

W.9.D.2

AGENDA COVER MEMO

DATE: 3/29/06

TO: Lane County Board of Commissioners

DEPT.: Public Works

PRESENTED BY: Sonny Chickering
County Engineer

AGENDA ITEM TITLE: In the Matter of Granting the County Administrator Authority to Sign an Intergovernmental Agreement with Oregon Department of Transportation, Updating the Coordination of the Single-Trip, Oversize/Overload Vehicle Permits.

I. MOTION

THAT THE ORDER BE APPROVED AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF OREGON AND LANE COUNTY TO COORDINATE THE ISSUANCE OF SINGLE-TRIP OVERSIZE/OVERLOAD VEHICLE PERMITS, AND AUTHORIZING THE TERMINATION OF THE EXISTING AGREEMENT DATED JULY 8, 1987, AS OF THE EFFECTIVE DATE OF THE PROPOSED AGREEMENT.

II. ISSUE OR PROBLEM

Lane County has been asked to modify the current arrangement with ODOT to participate in the program to simplify and expedite the issuance of single-trip, oversize/overload vehicle permits. This proposed agreement will replace the existing agreement and becomes effective when all signatures have been obtained. It will automatically terminate ten (10) years from the date of execution.

III. DISCUSSION

A. Background

In 1987, Oregon Department of Transportation, (ODOT), and Lane County entered into an Intergovernmental Agreement to allow the State to include in single-trip permits issued by ODOT for oversize/overweight vehicles and loads, the permission to also travel over roads which are under the jurisdiction of Lane County, subject to the terms of the agreement.

V. ATTACHMENTS:

Intergovernmental Agreement, Single-Trip Permit Authorization
Existing agreement dated July 8, 1987.

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

ORDER NO.

(In the Matter of Granting the County
Administrator Authority to Sign an
Intergovernmental Agreement with
Oregon Department of Transportation,
Updating the Coordination of the Single-
Trip, Oversize/Overload Vehicle Permits.

WHEREAS, the County has participated in an Intergovernmental Agreement with ODOT since 1987 coordinating the issuance of single-trip, oversize/overload permits involving travel on both State and County roads and highways, and is now being asked to enter into an agreement to replace the existing agreement; and

WHEREAS, ORS Chapter 818 provides authority for State of Oregon and Road Authorities to issue permits for movement of oversize/overweight vehicles and loads over highways and roads under their respective jurisdictions; and

WHEREAS, ORS 190.110 authorizes units of local government and state agencies to enter into agreements to cooperatively perform their duties and responsibilities; and

WHEREAS, frequently the vehicles and loads are of such weight and dimension that a specific routing must be followed and which includes both State highways and County roads, thereby requiring the permittee to obtain separate permits for the same movement from both the State and a Road Authority, and

NOW THEREFORE, be it ordered that Lane County enter into an agreement with the State of Oregon to coordinate the joint issuance of overweight/oversize single-trip vehicle permits; and

BE IT ALSO ordered that the existing agreement dated July 8, 1987, shall be terminated as of the execution date of the replacement agreement; and

BE IT FURTHER ORDERED that the County Administrator is given the authority to sign the agreement.

DATED this _____ day of _____, 2006 .

Chair,
Lane County Board of Commissioners

APPROVED AND FORWARDED:

MAY 5 - 5 - 06

W. M. ...

CLERK

INTERGOVERNMENTAL AGREEMENT
Project Name: Single Trip Permit Authorization

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and **Lane County**, acting by and through its elected officials, hereinafter referred to as "County."

RECITALS

1. By the authority granted in ORS 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. By the authority granted in ORS Chapter 818, State and County issue permits for the movement of oversize/overweight vehicles and loads over highways and roads under their respective jurisdictions, and may engage in programs intended to simplify or expedite the issuance of permits.
3. Frequently, vehicles and loads are of such weight and dimension that a specific routing must be followed and such routing includes both State highways and County roads, thereby requiring the permittee to obtain separate permits for the same movement from both State and County.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, County grants State the authority to include in permits issued by State for oversize/overweight vehicles and loads permission to travel over roads which are under the jurisdiction of County, in accordance with the terms of this Agreement.
2. This Agreement becomes effective upon the date all required signatures are obtained and shall automatically terminate ten (10) years from the date of execution, unless extended by a fully executed amendment.
3. Each party will be responsible for their own costs associated with this Agreement.

COUNTY OBLIGATIONS

1. County shall provide State with a document containing a list of individuals, including at least a primary and secondary contact person, who have been delegated the authority to approve County roads to be included on the permits, hereinafter referred to as Exhibit A, attached hereto and by this reference made a part hereof. This document may also contain the maximum weights and/or dimensions authorized for specific County roads based on vertical and horizontal clearances, and on the condition of the road and structure. The State shall use Exhibit A as specific written authorization and instructions when issuing permits. In the event routes and sizes that are requested are not included in Exhibit A, State shall contact the County designee for approval.
2. In the event County is contacted by State as described in Paragraph 1 above, a response shall be provided within two (2) hours of initial contact. If County fails to respond within two (2) hours, State will issue the permit without authorization for travel on County roads.

STATE OBLIGATIONS

1. State shall issue single trip permits only for travel over specified County roads. State will not issue continuous trip permits which include County road routing under this Agreement.
2. State shall collect the fee established in ORS 818.270 for both the State and County. The County fee shall be forwarded to the County for each permit issued through this Agreement on a monthly basis.

3. Unless otherwise directed by County, State shall, in issuing the permits, stipulate the same general and special provisions for County roads as it does for state highways. Maximum weights and dimensions which may be specified in permits for County roads shall be those obtained from the proper County authority.

GENERAL PROVISIONS

1. To the extent permitted by Article XI, Section 7 and Section 10 of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other party against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify the other party for any such liability arising out of the wrongful acts of employees or agents of that other party.
2. Notwithstanding, the foregoing defense obligations under paragraph 1 above, neither party nor any attorney engaged by either party shall defend any claim in the name of the other party or any agency/department/division of such other party, nor purport to act as legal representative of the other party or any of its agencies/departments/divisions, without the prior written consent of the legal counsel of such other party. Each party may, at any time at its election assume its own defense and settlement in the event that it determines that the other party is prohibited from defending it, or that other party is not adequately defending its interests, or that an important governmental principle is at issue or that it is in the best interests of the party to do so. Each party reserves all rights to pursue any claims it may have against the other if it elects to assume its own defense.
3. This Agreement shall remain in effect until one of the parties desires to terminate it by providing written notice to the other party not less than sixty (60) days prior to the date of termination.
4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
5. By the signature herein, State and County certify compliance with the terms and conditions contained in this Agreement.
6. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

County, by and through its County Court or Board of County Commissioners as appropriate

By _____
William A. Van Vactor
County Administrator

Date _____

County Contact:

STATE OF OREGON, by and through its Department of Transportation

By _____

Date _____

APPROVAL RECOMMENDED

By _____

Date _____

ATTACHMENT "A"

The following is a list of Lane County employees who can be contacted by the State to coordinate the joint issuance of overload/oversize transportation permits. The individuals have also been delegated the authority to coordinate the approval of and /or approve those County roads which will be included on said transportation permits.

Jennifer Paugh	(541) 682-6902
Deanna Makin	(541) 682-6902
John Petsch	(541) 682-6902
Doug K. McCart	(541) 682-6902
Jim Steers	(541) 682-6902
Dolores Smith	(541) 682-6902
Rich Remont	(541) 682-6902
Dave Card	(541) 682-6902

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

IN THE MATTER OF ENTERING INTO AN)
AGREEMENT WITH THE STATE OF OREGON)
BY AND THROUGH ITS DEPARTMENT OF)
TRANSPORTATION, HIGHWAY DIVISION)
TO COORDINATE THE ISSUANCE OF SINGLE-)
TRIP OVERSIZE/OVERLOAD VEHICLE PERMITS)

ORDER NO. 87-7-8-15

WHEREAS, the County is the responsible for the protection of its road system for the benefit of the motoring public, and,

WHEREAS, pursuant to Oregon Revised Statute (ORS) Chapter 818, a road authority may issue a variance permit if it determines the public's interest will be served, and,

WHEREAS, ORS 818.200 authorizes both the State and the County to engage in programs intended to simplify or expedite the issuance of transportation permits, and,

WHEREAS, overweight-overload vehicle load permits frequently require routing that includes travel upon both State highways and County roadways thereby requiring such users to obtain separate permits from each jurisdiction, and,

WHEREAS, pursuant to ORS 190.110, the State of Oregon and Lane County may enter into an agreement to cooperatively perform their duties and responsibilities;

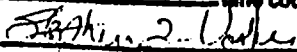
IT IS HEREBY ORDERED that Lane County enter into an agreement with the State of Oregon to coordinate the joint issuance of overweight/oversize single-trip vehicle permits;

IT IS FURTHER ORDERED that the County Administrator be authorized to sign the agreement.

DATED this 8th day of July, 1987


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-30-87 lane county

OFFICE OF LEGAL COUNSEL

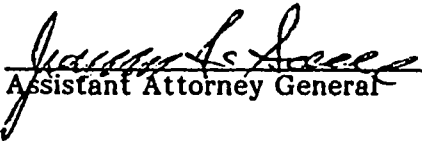
County has supplied State a list, attached hereto, of individuals designated by County who have been delegated the authority to approve county roads to be included on the permits, including the maximum weights and dimensions for these roads. This list may be amended upon written notification by the County.


State shall contact one of the individuals so designated by telephone prior to issuing a permit under this agreement for routing and special provisions to be included in the permit.

The Oregon Transportation Commission, by duly adopted delegation order authorized the State Highway Engineer to approve and execute this agreement on behalf of the Commission by way of OTC Delegation Order No. 23, paragraph 55, in conjunction with paragraphs 25 and 34.

APPROVED AS TO
LEGAL SUFFICIENCY:

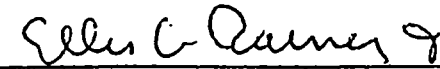
State of Oregon, by and through
its Department of Transportation,
Highway Division


Assistant Attorney General


State Highway Engineer

Date 6/5/87

Lane County, by and through
its County Court or Board of County
Commissioners as appropriate


Date 7/22/87

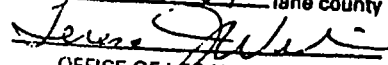
Date _____

Date _____

Date _____

APPROVED AS TO FORM

Date 7-21-87 lane county


OFFICE OF LEGAL COUNSEL

ATTACHMENT A

(6/18/87)

The following is a list of Lane County employees who can be contacted by the State Highway Division's Transportation Permit Unit to coordinate the joint issuance of overload/oversize transportation permits. The individuals have also been delegated the authority to coordinate the approval of and/or approve those County roads which will be included on said transportation permits.

1. Joanne W. Gabhart (341-6902)
2. Lloyd G. Holtcamp (341-6902)
3. Daniel R. Hartwig (341-6902)
4. Irma Alcacio (341-6902)

HALL Donna L

From: CHICKERING Sonny A
Sent: Wednesday, April 05, 2006 10:21 AM
To: HALL Donna L
Subject: RE: Clarification

Sorry for the confusion. Frank and I discussed version 1, then I found version 2 in my inbox.

At this time, dump version 1 and put version 2 on hold until we hear back from OACES.

Perhaps you could send us a reminder 30 days from now?

----- Original Message -----

From: "HALL Donna L" <Donna.Hall@CO.Lane.OR.US>

Date: 4/5/06 7:21 am

To: "CHICKERING Sonny A" <Sonny.Chickering@CO.Lane.OR.US>

Subj: Clarification

Is the agenda item for the IGA/Single Trip "second version", on hold? I thought the first version had already been dumped. Will this one be done at a later date? Thanks.