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OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
April 20, 2005
Salem**

On Wednesday, April 20, the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held an agenda briefing session in room 135 of the Transportation Building, 355 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	Motor Carrier Trans. Admin. Gregg Dal Ponte
Commissioner Randy Papé	Public Transit Administrator Martin Loring
Commissioner Janice Wilson	Transportation Safety Admin. Troy Costales
Director Bruce Warner	Region 1 Manager Matthew Garrett
Deputy Director Central Services Mike Marsh	Region 2 Manager Jeff Scheick
Deputy Director Highway Doug Tindall	Region 3 Manager Paul Mather
Communications Admin. Patrick Cooney	Interim Region 4 Manager Mark Usselman
Trans. Development Admin. Craig Greenleaf	Region 5 Manager Monte Grove
Chief of Staff Lori Sundstrom	Chief Engineer/Tech. Serv. Mgr. Cathy Nelson
DMV Administrator Lorna Youngs	Commission Secretary Jill Pearson

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Chair Foster called the meeting to order at 9:35 a.m.

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Director's report highlights:

- The House passed its version of the bill, TEA LU, in March. Three of the four Senate committees that have jurisdiction over SAFETEA have completed work on their sections of the bill. The big question now is when the bill will get Senate floor time.

Majority Leader Frist has not yet scheduled time for the bill to come to the floor. Meanwhile, the calendar is filling up with big ticket items such as emergency supplemental funding for the war, judicial nominations and welfare reform.

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Some Senators want an opportunity to offer amendments on the floor to increase funding in the bill, but Senator Frist has said he will not allow a bill over \$284 billion to come to the floor. \$284 billion is the same funding level passed by the House and backed by the Administration. Last year, the Senate passed a bill funded at \$318 billion.

Transportation industry groups have been writing letters urging Senator Frist to move on a bill in April, which would give a conference committee enough time to reconcile the differences between the House and Senate bills before the current extension of TEA-21 runs out on May 31st. It is becoming increasingly unlikely that Congress will enact a bill by May 31, and if this is the case, another extension will be needed.

If Senator Frist schedules floor time for the bill in the next two to three weeks, the bill could go to conference committee and then to the President sometime in June. If Senate floor time is not scheduled in the next few weeks, the bill would probably get pushed back until after the July 4th recess. This could be dangerous because there are few legislative days left at that point -- Congress is in recess all of August, and appropriations bills fill up most of the calendar in September.

- Oregon's 5-year-old graduated driver-licensing program for new drivers younger than 18 years was recently studied by the National Highway Transportation Safety Administration and they announced on March 14th that the program has improved traffic safety.

The study cited several safety benefits:

- Crash rates declined for both male and female drivers age 16 to 17, particularly for 16-year-old drivers in the first six months of holding a license – when Oregon restrictions are strictest.
- Decreases in the number of fatal or injury crashes with a 16-year-old behind the wheel of the car:

before graduated driver licensing:	1998 →	1,196
after graduate driver licensing:	2000 →	898
	2001 →	810
	2002 →	743
	2003 →	751

- Crash rates for young male drivers declined to rates similar to female drivers.
- Rates of traffic convictions and license suspensions declined for all teenagers: for 16- and 17-year-old drivers and also for 18- and 19-year-old novice drivers.

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- Teenagers who took a driver's education course showed significantly lower rates of traffic convictions, crashes and license suspensions.
- We also received good news about the Oregon motorcycle safety program. It has been rated the best in the nation, according to the preliminary results of a study sponsored by the National Highway Traffic Safety Administration. Oregon scored highest in the 47 states surveyed in three categories of rider education courses, motorcycle licensing and program administration.

The TEAM OREGON program was developed with Oregon motorcycle rider input and the continued support with Oregon State University (OSU), which conducts day-to-day operations of the rider education courses with a grant from the Safety Division. The Driver and Motor Vehicle Services Division of ODOT administers the motorcycle-licensing program.

Oregon's program is named TEAM OREGON to honor the team of motorcycle rider organizations, and educational and government agencies that were on the original Governor's Advisory Committee on Motorcycle Safety that introduced legislation to get the program running and have over the past two decades continued their support of this outstanding program.

- The OTIA III State Bridge Program has been the subject of some recent news articles. The department provided explanations and context that would have been extremely helpful to readers had they been included in the article.

We have consistently estimated that the OTIA III program would sustain an average 4,800 jobs per year over the eight years of the program. In January we reported 1,400 so far – therefore, we must be behind. However, we are in the first construction year of the program and are two to three years from the program peak.

We have projected that we will hit 15,100 jobs at the program peak in 2007 for all our construction programs. This includes 5,250 jobs for the OTIA III projects and 9,850 for the ongoing STIP construction program projects.

The story also seemed to suggest that slowing down the design work to make good decisions is a "bad thing." We are deliberately applying what we learned from the OSU study as we scope each bridge so that we avoid spending taxpayer dollars on unnecessary bridge repair or replacement work. It is frustrating that this prudent decision is being criticized or is misunderstood.

The jobs will be realized.

- Oregon Bridge Delivery Partners is moving the design work to other private sector firms, which will then move more bridges to construction.

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- The firm has outlined the design packages, and new solicitations are coming out every few weeks.
- Over the next six months, we will put out \$269.5 million in contracts for all construction programs, including about \$40 million for the OTIA III State Bridge Program.
- The best measure of work load for the construction program is the level of contracts that are awarded each biennium. For the 2001-03 biennium, ODOT awarded state administered contracts totaling about \$615 million. State administered contracts do not include projects developed by local governments and include both State and Federal funding.
- For the 2003-2005 biennium – ODOT has awarded state administered (excluding local government developed) contracts totaling about \$788 million through March, with a projected additional \$125 million to be awarded prior to the end of the biennium (for a total of about \$913 million, or an increase of 48% from the 2001-2003 biennium).
- Stage I bridges will open to traffic this summer, and Stage II bridges will start construction this year – ahead of schedule.
- In 2007, we forecast that 15,100 construction related jobs would be sustained, including about 5,250 for OTIA III state bridges.

While we have received no public reaction to the article, I believe it is important to aggressively work to correct the record. We are doing this through our face-to-face meetings with stakeholder groups and legislators, and through various print and electronic channels.

The Commission is as concerned about incorrect information about this program as our partners and we are.

We have started reporting quarterly to you the progress of project delivery. That may be too infrequent and not detailed enough, so we will improve our reporting. In addition, Director Warner will provide the Commission an update in his report at each monthly commission meeting and we will send the Commission a note when the Bridge Delivery Unit posts its monthly on-line summary.

Director Warner will also provide the Commission with e-mail updates and links to our web sites that will outline packages of design and construction contracts, schedules, and other important information on our progress.

The 48% increase in state administered contracts is done with no increase in staffing. The Legislature made it clear that adding the additional funding and additional work was

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to be done without adding resources to ODOT. In fact, the Legislature took away 150 positions in 2003. We are relying more and more on the private sector to deliver these programs. This was the Legislature's intent.

The freeze put on state employee salaries and merit increases was put in place nearly two years ago as a result of budget difficulties. This means that employees have not seen any compensation changes for up to three years.

As result of the OSU study, ODOT is able to keep more bridges open, develop the OSU data that will mean that we will be able have all the bridges repaired or replaced under budget and on time. This is a huge responsibility and the Commission is extremely happy with what the department is doing.

The Commission appreciates the shift to monthly updates. It is important for Commission members to stay informed on progress. The Commission will also communicate what it hears with Director.



Commission member reports:

Commissioner Achterman attended a meeting of the Oregon Transportation Plan (OTP) Update Steering Committee. She shared with the Commission a report prepared by Cambridge Systematics, ODOT staff and HDR Engineering, which summarizes the funding options available and funding options to think about for the future. She would also like to share it with the Land Conservation and Development Commission (LCDC). With Commissioner Nelson, she attended the second official meeting of a task force convened to coordinate activities between the Travel Information Council, Tourism Commission, Oregon Parks and Recreation and ODOT on issues related to tourism, recreation and transportation facilities. Commissioner Achterman and Chief of Staff Lori Sundstrom will go to Washington, D.C. this week to receive an environmental excellence award from the Federal Highway Administration (FHWA) for work done jointly with several other state and federal environmental agencies and consultant teams to streamline the process around environmental impacts of the Oregon Transportation Investment Act of 2003 (OTIA III) bridge program. The joint effort resulted in a nationally innovative way to manage the environmental aspects of the program resulting in financial savings and time savings. FHWA will issue a press release regarding the award on Friday, April 22. The U.S. Fish and Wildlife Service (USFWS) has a companion awards program internal to the agency. It is recognizing the Oregon office of the USFWS for its work on this same project. Commissioner Achterman and Ms. Sundstrom will visit with the leadership of the Department of Interior and participate in the recognition of the Oregon USFWS staff.

Commissioner Papé worked with ODOT and the Oregon Freight Advisory Committee (OFAC) leadership to improve the structure of OFAC. The OFAC will hold a meeting

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later this month to review newly developed bylaws, membership and other enhancements to the OFAC. He helped ODOT deal with issues on the I-5 Willamette River bridge crossing project. As the bridge exists today, there are no on- or off-ramps from the bridge onto Franklin Boulevard. If the bridge is replaced the local area would like on/off ramps added. Region Manager Jeff Scheick and Region 2 staff are looking for ways to accomplish this.

Commissioner Nelson congratulated Director Warner for ODOT's outstanding employees and the high stature of the department. He also thanked Commissioner Achterman for co-chairing the tourism task force and presiding over the recent meeting. He attended a joint meeting of the OTC and LCDC regarding amendments to the Transportation Planning Rule (TPR). He also attended a full LCDC meeting, at which it approved the TPR amendments. He thanked Chair Foster for helping to make this a reality.

Commissioner Wilson made no report.

Chair Foster was not directly involved, but it appears that the Phoenix Interchange funding issues have been resolved. We are well on the way toward developing a template and policy for how ODOT partners on projects where there are significant impacts to ODOT facilities by development in the vicinity of those facilities. A cooperative partnership is being developed in regard to the Woodburn Interchange. It is exciting to see a community and ODOT collaborating on an approach to address issues on an interchange. He commended Jeff Scheick, his staff and the City of Woodburn for coming together to reach a decision that will benefit everyone.



Public comment was received from:

- Jessica Adamson, Associated General Contractors (AGC), applauded efforts made toward getting the OTIA program underway. The industry urges ODOT to communicate within the organization, with the Commission, stakeholders, and the broader community as well. AGC will continue to partner with ODOT to bring great value and cost effectiveness in delivering the OTIA program. There is, however, a lack of public understanding about what the program is, what it means to communities and the value of and reasons for bringing this program forward. She encouraged the department to help the public understand the benefits communities will receive and the State's economy will gain as a result of these projects.



Region 2 Manager Jeff Scheick and Lincoln County Commissioner Don Lindly requested approval of the renewal of the Cascade West Area Commission on

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Transportation's (CWACT) Charter replacing the provisional Charter approved by the OTC in October 1998, with presentation of the Biennial Report by CWACT. (Background information in General Files, Salem.)

CWACT represents Benton, Linn and Lincoln Counties. The ACT prioritizes Statewide Transportation Improvement Program (STIP) projects, participates in ODOT policy formation, discusses ODOT local government relationships and participates in the I-5 corridor planning efforts.

Mr. Scheick acknowledged Commissioner Lindly and the Lincoln County Commission for its leadership in working with ODOT on jurisdictional transfers and its contributions to the Pioneer Mountain project (US20).

Accomplishments of the ACT include collaborating with ODOT and OTC on US20 improvements, better communication and cooperation among all partners, and stronger regional ties. The ACT has improved its understanding of the OTC, ODOT and transportation issues.

CWACT is concerned about the impact of state transportation on local systems, transportation alternatives and connections and the ACT's role in policy development.

Highway 101 serves as "Main Street" to many communities. Encouraging more freight movement along Highway 101 could negatively impact tourism. The Commission is committed to working with CWACT to resolve this issue.

Commissioner Papé moved to approve the renewal of the CWACT charter. The motion passed unanimously.



Region 5 Manager Monte Grove and Planning/Program Manager Teresa Penninger requested adoption of the North Ontario Interchange Area Management Plan (IAMP). (Background information in General Files, Salem.)

This request also includes amending the Oregon Highway Plan (OHP) to:

- Include, by reference, the North Ontario Interchange Area Management Plan (IAMP),
- Classify the North Ontario Interchange Bridge and Yturri Beltline as a Statewide highway, and
- Designate the North Ontario Interchange Bridge and Yturri Beltline as an Expressway.

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In March 2005, both the City of Ontario and Malheur County adopted the North Ontario IAMP into their transportation system plans.

Mr. Grove met with the City of Ontario regarding jurisdictional transfer to the city of the section of Washington Street that the reconstruction project will bypass. The city is in agreement with the jurisdictional transfer.

The Commission wants assurance that the City of Ontario has a system in place to collect system development charges for future work in and around the interchange. The city has started the process of developing a system in other areas of the city. The City Council has agreed to include the North Ontario interchange area in that system development collection process. They have assured Mr. Grove that it will be in place before any growth occurs in and around the interchange.

The Commission noted that materials received for this agenda item indicated that the City of Ontario and Malheur County would hold hearings to discuss adoption of the North Ontario IAMP on March 21 and March 23, respectively. It clarified that both the city and county did, in fact, hold those hearings and adopted the IAMP on those dates.

Commissioner Nelson moved to approve the North Ontario Interchange Area Management Plan, amended to direct staff to speak in present tense in regard to the actions by the City of Ontario and Malheur County.

The Commission does not want to rely so heavily on access management controls to achieve the desired results of maintaining future capacity of interchange facilities. Each IAMP must be analyzed on a case-by-case basis to determine the best tools to use.

The motion passed unanimously.

Commissioner Nelson moved to approve the amendment of the OHP to classify the North Ontario Interchange Bridge and Yturri Beltline as a Statewide highway, and designate the North Ontario Interchange Bridge and Yturri Beltline as an Expressway. The motion passed unanimously.



Monte Grove and Teresa Penninger requested adoption of the OR 201 Corridor Refinement Plan and to amend the Oregon Highway Plan to include by reference the OR 201 Refinement Plan and designate OR 201 from Airport Corner to Cairo Junction as an Expressway. (Background information in General Files, Salem.)

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



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Region 3 Manager Paul Mather and Deputy Director for Highway Division Doug Tindall provided an informational update on the draft Updated Bridge Options Report (BOR). (Background information in General Files, Salem.)

Since the original BOR was completed in 2003, legislation was passed which included expectations and budget notes. More recently, the findings from the OSU study were completed and ODOT applied those findings to rescope the various bridges. An updated version of the BOR will be published to establish a new baseline of expectations that will be used to manage the State Bridge Program.

Because of the OSU study findings, some bridges that were scheduled for repair have now been removed from the OTIA III Bridge Program. Some bridges previously scheduled for replacement, have been moved to the repair category. The updated BOR recommends a revised list of bridges needing repair or replacement. The revised list includes 10 additional bridges and \$39 million taken from the STIP.

The draft updated Bridge Options Report recommendations are:

- Adopt the revised list of bridges,
- Reevaluate Oregon's total bridge needs based on the ODOT/OSU study,
- Once the Stage 3 design work is complete, involve stakeholders, legislators, and the Commission in determining where to use any unused OTIA III bridge funds,
- Continue to develop a "Stage 6" so it can be considered for any unused OTIA III bridge funds, and
- Continue to contain costs through effective management strategies.

The Commission clarified that if ODOT is successful in generating savings under this program, Stage 6 would be only one option that the Commission and its stakeholders will look at, in consultation with the Legislature, to develop recommendations on where the most appropriate and beneficial targeting of those potential funds would be.



Public Transit Division Administrator Martin Loring requested approval to add three new member categories to the Public Transportation Advisory Committee (PTAC). (Background information in General Files, Salem.)

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



The Commission approved the next two meeting dates as:

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- Wednesday, May 18, 2005, in Salem.
- Wednesday, June 15, 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 March 16, 2005, Commission meeting in Salem.
2. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
3. Approve the following Oregon Administrative Rule (OAR) actions:

a.	Amendment of OAR 734-035-0110 relating to exemption to appraisal requirement and publication of notice of sale for certain surplus property.
b.	Adoption of OAR 735-024-0075 and amendment of OAR 735-024-0110 relating to abandoned and totaled vehicles.
c.	Amendment and repeal of rules in Chapter 735, Division 10,20,22,24,32,140 and 150 relating to the transfer of regulation of manufactured structures to the Department of Consumer and Business Services.

4. Approval to commit in State Fiscal Year 2006 funds to the state's Metropolitan Planning Organizations (MPOs) and grant authority to the Division Administrator of the Transportation Development Division (TDD) to sign the necessary agreements and agreement amendments for the disbursement of the above noted funds.
5. Approve the resolution adopting route location and highway design for the relocation of the state highway described as US 101 BUS: SE 5th Street – SE 12th Street (Warrenton), Warrenton-Astoria Highway (#105), in Clatsop County.
6. Accept the Immediate Opportunity Fund Annual Report for State Fiscal Year 2004.
7. Approve the "Resolution of Intent to Reimburse" and authorize the Director to execute the Resolution on behalf of the Commission.

The Commission formally included with Consent Calendar Item #6 the data summarizing the location of the IOF projects, expenditures or planned expenditures by region and county, and project-specific characteristics, and with Consent Calendar Item #3, the revised page regarding the amendment to Oregon Administrative Rule 734-035-0110 on the sale of surplus properties. The Commission received these documents by facsimile.

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Commissioner Achterman moved to approve the items on the Consent Calendar excluding the authorization for acquisition of real property for parcels numbered 6916 036 and 7059 013 (Consent Calendar Item #2). The motion passed unanimously.

Commissioner Achterman moved to authorize the acquisition of parcels numbered 6916 036 and 7059 013 listed on the resolution for authority to acquire real property (Consent Calendar Item #2). The motion passed.

Commissioner Papé declared a conflict of interest on and abstained from the vote for parcel number 6916 036 (Papé Properties, Inc.).

Chair Foster declared a conflict of interest on and abstained from the vote for parcel number 7059 013 (South Gateway Center Partners).



Chair Foster adjourned the meeting at 11:55 a.m.



COLUMBIA RIVER CROSSING TOLLING STUDY WORKSHOP

Region 1 Manager Matthew Garrett, I-5 Overcrossing Coordinator Rob DeGraff, Gerry Nielsten, Vollmer Associates LLP, and Steven Siegel, Siegel Consulting, lead an informational workshop on the Columbia River Crossing (CRC) Tolling Study. (Background material in General Files, Salem.)

The CRC Tolling Study focuses on the bridge as well as a bridge influence area which runs from SR 500 in Vancouver to Columbia Boulevard in Portland.

The I-5 Strategic Plan did not address the major issue of how to finance the project. It did suggest that the Oregon and Washington departments of transportation look at tolls as a potential funding strategy for the river crossing. There are legal and land use issues that must also be examined and resolved before a final decision is made on the tolling question.

No decision has been made that any part of the CRC will be financed by tolls. That is a policy decision that will be made by policymakers in both Oregon and Washington after a full public discussion.

The toll rates are driven by an assessment of what this project might cost. The I-5 Partnership estimated that this project would cost upwards of \$1 billion. The funding environment for this project will evolve over the next several years. A project of this size must pursue a variety of funding sources in order to come to fruition.

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A regional traffic model was used for the basis for traffic without tolls. The toll model predicts new traffic with tolls and toll revenues. Assumptions are made on the percentages of high occupancy vehicles (HOV) and trucks. They include toll rates for different users and the percent using electronic toll collection (ETC).

The recommended feasibility analysis assumes that if only I-5 is tolled, tolls would be collected in both directions for all vehicles crossing on I-5, and if both I-5 and I-205 are tolled, tolls would be collected in one direction on all vehicles crossing the Columbia River.

The study analyzed several toll options including uniform toll rates for single occupancy vehicles (SOV), HOV, trucks with and without time of day differentials, vehicle class tolling differentials with and without time of day, loyalty, HOV and ETC discounts, and toll escalation rates.

The primary review was broken into two groups – passenger cars and commercial vehicles. For commercial vehicles, it was assumed that larger commercial vehicles will pay higher tolls. The differentials were based on visual classification, weight class and the number of axles. The two types of tolls analyzed for trucks were strict axle count and “axles minus 1.”

There are several options available for ETC, including high-speed collection, toll plaza collection and license plate look-up with no transponder. The CRC project assumes that ETC would be available with a mix of high-speed and toll plaza collection, transponders are required for ETC, and that manual toll collection will also be available for case-paying customers. The study also assumes that there will be discounts for ETC customers. The CRC evaluation also assumed a 3% annual inflation rate applied in \$0.25 increments.

The table assumes that the car toll in one direction is \$2.00 in 2004 dollars (\$2.75 in 2013) and the toll escalates in even \$0.25 increments at an inflation rate of 3%.

CRC Annual Project Revenues
(\$ Rounded)

	Toll I-5 Only (Toll one bridge – northbound <u>AND</u> southbound)	Toll I-5 and I-205 (Toll two bridges – northbound <u>OR</u> southbound)
2013	\$125 million	\$140 million
2020	\$150 million	\$170 million

From a revenue projection standpoint, tolling is a feasible option for further consideration in the environmental phase of the Columbia River Crossing project.

In future analysis, the Commission would like the study groups to think about not only latent demand, but also induced demand. The growth in traffic seems to be most

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significant during the four-hour weekday peak, and most of the increase in volume is attributable to the increase during these peak hours. This suggests that we need to use this as a way to do congestion pricing so we don't induce the growth at the peak. As we do further analysis, we need to think about how can we differentiate and design to avoid induced demand.

The Commission also believes that the project area, as described for environmental study purposes, should include I-205 as well as I-5.

The Commission would like the railroad bridge included on future maps of the CRC project study area.

Federal authority to toll the CRC project can be derived from general tolling authorities in federal statute, tolling pilot programs and Federal Highway Administration (FHWA) special experimental programs.

General federal tolling authority includes a fundamental prohibition in the original statute with many exceptions, with the exception of the interstate highway system. With the interstate highway system, the prohibition against tolling generally still exists on the highway elements themselves. States are permitted to toll bridges, provided that they are part of a replacement or reconstruction program. Therefore, tolling would not be prohibited on I-5. Since there is no projected replacement or reconstruction of the I-205 bridge, tolling would be an issue. If, however, FHWA were to determine that the I-5 bridge and the I-205 bridge operate as one corridor, tolling at I-205 may still be a possibility. If an exception of this type cannot be reached with FHWA, a pilot program or other special program would need to be explored.

The states determine toll rates, toll revenue and how long tolls are in effect. FHWA does not get involved in these areas.

In Washington, there is not state authority to toll I-205. New legislation would have to be enacted.

In Oregon, however, there are three separate grants of tolling authority. The broadest ability to toll is gained through the Innovative Partnership Act. An agreement entered into by the two states would have whatever authorities are granted by that act.

Oregon Revised Statutes, Chapter 383, Toll Roads and Toll Bridges (Senate Bill 626, 1995 Session) has fairly broad tolling authority.

If the two states were to establish a new entity to administer tolling, state authority would be required in both states.

With current technology, toll plazas require a lot of space for booths, deceleration areas, queuing areas for manual tolling, and recovery zones where cars can get back up to

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speed. For this project, the toll zone could be up to a mile long and 300 feet wide. The physical constraints of the project area include neighborhoods, businesses, historic sites, environmentally sensitive zones, and public parks.

The workshop ended at 1:30 p.m.



Stuart Foster, Chairman

Gail Achterman, Member

Randy Papé, Member

Mike Nelson, Member

Janice Wilson, Member

Kim Jordan, Commission Secretary