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OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting January 14, 2004 Portland, Oregon

On Wednesday, January 14, the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a briefing session and reviewed the OTC agenda at 8 a.m., and the regular monthly meeting began at 9:50 a.m. Notice of these meetings had been made by press release of local and statewide media circulation throughout the state. Those attending included:

Chair Stuart Foster	Trans. Developmt. Div. Admin. Craig Greenleaf
Commissioner Michael Nelson	Interim Chief of Staff Lori Sundstrom
Commissioner Randy Papé	Interim Region 1 Manager Matthew Garrett
Commissioner John Russell	Region 2 Manager Jeff Scheick
Director Bruce Warner	Region 3 Manager Paul Mather
Deputy Director, Highways, John Rosenberger	Region 5 Manager Tom Schuft
Deputy Director, Central Services, Mike Marsh	Commission Secretary Jill Pearson
Communications Div. Admin. Patrick Cooney	



Director's report highlights:

- Director Warner commented on the snow and ice storm that hit Oregon recently.
 - SW Oregon experienced the biggest snowstorm in the past 30 years. For the first time ever, ODOT crews were mobilized to perform search and rescue efforts to look for trapped motorists and worked with the Red Cross to set up a center to serve more than 500 immobilized motorists.
 - In the Portland metropolitan area during November and December, more sand was used than the last three years combined. More de-icer was spread in one week than in all of last year and, for the first time in the Portland metropolitan area, chains were required on Interstate 5.
 - In the mid-Willamette Valley area, ODOT went to 12-hour shifts to operate 84 pieces of equipment, 24 hours a day, using the majority of the region's de-icer to deal with the snow and ice problems.
 - Although Central and Eastern Oregon regions experienced less-than-normal winter conditions, crews continued to work hard at keeping those highways open as well.
 - The department received a lot of good feedback regarding the work ODOT crews did to keep the roads open, including a January 10 visit by Governor Kulongoski

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with Region 2's mid-Willamette Valley crews thanking them for their hard work. The Director promised more information would come back to the commission in February as overall costs are tallied.

The Commission emphasized their appreciation to all ODOT employees who worked long and hard hours through the storm and keep the state's highways open.

- Sunnybrook Extension Project Settlement. The Director recognized the following individuals who played an important role in the project's successful resolution: Marge West, Project Manager; Mike Struloeff and John Smith, Assistant Project Managers; June Carlson, Area Manager; Glen Thommen, Claims Engineer; Bill Cloran, Special Assistant Attorney General; Bob Pappé, Contract Administration Engineer; and Dale Hormann, Assistant Attorney General. Other staff recognized for significantly contributing to the successful outcome were: Dave Pearson, Construction Project Coordinator; Rob Wattman, Donovan Golden, Dick DeMaris, Jim Adams, and Mike Hunter, Construction Inspectors; and Doug Hardt and Clay Nolen, Construction Designers.

The Commission thanked the individuals who played a part in the Sunnybrook project's successful completion.



Commission member reports included the following information:

Commissioner Russell reported chairing a group revising what ODOT does with emerging small businesses. The group continues to move forward. Commissioner Russell also attended the Freeway Loop Committee meeting, looking at what happens between the Fremont Bridge and south of the Marquam Bridge.

Commissioner Papé advised he visited with Central Oregon staff and city leaders about 1,500 acres the City of Bend desires to develop off Highway 97, north of Bend. Commissioner Papé attended the Lane Metropolitan Planning Organization meeting and talked about the citizen involvement delay issue reported at the December OTC meeting. He feels that discussion continues to evolve and is hopeful they will be able to gain additional citizen involvement in the process. He is pleased with the progress on the bridges over the Willamette and McKenzie Rivers. They are big projects in the Eugene-Springfield area. The Freight Advisory Committee met and discussed local bridge issues, which is the primary topic right now. He also had the opportunity to visit with Vice President Dick Cheney recently while Mr. Cheney was in Oregon. They discussed transportation issues and especially the need for additional help on the state's bridge problem.

Commissioner Nelson indicated he has been working with the Governor's Office regarding governmental agencies working together in the area of tourism. One of the goals they are currently looking at is using the Scenic Byways Program to enhance

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communications and promoting tourism between ODOT, Economic and Community Development Commission, Aeronautics Board and the Tourism Division.

Chair Foster congratulated Pat Egan on his move to the Port of Portland, acknowledged all the wonderful work Mr. Egan has done for the department, and how the Commission looks forward to a continued relationship with him in his new role.



Public comments were received from the following individuals:

Ray Polani, Co-Chair of Citizens for Better Transit and Director of the Association of Oregon Rail and Transit Advocates. Mr. Polani relayed information about railroads and how they can contribute to the transportation picture. He proposed amending the constitution to provide an opportunity to finance railroads and public transit equally with highways. (*Copy of handout material in General Files, Salem.*)

Maria Rojo de Steffey, Multnomah County Commissioner. She asked the Commission to preserve the 23% big bridge funding share of the OTIA III \$300 million and advocated for three Willamette River Bridges: Sauvie Island, Sellwood and Morrison. Commissioner Rojo de Steffey indicated the Sauvie Island Bridge continues to be their first priority and provided a brief update on the newest Sellwood Bridge crisis. (*Copy of handout material in General Files, Salem.*)

Jacob Brostoff, private citizen. Mr. Brostoff, formerly with 1000 Friends of Oregon, thanked the Commission for the opportunity to work with them and also for their dedication and leadership. He introduced Rob Zako, the new transportation advocate for 1000 Friends of Oregon. The Commission expressed their pleasure in working with Mr. Brostoff over the past few years and wished him the best in his future pursuits.

Rob Zako, 1000 Friends of Oregon, shared concerns about on-time passenger rail schedules as well as support for the I-5 Willamette River Bridge replacement.



The Commission considered adoption of OAR 734 Division 51, Access Management Rules, to be implemented on March 1, 2004. (*Background material in General Files, Salem.*)

Craig Greenleaf's comments focused on the following key points:

- Changes were made based on testimony regarding reasonable access. The rules conform with the obligations set forth in Senate Bill 765, directing ODOT to deal with changes to the access management standards.
- Relating to Highway Segment Designations, the language provides an interim basis to deal with Highway Segment Designation treatments, recognizing in some cases, it may take awhile to work out the final details. He also wanted to clarify that although

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this language is found in Section 115 of the rule, it does have some connection to the sections of the rule dealing with review and approval standards in Section 080.

- Errata/Procedural Form dated January 12, 2004, points out several minor errors found when converting the working draft of Division 51 into the official version. The Errata document also requests Commission approval for the Transportation Development Division Administrator to make other editorial corrections, if additional minor errors are found when preparing the final documents to be filed with the Secretary of State.

Commissioner Russell moved to adopt OAR 734 Division 51 Access Management Rules as amended by the Errata/Procedural Form dated January 12, 2004. The motion passed unanimously.

The Commission thanked Mr. Greenleaf and everyone else participating in this process. They felt the end result was a superb document. Mr. Greenleaf thanked staff and the Access Management Advisory Committee who put a great deal of energy and time into working through the many complicated issues.



Discussion and a public hearing was held regarding the proposed amendments to the 1999 Oregon Highway Plan, Land Use and Transportation Policy 1B. (*Background material in General Files, Salem.*)

Craig Greenleaf provided information about: 1) simplifying and easing the designation process of designation so it could move forward in an expeditious manner; 2) properly balancing the interest of freight mobility with the other community development objectives; and 3) clarifying the nature of the engagement, particularly with the local governments, making sure there is local government support where the segment designations are moving forward.

The public hearing period was opened for comments on proposed amendments to the 1999 Oregon Highway Plan, Land Use and Transportation Policy 1B. The following individuals provided testimony:

- Mark Whitlow, Retail Task Force Committee. (*Handout material, including e-mail material from Ken Diener, KJD Architecture, on behalf of the Retail Task Force, submitting 27 segments they support for UBA designation, in General Files, Salem.*)
- Andrew Stamp, AMAC member.
- Bob Cortright, Department of Land Conservation and Development. (*Written comments in General Files, Salem.*)
- Rex Burkholder, Metro Council.
- John Charles, Cascade Policy Institute. (*Handout material in General Files, Salem.*)

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Chair Foster recessed the public hearing period to recognize Chris Warner, who was in the audience. Chair Foster explained that Mr. Warner has taken over Pat Egan's former position in the Governor's Office, which includes, among other things, the transportation portfolio. The Commission looks forward to working with Mr. Warner.

Mr. Warner noted he looked forward to getting back to transportation issues and working with the Transportation Commission. Many years ago he worked for Congressman DeFazio as his transportation liaison.



The public hearing period was reconvened and testimony continued from the following individuals:

- Rob Zako, 1000 Friends of Oregon. (*Written testimony in General Files, Salem.*)
- Craig Flynn, Portland resident.

Chair Foster, hearing no further testimony, closed the public comment period. Commission and staff reviewed the oral and written testimony received and further Policy 1B amendments were made. Mr. Greenleaf recommended that the Commission come back to the Design Manual issue as a separate agenda item, at a later time. The Commission concurred.

Commissioner Russell moved to adopt the revisions to Land Use and Transportation Policy 1B of the 1999 Oregon Highway Plan subject to the noted amendments. The motion passed unanimously. (*Revised Policy 1B showing all revisions in General Files, Salem.*)

Next, the Commission considered adoption of the Highway Segment Designations.

Commissioner Papé moved to adopt the Highway Segment Designations as set forth in Attachments E and F of the Commission's background material, subject to one amendment: The City of Independence requested their UBA designation be deleted from the list but to continue listing both the STA and Commercial Center designations. The motion passed unanimously.

It was noted that it is extremely important to the Commission that staff move ahead with an analysis of the freight routes and complete it within six months. Following that completion, further expectations were noted:

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- Within this calendar year, a significant amount of additional UBA designations will come to the Commission for adoption.
- The Commission noted there seems to be a degree of tension between the Retail Task Force and the Oregon Truckers Association. It was suggested the two groups ought to consult with each other to help resolve the issues.
- In some of the testimony given today, the Commission noted there was concern expressed about UBAs. The OTC felt there is a need to keep in perspective the Highway Plan language on UBAs/Commercial Centers was adopted in coordination with the designation of Expressways. It was stated that the Commission early on, after the adoption of the Highway Plan, designated a significant number of Expressways in the State, which was a significant net planning gain. The understanding all along was that the balance of that net gain and the restrictive Expressway provisions would be that UBAs and Commercial Centers would be adopted.
- It was also mentioned that ideally in the future, ODOT and DLCD would reach agreement prior to issues coming before the Commission.

The Commission applauded Mr. Greenleaf and Ms. Bohard on the outstanding work they have done.



The Commission considered adopting a resolution to expand the existing Bi-State Transportation Committee responsibilities to include advice to the Joint Policy Advisory Committee on Transportation (JPACT), Regional Transportation Council (RTC), other councils, commissions and boards, on transportation, land use, and economic development issues of bi-state significance. (*Background material in General Files, Salem.*)

Commissioner Papé moved to adopt Resolution No. 302, authorizing Chair Foster to sign on behalf of the Commission. The motion passed unanimously.



Dave Williams, ODOT Office of Innovative Partnerships and Alternative Funding, and Steve Wolf, Assistant Attorney General, presented information on initiating administrative rulemaking for the Innovative Partnerships Program. Mr. Williams explained that through the passage of Senate Bill 772, the 2003 Oregon Legislature gave ODOT, other units of government, and the private sector, expansive opportunities for partnership in Oregon transportation projects. (*Background material and PowerPoint presentation in General Files, Salem.*)

Rulemaking is one of three things needed to implement the program, along with Operating Procedures and bringing on a consultant team that has the expertise to help the department. The following next steps were noted: First, preparing a draft

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administrative rule; bringing a consulting team on board, rule adoption, screening which projects to work on, and finally, creating a web page.

The Commission confirmed they agreed with the direction staff was taking.



Craig Greenleaf provided a status report on the proposed Interchange Management Work Program, indicating a more in-depth proposal would be brought before the Commission at their May 2004 meeting. The status report included information in three areas: 1) the basis on which staff is looking at these particular projects; 2) the basis of the legal questions forwarded to the Attorney General's Office; and 3) the draft list of interchanges. (*Background material in General Files, Salem.*)

Art Schlack, Association of Oregon Counties, provided comments on local government concerns, specifically noting the need to include local government representatives in ongoing Department of Justice and Land Conservation and Development Commission policy discussions.

The Commission proposed adding a question to the list of legal questions that involves local government and deals with cost.



The Commission approved the next three meeting dates as:

- Wednesday, February 18 and Thursday, February 19, 2004, in Bend.
- March 1, 2004 special telephone meeting, in Salem.
- March 24, 2004 meeting, in Salem.



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

1. Minutes of the December 11, 2003 Commission meeting in Salem,
2. Resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
3. The following Oregon Administrative Rule (OAR) actions:

(List of rules continued on next page.)

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a.	Amendment of OAR 731-007-0050 relating to disclosure of first-tier subcontractors.
b.	Amendment of OAR 734-017-0005 relating to chain and traction tire definitions.
c.	Repeal of OAR 735-061-0010 through 735-061-0200 relating to Class C third party testing.
d.	Amendment of OAR 735-116-0000 relating to safety equipment standards for off-road vehicles.
e.	Adoption and amendment of OAR 735-176-0000 through 735-176-0040 relating to taxation of use fuel.
f.	Adoption of OAR 740-100-0015 relating to commercial motor vehicle inspector certification.

4. Establishment of a 45 MPH transition speed zone (southbound only) from MP 24.69 to MP 25.09 on the Pacific Highway West (OR99W) near Dundee in Yamhill County.
5. Establishment of a 45 MPH transition speed zone from MP 27.55 to MP 27.74 on the Hillsboro – Silverton Highway (OR 219) near the north city limits of St. Paul in Marion County.
6. Amendment of the 2002 – 2005 Statewide Transportation Improvement Program (STIP) to add the Wallowa River (Orval Makin) Bridge #63C36 to the OTIA I Wallowa River (Ed Long) Bridge project, Key No. 10411, in the vicinity of Enterprise, Wallowa County. Estimated cost of adding Bridge #63C36 is \$428,453, bringing the total proposed project cost to \$912,453. Although there are no OTIA II local bridge funds available at this time, the OTIA Steering Group stated it would front these costs until OTIA II local bridge project funds become available.
7. Amendment of the 2002 – 2005 STIP to add the following five bridge repair projects as part of the list of 41 under-capacity structures that need to meet Federal Highway Administration requirements by October 2004. Funding for these structures will come from the constrained 2004 – 2007 Bridge Program.

Bridge	Bridge	Highway	Mile Point	Region	Total Project Cost
Highway 16 over Highway 1 and Connections	08223	OR 126	1.06	2	\$1,890,000
South Yamhill River, Highway 39	08063	OR 18	33.64	2	\$2,500,000
West Fork Illinois River, Highway 25	01073A	OR 99	36.67	3	\$200,000
Euchre Creek, Highway 9	07767	US 101	316.98	3	\$250,000
Highway 1 over Wilbur – Umpqua Road	07629B	I-5, NB	132	3	\$350,000
TOTAL					\$5,190,000

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8. Approval to amend the 2002 – 2005 STIP to delay the US 101: Panorama Drive – Thomas Creek Bridge resurfacing project (\$1,200,000) and transfer funds to US 101: Moore Street – Panorama Drive resurfacing project (\$200,000) and US 101: Shinglehouse Slough Road – Davis Slough Bridge project (\$1,000,000) near the south end of Gold Beach in Curry County. Total construction cost to be transferred is \$1,200,000.
9. Allocation of Transportation Enhancement (TE) Funds for Federal Fiscal Years 2006 – 2009 as listed below and authorization of the Deputy Director for Highways to approve use of FY 2006 funds for current Reserve List projects based on rank order and readiness.

FY 2006 and 2007	\$2 Million to the TE Discretionary Account and the remainder to projects selected through the competitive process.
FY 2008 and 2009	One-third of the total approved funds to the TE Discretionary Account and two-thirds to projects selected through the competitive process.

Commissioner Russell moved to approve the Consent Calendar. The motion passed unanimously.



Chair Foster recessed the formal meeting to go into an Executive Session to discuss pending litigation with legal counsel in accordance with ORS 192.660(1)(h). Upon conclusion of the Executive Session, the formal meeting was adjourned at 2:17 p.m.



Stuart Foster, Chairman

John Russell, Member

Gail Achterman, Member

Randy Papé, Member

Mike Nelson, Member

Jill Pearson, Commission Secretary