OREGON TRANSPORTATION SAFETY COMMITTEE
Wednesday, January 8, 2020 Meeting Minutes
Dept. of Public Safety Standards & Training
4190 Aumsville Hwy SE
Salem, OR

Members Present: Victor Hoffer, Jerry Cooper, Marian Owens (via phone), Luis Ornelas (via phone)
Staff: Troy Costales, Jody Raska, Traci Pearl (via phone), Jeff Greiner, Walt McAllister
Liaisons/Guests: Shaun Parkman (Oregon Health Authority), Nick Fortey (FHWA), Doug Bish (ODOT Traffic Roadway)

I. WELCOME AND INTRODUCTIONS
Chair Victor Hoffer called the meeting to order at 9:36 a.m. and asked for a moment of silence to remember that we’re here to try to provide safer highways and roadways for pedestrians, bicyclists and all users and to also remember those who’ve lost their lives and their families in crashes. Roundtable of introductions.

II. CONSENT CALENDAR AND MINUTES
Chair Hoffer called for a review of the minutes from the December 2019 meeting and the consent calendar.

MOTION: Ms. Owens moved to approve the December 2019 meeting minutes and consent calendar as presented. Mr. Ornelas seconded. Call for vote; unanimous. Motion passed.

III. MEMBER REPORTS
Ms. Owens reported on her appreciation of the driver education program and would like to see more businesses promoting and helping students with tuition. Ms. Owens would like to approach the Cow Creek Tribe and ask their leader if they would consider paying the tuition for their tribal members who take driver education. Mr. Costales noted there are two ways to approach that. There are two general ways that outside sponsorship can happen. One is that there is a direct relationship between the tribe and the driver education vendor; the vendor would send an invoice to the tribe for the list of students. That is the best and cleanest way to do it. The second method, if the entity had a trust or foundation, they could write a check to the ODOT Safety Division. ODOT would deposit it in an account in the name of tribal members driver education subsidy and TSD would work with tribal members helping them sign up for classes in the area and provide a quarterly financial report back to the tribe regarding the status of the fund and who has signed up for classes.

Mr. Cooper provided an article from the Oregonian about traffic deaths in Portland increasing while traffic fatalities in Oregon have decreased. He attributes a portion of that to the declining numbers of the Portland Police Bureau traffic team. https://www.oregonlive.com/commuting/2020/01/portland-traffic-death-toll-in-2019-was-highest-since-1997-state-total-dips.html
Chair Hoffer noted that on December 19, 2019, Dr. Dana S. Selover, EMS & Trauma Systems Director, announced Elizabeth Heckathorn has been appointed the new Program Manager. Ms. Heckathorn has been in EMS for many years and will do a tremendous job.

Chair Hoffer noted that there are two date changes for the 2020 OTSC meetings. The March 11 meeting is being moved to March 18 and the November 11 meeting is being moved to November 18.

IV. LIAISON REPORTS

Oregon Health Authority
Mr. Parkman reported the Public Health Division is clarifying priorities for policy interventions. A current focus is alcohol as it is the third leading cause of preventable death in Oregon. Some of the big data-supported policy interventions noted by several leading organizations (National Academy of Science, Engineering and Medicine, Centers for Disease Control and others) could address both outcomes. One of those is an alcohol tax, which hasn’t been increased since 1978. An additional consideration is a $0.20 per drink tax with some portion of that revenue being dedicated to prevention and mental health and addiction services. Another policy idea that national literature address is alcohol outlet density. OHA Public Health Division is thinking of how to empower local communities to have a say in alcohol outlet density in the local community. For example, whenever a business is applying for a liquor license, they need to provide a letter of recommendation from the local municipality or jurisdiction to the OLCC. However, the OLCC is forbidden from considering density. OHA may consider attempting to change the statute to allow OLCC to consider density when looking at new liquor license applications. Ms. Owens has always questioned why a person is able to walk into a service station and purchase alcohol when they’re fueling up their car. Mr. Ornelas is concerned about overserving at bars. Mr. Costales would ask OHA to connect with Walt McAllister of ODOT TSD to help create connections with Safe Communities.

Speed Zone Review Panel
Chair Hoffer will be attending the next meeting on January 17, 2020. The meeting will include discussion about the new proposed speed setting process. Mr. Doug Bish, ODOT Traffic Roadway, will be presenting later in the meeting about this new process. Mr. Cooper asked about the bill which gave cities the ability to operate speed photo red light cameras and whether that was extended to counties as well. Mr. Costales noted ORS 810.436 allows cities only, not counties, to operate red light cameras.

V. PROGRAM UPDATES

Vehicle Safety Equipment
Mr. Greiner provided a handout and discussed the funding and focus of the program for 2020. The primary mission is to improve public knowledge of vehicle safety equipment. A growing problem is vehicle owners installing and using lighting equipment that is not designed for nor does it meet federal specifications for use on public roadways. The program is to support increasing customer knowledge and to promote positive aspects of compliance. There continue to be a lack of law enforcement resources to consistently pursue vehicle equipment violators. Additionally, there are three rules the program needs to create or update. Some of these rules reference standards at a moment in time. When standards are updated and Oregon rules are not, it can, in essence, put manufacturers using Federal standards out of compliance with Oregon rules. One of the rules involves defining motorcycle enclosed cab. A listening session was held in November 2019 involving ODOT TSD, DMV, law
enforcement and manufacturers. A second listening session prior to the formal rule-making process should happen in late January or early February. Another rule involves the standards for fog lights and the final involves vehicle lighting in general. These rules should be in front of the OTSC in the next 1-2 months. A question was asked about whether motorcycles are required to have fog lights and whether they use LED lights. Motorcycles can have fog lights or auxiliary lights. Motorcycles also enjoy several exemptions regarding federal lights, mainly to promote conspicuity. That rule should move forward in the next 1-2 months. ODOT TSD received legal review on the emergency vehicle rule update for emergency managers. The proposed rule is limited to formally recognized city, county, and state emergency managers and/or their staff and whose position includes a duty to respond to life-saving events. Ms. Owens expressed concern about the designation of emergency vehicle lighting. She noted that using four-way flashers used to be universally understood as denoting an emergency. That no longer seems to be the case. Mr. Greiner noted there may be opportunity to create an educational campaign around this. Chair Hoffer would like to know the ORS for use of four-way flashers for the record. He would also like to know the statute that allows a fire chief to provide permission for volunteers to use red lights and sirens when responding to emergencies. The statute regarding hazard lights is ORS 816.240. The statute which includes the use of lights and warnings is 811.515. Additional related statues are ORS 811.147 and 811.520.

Motorcycle Safety
Mr. Greiner provided a handout of the program. In November, there was a grant proposed to give $35,000 to Team Oregon to purchase a van. That has changed as Team Oregon has not been able to locate a vehicle that meets their specifications and is manufactured in the US. Because of the inability to obtain the Buy America waivers through NHTSA. This funding is being moved to the Team Oregon Fleet Replacement Grant which is state funded. There is currently a grant adjustment on the consent calendar to increase the Team Oregon grant by $225,000 so they can complete 2019 in the black. The preliminary motorcycle fatality numbers are down from 2018 but on par with 2017 and 2016. It was reported that Ms. Raska will be managing the Motorist Awareness grant for the 2020 year. The strategy and tactic is to continue to use the Montana State University Center for Health and Safety Culture methodology of promoting positive riding behaviors.

Proactive Traffic Safety
Mr. McAllister provided a presentation on Proactive Traffic Safety. This presentation was recently made to a group at Columbia County Local Traffic Safety Committee. The goals are to empower proactive traffic safety behaviors to help reach a shared vision of zero deaths and serious injuries in Oregon. It is widely recognized that driver behavior is a significant factor in motor vehicle crashes. Improving traffic safety involves focusing on strategies that influence risky driver behaviors. Some of these behaviors include speeding, distracted and/or impaired driving and not wearing seat belts. According to evidenced-based studies, most road users engage in safe behaviors, so the question becomes how do we leverage the large group of people who are using these safe behaviors to influence the smaller group that doesn’t? The roadway transportation system is a shared community and as members, we depend on the system to connect us with people, places, goods and services. Proactive traffic safety involves moving beyond compliance to commitment. A commitment to safety means committing to avoiding risk as well as committing to taking actions to keep safe. Some tips to promote this effort include partnering with allies and partners, increase the understanding of the effort through sharing it in meetings and
presentations, using available communication tools, and integrating this tools in existing strategic highway safety plans. Mr. McAllister referenced a report that noted drivers are more likely to practice safe driving behaviors if there is another occupant in the car with the, particularly a child. https://www.vtti.vt.edu/utc/safe-d/index.php/projects/vehicle-occupants-and-driver-behavior-an-assessment-of-vulnerable-user-groups/ Mr. Ornelas would like to see this information presented by OSU to other traffic safety professionals. Ms. Owens noted that rural communities have different needs and that there was nothing in the presentation about the need for more law enforcement.

VI. SPEED RULE UPDATE
Mr. Bish, ODOT Traffic Roadway, shared a presentation on the new methodology under consideration for setting speeds on Oregon roadways. The new methodology being developed is in response to the traffic safety action plan that talks about speed setting. It considers the safety of all users. In urban areas, considerations include the context and speed range as well as the land use. Outside of city limits, the speeds will be set at 85th percentile. There is some debate on this method but it has been used for many years. In urban areas, recent research shows that 50th percentile may be better. This new methodology does allow for more flexibility. The land use areas are rural, suburban, urban and urban core. A table of proposed speed ranges were presented based on contextual land use and on roadway class. The roadway classes are local, collectors and arterials. Local roads are those usually in residential areas where users move from their residence to a collector. The collector roads are larger roads that carry users to arterials which move users between community areas. Some of the suggested speeds are still subject to engineering study. There are still questions about these as there are often vulnerable users in some of the land use areas that contextually have a higher speed. Highways may need to be redesigned to fit the speed that is being targeted. Another problem area is how fast the roadway changes. Roadway projects only happen every 10-20 years so it would take quite a bit of time to implement this completely. A priority is being placed on lowering speeds in areas where vulnerable users are more present. The new methodology also allows for flexibility in speed setting if there is a high crash rate. The timeline for this rule adoption is presentation to the Speed Zone Review Panel on January 17. The proposed rule will be presented to the Oregon Transportation Commission in February and with approval will be available for use immediately.

VII. TSD ADMINISTRATOR REPORT
Member Requests
In a previous meeting, a member had asked about the use of funds collected from the gas tax and the weight mile tax. There is a presentation in relationship to how funds come into the Highway Trust Fund and then how it is distributed throughout the state. It’s a little off topic for responsibility of the OTSC but could request how that money goes through the fund and how it is used for highway safety. Members requested a formal request for that presentation in a future meeting.

Additionally, questions had been asked about any safety improvements being planned for the Brooks/I-5 interchange and the Aurora/I-5 interchange. Members asked for an update on long-range plans for safety. ODOT and Marion County are both looking at projects in those areas and Chair Hoffer asked that those presentations can be scheduled at a later date. Chair Hoffer also asked about a rumored Wheatland Road improvement in Marion County.
**ODOT Reorganization**
Information has recently been published about a reorganization in ODOT. Director Strickler has put this new organization in place and there are now four major groups with new assistant directors who all report to him. These four group as Operations, Government & External Relations, Revenue, Finance & Compliance, and Social Equity. Directors have been assigned to or will be recruited for each of these areas. The goals for this reorganization include: creating greater organizational health and integration, operational and system management improvements, living-out ODOT’s value of equity, aligning and unifying communication and governmental relations strategies, creating sustainable revenue and long-term financial health, and more intentionally and successfully planning for succession. There are three areas of impact in the Safety Division. On the Employee Safety side, TSD is responsible for the OSHA, SAIF and general safety of all ODOT employees. TSD will still deliver and be responsible for the policy, practices and training for those employees. The service groups will change but the service does not. The second change is in the operations side of TSD. With the reorganization, our Operations Manager, Stacey Johnson, now only has one place to go for information and will be involved in part of the oversight of ODOT’s finances. The third change is for Mr. Costales. As a division administrator, he will still report to Director Strickler but he will also report to the Assistant Director of Operations, Cooper Brown.

**TSD Personnel**
The Roadway Safety program has had an interim manager for some time. Bill Warner has accepted the roadway safety position in the office and vehicle equipment safety will be added to that program. We will recruit for the Driver Education program manager position quickly. Ms. Pearl and Mr. Costales will be meeting soon to discuss an interim solution for the vacancy.

**Planning Workshop**
The ODOT TSD Annual Planning Workshop will take place January 28, 2020 at DPSST in Salem. OTSC members are the hosts and will help facilitators in making sure attendees engage. Participants will be reminded of the purpose of the event. This is a listening session and we are not asking the group to define the measure. TSD is looking for feedback but there does not have to be consensus or agreement. The program managers own their pages and make recommendations to the OTSC.

**Team Oregon Request**
Team Oregon has formally requested consideration to increase tuition for students taking required beginning or intermediate training. Based on statute, OTSC is the body that considers that request. There are several routes that have historically and can be taken. In the past, the OTSC has asked the Governor’s Advisory Committee on Motorcycle Safety to review and recommend a course of action. At the same time, the Safety Division will perform a review and provide a recommendation. There are other choices available as well. The OTSC can take on the review or ask TSD to perform the review. Chair Hoffer indicated his preference for a two-pronged approach – TSD perform due diligence and have GAC MS review and provide a recommendation as well. Chair Hoffer asked if Team Oregon is a grantee or a vendor. Mr. Costales noted they are a grantee with expectations and deliverables outlined in the grant document. The other tool that could be used is an inter-governmental agreement (IGA). The IGA would allow for more specifics than the grant. To the broader community, a grant implies competition for the
funds. An IGA does not have that same implication. It may be time to consider transitioning to an IGA but that could be part of the TSD review. Chair Hoffer asked that TSD perform that review.

The members would like TSD to review the following aspects:

- Should the agreement with OSU change to an Intergovernmental agreement (IGA) instead of a grant?
- What is the current motorcycle safety subaccount cash balance, forecasted cash flow, and minimum amount the account should maintain to provide solvency? What is the five year look?
- The current process is a grant program and not a per student reimbursement process. What would be the impact if the process changed to a per student reimbursement?

The members would like the GAC MS to review the following questions:

- Is the staffing of the training program appropriate for the number of new rider students that are being trained each year?
- With the training programs that are outside of new rider training, do those programs cover their costs (including instructors, curriculum development, advertising, etc.)? Are TSD funds subsidizing those courses?
- Is the subsidy covering the cost of out-of-state riders?
- Is the state subsidy covering the cost of already endorsed riders? Should it be?
- What adjustments would need to be made to stay within the current tuition amounts and current state subsidy amount? In essence a no change plan.
- What are the no- or low-income provisions for families that cannot afford the tuition amount?
- If the tuition increase is approved, what is the projected date when the next approval may be requested given the current student count?
- Have there been job classification changes, additional staff, or other salary premiums due to the initial increase from the law mandating new rider training? If so, will those be reset now that the surge of student counts has recessed?

VIII. FEDERAL FUND REDISTRIBUTION

Chair Hoffer asked if Mr. Costales could provide an overview and introduction of this topic but postpone further redistribution discussion until February when all members could be present in the room. Mr. Costales noted that TSD, in May, provides a report to OTSC on preliminary funding for the Highway Safety Plan and its projects. Those projects don’t begin until October. For federally funded projects, as October approaches, NHTSA provides a more accurate report of funding distribution. In December and January, as the previous year’s projects are closed out, whatever money is left over gets carried forward.

A spreadsheet was shared noting 2020 Anticipated Revenue, 2019 to 2020 Carryforward and 2020 HSP Obligated funds. A final column indicates revenue available after obligations. The OTSC will be asked to provide guidance. ODOT TSD historically and purposely holds back $500,000 to keep on hand as operating funds in case there is not a congressionally-approved budget. This leaves approximately $2.4 million for enhancing highway safety programs, approximately $1 million of that is for the Distracted Driving program. Another part is in the Traffic Records program area.

In the February meeting, OTSC will have an opportunity to talk with the program managers about what they could or would do if funding was added to their program areas. An additional resource was
provided about the funding sources and the eligible uses of those funds. Chair Hoffer asked about the total funds that pass through ODOT TSD. Mr. Costales reported the Highway Safety Plan includes $18-20 million through various funding streams that flow through TSD.

IX. NEXT MEETING & AGENDA BUILD
The next meeting will be held Wednesday, February 12, 2020 at DPSST in Salem OR. Topics for consideration at future meetings include:

- Federal Fund Redistribution
- Director Strickler / Assistant Director Brown introductions
- Workshop / Program Updates
- Rule-making
- DMV: License testing (CDL, Class C)
- Photo Radar
- Clear Alliance
- Rest Areas – truck parking
- Safety Aspects of Roadway Engineering
- County Safety Corridor Project

X. ADJOURN
With no further business brought before the committee, Chair Hoffer officially adjourned the meeting at 1:12 p.m.