

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Telephonic Monthly Meeting
April 2, 2020
Salem, Oregon**

On Thursday, April 2, 2020 at 8:35 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a pre-meeting briefing session and agenda review via telephone. Highlights of the pre-meeting were:

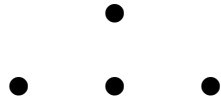


Chair Van Brocklin stated the April 2 OTC telephonic meeting was set up to be in compliance with Governor Brown's Executive Order 20-12. Director Strickler provided a brief update of the effect COVID-19 has had on the agency. Chair Van Brocklin commended ODOT for its leadership through a rapidly changing environment and stated that the commission is fortunate to be working with an agency that has the standards of professionalism, capability and excellence to guide the work being done. Chair Van Brocklin asked if there had been a reduction in the road usage/traffic volumes and the level of impact the pandemic has caused. Director Strickler stated that he didn't have specific numbers in front of him but stated there has been a significant reduction in the number of transactions at the DMV; however, he wanted to stress that there still has been a lot of online presence for DMV transactions because there are several things that an individual can accomplish online. Regarding traffic, ODOT has seen a reduction average between 25-40% depending on location. During this time of medical crisis, Director Strickler feels that this reduction has been beneficial in keeping the roads open for necessary travel in regards to getting medical attention, food deliveries, and picking up necessary items.

Chair Van Brocklin gave an update on the upcoming OTC workshop. For various reasons, the OTC workshop has not been developed yet and will require a lot of coordination and participation. Director Strickler agreed that it is a priority for the agency to become unified with the commission's goals but also agreed that we need several people involved in those discussions and at this time with the COVID-19 situation the commissioners and ODOT leadership currently do not have the bandwidth and capacity to have those necessary meaningful conversations.

Assistant Director for Finance and Compliance Travis Brouwer spoke to the legislative updates regarding the 2020 short-session and a 2021 preview. ODOT Federal Advisor Trevor Sleeman highlighted federal project grants the agency is reviewing. Sleeman noted the agency is allowed to apply for three different project grants. The three project grants ODOT applied for were 1) The Aurora Donald interchange modernization at I-5 in northern Marion County and it is about a \$66M project with some non-federal funding available; 2) A Region 5 interchange modernization project in Pendleton at I-84 and U.S. 385 and it is the agency's second attempt to get a grant for this area; and 3) a Southern Oregon seismic triage project.

Assistant Director for Operations Cooper Brown gave an update on key positions in the agency.



The regular meeting began at 9:35 a.m. at the Oregon Department of Transportation Headquarters in Salem, Oregon.

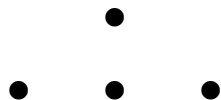
Video recording of the meeting is available online through the commission website:
http://www.oregon.gov/ODOT/Get-Involved/Pages/OTC_Main.aspx

Background materials for all agenda items are stored in **Director/Commission/History Center File, Salem, Oregon.**

Notice of these meetings was made by press release to local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

Chair Robert Van Brocklin	Asst. Director for Government and External Relations Lindsay Baker
Vice Chair Alando Simpson	Trans. Dev. Div. Admin. Jerri Bohard
Commissioner Julie Brown	Delivery and Operations Deputy Division Administrator Mac Lynde
Commissioner Martin Callery	Rail and Public Transit Div Admin Karyn Criswell
Commissioner Sharon Smith	Commission Chief of Staff Jess McGraw
Director Kristopher Strickler	Commission Coordinator Michelle Bowlin
Asst. Director for Finance and Compliance Travis Brouwer	
Asst. Director for Operations, Cooper Brown	

Chair Van Brocklin called the meeting to order at 9:35 a.m.



***OTC Chair's Report
Agenda Item A***

Oregon Transportation Commission Chair Robert Van Brocklin welcomed the commission and listeners tuning into the meeting via livestream. He acknowledged the gravity of COVID-19 pandemic and thanked everyone for participating remotely in this meeting. He noted the commission and agency anticipate hosting the next several commission meetings virtually. He thanked all of the individuals who took the time to submit public comments in the weeks leading up to the April 2, 2020 meeting. He stated the commission reviewed all the public comments they received during that time and noted that the commission appreciates the public's continued participation in the commission and ODOT's work. He stated the commission values public comment and takes great care in considering the testimony it receives. He noted it's unfortunate the reality of the current situation does not allow the commission to accept in-person testimony right now but that the commission remains committed to accepting public comment in multiple ways.

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Director's Report
Agenda Item B

Director Strickler provided a report to inform the commission of five items of interest, which were:

1) The new Public Transportation Division Administrator Karyn Criswell:

After a nationwide recruitment effort, an internal candidate was selected. Criswell brings over 20 years of transportation experience in both the private and public sectors. Over the last five years Criswell has filled various roles within ODOT's Rail and Public Transit Division.

2) ACEC Oregon Best in Category – Transportation Award:

In February, ODOT received the ACEC Oregon Best in Category – Transportation Award at the 2020 Engineering Excellence Awards for the “trigger project” otherwise known as Phase 2 of the I-205 Paving, Auxiliary Lanes and ODOT RealTime Signs Project. Together with our partners, the department completed this project on time and on budget and ensured funding would keep flowing for transportation improvements throughout Oregon consistent with HB 2017 legislation.

3) ACEC's recognition of the Historic Columbia River Highway State Trail from Wyeth to Lindsey Creek:

The latest segment of the Historic Columbia River Highway State Trail (Wyeth to Lindsey Creek) received a Grand Award, submitted by Cornforth Consultants. This three-mile section of Historic Columbia River Highway State Trail opened on August 3, 2019, creating a 12-foot wide, ADA-accessible paved trail, and connecting into previously-completed trail segments connecting the Starvation Creek Trailhead and Viento State Park.

4) Oregon Ignition Interlock Device (IID) Oversight Program:

Director Strickler noted the agency is seeing some dramatic improvements in the use of Interlocks and detection of “attempted” impaired driving in 2019 courtesy of this program. Oregon State Police (OSP) provided some statistics showing the importance of these devices. OSP identified at least five incidences where the required driver's breath sample was over the limit and, as a result, the driver had a minor provide a clean sample so the vehicle could be started and operated. These occurrences were caught on the Interlock camera. The legislation to provide oversight of these devices is working and we will continue to support OSP in their efforts. This is a successful joint effort of many partners, and we're proud to be one of them.

5) Urban Mobility Office Update:

Urban Mobility Office is up and operational! As directed by the commission, the Urban Mobility Office was established to develop in-house expertise in planning and delivering mega projects—which have unique dynamics not present in standard transportation projects—as well as work in concert with ODOT's regional teams to complement and coordinate these projects with all other regional transportation activities.

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Allocating Federal Highway Funds
Agenda Item C

The commission received an informational update on federal funding and were requested to approve additional funds to meet ADA legal settlement requirements, federal Bridge Program requirements and continue efforts to stand up the Tolling Program.

Background:

Developing the Statewide Transportation Improvement Program (STIP) requires ODOT to estimate federal and state resources that will be available seven years into the future. For example, the Commission approved the STIP funding allocation for 2021-2024 in 2017. This estimation exercise is particularly challenging given that the federal surface transportation authorization act (the FAST Act) expires on September 30, 2020—the day before the new STIP goes into effect. Without an authorization in place that provides some level of certainty around federal funding, ODOT is required to develop an educated guess about how much funding Congress will make available for the 2021-2024 STIP. This uncertainty is heightened by significant ongoing revenue shortfalls in the Highway Trust Fund that will force deep cuts in federal transportation funding if Congress does not transfer additional resources into the trust fund.

ODOT's best estimate of federal funds available through 2024 included a prudent risk mitigation strategy of assuming that federal funding in 2021 through 2024 would fall 10% below the final authorized funding level in 2020. This assumption, which is consistent with Commission practice for recent STIPs, is designed to avoid having to make deep cuts to projects if federal funding does not materialize; previous commissions have had to undertake these cuts and found it unpleasant. This assumption is also consistent with funding patterns seen in recent years. For example, after the expiration of a previous authorization act ODOT's federal funding peaked in 2010, fell 7.5% before reaching a low in 2015, and did not again exceed the 2010 level until 2020.

The Commission agreed to this risk mitigation assumption, with the caveat that the first \$40 million in federal funding that came in over and above the assumed level would go into a Strategic Investments program to enhance the transportation system. Given the uncertainty about whether the program would be funded, the Commission did not develop criteria or a project selection process for the program. After funding the Strategic Investments program, any federal funding over and above the assumed level would go into Fix-It projects to preserve bridges, pavement, and other assets.

With the FAST Act about to expire and action by Congress on a new authorization by no means certain, ODOT now needs to return to the Commission to discuss how to use any unanticipated federal funds to address key priorities in a climate of deep uncertainty. In addition, the department has received some additional unanticipated federal funds in recent years that need to be allocated. ODOT anticipates working through the allocation of all of these funds over the course of the next several months in a process that will also consider revenue reductions due to the COVID-19 pandemic and other budgetary adjustments.

However, there are some time critical funding needs that require attention this month. As previously discussed with the Commission, additional investment is needed immediately to keep up with the requirements of the legal settlement to meet Americans with Disabilities Act (ADA) requirements and the Federal requirements to conduct routine bridge inspections and load rating analysis of bridges. The funding needs for these two programs are significant and require additional funds at various critical times through 2023.

ADA Legal Settlement

As the Commission is aware, ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017. In the agreement ODOT agreed to change practices related to compliance with the Americans with Disabilities Act.

In response, ODOT established the ADA Program to meet the requirements of the settlement agreement. The Commission previously approved \$37M in the 2018-2021 STIP and advanced \$43M from the 2021-2024 STIP as initial funding for the program. In August 2019, the Commission also approved \$2M in the allocation of 2019 Federal Redistribution funding.

The funding allocated to date has been focused on establishing the ADA Program and working to meet the various requirements of the legal settlement. Examples of some of the efforts to date include: assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creating and maintaining a program to respond to ADA related complaints; retained a national ADA expert to serve as ODOT's Accessibility Consultant, in partnership with the plaintiffs; updated design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. Initial efforts were focused on leveraging other existing projects to construct or reconstruct curb ramps in close proximity and pilot projects to validate innovative approaches for curb ramp only projects.

The focus now is on projects that will construct a substantial number of curb ramps each year across the state – more than 3,000 curb ramps each year. These curb ramp only projects will pick up intensity this year, with nine projects scheduled to go to construction in June, and more to follow. While ODOT is learning from other states and local agencies on costs for constructing this many curb ramps, there is uncertainty in what the true costs of these projects will be. With all of the current ADA Program funds allocated, additional funding is required through 2023 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. Beginning in 2024, the program should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process.

The following table summarizes funding needs and when funds need to be made available through 2023. These estimates reflect the best available information to date on the costs for delivering curb ramps. Based on the projects that go to construction in June 2020, future estimates will be updated to reflect market conditions for this type of work in Oregon.

	<i>Additional Funding Needed By</i>		
	<i>April 2020</i>	<i>October 2020</i>	<i>September 2022</i>
<i>2020 Projects</i>	<i>\$19,000,000</i>		
<i>2021 & 2022 Projects</i>	<i>\$26,200,000</i>	<i>\$45,900,000</i>	
<i>2023 Projects</i>		<i>\$17,500,000</i>	<i>\$30,600,000</i>
<i>Scope Pedestrian Activated Signals</i>	<i>\$4,000,000</i>		
<i>Responding to ADA Comments, Questions, Concerns, Requests</i>		<i>\$2,000,000</i>	<i>\$2,000,000</i>
<i>Continue Training of Contractors & Inspectors</i>		<i>\$2,000,000</i>	
TOTALS	\$49,400,000	\$67,400,000	\$32,600,000

Federal Bridge Program

In early 2019, as part of the overall Project Delivery Improvement effort, ODOT initiated a complete review of the Bridge Program. The review identified several significant issues within the Bridge Program, and steps have already been taken to make the necessary changes. In the spirit of continuous improvement, the review of the Bridge Program is continuing and will likely identify additional changes.

As the Commission is aware, FHWA recently conducted a review of the ODOT National Bridge Inspection Program and produced a finding of non-compliance, requiring three letters of corrective action specific to the inspection program. These are in addition to several previous letters of corrective action for bridge inspections and load ratings.

ODOT takes our stewardship responsibilities seriously and is working aggressively to regain compliance with the Federal requirements. The ODOT Bridge Program provides the statewide oversight, inspection, and load ratings analysis for all bridges open for public use, except for those owned by Federal agencies. Currently, \$21.8M per biennium is allocated to the Bridge Program for inspection and load rating purposes, which has not kept up with the requirements. Due to the backlog of bridge inspections and load rating analysis and the historic underinvestment in those areas, it is imperative that additional funding be approved to meet those needs. ODOT staff positions are being temporarily reallocated to these efforts and additional consultant resources will be needed to complete the work and regain compliance with FHWA requirements.

The following table summarizes the estimated funding needs and when funds need to be made available through 2023. Beginning in 2024, the inspection and load rating programs should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process. These estimates reflect the best available information to date on the costs for delivering this work. Based on the increasing amount of effort taken, future estimates will be

updated to reflect changes in the approach for conducting this work and real-time market conditions.

	Additional Funding Needed By		
	April 2020	June 2021	June 2023
<i>Load Rating – ODOT Bridges</i>	\$7,138,000	\$6,376,000	\$3,725,000
<i>Load Rating – Local Agency Bridges</i>	\$3,526,000	\$12,384,000	\$3,841,000
<i>Inspection – ODOT Bridges</i>	\$1,998,000	\$11,150,000	\$11,816,000
<i>Inspection – Local Agency Bridges</i>	\$822,000	\$5,016,000	\$5,317,000
TOTALS	\$13,484,000	\$34,926,000	\$24,699,000

The funds identified above will support the FHWA required bridge inspection and load rating analysis needs. Based on the load rating analysis, some bridges will be required to be “posted” to restrict some loads from crossing the structure – specifically special hauling vehicles and large emergency vehicles. None of the funding identified will be available to make improvements to those bridges so they can avoid being “posted”. As the Commission considers how to allocate future funds, a suggestion might be to allocate some funds to bridge strengthening efforts on both state and local bridges, based on critical need.

Tolling Program

Efforts have been underway to stand up the Tolling Program as required by HB 2017. The Commission has allocated \$5.1 million of funding previously for the planning process. An additional \$10 million is needed to support the National Environmental Policy Act (NEPA) preliminary work for I-5 and the NEPA process for I-205, and the procurement of a General Tolling Consultant (GTC). The full funding needed to build an operational tolling program will be much larger, in the \$35 – 50M range, and will be refined in preparations for future discussions and actions with the Commission over the next few months.

ODOT Recommendation

How to allocate the unanticipated federal funds and continue to meet the needs of the ADA, Bridge and Tolling programs, as well as other priority investment areas, will be an on-going dialogue with the Commission and with other partners over the next several months. ODOT will refine and update costs estimates over time to better inform the future needs in critical program areas.

Specific to this request, ODOT recommends the approval of the following:

- Approve \$49,400,000 for the ADA Program to continue to meet the requirements of the settlement agreement for 2020 and the development costs for projects in 2021.
- Approve \$13,484,000 for the Bridge Program to continue to meet the requirements for bridge inspection and load ratings through the current biennium.
- Approve \$10,000,000 for additional tolling work.
- Direct ODOT to develop a strategy to fund ADA, Bridge, Tolling and other critical needs such as the Interstate Bridge Replacement Program. The strategy will include the use of the remaining and projected unanticipated federal funds and potential reallocations of existing

STIP funds. This strategy will be presented to the Commission over the next few months with a decision anticipated in summer 2020.

Presentation:

ODOT Assistant Director for Revenue, Finance and Compliance Travis Brouwer and ODOT Delivery and Operations Deputy Division Administrator Mac Lynde presented a [PowerPoint](#) on the federal funding allocation in the 2021-2024 Statewide Transportation Improvement Program (STIP). Brouwer provided background on Oregon's federal highway funding. He noted with the federal surface transportation authorization act (FAST Act) about to expire and action by Congress on a new authorization by no means certain, ODOT needs to turn to the commission to discuss how to use any unanticipated federal funds to address key priorities in a climate of deep uncertainty. He noted the department has received some additional unanticipated federal funds in recent years that need to be allocated. ODOT anticipates working through the allocation of all these funds over the course of the next several months in a process that will also consider revenue reductions due to COVID-19 pandemic and other budgetary adjustments. He noted there are critical funding needs that require attention for the month of April. Lynde noted additional investment is needed immediately to keep up with the requirements of the legal settlement to meet Americans with Disabilities Act (ADA) requirements and to conduct routine bridge inspections and load rating analysis of bridges. Lynde gave an overview of the immediate and long-term financial needs for ADA curb ramps, bridge inspection and rating and tolling National Environmental Policy Act (NEPA) and system development to maintain progress in those areas. He noted the agency is still trying to understand what all of its needs are longer term but didn't want to give the commission the impression that what ODOT is asking for today is the only need for the listed programs. Lynde noted there will be an ongoing dialogue with the commission and with other partners over the next several months to determine how to allocate the unanticipated federal funds and continue to meet the needs of ADA, Bridge and Tolling programs, as well as other priority investment areas. ODOT will refine and update cost estimates over time to better inform the future needs in critical program areas. He noted specific to the request, ODOT recommends the approval of \$49,400,000 for ADA program, \$13,484,000 for the Bridge Program and \$10,000,000 for additional tolling work. Brouwer noted this is part of a larger, more comprehensive discussion about how ODOT allocates funding in the STIP. Therefore, in addition to the request of approving the immediate funds, Brouwer requested the commission to direct ODOT to develop a strategy to fund ADA, Bridge, Tolling and other critical needs such as the Interstate Bridge Replacement Program. The strategy will include the use of the remaining and projected unanticipated federal funds and potential reallocations of existing STIP funds. He noted the strategy will be presented to the commission over the next few months with decision anticipated in summer 2020.

Discussion:

Vice Chair Simpson thanked Lynde and Brouwer for the update and asked if ODOT has started to develop a strategy to ensure there is an allocation or a percentage that will be dedicated to Oregon businesses or certified small/minority businesses. Lynde noted a goal or target has not been set but they have been learning what it takes to complete the work in concert with contractors. He noted there are several pilot projects, some with smaller firms, to understand what it takes to build a compliant curb ramp. He noted the division received feedback from contractors stating the division needed to tweak its approach because it had been too geographically dispersed. He noted the division

did take a slight shift to address the contractors' concerns but he noted the division is going to be making additional changes to how it breaks up contracts into manageable pieces and make them approachable and desirable.

Chair Van Brocklin and Commissioners Smith, Brown and Callery did not have follow up questions.

Action:

Commissioner Callery moved and seconded the motion and approved the allocation of federal funds to the ADA Program, the Bridge Program, and for additional tolling work and directed ODOT to develop a strategy to fund ADA, Bridge, Tolling and other critical needs such as the Interstate Bridge Replacement Program. Chair Van Brocklin, Commissioners Simpson, Brown, Callery and Smith unanimously approved the motion.

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Consent Calendar
Agenda Item D

1. *Approve the minutes of the January 23, 2020 commission meeting in Lake Oswego.*
2. *Confirm the next two commission meeting dates:*
 - *Thursday, April 16, 2020 telephonic commission meeting in Salem.*
 - *Thursday, May 14, 2020 telephonic commission meeting in Salem.*
3. *Adopt the resolution to acquire real property by purchase, condemnation, agreement or donation:*
 - a) *Retroactively adopt the Right of Way Resolution for February 2020.*
 - b) *Adopt the Right of Way Resolution for March 2020.*
4. *Approve the following Oregon Administrative Rules:*
 - a) *Amendment of 734-020-0014, 734-020-0015, 734-020-0016 relating to the establishment of speed zones on public roads. **Attachment; rule text changed since notice was filed.***
 - b) *Amendment of 734-072-0010, 735-176-0170, 740-010-0010, 740-020-0010, 740-045-0010, 740-045-0025, 740-045-0120, 740-045-0150, 740-055-0110, 740-300-0040 relating to elimination of the Oregon Weight Receipt and Tax Identifier and associated fee.*
 - c) *Amendment of 735-020-0010 relating to acceptable primary ownership documents for the purpose of perfecting a security interest.*
 - d) *Amendment of 735-108-0070 relating to the update of fog lamp requirements to current SAE standards.*
 - e) *Amendment of 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-100-0100, 740-110-0010 relating to the annual readoption of Federal Motor Carrier Safety Regulations and the elimination of the Electronic Logging Device exemption.*

- f) *Amendment of 740-200-0010, 740-200-0020, 740-200-0030, 740-200-0040 relating to the 2020 adoption of International Registration Plan (IRP), International Fuel Tax Agreement (IFTA) and Heavy Vehicle Use Tax (HVUT) federal regulations and registration fee refund in certain circumstances.*
5. *Adopt Temporary Administrative Rule to set eligibility and definitions for the Rural Veterans Healthcare Transportation (RVHT) Grant Program and approve the 2019-21 RVHT program requirements prescribed by the Special Transportation Fund (STF) Discretionary Grant Program.*
6. *Accept the monthly progress report and status update on the ongoing work efforts related to implementation and execution of initiatives and projects required under House Bill 2017 (2017 Transportation Funding).*
7. *Approve the financial charges incurred by the Oregon Department of Transportation Director for the fiscal year ended June 30, 2019.*
8. *Accept the Oregon Department of Transportation's internal audit report on construction bid communications.*
9. *Accept the Oregon Department of Transportation's internal audit management letter 20-01 which followed up on contract administration practices at the Commerce and Compliance Division (formerly Motor Carrier Transportation Division).*
10. *Approve the Oregon Department of Transportation's 2021 legislative concepts for submission to the Department of Administrative Services.*
11. *Approve the Continuous Improvement Advisory Committee (CIAC) recommendation for agency-wide Key Performance Measure revisions to submit to the Oregon State Legislature for consideration in the 2021 Legislative Session.*
12. *Approve an intergovernmental agreement between the Oregon Department of Transportation and the Washington State Department of Transportation governing the Interstate Bridge Replacement Program, including program funding commitments from each state.*
13. *Approve the 2019 Oregon Transportation Safety Performance Plan—Annual Evaluation.*
14. *Approve recommended project in the city of Tillamook for \$165,594 and for the reduced match of 20% as part of the Safe Routes to School Rapid Response Grant Program.*
15. *Approve an open public comment period for an amendment including technical corrections to the Oregon State Rail Plan.*
16. *Approve amending the Oregon Highway Plan (OHP) for Alternate Mobility Targets in various highway segments in:*

- a) *U.S. 30 in Scappoose.*
- b) *U.S. 101 in Lincoln City.*
- c) *U.S. 101 in Gearhart.*
- d) *OR 99W and OR 219 in Newberg.*
- e) *OR 99W and OR 18 in Yamhill County.*
- f) *U.S. 20, OR 99E and OR 164 in the Albany Area Metropolitan Planning Organization (AAMPO) Study Area.*
- g) *U.S. 101 in Warrenton.*
- h) *Three intersections in Lane County (OR 225 at 30th Avenue and OR 126 at Territorial Highway).*
- i) *Four intersections in Eugene and Springfield (OR 569- Randy Papé Beltline at West 11th Avenue, I-105 westbound off-ramp at Coburg Road, OR 126B (Main Street) at 42nd Street, OR 126B (Main Street) at Bob Straub Parkway).*

17. *Approve an increase in funding for the Interstate 5: Medford Viaduct protective right of way purchase project from \$480,000 to \$1,480,000. The additional funding will come from the Region 3 Fix-It Program.*

18. *Approve to adopt the Findings of Compliance (Exhibit B) to adopt the Oregon 140: Atlantic Avenue Intersection Improvement project and alternative mobility target into the Oregon 140 Corridor Plan (I-5: Exit 35 to Brownsboro – Eagle Point Road) and to add an alternative mobility target to the Oregon Highway Plan (OHP) for the Oregon 140: Atlantic Avenue Intersection Improvement project.*

19. *Approve amending the Oregon Highway Plan and Resolution as prescribed in the terms of Jurisdictional Transfer (JT) Agreement No. 824 to eliminate Unit A of Crater Lake State Highway 62 (Oregon 22) and Crater Lake Avenue Frontage Road from the Oregon Highway Plan, transfer jurisdiction, maintenance and control over Unit A from the State of Oregon to Jackson County and direct Oregon Department of Transportation to take all actions necessary to transfer all rights, title and interest of Unit A to Jackson County.*

Discussion:

Lynde provided the commission with further detail regarding consent calendar item 4a, the amendment of 734-020-0014, 734-020-0015, 734-020-0016 relating to the establishment of speed zones on public roads. He noted for several years ODOT has been working with a group of stakeholders on a conversation that's specific to how the agency sets speeds within the state. Currently that authority resides with the department for all public roads across the state. He noted the department controls the decision on approving what speed is set for a given road, street, highway or interstate. He noted there has been a lot of discussion, and at the national level that the department is heavily engaged in, over the past few years around changing industry standards as well as national research on approach for setting speed zones to better reflect the context or the environment in which that facility operates. He noted the department assembled a speed zone roundtable group that consisted of experts from the department, cities and counties across the state to help inform the direction of setting speed zone. The roundtable group led to national research being infused into the Oregon process and an update to our administrative rules. In addition, the department has the statutory Oregon Speed Zone Review Panel who blessed the

administrative rule changes by unanimous vote. He noted the comments the commission received from the city of Portland, who is in support of the rules but did flag some concerns around process and changes, and the letter from the chair of the Oregon Speed Zone Review Panel, in support of the direction that they unanimously approved. He noted the Oregon Speed Zone Review Panel was open to the public and noted the comments are a reflection of that unanimous decision by the Oregon Speed Zone Review Panel. Lynde requested the commission to approve consent item 4a in line with the administrative rules as recommended and approved by the Oregon Speed Zone Review Panel.

Action:

Chair Van Brocklin declared a potential conflict interest with consent item 3A and abstained from voting. Commissioner Callery moved and seconded consent 3A and retroactive approval as of February 20, 2020. Commissioners Brown, Smith, Simpson and Callery approved the motion. Van Brocklin abstained from voting.

Commissioner Callery moved and seconded to approve the remaining consent items in block, those being consent items 1, 2, 3B and 4-19. Commissioners Brown, Smith, Simpson, Callery and Van Brocklin unanimously approved the motion.

The commission took a break at 10:30 a.m. and returned at 10:40 a.m.

Chair Van Brocklin took roll call, Vice Chair Simpson, Commissioners Brown, Callery and Smith confirmed their attendance on the conference call.

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Rose Quarter Improvement Project Progress Update
Agenda Item E

The commission received an update on the Interstate 5 Rose Quarter Improvement Project and was requested to provide direction to the Oregon Department of Transportation (ODOT) on the project's environmental review process.

Background:

At the January 23, 2020 Oregon Transportation Commission (OTC) meeting, the commission provided ODOT with Project-specific direction on next steps. The commission directed ODOT to:

- *Provide regular Project progress updates to the OTC and community.*
- *Establish a Rose Quarter Executive Steering Committee and Community Advisory Committee.*
- *Conduct an Independent Highway Cover Evaluation.*
- *Recommend Project principles and values, including equity principles, for possible adoption by the commission.*
- *Continue to coordinate with regional partners.*
- *Consider a Project environmental peer review for the air quality and noise environmental technical report findings.*

- *Undertake further steps to establish congestion pricing on I-5 in as close proximity to the completion of the Rose Quarter Project as is reasonably feasible.*
- *Continue to work with Portland Public Schools to attempt to address their Project concerns.*

The commission also set a March 20, 2020 deadline to provide ODOT with direction on the environmental review process, including directing ODOT to complete an Environmental Assessment or direct ODOT to conduct an Environmental Impact Statement.

This agenda item will present the OTC with the opportunity to receive a progress update on these action items, hear additional public comment on the Interstate 5 Rose Quarter Improvement Project, and discuss next steps and direct ODOT on how to proceed with the environmental review process.

Presentation:

ODOT Director for Urban Mobility Office Brendan Finn presented a [PowerPoint](#) and gave a brief progress update on the recently established Urban Mobility Office. He highlighted the work they are doing such as the mega projects mandated in HB 2017, beginning efforts of the Replacement Interstate 5 Bridge Program, and overseeing the implementation of congestion pricing through the tolling program. Finn gave an overview of the Rose Quarter Improvement Project and highlighted the main elements of the project which include the auxiliary lane safety improvements to Interstate 5, highway covers, pedestrian and bridge crossing, and multimodal street improvements. The multimodal aspects of the project are a reflection of guidance from the commission, legislature and the governor to encourage all modes of transportation and meet the mobility needs of all Oregonians. He noted the project will also seek to connect the Albina community that was displaced from their homes and cultural center by the construction of Interstate 5.

He noted that in the response to the commission's actions at the January 23, 2020 meeting, the Urban Mobility Office has been in regular contact with its regional partners. He noted Dr. Steven Holt from Try Excellence will be leading the work. He has worked extensively in the Albina community on restorative justice initiatives. Dr. Steven Holt from Try Excellence provided a brief framing of the project and where it stands today. ODOT Rose Quarter Project Director Megan Channell gave an overview of other action items the commission directed the Rose Quarter Project team to do at the January 23, 2020 meeting and provided a progress update. Channell noted the team has stood up a Community Advisory Committee (CAC) and the purpose of the committee is to bring the community interests and values into the project decision-making process. Channell highlighted recommendations the project team has received from its partners over the past few months that have guided the work moving forward. She noted they have heard key themes from their local and regional partner agencies related to project governance structure, greenhouse gas emissions, advancing racial equity and a commitment to restorative justice, and the need for strong accountability from ODOT to partner agencies. Channell gave an overview of the actions the team took in response to the partner agencies' recommendations. Channell noted the project team and commission received over 460 public comments related to the Rose Quarter Improvement Project agenda item. She noted the public comments were included in the commission meeting packets and are available on the [OTC website](#). Channell noted the team is requesting the commission to provide ODOT with direction on the project's environmental review process.

Discussion:

Chair Van Brocklin asked Channell and Finn to provide context about the environmental review process for the project. Channell noted there was key partnership developed back in 2010 and 2012 between the city of Portland and ODOT in looking at transportation investments and improvements needed to address the statewide needs on Interstate 5 with the local land use needs within the Albina community. She noted the agency and community looked at 70 different design options on how to address the community and statewide needs through that effort. She noted through that process the Northeast Quadrant Plan and the I-5 Broadway Weidler Facility plan adopted the recommended design concept in 2012. She noted Portland City Council and OTC, at that time, unanimously adopted the recommendation and directed the agency to continue their study of that design concept. The environmental review process for the project was initiated in early 2017 in coordination with the Federal Highway Administration (FHWA) to determine the level of documentation they needed to appropriate for the project at that time. The environmental review process for the Environmental Assessment (EA) picked up from where the planning left off and evaluated the environmental impacts and benefits of the recommended design concept. She noted the department has been working with FHWA to develop the EA, brought in a consultant team, with extensive National Environmental Policy Act (NEPA) expertise, and collaborated with a number of consultants with technical expertise, e.g. air quality and noise control. She noted that analysis was compiled into numerous technical reports and the EA was published in February 2019. She noted the EA was made available for a 45-day public comment period that closed on April 1, 2019. She noted the comments the team received and the direction the commission provides will help inform the direction ODOT will take for the environmental review process. She noted during the environmental review process, the recommended design concept for the project was adopted into Metro-Portland's 2018 Regional Transportation Plan and the city of Portland 2035 Transportation System Plan and its comprehensive plan – the Central City 2035 Plan.

Chair Van Brocklin noted per HB 2017 the OTC was directed by the 2017 legislature to design and build the project, with identified funding. He noted the project is an effort to address congestion and safety issues in the region.

Chair Van Brocklin asked how the project's corridor ranks among congested corridors in Oregon. Channell noted the segment of I-5 Rose Quarter and between I-84 and I-405 within the state of Oregon is the top bottleneck. She noted the same segment is nationally ranked as the 19th worst bottleneck.

Chair Van Brocklin asked if there are other auxiliary lane projects happening in the region. Channell affirmed and noted auxiliary lanes have been implemented throughout the Portland region and have been shown to maximize the efficiency of the system. In addition, they utilize the existing Right of Way the department has. She noted auxiliary lanes are used to reduce hours of congestion and improve merging, weaving and safety conditions and are targeted to alleviate congestion on the shoulder hours. She noted the I-5 southbound auxiliary lane between Lower Boones Ferry Road and I-205 constructed and completed in late 2018 provides a key system-to-system connection between OR 217 and I-205 northbound. She noted that completed project is similar to the I-5 Rose Quarter segment, which provides the system-to-system connection between I-84 and I-405. She noted after implementing the auxiliary lane, data shows that the hours of daily congestion moved down to one hour.

Chair Van Brocklin asked for additional background regarding the January 2019 Air Quality Report. Channell noted as part of the EA and NEPA process one of the technical reports was prepared specific to air quality and the report was completed by an air quality consultant. She noted the analysis in the report used the US Environmental Protection Agency's model with inputs from the Metro Regional Transportation Demand model and represents a contemporary emissions model to estimate mobile sources at a project level for criteria related to air pollutants and air toxic. She noted as written in the EA through that technical analysis is that the project would not result in an increase in air pollutant emissions. In addition, there are mitigation measures identified in the report to identify additional best management practices that would be used during construction specifically to limit emissions during the construction phase.

Commissioner Callery asked if the department has identified the statewide impact of the congestion in the I-5 Rose Quarter corridor. Channell noted as part of the development of the project one of the reasons the project was identified in HB 2017 was because of the statewide significance that the project was bringing from improving travel reliability and that relates to freight and economic growth and movement of goods. She noted the department has not recently conducted a statewide economic analysis. She noted if that is of interest to the commission, the department could conduct an economic analysis. Callery noted he would appreciate the department conducting an economic analysis for the project. Finn noted the governor and a number of legislators met with businesses and concerned stakeholders from each region of the state to discuss the economic impact the corridor had on their business. Commissioner Brown noted during that tour, Region 3 noted the economic impact was their top concern. She noted after the tour and report they received that the I-5 Rose Quarter corridor bottleneck had an impact on the entire state.

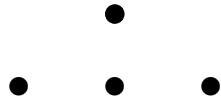
Commissioner Callery noted based on his experience with both NEPA process and Environmental Impact Statement (EIS) process that the department doesn't need to pursue an EIS for the I-5 Rose Quarter Project. He noted the commission and the agency have committed to looking at sound and air quality issues as a separate component to the EA.

Commissioner Smith noted she read all the public comments the commission received and noted the commission has had two open sessions of public comments prior to COVID-19 lockdown. She noted the issues that have been raised are legitimate concerns that the commission is addressing through directives the commission approved in January 2020 such as working our partner agencies and community organizations, environmental and restorative justice, congestion pricing, and transit multimodal considerations. She noted the commission and agency are committed to those outcomes regardless of what path the agency takes in the NEPA process.

The commission noted they want to be a partner in a comprehensive solution to the regional and local community recognizing the agency is dealing with an asset that is a statewide and national significance part of the interstate system.

Action:

Commissioner Callery moved and seconded the motion to approve and direct ODOT to complete an Environmental Assessment. Chair Van Brocklin, Commissioners Brown, Simpson, Callery and Smith unanimously approved the motion.



Chair Van Brocklin adjourned the meeting at 11:35 a.m.

Robert Van Brocklin, Chair	Alando Simpson, Member
Julie Brown, Member	Sharon Smith, Member
Martin Callery, Member	Jess McGraw, OTC Chief of Staff