

LA NOUE
Development & Construction

To Whom It May Concern:

April 1, 2013

Sun Rise Corridor / ODOT

My name is Mark La Noue and I am the managing partner and owner of the Clackamas Commerce Center located at 9420 SE Lawnfield Road in Clackamas, Oregon.

The Center is comprised of three industrial style buildings totaling 172,800 square feet in rentable space, which generates in excess of \$150,000 in tax revenue annually.

My partner and I are industrial property Landlords, that is what we do for a living. We lease well-located warehouse and office space to financially strong tenants who in turn produce products, employ hundreds of people and pay taxes.

Success in our business depends solely on multiple Tenants accepting our basic product as the best possible space to fill their need, which includes acceptable access to major thoroughfares from our facility: location, location, location.

It was the ingress and egress from I-205 that gave us the incentive to develop this industrial park in 1985 when Clackamas County was actively supporting new industry growth. Now we are faced with proposed transportation changes that without question will impact our ability to retain tenants and replace vacating tenants with industrial companies willing to pay rental rates equal to our current rates. Projected new rental rates will not come close to justifying the valuation of today's assessment thus reducing tax revenues and net operating income.

ODOT has completely disregarded our collective request for adequate access to services, fire, life, safety and acceptable transportation routes since funding for the reduced version of the corridor was secured. Most of the improvements we needed to keep the Lawnfield basin financially healthy have been cut out of the design due to lack of funds. The Tolbert overpass connection to SE 82 Dr. has been set aside and the Mather Rd connection to the proposed SE Industrial Way has been eliminated.

Somewhere in the bowels of ODOT is a document dated November 9, 1989 called "Adopted Project Goals and Objectives. In that document, ODOT specifically states

as Objectives F & G to "maintain viable local circulation and provide adequate access to the highway system for residential and industrial communities".

I received a letter dated February 23, 1998 from Mr. Bill Ciz, Project Team Manager, where Mr. Ciz wrote, "ODOT agreed to include the cost of one local grade separation structure over the SPRR (Southern Pacific Rail Road) in the project for safety reasons", referring to the rail overpass at Mather Road connection to 82 Ave. The grade separation structure over the SPRR and the stoplight at Mather and 82 Ave drive improves safety in the area".

These and other prior commitments from ODOT have evaporated.

Southern Pacific Transportation, prior to Union Pacific's involvement wrote to ODOT on January 22, 1990, specifically stating "We know that there may be problems with INGRESS and EGRESS for the businesses that currently use this crossing. However it is a point we would like to see addressed early in the planning stages". These same issues still exist.

Clackamas County Department of Transportation and Development wrote on January 16, 1996 a "Sunrise Corridor Staff Report and Recommendation" piece wherein they stated, "Removal of direct access to / from I-205 from Lawnfield / 82nd drive and the closure of Lawnfield Road a new access route, would be created by extending 98th Court south to Mather Road. Grade separate crossings would be constructed at Mather road over the expressway and the railroad. Mather Road will then be extended to a new signalized intersection at 82nd Drive.

These examples of past commitments speak to the seriousness of our transportation problems. If ODOT is allowed to move forward without solving the fundamental traffic issue that impact all of our livelihoods.

Finally, one more business point to share with you today that continues to show the disregard for our transportation needs by ODOT.

On September 21, 1993, on behalf of the Lawnfield Area Business Owner's Group, the same business that you are hearing from today, we hired CH2M HILL to testify in front of ODOT. This firm is one of the most trusted names in engineering services.

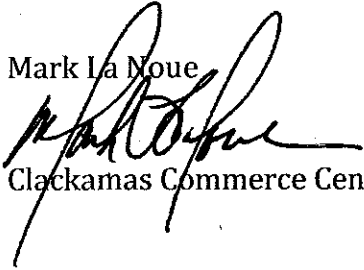
At that hearing they addressed many of the concerns that they identified while preparing their report and spoke specifically to the financial impact this project would have on all of us within the Lawnfield basin if certain transportation goals were not obtained.

ODOT has still not shown the courtesy to respond to that in-depth report that dealt with travel times, our position statement supporting the overall project, economic losses and property devaluation.

ODOT has created this serious problem and it is their responsibility to make this important project work for all businesses. Our future depends on reasonable access to services that support these businesses and an efficient way to get heavy-duty trucks in and out of the area in a safe and timely manner.

Thank you for your time and interest, I trust that you will encourage ODOT to get to the table and resolve these deficiencies in design.

Mark La Noue


Clackamas Commerce Center



The First Name In Trailers

UTILITY TRAILER SALES OF OREGON LLC

April 1, 2013

Oregon State Senate
Attn: Senator Betsy Johnson

My name is Elizabeth Gallardo, and my family has owned Utility Trailer Sales of Oregon for 29 years. We are an Oregon licensed semi-trailer dealership; we sell new and used trailers, repair trailers in our 10 bay shop and sell aftermarket parts. We proudly provide the livelihood for the families of 28 employees. We do this by offering exceptional service and a depth of knowledge of the transportation industry. We enjoy a convenient and well known location just off I-205 in Clackamas.

We, as the owners of Utility Trailer Sales of Oregon, are very concerned about the Sunrise Corridor project and its proposed devastation to the access to our entire industrial area. When we sought land to purchase in 1984 to build in the Clackamas area, we specifically chose our current location due to its close proximity to I-205 and its freeway visibility. The Sunrise Corridor will essentially cut off our current established access and will cause our customers to need to take a significantly longer route to reach our location. In addition, our current routes to fire, life, safety and necessary services will be cut off which causes concern for the safety of the area.

This committee likely knows very well the history of the Sunrise Project, and it's necessary to mention that the project as it's currently designed is a mere fraction of its original intention. The project has already been released out for bids, and ODOT's estimation of construction costs was \$100M; the lowest bid came in at \$70M. It was recently discovered that ODOT only intends that the road have a 20 year useful life; as a business whose success and future growth might be threatened by this project, it's disheartening to know that it's for a project that will generate minimal short term construction employment that will be gone by 2014, leaving us permanently with an uncompetitive location, all for a project with a short useful life.

We are part of the Lawnfield Industrial Owners Association. As an association we have attempted through several channels to explain our point of view to ODOT; unfortunately none have been successful in getting our voices heard. Both ODOT and Clackamas County have taken the position that the Sunrise Project will result in positive benefit for everyone in the community; we argue this is not true. As designed, the Sunrise Project (including County construction) creates significant safety concerns for the business owners and it takes away from our competitiveness both as land/real estate owners and business operators.



The First Name In Trailers

UTILITY TRAILER SALES OF OREGON LLC

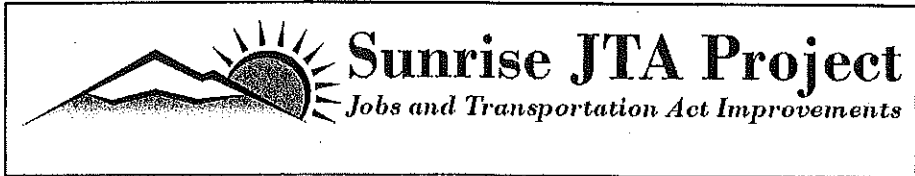
Page 2 – April 1, 2013

I apologize that I could not be present today to talk further with the committee regarding our objections to the Sunrise Corridor. I personally am very grateful for the concern and attention that Senator Johnson and Senator Olsen have taken with our business and the Association. It is disappointing that our tax funded Oregon Department of Transportation doesn't take into consideration the opinions of concerned citizens and the affect their project will have on local business. We simply want to operate our business, not be wrapped up in a legal battle against an agency that clearly has no concern for the competitiveness of our vital industrial area.

With professional regards,

A handwritten signature in cursive script that reads "Elizabeth Gallardo". The signature is written in black ink and is positioned above the typed name and contact information.

Elizabeth Gallardo
Utility Trailer Sales of Oregon
egallardo@utilitytrailerore.com



The Sunrise JTA Project is a phase of the much larger Sunrise Corridor Preferred Alternative that will address existing congestion and safety problems in the Oregon 212/224 corridor by constructing a new road from I-205 to 122nd Avenue.

Project Elements

- New 2-lane highway from the Milwaukie Expressway/I-205 to 122nd Avenue
- Local road improvements – Industrial Way Extension, Lawnfield Reconstruction
- New westbound lane on OR 212/224 (completed in December 2011)

Project Benefits

- Enhance access and improve travel times between the Clackamas Industrial District and I-205
- Reduce the annual delay for motorists by 980,000 hours
- Reduce the cost of congestion per year by \$22.5 million
- Provide significant congestion relief on OR 212/224, I-205 and 82nd Drive [Eberle1]

Project Schedule [Eberle2]

	2011	2012	2013	2014	2015
Final Engineering	[Timeline bar spanning 2011-2012]				
Right of Way Acquisition	[Timeline bar spanning 2011-2013]				
Construction	[Timeline bar spanning 2013-2015]				
Public Meetings	[Icon]	[Icon]	[Icon]		

[Eberle3]

Project Development

(Need a bulleted timeline that captures development and approval of the FEIS, acquisition of the ROD, design of Phase I, etc.)

- 2004 – SDEIS Work Starts
- October 2008 – SDEIS Published
- November 2008 – Public Hearings Held
- June 2009 HD 2001 (JTA) Passed Including Funding for a Phase of Sunrise
- November 2009 – Sunrise JTA Project Open Houses [Eberle4]
- November 2009 to June 2010 – Meetings with County staff and Commissioners, other elected officials, key employers, business associations, etc.
- June 2010 – Sunrise JTA Project Open Houses

- June 2010 to March 2011 – ODOT and County complete FEIS and prepare for Engineering Design contract
- December 2010 – FEIS Published
- February 2011 - Record of Decision from FHWA
- March 2011 to current – staff and consultants preparing design and construction plans
- November 2011 - Sunrise JTA Project Open Houses
- December 2012 – Final Plans to ODOT Contracting Office
- January 2013 – Project out to bid
- February 2013 – Bid Opening
- April 2013 – Project Under Construction

Lawnfield Industrial Area Access

Closure of Lawnfield At-Grade Railroad Crossing

The new road will be grade-separated from Union Pacific Railroad tracks (an overcrossing) and its current design relies on the closure of the existing at-grade crossing at Lawnfield. Changing the project's design this far along in development to keep the crossing open, would result in significant budget impacts and delay the project.

Where and when does ODOT engage with Union Pacific and the Rail Division on this project?

There are three separate processes involved in closure of the at-grade crossing.

1. ODOT must obtain an easement from Union Pacific in order to construct the project.
2. ODOT Region 1 submits a crossing order to ODOT Rail. Submission of the crossing order triggers public notice and potential administrative challenges. This order has not been submitted.
3. ODOT and UP negotiate a construction and maintenance agreement. This agreement does not yet exist.

Access Alternatives Considered as Part of Sunrise JTA Project Development

ODOT and Clackamas County communicated extensively with businesses located within the Lawnfield Industrial Area throughout project development. Below is a list of access alternatives that were considered as a part of that process.

- Grade Separated Crossing at Mather Road (\$15M to 25M)
- Elevated viaduct structure from UPRR to Mather Road (\$20 to \$40M)
- Construct Lawnfield Road EIS realignment between 98th Court and Sunnybrook Road; displacing one business and a building from the Clackamas Education Service District (\$30 to \$40)
- Tolbert over-crossing (\$20M)
- Rebuild Lawnfield Road to address grade issues and provide improved access to and from the Sunnybrook Interchange. (\$6M to \$8M)

Lawnfield Industrial Area Access Alternatives That Advanced

Ultimately, both the County and ODOT agreed that improving the existing **Lawnfield Road** was the most essential and feasible improvement to assure that truck access to I-205 is maintained to the area.

**New or Re-Examined Access Alternatives Developed in Response to Senator Betsy Johnson's
July 2012 Inquiry**

- Clackamas Road At-Grade Crossing
- Tolbert At-Grade Crossing
- Mather At-Grade Crossing
- (?)

Barrera Nancy

From: WINDSHEIMER Rian M
Sent: Monday, November 14, 2011 2:53 PM
To: EBERLE Frederick C; CRAIG Elizabeth * ODOT; PICCO Thomas J; BUCKLAND Jeffrey G; KIM David; POTTER Nathan K; 'Tom Metcalf'; 'Larry Fox'; 'Mungenast, Terry'; 'Dan Houf'; 'mminor@drnoise.com'; 'Elliott, Jock'; 'Hampson, Kirk'; 'Steve Faust'; 'kathros@co.clackamas.or.us'; 'bkc@dksassociates.com'; 'Bezner, Mike'
Subject: RE: Sunrise Open House - Your Response Needed

In addition to Fred's comments, I heard from a Fed-Ex driver that he was very happy that ODOT and the County would be improving the grade on Lawnfield and the improved access to 212/224 was "great." He also thanked ODOT for the third westbound lane project, as evening traffic has been difficult to date and he looks forward to the Sunrise to add even more relief to congestion in the area. (I believe he also filled out a comment sheet.)

To add to Fred's comments below, the main reason cited for needing the additional Tolbert Overcrossing now was "people like to go to 82nd Ave. for lunch." After Fred and I explained the access improvements being delivered with the project they said that the grade improvement to Lawnfield was "a must have, and that they also were promised the Tolbert overcrossing." After some investigation we determined they were talking about the promise as part of the FEIS build, not the JTA build. We explained that we were not building the full project today, and that Tolbert is still being developed and funding is being provided by ODOT for the design and that OMD and the County are actively pursuing funding through the DOD appropriations process which will likely not happen within the timeframe of this project phase.

Rian Windsheimer
Policy & Development Manager
Oregon Department of Transportation, Region 1
503-731-8456 (direct line)
503-913-8712 (cell)

From: EBERLE Frederick C
Sent: Monday, November 14, 2011 2:36 PM
To: CRAIG Elizabeth * ODOT; PICCO Thomas J; BUCKLAND Jeffrey G; KIM David; POTTER Nathan K; 'Tom Metcalf'; 'Larry Fox'; 'Mungenast, Terry'; 'Dan Houf'; 'mminor@drnoise.com'; 'Elliott, Jock'; 'Hampson, Kirk'; 'Steve Faust'; 'kathros@co.clackamas.or.us'; 'bkc@dksassociates.com'; WINDSHEIMER Rian M; Bezner, Mike
Subject: RE: Sunrise Open House - Your Response Needed

I heard some of the same comments several others heard...

Two property owners in the Lawnfield Industrial area (Brian Bishop (Lawnfield Business Association), Mark La Noue (Clackamas Commerce Center/between ODOT 2b and OIW)) raised a lot of concern about the Lawnfield RR crossing being severed without the building of the Tolbert Rd. O'xing. They are going to set up a meeting of Lawnfield Business owners to invite us to...

Rian joined the discussion and we talked about getting started on Tolbert PE ASAP – Terry, Mike, want to get going on an RFP/IGA? We suggested ~ 6 months to get NTP on a contract (maybe a little faster if we make it a priority?); 6-9 months to complete PE, so maybe 12-15 months from now have PE and a solid cost estimate?

They suggested keeping Lawnfield open across RR to our new access road – I said that is certainly a non-starter from ODOT, ODOT Rail, UPRR, etc.

They also discussed grades on Tolbert; suggesting making it shorter and steeper if it would cost less and get built sooner...

Fred

From: CRAIG Elizabeth * ODOT
Sent: Wednesday, November 09, 2011 1:35 PM
To: EBERLE Frederick C; PICCO Thomas J; BUCKLAND Jeffrey G; KIM David; POTTER Nathan K; 'Tom Metcalf'; Larry Fox; 'Mungenast, Terry'; 'Dan Houf'; 'mminor@drnoise.com'; Elliott, Jock; 'Hampson, Kirk'; 'Steve Faust'; 'kathros@co.clackamas.or.us'; 'bkc@dksassociates.com'; WINDSHEIMER Rian M
Subject: Sunrise Open House - Your Response Needed

Thanks, everyone, for a productive open house last night. I'd like to put together a meeting report, including a summary of questions, comments and concerns that came up. I know there were a lot of conversations that took place around the room and I need your help in capturing what was discussed. Please take a few minutes to email me a short summary of the discussions you had with attendees by **Friday, November 18**. I'll put everything together and send out a summary after it is all compiled.

Thanks again,
Elizabeth

Elizabeth Craig
Community Affairs Coordinator
ODOT - Region 1
123 NW Flanders
Portland, OR 97209
(503) 731-8237
elizabeth.craig@odot.state.or.us

Radmore Carol

From: Larry Fox <LFox@obec.com>
Sent: Monday, July 30, 2012 2:46 PM
To: POTTER Nathan K
Subject: RE: Sunrise 4 short suspense items

Nathan,

We are going to concentrate our efforts on getting a better handle on the costs for #2. It appears from Fred's and your responses that ODOT is working on #1, #2 and #4. I should have something to you by midday tomorrow. It is likely to characterize a low and high estimate for the new grade crossing and connection to the 82nd Drive Access Rd., depending on what elements are triggered (which cannot be verified definitively without doing some geometric design work, which I assume you do not want us to be doing at this point).

Regards,

Larry

Note my new direct phone number below.



Lawrence H. Fox, P.E.
OBEC Consulting Engineers
President
lfox@obec.com
tel: 541.683.6090
direct: 541.762.2061
cell: 541.968.6791
920 Country Club Rd, #100B
Eugene, OR 97401-6089
www.obec.com

From: POTTER Nathan K [mailto:Nathan.K.POTTER@odot.state.or.us]
Sent: Monday, July 30, 2012 8:16 AM
To: Larry Fox
Subject: RE: Sunrise 4 short suspense items

I fully appreciate that your team remains responsive to our needs... I related it to the mantra I had when I commanded a battalion in Afghanistan, we are the who people turn to in crisis, not away from...

To bound the level of effort, we are just trying to provide some measure of detail to the hearsay that is circulating among the political leadership. Internally, this is being described as \$22M for a latte. In the case of the schedule, we are really just looking for the date we are currently planning to close the crossing and why and how far right can this be shifted. With the at-grade crossing, we know this is not desired by most but for some reason we are just a reed swaying in the breeze here.

My thoughts, if I was deemed qualified to give them, would be \$300K-\$450K for the signal, \$250K for the additional impact to the District 2B facility (generator relocation, further building modification) to add some width to accommodate the signal and a turn lane, \$300K to tie into the Hebert Court extension. Total \$1M-\$1.5M when you through include sidewalks and illumination, wetland impacts, etc.

Tolbert, I do not know what to do here that would provide a tighter estimate but I am working through with the planners upstairs on how we arrived at the numbers we have.

As for the last one, the project will likely certify a little cleaner, Lawnfield could be constructed before not during, but cost will likely increase, is there a multiplier we can add? Your time, inflation, county, etc.

David is trying to get in front of some electeds before they bite the hook, he is just looking for some details he can take with him.

Nathan K. Potter, PE, PMP
Project Manager | Region 1 | Metro West
OREGÓN DEPARTMENT OF TRANSPORTATION
123 NW Flanders Street, Portland, Oregon 97209-4012
(503) 731-4986 (office) | (503) 731-8531 (fax) | (971) 230-4241 (mobile)
<http://www.linkedin.com/pub/nathan-potter/25/851/42>
♻ Before printing, please think about the environment.

From: Larry Fox [<mailto:L.Fox@obec.com>]
Sent: Friday, July 27, 2012 9:06 PM
To: POTTER Nathan K
Cc: Tom Metcalf; EBERLE Frederick C; WOLF John P
Subject: Re: Sunrise 4 short suspense items

Nathan,

This is a pretty tall order to prepare reasonable and fairly accurate responses in a week. We are conferring internally on Monday and then we'll let you know how we think we can respond. I am sure you realize this will detract my team from Advance PSE prep, which is already challenged schedule-wise. As always we will do our best to be responsive to ODOT's needs.

Regards,

Larry

Sent from my iPhone

On Jul 27, 2012, at 4:27 PM, "POTTER Nathan K" <Nathan.K.POTTER@odot.state.or.us> wrote:

Tom, Larry, Fred, Wolf, I need to tap into everyone's expertise because I was just handed a couple of short suspense items I am trying to answer for the bosses here. David apparently attended a meeting with our political wing and a number of scenarios were discussed concerning the Lawnfield at-grade closure. The crossing discussion there has become highly political.

1. Do we have a construction schedule for the JTA that we are comfortable with? Has the draft construction schedule been updated to reflect the constructability meeting discussion? If so, would it be possible to get a copy? The outcome here is a high level/milestone schedule showing the construction sequencing and duration of the major elements and the closing of the Lawnfield crossing. If it is in MS Projects I can collapse the draft schedule into what they are looking for.

2. What is the feasibility with impacts of creating a permanent at-grade connection at Lawnfield for automobile access? I do not think we need to go into a tremendous amount of detail but the cost and impact should probably reflect R/W impacts, realignment of Lawnfield and the Herbert extension access road, improvements of the signal and crossing (would this require further R/W impacts and width into the District offices to accommodate), design modifications, storm water, etc. Again we do not need a lot of detail there but enough to compare this cost with other costs such as Tolbert.

3. Is there anyway to come up with a tighter estimate on Tolbert crossing, R/W, Design, Construction, etc. and durations?

4. And finally my favorite, what would be the implications if we were to delay the project for a year?

Time frame for getting answer back to David for is upcoming meeting with Senator Starr, Representative Shehan, et. al, is the end of next week.

Nathan K. Potter, PE, PMP
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<http://www.linkedin.com/pub/nathan-potter/25/851/42>

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Radmore Carol

From: EBERLE Frederick C
Sent: Monday, July 30, 2012 9:24 AM
To: 'Larry Fox'; POTTER Nathan K
Cc: Tom Metcalf; WOLF John P; KIM David
Subject: RE: Sunrise 4 short suspense items
Attachments: Tolbert Cost Estimate.pdf; Tolbert map.doc

1. Assuming using most recent schedule and collapsing it -- Lawnfield closes 1 year in -- end of May, 2014. Let's stick with that, or any change results in added costs to project by essentially delaying other construction.
2. Does John have something to use here?
3. See attached cost estimate and diagram. Could someone review it and check unit costs, quantities, etc., to see if it a reasonable estimate? Review ROW estimate, given recent appraisals in vicinity? Contingency amount, etc.?
4. For the similar "what ifs" we've been doing, we used the 4% inflation factor we're using in the STIP, CEVP, etc., which results in a cost increase of \$2.4 million in inflation costs due to delaying the project for 1 year. We also have used the congestion reduction/travel time benefit to the public for freight and autos of \$22.5 million per year, so Freight and Auto user benefits lost due to delayed opening of Sunrise by one year is \$22.5 million. Total economic impact is \$24.9 million from those two items alone. Of course the 300+ jobs the project was to create / maintain will also be delayed a year.

From: Larry Fox [<mailto:L.Fox@obec.com>]
Sent: Friday, July 27, 2012 9:06 PM
To: POTTER Nathan K
Cc: Tom Metcalf; EBERLE Frederick C; WOLF John P
Subject: Re: Sunrise 4 short suspense items

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Regards,

Larry

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Nathan K. Potter, PE, PMP

Project Manager | Region 1 | Metro West

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Radmore Carol

From: Larry Fox <LFox@obec.com>
Sent: Tuesday, August 07, 2012 5:37 PM
To: POTTER Nathan K
Cc: WOLF John P; Tom Metcalf; EBERLE Frederick C
Subject: Re: Sunrise, connection options to 82nd

Tom and I are available.

Regards,

Larry

Sent from my iPhone

On Aug 7, 2012, at 5:31 PM, "POTTER Nathan K" <Nathan.K.POTTER@odot.state.or.us> wrote:

What does everyone's schedule look like Wednesday afternoon after 2:30?

Nathan K. Potter, PE, PMP
Project Manager | Region 1 | Metro West
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From: WOLF John P
Sent: Tuesday, August 07, 2012 5:31 PM
To: POTTER Nathan K; 'Larry Fox'; Tom Metcalf; EBERLE Frederick C
Subject: RE: Sunrise, connection options to 82nd

Nathan,

Would it be worth getting this group and maybe an OBEC designer or two together for a "brainstorming session". Is there a meeting in the near future we can piggy back on or should we just set one up.

I think we need to outline what exactly the desired goals of this exercise are, what limitations exist and how to move forward.

Thanks,
John

From: POTTER Nathan K
Sent: Tuesday, August 07, 2012 5:27 PM
To: 'Larry Fox'; Tom Metcalf; WOLF John P; EBERLE Frederick C
Subject: Sunrise, connection options to 82nd

This Lawnfield Business Association access issue is growing again. David met with Senator Betsy Johnson and she is fixated on a crossing at Lawnfield. David has asked for a high level solutions oriented effort to look at essentially a clean slate of what it would take to create an at-grade connection a Lawnfield to 82nd Drive and maybe I-205. The thought here is arriving at a matrix product showing

opportunities and barriers. Larry/Tom, do you have the center line elevation of the concept you developed?

Another example offered is a new grade crossing at Tolbert. I put the attached together based on a conversation with David. We can discuss a little further before everyone implodes.

<< File: Sunrise Matrix.xlsx >>

Nathan K. Potter, PE, PMP

Project Manager | Region 1 | Metro West

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Stender Robin

From: EBERLE Frederick C
Sent: Tuesday, August 07, 2012 11:25 AM
To: KIM David
Cc: POTTER Nathan K
Subject: RE: Lawnfield Business Association Responses

I give up for now, since your meeting is soon. I don't really think we have it. It was always the \$28 million element we couldn't afford to add to the JTA project...

From: EBERLE Frederick C
Sent: Tuesday, August 07, 2012 11:13 AM
To: KIM David
Cc: POTTER Nathan K
Subject: RE: Lawnfield Business Association Responses

From the FEIS they're fairly high...

2030 forecast with FULL 6 lane plus auxiliary lanes \$1.4 billion Sunrise to 172nd, carrying ~ 83,000 ADT (8,285 PM PK hour), Tolbert is carrying ~ 6,000 ADT (600 PM PK hour).

This is assuming a lot of growth in Clackamas County, and recent Metro Models have been reduced significantly.

Our 2020 JTA volume factoring is for less than 20,000 ADT on Sunrise – less than 1/4 of 2030 FEIS.

I don't know if the Traffic Engineers would buy quartering the Tolbert volumes similarly, down to 1,500 ADT or 150 cars at peak hour on Tolbert or not...???

I will try to look in one more place – I know your meeting is soon.

Fred

From: KIM David
Sent: Tuesday, August 07, 2012 10:47 AM
To: EBERLE Frederick C
Cc: POTTER Nathan K
Subject: RE: Lawnfield Business Association Responses

Thanks Fred. I suspect the volumes would be pretty low.

From: EBERLE Frederick C
Sent: Tuesday, August 07, 2012 10:46 AM
To: KIM David
Cc: POTTER Nathan K
Subject: RE: Lawnfield Business Association Responses

I'm still looking for Tolbert volumes. I don't have a great one with the JTA only, since we never had the money to construct it, we didn't model it.

From: KIM David
Sent: Monday, August 06, 2012 4:32 PM
To: EBERLE Frederick C
Subject: FW: Lawnfield Business Association Responses

From: KIM David
Sent: Monday, August 06, 2012 9:34 AM
To: WINDSHEIMER Rian M; TELL Jason A; BROOKS Kelly S
Subject: FW: Lawnfield Business Association Responses

I am working on tracking down the draft agreements we have with UP Railroad on the Lawnfield RR Crossing. Below is information we've put together as follow-up from our last meeting.

David

From: POTTER Nathan K
Sent: Monday, August 06, 2012 9:13 AM
To: KIM David
Subject: Lawnfield Business Association Responses

David, I compiled the answers I got from Larry and Tom from OBEC, John Wolf and Fred Eberle on the questions you asked below:

1. Construction schedule: assuming the most recent schedules, Lawnfield RR grade crossing closes at the end of May, 2014.

- Begin construction spring 2013;
- Shift traffic onto new 82nd Ave overcrossing Spring 2014;
- Complete new Industrial Way extension, close Mather and existing Lawnfield RR crossing early summer 2014
- Traffic on Sunrise late spring 2015

2. Feasibility with impacts of creating a permanent at-grade connection at Lawnfield for automobile access: Connecting a local street connection (even if it is as simple as a driveway style connection) is marginally feasible at best from an engineering perspective. OBEC looked a little better connection which lengthened the bridge and bought more R/W but did provide for a more usable crossing and better grades.

All the options would require a signalized intersection at Lawnfield/Industrial and new crossing arms, a new drainage structure to address the over-capacity drainage system under Lawnfield Rd, additional construction within the RR ROW, additional construction within Dean Creek and associated environmental impacts. Additional impacts to the District 2B facility. It would probably need to have ped accommodations which would also need to be approved by the RR. If ped accommodations are required, additional facilities could be needed on the local access road from 82nd Dr which would result additional retaining walls and potential modifications to the UPRR overcrossing to accommodate the additional width for sidewalk (currently there is a 5.5' sidewalk on one side of the access road, but if there were a RR crossing it would probably create a demand for something larger).

Collectively it was felt that these alternatives would likely not be approved by the RR and could compromise the approval of the Sunrise overcrossing structure RR crossing approval.

The marginal access would result in a 20% profile grade to match the proposed access to 82nd. OBEC's was around the existing grade. In addition the HHPR design was proposing to raise the elevation of Industrial/Lawnfield at this location. Adding an access off the new road would require the RR Crossing to be raised (not very likely due to RR grade transition requirements) or a large sag and vertical grades which are outside of AASHTO would likely be needed.

Approximate cost of the marginal improvements was between \$1M and \$3M. To improve to OBEC's scenario were in the \$10M range.

<< File: at_grade_plan_view.pdf >> << File: at_grade_profile.pdf >>

3. Tolbert crossing, R/W, Design, Construction estimate:

\$7.5M for construction

\$3M in Contingency (assuming 40%)

\$3.5M in PE and CE

\$4.8M in ROW, Env Mitigation, and Utilities

Subtotal = \$18.8M

Inflation = \$2.2M

Total = \$21M (assuming we start design within a year)

I would estimate 2 yrs design and ROW and 1 year construction assuming you have a full construction season.

<< File: Tolbert map.doc >>

4. Implications if we were to delay the project for a year: For the similar "what ifs" we have been doing, we used the 4% inflation factor we're using in the STIP, CEVP, etc., which results in a cost increase of **\$2.4 million** in inflation costs due to delaying the project for 1 year.

We also have used the congestion reduction/travel time benefit to the public for freight and autos of \$22.5 million per year, so Freight and Auto user benefits lost due to delayed opening of Sunrise by one year is **\$22.5 million**.

Of course the **300+ jobs** the project was to create / maintain will also be delayed a year.

In addition to inflation and user delay, we are currently in one of the most competitive bidding environments we have had in over a decade. Bid costs are coming in consistently 20% to 40% below historical averages. At some point the competitive bids will stop to due less competition, an improving economy or increased material costs. If they return to a normal bid environment we could see **cost increases of more than \$10M over current bid results** as a result of the delay.

5. Current and JTA Access Lawnfield Business Association area:

<< File: Sunrise Connectivity.ppt >>

Nathan K. Potter, PE, PMP
Project Manager | Region 1 | Metro West
OREGON DEPARTMENT OF TRANSPORTATION
123 NW Flanders Street, Portland, Oregon 97209-4012
(503) 731-4986 (office) | (503) 731-8531 (fax) | (971) 230-4241 (mobile)
<http://www.linkedin.com/pub/nathan-potter/25/851/42>

♻️ Before printing, please think about the environment.

Stender Robin

From: Andy Howe <AHowe@obec.com>
Sent: Friday, August 31, 2012 8:47 AM
To: Baker, Brian R.; Larry Fox; POTTER Nathan K; HUNTER Zackary
Cc: Tom Metcalf; James Stupfel; Douglas Kirkpatrick
Subject: RE: Sunrise - UPRR Submittals
Attachments: 2012_08_31__Sunrise__UPRR_Final_RR_Plans.pdf

All,

Final bridge plans for UPRR coordination are attached. Let me know if you have questions.

Andy

Andrew Howe, PE
Sr. Project Engineer
OBEC Consulting Engineers
3990 Fairview Industrial Drive SE
Suite 200
Salem, OR 97302
Office: 503 589-4100
Direct: 503 400-3279
Cell: 503 616-0238

From: Baker, Brian R. [<mailto:Brian.Baker@hdrinc.com>]
Sent: Tuesday, August 28, 2012 1:47 PM
To: Larry Fox; POTTER Nathan K; HUNTER Zackary
Cc: Tom Metcalf; Andy Howe; James Stupfel
Subject: RE: Sunrise - UPRR Submittals

Larry,

I just spoke to Zack. We should be cautious about submitting any plans sheets that may change based on outcome of Lawnfield crossing discussions. It sounds like the mainline structure is not at risk, therefore at a minimum we can submit those sheets. If Industrial Way or Sunrise adjacent to RR ROW have potential to change based Lawnfield discussions I would hold off on submitting those sheets. Zack, please correct me if I'm wrong.

Thanks,

BRIAN R. BAKER
PE

HDR Engineering, Inc.
Associate | Project Manager

1001 SW 5th Ave, Ste 1800 | Portland, OR 97204-1134
503.423.3878 | c: 503.989.5486
brian.baker@hdrinc.com | hdrinc.com (or hdrarchitecture.com)

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From: Larry Fox [<mailto:L.Fox@obec.com>]
Sent: Tuesday, August 28, 2012 12:50 PM
To: POTTER Nathan K; HUNTER Zackary
Cc: Tom Metcalf; Andy Howe; James Stupfel; Baker, Brian R.
Subject: RE: Sunrise - UPRR Submittals

Nathan and Zack,

One additional clarification needed on this submittal. For the 30% UPRR submittal we included roadway sheets for Industrial Way and Sunrise adjacent to the RR ROW. Are we submitting the signed roadway plans now as well?

Regards,

Larry

Note my new direct phone number below.



Lawrence H. Fox, P.E.
OBEC Consulting Engineers
President
lfox@obec.com
tel: 541.683.6090
direct: 541.762.2061
cell: 541.968.6791
920 Country Club Rd, #100B
Eugene, OR 97401-6089
www.obec.com

From: POTTER Nathan K [<mailto:Nathan.K.POTTER@odot.state.or.us>]
Sent: Tuesday, August 28, 2012 11:30 AM
To: Larry Fox; HUNTER Zackary
Cc: Tom Metcalf; Andy Howe; James Stupfel; Baker, Brian R. (Brian.Baker@hdrinc.com)
Subject: RE: Sunrise - UPRR Submittals

Thanks, Larry, we are still in our tactical pause in submitting the crossing order application until we see the draft MOU from the attorney. Once we see what demands are included we will make a determination on how we are going to proceed.

I just noticed the reply from Zach. I see no reason why the rail cannot conduct their review of the final structure plans to get that out of the way. Similar to the acquisition of the aerial easement, the mainline alignment structure gets constructed in all courses of action.

Nathan K. Potter, PE, PMP
Project Manager | Region 1 | Metro West
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<http://www.linkedin.com/pub/nathan-potter/25/851/42>
♻ Before printing, please think about the environment.

From: Larry Fox [<mailto:L.Fox@obec.com>]

Sent: Tuesday, August 28, 2012 9:20 AM

To: POTTER Nathan K; HUNTER Zackary

Cc: Tom Metcalf; Andy Howe; James Stupfel; Baker, Brian R. (Brian.Baker@hdrinc.com)

Subject: Sunrise - UPRR Submittals

Nathan and Zack,

We are having differing memories internally at OBEC as to whether the decision was made to submit the signed UPRR Bridge plans for review as scheduled (we were supposed to deliver them to ODOT today) or if we are holding off because of the delay in submitting the draft Rail Order. We can submit signed plans within a few days if desired. Let us know.

Regards,

Larry

Note my new direct phone number below.



Lawrence H. Fox, P.E.

OBEC Consulting Engineers

President

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direct: 541.762.2061

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TELL Jason A

From: Gilmour, Cam [CamGil@co.clackamas.or.us]
Sent: Thursday, September 27, 2012 11:12 AM
To: TELL Jason A; WINDSHEIMER Rian M
Subject: Sunrise-Lawnfield Closure

Jason and Rian,

I understand that your discussion last week with UPRR did not result in a solution to the threatened legal action on the closure. Two commissioners on my end are very concerned and want to do something. All I can tell them is we have or had an approach all the parties agreed to involving an interim replacement crossing at Clackamas Road and then work towards getting Tolbert funded- but this requires UPRR concurrence which is not happening (apparently).

We should talk on the phone about this in the next couple of days. I need to know what ODOT is planning to do. Your help is appreciated.

Cam

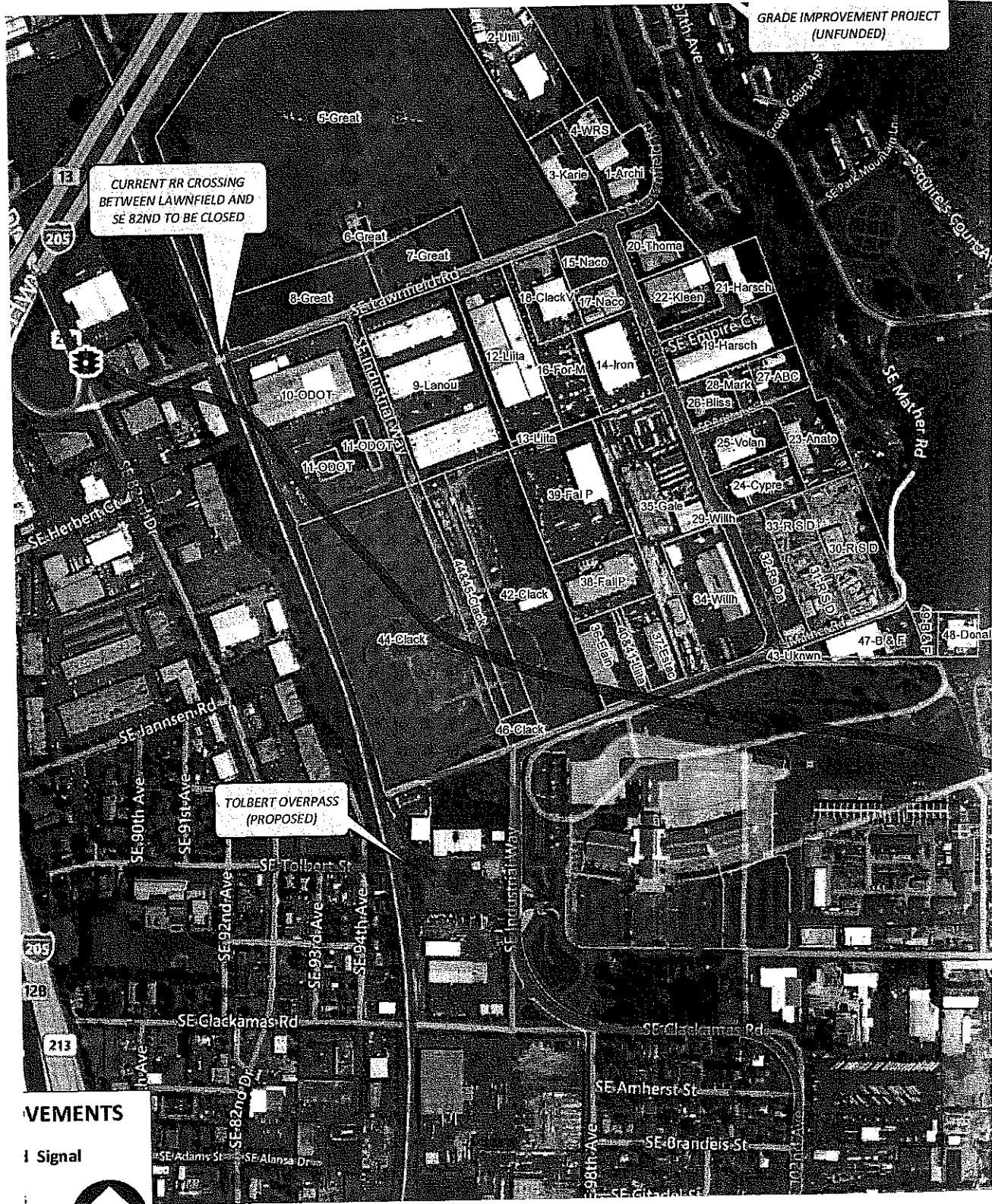
GRADE IMPROVEMENT PROJECT
(UNFUNDED)

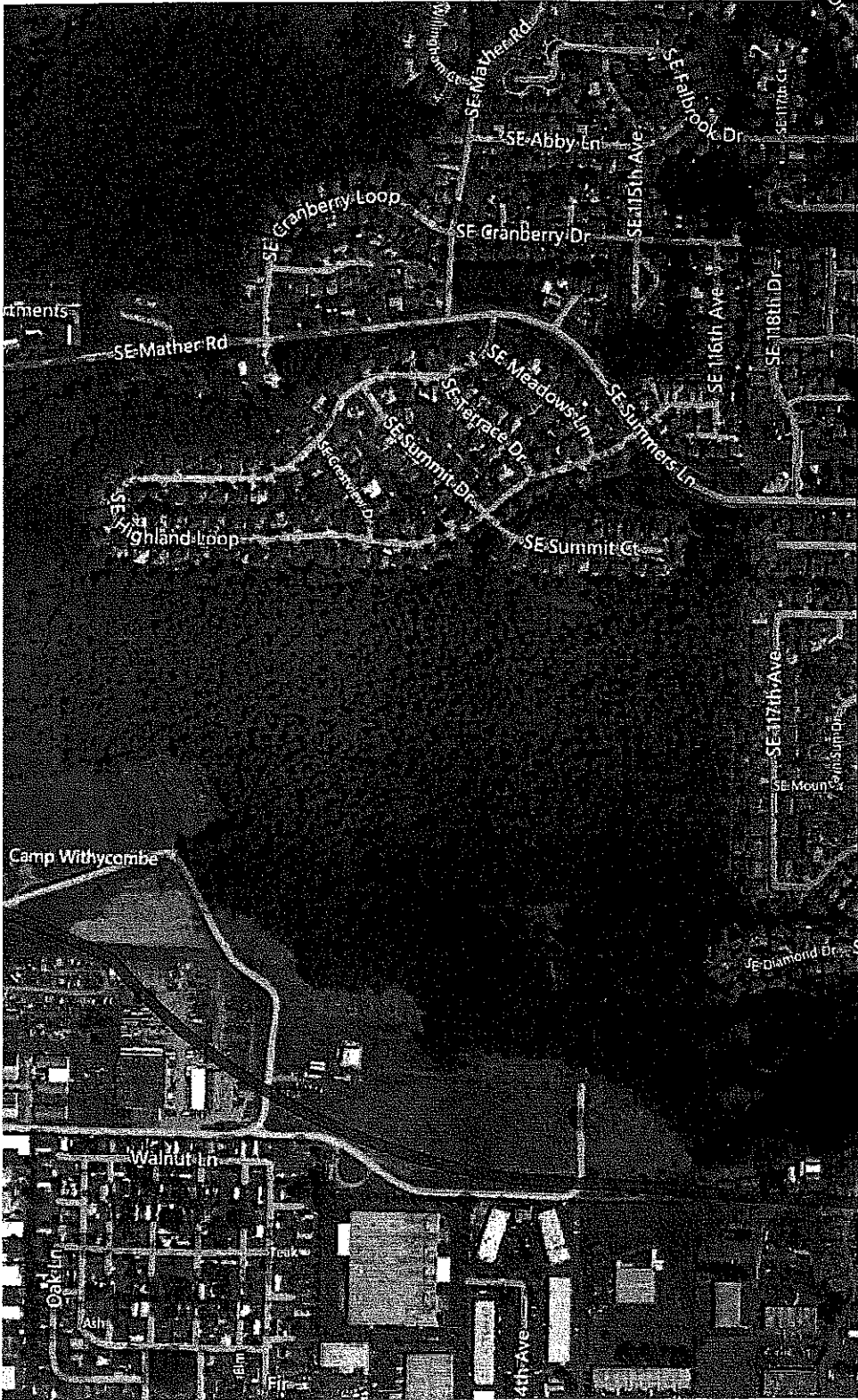
CURRENT RR CROSSING
BETWEEN LAWNFIELD AND
SE 82ND TO BE CLOSED

TOLBERT OVERPASS
(PROPOSED)

MOVEMENTS

1 Signal





3	Karie	Karie Investments LL
4	WRS	Wrs Properties II LLC
5	Great	Great American Tv &
6	Great	Great American Tv &
7	Great	Great American Tv &
8	Great	Great American Tv &
9	Lanou	Lanou and Downs t
10	ODOT	Oregon Dept Of Trar
11	ODOT	Oregon Dept Of Trar
12	Liita	Liitaa Development I
13	Liita	Liitaa Development I
14	Iron	Iron Partners LLC
15	Naco	Naco Land II LLC
16	For-M	For-Mor Enterprises
17	Naco	Naco Land Company
18	ClackV	Clackamas V
19	Harsch	Harsch Investment P
20	Thoma	Thomas Bishop
21	Harsch	Harsch Investment P
22	Kleen	Kleenair Products Co
23	Anato	Anatoly Rudnitsky
24	Cypre	Cypress Real Estate C
25	Volan	Volante 98 LLC
26	Bliss	Bliss LLC
27	ABC	Abc Property Investr
28	Mark	Mark Rein
29	Willh	Willharp Inc
30	R S D	R S Davis Properties
31	R S D	R S Davis Properties
32	Rs Da	Rs Davis Properties L
33	R S D	R S Davis Properties
34	Willh	Willharp Inc
35	Gale	Gale LLC
36	Elain	Elaine Matthews
37	Estac	Estacada Oil Compar
38	Fal P	Fal Partners LLC
39	Fal P	Fal Partners II LLC
40	Liita	Liitaa Development I
41	Liita	Liitaa Development I
42	Clack	Clackamas County D
43	Uknwn	Owner Unknown
44	Clack	Clackamas County D
45	Clack	Clackamas County D
46	Clack	Clackamas County D
47	B & F	B & F Holdings LLC
48	Donal	Donald McDonald
49	B & F	B & F Holdings LLC

Fidelity National Title ~ (503) 223-833
 This map is for reference only;
 The information displayed is reliable,
 Created: 4/5/20

1
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4 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
5 FOR THE COUNTY OF CLACKAMAS
6

7 LAWNFIELD INDUSTRIAL OWNERS
8 ASSOCIATION, HARSCH INVESTMENT
9 PROPERTIES, LLC, MARK LANOUE
10 TRUST, and WALLACE EARL DOWN, SR.
11 LOVING TRUST dba CLACKAMAS
12 COUNTY COMMERCE CENTER and
13 UTILITY TRAILER SALES OF OREGON,
14 LLC,

11 Plaintiffs,

12 v.

13 OREGON DEPARTMENT OF
14 TRANSPORTATION,

15 Defendant.

Case No. CV13030977

**COMPLAINT FOR DECLARATORY
JUDGMENT AND MANDATORY
INJUNCTION**

**(NOT SUBJECT TO MANDATORY
ARBITRATION)**

16 FIRST CLAIM FOR RELIEF
17

18 1.

19 This is an action for declaratory relief pursuant to ORS Chapter 28 and
20 ORS 197.825(3)(a).

21 2.

22 Plaintiff Harsch Investment Properties, LLC ("Harsch") and Clackamas
23 Commerce Center own buildings in the Lawnfield Industrial area. Their properties have been
24 maintained at significant occupancy levels since they opened for business. Their occupancy is in
25 large part attributable to the proximity of their buildings to easy access for community services,
26 and interstate and regional highways. The actions proposed by Defendant, threaten to severely

1 limit access from Lawnfield Road in Clackamas County resulting in no direct access to the
2 fundamental services available on SE 82nd Drive and other services supporting all of the business
3 located in the area. The lack of access will in turn make the location of industrial tenants more
4 difficult, increase vacant space, lower rents which can be charged for the property and thereby
5 lower property values within the area.

6 3.

7 Plaintiff Utility Trailer Sales of Oregon, LLC (“UTS”) is a franchise dealer of
8 Utility Trailer Manufacturing Company. UTS owns its seven acre commercial/industrial facility
9 on Lawnfield Road, and operates as a full service semi-trailer dealership selling new and used
10 semi-trailers and aftermarket parts, and performing repairs to trailers in a 10-bay service facility.
11 The actions proposed by Defendant will lead to an adverse economic impact in that it will result
12 in no direct access to fundamental services available at SE 82nd Drive.

13 4.

14 Plaintiff Lawnfield Industrial Owners Association (“the Association”) is a
15 501(c)(6) organization whose members are industrial business owners located within the
16 Lawnfield area which will be adversely impacted by the actions proposed by Defendant in ways
17 similar to those alleged in paragraphs 2 and 3 herein.

18 5.

19 Defendant Oregon Department of Transportation (“ODOT”) is an agency
20 of the State of Oregon and is responsible for design and construction of the Sunrise
21 Expressway in Clackamas County.

22 6.

23 On October 8, 2012, Defendant commenced administrative proceedings pursuant
24 to ORS 824.206 for the closure of an existing grade railroad crossing at Lawnfield Road in
25 Clackamas County and under ORS 824.210 for construction of a new separated crossing which
26 will no longer provide access from Lawnfield Road to SE 82nd Drive.

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7.

On October 10, 2012, notice was provided by Defendant to interested parties of the at-grade crossing proceeding.

8.

On November 8, 2012, Plaintiffs petitioned Defendant’s Rail Division (“ODOT Rail”) for permission to participate as parties. Plaintiffs raised numerous objections including:

A. The closure of the existing highway-rail grade crossing at Lawnfield Road (“Lawnfield Rail Crossing”) is not required by the public safety, necessity, convenience or general welfare. Closure will create great inconvenience and will severely limit access to fire, life and safety services.

B. The Lawnfield Rail Crossing is not unsafe or dangerous to travelers over Lawnfield Road.

* * *

D. The Oregon Department of Transportation and Clackamas County added the Tolbert Overpass to the Sunset [sic] Corridor Project in order to “maintain the industrial and commercial viability of the Clackamas industrial area” and to help mitigate for the closure of Lawnfield Road, when the at grade railroad crossing was removed as part of the project. The final environmental impact statement (“FEIS”), record of decision (“ROD”), and interchange area management plan (“IAMP”) all anticipate the closure of Lawnfield Road, but only in conjunction with the provision of appropriate mitigation for loss of local access, including the opening of the Tolbert Road Overpass. If the Lawnfield Rail Crossing is closed without the simultaneous opening of the Tolbert Road Overpass, the closure will violate the FEIS, ROD, and the IAMP.

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9.

On December 10, 2012, ODOT Rail granted Plaintiffs' request to participate as parties in the administrative proceeding to assert their objections in paragraphs 8 A and 8 B above but declared that the objections provided in paragraph 8D were outside the scope of the Department's jurisdiction and therefore could not be raised in the administrative proceeding.

10.

The administrative law judge who presides over that proceeding has issued a number of scheduling orders including setting a hearing to commence on July 15, 2013.

11.

Over the years, Defendant has held a number of public events which have featured plans specified in the FEIS and IAMP which relate to the Sunrise Expressway project.

12.

Plaintiffs Harsch, Clackamas Commerce Center, UTS and the member companies of the Association refrained from filing objections or otherwise taking steps to oppose the Sunrise Expressway project in reliance upon Defendant's assurances that Plaintiffs would continue to have access to major roadways including I-205, Highway 212/224, and SE 82nd Drive.

13.

Access to SE 82nd Drive is especially important to Plaintiffs in that it is the roadway which provides access to services, parts, supplies, and other amenities which are essential to the business operation of Plaintiffs and their tenants.

14.

Absent ready access to the services, Plaintiffs' property will become less desirable to tenants and many will seek to relocate upon lease renewal.

1 15.

2 The provision of this access has been specifically referenced in the IAMP. The
3 IAMP (excerpts of which are attached as Exhibit 1) provides at page 19:

4 “The following will be done by ODOT as part of the land acquisition and
5 construction of the Sunrise Expressway.

6 “-Three new arterial connections, within the Lawnfield industrial area to improve
7 circulation and to provide access to SE 82 Drive, OR 212/224 and SE 97th Avenue.

8 “-A rebuilt arterial connector, Lawnfield Road, will link the Lawnfield industrial
9 area and SE 97th Avenue.

10 “-Consolidate, restrict, purchase, and/or close approach roads, consistent with the
11 Circulation and Access Management Plan portion of the IAMP.”

12 The three new arterial connections are to be constructed concurrently with other
13 actions including closure of the Lawnfield at-grade rail crossing.

14 16.

15 The arterial connection to provide access to SE 82nd Drive is geographically
16 identified at page 15 of the IAMP in the location where the proposed Tolbert Overpass was to be
17 located.

18 17.

19 The arterial connection to SE 82nd Drive is further identified at page 16, Item H of
20 the IAMP as a new local street referenced as the “SE Tolbert Street extension.”

21 18.

22 Pursuant to OAR 734-051-7010(2) the IAMP was adopted by Defendant as an
23 amendment to the Oregon Highway Plan and was adopted by Clackamas County as part of the
24 county’s comprehensive plan. Both plans therefore require the SE Tolbert Overpass to be
25 constructed concurrently with the proposed closure of the at-grade railroad crossing which
26

1 currently provides that access to SE 82nd Drive.

2 19.

3 Notwithstanding the representations that had been made in the FEIS and the land
4 use decision that has been memorialized in the IAMP, Defendant has now disclaimed any
5 obligation to provide such access to SE 82nd Drive and has determined to proceed with the at-
6 grade Lawnfield rail crossing closure proceeding without concurrent construction of the Tolbert
7 Overpass. Defendant has further prevented Plaintiffs from asserting these objections in the
8 administrative proceeding. See Exhibit 2.

9 20.

10 ORS 197.825(3)(a) provides the circuit court with authority to grant declaratory,
11 injunctive or mandatory relief in proceedings brought to enforce the provisions of an adopted
12 comprehensive plan or land use regulations.

13 21.

14 Plaintiffs are therefore entitled to a declaratory judgment providing that
15 Defendant cannot proceed with the closure of the at-grade rail crossing at Lawnfield Road unless
16 access to SE 82nd Drive is assured by the construction of the Tolbert overpass or unless the
17 Oregon Highway Plan and the Clackamas Comprehensive Plan are amended to conform with
18 Defendant's new plan.

19 SECOND CLAIM FOR RELIEF

20 22.

21 Plaintiffs incorporate the allegations contained in paragraphs 1 through 20 herein.

22 23.

23 The circuit court has authority to grant to the Plaintiffs interlocutory relief
24 because no administrative remedy exists for providing such relief under the authority granted to
25 the ALJ by Defendant in the administrative proceeding.

26

1 24.

2 If Defendant is permitted to proceed with the closure of the Lawnfield at-grade
3 railroad crossing without first providing the Tolbert overpass access to SE 82nd Drive, Plaintiffs
4 will be irreparably harmed in that they will incur significant expenses, will lose tenants who find
5 the location no longer desirable, will suffer diminution in value to their properties and will be
6 irreparably harmed in other ways which will be proven at trial.

7 25.

8 Plaintiffs are therefore entitled to a mandatory injunction prohibiting Defendant
9 from proceeding with the closure of the at-grade rail crossing at Lawnfield Road until such time
10 as the Tolbert Overpass access to SE 82nd Drive is assured or until such time as the Oregon
11 Highway Plan and the Clackamas County Comprehensive Plan are amended to conform with
12 Defendant's plans.

13 26.

14 Plaintiffs have no plain, speedy, or adequate remedy at law.

15 WHEREFORE, PLAINTIFFS PRAY FOR JUDGMENT AS FOLLOWS:

16 1. Declaring that Defendant cannot proceed with the closure of the at-grade
17 rail crossing at Lawnfield Road unless the Tolbert Overpass access to SE 82nd Drive is assured or
18 unless the Oregon Highway Plan and the Clackamas Comprehensive Plan are amended to
19 conform with Defendant's new proposed course of action.

20 2. Enjoining the Defendants from proceeding with the closure of the at-grade
21 rail crossing at Lawnfield Road unless the Tolbert Overpass access to SE 82nd Drive is assured or
22 unless the Oregon Highway Plan and the Clackamas County Comprehensive Plan are amended
23 to conform with Defendant's new proposed course of action.

24 ////

25 ////

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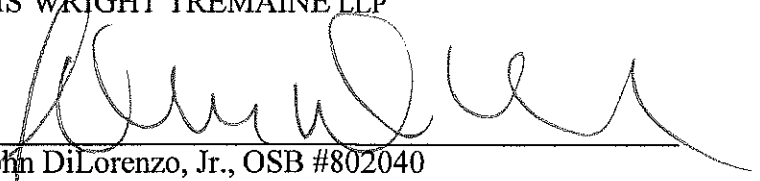
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3. Awarding Plaintiffs their reasonable attorney's fees and costs (including ancillary costs).

4. Granting Plaintiffs such other relief as the Court considers just and equitable.

DATED this 29th day of March, 2013.


DAVIS WRIGHT TREMAINE LLP

By 

John DiLorenzo, Jr., OSB #802040
johndilorenzo@dwt.com
Telephone: (503) 241-2300
Facsimile: (503) 778-5299
Of Attorneys for Plaintiff

Trial Attorney:

John DiLorenzo, Jr., OSB #802040
Attorneys for Plaintiff

 Sunrise Project, I-205 to Rock Creek Junction
**Interchange Area Management Plan
(IAMP)**

Sunrise West Interchanges Management Area

Final Draft

April 2011

Prepared in Cooperation with the Clackamas County Department of Transportation and
Development and the City of Happy Valley

By

ODOT Region 1 Planning



EXHIBIT

1

Study Participants

Oregon Department of Transportation

Elizabeth Craig, ODOT Region 1 Community Affairs

Thomas Picco, Principal Transportation Planner

Michael Ray, Senior Transportation Planner and ODOT Project Manager

Clackamas County

Larry Conrad, Senior Transportation Planner and County Project Manager

Shari Gilevich, Senior Planner

Lorraine Gonzales, Senior Planner

Jennifer Hughes, Senior Planner

Sandy Ingalls, Planner

Steve Koper, Planner

Martha Nix, Planner

Kay Pollack, Senior Planner

Ron Weinman, Principal Transportation Planner

City of Happy Valley

Jason Tuck, City Manager

Michael Walter, Economic & Community Development Director

City of Damascus

Anita Yap, Community Development Director

JLA Public Involvement Inc

Kristen Kibler, Project Manager

Jeanne Lawson, Principal

Stacy Thomas, Senior Project Manager

David Evans and Associates, Inc

Josh Anderson, Engineer

Mike Baker, Consultant Project Manager

Scott Harmon, Engineer

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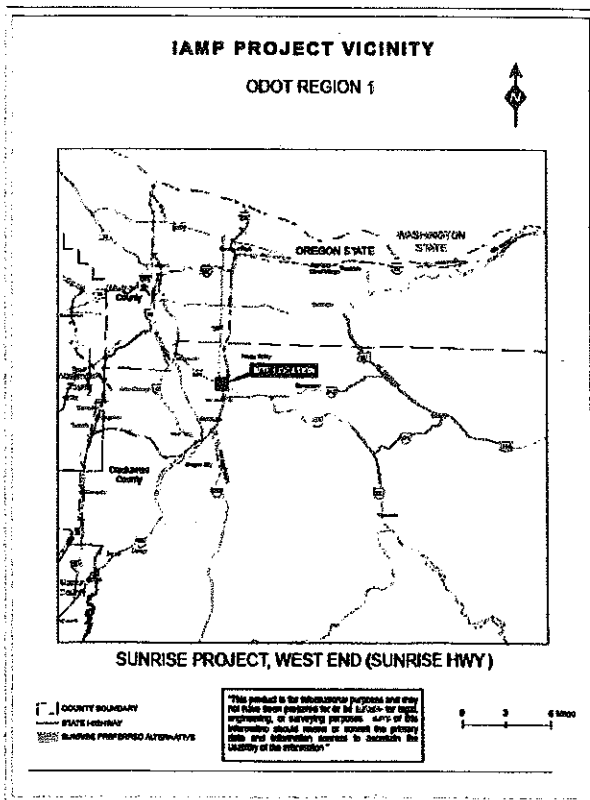
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Introduction

The Sunrise West Interchanges Area Management Plan (IAMP) is one of three IAMPs that have been prepared for the three new and one substantially altered highway interchanges that are part of the Preferred Alternative of the Sunrise Project. The Sunrise West IAMP has been prepared in conjunction with a Supplemental Draft Environmental Impact Statement (SDEIS) and the Final Environmental Impact Statement (FEIS) for the Sunrise Project.

The Sunrise Project will construct a new, east-west expressway located in the western, urbanized portion of Clackamas County. The project limits start just west of SE Webster Road at OR 224 and extend approximately 5 miles to SE 172nd Avenue at OR 212, just east of Rock Creek Junction, where OR 212 and OR 224 diverge to the east and south. The location of the Sunrise Project, in relation to the Portland Metro Area is shown on **Figure 1**. The Sunrise Project is being undertaken by the Oregon Department of Transportation (ODOT) and Clackamas County to address congestion and safety problems in the existing OR 212/224 corridor and to serve the growing demand for regional travel and access to the state highway system through the year 2030. The proposed expressway would have six through-lanes (3 in each direction) with auxiliary lanes in some locations to reduce traffic merging and weaving movements between interchanges. As proposed, the Sunrise Project will include three new and one significantly modified interchanges. These interchange improvements will provide much needed access to/from the Clackamas Industrial Area and the state and interstate highway system, thereby helping maintain the economic viability of this major industrial/distribution center and providing essential access to the emerging Rock Creek Employment area.

Figure 1 – Location of the Sunrise Project



IAMP Purpose

Oregon Administrative Rule (OAR) 734-051-0155 requires that an IAMP be prepared for any new interchange and recommends an IAMP for significant modifications to existing interchanges. The purpose of an IAMP is to ensure safe and efficient operations between connecting roadways, to protect the function of the interchange, and to minimize the need for future major interchange improvements. Because new interchanges are very costly, state and local governments and citizens have an interest in ensuring that they function as intended and for as long a period as possible, while still supporting planned land use.

OAR 734-051-0155(7) requires an IAMP to comply with the following criteria, unless the plan documents why compliance with a criterion is not applicable:

- a. Be developed no later than the time an interchange is designed or is being redesigned.
- b. Identify opportunities to improve operations and safety in conjunction with roadway projects and property development or redevelopment and adopt policies, provisions, and development standards to capture those opportunities.
- c. Include short, medium, and long-range actions to improve operations and safety within the designated study area.
- d. Consider current and future traffic volumes and flows, roadway geometry, traffic control devices, current and planned land uses and zoning, and the location of all current and planned approaches.
- e. Provide adequate assurance of the safe operation of the facility through the design traffic forecast period, typically 20 years.
- f. Consider existing and proposed uses of all the property within the designated study area consistent with its comprehensive plan designation and zoning.
- g. Be consistent with any applicable Access Management Plan, corridor plan or other facility plan adopted by the Oregon Transportation Commission.
- h. Include polices, provisions and standards from local comprehensive plans, transportation system plans, and land use and subdivision codes that are relied upon for consistency and that are relied upon to implement the Interchange Area Management Plan.

Problem Statement

The Sunrise West Interchanges will be constructed as part of the Sunrise Expressway to facilitate movement of traffic from I-205 and the Milwaukie Expressway to the new Sunrise Expressway. The current Milwaukie Expressway/I-205 interchange and the I-205/OR 212-224 (Clackamas) interchange are at capacity. With the construction of the Sunrise Expressway, both of these interchanges will be modified to accommodate regional traffic projections.

Clackamas Regional Center located immediately to the north of the Interchange Management Area is a major destination for future users of the Sunrise Expressway. The proposed system (freeway to freeway) interchange complex that will connect the Sunrise Expressway to the Milwaukie Expressway and I-205 cannot accommodate all of the necessary movements to support the existing land uses located in the Clackamas Regional Center, due to interchange spacing requirements on I-205. To accommodate additional traffic movements two half interchanges are added to the complex:

- the Sunrise Expressway to OR 213 N (82nd Avenue) Half Interchange, and the
- I-205 to OR 213 N (82nd Avenue) Half Interchange.

Refer to **Figure 2**.

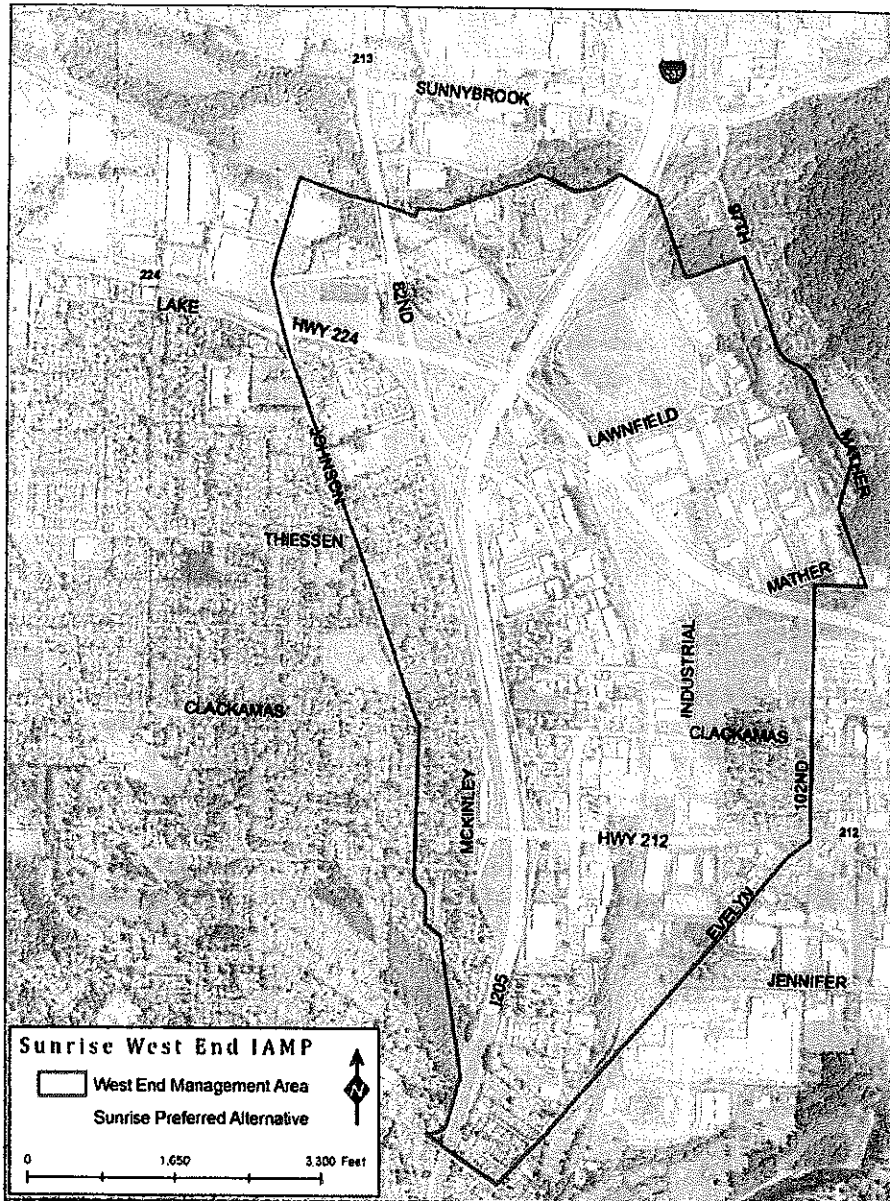
Additionally, there are local connections to the existing OR 212/224 and OR 224 highways that do not meet ODOT access spacing and operational standards including:

- the intersection of SE 82nd Drive and OR 212/224,
- the intersection of SE Deer Creek Lane and SE 82nd Avenue,

- the intersection of SE Johnson Road and SE Lake Road/SE Johnson Road and the Milwaukie Expressway, and
- the intersection of SE McKinley Avenue/SE Roots Road and OR 212/224.

These connections - not originally addressed in the Supplemental Draft Environmental Impact Statement (SDEIS) - came to light during the development of this IAMP. The implementation of this IAMP will address these access spacing and operational conditions.

Figure 2 – Sunrise West Interchanges



IAMP Goals

The Sunrise West IAMP addresses several goals related to interchange area management:

- Protect the function and operation of the Sunrise West Interchanges and the Sunrise Expressway.
- Protect the function and operations of OR 212/224 and OR 224 within the IAMP area.
- Protect the function and operation of the local street network within the IAMP area.
- Provide safe and efficient

operations between the connecting roadways and the local street network.

- Provide for an adequate system of local streets that support access and circulation within the interchange area while minimizing local traffic through the interchange.

- Ensure that changes to the planned land uses are consistent with protecting the long-term function of the interchange and the local street system.
- Provide and manage access to minimize impacts to natural and cultural resources within the management area.

Sunrise West Interchanges Management Area

The Sunrise West Interchanges Management Area is the largest and most complex of the three Sunrise Project IAMP management areas, containing over 741 acres. The Sunrise West Interchanges Management Area boundaries developed by Clackamas County and ODOT staff took into consideration the existing geography and development in the area. The Interchange Management Area is bounded on the west by Johnson Road. The southern boundary is Strawberry Lane. Approximately SE 97th Avenue, SE 102nd Avenue, and Evelyn Street make up the eastern boundary. The Union Pacific Railroad (UPRR) and a stream that runs along Oak Bluff Road make up the northern boundary as shown in **Figure 3**.

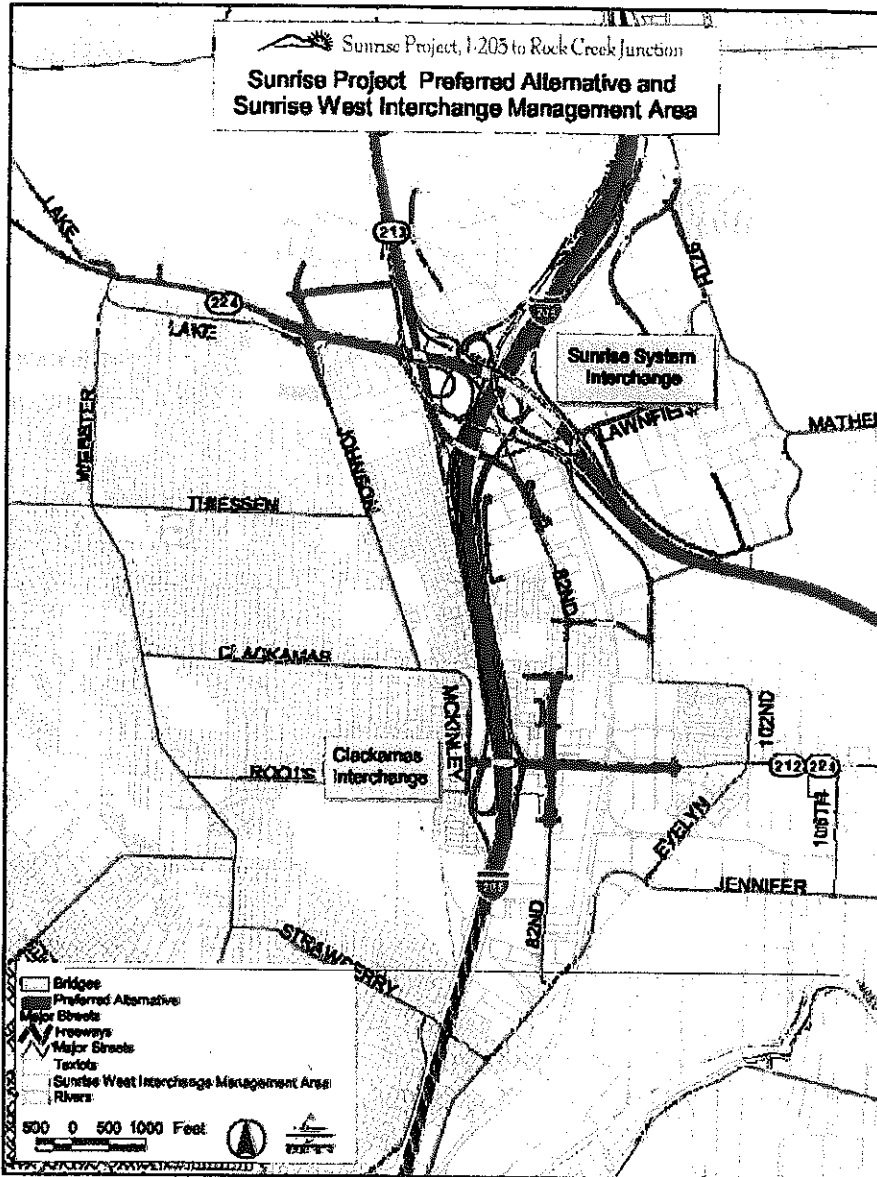
Existing Conditions

Existing Land Use

The area within the Sunrise West Interchanges Management Area is largely built-out. Residential, commercial and industrial development exists at urban densities, as allowed by the Clackamas County Comprehensive Plan. Development within the management area is predominantly for employment uses, with over half of the land area in industrial, office, commercial and warehouse uses. Refer to **Appendix B** for Sunrise West Interchanges Land use Analysis concerning information on households and employment. The Sunrise West Interchanges Management Area contains portions of three of the County's most important business districts, as identified on **Figure 4** - the Clackamas Business District, the Clackamas Industrial Area, and the Highway 212/224 Business District. The management area is just south of the Clackamas Regional Center.

Residential uses take up approximately 21 percent of the developed land in the management area, predominately in the western and southern portions of the management area. The remaining land is occupied by parks, public utilities, and military uses, community uses such as churches and schools, and rights-of-way. About 97 acres in the management area (12 percent of the total) are vacant. **Figure 4** shows the existing land uses in the Sunrise West Interchanges Management Area.

Figure 3 - Sunrise West Interchange Management Area



Existing Local Circulation and Private Property Approaches

As there is significant development in the Management Area, the Sunrise West Interchanges are considered Fully Developed Urban interchanges as described in the Oregon Highway Plan.

At the heart of the Sunrise West Interchanges Management Area is the confluence of four major state facilities – I-205, the Milwaukie Expressway, OR 213 N (SE 82nd Avenue) and the Sunrise Expressway. OR 212/224 intersects with I-205 at the

southern end of the management area. As displayed in Figure 5, there are no local or private connections to the Sunrise Expressway and I-205. SE Johnson Road connects with the Milwaukie Expressway at the northwestern corner of the management area, but there are no private approaches. SE Mckinley, SE 82nd Drive and SE Evelyn/SE 102nd Avenues all intersect with OR 212/224, but again the state facilities are access controlled concerning private approaches. The intersections of SE McKinley Avenue and SE 82nd Drive will not meet the ODOT standard for approaches on state highways as shown in Table 1. Therefore, a deviation is required for these intersections.

Alternatives Analysis

An Access Management Team (AMT), formed as a subset of the Sunrise Project Management Team (PMT) in November 2007, in compliance with Access Management Project Delivery Objective 3.

The purpose of the AMT was to review access and circulation decisions previously made as part of the Sunrise Project design process and to consider alternative approaches to access management within the Interchange Management Area. The primary purpose of this review was to improve operations and safety of:

- the interchange ramps between the Sunrise Expressway, I-205, the Milwaukie Expressway, SE 82nd Avenue and SE 82nd Drive,
- the intersection of SE 82nd Drive and OR 212/224,
- the intersection of SE Deer Creek Lane and SE 82nd Avenue,
- the intersection of SE Johnson Road and SE Lake Road/SE Johnson Road and the Milwaukie Expressway, and
- the intersection of SE McKinley Avenue/SE Roots Road and OR 212/224.

Table 1 and Figure 6 list and diagram ODOT spacing standards used in the design of approach road spacing distances within the Midpoint Interchange Management Area.

Figure 4 - Existing Land Uses

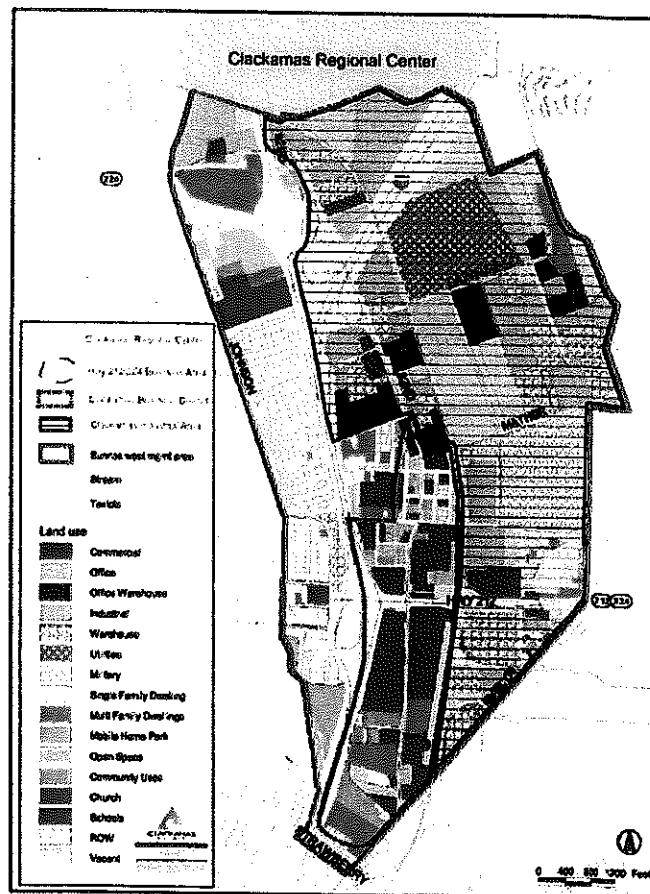


Figure 5 - Existing Local Approach Road Points- Prior to Sunrise Project

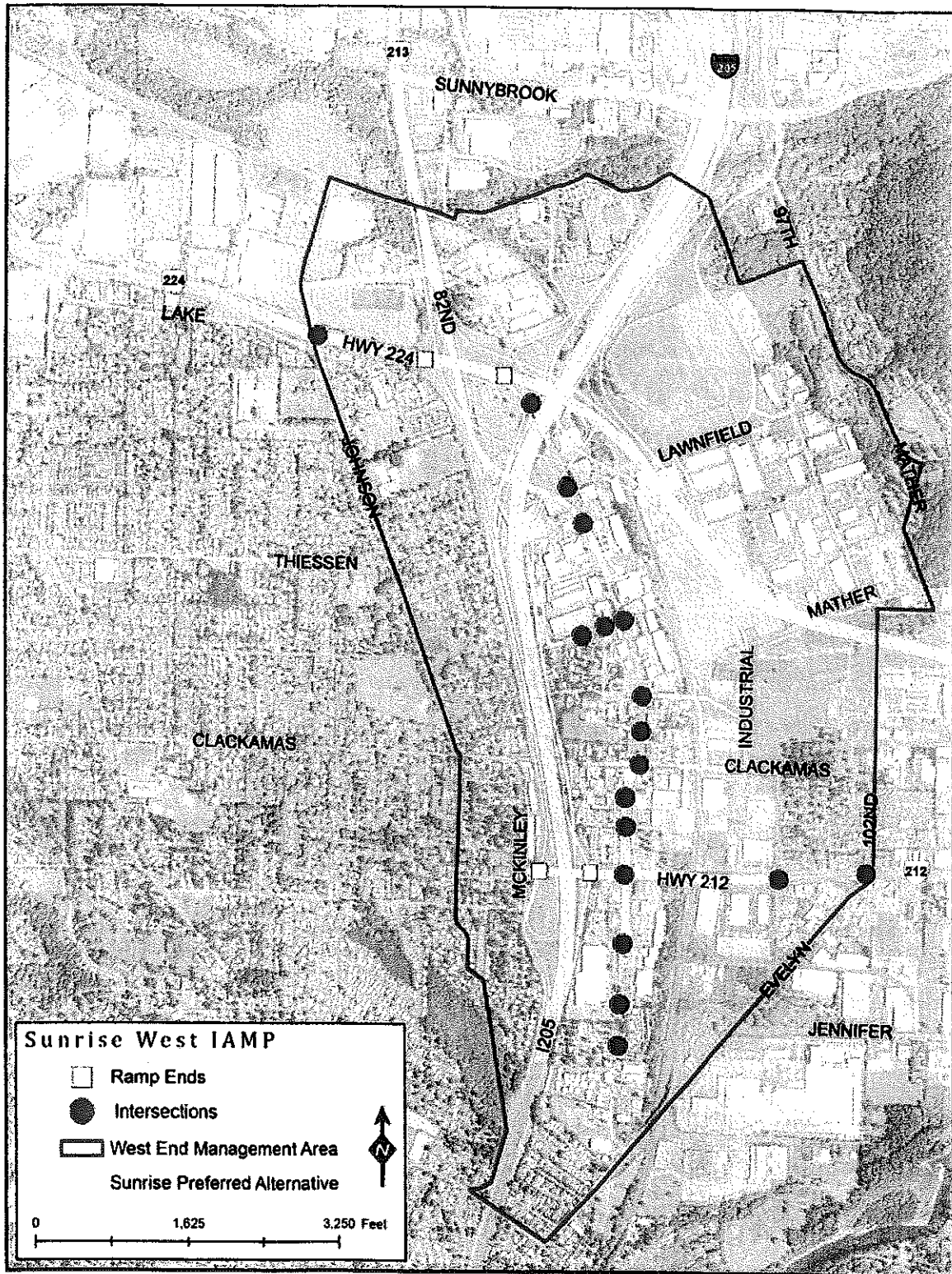
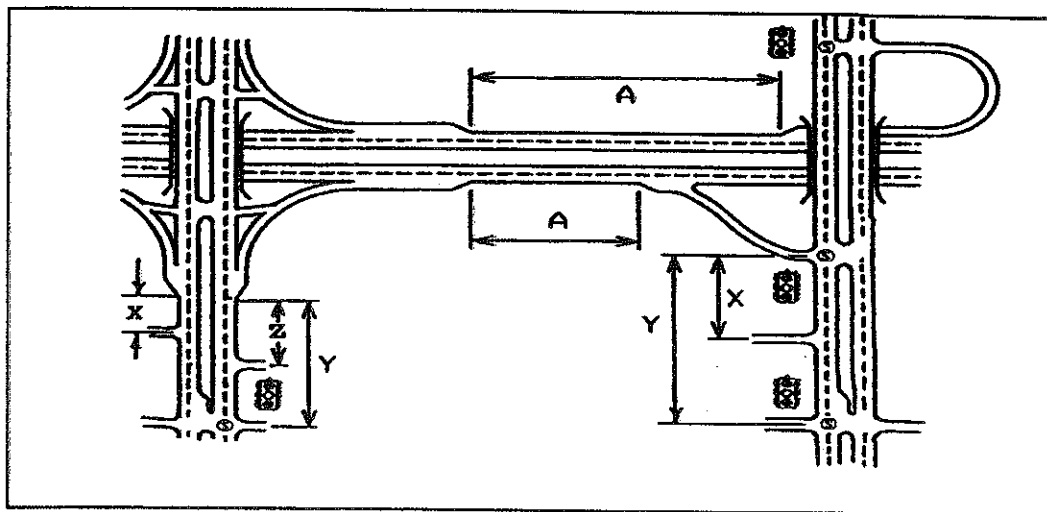


Table 1 - Minimum Spacing Standards Applicable to Freeway Interchanges with Multi-Lane Crossroads (OHP Table 19)

Type of Area* (OAR 734-051-0125)	Spacing Dimension			
	A = Distance between the start and end of tapers of adjacent interchanges	X = Distance to the first approach on the right; right in/right out only	Y = Distance to first intersections where left turns are allowed	Z = Distance between the last right in/ right out approach road & start of taper for the on-ramp
Fully Developed Urban	1 mile	750 feet	1,320 feet	750 feet

*A Fully Developed Urban Interchange Management Area is within an urban growth boundary and has at least 85% of the frontage of the interchange crossroad developed (1999 Oregon Highway Plan).

Figure 6 - Measurement of Spacing Standards



The primary source of changes to the approach roads on the state highway system within the Sunrise West Interchanges Management Area will be the construction of the Sunrise Project described as part of the Preferred Alternative. These new facilities will remove a number of existing approach road access points on the state highways and substantially modify most of the other approaches to the existing state highways. During the design process and the review of the access changes by the AMT, consideration was given to providing alternative access to property owners within the study area and to better alleviating traffic in several identified problem areas. The most notable change proposed in the Preferred Alternative includes the SE 82nd Drive/OR 212-224 intersection.

Detailed analyses of this and several other intersections considered for minor alterations are in Appendix C.

SE 82nd Drive and OR 212/224 Intersection Refinement Alternatives

The intersection of 82nd Drive at OR 212/224 (Figure 7) is the most congested bottleneck within the study area in the year 2030. The Supplemental Draft Environmental Impact Statement (SDEIS) design at this intersection is an improvement over the current design, but it would not meet state and local operational standards in the design year (2030).

Four alternatives to the SDEIS Build Alternative were studied for this intersection:

1. Adding capacity via a third westbound lane on OR 212/224, between SE 102nd Avenue and SE 82nd Drive (also providing a dedicated westbound right turn lane at SE 82nd Drive);
2. Limiting access by restricting all left-turn movements from SE 82nd Drive and the OR 212/224 intersection by providing alternative access via signalized intersections with potential for U-turns along SE 82nd Drive at SE Clackamas Road and at the north Fred Meyer access;
3. Reroute northbound and southbound through trips on SE 82nd Drive to a new parallel road east of SE 82nd Drive. This would remove a signal phase from the intersection, allowing the remaining signal phases to use the additional capacity;
4. Grade separate the northbound and southbound through trips under the existing intersection. Again, removing a signal phase from the intersection and allowing the remaining signal phases to use the additional capacity.

The following is a list of assumptions considered to complete the analysis of the four SE 82nd Drive improvement scenarios:

- The SE Lawnfield Road connection between the Lawnfield Industrial Area and Sunnybrook Boulevard is constructed;
- The SE Tolbert Road overcrossing of the Union Pacific Railroad is constructed between SE 82nd Drive and SE Industrial Way;
- The intersection of SE Tolbert Road at SE 82nd Drive is signalized;
- The intersection at the southern Fred Meyer access with SE 82nd Drive is signalized; and
- A raised median is constructed along SE 82nd Drive between the north Fred Meyer intersection (south of OR 212/224) and SE Clackamas Road (north of OR 212/224), restricting all left turns along this stretch of SE 82nd Drive.

Alternatives 1 and 2 (above) were incorporated into the Preferred Alternative. For the methodology, data sources and standards used for the four alternatives of the SE 82nd Drive and OR 212/224 Refinement Study, please reference Section 4 and Section 4.6 of the Transportation Technical Report for the "Sunrise Expressway, I-205 to Rock Creek Junction (OR 212/224)." **Table 2** lists alternatives that were considered and dismissed by the AMT.

Figure 7 – SE 82nd Drive and OR 212/224 Intersection

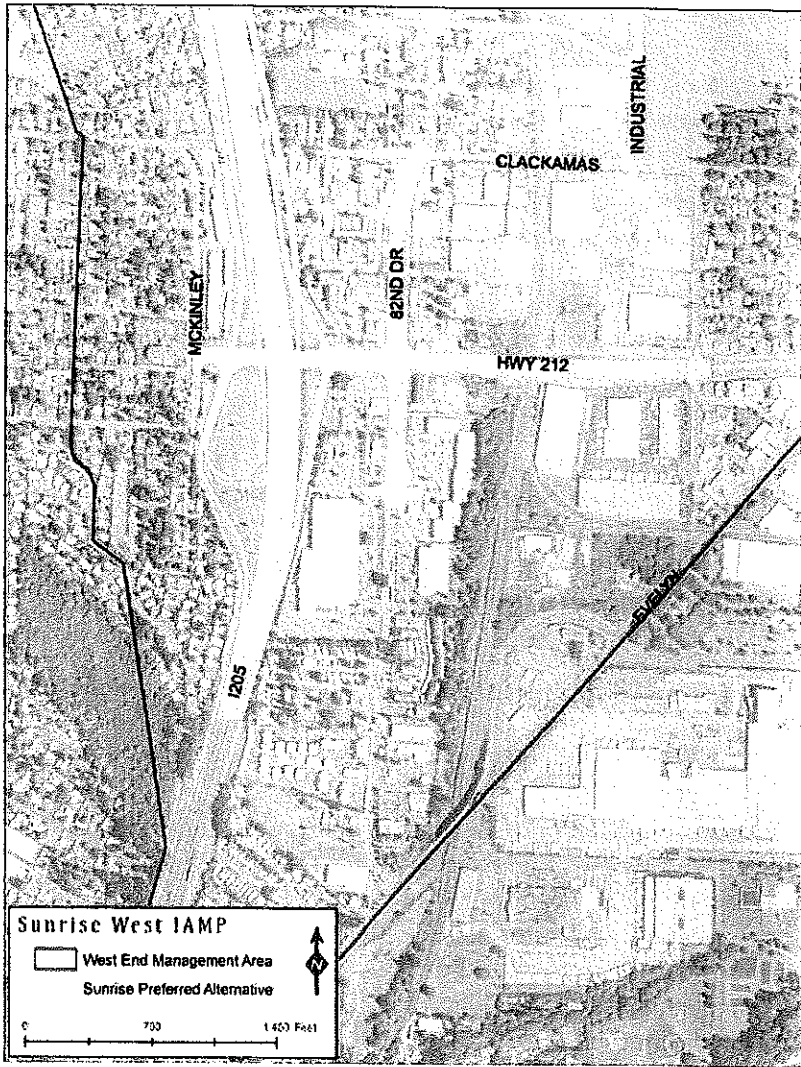


Table 2 – SE 82nd Drive – Other Alternatives Considered and Dismissed

Scenario	Reason for Dismissal
Closure of 82nd Drive at OR 212/224	Not practical due to: Traffic Operational Problems & Impacts to Local Businesses
Restrict north and southbound left turns	Not practical due to: Traffic Operational Problems
Restrict east and westbound left turns	Not practical due to: Traffic Operational Problems
SDEIS Design	Not practical due to: Traffic Operational Problems
Dual left turns on all approaches (Above SDEIS Improvements)	Not practical due to: Traffic Operational Problems
Jug handles in each quadrant – No left turns at 82 nd Drive	Not practical due to: Design and Weaving Problems
Jug handles in NE and SW quadrants only – Left turns only allowed WB > SB and EB > NB	Not practical due to: Design and Weaving Problems
Require all trucks to use the Gladstone interchange	Not practical due to: Enforcement Issues & May require improvements to Gladstone interchange.
Add local road connections over I-205 at Clackamas Road and Roots Road	Not practical due to: Design Problems
Restrict all left turns – Provide no additional alternative routes	Not practical due to: Out-of-Direction Travel & Impacts to Local Businesses

The Sunrise Corridor SDEIS proposes closing the direct access from southbound SE 82nd Avenue to the Milwaukie Expressway and provide that access via a new signalized intersection at SE Deer Creek Lane and SE 82nd Avenue. The proposed access change has the potential to increase traffic volumes on SE Deer Creek Lane and SE Johnson Road significantly. This change also will change the character of SE Deer Creek Lane from a local access road to a regional connector.

The Sunrise SDEIS also proposes closing the SE Lake Road intersection with SE Johnson Road leaving SE Webster Road as the only access to the Milwaukie Expressway from SE Lake Road. To help answer the access and mobility questions associated with SE Deer Creek Lane and SE Lake Road, the project team evaluated capacity improvements to the existing signalized intersection of SE Deer Creek Lane and SE Johnson Road, and the realignment of SE Lake Road and SE Johnson Road to provide access to the Milwaukie Expressway at SE Pheasant Court. Two alternative improvements studied for this intersection incorporate the realignment of SE Lake Road and SE Johnson Road:

- Capacity enhancements on side streets and turning movements along the Milwaukie Expressway, designed to determine whether traffic operations would meet standards without adding a third lane on Milwaukie Expressway. Dual northbound left-turn lanes were provided at the intersection of Deer Creek Lane and 82nd Avenue, or
- A seven-lane cross section of the Milwaukie Expressway 1,100 feet past SE Webster Road, including select side street and turning movement capacity enhancements along the Milwaukie Expressway.

Operational Results

Without a seven-lane cross section on Milwaukie Expressway, a queue forms on the Milwaukie Expressway at the SE Webster Road intersection. This queue extends easterly as far back as the Sunrise mainline under the first alternative. The queue on the Milwaukie Expressway causes a reduction in side street capacity because there is no storage for vehicles to turn westbound onto the Milwaukie Expressway.

To meet ODOT's operational standards along the Milwaukie Expressway between I-205 and SE Webster Road, it was determined that the second alternative, with a seven-lane cross section continuing west 1,100 feet past the intersection of SE Webster Road along with select turning movement capacity enhancements, should be made along the Milwaukie Expressway.

Future Land Use

The Sunrise West interchanges are located inside the Metro Urban Growth Boundary (UGB) in an area that is largely developed. Approximately 41% of the 97 acres of vacant land within this Management Area is expected to be acquired for new right-of-way, leaving roughly 57 acres of vacant land to potentially develop, more than half of which contains some sort of development constraint including steep slopes, wetlands, and/or natural habitat. Therefore, the majority of the expected growth in the Sunrise West Interchanges Management Area will be redevelopment of existing sites under existing zoning and comprehensive plan designations.

ODOT has designed the Sunrise West interchanges to accommodate the surrounding communities' plans for growth over the 20-year planning horizon, consistent with their comprehensive plans, and with the Metro 2030 Regional Employment and Housing Forecast (Gen 2.3); and is relying on the existing zoning and land uses. The Sunrise West IAMP was not

designed to support development such as highway commercial that is not authorized in the Clackamas County and City of Happy Valley Comprehensive Plans.

The local comprehensive plans and other related documents are described in **Appendix A** and include the following assumptions, which were used to develop the IAMP for Sunrise West:

- The areas will continue to develop in accordance to existing comprehensive plans and zoning;
- Development will intensify on sites where zoning will allow; and
- Planned land uses are in conformance with the Metro 2030 forecast for households and employment used in modeling the future traffic operations summarized below. A more complete description of the planned land uses in this area is contained in **Appendix B**.

Future Traffic Operations

The Sunrise Project traffic model used the 2030 Financially Constrained road network as the basis for all forecasting of future traffic volumes. An alternative 2030 Employment and Housing Forecast was considered as part of the Sunrise Project evaluation process that assumed slower growth in the City of Damascus, but it did not significantly affect the travel demand in the Sunrise Project Study Area.

Preferred Alternative System Intersection Performance

The traffic model forecasts for the Preferred Alternative show that it performs better than the SDEIS Alternatives with respect to intersection operations in the Sunrise West Interchanges Management Area. A summary of the intersection capacity analysis is shown in **Table 3**. A detailed discussion of impacts to the intersections identified in this section is in **Appendix C**. ODOT's Oregon Highway Plan standards indicate a v/c ratio of no greater than 0.85 for the design year for intersections. New intersections expected to fail to meet ODOT standards in 2030 require design exceptions and are noted in the **Table 3** with highlighting.

Table 3 - Sunrise West IAMP Intersection Capacity Analysis

N Intersection Name	AM Peak Hour Performance		PM Peak Hour Performance	
	1 st Hour	2 nd Hour	1 st Hour	2 nd Hour
Sunrise System Interchange Intersections				
System Interchange West Signal	0.87 v/c	0.81 v/c	0.56 v/c	0.63 v/c
System Interchange East Signal	0.77 v/c	0.71 v/c	0.77 v/c	0.86 v/c
OR 212 / 224 Intersections (ODOT Intersections)				
Clackamas Interchange – South Bound Ramps	0.72 v/c	0.69 v/c	0.91 v/c	0.93 v/c
Clackamas Interchange – North Bound Ramps	0.79 v/c	0.71 v/c	0.80 v/c	0.86 v/c
OR 212/224 and 82 nd Drive Intersection	0.73 v/c	0.71 v/c	0.80 v/c	0.85 v/c
OR 212/224 and 102 nd Avenue Intersection Existing Intersection, not Modified by Project	0.94 v/c	0.95 v/c	1.07 v/c	1.06 v/c
82nd Drive Intersections (County Intersections)				
82 nd Drive and Tolbert Road Intersection	0.48 v/c	0.42 v/c	0.64 v/c	0.70 v/c
82 nd Drive and Clackamas Road Intersection	0.52 v/c	0.47 v/c	0.74 v/c	0.80 v/c
82 nd Drive and North FM Access Intersection	0.66 v/c	0.62 v/c	0.79 v/c	0.86 v/c
OR 213 N (82nd Avenue) Half Interchange with I-205				
OR 213 N / 82 nd Drive – South Bound Ramps	0.42 v/c	0.42 v/c	0.60 v/c	0.66 v/c
OR 213 N / 82 nd Drive – North Bound Ramps	0.49 v/c	0.42 v/c	0.50 v/c	0.55 v/c
OR 213 N (82nd Avenue) / OR 224 Arterial Connection				
OR 213N and Deer Creek Lane Intersection	0.56 v/c	0.51 v/c	0.75 v/c	0.81 v/c
Deer Creek Lane and Johnson Road Intersection	0.46 v/c	0.45 v/c	0.74 v/c	0.83 v/c
OR 224 and Johnson Road Intersection	1.01 v/c	0.95 v/c	0.90 v/c	1.01 v/c
West End Transition Area				
OR 224 and Webster Road Intersection	1.01 v/c	0.95 v/c	1.31 v/c	1.39 v/c
OR 224 and Pheasant Court Intersection	0.71 v/c	0.67 v/c	0.77 v/c	0.81 v/c
OR 224 and Johnson Road Intersection	1.01 v/c	0.95 v/c	0.90 v/c	1.01 v/c

Source: Sunrise Project Transportation Technical Report, David Evans, 2010

As shown in Table 3, there are numerous intersections that do not meet operational standards of the OHP for both AM and PM peak hour. Some of these intersections, such as those in the Sunrise System Interchange; OR 213 N (82nd Avenue) OR 224 Arterial Connections; and the West End Transition Area are a condition of future projects along the Milwaukie Expressway, as identified in the Region Transportation Plan (RTP). ODOT has discussed this with FHWA and FHWA has acknowledged that later improvements to the Milwaukie Expressway identified in the Metro RTP will enhance future operations at these intersections. FHWA has also acknowledged that the Sunrise Expressway Preferred Alternative provides operational and safety improvements at these locations that will prevent queuing of vehicles onto I-205 from the Milwaukie Expressway. Intersections identified as OR 212/224 Intersections (ODOT Intersections) that do not meet OHP mobility standards do not because the cost of land acquisition and constructing the facilities to meet the standard outweigh the benefit of meeting the mobility standard. Traffic projects demonstrate that although the ramp terminals will not meet OHP mobility standards, traffic will not queue back onto the Interstate system.

Future Local Circulation

The physical improvements to future local circulation in the Sunrise West Interchanges Area include new features that were not part of the SDEIS. Additional design refinement was done based on stakeholder input and the additional assessment of environmental resource avoidance. These improvements include the following:

- SE 82nd Drive-OR 212/224 intersection redesign – no left turns
- Third westbound lane on OR 212/224 extended to SE 102nd Avenue
- SE Lawnfield Road alignment revised to avoid radio tower site.
- SE Tolbert Street overcrossing of the UP mainline, connecting to SE 82nd Drive.

Interchange Area Management Plan

Sunrise West Interchanges Function Statement

The Sunrise West Interchanges are proposed system and service-level interchanges that would serve as the western terminus of the Sunrise Expressway and OR 212/224. The primary functions of these interchanges are to:

- Accommodate expressway to expressway movements between I-205, the Milwaukie Expressway (OR 224) and the new Sunrise Expressway.
- Accommodate movements from I-205 and the Sunrise Expressway to SE 82nd Avenue and SE 82nd Drive through two new half interchanges.
- Provide access to the two large employment areas in the vicinity - the Clackamas Regional Center and the Clackamas Industrial Area.
- Accommodate access to/from OR 212 and OR 224 for regional through freight traffic; and
- Provide access to the planned urban land uses including employment areas and Regionally Significant Industrial Areas (RSIA) located at the eastern terminus of the Expressway, in east Happy Valley and Damascus.

The interchanges are not designed to facilitate additional development such as highway oriented commercial, beyond what is already designated for the management area in the Comprehensive Plans of Clackamas County and the City of Happy Valley.

Land Use Assumptions

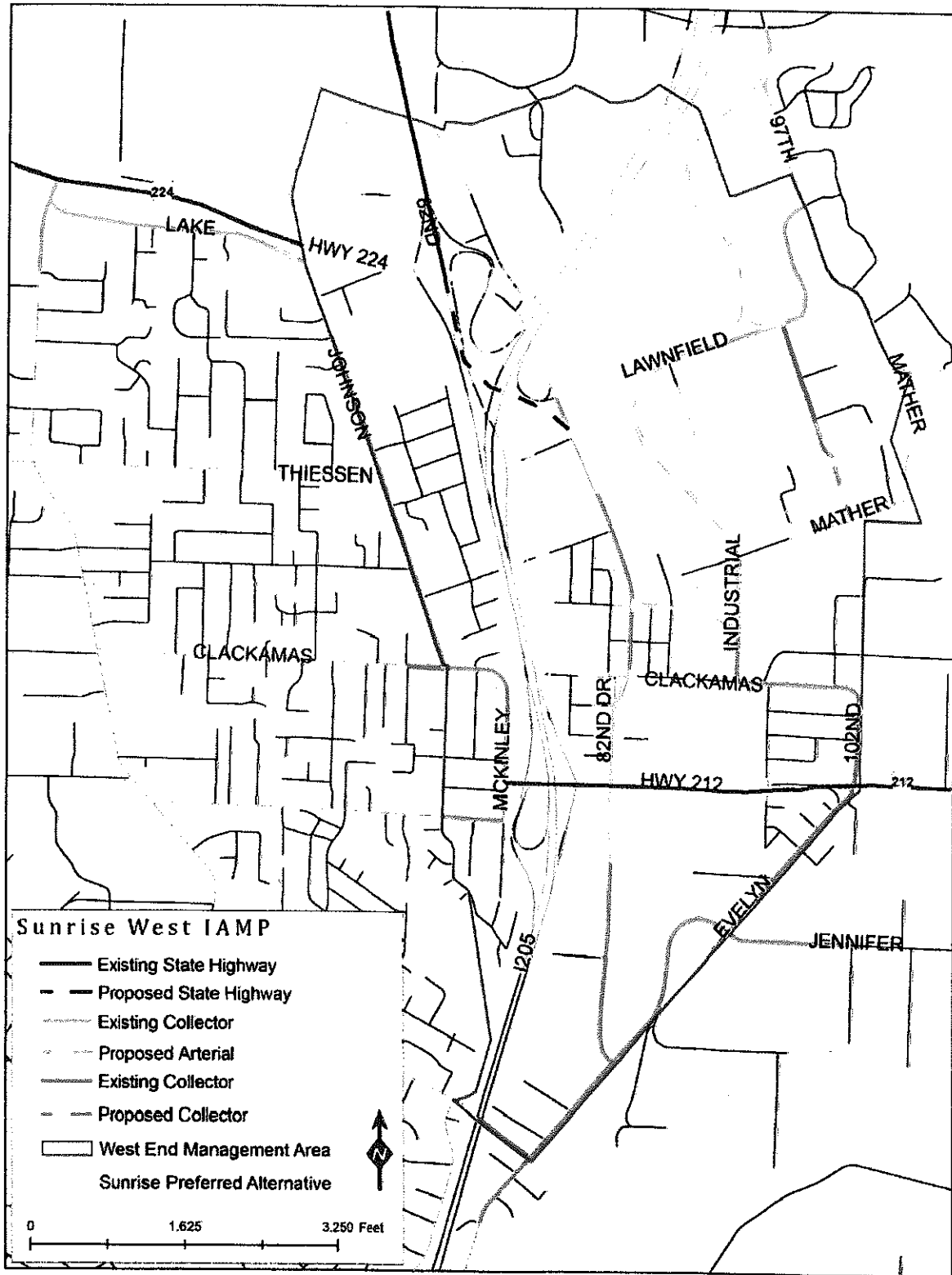
ODOT is relying on the acknowledged comprehensive plans for Clackamas County and the City of Happy Valley. (See Appendix B - for applicable zoning districts).

Circulation and Access Management Plan

This section describes the generalized access control measures developed for approach roads onto the state highways and local roadways by ODOT, Clackamas County and the City of Happy Valley. The Access Management Plan (AMP) comprises actions to guide and control access for the entire Sunrise West Interchanges Management Area.

The Local Connectivity Plan in the Sunrise West Interchanges Management Area is shown in Figure 8. This local circulation system is integrated with the Sunrise Project Preferred Alternative and comprises the non-expressway facilities constructed or altered as part of the Sunrise Project.

Figure 8 - Local Connectivity Plan – Sunrise West Interchanges



There are twelve new or reconfigured local streets within the West interchanges management area constructed as part of the Sunrise Project. Table 4 and Figure 9 below, list and display these new or reconfigured local connections. The ID number in Table 4 coincides with the location on Figure 8.

Table 4 - West IAMP Local Circulation Changes

ID Number	Approach Road Type	Location	Type of Modification
A	New Local Street	SE Lawnfield Road to SE 97 th Avenue	New Connection
B	Existing Local Street	SE Johnson Road to SE 82 nd Avenue	Major Modification to an Existing Street
C	Existing Local Street	SE Lake Road at SE Johnson Road	Cul-de-Sac of Existing Intersection
D	New Local Street	SE 98 th Court	New Connection
E	New Local Street	SE Industrial Way to SE Lawnfield Road	New Connection
F	New Local Access	From SE Herbert Street South	New Connection
G	New Local Access	New Local Access between SE Janssen Street and SE Herbert Street	New Connection
H	New Local Street	SE Tolbert Street Extension	New Connection
I	Existing Local Street	SE Clackamas Road	Major Intersection Modification
J	New Local Access	SE 92 nd Avenue Connection	New Connection
K	Existing Local Street	SE Alansa Drive	Minor Intersection Modification
L	New Local Access	North Fred Meyer Access	Major Intersection Modification

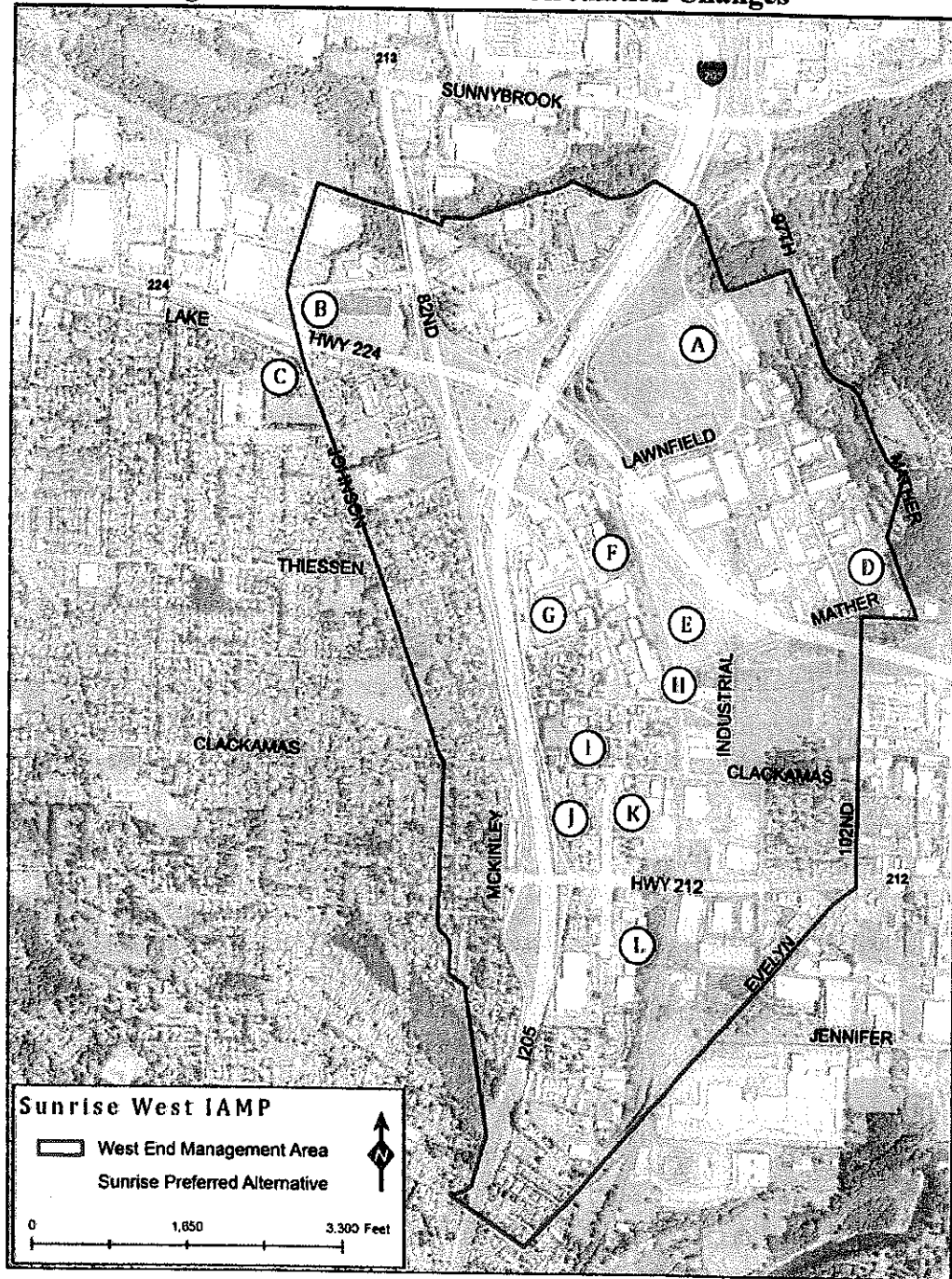
ODOT is relying on the following provisions for access management decisions in the West Interchanges Management Area:

- Existing approach roads not modified by the construction of the Sunrise Project will maintain existing connections to the state and local road systems.
- Table 1 and Figure 6 above; apply to all new or modified approaches to state facilities.

Clackamas County Access Management Standards apply to all new or modified approaches to county facilities. The standards are in the Clackamas County Road Standards, Section 130.3.3 - for Driveway Entrance Permits; and Chapter 2, Section 220, Table 2-2 for Access Management concerning roadway intersections and driveway access to county roads (see Table 5 below and Appendix J).

- Happy Valley Access Management Standards apply to all new or modified approaches to city facilities. The standards regarding streets are in the City of Happy Valley Transportation System Plan, Table 8-2 (Table 6, below). Chapter 8 of the City's Transportation System Plan addresses local street connectivity.

Figure 9- West IAMP Local Circulation Changes



**Table 5 -
(Table 2-2. Minimum Intersection Access Spacing (feet) from the Clackamas County
Roadway Standards)**

Functional Classification of Existing Primary Roadway	Minimum Full Spacing of Intersection Roadways				Minimum Restricted Spacing of Intersecting Roadway*			
	Major and Minor Arterials	Collector	Connector	Local & Private Roadways	Major and Minor Arterials	Collector	Connector	Local & Private Roadways
Major Arterial	1000	1000	500	250	N/A	N/A	300	300
Minor Arterial	1000	500	250	250	N/A	N/A	300	150
Collector		150	100	100		N/A	N/A	N/A
Connector			100	100			N/A	N/A
Local & Private Roadways				100				N/A

Notes: Does not apply to driveways.

Alternative spacing may be allowed as a modification per Section 170.

Access movements may be restricted as necessary to preserve function of major roadway.

Section 220.4 Driveway Access to Arterial Roadways through Section 220.9 Maximum Access by Modification of the Clackamas County Roadway Standards describes the spacing requirements for driveways based on the roadway classification. These sections of the Clackamas County Roadway Standards are in Appendix J.

**Table 6 -
(Table 8-2: Access Spacing Standards for City Street Facilities from the Happy Valley
Transportation System Plan)**

Street Facility	Maximum Access Spacing	Minimum Access Spacing with Full Access	Minimum Access Spacing with Limited Access*
Major Arterial	-	1,000 feet	500 feet
Minor Arterial	-	600 feet	300 feet
Collector	530 feet	400 feet	200 feet
Neighborhood	530 feet	-	-
Local	530 feet	-	-

Note: Intersection and driveway spacing measured from centerline to centerline.

*Limited Access - Vehicles are restricted to right-in/right-out turn movements. In some cases, left-in turn movements may be permitted.

Implementation

Clackamas County, ODOT and the City of Happy Valley cooperated in the preparation of the Sunrise West IAMP. Separate adoption processes and implementing actions exist for each agency. This section summarizes the implementation roles and responsibilities for the respective jurisdictions. It also identifies access management and policy actions, and reviews the process for state and local authorities to adopt the Sunrise West IAMP.

See Appendix G for language used by the local jurisdictions in the amendment of their Transportation System Plans (TSPs). Clackamas County and the City of Happy Valley have adopted local ordinances to their Comprehensive Plans/TSPs to implement local elements of

the IAMP prior to adoption of the IAMP by the Oregon Transportation Commission (OTC). The OTC must adopt the IAMP before construction commences on the Sunrise Project.

ODOT Actions

The following will be done by ODOT as part of the land acquisition and construction of the Sunrise Expressway:

- The following access management changes identified in this IAMP will occur during the right-of-way acquisition phase or the construction phase of the Sunrise Project on the following facilities:
 - The Sunrise Project interchange complex - a system interchange that would provide connections between the Milwaukie Expressway (OR 224), the Sunrise Expressway and I-205. Two half interchanges are included in the interchange complex to provide additional necessary movements to support the Clackamas Regional Center:
 - I-205/OR 213N (SE 82nd Avenue) half interchange
 - Sunrise Expressway/OR 213N (SE 82nd Avenue) half interchange
 - The expanded Clackamas interchange (I-205 and OR 212/224).
 - The adjacent OR 212/224 - SE 82nd Drive intersection, reconfigured to prohibit all left turns at the intersection. Reconstruct SE 82nd Drive to accommodate the left turn movements with the addition of two signalized intersections which permit U-turns.
 - Three new arterial connections, within the Lawnfield industrial area to improve circulation and to provide access to SE 82 Drive, OR 212/224 and SE 97th Avenue.
 - A rebuilt arterial connector, Lawnfield Road, will link the Lawnfield industrial area and SE 97th Avenue.
 - Consolidate, restrict, purchase, and/or close approach roads, consistent with the Circulation and Access Management Plan portion of the IAMP.
 - Purchase access control where needed.

Prior to the construction of the Sunrise Project facilities, access in the Sunrise West IAMP Management Area will be managed in accordance with the following:

- ODOT and the local governments will manage the creation of new approach roads to the state highway system in a manner that is consistent with OAR 734 Division 51.
- Local governments will manage the creation of new approach roads to the local street system in a manner that is consistent with local government access management requirements.

Local Actions

As detailed in **Appendix G**, Clackamas County and the City of Happy Valley have adopted implementing policies intended to:

- Support the adoption of the IAMP by the OTC as an amendment to the Oregon Highway Plan.
- Promote redevelopment of sites in a manner consistent with the Metro 2030 Regional Employment and Housing Forecast (Gen 2.3).
- Support land uses in the vicinity of the Sunrise West Interchanges that are consistent with the land use assumptions in the IAMP and with the stated function of the interchanges as described in the IAMP.
- Require any party initiating changes to the land use designations or uses allowed in the Interchanges Management Area to identify needed amendments to the IAMP, including a funding plan, and coordinate with the affected jurisdiction(s) to assure that mobility standards are not exceeded before the end of the planning period.
- Review possible allowed uses and existing resource designations, and monitor and comment on any future actions that would amend the boundary of a local jurisdiction if that boundary change is within the Interchanges Management Area.
- If future circumstances in the Interchange Management Area result in the need for changes to the IAMP, Clackamas County, the City of Happy Valley, and ODOT shall jointly prepare amendments to the IAMP.

IAMP Adoption

Clackamas County and Happy Valley have developed amendments to their Comprehensive Plans and/or Transportation System Plans to support the implementation of this IAMP.

The Clackamas County Planning Commission held a hearing on these amendments (ZDO 225) on May 10, 2010.

The Clackamas County Board of County Commissioner adopted the amendments of the Clackamas County Comprehensive Plan Chapter 4 on August 11, 2010.

The Happy Valley Planning Commission held a hearing to recommend amending the Happy Valley TSP in October, 2010.

The Happy Valley City Council adopted amendments to the Happy Valley TSP on January 18, 2011.

Appendix H of the plan demonstrates that the IAMP is in compliance with other planning documents.

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BEFORE THE
OREGON DEPARTMENT OF TRANSPORTATION
RAIL DIVISION

RX 1671

IN THE MATTER OF

The Construction of a New Highway-Rail
Overcrossing and the Closure of the Existing
Highway-Rail Crossing at Lawnfield Road

and

UNION PACIFIC RAILROAD COMPANY,
A Delaware Corporation, Brooklyn
Subdivision, in Clackamas, Clackamas
County, Oregon

ORDER GRANTING PETITION TO
PARTICIPATE

On November 8, 2012, the Lawnfield Industrial Owners Association ("Association"),
Harsch Investment Properties, LLC ("Harsch"), Clackamas Commerce Center ("CCC"), and
Utility Trailer Sales of Oregon, LLC ("UTS") petitioned the Department to participate as
parties, in the above matter, pursuant to OAR 137-003-0535.

Petitioners' petition to participate as parties was served on the Union Pacific Railroad
Company ("UPRR") on November 8, 2012. UPRR did not file a response.

OAR 137-003-0535 provides that an agency shall consider the following factors when
ruling on such a petition:

(8) In ruling on petitions to participate as a party or a limited party, the
agency shall consider:

(a) Whether the petitioner has demonstrated a personal or public
interest that could reasonably be affected by the outcome of the
proceeding;

(b) Whether any such affected interest is within the scope of the
agency's jurisdiction and within the scope of the notice of
contested case hearing;

EXHIBIT

2

1 (c) When a public interest is alleged, the qualifications of the
2 petitioner to represent that interest;

3 (d) The extent to which the petitioner's interest will be represented
4 by existing parties.

5 Petitioners Harsch and CCC allege that they own buildings in the Lawnfield industrial
6 area and the application threatens to severely limit access to Lawnfield Road resulting in no
7 direct access to fundamental services, freeways, fire, life and safety service for businesses
8 located in the area. They contend that this lack of access will make the location of industrial
9 tenants more difficult, increase vacant space, lower rents and decrease area property values.

10 Petitioner UTS is a franchise dealer of Utility Trailer Manufacturing Company. It owns a
11 seven acre tract of land on Lawnfield Road where it operates a full service semi-trailer service
12 selling new and used trailers and performs repairs in its service facility. UTS alleges that
13 closure of the Lawnfield crossing will constitute a safety and economic threat because: (a) semi-
14 trailer alternate access from the north side of Lawnfield Road will result in descending a six
15 degree grade just prior to UTS's driveway, and (b) lack of acceptable access will lead to a severe
16 economic impact that will affect the company's ability to operate and continue to employ its
17 workers.

18 The Association is a 501(c)(6) association whose members are industrial business owners
19 located within the Lawnfield area. The Association alleges that it will be impacted by the
20 proposed closure in the same manner described by Harsch, CCC and UTS.

21 Petitioners make the following objections to the crossing closure in their petition: (A) the
22 closure of the Lawnfield at-grade crossing is not required by the public safety, necessity,
23 convenience or general welfare and its closure will create inconvenience and limit access to fire,
life and safety services; (B) the Lawnfield at-grade crossing is not unsafe or dangerous to

1 travelers; (C) the proposed closure of the Lawnfield at-grade crossing constitutes or requires a
2 land use decision; and (D) the proposed closure of the Lawnfield at-grade crossing violates the
3 final environmental impact statement (“FEIS”), the record of decision (“ROD”), and the
4 interchange area management plan (“IAMP”) because they all provide that the closure of
5 Lawnfield Road will be in conjunction with the provision of appropriate mitigation for loss of
6 local access and the simultaneous opening of the Tolbert Road Overpass.

7 The Department finds that petitioners Harsch, CCC, UTS and the Association have
8 demonstrated that they have interests that could be affected by the outcome of this proceeding.

9 Petitioners’ objections (A) and (B) are within the scope of the Department’s jurisdiction
10 and within the scope of this contested case proceeding. Petitioners’ exception (C), that the
11 proposed closure of the Lawnfield at-grade crossing constitutes or requires a land use decision is
12 misplaced. The closure of the Lawnfield at-grade crossing is not a land use decision as defined
13 by ORS 197.015(10)(B) because it does not involve the application of the statewide planning
14 goals. The Clackamas County transportation system plan (“TSP”) identifies Lawnfield Road
15 upon a new alignment that does not require an at-grade crossing with the railroad that is the
16 subject to the closure proceeding.

17 On August 11, 2010, the Clackamas County Board of Commissioners unanimously
18 approved the IAMP amendments to Chapter 5 of the County’s Comprehensive Plan (ZDO 225,
19 DLCD file # 007-10) for the Sunrise Expressway Corridor. A copy of that resolution is attached
20 and marked Exhibit A.

21 The Oregon Transportation Commission adopted the Sunrise Expressway IAMP at the
22 Commission’s regular meeting on May 18, 2011. A copy of the Commission’s agenda and
23 minutes noting the approval of the IAMP are attached and marked Exhibit B.

1 Thus, Clackamas County and the Department adopted policies and plans to manage the
2 three interchange areas that are subject to the improvements under the Sunrise Expressway
3 Corridor IAMP. The Land Use Board of Appeals (“LUBA”) has exclusive jurisdiction over land
4 use issues, such as interchange area management plans. ORS 197.825.

5 The Department, on the other hand, has exclusive jurisdiction over railroad/highway
6 crossings and at-grade crossing closures. ORS 824.202 provides:

7 It is the policy of this state to achieve uniform and coordinated regulation of
8 railroad-highway crossings and to eliminate crossings at grade wherever possible. To
9 these ends, authority to control and regulate the construction, alteration, and protection of
10 railroad-highway crossings is vested exclusively in the state, and in the Department of
11 Transportation as provided in ORS 824.200 to 824.256.

12 ORS 824.206 provides:

13 (1) The Department of Transportation may, upon its own motion or upon application
14 by a railroad or the public authority in interest, subsequent to a hearing, unless a
15 hearing is not required under ORS 824.214, and upon finding that such action is
16 required by the public safety, necessity, convenience and general welfare:

17 (a) Eliminate a grade crossing by relocation of the highway;

18 (b) Alter or abolish any grade crossing or change the location thereof, or require a
19 separation of grades at any such crossing;

20 (c) Alter or change any existing crossing at separated grades; and

21 (d) Require installation or alteration of protective devices.

22 (2) The department shall prescribe the time and manner of such alteration, change,
23 installation or alteration, and the terms and conditions thereof.

24 And ORS 824.214(1) authorizes the Department to conduct “[p]roceedings to carry out ORS * *
25 * 824.206. * * * including the right to review any order of the Department of Transportation,
26 [which] shall be those specified in ORS chapter 183 for contested cases.” Thus, the Department
27 has exclusive authority to conduct proceedings to control and regulate the construction, alteration

1 and protection of railroad-highway crossings, including the authority to alter or abolish any grade
2 crossing or change the location thereof, or require a separation of grades at any such crossing.
3 Hence, the closure of the Lawnfield at-grade crossing and the creation of a separated
4 overcrossing are matters within the scope of the Department's exclusive jurisdiction. Those
5 issues are not land use matters and do not require additional land use decision making that would
6 be subject to review by LUBA. Alternatively, petitioners' land use objections are matters for
7 LUBA and are not within the scope of the Department's jurisdiction and not within the scope of
8 this contested case proceeding.

9 Petitioners' objection (D) is not within the scope of the Department's jurisdiction. The
10 Federal Highway Administration ("FHWA") issued an FEIS and ROD for the Sunrise Corridor
11 Project on February 23, 2011 and published it in the Federal Register on Monday, February 28th,
12 2011. Vol 76, No 39 page 10938. 23 USC § 139(D) is the statute of limitations for claims
13 "arising under Federal law seeking judicial review of a permit, license or approval issued by a
14 Federal agency for a highway..." That statute provides that such claims are barred unless they
15 are "filed within 180 days after publication of a notice in the Federal Register announcing that
16 the permit, license, or approval is final pursuant to the law under which the action is taken." 23
17 USC § 139(D)(1); 23 CFR 771.139. The last date to challenge FHWA's decision was August 27,
18 2011. Accordingly, petitioners' claims based on the FEIS and the ROD are time-barred.

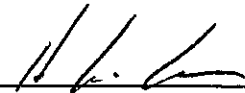
19 Moreover, judicial review of the FEIS and the ROD are under the Federal
20 Administrative Procedures Act, 42 USC § 43215. Agencies covered by the APA include only
21 agencies of the United States government. *See* 5 USC § 701(b); *Highland Village v. Federal*
22 *Highway Administration*, 562 F. Supp.2d 857, 858, E.D. Tex (2008) ("By its very terms, the
23 APA applies only to federal agencies and does not provide a judicial forum for complaints

1 against state agencies"). Hence, petitioners' claims based on the FEIS and the ROD are not
2 within the scope of the Department's jurisdiction.

3 IT IS ORDERED that the Department hereby grants party status to petitioners Harsch,
4 CCC, UTS and the Association.

5 IT IS ORDERED that petitioners' objections (A) and (B) are within the scope of the
6 Department's jurisdiction and are within the scope of this contested case and objections (C) and
7 (D) are outside the scope of the Department's jurisdiction and outside the scope of this contested
8 case proceeding.

9 DATED this 10 day of December 2012.

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12 H.A. (HAL) GARD, Administrator
13 Oregon Department of Transportation
14 Rail Division
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1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 10 day of December 2012, I served a true copy of the
3 foregoing ORDER GRANTING PETITION TO PARTICIPATE by the method indicated below,
4 and addressed to the following:

- 5 _____ HAND DELIVERY
- 6 _____ OVERNIGHT MAIL
- 7 U.S. MAIL CERTIFIED
- 8 _____ TELECOPY (FAX)
- 9 _____ ELECTRONIC MAIL

10 John DiLorenzo, Jr. and Phil Grillo
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Portland, OR 96201
johndilorenzo@dwt.com

Clackamas Commerce Center
227 SW Pine Street, Suite 200
Portland, OR 97204

13 Lawnfield Industrial Owners Association
14 1300 SW 5th Avenue, Suite 2400
Portland, OR 97201

Utility Trailer Sales of Oregon, LLC
P.O. Box 1190
Clackamas, OR 97015

15 Harsch Investment Properties, LLC
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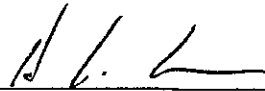
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H. A. (HAL) GARD, Administrator
Oregon Department of Transportation
Rail Division

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**ROCK CREEK JUNCTION INTERCHANGE AREA
MANAGEMENT PLAN
APPENDIX G – FINAL ORDINANCES**

CLACKAMAS COUNTY:

**Ordinance No. ZOO-225
Interchange Area Management Plan Implementation**

An Ordinance amending Chapter 5 of the Clackamas County Comprehensive Plan

WHEREAS, a functioning transportation system is necessary for the continuing economic health of Clackamas County; and

WHEREAS, the Sunrise Project intends to build a new expressway and a number of new expressway interchanges and rebuild an existing freeway interchange which would enhance the transportation system of Clackamas County; and

WHEREAS, the Oregon Transportation Commission (OTC) in accordance with the provision of Oregon Administrative Rule (OAR) 734-051 intends to adopt Interchange Area Management Plans as amendments to the State Highway Plans, for the purpose of protecting the public's investment in these new interchanges; and

WHEREAS, Chapter 5 Transportation of the Clackamas County Comprehensive Plan functions as the Clackamas County Transportation System Plan; and

WHEREAS, Clackamas County deems it important to facilitate the implementation of the Interchange Area Management Plans by amending the text and maps Clackamas County Transportation System Plan; and

WHEREAS, the amendments are consistent with the Statewide Planning Goals and Guidelines and the Metro Urban Growth Management Functional Plan; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission recommended approval of ZDO-225 on June 14, 2010; and

WHEREAS, the Clackamas County Board of County Commissioners approved ZDO-225 at a duly noticed public hearing on August 11, 2010;

NOW THEREFORE;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 5 of the Clackamas County Comprehensive Plan is hereby amended as shown in Exhibits A and B hereto.

Section 2: This ordinance shall be effective 90 days from the date of its adoption

ADOPTED this 19th day of August, 2010

Board of County Commissioners

Clackamas County Official Records
Sherry Hall, County Clerk
Commissioners' Journals
Agreements & Contracts

2010-4160

08/23/2010 02:33:01 PM

IAMP Implementation Amendments - August 2010 Chapter 5 TRANSPORTATION (1/17/08)

SUMMARY OF FINDINGS AND CONCLUSIONS¹

13. The County and the Oregon Department of Transportation (ODOT) have identified Interchange Management Areas, as shown on Map V-12, and developed an Interchange Area Management Plan (IAMP) for each Area. The intent of an IAMP is to coordinate land use and transportation facilities and protect the public's investment in the expressway / freeway interchange, which is a key component of the transportation system.

GENERAL TRANSPORTATION GOALS

ROADWAYS

GOALS

- Implement Interchange Area Management Plans (IAMPs) developed jointly by the County and ODOT and adopted as part of the Oregon Transportation Plan by the Oregon Transportation Commission.
- Protect the function and operation of the interchange(s) and the local street network within each Interchange Management Area.
- Ensure that any changes to the Comprehensive Plan land use designations in the Interchange Management Areas are consistent with the IAMPs.

Access Standards

- 15.0 Support the implementation of state access management standards (OAR Chapter 734 Division 51, as amended, and the Oregon Highway Plan) on state highway facilities within the Interchange Management Areas.
- 16.0 Improve highway operations and safety by supporting construction of public roads that provide reasonable alternative access within Interchange Management Areas. When reasonable access is provided, support the elimination of direct access to state highway facilities
- 29.0 Require that changes to the Comprehensive Plan land use designations within the Interchange Management Areas identified on Map V-12 must be consistent with Oregon Administrative Rules 660-012-0060. If the land uses allowed by the new Comprehensive Plan land use designation would cause the interchange mobility standards to be exceeded, the change either shall be denied, or improvements shall be made such that the mobility standards are met.

Operating Standards

- 32.0 For state facilities within an Interchange Management Area as identified on Map V-12, implement a mobility standard for the peak two hours of 0.99 v/c at the intersection and of 0.85 v/c at the ramp ends.

Map V-12 Interchange Management Areas

¹ Only the changes to the Clackamas County Comprehensive Plan concerning the IAMPs are included here.

OREGON TRANSPORTATION COMMISSION

Revised AGENDA

May 18, 2011

Salem

Wednesday, May 18

8:30 AM Agenda review and briefing session with ODOT staff, PUC Small Hearing Room.

Note: The Commission may choose to take agenda items out of order, pull, defer or shorten presentation time of agenda item(s) to accommodate unscheduled business needs. Anyone wishing to be present for a particular item should arrive when the meeting begins to avoid missing an item of interest.

Website address to view agendas/minutes on the Internet: http://www.oregon.gov/ODOT/COMM/otc_main.shtml

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Amy Merckling, Commission Assistant, at (503) 986-3450.

FORMAL MONTHLY MEETING

Public Utility Commission, Main Hearing Room

550 Capitol Street NE

Salem, Oregon 97301

- 9:30 AM A) Director's Report. Informational. (10 min., Matthew Garrett)
- 9:40 AM B) Public Comments. (Up to 15 min.)
(Public testimony is valued by the Commission, and those who wish to testify are encouraged to sign up on the public comment sheet provided at the meeting handout table. Note: This part of the agenda is for comments on topics not scheduled elsewhere on agenda. General guidelines: provide written summaries when possible and limit comments to 3 minutes. If you bring written summaries or other materials to the meeting, please provide the Commission Assistant with 10 copies prior to your testimony. NOTE: If additional public comments are necessary, comments will be continued at the conclusion of today's agenda.)
- 9:55AM C) Approve fourteen Transportation Enhancement projects for inclusion in the Statewide Transportation Improvement Program and approve a reserve list of four additional projects. Authorize the Deputy Director for Operations to advance projects on the reserve list if funds become available before September 30, 2012. Approval. (20 min., Jerri Bohard and Pat Fisher).

OREGON TRANSPORTATION COMMISSION
Revised AGENDA (Continued)
May 18, 2011
Salem

Wednesday, May 18 (continued)

- 10:15 AM** D) Approve a request to commit Public Transit Division's Biennial Discretionary Grants.
Approval: (40 min., Michael Ward)
- 10:55 AM** E) Receive an update from the Port of Portland. Informational.
(30 min., Jason Tell and Port of Portland Executive Director Bill Wyatt)
- 11:25 AM** F) Receive an informational update on the Draft 2012-2015 Statewide Transportation
Improvement Program. Informational. (15 min., Jerri Bohard and Paul Mather)
- G) Item deferred.
- 11:40 AM** H) Approve a request to adopt the Sunrise Expressway Interchange Area Management Plan
(IAMP) in Clackamas County, which implements Policy 3C of the Oregon Highway
Plan, and is consistent with the IAMP requirements of the department's Access
Management Rule (OAR 734-051-0155 (b)). Adoption of the IAMP will constitute an
amendment to the 1999 Oregon Highway Plan. Approval: (30 min., Jason Tell)
- 12:10 PM** I) Consider approving items on the Consent Calendar (See below and following pages).
Approval: (5 min., Matthew Garrett)
- 12:15 PM** ADJOURN
- 12:30 PM** Lunch with ODOT staff.

OREGON TRANSPORTATION COMMISSION

Minutes of the Regular Monthly Meeting

May 18, 2011

Salem

On Wednesday, May 18, 2011, at 8:30 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a briefing session and reviewed the agenda in the Small Hearing Room of the Public Utility Commission Building, 550 Capitol Street N.E., Salem, Oregon. The regular monthly meeting began at 9:30 a.m. in the Main Hearing Room.

Notice of these meetings was made by press release of local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

Chair Gail Achterman
Commissioner Mary Olson
Commissioner Dave Lohman
Director Matthew Garrett
Chief of Staff Joan Plank
Interim Deputy Director Operations Jerri Bohard

Communications Division Admin. Patrick Cooney
Public Transit Division Administrator Michael Ward
Highway Division Administrator Paul Mather
Region 1 Manager Jason Tell
Commission Assistant Amy Merckling

• • •

Chair Achterman called the meeting to order at 9:30 a.m.

• • •

Director's report highlights were:

—At the 23rd Annual OAME (Oregon Association of Minority Entrepreneurs) Conference Luncheon and Trade Show held May 11, the Oregon Department of Transportation received the OAME Public Agency of the Year Award. The award recognizes ODOT for promoting Oregon's minority businesses, and for helping to promote entrepreneurship and economic development for ethnic minorities, thereby working to reduce racism and discrimination.

—According to a national study by the PEW Center on the States and the Rockefeller Foundation, Oregon was one of 13 states to score top marks in measuring its use of transportation dollars. Oregon was rated as "leading the way" overall, and was the only western state to obtain that distinction in all six categories (safety, jobs and commerce, mobility, access, environmental stewardship and infrastructure preservation.)

—Washington, California and Oregon are the only three states in the Insurance Institute for Highway Safety's highway safety law review that received all "Green" scores across the board. Green is the highest score possible. Categories are: young driver licensing

- Port and ODOT partnership – a brief review of projects funded through *ConnectOregon*
- PDX passenger and air cargo activity
- Airport Way interchange project
- Troutdale Reynolds Industrial Park
- TRIP Program and TRIP Program financial information
- Public funding need

Chair Achtermán noted the importance of assuring there is an effective plan to connect I-84 and U.S. 26 to the Troutdale Reynolds Industrial Park. The Commission has received assurance that Metro is actively engaged in starting that process, and she hopes the port is making that connection a priority also. She expressed her continued concern that Metro is not going to give sufficient attention to freight movement, and preservation and expansion of freight movement in this incredibly vital job corridor.

Chair Achtermán posed two thoughts for future consideration: 1) what is the role of the Willamette River in the marine trade system in the state, and in that context, what should be done about the Willamette River locks? 2) More strategic thinking is needed on what the Greater Columbia Corridor could mean.



The Commission received an informational update on the Draft 2012-2015 Statewide Transportation Improvement Program (STIP) from Deputy Director for Operations Jerri Bohard and Highway Division Administrator Paul Mather. (*Background materials in General Files, Salem*)

Jerri Bohard said the public review process of the draft STIP will be kicked off June 1. The formal approval of the STIP should come back to the Commission around February or March 2012.



The Commission considered approval of a request to adopt the Sunrise Expressway Interchange Area Management Plan (IAMP) in Clackamas County, which implements Policy 3C of the Oregon Highway Plan, and is consistent with the IAMP requirements of the department's Access Management Rule (OAR 734-051-0155 (b)). Adoption of the IAMP will constitute an amendment to the 1999 Oregon Highway Plan. The request was presented by Region 1 Manager Jason Tell. (*Background materials in General Files, Salem*)

Jason Tell presented an overview of the Sunrise Expressway Interchange Area Management Plan (IAMP). The management area, I-205 east to Rock Creek Junction, is an important area from a mobility point of view, serving a population that is scheduled to grow in this area out to the east, and also serving a key industrial area.

The goal of the IAMP is to protect function and operation of interchanges, associated highways, and the local street network. In addition, the IAMP will provide safe and efficient operations between road networks and ensure changes to planned land uses are consistent with protecting the long-term function of interchanges and local streets, while managing access to minimize impacts to natural and cultural resources.

Implementation language includes access management to support construction of local roads for access within the management areas, and eliminate access to state highways. Implementation language also provides that comprehensive plan changes within the management area be consistent with the TPR, and the implementation of mobility standards at intersections and ramp ends.

Chair Achterman said the approach of applying practical design principals in this situation has been a real plus. It is also very impressive because it exemplifies that you have to take a systems approach to all the interchanges, especially in urban areas, to have the whole thing make sense.

Commissioner Lohman moved to approve adoption of the Sunrise Expressway Interchange Area Management Plan IAMP. Commission members unanimously approved the motion.



The Commission considered approval of the Consent Calendar. (Background materials in General Files, Salem)

1. Approve minutes from the April 20, 2011 meeting in Salem.
2. Confirm the next two Commission meeting dates:
 - Wednesday, June 15, 2011, in Salem
 - Wednesday, July 20, 2011, in Salem
3. Adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Approve the following Oregon Administrative Rules:
 - a. Amendment of 731-001-0005 relating to re-adoption of Attorney General's Model Rules of Procedure.
 - b. Amendment of 734-020-0010, 734-020-0014, 734-020-0015, 734-020-0016, 734-020-0017 relating to trial alternative method of establishment of speed zones.
 - c. Adoption of 734-024-0005, 734-024-0015, 734-024-0020, 734-024-0030 and 734-024-0040 relating to environmental performance standards and permitting.
 - d. Amendment of 734-070-0005, 734-070-0010, 734-070-0025, 734-071-0010, 734-072-0010, 734-072-0015, 734-072-0020, 734-072-0022, 734-072-0023, 734-072-0030, 734-073-0050, 734-073-0056, 734-073-0065, 734-074-0020, 734-074-0023, 734-074-0051, 734-075-0035, 734-076-0005, 734-076-0015,