

# Safety & Mobility Policy Advisory Committee

## MEETING SUMMARY

December 13, 2022  
 9:30 a.m. to 11:00 a.m.  
 Via Microsoft Teams

### MEMBERS:

- Steve Bates, OTA
- Kevin Campbell, AAA
- Ed Chamberland, ACEC
- Marie Dodds, AAA
- Jason Fender, AGC
- John Gambatese, OSU
- Walt Gamble, AGC
- Mark Gibson, OTA
- Brian Gray, AGC
- Erik Havig, ODOT
- John Hickey, APAO
- Cord Wood, OSP
- Jana Jarvis, OTA
- David Kim, Chair
- Erik Zander, OTA

### RESOURCES:

- Tamira Clark, ODOT
- Donnell Fowler, ODOT
- Christy Jordan, ODOT
- Angela Kargel, ODOT
- Mike Kimlinger, ODOT
- Audrey Lawson, ODOT
- Mac Lynde, ODOT
- Amy Ramsdell, ODOT
- Katie Scott, ODOT

### GUESTS:

- Jason Lindland, OSP
- Josiah Roldan, ODOT

### FACILITATOR:

- Bill Gross, Mobility Program

### AGENDA TOPIC

### HIGHLIGHTS AND OUTCOME

01 <b>Introductions, Roll Call, Meeting Notes &amp; Agenda Review/Objectives</b> Bill Gross and David Kim	Bill Gross took roll call. Draft minutes from the October 26, 2022 meeting were approved. David Kim welcomed everyone and reviewed the agenda and objectives for the meeting.
02 <b>Updates on the SMPAC, MAC and ORS 366.215 Stakeholder Forum</b> David Kim	<p>David Kim said that Mac Lynde was originally going to speak to the committee, but was unable to attend. David said we have had the SMPAC in place for a while now (preceded by the Work Zone Safety Executive Strategy Sessions Committee). He said a lot of great work has been done by the committee over the years, focused on work zone safety and freight movement.</p> <p>David said the agency is experiencing a shift in transportation policy and funding; both at the state and federal levels. He said the agency is seeing more funding invested in bicycle, pedestrian and transit facilities that advance climate and equity initiatives. He said this is requiring ODOT to take a step back and evaluate its existing structures and committees to ensure the agency is applying a holistic approach in evaluating its projects for all users in the transportation system.</p> <p>David said while the agency will continue to have the Mobility Advisory Committee (MAC) and Stakeholder Forum focused on freight movement, he said ODOT also must ensure that other modes have a voice at the table and that safety for other modes are evaluated as well.</p>

---

David said ODOT made efforts at this time last year to implement the Secretary of State Audit recommendations related to the Mobility Program, and had established a charter for the MAC. In speaking with ODOT staff and stakeholder partners, he said we know that some aspects of the MAC have gone well, and that there may be opportunities to strengthen and improve the committee as well. David said he believes that ODOT has a robust foundation to build from, and that the agency made a commitment to evaluate the charter after a year to see how well it is functioning and identify areas for improvement. David said Mac has asked the Mobility Team to start thinking about an approach to how ODOT will take that task on.

David said that at the in-person SMPAC meeting held in Albany last summer, the group had talked about expanding its membership to include bicycle and pedestrian representatives. He said ODOT does have a statutory requirement to embed equity in its committees, and are waiting for guidance to see how that process will be implemented.

David said although Mac couldn't attend today's meeting, he is very open to having a dialogue with each member of the committee. David encouraged everyone to reach out to him if you have any concerns or comments about the future of the SMPAC, MAC, and Stakeholder Forum process. David said there have been a lot of conversations internally between the Delivery and Operations Division and the Public Transportation Division and that there is more to come on this topic.

Walt Gamble said he is curious why there is an implication of an "us versus them" component to the conversation. He said from the committee members' standpoint, they want the best outcome they can get for everyone. He said he has been thinking about finding some way to build a bridge to the bike and ped representatives so that they can all have a better understanding of each other. He said he resists the temptation to think that they are against any sort of policy shift that would include more of the active transportation element in their committee discussions.

David said he thinks that historically there has been a lack of engagement and representation by the other modes. He said with more funding going towards active transportation projects, the discussions are coming to a head and that a good starting point is to get more representation from those groups. He said that he shared with ODOT leadership that he thinks it would be great to have the SMPAC meet with the Oregon Bicycle and Pedestrian Advisory Committee to discuss opportunities to partner together. He said a big piece of that is to discuss how we define safety.

John Gambatese asked if there is a way to determine what extent the SMPAC has impacted ODOT policies, and have there been any changes to policies as a result of the committee's work. David suggested for the next SMPAC meeting that Mike Kimlinger, Donnell Fowler and other staff take a look at how the work of the SMPAC has improved policy or strengthened ODOT's delivery processes over the past year and a half. Walt Gamble suggested that the word "policy" may be too narrow and that "best practices" may also be appropriate to look at as well.

Mark Gibson said that while he thinks funding towards active transportation is a good thing, the freight industry is frustrated in having to pay more while being asked to give up on things that impact them. Mark said he thinks the SMPAC should have bike and ped representation, as he thinks it is important to understand each other's perspectives. He said it also makes sense that the freight

---

---

industry should have similar participation on the OBPAC, understanding that the committee is organized differently.

John Hickey provided the following comment in the meeting chat:

*Another way this committee has had a major affect is simply the focus on safety on the design side and at the MAC. At the Construction Staging Meeting where we try to provide constructability and safety suggestions, I have witnessed a noticeable shift in ODOT's approach to working with industry on safety.*

David Kim told the committee that in addition to reaching out to Mac Lynde with any questions and comments about the SMPAC, they can also reach out to him or Mike Kimlinger as well.

---

03 **Communications and coordination regarding highway restriction notice changes**  
Erik Zander

Erik Zander said he had noticed a highway restriction notice in November related to full nightly closures for the NW Helvetia Road connection over U.S. 26. He said the project was shared with the Mobility Advisory Committee back in 2020, and that the restriction was supposed to take place in 2021 and not 2022. He said he is concerned that this schedule change was overlooked, and was not shared with the MAC for its input.

Erik said there is supposed to be a process where the Commerce and Compliance Division's Over-Dimension Permits unit reviews submitted restriction notices before approving them, and compares them against the MAC meeting minutes and the signed Mobility Considerations Checklist. He said he wanted to know why this restriction change was missed, and wonders if it makes sense having CCD OD Permits review restrictions instead of the Mobility Services Team (which used to review them before the program was moved to the Delivery and Operations Division).

Audrey Lawson said she can look into the issue to see if it is a procedural problem or human error, and will report back. Christy Jordan said she looked into the restriction notice and will share more information with Audrey offline after the meeting. Christy said she believes ODOT has enough policies and processes in place related to restriction notices. Christy said that a change in construction seasons for a restriction on a Critical Route Pair is a significant change that should be reviewed to verify that there are no other conflicting restrictions. Christy added that resident engineers are also responsible for reviewing the submitted restriction notices to ensure they match with what was shared with the MAC and signed off in the Mobility Considerations Checklist. If it doesn't match, she said the resident engineer is supposed to re-engage with their Region and follow a specific process to review the change. Erik Zander said it is important for industry that the process is followed, so that they can plan appropriately for moving over-dimension loads through the state. He said he appreciates ODOT looking into this issue.

---

04 **Work Zone Safety Technical Work Group Updates**

**Work Zone Near Miss Report:**

Mike Kimlinger introduced Josiah Roldan from the ODOT Office of Employee Safety, to talk about the [Work Zone Near Misses report](#) results.

---

Josiah said about a year ago they heard from maintenance crews in the field that near misses have been happening frequently creating an unsafe working condition. He said about the same time, ODOT's Employee Engagement survey came out which had a common theme that our work zones are not safe and nothing is being done about it.

Josiah said they wanted to get a better understanding of how often these work zone near misses happen and what types of incidents are occurring. He said crews had stopped reporting the incidents using their normal reporting process because they were happening so frequently and had become "numb" to them. Starting last August through October 31<sup>st</sup>, Josiah said they began a campaign to have crews report near misses by scanning a QR code that allows them to report the incident with three basic data elements.

He said during the three month campaign, they reported a total of 118 near misses, with an average of about 40 taking place each month. He said they also compared the data for the same three months period over the past three years to show how underreported those timeframes were. The top five categories include: driving around AFAD or human flagger, vehicle near collision with equipment, vehicle near collision with personnel, vehicle failed to follow the pilot car and vehicle collision with equipment. The report also shows the timeframes for the near misses including days of the week and time of day. Josiah said they have created a task force to look for ways to improve safety based on the data from the report. He said the group should have its first meeting in January.

Mike Kimlinger said last month, they were trying to come up with some research proposals. He said one proposal has to do with coming up with solutions for drivers going around AFADs and other work zone devices. Another research proposal is looking at work zone intrusion technologies. Mike said he is hopeful ODOT can get some best practices out of the research.

John Gambatese said one of the successes that he has seen from literature regarding near misses, is that there is a feedback loop that encourages workers to continue to report the incidents.

Mike Kimlinger said that Justin Moderie is working to implement a similar near miss reporting system for the construction side.

John Hickey said that drivers going around AFADs and human flaggers is a problem they've also identified on the construction side, and he has a meeting planned for January to do some brainstorming on solutions. He said he will make sure to invite Josiah as well.

Josiah also said they are planning a quarterly newsletter to include near miss reporting information and safety improvements. John Gambatese asked if the newsletter could be distributed to contractors outside of ODOT. Josiah said they are happy to share it with them.

---

Walt Gamble said that building collaboration between Josiah's work group and the SMPAC work group is very important. He said he is very encouraged by different areas of ODOT coming together on this issue.

### **Work Zone Safety Symposium Update:**

John Hickey said the symposium planning efforts are coming together well. He said the event is planned for March 1<sup>st</sup>, and he has a contract from the Salem Convention Center that will be signed soon. He said they have confirmed that the event will count towards professional development hours for engineers; which he said pairs well with their goal to make the event free for attendees.

John said the event will include the following sessions:

- An "Oregon Update" which will be a panel discussion summarizing the work of the SMPAC and lessons learned.
- OSP/ODOT perspectives on dangerous driving and work zone enforcement.
- The vice president of safety for the world's largest asphalt pavement producers will provide global perspectives on work zone safety.
- A discussion on mobility and the over-dimension permitting process.
- A technology session, including setting up and demonstrating a smart work zone.
- A panel discussion on mental health and suicide prevention facilitated by the director for the Construction Suicide Prevention Partnership.
- A discussion of roadway work zone research, including Dr. Gambatese.
- A panel discussion at the end of the day providing a synopsis of the main takeaways from the event.

John said they are about to send out a "save the date" announcement for potential attendees, and are planning to have marketing materials prepared by the end of the year. He said they still need to work out a registration system, which he hopes to have done in early January.

### **Industry Staging Meeting Recap:**

Mike Kimlinger said the industry staging meeting was held in early November. Discussion included the near miss report, the near miss experienced by Justin Moderie's crew, and a review of several projects. He said there was some good input and discussion about how to deal with work zone safety issues. Mike said they talked about a variety of projects across the entire state.

Walt Gamble commented that he thought it was one of the better staging meetings they've had, and he said he and John Hickey were pleased with the turn out. He said there was a lot of discussion on projects involving ADA curb ramps improvements.

---

Mike Kimlinger said ODOT is shifting in the way it conducts ADA curb ramps projects. He said some of the concerns raised in the meeting are things that ODOT has already taken steps to improve on. He said he believes ODOT is headed in the right direction in response to the concerns that were raised. Mike said one common theme he hears every time they have these kinds of meetings is that we need to communicate better and maintain the feedback loop.

John Hickey commented that he could see a benefit in holding the meetings in-person. He said the construction industry is much better at providing feedback when it can be done face-to-face.

---

05 **Value of “watchers” for mobile construction activities**  
Walt Gamble

Walt Gable said industry is responsible for some of the serious and fatal incidents where they did not provide watchers or “spotters” where they should have. He said in the case of Justin Moderie’s crew, the watcher is what made the big difference in preventing serious injury or death in that incident.

Walt said that when construction firms get better-linked communications at the job site, we should consider a change order as a pilot where the contractor pays for an extra flagger to be in a safe spot to act as a watcher or spotter for the work zone.

John Gambatese said there may be some research related to the benefit of spotters. He said he will pass along that information.

David Kim asked if we could have in the specifications that the contractor shall have a watcher when workers are exposed, which would be paid by ODOT. Mike said it’s something they can look into. John Hickey suggested he could include this topic on the pavement industry meeting he has planned for January 9<sup>th</sup>.

Walt said the ideal situation is to have a pay item where if the project team determines they need a watcher or spotter, there is a mechanism to provide it.

---

06 **Travel Lane Widths Work Group Update**  
Mike Kimlinger and David Kim

Mike Kimlinger said the last meeting was held last August, and that his staff will start working on scheduling another work session soon.

David Kim said that with the next meeting, he would like to see some tangible action items come out of the work group. He also said there has been strong interest by bike and ped representatives to participate in the meetings, and that we’ll need to identify who the additional members will be.

Jana Jarvis said she had a conversation with the director over this issue. She said she suggested arranging for the region managers and district managers to ride along in a large truck and drive through some of the difficult narrow routes. She said she understands the premise of 11-foot travel lanes is to provide more safety, but she said it doesn’t provide more safety for the trucking industry. She said the director agreed to that effort and she is working to get something scheduled for the first quarter of next year. Walt Gamble suggested arranging for bike and ped representatives to

---

---

have an opportunity to ride along as well. Jana said she is not opposed to that suggestion, but is mostly interested in providing the rides for the people that are developing the roadway plans.

---

07 **Member Updates (Roundtable)**  
All

David Kim provided some updates on ODOT transitions:

- Sonny Chickering announced his retirement, and ODOT will be working to fill that position.
- Assistant Director Cooper Brown's last day is at the end of the month, and the recruitment for his position is underway.
- Mac Lynde has a deputy administrator position that he is looking to fill early next year.

David said ODOT's vacancy rate is about 15%, and the agency typically averages 10%. He said the Delivery and Operations Division is closer to 5% with 137 open positions advertised right now.

David also said ODOT is preparing for Governor-Elect Tina Kotek to take office. He said she has outlined four priorities: climate and the environment, housing and homelessness, workforce development and education, and state agency accountability. He said ODOT is busy getting her transition team up to speed on some of the priorities that the agency has underway right now. David said the next legislative session starts on January 17<sup>th</sup>, and ODO has six legislative concepts. He said he will plan to provide an update on some of these concepts at the next SMPAC meeting.

John Hickey said the paving industry will be working to set its priorities for the next year during the week of January 9<sup>th</sup>, and then work on a 5-year outlook. John said a lot of provisions of the Infrastructure Investment and Jobs Act had to do with grant funding, and he wouldn't be surprised if there were grant funds available for safety-type projects. He said that is something on his list to look at early next year.

---

11 **Final Comments**  
All

David said for the next SMPAC meeting, it would be good to have a summary of the work zone law enforcement coverage that we've had on projects this past summer, including any analytics that we can pull (e.g. how many dollars were spent, how many hours, which law enforcement agencies participated (including any feedback they provided)).

David thanked the committee members for their time they have spent with the SMPAC meetings. He said we are making a difference and are advancing safety and mobility. He said we will take steps in the coming year to make the SMPAC better, stronger, more transparent, and more equitable.

---