

Draft Meeting Minutes

Central Oregon Area Commission on Transportation
COACT
September 12, 2019
Redmond Public Works Training Room
243 E. Antler Ave., Redmond, OR

Members:

Robert Townsend (ODOT), Andrea Breault (Public Transportation), Patrick Hanenkrat (City of Metolius), Steve Uffelman (City of Prineville), Scott Smith (City of Prineville), Bill Duerden (City of Redmond), Ron Cholin (Crook County Stakeholder Rep.), Andrea Blum (City of Sisters), Jeff Hurd (City of Madras), Wendy Holzman (Bicycle and Pedestrian Mode Rep.), Peggy Fisher (USFS/Federal Agency Rep.).

Guests:

Chris Doty (Deschutes County), Bob O'Neal (Crook County), Sally Russell (City of Bend), Andrea Napoli (Bend MPO), Tyler Deke (Bend MPO), Vanessa Robinson (ODOT), Lisa Strader (ODOT), Dave Thomson (BPAC), Sienna Fitzpatrick (RARE Intern at COIC).

Staff: Scott Aycock (COIC), Dana Greenwald (COIC).

Calling in: Kayla Byers, ODOT

1. Call to Order

In Commissioner Jerry Brummer's absence, COACT was called to order by Robert Townsend of ODOT at 3:10 pm. Introductions were made.

2. Public Comments

A) General Comments
Robert Townsend, ODOT

No public comments were made.

3. COACT Business

A) May 9, 2019 Meeting Minutes (**ACTION**)

Scott Smith motioned to approve the May 9, 2019 meeting minutes. Andrea Breault seconded. Minutes were approved by consensus.

B) Discuss Meeting Time and Meeting Schedule

The last COACT meeting was held at Redmond City Hall, and COACT members expressed interest in moving the meeting there permanently. Scott Aycock stated unfortunately that City Hall was not available for the COACT meeting days and times this remaining year or in 2020. Scott had previously sent COACT members an email with a poll to vote whether or not to change the time of the bi-monthly meeting, so as to avoid traffic. Scott determined that the polls he sent out did not garner enough discernable information to change the meeting time and he would send out another poll via email to try again.

C) Oregon Transportation Commission October Meeting (ACTION)

The Oregon Transportation Commission will be coming to Region 4 for their annual meeting, October 17-18, 2019. Typically, this is the time that the local ACT updates their charter, if desired. Robert Townsend anticipates he will get more information about this meeting in the coming week and will forward it to the group, adding that 8 individuals from COACT are allowed to attend.

Mayor Uffelmann stated he would be in favor of updating the COACT charter to include elected city representatives in the COACT Executive Committee. He feels that leaving cities out of the Executive Committee doesn't adequately reflect the needs of the region. Mayor Uffelmann stated that he might be interested in serving on the Executive Committee. Bill Duerden added that Mayor Endicott has also expressed an interest in have the COACT Executive Committee include city representatives.

Wendy Holzman agreed and thinks it makes sense to add specifically the elected city officials, especially since there are 3 counties and within those 3 counties 8 cities are represented.

Sally Russell said that she understands that other ACTs in Oregon have city representatives on their Executive Committees. Robert Townsend stated that was true, but also that the OTC encourages each ACT to operate independently depending on their needs.

Patrick Hanenkrat stated he did not believe that a city official needed to be on the Executive Committee because they have a presence in the larger COACT group. Robert Townsend added that there are decisions that the Executive Committee weighs in on that the larger group does not. Ron Cholin stated he does not want the Executive Committee to become so big that it becomes ineffective.

Sally Russell said she doesn't know enough about COACT, and would defer to our bylaws. Robert Townsend said that the OTC reinstates the charter every 2 years, and that is the time for the ACT to make changes if desired. Sally asked whether the group had a Quorum to make changes today, the answer was "yes", but that none of the Commissioners were present. Both Bill Duerden and Bob O'Neill expressed concern regarding voting on amendment changes with the bare-minimum quorum. Mayor Uffelmann added he is uncomfortable making any changes or voting in the absence of County Commissioners.

Andrea Blum stated voting on amendment changes is not a crucial issue. The next Executive Committee meeting is October 3rd, and the OTC meeting isn't until the 17th. She presented the idea to call all the COACT members for a vote, to include all members and not just those present today.

Scott Aycock stated that the group could vote today to make a recommendation regarding the Charter changes, but then defer the final decision to the COACT Executive Committee.

Andrea Blum made the motion to recommend 2 amendments to the COACT charter. Those recommendations are as follows: Under the Executive Committee section add 2 elected city official seats and under the Officers section add that the city representatives could serve as chair/vice chair. Jeff Hurd seconded. All members voted yes, except for Ron Cholin who voted nay.

4. 2019 OR Legislative Session Debrief

A) Discuss transportation-related outcomes of the 2019 session
Kayla Byers, ODOT

Kayla Byers, ODOT Legislative Coordinator, called in to share the results of the 2019 Legislative Session, and the bills that pertain to ODOT and other Oregon transportation interests. The full ODOT report can be found here: <https://www.oregon.gov/ODOT/About/GR/2019%20Legislative%20Summary.pdf>. The bills and details are as follows:

HB 2592 – House Bill 2592 is the 2019 legislative session’s omnibus transportation fix bill. The measure includes several technical corrections to HB 2017 (Transportation Funding Package) as well as non-package related technical corrections and programmatic changes.

The measure:

- clarifies the role of the Continuous Improvement Advisory Committee (CIAC);
- aligns provisions relating to Oregon Transportation Commission’s conflict of interest with the Oregon Government Ethics Commission statutes;
- modifies certain provisions related to Conditional Increase Accountability Reporting;
- modifies the dedicated Connect Oregon rail project;
- modifies certain provisions related to use tax collection;
- modifies certain provisions related to Connect Oregon program;
- clarifies certain provisions related to Charge Ahead rebate program;
- clarifies use of dedicated I-5 Rose Quarter funding;
- clarifies registration rate for certain permanently-registered vehicles;
- clarifies exemption for certain variance permits; and
- modifies certain provisions related to administration of weight-mile tax.

Kayla shared that HB 2592 clarified the least-cost contracting provisions from HB 2017 (2017) and moved the enforcement mechanism to BOLI. The changes will allow the incremental fuels tax increase to occur even if a jurisdiction is out of compliance (the out of compliance jurisdiction will have their increase withheld until compliance is reached). Connect Oregon investments continue to be earmarked, so a competitive program is not being run at this time. The hope is that additional funding is granted within the next couple of legislative sessions so that the competitive process is restored.

HB 3450 - Mixed-Use Housing within Employment Lands; House Bill 3450 establishes a pilot program allowing the City of Bend to adopt changes to its comprehensive plan and land-use regulations to allow for high density or mixed-use housing within areas zoned for employment lands. The measure requires the City of Bend to consult with ODOT prior to adopting these changes and submit the changes to the Land Conservation and Development Commission for review and approval. The pilot program sunsets January 2, 2024.

SB 558 – Senate Bill 558 allows a city to establish by ordinance speed limits five miles per hour lower than statutory speed limits on non-arterial residential roads, without first requesting approval from ODOT. This statutory authority was originally granted exclusively to the City of Portland (HB 2682 (2017)); SB 558 extends this authority to all cities in Oregon. Senate Bill 558 also extends speed limit enforcement applicability to highways instead of only for specific roadways within cities or areas with statutorily designated speeds. The measure does not negate the basic speed rule, but brings speed limits to rural highways and roads outside of cities.

HB 2834 – House Bill 2834 requires that the Oregon Department of Fish and Wildlife collect data regarding the connectivity of wildlife habitat areas and, in cooperation with ODOT, develop a Wildlife Corridor Action

Plan. The measure intends to address wildlife-vehicle conflicts, particularly in areas where wildlife habitat and public roads intersect. As directed in the measure, ODOT will establish the program by December 2023 and will consider wildlife crossing features as part of certain projects. The measure requires biennial reporting; the first report is due by September 2024.

Kayla stated that in the interim, ODOT did receive legislative direction through a budget note to combine the Special Transportation Fund (STF) with the STIF funds. Per HB 5039, \$20 million of the General Fund was eliminated, so \$10.1 million of that fund that formerly went to support Elderly and Disabled public transportation services has been replaced with STIF payroll tax funds. She stated that ODOT is focusing on developing rules for that change. Additionally, there was direction to develop a shortline rail tax credit program. House Bill 2164 is the 2019 legislative session's omnibus tax credit package. Among other provisions, the measure establishes a short line railroad rehabilitation tax credit, administered by the Oregon Department of Revenue; ODOT will certify the project for which the credit is applied. ODOT may establish rules and procedures for determining the amount of allowable tax credit, and standards for what constitutes completion of a short line railroad rehabilitation project. The tax credit is available beginning tax year 2020 through December 31, 2025.

House Bill 2007 requires certain diesel engines in the tri-county area (Clackamas, Multnomah, and Washington counties) to meet specific standards as a condition of vehicle title and/or registration. The measure establishes a phased-in clean diesel engine requirement, prohibiting issuance of registration and title according to the following schedule:

- 2023: Registering medium-duty and heavy-duty vehicles model year 1996 or older.
- 2025: Titling medium-duty vehicles 2009 or older; and Titling heavy-duty vehicles 2006 or older.
- 2029: Registering medium-duty vehicles model year 2009 or older; Registering heavy-duty vehicles owned by a public body, model year 2009 or older; and Registering heavy-duty vehicles model year 2006 or older.

The measure provides certain exemptions and directs the Oregon Department of Environmental Quality (DEQ) to determine whether an engine meets the clean diesel requirements. The measure also directs DEQ to establish a voluntary sticker program for diesel construction equipment. Additionally, House Bill 2007 establishes certain standards for construction equipment used on large public improvement contracts in the tri-county area. These requirements apply to certain large projects contracted 2022 and later, and also apply to three specific projects in the Portland metro area (I-5 Rose Quarter, I-205: Stafford Rd to OR 213, and OR 217). Finally, the measure authorizes DEQ's use of the Volkswagen Settlement Fund and establishes a Task Force to consider future program expansion and small business impacts.

Senate Bill 1051 directs ODOT and Oregon Department of Revenue to establish fuel cost rebate programs for agricultural and forestry industry businesses and low- and middle-income Oregonians, respectively. The measure directs ODOT to calculate the per-gallon carbon price resulting from a Cap and Trade Program and determine the credit amounts for the programs. The rebates are funded through revenues collected from emission allowance sales and directed to the Transportation Decarbonization Investments Account and Climate Investments Fund. Senate Bill 1051 was passed by the Legislature on June 25, 2019, with an effective date contingent upon passage of HB 2020, which remained in the Senate Committee on Rules upon adjournment. Though passed by the Legislature, Senate Bill 1051 will not become effective.

House Bill 2682 clarifies that bicycle lanes exist in intersections if the lane is marked on opposite sides of the intersection in the same direction of travel. This legislation was introduced in response to two separate Oregon

court cases, which held drivers failing to yield to a bicyclist in an intersection were not at fault due to the lack of lane marking in the intersection. The measure does not require physical bike lane markings within intersections, but clarifies the bike lane exists in absence of physical lane markings.

Senate Bill 528 expands ODOT’s roadside memorial sign program, that previously commemorated public safety officers, to include fallen firefighters. The measure stipulates that the fallen firefighter be honored with the passage of a legislative Concurrent Resolution and then upon receipt of the sign fee, a roadside memorial sign will be erected and maintained to commemorate the firefighter killed in the line of duty.

House Bill 2835 ensures no net loss of public access to recreational waterways, and seeks to increase the number of public access points across the state. The measure, among other provisions, requires ODOT to develop a process whereby another state agency may suggest modification to certain ODOT projects if that modification may provide suitable recreational waterway access.

Scott Aycock said there used to be more of a direct Area Commission role regarding discretionary funds, setting regional priorities, for programs such as Enhance and Connect Oregon – adding that these funds have been earmarked the last 2 legislative sessions so there has been less COACT involvement in those decisions – and asked if Kayla sees this as a trend. Kayla responded that she could not speak to all of that, but that the goal is to start to run Connect Oregon competitively with Area Commission involvement again.

The last question for Kayla came from Wendy Holzman, who represents the bike and pedestrian modes of transport. She asked Kayla to once again talk about Connect Oregon and specify if the bike and ped funding was separated out, and if there was a change in the funding/funder. Kayla replied, yes, it was separated out and is now part of the multi-modal program, however, there is no change in the funding source. Since it is now a separate program, a brand-new set of rules has been written, in terms of how projects are selected and things like that. The separation occurred through HB 2592 and the bicycle and pedestrian program is now the Multi-modal Active Transportation Program and Fund.

5. ODOT ADA Plan Update

A) Presentation/Overview

Lisa Strader, ODOT

Lisa Strader, ODOT, presented on the details of ODOT’s compliance with the ADA Settlement, and the resulting Transition Plan. Her full presentation can be found here: <https://coic2.org/community-development/central-oregon-area-commission-on-transportation/>

Lisa stated that mobility limitations is the most common type of disability in Oregon. Due to past litigation, ODOT created the “Full Access Program” and is committed to providing a transportation system accessible to all users, which includes curb ramp improvements and pedestrian-activated signals statewide.

After inventory, it was found that most of the curb ramps in Region 4 (and the state) are classified as “poor.” Even some brand-new curb ramps are poor because of small deviations from the prescribed slope. In the past, standard drawings were used by contractors in ramp construction, but now ODOT is fully designing every unique corner. Union, Enterprise, and Lakeview are the pilot cities for this approach, which has improved the end result greatly.

Slated COACT 2020 Projects include approximately 175 curb ramps in the areas below:

- OR 361: 4th St to SW Fairgrounds Rd
- OR 361: Patriot Dr to 9th St

- OR 361: W A St to W F St
- OR 126: SW Rimrock Rd to NW Meadow Lakes Dr.
- US 26: NW McDougal Ct to NW 6th St
- OR 370: @ OR 126

Sally Russell stated she heard Lisa say that ODOT changed the approach from drawing to design. She asked Lisa what her suggestions for compliance were, adding the size of a dime can throw your newly-constructed curb out of compliance. Lisa stated that ODOT is looking at being more collaborative with the training, and working closer with the contractors.

Andrea Breault stated that Cascades East Transit adheres to the City’s ADA requirements, but wants to make sure CET is within compliance for ODOT ADA ramps and signage. Lisa told Andrea they would connect offline to address her concern.

6. ODOT Region 4 2021-2024 STIP Update

A) Information and Updates

Robert Townsend, ODOT

Robert provided the, “REGION 4 DRAFT 21-24 STIP 100% PROJECT LIST” handout, also available here: <https://coic2.org/community-development/central-oregon-area-commission-on-transportation/>. He said it is the same list as he shared in a previous COACT meeting, but some of the money amounts have changed. Some STIP money previously earmarked for 2021 – 2024 has been added to current year projects.

B) US 97/Bend North Corridor Project Update

ODOT was awarded the INFRA grant for \$60.4 million, which brings the project total to just north of \$133 million. ODOT still does not have the final award for the INFRA grant. Congress has 60 days to change their mind so the award will not be official until after that period, sometime in October. Robert anticipates that ODOT will likely prioritize the US 97/US 20 Corridor over the other components of the project. They plan to break ground in fall of 2021, but due to delay possibly 2022. ODOT is currently working on concepts and phased solutions. Robert could not share the details regarding those concepts because of the sensitivity of different options, so that information is considered sensitive until they are ready for public engagement. He stated northbound 97 will likely go by the railway, so ODOT is already working on purchasing those rights. There will be an internal planning meeting this fall to finalize 4 concepts. Robert shared that he hopes to be able to share the top interim solutions with COACT by the end of this year. ODOT plans to bring a consultant onboard and hopes to have an idea of direction by the middle of 2020, again reiterating that he could not share more details at this point.

7. Crook County – Juniper Canyon Letter of Support (ACTION)

A) Summary of project; request for BUILD letter of support

Bob O’Neill, Crook County

Bob O’Neill stated that Crook County applied for money through the BUILD grant, a multi-billion dollar grant available to projects across the nation, not just Oregon. Currently there is only one-way in and out of Juniper Canyon, which poses great risks in case of wildfire or any number of emergencies. Crook County is looking to construct an alternate route in and out of the canyon. ODOT graciously created drawing designs for alternate routes, and Robert Townsend gave a letter of support. Bob asked COACT for an additional letter of support. The BUILD grant is highly competitive, and the letters of support will help tremendously as

Crook County continues to apply to other grants. Robert Townsend said that due to the Paradise Fires, safe routes are important and a letter of support is a great use of COACT's time.

Robert Townsend asked if COACT is agreeable to write a letter of support. Mayor Uffelman made the motion, Wendy Holzman seconded. All in favor and passed by consensus.

8. Regional Roundtable

A) Group Discussion

Robert Townsend shared that ODOT is dedicating a conference room to Tammy Baney next Monday at 5:30 PM, and to RSVP to him if planning to attend.

Scott Smith stated that bridge beams were set on Elm Street Bridge in Prineville, and the bridge is scheduled for completion October 30th. And the kickoff meeting for the Hwy 26/E. 3rd Street project was last week and is under way. ODOT awarded \$1.3 million for the project, Prineville added an additional \$3 million, and they just spent \$350,000 in the acquisition of stormwater infrastructure.

Sally Russell stated that transportation is a huge priority for City Council. The City has allocated funds for over \$70 million in transportation projects. Bend is working hard to complete the Empire Corridor. The Murphy Corridor is slotted to be completed not long after. Both projects are critical to the east-west connection and providing safe routes for emergency vehicles.

Andrea Blum reported that ODOT recently traded land with Oregon State Parks between Hwy 20 and 126, so in the future Sisters can address traffic issues in that area. Additionally, Sisters may be able to remove the truck scales in the future thanks to the trade. Andrea reports that the bypass is working great for traffic traveling west, but going east is still creating a bottleneck at Locust since vehicles cannot turn left. The solution is building a small roundabout at Locust, and \$250,000 has been allocated for that project from the City.

Andrea Breault, of CET, reported that by January 2020, CET will introduce Saturday service to La Pine, Sisters, Prineville, Madras, Warm Springs, and Redmond for the first time ever. Schedules and routes are currently being mapped and planned.

Patrick Hanenkrat thanked ODOT for the funding to maintain the streets of Metolius and Culver.

Bill Duerden also thanked ODOT for finishing the project a day early that created major closures at 126 and Airport Way. Bill expressed gratitude for the relief in traffic.

Chris Doty reported the Deschutes County Transportation Safety Action Plan is almost complete, and the County is excited that ODOT is on board and invested. Also, the Central Oregon Public Works Partnership met that morning to discuss equipment sharing, joint contracts, etc. Chris stated that it was exciting to walk out of that meeting knowing he could utilize the collective to further goals.

Ron Cholin commented on the ADA curbs. He said as a trucker they help prevent tire blowouts, then added that his comment was supposed to be funny.

9. ADJOURN

Robert Townsend adjourned the meeting at 5:03 PM.