



## DRAFT AGENDA

Bi-State Bridge Replacement Working Group Video Meeting  
August 9, 2021 / 2:00-3:30p (1-1/2 hours)  
Via Zoom

<https://zoom.us/j/98078338082?pwd=RIEvT2RsK2NKKzllaWpCNTFyZGVaZz09>

Meeting ID: 980 7833 8082  
Passcode: 966154

Members: Betty Barnes (Mayor), City of Bingen; Marla Keethler (Mayor), City of White Salmon; Kate McBride (Mayor), City of Hood River; Mike Fox (Commissioner), Port of Hood River; Bob Benton (Commissioner), Hood River County; Jake Anderson (Commissioner), Klickitat County

Alternates: Kristi Chapman (Commissioner), Port of Hood River; Arthur Babitz (Commissioner), Hood River County; Catherine Kiewit (Mayor Pro Tem), City of Bingen; Jason Hartmann (Councilor), City of White Salmon; David Sauter (Commissioner), Klickitat County; Jessica Metta (Councilor), City of Hood River.

Staff/Consultants: Kevin Greenwood (Project Director), Port of Hood River; Michael McElwee (Executive Director), Port of Hood River; Steve Siegel, Financial and Governance Consultant; Hal Hiemstra, Summit Strategies; Miles Pengilly, TRP.

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|----|---|------|
| 1. | Welcome   | 2:00 |
| 2. | Federal Infrastructure Funding Update – Hal Hiemstra                                      | 2:05 |
| 3. | Oregon Legislative Update – Miles Pengilly  | 2:15 |
| 4. | Governance Legislation v. 2 – Steve Siegel  | 2:25 |
| 5. | NEPA Update – Kevin Greenwood   | 2:45 |
| 6. | Replacement Bridge Management Contract – Mike Fox   | 2:55 |
| 7. | Other Items   | 3:25 |
|    | A. Memo: Re-purposing old bridge for bike/ped use – Brendan Patrick, White Salmon Planner |      |
| 8. | Adjourn   | 3:30 |

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## Port of Hood River 2021 Oregon Legislative Session Report

### 2021 Session Overview

Oregon’s 81st Legislative Assembly finished its 2021 legislative session on Saturday, June 26th—one day before the Constitutional deadline. The Legislature, in response to the COVID-19 pandemic, operated in a virtual environment, interrupting the Capitol’s venerable tradition of serving as a meeting place of legislators, staff, stakeholders and Oregonians of all walks. Common Capitol activities—from informal hallway conversations to “lobby days” to parades of witnesses before live committees—were replaced with locked Capitol doors, virtual meetings with legislators and staff, and observing chamber proceedings via video streaming. In a credit to the people engaged in Oregon’s governance, legislators, staff, and participants alike rose to the challenge to “make the session work,” but the virtual nature of the process felt less deliberative and more sterile than a typical in-person session.

As the Legislature contemplated its goals for the 2021 session late last year, leaders faced a raging pandemic, the aftermath of a catastrophic wildfire season, an economy in tatters, and political and civic partisanship that was increasingly turning violent. The initial set of legislative priorities focused on economic recovery, budget investments related to COVID-19 and wildfire response, and a slate of police accountability reforms and racial justice initiatives. Initially, expectations for the prospects of most other major policy initiatives were dampened, but over the course of the session, other priorities—such as significant changes to Oregon’s recycling system, carbon regulation, and gun safety rules—emerged. Republican legislators repeatedly drew attention to what they believed to be the inappropriate shutdown of schools, the economy, and the Capitol, and ultimately what they articulated as an inappropriate concentration of power with the Governor. Early negotiations between Democratic and Republican leadership precluded the recently oft-used tactic of denying quorum (or “walking out”) by the minority party. However, Republican discontent with pandemic-era rules caused them to invoke procedural hurdles such as requiring bills to be read in their entirety to slow down the legislative process through much of the session.

While the pandemic and the State’s public health response revealed significant economic and social fractures, the State’s budget remained remarkably flush, buoyed by a massive infusion of federal funding. This allowed the state to make historic investments in behavioral health, broadband, housing, water infrastructure and education while maintaining service levels across most areas of the state budget. Lottery funding returned to pre-COVID levels, and in combination with significant one-time federal funding, allowed the legislature to authorize capital construction and program investment expenditures that were more robust than in

## THORN RUN PARTNERS

GOVERNMENT RELATIONS

recent biennia. This session also saw the removal of one legislator—Rep. Mike Nearman (R-Independence)—and the resignation of another—Rep. Diego Hernandez (D-Portland)—whose voluntary departure likely averted his removal. Nearman’s expulsion was the first in Oregon’s history.

The unique session will undoubtedly lead to a unique interim. The Legislature will meet in a September special session to ratify the work of the Redistricting Committee, but the Capitol will remain closed through 2022 for construction. The Emergency Board will meet to allocate additional federal ARPA funds, and we expect an unusually high amount of agency rulemaking activity.

It has been a great pleasure to represent you in Oregon’s Legislature this session. Below, you will find a detailed synopsis of our activity on your behalf and the outcomes of relevant legislation.

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### Port Budget Priorities

#### **Funding for Hood River Replacement Bridge Project**

Going into Oregon’s 2021 legislative session, the Port of Hood River’s top legislative priority was securing \$5 million to help fund Phase 2 of the Hood River Replacement Bridge Project. Since the State generally allocates funds from the sale of lottery bonds to infrastructure and economic development projects, the Port submitted a Capital Construction request for \$5 million in lottery bond dollars and mounted a significant lobby effort to secure the funding. Senator Chuck Thomsen (R-Hood River) and Representative Anna Williams (D-Hood River) championed the project as a priority for their legislative districts, and the Port held dozens of meetings with legislative leadership, Joint Transportation Committee and Ways and Means Committee members, and staff from ODOT and the Governor’s office to brief them on the project and explain the need for state funding to complete Phase 2.

Hood River’s local elected officials played an important role in the Port’s lobby effort. Port Commissioner Everitt joined Port staff to deliver a presentation on the Hood River Bridge Project to the Joint Transportation Committee, and Hood River County Commissioner Benton testified in support of the project in front of the Capital Construction Subcommittee. The Port pitched the \$5 million ask as a match for the \$5 million BUILD grant already secured from the federal government and the \$5 million allocation they were seeking from the Washington State Legislature—this pitch was strengthened when the Port obtained the requested \$5 million from the Washington Legislature in April. **The Port’s efforts were ultimately rewarded with a \$5 million allocation not from lottery bond dollars, but rather from American Rescue Plan Act (ARPA) funds allocated via ODOT as part of [HB 5006](#), the end-of-session budget bill.**

## **Hood River Bridge Governance**

### **Hood River Bridge Bi-State Authority Report – HB 3019: *Failed***

HB 3019 would have directed the **Port of Hood River**, in consultation with the Bi-State Working Group, to prepare and submit a report to the Oregon Legislature’s Joint Transportation Committee by December 15, 2021, detailing recommendations for replacing the Hood River Bridge and establishing a bi-state bridge authority. Rep. Williams introduced the bill on behalf of the Port as a vehicle to begin socializing the concept of a bi-state bridge authority to govern the new Hood River bridge with legislators in preparation for the 2022 legislative session. The Port decided not to move forward with the bill at the request of Representative Susan McLain (D-Hillsboro), Co-Chair of both the Joint Transportation Committee and Joint I-5 Bridge Committee. While Rep. McLain was supportive of the Hood River Bridge Project, she expressed concern that conversations about a bi-state bridge authority for the new Hood River bridge would become intertwined with an ongoing debate between Oregon and Washington legislators about whether the new I-5 bridge should be governed by a bi-state bridge authority. Although HB 3019 did not move forward, the Port explained the importance of a bi-state governance structure as the next step for the Hood River Replacement Bridge Project during meetings with legislators about its Phase 2 funding ask throughout the session.

## **Interim Recommendations and Next Steps**

### **Bi-State Bridge Authority Legislation**

In preparation for advancing bi-state bridge authority legislation for the Hood River Replacement Bridge during the 2022 legislative session, the Port will need to accomplish following during the 2021 interim:

1. Identify the legislator who is willing to introduce the legislation. The preferred route is for the legislation to be introduced as (or as part of) a Joint Transportation Committee bill.
2. Once a legislator has requested the legislation, work with Legislative Counsel to draft the bill and ensure that it aligns with the legislation being introduced in Washington State.
3. Create a briefing document outlining the purpose of, and need for, a bi-state bridge authority to govern the new bridge, as well as a section-by-section summary of the bill.
4. Meet with legislative leadership offices, Joint Transportation Committee members, other relevant legislators, and staff from ODOT and the Governor’s office to familiarize them with the bill concept and address any potential concerns in advance of the session.

An aerial photograph of a large lake, likely Lake Okanogan, with a bridge crossing it. In the foreground, there are several houses with dark roofs and green lawns, surrounded by trees. The background shows rolling hills and mountains under a cloudy sky. The text is overlaid in bright yellow.

**Bi-State Commission  
Legislation: Draft 2 Review  
BI-STATE WORKING GROUP MEETING  
AUGUST 9, 2021**

# Overview of Draft 2/ Comments Received on Draft 2

- ▶ **Changes in Draft 2:**
  - ▶ **Mostly technical fixes to legal issues, but some have broader ramifications**
  - ▶ **Commission would have same powers and duties as in the Draft 1 bill**
- ▶ **Comments received on Draft 2:**
  - ▶ **Helpful edits**
  - ▶ **No major issues**

# Commission Formation Agreement establishes Commission; Powers/Duties set in Statutes

- ▶ Draft 1 was only applicable to Hood River-White Salmon Bridge; state statute directly established Commission
- ▶ Draft 2 allows any region in OR and WA with a local government-owned interstate toll bridge to establish a bi-state bridge commission via a “Commission Formation Agreement”
- ▶ Bill is not applicable to any state-owned bridge
- ▶ The authority provided by the bill is supplemental to authorities provided in other OR and WA laws

# Commission Formation Agreement addresses Local Area Preferences

- ▶ Name and formation date of the Commission
- ▶ Primary Place of Business -- which state laws apply
- ▶ Number of Directors, and how they are appointed
- ▶ Term/responsibilities of Chair/Vice Chair of Board
- ▶ Requirements for formal actions of the Board (quorum, approval of resolutions, etc.)
- ▶ Other matters (how Commission will be implemented)

# Other Changes

- ▶ Change: Commission from a Municipal Corporation to a Public Corporation to avoid need for a territorial boundary; adds technical fixes for federal tax exemption purposes
- ▶ Delete: provisions related to appointment of board members, requirements for board actions, etc. that will now be addressed in Commission Formation Agreement
- ▶ Add: provision for dissolution of bistate commission, should that be appropriate
- ▶ Add: requirement for an agreement between Commission and owner of existing bridge regarding disposition of existing bridge, before starting construction of bridge
- ▶ Add: further emphasis on independent character of the Commission

# Washington Joint Transportation Committee Review

- ▶ We are joined by:
  - ▶ Paul Neal, Senior Counsel, Washington Joint Transportation Committee
  - ▶ Stacey Lewis, Pacifica Law Group, Seattle
- ▶ Legislative Charge
- ▶ Status of Review
- ▶ Schedule

# Next Steps

- ▶ Review Draft 3 anticipated to be released by Monday, August 23<sup>rd</sup>
- ▶ Review Draft 3 comments due Wednesday, September 1<sup>st</sup>
- ▶ BSWG approval of draft bill on Monday, September 13<sup>th</sup>
- ▶ Seek local government supporting resolutions by December 2021
- ▶ BSWG discussion of Commission Formation Agreement to begin in January 2022, with target to complete by July 2022

# QUESTIONS?





## Hood River – White Salmon

## BRIDGE REPLACEMENT PROJECT

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Project Director Report

August 10, 2021 / Bi State Working Group (BSWG)

The following summarizes Bridge Replacement Project activities from July 13-August 3, 2021:

### PROJECT MANAGEMENT UPDATE

- *Project Staff, Commissioner Fox met with WSP engineer, Stuart Bennion, for a cost estimate development presentation. The current PCE has a high degree of contingency due to the low level (~5%) of engineering.*
- *Developing Owners Rep/Project Management RFP will be a high priority.*
- *Executive Committee (PoHR, ODOT Reg. 1, WSDOT SW Reg., FHWA-Ore. Div) meeting to be scheduled for September.*
- *WSP Contract extended through end of January. No additional budget authority is being requested at this time.*
- *Steve Siegel's Governance contract for Phase 2 work (bi-state legislation development) needs an extension through end of January. No additional budget authority is being requested at this time.*

### GOVERNMENT AFFAIRS/LOBBYING UPDATE

- *Hal Hiemstra presented to the BSWG on the federal infrastructure bill working its way through congress. Though Oregon is viewed federally as not having significant bridge maintenance issues, Oregon's federal aid highway apportionment over the five years of the bill should be \$3.77-billion. Washington would receive \$5.4-billion. States will be responsible for prioritizing projects.*
- *Miles Pengilly discussed strategies with the BSWG related to introducing the bridge authority legislation in the 2022 session. Sen. Thomsen has offered to talk to the Senate Co-Chair of the Joint Transportation Committee) about introducing the bridge authority bill. Staff is updating a brief handout explaining the need for the authority. The Port pulled the bridge authority study bill during the 2021 based upon concerns that bi-state authority legislation could become intertwined in issues surrounding the I-5 bridge.*

### FEIS/ROD CRITICAL PATH UPDATE

- *ODOT/National Marine Fisheries (NMFS) have given the project a date of September 30 for the Biological Opinion to be submitted. The BiOp is NMFS response to the project's plan for addressing impacts to Endangered Species. Projects that are fully funded are being given priority status due to staffing limitations.*
- *WSP is working with ODOT to develop a map showing the conceptual design of the SR-14 intersection and approximate location and impacts to cultural resources in the immediate area. Team is looking to avoid impacts to resource sites.*

- *Team is compiling a comment matrix from tribes and historic resource agencies after the survey, draft testing and final historic resources technical report had been distributed two months ago. This will allow for mitigation items to be developed and edits for the Final EIS.*
- *Sec. 106 Consulting Parties Meeting scheduled for Sept. 1. The goal of the meeting is to resume the process of developing a project-level agreement document with assistance from Section 106 consulting parties that will, in part, resolve the project's adverse effects on historic properties. This meeting will serve as an opportunity to further refine ideas from participants, refine feasible mitigation options, and to review the timeline for developing the language of the agreement itself.*

#### **GOVERNANCE/BSWG UPDATE**

- *Four members of the Washington Joint Transportation Committee attended the BSWG meeting to provide support for the draft bridge authority legislation being developed by Steve Siegel.*
- *Staff briefed Port of Cascade Locks on developing bi-state bridge authority legislation. POCL is the only other bridge operator in Oregon that could utilize the proposed legislation.*

#### **FUNDING & FINANCING UPDATE**

- *Received hourly rate schedule from WSP for inclusion in BUILD information request.*
- *Next funding meeting with DOTs and FHWA is Aug. 17<sup>th</sup>. Grant agreements will likely not be made available to recipients until mid-October.*

#### **MEETING SCHEDULE**

- BSWG Work Session w/ WSP, Aug 5
- WSP Weekly Check In, Aug 9
- BSWG, Aug 9
- Thorn Run Partners, Aug 10
- Port Commission, Aug 10
- Oregon Business, Aug 11
- Sec. 106 Cultural Resources, Aug 12
- WSP Engineering, Aug 16
- WSP Weekly Check In, Aug 16
- FHWA/DOT BUILD, Aug 17
- Connect Mid-Columbia, Aug 18
- Arup Engineers, Aug 18
- Exeltech Consulting, Aug 18
- Oregon Pub. Ports Assoc., Aug 19
- WSP Weekly Check In, Aug 23
- Port Commission, Aug 24

# Commission Memo



Prepared by: Kevin Greenwood  
Date: August 10, 2021  
Re: Siegel Governance Consulting Contract  
Amendment No. 2

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Steve Siegel continues to provide valuable support for the bridge replacement effort. Aside from drawing on his financial and political involvement working on the CRC and numerous Tri-Met projects, Steve has been the project's primary author of the current legislation to form a Bi-State Bridge Authority for the future ownership and operation of a replacement bridge. Prior to that work, Siegel developed financial analysis and answered legislative inquiries resulting in the passage of HB2017 which funded \$5M for the current NEPA effort, drafted and facilitated the Port's adoption of public private partnership (P3) administrative rules, drafted and facilitated discussion resulting in the creation of the Bi-State Working Group's Memo of Understanding (MOU). The MOU continues to be the driving policy statement generating regional support for bridge replacement efforts.

In March 2020, Siegel presented a four-phase governance approach for a bi-state solution for bridge replacement (attached exhibit). A new contract was approved for Phase 1 work which included developing the MOU and laying the groundwork for the Bi-State Working Group serving as an interim decision-making committee for the project.

A second amendment was adopted in November 2020 to begin the development of legislation with the BSWG to form a Bridge Authority in both states. The effort has resulted in a robust working relationship with the Washington State Joint Transportation Committee (JTC) charged with preparing transportation-related legislation for the 2022 session. Sen. Curtis King was successful in obtaining \$50,000 to fund the state's legal review of the legislation. Siegel has been instrumental in working with the JTC and the BSWG to prepare Washington state's legislation. The current contract needs to be extended through January 2022 to allow the work to be completed and is currently on budget.

Subsequent phases will be brought to the BSWG and Port Commission for review and approval. Those phases would be reimbursed through BUILD and Washington/Oregon appropriations.

As of July 31, 2021, the current contract balance stands at \$99,583. This amendment does not add budget authority but does extend the term through the end of January 2022. The work through the end of this amendment is reimbursable by HB2017.

**CONSENSUS:** Extend Steve Siegel's contract through January 2022 to complete Phase 2 governance work.

<b>PRELIMINARY SCHEDULE FOR GOVERNANCE/ORGANIZATION WORK</b>	
<b>8-Mar-20</b>	
<b>PHASE 1</b>	<b>COMPLETED WORK</b>
<b>March 2020 thru December 2020</b>	
Identify Criteria for FINAL Governance/Organizational Structure	March 2020 - June 2020
Identify and Evaluate FINAL Governance Structure Options	July 2020 - October 2020
Select Recommended FINAL Governance/Organization	July 2020 - October 2020
Identify FINAL Governance/Organization Items to be detailed in Phase II	October 2020 - December 2020
Identify and Evaluate INTERIM Decision-making Structure	August 2020 - September 2020
Select and Finalize INTERIM Decision-making Structure	October 2020 - December 2020
Identify Steps to Implement INTERIM Decision-making Structure in Phase II	October 2020 - December 2020
Identify Funding Plan for Phase II Work	October 2020 - December 2020
<b>PHASE II</b>	<b>IN PROGRESS</b>
<b>January 2021 - December 2021</b>	
Take Steps to Implement INTERIM Decision-making Structure	January 2021 - June 2021
Nominate/Select Interim Board Members	January 2021 - June 2021
Start INTERIM Decision-making Structure	July 2021
"Test" Recommended FINAL Governance/Organization with Stakeholders	January 2021 - June 2021
Refine FINAL Governance/Organization, as needed	January 2021 - August 2021
Prepare Bi-State Legislation for FINAL Governance/Organization	August 2021-December 2021
Identify FINAL Governance/Organization Items to be detailed in Phase III	August 2021-December 2021
Identify Funding Plan for Phase III Work	August 2021-December 2021
<b>PHASE III</b>	<b>January 2022 thru June 2023</b>
INTERIM Decision-making Structure Operates under INTERIM Board	January 2022 thru December 2022
"Soft-Open" FINAL Governance/Organization by replacing INTERIM Board with FINAL Board under INTERIM Decision-making Structure	January 2023 - June 2023
Disband INTERIM Decision-Making Structure	June 2023
Seek Bi-State Legislation for FINAL Governance/Organization (2022 Session)	January 2022 thru May 2022
Prepare by-laws, rules, administrative procedures, etc. for FINAL Structure	July 2022 thru June 2023
Nominate and Appoint Board Members	July 2022 thru December 2022
Prepare Plan to Transfer Oversight/Management Responsibility to new Governance/ Organization	January 2023 - June 2023
Prepare Organization Budget,	January 2023 thru May 2023
Seek significant bi-state engineering grant(s) in 2023 Sessions	January 2023 thru June 2023
Identify FINAL Governance/Organization Items to be detailed in Phase IV	January 2023 thru June 2023
<b>Phase IV</b>	<b>July 2023 thru June 2025</b>
Start Full Operations of FINAL Governance/Organization	July 2023
Adopt by-laws, rules, administrative procedures, etc.	July 2023 - December 2023
Prepare and Implement Plan to Achieve Sufficient Organizational Capacity	July 2023 - June 2025
Seek Bi-State Construction Grant	January 2025 thru June 2025

current task



# Bi State Working Group

Proposed Re-energizing of the BSWG

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# The Existing Bridge is degrading.....

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- Too narrow
- Lift cables have reached their end of life and must be expeditiously replaced
- Both bridge approaches need improvements
- Load study being developed and authorized to determine impacts of loads on structural members
- Likely additional weight restrictions will have to be incorporated
- Speed enforcement for trucks likely in the near future



# Proposed BSWG Milestones: by December 2025

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- All funding obtained from States and Federal
- Bridge Replacement Management Contract in place and highly functional
- Design Contract awarded and design completed
- Construction Contract awarded, Construction mobilized, In water foundation work well underway
- Current bridge Decommissioning Plan has been developed and approved

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# The Role of the BSWG

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- Very Strong Advocate for Bridge Replacement agreed to in MOU
- Understands Criticality of replacing current bridge (need to be kept in the loop regarding safety issues)
- BSWG thoughts and opinions are very important
- Not a check the box organization, what the organization thinks is important and is due very strong consideration

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# Multi-Faceted approach

- Understand Bridge Replacement Cost Estimate, adjust as needed
- Review and discuss and agree on role of Replacement Bridge Management Contract (RBMC)
- Agree to spend part of existing funding to stand up RBMC
- Discuss and reach agreement on path forward for Design and Construction approach (ie Bid Award Design, Bid Award Design/Build, Bid Award Construction)
- Strengthen communication plan in support of funding
- Discuss and reach agreement on path forward regarding early Geotech work and contract

**Qualified staff is needed NOW**





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# The Role of the RBMC

- Draft and review with BSWG all major contract packages. Modify as required
- Strengthen / develop community outreach program in support of funding
- Manage for the Port and BSWG actual contractor performance against the contract
- Evaluate and process contract change orders with proper authorizations
- Develop and maintain replacement project budget, schedules, risk logs, cashflow, current forecasts
- Support information needs of BSWG, Port and others as needed
- Ensure the project is proceeding to plan and maintaining financial control
- Meet with the BSWG, Port Commission and others as directed to review performance (twice a month)

# What the RBMC looks Like

- Project Manager – now qualified and experienced in heavy project design and construction
- Engineering Technical- now
- Contracting - now
- Scheduling - now
- Communications - now
- Estimating / Trending - now
- Construction – later
- Safety – later
- Support Staff – 1 now, 1 later
- Performance Based Incentives on Design and Construction Performance TBD

8/4/21



# What would the RBMC likely cost?

- 2021 - \$1.08 million (Mob Nov 1)
- 2022 - \$1.33 million
- 2023 - \$1.38 million
- 2024 - \$1.56 million
- 2025 – \$1.62 million
- 2026 - \$1.67 million
- 2027 - \$1.72 million
  
- + Performance Incentives

Incl Staffing, Office, Utilities, Supplies, Escalation

8/4/21



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# Next Steps

- Adjust as needed
- BSWG Endorsement
- Port Commission Endorsement
- Develop RFQ package (C. Green draft insufficient)
- Clearly state RBMC scope of work
- Define job description and requirements of proposed staff organization.
- Define evaluation and scoring approach.
- Define target bidders
- Seek bids
- Evaluate and award
- Mobilize by Nov 1 or earlier

8/4/21



# Next Steps Cont.

- Locate and lease office space
- Support drafting language into Infrastructure bill describing needed funding
- Continue to work with states to attract needed funding



# Approval Requested ....

1. Prepare RFQ for a Replacement Bridge Management Contract
2. Use existing state funds to pay for the first several years of RBMC.
3. Develop RFQ based upon 4-year contract with 3 one-year options.
4. Look for office space to house the RBMC staff. First choice is either White Salmon or Bingen on the Washington side of the river. Plan for a December 1 opening.
5. Approve the milestones on slide 3 as our working milestones

