

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting February 14 – 15, 2006 Corvallis

On Tuesday, February 14, the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff, along with local officials, met at the CH2M Hill Alumni Center of the Oregon State University in Corvallis for transportation presentations and a tour. A no-host social hour and dinner were held that evening also at the CH2M Hill Alumni Center.

On Wednesday, February 15, at 8:00 a.m., the OTC and ODOT staff held a briefing session and reviewed the OTC agenda in the Boardroom at the CH2M Hill Alumni Center. The regular monthly meeting began at 9:40 a.m. in Cascade Ballroom C.

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 Randy Papé	Public Transit Administrator Martin Loring
Commissioner Mike Nelson	Interim Region 1 Manager Cathy Nelson
Commissioner Janice Wilson	Region 2 Manager Jeff Scheick
Director Matthew Garrett	Region 3 Manager Paul Mather
Deputy Director for Central Services Mike Marsh	Interim Region 4 Manager Mark Usselman
Deputy Director for Highways Doug Tindall	Region 5 Manager Monte Grove
Communications Administrator Patrick Cooney	Interim Chief Engr./Tech. Serv. Mgr. Tom Lauer
Trans. Development Administrator Craig Greenleaf	Commission Secretary Kim Jordan

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Jim Lundy, Oregon State University; Rob Bertini, Portland State University; Roger Linden, Oregon Institute of Technology; and Marc Schlossberg, University of Oregon; presented information on University Transportation Centers to the OTC, ODOT staff, and local officials. Following the presentations, the group toured Oregon State University's Wave Research Lab facility, which included the cracked bridge girder project.

The dinner program included remarks from Helen Berg, Mayor of Corvallis; Roger Nyquist, Chair of the Cascades West Area Commission on Transportation; Betty Griffiths, Corvallis Area Metropolitan Planning Organization; and Wes Ryan, Lincoln City Councilor. Oregon Transportation Commission Chair Stuart Foster made closing

remarks. Overall comments focused on priority projects, transportation funding, multi-modal efforts, and partnerships.

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



Director's report highlights:

- On January 31, Attorney General Hardy Myers announced the recipients of the Department of Justice's Outstanding Service Award. Bonnie Heitsch and Kathy Lincoln received the award for their environmental and land use work for the Oregon Department of Transportation in connection with the Newberg-Dundee bypass.

Dana Anderson, Rob Gebhardt, Keith Jones and Blake Underwood were recognized for their assistance to the Oregon Department of Transportation related to the Oregon Transportation Investment Act III bridge program. They helped ODOT apply prevailing wage rate laws and rules, and prepared and timely delivered quality documents for the innovative design-build construction method.

- Truckers traveling in Oregon are now allowed to operate up to 400 pounds over maximum axle and gross weight limits, if their truck is equipped with an idle-reduction system designed to reduce fuel use and engine emissions.

A provision of the Federal Energy Act of 2005, which took effect February 4, 2006, calls for states to allow the extra weight for trucks with idle-reduction technology. The Motor Carrier Transportation Division has submitted a legislative concept to add the exception to Oregon statutes and, through policy, implemented the provision in advance of the 2007 Session.

In response to the Commission's request, Director Garrett explained the Governor's initiative on the Interstate 5 Idle-Free Corridor with Washington and California Governors. Governor Kulongoski is working closely with his colleagues in both states to make sure we are providing safe and efficient movement of commerce and goods, while also taking into account the impacts of energy efficiency, greenhouse gases, and the environment along the entire I-5 Corridor.

- Our current estimate for damage to state highways due to recent wet weather is about \$19 million. Local damage estimates are about the same amount. The department is working closely with the Federal Highway Administration to secure emergency relief funds.
- February 17 is the deadline for *ConnectOregon* project submissions. During the week of February 20, project candidates will be categorized by mode, region and dollars, and that information will be disseminated through a press release.

- Director Garrett recognized five years of exemplary state service by Commissioner Papé with a five-year service pin. The director commented that he has made things better for the agency and recognized his leadership, integrity, and character. Commissioner Papé received a standing ovation.



Commission member reports:

Commissioner Achterman advised she had presented information on the Oregon Transportation Plan (OTP) to the Joint Policy Advisory Committee on Transportation (JPACT) in Portland. They had a high level of interest in the OTP, the strategies, and good feedback was received. She attended a forum sponsored by the Oregon Department of Geology and Mineral Industries that brought together experts throughout Oregon to look at landslides and emergency response across agencies and jurisdictions. The forum was held on the tenth anniversary of the 1996 floods and slides. Commissioner Achterman commented the changes that need to be made in terms of agency funding, forecasting, and communications have not happened. However, she noted that ODOT has done a great deal of work toward the needed changes, but it is in the minority. Commissioner Achterman attended the Northwest Transportation Conference in Corvallis. There were extraordinary presentations and she encouraged other Commission members to see the video tapes if they are available.

Commissioner Papé commented on his recent absence and thanked commission members, ODOT staff, and the many others, for their get-well wishes. He was very appreciative and humbled by all the support and friendship shown over the last several months.

Commissioner Nelson recognized Larry Campbell, former legislator and current lobbyist of AAA for Oregon/Idaho, who was in the audience. Commissioner Nelson advised he attended the Area Commission on Transportation meetings and continues to attend the MCTAC (Motor Carrier Transportation Advisory Committee) meetings which he finds very interesting and informative. Commissioner Nelson also commented that yesterday's tour was very informative. He also continues to chair the Transportation Enhancement Committee and reported that Pat Fisher, ODOT Transportation Enhancement Program Manager, is conducting seminars throughout the state on how to complete the application properly and providing scoping area information.

Commissioner Wilson advised she continues to work with ODOT staff to learn more about transportation. In addition, she attended the JPACT meeting in Portland and she and Jason Tell also met with Rex Burkholder.

Chair Foster did not give a report.

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Kristan Mitchell, Governmental Affairs Director for the Oregon Refuse & Recycling Association and current President of the Oregon Highway Users Alliance (OHUA); and Art Schlack of the Association of Oregon Counties and current Vice President of the Alliance, provided information on OHUA's membership and mission. (*Background and handout material in General Files, Salem.*)

Ms. Mitchell advised that OHUA is a private, non-profit membership organization representing the transportation community statewide. It is a focused advocate for a well-maintained and safe network of roads and bridges throughout Oregon, dedicated to serving the long-term interests of businesses in highway transportation. They are the state affiliate of the American Highway Users Alliance.

OHUA members were strong advocates and provided an effective lobbying presence in the pursuit of successful legislation that provided ODOT with a \$2.8 billion bridge package in the 2003 Oregon Legislative Session. They are also an excellent resource for the OTC and others when it comes to questions of transportation policy, or the practical affects of those policies. Ms. Mitchell urged the Commission to contact OHUA or any of its individual members whenever its assistance is needed. Their website www.oregonhighways.org will provide a link to current members.

Mr. Schlack commented on OHUA's broad representation and also urged the OTC and ODOT staff to look at the Alliance as a resource and sounding body.

The Commission recognized OHUA as an important organization and appreciated the excellent working relationship with the Alliance. Other key Commission comments:

- Wanted to make sure OHUA had been briefed on the Oregon Transportation Plan so that all OHUA members understand what is in it and the funding reports that are a big part of the challenges.
- With the assumption that Washington and California have similar Alliance organizations, the Alliance was urged to look for opportunities to interact with them to discuss the entire corridor from southern California to Washington, in terms of bottlenecks, freight/rail movement, and how the OTC can help.

In response to the Commission's inquiry, Mr. Schlack provided the following information on the county road and secure rural schools funding situation.

- The first hurdle has been passed in part. That is, reauthorization is in the President's budget. However, it is greatly reduced.
- There is one more payment at the current level.
- If it is assumed the Administration's program will be enacted by Congress, it would be reduced by 50%.

- The 50% funding would be put on a declining path over a five-year period. During the first two years, funding would be at 75% of the 50%, 50% of 50% on the third year, and 25% of 50% in the fourth and fifth years.
- It is good the President has seen the value of the program and it is in the budget. And, there continues to be a national effort to have that program fully funded.
- It is a significant program for Oregon. It not only affects counties in terms of the road fund and the general fund, but school funding is also impacted.

Mr. Schlack offered to provide a more detailed explanation and the Commission agreed to have that briefing at its March meeting in Eugene.

Additional key Commission comments:

- Encouraged OHUA to contact the University Transportation Centers to gain additional information about the possibility that the centers, along with Washington and California, may be collaborating on the future of I-5.
- The Commission commented on the possibility of losing federal support in rural Oregon and challenged AOC and the Alliance to take a strong healthy look at other funding mechanisms.

The Commission thanked OHUA for its presentation, and appreciated all their organization has done. The Commission agreed everyone needs to work together to come up with a strategy to operate the entire system on a more efficient basis, and there needs to be a funding strategy. The issue is complex and it will cost money.



Deputy Director for Highway Division Doug Tindall provided a status report on the Oregon Transportation Investment Acts (OTIA) of 2001, 2002 and 2003 State Bridge Programs and the Statewide Transportation Improvement Program (STIP). *(Background material in General Files, Salem.)*

Mr. Tindall called attention to the following:

- The STIP projects – in particular, the number of projects – tend to move around because some projects can be combined. That is why there is some shift in the total numbers.
- The same shift does not occur with the OTIA III State Bridge Program projects because there are 365 bridges, and bridges are dealt with on an individual basis.
- On the state bridge program, the number of bridges, “Design/Bid/Build Bridges Changed to No Work,” decreased this month. However, the program is still on target for the commitment made to the legislature to have a solid number locked down by September. But, as the department continues to go through the various base-line reports and incorporates the learnings from the Oregon State Bridge Study, some

bridges that initially had no work to be done are now found to need some repair. That number may continue to change through September.

The Commission advised it liked the report, especially when STIP project reports are included with the OTIA projects.



Mark Usselman provided amendment information about adding the U.S. 395: Industrial Lane – Lakeview project in Lake County to the 2006 – 2009 STIP. Estimated project cost is \$1,020,000. (*Background material in General Files, Salem.*)

Mark Usselman explained this project was Phase II of a project adding a curve correction, sidewalks at the north end of Lakeview, some rumble strips and curve realignment at the north end of the project limits.

Commissioner Wilson moved to approve the amendment. The motion passed unanimously.



The Commission considered a request to amend the 2006 – 2009 STIP by adding the Coos Bay Railroad Bridge Rehabilitation, Phase 2 project in Coos County. The amendment provides for preliminary engineering in Federal Fiscal Year (FFY) 2006 and construction in FFY 2009. Estimated project cost is \$8,915,635. Funding for the project comes from a High Priority Project earmark contained in the 2006 SAFETEA-LU Act. (*Background material in General Files, Salem.*)

Commissioner Achterman moved to approve the amendment. The motion passed unanimously.



Martin Loring briefly described staff work completed and recommended proceeding with the following proposal to invest \$4 million in Public Transit discretionary grant funds as follows. (*Background material in General Files, Salem.*)

1. At least \$1 million for a Public Transportation “Innovation Initiative.”
2. \$1 million for a one-time, 10 percent increase in base formula grants to offset unanticipated fuel cost increases.
3. Invest up to \$2 million to increase funding for 19 discretionary grant proposals, as follows:
 - a. Approve \$207,773 in funding for two Tri-Met projects that were approved by the Project Review Committee subject to adequate funding being found.

- b. Invest up to \$1,792,227 to increase project funding for 17 discretionary grant projects that may be insufficient to maintain current service levels.

Commissioner Wilson, who chaired the project selection committee, agreed the recommendation for #3 above fits with what the Committee reviewed and what their thoughts were.

Discussion focused on how best to utilize the one-time money, given the updated Oregon Transportation Plan where Public Transit is a key component, and taking into account the Governor's and Legislature's clear intent with *ConnectOregon* in the multi-modal approach to transportation.

Key Commission comments were:

1. Would like to see the Public Transit Division start thinking about how it could become a technical assistance and technology transfer organization rather than just a "grants organization."
2. "The Innovation Initiative" aspect is critically important to enhance the public transportation network.
3. Concern was expressed about the recommendation to spend \$1 million to help offset increased fuel prices, which the OTC has no control over and could continue over a long period of time. That is something that should be borne as an operating cost by the transit districts. Would rather see the innovation aspect enhanced so that more opportunities could be created for local communities to partake in the public transportation system.
4. Use the one-time money as an investment in the transformation of ODOT's Public Transit Division so it can guide and promote new ways to provide transportation services to the broader public.
5. Direct any savings realized from the 19 discretionary grant proposals to go into the "Innovation Initiative." That would provide additional opportunity for the division to guide and promote new ways to provide transportation services to the broader public.
6. Requested the criteria that would be used in reviewing the proposals come back to the Commission so they have the opportunity to provide input on the criteria.
7. In conjunction with the above point, the Commission asked to be provided with information about the program design in terms of the change in direction for the division and in terms of how it is going to design the innovation program so that it matches up with the challenges and recommendations in the Oregon Transportation Plan.
8. The new Transportation Plan provides great information about the challenges ODOT faces. The Commission would like to see the innovation grants start addressing those challenges by utilizing a variety of new methods. Specifically, on the fuels question, the Commission would much rather make the investment in working with transportation agencies to start using alternative fuels, to save fuels and conserve

fuels, rather than simply cover a cost impact on a one-year basis. The fuel question is better addressed by shifting the money to the “Innovation Initiative” where superior long-term solutions are more likely.

9. Need to look at what other states, Europe, and some of the Asian countries are doing. The “Innovation Initiative” would allow that to happen.

Commissioner Wilson presented the following motion to the Commission:

Contingent upon coming back to the Commission with the requested information in #6 and #7 above, approve the proposal to invest \$4 million in Public Transit discretionary grant funds as follows:

1. Invest at least \$2 million for a Public Transportation “Innovation Initiative.”
2. Invest up to \$2 million to increase funding for 19 discretionary grant proposals, that are outlined below, with the idea that if there are any savings, those savings would move to the Public Transportation “Innovation Initiative.”
 - a. Approve \$207,773 in funding for two Tri-Met projects that were approved by the Project Review Committee subject to adequate funding being found.
 - b. Invest up to \$1,792,227 to increase project funding for 17 discretionary grant projects that may be insufficient to maintain current service levels.

The motion passed unanimously.



The Commission confirmed the next two meeting dates as:

- Tuesday and Wednesday, March 14 and 15, in Eugene.
- Wednesday and Thursday, April 26 and 27, in Bend.

The Commission provided the following suggestions regarding the Bend Commission tour:

- Would welcome the opportunity to spend time with local planners, local government officials, Central Oregon Area Commission for Transportation, industry leaders, developers, and other stakeholders to talk about the region’s growth.
- Spend less time touring and more time looking at the big picture.
- It would be helpful to hear from developers – they have demographics and market information.
- It would also be helpful to have information from ODOT staff as to potential impacts to the state highway system.
- Include all area cities and counties, not just Bend and Deschutes County in the discussion.



Chair Foster commented on a recent ethics complaint filed against another agency's Commission member. A brief discussion pursued with Dale Hormann, Assistant Attorney General, Department of Justice, who confirmed the Commission's conflict of interest understanding was correct.

Specifically, it has been the practice of this Commission for the member to abstain from voting after a conflict has been noted by either the commissioner or the chair. It was agreed that in the future, if a commissioner has a conflict of interest, the individual commissioner will announce the conflict, and then abstain from voting, which clearly eliminates the ethics issue. However, it was reiterated that under Oregon Ethics Law, it is perfectly legal for the individual to vote once the conflict of interest is fully disclosed.



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

1. Minutes of the January 18, 2006 Commission meeting in Salem.
2. Resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
3. Oregon Administrative Rule (OAR) actions:

a.	Adoption of OAR 731-007-0335 and amendment of OAR 731-005-0470 relating to escalation of steel costs.
b.	Amendment of OAR 735-062-0130 relating to issuance of a driver license, driver permit or identification card with a different distinguishing number.
c.	Amendment of OAR 735-064-0005, 0040, 0090, 0100 and 0110 relating to hardship and probationary permits.
d.	Adoption of OAR 740-200-0045 relating to establishing an industry average miles per gallon for equipment operated by a licensee for International Fuel Tax Agreement (IFTA) audit purposes.

4. Increase in project authorization of \$944,470 for the SW 4th Street – SE 2nd Street (Ontario) project in Malheur County (Section Key #10269).
5. Removal of the Willamette Pass Ski Area, located adjacent to the Willamette Highway (Oregon 58) in Lane County, from the winter recreation parking location (Sno-Park) program.
6. Increase in project authorization of \$1,360,718 for the U.S. 101: Yaquina Bay Bridge Painting Project in Newport (Contract #C12913).

7. Appearance before the April 2006 meeting of the Legislative Emergency Board to present the first of two interim reports on the implementation of the Oregon Innovative Partnerships Program.
8. Appearance before the April 2006 meeting of the Legislative Emergency Board to seek an Other Funds expenditure limitation increase for the Oregon Department of Transportation, Public Transit Division, Transit Vehicle Replacement Program, in the amount of \$2,000,000 for the 2005 – 2007 biennium.
9. Appearance before the April 2006 meeting of the Legislative Emergency Board to seek approval to establish 11 part-time seasonal positions (5.5 FTE) and an Other Funds expenditure limitation increase of \$134,582 to meet workloads in Driver and Motor Vehicle Services local field offices.
10. Appearance before the April 2006 meeting of the Legislative Emergency Board to seek an Other Funds expenditure limitation increase of \$8,560,000 for the ODOT Rail Division to cover remaining expenditures for the Industrial Rail Spur and Shortline Railroad Rehabilitation programs and freight rail system upgrades in support of the Amtrak *Cascades* regional passenger rail service between Eugene and Portland.
11. Adoption of the Newberg-Dundee Bypass/New Oregon Highway 18 Facility Plan. Adoption of this plan will amend the Oregon Highway Plan to include a corridor within which a specific alignment for a Newberg-Dundee Bypass/New Oregon Highway 18 can be developed. OTC adoption will also establish policies for the new corridor to guide design and ODOT coordination with local governments before construction and for managing the new facility after construction.

Commissioner Achterman moved to approve the consent calendar. The motion passed unanimously.



Chair Foster adjourned the meeting at 10:50 a.m.



Stuart Foster, Chairman

Gail Achterman, Member

Randy Papé, Member

Mike Nelson, Member

Janice Wilson, Member

Kim Jordan, Commission Secretary