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OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
November 17, 2004
Salem**

On Wednesday, November 17, the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held the regular monthly meeting in Conference Room 122 of the Transportation Building.

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 meetings included:

Chair Stuart Foster
Commissioner Gail Achterman
Commissioner Mike Nelson
Commissioner Randy Papé
Director Bruce Warner
Deputy Director Highways John Rosenberger
Deputy Director Central Services Mike Marsh
Communications Admin. Patrick Cooney
Trans. Development Admin. Craig Greenleaf
Chief of Staff Lori Sundstrom
Executive Officer for Highways John Jackley

Rail Division Administrator Kelly Taylor
Motor Carrier Trans. Admin. Gregg Dal Ponte
Public Transit Administrator Martin Loring
Region 1 Manager Matthew Garrett
Region 2 Manager Jeff Scheick
Region 3 Manager Paul Mather
Region 4 Manager Bob Bryant
Region 5 Manager Monte Grove
Chief Engineer/Tech. Serv. Mgr. Cathy Nelson
Commission Secretary Jill Pearson

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Chair Foster called the meeting to order at 9:45 a.m.

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Director's report highlights:

- Director Warner thanked Lorna Youngs for filling in for him at the October meeting.
- As Lorna reported last month, Director Warner visited Nagoya, Japan with other highway professionals to learn about the latest in highway safety information technologies and how they are deployed in other countries. This was the first part of a two-part scanning tour. The same group will visit Europe next spring. As the Chairman of the American Association of State Highway and Transportation Officials' (AASHTO's) Standing Committee on Highway Traffic Safety, Director Warner was asked to co-chair this scanning tour.

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- There is some talk in Congress about moving an appropriations bill forward this week, and that it may be incorporated with a number of other unfinished spending bills in an omnibus appropriations bill that may be taken up as late as this Saturday. The 2004 appropriations level was \$33.6 billion. The House is proposing \$34.6 billion for highways, and the Senate is proposing \$34.9 billion, for an increase of \$1.0 and \$1.3 billion respectively.

There is nothing to report on reauthorization. Leadership has stated that they want a bill before adjournment, but there has been no movement out of either chamber.

- Last week Director Warner attended a meeting of the American Council of Engineering Companies as the featured guest speaker. The Council continues to be very interested in the changes we are making to our outsourcing program, and invited Director Warner to talk about where ODOT is heading and how we can work together. It was a lively discussion about how and when it is appropriate for us to collaborate as ODOT continues to develop new contracting methods. We are clearly working through a number of issues with them, just as we are with other stakeholders such as Associated General Contractors and labor groups.
- Last month both houses of Congress passed legislation to restructure the U.S. intelligence system as recommended in the 9-11 Commission report. Both House and Senate versions of the bill contained provisions that would require uniform national standards for issuing identification cards and driver licenses. States failing to comply would find that their citizens could not use state issued driver licenses or ID cards as proof of identity with any federal agency.

The most obvious and immediate impact would be on air travel because the Transportation Safety Agency would not accept a non-complying state's ID cards or driver licenses.

It appears unlikely that an agreement can be reached in the November lame-duck session, but we expect legislation will again be introduced next year. The states, meanwhile, are attempting to finalize and adopt a new interstate driver license compact which covers reciprocity for violations and includes uniform standards for driver license issuance processes and for the cards themselves. However, ratification of an interstate compact takes several years as opposed to a shorter time for national legislation. The DMV is closely monitoring the situation.

- ODOT recently received awards for two communications products. We received the 2004 National Transportation Public Affairs Workshop Award for best non-broadcast educational video that explains the sovereign rights of the nine federally recognized tribes in Oregon. It touches on many components of Senate Bill 770 that prescribes how state agencies are to interact with Oregon's tribal governments. It describes the need to work together in a spirit of cooperation as governments that are equal in stature and that have recognized rights and responsibilities.

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The video, titled "Government to Government: Building Bridges – Working Together" was produced by ODOT Photo and Video Services. Ted Burney was acknowledged and accepted the award.

- We also received an award for "Talk to your Parents," a 60-second radio spot encouraging family members to talk with their aging parents about signs of driving impairment. The public service announcement was produced with the assistance of Gard and Gerber, a Portland advertising agency. The PSA was sent to 102 radio stations throughout the state, and was just one part of a larger campaign to educate the public about the risks associated with driving and aging. David House of the Public Affairs Section (DMV) was recognized and accepted this award.
- Our Human Resource Development Section was recognized for excellence at the national meeting of the Association of State Highway and Transportation Officials meeting in Philadelphia in September.

ODOT now provides all staff training-related record keeping online, including course catalogs, registration and individual training histories, and offers three classes over the ODOT Intranet. These include New Employee Orientation, Safety for New Employees, and Communicating about Fatalities and Injuries in the Workplace. Providing this training over the intranet has made it available to all ODOT employees 24 hours a day, seven days a week and has saved the agency approximately \$1.3 million by reducing the time and expense related to traveling to the training as well as the cost of presenting the training.

ODOT received both the AASHTO Exemplary Partner Award and the AASHTO President's Transportation Award for Quality. Those receiving this award were Kevin Alano, Jennifer Lara, Julia Jensen, Linda Pfankuch, Lorrie Schaefer, Wendy Santana, Brandy Meng, and Bev Morgan.

- Director Warner acknowledged that this is John Rosenberger's last Commission meeting as the Executive Deputy Director in charge of the Highway Division. John led the Highway Division for the last three years during some of the most significant organizational changes in recent memory.

The Director relied on Mr. Rosenberger to lead the reorganization of the Highway Division and to make sure that we delivered on our OTIA commitments, and he has been the Director's loyal and trusted colleague for many years.

Executive Deputy Director Rosenberger received a plaque that commemorated his service to ODOT and the State of Oregon.

The Commission members individually thanked Mr. Rosenberger for his outstanding service to the Department of Transportation and the State of Oregon.

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Commission member reports:

Commissioner Achterman attended a meeting of the Oregon Transportation Plan Update at which the committee gave staff guidance on the base case and the scenarios that will be used to analyze how best to achieve the agreed upon goals. She had dinner with the chair and vice-chair of the Land Conservation and Development Commission (LCDC) to talk about building a partnership with them on transportation and land use issues. Commissioner Achterman attended meetings for the Metropolitan Transportation Improvement Program and Statewide Transportation Improvement Program (STIP).

Commissioner Papé met with the Central Oregon and Cascades West Area Commissions on Transportation (ACT) and the Lane Metropolitan Planning Committee. The designation of freight routes continues to be an issue with communities. He attended the Cascades West ACT meeting after the Commission approved the Pioneer Mountain to Eddyville project, which was a long sought goal of the ACT.

Commissioner Nelson, along with Chair Foster, met with the LCDC. He also attended and provided comments at an annual meeting of Oregon Tribes in Pendleton. He attended, by teleconference, a public hearing for the 2006-2009 STIP. He spoke at a dinner meeting of the Oregon Trucking Associations in Baker City. Commissioner Nelson thanked Commissioner Papé for appointing him as ODOT representative for the Oregon Business Council. He plans to attend the Oregon Business Summit at the Oregon Convention Center in Portland on December 6.

Chair Foster did not comment.



Public comments were received from:

- Kathy Thole, Highway 18 – Ms. Thole asked why two lanes of pavement were torn out of the highway. That section of Highway 18 will have four lanes in the future. The Three Rivers Highway between Hebo and Tillamook will also be widened. She would like the extra lanes to be retained and used for other purposes. She renounced what Director Warner said about trying to create sovereignty for the tribes. The Commission asked that Jeff Scheick, Region 2 Manager, talk to Mrs. Thole about why the paving was removed.
- Rob Zako, 1000 Friends of Oregon – Mr. Zako shared some information on freight route designations that has been in the news in Eugene/Springfield. The community does not want the McKenzie Highway to be designated a freight route. He suggested that the Freight Route Analysis Project Committee in making its

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recommendation did not carefully balance local interests with freight interests.
(Written comments in General Files, Salem.)

Region 2 Manager Jeff Scheick requested approval of a 2004-2007 Statewide Transportation Improvement Program (STIP) amendment to advance funds in the amount of \$18,500,000 for the I-5 project from North Santiam Interchange to Kuebler Interchange in Salem. (Background material in General Files, Salem.)

Commissioner Nelson moved to approve this STIP amendment. The motion passed unanimously.

Jeff acknowledged Area Manager Jane Lee for her very hard work on this project. He also acknowledged Alan Arceneaux for his work and for his staff's participation on locating funding to make this project possible.

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Region 5 Manager Monte Grove requested approval of a 2004-2007 STIP amendment to advance funds in the amount of \$1,950,000 for the East Beach Rail Loop Access (Port of Morrow) project. (Background material in General Files, Salem.)

Gary Neal, General Manager of the Port of Morrow, explained that the project area provides access to an industrial area that will offer intermodal opportunities and provide opportunities for economic growth.

Commissioner Papé moved to approve this STIP amendment. The motion passed unanimously.

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Public Transit Division Administrator Martin Loring discussed the economic regulation of regular route passenger carriers, a business line of the Motor Carrier Transportation Division (MCTD). He talked about issues that have arisen where the Public Transit and MCTD roles intersect – a problem that staffs from both divisions have been working hard to solve. (Background material in General Files, Salem.)

Motor Carrier serves the public interest through economic regulation of passenger carriers to ensure stable, safe, adequate and reasonably priced transportation of people. Transit serves the public interest through financial support and promotion of passenger service in key routes to ensure that people have intercity travel options.

Economic regulation of regular route passenger carriers may cover who enters the business, what routes are run, fares charged and safety considerations. Prior to 1994,

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the entire motor carrier industry (including carriage of passengers and freight) was subject to economic regulation. Since then, a number of bills have deregulated various pieces of the industry.

Deregulation has left only two industry components for which the MCTD still provides economic regulation: regular route passenger carriers and household goods movers. Even these are subject to a number of exceptions. This discussion concerns only passenger carriers.

One of the public policy purposes served by regulation of passenger carriers is to favor private sector providers by shielding them from unfair competition from public sector providers that are subsidized through federal, state and local taxes. This is still good public policy, but the industry has changed a lot since this statute was written.

Some private sector, national bus companies have gone out of business. Others have cut back significantly. Small, regional or locally owned companies are mobilizing to pick up some of the abandoned routes. However, this still leaves a lot of unprofitable routes among rural Oregon communities. Where the public interest in a connection is important enough, public sector and private, not-for-profit entities have stepped up to deliver service. They need authority, and this has created one issue.

Mass transit districts are exempt from Motor Carrier regulation. Cities, charitable entities, and not-for-profits have limited exemptions, but other public providers like transportation districts, county service districts, counties, and Indian Tribal governments enjoy no exemptions. A recent case provides an example for which the current regulatory scheme may not serve the public interest.

The Tillamook County Transportation District is a county-wide district formed by a vote of county residents in the mid-1990s. One of the first things they did was a needs survey to identify what their public wanted. Reasonably priced, conveniently timed, daily, roundtrip access from Tillamook to Portland, the airport and train terminal was identified as a high priority need. Private options weren't available, so the District started to provide this service, and has been successful with it ever since. However, the district didn't believe it needed authority, so it didn't seek it.

Recently, Motor Carrier received a complaint about this service, investigated and determined that regular route authority is required for this service. Since the District doesn't have it, Motor Carrier had no choice but to issue a cease and desist order. The District appealed, staying the order until a hearing can be held. The hearing is likely to be scheduled in 2005 allowing time for the Legislature to deal with this issue.

Interest has been expressed by Senator Joan Dukes and members of the Legislative Interim Committee on Transportation and Economic Development in solving the Tillamook County problem by proposing a bill to extend the Mass Transit District exemption to include Transportation Districts.

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Trying to determine how far to extend the current public exemption creates a “slippery slope.” Including transportation districts and other public entities delivering bus service makes sense, as does looking at the charitable and not-for-profit exemption. This would, in effect, reverse legislative intent. To correct this, we would have to deregulate, or at least lower the regulatory bar for private sector entities.

The current regulatory bar deals with entry, rates, routes, fitness (including adequate insurance), and safety. The “playing field” could be leveled for everyone by allowing anyone to compete in the market place as long as they meet fitness (including adequate insurance), and safety standards. This sort of approach may not be universally embraced.

Economic regulation doesn’t stop with the state. Cities and ports regulate in this area as well. At least one private provider operating between Lincoln City and the Portland Airport is regulated by the City of Portland and the Port of Portland if he wants to pick up passengers in either place. Both entities have moratoria in place on new providers. This provider not only would like ODOT to continue economic regulation in this area, but would like the state to assert primacy and stop city or port regulation.

Whatever the Legislature decides to consider in this area, would not be a Governor’s bill. It is too late for ODOT, too. As such, ODOT would not support it, but we are helping with language and would testify on advantages and disadvantages of any changes proposed.

The challenge is to seek the appropriate balance. The best solution will allow market forces to sustain a reliable, safe, reasonably priced collection of intercity bus operators meeting the public demand for service.

The Commission would like ODOT to develop policy principles and objectives to help focus the legislative conversation with the public in terms of the department’s overall objectives that relate to the regulatory concerns (safety, mobility, etc.) that are in our planning documents, and articulate how the existing statutes do or do not facilitate achieving the policy objectives in place. ODOT should go into the legislative discussion with a primer for legislators and for the public on what these issues are. It is not the state’s business to regulate entry into the enterprise. The state should be removing barriers to entry. We need to place a priority in working with the key hub operators to figure out how we can work with them to assure they make their facilities available to public transit service providers from other jurisdictions.



The project delivery quarterly status report was deferred until the December 14 Commission meeting. (Background material in General Files, Salem.)

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Barbara Fraser, Long Range Planning Unit Manager, Chief of Staff Lori Sundstrom, and Maintenance Engineer Doug Tindall, provided an overview on the Department's Sustainability Plan. (Background material in General Files, Salem.)

ODOT's Sustainability Plan was prepared in compliance with the Oregon Sustainability Act (ORS 184.421) and Governor Kulongoski's Executive Order 03-03. The Plan was submitted to the Oregon Sustainability Board on January 16, 2004.

ODOT chose to emphasize the following three actions:

1. Renew the vision of a balanced, multimodal transportation system that includes sustainability principles in the update of the Oregon Transportation Plan.
2. Develop an ODOT Maintenance Environmental Management System.
3. Implement the Oregon Transportation Investment Act III (OTIA III) Bridge Replacement Program construction projects in a sustainable manner.

The Oregon Transportation Plan will lead the agency toward a balanced multimodal system. Sustainability policies will be rolled out in agency modal and topic plans, facility plans and local jurisdiction plans.

The Maintenance Environmental Management System (EMS) is an internal process to manage or change environmental impacts at maintenance yards. It is a process for identifying and prioritizing actions to be more environmentally sensitive.

The OTIA III State Bridge Replacement Program's main principle is the use of context sensitive and sustainable solutions, also called CS³, which reflect social values, maintain safety and mobility, support economic prosperity, achieve responsible stewardship of the natural environment and are cost effective.

ODOT is in the process of hiring a Sustainability Coordinator. Once the successful candidate is on board, by December 2004, decision making roles and responsibilities will be defined and an internal communication and education strategy will be developed.

The Commission praised ODOT for its revolutionary work in this important area.



Lyn McClelland, Northwest States Representative with the U.S. Maritime Administration, presented material about short sea shipping on the west coast. Short sea shipping is defined as commercial waterborne transportation that does not transit an ocean. (Background material in General Files, Salem.)

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Glenn Vanselow, Executive Director of the Pacific Northwest Waterways Association, recommended to Governor Kulongoski that he develop, with the governors of Idaho and Washington, a unified vision for the Columbia River and Snake River system that includes policy that takes into account economics and environmental benefits of transportation as well as fish and wildlife issues. The vision should assure a consistent stream of federal funding for waterway infrastructure maintenance. In looking at transportation projects proposed to the state, he encouraged the Commission to review a true cost/benefit analysis.

Judge Laura Pryor, Gilliam County Executive, discussed opportunities in Gilliam County to improve freight mobility, create jobs, and reduce infrastructure degradation. She centered her discussion on past, present and future opportunities in solid waste transport and disposal in Gilliam County.

Ryan Galloway, Crowley Maritime, discussed northbound and southbound opportunities for coast/river short sea shipping by container on barge.

Martin Callery, Port of Coos Bay, commented on coastwise and offshore opportunities in the Coos Bay.

Greg Zonavich, Tidewater Barge Lines, commented on addressing issues with the Burlington Northern/Santa Fe Rail Bridge that crosses the Columbia River.

Lyn McClelland presented a proposal from the Port of Kalama for a truck ferry to bypass the congestion in Vancouver and Portland.

Jerry Grossnickle, Columbia River Towboat Association, discussed strategies for enhancing short sea shipping in the Pacific Northwest. He recommended that Oregon create a balanced modal transportation policy, support federal waterway funding, unify Oregon policy objectives and support intermodal projects.

The Commission will consider ODOT representation on the Technical Management Team, a consortium of federal and state agencies that has jurisdiction over waterways.

Governor Kulongoski asked the OTC to propose a list of transportation investments that will create jobs, move people and goods for a multimodal transportation package called Connect Oregon. As a member of the Tug and Barge Committee, Mr. Grossnickle encouraged the Commission to recommend to the Governor that he develop, in cooperation with the governors of Washington and Idaho, a unified vision for the Columbia River and Snake River trade corridor, which includes adequate funding, and cost/benefit analysis to assure optimal public investment.

The Commission found the presentation extremely informative and thanked the group for attending. The Commission asked to receive a copy of the presentation materials. Patrick Cooney should also receive a copy. The Commission asked for permission to

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use some of the presentation slides for an upcoming Oregon Business Council conference. Lyn McClelland granted permission to use the material.



The Commission approved the next two meeting dates as:

- Tuesday, December 14, 2004, in Portland.
- Thursday, January 20, 2005, in Salem.



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

1. Approve the minutes of the October 20 and 21, 2004, Commission workshop and meeting in Clatskanie.
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.	Amendment of OAR 731-030-0010 through 0050, 0080 through 0130, 0150 and 0160 and the repeal of 731-030-0060 and 0070 relating to the Oregon Transportation Infrastructure Fund.
b.	Adoption of OAR 735-090-0051, 0101 and 0130 and amendment of OAR 735-001-0020, 0050, 735-070-0054, 0060, 0110, 0190, 735-074-0220, 735-090-0000, 0020, 0040, 735-152-0020 and 0050 relating to hearings.
c.	Adoption of OAR 735-062-0190 and amendment of 735-070-0020 relating to hazardous materials endorsement for a commercial driver license.
d.	Amendment of OAR 735-707-0030 relating to the suspension or revocation of driving privileges.

4. Approve the Oregon Transportation Safety Committee (OTSC) and the Transportation Safety Division recommendation for filling the current vacancy on the OTSC.
5. Amend the amount of funding indicated in the 2004-2007 Statewide Transportation Improvement Program for the 2004-2005 Work Zone Program from \$1,204,408 to \$1,570,504.
6. Approval to submit a proposed proclamation to the Governor for his signature designating December as "Drinking and Drugged Driving Awareness Month" in Oregon.

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7. Approve the continuation of the 10.27 percent local match requirement to federal planning fund monies for the Metropolitan Planning Organizations (MPOs).

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



Craig Greenleaf, Transportation Development Division Administrator, led a workshop on the Transportation Planning Rule and Oregon Highway Plan Mobility Standards. (Background material in General Files, Salem.)

Much of what the presentation covered resulted from the implications from the decision made by the Court of Appeals on the Jaqua Land Use Board of Appeals case. Dale Hormann, General Counsel for ODOT, highlighted the impact of the Jaqua Court of Appeals decision. The basic issue concerns the application of the Transportation Planning Rule (TPR) and what is required of a local jurisdiction during a plan amendment. Through the language of the TPR, if it is determined there is a significant effect by a plan amendment, the local government is obligated to avoid that significant effect by doing one of four actions:

1. Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
2. Amending the Transportation System Plan (TSP) to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of the TPR;
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
4. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

Prior to the Jaqua decision the prevailing interpretation of this rule included a process to address the TPR that would follow this procedure: For the proposed plan amendment, a traffic analysis would be conducted to determine if existing facilities are adequate to handle the new traffic impacts from the uses proposed in the amendment at the end of the planning period. If they were not at the end of the planning period, then you would look at what was in the TSP for proposed new traffic, proposed improvements to the system. If there were improvements that were sufficient to address the additional traffic impacts, then there would not be significant affect. If not, the plan amendment would significantly affect the transportation facility and one of the four actions would need to be employed and the resolution of the timing of the funding of any of the steps required to mitigate the significant effect, would be addressed as part of the land development review phase of the project.

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After the Jaqua decision, the proposed plan amendment would be required to conduct a traffic analysis throughout the planning period to determine if the proposed plan amendment would create a significant effect at any point during the planning period. If a significant effect on a facility is identified at any point during the planning period, the applicant would need to address the significant effect at the time that it occurs. The impacts could be addressed again through the four actions in the TPR. The traffic analysis could only rely on TSP projects that are funded or committed for construction at the time the significant effect occurs.

The change in the application of the transportation planning rule subsequent to the Jaqua decision was if the impact was reviewed throughout the planning period, not just at the end, that any improvements in the TSP could only be taken into account if they were going to be addressed at the time the impact occurred and they would need to be funded or committed for construction.

The purposes of the Highway Plan mobility standards are to:

- Provide adequate intercity freight and passenger mobility
- Support compact growth management objectives
- Provide consistent standards for evaluating impacts of plan changes on mobility
- Identify mobility deficiencies in an understandable way that does not prescribe solutions
- Guide operations decisions with relevant standards

The mobility standards were developed based on evaluation of various candidate measures (e.g., level of service, volume to capacity ratio, etc.), vary based on highway classification and area type, and allow customization.

Volume to Capacity Ratio (V/C) compares the hourly demand for an established peak period (volume) with the maximum flow that the road can handle. V/C was selected because it is most easily applied in a consistent manner and is most easily forecasted. V/C is a reasonable measure of intercity passenger and freight mobility and can be used in multimodal analysis and in a manner consistent with growth management objectives.

Mobility standards vary in that greater mobility is established on freeways and freight routes while lower mobility may be tolerated in metropolitan areas and urban centers. Customized standards may be adopted by Commission action for urban business areas, special transportation areas, or in areas where there are severe land use or environmental constraints. The mobility standards can also be adopted in agency corridor plans or local government TSPs.

The Commission feels that somehow in this process we need to not only look at addressing the Jaqua issue, but also our general policies as to mobility standards in highly urbanized areas.

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In developing local transportation system plans, local governments must identify transportation needs, evaluate transportation alternatives and the timing of the transportation facility. For comprehensive plan amendments, maintaining a balance between transportation and land use and providing for timing of the transportation facility are required. Mr. Greenleaf discussed how the mobility standards are applied for each of these elements.

A possible policy response to the Jaqua decision would be to include timelines within the mobility standards. Examples include requiring the standard is met at some time within 20 years, at the plan horizon year, or within five years and at the plan horizon year.

There are ways to simplify the custom standards process, such as in smaller urban areas, the process could be an interaction between ODOT region offices and local governments with OTC consent calendar approval, or in defined circumstances, we could allow local governments to adopt alternative standards without OTC approval. Another option would be to broaden the types of facility plans where they can be applied, as in Interchange Area Management Plans.

Instead of on a case by case basis at the request of local governments, we could consider, in MPO areas (Corvallis, Medford, Eugene/Springfield, Bend, Salem), in addition to Portland Metro, modifying the mobility standards because, in combination with how the TPR has to be applied under Jaqua, barriers to more intensive development are being created, and development that should be taking place within city limits is being pushed out to fringe communities. As a result, huge future burdens will be placed on the transportation system.

The Commission wants ODOT to review the concept of whether mobility standards are realistic, not counterproductive, in highly urbanized areas and whether there should be a deminimus mobility standard.

The Commission wants ODOT to continue its collaborative work with LCDC on the amendment to the TPR and Highway Plan mobility standards. Regardless of how that process moves forward, with the judicial decision interpreting or not interpreting the Highway Plan in the way that it has, we need to clarify our policies and directions so that they achieve the intended objectives and do not inadvertently relate to land use rules in a way that causes the unintended consequences of development going into small rural communities instead of larger urban areas in order to more easily meet the mobility standards.

The September 28 memorandum from Angelo Eaton and Associates that was prepared for the joint OTC/LCDC Subcommittee meeting was very helpful to the Commission. The point about addressing the need for the project and avoiding requiring any individual person show the need for the transportation project seems like a good

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objective. The Commission feels that having to prove need and contest case proceedings is very a problematic approach. ODOT should spend time on this issue as well.

A strategy should be developed in conjunction with all the MPOs for a way to address this that works for them as it has worked in the Portland Metro area. The Commission likes the idea of different strategies for the MPOs compared to the rest of the state.

If we are going to move ahead with the TSP requirements, which the Commission thinks ODOT should be involved in, we need to determine if the TSP will be financially constrained or not.

There will be a meeting of the Joint OTC/LCDC Subcommittee on December 1, 2004 at 1:00 p.m. at the ODOT Human Resource Training Center located at 2775 19th Street in Salem.

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Chair Foster adjourned the meeting at 3:07 p.m.

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Stuart Foster, Chairman

Gail Achterman, Member

Randy Papé, Member

Mike Nelson, Member

Jill Pearson, Commission Secretary