 2016. Funding will increase slightly over two percent per year until 2020 at which time Oregon's apportionment is expected to be around \$553 million.

Two new programs provide money for freight routes and freight improvements. Those programs are the National Highway Freight Program and the Nationally Significant Freight and Highway Projects Program. Oregon will receive \$14.5 million initially and it will go up to just under \$20 million a year. After 2018 any use of the funds are actually predicated on those projects that have been identified in a freight plan.

The Surface Transportation Program has been renamed to Surface Transportation Block Grant Program (STBGP). The primary beneficiaries are areas with populations 200,000 and above. The current structure has a requirement that a percentage of program funds be distributed based on population shares. Population areas of 200,000 and above will see their share of program funds increased one percent to 51% in the first year. In 2020, 55 percent of funds will be distributed to areas 200,000 and above based on their share of state population. What it means in the long run is that Portland, Eugene and Salem will see larger increases in funding

than other areas. There has also been a set aside for a Transportation Alternatives Program. The new bill makes the Transportation Alternatives Program a set aside within the STBG Program.

The Highway Safety Improvement Program is still a priority. Congress eliminated the current eligibility for education and enforcement. Additional information about the Public Transit, Federal Lands Access Program, Surface Transportation System Funding Alternatives and performance measures is shown on Attachment A.

ODOT is still waiting for guidance from FHWA on the new bill.

### **Holding funds on projects between 2nd and 3rd note**

Joe Squire provided OLPC members with background information on project closeout issues occurring between second note and project close out. Joe began by providing definitions of First, Second, and Third Notification (Note) and final closeout as follows:

1st Note: when the contractor is given the ability to start work on the project.

2<sup>nd</sup> Note: when all substantial work is complete.

3<sup>rd</sup> Note: when work is acknowledged as work complete and retainage is released.

Joe said that ODOT has had difficulty in closing out projects for various reasons. A number of projects have been in 2<sup>nd</sup> note phase for a long time, which leaves a lot of money on the table. Joe has a team that works to close projects out. His team evaluates issues on projects and works with Project Managers and contractors to help resolve issues so they can close out projects in a more timely fashion.

Joe's team looks at Contract Services data before the construction season, immediately after construction season and in mid-winter. The team looks for trends to help determine why projects are not closing out. The Document Review Report provides data that helps resolve issues and identifies who is responsible. The team then distributes the corrective action plan to the affected parties. Typically, plant establishment is taken into account. Some agencies are asking for 2-3 years for plant establishment and Joe said that is not acceptable. If issues don't get resolved, the issues are elevated and the Area Manager may be involved.

Plant establishment is also an area that can keep a project open and funds tied up for a substantial period of time. Joe has been working with FHWA to develop new ways to look at plant establishment. One of those methods includes using two contracts: 1) the main contract and 2) a second, smaller local contract for plants. Local funds may be required for the plant contract. Those funds might be used as part of the match toward the federal project. The details have not been resolved with FHWA. Other ways of freeing up the money include ODOT staff working with Region staff to deobligate all but a small amount of funds when plant establishment is all that is keeping a project from closing out.

In November 2014, 72 projects were at 390 days on average between 2<sup>nd</sup> and 3<sup>rd</sup> note. This year, ODOT was down to 126 days. Joe is hopeful they can reduce the time period to 90 days. Joe also encouraged local agencies to look at their risks so funds can be freed up for Regions to use on other projects.

## **Update on acquisition of temporary easements to reconnect driveways and ADA ramps**

Joe Gray and Christy Wood from the ODOT Right-of-Way Section discussed Right-of-Way Bulletin 15-02(b) which went into effect in August 2015. The Bulletin establishes an alternate acquisition process to acquire temporary easements for certain right-of-way activities, such as reconnecting driveways, working on ADA ramps, performing maintenance activities, etc. The Bulletin was developed in conjunction with FHWA and ODOT Right-of-Way staff to allow easier ways to acquire temporary access to right-of-way on projects.

ODOT has been using this tool and found substantial cost savings on projects. Local agencies can also use this tool. On a federal oversight program, authorization from the Region Right-of-Way Manager is required. This approval is ODOT's assurance to FHWA that the local agencies have the necessary staff to perform the work. Property owners are sent a notice in the mail with details about the project, and ask the owners for permission to access their property. If the property owner accepts, they are given \$500 for temporary use. \$500 is the minimum payment, and local agencies can pay more if needed. Non-monetary exchanges for use of the easement, such as loads of gravel, are not allowed. Only money can be exchanged under the Uniform Relocation Act and Oregon Revised Statute.

No appraisal is required for temporary use under this process. A full description of the property is not needed – just a photo. This can save a substantial amount of money on projects that have multiple property files since the average appraisal can cost \$3,000 to \$5,000. This is a tool that FHWA has agreed to, but it can be taken away if they begin to see abuses. Joe cautioned local agencies to make sure they are providing guidance to any consultants they hire.

Bob Pappé said for curb ramps, as long as you are within the footprint of the existing sidewalk right-of-way on a project, no survey is required. See Attachment B for more details.

## **Local Agency training needs on ADA**

Mac Lynde and Bob Pappé provided OLPC members with a brief overview of ODOT's current ADA issues. ODOT received notice it is being sued for allegedly not putting ADA ramps in when it should and not building them properly when it did build them.

Bob said that ODOT disagrees that it is or has been in violation of the ADA requirements, and it is ODOT's intent to continue to make the state system fully accessible. Bob said that for all work on or along ODOT right-of-way, regardless of who does the work, ODOT expects the design to follow the Highway Design Manual. ODOT will also inspect every ramp using its inspection form. ODOT is actively training ODOT field inspectors on use of the inspection form and knows that others (local agencies, consultants, and contractors) also want training.

## **Local Agency Guidelines – Certification Training**

Tiffany Hamilton, ODOT Certification Program Manager, discussed training needs related to the Certification Program. The June workshop will cover improvement of local project delivery and use of fund exchange in the morning. The afternoon portion of the workshop will be focused on development and implementation of a Certification User Group. ODOT will work with local agency stake holders in developing a charter and organization of a user group. The structure will include a stakeholder group, a steering committee with ODOT and local agencies; and standing and ad hock subcommittees. One of the standing committees would be training. The group will look at short term, long term and immediate needs.

Training partnerships may include ODOT Regions to deliver training at workshops and local agencies to deliver training at ACEC and APWA.

Areas for training could include continuing education; audit evaluation criteria; how to get certified in different areas; training for ODOT staff. ODOT may maintain a training list online.

### **Agenda Build**

Round abouts with Kevin Hass.