

DRAFT

OREGON TRANSPORTATION SAFETY COMMITTEE
Wednesday, January 13, 2021 Meeting Minutes
Teleconferencing Call

Salem, OR

Members via Phone/Skype: Chairman Victor Hoffer, Vice-Chair Luis Ornelas, Jerry Cooper, Marian Owens

Staff via Phone: Troy Costales (Safety Administrator, ODOT), Traci Pearl (ODOT Safety Division), Jody Raska (ODOT Safety Division, Driver Ed Program Manager), Brandy Anderson Gillock (ODOT Safety Division, Executive Support), Walt McAllister (ODOT Safety Division), Kelly Mason (ODOT Safety Division), Bill Warner (ODOT Safety Division), Heidi Manlove (ODOT Safety Division)

Liaison(s)/Guest(s) Via Phone: Christina McDaniel-Wilson (Highway Safety Engineering Committee-HSEC), Officer Nathan Scott (Oregon State Police), Bill Merrill (DMV).

I. WELCOME AND INTRODUCTIONS

Vice Chair Ornelas let the group know that Chair Hoffer would be joining a bit late, called the meeting to order at 9:06 a.m. and asked everyone to bow their heads (for a moment of silence to remember those affected by highway crashes in Oregon and throughout the world).

II. CONSENT CALENDAR AND MINUTES

Vice Chair Ornelas called for a review and approval of the minutes from the December 2020 meeting and approval of the Consent Calendar.

MOTION: Ms. Owens moved to approve the minutes (with the requested corrections) and the Consent Calendar. Mr. Cooper seconded. Call for vote; unanimous approval. Motion passed.

III. 2021 MEETING CALENDAR

MOTION: Mr. Cooper moved to approve the 2021 Calendar. Ms. Owens seconded. Call for vote; unanimous approval. Motion passed.

IV. MEMBER REPORTS

Mr. Cooper reported out that he had nothing to share other than his GAC DUII update, which would be covered later in the agenda.

Ms. Owens reported out that she had nothing to share.

Mr. Ornelas reported that there is a Safe Routes to School meeting on January 21st, and returned meeting control over to the Chairman.

V. 2021 Officer Elections

Chair Hoffer reported that he had confirmed the previous officer elections had been for a two-year term in 2019, so it was not necessary to hold new elections.

VI. TSD ADMINISTRATOR'S REPORT

Personnel update:

TSD Administrator Troy Costales reported that Brandy Anderson Gillock was hired for the Executive Support Specialist position formally held by Jody Raska. He welcomed her to the team, and thanked Jody for her help onboarding and training her replacement. He also reported that he had set his retirement date for May 1st. He said that he would share updates with the committee as more information becomes available regarding his transition and finding his replacement. He said he will continue to be available for small projects.

NHTSA funding:

Congress has already passed the full 2021 budget. We should be receiving those funds within the next couple of weeks. In past years it wasn't received until April or May. Any new funds we receive will be saved for next year's programs. We don't want to start projects and then learn there is no funding, and then have to wait for approval, so the money remains set aside for the upcoming year. Regarding grants that are underway and will start in October, we guessed how many of them might end up under budget, how much money might be needed for future funds, and then based project amounts off of those numbers. We later determined where to reallocate funds if our assumptions had been inaccurate. In February or March we will be sharing allocation updates again with the OTSC. The CARES Act was extended, which was part of COVID relief. The US Department of Transportation and the National Highway Traffic Safety Administration (NHTSA) were specifically mentioned in the CARES Act, giving them permission to waive particular items. Traci Pearl and her team have worked on the waivers and submitted them. He further explained that when we, as a state, sign the Highway Safety Plan, we agree that we will participate in National events to raise awareness about occupant protection and impaired driving. All the states are required to put together education, outreach and advertising to support local law enforcement during their high visibility enforcement campaigns for seatbelt use and impaired driving. Due to COVID responses in 2020, proclamations weren't moving forward, as law enforcement was forced to re-shift their focus to handling the state of emergency, and though the campaigns were still run, many states weren't able to have the level of law enforcement presence they would have hoped for. This was addressed in the CARES Act and was one of the waivers we chose to apply for in Oregon. Another waiver offered was for the annual seatbelt survey. Many states and territories used that area for their waiver, but we did not; we conducted our survey in Oregon. One of the requirements to receive Federal funding is that each state maintains their own program funds at the local level, instead of relying solely on Federal funds, which is referred to as a "maintenance of effort." Federal monies are not intended to supplant or replace state funds, simply enhance them. National said they put that waiver in place for everyone and that states didn't need to apply for it. Oregon continued running our programs as we had the past, and had no need for this waiver. This summer we had to shift the calendars around a bit to get our program information plans to NHTSA- there was one month extension for the deadline to August 1st and we submitted our information in July. Grant funding at the state level is put into place by or on behalf of local government. If we spend it at the state level, local/shared benefit is what we are required to track. We took advantage of that waiver because due to COVID we were unable to run the anticipated programs for 2020. The CARES Act offered states an extra year to complete any required program reviews or assessments. Oregon did not have any assessments

or peer reviews due in 2020, but we do in 2021. We have already begun ensuring sure this work gets completed on time, so we won't need to take advantage of this extension/waiver. Traci Pearl reported that every year there are three required NHTSA campaigns for the law enforcement overtime grants: May's click it or ticket; Labor Day's impaired driving campaign and impaired driving over the holidays at the end of the year. All agencies that receive those grants must participate in local enforcement of those national campaigns. Due to COVID, several campaign dates changed for 2020. Distracted Driving month changed from April to October. November was Click it or Ticket month, instead of May. NHTSA realizes how challenging it is for law enforcement agencies right now due to COVID. National law enforcement numbers have dropped off but are slowly starting to rebuild now. Oregon is building back a little more slowly than other states.

Annual report:

Mr. Costales briefly reviewed the overview of the annual report with the committee. Ms. Pearl confirmed the report was submitted to NHTSA on December 30th.

MOTION: Jerry Cooper moved to approve the annual report submission. Ms. Owens seconded. Call for vote; unanimous approval. Motion passed.

VII. LIAISON UPDATES

Emergency Medical Services (EMS):

Chair Hoffer reported that he will be unavailable April 1st through 12th. He also reported out for the EMS division and said they are changing how they do things this year. People will be allowed to do their EMS recertification reviews online instead of in-person, due to COVID. There is a new rule being implemented: Emergency Medical Techs (EMTs) will be required to complete one-hour of diversity training every two years, and paramedics will be required to complete two-hours of diversity training per year. These classes will have to be approved by the diversity office of the Oregon Health Authority (OHA). Current recertification period ends July 1st.

Speed Zone Review Panel:

Chair Hoffer reported for the Speed Zone review panel: Due to COVID, there have been no speed zone reviews completed by ODOT. They had a meeting a couple of weeks ago and voted to have these resume. The committee only looks at the ones that have been appealed.

Chair Hoffer announced he would be helping with a COVID vaccination clinic today, so Vice Chair Ornelas will be taking over the meeting. Chair Hoffer turned over the meeting to the Vice Chair at 9:45am.

GAC-DUII:

Jerry Cooper reported out for the GAC-DUII: He attended their meeting on January 8th. Legislative proposals were listed by Dan Estes at the meeting. Mr. Cooper feels that the most important item this session is the discussion around dropping the legal blood alcohol content (BAC) level from .08 to .05, which is currently named Legislative Concept (LC) 3199. He asked Mr. Estes whether Senate President Peter Courtney was in favor of it or not, and Mr. Estes was not certain. We will watch for updates about this LC. Mr. Cooper shared an announcement about the Multidisciplinary Task Force conference, which is currently scheduled in April. It will likely be postponed to August 30th-31st, but we will have to watch

what happens with the COVID restrictions. He reminded the group about the upcoming TSD annual planning workshops that will take place on January 20th, 26th and 28th. He said that he had also announced it at the GAC DUII meeting. He asked if we would send a list of the members of the house judiciary and senate judiciary committees, as well as the house transportation, senate transportation and joint rules committees. Brandy will send this information to this group and the GACs.

Oregon State Police (OSP):

Nathan House reported out for the OSP. They are currently trying to figure out the impacts of measure 110 (the decriminalization of certain drugs). He feels it will be far reaching in their programs, with many unknowns. They are wrapping up the one year grant for crash reconstruction that they received from the Oregon Department of Transportation (ODOT). The program has been quite successful helping to cut down on highway closure times. They are working on trying to expand the program. Vice Chair Ornelas asked how they were doing in regards to staffing. Mr. House said they are still looking at hiring at least one recruit class this year. He doesn't know if it will be replacing retirees or boosting the current numbers.

Department of Motor Vehicles (DMV):

Bill Merrill reported out for DMV and recognized Mr. Costales for his assistance at the DMV for the last six months. He stated that DMV offices were reopening, but more precautions had been added and business was being conducted by appointment only. They are doing drive tests again, but fewer than before. Things are being handled virtually whenever possible, but it is harder for the DMV, because of the nature of some requests. Many services are listed online now, such as license renewal, registration fees and reinstatement fees. They began issuing "real ID" documents in July. Beginning in October, you will either need a "real ID" license or passport in order to fly. Another big change that just took place is that House Bill 2015 became effective on January 1st. HB2015 states that individuals who cannot provide proof of legal presence may still obtain a license and/or identification card. They still have to prove their identity, name, date of birth, and residency in OR, but don't have to provide proof of legal presence. This has increased the work load at DMV due to people applying for a license that haven't had one for several years. Mr. Costales added that regarding services at the DMV- we currently have 58 offices open, helping about 28,000 customers per week. This has increased from 12,000/week while offices were shut down due to COVID. The average was closer to 50,000 before COVID. There is a huge backlog of customers to assist and the division is having meetings to figure out how to work these cases down and get their numbers back up. Vice-Chair Ornelas asked who replaced Mr. Costales in his interim role at the DMV. Mr. Costales stated that Dave McKay was hired to replace Stephanie Kent as the Field Services Manager at the DMV, which is the role he had been covering. Mr. McKay is responsible for all of the field offices across the state. He came from the Department of Energy and worked with the State Department before that. He started last week and is doing a great job. Mr. Costales is now back at the Transportation Safety Division (TSD) full time. Ms. Owens asked who the DMV Director was now. Mr. Merrill shared that Amy Joyce had just been announced as the replacement for Tom McClellan as the DMV Administrator.

Traffic Records:

Walt McAllister reported that the traffic records assessment has been completed and we should have a summary by the end of the month. Some of the guidelines have changed, so the Traffic Records

Coordinating Committee might have to write a new strategic plan, based on what we learn from the assessment. We were under budget for the year, and there is no risk of losing funds.

VIII. PROGRAM UPDATES:

Occupant Protection:

Kelly Mason reported out and reviewed the breakdown of funds in her program from 2021. The primary focus of this program is to increase proper safety belt use, proper child restraint use, and reduce the number of unrestrained passenger vehicle occupant fatalities and infractions. Her strategy involves using funds from the overtime (OT) enforcement grants around the state for local law enforcement, working with Doernbecher Children's Hospital to provide statewide coordinated training for safety technicians, in order to create new technicians and maintain certifications for current technicians, as continued education units are required annually. She also works with each of the regions to provide mini-grant funds for the purchase and distribution of child seats for low income families, and runs media campaigns to increase awareness of these issues. Grant funding and partnership increased this year. COVID restrictions kept in-person trainings for technicians from occurring, but Doernbecher has helped by hosting webinars to keep them engaged and certified. Oregon was one of the few states in the country to do a seatbelt use survey in 2020. Our rate was 94.63%, down a bit from last year's rate of 95.66%. She found this slight decrease encouraging, considering the unique circumstances. Very few law enforcement members were able to take advantage of the OT grant, and she wasn't able to run a media campaign, so she had expected a much sharper decline. The "Click it or Ticket" campaign due in May was postponed until November 16th through 29th. We are still awaiting the results of this enforcement period. February 1st through 14th is the next enforcement period. Public service announcements will be released on the radio soon for this campaign. She is hoping to have child passenger safety (CPS) technician certification training back in place by this summer.

Work Zone:

Bill Warner reported on the work zone program. He reviewed the handout that covers the funding overview for his grants, and stated that what is missing from the hand out is the millions of dollars that are normally sent to TSD to send out to local law enforcement agencies for work zone enforcement. That project has begun and we are six months away from beginning. There are grants in place that will carry us through June, but there is nothing in place beyond the end of June. He is currently working to ensure it is a smooth transition. Funding will continue at the \$650,000 level for work zone education. He had some aggressive campaigns last year and expects to repeat that this year. Regarding the work zone transition: we are near the end of the process of writing the inter-agency agreements, at about 65% completion. The report has gone to the Department of Justice (to review the intergovernmental agreements for local law enforcement) and to our internal ODOT partners for review, and then it will go to the Oregon State Police (OSP) to review the local law enforcement agreements. In those two agreements, we will change how we view the OSP, to now be considered more like contractors. We will be able to use funding for operations at OSP for straight time (depending on the project), and will be able to load enforcement into the project at the beginning, so we are less limited on the amounts spent. We are working to develop a transition plan, and are getting help from resident engineers to show how they have been estimating work zone hours and how to plan enforcement. Our work zone is under scrutiny. The Secretary of State's audit showed some areas for improvement. We are working on countermeasures. Mr. Warner recently attended a webinar about how to promote the "safety moment"

as people approach work zones. Mr. Costales said Mr. Warner was doing a great job in transition planning for OSP. There have previously been barriers to staffing work zones as a result of not having enough troopers available, and this new agreement will allow us to use other agencies when OSP can't staff for our needs. The next step will be working with local agencies to get those agreements in place. Mr. Costales reiterated what Mr. Warner had stated, that up until this time, the grant program had only been able to reinforce over time pay for troopers and officers, but this is changing, and we will now be able to charge projects directly. This means there will be times when money can be used to help reimburse officers for straight time as well. This gives the local project manager about how/when local officers can be part of construction plans. Vice-Chair Ornelas asked if there was a meeting scheduled with HSEC in the near future. Mr. Costales said that Ms. McDaniel-Wilson had left the call, but we would find out and report back.

Pedestrian/Bicycle Safety:

Heidi Manlove reported on the Pedestrian and Bicycle Safety program, sharing details from her handout. She has been working with Tiana Tozer from Region 1, as a large amount of these grant funds were allocated to nonprofits and smaller organizations in her Region. Last year \$55k was allocated to Region 1; this year it increased to \$125k, hoping to expand their reach and get programming out at the local level. Recent pedestrian safety public service announcement videos won three awards at independent film festivals this year. We still have pedestrian safety enforcement grants and are training officers through online webinars now, since in-person training isn't available due to COVID concerns. We have the Oregon Friendly Driver program available as a webinar, too.

Ms. Owens added that she was in Grants Pass late last night at a crosswalk and was thinking how hard it would have been to see a pedestrian at that time of night. She feels we should have some kind of yellow flashing light at every intersection, regardless of the cost. Ms. Manlove indicated that these undertakings are unfortunately much more involved than people often realize, and would involve engineering changes on a grand scale, along with many other layers of planning and funding. Ms. Owens said she also thinks we should set a goal to achieve this and try to get there, because she feels it will save lives. Ms. Manlove agreed and said she lobbies for it as often as possible. Vice-Chair Ornelas said he had noticed that pedestrian fatalities have decreased but bike fatalities have increased and wondered if we knew why. Ms. Manlove said that bike fatalities had been occurring at a rate of approximately 9-10 per year in the last three to five years, but it had increased to about 15 bike fatalities for 2020. She is still researching why. There has been more speeding because of the lack of cars on the road due to COVID. Also- people were walking and cycling more because they weren't riding in public transit due to COVID. She said she is still sifting through fatality reports to better understand the data. Vice-Chair Ornelas asked for her to share that info when she has it.

IX. 2021 LEGISLATIVE UPDATES

Traci Pearl reported out on Legislative updates. She had just had a call with Kayla Hootsmans, ODOT's Government Relation's liaison, on what to expect for the upcoming 2021 session. The session begins January 18th and goes through June. The majority of the session will be focused on policy bills, and on passing the 2021-2023 biennium budget. 1,800 legislative considerations/bills were released on Sunday and are being reviewed by Government Relations now to see how they might pertain to ODOT and/or TSD. We will update the committee throughout the process. Some bills will be returning from previous

sessions. One of those is the BAC 2-hour rule, introduced in 2019, which states that if your blood alcohol level (BAC) reaches a 0.08 BAC within two hours of being pulled over, you can still be charged with DUII. Another relevant topic to our committees is the 'Lights and Swipes' bill- which asks for vehicle lights to be on at all times, whether there is inclement weather or not. This one will be introduced by Senator Byer, so it will be heard. There will not be many regional bills to review. The public hearing sessions will be virtual for at least the first few months. They will not be meetings at the Capitol or the Legislative Building until there are enough bills to warrant it. Ms. Hootsmans reminded us that we need to be mindful of the additional transparency this session, with texts, emails, videos, etc.; and to be very clear in our communications at all times. If we see a "miss" regarding assignment of a bill, bring it to Traci's and her attention immediately and clearly, explaining exactly why we are not interested in tracking it. Ms. Hootsmans also requested that any communication from the outside or committee members to the legislative members to be run through their office before responding. Other themes that Ms. Hootsmans is seeing as she is reviewing bills are about COVID-19 relief and issues related to it, economic and wildlife recovery, housing, police and criminal justice reform, and equity issues. After the completed 2020 census, Oregon is redistricting for the next 10 years, which adds a layer of tension to the session. There are some traffic safety concerns being reviewed: red light cameras and local speed zoning being set by local jurisdictions are present in these bills. The OSP funding bill is back. The classification of e-bikes is being introduced. Low speed vehicle administration will be addressed as well. Ms. Pearl asked Mr. Costales to speak about the bills specifically of interest to the GAC DUII and GAC MS around changing "last call" and open containers. He explained that there was discussion about when establishments can close and the home delivery of alcohol for mixed drinks. Open container laws, IIDs and state input are going to be involved. Our position with the GACs is that when we see bills for review, we want to have time on the agenda for these to be discussed. He reminded the committee of the general steps for the upcoming session: when looking at bill, we need to decide-

1- Do you as a committee care about tracking this bill or not?

2- If you are interested in tracking it, there needs to be discussion about how interested you are. Does the committee simply want to stay informed, or do you want to be engaged and maybe even submit something for the record related to the bill, or do you want to be actively engaged and possibly testify on the issue? We will then figure out the game plan moving forward about how to share communications. If something is on an urgent path, as in it requires a 24-hr turnaround time – all three committees have protocols in place for committee members to respond/react in the moment without quorum, but they must discuss this at the next meeting. May or June will likely be when such moments of urgency could occur.

Mr. Costales reminded the group about the annual planning workshop for TSD's annual Highway Safety Plan: the sessions will be virtual and broken up into three different dates/sessions. The first session will be next week on the 20th, the second and third are on the 26th and 28th. The sessions are broken down into three groups of eight topics each day, with 24 topic areas to cover. The first eight conversations begin next week, and will flow just like it did in the past. The first 30-minutes will include overviews from the eight program areas and then we will go into virtual breakout sessions. He explained that there will still be a facilitator and a note taker, just like in years past. We will still have "great ideas" being collected, like they were in past sessions. Mr. Cooper asked how much more refinement can we expect after having gone through these issues for years. Mr. Costales explained that the environment around us changes constantly, so we have to keep addressing these programs and how to most effectively use the

available funding. For example- the passing of measure 110 is a new concern which has significantly impacted the impaired driving program, and new technology has continued to evolve, which impacts our distracted driving program. Program Managers need to be thinking ahead about how to handle these moving forward. This is an example for people to share input on how to spend grant monies. Additionally, we are required by Federal law to engage partners in public planning sessions. We fulfil this requirement by holding this event each year. These workshops also give new people a chance to be involved and learn more about what we do and how we use our grant money to make a difference on Oregon's roads and streets. Mr. Costales said he welcomes suggestions or ideas about how to do it differently next year. Vice-Chair Ornelas asked if NHTSA will be there and Mr. Costales confirmed that yes- they will be present.

X. NEXT MEETING & AGENDA BUILD

The next meeting will be held virtually on Wednesday, March 10th, 2021 at 9:00 a.m.

Topics for consideration at future meetings include:

- *Financial review*
- *Legislative review*
- *DMV License Testing (CDL, Class C)*
- *Clear Alliance*
- *Rest Areas – Truck Parking*
- *Safety Aspects of Roadway Engineering*
- *Karl Citek, M.S., O.D., PhD, FAAQ (Nystagmus – Part 1)*
- *Tim Plummer, OSP (Nystagmus and the DRE Program – Part 2)*
- *Judicial Outreach: Mr. Cooper would like to invite Judge Eric Bergstrom to speak to the committee to introduce himself and his program, and ask him to join as a liaison*
- *TSD update: replacement of Mr. Costales/ OTSC member appointment*

Mr. Costales said there had been movement regarding the replacement of the fifth member. One person who was under consideration lives in Washington, so they are ineligible. Another candidate's employer was not comfortable with them taking the appointment. They are still working through applications.

X1. ADJOURN

With no further business brought before the committee, Vice Chair Ornelas officially adjourned the meeting at 11:49 a.m.