

US 97 Bend North Corridor Project – Citizen Advisory Committee (CAC)
Meeting Minutes
6/10/2009

CAC Members in attendance:

Wayne Schnur	Michel Bayard	Mike Schmidt
Jeanne Newton	Jeremy Green	Mike Lovely
Tim Larocco	Stew Bennett	

ODOT & COIC Staff in attendance:

Rex Holloway, ODOT	Rick Williams, ODOT	Kristi Dunlap, COIC
Jon Heacock, ODOT		

Public in attendance:

Jeff Speder, Joel Geisler

Welcome, Meeting Overview and Introductions

Mike Schmidt opened the meeting and introductions were made.

Debrief of May 19 Open House; Feedback

Rex Holloway said that the feedback was less than previous open houses due to more detail on the alternative maps; attendees could see in more detail how the project will impact their properties. He reviewed the feedback from open house participants, stating that fourteen comment forms were submitted and included within the report. Individual comments were recorded by Andrew Spreadborough. Mike Lovely said that it appeared East 1 received the most positive comments.

Rick Williams said we need to be deliberate in looking at the west option and letting people know the north interchange location could work with the west alternative.

CAC Roles

Rick Williams thanked the CAC for their commitment to the project, noting that this group has been more consistent in their input than any other he has worked with. He said that the CAC role can be confusing; the CAC has no authority, but their input and feedback throughout the process is important. ODOT's intent was for the CAC to serve as the advisory group to the Steering Team. The intent remains for the CAC to review the NEPA information and make recommendations. The Steering Team also serves in this advisory role. Bob Bryant ultimately is in charge of making a recommendation to the FHWA.

Mike Schmidt asked if this recommendation goes to the FHWA first, and then to the OTC or to the OTC first and then to the feds. Rick replied that FHWA says that there is only one ODOT and the OTC is part of ODOT so when Bob Bryant makes his recommendation he would be speaking for ODOT and the OTC.

Comment Letter

Mike Schmidt said he received CAC comments via e-mail, which were incorporated into the draft letter. He reviewed the letter, and said that the group can either finalize today or continue to work on the draft after the meeting. Michel Bayard asked if his notes are part of the record. Mike Schmidt replied that they were part of the record. The goal is to try to arrive at a general agreement about the points that we want to make, and if there are points from individuals that they feel strongly about it we need to respect that.

Jeanne Newton said that her comment within the draft is that the local street network should not get overwhelmed by whatever happens on Highway 97.

Rex Holloway said that a concern with a letter within this format is that ODOT keeps a matrix of concerns raised throughout the project, including by whom the concern was raised. Later in the process concerns will be responded to in writing. The concerns identified within the letter are good, but it is more effective to know where the comment is coming from so that it can be drilled down further.

Stew Bennett said that the draft describes what has been discussed and the concerns raised. Mike Schmidt suggested that the letter be reviewed and the CAC members identify who has stated each concern.

#1 - Loss of land currently generating taxes, employment and business income

Mike Lovely said that he proposed this item due to concern with the potential loss of business land in the project area. Mike Schmidt noted that feedback from the Nels Anderson businesses suggested that about a third of the businesses indicated they would close if the project took out their business, a third would relocate, and a third were undecided. Joel Geisler said that unless you create new industrial land, there is a net loss of land due to the condemning of the Nels Anderson property.

Rick Williams asked if this comment stems from concern about possible tax increases, or if it is a concern that the City's tax base would be negatively affected. Stew said that he is concerned that businesses forced to relocate will not be able to find comparable land adequate for their business. Mike Schmidt said that the CAC is trying to represent the broader community, and they have heard concerns about the impacts of losing in tax revenue if all these 50 businesses have to move and possibly relocate out of the city.

Rick said that in an effort to address this question, ODOT can work with the city to determine the actual tax impact. Jeremy Green said this comment is not limited to taxes; it also refers to general employment. Rick said that it appears that there are three individual comments within this section. Mike Schmidt said that this general heading will be broken down to three subparagraphs within the letter.

Rex Holloway said estimates of displaced businesses can be made, but was unsure how to quantify the employment numbers. Employment impacts can vary depending on whether you are relocating the business as opposed to providing different access. Jeremy said that it is not possible to quantify employment, but it will have an impact. Rex said we have to be able to identify and measure impacts. Rick agreed that it will be difficult to quantify, but that it is one of the socio-economic impacts that must be considered.

Stew Bennett said that a lot of the business standards and codes have been grandfathered in for older businesses, and if you move that business some place else the business will have to meet current standards. That may be too expensive for some businesses. He said there will also be storm drains and all the other infrastructure items to be considered.

Rick said that determining the amount of income tax loss due to relocation is quantifiable; however, what cannot be measured is where businesses will relocate, who will stay in business, who will retire, and who will be re-employed. Relocation is part of the right of way process that actually starts after the project is approved and funded.

Michel Bayard asked if the costs of relocation, including the expenses for updated code standards, would be included in the relocation costs absorbed by ODOT. Rick said that a right-of-way specialist should be answering this question. There are uniform national requirements that must be followed; it is a fixed amount for inventory and usually land acquisition costs and the development costs associated with the move.

Mike Lovely said he wanted to retain his remark about the impacts of losing business land. Wayne Schnur said that he may have relevant information on issues around relocation from the survey of Nels Anderson area businesses conducted a couple years ago. Tim Larocco said he thought it would be helpful to define “displaced” and “relocation.” A lot of the businesses assume that relocation means remaining in their core area. There is a difference between relocation to a nearby property versus a property that is not in the same area. A definition of those terms is important when evaluating business impacts.

Rick said that ODOT cannot condemn land to accommodate a relocation. They will look at land that is available and zoned appropriately within a certain distance radius. ODOT relocation staff will work with the business to find a property that is comparable to their current property. Mike Lovely asked if access was a consideration during the relocation. Rick said that the type of vehicle movements, freight deliveries from large trucks, and/or other access needs are considered. Jon Heacock suggested making this comment and then bringing it to the right-of-way group for a response. Mike Schmidt said he would note the concerns regarding displacement and relocation of businesses, and state that the preference would be to locate businesses to a property that is reasonably close.

Tim reiterated that it is probable that businesses will want to remain in the project area, and businesses are assuming they will. He said there could be instances where a business is in a marginal location in terms of appraised value of their building, but the business is profitable. A real estate transaction may not take that into consideration; the new location may not provide equivalent opportunity for profits.

Mike Lovely asked if ODOT takes into consideration that the businesses may have purchased the land 30 or more years prior, and bought it a low cost. Rick said he would defer all further questions to the right-of-way staff.

#2 - Impacts on employment lands west of existing US 97

Rick Williams noted that the City of Bend will be the entity that has concerns regarding employment lands in that area.

#3 - Empire Interchange

Mike Schmidt said that this concern came from his work with businesses considering relocation. Mike Lovely said that the Empire interchange has been an ongoing discussion point for the CAC. Jon Heacock said that the maps show proposed solutions for the area, and indicated that a lot of changes have been mapped based on previous CAC input - including adding slip ramps, modifying to reduce impacts, and changing the interchange type.

Mike Schmidt said that the concern is that there are currently a number of access points to the mall area. This will be changed, depending on the alternative selected, to only the Empire interchange and the northern interchange. The concern is the increasing traffic volumes and less access to the mall area leads to problems, including accommodating freight delivery. Jon clarified that no local street access will be

cut off. There is a perception that Cooley Road no longer exists, which is false. Cooley Road will remain but not connected to Highway 97.

Stew said he thought the Cooley Road solution was better than originally presented because drivers do not need to go north to Redmond to get back on Highway 97. Jeanne Newton said she hoped her comment on the impact of the interchange design on the local street network would fit in this section.

Jon said there were some concerns originally with the Cooley Road interchange project that the interchange would be attracting a lot of traffic. He asked if the CAC was focusing on the Empire interchange only, or if this comment is in regard to the impacts of Empire failing and overwhelming the local street network. Rick said the Empire interchange will have one more ramp than it has today, and the City plans to make Empire Avenue connect to 27th. Jeanne said that her focus has been the potential that trucks will use the Empire interchange to connect to 27th. She asked how the chosen alternative will work effectively with the city and the county plan for local traffic, and how do we ensure the timing of those plans is coordinated. If the timing isn't right, what will happen to the local street network?

Michel Bayard said that on concern #2 should there be a point on the impact to neighborhoods, including potential loss of homes. Rex Holloway said that this comment has been received already and incorporated into the record.

#4 - Public Safety Access

Rick noted that he is meeting with the emergency services focus group on this issue. The focus group participants who are providers of public safety services are not issuing any concerns; yet the CAC is talking with people who are not providers of emergency services and somehow they have concerns. There seems to be a communication problem because the emergency services focus group agreed with ODOT early on that the detailed route analysis will occur once a single alternative is selected.

Mike Schmidt said he would change the language to state that the alternatives must provide reasonable access and connectivity for emergency services.

#5 - Access to commercial properties west of US 97

Jeremy Green said that this was proposed by SIMA. Jeanne Newton said she didn't like the word "legitimate" within the draft; Mike Schmidt said that he would remove the word.

Michel Bayard asked if none of the alternatives meet the operational needs, what does meet those requirements? Jeremy said that the current proposed alternative doesn't meet our operational needs. Rick asked if the existing highway alignment meets the operational needs. The new highway has access points in the same place and the exact same roadway; what has changed? Jeremy replied it is the lack of direct and convenient access to the shopping center from the state highway is a material change. Mike Schmidt suggested changing the wording to "these alternatives must meet the operational needs required for a regional mall area from a state highway." Jon Heacock suggested it read "should address" rather than "it must."

Rick Williams said that the CAC should consider the difference between a "concern" and an "opinion" – and whether this is the opinion of the legal representative of SIMA or if it is a concern coming from the CAC. Tim Larocco said that the section seems strongly worded and suggested it be softened. He pointed out that other stakeholder groups, such as the Nels Anderson businesses, haven't lobbied for comparable

strong language. He said that there was an opportunity to get more traction on the West alternative and SIMA was unwilling to give up land to make more room, as well as on the existing alternative.

Michel clarified that he wanted to see how we can provide adequate access through one of the alternatives. If the letter says none of the alternatives will work, then it is kind of a dead end. Jeremy Green said that the current alternatives could work provided modifications are made. The problem is that as currently proposed they do not work. Michel asked if it would be appropriate to say that none of these alternatives will appear to work without modifications. Jeremy said that the wording of the letter needs to meet the needs of the entire CAC, so the rewording may be necessary. He stressed that SIMA still holds this position, and it is important that we get our concerns addressed here regardless of whether or not it might have some implications or frustrate other organizations and agencies.

Mike Schmidt said that he said he would work on softening the language. Jeanne suggested changing the last sentence to “meets the access needs required”, take out “operational”, and do not add “modification.”

#6 - Financial Constraints

Mike Schmidt suggested that this may not be an appropriate CAC concern. Jeremy Green said that he thought it was appropriate; what good is it to forward these alternatives if we don't have the financial resources to actually implement the alternatives? Rick Williams said that if the environmental impact study is not completed, the project will not be eligible to get financial resources. Jeremy said that it should remain an issue of concern throughout this process. Mike Schmidt said that he modified the second sentence to make it more of a question - “how the alternatives under study are to be constructed due to their costs.”

Rick said that a logical funding strategy will need to be developed at some point. A phasing discussion is needed during the EIS process. The project could take years, and a lot of the impacts are going to be phased in over time. In some projects the right-of-way right is purchased at the beginning of the project, while on others you might wait to acquire right-of-way to ensure there is a need. So on this project, the businesses could be impacted years from now. Mike Schmidt said that he would add phasing issues to the comment.

Jeremy clarified that the point of his comment was that there has to be a plan in place to actually generate funding resources so these alternatives can be implemented.

Jeanne said she had a meeting with Nick Arnis about the “Tiger” discretionary grants, which may be in the range of \$20 to \$30 million. She said she hoped the City was considering this a funding source for the Cooley interim solution. She asked if ODOT had insight into the viability of this grant resource for the project. Jon said he thought the projects had to be developable within three years to be eligible. Rick said that until you get the environmental document done, you are likely not in the pipeline for funding. They want you to clear that federal hurdle first, and then you get in line.

Mike Lovely said that item #6 should include a statement that the project needs to be designed for phased construction, and once we get the environmental work done we should be ready to access funding for phases of the project. Michel agreed that “phases” should be identified.

#7 - Opportunities from alternative options

Mike Schmidt said that Commute Options wants a more aggressive TDM program around Juniper Ridge employment lands and improved transit service. If we assumed 10% of all the trips would be handled by TDM, what would that do our traffic count and how would it affect this project? Rick suggested that the CAC wouldn't want to be too aggressive in the demands; demand management extends the life span of a project but doesn't impact the need for the project.

Mike Schmidt proposed removing this item. Rick said he thought it should remain; current regulations require ODOT to look at these considerations first prior to building new construction.

#8 - Traffic forecast

Jon said ODOT will likely not go back and recount based on the downturn in the economy. The projections are based on a 20 year average. This comment refers to looking at the base year by determining if there is 45,000 ADT currently. This is a projection that would lead to very little change on the long run.

Mike Schmidt said he came up with this idea because Bend went through a growth spurt. What we have experienced over the last ten years is not what you would consider to be a more normal growth rate for Oregon. Jon said ODOT does not model projections based on short-term growth rates within Bend. There are limits on the rate of growth you can project. Rick said they usually look at the 20 year historic growth average; in that case we are going back to 1988, while the steep increase in growth in Bend began around 1999. Mike Schmidt said that this item will be removed.

#9 - Truck Egress

Stew Bennett said that truck access is a concern. The Empire Avenue interchange has been a specific concern, but from the design detail we think it will work out. Jon said he thought it was a good comment that has been heard consistently. Rick said that OTA will also comment on the trucking perspective.

Wrap-up

Mike Schmidt said that he will take all the comments and rework the draft for Rex to distribute to the group. He will provide a reasonable turnaround time for comments.

Tim Larocco said that the Boyd Acres neighborhood expressed a concern at the open house: ODOT has done a good job getting information out on the website, but the information should be updated more frequently. Rick said that as reports come in he will make sure they are posted.

Next Meeting

Jon said he thought the traffic study would take three months, then the noise study will occur. Mike Schmidt said suggested that a tentative date would be for September, and that the letter refinement process will continue in the interim. Jon said ODOT values what the CAC is trying to accomplish by capturing the ideas and concerns as we work through this process. Mike Schmidt said that once consensus is achieved on the letter he will submit it to Jon with a cc to Gary Farnsworth for distribution to the Steering Team.

Rex Holloway said that he will invite the right-of-way team to the September meeting.