

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Business Meeting
March 11, 2021
Salem, Oregon**

The regular meeting began at 9:00 a.m. at the Oregon Department of Transportation Headquarters in Salem, Oregon.

Video recording of the meeting is available online through the Commission website:

<https://www.youtube.com/user/OregonDOT/live>.

Background materials for all agenda items are stored in **Director/Commission/History Center File, Salem, Oregon.**

Notice of these meetings was made by press release to local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

Chair Robert Van Brocklin
Vice Chair Alando Simpson
Commissioner Julie Brown
Commissioner Sharon Smith
Director Kristopher Strickler
Asst. Director for Finance and Compliance
Travis Brouwer
Asst. Director for Operations, Cooper Brown
Asst. Director for Social Equity Nikotris
Perkins
Asst. Director for Government and External
Relations Lindsay Baker
Climate Office Director Amanda Pietz
Urban Mobility Office Deputy Director Della
Mosier
ODOT Region 4 Manager Gary Farnsworth

Delivery and Operations Div. Administrator
Karen Rowe
Deputy Delivery and Operations Div.
Administrator McGregor Lynde
ODOT Chief Engineer Steve Cooley
Policy, Data and Analysis Division
Administrator Jerri Bohard
Public Transportation Division Administrator
Karyn Criswell
Interstate Bridge Replacement Program
Administrator Greg Johnson
Assistant Interstate Bridge Replacement
Program Administrator Ray Mabey
Commission Coordinator Sabrina Foward
Temp. Commission Assistant Jessica Virrueta

Chair Van Brocklin called the meeting to order at 9:00 a.m.

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*Chair's Report
Agenda Item A*

Oregon Transportation Commission (OTC) Chair Robert Van Brocklin welcomed those tuning in and participating in the meeting and thanked the public for their submitted comments. He noted there would be live closed-captioning available to assist in transcribing the meeting. He reserved time to welcome the Commission's new Coordinator, Sabrina Foward. He also noted that Vice Chair Simpson was delayed and would be joining the meeting late, but would be working with a quorum of three which is an official quorum of the Commission and would be able to take action on items if needed.

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Director's Report
Agenda Item B

ODOT Director Strickler provided a report to inform the Commission of two items of interest and yielded his remaining time to McGregor "Mac" Lynde, Deputy Delivery and Operations Division Administrator, for a brief wildfire update.

Winter Ice Storm February 12-16, 2021:

Large amount of ice and power loss across Oregon. Congratulated our team for a job well done and jumping into action and keeping the roads bare or in slush conditions. Twelve of our state operated radio stations lost power and were using backup generators. Significant coordination with utilities and other jurisdictions happened. Many facilities were closed to replace or repair some of the electrical lines for Oregonians. Interagency cooperation and cooperation with the public utility partners is something we are proud of as an agency

Troy Costales Retirement May 1, 2021:

Troy served 36 years in local service, 33 years with ODOT, 21 years as a Division Administrator. Troy has helped lead Oregon to the highest seatbelt use rate of any state, 98.2 percent, states lowest fatality toll since the 1940s, and one of the largest fatality declines from one year to the next. Director Strickler shared additional information with Troy's tenure at ODOT, including serving in all of the divisions within ODOT.

Wildfire Update from Mac Lynde:

Mac gave an update, 6 months from the previous update, on where ODOT is at as the agency takes the lead role in cleaning up hazardous trees as well as burned down homes and businesses. He is currently leading the cleanup efforts from the wildfires that occurred fall of 2020. There's an online dashboard (wildfire.oregon.gov/cleanup) that members of the public can go to sign up for updates and get up to date information on where the agency is at with cleanup efforts. Mac presented a [PowerPoint](#) with updates on the wildfire recovery efforts. There is an email (odot.wildlife@odot.state.or.us) and also a hotline (503-934-1700) that is staffed by a team to help respond to questions or inquires.

Discussion:

Chair Van Brocklin acknowledged Director Strickler's report. Chair Van Brocklin took a moment to discuss the winter ice storm and how impressed he was with the cooperation to solve electrical outages. He also congratulated ODOT for their role and quick response in challenging conditions. Chair Van Brocklin commented about Troy and thanked him for his work with the agency. Commissioner Brown thanked Troy for his work with ODOT and mentioned working with him on the safety committee. Commissioner Smith congratulated Troy for his work with the agency and wished him a great retirement.

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Real-Time Virtual Oral Public Comment
Agenda Item C

Mayor Scott Hill, City of McMinnville, commented on Highway 99W/18 bypass (Newberg Dundee Bypass) and provided a bypass information sheet with updates. He recognized great support that the bypass committee has received from OTC and ODOT, with special recognition to John Huestis, Sonny Chickering and Travis Brouwer along with OTC Chair Van Brocklin and Director Strickler. He acknowledged a true partnership in the work they are trying to accomplish. There's a need for state and local investment to leverage federal dollars. He shared his thoughts on the priority level of this project and successes through phase one and that phase two is shovel ready. Newberg Dundee is a high priority effort. Thanked ODOT and OTC in the partnership and they are committed as communities to do their local matching and hope to see this project as a priority for ODOT and OTC.

Casey Kulla, Yamhill County Commissioner, commented on Highway 99W/18 bypass (Newberg Dundee Bypass) and spoke on behalf of parkway committee for the county. He spoke on the importance of the project and completing the remaining two phases. He mentioned that state agencies need to address climate issues and equity in their project and noted that this project is equitable and would help keep diesel fuels out of the inner city thus furthering climate goals. He has three requests for the Commission: First he asked the Commission to hold ODOT accountable to building protective paths along the corridor as soon as possible. Second he requested the Commission to hold ODOT accountable to require bus rapid transit design features in this project. Third request is to require an equity advisory committee for the project in order to make good planning and design decisions. In closing he mentioned that it was the tenth anniversary of the 9.1 magnitude earthquake and tsunami in Japan that destroyed the Fukushima power plant and that Oregon's shake alert system is being activated on the anniversary. He also mentioned that a stable lifeline to the coast may be the difference between community recovery and community abandonment.

Tribal Councilor Denise Harvey, Confederated Tribes of Grand Ronde, commented on Highway 99W/18 bypass (Newberg Dundee Bypass) and emphasized the importance of the travel economy, the coastal economy, and wine industry that is all supported by the bypass and the tourist opportunist across the entire travel shed. There's an importance of the west valley being supported with good transportation opportunities for employees and citizens of the areas. She also mentioned forest fires and coastal evacuations with Grand Ronde becoming the command post and fire camp

for over 200 wildland fire fighters in the area. It is extremely important to have a way in and out for public safety in a natural disaster. Phase one has already made a significant difference for commuters and emphasized the importance of completing the bypass and looks forward to seeing the bypass completed in the near future.

Brian Worley, County Road Program Director, Association of Oregon Counties, commented on agenda item H: Federal COVID-19 Relief Funding Allocation. His colleague Jim McCauley, Legislative Director for League of Oregon cities, was unable to attend but Worley referenced their jointly submitted written testimony in support of agenda item H. He thanked OTC and ODOT in recognizing the importance of the city and county transportation system in the updated funding relief proposal. It takes a balanced approach and supports local governments who have lost significant revenue due to the pandemic. He thanked ODOT leadership staff Travis Brouwer, Jeff Flowers and Trevor Sleeman for working closely with local government partners and listening closely to feedback and shared priorities. Relief funding is desperately needed at this time and will help city and counties with budget deficits, delayed projects, work force shortages, hiring freezes and for some, may prevent layoffs. He discussed the differences in how the funding is split in the earlier proposal and the current proposal. It is greatly appreciated and represents a more balanced and equitable approach to following the statutory highway funding sharing agreement. He looks forward to the continued partnership and support with local governments.

William J. Cook, Special Counsel, Cultural Heritage Partners, PLLC spoke on the behalf of Patricia Benner of Corvallis Oregon, resident and business owner, and commented on the Van Buren Bridge Project in Corvallis, OR. He stated that Patricia seeks to help ODOT find a way to protect and preserve the Van Buren Bridge. It has been determined eligible for listing as a national register of historic places. They believe ODOT is skipping legal steps in the mandatory environmental review including not preparing an environmental assessment or environmental statement that is required by NEPA. Written comment explains they asked ODOT to reassess their decision to exempt the project for NEPA review. Second, they believe ODOT cannot propose demolition of a bridge without an evaluation of the proposed demolition and placement according to part of the Oregon transportation act of 1966. William discussed the law and what it includes. He believes it would be helpful for ODOT to update the public on their compliance with the mandates. Third, they believe that section 106 has not been followed by ODOT and that demolition isn't appropriate. Going forward, they ask that ODOT provide a timeline of how and when ODOT intends to comply with federal historic preservation review laws and requests that the Van Buren Bridge be preserved.

Patricia Benner commented on the Van Buren Bridge Project in Corvallis, OR. Thanked the Commissioners for the work that ODOT does for the state. She is speaking to urge ODOT to repurpose the Van Buren Bridge as a pedestrian and bicyclist river crossing after the new bridge has been constructed. SMG has studied moving the bridge 150 feet up river and has been found to be practical and feasible at about half of ODOT's cost to the city council. The bridge would be placed on seismically sound piers and the new location would serve bicyclists and pedestrians along highway 34 as well as local users. Patricia talked about who the bridge should serve and how it should be designed. Patricia submitted a written testimony and pointed the Commission to review it for additional safety information. As she is not an expert in historic preservation, she hired Mr. Cook for his expertise and he spoke earlier and submitted written comments on her behalf.

Kathleen Harris signed up for public comment on the Van Buren Bridge Project in Corvallis, OR, but did not call in to provide public comment.

Kim Fella commented on what she believes to be willful neglect of surface water on Highway 260 - Josephine County. She gave her address and wanted to bring to light what she feels is neglect by ODOT and feels strongly that the Commission should take action on this matter. She described when she purchased her home and that it was once highway 260 and was relinquished to Josephine County along with \$6.4 million for maintenance that she doesn't believe has been performed. Fella also mentioned that she is being sued by her neighbor for blocking a culvert that he installed in a FEMA floodway without a survey or permission on a private easement. The culvert floods her field and has flooded her neighbors pump house, garage and a portion of her home. She believes the majority of water is runoff from Lower River Rd (previously Highway 260). That portion of the road has standing water most of the winter season and causes road hazards, a she believes a high water sign is not enough. She also described her neighbor's property and what they built to mitigate the runoff on their property. She believes it is willful neglect and shared her YouTube channel (Kizzy Josephine County Oregon) where people can go to view her claims.

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Climate Office Update
Agenda Item D

The Commission received an informational update from the ODOT Climate Office on efforts to implement Executive Order 20-04, the Strategic Action Plan and to integrate climate considerations throughout the Agency.

Background:

ODOT formed the Climate Office nearly a year ago and has accomplished a lot since that time, although much work still remains. The Office focuses on reducing emissions and pollution from transportation and adapting to the impacts of climate change. The Commission last received an update on the progress of efforts in October 2020, and interfaced frequently with the Climate Office in the deliberation of funding allocations for the 2024-2027 Statewide Transportation Improvement Program (STIP) through December 2020.

Several of the efforts of the Climate Office are directed by Oregon [Executive Order 20-04](#), which requires ODOT to add a climate lens to STIP decisions, identify statewide needs for public electric vehicle charging infrastructure, collaborate with other state agencies on greenhouse gas (GHG) reduction activities ([Every Mile Counts](#)), and integrate climate considerations into agency practices. Attachment 1 provides an overview of ODOT's progress implementing Executive Order 20-04 over the last year, and was submitted to the Governor's Office March 1, 2021. Additionally, other climate-related actions are identified as Strategic Outcomes in the 2021-23 [Strategic Action Plan](#). These and other efforts are underway and staff will provide an update on progress and expected outcomes.

Additionally, staff will discuss the concept of a 5-year ODOT Climate Work Plan. The Work Plan will direct activities of the Climate Office and other groups within ODOT to reduce GHG emissions

and prepare for the impacts of climate change. Attachment 2 provides a preview of actions that are either underway or under consideration over the next five years. The draft list pulls from the [Statewide Transportation Strategy: A 2050 Vision for GHG Reduction](#) (STS), 2021-23 Strategic Action Plan, Executive Order 20-04, and other critical work. The ODOT Climate Work Plan should include those actions most critical or foundational in the next five years, recognizing the need for additional, sustained long-term efforts. ODOT will update the Work Plan every five years. Staff recognizes that there may be important work items missing from the current short-term list of potential actions in Attachment 2, and welcomes public and Commission feedback.

Attachments:

1. Attachment 1 – *ODOT Takes Steps to Address Oregon’s Climate Crisis: Progress Overview of Executive Order 20-04 Implementation (March 2020-March 2021)*
2. Attachment 2 – *Draft Climate Actions Under Consideration for a 5-Year ODOT Climate Work Plan*

Presentation:

Amanda Pietz presented a [PowerPoint](#) with updates on the Climate Office as well as their current efforts and focus areas (action plan). The Climate Office is composed of three parts: mitigation, adaptation, and sustainability. March 10th was the one year anniversary of the climate executive order. [Attachment 1](#) is the complete packet that was submitted to the Governor on what the agency has done to comply with the executive order. Amanda highlighted a few topics within the attachment: How ODOT has embraced climate as a top priority within the agency, a significant investments in climate, and integrating equity and climate justice in everything that they do do.

Discussion:

Commissioner Smith thanked Amanda for her work and accomplishments in just one year and looks forward to the continued efforts. Chair Van Brocklin agreed and noted there is a lot of work to do and Amanda’s leadership has been noticed and is appreciated. He mentioned one example of major headway – automobile manufacturers. They announced that they are phasing out the combustible engine to electric/non GHG producing for many vehicles. It is an example of what is going on elsewhere and is going to effect the country and world. We look forward to partnering more broadly as initiatives are taking in the public and private sectors. OTC looks forward to Amanda’s leadership, council and partnership in making progress in areas that have been identified and those yet to be identified, it is an evolving landscape.

Action:

None taken.

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Interstate Bridge Replacement Update
Agenda Item E

The Commission received an informational update on the recent work of the Interstate Bridge Replacement team.

Background:

The Interstate Bridge Replacement program is working with its partners, advisory groups, and community members to update Purpose and Need and define community Vision and Values this spring. Once completed these key elements will be used screen alternative design concepts which will eventually lead to a preferred alternative. The program will have recently conducted a large community engagement effort around getting feedback from the public on Purpose and Need and Community Vision and Values. Part of this work was an online open house, a community survey, newsletters, and community briefings. This update will cover feedback we have heard from the community engagement effort, and from program partners and advisory groups.

Presentation:

Greg Johnson presented a [PowerPoint](#) with updates on the Interstate Bridge Program activities. Greg went over the program timeline that had originally started in 2004. Waiting for a Federal record of decision that should happen in 2024 and would allow design and construction in 2025. Ray Mabey went over changes that have happened since the program started including a focus on climate and equity. He also noted that transportation problems that were previously identified still remain and have been confirmed by partners and community engagement efforts. They are setting a foundation by determining the purpose and need and hope to have it completed by the end of spring 2021. Greg went over the current advisory groups, their purpose, and meeting frequency as well as community outreach and community conversations that are happening. They will seek to come back to the Commission toward the end of May with the finalization of purpose and need and vision and values after final comments.

Discussion:

Commissioner Brown thanked Ray and Greg for their presentation and they answered her biggest question, where can the public get information. She encouraged everyone to use the public website. Commission Chair Van Brocklin also encouraged public input and participation in the process.

Action:

None taken.

The Commission recessed for break at 10:50am and convened at 11:00am.

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***Review of 2021-23 OTC/ODOT Strategic Action Plan Progress Report
Agenda Item F***

Reviewed the Strategic Action Plan (SAP) Progress Report and discussed the status of activities from launch of the SAP through February, 2021.

Background:

ODOT has transitioned to the execution of the SAP following OTC approval in October 2020. In December 2020, the OTC received a baseline SAP Progress Report and set an expectation that ODOT provide progress updates every other OTC meeting through 2021.

The March OTC presentation, will provide:

- an update of the SAP implementation progress in achieving the SAP Outcomes;
- a review and discussion of milestones that require modification from the baseline established in December 2020—addressing anticipated changes in schedule related to equity and sustainable funding actions; and
- an overview of activities related to a featured Strategic Outcome—Reducing Congestion in the Portland Metro Region.

Staff propose over the course of the 2021-2023 SAP, that OTC discussions will feature one to two Strategic Outcomes for a deeper discussion regarding the work accomplished, anticipated issues and next steps.

Next Steps:

Staff will respond to OTC feedback discussed in March and provide the next SAP Progress Report in July 2021. As part of the July OTC presentation, staff will highlight progress on metric development featured in the web dashboard.

Attachments:

- Attachment 1- *Strategic Action Plan Progress Report – March 2021*

Presentation:

Cooper Brown summarized what guidance was given by the Commission in December and the frequency that they will come back with updates. Every time they come before the Commission to present updates they will highlight one item. For this month they are going over the congestion reduction work in the Portland Area that the Urban Mobility office is leading. Della Mosier helped with the presentation. Instead of having every Assistant Director speak during the progress report, they will rotate for each meeting. The Assistant Directors will be available for questions as well as the outcome leads for each effort. Cooper and Della presented a [PowerPoint](#) and gave a progress update for the SAP. Cooper went over the highlights of the [progress report](#). Della focused on the 2021 milestones to reduce congestion in the Portland Region. Cooper requested thoughts and feedback on the SAP progress report or questions for Della on congestion work. Cooper also asked for concerns, comments, or feedback on the report itself. Cooper then continued the presentation on SAP communications and to answer Vice Chair Simpson's question. They are working on a web-dashboard and will bring it back to the Commission in July.

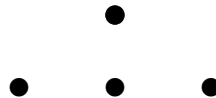
Discussion:

Welcomed Vice Chair Simpson to the meeting. Chair Van Brocklin congratulated the team on the implementation and progress of the Strategic Action Plan. Chair recommended a scoreboard or dashboard for the SAP progress report. A standardized format would be helpful so they know where to look. Vice Chair Simpson had a comment about the congestion management strategy in Portland; the Commission is aware and in support of what staff is doing as they stay innovative and evolving

the agency and is essential trying to address needs and concerns. He thinks it is good that we can share what's being worked on and shifts we are embracing internally, but brought the question of how we are communicating that out externally. Communication, internally and externally, is a big part of the SAP. Lindsay Baker added comments about communications and gave additional information on plans for the dashboard. It is a fundamental change and how we approach the work, it will be on a longer term horizon than what the Agency has worked on in the past. Integrated coordination is helping with the communication efforts. The next update will be in July.

Action:

None taken.



***Update the Commission on the cost reduction efforts underway with the ADA Program
Agenda Item G***

Travis Brouwer gave an opening statement on financial updates and then presented a [PowerPoint](#). Topics included modal equity, funding allocations for 21-24 STIP compared to 24-27, analysis of forecasting of dedicated federal and state funding (totals to 1.28 billion over the forecasted time), highway and non-highway funding comparisons, funding vs. needs for the 24-27 STIP (not meeting 30% of needs in most categories), there's a gap of over \$500 million annually, turning to tolling to help manage congestion and fund projects, and reviewed public transportation need vs. funding chart.

Discussion:

Commissioner Smith asked Travis how ODOT comes to the numbers of need. Most of the slides are based on the investment strategy that the Commission approved last year. It laid out what the needs were from, the background work that ODOT has been working on for years, helped determine what the need was. The climate office used it for their analysis and Travis used it for his program level gaps, it came directly from work that the Commission has done in the past. Chair Van Brocklin noted that the investment strategy report is one of the best things we have to articulate the challenge that Travis and Commissioner Smith articulated.

Travis then introduced the ADA topic, noting that the Commission has provided a significant amount of money over the recent years. They thought it would be important to give an update on how we are being good stewards of tax payer resources and what we are doing to ensure we are completing projects in a cost effective manner. Travis introduced Karen Rowe and Steve Cooley, who gave an update on the ADA program.

Background:

The primary purpose of the ADA program and ODOT's participation, is to ensure that ODOT programs are accessible and that pedestrians with disabilities have an equal opportunity to use the transportation system in an accessible and safe manner.

ODOT and the Association of Oregon Centers for Independent Living, et al. (AOCIL) entered into a 15-year settlement agreement (Agreement) on November 2, 2016, to make state highways more

accessible to people with disabilities. The agreement will lead to major improvements to pedestrian accessibility along the highway system including installing missing curb ramps to connect parts of communities that have been difficult or unsafe to access because of an incomplete system and upgrade substandard existing curb ramps to improve mobility and safety along the highways for all users.

This presentation provides an ongoing update on our progress in meeting the expectations of the March 2017 ADA Accessibility settlement agreement, including program timeline, funding needs, and ongoing efforts to reduce costs and find program efficiencies. The requirements of the agreement established a total count of 27,327 curb ramps on ODOT's transportation system, of which, 25,899 of these were determined to be non-compliant. Milestone targets for the next 15 years are 7,770 ramps updated by 2022 (30%) and 19,424 ramps by 2027 (75%) and 25,899 (100%) by 2032. The program is at a critical point in replacing the almost 8,000 ramps required by next year; and is on track to meet the milestones specified in the settlement agreement.

Cost Reduction Actions

Since 2017 the ADA program has been working on meeting the requirements in the settlement agreement by setting up the program, ensuring construction compliance and developing projects to meet the 2022 milestone. ODOT is aware of the importance in reducing the overall cost of the program and recognizes the impacts to other programs. ODOT has implemented and continues to do training for ODOT and contractors in design and construction to reduce the risk of reconstruction of the ramps that don't meet compliance. About 400 ramps a year are included in projects already in the STIP and are being replaced as part of the program. ODOT has identified three main areas of focus:

Ramp Design Changes: ODOT has made major changes to design and construction practices to ensure compliance with current ADA standards, and requirements of the settlement agreement. One of the cost increases in the program has been related to an increase in additional right of way. Initially the estimate of right of way was made at approximately 15%-20% of the ramps. This estimate was based on construction of pilot projects in 2018-2019 which demonstrated constructing ramps generally in existing right of way. However the group of projects in 2020-2021 had more unique challenges at individual ramp locations in design and temporary pedestrian access, which required additional right of way. Currently, approximately 50% of the ramps require some form of additional right of way, either permanent or temporary. This results in a substantial increase in dollars and time. The main focus of this effort is to reduce the overall footprint and minimize the need for additional right of way to construct the ramp. Currently ODOT is evaluating design practices and looking for opportunities to maintain compliance, while constructing ramps within our existing right of way. ODOT is engaging with internal staff and consultant partners (ACEC) to help identify process improvements and minimize scope creep in designs. Design guidance is being developed and will be distributed and available this April for projects in 2021-2022.

Reducing Construction Costs: As we reviewed the construction costs over the last year, it was apparent the contractors are adding in significant risk to their bid prices. In December of 2020 we engaged our contractors with a survey and followed up in January 2021, with individual workshops, with a select group of contractors. The purpose of the outreach was to identify areas of improvement, efficiencies and risk to help ODOT reduce our overall construction costs. Currently

we are reviewing this data and developing an action plan for implementation of these contract changes. Many of these changes will be implemented on the majority of the 2021-2022 projects.

Contracting Efficiencies: Current efforts to meet the settlement agreement requirements of building and/or updating 7,770 curb ramps by the end of 2022 are utilizing existing STIP projects that trigger the ramp work and standalone ADA ramp projects. Some of the challenges with starting up the program were related to training and the learning curve required to produce compliant ramps with a high rate of success. This learning curve, along with a segmented funding stream have required high numbers of ramps to be constructed in 2020-2022. This compression of schedule has limited ODOT's ability to deviate from traditional contracting methods, due to the risk of production. The additional funding that was approved by the OTC last January provides funding certainty and the ability to look beyond the 2022 deadline. ODOT will be aggressively looking for opportunities to leverage existing STIP and local agency projects, starting in 2022 and 2023. The ADA program has only had opportunity to leverage a small number of local agency projects thus far, but feels there is potential for great savings to the program and will be moving forward with this strategy. ODOT is also developing the use of Design Build contracts for projects starting 2023 and will have the use of Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts starting in 2022. Both of these contracting methods should help bring innovation and efficiencies to this program by allowing design engineers and contractors the ability to work more closely together to construct compliant and cost effective curb ramps. ODOT continues to provide opportunities for the use of small businesses by allowing for smaller project sizes, some of these projects are managed through our Maintenance District offices and the use of the Emerging Small Business program.

The next step will be to develop an action plan for cost reduction items in all three focus areas with an implementation schedule. Some of the items are already underway and as mentioned above will be implemented on the 2021 and 2022 projects. Additionally the ADA program is currently working with ODOT's Internal Audits Unit to evaluate the program and identify process improvement areas to enable the program to be more efficient and aid in the management of risk in the program. The ADA program will also continue collaborating with our accessibility consultant who is a national expert on ADA compliance and has been assisting ODOT in the development of the program. Lastly, ODOT is recommending engaging with the Continuous Improvement Advisory Committee (CIAC), to provide updates on program progress and cost reduction efforts.

Program Funding

In January the OTC allocated \$147 million to the ADA program, these funds will be used to complete the right of way acquisition and construction for projects in 2021-2022. These funds will also be used for the design and right of way acquisition for projects being constructed in 2023, responding to citizen inquiries, and developing a strategy to upgrade our pedestrian signals. An additional \$90 million will be recommended to be added to the ADA program at today's meeting as part of Agenda Item H. These funds will be used for the construction of the ADA projects in 2023 and the design, right of way acquisition, and construction for ADA projects in 2024. This additional funding assumes a cost reduction within the anticipated 30%-40% range and provides the remaining funding necessary to complete the ADA projects and other program requirements for the 2021-2024 STIP. The \$90 million is being proposed to come from COVID-19 relief funding (\$32,189,314) and borrowing against the Fix-It funding in the 2024-2027 STIP (\$57,810,687). The proposed 2024-2027 STIP has the ADA program budgeted for \$170 million which has been reduced by the

anticipated cost reduction of over 30%. ODOT is currently implementing cost reduction measures into existing projects and plans to incorporate additional measures developed in the action plan as they become available over the next couple of months.

Attachments:

- Attachment 1 – *ADA Settlement Agreement*
- Attachment 2 – *2019 ODOT Annual Report*
- Attachment 3 – *2019 Accessibility Consultant Annual Report*

Presentation:

Karen Rowe and Steve Cooley presented the [PowerPoint](#) about reducing costs for ADA projects. They wanted to answer the question that was asked in the discussion at the last Commission meeting which was what is ODOT doing to control costs for ADA ramps. Karen gave an overview of the settlement agreement and what has been completed thus far. Training is a key element for inspectors, contractors, and designers and is a large learning curve. Karen went over the current program challenges and reviewed the agreement milestones and ODOT is on track to meet the deadline. What is being done to help with cost reduction in design such as less ROW to do the work, construction such as adding ramps into existing projects and different contracting methods was reviewed and are hoping to see a 30-40% cost reduction. Karen went over ADA STIP funding for the 21-24 STIP and 24-27 STIP.

Discussion:

Commission Chair Van Brocklin asked about reconstruction costs and what we are doing to reduce those costs. Some of the rebuild cost is built into the construction cost, as the training goes better, and inspectors and contractors are educated those costs should be reduced. It is a learning curve, but numbers are going down. ODOT is also looking at when the inspection is completed and will bring it in earlier, before construction is completed. Steve Cooley also commented that we are seeing reductions in the total number of remove and replace costs. Chair Van Brocklin also asked how frequent reconstruction is happening. Steve noted that in the beginning there were a lot of replacements but after 2019, ODOT updated their designs and during the last season the total replacements has went down significantly. Commissioner Brown asked Karen about if ODOT is responsible for the entire right of way (ROW) or if it is done in partnership, referencing the photos in the PowerPoint. Karen explained that part of the ramp requirement is related to the slope percentage and amount of space needed for a wheelchair to turn around. Steve answered on if we are impacting the ROW, permanent or temporary, it is the responsibility of ODOT and has increased costs. Commissioner Smith appreciated streamlining the process and reducing costs but acknowledged it is a learning curve and had a question: When it is discovered that it isn't in compliance, how is it found out, complaints or follow-up checks? Steve answered that during construction we have staff sampling projects to ensure the work is being done completed. After construction is completed, it can be the accessibility consultant making the review or the plaintiff going out and reviewing the work. Commissioner Smith thought it would be good to have a quality check over time to check compliance and how long the work is lasting. Chair Van Brocklin agreed that follow-up would be great, even a mailing, and would be best to be proactive. Cooper Brown also commented on the points that Chair Van Brocklin brought to the table and want to make sure there's access to all of our system by all users and that we are going above and beyond the agreement requirements. Cooper also said that imperial data to provide a rough percentage of reconstruction that has been done can be

gathered and shared, but Chair Van Brocklin didn't want to look at the past and a high level of information currently works. Chair Van Brocklin also mentioned that there's time to get community outreach right. Steve Cooley then responded letting him know that there is currently a community outreach program and is it assessed annually. Karen went over her closing statements and mentioned that we are partnering with local entities to make sure ramps are being updated in those projects as well. Karen thought that a more detailed report out could be brought to CIAC and Chair agreed, with a synthesized update to the Commission.

Action:

None taken.

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COVID-19 Relief Funding Package
Item H

The Commission was requested to approve ODOT's proposal for allocating funding from the federal COVID-19 relief funding package.

Background:

The COVID-19 relief funding package approved by Congress in December 2020 includes \$10 billion in highway funding for relief to state DOTs and local governments who have lost revenue as a result of the pandemic and recession. Oregon will receive \$124 million in highway funding.

The package also includes an additional \$225 million for transit in Oregon, on top of the funding provided under the CARES Act earlier in 2020. ODOT will receive \$2.8 million for rural transit providers, with most funding going directly to the large urban transit providers. Additionally, \$4.8 million of the amount provided directly to Amtrak will be credited to the Oregon segment of the Cascades Corridor passenger rail service.

ODOT projects the State Highway Fund will lose \$225 million through the end of state FY 2021 and \$370 million through FY 2025 due to the pandemic and recession. This loss will largely hit the agency's operations and maintenance funding, as most project funding is provided through federal highway formula funds and bond proceeds that have not been impacted.

The federal COVID-19 relief funding for highways is available for traditional federal-aid eligible capital projects as well as maintenance, operations, and administrative expenses, including salaries of employees, information technology needs, and other purposes. The funding does not require a non-federal match. Funding is suballocated by formula to the state's three large metropolitan planning organizations, providing a total of \$16.1 million to Portland, Salem/Keizer, and Eugene/Springfield. Funding is available for obligation until September 30, 2024.

Proposed Allocation

Based on these principles and goals, ODOT developed the following recommended funding allocation.

Local Government Funding: \$55,791,257

ODOT proposes providing local governments a total of 45% of the COVID-19 relief funding in proportion to their share of the State Highway Fund revenue. This includes the following:

- \$16,110,809 suballocated by federal statute for the large metropolitan planning organizations (MPOs)—Portland Metro, Salem-Keizer, and Eugene-Springfield;
- \$38,828,628 to cities, counties, and small MPOs in general accordance with the ODOT/AOC/LOC federal fund sharing agreement. Of this amount, \$22,454,595 will go to counties; cities over 5,000 outside an MPO will receive \$8,125,036; small MPOs will receive \$6,948,997 and \$1,300,000 will be set aside for cities under 5,000 through the Small City Allotment program, which offers grants for specific projects. Local funding would be directed toward operations and maintenance costs to the maximum extent possible, with the exception of the funding for small cities.
- \$577,698 for the Port of Hood River to compensate for lost toll revenue that would have been invested in the Hood River Bridge.
- \$274,122 for the Port of Cascade Locks to compensate for lost toll revenue that would have been invested in the Bridge of the Gods.

State Highway Operations and Maintenance (O&M): \$36,000,000

This funding will be applied to operations and maintenance to reduce ODOT's \$200 million operational budget shortfall through 2027 and reduce the impact of reductions to operations and maintenance programs in the 2021-2023 budget.

ADA Curb Ramps on State Highways: \$32,189,314

This funding will cover part of the remaining \$90 million need for ADA compliant curb ramps in the 2021-2024 STIP in order to address equity and access for Oregonians with disabilities. Using COVID-19 relief funds reduces the need to borrow against Fix-It funds in the 2024-2027 STIP. The remainder of the need will be requested as part of the amendment in the 2021-2024 STIP amendment.

Attachments:

- Attachment 1 – *Integrated COVID-19 Relief and 21-24 STIP Funding*

Presentation:

Travis Brouwer gave a brief summary of the changes in the COVID-19 relief package plan. Karyn Criswell started the presentation and went over the [PowerPoint](#) on the breakdown of fund allocations. Travis continued the presentation and discussed the state highway fund forecast and that it is projected that we will lose about 7% (\$225 million) due to the pandemic and recession. That loss will be shared between ODOT, cities and counties. Within ODOT it hits the operations budget the most, where there has been a large structural budget deficit that has been exacerbated due to COVID-19. ODOT worked with AOC and LOC on how to distribute the funding using the existing federal funding share agreement percentages. The 45% to local agencies would be broken into three parts, totaling \$55.8 million. For ODOT, they are requesting \$36 million to operations & maintenance to offset the reduced revenue that is a result of COVID-19 and last summer's wildfires, usually federal dollars aren't eligible for these costs. ODOT is working through each Division's

budget plan that will include a 6% reduction in state highway fund dollars. Final recommendation is for ADA curb ramps in the amount of \$32.2 million. They will be asking for the remaining funding in the 21-24 STIP, which is the next agenda item. In developing the 21-24 STIP, part of the funds for ADA curb ramps were borrowed against fix-it funds in the 24-27 STIP which could be reduced. Even with the money from congress, it is only making up for about 55% of lost funds due to COVID-19. We will still be short about \$58 million dollars and local governments will be short as well.

Discussion:

Commissioner Brown asked if there would be a distribution chart to show how the money will be split up. Travis said they should be able to share it by the end of the week if the Commission approves, they didn't want to give out funding numbers that could be changed. It will be shared with cities and counties through their AOC and LOC staff. Commissioner Smith thanked the team for making changes to the original COVID-19 relief funds and trying to be fair. Chair Van Brocklin echoed Commissioner Smith's comment and that it was the right decision for this occasion.

Action:

Commissioner Smith moved and Commissioner Brown seconded to approve the allocation of COVID-19 relief funds as presented totaling \$124 million. Commission members Vice Chair Simpson, Brown, Smith, and Chair Van Brocklin unanimously approved the motion.

The Commission recessed for lunch at 12:10pm and convened at 12:40pm.

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***2021-2024 Statewide Transportation Improvement Program Update
Item I***

The Commission was requested to approve updated funding in the 2021-2024 Statewide Transportation Improvement Program (STIP).

Background:

In December 2017, the Commission approved the funding allocation for the 2021-2024 STIP. When the Commission took this action, the scheduled expiration of the FAST Act on September 30, 2020 - the day before the new STIP began - created significant funding uncertainty for federal funding levels in the STIP. As a result, the Commission's funding allocation assumed a reduction of about 10 percent in federal highway formula funding available to ODOT for 2021 through 2024. This assumption mirrors experience of reduced funding after the surface transportation act's expiration in 2009. This approach is also a prudent risk mitigation strategy to avoid the pain of cutting projects.

During the STIP funding allocation process in 2017, ODOT worked with the Commission on a plan to obligate federal funding that came in over and above the assumed level. The Commission provided initial direction to ODOT to set aside the first \$40 million in additional federal funding for a Strategic Investments Program that would allow the Commission to target funding to high priority

needs on the state highway system. The Commission also directed that any additional federal funding available after funding this Strategic Investments Program would go to Fix-It projects.

Congress recently passed a one-year extension of the FAST Act through federal fiscal year 2021 and provided additional funding for the Highway Trust Fund to ensure solvency for that period. This extension provided funding at a level below what Oregon received for FY 2020 but approximately \$20 million above the level assumed in the STIP. However, this action still leaves ODOT with significant uncertainty about federal funding levels in 2022 through 2024, particularly given that the Highway Trust Fund will exhaust its balances again in about a year.

ODOT's October 2020 revenue forecast also provides a clearer picture of State Highway Fund dollars available to the 2021-2024 STIP. While COVID-19 and the recession have significantly reduced overall State Highway Fund resources, debt service over the next several years for repaying HB 2017 project bonds came in well below initial estimates developed in 2017, providing some additional resources for the STIP.

Additional Available Funding

Given all of this, ODOT proposes the following updates to funding levels built into the 2021-2024 STIP.

- Assume that current federal funding continues at the federal FY 2021 level through 2024. This will provide approximately \$80 million in additional federal funding to allocate over the four years of the STIP.
- Given consistently high levels of annual federal highway redistribution funding that has come in over and above ODOT's assumptions, build an additional \$20 million in annual redistribution funding into the STIP. This will allow ODOT to address critical needs now in a more comprehensive and strategic manner rather than programming funds each year with limited lead time. Over the four years of the STIP, this will provide an additional \$80 million in funding to allocate.
- Add \$7 million in special one-time federal highway funding that Congress appropriated in FY 2021 above the authorized FAST Act funding level.
- Add \$47 million in HB 2017 funds to the STIP to reflect lower debt service costs than estimated in 2017.

All told, these changes lead to \$214 million in additional funding to program in the 2021-2024 STIP. Of this additional available funding, the Commission approved \$147 million in January for ADA ramps, leaving \$67 million in additional available resources to allocate in March.

Taking this action would amount to fully allocating all reasonably anticipated federal funds for the next four years. This would leave no unallocated resources to meet any additional needs; the primary means of meeting additional needs would be through canceling or delaying projects and reallocating funds. Canceling or delaying projects might be necessary if federal funding falls below current levels, which remains a risk.

Critical Needs

ODOT has identified the following critical needs to be addressed during the course of this STIP. All of these projects are required based on direction from the Legislature, Governor, or a legal requirement, or are critical to wildfire recovery or implementation of the Strategic Action Plan.

Project/Program	Description	Amount
Tolling Development and Implementation	Fund NEPA and system development through 2022	\$60,000,000
Interstate Bridge Replacement Program	Fund program development through 2024	\$30,000,000
ADA 2023-2024 Projects	Construct ADA projects through remainder of 2021-2024 STIP	\$57,810,687
OR 99 Coleman Creek – Glenwood	Add shoulders/bike lanes, safe crossings, transit stops, and sidewalks for a mile along OR99	\$8,000,000
I-5 Boone Bridge	Fund portion of project development through 2023	\$3,700,000
Multimodal Corridor Network	Funds SAP multimodal network definition and funding prioritization work through 2023	\$650,000
Total		\$160,160,687

As noted above, in January the OTC allocated \$147 million to ADA curb ramps for projects in 2021-2022. In addition, ODOT proposes to program \$32,189,314 for ADA ramps from COVID-19 relief funding. The amount listed above for ADA is the additional amount needed for projects in 2023-2024 beyond the amount already allocated in January and proposed from the COVID-19 relief funding.

The critical needs listed above exceed the additional available resources by \$93,160,687. In order to balance the STIP, ODOT proposes borrowing against Fix-It funding in the 2024-2027 STIP. To mitigate this impact, ODOT proposes that any additional federal funding that comes in over and above the projected level during the 2021-2024 STIP go first to reducing this shortfall to reduce the amount borrowed from the Fix-It program in the 2024-2027 STIP. As any additional unallocated funding comes in, ODOT would automatically reduce the amount borrowed from the STIP in 2024-2027 and increase the amount available for Fix-It projects.

Tolling Development and Implementation: \$60,000,000

With direction from the Legislature in HB 2017, ODOT is developing plans for congestion priced tolling on I-5 and I-205 to pay for congestion relief projects and help manage demand. Ongoing tolling development and implementation—including NEPA and developing tolling systems—requires additional funding. An infusion of \$60 million should cover program costs through 2022, though additional funds may be necessary depending on the scope and pace of tolling implementation. Additional funds will be needed to implement tolling; ODOT plans to secure these resources by borrowing against future toll revenues.

Interstate Bridge Replacement Program: \$30,000,000

The Interstate 5 Bridge over the Columbia River is a major bottleneck for all modes of transportation traveling across the river, as well as a significant seismic vulnerability. As directed by Governor Kate Brown and Governor Jay Inslee, ODOT and the Washington State Department of Transportation (WSDOT) have re-established replacing the bridge as a priority. The two states have hired a program administrator, developed a collaboration process with local partner agencies and selected a general engineering consultant. The Washington Legislature has dedicated \$35 million to the project, and the Commission has dedicated \$15 million in Oregon funding to date. ODOT will need to contribute an additional \$30 million through this STIP cycle, which should get the project close to completing program development work.

ADA Curb Ramps: \$57,810,687

ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017 in which ODOT agreed to change practices related to compliance with the Americans with Disabilities Act (ADA). ODOT needs to provide funding to build a substantial number of curb ramps over a fifteen year duration, with three milestone requirements. With all of the current ADA Program funds allocated, additional funding is required through 2024 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. While ODOT estimates the additional funds for projects in 2023 through 2024 will cost more than the amount requested, the agency is implementing measures to reduce these costs, which has been applied to the request. If these savings cannot be achieved, additional funding may be necessary.

OR99: Coleman Creek – Glenwood: \$8,000,000

This project is north of Phoenix in unincorporated Jackson County on OR99, central to the area that experienced massive destruction from the Almeda fire in September 2020. The project was under design approximately two years ago when it was cancelled due to insufficient funding to take it to construction. The project will upgrade OR99 from the north terminus of Coleman Creek culvert to Glenwood Road by widening for sidewalks and bike lanes, building three improved pedestrian crossings, and rebuilding six bus stops. Region 3 has allocated \$2.5 million to the project, and Safe Routes to School (SRTS) Infrastructure and Sidewalk Improvement Program funds have already brought \$2.67 million to the corridor. Rogue Valley Transportation District is a strong partner and has applied for \$1 million of Statewide Transportation Improvement Funds (STIF) Discretionary grant funds to support bus stops and sidewalk infill, and an additional SRTS Rapid Response grant is likely to bring an additional \$833,000 to the table. Including this STIP amendment, the total funding currently allocated to the project is \$13,170,000. STIF and SRTS funding currently being requested would bring the total cost to \$15 million; if this STIF and SRTS funding is not secured, the project's scope will be reduced. The project is in design now and expected to go to bid in 2023.

I-5 Boone Bridge: \$3,700,000

The Interstate 5 Boone Bridge over the Willamette River is a crucial link on one of Oregon's critical seismic lifeline routes that connects the Portland metro area to the Mid-Willamette Valley and areas to the south. The Boone Bridge, which is over 60 years old and has been widened and modified over time, will require replacement to withstand a Cascadia Subduction Zone quake and enable I-5 to continue to serve as a primary West Coast route for passenger and freight movement. As directed by House Bill 5050, ODOT completed a study of the best approach to widen and accomplish seismic

resiliency of the bridge. In winter 2020 ODOT delivered a report and recommendation to the State Legislature recommending bridge replacement and operational and safety improvements on I-5. To advance the planning and design of this project ODOT will need to contribute \$3.7 million through this STIP cycle, which should get the project close to completing program development and NEPA work.

Multimodal Corridor Network: \$650,000

The identified Strategic Action Plan outcome of improved access to active and public transportation requires implementing actions to be carried out during the 2021-23 biennium. These actions include developing a baseline understanding of funding currently dedicated to walking, biking and transit; developing and implementing a funding prioritization process of existing pedestrian, bike and transit investments to improve access for marginalized communities; and defining a priority multimodal network to enable more strategic and equitable selection of future projects and programs. Both consultant and project management resources at an estimated cost of \$650,000 are needed to move these actions forward while continuing core division work to fund active and public transportation services and provide technical assistance to external agencies implementing and delivering projects.

Attachments:

- Attachment 1 – *Integrated COVID-19 Relief and 21-24 STIP Funding*

Presentation:

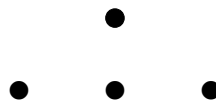
Travis Brouwer introduced the [PowerPoint](#) on the 2021-2024 STIP amendment request. Cooper Brown reviewed the six proposed items that are being brought forward. The proposed investments are \$60 million for Tolling Development and Implementation, \$30 million Interstate Bridge Replacement Program (Washington has contributed \$35 million) to get the program through completion of program development, \$57.8 million for ADA Curb Ramps, \$8 million for OR 99 in Phoenix, \$3.7 million for I-5 Boone Bridge and \$650,000 for Multimodal Corridor Network.

Discussion:

No questions were asked by the Commission. Chair Van Brocklin noted that these areas will be money well spent.

Action:

Commission Vice Chair Simpson moved and Commissioner Brown seconded to approve the proposed 21-24 STIP update in the presentation. Commission members Smith, Brown, Vice Chair Simpson, and Chair Van Brocklin unanimously approved the motion.



***2024-2027 Statewide Transportation Improvement Program Program-Level Funding Allocations
Agenda Item J***

The Commission reviewed ODOT’s proposal for the 2024-2027 STIP.

Background:

Over the last several months, ODOT has worked with the Commission on the allocation of funding for the 2024-2027 STIP. In December, the OTC allocated funding among broad categories as shown below.

Category	Amount
Fix-it*	\$800,000,000
Enhance Highway	\$175,000,000
Safety	\$147,000,000
Public & Active Transportation	\$255,000,000
Local Program	\$404,500,000
ADA Curb Ramps	\$170,000,000
Other Functions	\$161,410,568
Total	\$2,112,910,568

*After factoring in borrowing \$120 million to cover ADA projects in 2021-2024 STIP.

Enhance Highway Discretionary Program

The Enhance Highway funding included \$110 million for projects named by the Legislature in HB 2017 with the remaining \$65 million available for an Enhance Highway discretionary program. Because no funding is available in other categories to specifically address congestion and freight mobility needs on state highways, ODOT recommends that this limited funding focus on filling this gap in order to address road limitations that can impact ODOT's economy.

Based on feedback from the Commission in January, ODOT has developed a proposal for how to allocate this funding. As described in the attached document, ODOT would use a competitive statewide process to fund projects including auxiliary lanes, truck climbing lanes, passing lanes, freight improvements, interchange improvements, intelligent transportation systems and other technology improvements, among others.

ODOT would factor in project benefits in terms of safety, equity, climate, and multimodal accessibility to ensure alignment with priorities in the Strategic Action Plan. ODOT would engage Area Commissions on Transportation on priority projects and ask ACTs for feedback on a proposed project list before bringing the final list before the Commission. ODOT recommends funding the best projects across the state while setting aside a minimum of 30% for projects in rural areas outside metropolitan planning organization boundaries and also setting a goal of distributing projects across the state.

ODOT is seeking Commission input and feedback on the general direction of the Enhance Program strategy as shown in the attachment. ODOT will share the final program details with the Commission before launching the project solicitation. The final project selection will be part of the 24-27 STIP that is approved by the Commission.

Attachments:

- Attachment 1 – *Enhance Highway Discretionary Program*

Presentation:

Travis Brouwer started the conversation with a summary of what was discussed previously with the Commission. Karen Rowe presented the [PowerPoint](#) to go over the Enhance Highway Program

proposal. The project types are at a conceptual level because it takes about two years to identify projects. In addition to geographical balance, they need to check with their MPOs and ACTs, it is currently a framework and will create the process once the Commission agrees with the proposal.

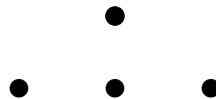
Discussion:

Vice Chair Simpson asked Karen to explain truck parking for the public. Karen then answered the question mentioning it could be part of ITS. Truck parking is meant to be near the interstate for when we close the interstate due to storms or accidents. Travis Brouwer added that with new hours service regulations there is need for truckers to have places to park when they've reached the end of their day. Currently when there's no places for them to park they park along side of the freeway which isn't always safe for the public. They are currently working with Western States on partnering with information systems, such as phone applications, in hopes to share those locations electronically with truck drivers.

Chair Van Brocklin agreed with the splits and it seems to be thought through. There was no objections to this approach. The final program guidance will be shared with the Commission before it goes out.

Action:

None taken.



***Refocus of Area Commissions on Transportation (ACTs) and discussion with ACT Members
Agenda Item K***

The Commission reviewed the updated refocusing of the Area Commissions on Transportation activities in support of the Commission and ODOT and was asked for feedback.

Background:

The Commission heard a presentation on ACT engagement and were provided a report at their December meeting summarizing both the current role of the ACTs, as well as some initial recommendations on how to move forward (Attachment 1). The Commission directed staff to meet with each of the ACTs to share these draft recommendations and get ACT feedback.

Jerri Bohard, former Division Administrator for Policy, Data and Analysis, provided a presentation to the majority of the ACTs in collaboration with region staff who represent the agency and provide support with each ACT. All ACT members were provided the report given to the Commission as well as the Strategic Action Plan overview materials. While the conversations with the ACTs varied, they were framed around three key areas: (1) diversity of membership on the ACTs and what might need to change to meet the needs of their area from an Equity standpoint; (2) what areas of the Strategic Action Plan did they believe most benefitted from ACT engagement, and (3) how can Commission/ACT communications be improved. The following is a list of the key themes heard during those discussions, though generalized and not specific to any one ACT.

A. Equity

- a. Most ACT members believe they have a good understanding of the diversity/demographics of communities, and those that see a need to augment their membership are not sure how. They want a clear and relatable definition of equity;
- b. Many ACT members also identified specific membership areas such as freight, the elderly, and the disabled;
- c. They recognize Equity is a challenge, as an area can go from urban to agriculture and everything in between. This includes for any given ACT, perspectives of both social and economic equity;
- d. They expressed concerns over the ability to ensure newly invited individual members would have enough incentive or capacity to continue attending meetings; and
- e. Many see the work of completing *Area Strategies* as a way to address Equity needs – such as addressing needs to make the system accessible to all.

B. Agency Initiatives

- a. ACT members recognized that one of the key roles of their efforts was the importance of collaboration, not only among ACT members, but agency (region) representatives. This includes local initiatives, transportation projects undertaken by the region, and any other transportation related or operational initiatives or efforts that benefitted from a discussion and awareness at the ACT table;
- b. They do believe that many of the initiatives in the SAP could benefit from ACT input and participation, including any efforts that had a statewide impact;
- c. They expressed that awareness of any and all funding programs that support transportation would be important for the ACTs to understand;
- d. They are interested in having a better understanding of needs across the system, the impact of those needs, and how they differ, whether within parts of the ACT, across ACTs, or across the state.
- e. They wish to continue to engage in STIP development, throughout the process, and to gain a better understanding of final directions envisioned, and opportunities for coordination and collaboration; and
- f. They wish to continue or expand on weighing in on all transportation programs, plan updates, and major/mega projects (e.g., Rose Quarter, I-5 Bridge Replacement) around the state, for all modes of transportation, supported by the OTC and ODOT.

C. Communication

- a. ACT members are recognizing the benefits of technology and how it could help with engagement, not only with the public they represent, and membership, but sharing of information on efforts that the agency is engaging in; as well as a way that they hope the OTC or OTC members could engage on a more regular basis with the ACTs and ACT members.
- b. They would like to see regularly scheduled engagement with the OTC or Agency leadership; and would like to see a regular statewide gathering of ACT Chairs;
- c. They suggest that more ACT members should be represented in statewide committees and task forces; and
- d. They are interested in seeing a clear and consistent feedback loop established as decisions are made or being considered, helping them to understand the impact of their recommendations.

Next Steps and Recommendations:

Based on this ACT input, see Attachment 2 for revised recommendations. Pending OTC direction, the agency anticipates bringing back a finalized work plan in May.

Attachments:

- Attachment 1 – *ODOT's ACT Reset Recommendations Report (from December 01, 2020 meeting)*
- Attachment 2 – *ODOT's ACT Refocus Recommendations*

Presentation:

Cooper Brown gave a brief summary of what had been discussed with the Commission previously and that they want concurrence from the Commission that they are moving in the right direction. Jerri Bohard presented the [PowerPoint](#) with the ACT refocus discussions. Equity, ACT engagement, and communication were themes that Jerri heard. They recognized they need younger members on the ACT. There is a lot of interest in statewide initiatives. There was a lot of discussion on the benefit of technology to help with communications and want to see regular communication from the Director's office. They want a better understanding of why decisions are made by having feedback and including ACT members on advisory committees. Recommendations are ACT engagement Areas, Coordination and Communication with the ACTs, and Internal ODOT Improvements. They want to engage in equity, SAP, STIP, and area strategies. Coordination and Communication include: Commission liaison, annual virtual meeting, biannual in-person meeting, statewide gathering of ACT chairs, and collaboration of Region staff. They see a lot of value in meeting with their peers. Gary Farnsworth continued the conversation and noted his involvement with ACTs when he was an area manager and there was no hesitation to tie the area managers to the area commissions because the relationships that occur and the importance of it. It is being reinforced as a recommendation because he believes we can expand how we connect with the region and areas managers to other key people in the agency. Jerri continued the presentation. They are recommending a statewide coordinator to bring everything together. There would be beneficial for a communications liaison with a calendar of when the meetings are. Jerry believes there's a need to go back to the public and remind them about the ACTs since they've been around since 1995. Lindsay Baker is supportive of going back to the public and sharing information about the ACTs. Gary also added that, as a previous ACT member, he sees the benefit of keeping things organized by having a coordinator by helping keep things enforced and on track.

Discussion:

They will review feedback from the Commission and bring back a work plan as a consent item at the May OTC meeting. Chair Van Brocklin confirmed that ODOT is looking for feedback from the Commission at this time. He sees the ACTs as being very valuable in a critical communications mechanism. Communication has a local government overlay to it that you can see across the state. The pandemic and natural disasters have not been good for this program or communication broadly, due to reduced in-person communication. He believes we need to connect partners across the state; it is about getting information out, how we see the world today, and moving forward with the changing environment. Chair Van Brocklin wants to make sure it is useful to the people we are asking to be involved, since they are volunteers. It should be mutually beneficial and embrace where we are going while moving the agenda forward. Commissioner Brown believed the recommendations that are being made is what is being heard on the ground. To be successful as a state, even earmarking,

their needs to buy-in with the ACTs across the state. If the constituents understand how it impacts them and they can see the big picture, you will see embracement and letters of support. She mentioned that she told the ACTs the importance of prioritizing a list of shovel ready projects; with that we could move competitively in a grant situation across the state, not just the Portland area. Commissioner Brown agreed with the need to have a coordinator, but does not have the capacity to do it, but can attend the meetings and participate. Chair Van Brocklin agreed with Commissioner Brown's statement about buy-in. He noted that prioritizations will probably shift, but it would be great to have a list and know what is important to the different ACTs. Commissioner Smith thanked Jerri for lending her expertise and Gary for helping with the efforts because of his long history with the ACTs. She agreed with the approach/plan and agreed that communication is integral to making this work. We have learned that we can communicate in-person and reach more people with no travel time. She believes that it is critical that someone at the agency executive level oversees this project so that it doesn't get lost and it needs to have an agency level of importance as well as a high level of importance at the Commission. The Commission needs to commit to the ACT chairs and ACTs because they are volunteers and we need them to understand their importance. Vice Chair Simpson agreed with Commissioner Smith's point of keeping OTC engaged with the ACTs and Jerri's work with the ACTs. He knows the importance of going on the "road show" and seeing the ACTs and being face to face. Interactions will still be important and it needs to be continued, not just using technological devices, once it is safe to do so. Chair Van Brocklin echoed everyone's comments about Jerri's work with the ACTs and noted the importance of having the Commission meetings across the state and the valuable connections that are built with having the meetings in person. The Commission needs to make sure that the same message is being said across the state and that they are cohesive. He thinks it is really important to understand the regionalization, localization, and statewide priorities while keeping a common approach. There are a lot of changes happening within the agency, state, and world and he is excited to see what this looks like and working on it together. Cooper appreciated the feedback, it is very helpful. He proposed that they come back in May with tangible actions based off of the comments. He is thinking about ACTs in a broader way than initially, there is a real benefit to have connections at a staff level and between the ACTs. Cooper also noted, to Commissioner Brown's point, the importance of keeping the ACTs across the state connected and aware of priorities. He noted that it has become evident that there needs to be structure to make sure everything gets done, but not just by one person within ODOT. Jerri agreed that the Commissioner's comments align with what the ACTs are saying and that it will be fun to work on this during its next stage. Gary agreed that this process is mutually beneficial and it is important for us to communicate well, that communication is multi-way, and continuing to build trust is the foundation.

Action:

None taken.

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***Continuous Improvement Advisory Committee (CIAC) Update
Agenda Item L***

The Commission was asked to review and approve revisions to the CIAC Charter and membership list and provide recommendations on how to leverage the CIAC moving forward post Oregon Department of Transportation (ODOT) Strategic Action Plan (SAP) adoption.

Background:

Created by the Oregon Legislature as part of Keep Oregon Moving (HB 2017), the CIAC advises the Oregon Transportation Commission on ways to improve ODOT. CIAC recommendations inform required Commission reporting to the Oregon Legislature. The committee was established in March of 2018 and the OTC approved the group's original charter.

CIAC members serve two-year terms and are eligible for two consecutive terms. Term renewal was due March 2020 and postponed to March 2021 due to COVID-19.

In order to focus on ODOT's SAP priority and goals for social equity, climate, and funding, it is recommended that the CIAC change its membership to increase its expertise in these areas and fill vacant positions. (Attachment 1). These committee focal areas will be in addition to the charges put forth in HB 2017, namely helping develop agency Key Performance Measures, reviewing projects of greater than \$50 million dollars, and assisting the agency to make operational efficiencies. Based on these focal areas, staff have developed a draft 2021 CIAC agenda (Attachment 2).

Next Steps:

Upon OTC approval of proposed member changes, ODOT CIAC staff will schedule meetings and CIAC members will revise the committee's work plan, which will be brought back to the OTC for approval.

Attachments:

- Attachment 1 – *Proposed CIAC Members*
- Attachment 2 – *CIAC Draft 2021 Meeting Calendar*

Presentation:

Cooper Brown presented the [PowerPoint](#) on the CIAC updates. We are at a moment of changes to our organization and with the development of the Strategic Action Plan, the Agency needs to look at how CIAC is used, which was established from HB2017. Commissioner Smith is the Chair of the committee. They want the committee to have a great impact with the Commission and the Agency. Cooper went over the history of CIAC and the proposed focus areas. While following HB2017, they want to be a resource for ODOT and the Commission with the aggressive goals of the SAP. They proposed to shrink core membership and instead bring subject matter experts as needed. They also want to increase the meeting frequency to monthly with a narrowed focus. Commissioner Smith added that there were conversations with external CIAC members and incorporated their feedback to the restructure of more frequent meetings. They are trying to build on the work that was done earlier and accomplish the tasks from HB2017. Not all members are continuing, but they have been asked to be subject matter experts that they can call on when needed.

Discussion:

Commissioner Smith noted that earlier in the meeting it was suggested that CIAC have ADA on the agenda, but at this time they have a lot of items to review and will look to adding it to the agenda in

2022 or 2023. Chair Van Brocklin thanked Cooper and Commissioner Smith on all of their work and evolving the advisory group as things change. There were no comments on the timeline changes. Cooper summarized the membership changes. Chair Van Brocklin thanked the members for their work as they cycle off and he believes the proposed new members are great choices and he supports the slate. Vice Chair Simpson also supports the slate. Commissioner Brown thanked Commissioner Smith for her work on the committee. Chair Van Brocklin added that the work plan for CIAC will be coordinated with the OTC's schedule and topics. Commissioner Smith thanked Cooper for his hard work and great ideas that added to the conversation. Chair Van Brocklin thanked Cooper and Commissioner Smith for their hard work

Action:

Commission Vice Chair Simpson moved and Commissioner Brown seconded to approved the new CIAC roster, to take effect immediately. Commission members Vice Chair Simpson, Brown, Smith and Chair Van Brocklin unanimously approved the motion.

The Commission recessed for break at 2:05pm and convened at 2:15pm.

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Delegation Order
Agenda Item M

The Commission was requested to approve the revised delegation order to add new delegations of authority from the OTC to the Oregon Department of Transportation (ODOT) that better align with OTC expectations of roles and responsibilities.

Background:

At the May 2020 OTC meeting, Commissioners made clear their desire to review the roles and responsibilities of both the Commission and the department to ensure that the Commission has the ability to provide strategic vision and direction to the department and not be bogged down in programmatic decisions more appropriate for ODOT leaders and staff.

Since May, ODOT staff have identified additional delegations that reduce redundancy and align with this Commission direction of placing programmatic and project management decisions with the department. The agency proposes two additions to the existing delegation order (Attachment 1, proposed delegations bolded), as described below.

ODOT anticipates bringing back additional recommended delegations for Commission consideration on a somewhat regular cycle, as they come to light through the agency's many ongoing work efforts.

Recommended Delegations:

State Highway All-Terrain Vehicle Accessibility

In 2017, the Oregon Legislature passed Senate Bill 344, creating a process to designate sections of state highway to be open to ATV use. The process involves Oregon Parks and Recreation Department (OPRD) and Oregon Department of Transportation (ODOT) working with the ATV

Highway Access Advisory Committee to receive applications for sections of highway, review the proposal, and make a recommendation to Oregon Transportation Commission (OTC). Currently, the OTC makes the final decision to designate a section of state highway as open to ATV use. This delegation would allow the ODOT Director (or his delegate) to approve designation of these portions of state highway for ATV use, consistent with the remainder of the process described above.

State Agency Coordination and Approval of Land-Use Compatibility

OAR 731-015-0075(7), commonly referred to as the State Agency Coordination or SAC rule, requires that the OTC or its designee adopt findings of compatibility with the acknowledged comprehensive plans of affected cities and counties when it grants design approval for a project. The rule requires that the Department obtain all other land use approvals and planning permits prior to construction in addition to requiring that notice of the decision be mailed out to all interested parties.

The Department proposes that the OTC delegate adoption of findings of compatibility with acknowledged comprehensive plans of affected cities and counties to the Director, as described in OAR 731-015-0075(7), when the project is consistent with a previous OTC-adopted facility plan.

Per OAR 731-015-0065, which defines the process for approving facility plans, ODOT must involve stakeholders and work with affected local jurisdictions to ensure any facility plan is consistent with both statewide planning goals and applicable acknowledged local comprehensive plans. If conflicts are identified, the department must meet with the local jurisdiction to resolve the conflicts during the facility planning process through options provided in the administrative rule. As part of facility plan adoption, the department evaluates, writes and presents findings of compatibility with both statewide planning goals and local comprehensive plans. These include descriptions of all conflicts that were identified through the process and how they were resolved. Per rule, these facility plans must be reviewed and adopted by the OTC.

Since the OTC will have provided findings of compatibility on any project with an approved facility plan, it is redundant for the Commission to again provide findings of compatibility as part of the State Agency Coordination process. As such, the department recommends the Director be delegated the authority to ensure all SAC requirements are met. Projects with findings that cannot demonstrate prior compliance with an OTC-adopted facility plan would still come to the OTC for review in order to ensure all SAC agreement requirements are met.

Attachments:

Attachment 1 – *Delegation Policy*

Presentation:

Cooper Brown gave a brief summary of delegations that were made in May of 2020. They believe that the new delegation requests reduce redundancy and align with the Commission's direction to place programmatic and project management decisions with the department. The agency proposed two delegation changes. Cooper noted that they anticipate bringing back additional delegation recommendations for Commission consideration on a somewhat regular cycle, but will bundle them so that they aren't brought to every meeting. The two proposed delegations are all-terrain vehicle designations and land-use compliance. Cooper went over in 2017 SB344 was passed that designated parts of the State's highway to be designated for ATV use. Cooper went over the process and noted

that OTC currently makes final determination but believes it makes sense for this approval to be delegated to the Director. Cooper went over the land-use compliance OAR731-015-0075, commonly known as SAC rule. The department proposed that the OTC delegate adoption of finding the compatibility with acknowledged comprehensive plans of affected cities and counties to the Director of ODOT as described in the OAR. When the project is consistent with a previous OTC facility plan, the process for approving them involved ODOT turning to stakeholders and working with affected local jurisdictions to ensure any/all facility plans are consistent with statewide planning goals and applicable local comprehensive plans. If conflicts are identified the agency must meet with local jurisdictions to resolve the conflict during the facility planning process through processes outlined in the OAR. Since the OTC will have provided finding of compatibility with projects that have an approved facility plan, the agency finds it redundant for the Commission to provide findings of compatibility again as part of the SAC process. The department recommends that the Director be delegated authority to ensure all SAC requirements are met. Projects with findings that cannot demonstrate prior compliance with OTC adoption facility plan would still come to the Commission for review to ensure all SAC requirements are met.

Discussion:

Commission Chair Van Brocklin wanted additional information and asked if there's a centralized place that this occurs within the Agency, what is their experience level, and is their capacity to involve a guest from the DOJ so that the findings are good from a legal perspective? Cooper answered that the project teams typically do the work but the legal counterparts are involved to ensure there is compliance. There's a comprehensive internal process to ensure all requirements are met and include DOJ to make sure the agency is in accordance with the law. DOJ was involved in the proposal.

Action:

Commissioner Smith moved and Commissioner Brown seconded the motion to adopt the two delegation order changes. Commission members Smith, Brown, Vice Chair Simpson and Chair Van Brocklin unanimously approved the motion.

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Consent Items
Agenda Item N

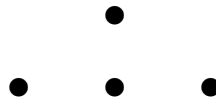
1. Approve the minutes of the January 21, 2021 Commission meeting.
2. Confirm the next two Commission meetings:
 - Thursday, May 13 virtual Commission meeting.
 - Thursday, July 15 virtual Commission meeting.
3. Approve the following Oregon Administrative Rules:
 - a. Adoption of 734-060-0110, 734-060-0120 and the amendment of 734-059-0015, 734-059-0100, 734-059-0200, 734-059-0220, 734-060-0000, 734-060-0105, 734-060-0175, 734-060-0180 relating to the Outdoor Advertising Sign Program. Attachment; rule text

changed after notice was filed.

- b. Temporary adoption of 735-018-0170 and amendment of 735-062-0060, 735-062-0125 relating to online driver license, driver permit and identification card renewals.
 - c. Temporary amendment of 735-046-0010, 735-046-0030 relating to surrender of custom registration plates.
 - d. [Amendment](#) of 734-082-0040 relating to the extension of allowed load length for motor carriers.
 - e. [Amendment](#) of 740-015-0040 relating to online PIN numbers for Oregon Trucking Online.
 - f. [Amendment](#) of 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-100-0100, 740-110-0010 relating to the annual readoption of Federal Motor Carrier Safety Regulations.
4. Approve the summary of financial charges incurred by the Director for the fiscal year ended June 30, 2020.
 5. Accept the ODOT internal audit report 21-01 on the architectural and engineering (A&E) procurement process.
 6. Accept the ODOT internal audit management letter 21-01 on the change in composition of ODOT's liquidated debt between fiscal years 2019 and 2020.
 7. Approve the 2020 Oregon Transportation Safety Performance Plan – Annual Evaluation.
 8. Request approval to amend the 2021-2024 Statewide Transportation Improvement Program to add a new project, Interstate 84: Cascade Locks-Pendleton and Interstate 82 sign upgrades. The project is in Hood, Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties and is being administered by Region 5. The total estimated cost for this project is \$9,500,000.

Action:

Commissioner Brown moved and Commission Vice Chair Simpson seconded to approve, en bloc, consent items 1-8 as listed. Commission members Brown, Smith, Vice Chair Simpson, and Chair Van Brocklin unanimously approved the motion.



Chair Van Brocklin adjourned the meeting at 2:40 p.m.