
AGENDA
Bend Metropolitan Planning Organization
Policy Board

Date: March 17, 2023
Time: 12:00 – 1:30 pm
Location: Hybrid meeting

In-Person Location: City of Bend Growth Management Conference Room, 709 NW Wall Street, Suite 102, Bend

Virtual Option: Register for this meeting using the following link: https://bendoregon.gov.zoom.us/webinar/register/WN_fGwa4wSqRKadOH9gSJhKDw

After registering, you will receive a confirmation email with a link to joining the meeting

To join by Phone: 888-788-0099 (Toll Free), Enter webinar ID: 876 6642 5147 and Event Passcode: bmpo. *The ID and password are not typically required.*

To comment, use the "raise hand" feature and staff will call on you. Phone participants use *9

YouTube Option: <https://youtube.com/live/ezHkezrZPpU?feature=share>

Contact: Tyler Deke at (541) 693-2113 or tdeke@bendoregon.gov

1. **Call to Order & Introductions** **Chair Campbell**
2. **Hybrid Meeting Guidelines** **Tyler Deke**
3. **Public Comment** **Chair Campbell**

Action Items

4. **Meeting Minutes** **Chair Campbell**
Review and approve the February 23, 2023, Policy Board (**Attachment A**) draft meeting minutes.

Recommended Language for Motion: I move approval of the February 23, 2023, Policy Board draft meeting minutes as presented.

5. Federal COVID Funding Tyler Deke and Local Agency Staff

Background: The “Consolidated Appropriations Act, 2021” was approved in December 2020 and included significant COVID related funding. From that legislation, approximately \$1.5 million was allocated to the Bend MPO. Through several discussions with the Chair and full Board over the past 18 months, staff have investigated possible project options. MPO and local agency staff will review possible project options.

Attachments: None. Information will be distributed at the meeting.

Action Requested: Discuss project options and provide direction to staff on next steps to allocate the funds.

6. Federal Performance Measures Tyler Deke

Background: Federal transportation legislation established performance requirements for state DOTs and MPOs. Staff will provide an overview of the bridge, pavement and system performance requirements and options for addressing the requirements. The Technical Advisory Committee recommends the Policy Board support the ODOT performance targets.

Attachments: Performance measures overview memo (**Attachment B**)

Action Requested: Support the adopted ODOT pavement, bridge, and highway system performance targets

Recommended Language for Motion: I move to support the adopted ODOT safety, pavement, bridge, and system performance measure targets

Information Items

7. Other Business Chair Campbell & Staff

- The next meeting of the Policy Board is scheduled for April 21st at 12 noon
- Policy Board member meeting topic requests
- Federal Carbon Reduction funding

8. Public Comment Chair Campbell

9. Adjournment



Accessible Meeting/Alternate Format Notification

This meeting event/location is accessible. Sign or other language interpreter service, assistive listening devices, materials in alternate format, such as Braille, large print, electronic formats, or any other accommodations are available upon advance request at no cost. Please contact Tyler Deke no later than 24 hours in advance of the meeting at (541) 633-9298 or tdeke@bendoregon.gov. Providing at least 2 days-notice prior to the event will help ensure availability.



Policy Board

Draft Minutes

February 23, 2023

Oregon Department of Transportation
Region 4, Building M, Baney Conference Room
63055 North Highway 97, Bend, Oregon

Link to meeting:

<https://www.youtube.com/live/Wi2qG08Ykrg?feature=share>

Present during the meeting (in person and virtually) were:

Policy Board: **BMPO Chair** Barb Campbell, Ariel "Ari" Mendez, *Mike Riley absent, Bend City Councilors*; **BMPO Vice-Chair** Phil Chang, *Deschutes County Commissioner*; Bob Townsend, *Oregon Department of Transportation (ODOT) Region 4 Area Manager*

Policy Board Alternates: David Abbas, *City of Bend Transportation and Mobility Director*; Chris Doty, *Deschutes County Road Department Director*; Rick Williams, *ODOT Region 4 Principal Planner*

MPO Staff: Jovi Anderson, *Program Coordinator*; Tyler Deke, *Manager*; Andrea Napoli, *Senior Planner*

Visitors: Cameron Prow, *type Write II (contractor/meeting recorder)*; Eric Lint, *Cascades East Transit*; Greg Bryant, *BMPO Technical Advisory Committee (TAC)*; Jack Farley, *Tumalo Irrigation District Board of Directors*; Janette Townsend, *City of Bend Finance Director*; John Heylin, *City of Bend Accessibility Advisory Committee (COBAAC)*; Robin Lewis, *City of Bend Transportation Engineer*; Tobias Marx, *City of Bend Parking Services Division Manager*

Media: None

(Agenda items appear in discussion order. The 3 digits after a motion title show the number of member jurisdictions voting in favor/opposed/abstaining.)

1. **Call to Order and Introductions**

Chair Campbell called the regular meeting of the Bend Metropolitan Planning Organization (Bend MPO) Policy Board to order at 3:41 p.m., Thursday, February 23, 2023, with a quorum of member jurisdictions present (3 of 3).

2. **Hybrid Meeting Guidelines**

Ms. Anderson reviewed the meeting guidelines.

3. **Public Comment**

None.

ACTION ITEMS

4. **Elect Chair and Vice-Chair**

Mr. Mendez nominated Ms. Campbell to serve as Chair for calendar year 2023. Mr. Chang seconded the nomination. Ms. Campbell agreed to serve.

Mr. Chang volunteered to serve as Vice-Chair for calendar year 2023.

Motion 1 (3/0/0): Mr. Mendez moved that Ms. Campbell serve as Chair and Mr. Chang serve as Vice-Chair of the Policy Board for 2023. Mr. Townsend seconded the motion which passed unanimously.

6. Meeting Minutes

Materials: January 17, 2023, Policy Board draft meeting minutes (Agenda Attachment A)

Ms. Prow requested correction of **Action Item 5** (Community Member Advisory Committee Appointments) in the January 17, 2023, draft Policy Board minutes to change the spelling of Aryn Seilor's last name to Seiler.

Motion 2 (3/0/0): Mr. Chang moved approval of the January 17, 2023, Policy Board draft meeting minutes as amended. Mr. Townsend seconded the motion which passed unanimously.

5. Annual Financial Report Presentation

Materials: Bend MPO financial report for Fiscal Year (FY) 2021-2022 is posted at <https://www.bendoregon.gov/government/departments/bend-metro-planning-organization/plans-and-programs/work-plan-budget>

City of Bend Finance Director Janette Townsend presented an overview of the annual MPO audit conducted by Moss Adams LLP for the fiscal year ending June 30, 2022. The independent auditing firm stated in its report the annual audit was "clean" with no significant deficiencies noted.

Policy Board concerns included information about a large grant referenced by Bend Finance Director Townsend.

Mr. Deke explained how the MPO is managing COVID relief grant funds including when and how they must be spent ([see](#) Agenda Item 10 for further discussion).

Motion 3 (3/0/0): Mr. Mendez moved acceptance of the 2021-2022 annual financial report. Mr. Chang seconded the motion which passed unanimously.

Chair Campbell commended MPO staff for keeping the finances in order. She also expressed her appreciation to the City Finance Department for its assistance with financial requirements.

7. Review Meeting Date and Time

Mr. Deke asked the Policy Board to confirm the date and time for the next three meetings and possibly the remainder of calendar year 2023. The standing date and time of Policy Board meetings for several years has been the 3rd Tuesday, 12 noon-1:30 p.m. However, this date/time conflicts with Mr. Mendez's work schedule. Mr. Townsend stated his preference for a mid-day meeting time, noting the 3:30-5 p.m. time of today's meeting required ODOT staff to work overtime.

Following discussion, Policy Board members agreed to take a Doodle poll to determine the date of the next meeting. Chair Campbell stated that, at their next meeting, Policy Board members will vote on a new meeting schedule that will accommodate the concerns of both Mr. Mendez and Mr. Townsend.

8. **2021-2024 Metropolitan Transportation Improvement Program (MTIP) Amendment**

Materials: Summary of proposed MTIP amendment (Agenda Attachment B)

Project Details: <https://www.oregon.gov/odot/projects/pages/project-details.aspx?project=22442>

Ms. Anderson provided an overview of the proposed MTIP amendment (Key 22442). The amendment would add \$8,591,030 in ADA (Americans with Disabilities Act) program funds, increasing the construction phase estimate from \$9,042,316 to \$17,633,346. The project will cover 150 ramp replacements on portions of US20 and US97 in Bend not included in recent ODOT projects and 76 ramp replacements on US20 through Sisters.

Mr. Bryant expressed concern about the average cost of \$78,000 per ramp.

Policy Board concerns included ramp life expectancy, if the proposed ramp design was the safest one to use, and how to prevent motorists from driving vehicles over curb ramps. Mr. Chang stated driving over curb ramps was a regulatory compliance issue.

Mr. Townsend provided additional details about Key 22442 and identified factors contributing to higher curb-ramp costs.

Motion 4 (3/0/0): Mr. Chang moved approval of the proposed amendment to the 2021-2024 MTIP as presented. Mr. Mendez seconded the motion which passed unanimously.

9. **Oregon MPO Consortium Legislative Priorities**

Mr. Deke reviewed the proposed OMPOC (Oregon MPO Consortium) priorities for the 2023 state legislative session. Mr. Doty noted HB 2102 should be relabeled as HB 2101.

Mr. Chang explained the importance of a fund exchange program to help both the City of Bend and Deschutes County with project delivery.

Policy Board (PB) discussion covered:

- HB (House Bill) 2101: Sustainable funding to preserve State Fund Exchange Program (OMPOC, AOC [Association of Oregon Counties]). *PB recommendation: **Keep.***
- HB 2677: Requires ODOT to have maintenance funding plan when projects add new lane miles (OMPOC). *PB concerns: Is this the right mechanism? Does this mean additional lane miles can't be added if there's no funding for maintenance? Mr. Doty stated this requirement was just intended to start a conversation. Clarification of how this bill would help ODOT going forward is needed.*
- HB 2095: Expand photo radar to all cities (OMPOC, LOC [League of Oregon Cities]). *PB recommendation: **Keep.***
- Increase flexibility for local speed setting authority (LOC, OMPOC). *PB recommendation: **Keep.***
- HB 3113: Expand "Great Streets" programs and increased funding for upgrades to state-owned arterials (OMPOC, LOC). *PB recommendation: **Keep.***

- Tolling: Maintain tolling as option to fund mega projects (LOC, OMPOC). *PB concerns*: Reliability, equity implications. *PB recommendation*: **Don't keep.**
- HB 2619: Modifies membership of the Oregon Transportation Commission (OMPOC) to expand the OTC. *PB concerns*: Broader representation (under 25 years old, someone whose primary travel method is not a motor vehicle, someone with a disability or who has a family member with a disability, tribal).
- HB 2301 (HB 2658, HB 3131): Imposes tax on electricity to charge electric vehicles (OMPOC). *PB concerns*: How would you know which electricity source was being used? VMT (vehicle miles traveled) is a better measure of the wear you're putting on the road. Equitability? Is this just an OTC concern? Should new projects be postponed until maintenance is done?
- HB 3014: *PB concerns*: Would school districts have more flexibility to use transportation dollars to fund SRTS (Safe Routes to School) projects?
- SJR (Senate Joint Resolution) 2: Amendment to Oregon Constitution to allow use of state transportation revenues (gas tax, registration fees) outside of road rights-of-way (OMPOC). *PB concerns*: Would this cover sidewalks and trails? Does this account for future transportation revenues? Okay as long as there's funding to go along with whatever's being built outside the right-of-way that isn't there today.
- Funding to address ODOT's Operations and Maintenance budget shortfall issues, starting in FY 2025. *PB concerns*: General maintenance not funded well through HB 2017. Does the legislature need to amend/modify HB 2017?

Chair Campbell asked Mr. Deke to summarize/present his notes about today's discussion to her, so she can take them to the next OMPOC meeting.

Next steps:

- Next OMPOC meeting: March 20, 2023 – potentially endorse legislative priorities, discuss engagement strategy.
- City of Bend and Deschutes County are actively tracking and engaged in the 2023 state legislative session.
- MPO staff are tracking several transportation-related bills.

10. **Federal COVID Funding**

Chair Campbell summarized prior Policy Board discussions on this topic.

Mr. Deke suggested postponing discussion to the March Policy Board meeting and provided a quick list of projects. He will send the slides of this presentation to the Policy Board following today's meeting.

Policy Board members identified issues for future consideration: funding flexibility (one large project or several smaller ones), favoring projects with system-wide benefit (transit, active transportation), sidewalks for affordable housing projects, seeking more input on how these funds could move other projects forward, and continuing to look for projects in Deschutes River Woods and Tumalo.

Chair Campbell stated she will share her outreach results (City committees: Accessibility, Affordable Housing) at a future Policy Board meeting.

COBAAC Chair Heylin noted that on-demand vehicles provide flexibility for riders with disabilities.

INFORMATIONAL ITEMS

11. Annual Listing of Federally Funded Transportation Projects

Materials: Federal Fiscal Year (FFY) 2022 Annual Listing of Federally Funded Projects (Agenda Attachment C)

Not addressed due to lack of time.

12. Other Business

- Next Policy Board meeting: Date and time to be determined by a Doodle poll.
- Federal Carbon Funding: Not addressed due to lack of time.
- Chair Campbell thanked Ms. Anderson for her service to the MPO.

13. Public Comment

None.

14. Adjourn

With no further business, Chair Campbell adjourned the meeting at 5:09 p.m.

Memo

March 15, 2023

To: Bend MPO Policy Board
From: Tyler Deke
Subject: Federal Performance Measure Targets



Overview

The Bend MPO has 180 days after Oregon Department of Transportation (ODOT) updates their mid-year and four-year performance targets to either support the ODOT targets or create new targets.

Action Recommended

The Bend MPO Technical Advisory Committee recommends the Policy Board support the updated ODOT federal performance measures targets.

Background

The Infrastructure Investment and Jobs Act (IIJA) requires a Performance Based Planning and Programming (PBPP) framework for state DOTs and MPOs to be achieved by integrating goal-oriented performance measures and targets into transportation plans and transportation improvement programs. This requirement is a continuation of requirements established under the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act. The Bend MPO addressed the PBPP requirements by establishing performance measures in the 2040 Metropolitan Transportation Plan (MTP) and the Metropolitan Transportation Improvement Program (MTIP). Those measures are tied to the MTP goals and intended to measure MTP outcomes over time.

The federal legislation also required the USDOT to establish transportation performance measures related to safety, pavement and bridge condition, and system performance. States and MPOs must integrate the federal measures into MTPs and MTIPs. Accordingly, the Bend MPO coordinated with ODOT on target setting for each measure for the first reporting cycle of 2018-2021. At its meeting in February 2018, the Bend MPO Policy Board approved Resolution 2018-02 to support the state targets for the Safety Performance Measures. The Policy Board approved the Bridge, Pavement, and System Performance Measures at its October 2018 meeting (Resolution 2018-07).

Per federal regulatory timelines, the Bend MPO is required to:

- Review Oregon state targets for the [2022-2026 reporting cycle](#)
- Re-declare support of the updated state targets for Bend MPO or create new targets

The remainder of this memo presents ODOT's statewide targets for federal safety, pavement and bridge condition, and system performance measures for the 2022 through 2026 reporting cycle.

Federal Performance Measure Targets

ODOT updated the statewide target for the federal performance measure areas (Table 1 and Table 2) in 2022 and reported the targets to the Federal Highway Administration (FHWA) in October 2022. These targets are based upon the calculation methodologies and data sets required by FHWA rulemaking. You can view the latest on Oregon statewide performance measure details on the ODOT website here:

<https://www.oregon.gov/odot/performmang/pages/index.aspx>

The Oregon Division of FHWA has accepted these new state targets as of January 2023.

Performance Measure (PM1) - Safety

Overview

On April 14, 2016, FHWA set the final rule for safety performance measures. This rule required state DOTs to set annual safety performance targets via the Highway Safety Improvement Program (HSIP).

Goal

Reduce traffic fatalities and serious injuries

Reporting Frequency

Safety targets are reported in the HSIP report on August 31 of each year. MPO to evaluate annually with ODOT. In July 2022, MPO staff reviewed the safety measures with ODOT.

Federal Safety Measures:

1. Number of Fatalities,
2. Rate of Fatalities per 100 million Vehicle Miles Traveled (VMT),
3. Number of Serious Injuries,
4. Rate of Serious Injuries per 100 million VMT, and
5. Number of Non-Motorized Fatalities and Non-motorized Serious Injuries

Table 1 Safety Performance Measures 2021

Reported Crash Data (5-year rolling average)	Average Fatalities per year	Fatality rate	Serious Injuries	Serious injury rate	Non-motorist fatalities and serious injuries
Oregon Statewide					
Statewide Data and Rates (2015-2019)	475	2.6	1820.8	11.6	260
Statewide Data and Rates (2016-2020)	488	2.6	1708	10.3	258.8
Bend MPO (for reference)					
Bend MPO Data and Rates (2015-2019)	4.8	1.8	23.8	4.0	4.4
Bend MPO Data and Rates (2016-2020)	4.8	1.8	23	3.8	4

Performance Measures (PM2, PM3) – Infrastructure & System Performance

Overview

On February 17, 2017, FHWA set the final rule for infrastructure performance measures . This rule required State DOTs to establish performance measures consisting of two pavement measures and two bridge measures. Some statewide measures relate to interstate roadways. The Bend MPO does not have an interstate and those measures are not included in this report.

Goal

Improve the National Highway System (NHS) pavement and bridge infrastructure. Assess and improve performance of the NHS for the purpose of carrying out the National Highway Performance Program (NHPP).

Reporting Frequency

Data is reported to FHWA in October for two- and four-year targets. ODOT's last report was submitted in October 2022. MPOs have 180 days after target updates for the mid-year and four-year targets to either support the state targets or create new targets.

1. Pavement Condition
 - a. Percentage of pavements of the NHS in good condition
 - b. Percentage of pavements of the NHS in poor condition
2. Bridge Condition
 - a. Percentage of NHS bridges by deck area classified as in good condition
 - b. Percentage of NHS bridges by deck area classified as in poor condition
3. NHS Performance
 - a. Percent of person-miles traveled on the NHS that are reliable

Table 2 Federal Performance Measures and Statewide Targets for the 2022-2026 Reporting Cycle

Federal Performance Measures	Base Line 2022	Statewide 2- Year Target 2024	Statewide 4- Year Target 2026
Percentage of Pavements of the Non-Interstate NHS in Good Condition	33.5%	30.0%	30.0%
Percentage of Pavements of the Non-Interstate NHS in Poor Condition	2.9%	5.0%	5.0%
Percentage of NHS Bridges Classified as in Good Condition	13.5%	11.4%	10.0%
Percentage of NHS Bridges Classified as in Poor Condition	1.8%	2.4%	3.0%
Percent of the Person-Miles Traveled on the Non- Interstate	78%	78%	78%

Bend MPO staff coordinated with ODOT and other MPOs throughout the target update process. Staff recommends supporting the state targets through the 2026 reporting cycle. By supporting

the state targets, Bend MPO will continue to support the state in working towards the measures identified in the federal legislation and the state will continue to quantify and report on these measures statewide. At this time, no penalties are assessed for not meeting established targets.

To view the reported statewide targets and learn more, see <https://www.fhwa.dot.gov/tpm/reporting/state/state.cfm?state=Oregon>

Bend MPO Timeline and Process for Review 2023

- TAC review in February 2023
- MPO Staff open 30-day public comment period on February 1, 2023
- Policy Board review and decision to support targets in March 2023
- Staff recommends supporting state targets as presented in memo dated 3/15/2023 and draft resolution 2023-01

**Resolution Number 2023-01
Bend Metropolitan Planning Organization Policy Board**

**For the Purpose of Supporting State Performance Measure Targets for Safety,
Pavement and Bridge Condition, and System Performance**

WHEREAS, the Bend Metropolitan Planning Organization (Bend MPO) has been designated by the Governor of the State of Oregon as the Metropolitan Planning Organization responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for the Bend urbanized area; and

WHEREAS, the Code of Federal Regulations (23 CFR Part 490) requires States to set targets for safety, pavement conditions, bridge conditions, and highway system performance; and

WHEREAS, MPO's may establish safety, pavement condition, bridge condition, and highway system targets by agreeing to plan and program projects that contribute toward the accomplishment of the State targets, or establish their own targets within 180 days of the State establishing and reporting its targets; and

WHEREAS, MPO's may re-declare support for the performance measures of the Oregon Department of Transportation mid-year reporting of their targets in 2022 as shown on <https://www.fhwa.dot.gov/tpm/reporting/state/state.cfm?state=Oregon>

NOW THEREFORE, BE IT RESOLVED, that the Bend MPO agrees to support the updated 2022 ODOT safety, pavement condition, bridge condition, and highway system performance targets.

Adopted by the Bend Metropolitan Planning Organization the 17th day of March 2023.

Yes: _____ No: _____ Abstain: _____

Authenticated by the Chair this 17th day of March 2023.

Barb Campbell, MPO Chair

Attest:

Tyler Deke, MPO Manager