

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting (Telephonic)

July 18, 2007

Salem

On Wednesday, July 18, 2007, at 8:00 a.m., the OTC held its regular monthly meeting in room 122 of the Transportation Building, 355 Capitol Street NE, Salem. Commissioner Achterman attended the meeting in person. The other four OTC members participated by telephone.

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

Chair Stuart Foster	Communications Administrator Patrick Cooney
Commissioner Gail Achterman	Transp. Development Administrator Jerri Bohard
Commissioner Michael Nelson	Field Services Manager Paul Mather
Commissioner Randy Papé	Region 1 Manager Jason Tell
Commissioner Janice Wilson	Region 2 Manager Jeff Scheick
Director Matthew Garrett	Interim Region 3 Manager John Vial
Chief of Staff Joan Plank	Region 4 Manager Bob Bryant
Deputy Director for Highways Doug Tindall	Region 5 Manager Monte Grove
Deputy Director for Central Services Mike Marsh	Commission Assistant Kim Jordan

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Chair Foster called the meeting to order at 8:00 a.m.

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Director's report highlights:

From July 8 through July 12, Oregon Department of Transportation Director Matthew Garrett attended various meetings at the Western Association of State Highway and Transportation Officials annual meeting in Las Vegas, Nevada. ODOT will host the meeting in Portland next July.

The Bush administration's fiscal year 2008 mid-session budget review now estimates the federal highway trust fund account faces a projected shortfall of about \$4.3 billion in fiscal year 2009. We continue to engage our congressional delegation to communicate the potential impacts that such a deficit would have on Oregon project plans. We will continue to work to identify constructive policy choices to help preserve the solvency of the highway trust fund throughout federal fiscal year 2009 and beyond. Whatever the shortfall is, Oregon would absorb about a one percent cut, which will factor into any budget conversations we have in the short or distant future.

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Commission member reports:

Commissioner Achterman met with a group of concerned citizens about herbicide use on our highways. She will talk further with staff about her conversations with that group.

Commissioner Papé had numerous meetings with legislators and various groups of the legislature talking about funding opportunities for the Oregon Transportation Plan. The legislature adjourned without approving any significant highway transportation funding. He is pleased that *ConnectOregon* II did pass. He met in Bend with city and county representatives regarding Highway 97 and the Juniper Ridge development. Commissioner Papé also attended a recent Central Oregon Area Commission on Transportation meeting and the Lane Metropolitan Policy Committee meeting.

Commissioner Nelson also had several legislative meetings similar to those of Commissioner Papé. He deferred the remainder of his report to the next OTC meeting.

Commissioner Wilson attended meetings regarding Region 1 (Portland area) Regional Transportation Plan issues.

Chair Foster also attended meetings with the legislative delegation. He will expand on those at the August OTC meeting in Pendleton.



The Commission considered approval of a Type B Immediate Opportunity Fund grant in the amount of \$250,000 to fund transportation improvements to North Front Street in Woodburn in support of the revitalization of the historic downtown business area. The total estimated cost of this project is \$2,257,045. (*Background material in General Files, Salem.*)

Commissioner Wilson moved to approve this item. The motion passed unanimously.



The Commission received the monthly status report on the Statewide Transportation Improvement Program, Oregon Transportation Investment Acts of 2001, 2002 and 2003, OTIA III State Bridge Delivery Program and *ConnectOregon* Program. (*Background material in General Files, Salem.*)

Major Projects Manager Tom Lauer said the agency has had success in the area of workforce development.

Marty Andersen said the agency is tightly controlling progress of the program. ODOT has issued a stop work order for the Treasure Valley renewable resource project, in the amount of \$1.7 million. This project includes an ethanol plant and storage facilities in Ontario. There is a \$3 million Oregon Transportation Investment Act III project connected to this project, as well as another *ConnectOregon* grant for a rail spur, in the

amount of \$250,000. Mr. Andersen will meet with project representatives to try to get the project back on track. To date, no funds have been spent on this project.

The Commission said if there are projects that are not moving forward in *ConnectOregon*, or any of the OTIA programs, it wants to know what options are available for reprogramming the funds.



Interim Region 3 Manager John Vial requested approval of an increase in project authorization in the amount of \$1,371,228 on the I-5: Seven Oaks Interchange – Bundle A06 project in Jackson County. This will change the project authorization from \$24,917,842 to \$26,289,069. (*Background material in General Files, Salem.*)

Commissioner Achterman moved to approve this request. The motion passed unanimously.



John Vial requested approval of an increase in project authorization in the amount of \$1,900,000 on the I-5: Sutherlin – Roseburg – Bundle 353 project in Douglas County. This will change the project authorization from \$48,879,690 to \$50,770,090. (*Background material in General Files, Salem.*)

Commissioner Papé moved to approve this request. The motion passed unanimously.



The Commission considered approval of an increase in project authorization in the amount of \$2,645,957 on the U.S. 97: Reroute Phase 1 Unit 2 (Mainline) project in Redmond, \$2,500,000 of which is for a contract change order to construct ramps at the north interchange. This will change the project authorization from \$28,800,381 to \$31,446,338. (*Background material in General Files, Salem.*)

Commissioner Papé commented that he attended a recent Central Oregon Area Commission on Transportation meeting when it discussed the legislative bill which will take \$56 million out of ODOT's funding balance and move those funds to the counties. The COACT also discussed the Legislature's lack of taking on significant highway funding. The agency will face significant issues in the very near future relating to funding projects. The OTC recognizes that the \$56 million would go from one pocket to another, and is not freely available, but is designated to do projects in the future STIP process. For that reason, we need to review the STIP to identify that \$56 million. Because of the lack of funding for the Oregon Transportation Plan, ODOT will be in a triage situation outlined in the OTP. With the lack of incoming modernization funding and new funding from the state, it will also likely crimp federal funding under the reauthorization. The agency will need to be very selective on which new projects we do and also shift

funding for maintenance and preservation to take care of the transportation system. The OTC will begin to address this issue at its August 2007 meeting in Pendleton.

Commissioner Achterman moved to approve this request for increase in project authorization. The motion passed unanimously.



Region 2 Manager Jeff Scheick requested authorization to file an appeal with the Oregon Land Use Board of Appeals regarding an annexation and zone change land use action by the City of Newport. (*Background material in General Files, Salem.*)

Region 2 Planning and Development Manager Erik Havig reported to the Commission that on June 18, 2007, the City of Newport approved the annexation and zone change of two properties totaling 102 acres located east of Highway 101 in south Newport.

Acting on ODOT's behalf, the Department of Justice filed a Notice of Intent to Appeal on July 6, 2007.

On July 16, 2007, Region 2 staff met with representatives from the City of Newport, DOJ, community college, the city attorney and property owners to discuss solutions. All parties have agreed to request a delay in the LUBA proceedings to allow for resolution of this matter. If the city amends its actions to address the issues, ODOT is prepared to drop its appeal. ODOT is not opposed to the annexation or the proposed development. However, ODOT must ensure the significant impacts to the state transportation system are addressed.

For the record, Chair Foster noted that the attorney for one of the property owner's attempted to contact him. Chair Foster and the attorney left voice messages for one another. The attorney's final message to Chair Foster stated that after attending the very productive meeting on July 16, 2007, she no longer needed to talk to him.

Commissioner Papé moved to authorize ODOT to file an appeal with LUBA regarding the annexation and zone change land use action by the City of Newport. The motion passed unanimously.

The Commission feels strongly that the department must work with small communities and developers, as it is doing, to find win-win solutions to this sort of issue. It hopes that this issue will be resolved so ODOT will not need to proceed with an appeal and Highway 101 will not be compromised.

The Commission wants to have a conversation with the Department of Land Conservation and Development about its work with the communities to help them understand their obligations. ODOT is not the land use technical assistance agency for local government; however, its staff provides land use technical assistance to local government when DLCD staff is unavailable.



Bob Bryant requested authorization to file an appeal with the Oregon Land Use Board of Appeals regarding an annexation and zone change land use action by the City of Madras. *(Background material in General Files, Salem.)*

Mr. Bryant noted that the Madras zone change was for 14 acres of property located at the south end of Madras, near the intersection of U.S. 97 and U.S. 26. The property is currently outside the city limits, but within the urban growth boundary.

Commissioner Wilson moved to approve this request as noted above. The motion passed unanimously.



The next two meeting dates are:

- Wednesday and Thursday, August 15 and 16, 2007, in Pendleton.
- Wednesday, September 12, 2007, in Portland.



The Commission considered approval of the following Consent Calendar items. *(Background material in General Files, Salem.)*

1. Approve the minutes of the June 21, 2007, Commission meeting in Salem.
2. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
3. Approve the following Oregon Administrative Rule actions:

a.	The amendment of OAR 734-082-0001 to 0051 relating to the issuance of variance permits for vehicles or non-divisible loads.
b.	Temporary adoption of OAR 734-059-0020 to 0050 relating to outdoor advertising signs.

4. Approve an amendment to the 2006-2009 Statewide Transportation Improvement Program to add the U.S. 97: South Century Drive – Spring Creek Hill project in Deschutes and Klamath Counties. The total estimated cost of this project is \$500,000.
5. Approve an amendment to the 2006-2009 STIP to add the Interstate 84: Sandy River Delta Access project in Multnomah County, contingent upon approval of grant funds from the Public Lands Highway discretionary grant program. The total estimated cost of this project is \$945,000.

6. Adopt the Interstate 5, Exit 123 (Fairgrounds) Interchange Area Management Plan. Adoption of this IAMP implements Policy 3C of the 1999 Oregon Highway Plan and is consistent with the IAMP requirements of ODOT's Access Management Rule (OAR 731-051-0155).
7. Adopt the Interstate 5, Interchanges 103 (Pruner Road), 106 (Weaver Road), and 108 (Myrtle Creek) IAMP. Adoption of this IAMP implements Policy 3C of the 1999 OHP and is consistent with the IAMP requirements of ODOT's Access Management Rule (OAR 731-051-0155). Adoption of the IAMP will constitute an amendment to the OHP.
8. Approve an Oregon Transportation Infrastructure Bank Loan in the amount of \$1,400,000 to the City of Portland for the NE Weidler Street – SE Washington Street project. The total estimated cost of this project is \$6,100,000.

Commissioner Achterman moved to approve the items on the Consent Calendar except for Consent Item #2, the resolution for authority to acquire real property. The motion passed unanimously.

Commissioner Achterman moved to approve Consent Calendar Item #2, the resolution for authority to acquire real property. Due to a conflict of interest on property #6007 394 (Donations and Dedications, Biddle Road – Camp White, Crater Lake Highway), Commissioner Papé abstained from the vote. The motion passed.

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Chair Foster adjourned the meeting at 8:50 a.m.

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 <hr style="border: 0.5px solid black;"/> Janice Wilson, Member	 <hr style="border: 0.5px solid black;"/> Kim Jordan, Commission Assistant