

# OREGON TRANSPORTATION COMMISSION

## Minutes of the Workshop and Regular Monthly Meetings August 18 - 19, 2004 Baker City

On Wednesday, August 18, at 12:30 p.m., the Oregon Transportation Commission (OTC), and Oregon Department of Transportation (ODOT) staff met in the lobby of the Sunridge Inn Best Western in Baker City. The group toured projects in the Baker City area, after which a workshop was held in the Sunridge Room.

A no-host social hour and dinner were held that evening at the Geiser Grand Hotel in Baker City.

On Thursday, August 19, at 8:00 a.m., the OTC and ODOT staff held a briefing session and reviewed the OTC agenda in the Blue Mountain Room of the Sunridge Inn Best Western. The regular monthly meeting began at 9:30 a.m. in the Sunridge Room.

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 John Russell (absent)	Rail Division Administrator Kelly Taylor
Commissioner Gail Achterman	Public Transit Administrator Martin Loring
Commissioner Randy Papé	Region 1 Manager Matthew Garrett
Commissioner Mike Nelson	Region 2 Manager Jeff Scheick
Director Bruce Warner	Region 3 Manager Paul Mather
Deputy Director for Highways John Rosenberger	Region 4 Manager Bob Bryant
Deputy Director for Central Services Mike Marsh	Region 5 Manager Monte Grove
Communications Administrator Patrick Cooney	Chief Engineer/Tech. Serv. Mgr. Cathy Nelson
Trans. Development Admin. Craig Greenleaf	Commission Secretary Jill Pearson
Trans. Safety Division Admin. Troy Costales	

### Wednesday, August 18, 2004

Chair Foster called the workshop to order at 3:30 p.m.

John Rosenberger, Deputy Director for Highways, provided an overview of the workshop, which covered the Highway Division recommendation for the \$500 million in Oregon Transportation Investment Act of 2003 (OTIA III) modernization funds. The recommendation focuses on advancing projects to construction. The Highway Division proposes to include its recommendation in the Draft Statewide Transportation Improvement Program (STIP) to be published in about one month, after which there will

be a year-long public review period. Final adoption of the 2006-2009 STIP will take place in September 2005.

The Division recognized the recommendations from the Freight Advisory Committee and Governor's Economic Revitalization Team as it deals with transportation improvements related to industrial access. The proposal moves to complete the Department's and Commission's commitment to the federal earmarks. The proposal allocations assume the U.S. House level of earmark funding received.

Matthew Garrett, Region 1 Manager, reviewed the Highway Division project recommendations for the following project categories (Background material in General Files, Salem):

- Freight Mobility (Freight Advisory Committee Tier 1 Projects), Industrial Access and Jobs (\$100 million)
- Modernization Equity Split (\$100 million)
- Projects of Statewide Significance (\$100 million [splitting out \$20 million for Public-Private Partnerships])
- ODOT Earmark Request (\$200 million)
- 2008-09 STIP Targets (\$35 million)

The Commission was concerned that there may be other projects that fit public-private partnerships better, and would leverage the public interest much more, than those on the list of statewide significant projects.

The Commission has the authority to make the ultimate decision regarding projects to be considered for public-private partnerships. There is time between now and the finalization of the STIP to review the projects of statewide significance. If the Commission wants to add others, it would require a more creative approach OF funding sources to use. STIP money can be moved from region to region.

The Commission asked whether it would be possible to put the \$20 million split for public-private partnerships back into the funding for projects of statewide significance, and locate \$20 million from another source to use for public-private partnership projects, eliminating the modernization equity split issue and the limit on the projects of statewide significance. John Rosenberger said that there probably are ways that this could be done. He will review information and report back to the Commission.

Following are some of the critical policy issues the Commission will need to confront as it moves toward decision. There may be more issues that were not anticipated.

1. How should we handle the \$20 million set aside for public-private partnerships and what pool of projects is or is not eligible for that public-private partnership money?
2. Should the 50/50 split between the modernization equity and the projects of statewide significance be adjusted when we see the entire pool of projects? To

what extent do we direct the money at projects that can be completed through construction with the OTIA III funds, and to what extent do we make partial investments in anticipation of future revenue so the projects move forward?

3. Is the appropriate amount of money in terms of dollars and percentages flowing equitably to the regions?
4. Should to-completion projects be fully funded or should the money be spread out as recommended?
5. How should we deal with projects where the decision to begin construction is going to be made prior to the 2006-09 STIP? There are two projects that may be bid prior to knowing what the actual earmark will be, (Pioneer Mountain and Redmond Reroute) which will require STIP amendments to advance. In advance of adoption of the 2006-09 STIP, ODOT will be in a position with those two projects to make decisions to take them to construction. The department recommendation is to move them to construction.
6. Are there other projects that should be included?

The Commission knows that without Congressional support, the critical earmark projects will not happen. Part of our strategy should be to obtain written commitment from Congress. The agency cannot accomplish this overall program without:

- the collaboration and partnership with Congress;
- understanding what our constraints are;
- focusing on the projects that we have asked for earmarks on, which have been developed as a result of a consensus of people around the state.

Bob Bryant, Region 4 Manager, reviewed the scope, schedule and budget for the US 97: Redmond Alternative Route; US 97 Re-Route, Phase 1 (Maple-Negus Overcrossing, Redmond); and US 97 at Cooley Road Interchange projects.

Jeff Scheick, Region 2 Manager, provided information on the US 20: Pioneer Mountain-Eddyville (Lincoln County) project.

The Commission will continue this discussion at its September meeting.

Chair Foster thanked Director Warner and his staff for putting together this workshop. He adjourned the workshop at 5:00 p.m.



A no-host social hour and dinner were held at the Geiser Grand Hotel in downtown Baker City. The dinner program included presentations from Steve McClure, Chairman of the North East Area Commission on Transportation (NEACT), who spoke about the NEACT; Baker City Mayor Peter Ellingson, who spoke on Baker City: Its Problems, Solutions and the Future; Fred Warner, Jr., Baker County Commissioner, who talked about local Baker City projects and partnering with ODOT; and closing remarks from OTC Chairman, Stuart Foster. The dinner and program concluded at 9:00 p.m.

Thursday, August 19, 2004

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



Director's report highlights:

- Conferees came close to agreeing on an overall funding level for reauthorization of SAFETEA but could not finalize a deal before Congress adjourned for the August recess. With only a few weeks left in this session, it is unlikely a six-year bill will be completed this year.

Before leaving town, Congress did extend TEA-21 funding through the end of the federal fiscal year (September 30), but with a few twists.

- Highway programs will expire on September 24.
- \$1.8 billion has been held back in "reserve." These funds could be distributed to states by formula or earmarked if a long-term extension is passed in September.
- Congress changed its practice of adding earmark amounts to the total amounts going to the states and instead has directed a number of states, including Oregon, to fund the Congressional earmarks out of the states' appropriations.

This will create a \$10.6 million hole in Oregon. The Commission has seen some correspondence between local governments and ODOT, including a letter Director Warner sent last month to the League of Cities, the Association of Counties and the Metropolitan Planning Organizations with his commitment to minimize the pain of this action.

ODOT continues to work with Oregon's delegation, and has urged the locals to do the same, to get this changed.

Language has been added to the FY 2005 Department of Defense (DOD) appropriations bill to address the Section 115 earmark issue, but Oregon won't know for sure that it fixes the problem until FHWA releases official numbers to reflect the changes made by the DOD bill and the most recent extension of TEA-21.

Director Warner hopes to have the numbers in September.

- On August 18 Pat Cooney and Director Warner visited with the *Record Courier* and the *Baker City Herald* newspapers. The dialog was good and many excellent questions were asked.

- There was media coverage after ODOT filed the proposed speed limit administrative rule with the Secretary of State on August 11<sup>th</sup>.

The Commission is familiar with the engineering recommendation to increase speeds by five miles per hour through the Portland, Salem, Eugene-Springfield and Medford urban areas.

ODOT is waiting to receive the issues report being prepared by Portland State University and has scheduled five public meetings in Grants Pass, Eugene, Portland, The Dalles and La Grande to collect public comment before the end of August.

ODOT plans to bring a revised administrative rule to the Commission for adoption at its September meeting.

- Director Warner attended the Oregon Trucking Association's annual meeting in Redmond where he spoke about the proposed interstate speed limit rule.

He heard some good questions, and a variety of opinions from attendees on whether or not truck speeds should increase. He also heard their desires for consistent and predictable management of ODOT construction zones. They understand there will be delays; they just want to be informed in advance so they can adjust if necessary.

Senators Bruce Starr and Rick Metsger, and Representatives Terry Beyer and Alan Brown were also in attendance.

- On August 2, Director Warner and some of his staff met with Labor Commissioner Dan Gardner and his staff to coordinate between the two departments on efforts to improve the results from construction and on-the-job training and apprenticeship programs, as well as the disadvantaged, women and minority business-owned enterprise programs.

The Bureau of Labor and Industries received a budget note last session directing them to work with ODOT on these issues, and BOLI is scheduled to provide a progress report to the Legislative Emergency Board in November.

Both agencies' staffs are working very well together, and Director Warner plans to attend the November E-Board session to support Commissioner Gardner's report.

- Director Warner reported that following Commission adoption in July of temporary rules implementing HB 180, the Public Transit Division contacted all nine federally recognized Oregon tribes to invite them each to apply for \$80,000 in Special Transportation Funds to use for their own transit services. ODOT is also holding informational workshops for the tribes to assist them in the application process.

Additional information on this topic is in the Division Reports section of the Commission packets.

- On the morning of August 17, Marvin “Buzz” Raynor, a Clatskanie maintenance employee, was injured while working around a motor grader. He was taken by LifeFlight to Oregon Health Sciences University in Portland and is in the Intensive Care Unit. Mr. Raynor is a 21-year employee with ODOT. An accident investigation is underway.
- Long time ODOT employee, Reid Meritt, retired recently from his position in Region 4. Mr. Merritt worked for ODOT for 57 years. He is believed to be the longest tenured transportation employee in the United States.
- Tunnel 7 on the Union Pacific main line through the Cascades is on fire. The fire is causing problems with train shipments as well as Amtrak services. Director Warner will keep the Commission informed.



Commission member reports included the following information:

Commissioner Russell was not in attendance.

Commissioner Achterman continued work on the Oregon Transportation Plan update. She attended a Steering Committee meeting on August 13. The Steering Committee is moving from developing the vision and policies to doing analyses of alternative scenarios for the future. Key themes include taking a new look at multiple modes so people have transportation choices and increasing the focus on how we manage our roads to maintain mobility using new technologies in cars. As Director of the Institute for Natural Resources at Oregon State University, she worked with Doug Tindall, ODOT’s Maintenance Engineer, who is serving on the Governor’s Aggregate Mining Task Force, which is trying to resolve the ongoing conflict between gravel mining and prime farmland in Oregon. The Farm Bureau and other interests don’t want to see valuable farmland used for mining aggregate, and yet aggregate is often where the farmland is, particularly high grade river rock.

Commissioner Papé attended meetings of the Cascades West Area Commission on Transportation and the Lane Metropolitan Planning Committee. He participated with ODOT, the Federal Highway Administration and the local community in the Eugene/Springfield area in the dedication of the I-5 bridge projects over the McKenzie and Willamette Rivers. He congratulated ODOT, Hamilton Construction and Wildish Construction for their quick work. He worked with ODOT and Senator Smith’s office to resolve issues regarding the Section 115 earmarks.

Commissioner Nelson attended an ACT meeting. He thanked Monte Grove and Rena Cusma for working with him to resolve an issue in the South East ACT area. He spent a day with the Region 5 bridge maintenance manager, Devon Talley, reviewing projects for the region. He commended ODOT employees for the work they do. As the OTC representative for the Oregon Business Council, he met with Bill Thorndike, Senator Wyden and others to talk about the development of the Oregon Business Plan. Transportation is a key component of the plan.

Chair Foster attended an Oregon Business Council meeting in Medford. He worked toward resolution of the Section 115 issues.



Public comments were received from:

Jon Croghan, Baker County Commission on Disabilities, raised a concern about the handicap restrooms at rest areas. Many of the older facilities are not accessible to people with physical limitations, especially those confined to wheel chairs. He advocated for placement of a web camera on the overpass at Ladd Canyon. The Commission promised to look into Mr. Croghan's issues.



Jessica Harris-Adamson, Associated General Contractors (AGC) Oregon Columbia Chapter, spoke regarding a July 13, 2004 letter the AGC sent to the OTC Chair, Stuart Foster, regarding ODOT's Design-Build program. The AGC raised several concerns including ODOT's solicitation methods, inability by proposers to review documents, local firm participation being hampered by rating systems, project sizes and bundling and inability to meet with the Oregon Bridge Delivery Partners to discuss concerns. On July 22, Ms. Harris-Adamson and AGC members met with Director Warner to discuss these concerns, and on August 3, they met with ODOT staff and contractors. The group agreed to 22 issues that need to be addressed. She received a letter from Jim Cox, the Design-Build manager, indicating that nine of those issues have been resolved. She appreciated the quick response by ODOT and the energy that Jim Cox and his staff have put into working with AGC in making the process better. AGC wants to see a process that is mutually beneficial, cost effective, more efficient and fair. She thanked Director Warner, ODOT staff and the Commission for their commitment to resolving these issues.

The Commission thanked Ms. Harris-Adamson for her comments and the AGC for partnering with ODOT and the Commission to make the Design-Build program better.



Harney County Judge Steve Grasty and South East Area Manager Rena Cusma requested approval of the South East Area Commission on Transportation (SEACT) Charter and Biennial Report. (Background material in General Files, Salem.)

Ms. Cusma requested variance from the Commission's policy that ACT membership include 50% elected officials because SEACT members are part time and voluntary, lower population levels than the statewide average in the area (two people per square mile vs. about 36 people per square mile), and the extensive travel needed to attend monthly meetings.

Judge Grasty thanked the Commission for establishing the ACT process. He endorsed Ms. Cusma's request for variance regarding ACT membership requirements.

He asked the Commission to consider the work of the Governor's Office of Rural Policy as it relates to transportation issues in rural Oregon, including building job opportunities.

There are road/weather cameras owned by BLM and other agencies that ODOT could link to, free of charge. He encouraged ODOT to consider adding more cameras to its road information website (TripCheck).

Judge Grasty informed the Commission about a maintenance improvement project recently completed on 78<sup>th</sup> in Burns. The new pavement already requires patching.

The Commission supported adoption of the SEACT Charter, but was concerned about the role of the federal land management agencies on the eastern ACTs. The SEACT work plan does not include review by the local ACT when federal special land management funds are involved. It urged SEACT to expressly call out in the work plan review by the ACT of federal land allocation decisions.

Judge Grasty thanked the Commission for its valid concern. Currently, such review takes place at the county level.

It is the SEACT's intention to get as many elected representatives as possible to participate on the ACT. Because most of the elected representatives are unpaid and have full time jobs, they are simply not able to serve. The ACT has very good representation of people who represent local communities and are sanctioned by the elected officials in those counties.

Commissioner Nelson moved to approve the South East Area Commission on Transportation's Charter. The motion passed.



Union County Commissioner Steve McClure and Region 5 Manager Monte Grove requested approval of the North East Area Commission on Transportation (NEACT) Charter and Biennial Report. (Background material in General Files, Salem.)



One challenge the NEACT continues to face is obtaining public input. Region 5 does an excellent job, as does the region public information representative, Tom Strandberg, who does an excellent job publicizing ACT meetings, which are well attended.

Commissioner Nelson moved to approve the North East Area Commission on Transportation's charter. The motion passed.



Transportation Safety Division (TSD) Administrator Troy Costales requested approval of the 2005 Oregon Traffic Safety Performance Plan and additional approval to authorize the TSD Administrator to sign necessary agreements to carry out projects in the safety program. (Background material in General Files, Salem.)

The Oregon Transportation Safety Committee and the Governor's Advisory Committee on DUII have endorsed the 2005 Oregon Traffic Safety Performance Plan. The Governor's Advisory Committee on Motorcycle Safety will approve the plan at its September meeting.

Commissioner Achterman moved to approve the 2005 Oregon Traffic Safety Performance Plan and authorize the TSD Administrator to sign necessary agreements to carry out projects in the safety program. The motion passed.



Office of Innovative Partnerships and Alternative Funding (OIPAF) Manager Jim Whitty requested approval to adopt Oregon Administrative Rule 731, Division 70 – Oregon Innovative Partnerships Program (OIPP). (Background material in General Files, Salem.)

Mr. Whitty said that these Oregon Administrative Rules encompass multiple goals, including:

1. Inform the public how the program will operate,
2. Protect the state by ensuring transparency of the process and that projects that go forward are appropriate and that partnership arrangements accomplished under the program are acceptable to Oregonians,
3. Ensure the participation of qualified private firms in the program.

Three comment periods in June and July have allowed for extensive interaction with interested parties.

Extensive changes were made following Commission review in May and also after the second and third comment periods ended. Because of the Commission's and public's comments, the document is much improved.

If an independently audited financial statement is available (731-070-0070, Contents and Format of Detailed Proposal, TAB 1, item F), the Commission made it very clear that the firm must provide it. However, in the case of a Limited Liability Corporation (LLC), a financial statement may not be available. In this case, the underlying partners of the LLC would provide independently audited financial information, as well as the partnership agreement or some other document that demonstrates the ability to perform the obligations.

Commissioner Achterman moved to adopt Oregon Administrative Rule 731, Division 70 subject to the following changes: Under 731-070-0005, sub-sections 5 and 7 will be deleted and in line two of sub-section 1, between the words “delivery” and “maximize,” the word “and” will be deleted and a comma added. Under 731-070-0050, sub-section 3, the words “individually identified” will be added after the words “20 copies.” The motion passed.

The Commission and Director Warner thanked ODOT and those who commented on the rules. Director Warner suggested that the Commission send a thank you letter to the commenting firms, and the Commission agreed to do so.



Art James, Innovative Partnerships Project Manager, requested approval to adopt Temporary Oregon Administrative Rule 731-070-0055 – Fees to Accompany Unsolicited Proposals received under the OIPP. (Background material in General Files, Salem.)

Changes were made to this temporary rule after receiving direction from the Commission in May. Conversations with stakeholders and the Oregon Department of Administrative Services (DAS) also prompted some changes.

DAS must also approve this rule. That action is still pending.

Commissioner Papé moved to approve temporary Oregon Administrative Rule 731-070-0055. The motion passed.



Highway Division Deputy Director John Rosenberger requested approval to appear before the September 2004 meeting of the Legislative Emergency Board to apply for, receive and expend a federal grant offered by the United States Department of Transportation (USDOT) for the Oregon Bridge Delivery Unit. (Background material in General Files, Salem.)

Commissioner Nelson moved to approve this item. The motion passed.



Public Transit Division Administrator Martin Loring requested approval to appear before the September 2004 meeting of the Legislative Emergency Board to apply for a Federal Transit Administration "State Coordination Grant." (Background material in General Files, Salem.)

Commissioner Papé moved to approve this item. The motion passed.



Public Transit Division Administrator Martin Loring provided an update on recent changes in Greyhound intercity passenger service for Oregon and the northwest area and resulting issues. (Background material in General Files, Salem.)

Greyhound Lines, Inc. recently announced that as of August 18, 2004, it will eliminate service to 35 rural Oregon communities along its US 101/Highway 18, US 97/Highway 26, I-5 and I-84 routes. These stops accounted for over 52,000 passenger arrivals and departures in 2003. Public Transit Division has played a key role in documenting the situation, generating national awareness, and analyzing potential solutions. Ideas under review include legislation that would increase provider flexibility, subsidizing particular routes or stops (as serviced by Greyhound or other local providers), using incentives to induce private investment in transit, and purchasing vehicles that would allow smaller providers to pick up certain routes.

The process of determining how to cope with the Greyhound cutbacks has just begun. As options are identified, they will be evaluated and discussed with stakeholders to identify benefits and costs. The Commission is very concerned about this loss of rural transportation service, and has asked for a report at their fall meeting. Options considered will include those constrained by available resources, but may also include longer term responses requiring legislative action or additional resources.

ODOT is working with the local providers, Greyhound, and local agencies to try to resolve this issue.

The Commission directed ODOT to prepare a package of recommended changes in federal law and recommended specific federal funding needs to take to Oregon's Congressional Delegation.



Region 1 Manager Matthew Garrett requested approval to amend the 2004-2007 Statewide Transportation Improvement Program (STIP) to add I-84 rock fall (MP 61 near the City of Hood River) repair; add a 2005 Intelligent Transportation System (ITS) Hardware and Software project and a 2007 ITS Urban Corridor project; delay US26: West Ski Bowl – Government Camp Project; and cancel Farley Slide Repair Project. (Background material in General Files, Salem.)

Commissioner Papé moved to approve this amendment as proposed. The motion passed.



Rail Division Administrator Kelly Taylor requested approval to distribute funds appropriated by the 2003 Legislative Assembly for industrial rail spur projects in Oregon. (Background material in General Files, Salem.)

Commissioner Papé moved to approve the list of recommended rail spur projects. The motion passed.



The Commission approved the next two meeting dates as:

- Annual Workshop on Wednesday and Thursday, September 29 and 30, in Newport.
- Wednesday and Thursday, October 20 and 21, in St. Helens.



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

1. Approve the minutes of the July 14, 2004, Commission meeting in Portland.
2. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
3. Approve the following Oregon Administrative Rule (OAR) actions:

a.	Adoption of OAR 735-024-0015 and 0025, amendment of 735-024-0030 and repeal of OAR 735-024-0010, 0020, 00040, 0045, 0060 and 0090 relating to title brands and notations.
b.	Amendment of OAR 735-072-0023 and 0027, relating to the Driver Improvement Program.
c.	Adoption of OAR 735-150-0039 and 0205, amendment of 735-150-0000 through 0015, 0020 through 0037, 0040 through 0050, 0060, 0080, 0090, 0105 through 0160, 0180 and 0190 and the repeal of 735-150-0100 relating to vehicle dealer regulations.
d.	The amendment of OAR 735-074-0140 relating to DMV response to a mandatory medical report.
e.	Adoption of OAR 731-060-0000 through 0070 relating to the Commercial Products Research and Development Program.

Chair Foster declared a conflict of interest in regard to the I-5 South Medford Interchange Pacific Highway authority to acquire real property (Consent Calendar Item #2).

Commissioner Achterman moved to approve the I-5 South Medford Interchange Pacific Highway authority to acquire real property. The motion passed. Chair Foster abstained.

Commissioner Achterman moved to approve the remaining items on the Consent Calendar. The motion passed.



District 13 Manager Mike Buchanan provided an informational update on I-84, New Challenges for the Old Oregon Trail. (Background material in General Files, Salem.)

Mr. Buchanan covered issues including weather conditions, bridge construction, areas with specific challenges such as dust storms, steep grade, extended winter season, dense fog, multiple curves, horizontal alignment, and crash data.

One major issue during the winter months is freeway closure during extremely inclement weather. Increased traffic, particularly truck traffic, creates problems. Truck storage runs out long before motel spaces, requiring the road closure to be moved farther up the Interstate.

Commissioner Achterman chairs a group as part of the Governor's Global Warming Advisory Group and his global climate change initiative. ODOT is represented on the Oregon solutions group that is trying to find ways to electrify truck stops to reduce the number of idling trucks and reduce vehicle emissions. The group received a \$200,000 Environmental Protection Agency grant for a pilot project on idle-free truck stops. Funding is currently limited to Interstate 5. If the group successfully demonstrates that idle-free truck stops can be done, Interstate 84 will also be considered.

Portland State University's (PSU) transportation laboratory is conducting a driver behavior experiment in the Myrtle Creek curves area. Reader boards that show vehicle speed have been installed. They are trying to determine if driver behavior can be modified. Region 5 is working on a similar project in the Burnt River area. Reader boards with radar speed detectors and a message to drivers will be used. The Commission urged ODOT to enlist PSU in the experimental design to maximize the learning from the experiment.



Chair Foster adjourned the formal meeting at 12:43 p.m.



<hr/> <p>Stuart Foster, Chairman</p>	<hr/> <p>(Absent) John Russell, Member</p>
<hr/> <p>Gail Achterman, Member</p>	<hr/> <p>Randy Papé, Member</p>
<hr/> <p>Mike Nelson, Member</p>	<hr/> <p>Jill Pearson, Commission Secretary</p>