

Revised on May 19, 2016

**OREGON TRANSPORTATION COMMISSION
Minutes of the Regular Monthly Meeting
December 17, 2015
Salem, Oregon**

On Thursday, December 17, 2015, at 9:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a premeeting briefing session in Room 240, the Stuart Foster Conference Room, at the Transportation Building, 355 Capitol Street NE, Salem, Oregon. Highlights of the premeeting were:

•

ODOT Director Matt Garrett walked the commission through the agenda.

•

Transportation Development Division Administrator Jerri Bohard described the Enhance Non-Highway and ConnectOregon applications that ODOT received last month. In the Enhance program, regions are beginning to work with their ACTs to put together 150 percent lists. Applications came in requesting more than three times as much money as the \$30 million available in the program. Most requests were for bicycle/pedestrian projects, with very few transit applications. In the ConnectOregon program, the ratio of funding requested to funding available was about two to one. Eligibility reviews are ongoing. Fewer applications were received than in ConnectOregon V, but it's not clear whether that is because of the increase to a 30 percent match requirement. Aviation and bicycle/pedestrian modes had the most applications, while transit had the fewest—with no requests for rolling stock (e.g. buses). Commissioner Baney asked if seismic resilience is considered in selecting projects, and Chris Cummings indicated that this is not one of the program considerations in statute but could be indirectly considered. Commissioner Baney asked whether we heard any concerns about capacity of local governments to submit applications in both programs at the same time. Chris Cummings indicated that we had heard some concerns but nothing major.

•

Seth Karpinski and Bonnie Heitsch of the Oregon Department of Justice briefed the commission on the recent settlement in the Fritz/Fairchild case, which involved a double fatality car crash in Salem in 2014. According to DOJ, the potentially large payout if the case went to trial warranted negotiating a settlement.

• • •

The regular monthly meeting began at 10:00 a.m. in the Gail L. Achterman Conference Room at the Transportation Building.

Revised on May 19, 2016

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 Tammy Baney
Commissioner Dave Lohman
Commissioner Susan Morgan
Commissioner Alando Simpson
Commissioner Sean O'Hollaren
Director Matthew Garrett
Asst. Director for Public Affairs Travis Brouwer
Trans. Development Div. Admin. Jerri Bohard
Rail and Public Transit Div. Admin. Hal Gard

Highway Division Administrator Paul Mather
Communications Section Manager Tom Fuller
Motor Carrier Div. Admin. Gregg Dal Ponte
Trans. Safety Div. Admin Troy Costales
Region 1 Manager Rian Windsheimer
Region 2 Manager Sonny Chickering
Region 4 Manager Bob Bryant
Commission Assistant Jacque Carlisle



Chair Baney called the meeting to order at 10:16 a.m.



OTC Chair Remarks Agenda Item A

Chair Baney said Director Garrett has been serving the Department of Transportation for a number of years now, and today marks his tenth year of service as director. She invited Senior Director of Federal and Regional Affairs Karmen Fore to the podium, where she shared some of the governor's comments.

Governor Brown's remarks: "I am pleased today to recognize Matt Garrett on the tenth anniversary of his service as Director of the Oregon Department of Transportation. I regret that I am unable to be present to share in the celebration. Matt's career epitomizes his dedication to public service. He has worked in local communities, as well as at the state and federal levels. He served as an aid to U.S. Senator Mark Hatfield, in both his Oregon and Washington, D.C. offices before coming to ODOT in 1997.

Garrett's first position with the agency was as the local government liaison, where he demonstrated his commitment to community engagement. From there, he became Chief of Staff to ODOT's then director Grace Crunican, and then Region 1 Manager. In 2005, Matt became the ODOT director. During his tenure, he has been recognized for his ability to steer the agency effectively through both challenging times and good times. He has worked on a long-term agency transformation through programs like ConnectOregon, which has moved ODOT away from a highway focus to one encompassing multiple transportation modes.

Garrett has also made Oregon a national leader through innovative programs like the Road Usage Charge, a new way to finance and maintain our transportation systems. He played a key role in the creation of the Area Commissions on Transportation (ACTs), which have given greater

voice to local communities and how transportation investments are made. As a result, all regions of the state are now represented by an ACT, an achievement that is emblematic of its commitment to collaboration and coordination.

But most notably, Matt is respected by his staff and peers for his integrity and for treating people with dignity and respect. For these reasons, and many more, I thank Matt for his enduring loyalty and contributions that have made Oregon's transportation system better for all Oregonians."

Karmen Fore presented Director Garrett with a framed copy of the governor's letter.

Director Garrett expressed his appreciation for the governor's kind words, and asked Fore to extend his thanks to the governor. He said, today, as in 2005, he is humbled and honored to be the director of Oregon's Department of Transportation. That is not because of the seat; it is because of the individuals he has the privilege to get to work with, such as the best commission in the state of Oregon, where the quality of individuals are such that you just get better sitting next to them. But more importantly, it is the men and women of ODOT. Garrett said he has said this many times, and he has the privilege of always saying this when speaking to new employees, that when they come into the Oregon Department of Transportation, they are coming into an organization that represents the best and brightest in state government; individuals who truly understand that public service is a noble cause. Garrett said, "As it was in December 2005, let me assure you, that in December 2015, I am still honored and humbled to be the director."

● ● ●
Director's Report
Agenda Item B

●
Storm Data

Director Garrett introduced Highway Division Administrator Paul Mather to talk about the recent storms so the commission can understand what the men and women of ODOT maintenance, and the public servants that deal with the roads, have had to grapple with beginning December 7 when Mother Nature hit very hard, specifically in the northwest corner of the state. But she has been an equal opportunity force of nature in terms of some of the challenges seen across the transportation system.

Paul Mather gave a quick presentation of photo slides on some of the weather-related things going on around the state, including:

- Wind damage in the gorge on I-84 – Mather highlighted social media, used during this storm and that we still continue to use, and the effect it has on our ability to communicate with the public. One of the things often talked about during these difficult winter driving times, is that it's a team effort to be successful in keeping roads open. We need to do our part, communicate well, and get equipment and personnel deployed in a proactive way. But drivers need to do their part also. They need to be prepared

and traveling for the conditions. One key in that partnership is our ability to communicate with drivers so they know what's out there. The gorge closure was because of high winds, and many just thought, it's windy in the gorge all the time. Mather's pictures showed that this was different than just a windy day in the gorge. There have been 1.4 million views on Twitter in the last 28 days.

- Diamond Lake – Highway 138 out of Roseburg to Highway 97 where hundreds of trees came down on the road nightly.
- Highway 62 and 230 around Crater Lake had the same problem.
- Siskiyou Pass, traditionally a challenging area, showed the effects of truck driver shortages and new drivers. Motor Carrier Enforcement issued over 50 citations for trucks that just didn't have chains, and tow truck drivers were having to give instruction to truck drivers who didn't know how to put chains on their vehicles.
- I-5 at Cottage Grove – south for 100 miles.
- Flood waters in southern Oregon over Highway 42 south.
- Culverts washed out along the coast due to high tides.
- Highway 217 flooded when Johnson Creek in Portland set an all-time high water flood record.
- Highway 30's existing issues were compounded when I-5 closed in Washington, diverting traffic to that road to get around.
- A sinkhole on Highway 22 north of Grand Ronde was the result of a culvert failure.
- Landslides around Wheeler.

Mather said many of these will have temporary fixes and repairs in place until things dry out more in the spring or summer and permanent repairs can be made. Seven roads remain closed, down from 15 at the peak, and Mather said more bad weather is coming today and next week.

Chair Baney and Commissioner Morgan asked Mather to express their gratitude and appreciation for the work the crews are doing to keep roads open and protect the safety of the public; and to ODOT for the cooperation with county public works and city public works that worked together well and effectively to protect the safety of the public.

● ● ●
Public Comments
Agenda Item C

●

Beyond Toxics Executive Director Lisa Arkin urged the OTC to request an audit of the agency's implementation of the herbicide reduction goals that were promised in 2010 and 2012, including herbicide reduction policies and data driven protocols, environmental monitoring, state environmental justice policy compliance, public partnerships, and treatment of vulnerable Oregonians. In particular, she wanted review of ODOT's past, present and planned responses to the set of recommendations made to Director Matt Garrett in the 2012 report, *"Assessing Environmental Quotients Impacts on State Highways in Lane County."*

●

Linn County Commissioner and Cascade West Area Commission on Transportation Chair Roger Nyquist spoke briefly about high-speed rail. Nyquist said he did not attend the meeting several months ago when “Option 1” was selected, but he is concerned about what that means to four rural communities in his county: Harrisburg, Shedd, Halsey, and Tangent. Nyquist said that option negatively impacts neighborhoods and their way of life, and he is concerned about the safety component of that as well. He suggested to the OTC that maybe the proposal be sent back to the ACTs for them to work the issue and take a better look at the options. In hindsight, the process looks like it was driven by some mayors who wanted high-speed rail in their communities. ~~Nyquist said he also has concerns about the private property owner, a public official, who stands to receive about \$3 billion in improvements to their property, as well as the other option that would have had high-speed rail running up and down I-5 on property that the taxpayer is already on.~~ **Nyquist said “But also you’ve got a private property owner who stands to receive about \$3 billion in improvements to their property, and as a Public Official and a steward of the public dollars, that concerns me as well.”**

●

Mark Lear, from the Portland Bureau of Transportation, started by thanking the OTC, the Governor’s Office, and specifically Travis Brouwer, Trevor Sleeman, and Karmen Fore for their work on the federal transportation funding and policy bill, saying, “It’s really great news to have some more certainty on that.” Lear requested that, with the new bill and the certainty, we make sure we maximize our ability to leverage and use those funds. There are projects in the state, including the Rose Quarter in Portland, which we really need to make sure we are done with our environmental work to make us as competitive as possible for those projects.

● ● ●

Director Garrett presented Gregg Dal Ponte a 25-year service pin.

● ● ●

***EROAD Program
Agenda D***

The commission received an informational presentation about the EROAD program from ODOT Motor Carrier Transportation Division Administrator Gregg Dal Ponte; EROAD, Inc. Vice President Gail Levario; and Interstate Wood Products Inc. President Dale Lemmons.
(Background materials in Director/Commission/History Center File, Salem.)

Background:

In 2014, EROAD Inc., with the support of the Oregon Department of Transportation (ODOT) and the Oregon Trucking Association (OTA), implemented the first GPS cellular based electronic weight-mile tax solution in North America.

The product was developed to automate Oregon’s weight-mile tax program for commercial motor carriers. The development and operation of the electronic weight-mile tax service was undertaken without state government funding. Instead EROAD relies on voluntary subscription and enrollment by commercial carriers who pay a monthly fee for a portfolio of tax, compliance

and commercial services. ODOT independently built the interface to automatically receive weight-mile tax reports and payments generated by the EROAD service.

The system, known as Oregon Truck Tracking Online (OTTO), allows authorized OTTO vendors to electronically file weight-mile tax reports, flat fee tax reports and pay the fees and taxes associated with the reports via direct payment (ACH).

ODOT asked the Secretary of State (SOS) Audit Division to examine the product offering before partnering with EROAD to accept motor carrier tax reports prepared with the EROAD product. As a result of the SOS review Kate Brown, Governor of Oregon and former Oregon Secretary of State, said: "This is a great example of how state auditors can help government and business use cutting-edge technology to save money and improve performance." Secretary Brown praised ODOT Director Matt Garrett for seeking the audit before deciding to partner with the New Zealand-based EROAD, Inc. "Too often, auditors are brought in because something has gone wrong. Director Garrett's decision to have auditors review a pilot project before the state entered into a partnership demonstrates just the kind of innovative thinking we need in government."

Presentation:

Gregg Dal Ponte introduced EROAD Vice President of Strategy and Market Development Gail Levario, Interstate Wood Products President Dale Lemmons and EROAD Chief Executive Officer Steven Newman. Highlights of the presentation were:

Dal Ponte gave a brief history of Oregon's road tax programs.

- This effort began in 1995 when ODOT expressed interest in a federal highway program called Certified Wide Area Road Use Management (CWARUM). The technology was cost prohibitive. In 2009, ODOT created the Truck Road Use Electronic (TRUE) program, and in 2011, the EROAD pilot was enacted.
- The development and operation of the electronic weight-mile tax service was undertaken by EROAD with the support of ODOT and the Oregon Trucking Associations (OTA), but without state government funding.
- EROAD looks to harness advancements in technology to improve weight-mile tax (WMT) collection.

Gail Levario provided some details about the program:

- Approximately 300,000 commercial vehicles, each weighing over 26,000 pounds, are required to pay WMT in Oregon, and the proceeds from that collected \$298 million during FY 2014, and makes up 15 percent of the total revenue for ODOT.
- An independent Secretary of State audit found EROAD WMT information and calculation to be accurate and reliable, the system secure and stable, and that its data and reports were more reliable than paper reports.
- The program platform offers other applications and solutions like hours of service for logging time, health and safety applications.
- EROAD is an end-to-end solution, starting with tax records, WMT filing and payment.

Dale Lemmons talked about the incredibly dramatic amount of time the program has saved his company in this labor intensive process, and he underscored the increase in accuracy achieved

over manually hand-processing these transactions. Other bonuses of the program include the ability of dispatchers to see where every truck is at any time and to message to and from the drivers at any time. Drivers like the program because it eliminates the paperwork and reporting is accurate, thus avoiding possible fines from reporting errors.

Discussion:

Commissioner Simpson asked if there are figures on how many miles are over-reported each year. Dale Lemmons responded that typically, most companies error on the side of under-reporting as opposed to over-reporting. And some companies deliberately take back roads to avoid weight scales. Simpson also asked what the cost is to install the EROAD system into a fleet of 10-20 trucks. Steven Newman said the EROAD system was designed to be very easy to install and is rented for a period of time at a monthly rate. Dal Ponte added that feedback from participating motor carriers is that by virtue of the more accurate accounting, in many instances the product is paid for with the savings from reduced fines due to errors in reporting and other efficiencies gained by the product.

Commissioner O'Hollaren asked if the system acquires weight information or if weigh stations are still required. Dal Ponte said the driver has the opportunity to indicate the configuration he is operating, which automatically enters the declared weight into the system and the miles are recorded at a declared weight.

Steven Newman said they are continuing to look at technology and advances to aid the industry in reporting tax mileage. Gregg Dal Ponte said a few components are still missing: policy has to catch up to technology to provide for variable road pricing that would allow consideration of congestion pricing.

● ● ●
**Oregon Statewide Transportation Safety Action Plan
Agenda E**

The commission received an informational presentation and progress report on the Oregon Statewide Transportation Safety Action Plan (TSAP) from ODOT Transportation Safety Division Administrator Troy Costales and ODOT Transportation Development Division Administrator Jerri Bohard. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Oregon Department of Transportation's (ODOT) Transportation Safety and Transportation Development Division Planning Sections are working together to initiate an update of the Oregon TSAP. The plan is one of several statewide transportation mode and topic plans that further defines and implements the Oregon Transportation Plan's (OTP) goals, policies, strategies, and key initiatives. Unlike most of ODOT's plans, the TSAP requires formal approval by a governor's advisory committee – the Oregon Transportation Safety Committee – as well as the Oregon Transportation Commission (OTC).

The TSAP serves two purposes: it's a topic plan that is part of the OTP and it's a Strategic Highway Safety Plan that is required by Federal Highway Administration (FHWA) and the National Highway Transportation Safety Administration (NHTSA) to qualify for several categories of safety funding. This update includes the addition of a long-range planning component similar to other OTP mode and topic plans.

The current plan was adopted in 2011. It focuses on implementing actions. The Transportation Safety Action Plan fulfills the federal requirement that each state develop a Strategic Highway Safety Plan following certain procedures. The plan is required to be updated every five years. Moving Ahead for Progress in the 21st Century Act (MAP-21) added additional requirements for inclusion of Highway Safety Improvement Program planning elements.

A policy advisory committee (PAC) is working with ODOT staff and a consulting team, and has developed a vision statement, six high-level goals and related policies. Long-term strategies have been drafted and "emphasis areas" (EA) are under development to set near term implementation priorities for ODOT and our transportation safety partners. The EAs are essentially data driven focus areas that drive near term implementation of the plan and that must meet federal safety procedural requirements.

The stakeholders for this plan are many and diverse. While ODOT leads much of the transportation safety planning and engineering for the state, similar to other mode and topic plans, there are many aspects of a safe transportation system that are outside of the agency's authority. Advocacy groups for non-auto modes, underserved populations and healthy communities often work to improve transportation safety for their stakeholders. Local governments, including tribes, provide many local services related to transportation safety. Emergency medical services, traffic incident management and traffic law enforcement are implemented by many state and local authorities. Every transportation system user makes decisions that affect transportation safety for themselves and others. We are all in this together.

Oregon's transportation safety programs rely on relationships among ODOT's Transportation Safety Division and numerous other ODOT, state, tribal, regional and local government interests. To ensure compliance with federal legislation, and assure a comprehensive approach to transportation safety planning and programs, the following interests are represented on the policy advisory committee. As individual members were identified, staff also made sure that there is geographic representation for the entire state to the extent practicable.

The PAC includes members from a metropolitan planning organization (MPO), city representative (LOC), county representative (AOC), Oregon Health Authority, an Area Commission on Transportation representative who also represents a Tribal Government, enforcement (OSP), engineering (a consultant), a Governor's Advisory Committee on Driving Under the Influence of Intoxicants representative, a Governor's Advisory Committee on Motorcycle Safety representative, the Trucking Associations, bicyclists and pedestrians (a Walk Oregon representative), the Judiciary and ODOT Transportation Safety Division. This membership is in addition to the five-members of the Oregon Transportation Safety Committee which includes representation from emergency response, trucking, engineering, law and the judiciary.

The project PAC has met eight times, beginning in October 2014. The planning process started with a review of ODOT crash data and discussion of how crash data is used for setting safety priorities. The project consultants have developed working papers on the application of a data driven process, as required by FHWA, plus the other factors that apply to setting priorities. Trends, values and applicable plans and policies can all be factors in setting priorities.

At this time, a draft policy element has been developed to address the state's long term intentions for transportation safety planning. This draft will be shared at five regional listening sessions in January. The intent is to receive feedback from around the state prior to completing a full draft of the plan document. Staff will be seeking feedback on the draft vision statement, goals, policies, strategies and potential emphasis areas.

An internal ODOT plan coordination team (PCT) was also convened to ensure that ODOT programs, and work units that implement transportation safety activities, would be in a position to participate in the plan development process to provide input into how the plan will affect their work and to offer suggestions to improve the plan to meet implementation needs. The PCT met twice, and a third meeting is scheduled in December 2015.

Work Products Developed:

- Vision: "Oregon envisions no deaths or life-changing injuries on Oregon's transportation system by 2035."*
- Goals: Six goals address safety culture; infrastructure; healthy, livable communities; technology; collaboration and communication; and strategic investment. Each is preceded by a discussion of the context for the goal.*
- Policies: There are three or more policies related to each goal. Policies are high-level statements of intent to achieve the vision through known or anticipated methods.*
- Strategies: Each policy has one or more strategies describing more specific tools or methods to be used to implement the policy.*
- Emphasis Area Framework: Emphasis areas are the focus areas for the "action" part of the TSAP. As mentioned earlier, they are primarily data driven, while emerging trends, values and other policy plans may also influence what activities are chosen as EAs. The PAC developed a framework that will set up broad categories of action areas based upon those selection considerations. Groupings will be based on similarities among the EA categories included or implementation considerations for respective areas (e.g., same group of stakeholders or same funding source). This framework will be shared in the region listening sessions as a starting place for eliciting ideas for EAs to be included in the final plan.*

Work Products - Next Steps:

- Select the emphasis areas and implementing actions to carry into the plan and to implement in the next one to five years.*
- Write additional supporting narrative, including an executive summary, introductory chapter, current conditions summary and other supporting materials for the full plan document.*

Public Involvement:

- *ODOT managers with responsibility for safety planning and programs were interviewed in September 2014 to identify project scoping needs.*
- *In October and November 2014, ODOT conducted 10 region meetings. A team including a transportation safety subject matter expert, the agency project manager and a facilitating consultant held the meetings around the state. The group conducted workshops to engage local decision makers, law enforcement, emergency service providers and citizens.*
- *A web-based survey of transportation values was advertised broadly and about 500 people completed the survey. Invitations to take the transportation safety survey were sent to professional and volunteer citizen groups throughout the state, including coverage of representatives of multiple modes of transportation, police, fire and emergency medicine, and a growing list of interested citizens generated through the region meetings.*
- *A TSAP update project website was launched in October, 2014. PAC meeting materials are posted on the web and anyone who wants to be kept apprised of the progress of the planning process and the addition of new materials and schedules can sign up for automatic email alerts that are sent out whenever new information is posted. That email list has about 500 subscribers. <http://www.oregon.gov/ODOT/TD/TP/Pages/tsap.aspx>*

Public Involvement - Completing the process:

- *Listening sessions: In January 2016 the project team will hold one meeting in each region headquarters city. It will also be hosting an online virtual open-house-style listening session where anyone interested in transportation safety will have an opportunity to provide input and feedback if they are unable to make it in person to one of the regional sessions.*
- *Region listening sessions meeting objective: An interactive workshop to share state data and local knowledge to help inform the update of Oregon's Transportation Safety Action Plan and to:*
 - *Describe the plan update process, including how public input fits into that process.*
 - *Share the state's safety data for the local area and its relationship to safety conditions statewide.*
 - *Discuss the draft vision, goals, policies and strategies to get feedback.*
 - *Hear opinions and attitudes about local transportation safety issues, particularly those issues that ODOT may need to address in the TSAP update.*
 - *Stimulate ideas about possible solutions for the area's most pressing transportation safety issues and discuss how those ideas might be applied at a statewide scale.*
- *Public Plan Review: Project managers anticipate a final draft plan ready for OTC release for public review in May 2016.*
- *Public Hearing: The OTC public hearing on the plan is proposed for July 2016.*
- *OTSC acceptance of the plan is proposed in August 2016, at which time the input from the public review process will be discussed. If substantive changes are proposed based upon the public comments, the full PAC will be convened at this time.*
- *OTC adoption no later than September 2016 to meet federal deadline.*

Presentation:

Troy Costales introduced Oregon Transportation Safety Committee Chair Mike Lavery and ODOT Planning Section Manager Erik Havig who participated in the presentation on the Transportation Safety Action Plan. Highlights of the presentation were:

- The TSAP is federally required, which enables transportation safety funding, and is updated every 5 years.
- TSAP vision statement: “We envision no deaths or life changing injuries on Oregon’s transportation system by 2035.”
- Mike Lavery talked about the Policy Advisory Committee and its 18 members.
- Components of the plan include long-range comprehensive planning, and short to mid-range strategic highway safety plans.
- Long-range planning goals include a safety culture, infrastructure, healthy and livable communities, technology, collaboration and communication, and strategic investments.
- Emphasis areas focus on short-term priorities that are a data driven selection of emphasis areas and other considerations that may apply.
- Emphasis areas include infrastructure, vulnerable users, risky behaviors, and improved systems.
- Next steps include:
 - Update to TSAP by October 2016.
 - Region listening sessions in January.
 - PAC review of revisions.
 - Public review in May/June.
 - OTC public hearing July or August.
 - OTSC approval in August.
 - Back to OTC for adoption in August or September.

Discussion:

Commissioner O’Hollaren said he appreciates the work being done and looks forward to implementing the new plan with the goal of reversing the current trend.

Commissioner Lohman said he still has reservations about the absolute goal of no fatalities or serious injuries by 2035. That is a very, very high bar. Words matter and can have unintended consequences as well. Lohman said he understands the committee has wrestled with that very point and come to the conclusion that stating that very high aspiration is important in order to emphasize the importance of this goal.

Lohman said he has seen Michael Lavery here every year, and he has put in hundreds and hundreds of hours to make this a first class safety system and safety effort in our state. Mike Lavery is to be congratulated and thanked again and again for all the time he has put into this extremely important effort.

Chair Baney underscored that by saying it is a pleasure to see Lavery taking the lead; with the experience he brings, people will follow what he says. Sometimes the issues are challenging, and we are doing all we can to create that culture of safety. Michael Lavery being part of that matters a great deal. Baney thanked Lavery for that commitment and for leading that team.

Commissioner Morgan left the meeting.

● ● ●
Traffic Fatalities
Agenda F

The commission received an informational presentation and report on the increase in traffic fatalities in Oregon from ODOT Transportation Safety Division Administrator Troy Costales, and ODOT Highway Division Administrator Paul Mather. (**Background materials in Director/Commission/History Center File, Salem.**)

Background:

Over the past twelve months, starting in October 2014, Oregon has experienced an increase in the number of lives lost to traffic crashes by 28. Increases have occurred for motor vehicle occupants, pedestrians and motorcyclists. Bicyclists are the one area that has not followed the upward trend. The increases in Oregon are also being experienced all across the country.

ODOT staff is working on analysis related to the location of these fatal crashes, who was involved, why these crashes may have occurred, and possible solutions.

Efforts to combat these increases come from the four E's of highway safety.

- *The first is engineering; the built environment including roads, sidewalks, signs, signals, and markings.*
- *The second is education; representing the behavior and actions of the transportation system user.*
- *The third is enforcement; monitoring the user's actions and taking corrective action when necessary.*
- *The final E is emergency medical services; a safety net to take care of us when the other three parts of the quartet fails.*

Presentation:

Safety Division Administrator Troy Costales and Highway Division Administrator Paul Mather gave the update on traffic fatalities. Highlights of the presentation were:

- Statewide death totals are up 21 percent to 409 to date: 379 of those from fatal crashes, 72 pedestrians, 56 motorcycle, and 4 bicyclists. Bicyclists are the only category that has shown a decrease this year.
- Where fatalities are occurring: all over Oregon.
- Who this is happening to: pedestrians, bicyclists, motorcyclists, and motorists.
- Why: speed related, alcohol related, and departure related.
- Education and training efforts.
- All Roads Transportation Safety (ARTS): data driven, blind to jurisdiction, hot spot/systemic.
- Roadway departure countermeasures include cable barriers, rumble strips, and curve warning signs. Intersection and bike/ped countermeasures include transverse rumble strips, reflective signal head, and rapid flashing beacons.

Discussion:

Commissioner Lohman asked what theories are there about the cause of the nationwide increase in fatalities, and is Oregon consistent with those? Troy Costales said the big three have always been, “belts, booze and speed.” Distraction is now starting to enter into that equation, but Oregon has very high levels of security on personal information, making search warrant laws strict and difficult for enforcement to determine if an individual was texting or on the phone when an accident occurred.

Chair Baney asked if the legalization of marijuana, and use of prescription drugs, is contributing to these numbers. Costales responded that it is not possible to pinpoint the presence of these drugs in the blood to the exact level of impairment that alcohol does. These substances are part of the picture and our effort is the up-front prevention education piece. There is also training of enforcement officers to recognize and detect these drugs, and then having the systems to do the toxicology to tell what substances were on board for that individual.

Commissioner O’Hollaren asked if it is illegal to operate a motor vehicle under the influence of marijuana. Costales responded, yes, it is illegal in Oregon, the key being the officer must show presence and impairment. It is also illegal to text in Oregon. Impairment also plays a part in pedestrian fatalities.



***Mid-Willamette Valley Area Commission on Transportation (MWACT) Biennial Report
Agenda G***

The commission considered a request for approval of the biennial report of the Mid-Willamette Valley Area Commission on Transportation (MWACT). Pursuant to Highway Division Directive HWY ORG 01-02, MWACT is required to present a biennial report to the Oregon Transportation Commission (OTC) in the fourth quarter of an odd numbered year. ODOT Region 2 Area Manager Tim Potter and Mid-Willamette ACT Chair Ken Woods presented the request. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

MWACT was originally chartered by the OTC in 1997 as the first area commission. The biennial report describes MWACTs procedures and accomplishments over the last two years and demonstrates how the commission meets the OTCs "Policy on the Formation and Operation of Area Commissions on Transportation (ACTs)" and the Highway Division Directive HWY ORG 01-02 that implements the policy.

Presentation:

Dallas City Counselor and Mid-Willamette ACT Chair Ken Woods introduced MWACT Vice-Chair Kathy Clark, from the city of Keizer, and Tim Potter from ODOT Region 2. On behalf of MWACT, Woods thanked the commission for the job it does and the tough decisions it has to make.

Woods talked about MWACT's area, (Marion, Polk, and Yamhill counties) which is a crossroad for the entire state. He said a large part of the traffic seen now, and the growth we will see in the future, is due to people passing through the area to get to their destinations. MWACT's recent successes include the Woodburn and Kuebler interchanges, and Phase 1 of the Newberg/Dundee bypass to be complete by 2017.

MWACT has several major projects that need funding, totaling about \$8.6 million. But they are non-highway projects such as bike paths, sidewalks, and bus replacements. MWACT has spread the peanut butter far and wide, but now the jar is empty, and it appreciates the opportunity to forward projects to the commission.

•

Kathy Clark said it has been a privilege to be a part of the ACT for the past nine years. Working with people collaboratively from the three county areas, the ACT has put together funding to get projects done. Clark said the ACT has worked together to make sure that peanut butter, those very valuable dollars, goes as far as it can to provide as much safety and efficiency that can possibly be put together to impact people and provide safe passage, not only for bike/ped and transit, but also for freight and motor vehicles.

That said, Clark said there are projects that have been on the list so long they are referred to as "legacy projects." These projects are well crafted and well designed and just waiting for funding. MWACT looks at projects that will make sure students can get to school safely and that freight and bike/ped have very robust systems, but not necessarily sharing the same space. As the saying goes, "He who has the most lug nuts rules" and even if you have the right of way, if someone makes a mistake and you don't have enough lug nuts, you'll come out at the wrong end. As the economy continues to grow, MWACT wants to make sure it is able to support economic growth and development in a safe and efficient manner.

Discussion:

Ken Woods said there have been no changes to the biennial report being presented for approval today.

Action:

Commissioner Lohman moved to approve the MWACT biennial report. Commissioners Simpson, O'Hollaren and Baney unanimously approved the motion.

• • •

***Report on the Federal Surface Transportation Reauthorization Bill
Agenda H***

The commission received an informational presentation about the status of the federal surface transportation reauthorization bill. ODOT Assistant Director Travis Brouwer and ODOT Federal Liaison Trevor Sleeman gave the report. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

President Obama recently signed a five year federal surface transportation policy and funding bill known as FAST (Fixing America's Surface Transportation Act). This is the first long-term funding bill in over a decade, and as such, has several important implications for the Oregon Department of Transportation. ODOT staff will provide background information on the policy changes and funding increases contained in the bill in order to prepare for future OTC discussions and decisions.

Presentation:

Travis Brouwer expressed his gratitude to, and recognized the efforts of, Federal Affairs Advisor Trevor Sleeman and ODOT's Transportation Funding Economist for Federal Funds John Baker who led the record five-year federal surface transportation reauthorization bill. There are a lot of very important things in the bill for Oregon, including increased funding and policies that will benefit Oregon. Brouwer also recognized Congressman DeFazio whose leadership in transportation over the past several decades has paid off handsomely for Oregon, where it is estimated that Congressman DeFazio's work has resulted in increasing Oregon's share of federal funding to \$300 million more in this bill than we otherwise would have received.

Trevor Sleeman talked about some of the federal policy and funding of the Fixing America's Surface Transportation Act, (FAST). Highlights included:

- High-level positive takeaways of the bill include 5 years of certainty, after 10 years of short-term funding extensions, and funding growth is a new and welcome change from recent history.
- The bill doesn't have the high level of policy changes as MAP-21, the last authorization, but two new programs will benefit Oregon freight: a formula program for funding smaller freight projects and a new competitive, \$100 million-plus grant program for freight mega-projects.
- Under this bill, funding to local governments will increase.

Brouwer talked about the implications of FAST for programming funds in the Statewide Transportation Improvement Program (STIP) and said the plan is to come back in January with a number of approximately what funds will be available in the 2018-2021 STIP (for the years 2019 and 2020 primarily), and what the categories of funding are, including the new freight program. Then staff will try to mesh that into the existing STIP process, and work with the commission to develop scenarios for the funding with the goal of completing the process by March so that funding can be integrated into the existing project selection process rather than having to do that all over again separately.

Discussion:

Commissioner O'Hollaren suggested it would be well suited for the commission to send a note to our federal delegation so they know we appreciate their efforts that have helped the conversation on long-term opportunities for the state.¹

Chair Baney did not want to lose sight of the comment just made, because her mind always goes to resiliency as well, that if we could position ourselves for a mega-project, (plural), we

will either pay now or pay later, so it seems like preventative work for resiliency for the state of Oregon makes great sense. We need to position ourselves to apply for mega-projects.

Commissioner Simpson asked how much we are focusing on the soft costs in terms of the engineering and planning of what is necessary to prepare for these major freight projects. Travis Brouwer responded it's possible some of that initial funding will be set aside toward getting projects ready so they can be funded in a state legislative package or from the mega-project program or even the formula program later in the process.

Public Comments:

Metropolitan Planning Organization (MPO) Planning Manager Ted Leybold thanked ODOT for its role in securing a successful federal package. People in the metro area are happy about a modest increase this package represents but still are trying to have conversations about the unmet needs that still exist, that this package will not address, and what the region should do to secure new revenues. There is a lot of conversation at the MPO level about how it can utilize some local revenues to do that very preparation the commission just talked about in an attempt to secure new revenues in the future, both at the federal level through programs like the new freight competitive program, and also at the local level as well, using some of the MPO's federal dollars as seed corn for going out and potentially asking regional voters for new revenues and also how to be a good partner in the development of a state legislative package.

Leybold said the MPO hopes that over the next several months, as the commission discusses what it will do with a better forecast of federal revenues, it will look at the opportunities for creating partnerships both with the region and with other local partners across the state so they can leverage new revenues to get at some of those unmet needs.

Action:

¹Commissioner O'Hollaren suggested the commission send a note to our federal delegation in appreciation of their efforts that have helped the conversation on long-term opportunities for the state.

● ● ●
Consent Calendar
Agenda Item I

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

1. Approve the minutes of the November 12-13, 2015, commission meeting in Silverton.
2. Confirm the next two commission meeting dates:
 - Thursday, January 21, 2016, meeting in Salem
 - Thursday, February 18, 2016, 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 of the following Oregon Administrative Rules:

- a) Amendment of 731-035-0010, 731-035-0020, 731-035-0050, 731-035-0060, 731-035-0080 relating to the Connect Oregon program.
 - b) Amendment of 734-074-0027 relating to self-loading log trucks.
 - c) Amendment of 734-082-0005, 734-082-0040, 734-082-0045, 734-082-0070 relating to flip axles.
 - d) Amendment of 735-062-0035 relating to proof of school attendance for driving privileges if under 18.
 - e) Amendment of 735-062-0005, 735-062-0110, 735-062-0120 relating to requirements for proof of SSN; replacement driver license; license without photograph.
 - f) Amendment of 735-064-0070, 735-070-0080, 735-070-0082, 735-118-0000 and 735-118-0050 relating to medical exemption from IID; negative report from IID.
 - g) Amendment of 735-150-0010, 735-150-0017, 735-150-0020, 735-150-0047 and 735-150-0110 relating to vehicle dealer-only auctions.
 - h) Amendment of 735-150-0015, 735-0150-0037, 735-150-0110 relating to technical changes to vehicle dealer rules.
5. Request approval to reassign \$1,950,000 from the 2011 Flexible Funds program to support the construction of previously approved projects. Authorize the Transportation Development Division Administrator to approve additional funds for the identified projects, or for the two alternates, if flexible funds become available from projects completed under budget.
 6. Request approval of the following summary of financial charges incurred by the Oregon Department of Transportation director for the state fiscal year that ended June 30, 2015.
 7. Request approval to amend the 2015-2018 Statewide Transportation Improvement Program (STIP) to add a construction phase of \$610,000 for the Interstate 84: Multnomah Falls variable message signs (VMS) upgrade project in Multnomah County. The project will provide advance notice to travelers on Interstate 84 on the availability status of parking at Multnomah Falls. Funding for this project comes from Region 1 favorable bids savings. The total estimated cost of the project is \$735,000.
 8. Request approval to amend the 2015-2018 Statewide Transportation Improvement Program (STIP) to cancel all phases of U.S. 101: Coal Point Slide Repair project and redistribute \$7,100,000 to various projects in Region 3 to cover project cost increases on four existing projects. The requested funds to be redistributed to the following projects:
 - FFO-Oregon 138E: Corridor Solutions (Roseburg) \$420,612 to the PE Phase, \$1,000,000 to the right of way phase and \$2,116,520 to the construction phase. The total estimated project cost is \$18,529,846.
 - Oregon 38: U.S. 101-Dean Creek Paving and Ped Improvements (Reedsport) will receive an additional \$600,000 to the construction phase. The total estimated project cost is \$5,681,000.
 - Interstate 5: Exits 119 and 120 Interchange Improvements (Roseburg) will receive an additional \$1,780,000. The total estimated project cost is \$7,454,092.
 - Oregon 42: County Line Curves Phase 1 (half way between Coos Bay and Roseburg) will receive an additional \$1,182,868 to the construction phase. The total estimated project cost is \$14,618,308.

With no issues or conflicts identified by the commission members, Director Garrett asked for approval of the Consent Calendar.

Commissioner O'Hollaren moved to approve the Consent Calendar. Commissioners Simpson, Lohman and Baney unanimously approved the motion.



Chair Baney adjourned the meeting at 12:53 p.m.



The commission participated in a working lunch. Commissioner Baney led a discussion of the performance audit of ODOT requested by Governor Brown. Chair Baney has drafted a letter responding to the governor that recommends a draft scope of work and recommending a steering committee consisting of commission members, people with extensive knowledge of transportation in Oregon, and the acting director of the Department of Administrative Services, as they will be administering the procurement and contract. Commissioner Baney explained that this will be an independent third party review, with the steering committee determining the scope of work, and that she is trying to make this as objective as possible. She believes in the concept of continuous improvement, so an audit does not scare her.

Commissioner O'Hollaren believes that asking the right questions can help applaud what ODOT is doing well, and find areas to improve, helping the agency make a leap forward. Commissioner Baney indicated that the timeline could be a challenge, and Commissioner Lohman indicated that this is a large scope of work for an audit. Commissioner Simpson asked whether this scope covers the issues that people in the legislature are concerned about, and Commissioner Baney indicated that her draft scope is a compilation of issues stakeholders have raised and that the audit will allow the commission to address those issues.

Jerri Bohard and Travis Brouwer discussed the OTC's draft 2016 work plan with the commission. Commissioner Simpson indicated an interest in looking for opportunities to contract with small businesses. The commission discussed the form of project, program, and safety reports ODOT will deliver on a quarterly basis, and also discussed tracking progress in getting more motor carriers into the EROAD program that automates reporting and paying the weight-mile tax.

<u><i>[Original signature on file]</i></u> Tammy Baney, Chair	<u><i>[Original signature on file]</i></u> David Lohman, Member
<u><i>[Original signature on file]</i></u> Susan Morgan, Member	<u><i>[Original signature on file]</i></u> Alando Simpson, Member
<u><i>[Original signature on file]</i></u> Sean O'Hollaren, Member	<u><i>[Original signature on file]</i></u> Roxanne Van Hess, Commission Support