

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
September 18, 2014
Salem, Oregon**

On Thursday, September 18, 2014, at 11:30 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a premeeting briefing session and agenda review in Room 240, the Stuart Foster Conference Room, at the Transportation Building, 355 Capitol Street NE, Salem, Oregon. Highlights of the premeeting were:

•
Director Garrett reviewed the agenda of the upcoming OTC meeting with members.

•
Assistant Director Brouwer discussed the agenda for the upcoming OTC workshop and introduced new members of his staff.

•
Director Garrett held a discussion around OTC committee memberships. The Commission asked that Director Garrett make recommendations about which committees Commission members should serve on and the timing.

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Mr. Mather discussed a pilot program with the Oregon Department of Fish and Wildlife.

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The regular monthly meeting began at 1:00 p.m. in the Gail L. Achterman Conference Room at the Transportation Building.

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 Catherine Mater
Commissioner Dave Lohman
Commissioner Alando Simpson
Commissioner Tammy Baney
Commissioner Susan Morgan
Director Matthew Garrett
Deputy Dir. Central Services Clyde Saiki
Asst. Dir. Public Affairs Travis Brouwer

Trans. Development Div. Admin. Jerri Bohard
Highway Division Administrator Paul Mather
Rail/Transit Division Administrator Hal Gard
Communication Section Manager Tom Fuller
Governor's Trans. Policy Advisor Karmen Fore
Int. Region 1 Manager Rian Windsheimer
Region 4 Manager Bob Bryant
Commission Assistant Jacque Carlisle



Chair Mater called the meeting to order at 1:07 p.m.



Director's Report



New Faces in the Director's Office

Director Garrett said he was very pleased to announce three new people who have joined the ODOT family in key positions: Tom Fuller, Communications Section Manager; Leah Craft, Government Relations Manager; and Trevor Sleeman, Federal Affairs Advisor.

Leah Craft has spent the past twenty years working in the public sector. Most recently she worked as government affairs manager at the Addictions and Mental Health Division within the Oregon Health Authority, working on legislative policy development and implementation. She also served as legislative coordinator for the Administrative Services Division within the Department of Human Services. Leah is from Hilo, Hawaii and worked for six years at the Hawaii Small Business Development Center on both their legislative agenda and financial management. Leah also worked for Congresswoman Mazie Hirono. She has a Master's of Science in Economic Development and Entrepreneurship from the University of Houston at Victoria, and her undergraduate degree in Political Science is from the University of Hawaii at Hilo.

Tom Fuller joined state service in 2001 and most recently served as communications manager for the Oregon Employment Department. He chairs the State of Oregon Egovernance Board, which oversees the Oregon.gov portal, and has authored or co-authored five books. Prior to joining the state, Fuller worked for two decades as a television news reporter for KTVL in Medford and KGW in Portland, garnering numerous awards, including an Emmy.

Trevor Sleeman came from the office of Congressman Kurt Schrader, where he worked since 2009. He covered Marion and Polk counties and also worked on agriculture and natural resource issues. Before going to work for Congress, he was senior legislative assistant for House Speaker Dave Hunt, where he helped write the 2009 Jobs and Transportation Act. Trevor is nearing completion of a master's degree in public administration from PSU.

Garrett said all three bring strong experience and a broad perspective. They will serve ODOT very well, and we are extremely lucky to bring these people in to the agency.



TIGER VI

Last week, ODOT received advanced notice from Oregon's congressional delegation that ODOT was selected for funding in U.S. DOT's highly competitive Transportation Investment Generating Economic Recovery (TIGER) grant program. The joint Washington County – ODOT Regional Active Transportation Management (ATM) project will receive \$10.125 million in

federal funding to help reduce crashes, improve travel time reliability, and enhance transit operations between the Silicon Forest and Portland International Airport. The Regional Active Transportation Management (ATM) project will deploy a variety of high tech measures to improve the movement of both freight and commuters. This project is important for manufacturers and other large employers centered in the region's west side. Indeed, the recently completed Portland Region Westside Freight Access and Logistics Analysis Study called out the need for improved ACT infrastructure to facilitate freight mobility. This project is designed to address those needs.

The funding will extend active traffic management tools, like traveler information and advisory speed signs recently installed along Oregon 217, Interstate 5, and Interstate 405. The project will also extend beyond U.S. 26 and Interstate 84 to state and county arterials including TV Highway. While the arterial improvements will similarly facilitate the movement of freight and commuter vehicles, they will also improve safety and reliability for those traveling on foot or by bike. Completion is scheduled for late 2016.

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Legislative Days

Director Garrett gave a brief summary of Public Affairs staff's last three days, spent wrapping up Legislative Days. ODOT's agenda was fairly light, and staff presented to various legislative panels on topics such as project delivery, the status of federal funding and the uncertainty of the federal policy conversation, and the communication infrastructure program, known as the State Radio Project, which is 70 percent complete. Overall, the three day run was very productive and positive. ODOT staff were very well prepared, and delivered in a very clear and concise manner.

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Public Comments

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Paul Suter provided oral and written comments in support of the OTC's denial of a dock-building permit on the Columbia River necessary for the proposed Morrow Pacific coal export terminal. He said the Commission's thorough review of the Amber Energy application made clear Amber Energy's failure to obtain the necessary permits, demonstrate the project's construction readiness, or to make a case for its needs. The thorough review also showed the thousands of citizens and public officials who expressed opposition to the application, and who continually advocate for healthy communities, clean water and air, and a healthy salmon habitat, that the Commission is paying attention to their concerns.

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Garey Kurtz provided oral and written testimony stating that the Final Review Committee is completely appropriate and consistent with all relevant information to date in its denial of the Port Westward Berth Two application. State lottery funds are entrusted to the OTC with specific understanding that projects funded will comply with grant criteria and be beneficial to Oregon as a whole. There is very little benefit in building dock facilities served by an outdated

rail line which will remain unsafe and inadequate even after improvements have been made to the A Street rail in Rainier. Narrowing decision-making criteria sets a dangerous precedent and the idea that a select few individuals, using very narrow criteria, can accurately assess concerns and come to a consistently unbiased conclusion, is flawed. Kurtz encouraged the OTC to consider that the disproportionate distribution of both economic benefit and economic cost to Columbia County will create an unequal cost burden that will far outweigh the relative economic benefits and represents a definite injustice. An approach to industrial development that discards traditional values, environmental assets and global climate is clearly not in the best interest of Oregon. He urged the Commission to not consider a reversal of the denial to use public funds for the coal export facilities at Port Westward.

Jasmine Zimmer-Stucky, from Columbia Riverkeeper, provided oral and written comments supporting the OTC's leadership in the denial of the Port Westward Berth Two application, which failed to meet grant criteria for match and permits. Zimmer-Stucky thanked the Commission for using the valuable *ConnectOregon* funds in an appropriate and responsible manner, but expressed concerns that Commissioners Baney and Morgan repeatedly committed to the *ConnectOregon* process, referring to it as a "very prescribed process." She urged the Commissioners to view their role on the OTC as critical thinkers charged with shaping Oregon's transportation future. In addition, Zimmer-Stucky asked the Commission to amend the Rainier A Street application to reflect the 10 MPH rail speed, which Rainier Mayor Jerry Cole and the Portland & Western Railroad representative Joel Hacks clearly state is the limit trains would move through Rainier. The application states a 25 MPH speed limit and Zimmer-Stucky would like it amended to reflect their commitment to the 10 MPH speed limit.

Oregon Bicycle and Pedestrian Plan

The Commission received an informational presentation and update on development of the Oregon Bicycle and Pedestrian Plan. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Oregon Bicycle and Pedestrian Plan is a long range modal plan that will establish a vision and policy framework for decision-making and investment strategies within the context of the transportation system as a whole. When adopted, the plan will become an element of the Oregon Transportation Plan (OTP) and replace the 1995 version.

A Policy Advisory Committee (PAC), chaired by Oregon Transportation Commissioner Tammy Baney, formed to guide development of the Bicycle and Pedestrian Plan and has met four times. The PAC includes stakeholders from around the state representing interests of the business community, freight, persons with disabilities, the Bicycle Transportation Alliance, Oregon Walks, the Oregon Department of Transportation (ODOT's) Bicycle and Pedestrian Advisory Committee, and representatives from local jurisdictions.

A 16 member Technical Advisory Committee (TAC) also formed to discuss specific technical topics and inform staff and the PAC. The TAC is comprised of subject area experts from state agencies and local jurisdictions around the state in order to ensure a well-balanced discussion of issues. The TAC has met twice-to-date and will continue to meet at key points in the process between the spring of 2014 and the summer of 2015.

A Plan Coordination Team (PCT) was also created to engage staff from different business lines within ODOT in the development of the Plan. The purpose of the PCT is to ensure the plan can work well 'on the ground' and to improve implementation of the resulting Plan. At this time the PCT has met twice. Its work and composition is similar to that of the TAC.

Key milestones which have been reached at this time include development of a working vision and goals to guide the project, and background research on biking and walking in Oregon today resulting in an Existing Conditions Report and an Issues and Opportunities Report. The Issues and Opportunities Report provides insight into what may need to be considered in the plan; it is a living document and will be added to as new information is learned. Staff will highlight key elements of the work to date and will provide an update on what they are hearing across the state. The PAC will continue to meet through 2015 and will make a recommendation to the OTC.

At its most recent meeting, the PAC started to consider policy themes resulting from the Issues and Opportunities Report. They will continue to work on policies and themes through the end of the year before getting into investment and implementation considerations. To inform this work, a number of memos and products will be produced, including topics such as data, health, and the business case for biking and walking in Oregon. It is anticipated the draft plan will be presented to the OTC in November 2015

More information is available on the Oregon Bicycle and Pedestrian Plan project website at:
<http://www.oregon.gov/ODOT/TD/TP/pages/bikepedplan.aspx>

Existing Conditions Report:

http://www.oregon.gov/ODOT/TD/TP/BikePed/Mtg4_ExistingConditions.pdf

Issues and Opportunities Report:

http://www.oregon.gov/ODOT/TD/TP/BikePed/Mtg4_IssuesOpportunitiesReport.pdf

Presentation:

ODOT Transportation Development Division Administrator Jerri Bohard introduced Oregon Policy Advisory Committee Chair, OTC Commissioner Tammy Baney who talked briefly about the advisory committee and then introduced ODOT Planning Unit Manager Amanda Pietz who led the presentation. Pietz introduced Project Manager Savannah Crawford, ODOT's principle planner. Highlights for the update on the Oregon Bicycle and Pedestrian Plan were:

Amanda Pietz started the presentation by talking about the purpose of the plan.

- purpose of the plan
 - replace the 1995 Oregon Bicycle and Pedestrian Plan

- create a vision for the future of biking and walking in Oregon
- provide a policy framework to guide future decision making
- result in a consistent approach for balancing objectives and selecting projects to meet those objectives
- interconnect bike and pedestrian systems statewide and with other modes, no matter jurisdictional authority
- envision a network that helps to meet Oregon's needs
- understand biking and walking within the context of the transportation system overall
- development process
 - components: vision, goals, existing conditions, policies/strategies, investment considerations, implementation considerations
 - participants: OTC, Policy Advisory Committee, Technical Advisory Committee, OBPAAC, stakeholders, affected parties, interested groups

Savannah Crawford continued the presentation talking about what has been done to date:

- conducting statewide listening meetings and advisory committee meetings to set vision and goals, report on existing conditions, and identify issues and opportunities
- draft of a working vision: "In Oregon, people of all ages, incomes, and abilities can get where they want to go on safe, well-connected biking and walking routes. People can access destinations in urban and rural areas and enjoy Oregon's scenic beauty by walking and biking on a transportation system that respects the needs of its users and their sense of safety. Bicycle and pedestrian networks are recognized as integral elements of the transportation system that contribute to our diverse and vibrant communities and the health and quality of life enjoyed by Oregonians."
- goals: safety, mobility and efficiency, accessibility and connectivity, economic and community vitality, equity, health, sustainability, strategic investment, and coordination, collaboration, and cooperation
- issues and opportunities: plan and policy review, stakeholder interviews, listening meetings, surveys, nationwide best practices
- issues and opportunities: key findings
 - while goal areas are recognized, many are not supported by policy or are not used to inform decision-making
 - there is an apparent lack of institutional mechanisms to develop a bicycle and pedestrian network and gaps exist (particularly sidewalks)
 - better coordination is needed between modes (e.g. first and last mile for transit) and among jurisdictions
 - interest in ways biking and walking can support local economies and the state
 - investment in maintenance is inconsistent
 - prioritization approaches vary greatly
 - data is often inconsistent or non-existent
 - listening meetings – what we heard from the diverse groups of participants was four primary themes: project coordination to have bike/ped elements considered for new projects; engineering concerns about making better use of current facilities; education so all understand the rules; and funding

- next steps
 - prepare for policy discussion: 1) use information received from committees, listening meetings, focus groups, surveys, interviews, and other documents reviewed, and 2) develop policies this fall
 - performance measure discussion January 2015
 - provide another update to the OTC in early 2015
 - on-line open houses
 - one of the largest challenges will be to take the inconsistent data we have now, that can be measured and tracked, and identify what is needed for the performance measures discussion

Discussion:

Commissioner Morgan asked if the funding discussions are taking place in the context of funding that is currently available, or are they looking at alternate revenue sources and potentially laying out development of other sources of revenue. Savannah Crawford responded the conversations heard and the direct responses on that is a combination of the two. So, first, how are we going to be more efficient with existing funding streams, but also, given the challenges in the existing funding stream, how do we become more innovative in that funding?

Commissioner Simpson is a big advocate of performance measures, and asked what indicators, or measures, were focused on pertaining to equity. Amanda Pietz responded that this early on in the process, it is hard to tell what the performance measures will be, but the goal area is around making sure all people have access to biking and walking facilities.

Commissioner Lohman hopes cost avoidance will be emphasized in this plan. People frequently complain about expenditures for biking facilities, feeling they aren't paying their fair share. There is no cost comparison on getting 10 percent of the commuters in Portland on bikes, versus accommodating them in vehicles, and it is foolish not to do everything possible to encourage bike riding to avoid spending all the money on highway infrastructure. Lohman said community and economic vitality should be included when making the strategies for bike and pedestrian facilities. It is amazing how economically devastated communities have been able to hang on because of the biking encouraged in that area. Bear Creek bikeway in Medford, originally designed as a recreational facility, has turned out to be a great tool for people getting to places and it serves as a spine to other modes. Now, there is also serious talk about building branches out from that spine to make use of connecting existing facilities and promote tourism.

Chair Mater indicates that it is hard to do visioning on something like this, and difficult to gain consensus on certain points. There are opportunities to connect to levels of funding sources that typically have been separated up to this point. The use of bike and pedestrian pathways with relation to health care and the human health component, and the opportunities to connect those together for new funding sources is one example. She is distressed with the *ConnectOregon* process which segments out each of those bike/ped proposals that come in for consideration. Mater is interested in providing additional award benefits to those areas that actually merge those concepts together innovatively.

Commissioner Baney left the meeting for a prior commitment.

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2014 Oregon State Rail Plan

The Commission considered a request for approval to adopt the 2014 Oregon State Rail Plan as a modal plan under the Oregon Transportation Plan, and to adopt the supporting information for the 2014 Oregon State Rail Plan as part of the record, including the “Findings of Compliance with Oregon’s Statewide Planning Goals.” Rail and Public Transit Division Administrator Hal Gard presented the request. **(Background materials in Director/Commission/History Center File, Salem.)**

Background:

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) tasks states with producing a State Rail Plan to establish policy, priorities and implementation strategies for freight and passenger rail transportation. The Oregon Department of Transportation (ODOT) received a Federal Railroad Administration (FRA) grant to develop a comprehensive State Rail Plan consistent with PRIIA and with Oregon’s own requirements for multimodal transportation planning. Updating the State Rail Plan allows Oregon to not only to address the federal requirements in PRIIA, but also to build upon prior Oregon rail planning work, to address current challenges and opportunities, and to support ODOT’s multimodal objectives.

Development of the Oregon State Rail Plan has been a closely coordinated activity between ODOT, FRA, various stakeholders and the public. ODOT used a public process to develop a comprehensive State Rail Plan for Oregon that:

- *sets forth state policy involving freight and passenger rail, including commuter rail;*
- *identifies statewide rail goals and policies;*
- *presents strategies to enhance rail service in Oregon that benefits the public, including improvements in connectivity to transit and other modes of transportation;*
- *serves as the policy basis for federal and state rail investments throughout Oregon; and*
- *positions Oregon to meet challenges and opportunities facing the rail system, the broader transportation system, and state and local economic and sustainability objectives.*

A steering committee was assembled with the charge to review and guide the rail planning process, which resulted in a recommendation to the agency director and the Oregon Transportation Commission. Commissioner Lohman served as Chairman of the Steering Committee and Commissioner Morgan has been an active member of the Committee through her position at Douglas County. The steering committee met ten times between January 2013 and July 2014 to discuss study findings and write the plan.

The final plan’s structure is a hybrid between the framework typical of Oregon’s modal and topic plans, and FRA recommendations and requirements for state rail plans. The main sections are:

- *Executive Summary*

- *Chapter 1: The Role of Rail in Statewide Transportation*
- *Chapter 2: The Existing Rail System in Oregon*
- *Chapter 3: Rail System Issues and Opportunities*
- *Chapter 4: The State's Rail Service and Investment Program*
- *Chapter 5: Coordination, Review and Next Steps*
- *Plan Appendices*
- *The Plan is supported by several Technical Memorandums that served as background for the document and are available on the project website:
<http://www.oregon.gov/ODOT/TD/TP/Pages/railplan.aspx>.*

The steering committee devoted much of its review and discussion to Chapter 4, which includes the draft plan's vision statement; draft goals, policies and strategies; and an investment framework. Specific policies and strategies are organized around seven goal areas covering:

- *partnership, collaboration and communication*
- *connected system*
- *system investments and preservation*
- *funding, finance and investment principles*
- *system safety*
- *preserving and enhancing quality of life*
- *economic development*

Consistent with investment recommendations in other statewide plans, the State Rail Plan does not specify individual projects for investment. Rather, the plan provides an investment decision making framework to enable Oregon to identify projects that benefit public interest, prioritize those projects, and consider funding responsibility for other rail stakeholders in consideration with the benefits received. Illustrative projects to meet the identified areas of need and investment priorities are also provided as part of the plan for reference.

Following the Commission's approval to release the draft plan for public review on April 18, 2014, ODOT staff consulted with Area Commissions on Transportation (ACTs), visited interested stakeholder groups and participated in other transportation outreach events. Staff participated in a total of 25 outreach presentations, meetings and other events during the public review period.

Staff also provided notice of the review material through statewide mailing lists, informational announcements and a press release. Well over one thousand interested parties received information on the draft plan and how to provide comments through notifications. The email distribution list from the project website alone has 1,045 subscribers.

A public hearing was held at the May 16, 2014 Commission meeting in Astoria. The public review period closed on June 20, 2014.

While written comment on the draft plan was limited, outreach presentations and events provided opportunities for other direct input. Many of the public review comments fell under the following themes:

- *Safety Priority.* Comments focused on the relationship of “Safety” to other plan goals and how commodity safety issues were covered in the document.
- *Resiliency.* Several comments recommended adding information to ensure the plan covers system needs and investment priorities for resiliency from seismic issues and other natural events.
- *Last Mile/Industrial Rail Spurs.* Comments recognized the importance of local connections to the rail system such as industrial rail spurs.
- *Investment Program.* Several comments helped ensure that the investment program clearly links the Plan’s goals, policies, strategies and priority areas.
- *Passenger Service.* Comments stressed the importance of passenger rail and promoting improvements to passenger rail services and the future system.
- *Rail Awareness.* There was broad recognition of the need for ongoing outreach so that more stakeholders can better understand rail in Oregon and better link rail to regional and local planning and investments.

The State Rail Plan Steering Committee held their final meeting on July 25, 2014 to review the comments on the draft plan and make final recommendations on the document. At the conclusion of the meeting, the steering committee unanimously agreed to forward the Oregon 2014 State Rail Plan to the Commission with a recommendation to adopt the document.

*Development of the Draft State Rail Plan has been coordinated, to the extent possible, with the Oregon Passenger Rail Project, a more detailed effort to evaluate alternatives for future passenger rail service on the Willamette Valley section of the Pacific Northwest Rail Corridor. While the State Rail Plan compliments and coordinates with this work, the Plan acknowledges and must at points defer to the key elements of the more detailed corridor evaluation. Additional information on the Oregon Passenger Rail Project is available at:
<http://www.oregonpassengerrail.org/>.*

Following Commission action on the 2014 Oregon State Rail Plan, ODOT’s next step will be to submit the Plan to FRA for formal “acceptance.” This step means that Oregon meets specific eligibility requirements for FRA funding and creates a new roadmap for the state in prioritizing public investment in, connecting to, and taking advantage of the critical rail system in Oregon. ODOT has held regular conference calls with FRA staff to keep them apprised of progress in plan development. ODOT received positive feedback of the draft during meetings with FRA and no additional written comment was received. The current FRA Grant Agreement will expire at the end of 2014, putting a formal end to the overall planning work.

Additionally, ODOT will develop a “published” version of the final plan for online viewing and a print a modest number of paper copies.. Minor formatting edits will be made at this time.

*The 2014 Oregon State Rail Plan: Track Changes from Public Review Draft (Available at:
http://www.oregon.gov/ODOT/TD/TP/RailPlan/Oregon_SRP_Final_Draft_Sep2014_track_changes_8-25-14.pdf)*

Presentation:

State Rail Steering Committee Chair Dave Lohman started the presentation by noting that this State Rail Plan is an excellent document that should be voted for. It is very well done for such a complex mode that is critical to achieving transportation efficiency. It contains comprehensive information on what the assets are, challenges faced, and a lot of very useful information for answering questions about what we are, and are not, able to do. There are so many opportunities we are not taking advantage of in the rail arena. We need tough strategic and tactical decisions, and this plan can help do that.

Commissioner Morgan has participated on the steering committee and said the plan is solid and will be a very valuable tool. The freight and passenger rail systems are pivotal to all areas of the state, rural or urban, and a critical piece of the economic infrastructure. It's not without its challenges, such as connectivity within the state and nationally, the tremendous amount of 'pass-through' freight, the diverse short-line rail system within the state, the importance of maintaining current right-of-ways, and the fact that most of the lines are privately owned and many of the decisions made by the rail lines are outside the public venue.

ODOT Rail and Public Transit Division Administrator Hal Gard and ODOT Principle Planner Michael Rock gave the presentation on the 2014 Oregon State Rail Plan. Highlights of the presentation were:

- the major plan objectives are federal and state: the federal being the Passenger Rail Investment and Improvement Act (PRIIA), and the state being the State Modal Plan
- key plan elements
 - role of rail in statewide transportation
 - rail system conditions, Issues and opportunities
 - goals, policies and strategies
 - investment program
- vision statement – “Oregon will have a safe, efficient, and commercially viable rail system that serves its businesses, travelers and communities through private resources leveraged, as needed, by strategic public investments.”
- plan goals
 - partnership, collaboration and communication
 - connected system
 - system investments and preservation
 - funding, finance and investment principles
 - system safety
 - preserving and enhancing quality of life
 - economic development
- investment framework: PRIIA and FRA requirements, Oregon’s approach to investments, privately-owned rail factors, and the state rail plan framework
- public review process included an OTC presentation, public review periods, outreach meetings and materials, the Web, public hearings
- public comment themes included safety as a priority, resiliency, industrial rail spurs, investment program, passenger service and rail awareness
- areas of significant committee discussion were links to Oregon passenger rail (how to coordinate with EIS work), how to stress the importance of safety issues that arise over

- the long term, balancing flexibility for future funding opportunities, and system preservation
- next steps include submitting the plan to FRA for PRIIA and grant acceptance, public the document, and then start implementation

Discussion:

Hal Gard talked about the fairly dire straits of rail investment opportunities in this state. Rail investments have two sources of funds, *ConnectOregon* and TIGER grant funds. The way *ConnectOregon* is funded, we are not able to take advantage of *ConnectOregon* money to leverage federal match so we are leaving federal money behind. When TIGER grant opportunities come along, we need to reach out to our rail partners to be the match money. Passenger rail is in dire straits and coming into more crises next year. The state may not be able to continue to fund passenger rail at the end of 2015. Commissioner Lohman said Oregon has three rail services, two of which are funded by the state. If there isn't funding, Oregon may not have those passenger lines in the future.

Michael Rock clarified for the Commission the two-step adoption process. Part one is requesting adoption of the plan document itself. Part two is requesting adoption of all the supporting information, which includes the findings of compliance with Oregon statewide planning goals.

Commissioner Lohman said right-of-ways are big opportunity areas we can't afford to let go. We are going to need those right-of-ways. Rail crossings are the other big opportunity area. If we could get the funding to deal with the most important ones, we could make a big difference in the efficiency and safety of moving trains and cars.

Action:

Commissioner Morgan moved to adopt the 2014 State Rail Plan and adopt the supporting information, including the findings of compliance with Oregon statewide planning goals. Commission members unanimously approved the motion.



Rail and Public Transit Division and Transportation Advisory Committee Report

The Commission received an update from the Oregon Department of Transportation Rail and Public Transit Division and the Public Transportation Advisory Committee about a committee reset, vision, investment direction and future work. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

In 2012 the Rail and Public Transit Division undertook to reset and revitalize the PTAC. These efforts were designed to:

- *reconstitute membership*

- *develop a new charter*
- *create a new vision*
- *review transit system conditions*
- *assess critical transit needs*
- *recommend investment principles: invest in public transportation systems that create: seamless access, mobility, connectivity, economic benefit*
- *provide input to Statewide Transportation Improvement Program (STIP) **Enhance** criteria*

Presentation:

Rail and Public Transit Division Administrator Hal Gard, PTAC Chair Julie Brown, and PTAC Co-chair Phil Warnock gave the update on public transportation. Highlights of the update were:

- Public Transportation Advisory Committee's (PTAC) work on its vision and investment principles
 - drivers for change include the economy, cost of driving, changing demographics, needs of the people, aging boomers, failing health, growing disparity between rich and poor, social disconnectedness, environmental concerns
 - change was needed for the PTAC Work Plan for broader membership, updated charter, a new vision, state of the system report, modal review, needs assessment
 - PTAC new vision: "As an integral part of the greater state transportation system, public transportation resources provide users with seamless access, mobility, and connectivity. Citizens and visitors benefit economically through access to services, employment, and recreation which in turn promotes healthy thriving communities."
- current transit system conditions
- annual statewide transit investments are about \$500 million - ODOT's responsibility being about \$50 million annually to distribute in grants with a focus on elderly and disabled services and rural services
- MAP-21 has added new responsibilities around planning, safety, and asset and performance management
- public transit revenue sources: state, federal, FHWA
- current trip trends showed a huge increase in use by the rural and small urban areas, and a decrease in ridership on some of the larger metropolitan areas like TriMet because they were cutting some services and subsequently lost some ridership. Because of ARRA funds, some of the smaller urban and rural areas were actually able to expand services, and in some places, saw a 200 percent increase in ridership
- critical system needs/2014 needs assessment
 - \$13.5 million from the General Fund is needed each biennium to maintain the current status
 - we need to improve large urban areas where there is a \$41 million need
- match to federal funds is very important but difficult for all agencies - the match to leverage federal funds just for vehicles alone is \$22 million
- past year's challenges and successes

Discussion:

Chair Mater asked if there was any data that documents the number of user riders per area, per segment of population. Hal Gard responded he would provide this to the Commission.

Commissioner Morgan said a big piece of doing transit in rural areas is trying to cobble together enough capacity to cover the geographic area and provide services at a high enough level that they are actually convenient for people to use.

Phil Warnock talked about demographics and said we don't always do a good job of humanizing the story when we talk about shifts in demographics. What that really means is connecting retired senior volunteers to senior centers or other locations they want to get to, to remain active members of the community they live or work in. It's about allowing people to age in place. Can seniors stay in their homes and do they have accesses to the goods and services? The same applies to the younger demographic connected to technology. Can they get to their campus without having to take a car? How do they get home on holiday breaks? These are key aspects we sometimes lose in some of the bigger pictures.

Commissioner Morgan said there is also an aspect around health and finding ways to get people, in non-emergency situations, to their medical appointments. Transportation continues to be a big barrier between people and the treatment they need. Communities across the state are looking at how to coordinate local resources to meet the needs of this very vulnerable group of people. Morgan appreciates that this funding discussion is occurring because her experience is that funding is thrown at transit rather randomly. There is funding to buy stuff, but there is not funding for people to run or maintain that stuff. More creative investments and use of resources can help transit districts stretch dollars, like what is happening in Douglas County where a partnership between the transit district and the county allows the transit district to use the county shop to fix equipment. Funding discussions are also needed on how to make funds more useful without so many strings attached, and equally important, how to uncomplicate and streamline the complex, time consuming reporting requirements.

Chair Mater said efforts like Climate Trust of Oregon, set up by the Oregon Legislature where funding comes in as payment from utilities to offset their carbon footprint, are not being taken advantage of. Zero transportation projects have been funded through Climate Trust in Oregon, though Washington has captured some. We need to take advantage and be more creative in linking up to these types of unusual venues with unusual funding.

Commissioner Lohman highlighted the Rogue Valley Transit District's history as an example of what transit districts are facing. The principle funding source is a property tax base, created in 1973 and not increased since. Consequently, the district suffered route cuts, including a route from the downtown to the hospital. Congestion Mitigation Air Quality (CMAQ) funds allowed that route to be reestablished, and to begin later hours on weekdays and service on Saturday. Subsequently, the transit district saw a growth in ridership. But those funds go away the end of June next year. It's on the November ballot to ask for a 5-year levy to increase, but it's leaving about \$300,000 of federal operating dollars that can't be matched because local dollars have to be used and there are none. That is the dilemma a lot small urban and rural areas face.

Julie Brown's frustration is that existing non-emergency transportation systems, that work reasonably well, are being broken down and they are starting over again with each area doing its own thing. For example TriMet, the brokerage in the Metro area, is no longer going to provide those services starting January 1 and the Metro area will have to start building that system all over again. The whole idea behind Coordinated Care Organizations (CCOs) is to make healthy people that are more productive, while also reducing their medical costs. Coordination is critical, and some of that has been lost and needs to be rebuilt again.

Commissioner Lohman asked if PTAC was looking at ways to use these new systems, or the dial-a-ride programs, as a cheaper way or maybe to supplement what we are able to do now with public transportation systems. Julie Brown said it's definitely going to supplement what we have now. The Options Plan identifies that technology has really improved transit by allowing riders to Google when the next bus comes to their stop. These will go hand in hand, but the infrastructure needs to be built so it's seamless and convenient. There is a movement in this way of thinking, and Region 3 was right on track last week in a meeting where they talked about how to get smarter about the way ODOT's dollars are spent on road projects. How do we include those elements, like transit, etc., into a project so that we're thinking outside of the box ahead of the build, so we can make enhancement to roadway projects that will benefit transit?

Chair Mater thanked PTAC's members for the excellent presentation and its tremendous effort and successes to this point.



Report on Crude Oil Transport by Rail in Oregon

The Commission received an update from the Oregon Department of Transportation Rail and Public Transit Division about notifications regarding the transportation of crude oil by rail in Oregon from ODOT Rail and Public Transit Division Administrator Hal Gard.

(Background materials in Director/Commission/History Center File, Salem.)

Background:

The increase in the number of rail cars carrying oil through Oregon, and public concern about the safety of these shipments, continue to be a state and national concern. The Oregon Department of Transportation Rail and Public Transit Division will discuss how the agency is addressing this serious issue.

Presentation:

Hal Gard provided an update on ODOT's efforts with regard to the movement of hazardous materials by rail. He noted that the term hazardous materials, versus the term crude oil, was used because the focus is on how all hazardous material is shipped on rail lines, and not just a particular commodity.

The first Hazardous Material Rule Making Committee meeting was held August 26, 2014. The meeting was extremely well attended by an engaged and interested group. A follow-up

meeting of the entire rule making advisory group was postponed while additional staff work is done with the Office of Emergency Management, the State Fire Marshall's Office, and Oregon DEQ to make sure we are synced up and aligned around our various roles and responsibilities.

Four additional positions have been secured and identified to increase the inspector ranks, and ODOT is moving forward with those recruitments. In addition, ODOT is working very closely with Human Resources and the Department of Administrative Services (DAS) to get those positions reclassified so their salaries are more in line with the salaries currently offered by the Federal Rail Administration (FRA).

The OTC had requested a summary on what other states were doing with regard to the increase in shipment of hazardous material, and some type of matrix to compare our program with other state's programs. Examples of what some of the other states are doing include:

- Minnesota is providing funds for railroad emergency preparedness and response, including the hiring of additional inspectors and requiring railroad companies to train local fire departments. It also requires the Commission of Public Safety to submit a report on emergency preparedness.
- California has enacted two bills relating to requirements for oil spill contingency plans, and requires each railroad operator to submit a risk assessment for immediate response to accidents. Six bills are pending relating to oil spill advisory committees, emergency response, railroad reporting requirements, and developing a rail tank car design standard.
- Pennsylvania is urging USDOT and the National Transportation Safety Board (NTSB) to conduct a comprehensive inspection of all railroads in the Commonwealth to ensure all railroad are capable of withstanding the increased rail traffic.
- Washington has introduced five bills requiring a study to examine the state's capacity to respond to an accident, all of which have failed. Washington also stood up a committee similar to the one our governor made. Oregon is represented on that committee and will report when more information is available.
- North Dakota is proposing to join FRA's State Partnership Program and is looking at adding two additional inspectors and a rail safety manager.

Chair Mater asked if anything addresses the question of speed regulations and who controls and sets the limits for that? Gard said speed is regulated by the FRA, but it is really determined by track quality. The National Proposed Rulemaking is suggesting a reduction in key train (large trains hauling a single commodity) speed to a maximum of 45 MPH, with lower speeds through urban areas or areas considered sensitive. He said this is a multi-headed hydra because we are experiencing nationwide rail congestion which is impacting the movement of other critical commodities, currently grain shipments in the Midwest. In addition, one of the areas we constantly get public comment about is rail crossing blockages, and lower train speed leads to increased blockage times. There needs to be an appropriate balance to keep trains moving efficiently and effectively, recognizing that track condition and speed are the two biggest contributors to incidents.

In response to a question from Chair Mater on whether it's possible to maintain a 45 MPH speed through the City of Rainier, Gard said he could never see a situation where that could

occur through that stretch of track. Not just because of the constraints in town, but also the constraints at either end of town.

Putting our state system in perspective with systems nationwide, Oregon ranks between 24 and 30 nationwide around a number of metrics:

- 30th number of track miles
- 35th amount of millions of tons that originate within the state
- 31st millions of tons that terminate within the state
- 29th originating carloads (not tonnage)
- 24th terminating carloads
- 39th number of tons carried within the state
- 30th number of railroad employees
- 30th size of wages

Oregon has hauled and terminated approximately 3.5 percent of the nation's chemicals, farm products and waste and scrap iron. National comparisons of 30 NRA states' safety programs shows Oregon ranked 9th in the nation in the number of inspectors, and will shift to 5th once we increase the number of inspectors. Oregon is ranked 6th in the number of inspectors per 1,000 miles of track, moving to 2nd with the additional inspectors, and 4th for the number of inspectors per 1 million carloads, moving to 3rd. Gard said his goal is to be number one and have the finest inspection program in the nation. He will provide copies of this data to the Commission.

Discussion:

Commissioner Lohman said congestion along the Columbia River Corridor was a huge concern 15 years ago, long before the current oil and coal train issue. He wonders how bad the congestion problem is now, and what impact that may be having on the shipment of other freight important to our economy. Hal Gard said the congestion issue has reached a national level of concern. The incredibly deleterious effect of fossil fuel shipments on passenger rail was a topic of AASHTO meetings in Denver last week. Amtrak is appealing to the Surface Transportation Board to try and get some of its freight preemption back, which was determined through PRIIA to be unconstitutional.

Commissioner Morgan said another manifestation of the issue is to push more freight onto trucks as a result of the slowness of the rail system. Users that need to get their product to market or raw materials to manufacturers are using trucks for their time efficiency, thereby increasing traffic on the highways.

Commissioner Simpson asked what criteria were used by the FRA, beyond track condition and population density, to determine the sensitivity of an area and define the rail speed. Hal Gard said he didn't have that information at his fingertip, but would get it for the Commission.

Chair Mater asked if there was data on what gets pushed off rail and on to truck transport when there are competing interests or commodities. For example, is there any data that gives an idea if agricultural products or lumber products get pushed to road transport just by the virtue of the huge size of oil and coal movements? Gard will research this for the OTC.

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Performance Management Program

The Commission received an update on the Performance Management Program and legislatively adopted agency Key Performance Measures from ODOT Performance Management Chief Phillip Kase. (***Background materials in Director/Commission/History Center File, Salem.***)

Background:

The Oregon Department of Transportation (ODOT) reports on Key Performance Measures (KPMs) as part of the budget process and makes the information available to the public. Moreover, ODOT self-reports on additional agency KPMs informing external stakeholders and others, ensuring transparency and accountability.

Presentation:

Phil Kase updated the OTC on changes to the Performance Management Program and reviewed new data available since the last OTC Key Performance Measures briefing. Highlights of the presentation were:

- the purpose is external performance management communication and internal consultation and program management
- program priorities include establishing a P.M. office and Officer, refresh and communicate strategy, manage strategy, and manage and leverage knowledge
- the program has ten principles:
 - Principle #1 - tied to the vision of the organization.
 - Principle #2 - balanced (comprised of effectiveness, efficiency, quality, timeliness, productivity, financial, and safety data).
 - Principle #3 - mix of process data and outcome data taken over time.
 - Principle #4 - based on operational definitions.
 - Principle #5 - within the agency's sphere of influence.
 - Principle #6 - dynamic, relevant and timely.
 - Principle #7 - interconnected (i.e.: reported collectively, never singly).
 - Principle #8 - senior management is accountable for the measures.
 - Principle #9 - limited in number but still provide a holistic view.
 - Principle #10 - communicated and documented.
- key performance measures include traffic injury rates, driver-at-fault large truck crashes, DMV field office and title turnaround wait times, disadvantaged business enterprises, employee time loss claims, and incident response
- annual legislative performance progress report
- MAP-21's performance measure framework
- highway program performance measures
- performance measure bundles include safety, infrastructure conditions and system performance
- the report format previously used, "performance dashboard", is replaced with a two sided, one page report with more narrative and less graphs, reflecting our strategy, the

target, how we are doing, how we compare, factor effecting results, what we need to do, and contact information

Discussion:

Chair Mater asked if least cost analysis was used as a performance protocol indicator. Kase responded he did not have the answer, but would find out.

Commissioner Simpson asked if any targets or metrics have been identified on whether this agency is sustainable. Kase responded that ODOT'S Sustainability Plan highlights in detail sustainability performance on fourteen different measures. Simpson said those measures were all environmental and asked what the financial impact is from ODOT's social sustainability measures. For example, the Federal Department of Transportation's DBE Program has put out a report identifying the weakness in DBE programs nationally. What are the steps ODOT can take to help an individual wanting to start their own business, someone who knows the task, but doesn't know a lot about back office business? What can ODOT do to help them grow their business, sustain that business, and build its 'well capacity'? That well capacity, from when a person starts the program to where they end up three years down the line, is important and valuable data to put into agency sustainability measures in terms of its social equity endeavor. After reading the report, and seeing how all the states are lacking, this is the perfect opportunity for ODOT to do some innovative things and become a leader in that regard. Kase noted that the program has steps to help the person developing the business, and indicated he would discuss the findings of the federal report with Michael Cobb, the person who runs the DBE Program, to see where ODOT stands.

Director Garrett said ODOT currently makes a \$2 million investment in supportive services to give some business acumen to help those who are ready and willing, but not yet able to perform as a business. The supportive service helps new businesses understand what it means to function from a back-room operation. There's no question they can go out and do good work, it's in the back-room operation where they fail, and that's where ODOT partners with the Bureau of Labor and Industry to help start building good business sense and practices. On Monday, September 22, Garrett is meeting with a host of individuals who make up a patchwork quilt of small businesses to have just that type of conversation in terms of some of the traditional opportunities that are available. Are they working? What are the barriers? What are the challenges? He said Commissioner Simpson has brought up a pathway that has not been explored, an opportunity to track that investment of \$2 million and its longer impact.

Commissioner Simpson said he applauds Michael Cobb's program and the things they are trying to do. Anyone in the construction business knows how much more convenient it is to work with the private sector because of the paperwork, and anything we can do cut down on paperwork or assist with the process would help. A lot of those little issues are very minimal, but to someone who hasn't had the proper education in those areas, these create a lot of barriers to becoming entrepreneurs.

Commissioner Lohman asked for a copy of all the performance measures. Kase responded he would get them out right after the meeting. The measures are also available on-line at ODOT's home page under "About Us" at the bottom under "Performance Measures."

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Consent Calendar

The Commission considered approval of the Consent Calendar. ***(Background materials in Director/Commission/History Center File, Salem.)***

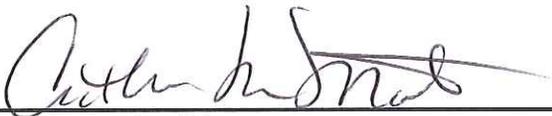
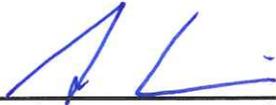
1. Approve the minutes of the August 21-22, 2014, Commission meeting in Ontario. (Director Garrett requested the August 2014 minutes be withdrawn to address some issues identified.)
2. Confirm the next two Commission meeting dates:
 - Thursday and Friday, October 23-24, 2014, workshop and meeting in Corvallis
 - Friday, November 21, 2014, meeting in Salem.
3. Request approval to adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Request approval the following Oregon Administrative Rules:
 - a. Amendment of 735-040-0010 relating to group registration plates.
 - b. Amendment of 735-090-0020, 735-090-0042, 735-090-0120 relating to Implied Consent Hearings.
 - c. Amendment of 740-010-0010 relating to agency representation at contested case hearings.
 - d. Adoption of 740-030-0045 relating to annual report for exempt operations.
 - e. Amendment of 740-050-0610 relating to household goods respondents for general rate increases.
 - f. Adoption of 740-055-0045 relating to determination of mailing date.
 - g. Adoption of 740-065-0000, 740-065-0005, 740-065-0010, 740-065-0015, 740-065-0020, 740-065-0025, 740-065-0030, 740-065-0035, 740-065-0040, 740-065-0045 and 740-065-0050 relating to electronic truck tracking reports.
 - h. Amendment of 740-200-0040 relating to International Fuels Tax Agreement retention period.
5. Request approval of ODOT's Intermodal Title VI program as required prior to the October 1, 2014 submission deadline.
6. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program to add \$36,423,479 to the West Eugene EmX Extension project. The additional funding is comprised of \$30,529,349 of Federal Transit Administration Section 5309 Small Starts funds and \$5,894,130 of local funds. The following phases will be added to the project: Right of Way, Utility Relocation, Construction and Other. The total estimated cost of this project is \$43,717,479.
7. Request approval to designate the Kapka Butte parking area as a winter recreation parking location (Sno-Park) in Region 4.

Action:

Commissioner Morgan moved to approve the Consent Calendar, with the exception of Consent Item 1, August 21-22, 2014 minutes) to be pulled and reworked. Commission members unanimously approved the motion.



Chair Mater adjourned the meeting at 4:05 p.m.

 Chair Catherine Mater	 Commissioner Dave Lohman
 Susan Morgan, Member	 Tammy Baney, Member
 Alando Simpson, Member	 Roxanne Van Hess, Commission Support