

SENATE COMMITTEE ON TRANSPORTATION

February 17, 1999 Hearing Room C

3:05 p.m. Tapes 27 - 28

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Gary George

Sen. Lenn Hannon

MEMBERS EXCUSED: Sen. Ted Ferrioli

STAFF PRESENT: Don Scott, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: Discussion of highway traffic safety concerns on Highways 22 and 18 with the Oregon Transportation Commission

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 27, A		
004	Chair Shannon	Calls the meeting to order at 3:10 p.m. Welcomes members of the Oregon Transportation Commission (OTC). Comments on the committee's February 5 meeting. References ODOT's safety and preservation budget amounts. States the amounts are unacceptable and the committee wants to address their concerns to the commission. Opens an informational meeting.
<u>DISCUSSION OF HIGHWAY TRAFFIC SAFETY CONCERNS ON HIGHWAYS 22 AND 18 WITH THE OREGON TRANSPORTATION COMMISSION</u>		

014	Henry Hewitt	Chair, OTC. States he would like to first address the committee's concerns and then open a discussion on how the commission works together to address Oregon's transportation issues. States he has met with Rep. Shetterly and others who testified before the committee about the same subject a week ago to outline both the OTC's view of safety and how they are trying to address it. Safety is a key factor in how the commission prioritizes projects. States the commission is guided by the priorities of the <i>Oregon Transportation Plan</i> ; and they are currently revising the <i>Oregon Highway Plan</i> , which sets the framework for project prioritization within the highway sector of ODOT's budget. Reads safety and preservation information from the "Investment Policy and Priorities" section of the highway plan. States the group from Polk County was focused on the safety category in the Statewide Transportation Improvement Program (STIP) budget. States there are amounts specifically spent for safety projects in the safety category that do not come up as preservation or modernization projects. States the \$20 million amount is spent on such things as guardrails, striping, or needed new signals, and does not reflect the total dollars spent annually on projects that are fundamentally driven by safety issues. Comments on a repaving project to fix ruts on I-5.
058	Chair Shannon	States she thought the I-5 project monies came from savings in administration fees.
059	Hewitt	States the monies came from the savings, but the project was a preservation project. Explains a project east of Salem is a modernization project that began because of a safety priority that was identified between Salem and communities to the east. Explains the Highway 20 project between Corvallis and Newport is a modernization project, not a safety project. Believes the commission is highly mindful of safety issues. Comments on US 101 between Otis and Neskowin. The preservation needs are significant, but the project needs to be addressed because it is a safety issue. States if it is not a modernization project and not a preservation project, but simply a safety project, ODOT is using the safety category. States preservation dollars are dealing with fundamental safety problems on the roads. Concludes by restating the OTC's commitment to safety.
092	Chair Shannon	Asks Hewitt if he is familiar with the 3R high crash sites referenced by Rep. Shetterly in his letter to the commission [EXHIBIT A]. Comments that 4.4 percent of the Draft 2000-03 STIP is earmarked for the crash sites. States she believes it is nice to fix bridges, but the committee is concerned with the deadly roads and high crash sites. Cites accident statistics.
106	Hewitt	Restates the OTC's commitment to safety. Believes it is important to work together to find the fix for the segment of highway addressed by Rep. Shetterly.
111	Chair Shannon	States Polk County wants a divided Highway. Comments on the Fort Hill bypass in the STIP. States there is no mention about making the road safer.
118	Hewitt	Explains every copy of the STIP contains an invitation for public comment on the project.
127	Chair Shannon	Asks if Polk County contacted the OTC before the STIP was put together.
128	Hewitt	States he has heard about the problems on the road, but has not heard anyone suggest the OTC take a particular project out of the STIP to advance the Polk County project. States he does not believe the right fix is yet fully understood from a transportation perspective to accommodate and deal with the dangerous situation that exists.

133	Chair Shannon	Asks Hewitt if he really does not understand.
134	Hewitt	States he really does not know that the OTC understands that dividing the highway is the best way to fix the problem.
135	Chair Shannon	References Rep. Shetterly's comments about the deaths on the highway.
139	Sen. Dukes	States the issue is bigger than Highway 22. States she has testified twice on the <i>Draft Highway Plan</i> . Expresses concern that safety used to be, but is not now, a major part of the plan. States she does not think it is possible for ODOT to do a highway project without a safety element involved. States traffic is increasing on the state's highways; and accidents are increasing, but safety is decreasing. Expresses concern for Region 2, which has nine counties. States if the Highway 22 project was done, there would be no safety money left in the entire region. Believes that by shifting to preservation, the money available for safety problems has significantly decreased. Asks if the OTC considered safety issues when the Governor made his recommendation. Comments on a safety problem at Cannon Beach, which the district manager moved up as a priority. Asks if the OTC looked at safety implications when making the priority change.
189	Hewitt	States the OTC views preservation in most cases as a real safety issue. Referencing US 101, states major safety issues are created if the system is allowed to further deteriorate. Safety and preservation are linked. States the Highway 20 realignment is a modernization project. Expresses concern about Sen. Dukes' perception of the Highway Plan. Believes the commission views safety as the key factor in driving priorities within the plan. Comments on reading the draft plan again to evaluate its safety priority. Restates the OTC's belief that safety is a key factor in what they do and their decision process.
225	Sen. Dukes	Restates her belief that safety used to have a bigger priority. States ODOT staff agreed with her when she testified that safety has slipped. States she sees two different safety issues. Hydroplaning is a safety problem. States she does not see it as nearly the problem of the number of fatalities. Hydroplaning can be fixed with preservation money. ODOT cannot fix the more expensive problems that are driven by safety.
247	Hewitt	States he cannot say which projects in the STIP are safety and which ones are modernization. Believes the Fort Hill project is an intersection on Highway 18 that is a safety problem being addressed as a modernization project. The project is where it is in the STIP because of the safety issues on Highway 18 at Fort Hill. Does not believe the committee and the OTC disagree on the prioritization of projects having safety elements. States he would like to get the language in the Highway Plan right and pick the project, with respect to available resources.
266	Chair Shannon	Encourages committee members to ask questions.
268	Hewitt	Encourages other commissioners to respond.
274	Chair Shannon	Extends thanks on behalf of Oregon's citizens to the commissioners for donating their service. Restates the committee's desire for better understanding. Comments that perhaps the legislators hear more from the public than the commission does.
284	Vice Chair Yih	Extends thanks to the commissioners for the opportunity to talk with them. Expresses her concerns about administrative costs. References costs from the ODOT audit reports. Believes there is much less money for programs when administrative costs are so high. Does not believe the citizens will approve a gas

		tax increase unless the department can prove they operating efficiently. References increases in planning and research, support and overhead, and the percentage of roads in poor or very poor condition. References the questions she submitted at the committee's February 10 meeting. Expresses concerns about the number of road projects that were completed late. Wants Oregon to offer incentives to encourage on-time project completion. Requests the commission to determine why projects are taking so long to complete. States she will provide copies of her questions to the commission.
364	Hewitt	States the OTC would appreciate the opportunity to respond. States he does not concur with some of the numbers Vice Chair Yih cited. States he is familiar with lower administrative figures. States the OTC appointed a group to review the issue of late projects. States the projects, although late, were largely under budget. States he believes Director Crunican and the commission have been almost singular in their focus to stop doing the things within ODOT they do not need to do. They have also looked at reducing expenses and putting more money back into the Highway Fund. States he hopes the commission will have real progress to report.
TAPE 28, A		
004	Chair Shannon	States at one time she agreed the direction of the department was single focused on doing a better job and being more efficient. States she invited a witness from another state to testify on that state's operations, and ODOT tried to stop the witness. States she is not so concerned that ODOT is single focused. States the legislature wants ODOT to be more single focused.
014	Sen. George	States part of the process is trying figure how ODOT can spend so much money and never buy something. Asks each commissioner, "Do you believe that more road building causes congestion?"
022	Chair Shannon	Asks Stuart Foster to respond.
023	Foster	Commissioner. States it may or may not. It depends upon the situation and what is constructed.
026	John Russell	Commissioner. States he thinks it is partly a function of time. In the short run, construction will decrease congestion, but in the long run, it may or may not. States time needs to be an element for consideration.
033	Susan Brody	Commissioner. States time and the pattern of development occurring around the facility both contributed to whether congestion will increase.
038	Sen. George	Asks, "Would you agree that no road building leads to congestion?"
039	Brody	States she does.
040	Steven Corey	Commissioner. Responds from a rural perspective. Building more roads without an increase in population will not increase congestion.
049	Hewitt	States his response is an in-between view. Believes that Oregon is at the point where some roads being built should not become congested, and the roads should be built with that in mind. In other area, roads should be built to facilitate growth, which will lead to more congestion. States it is important to remember that highways and roads have both a local, commercial access function and a through traffic function.

061	Sen. George	Comments on Governor Kitzhaber's 1995 directive for ODOT to become a growth management agency. Comments that the OTC and Crunican have been slowly exploring the concept and have come under attack from legislators who want more roads. States the legislators want to use gas tax dollars on wasteful projects to promote more sprawl. Asks the commissioners if they agree with any part of his comments. Believes the statements are significant because they seem to support the OTC and attack the legislature. States the comments deal with significant areas, such as not using the gas tax for roads. Explains he has been reading from a press release from 1000 Friends. In response to Sen. George, three members reply they are members of 1000 Friends. Comments on the legislature being attacked for doing what is in the constitution. Asks the commissioners if they want more roads, using the westside bypass as an example.
091	Hewitt	States none of the members were on the commission when the westside bypass was an issue. States the current OTC has talked about a Tualatin-Sherwood connector and a Newberg-Dundee bypass. States he does not believe the conversation is headed in a useful direction. The commission is committed to building more highways and using the highways well, which is growth management.
109	Sen. George	Comments on the increased congestion in the Portland metropolitan area since 1986. States transportation growth management began in 1992. Asks the commissioners if the problem of congestion will ever be solved.
121	Hewitt	Explains it is a combination of tools in the Portland metropolitan area: better facilities, transportation management, and more comprehensive public transit. States there is no single answer to the complex congestion problems for any part of the state, particularly Portland. Comments on projects that need to be done. Comments on supporting and encouraging public transportation and alternative modes.
140	Sen. George	States the goal is now seven years old. Comments on the 300 percent increase in congestion and that the Portland metropolitan area has the fastest growing congestion in the nation. Asks how the plan is working.
145	Hewitt	States he does not understand Sen. George's question.
147	Chair Shannon	Explains that since the commission invested \$18 million of road fund money in transportation growth management, congestion has increased by 300 percent.
155	Russell	States he is from the Portland area. Comments on Seattle, Washington's efforts to combat congestion. States the solution to the Portland metro problem is not entirely in the OTC's hands. States the OTC does not have the ability to spend its funds on anything but highways. States the OTC contributes funds to a group of elected officials convened by Metro. States the OTC does not have control over how the money is spent in the Portland metropolitan area.
183	Hewitt	States congestion is worse and the number of cars is geometrically higher. States the investment in transportation growth management is making the congestion better than it would have otherwise been.
189	Sen. George	Expresses concern about diverting funds from road lane capacity. States a transit network is not needed to solve the highway 18 and 22 problems. Additional lanes and overpasses are needed.
200	Russell	Explains a single staff person coordinates the time schedules and the meeting

		locations for private bus lines. States the private entities have never coordinated their schedules.
208	Sen. George	States the legislature is dealing with that issue.
209	Chair Shannon	Reiterates it is \$20 million not going to roads. States the Division of Land Conservation and Development (DLCD) has testified they have staff working on transportation growth management. States an ODOT employee said the department will not be building any new roads in Oregon for 20 years.
227	Brody	Explains the goal is to increase the capacity of the existing road system, such as building new roads or working on land development patterns.
247	Chair Shannon	Reiterates people are dying on deadly roads. States in the past Oregon could build itself out of congestion. Expresses concern that the commission does not believe building more roads will alleviate congestion.
259	Foster	Comments on an article in a recent issue of the <i>San Francisco Chronicle</i> about the California transportation department spending one billion dollars to replace a freeway, but the congestion worsened.
269	Sen. George	Comments on population increases in Oregon and California.
274	Hewitt	In response to Sen. Shannon, states he wants to assure the committee that the commission is not a single-minded commission. States the commission is constantly involved in trying to promote new highway projects, better interchanges, additional lanes, and other transportation solutions. States he is not sure how the commission is single minded.
283	Chair Shannon	States the OTC is single minded about no new roads for 20 years.
284	Hewitt	States that is absolutely not true. States there is a billion dollar backlog of highway construction, new road projects that would move ahead if funding was available.
290	Chair Shannon	Compliments Mike Marsh on the work he has been doing. Comments on the need to eliminate unnecessary functions.
301	Russell	States the commission is composed of people who are concerned with building things and with efficiencies in their own businesses. States the commission is constantly promoting efficiencies within ODOT.
317	Chair Shannon	States less than 25 percent of ODOT's budget goes to road construction.
321	Russell	Expresses concern about when numbers are taken out of context. States the commission will welcome suggestions to increase road construction dollars.
325	Hewitt	States his disagreement with the 25 percent amount. States the amount is higher.
328	Chair Shannon	States she is referring to asphalt.
330	Hewitt	States Chair Shannon has not acknowledged the \$500 million to cities and counties. Believes there is need to have a numbers discussion, because the perception is that 75 percent of the budget is not spent on highways. States that is

		simply not true.
340	Chair Shannon	States it may be simple to the commission, but asks about spending for career development and other things in the past.
343	Sen. Hannon	Extends his compliments to commission on what they do. Comments on the area he represents in Jackson County. Comments on building freeways to solve congestion problems. States he is not a member of 1000 Friends of Oregon. Express concern that the committee is trying to micromanage ODOT, as was done back in the 1950s and 1960s. Referencing highways 18 and 22, asks the commissioners if they can identify the county commissioner, a city council, or any citizen from the area that testified to change the STIP plan to fund some other project.
377	Hewitt	States they are in the middle of the process. The answer to Sen. Hannon's question is no, but the commission has heard from concerned individuals that they would like that corridor progressed.
380	Sen. Hannon	States he has read in the newspapers, but has never received correspondence from anyone. States he wonders who tells the newspapers that money is needed for highway safety and at whose expense. Believes an apolitical process has been created--the transportation commission. Believes the legislature will be headed down a slippery slope if they start changing the process now.
394	Chair Shannon	Introduces a letter from a constituent whose family was killed on Highway 18 [EXHIBIT B] . Comments on the legislator's responsibility to their constituency. Comments that the public is misunderstanding legislators, and references Hewitt's comments in Dundee City Council's minutes in which he mentions a state senator and a local businessman.
TAPE 27, B		
030	Hewitt	States he does not connect the issues of better accountability with fixing the roads. Offers an apology to the mentioned state senator. States it is important for the legislators to hear from their constituency in order to have a successful legislature.
043	Chair Shannon	States Woodburn is her biggest district area. References an article in Woodburn's newspaper that stated the area's state senator wants accountability from ODOT before increasing the gas tax.
050	Sen. George	Comments on a conversation he had with Mark Hemstreet about roads. States Hemstreet is supportive of Oregon's road system. States his objection to Hewitt's comments about Hemstreet. Requests the commission members provide their home phone numbers before leaving the meeting so constituents can call them to express their concerns.
063	Chair Shannon	States the mayor of Tigard repeated Hewitt's comments about the state senator, and the senator is rebutting the comments.
069	Hewitt	States the point is that if we are all in agreement, we should fix the roads.
074	Sen. Dukes	Comments on a lack of good communication. Comments on incidents in her district relating to problems with the roads and how the problems were solved. Comments on a meeting in Tillamook with the Division of Land Conservation and Development about siting a Safeway store. Asks if the OTC supports the

		Governor's livable communities proposal with dollars coming out of the Transportation Equity Act of the 21 st Century (TEA 21).
127	Hewitt	States he does not understand the details Sen. Dukes described.
128	Sen. Dukes	States money is being taken out of ODOT.
129	Hewitt	States the OTC supports livable communities that connect transportation in the right way to good development in the communities.
134	Sen. Dukes	States the Safeway incident was only one of the issues being discussed.
136	Russell	States the legislature and OTC's goal is to hear from the public. States the OTC holds meetings around the state to encourage public input. Comments on delegating OTC duties to area commissions on transportation. States more communication is better.
155	Sen. Dukes	States the legislature and the commission come at issues from different perspectives. States it is difficult to ignore constituents' concerns and the hiring of field representatives for the housing department using TEA 21 dollars. Reiterates her question about the Governor's livable communities proposal.
165	Chair Shannon	Asks how much is coming out of transportation.
166	Sen. Dukes	States she does not know.
168	Brody	States she supports the element of the livable communities proposal with which she is familiar. Comments on discussions about finding efficiencies. Believes that is a goal of the OTC. States the commission also wants to build more roads, but there is not the financial wherewithal. Comments on the legislature's turning down of gas tax proposals.
189	Sen. Dukes	States she carried the minority report for the last gas tax increase.
193	Chair Shannon	States Oregon is pumping a half billion gallons more gasoline today than in 1985. The gas tax has risen 215 percent. Comments on testimony before the Senate Water and Land Use committee about ODOT's access policy in which attorneys won three lawsuits against ODOT. References the questions from Sen. George and the responses about fees paid to the attorneys. Comments on the fees paid to ODOT's attorneys. Asks how much ODOT is paying its attorneys to keep citizens from their deeded access. References the ODOT audits. States she questioned the legality of day care from the Transportation Trust Fund. States the attorney general said it was not legal. States the legislature has not received an answer as to how \$330,000 will be repaid to the road fund. Asks the commission if they have seen the seven questions for the audit.
235	Hewitt	States they have seen the questions but not all the answers.
237	Chair Shannon	In response to Brody's comments, questions what ODOT is doing with the money they have.
243	Foster	States there is no dispute gas tax dollars are constitutionally dedicated to roads and highways. Respectfully states ODOT does not have the funds to build the projects and do safety improvements the legislature has indicated. States a project Sen.

		Dukes referred to was a local economic issue.
261	Chair Shannon	Asks about attorney fees.
262	Foster	States there are cases where ODOT has won major victories.
269	Chair Shannon	States ODOT pays the attorney general.
269	Foster	States if you lose, you pay the other side. Believes the director and the department are doing an excellent job of addressing the efficiency issues and issues in the audits.
282	Chair Shannon	References gas tax collection information on page 17 of the <i>Sources and Uses of Highway Funds</i> audit. States it costs twice as much to collect the weight mile tax, which is half as much as the tax. States she is working very hard to find efficiencies to collect these taxes. Comments on the difficulty encountered in getting information from ODOT.
308	Russell	States there is no philosophical issue in keeping or eliminating the weight mile tax on behalf of the OTC members.
312	Chair Shannon	States that is not true.
313	Russell	States, speaking for himself, he has no philosophical issue with the weight mile tax. States he realizes it is less efficient to collect. States the legislature must deal with revenue neutrality. Asks if Chair Shannon is recommending the department not litigate on deeded access.
324	Chair Shannon	States that is correct. Comments on passing a law this session relating to deeded access. States the department has taken \$350,000 of road fund money for one intersection. Comments on an incident in Albany. Asks why road fund money is being wasted on litigation.
342	Russell	States the commission and department do not believe they are wasting money. States the issues are contentious.
348	Chair Shannon	States the commission and ODOT hire the attorneys.
348	Russell	Comments on personal experience with litigation. States ODOT needs to litigate some issues.
357	Chair Shannon	States the legislature does not know how much is being wasted until they see attorney fees for deeded access.
360	Russell	States the other side of the issue is economics.
366	Chair Shannon	States it seems fairer to change the law.
369	Hewitt	Cautions that deeded access is a very difficult, complex set of legal issues. States there are issues that needed to be resolved by negotiation and by litigation.
385	Chair Shannon	States Sen. George has something that says deeded access is forever.

392	Sen. Castillo	Extends her thanks and appreciation to the OTC. Expresses her hopes that a gas tax will be passed this session. Commends ODOT for its efforts to make changes and address issues raised in the audits. Commends the Efficiency Committee. Commends Grace Crunican for her efforts. References Vice Chair Yih's questions from the previous meeting and commends Marsh on his response. Acknowledges and expresses her support for the OTC.
TAPE 28, B		
029	Hewitt	States Marsh is an asset and big addition to ODOT. Believes the legislature is getting information from too many sources. Hopes to achieve consistency and common understanding by funneling information through Marsh and Crunican. Comments on a graph showing revenues and vehicle miles traveled for 1969 to 1997. States Oregon is dealing with many more miles of vehicular traffic with relatively constant purchasing power.
048	Sen. George	States one of the biggest providers of pavement told him the cost of asphalt has been flat for 10 years and the cost to lay asphalt down has increased about 10 percent. Comments on the gas tax increases in the last 10 years and that Oregonians pay more road taxes than 31 other states. States congestion has tripled and bridge conditions have deteriorated. Comments on the distribution of the \$2.2 billion for the audit period. Comments on projects that could be done with only new dollars. Reiterates the need for accountability from ODOT.
103	Chair Shannon	Extends thanks to the commission for their appearance before the committee. States she will provide additional questions to the commission in writing.
120	Steve Corey	Commissioner. Extends thanks to the committee. States the commission would be glad to appear before the committee again. Comments on the commission's meeting schedule.
125	Chair Shannon	States the commission has an open invitation.
127	Vice Chair Yih	States she is providing the OTC members with her questions, and hopes they will review and respond to them [EXHIBIT C] .
131	Chair Shannon	Declares the meeting adjourned at 4:40 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Megan Palau,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Traffic safety concerns on Highways 18 and 22, written information, Sen. Marylin Shannon, 2 pp.

B ñ Traffic safety concerns on Highways 18 and 22, written information, Sen. Marylin Shannon, 1 p.

C ñ Traffic safety concerns on Highways 18 and 22, written information, Sen. Mae Yih, 4 pp.