

## OREGON TRANSPORTATION COMMISSION

### Minutes of the Emergency Meeting

February 24, 2010

Salem

On Wednesday, February 24, 2010, at 3:30 p.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held an Emergency Meeting in Room 135 of the Transportation Building, 335 Capitol Street N.E., Salem, Oregon.

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:

Attending via telephone were:

Chair Gail Achterman  
Vice-Chair Michael Nelson  
Commissioner Alan Brown  
Commissioner David Lohman  
Assistant Attorney General John Dunbar  
Reporter John Sowell, Roseburg News-Review

Present in the room were:

Director Matthew Garrett  
Chief of Staff Joan Plank  
Deputy Director for Highways Doug Tindall  
Rail Division Administrator Kelly Taylor  
Assistant Attorney General Dale Hormann  
Governor's Trans Policy Advisor Chris Warner  
Government Relations Section Mgr Robin Freeman  
Federal Affairs Liaison Travis Brouwer

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Chair Achterman called the meeting to order at 3:30 p.m.

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“An emergency Meeting of the Oregon Transportation Commission has been convened pursuant to ORS 192.640(3). Notice has been provided to the media and other interested parties through press release, and Communications staff called the News-Review. The minutes shall reflect that the emergency nature of this meeting did not allow at least 24 hours prior notice because the OTC and ODOT are currently involved in litigation with the Central Oregon & Pacific Railroad, Inc., and the trial, including jury selection, begins tomorrow. A proposed settlement agreement has been presented to the OTC, and the OTC must meet with legal counsel to discuss the proposed settlement, and action must be taken today in order to avoid incurring additional taxpayer expense related to said litigation.”

Chair Achterman announced the Commission would go into Executive Session pursuant to ORS 192.660 (2) (h), which allows the Commission to meet in Executive Session to consult with legal counsel on litigation. Chair Achterman directed media participating in the Executive Session not to report on any of the deliberations except to state the general subject of the session, which was to consider a proposed settlement agreement in the case of CORP v. ODOT.

The Commission discussed the proposed agreement with Assistant Attorneys General Dunbar and Hormann.



At 4:05 pm, Chair Achterman closed the Executive Session and reconvened the public meeting.

Commissioner Lohman moved that the ODOT director be authorized to enter into a negotiated settlement agreement of the Central Oregon & Pacific Railroad, Inc., litigation, or a substantially similar agreement.

There followed some discussion of the impacts of the motion, and Chair Achterman recessed the public meeting at 4:08 pm, and returned to Executive Session pursuant to ORS 192.660 (2) (h) to consult with legal counsel about litigation.



At 4:14 pm. Chair Achterman closed the Executive Session and reconvened the public meeting.

Commissioner Lohman withdrew his previous motion and moved to authorize the director to enter into a negotiated settlement agreement of the Central Oregon & Pacific Railroad, Inc., litigation after consulting with the Commission chair.

The motion was approved unanimously by the commissioners present.



Chair Achterman adjourned the Emergency Meeting at 4:15 PM.




  
Gail Achterman, Chairman

  
Michael Nelson, Vice Chair

Not present.  
Janice Wilson, Member

  
Alan Brown, Member

  
David Lohman, Member

  
Amy Merckling, Commission Assistant