

Meeting Minutes

Central Oregon Area Commission on Transportation
COACT
May 11, 2017

Redmond Public Works Training Room
243 E. Antler Ave., Redmond, OR

Members: Bill Duerden, City of Redmond alternate; Dennis Scott, City of La Pine; Jeff Hurd, City of Madras alternate; Wayne Fording, Jefferson County; Jerry Brummer, Crook County; Karen Friend, Transit rep; Lonny Macy, CTWS; Marcos Romero, Federal Agency USFS alternate; Jack Seley, City of Prineville alternate; Melvin Ewing, Federal Agency BLM; Bill Braly, Bicycle and Pedestrian Mode rep; Jeff Monson, Transportation Options Rep.; Zach Bass, Aviation alternate, Gary Farnsworth, ODOT.

Guests: Mike McHaney, Jefferson County; Greg Currie, BLM Prineville; Chris Doty, Deschutes County; Kyle Bonnet, Century West Engineering; Nathan Hovekamp, Central OR Landwatch; Theresa Conley, ODOT; Joni Bramlett, ODOT; Della Mosier, ODOT; Bob Bryant, ODOT; Casey Bergh, OSU-Cascades; Cidney Bowman, ODOT Wildlife Passage Program; Phil Stenbeck, City of Prineville; Paul Bertagna, City of Sisters; Tyler Deke, Bend MPO; Bob O'Neal, Crook County;

Staff:

Scott Aycock (COIC),

1. Call to order and introductions

Meeting called to order by Wayne Fording at 3:02pm. Introductions were made

2. Public Comments

There were no public comments.

3. COACT Business

A. March 9, 2017 Meeting Minutes (**ACTION**)

Jerry Brummer motioned to approve the March 9, 2017 meeting minutes. Gary Farnsworth seconded. Minutes were approved by consensus.

4. 2017 OR Legislative Session

A. Joint Committee on Transportation Preservation & Modernization

Gary Farnsworth, ODOT

Gary introduced Susan Morgan, Association of Oregon Counties, who joined the group on the phone.

B. Transportation Legislation Update

Susan Morgan, Association of Oregon Counties

Gary asked Susan to brief the group on activities through the previous evening's hearing.

Susan began by noting that this has been and will be an intense session. The funding package started with a series of trips that the Joint Committee took around the state. There were several recurring themes:

Preservation – We need to focus first on the preservation and maintenance of the existing system.

Congestion - This was primarily regarding metro areas. Impact not just those that live in those areas but on people across the state that come there, and use freight that passes through metro areas. Congestion impacts everybody.

Transit - need to have a better transit system. Cuts across rural and urban areas. We have a system that is ready to take on an infusion of cash. Need more options.

[there were more themes but Susan did not speak to them at this time. Susan also spoke to slides from a presentation that was delivered at the previous evening's hearing. This presentation can be found here: <https://coic2.org/community-development/central-oregon-area-commission-on-transportation/>]

The Committee broke into 5 work groups. AOC paid most attention to the Highway Preservation and Maintenance work group. Most counties are focused on this. This work group suggested a substantial gas tax increase.

Public Transportation and Public Safety:

Transit: The work group determined that currently there's only about \$28M/year for transit in Oregon. There clearly needs to be a new revenue stream – they came up with a .001 tax on payroll across OR. A slide in the presentation last night shows the economic impact on OR - Slide 18. This payroll tax would generate \$107M. The revenue would be distributed to the Regions mainly through a formula allocation on a pro-rated basis. 85% formula allocated; the rest in competitive grants.

Safe Routes to School - \$10M in state highway fund for that. Should complete all the outstanding projects.

More for All Roads Transportation Safety Program - \$10M infusion.

Multimodal Freight Working Group:

Concerned that lottery funding directed to *ConnectOregon* is getting used for other needs, e.g. the recent ballot measures for outdoor school and veterans funding. Those takeaways had the legislature concerned about CO funding. Their initial proposal was a tax on aggregate – that's now off the table because it was not well received. Also proposed a tax on marine diesel fuel to pay for dredging. Also proposing that 2 cents of the gas tax be redirected to abandoned/derelect vessels on the coast.

Accountability Working Group:

Looking at putting pieces in place to change the shape of the Oregon Transportation Commission (OTC) – to add some duties and clarify organization chart regarding the Governor and the ODOT Director. Also looking to add some reporting and auditing requirements for the state, cities, and counties to show how this additional infusion of \$ would be spent.

Congestion and Freight Mobility Working Group:

Sen. Boquist chaired this. They focused on the Portland Metro region congestion projects – big ticket projects. Susan, listed some examples of these very big projects.

Concept is to “go dutch” – while the projects are of statewide significance, they are also of huge regional significance. 50% of funding would come from state and 50% would come from local sources. Discussion was that Metropolitan Planning Organizations (MPOs) would be given special designation to allow them to become taxing authorities. If that concept develops, another part of the conversation was to extend that authority to all the other MPOs in the state – offer them to be involved in the same kind of dialogue and generate revenue to deal with congestion-oriented projects in their regions.

Question is how to pay for the state part? The discussion is focused on a new vehicle excise tax.

Overall, this is a huge package in total – \$8-9 billion over 10 years. If the concept works, the state could roll it forward for another 10 years. This the first time that Oregon has looked at doing a transportation funding scenario across all the modes and over so much time.

Fuel taxes, registration fees, title fees, and license fee increases would pay for the maintenance and preservation needs on the system. This would provide a lot of money, through ODOT, through state system.

The proposed new vehicle excise tax would start at 1%, and would increase by ½% in the 3rd and 5th years – that would pay for the state half of the congestion projects.

A new bike excise tax 5% applied to nice adult bikes (not kid bikes), “serious bikes”, would raise money for bike/ped projects along with a carve out of *ConnectOregon* funding for bike/ped.

At the Committee presentation last night they started talking about all the revenue pieces. Talked about the fuel tax, registration fees, title fees, etc. Registration fees will be tiered – lower fee for vehicles that use a lot of gas and higher fee for those that use less gas.

This was not a conversation about who was going to vote yes or no – but what to put in the initial bill draft.

Didn’t get to a discussion about the excise tax or the 50/50 proposal for congestion projects. The Committee will continue with meetings Monday and Wednesday nights the week of May 15.

Gary Farnsworth – regarding the hearings, I will ask Scott to send out a web link so that everyone can watch online. You can also pull up the displays and materials so that you can see everything.

Gary continued by noting that, in the way of timelines, this process is going to ramp up the next few weeks. In first part of June, they will start hitting hard on the bill, and we probably won’t have something solid until the end of June.

Gary – we’ve shown the funding mountain chart a few times. Way he’s heard it described – as we’re starting to project what that will look like over next 10 years, starting at the left, the mountains that we’re used to seeing on that chart would represent the coastal range and this package would be like the Cascade Range.

Roughly \$2B/year in place now and this will add \$1B/year and will ramp up starting in 2018.

Bob O'Neal – do tax increases have to go before the voters?

Susan – there is the potential that they will be referred, but it's too soon in the game to know. You could see the people in the audience at the Hearing – those that were new to it were really astounded about the amount of money being discussed. It's also a long program at 10 years – most prior funding programs have been more like 3 years. Going to take a while for people to get used to this.

This is happening at the same time as discussions about the general fund revenue deficit, so they're going to be intermixed conversations. Any or all of these funding proposals could be referred.

Gary – There is a different tiering structure than we had previously. Instead of starting with 6 cents gas tax, starting instead with 3 or 4 cents and then going up that amount at each time threshold.

Gary – Equity questions – should low % payroll tax hit everyone when it's going to apply to some areas more than others?

Scott Aycock - where the \$ would come from for *ConnectOregon*? That funding would be from the new vehicle excise tax.

Gary requested that Tyler provide some more information regarding the local/MPO funding ideas for congestion and related projects.

C. Local Funding Proposals in Funding Package

Tyler Deke, Bend Metropolitan Planning Organization

Tyler Deke directed the room to slide 28 of the Joint Committee slides. Metro came into the session with a list of 9 projects for over \$1.1 billion, and asked the legislature to fund 50% and they would fund 50%. There has been a lot of discussion/back room work between legislative council and the City of Portland, Metro, etc.

Once word got out about the potential MPO funding authority the two other larger MPOs wanted the same potential – they didn't want to be mandated to raise local funds, but want the same taxing authorities and the same tools. The remaining MPOs said we also want it. They are looking at a whole range of tools – new vehicle sales tax, tolling, property tax, registration fees, fuel taxes – not only for highway projects but for things like major transit projects.

Gary noted that we almost always end up in a major cost-sharing situation. Not that unusual. New part is having new tools to raise local funding.

Tyler – Portland Metro is starting to pull back; they are not sure that they can do 50/50. Maybe 60/40? Other metro areas have said that if Metro can't they can't either. Tyler is asking for an assessment of what the numbers could look like. It might be more like 70/30 or 80/20. Don't want to be locked out for using those tools.

Tyler stated that there are still too many loose ends to know how it will go. He discussed with the City of Bend lobbyist. But there are only a few sentences out there for scrutiny. Tyler's concern is would Central OR even be eligible for some of those dollars?

Gary noted that we've only seen the tip of the iceberg in terms of project lists. Susan agreed.

The Course of Action #2 diagram on slide 29 shows the Portland congestion projects over time, including the amount of time it takes to design and get things to where you can start building. **The assumption is that the community does the design/engineering (I'm not sure I caught this right).** The timing of those projects was a major determinant in shaping the funding discussion. There will be lots of spreadsheeting and discussion about how to stage all of these projects. There will be combining of revenue streams and a lot of consideration about how to space out revenues and projects over time.

Gary – the presentation also has info around the accountability provisions and expectations on OTC restructuring.

Susan said yes, there is a lot of discussion about if the citizens of Oregon are putting this much \$ on the table, we should be able to show them what we're going to do with it. That's the focus of the Accountability group. The group is also interested in getting the OTC more direction/control over the policy and accountability aspects inside ODOT. These are all generally positive innovations and there is a great deal of interest in it.

Gary asked Susan, as we look at the timeline, do you have any impression about the value of ACTs planning on a special meeting in June? Susan – if you're interested in watching this evolve you should watch the committee meetings. You can watch on the archive. That will help you understand the progression of the discussion. When the bills come out and hearings are held, what do the people of OR have to say? Citizens and stakeholder groups will be looking at this and at the value of the investment. People should be involved in those hearings.

Tyler – The federal FAST ACT has a new freight program. With the projects that are being proposed in Metro, those projects could consume all of those federal freight dollars as match.

Gary – that sounds familiar – there's a connection with the extra effort on the freight plan. How would that interrelate with these projects?

Bob Bryant – the focus so far has been around amending the freight plan to incorporate the things required by FAST ACT. That's been the focus so far. Get that element of work done before getting too deep in to project selection. Bob also reminded the group that there are urban and rural carve outs for the federal freight piece. So that won't change.

Gary – we talked about a placeholder for 1st or 2nd Thursdays in June (June 1st and June 8th) for a COACT meeting, if there's something that would be beneficial. We could do it as a phone conference.

Gary asked the COACT members to keep those dates open and requested that Scott reserve this room.

Gary asked if there were any more questions for Susan. Hearing none, Susan left the call.

Karen Friend noted that transit capital projects are proposed to be taken out of *ConnectOregon*. They would instead be included in the TIP – 5% . 90 for operational and 5% for capital. Her understanding is that that will be corrected.

Wayne – Sounds like a lot is going to happen in June.

Karen noted that she was at the meeting Monday night. They were pushing hard for Legislative Council to be there and for bills to be drafted within 2 weeks. Really pushing for that.

Gary asked Karen for an update on COIC's ORS 190 bill. Karen noted that the bill passed the transportation committee unanimously and now is on to the revenue committee. Karen and some supporters testified in the public hearing last Thursday.

Karen summarized the bill by stating that it is an amendment to ORS 190.083. The current provision allows COIC to ask voters to approve property tax levies for transportation “facilities” but not transit operations – the amendment would allow COIC to ask voters for transit operations funds through a property tax. The proposal also allows the development of different zones with different tax rates, but those zones would only be allowed to move forward when the relevant city or county desires more service. Allows different communities to develop the service they want, but also maintains the single regional system. It also ensures that all revenue is spent in the community from which it was raised.

5. Federal Lands Access Program (FLAP) – Follow Up

A. BLM Road Needs Inventory Update – Melvin Ewing, BLM

B. Della Mosier, ODOT

Melvin began by discussing the list of “hot spot” roads with issues that was distributed at the last COACT meeting. Melvin introduced Greg Curry, who has been keeping an inventory of roads for BLM Prineville District for a long time. There are 1.5 million acres in the Prineville District that are “under management”, encompassing many counties. Regarding the FLAP program – the BLM can partner with COACT members. If anyone has a project of interest, the BLM can get proponents info, and can provide an endorsement or letter of support. The Prineville District has the Central OR Resource Area in the east and the Deschutes Resource Area in the west – the latter has many more recreation-type projects than the former.

Melvin advised COACT members to be thinking ahead of time rather than waiting until late to put together an application. Melvin has a list of projects on file; and can add to that list.

Melvin will send Scott Aycock the list to distribute to COACT members and other interested parties.

Phil Stenbeck – can FLAP funding be used for road maintenance? Yes.

Phil – if each community puts in their own projects will there be a competitive ranking? A: Yes. Phil proposed that we all as a group, as COACT, might want to develop a loop – an economic beltway – and apply as a group together to be funded. Create a cohesive route.

Gary Farnsworth asked Della Mosier to join the table.

Gary noted that we started this discussion at the last meeting – David Amiton and Della Mosier summarized FLAP and discussed how ODOT would like to coordinate efforts. The goal is to be strategic and bundle projects, ID themes, etc. It’s nice to have BLM’s list – we can find some good matches. Potentially we could look at a system approach. Use signing and types of work to bundle elements to cross jurisdictions.

Della Mosier – Melvin’s list is great. Marcos Romero has been through this several times. We are still way ahead of FLAP – Feb. 28 2019 will be the due date. WE have lots of time to be strategic and thoughtful. How can we individually, collectively approach the next round of applications?

We are not interested in a super competitive environment – let’s coalesce around some ideas. Maybe focus on maintenance. What about pooling trailhead/signage projects? Or active transportation/bikes>

Right now we are in the discovery phase – putting together a system plan would be a great idea.

ODOT is trying to be a clearinghouse – get this group to think about what the project list would be by February 2018. Put all of our projects on the table - counties, cities, all partners. Remember that federal partners must find your project a priority.

What are the key strategic partnerships and where can we align priorities.

There is no reason that we couldn't put the whole list in. But it would make sense to think of a 100% list and a 150% list.

Bob O'Neal – Regarding maintenance, a lot of what we have that accesses BLM is on a gravel road. We do a lot of upkeep on them. Could you put in for a crushing job to crush gravel and have rock to put on the roads? Marcos – yes you can. Has to be mutual benefit for federal agency, but you can make that work. Can't be a BLM road – has to be a county road.

Marcos Romero – we first vet projects within the Forest Service. That group is Marcos, Peggy Fisher, Forest Supervisor John Allen, and the relevant Ranger. That group looks at all the projects that access the Deschutes-Ochoco National Forest, ranks the projects, and sends that along to FHWA. It's good to see that we're talking about it at a Central OR scale; a bigger pool of potential projects will come in.

Also, note that John Allen signs the applications. It's a "co-application" not a letter of support.

Della – We encourage everyone to discuss with your federal partners. We'll get the list of projects together and let's see the overlaps.

Greg Curry, BLM – another issue we bump into is whether or not a project has NEPA clearance. That's always the thing that can slow you down. Greg thinks in terms of the following list of priorities: major recreation site and river access road issues, regional trail access (e.g. Willow Creek) issues, and defining and creating a smaller number of better-quality access points. In terms of creating better quality access and decreasing the number of access points and the number of substandard roads accessing BLM. What access improvements are available to get users to not use their auto to access BLM trailheads?

Della – great point on NEPA. We still have lots of time to get our arms around whether or not NEPA will be needed. FLAP does have a planning category. The program prioritizes construction, but still can get some planning done.

Della mentioned that Bob Bryant is very engaged with the FLAP participating on the statewide Programming Decisions Committee.

Bob Bryant – In recent years with FLAP, projects outside construction are eligible – we've had planning, research, transit, and construction from preservation to enhancements. The range of eligible projects is very broad under FLAP. It's not unusual for Western Federal Lands to support a planning project if it has merit for achieving the goals of the program. Not all solutions are evident, and they may need planning.

Mike McHaney – this is a statewide competition – We all have needs but we have to be able to compete statewide.

Bob Bryant – The #1 criteria is access to federal lands, then traffic volume – you need to demonstrate the scale of access that you are addressing.

XX – We might consider prioritizing them ourselves here locally, and have COACT as a whole pitching the projects.

Melvin – if you want to look at partnering with the BLM, it's a good idea to do more than a telephone call. Put it in writing – there's a written record and we have to respond.

Wayne Fording. – The BLM has been working with a group to consider the secondary access for Crooked River Ranch, correct? Can you provide a update?

Greg Curry – The environmental assessment is complete and into the public review process.

Chris Doty - Comments due June 9 and there are 3 alternatives. The project needs some add-ons (e.g. fencing to mitigate impact), but it's looking good. The Crooked River Ranch Association is meeting the 1st week in June to review that.

Greg – one of the major hurdles was the environmental assessment.

Wayne – Is the project eligible for FLAP? Yes, now that the EA is out. Now it is a legitimate right of way. It has potential for FLAP funding b/c it would provide federal land access. Wayne – at least a portion of it could be appropriate for FLAP. The environmental assessment acknowledged the access piece. But it needs to be a ROW.

Bob O'Neal – what's the scope of work?

Chris – another access into CRR. It's a Jefferson and Deschutes county thing.

Gary Farnsworth – Two things: 1) we can convene the TAC to discuss FLAP project ideas; 2) Let's get ideas together – Della and David can take on the conversation to come up with what those strategies could look like.

Della – if you have ideas, check with your federal and local partners and by Feb. 18 2018 we will pull together everything.

6. ODOT Wildlife Passage Program

A. Informational Update

Cidney Bowan, ODOT Wildlife Passage Coordinator

Cidney opened by noting that she is the first person at ODOT with this job title. Cidney then spoke to her presentation, which is available here: <https://coic2.org/community-development/central-oregon-area-commission-on-transportation/>

Following are highlight points from Cidney's presentation:

- Most folks have hit a deer or know someone that has. Deer have evolved to avoid predators – jumping randomly and the deer in the headlights phenomenon are adaptations. Deer haven't evolved to see cars as a threat.
- We have increasing habitat fragmentation due to roads.
- 1,250 wildlife collisions/year in OR.
- Testing whether or not animals are using the various structures. Have photo points set up. Elk, deer, bear, cougar, bobcat are using them.

- Intern drives the corridor – in one site we had 1 animal killed per year, but prior was 7 per year, for an 86% reduction.
- There are 17 locations that are recommended for doing something about wildlife passage.
- There are 500 deer/automobile collisions per year between Bend and K Falls. If we have the same success rate we would reduce that number to 50.
- This is an unfunded program – it has no budget. So installations are opportunistic.
- Phil Stenbeck noted that Statewide Planning Goal 5 requires that we map and plan for this.
- Maintenance crews – during migration periods they have warnings for migrating deer. LED signs or other tools.
- Created a brochure with driver tips. Put them at ODOT offices, DMVs, truck stops, Forest Service offices, High Desert Museum, Visit Bend, etc.
- Got a page in the DMV new drivers manual. Targeting the drivers that don't have the bad habits yet.
- Working with maintenance to get wildlife as a possible consideration for Variable Speed signs.
- Using OTIAA bridges – fencing them using them as pseudo-undercrossings.
- Partnering with upcoming projects e.g. at Lava Butte – try to find funding for passage structures.
- Developing a webpage at Region 4 and looking to take this statewide.
- We are also developing a roadkill app to generate more data.
- Utilizing tech – have been experimenting with a black box that detects wildlife. People have sign fatigue with permanent signs. Radar too. Also, the Washington connectivity working group has a mapping process to identify areas where structures should be.
- Program future: updating a maintenance data set. Working to get the data into TSPs, county planning efforts, USFS/BLM plans and designations, and into the STIP process. Rather than being an add-on later, we'd like to address wildlife passage earlier in the game.
- Oregon just signed on to a pooled funding project with a bunch of other states. Also interested in cattle, horse open range issues.

Paul Bertagna – why undercrossings versus overcrossings? A: it's cheaper.

Scott Aycock – Is population control an appropriate tool given current and historical herd populations? NO – deer population is going down and cars are 20% of the mortality.

7. Area Roundtable

Joni Bramlett – We are coming up on the next Region 4 transit funding solicitation. We created a steering team with Region 4 management, Joni, and a volunteer from each ACT. We wanted people to learn more about transit and how projects are solicited, criteria, etc. but also wanted local involvement and wanted the ACTs to help make decisions.

Ken Mullenex helped last biennium. Need another one this biennium. Need a volunteer from an agency that will not apply. Involves a couple meetings. There is \$500K available this time (less than last time).

There were no volunteers

Gary – Scott can forward an email with the request. Joni will send a timeline/language for Scott.

Jeff Hurd handed out a Madras transportation needs list. He has on this for quite a while, these are needs they've been hearing from the community. It's an example of the scale of needs in Madras, with both today's cost and future cost. As

you move through “net downs” due to funding and other considerations, the list gets smaller and smaller. It just shows the scale of needs. Might help when talking to elected officials and constituents to show that there is really a need out here.

Gary – An observation... we’ve develop a lot of excellent web and GIS tools. This has allowed us to develop something of a database of needs. Maybe ODOT could bring all these sorts of things together and create a clearinghouse of info? Doing more and more with planning documents and the capital program with those same tools. Let’s create something to put up on the web, and the ACT website could be a portal.

Phil Stenbeck – how did you forecast the cost increases? Jeff – we used an average inflation rate.

Gary - McCall Road is getting close to construction. Barclay project – getting close to the artwork piece.

Paul Bertagna – Just noting that FLAP is great for Central OR.

Bob O’Neal – question about Tom McCall – Crook Co. is donating the ROW for this project. That has somehow tied up the project. Why?

Gary – We have to carefully substantiate how we value the different forms of match. Those numbers have real relevance at crunch time. So when someone provides an amount of match, we all need to agree on that number. So it’s being verified.

Bob O’Neal – it’s actually coming back as being worth more. Gary – yes, and that’s a feather in your cap.

Mike McHaney – Regarding the transportation package, can we separate the gas tax from all the other stuff?

Wayne Fording – Unlikely, its going to get all mushed together. Let’s keep 6/1 and 6/8 open so that we can discuss together.

Mike – the statewide transportation payroll tax would never get support in Central OR. They put too much stuff in it.

Adjourned at 4:53