

# ***RVACT*** *Rogue Valley Area Commission on Transportation*

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**To:** Members, Rogue Valley Area Commission on Transportation

**From:** Pat Foley, RVCOG

**Re:** Summary of July 14, 2009, RVACT Meeting  
ODOT Conference Rooms B & C, 100 Antelope Road, White City, OR

**Members and Alternates in Attendance:** John Stromberg and Mike Faught, Ashland; Tim Cummings, Grants Pass; Linda Meyers, Jacksonville; Dwight Ellis, Josephine County; Al Densmore, Medford; Arthur Anderson, ODOT; John Bond, Rogue River; Margaret Bradburn, Shady Cove; Jay Henry, Talent; Mike Montero, Alan DeBoer, Craig Stone, Stacey Kellenbeck, James Lowe and Stan Wolfe private sector representatives from Jackson and Josephine Counties

**Members Absent:** Butte Falls, Cave Junction, Central Point, Eagle Point, Gold Hill, Jackson County, MPO Policy, Phoenix, RVTD and private sector representatives Reeve Hennion and Robert McCraley.

**Staff:** Gary Leaming, Kelly Sparkman, Paul Mather and Mike Baker, ODOT; Pat Foley, RVCOG

**Other: Cory Crebbin, ODOT Medford;** Allison Mac Mullin, Representative Maurer's office; Scott Jorgensen, Illinois Valley News; Dick Leever, Mark Thompson, Lisa Cortes and Randleman, ODOT,

**1. Roll Call**  
Mike Montero

Roll was taken. A quorum was present.

**2. Approval of Minutes**  
Mike Montero

The March 10, 2009 RVACT minutes were approved as submitted.

**3. Public Input**  
Mike Montero

There were no public comments.

#### **4. Jackson/Josephine County RVACT Equity Issue**

Mike Montero and Stacey Kellenbeck

Stacey Kellenbeck, RVACT Co-Chair, representing Josephine County, read the following prepared statement:

I appreciate the commission's continued willingness to review and monitor the issue of equity between our two counties. This issue remains central to our ability to conduct business as it is the foundation upon which we cooperate. As you are aware, Josephine County is unique in that we have only two incorporated cities, besides the county itself, to represent our various populations. I believe the continued involvement of Grants Pass is critical to the effectiveness of this entire Commission and the region we serve.

RVACT's bylaws provide a forum for communication, learning and understanding of transportation issues as they affect the Rogue Valley's economic opportunities and livability. My purpose today is to call your attention to Grants Pass because opportunities and livability are being jeopardized due to major political instability... and in turn, that affects transportation. As some of you may know, the City Council has forced the immediate resignation of our City Manager without cause and completely consumed the staff's time upon which we often rely for compiling information. Besides the manager, three city attorneys, the community development director and an associate planner have also resigned. Organizers of a recall effort will soon have enough signatures to place five of the newest Council Members on a recall ballot. With this level of instability, it is my opinion that Grants Pass is currently rendered absent from this Commission's process.

In no way do I mean to detract from Josephine County projects or the future interests of Grants Pass. I respectfully request a two-month postponement of the equity issue while we either shift the entire focus of our debate to Josephine County or hopefully find solid ground on which to move forward within Grants Pass.

#### Motion:

Craig Stone made a motion to postpone for a period of approximately two months the consideration of the Jackson/Josephine County equity issue. James Lowe seconded the motion.

#### Discussion/Comments:

Tim Cummings feels that the chaos in Grants Pass is understated. The amount of staff time that is dedicated to other than the operation of our City is overwhelming. Laurel Samson is the key component in helping us with this item.

Stacey Kellenbeck asked that the next RVACT meeting not be held in the Grants Pass council chambers because of the parking situation. She suggested holding the meeting at the Josephine County fairgrounds or at the public works building. Another reason for having the meetings at either of the suggested locations is to let RVACT members experience driving through the South Y and on Highway 199.

#### Vote:

The motion to postpone the equity issue was unanimously passed.

Mike Montero added that in times like this it is important that we have a cursory review of what our mission is. The RVACT is an advisory commission to the Oregon Transportation Commission to provide them with our best advice on the prioritization of funding that is made available for the sole purpose of improving the performance of the state's facilities. We have two counties represented in this ACT. There is a distribution formula that determines how much funding comes to the Region. It is up to the RVACT to determine how to use it. Events during the last legislative session that provided specific project earmarks are completely beyond the purview and the control of this commission. The RVACT is to be commended for the effort that has been made to try and balance the equity between the two counties against the needs for investment in the system. He reminded the group that the last time the equity issue surfaced it revolved around our obligation as a commission to reduce funding to projects that had already been committed to. The project that was partially defunded was the Highway 199 project. The reasons for doing so were that a preferred alternative had yet to be selected and the project could be phased. However, in advance of that vote, this commission took a position that the first dollars out of the STIP, unless otherwise precluded by the commission, would be used to restore the funding taken away from the Highway 199 project or any other project. Our first commitment as a commission with STIP dollars, unless we are told otherwise, will be to restore funding to the Highway 199 project.

## **5. Jobs & Transportation Act Update/2010-2013 STIP Update**

Paul Mather

*(Handout: Enrolled HB 2001)*

Referring to handout "Enrolled HB 2001" dated July 18, 2009: Paul reviewed Sections of Enrolled HB 2001 which have ACT implications.

### **Section 1 - Task Forces and Studies**

- Directs the House and Senate Interim Transportation Committees in consultation with the Oregon Transportation Commission (OTC), local governments, planning organizations and stakeholders to:
  - Review best practices for stakeholder involvement in transportation decision making. \*includes ACTs, compare what is happening nationally and in other regions regarding decision making.

### **Section 5 – Transparency**

- Directs ODOT to provide information about every transportation project funded by HB 2001 on its website. Access to the information must be directly from the department's home page.

### **Sections 6 & 7 – Least Cost Planning**

- Defines "least cost planning" to mean a process of comparing direct and indirect costs of demand and supply options to meet transportation goals and / or policies where the intent of the process is to identify the most cost-effective mix of options.
  - \*This is a concept that will be looked at during the next two years. There are no implementation plans at this time.

### **Sections 8, 9 & 10 – Connect Oregon III**

- Makes the Legislative finding that lottery funds may be used to finance multimodal transportation facilities because a strong multimodal transportation system supports economic development.

- NEW – Requires that 5 percent (\$5 million) of the bond proceeds be allocated to rural airports.
  - The selection process will begin in the fall. If there are projects that are qualified think about submitting applications. The process is very similar to *ConnectOregon* I and II.
  - In *ConnectOregon* I and II this Region struggled to meet the minimum funding allocations. The depth and quality of our projects were lacking compared to other Regions.
  - The minimum that this Region will receive is \$10 million (10% for each Region within the State). The remaining \$50 million is open for open statewide competition.

**Sections 16 & 17 – Selection Criteria for Statewide Transportation Improvement Program (STIP) Projects**

- Directs the OTC to work with stakeholders to review and update the criteria used for STIP project selection. When it revises the project selection criteria, the OTC must consider the following principles to:
  - NEW – Is consistent with the state’s greenhouse gas reduction goals and reduces the state’s dependence on foreign oil.

\*The OTC has formed a committee to give them more detail on how to change our criteria during the STIP selection process based on this legislation. Time table for this is undetermined.

Question: Are these criteria subject to judicial review? Response: The criteria has not been challenged in the past.

**Section 18 – Environmental Stewardship / Green Standards**

- Directs ODOT to adopt rules that take into consideration environmental stewardship approaches developed for the 2003 Oregon Transportation Investment Act, including:
  - Reduce Oregon’s dependence on foreign oil. Question: How will this be accomplished? Response: To be determined.

**Sections 25 to 28 and 69 - Four Year Moratorium**

- Prohibits a city, county or other local government from enacting or amending an ordinance imposing a tax on motor vehicle fuel from October 2009 to January 2014.
- Requires a city, county or other local government to first seek voter approval before levying a tax on motor vehicle fuel on or after January 2, 2014.
  - A discussion at the MPO revolved around the difference between a tax and a fee.

**Section 31 – Urban Trail Fund**

This fund is in addition to Transportation Enhancement program. Funds for Urban Trails are coming out of the Snowmobile Fund.

**Section 37 – Planning to Reduce Vehicle Miles of Travel and Greenhouse Gas Emissions**

- \* Primarily addresses Metro issues.
- \* Comment/Question: The Regional Problem Solving planning may fit into this section e.g. Requires ODOT and DLCD to provide technical and financial assistance . . . Is this something that this Region would be precluded from trying to engage the departments to assist with the resolution of any of the listed issues? Response: I don’t believe so.

**Sections 40 thru 54 and 68 - Fees**

Brief overview of different transportation related fees.

**General Overview:**

The bill raises \$300 million annually. Twenty-four million dollars is taken off of the top for transit and \$3 million is for rest areas. The balance, \$273 million, is split 50/50 between ODOT and cities/counties. The timeline for implementation of various funds: 1) registration fees when bill becomes effective (near October 1<sup>st</sup>), 2) gas tax has a qualifier – two or more consecutive quarters of 2% economic growth or January 1, 2011, whichever comes first.

In this area there are three ODOT projects that are identified to funded through an **audit program**: 1) Highway 62 (\$100 million), 2) Fern Valley (\$25 million) and 3) Climbing Lanes on Sexton (\$10 million).

The total bonding amount for all of the projects is approximately \$950 million. There is additional money left in ODOT fund that will be applied to the maintenance program and about \$20 million annually to the modernization program. Regarding the RVACT's equity issue, this \$20 million is a statewide amount, in this area that equates to approximately \$2.5 million annually. The process for distribution will be worked out by our Commission in the next couple of months. About a year ago we updated our STIP to add projects for the years 2012/2013. Those projects were added based on revenue flow or projections at that time. Our projections have been dramatically lower than what that STIP was built upon. Our Commission is going to discuss how to deal with projected reductions in revenues. The staff's recommendation to the Commission is going to be to reduce the STIP by approximately \$250 million. If the STIP is reduced by \$250 million, that will be approximately a \$20 million to \$30 million reduction in this area. The restriction on those dollars though, we can't take any projects from Modernization. All that money has to come out of preservation, safety, operation and bridge projects. We will wait for instruction from the Commission. Once we have that we will be working through our process to make recommendations back to the Commission. Technically this group makes recommendations to our Commission just on the Modernization projects. In the next several months is a very confusing process, on one hand we are going to be coming to you with recommendations, you are going to have discussions about how to spend this Modernization money and at the same time we are going to be taking \$250 million out of our STIP on the bridge, pavement, preservation, safety and operations side. We will be adding a few projects to the STIP and taking out a whole bunch of projects. Exactly which projects those are, what the dollar amounts are, we are still sorting through all of that. It is clear that when you look at this bill being focused largely on those earmarked projects, there is not a lot of general funding to help deal with some of these smaller projects. This group will have an opportunity to alleviate some of the cuts that we have in the STIP. We have a number of safety and operations projects, examples:

Some projects that qualify as modernization projects. So if they are important projects to you from a safety standpoint and you want them to compete on the modernization side you will have that latitude. Safety left-turn lane on Hwy 238 and Jaynes Drive, Hwy 62 left-turn at Barton Road. These are a couple of projects that would be cut under our STIP but would qualify for modernization funding if you wanted to take the allocation modernization funds and apply to them. This gets back to the equity question and the point that modernization funds were to go to the Hwy 199 project. It is going to be a fairly complex process. We will come to you with an array of alternatives for you to consider. What we next in this process is more detail from our commission, what are the dollar amounts, limits, etc. It will be challenging to add the earmarked projects and some level of modernization projects to the STIP at the same time taking out a

pretty good chunk of projects. Region wide we are going to be taking out about \$50 million and that represents almost a full year of our total construction season.

### Questions/Comments

Al Densmore, what part will the federal reauthorization debate play in this? Paul, that is the other wildcard at this point. The federal trust fund is going bankrupt sometime next month. Congress is going to have to take action to either transfer funds from the general funds. If they don't take action, potentially we will be at a place where we have to stop work on any of our federal contracts that are under construction. I am assuming they are going to take some action. The other piece in the federal side is the current authorization bill expires September 30<sup>th</sup>. That is the bill that they pass every five or six years to authorize transportation. They are currently working on a continuing resolution to extend the current bill for a year or eighteen months. We are assuming that we are going to be held at the current level. If we are surprised and there is a reduction in the federal side the reductions that I just talked about will be even more. Once we get beyond that and congress gets to a reauthorization bill, but there is discussion about increasing the amount of money from the federal side. How they will do that is going to be interesting. I don't anticipate that conversation as a part of adding additional projects from the federal funds, at the earliest a year from now more likely two years from now.

Art Anderson: Has the Governor signed this bill. He hasn't that I am aware of. I understand that there is some political maneuvering going on as far as trying to keep the bill from being referred and putting challenges in front of people that may want to refer the bill to the voters. The intent of the Governor is to sign it. There are no issues.

Cory Crebbin: Regarding Cost Planning, I am hoping ODOT will adopt something like FHWA's cost analysis software so that we have a common template to work from.

Ashland: What would be the cause of the bill being referred? Typically it has been anti-tax.

Art: We are talking about having to take major cuts out of the Pres program, etc. but would we be able to, since we have done some of those projects this summer with the stimulus program, would that lessen the blow? Yes. Staff and I have been thinking about this problem coming and when we were presented the opportunity with the stimulus dollars, we looked at the extent we could to get approval for those projects that potentially would be facing cuts in 2012/2013 and use stimulus dollars for that. We think that we can lessen that blow especially in the pavement preservation side by at least 50% if not more. There are still going to be the handful of projects, especially around safety and operations that we weren't able to get to with the stimulus dollars because of time constraints that will be worthy of discussion by this group.

Mike M. what you just stated about the stimulus dollars, if they had been applied to projects that otherwise would be cut, and then our region area boundary would be able to apply as credits against future cut obligations. Right.

James Lowe, I have in my mind between 14 and 17 that was paved two years ago and then repaved again recently. You brought some of that stimulus money forward to try to get some of that you anticipate. It was in that project from Ashland south to /// the Ashland I-5 paving project is in the draft STIP in either 2012 or 2013 and so we pulled that one forward and funded it with stimulus dollars because we were able to get it done in a few months.

## 6. Local Stimulus Project Updates

Kelly Sparkman

*(Handout: Jackson and Josephine County ARRA Projects)*

Kelly updated the RVACT on ARRA projects in Jackson and Josephine Counties.

- Ashland city streets pavement overlay, \$438,791 – out for bid.
- Ashland - Hersey Street sidewalks, \$200,000 – awarded to Copeland.
  - Bid came in under engineers estimate.
- Central Point - 1<sup>st</sup> Street – 6<sup>th</sup> Street overlay, \$392,787 - developing consultant contract with construction planned next year.
- Jacksonville - bike/pedestrian improvements, \$238,500 – developing consultant contract with construction planned next year.
- Medford - Barnett Road pedestrian bridge/multi-use trail, \$1,027,699 – in final design. (The estimated total cost of this project is \$2.33 million; Earmark and CMAQ funds have been allocated to cover the difference.) This project is scheduled for construction in November 2009.
- Phoenix & Talent overlay on five different streets, \$542,735 – out for bid.
- Jackson County & Eagle Point overlay on four different streets, \$1,475,914 – being processed/reviewed by ODOT's Office of Pre-letting. Expected bid date is August 20, 2009.
- Grants Pass pavement resurfacing on four to six streets, \$690,580 – developing consultant contract.
- Josephine County ODOT overlay project, \$71,000 – out for bid. These funds are for overlaying a County road.

## 7. Local Construction Projects

Gary Leaming

*(Handout: ODOT Region 3 Project Information Sheet – Federal Stimulus Construction: Southern Oregon)*

### **Federal Stimulus Construction: Southern Oregon**

Gary updated the RVACT of construction projects in Southern Oregon funded with federal stimulus dollars. There are five total projects.

- Oregon 62 paving project Poplar Drive to Trail, excludes Owens-Cocker Butte Rd., Linn Rd. to OR 234, Brophy Lane to north of Shady Cove, \$6.9 million – pavement preservation, grind and inlay. Paving started last week.
  - Oregon 140 – White City to MP 8.
- Interstate 5 – Ashland area paving, MP 11-19 Northbound, 19-14 Southbound, \$2.7 million. Project complete.
- Old Siskiyou Highway, Bear Gulch Culvert, MP 9.9 repairs, \$470,000. Out to bid.
- OR 99-238 Grants Pass, Modernization Project provides curbs, gutter, sidewalks, landscaping to Highway 99 and new pavement to both 99 and 238, \$1.5 million. Under construction. Paving of New Hope Road - \$1 million, construction finished.
- US 199 chip seal, Redwood Highway from Cave Junction to California border, \$1 million. Project will be finished next week. This project is bundled with chip sealing Highway 138 east of Roseburg.

## **Local Construction Projects**

- South Medford Interchange: Signals have been installed. Timeline: Interchange will be opened on Thursday evening (July 16<sup>th</sup>). Barnett Road will then be closed early Friday morning (July 17<sup>th</sup>). Barnett Road, worst case scenario, will be closed for six months.
- Grants Pass – Hwy 99/238: Hwy 99 has curbs, gutters, sidewalks and some landscaping. Pavement on the state system has been halted. ODOT is working with contractor on pavement mix.
- Greensprings Hwy - Hill Creek intersection culvert being replaced. Project should be finished by the end of August.
- Highway 62 repaving project funded with stimulus dollars.
- I-5 North Grants at Jumpoff Joe – Preliminary work under Highland Drive overpass.
- Exit 58 to Siskiyou Summit
- I-5 Frontage Road bridge – deck and rail will be finished this fall.
- Rockpoint Bridge – work to be done after Labor Day – cut rail, redo deck and understructure work.

## **8. RVACT Report to Oregon Transportation Commission**

Art Anderson

*(Handout: Biennial Report of the Rogue Valley Area Commission on Transportation)*

The Biennial report will be submitted to the Oregon Transportation Commission in September. This document describes the efforts and accomplishments of the RVACT. He asked that RVACT members review the document and email any comments to him by August 15<sup>th</sup>.

## **9. Oregon Transportation Commission/Legislative Updates**

Paul Mather

In the next couple of months the Oregon Transportation Commission will be looking at specific items regarding this area:

1. This month the Commission will be adopting the classification of the part of Kirtland Road that ODOT acquired from the County and the extension of Highway 140 to be included in the Highway Plan.
2. The IAMP for Phoenix (Fern Valley Interchange) will be on their agenda in a couple of months.

## **10. Agenda Build/Next Meeting**

The next RVACT meeting is scheduled for September 8, 2009 in Josephine County.

- Equity Issue
- Update of STIP criteria