

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting December 13, 2005 Salem

On Monday, December 12, the Oregon Transportation Commission (OTC), Oregon Department of Transportation (ODOT) staff, and the Association of Oregon Counties (AOC) met for a dinner meeting in Room 113 of the Local Government Center, 1201 Court Street NE, Salem. Discussion focused on the counties' needs and the importance of a continuing collaborative partnership in a constrained transportation funding environment.

On Tuesday, December 13, the OTC and ODOT staff held an agenda briefing session in Room 135 of the Transportation Building, Capitol Street NE, Salem. The regular monthly meeting was held in Conference Room 122.

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

Chair Stuart Foster	Executive Officer for Highways John Jackley
Commissioner Gail Achterman	Rail Division Administrator Kelly Taylor
Commissioner Mike Nelson	Region 1 Manager Matthew Garrett
Commissioner Janice Wilson	Region 2 Manager Jeff Scheick
Interim Director Lorna Youngs	Region 3 Manager Paul Mather
Deputy Director for Highways Doug Tindall	Interim Region 4 Manager Mark Usselman
Deputy Director for Central Services Mike Marsh	Region 5 Manager Monte Grove
Communications Administrator Patrick Cooney	Chief Engr./Tech. Services Mgr. Cathy Nelson
Trans. Development Admin. Craig Greenleaf	Commission Secretary Kim Jordan
Motor Carrier Trans. Admin. Gregg Dal Ponte	

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Chair Foster called the meeting to order at 9:40 a.m.

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Interim Director's report highlights:

- A rockslide occurred at 9 PM on Sunday, December 4, 2005, closing all travel lanes of I-84 in the Columbia Gorge about seven miles west of Cascade Locks. An estimated 3,000 to 5,000 cubic yards of debris covered the freeway. Department crews began clearing and by 1 AM, one westbound lane reopened; by 4 AM, both westbound lanes were open; and by 5 AM, one eastbound lane opened. Geologists studied the cliff face on December 5 and concluded the cliff was stable. On

December 7, ODOT awarded a contract to break up and remove the large rocks. Work began the next day. Deadline for the rocks to be cleared and for the remaining lane to open is December 22, but it is hoped that work will be completed before that date.

- On December 8, ODOT received the Governor's Film Advocate Award on behalf of the Oregon Film and Video Board for ODOT's advocacy in filmmaking. Patrick Cooney accepted the award on behalf of the agency. Four ODOT employees also received special recognition from the Film and Video Board. Governor Kulongoski presented awards to ODOT employees Pat Smith, Lili Gordon, Darin Weaver and Craig Dean, recognizing them for their assistance to the film and video industry, while still maintaining a high regard for their responsibilities at ODOT.
- A featured article will appear in next month's Inside ODOT about the City of Florence's appreciation for new decking on the Siuslaw River Bridge, creating a much quieter atmosphere for the area. The city recognized three Region 2 employees who had a critical role in the repair of the bridge. Ann Sanders, John Scott and Jaime Viramontes were lauded by city and business leaders at a November 1 award ceremony for their leadership and understanding the needs of the old town businesses and residences. A hotel has put up a sign thanking ODOT for a quieter bridge.
- On December 1, Travis Brouwer became the new ODOT Senior Federal Affairs Advisor. He comes to the department after spending six-and-a-half years in the Salem District Office of Congresswoman Darlene Hooley, where he served as District Co-Director. His responsibilities included natural resources and agriculture policy, as well as public safety, transportation and a variety of other issues.

Ms. Youngs thanked the Commission for the opportunity to serve as Interim Director, saying it was a rewarding experience.



Commission member reports:

Commissioner Achterman stated she had nothing to report at this time.

Commissioner Nelson attended a NEACT (Northeast Area Commission on Transportation) meeting and has worked with Patricia Fisher on the Transportation Enhancement Program. The highlight of his month was a Motor Carrier Transportation Advisory Committee (MCTAC) meeting, attended by 30 or more truckers, who discussed tough issues. Commissioner Nelson was encouraged to see a high level of trust between the trucking industry and the regulatory agency (ODOT). He gave Gregg Dal Ponte his highest accolades.

Commissioner Wilson met with Roger Martin of the Oregon Transit Association to learn more about transit needs in the state. On December 12, she joined fellow

commissioners to meet with the Association of Oregon Counties (AOC), to gain more knowledge about its needs. Most recently she, Matthew Garrett, and Chair Foster met with Clackamas County Commissioner Bill Kennemer and county transportation staff to learn more about their needs.

Chair Foster reported the December 12 AOC dinner meeting was a good one and he looked forward to working with them and all governmental entities on a collaborative basis.

Chair Foster thanked Ms. Youngs for accepting the Interim Director position and doing an outstanding job. He stated the commission and department are lucky to have someone of her caliber and presented her with an appreciation plaque.



Public comments were received from:

- Larry Reed, JRH Transportation Engineering of Eugene, testified representing GRC Tire Company (Firestone Tires) located in Coburg. GRC Tires is supportive of ODOT's planned Coburg/I-5 Interchange improvements, subject to ODOT constructing adequate alternative access to the business. They understood ODOT's desire to eliminate the Roberts Road/Pearl Street intersection and outlined their concerns about alternative access. (*Copy of written testimony in General Files, Salem.*)
- Clark Boswell, Bennett Truck Transport, Oregon Manufactured Housing Association Board of Directors and MCTAC Committee Member, asked the Commission to consider raising I-5 structures with the expected new federal funding. He understood about \$200 million was earmarked for improvements on I-5. In some areas along I-5, their truck drivers are being rerouted onto Highways 99 and 97, causing them big safety concerns. New bridge measurements show about 15 bridges interfere with the heights they are running.



The Commission received an informational report on the Oregon Bicycle Recreation Partnership. Michael Ronkin, ODOT Bicycle/Pedestrian Program Manager, explained what ODOT has and continues to do in the bicycle tourism area, including: (*Background material in General Files, Salem.*)

- Assure roads are maintained to a standard conducive to bicycle tourism.
- Determine what minor improvements may be needed.
- Create an on-line version of the Bicycling Guide.
- Enlist the Oregon Bicycle and Pedestrian Advisory Committee in becoming a key player in designating certain bikeways as primary routes for Oregon cyclists.

John Blackwell, Oregon State Parks Commission Chairman and long-time Cycle Oregon board member, shared Cycle Oregon accomplishments and successes. Mr. Blackwell advised ODOT's cooperation is critical and asked for: 1) the Commission's continuing support to make cycling a larger part of Oregonians' lives; 2) help to leverage bicycle tourism work done now by ODOT, Oregon Parks, Cycle Oregon, Oregon Tourism Commission, Bicycle Transportation Alliance, and other bicycle and tourist interests in our state; 3) that ODOT create and maintain a web-based, statewide bicycling map that provides information cyclists seek when planning trips; and 4) for ODOT's continuing support for the statewide scenic bikeway program.

Jonathan Nicholas, President and Founder of Cycle Oregon, explained how Cycle Oregon has become recognized as the best bicycle ride in America. He asked for the Commission's ongoing, innovative use of existing resources and support.

Jerry Norquist, Ride Director for Cycle Oregon, spoke about the economic and health benefits of cycling on a national level and how Cycle Oregon, along with a few other groups in the state, are trying to raise money to conduct a study to determine the current contribution cycling is making to this state.

Karen Viehoever, Travel Oregon, staff to the Oregon Tourism Commission, talked about the importance of tourism to Oregon's economy and how bicycling is a major component of tourism in Oregon. Travel Oregon is creating a data base of information to include substantial information about bicycle recreation in Oregon. TravelOregon.com will be online around the end of February 2006.

Tim Wood, Director, Oregon Parks and Recreation Department, advised one of its missions is to be an advocate for outdoor recreation activities in Oregon. The agency looks forward to expanding its participation in bicycle recreation as a way of promoting outdoor recreation in Oregon.

The Commission requested that as the partnership moves forward to promote bicycle tourism, it should not overlook promoting bicycling as a way to meet people's day-to-day transportation needs as well. The Commission thought Cycle Oregon was a great program and agreed to continue its cooperation and support of the Oregon Bicycle Recreation Partnership.



The Commission considered staff's proposal to amend the Oregon Highway Plan, Action 2A.6, regarding contributions to major highway improvements. The intent of the proposed policy is to recognize the importance of these contributions and to acknowledge current ODOT Statewide Transportation Improvement Program (STIP) criteria and practices in the Oregon Highway Plan policy. The draft policy language has been provided to all cities and counties, and public outreach has taken place involving a number of other stakeholders to make sure all constituent interests had been engaged. *(Background material in General Files, Salem.)*

Key points made by Mr. Greenleaf:

- Issue of how to work with leverage, match, and contributions were key components of the 2000 STIP Stakeholder discussions. The action recommended by staff will resolve the issue of needing an anchor point of policy language in the Oregon Highway Plan.
- Worked hard with AOC to make sure the language is something that can be broadly supported.
- The language put before the Commission comes close, but there are still some precise vocabulary issues ODOT is seeking to resolve.

The amendment would add the following Action to Policy 2A: Partnerships in the Oregon Highway Plan.

PROPOSED ACTION 2A.6

Work with local or regional governments to leverage funds or collateral community benefits for modernization projects considered for inclusion in the STIP. Leveraging can include, as appropriate to the size and financial capabilities of the jurisdiction, contributions to funding, improvements to local street circulation that support the state highway, benefits to non-auto modes, land use actions, and other enhancements.

Negotiate with local or regional governments and the private sector to leverage funds or right-of-way contributions when major highway improvements in interchange areas benefit specific properties planned for development.

The Commission reinforced its appreciation for the December 12 dinner meeting with AOC, indicating it was an important step in working on a collaborative basis with the counties.

The following public comment was received:

- Art Schlack, Association of Oregon Counties, provided an amended draft of the proposed amendment to the Oregon Highway Plan on cost sharing infrastructure policy, reviewed and accepted by the AOC Board. Specifically, it separates public interest from private interest and calls on ODOT to consult with local governments in a variety of ways to achieve cost sharing on state system projects that benefit local communities and private properties. *(Copy of written testimony in General Files, Salem.)*

The Commission agreed with Mr. Schlack's statement about local participation considering the size and financial capabilities of the jurisdictions. It is a commitment the Commission has made to the jurisdictions on a regular basis and is critical to any policy it adopts. The Commission had concerns about amended language regarding major

improvements around interchanges. Chair Foster promised to work with Art Schlack and Craig Greenleaf to arrive at workable language.



The Commission received an informational report on proposed Highway Division Performance Measures. Mr. Tindall advised the performance measures will tell what can be expected and will help manage at all levels, which is different from previous performance measure data gathering efforts. (*Background material and PowerPoint presentation in General Files, Salem.*)

Steve Pickrell, Cambridge Systematics, summarized what has been accomplished since May 2005, gave a quick look at current activity, and outlined the steps necessary to wrap the project up in the first quarter of 2006. He provided detail about the creation of the performance measures, which included ODOT and Highway Division missions, and goals (safety, preservation, livability, customer satisfaction and efficiency).

Commission comments included:

- Safety Goal – consider adding a goal about improved response and clearance times, because it is key for a system’s operation.
- Preservation Goal – consider breaking into two separate goals, one on preservation and one on operations. They are different conceptually. Operations is important enough to specifically separate it out.
- Livability Goal, #4 Environmental Requirements and Commitments Met – ODOT is committed to sustainability in a broader context. The CS³ (Context Sensitive Solutions for Sustainability) language is more forward looking than just “environmental requirements met.”

The Commission thought the leading and lagging indicators was an excellent piece and thanked staff and Mr. Pickrell for their good work.



John Jackley gave a *ConnectOregon* update to the Commission which included a summary and analysis of stakeholder comments on the permanent rule and staff recommendations to establish the process of evaluating project applications. (*Background material in General Files, Salem.*)

Several useful technical corrections to the language had been received and generally, comments focused on:

- Applicants need more time;
- Review by Area Commissions and ODOT Regions;
- More detail on the process that leads to project selection;

- Flexibility for the OTC to adjust the reimbursement basis in the event that, as an example, a less affluent jurisdiction had an otherwise excellent project; and
- Emphasize strategic connections and investments as a goal as opposed to just spreading a number of projects across the state.

Mr. Jackley presented information on the extensive implementation outreach effort, and advised the process will give stakeholders, legislators, businesses and local governments the detail and clarity they have been seeking. It meets just about everyone's expectations for moving forward and still provides flexibility in selecting excellent projects.



The Commission received an informational report on the US 97/US 20 Refinement Plan. In August 2005, the Commission directed Region 4 to complete work on the refinement plan study prior to beginning development work for the Cooley Road Interchange project. At that time, the Commission placed the following condition on the Cooley Road Interchange project. (*Background material in General Files, Salem.*)

"Before funds are spent on right of way acquisition, utility relocation, or construction of a grade separated interchange at US 97 and Cooley Road in Bend, ODOT, the City of Bend, Deschutes County and the Metropolitan Planning Organization shall complete and submit to the Oregon Transportation Commission for approval a refinement plan for extending the Bend Parkway...and how the proposed interchange is part of the plan. The refinement plan shall include land use actions and transportation facility design and financing needed to implement the plan."

Mark DeVoney, Region 4 Program and Planning Manager, reported that staff continues to get input from stakeholders and local partners on bypasses, about whether the function of the Bend Parkway and the Redmond Alternate Route are appropriate, long-term solutions to through traffic on Highway 97. Region 4's position is these facilities should be considered long-term investments and it should protect the investments through development review and land use. Any improvements at the north or south ends of either facility should serve a long-term, through-function for Highway 97. Mr. DeVoney explained that position is not shared by many of its significant stakeholders, and asked the Commission to go over its position with staff.

The Commission responded that Mr. DeVoney relayed its position very clearly and correctly, and further stated it has a fiduciary obligation as trustees of the Highway Fund to ensure it maximizes every single investment it makes. The notion of funding a complete reroute of US 20 and US 97 may be a very desirable thing to do if there was an infinite amount of money; but, the reality is the Oregon Transportation Plan Update shows an annual \$1.2 billion deficit. Based on financial projections and everything known about the statewide transportation system, dollars are not available for a new facility. Therefore, the need to optimize the use of existing facilities, working with the community, and making difficult decisions in a collaborative manner is critical.

Peter Russell, Senior Transportation Planner, provided a briefing on dismissed alternatives, current system concepts, concepts provided by others, and next steps of the refinement plan.

The following individuals provided public comments:

- Larry Reed, Principal, Land Use Planner at JRH in Eugene, spoke on behalf of Home Depot. The Commission was urged to continue with the refinement plan process and recommended System Concept #1. *(Copy of December 13 letter in General Files, Salem.)*
- Mike Schmidt, President and CEO of the Bend Chamber of Commerce and Group Facilitator of the US 97/20 Refinement Plan Working Group, favored System Concepts #1 and #3. *(Copy of December 8 letter in General Files, Salem.)*
- Wayne Schnur of Ben's Self Storage, shared his concerns about: 1) the 1.9 mile standard – would like to see it reduced, would be better off without that standard applied; 2) the Highway 20 connection needs review - a lot of truckers come in from the Sisters area that need to go east. There is a need for an eastern loop; 3) look at connecting Redmond, Powell Butte, Prineville, and Bend with some sort of a diversion; and 4) personally, he prefers planned Concept #1, 3A TAC, as identified in Mike Schmidt's December 8 letter noted above.
- Michel Bayard, President of the Hunnell United Neighbors, stated his association is working with the City of Bend, ODOT, Bend MPO and Chamber of Commerce, along with several other neighborhood associations, to seek a solution to the traffic problems north of Bend that would be acceptable to all parties involved. Preferred Concept #3 or an amended version of Concept #1 (with Highway 97 going over to Highway 20 about a ¼ mile north of Cooley Road, which is much farther south). A copy of the amended version of Concept #1 was included in his written testimony. *(Copy of testimony in General Files, Salem.)*
- Written testimony from the Boyd Acres Neighborhood Association (BANA) was handed to the Commission by Michel Bayard for its review and consideration. The association indicated support for long-term regional planning of transportation and land use. *(Copy of testimony in General Files, Salem.)*
- Lori Niederhof, a member of the Hunnell United Neighbors Association and a concerned taxpayer, believes Kittleson's evaluation is inaccurate. Proposed a new evaluation be done for more current and up-to-date information, and the evaluation tool be revised. *(Copy of testimony in General Files, Salem.)*
- Richard Niederhof, a member of one of the neighborhood groups represented in the Working Group, stated the refinement plan did not involve the public in his area during the first six months of the project. Mr. Niederhof requested a response from Peter Russell to the eight claims in his December 13 letter to the OTC. Other concerns included: his neighborhood is not being clearly identified, and the City of Bend and Deschutes County should work at preserving and protecting his unique neighborhood and not put a road through it. *(Copy of December 13 letter in General Files, Salem.)*

- Neil Bryant, Attorney at Law representing SIMA Corporation, the developer of Cascade Village Shopping Center located in Bend, provided letters from Kevin Burnes, President of SIMA Corporation, and Peter Martin, Associate Transportation Planner with Wilbur Smith Associates. If they were forced to pick, Concept #1 was preferred; they like the idea of it being a city street. It also is the least expensive.

The Commission appreciated the speed and thoroughness of staff's refinement plan approach and thanked those providing public comments for their time and effort to appear at the Commission meeting in Salem. It stressed the need to reach consensus quickly and for regional coordination. The alternatives are intriguing, and the Commission looked forward to the next report.



Consideration to adopt the I-5/Beltline Interchange Area Management Plan as a Facility Plan was postponed to a later meeting.



The Commission considered approving the creation of a Rail Advisory Committee and dissolution of the Oregon Passenger Rail Advisory Council. Ms. Kelly Taylor explained the current Oregon Passenger Rail Advisory Council deals only with passenger rail issues. A Rail Advisory Committee would have representation from various factions of the rail industry and its community of interest that would represent both freight and passenger issues. The following was read into the record: *(Background material in General Files, Salem.)*

The Rail Advisory Committee's purpose is to advise the department on policies and actions that affect rail facilities and services, improvements to rail facilities and services that support Oregon's economy, and other issues, policies and programs that affect the development and provision of rail freight and passenger facilities and services in Oregon.

The committee will meet at least four times a year.

The committee members are not entitled to compensation except for actual and necessary travel and other expenses incurred while performing their official duties.

The ODOT Director will appoint 15 – 20 members, at the Director's discretion as to the number of members, representing the rail industry, both freight and passenger and other appropriate stakeholders, including but not limited to:

- *Class 1 railroads*
- *Short line railroads*
- *Passenger railroads and passengers*
- *Ports and industries that transport goods by rail*
- *Rail labor union*
- *Local government*

Commissioner Wilson moved to dissolve the Oregon Passenger Rail Advisory Council and create the Rail Advisory Committee as read into the record above. The motion passed unanimously.



Mr. Tindall provided a status report on the Oregon Transportation Investment Act of 2003 (OTIA III) State Bridge Program. Mr. Tindall handed out the most recent information available on the OTIA III State Bridge Program, the OTIA I and II Programs, and the STIP program status in a draft format. In regard to OTIA III State Bridge Program, the department continues to get bridges open to traffic, out for construction and the overall status moves toward completion. With regard to OTIA I and II, 94 of the 163 projects are already complete. *(Background material in General Files, Salem.)*



Tom McClellan, Acting DMV Administrator, gave an overview of the Federal Real ID Act, and Senate Bill 640, both dealing with driver license issuance in Oregon. The presentation included background information and key requirements of the Act and Senate Bill 640. *(Background material and PowerPoint presentation in General Files, Salem.)*

Key points made:

- A fee increase provision of up to \$3 per driver license, permit, or identification card to cover implementation costs was included in SB 640 that would take effect in July 2008.
- Between the state and federal law changes, this is a major undertaking for DMV.
- The department has legal authority to implement many of the new provisions, but some statutory changes are needed to comply with the federal law. The Legislature does not reconvene until 2007, so the work will be managed as an information technology (IT) project, and an experienced project manager will lead the effort for DMV. Senior management at DMV will serve as the Steering Committee for the project. Additional expenditure limitation and full-time positions may be needed as DMV ramps up to meet the new requirement deadlines.

The Commission thanked Mr. McClellan for the briefing and for filling in as Interim DMV Administrator while Ms. Youngs served as Interim ODOT Director.



Mr. Tindall presented the 2006 – 2011 Agency Funding Allocations and 2008 – 2011 Statewide Transportation Improvement Program (STIP) funding targets to the Commission for approval. In October 2005, a staff recommendation about the new federal formula funds available to Oregon was provided to the Commission. At that time, the Commission requested additional information, which was provided in the

December meeting material. Mr. Tindall briefly explained the following staff funding recommendation: *(Background material in General Files, Salem.)*

Highway Division Funding Recommendations

(millions)

	2006	2007	2008	2009	2010	2011
Preservation	24.3		(7.0)	(7.0)	(7.0)	(7.0)
Operations: slides, rockfalls & culverts	2.5	15.1				
Modernization			26.8	25.0	23.0	23.0
Maintenance - Fuel and materials inflation	5.0	5.3	12.0	12.0	12.0	12.0
Total	31.8	20.4	31.8	30.0	28.0	28.0
					Total	170.0

Non-Highway Division Funding Recommendation

(millions)

	2006	2007	2008	2009	2010	2011
Buildings (Repair / Replace)	0.00	0.00	3.50	3.50	3.40	3.30
DMV -- Automated Testing Devices	0.00	0.00	0.70	0.70	0.00	0.00
DMV -- Imaging Equip (Real ID Act)	0.50	0.50	0.00	0.00	0.00	0.00
Motor Carrier -- Merchant Fees	0.35	0.35	0.35	0.35	0.50	0.50
Motor Carrier -- Transponders	0.25	0.25	0.00	0.00	0.00	0.00
Rail -- Passenger Rail	0.00	0.00	2.25	2.25	2.25	2.25
Rail -- Warning Devices	2.75	2.75	0.00	0.00	0.00	0.00
Transit -- Improvement Projects	0.00	0.00	1.00	1.00	0.50	0.50
Transit -- Vehicle Replacement	1.00	1.00	1.00	1.00	1.00	1.00
Total	4.85	4.85	8.80	8.80	7.65	7.55
					Total	42.5

Grand Total 212.5

The Commission acknowledged there are tremendous unmet needs and pointed out the Oregon Transportation Plan shows there will be a \$1 billion shortfall per year to meet the transportation needs of this state.

Public comments were received from the following individuals:

- Bill Kennemer, Clackamas County Commissioner, focused his comments on the opportunities that new funds expected from SAFETEA-LU will provide Oregon and how to strategically invest those funds to the greatest benefit to the economy of the state. Clackamas County supports the Oregon Innovative Partnership process and the potential for tolling on the Sunrise Corridor, but has concerns that tolling may not cover the full amount. Clackamas County offered to work with ODOT if there is a funding gap, and if that proves unsuccessful, they will work with ODOT at the Legislature and in the region to get additional funding.
- Oregon State Representative Patti Smith agreed there are tremendous unmet transportation needs in the state and is supportive of the OTC to find ways to fund transportation needs.
- Oregon State Representative Linda Flores offered her support of the six projects of statewide significance and urged the OTC to keep them at the top of its priority list.

The Sunrise Corridor needs to be addressed in the near future and will do many things beyond relieving congestion – it will add jobs, improve freight mobility, and provide safe recreational travel from Portland to the central and eastern portions of Oregon.

- Jeff Bennett, 2005 Chair of the Clackamas County Economic Development Commission, acknowledged the OTC's hard job of making funding decisions. The Sunrise Corridor plays three fundamental roles in the County's economic development. It provides a critical link from I-205 over to Highway 26; it serves the Clackamas industrial area; and it provides ready access to the Urban Growth Boundary expansion that Metro approved in 2003. The Sunrise Corridor project is critical, and asked for OTC commitment to build it.

The Commission indicated it wants to work with the community to find a way to construct the project. It has committed to not only designating the project as one of the projects of statewide significance, but also to make it one of the three projects to consider as a public-private partnership project. The Commission noted funds are short across the board, but it is committed to figure out how to deliver these larger projects in a more timely fashion.

Additional public comments were received from:

- Oregon State Senator Gary George thought the significant issue was the OTC rightly identified six projects of statewide significance. He also believes there is a backlog of construction needs that need to be addressed now and urged the OTC to use the new federal dollars to move the statewide significant projects along.
- Oregon State Representative Donna Nelson reiterated her support for the Newberg-Dundee Bypass, one of the projects of statewide significance. She reminded the Commission of the legislation passed, its intent, and funding provided. Representative Nelson asked the Commission to reserve the new SAFETEA-LU federal funds not currently earmarked by Congress for projects of statewide significance. She also thanked Joan Plank, Kelly Taylor and Doug Tindall for their responsiveness to requests for information.
- Oregon State Representative Kim Thatcher handed letters from Oregon State Senator Bruce Starr and Oregon State Representative Alan Brown to the Commission. Both letters urged the OTC to move the projects of statewide significance forward by allocating portions of the new federal funds to the construction of these important projects. (*Copies of letters in General Files, Salem.*)
- Oregon State Representative Kim Thatcher's comments focused on the Newberg-Dundee Bypass and her constituents' hope the bypass will be built. Representative Thatcher reiterated the legislature's intent – to get the projects funded and believed the new, unexpected federal dollars should be earmarked for the statewide significant projects. She urged the OTC to rework staff's funding recommendation and bring back the projects of statewide significance into the new funding appropriation.

The Commission discussed how projects of statewide significance were originally identified, recalling the Commission specifically said those projects would require funding sources other than traditional sources. The Pioneer Mountain/Eddyville project was completed with extraordinary resources; but, the remaining projects total \$4 billion and all are critical to this state. What the Commission said in 2002 is still relevant today; that is, it needs to identify a significant new funding resource and all parties need to work in a collaborative manner, being as innovative as possible. The Commission has worked with Newberg-Dundee; it is actively negotiating with the Macquarie Group to analyze whether a toll project will work on Newberg-Dundee, South I-205, and the Sunrise Corridor, and to see what the innovative partners will come up with. If there is a gap, all parties will need to work together to figure out how to close the gap. The OTC is sincerely committed to getting these projects constructed, but the parties involved need to work collaboratively to develop a responsible, effective proposal for the next legislative session that can deliver these projects, as well as other critical ones.

The Commission clarified that at its August 2005 meeting in La Grande, it approved the Final 2006 – 2009 STIP. Normally, the federal authorization amount is known when the STIP is being developed, but that was not the case for the 2006 – 2009 STIP. As a result of the OTC being conservative in its analysis of what it would receive in the reauthorization bill, there are \$212 million in additional federal funds. Now that the amount is known, available dollars can be allocated among the various categories and, in turn, the region staffs and the Area Commissions on Transportation can take the program funding levels and identify where they want to make investments. The OTC's decision today will have an impact on the 2006 – 2009 STIP, and it will need to be amended.

As the Commission went through staff's recommendation, key commission comments were:

- If staff's recommendation was adopted, it would allocate \$98 million over the six-year SAFETEA-LU reauthorization to modernization projects. The ACTs and region staffs would have the opportunity to look at their region needs, work through their priorities and make a recommendation to the Commission on how to best allocate the funds. One difficulty Commission members wrestled with was how much of the \$212 million should be allocated to modernization vs. how much should go to fill holes in other parts of its operations, like a debris flow on Highway 35 that wipes it out, or the culvert failures for which ODOT is at risk. The need to strike a balance between allocating additional funds to modernization projects and meeting the other demands to keep the system functioning in a responsible way is important.
- Looking at the big picture and considering highways are a total system, ODOT expects a \$1 billion shortfall on an annual basis and cities and counties are looking at like kinds of deficits. With projects of statewide significance totaling \$4 billion, how far will \$212 million go? This is a Transportation Commission, not a Highway Commission, and the Legislature made it clear with *ConnectOregon* that multi-modal transportation is important. Staff's recommendation allocates 20% of the additional funds to non-highway (public transit, rail, motor carrier) which is also significantly

under-funded. The OTC is committed to the statewide significant projects and it will do everything it can to get them done, most likely by coming up with ways that haven't even been thought about yet. There is also the issue of statewide constituency. With three projects of statewide significance in the metropolitan Portland area requiring huge amounts of money, there needs to be a statewide understanding of the needs and constituency building across the state.

The Commission recognized and understood highway user frustrations over traffic congestion; the huge amounts of money needed; the need to continue making sure that funding projects of statewide significance is a priority; and the critical importance of working together to find creative funding solutions.

Commissioner Nelson moved to adopt the 2006 – 2011 Agency Funding Allocations and the 2008 – 2011 STIP targets as presented by staff. The motion passed unanimously.

The Commission expressed its appreciation for the dialogue that took place, advising this was not an easy decision for the Commission.



The Commission approved the next two meeting dates as:

- Wednesday, January 18, 2006, in Salem.
- Tuesday and Wednesday, February 14 – 15, 2006, in Albany/Corvallis.



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

1. Revised minutes of the October 18-19, 2005, Commission meeting in Medford.
2. Minutes of the November 16, 2005, Commission meeting in Salem.
3. Resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. The following Oregon Administrative Rule (OAR) actions:

a.	Amendment of OAR 734-073-0051 and 0130 relating to driveaway operations.
b.	Amendment of OAR 734-079-0005 and 0015 relating to variance permits.
c.	Adoption of OAR 735-010-0215 and 0240 and amendment of OAR 735-010-0008 and 0210 relating to requests for personal information.
	Amendment of OAR 735-060-0000, 0030, 0040, 0050, 0055, 0057, 0060, 0105, 0110 (Table 2), 0120, 0130, 735-062-0080, 0320, 735-064-0235, 735-070-0030, 0037 and

d.	0054 and the repeal of OAR 735-070-0180 relating to commercial driver licenses.
e.	Amendment of OAR 735-062-0000 and 735-070-0010 relating to driving privileges.
f.	Amendment of OAR 735-062-0190 and 735-070-0020 relating to hazardous materials endorsements.
g.	Amendment of OAR 735-064-0220 relating to traffic convictions.
h.	Adoption of OAR 735-160-0003 relating to exemption from commercial driver training school certification.
i.	Adoption of OAR 740-010-0020 relating to line of succession for suspension of statutes.
j.	Amendment of OAR 740-050-0610 and 740-055-0320 and repeal of 740-055-0300 relating to rate increase requests.
k.	Temporary amendment of OAR 735-062-0130 relating to issuance of a new driver license number.
l.	Temporary adoption of OAR 735-024-0077, 735-152-0025, 0031, 0034, 0037, 0045, 0060, 0070, 0080, 0090, the amendment of 735-001-0040, 735-020-0010, 0070, 735-022-0000, 735-024-0015, 0030, 0070, 0075, 0080, 0120, 0130, 0170, 735-028-0010, 0090, 0110, 735-032-0020, 735-150-0005, 0010, 735-152-0000, 735-152-0005, 735-152-0010, 735-152-0020, 735-152-0040 and 735-152-0050 and the suspension of OAR 735-046-0080 and 735-152-0030 relating to dismantlers.
m.	Temporary amendment of OAR 734-020-0005 relating to adoption of the Manual on Uniform Traffic Control Devices.

5. Appointment of Louis A. Ornelas to the Oregon Transportation Safety Committee to fill the current vacancy.
6. 2006 – 2009 STIP amendment to cancel OR126: Peterson Tunnel-Turner Creek (project funds available: \$2,512,000) and add OR126: Walker Creek-Chickahominy Creek (total project cost: \$2,013,000). Both projects are in Lane County.
7. 2006 – 2009 STIP amendment to cancel the US101: Jetty Creek Realignment project located in Tillamook County. The funds totaling \$1,030,000 from canceling this project will go into the Region 2 Financial Plan and will be used on future rockfall/slide solution projects.
8. \$500,000 in Type A Immediate Opportunity Funds to fund transportation improvements at the intersection of NE Sandy Boulevard and NE 223rd Avenue to recruit a truck parts distribution company. The project is located at the Townsend Business Park in the City of Fairview, Multnomah County. Total cost for the roadway improvements is \$1,241,000.
9. 2006 – 2009 STIP amendment to increase the scope of work for US199 @ Laurel Road in Cave Junction. This increase will include \$2,463,760 in earmark funds and \$2,410,000 in developer funds, for a proposed increase of \$4,873,760. Total project cost will be \$5,901,760.
10. Establishment of a 45 mile-per-hour transition speed zone between Milepoint 45.23 and Milepoint 45.50 on the Hillsboro-Silverton Highway (OR 214) in Marion County.

11. Appearance before the January meeting of the Legislative Emergency Board to seek approval to apply for and receive federal discretionary scenic byway grants.

12. Appearance before the January meeting of the Legislative Emergency Board to seek approval to increase the limitation for the Transportation Safety Division by \$150,000 to provide funding to the Clackamas County Circuit Court for a dedicated program aimed at reducing repeat DUII offenders.

Commissioner Nelson advised he had a conflict of interest on the property acquisition for Campbell Avenue – I-84, Baker-Copperfield Highway, Consent Calendar Item #2.

Commissioner Wilson moved to approve the Consent Calendar, amending Items 6, 7, and 9 by changing the STIP dates to read 2006 – 2009 as shown above (instead of 2004 – 2007), and excluding the Campbell Avenue – I-84, Baker-Copperfield Highway property acquisition in Consent Calendar Item #2. The motion passed unanimously.

Commissioner Achterman moved to approve the Campbell Avenue/I-84, Baker-Copperfield Highway property acquisition contained in Consent Calendar Item #2. The motion passed unanimously. Commissioner Nelson abstained from voting.

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Chair Foster adjourned the meeting at 2:47 p.m.

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Stuart Foster, Chairman

Gail Achterman, Member

Not present at the meeting.

Randy Papé, Member

Mike Nelson, Member

Janice Wilson, Member

Kim Jordan, Commission Secretary