



Oregon Coastal Notes

Oregon Coastal Zone Management Association

April 23, 2003

Oregon Transportation Commission (OTC) meets with Local Officials and Coastal Legislators to Discuss Coastal Transportation Issues—*Onno Husing, Director, OCZMA*

On April 16, 2003 in Salem, Oregon, three informed coastal residents joined me to discuss coastal transportation issues with the Oregon Transportation Commission (OTC). These coastal residents were: Shirley Kalkhoven (member of the Nehalem City Council [and representative to OCZMA for the City of Nehalem], member of the Northwest Area Commission on Transportation Act [NWACT], and member of the Coastal Policy Advisory Committee on Transportation [CPACT]); Don Lindly (Lincoln County Commissioner, member of the Cascades West Area Commission on Transportation [CWACT], and CPACT Chair); and Martin Callery (Director, Marketing & Communications, Oregon International Port of Coos Bay, member of the Southwest Area Commission on Transportation [SWACT], and member of ODOT's Freight Advisory Committee).

In the afternoon the four of us, select OTC members, and senior Oregon Department of Transportation (ODOT) staff met with Coastal Legislators in the State Capitol in two separate meetings:

- 1:30 - 2:00 p.m.—Oregon Transportation Commission Members Gail Achterman and Stuart Foster; and Bruce Warner, ODOT Director met with **Representative Alan Brown**, Chairman of the House Transportation Committee.
- 3:00 - 4:00 p.m.—Oregon Transportation Commission Members Steve Corey (Chair of OTC) and Stuart Foster; Bruce Warner, ODOT Director; John Rosenberger, Deputy Director, ODOT met with Coastal **Legislators Senators Joan Dukes, Bill Fisher, Ken Messerle; Representatives Elaine Hopson, Betsy Johnson, Wayne Krieger, Joanne Verger; and Senator Gary George**, Chair of the Ways and Means Subcommittee on Transportation and Economic Development and former Coastal Legislator.

A Vulnerable Coastline

In my opening remarks I commented to the OTC, “The defining events of coastal transportation in the last few years were the two catastrophic slides in the Winter of 1999-2000 which closed Highway 101 on the Central Oregon Coast for extended periods of time (Cape Foulweather and Cape Cove).” I stated, “All of us remember the high costs and profound emotional and economic impacts of the closures. The obvious questions before us about these events are:

- 1) What did we learn from the slides, and
- 2) What have we done to prevent and prepare for these inevitable events?”

I continued, “I spoke with Mike Long, ODOT Geologist/Engineer, about the slides. Mike stated that after the slides, ODOT conducted a comprehensive inventory of all culverts under



Highway 101. ODOT has identified 4,000 culverts under the entire length of Highway 101.” Culverts are significant because as they age they become less functional. During rainstorms, if culverts can’t pass water, the water backs up behind the road bend making the hillside highly vulnerable to catastrophic failure. A leading cause of the Cape Foulweather slide was inadequate drainage under Highway 101 (combined with unstable geology and outdated building practices employed many years ago).

Cape Foulweather Landslide (December 1999)—photo courtesy of ODOT

I explained, “Mike Long has a budget package before you to get a crew out to take a look at the status of these culverts. Passage of this budget package would allow the ODOT crew to find the trouble spots in the system.” I continued, “This survey would give ODOT the information it needs to prioritize which culverts under Highway 101 must be repaired or upgraded. We urge you to fund that budget package. Finding and fixing problem culverts is the most obvious thing we can do to prevent some future closures.”

Later, City of Nehalem Councilor Shirley Kalkhoven returned to the need to get a handle on culvert issues. Shirley said, “In the past when we’ve talked about culverts, it’s largely been about restoring or improving salmon passages. Now we need to take these other important issues into account. Some of this gets pretty expensive. For instance, up where I live on the North coast, ODOT learned it would take a million dollars just to improve one culvert for fish passage.”

I told the OTC that ODOT and others have done a good job of looking into these matters since the landslides happened in 2000. Today, ODOT has a close working relationship with the Oregon Department of Geology and Mineral Industries (DOGAMI) Coastal Field Office that didn’t exist prior to the slides. Both agencies—ODOT and DOGAMI—understand the value of cooperation and pooled expertise, and they have secured funding to carry out collaborative research on specialized coastal issues.

Alternative Route (Detour) Planning

There was extended discussion about efforts to identify alternative routes or detours around Highway 101 in the event of road closures. This is challenging stuff. The rough terrain on the Oregon Coast makes it hard to identify and upgrade alternative routes or detours for Highway 101 to make them capable of handling volumes of traffic (especially oversized vehicles like RVs). Some of the proposed detour routes are narrow winding logging roads. Funneling traffic on these roads creates liability issues. And, local state and federal agencies have not budgeted

for the costs of establishing alternative routes. Lincoln County Commissioner Don Lindly briefed the OTC on the status of negotiations between ODOT, Lincoln County and Lane County. The proposal to establish an alternative route between Yachats and Florence involves two separate concentric rings that would function as one-lane roads through the Coast Range east of Highway 101.

The 25 miles of coastline between Yachats and Florence is among the most stunningly beautiful but problematic stretches of the Oregon Coast. I told the OTC that I recently learned the hillside adjacent to and just north of the Cape Cove slide is poised to collapse—a “Cape Cove 2” in the making. This time, however, the slippage is originating below Highway 101 (the pavement has begun to buckle). So, unlike the earlier Cape Cove landslide, if this hillside fails, it’s likely to take out the entire roadbed—not just the hillside above Highway 101. The Cape Cove 2 scenario places additional importance on the outcome of this alternative routes discussion.



Cape Cove Slide, January 2000 (photo courtesy of ODOT)

I also shared that Mike Long is frustrated because he knows there’s a big problem at Cape Cove 2, but federal emergency funds cannot be applied for preventative work. Long explained that under federal regulations, the work “must occur within the footprint of the slide.” I said to the OTC, “We should explore this matter further with the Federal Highway Administration (FHWA) and our Congressional Delegation. Perhaps federal emergency funding can be spent to undertake high priority preventative maintenance projects. Proactive projects like this could save an enormous amount of time, money, and heartache.”

Highway 101: An Aging Actor Staging a Comeback

Martin Callery, Director of Marketing & Communications, Oregon International Port of Coos Bay testified, “Highway 101 is like an aging actor trying to restart his career. All the cosmetics in the world won’t help. It needs a new diet and a body building trainer. Having Highway 101 declared an ‘All American Road’ won’t make the highway functional for residents, tourists, and critically important freight traffic.” Martin continued, “It’s time to take a serious look at the long term re-development of Highway 101. We need to examine how to do this because coastal communities are making a transition from being a natural resource-based economy to a more diverse and sustainable economy. Upgrading transportation is critical to accelerate the transition.”

Martin Callery urged the OTC to focus on the value of all forms or aspects of multi-modal coastal transportation. This includes:

- a) the dredging and harbor maintenance issues,
- b) the needs of the short line railroads serving the Oregon Coast, and
- c) the role of airports on the Oregon Coast.

Martin thanked the OTC for their help on the Coos Bay Railroad Bridge—a key piece of coastal transportation infrastructure about to undergo renovation and preservation. Martin said, “People are concerned about the viability of Highway 101 and the key connector routes to the I-5 Corridor. The folks at the Bandon Dunes Golf Course commissioned a White Paper on land-based transportation issues. They worry about the viability of the system and how it impacts their facilities.” Martin continued, “We all know how expensive that would be. But, the discussion reflects concerns people have about the viability of the system.”

Spirited Discussion About Goal 18 and HB 3228

I informed the OTC that HB 3228—the Goal 18 Bill—passed out of the House Land Use and Environment Committee the day before (April 15, 2003) with a 6-1 vote. HB 3228 clarifies and codifies a long held Oregon policy that infrastructure developed before 1977 is “development” under Goal 18. This way, ODOT and local governments won’t now be forced to obtain a Goal Exception from the Land Conservation and Development Commission (LCDC) before engaging the Oregon State Parks and Recreation Department (OPRD) about an Ocean Shore Permit to protect infrastructure. I distributed copies of OCZMA’s written testimony on HB 3228 to the Oregon Transportation Commission.

OTC Commissioner Gail Achterman expressed frustration with the Goal 18 issue. Commissioner Achterman exclaimed, “I am really concerned about your written testimony. It may perpetuate a misconception that OTC and ODOT are working to lower environmental standards.” Gail firmly stated, “ODOT does not look to riprap first as a way to address coastal erosion issues. And, we are not trying to weaken state policies.”

In my rebuttal to Commissioner Achterman, I expressed deep frustration that local governments are also being portrayed by the opponents of HB 3228 as being “pro riprap”. I said, “Yes, we have led with the argument that HB 3228 is needed as a regulatory streamlining measure, to avoid unnecessary, duplicative and expensive processes.” I remarked, “There is a lot more to our position. Gail, I was taken by your testimony before the LCDC on Goal 18 in October 2002. You testified that the challenge before us is to streamline the system in ways to make it more timely and cost effective while retaining a system that still produces great environmental outcomes.” I continued, “We agree completely with you. That message was the thrust of OCZMA’s testimony before the House Committee. We all want to make sure the OPRD has a robust alternatives process—on all Ocean Shore Permit applications.” I shared that now because of DOGAMI’s Coastal Field Office, Oregon stands at the threshold of a new era of obtaining sophisticated information about Oregon’s beaches and dunes.

1. Meeting with Representative Alan Brown

Representative Alan Brown gave us an update on the progress of the all-important transportation funding package. He explained a good bipartisan work group is developing the details. **Representative Brown** shared, “At the beginning of the Legislative Session it looked like the package would be \$69 million. Then it grew to \$81 million. Now, some people,

including the Governor's Office want it to be something like \$134 million." **Representative Brown** explained, "People need to understand how tough things are in the trucking business. They have experienced a record number of bankruptcies. There's only so much we can ask from them." **Representative Brown** reported, "**House Speaker Karen Minnis** asked us to develop a consensus package on the House side so we don't have stakeholders opposing the package."

Representative Brown said, "With the money raised, bonds will be issued. This package does not include any gas tax increases. We could come out of this with \$2.3 billion. That's a lot more money for transportation than we've had in a long time." I asked **Representative Brown**, "So, you're thinking there's no doubt there *will* be a transportation funding package this Session—it's just a matter of what that will look like?" **Representative Brown** replied, "Yes, I'm confident there will be a package." All of us were pleased to hear that.

OTC Commissioners Achterman and Foster shared what they had heard in the morning about the Oregon Coast. They said they heard some modernization projects must be included in the package—not just bridge repair. There was discussion that people need to experience transportation improvements to bolster public support for additional investments.

Representative Brown agreed and said to Commissioners Achterman and Foster, "You've done such a good job of getting projects on the ground after last session's OTIA legislation. That really helps in getting more support to raise additional revenue for ODOT." **Representative Brown** continued, "We have to be prepared to take care of transportation needs on an incremental basis. We also need this badly to help Oregon's economy. Something needs to happen this session and then again next session."

2. Meeting with the Coastal Caucus Members

OTC Chairman Steve Corey thanked the coastal legislators for the meeting. Chairman Corey described the "large dilemma" facing Oregon with the state's bridges. He said, "It's really a \$4.5 billion problem. With \$1.6 billion we can at least re-open weight limited bridges and secure the major freight routes in Oregon. It's about getting the bridge problem under control." Heads in the room nodded in agreement. Chairman Corey recalled some of the morning's discussion about the culverts on Highway 101 and alternative route planning. He pledged to work on these matters. Chairman Corey repeated that he has heard it's important to include some modernization projects in the transportation package and everyone seemed to agree.

Regulatory Reform

Senator Ken Messerle said to OTC Chairman Corey and to Commissioner Foster, "I'm concerned about removing some of the obstacles to the OTC and ODOT. I served on a State Task Force on Regulations. As the Chairman of the Ways and Means Subcommittee on Natural Resources, I've challenged departments to improve their permitting programs—to reduce the time and expense of building and maintaining highways. How can we zero in and help you?" **Senator Messerle** added, "But, everyone should understand, we are not interested in reducing environmental standards. We just want to improve the process, lower costs, and have a more timely process."

Chairman Corey said, "**Senator Messerle**, we are not interested in weakening standards either." Chairman Corey asked John Rosenberger (Deputy Director of ODOT) to respond to **Senator Messerle's** question. Rosenberger stated, "We have taken the step of providing budgetary support to other agencies to hire staff to process ODOT permits. We have 400 bridges to worry about. We are exploring ways to install programmatic approaches for some permits. This would

reduce the number of permits and processes to go through. We are also looking at a bill introduced by **Senator Bruce Starr** on regulatory reform.” ODOT Director Bruce Warner commented, “I think paying for staff in other agencies to process our permits has been a good business decision for ODOT. The Division of State Lands (DSL), the U.S. Fish & Wildlife (USFW) and the National Marine Fisheries Service (NMFS) don’t have the staff to process our permits in a timely manner.” Director Warner praised the work of Lori Sundstrom—ODOT’s Environmental Manager—and suggested **Senator Messerle** meet with Sundstrom to talk about regulatory reform.

Senator Ken Messerle commented to Chairman Corey, “I’m wondering about a conflict of interest here; if you’re paying for another agency’s staff to process your permits.” Chairman Corey replied, “We will keep a close watch on this. We don’t want to be seen as trying to buy our way through the system.”

There are plenty of safeguards in most regulatory processes to prevent an agency from buying their way through the system—and ODOT in particular is laden with process (including NEPA processes). From my previous experience as a permit specialist in the private sector, I can say with confidence that having adequate, well trained, and professional staff is key to the proper functioning of any regulatory system.

Is the Oregon Coast Ready for Lewis & Clark?

Representative Betsy Johnson warmly thanked the OTC for their helpful transportation contributions to the upcoming Lewis & Clark Bicentennial Commemoration. **Representative Johnson** shared how she serves as Chairman of the State of Oregon’s Bicentennial Committee. She remarked, “The excursion train is a great way to move people to the Lewis & Clark sites. Some of them will go just one way and discover other means of getting to and from the North Coast.”

Representative Johnson reinforced how important it is that the people coming to Oregon for the Lewis & Clark Commemoration have a good time. **Representative Johnson** said, “We may get as many as an additional million people visiting us during these few years. These people are known as ‘Heritage Visitors’. They are generally better educated and more affluent than other tourists. And, they tend to come back when they’ve enjoyed their stay.” **Representative Johnson** continued, “So, if the Commemoration goes well, it could provide benefits to Oregon for many years. A little cooperation will go a long way.” I commented, “We know Clatsop County has done a great job of preparing for this experience. However, I sense other sections of the Oregon Coast still have a lot of work to do. Through strategic planning and visitor outreach, we can shape this experience. The effort will help us come to terms with the increasing traffic congestion issues on the coast.” **Representative Johnson** said, “This is a good time to get engaged. People should contact Barbara Allen, the staff for the Lewis & Clark Bicentennial Committee.”

Jobs, Jobs, Jobs

Representative Joanne Verger said soulfully, “You know, the people of Oregon are really hurting. They need jobs, now. The transportation package can put a lot of people back to work in a hurry and boost the State of Oregon’s tax receipts—it’s a tremendous win-win.” **Representative Verger** continued, “And I hope we do everything in our power to ensure as many Oregonians and Oregon firms are hired to carry out the work.” Chairman Corey agreed and said, “**Representative Verger**, we are seeking the authority from the Oregon Legislature to

change our bidding practices to provide greater flexibility. This way, ODOT can put more weight to a bid that would mitigate impacts on unemployment in Oregon. The current standard criterion is a least cost bid. We believe having this flexibility makes a lot of sense.” A detailed discussion followed on the issue (“design built” versus “design-bid built”). There seemed to be agreement about giving ODOT the flexibility they seek in the bidding process to boost employment in Oregon.

The Road’s Open!

There was lively discussion about making sure ODOT continues its highway closure public communications effort. Once a road has been reopened on Highway 101 after a closure, many people who do not live on the Oregon Coast still believe that Highway 101 is closed. Shirley Kalkhoven praised ODOT by saying, “ODOT learned a lesson with the Neakanie Mountain closure—how devastating the impact of road closures can be on communities. The next time, when repairs of the Arch Cape Tunnel necessitated a closure, ODOT staff did a great job of working with the local communities and getting the word out to the media about detour routes and then publicizing the reopening of the tunnel.”

A smiling Chairman Corey said, “It’s good to get reminders about what has worked in the past. This way, we can make sure we apply what we learned to future events to reduce the impact of road closures.”

Epilogue

These are some of the highlights of the coastal transportation meetings. The meetings were very upbeat and constructive. We are not, however, trying to portray ODOT as a perfect agency. Because ODOT undertakes so much activity directly affecting our lives, ODOT catches a lot of flack. People with ODOT problems should contact the ODOT “Area Manager” in their area and share concerns. It’s the Area Manager’s job to field comments and complaints and make the system work better. You can also contact OCZMA for advice and assistance on ODOT matters impacting your community.

Oregon Coast Lands Two Substantial Scenic Byway Grant



OTC Field Trip to Cannon Beach (November 12, 2002)
Photo by Onno Husing

People in the communities of Depoe Bay and Florence will be pleased to learn they are the recipients of major federal Scenic Byways grants. The City of Florence will receive \$311,850 to construct a boardwalk viewing area beneath the McCullough Bridge along the Siuslaw River. The boardwalk will offer striking views of the river and the bridge’s signature McCullough gothic archways. In Depoe Bay, Scenic Byway money of \$170,000 will be used to purchase undeveloped but developable oceanfront land. The purchase (and the others that precede it) preserves Depoe Bay’s unique unblocked oceanfront views of the Pacific Ocean. Thanks to the

folks in Depoe Bay and Florence for preparing such superior applications. Scenic Byway grant applications compete nationally. The State of Oregon received a total of \$807,000 for this year’s round of grants. Over the years, the Oregon Coast has been very successful in attracting funds.