

A G E N D A

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**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: June 29, 2000  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. EXECUTIVE OFFICER COMMUNICATIONS**

**4. AUDITOR COMMUNICATIONS**

**5. MPAC COMMUNICATIONS**

**6. CONSENT AGENDA**

6.1 Consideration of Minutes for the June 22, 2000 Metro Council Regular Meeting.

**7. ORDINANCES – FIRST READING - PUBLIC HEARING**

7.1 **Ordinance No.00-869**, For the Purpose of Adopting the 2000 Regional Transportation Plan; Amending Ordinance No. 96-647C, Ordinance No. 97-715B.

**8. RESOLUTIONS**

8.1 **Resolution No. 00-2961**, For the Purpose of Adopting the Plan Reinstatement for the Metro 401(K) Employee Salary Savings Plan. Washington

8.2 **Resolution No. 00-2964**, For the Purpose of Confirming Matthew Rotchford, Steve Erickson and Marilyn Matteson to the Metro 401(K) Employee Savings Plan Advisory Committee. Atherton



**9. CONTRACT REVIEW BOARD**

9.1 **Resolution No. 00-2962**, For the Purpose of Authorizing a Sole Source Agreement with the Regional Arts and Cultural Council.

Washington

**10. COUNCILOR COMMUNICATION**

**ADJOURN**

There is no cable coverage for this meeting.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

*Agenda Item Number 7.1*

**Ordinance No. 00-869, For the Purpose of Adopting the 2000 Regional Transportation Plan; Amending Ordinance No. 96-647C, Ordinance No. 97-715B.**

***First Reading and Public Hearing***

**Metro Council Meeting  
Thursday, June 29, 2000  
Metro Council Chamber**





WHEREAS, all functional plans, including this 2000 RTP Update, must implement applicable regional goals and objectives, including Metro's acknowledged 2040 Growth Concept; and

WHEREAS, the 2000 RTP Update is adopted herein as a component of the 1997 Regional Framework Plan ; and

WHEREAS, development of this 2000 RTP Update has included adoption of regional transportation policies to begin implementation of the 2040 Growth Concept in Resolution 96-2327, Title 6 requirements for changes to local transportation plans in the 1996 Urban Growth Management Functional Plan, and inclusion of regional transportation policies in the 1997 Regional Framework Plan; and

WHEREAS, a final public comment draft of the 1999 RTP Update, adopted by resolution, was distributed in October, 1999 with seven subregional area summaries of policies and projects affecting local areas ; and

WHEREAS, the Metro Council has received the considered advice of a 21-member Citizens Advisory Committee, its Metro Policy Advisory Committee, and Joint Policy Advisory Committee on Transportation, and all the policies and projects have been the subject of extensive public reviews; and

WHEREAS, Resolution No. 99-2878B stated the process for its refinement and implementation accepted the final November 5, 1999, draft of the 1999 Regional Transportation Plan as amended, to be adopted by ordinance with final changes as the 2000 Regional Transportation Plan for federal, state, and regional functional plan purposes; and

WHEREAS, Chapter 6 of this 2000 RTP has been significantly amended based on further analysis and demonstration of compliance with the state Transportation Planning Rule prior to adoption of this 2000 RTP Update by Ordinance ; and

WHEREAS, Chapter 1 of the 2000 RTP containing RTP policies was initially approved by Council resolution in July 1996 and updated in 1999 for consistency with the 1997 Regional Framework Plan; and

WHEREAS, Chapters 2 and 5 of the 2000 RTP identify the 20-year transportation needs of the region detail the scope and nature of proposed improvements that address the 20-year needs and a financial plan for implementing the recommended projects; and

WHEREAS, Chapter 6 of the 2000 RTP establishes regional compliance with state and federal planning requirements and establishes any regional TSP and functional plan requirements for city and county comprehensive plans and local TSPs to comply with the 2000 RTP; and

WHEREAS, the congestion and street connection policies adopted in Title 6 of the Urban Growth Management Functional Plan to implement Metro's acknowledged 2040 Growth Concept are now included in the 2000 RTP as the primary transportation functional plan with the same compliance timelines as originally adopted; and

WHEREAS, regulatory issues have been addressed before final adoption of the RTP by ordinance, including findings of compliance with the state Transportation Planning Rule, federal planning requirements in TEA-21, development of the "financially constrained" system for purposes of federal air quality conformity; and

WHEREAS, Exhibit "A" of this ordinance contains the 2000 RTP in the form of the final 1999 draft adopted by resolution and the 2000 addenda of revisions; and

WHEREAS, Exhibit "B" contains the Findings of Fact and Conclusions of Law which explain the factual basis for the Plan and include governmental coordination findings and required by the court to comply with statewide planning Goal 2 and in *Parklane et al v. Metro*; and

WHEREAS, the Appendix of documents and other supporting documents have been included in the decision record before the Metro Council; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. The 2000 Regional Transportation Plan ("RTP") attached as Exhibit "A" incorporated by reference herein is hereby adopted as Metro's regional transportation functional plan under ORS 268.390(2), and with Title 2 of the Urban Growth Management Plan, as the Regional Transportation System Plan under the Transportation Planning Rule at OAR 660-012-010.

Section 2. The Findings of Fact and Conclusions of Law in Exhibit "B" attached and incorporated herein are hereby adopted as explanation of the factual basis for the 2000 RTP governmental coordination findings for the Plan and findings required by the Transportation Planning Rule.

Section 3. Ordinance No. 97-715B is amended to add the 2000 RTP to the Regional Framework Plan as the transportation component.

Section 4. Ordinance No. 96-647C is amended to remove Title 6 and amend Title 2 as shown in Exhibit "C" attached and incorporated herein.

Section 5. The 2000 RTP in Exhibit "A" shall be transmitted to the Land Conservation and Development Commission for initial acknowledgment of compliance with the



statewide planning goals as the transportation component of the Regional Framework Plan consistent with ORS 197.274(1)(a).

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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OGC/LSS/kvw (06/20/2000)

**Submitted as a placeholder for the completed  
2000 Regional Transportation Plan  
are the**

**December 16, 1999  
Adoption Draft**

**and the**

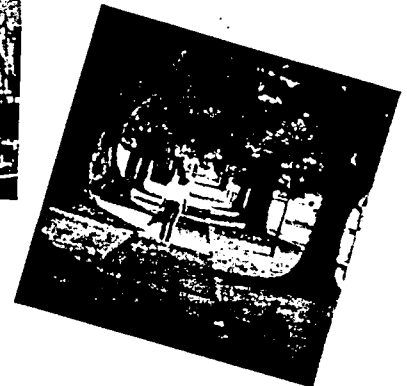
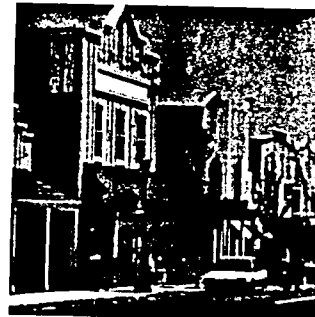
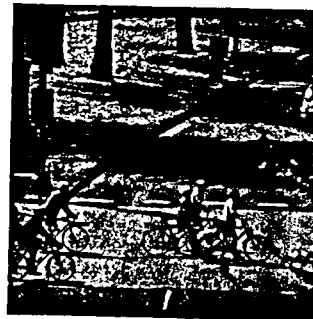
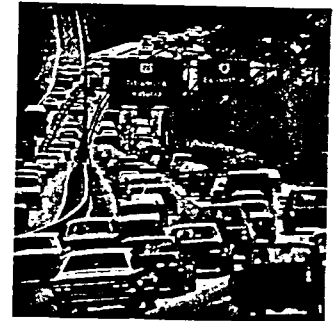
**May 15, 2000  
Supplemental Revisions**

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# 1999 Regional Transportation Plan

December 16, 1999  
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*Approved by Resolution No. 99-2878B (and Amended by Resolution No. 00-2888)*



**METRO**  
Regional Services  
*Creating livable  
communities*

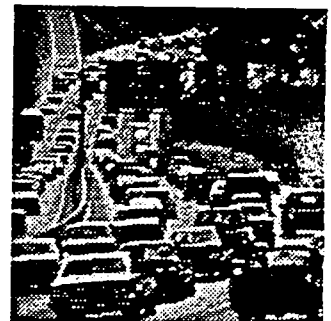
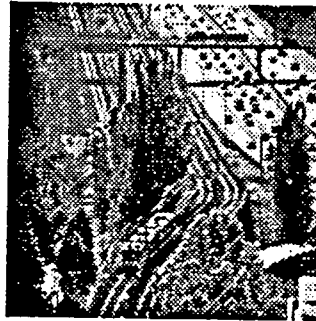


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# 2000 Regional Transportation Plan Supplemental Revisions

May 15, 2000

*Supplemental Revisions to Resolution No. 99-2878B and Resolution No. 00-2888*



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Regional Services  
*Creating livable  
communities*

Submitted as a placeholder

**Exhibit B, the Findings of Fact and Conclusions of Law, will be submitted in  
July 2000.**

**Exhibit C  
to Ordinance No. 00-869**

**A copy of Ordinance No. 96-647C will be provided prior to final adoption of  
this ordinance.**



## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 00-869 FOR THE PURPOSE OF ADOPTING THE 2000 REGIONAL TRANSPORTATION PLAN; AMENDING ORDINANCE NO. 96-647C, ORDINANCE NO. 97-715B

Date: June 29, 2000

Presented by: Andrew C. Cotugno

## PROPOSED ACTION

This ordinance would adopt the 2000 Regional Transportation Plan (RTP) as the regional functional plan for transportation, as required by ORS 268.390, and would bring the RTP into compliance with the state Transportation Planning Rule (TPR). The 2000 RTP includes:

- RTP Policies - Chapter 1 of the RTP was initially approved by Council resolution in July 1996. It has since been updated for consistency with the Regional Framework Plan and the functional plan, and edited for readability and brevity. This action will also amend Ordinance No. 97-715B, replacing Chapter 2 of the Regional Framework Plan with the update Chapter 1 of the RTP.
- RTP Projects and Systems Analysis - Chapters 2 through 5 of the RTP identify the 20-year transportation needs for the region, detail the scope and nature of proposed improvements that address the 20-year needs and a financial plan for implementing the recommended projects. Chapter 5 includes a description of the strategic system, which is intended to satisfy the state TPR requirements for an "adequate" system, as well as procedures and criteria in Chapter 6 for amending the projects.
- RTP Implementation - Chapter 6 of the RTP establishes regional compliance with state and federal planning requirements, and sets requirements for city and county compliance with the RTP. This chapter also establishes criteria for amending the RTP project lists, and the relationship between the RTP and the Metro Transportation Improvement Program (MTIP). Chapter 6 also identifies future studies needed to refine the RTP as part of future updates. These future studies are consistent with state TPR provisions that require refinement planning in areas where a transportation need exists, but further analysis is required to define specific solutions.

## EXISTING LAW

The current federal Transportation Equity Act for the 21<sup>st</sup> century (TEA-21) requires an updated federal plan every three years that demonstrates continued compliance with the fifteen federal planning factors, a financially constrained plan and compliance with the Clean Air Act.

## FACTUAL BACKGROUND AND ANALYSIS

The RTP update has been conducted in three stages over the past four years. The first stage involved an update to the RTP policies that focused on implementing the 2040 Growth Concept,

and reflected new state and federal planning requirements. The policy document was approved by Council resolution in July 1996, and has served as the guiding vision for later steps in the update process.

The second stage of the RTP update, known as the RTP alternatives analysis, examined the region's level of service policy for motor vehicles and transit. This stage led to the 2040-based congestion policy that has since been adopted as part of Title 6 of the Urban Growth Management Functional Plan.

The lessons learned from RTP alternatives analysis helped guide the final, project development stage of the RTP update. The project development phase included a system analysis, proposed 20-year transportation solutions, and financial strategies for implementing the plan. This element of the plan, together with the RTP policies approved by resolution in July 1996 and transportation elements of the Regional Framework Plan and the Urban Growth Management Functional Plan (UGMFP) in 1998, completes the effort to update the RTP to implement the 2040 growth concept.

The RTP update featured a greatly expanded public outreach effort. The update was guided by a 21-member Citizen Advisory Committee (CAC), and included several public outreach efforts, special newsletters, and a number of joint JPACT, MPAC and Council workshops held at key decision points. The update also reflects the efforts of local officials, citizens and staff to develop transportation proposals that reflect the policy direction developed by the CAC and regional growth management policies. Of the nearly 700 projects proposed through the year 2020 to address expected growth, and to implement the 2040 growth concept, more than half are new to the regional plan, and many were generated by citizen input. These projects range from relatively modest bicycle and pedestrian improvements to major transit and highway projects, each developed with an eye toward promoting safety, responding to growth or leveraging the 2040 growth concept.

During the past year, staff tested these projects through four separate rounds of transportation modeling. Each project proposed in the 2000 RTP was reflected in the modeling assumptions, and projects were further refined after each round of modeling to better respond to projected travel needs during the 20-year plan period. This phase of the RTP update was also based on a collaborative approach, with local jurisdictions overseeing the modeling process at every step, and modeling analysis completed in a series of workshops with the regional partners. As a result, the draft project list is a consensus-based product, with project recommendations that are based on detailed analysis.

In December 1999, JPACT and the Metro Council approved the draft 1999 RTP by resolution, with direction to staff to complete a final set of analyses prior to adoption of the plan by ordinance. The December 1999 draft is included in Exhibit "A." During the past five months, staff completed the following activities necessary to demonstrate compliance with regional, state and federal planning requirements:

- development, modeling and analysis of the financially constrained network
- preliminary air quality conformity findings
- completion of an off-peak congestion analysis

- findings that demonstrate compliance with state TPR requirements
- findings that demonstrate compliance with federal TEA-21 planning requirements
- draft revisions to the Regional Framework Plan to maintain consistency between RTP and RFP policies
- draft revisions to Title 2 of the UGMFP, as required by the state TPR

The results of these tasks are included in the Supplemental Revisions document, which is included as part of Exhibit "A." Findings of compliance with state TPR requirements are shown in Exhibit "B."

#### BUDGET IMPACT

None.

TK:rmb

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*Agenda Item Number 8.1*

**Resolution No. 00-2961, For the Purpose of Adopting the Plan Restatement for the Metro 401(k)  
Employee Salary Savings Plan.**

**Metro Council Meeting  
Thursday, June 29, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ) RESOLUTION NO. 00-2961  
PLAN RESTATEMENT FOR THE )  
METRO 401K EMPLOYEE SALARY ) Introduced by Executive Officer Mike Burton  
SAVINGS PLAN )

WHEREAS, Metro, under its former name, the Metropolitan Service District, has established and maintained an Employee Salary Savings Plan (the 401K Plan) for the exclusive benefit of eligible employees; and

WHEREAS, from time to time it is necessary to amend the Employee Salary Savings Plan to reflect changes in applicable law and to provide for changes in administration of the plan; and

WHEREAS, the Metro Employee Salary Savings Plan 2000 Restatement, prepared and recommended by the 401K Plan Advisory Committee, will add a year-of-service requirement for eligibility to participate; conform the plan to the Uniformed Services Employment and Reemployment Rights Act of 1994, the Small Business Job Protection Act of 1996 and the Taxpayer Relief Act of 1997; update Plan language; allow for separate trust provisions; ensure compliance with applicable law and make other clarifying and administrative changes; now, therefore,

BE IT RESOLVED

1. That the Metro Council adopts the Metro Employee Salary Savings Plan 2000 Restatement, attached as Exhibit A to this Resolution.

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2. That the Executive Officer is authorized to execute the Plan on behalf of Metro.

ADOPTED by the Metro Council this \_\_\_\_ day of June 2000.

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David Bragdon, Presiding Officer

Approved as to Form:

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Daniel B. Cooper, General Counsel

KAP/jep  
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**Metro**  
**EMPLOYEE SALARY SAVINGS PLAN AND TRUST**

2000 RESTATEMENT

July 1, 2000

Metro  
an Oregon metropolitan service district  
600 NE Grand Avenue  
Portland, Oregon 97232-2736

Metro



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# METRO

## EMPLOYEE SALARY SAVINGS PLAN

### 2000 Restatement

July 1, 2000

Metro  
an Oregon metropolitan service district  
600 NE Grand Avenue  
Portland, OR 97232-2736

Metro

Metro, under its former name, The Metropolitan Service District, has established and maintained an Employee Salary Savings Plan (the Plan) for the exclusive benefit of eligible employees. Before this restatement, the Plan was a nonstandardized prototype document that was signed December 3, 1992, effective generally July 1, 1987 (the Prior Plan). Metro adopts this restatement to add a year-of-service requirement for eligibility to participate, conform to the Uniformed Services Employment and Reemployment Rights Act of 1994, the Small Business Job Protection Act of 1996 and the Taxpayer Relief Act of 1997, update Plan language, delete trust provisions, which will be placed in a separate trust document, ensure compliance with applicable law and make other clarifying and administrative changes. This Plan document is intended to comply with §401 of the Internal Revenue Code of 1986, as amended (the Code), and applicable regulations.

## ARTICLE 1

### Relevant Dates; Qualification

#### 1.1 Effective Dates; Valuation Dates; Plan Year

1.1.1 This restatement shall be effective July 1, 2000, except that the provisions of this restatement identified below shall be effective as follows:

- (1) The changes in 3.1.3, 3.2.2 and 3.4.2(b) regarding make-up contributions and imputing compensation during military leaves of absence

shall be effective December 12, 1994 with respect to reemployments initiated on or after that date; the Plan shall comply with such rules starting October 13, 1996.

(2) The change in 3.4.2(a) to the definition of compensation for purposes of the annual addition limits shall be effective July 1, 1998.

(3) The Prior Plan shall continue to apply to events that occurred before the effective date of this restatement, except as provided above.

1.1.2 Through June 30, 2000, June 30 of each year shall be the regular valuation date. Effective July 1, 2000, December 31 of each year shall be the regular valuation date. Any business day the New York Stock Exchange is open for trading shall be a special valuation date.

1.1.3 Through June 30, 2000, the Plan Year and limitation year shall be a fiscal year ending June 30. Effective July 1, 2000, the Plan Year and limitation year shall be the calendar year. There shall be a short Plan Year and limitation year from July 1, 2000 through December 31, 2000. The limitation year is the period used for determining compliance with the annual addition limits under 3.4.

## **1.2 Qualification**

Under Internal Revenue Service (IRS) rules, this Plan is, technically, a profit sharing plan. If the IRS rules that this restatement does not qualify under §§401(a) and 501(a) of the Code, Metro may amend the Plan retroactively to qualify.

## **ARTICLE 2**

### **Eligibility and Participation**

#### **2.1 Conditions of Eligibility**

2.1.1 A qualified employee of Metro shall be eligible to participate on the first Entry Date on or after the earlier of the following dates:

(1) The date the qualified employee has become "benefit-eligible" under the terms of the Metro Code.

(2) The date the qualified employee has become eligible to participate in the Oregon Public Employees Retirement System.

2.1.2 "Qualified employee" means any employee except the following:

(1) A leased employee treated as an employee for pension purposes solely because of §414(n) of the Code.

(2) An employee who is covered by a collective bargaining agreement that does not provide for participation in this Plan.

(3) A worker who is classified by Metro as an independent contractor, even if the worker is later determined to have been an employee.

2.1.3 Through December 31, 1999, "Entry Date" shall mean each January 1 and July 1. Effective January 1, 2000, "Entry Date" shall mean the first day of each calendar month.

## **2.2 Participation**

2.2.1 "Participant" means an employee or former employee with an account balance under the Plan.

2.2.2 The Plan Administrator shall inform each qualified employee who has become eligible to participate about the Plan and furnish forms for electing contributions, selecting investments and designating beneficiaries.

## **ARTICLE 3**

### **Contributions**

#### **3.1 Elective Contributions**

3.1.1 Subject to 3.1.2 and 3.4, a qualified employee who has satisfied the requirements of 2.1.1 may elect to have Metro reduce the employee's compensation and contribute the compensation-reduction amount to the Trust each Plan Year as follows:



(1) Subject to (b) and (c), elective contributions from compensation shall be a whole number percentage of compensation under 3.4.2, per payroll period while participating for the Plan Year, up to a maximum established by the Plan Administrator pursuant to 3.1.2(b).

(2) Elective contributions by any Plan participants for any calendar year shall not for any employee exceed the dollar limit under §402(g)(1) of the Code, as adjusted by the IRS for increases in cost-of-living. The limit for 2000 is \$10,500. Such limit is in addition to any limit imposed by 3.4.

(3) An employee's compensation shall be reduced by the amount of the elective contributions.

(4) An employee may make elective contributions only with respect to amounts that the employee could otherwise elect to receive in cash and that are not currently available to the employee.

3.1.2 Elections shall be governed by the following rules:

(1) An employee's new or changed election shall be effective on the first payroll period beginning on or after the date the employee's completed election is received by the Benefits Manager.

(2) The Plan Administrator may establish rules covering the maximum amount or rate of elective contributions, the method and frequency of elections and procedures for starting, stopping and changing the rate of elective contributions.

3.1.3 Contributions with respect to qualified military service will be provided as specified in the Plan and in accordance with applicable law, including §414(u) of the Code. An employee who returns from military leave with employment rights protected by law may make elective contributions on account of the period of leave as follows:

(1) Subject to (c), make-up elective contributions must be made during the contribution make-up period under (b) out of compensation payable during such period.

(2) The contribution make-up period begins on the date the employee is reemployed and ends on the earlier of the following:

(1) The fifth anniversary of reemployment.

(2) The last day of a period that is three times as long as the period of military leave.

(3) To the extent permitted by applicable regulations, make-up contributions may be made out of funds other than compensation. Each such contribution shall be considered made when the employee delivers funds to the Plan equal to the contribution amount.

(4) The employee shall file an election with the Benefits Manager designating the Plan Year during military leave to which make-up contributions under (a) and (c) relate.

3.1.4 If an employee's elective contributions for a Plan Year would be more than permitted under 3.1.1(b) (an excess deferral), the following shall apply:

(1) Any direction for such an excess deferral shall be invalid and the directed deferral shall not be made.

(2) A participant may withdraw all or part of any excess deferral by notice in accordance with rules of the Plan Administrator.

(3) If an excess deferral occurs because of combined elective deferrals under this Plan and another plan, the participant may withdraw the excess only if the following conditions are satisfied:

(1) The participant notifies the Benefits Manager of the excess deferral by April 15 following the close of the Plan Year, unless the Plan Administrator waives the deadline.

(2) The notice specifies how much of the excess deferral is to be withdrawn from this Plan.

### **3.2 Discretionary Contributions**

3.2.1 Subject to 3.2.2 and 3.4, for each Plan Year Metro may make a discretionary contribution in an amount, if any, determined by the Metro Council. Such contribution shall be, under IRS rules, a profit sharing contribution.

3.2.2 Metro shall make additional discretionary contributions for each participant who returns from military leave with employment rights protected by law as follows:

(1) The additional discretionary contributions shall be determined separately with respect to each Plan Year for which the participant failed to receive such a contribution because of the participant's absence on military leave.

(2) The amount of the additional discretionary contribution with respect to any Plan Year described in (a) shall equal the amount of discretionary contribution that would have been made on behalf of the participant based on compensation imputed under 3.4.2 for the Plan Year.

(3) The additional discretionary contributions shall be subject to the limits in 3.4 that applied to the Plan Year for which the additional contribution is made.

(4) Metro shall not take into account gains or losses from the date the allocation would have been made had the participant been employed rather than on military leave, to the date the contribution is actually made under this paragraph.

### **3.3 No Employee Contributions**

No employee contributions are required or permitted. Under IRS rules, elective contributions under 3.1 are technically contributions by Metro.

### **3.4 Limit on Annual Additions**

3.4.1 No annual addition for any limitation year under 1.1.3 for any employee shall be more than the lesser of the following:

(1) The limit under §415(c)(1)(A) of the Code, as adjusted by the IRS for increases in cost-of-living. The limit from all sources for the Plan Year ending June 30, 2000 is \$30,000. The limit from all sources for the short Plan Year ending December 31, 2000 is \$15,000.

(2) 25 percent of the employee's compensation under 3.4.2.

3.4.2 "Compensation" means pay reportable on IRS Form W-2, adjusted in accordance with Treasury regulations, subject to the following rules:

(1) Compensation shall include elective deferrals pursuant to §402(g) of the Code and contributions made at the employee's election under any flexible benefits plan pursuant to §125 of the Code.

(2) For purposes of contributions under 3.1.3 and 3.2.2, during any military leave of absence, compensation shall be imputed at the rate the employee would have been paid if not absent. If this amount is not reasonably certain, compensation shall be based on the employee's average compensation during the 12 months immediately before the leave began, or all such months if fewer than 12.

(3) The maximum amount of annual compensation counted for any employee shall not exceed the limit in §401(a)(17)(A) of the Code, as adjusted by the IRS for increases in cost-of-living. The limit for the Plan Year ending June 30, 2000 is \$160,000. The limit for the short Plan Year ending December 31, 2000 is \$80,000.

3.4.3 "Annual addition" means for any limitation year the sum of the elective and any nonelective contributions for the year.

3.4.4 In applying the limits on annual additions, all affiliates of Metro under §414(b) and (c) of the Code, as modified by §415(h) of the Code, shall be considered a single employer.

3.4.5 If Metro maintains another qualified defined contribution plan, the annual additions under all such plans shall be combined for purposes of applying the limit above.

3.4.6 If Metro maintains or has maintained one or more defined benefit plans at any time, the following shall apply through June 30, 2000 but shall cease to be effective July 1, 2000:

(1) The defined benefit fraction under all such plans combined with the defined contribution fraction under this Plan and all other defined contribution plans currently or previously maintained by Metro shall not exceed 1.0 for any individual.

(2) The defined benefit fraction numerator shall be the employee's annual normal retirement benefit. The denominator shall be the maximum benefit under §415(b)(1) of the Code, adjusted under (d).

(3) The defined contribution fraction numerator shall be the sum of all annual additions for the employee since the Plan's inception. The denominator shall be the sum of the maximum annual additions under §415(c)(1) of the Code for all years of the employee's employment with Metro, adjusted under (d).

(4) The denominators under (b) and (c) shall be the smaller of the maximum percentage limitation amount times 1.4 or the maximum dollar limitation amount times 1.25.

3.4.7 If an annual addition for an employee would exceed the limit in 3.4.1 or 3.4.6, the Plan Administrator shall reduce the employee's elective contributions and, if necessary after reduction of elective contributions, discretionary contributions to come within the limit.

### **3.5 Time of Payment; Reports to Plan Administrator**

3.5.1 Metro may pay contributions to the Trustee in one sum or in installments, subject to the following:

(1) Elective contributions shall be paid as soon as the amount can reasonably be identified and separated from Metro's other assets and in any event no later than the fifth business day following the day on which such amounts would otherwise have been payable to the participant in cash.

(2) All contributions for a Plan Year shall be paid within the regular or extended time for filing Metro's federal information return for the Metro reporting year in which the Plan Year ends.

(3) Any amount paid after the end of the Plan Year shall be treated, for allocation, not investment, purposes, as paid on the last day of that year if both of the following apply:

(1) The amount is paid within the time specified in (b).

(2) The amount is designated by Metro as attributable to that Plan Year.

3.5.2 Metro shall furnish the Plan Administrator any information he or she reasonably requests for Plan administration.

### **3.6 In-Service Withdrawals**

3.6.1 An employee may make in-service withdrawals (while still employed by Metro) from the employee's accounts as follows:

(1) An employee who has reached age 59½ may withdraw up to the full balance of the employee's accounts.

(2) To the extent approved by the Plan Administrator because of financial hardship under 3.6.2, an employee not covered in (a) may withdraw all or part of the employee's rollover, transfer and discretionary contribution accounts, if any, and a portion of the employee's elective contribution account. The portion of the elective contribution account available for withdrawal on account of hardship shall be limited to the principal amount of the employee's elective contributions, and earnings allocated to that account as of June 30, 1989.

3.6.2 "Financial hardship" means an employee's immediate and heavy financial need that cannot be met from other reasonably available resources and is caused by one or more of the following:

(1) Unreimbursed medical expenses of the employee or the employee's spouse or dependents.

(2) The cost of tuition, related educational fees and room-and-board expenses for the next 12 months of post-secondary education for the employee or the employee's spouse, child or dependent.

(3) The cost of buying the employee's principal residence, excluding mortgage payments.

(4) The cost of preventing eviction from or foreclosure on employee's principal residence.

(5) Unexpected or unusual expenses creating a financial need, as determined by the Plan Administrator.

3.6.3 Withdrawals shall be subject to the following rules, in addition to any withholding or taxation rules imposed by local, state and federal governments:

(1) The withdrawal date shall be fixed by the Plan Administrator after application by the employee under procedures established by the Plan Administrator.

(2) The application shall include a signed statement of the facts causing financial hardship, the unavailability of other reasonably available resources and any other information required by the Plan Administrator. The Plan Administrator may rely on the signed statement of facts as conclusive evidence of an employee's financial need.

(3) The Plan Administrator may require a minimum advance notice, may limit the amount and frequency of withdrawals and may delay payment of an approved withdrawal to permit liquidation of necessary assets or for other pertinent reasons.

(4) Amounts shall be adjusted as of the regular or special valuation date on or preceding the date on which acceptable distribution directions are received by the Trustee.



## ARTICLE 4

### Participants' Accounts; Allocations

#### 4.1 Participants' Accounts; Vesting

4.1.1 The Plan Administrator shall keep such separate accounts for each participant as may be necessary to administer the Plan properly.

4.1.2 The Plan Administrator shall furnish each participant at least annually a statement showing contributions and account balances.

4.1.3 Participants' accounts shall be fully vested at all times, except for the "Transferred 5% Employer Contribution Account," which shall remain subject to the vesting schedule under the plan from which it was initially transferred.

#### 4.2 Valuations and Adjustments

4.2.1 As of each regular or special valuation date, the Trustee shall value the Trust fund at its fair market value and report the value to the Plan Administrator. The Plan Administrator shall allocate the value in proportion to the balances of nonsegregated accounts on the valuation date before adding any allocations made as of that date and with appropriate adjustment for any interim contributions since the last valuation date.

4.2.2 The Plan Administrator may call for a special valuation whenever he or she finds that desirable to avoid a material distortion in benefits or otherwise to administer the Plan properly.

#### 4.3 Allocation of Discretionary Contributions

4.3.1 A discretionary contribution, if any, shall be allocated by the Plan Administrator among participants in proportion to compensation under 3.4.2 while participating for the Plan Year.

4.3.2 All participants shall be eligible to receive an allocation under 4.3.1 for a Plan Year regardless of hours worked or employment by Metro at the end of the Plan Year.

## **4.4 Rollovers**

4.4.1 The Plan Administrator may approve rollover of funds from a tax-qualified plan or Individual Retirement Account (IRA) into this Plan if all of the following criteria are met:

(1) The funds come from either of the following:

(1) An IRA that holds only funds rolled over from one or more qualifying rollover distributions from other qualified plans.

(2) A qualifying rollover distribution from a qualified plan.

(2) The funds are paid to this Plan either directly or within 60 days after distribution from the other plan or IRA.

(3) The funds do not include any employee contributions.

(4) The Plan Administrator finds that the rollover will not impair the qualified status of this Plan.

4.4.2 Qualified employees under 2.1.2, even if they have not yet become participants, may apply to roll funds into the Plan, either directly or indirectly, by application to the Plan Administrator.

## **4.5 Transfers Between Plans**

4.5.1 The Plan Administrator may approve a transfer from this Plan directly into another qualified plan if all of the following conditions are met:

(1) The account is vested and distributable under this Plan.

(2) The individual involved requests that the account be distributed directly to the other plan.

(3) The plan administrator of the receiving plan has agreed to accept the funds and has affirmed that the receiving plan is authorized to accept the transfer.

4.5.2 The Plan Administrator may direct the Trustee to accept funds transferred directly to this Plan from another qualified plan if all of the following conditions are met:

(1) The individual involved has requested the transfer and is a qualified employee under 2.1.2 at the time the transfer is made.

(2) None of the funds are subject to distribution requirements inconsistent with the distribution options in this Plan.

(3) The Plan Administrator determines that the transfer will not impair the qualified status of this Plan.

#### 4.6 Loans to Participants

4.6.1 The Plan Administrator may direct the Trustee to make loans available to participants and beneficiaries on a reasonably equivalent basis pursuant to the following rules:

(1) The minimum loan amount shall be \$1,000. A reasonable fee may be charged to the borrower for making and administering the loan.

(2) The borrower must show the intention and capacity to repay the loan and interest when due.

(3) Receipt of a loan shall constitute consent by the borrower to withdrawals under 4.6.6 before normal retirement age.

(4) A loan shall be held as a promissory note for the separate account of the borrower.

(5) The borrower may designate the investment funds from which the loan proceeds are to be taken. Absent such a designation, the Plan Administrator shall take the proceeds *pro rata* from the investment funds in which the participant's accounts are invested as of the date the loan is funded.

(6) Loan repayments shall be invested the same as the borrower's new contributions.

(7) A borrower may not have more than one loan outstanding at a time.

(8) A borrower who has defaulted on a Plan loan may not take another Plan loan for five years after the date of the default.

4.6.2 Loans shall be funded as follows:

(1) No more than 50 percent of the borrower's account balances shall be considered as funding for the outstanding balance of all loans made to the borrower, determined as of the date of each loan.

(2) All loans shall be repaid by an assignment of current pay of the borrower or other automatic payment arrangement sufficient to service the loan as determined by the Plan Administrator and 4.6.5 shall apply.

4.6.3 Subject to lower limits applied uniformly by the Plan Administrator, a Plan loan when added to the outstanding balance of any Plan loans on which the borrower has defaulted and accrued interest on such loans, shall not exceed the lesser of the following:

(1) 50 percent of the borrower's vested account balances.

(2) \$50,000, reduced by any principal payments made on Plan loans in the 12 months preceding the date of the loan.

4.6.4 The Plan Administrator shall fix the terms of payment and interest rate for loans under the following rules, treating all similarly situated persons alike:

(1) All loans shall be evidenced by negotiable promissory notes payable to the Trustee. The maker shall be personally liable on the note.

(2) The interest rate shall be based on the local commercial lending rates for comparable loans at the time the loan is made.

(3) Loans must be payable in not more than five years, unless used to acquire the principal residence of the borrower. If a loan is used to acquire the principal residence of the borrower, the loan must be payable in not more than 30 years.

(4) Loans must be amortized by substantially level principal and interest payments for each pay period during the loan term, subject to (e).

(5) If a borrower takes an unpaid leave of absence authorized by Metro, interest shall accrue, but no loan repayments shall be required during the first 12 months of such leave and the loan shall be reamortized at the end of the leave or 12 months, whichever is earlier, but the loan period in (c) shall not be extended.

(6) If a borrower performs service in the uniformed services, whether or not the borrower returns with employment rights protected by law, interest shall not accrue, no loan repayments shall be required during the period of military service, the period of military service shall not be taken into account in determining the maximum loan term and repayments shall resume as scheduled when the period of military service ends.

4.6.5 Regardless of the payment terms, if the person whose assigned pay provides repayment of the loan terminates employment or if any automatic payment arrangement is canceled, the principal and accrued interest as of the date of termination shall, at the option of the Plan Administrator, become immediately due and collectable from the account, pursuant to 4.6.6.

4.6.6 If a loan is not repaid when due or otherwise is in default, the following shall apply:

(1) The Plan Administrator shall have the option of declaring the entire principal and interest accrued to the date the default occurs immediately due and payable.

(2) After the borrower has reached age 59½ or terminated employment, the outstanding balance, including accrued interest, plus any applicable withholding, may be withdrawn on default.

(3) Withdrawals on default shall be debited against the borrower's accounts *pro rata*.

## ARTICLE 5

### Benefits on Retirement or Termination

#### 5.1 Retirement Dates; Eligibility

5.1.1 A participant shall be entitled to benefits on retirement or other termination of employment. Retirement shall occur on termination of employment after reaching a retirement date under 5.1.2. A participant who has reached the mandatory benefit starting date under 5.4.2 and is still employed by Metro may withdraw all or any part of the employee's accounts under the Plan.

5.1.2 Retirement dates are as follows:

(1) Normal retirement date shall be age 65.

(2) Deferred retirement date shall be any day after normal retirement date.

(3) Early retirement date shall be any day after age 59½, except that early retirement shall not affect vesting under 4.1.3.

5.1.3 If a person entitled to receive benefits under the Plan is hired by Metro before retirement benefits have begun or been paid, the following shall apply:

(1) If payment had not begun or been made, benefits shall not be paid until later retirement under 5.1.1. On later retirement, the amount and form of benefit shall be redetermined.

(2) If payment had begun in installments under 5.2.2(b), the participant may elect to stop benefits or to reduce the size of installments, subject to 5.4. If installments are stopped, the amount and form of benefit will be redetermined on later retirement.

(3) Withdrawals on default shall be debited against the borrower's accounts *pro rata*.

## ARTICLE 5

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(2) If payment had begun in installments under 5.2.2(b), the participant may elect to stop benefits or to reduce the size of installments, subject to 5.4. If installments are stopped, the amount and form of benefit will be redetermined on later retirement.



## **5.2 Amount and Form of Benefit**

5.2.1 The benefit shall be based on the participant's vested account balances, adjusted through the regular or special valuation date on or preceding the date on which acceptable distribution directions are received by the Trustee.

5.2.2 If the distributable amount is not more than \$5,000, benefits shall be paid in a single sum in cash, unless the participant timely elects a direct rollover under 5.3.4. If the distributable amount is more than \$5,000, unless the participant timely elects a direct rollover under 5.2.3, benefits shall be paid in cash in one of the following ways, as selected by the participant, subject to 5.4:

(1) In a single sum.

(2) In any other form of payment selected by the participant, subject to 5.4.2.

5.2.3 If the participant dies before payment of the entire account, the balance shall be paid as a death benefit under Article 6.

## **5.3 Application for Benefits; Time of Distribution**

5.3.1 A participant or beneficiary eligible for benefits must apply in writing under 7.3 on a form prescribed by the Plan Administrator. Application shall be made within 14 days before single-sum payments are to be made or installment benefits are to start.

5.3.2 The participant shall select the form of payment of benefits in the application, subject to 5.2.2, 5.4 and the following rules

(1) The participant may make or revoke an election under 5.3.1 at any time up to the later of the date that is seven days before the benefit starting date or five days after the date the Benefits Manager sends the direct rollover notice to the participant.

(2) The participant may waive any waiting period for payment of benefits. Such waiver shall become irrevocable seven days after it is made.

(3) The Benefits Manager shall give the participant or beneficiary a notice of the right to have a direct rollover under 5.3.4 and the tax consequences of failing to elect a direct rollover.

5.3.3 If the participant has reached normal retirement age or the distributable amount is not more than \$5,000, the Plan Administrator shall direct the Trustee to pay benefits as soon as practicable, whether or not an application is filed. In all other situations, subject to 5.4, payment shall be made or begin as soon as practicable after the participant has terminated employment with Metro and applied for payment of benefits.

5.3.4 An eligible recipient of an eligible rollover distribution may elect to have the benefit distributed by a direct rollover to an eligible retirement plan by providing the Benefits Manager sufficient information regarding the amount and recipient of the direct rollover. For this purpose, eligible recipients are the participant, the participant's surviving spouse or a former spouse with rights under a qualified domestic relations order (a QDRO) as provided in 10.6.2.

5.3.5 If the account is fully distributed before the final allocation of contributions is made, a final payment shall be made to the participant promptly after allocation.

#### **5.4 Distribution Rules**

5.4.1 Benefits shall be paid in accordance with the overriding rules provided in §401(a)(9) of the Code and, to the extent not inconsistent with that section, Treasury Regulations §§1.401(a)(9)-1 and -2.

5.4.2 Payments to a participant shall be made or start by the April 1 after the calendar year in which the participant has reached age 70½ and has terminated employment with Metro and any affiliate under 3.4.4. After that date, installments shall be paid over a period not longer than the life expectancies of the participant and any designated beneficiary. The life expectancy of a non-spouse beneficiary shall be calculated as if the beneficiary were no more than ten years younger than the participant. Life expectancies shall not be recalculated after initial determination.

5.4.3 If the participant dies after the mandatory benefit starting date in 5.4.2 but before full payment has been made, any remaining amount shall continue to be paid to the participant's beneficiary at least as quickly as under the payment form in effect

at death, except to the extent that is impossible due to the Plan Administrator's inability to locate the beneficiary. In all other cases, death benefit payments to a participant's beneficiary shall be made or begin by the end of the Plan Year following the Plan Year in which the participant died, if the Administrator has located the beneficiary by that date and shall be paid over a period not longer than the life expectancy of the beneficiary. Life expectancies shall not be recalculated after initial determination.

5.4.4 If the date for making distribution has been reached and the location of the participant or beneficiary is not known, the Plan Administrator shall direct the Trustee to distribute the account into an interest-bearing account in a financial institution in the name of the participant or beneficiary. This shall constitute a complete distribution to which regular reporting and withholding requirements shall apply.

## **ARTICLE 6**

### **Benefits on Death or Disability**

#### **6.1 Benefits on Death**

6.1.1 If a participant dies, the vested accounts, adjusted to the regular or special valuation date on or preceding the date on which acceptable distribution directions are received by the Trustee, shall be paid as a death benefit to the beneficiary. Application shall be made under 5.3.1, and must include evidence satisfactory to the Plan Administrator of the participant's death.

6.1.2 Subject to 5.4, the beneficiary shall select whether benefits shall be paid in a lump sum or in substantially equal monthly installments subject to 5.4.3. If the beneficiary does not timely make an election, benefits shall be paid in a single sum, subject to any right the recipient may have to elect a direct rollover under 5.3.4.

#### **6.2 Benefits on Disability**

6.2.1 A participant whose employment with Metro terminates because of disability shall be retired and shall receive full benefits. Subject to 6.2.2, payment shall be made as soon as practicable after the final allocation of contributions is made to the participant's account. The participant shall select the form of distribution from those in 5.2.2 by filing application under 5.3.1.

6.2.2 If the participant notifies the Plan Administrator in writing that benefits after disability would reduce any other disability benefit, the Plan Administrator shall, subject to 5.4, direct the Trustee to defer payment until the other benefit stops.

### **6.3 Designation of Beneficiary**

6.3.1 Each participant shall file a designation of specific beneficiaries with the Benefits Manager. The designation may be changed from time to time. The designated beneficiary or other recipient described below shall receive any residual benefit after death of a participant.

6.3.2 If the participant's marital status changes after the participant has designated a beneficiary, the designation shall remain valid, subject to any applicable QDRO under 10.6.2, even if the participant was married to a different spouse at death.

6.3.3 If a beneficiary dies after the death of a participant but before full distribution to the beneficiary, any remaining balance of the benefit to which the beneficiary was entitled shall be paid to the estate of the deceased beneficiary.

6.3.4 If no beneficiary has been named or no named beneficiary is living when the participant dies, the benefit shall be paid in the following order of priority:

- (1) To the participant's surviving spouse.
- (2) To the participant's surviving children in equal shares.
- (3) To the participant's estate.

## ARTICLE 7

### Plan Administration

#### 7.1 Plan Administrator

7.1.1 The Metro Executive Officer, or person acting in such capacity, shall be the Plan Administrator, and may delegate any or all of his or her administrative responsibilities. To the extent the Plan Administrator has delegated such responsibilities, any reference to the Plan Administrator shall be a reference to the delegate acting within the scope of the delegate's authority.

7.1.2 The Plan Administrator shall interpret this Plan, decide any questions about the rights of participants and their beneficiaries and in general administer the Plan. Any decision by the Plan Administrator within his or her authority shall be final and bind all parties. The Plan Administrator shall have absolute discretion to carry out his or her responsibilities under this Plan. The Plan Administrator shall be the agent for service of process on the Plan at Metro's address.

7.1.3 The Benefits Manager, on behalf of the Plan Administrator, shall keep records of all relevant data about the rights of all persons under the Plan. The Plan Administrator shall determine the time, manner, amount and recipient of payment of benefits and instruct the Trustee regarding distributions. Any person having an interest under the Plan may consult the Plan Administrator at any reasonable time.

7.1.4 The Plan Administrator may retain advisors to assist him or her and may consult with and rely upon the advice of counsel, who may be counsel for Metro. The Plan Administrator shall appoint a qualified independent public accountant if one is required or considered desirable for the Plan.

7.1.5 The Trustee shall be given the names and specimen signatures of the Plan Administrator and all other persons authorized to sign on behalf of the Plan Administrator. The Trustee shall accept and rely on the names and signatures until notified of a change.

## **7.2 Metro Functions**

7.2.1 Except as provided in 7.2.2, all Metro functions or responsibilities shall be exercised by the Metro Executive Officer, who may delegate all or any part of these functions.

7.2.2 The power to amend or terminate the Plan and Trust under 10.1 or 10.2 may be exercised only by the Metro Council, except as provided in 7.2.3.

7.2.3 The Metro Executive Officer may amend the Plan to make technical, administrative or editorial changes on advice of counsel to comply with applicable law or to simplify or clarify the Plan.

7.2.4 The Metro Council shall not necessarily have any administrative or investment authority or function. Membership on the Council shall not, by itself, make a person a Plan fiduciary.

## **7.3 Claims Procedure**

7.3.1 Any person claiming a benefit or requesting an interpretation, a ruling or information under the Plan shall present the request in writing to the Plan Administrator, who shall respond in writing as soon as practicable.

7.3.2 If the claim or request is denied, the written notice of denial shall state all of the following:

(1) The reasons for denial, with specific reference to the Plan provisions on which the denial is based.

(2) A description of any additional material or information required and an explanation of why it is necessary.

(3) An explanation of the Plan's claim review procedure.

7.3.3 Any person whose claim or request is denied or who has not received a response within 30 days may request review by notice in writing to the Plan Administrator. The original decision shall be reviewed by the Plan Administrator, who may, but shall not be required to, grant the claimant a hearing. On review, whether or not

there is a hearing, the claimant may have representation, examine pertinent documents and submit issues and comments in writing.

7.3.4 The decision on review shall normally be made within 60 days. If an extension of time is required for a hearing or other special circumstances, the claimant shall be so notified and the time limit shall be 120 days. The decision shall be in writing and shall state the reasons and the relevant Plan provisions. All decisions on review shall be final and bind all parties concerned.

#### **7.4 Expenses**

7.4.1 The Plan Administrator shall be reimbursed for all expenses authorized by the Metro Council. The Plan Administrator shall notify the Metro Council periodically of expenses.

7.4.2 The Trustee shall be paid a fee and reimbursed for expenses to the extent provided by contract or approved by the Plan Administrator. The Trustee shall notify the Plan Administrator periodically of expenses and fees.

7.4.3 Metro may elect to pay any administrative fees or expenses. If it elects not to do so, the expenses and fees shall be paid from the trust fund. Expenses related to the individual account of a participant may be charged directly to that account.

#### **7.5 Indemnity and Defense**

7.5.1 Metro shall indemnify and defend any Plan fiduciary who is an officer, director or employee of Metro from any claim or liability that arises from any action or inaction in connection with the Plan subject to the following rules:

(1) Coverage shall be limited to actions taken in good faith that the fiduciary reasonably believed were not opposed to the best interest of the Plan.

(2) Negligence by the fiduciary shall be covered to the fullest extent permitted by law.

(3) Coverage shall be reduced to the extent of any insurance coverage provided by Metro.

7.5.2 Metro shall indemnify and defend any Plan fiduciary not covered by 7.5.1 from any claim or liability arising from action or inaction based on information or direction from the Plan Administrator or Metro, absent willful misconduct, gross negligence or bad faith.

## **ARTICLE 8**

### **Investment of Trust Fund**

#### **8.1 Trust Fund**

8.1.1 Metro shall pay contributions to the Trustee, who shall pool them for investment, subject to participants' or beneficiaries' direction under 8.2.

8.1.2 The Trustee shall accept the sums paid and need not determine the required amount of contributions or collect any contribution not voluntarily paid.

#### **8.2 Participant Direction of Investments**

8.2.1 Participants shall direct investment of their accounts among permissible investment options as determined by the Plan Administrator in accordance with rules of the Plan Administrator, which may restrict the method, frequency and timing of investment directions. Any portion of a participant's accounts that is not covered by a timely, proper investment direction shall be invested in a highly liquid, low-risk, interest-bearing fund selected by the Plan Administrator.

8.2.2 Investment of the participant's accounts shall be controlled by the participant. Neither the Plan Administrator, the Trustee nor any investment manager shall have any fiduciary duty with respect to investment of any account.

#### **8.3 Special Additional Trustee**

8.3.1 The Plan Administrator may appoint one or more individuals, national or state banks or trust companies as special additional trustees. A special additional trustee shall be included in the term Trustee for purposes of asset management powers but not for purposes of signing amendments.

8.3.2 The Plan Administrator shall specify the responsibilities of a special additional trustee, which may be general or limited. A special additional trustee



shall have no powers, responsibility or liability for anything outside of its specified responsibilities and shall not be liable for any action or inaction of any other trustee with respect to other matters.

8.3.3 The Plan Administrator's statement of appointment of a special additional trustee shall become a part of this Plan and Trust.

#### **8.4 Custodian**

The Plan Administrator may employ a bank or other suitable institution to serve as Custodian for all or part of the Trust assets. The Custodian shall have exclusive responsibility for the investment directions of the investment manager or the Trustee. No Custodian shall have any Trustee powers or responsibilities.

### **ARTICLE 9**

#### **Amendment; Termination; Merger**

##### **9.1 Amendment**

9.1.1 Metro may amend this Plan and Trust at any time by written instrument signed on behalf of Metro, pursuant to 7.5, and the Trustee. No amendment shall revest any of the trust fund in Metro or otherwise modify the Plan and Trust so that it would not be for the exclusive benefit of eligible employees.

9.1.2 Amendments may be made effective retroactively to the extent permitted by applicable law and regulations.

##### **9.2 Termination**

9.2.1 Metro may wholly or partially terminate this Plan or discontinue or direct the discontinuance of contributions at any time, pursuant to 7.5.2. Metro may request a ruling from the IRS on the effect of termination on the qualification of the Plan.

9.2.2 Upon termination or discontinuance, Metro may continue the trust to pay benefits as they mature or liquidate and distribute the relevant portion of the Trust fund. On liquidation the net assets shall be allocated by the Plan Administrator among participants and beneficiaries in proportion to account balances.

## **ARTICLE 10**

### **Miscellaneous Provisions**

#### **10.1 Information Furnished**

The Plan Administrator may require satisfactory proof of age or other data from a participant, spouse or beneficiary. The Plan Administrator may adjust any benefit if an error in relevant data is discovered.

#### **10.2 Applicable Law**

This Plan shall be construed according to the laws of Oregon except as preempted by federal law.

#### **10.3 Plan Binding on All Parties**

This Plan shall be binding upon the heirs, personal representatives, successors and assigns of all present and future parties.

#### **10.4 Not Contract of Employment**

The Plan shall not be a contract of employment between Metro and any employee. No employee may object to amendment or termination of the Plan. The Plan shall not prevent Metro from discharging any employee at any time.

#### **10.5 Notices**

Except as otherwise required or permitted under this Plan or applicable law, any notice or direction under this Plan shall be in writing and shall be effective when actually delivered or, if mailed, when deposited postpaid as first-class mail. Mail shall be directed to the address stated in this Plan or to such other address as a party may specify by notice to the other parties.

#### **10.6 Benefits Not Assignable; Qualified Domestic Relations Orders**

10.6.1 This Plan is for the personal protection of the participants. Subject to 10.6.2, no interest of any participant or beneficiary may be assigned, seized by legal process, transferred or subjected to the claims of creditors in any way.

10.6.2 Benefits may be paid in accordance with a QDRO under §414(p) of the Code pursuant to procedures of the Plan Administrator. Benefits may be paid to an alternate payee under a QDRO before payment to the participant would be permitted.

**10.7 Nondiscrimination**

Metro, the Plan Administrator and the Trustee shall to the fullest extent possible treat all persons who are similarly situated alike under this Plan.

**10.8 Nonreversion of Assets**

10.8.1 Subject to 10.8.2, no part of the contributions or the principal or income of the Trust shall be paid to or revested in Metro or be used other than for the exclusive benefit of the participants and their beneficiaries.

10.8.2 A contribution may be returned to Metro to the extent that the contribution was made by mistake of fact, subject to the following rules:

- (1) Any return must occur within one year of the mistaken payment.
- (2) The returnable amount shall be reduced by a pro rata share of any investment losses attributable to the contribution and by any amounts that cannot be charged under (c) below.
- (3) The amounts returned shall be charged to participants' accounts in the same proportion as the accounts were credited with the contribution. No participant's account shall be charged more than it was previously credited.

METRO

By: \_\_\_\_\_

Executed: \_\_\_\_\_, 2000

## STAFF REPORT

### FOR THE PURPOSE OF ADOPTING THE PLAN RESTATEMENT FOR THE METRO 401(k) EMPLOYEE SALARY SAVINGS PLAN

---

Date: June 29, 2000

Presented by: Mike Burton, Executive Officer  
Lydia Neill, Chair, 401(k)  
Advisory Committee

#### PROPOSED ACTION

Adoption of the plan restatement for the Metro 401(k) Employee Salary Savings Plan.

#### EXISTING LAW

In accordance with provisions of §401 of the Internal Revenue Code of 1986 restatements and plan updates must be approved by the governing body.

#### BACKGROUND AND ANALYSIS

Metro established an Employee Salary Savings Plan and Trust, which was originally effective on July 1, 1981 under its former name, The Metropolitan Service District. This plan was a nonstandardized prototype document that was signed on December 3, 1992, effective generally on July 1, 1987. This originally adopted plan document has been in place since that date.

The purpose of this plan restatement is to add a year-of-service requirement for eligibility to participate, conform to the Uniformed Services Employment and Reemployment Rights Act of 1994, the Small Business Job Protection Act of 1996 and the Taxpayer Relief Act of 1997. In addition, the restatement updates plan language, deletes trust provisions, which will be placed in a separate trust document, ensures compliance with applicable law and makes other clarifying and administrative changes.

The plan restatement document complies with §401 of the Internal Revenue Code of 1986, as amended and applicable regulations.

Outside counsel with specific expertise in 401(k) plan administration was retained to provide the plan restatement. In addition, The Vanguard Group (the Plan's current recordkeeper and trustee, has reviewed and approved the restatement. In addition, the 401(k) Advisory Committee reviewed and approved the plan restatement at the June 7, 2000 meeting.

**FISCAL IMPACT:** None

**EXECUTIVE OFFICER RECOMMENDATION:** The Executive Officer recommends Council adoption of the plan restatement for the Metro 401(k) Employee Salary Savings Plan.

*Agenda Item Number 8.2*

**Resolution No. 00-2964, For the Purpose of Confirming Matthew Rotchford, Steve Erickson and Marilyn Matteson to the Metro 401(k) Employee Savings Plan Advisory Committee.**

**Metro Council Meeting  
Thursday, June 29, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING)  
MATTHEW ROTCHFORD, STEVE )  
ERICKSON AND MARILYN MATTESON)  
TO THE METRO 401(k) EMPLOYEE )  
SALARY SAVINGS PLAN ADVISORY )  
COMMITTEE )

RESOLUTION NO. 00-2964

Introduced by Mike Burton,  
Executive Officer

WHEREAS, Metro established an Employee Salary Savings Plan and Trust originally effective July 1, 1981; and

WHEREAS, the METRO Council adopted Resolution No 92-1596 on March 26, 1992, authorizing the Executive Officer to appoint a five-member Advisory Committee to give instructions to the trustee with respect to all matters concerning the Plan; and

WHEREAS, the Metro Council adopted Resolution No. 93-2382 on September 12, 1996 making initial appointments to the 401(k) Advisory Committee; and subsequent appointments to the Committee through Resolution No. 99-2784 adopted by the Council on May 20, 1999;

WHEREAS, one current Advisory Committee member whose term expires on March 5, 2001 has announced plans to retire on June 30, 2000;

WHEREAS, the 401(K) Advisory Committee Nominating Committee on behalf of the Executive Officer has requested that interested applicants submit their names for consideration; the applicant's letter were reviewed and interviews were conducted by the Nominating Committee; now, therefore,

BE IT RESOLVED,

That the Council confirms the following three members of the Metro 401(k) Employee Salary Savings Plan Advisory Committee appointed by the Executive Officer:

Matthew Rotchford: Term of Office: June, 2000 – March 5, 2002  
Steve Erickson: Term of Office: June 2000 – March 5, 2002  
Marilyn Matteson: Term of Office: June 2000 – March 5, 2001

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel



## **STAFF REPORT**

### **FOR THE PURPOSE OF CONFIRMING MATTHEW ROTCHFORD, STEVEN ERICKSON AND MARILYN MATTESON TO THE METRO 401(K) EMPLOYEE SALARY SAVINGS PLAN ADVISORY COMMITTEE**

---

Date: June 29, 2000

Presented by: Mike Burton, Executive Officer  
Lydia Neill, Chair, 401(k)  
Advisory Committee

### **PROPOSED ACTION**

Confirm Matthew Rotchford, Steven Erickson and Marilyn Matteson to the Metro 401(k) Employee Salary Savings Plan Advisory Committee.

### **EXISTING LAW**

To conform with requirements of the 401(k) Advisory Committee Mission, Goals, By-laws and Operating Procedures.

### **BACKGROUND AND ANALYSIS**

Metro established an Employee Salary Savings Plan and Trust, which was originally effective on July 1, 1981. The Metro Council adopted Resolution No. 92-1956 on March 26, 1992, authorizing the Executive Officer to appoint a five-member advisory committee to give instructions to the trustee with respect to all matters concerning the Plan.

Resolution No 96-2382 was presented to and adopted by the Metro Council on September 12, 1996 making initial appointments of Kathie Brodie, Administrative Secretary, Oregon Zoo; Bruce Burnett, Box Office Manager, Civic Stadium & Oregon Convention Center; Andy Cotugno, Director, Transportation Department; Howard Hansen, Investment Manager, Administrative Services Department and Gerry Uba, Emergency Planning Supervisor, Growth Management Services. Committee appointments expired on March 5, 1999 for Kathie Brodie and Gerry Uba.

Resolution No. 99-2784 was presented to and adopted by the Metro Council on May 20, 1999 and Lydia Neill, Growth Management and Barbara Edwardson, Open Spaces, were appointed to the Committee.

Committee appointments expired on March 5, 2000 for Andy Cotugno, Bruce Burnett and Howard Hansen. In accordance with the 401(k) Advisory Committee

Mission, Goals, By-laws and Operating Procedures, a nominating committee was formed and applicants were asked to submit letter of interest to the Committee. After a review of applicant's letters, interviews were conducted by nominating committee members. Recommended appointees were then forwarded to the Executive Officer who has approved the nominations. Andy Cotugno and Bruce Burnett did not reapply for second terms on the Committee. Howard Hansen was originally reappointed to the Committee, but has announced his plans to retire effective June 30, 2000. Therefore, suggested appointees being forwarded to the Council for confirmation are:

<b>NAME</b>	<b>DIVISION/FACILITY</b>	<b>TERM OF OFFICE</b>
Matthew Rotchford	Oregon Convention Center, Events Department	March 5, 2002
Steve Erickson	Growth Management	March 5, 2002
Marilyn Matteson	Transportation Department	March 5, 2001

**FISCAL IMPACT:** None

**EXECUTIVE OFFICER RECOMMENDATION:** The Executive Officer recommends Council confirmation of the employee appointees to the Employee Salary Savings Plan Advisory Committee.

*Agenda Item Number 9.1*

**Resolution No. 00-2962, For the Purpose of Authorizing a Sole Source Agreement with the Regional Arts and Cultural Council.**

***Contract Review Board***

**Metro Council Meeting  
Thursday, June 29, 2000  
Metro Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF ) RESOLUTION NO. 00-2962  
AUTHORIZING A SOLE SOURCE )  
AGREEMENT WITH THE REGIONAL ) Introduced by Mike Burton  
ARTS AND CULTURE COUNCIL ) Executive Officer

WHEREAS, Metro has historically supported the work of the Regional Arts and Culture Council (RACC) which serves and enriches the Metro region; and

WHEREAS, Metro has a Percent for Art Program which requires that 1% of the construction budget of major construction projects be utilized to acquire public art; and

WHEREAS, RACC has unique and significant experience in administering Percent for Art Programs for several governments and agencies; and

WHEREAS, Metro has recently initiated a major building project to expand the Oregon Convention Center.

BE IT RESOLVED:

That the Metro Council, acting as the Contract Review Board, accepts the findings in the attached staff report and finds RACC to be the sole source provider of needed art related services,

That the Metro Council, acting as the Contract Review Board, authorizes the Executive Officer to sign agreement with RACC as shown in Exhibit 1.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2000.

Approved as to Form:

\_\_\_\_\_  
David Bragdon, Presiding Officer

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**Exhibit 1**

**AGREEMENT**

**THIS AGREEMENT**, dated as of July 1, 2000, is by and between Metro , a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and the Regional Arts and Culture Council, (RACC), a nonprofit entity legally chartered under applicable federal law and state statute, whose address is 620 SW Main #420, Portland, Oregon 97205.

**WITNESSETH:**

**WHEREAS**, Metro and MERC have historically supported the work of the Regional Arts and Culture Council (RACC) which serves and enriches the Metro region; and

**WHEREAS**, Metro and MERC have a Percent for Art Program which requires that 1% of the construction budget of major construction projects be utilized to acquire public art; and

**WHEREAS**, RACC has unique and significant experience in administering Percent for Art Programs for several governments and agencies; and

**WHEREAS**, past Metro and MERC projects which have included successful Percent for Art Programs are the original Oregon Convention Center, Metro Headquarters and the Expo Hall "E", all of which utilized the services of RACC to assist with the selection and implementation of the program; and

**WHEREAS**, Metro has recently initiated a major building project to expand the Oregon Convention Center.

**NOW, THEREFORE**, in recognition of their mutual interests, the parties agree to the following terms and conditions.

**A. SCOPE OF WORK**

RACC will manage for and with MERC the public art program for the Oregon Convention Center Expansion Project which includes both new pieces of public art and relocation of existing pieces. RACC will perform all tasks necessary for a successful program. The major tasks to be performed are listed below.

*1. Committee*

Establish and staff the project's art committee with the following membership:

- Metro Councilor (David Bragdon)
- MERC Commissioner and a liaison from RACC's Public Art Advisory Committee (George Bell)

- Project Architect (Bob Frasca)
- Event Manager of OCC (Lisa Grau-Mercer)
- Two Professional Artists (Larry Kirkland and Elizabeth Mead)
- OCC Expansion Advisory Committee (Harold Lasley)
- Two Members at Large (Terri Hopkins and Carol Edelman)

RACC will schedule meetings, keep meeting minutes and perform follow-up research and other activities as directed by the committee.

**2. *Charrette***

In the event a design charrette is determined to be appropriate, RACC will coordinate and participate in such activity.

**3. *Prospectus***

RACC will prepare, produce and distribute a prospectus and other appropriate documentation describing the project and the selection process. The final prospectus shall be reviewed and approved by MERC prior to distribution.

**4. *Selection Process***

RACC will coordinate the selection process by responding to questions from proposers, preparing slide screening (including any written material to facilitate selection process), return of material and communications with semi-finalists.

**5. *Post-Selection Activities***

RACC will coordinate the post-selection activities by communication with selected and rejected artists, assisting with contract negotiations, review artist's progress payment requests, communication with artists, committee members and other project personnel as required during fabrication and installation.

**6. *Miscellaneous Activities***

RACC will perform the following miscellaneous activities as required and requested:

- Presentations to appropriate officials and media groups
- Assist in dedication ceremony(s)
- Assist with media relations
- Final project wrap-up

**7. *Schedule***

RACC shall commence activities immediately upon the execution of this Agreement and shall work diligently to perform all tasks in a timely fashion. Both MERC and RACC

anticipate that all tasks can be completed simultaneous with the completion of the building project, which is scheduled for October 2002.

**7. Notice**

RACC's activities as program manager will be included in all media advisories and printed materials related to the project's Percent for Art Program.

**8. Compensation**

As compensation for services performed, MERC will pay RACC a total not to exceed \$65,000. Administrative costs associated with the art program, such as printing and mailing prospectus, travel, lodging and other typical expenses related to out-of-town artists involved in the planning or selection phases, and costs related to art committee meetings will be additional charges to be reimbursed at cost by MERC. Such additional charges will not exceed \$16,000. Payment shall be made to RACC based on the following schedule:

1 <sup>st</sup> payment:	July 1, 2000	\$16,250
2 <sup>nd</sup> payment:	June 1, 2001	\$16,250
3 <sup>rd</sup> payment:	June 1, 2002	\$16,250
4 <sup>th</sup> payment:	October 1, 2002	\$16,250

RACC shall request payment by invoice addressed to MERC's Project Manager. MERC shall make payment within 30 days of payment request.

**9. Indemnification**

The parties hereby agree that RACC is an independent organization, and that the activities of RACC, their officers, agents and employees shall not constitute actions of MERC or Metro for any purpose. Therefore, RACC hereby agrees to indemnify, hold harmless and defend MERC and Metro, and their respective officers, commissioners, agents and employees, from and against all liabilities, damages, actions, costs, losses, claims and expenses (including attorneys' fees) arising out of activities of RACC, its officers, agents, employees, contractors and invitees.

**10. Termination**

MERC may terminate this Agreement upon giving RACC seven (7) days' written notice. In the event of termination, RACC shall be entitled to payment for work performed to the date of termination. MERC shall not be liable for indirect or consequential damages. Termination by MERC will not waive any claim or remedies it may have against RACC.

**11. Situs**

The situs of this Agreement is Portland, Oregon, and any litigation related hereto shall be governed by the laws of the state of Oregon and conducted in the state circuit court for Multnomah County.

**12. Nontransferability**

This Agreement is binding on each party, its successors, assigns and legal representative and may not, under any circumstances, be assigned or transferred by either party.

**13. Managers**

The manager of this Agreement for Metro shall be:

Scott Moss  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

The manager of this Agreement for RACC shall be:

Eloise Domrosch  
RACC  
620 SW Main, Suite 420  
Portland, OR 97205

All correspondence, payment requests and payment shall be addressed to the respective managers.

**B. ENTIRE AGREEMENT**

Notwithstanding and succeeding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter indicated and as follows:

Regional arts and Culture Council

Metro

By \_\_\_\_\_

By \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_



## **STAFF REPORT**

FOR THE PURPOSE OF AUTHORIZING A SOLE SOURCE AGREEMENT WITH THE REGIONAL ARTS AND CULTURE COUNCIL.

---

Date: July 6, 2000

Presented by: Scott Moss

### **PROPOSED ACTION**

Adopt Resolution No. 00-2962 authorizing a sole source agreement with the Regional Arts and Culture Council (RACC).

### **EXISTING LAW**

Metro Code section 2.04.062 requires Council approval of all sole source agreements over \$2,500.

### **FACTUAL BACKGROUND AND ANALYSIS**

Metro and RACC have enjoyed a long-standing relationship for managing art at Metro facilities. Metro is a regional sponsor of RACC, which serves and enriches the arts in the region. The Oregon Convention Center Expansion will be subject to Metro's One Percent for Art program and will need the expertise of RACC in the selection of art.

#### **Findings**

##### **Operational Efficiency**

Contracting directly with RACC creates operational efficiencies. RACC is knowledgeable with art and artists in the region and provides efficiency in contracting for art projects.

##### **Public Benefits**

The public benefits by supporting RACC. RACC works to enrich the public by providing art and culture to the region.

##### **Specialized Expertise**

RACC enjoys staff with special expertise in the selection and maintenance of art. RACC staff knows artists in the region and assists in the contracting process and with contracting disputes.

##### **Market Conditions**

RACC has expertise in the market and participates in the selection and negotiation of artists terms and conditions.

Budget/Financial Efficiencies

RACC's assistance with selection, implementation, artists negotiation, and contracting will be of significant value to Metro, reduce workload otherwise required of Metro staff and provide financial efficiencies.

**BUDGET IMPACT**

The RACC contract is \$65,000 for the life of the expansion project.

**EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 00-2962.

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## OPERATIONS COMMITTEE REPORT

### CONSIDERATION OF RESOLUTION NO. 00-2962, FOR THE PURPOSE OF AUTHORIZING A SOLE SOURCE AGREEMENT WITH THE REGIONAL ARTS AND CULTURE COUNCIL

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Date: June 29, 2000

Presented by: Councilor Washington

**Committee Recommendation:** At its June 21, 2000, meeting, the Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 00-2962. Voting in favor: Councilors Atherton, Washington, and Monroe. Voting against: none. Absent: none.

**Background:** Scott Moss, Assistant ASD Director, presented the staff report. He explained that the proposed agreement is a multi-year contract with the Regional Arts and Culture Council (RACC) to assist in implementing the state-mandated Percent for Art program as it relates to new construction at the Oregon Convention Center (OCC). The Percent for Art program directs that not less than 1% of the direct construction funds of new or remodeled public buildings with construction budgets of \$100,000 or greater be used to acquire art work attached to, or an integral part of, the building.

Metro code section 2.04.062 requires Council approval of all sole source agreements over \$2,500. The proposed contract is for a maximum of \$81,000 (\$65,000 for services and up to \$16,000 for reimbursable expenses), and will extend through the life of the OCC expansion. Funds to pay for the contract are already included in the project budget, and will be drawn from the OCC Project Capital Fund. If OCC project funds become unavailable, the contract will be terminated.

Metro and RACC have a history of working together to manage art at Metro facilities. RACC has experience in the market and will participate in the selection of art, and negotiation of artist's terms and conditions. Moss stated that RACC's expertise in this area represents a financial efficiency, and would reduce the workload otherwise required of Metro staff, while allowing Metro to support RACC in its efforts to enrich the public by providing art and culture to the region.

**Committee Issues/Discussion:** Councilor Atherton asked for clarification on how the 1% was calculated. Moss replied that the estimated total budget for the OCC expansion project is approximately \$80 million, of which \$800,000 can be considered direct construction costs under the Percent for Art program guidelines. One percent of this amount is \$80,000.

There was no further committee discussion.

## **OPERATIONS COMMITTEE REPORT**

**CONSIDERATION OF RESOLUTION NO. 00-2964, FOR THE PURPOSE OF CONFIRMING MATTHEW ROTCHFORD, STEVE ERICKSON AND MARILY MATTESON TO THE METRO 401(K) EMPLOYEE SALARY SAVINGS PLAN ADVISORY COMMITTEE**

---

Date: June 29, 2000

Presented by: Councilor Atherton

**Committee Recommendation:** At its June 21, 2000, meeting, the Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 00-2964. Voting in favor: Councilors Washington, Atherton, and Monroe. Voting against: none. Absent: none.

**Background:** Lydia Neill, Chair of the Metro 401(k) Salary Savings Plan Advisory Committee, presented the staff report. She explained that the Committee was established by Council in 1992 to give instructions to the Plan trustee with respect to all matters concerning the Plan, and that, due to member term expiration and retirement, three of the five Advisory Committee seats require new appointments.

Using a nomination and selection process conforming to the requirements of the 401(k) Advisory Committee By-laws and Operating Procedures, a nominating committee was established to review applicant letters of interest, conduct interviews, and recommend appointees to the Committee and the Executive Officer. The Executive Officer has approved the nominations now being forwarded to Council for confirmation.

The recommended appointees were chosen based on a variety of factors pertinent to the work of the Committee, including, but not limited to, ability to represent the interests of off-site employees, investment and/or financial background, and experience in developing educational programs.

**Committee Issues/Discussion:** There was no committee discussion.

## OPERATIONS COMMITTEE REPORT

### CONSIDERATION OF RESOLUTION NO. 00-2961, FOR THE PURPOSE OF ADOPTING THE PLAN RESTATEMENT FOR THE METRO 401(K) EMPLOYEE SALARY SAVINGS PLAN

---

Date: June 29, 2000

Presented by: Councilor Atherton

**Committee Recommendation:** At its June 21, 2000, meeting, the Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 00-2961. Voting in favor: Councilors Washington, Atherton, and Monroe. Voting against: none. Absent: none.

**Background:** Lydia Neill, Chair of the Metro 401(k) Employee Salary Savings Plan Advisory Committee, presented the staff report, explaining that when updates are made to Metro's 401(k) Employee Salary Savings Plan, such updates and/or plan restatements must be approved by Council, in accordance with the provisions of Section 401 of the Internal Revenue Code of 1986.

The existing Plan document has been unchanged since its adoption in 1992. The proposed restatement accomplishes the following:

- Adds a year-of-service requirement for eligibility to participate (changing the entry date to conform with both employee benefits and PERS eligibility dates)
- Allows the Plan to conform to the Uniformed Services Employment and Reemployment Rights Act of 1994; the Small Business Job Protection Act of 1996; and the Taxpayer Relief Act of 1997
- Updates Plan language, deletes trust provisions which will be place in a separate trust document, and ensures compliance with applicable law.

Proposed changes to the Plan document have been prepared in consultation with outside counsel specializing in 401(k) administration and with the Plan's current trustee, the Vanguard Group. These changes were reviewed and approved by the Metro 401(k) Advisory Committee at their meeting of June 7, 2000.

**Committee Issues/Discussion:** There was no committee discussion.

# MINUTES OF THE METRO COUNCIL MEETING

June 22, 2000

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain (by phone), Ed Washington, Rod Park, Bill Atherton, Rod Monroe, Jon Kvistad

Councilors Absent: None

Deputy Presiding Officer Washington convened the Regular Council Meeting at 5:30 PM. Councilor McLain attended by telephone.

## 1. INTRODUCTIONS

Deputy Presiding Officer Washington introduced Commissioner Erik Sten from the City of Portland and Commissioner Diane Linn from Multnomah County.

## 2. CITIZEN COMMUNICATIONS

None

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None

## 4. AUDITOR COMMUNICATIONS

None

## 5. MPAC COMMUNICATIONS

None.

## 6. CONSENT AGENDA

6.1 Consideration of minutes of the June 15, 2000 Regular Council Meeting.

**Motion:** Councilor Kvistad moved to adopt the meeting minutes of June 15, 2000 Regular Council meeting.

**Seconded:** Councilor Monroe seconded the motion.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

## 7. ORDINANCES – FIRST READING

7.1 Removed from the agenda at the request of the REM Department.

## 8. RESOLUTIONS

8.1 **Resolution No. 00-2956A, For the Purpose of Accepting the Regional Affordable Housing Strategy Recommended by the Affordable Housing Technical Advisory Committee Appointed by the Metro Council.**

**Motion:** Councilor Bragdon moved to adopt Resolution No. 00-2956A.

**Seconded:** Councilor Park seconded the motion.

**Deputy Presiding Officer Washington** turned the gavel over to Presiding Officer Bragdon and read a statement regarding affordable housing into the record. (The substance of his introduction can be found in the staff report of this resolution, which is included in the meeting agenda packet.) He clarified that recommendations regarding real estate transfer tax were just that, recommendations. He noted this was an incredibly comprehensive document presented to the Council by a citizen's committee. He said this recommendation was directed toward local jurisdictions to engage the legislature to remove the prohibition against enactments of such a tax. He added that Metro's role, if any, was very far down the road and only after action by regional partners and the citizens of the region. He also noted that nothing in this report was enacted by this resolution. He said this report was a starting point and asked the Council to give it a chance.

**Deputy Presiding Washington** opened a public hearing on Resolution No. 00-2956A.

**Diane Linn, Multnomah County Commissioner and Chair of H-TAC**, said this was an attempt to get at some very difficult housing issues for the poorest of the poor, people with disabilities, and senior citizens. She said the committee recognized that there continued to be a need to address home ownership and 80-120% of median income housing that affected the lower end of the spectrum. She said this was a conservative approach and only about 10% of what they believed the need to be in the next 5 years. She reiterated that the concept of the real estate transfer tax came from the H-TAC committee, not from Metro staff or leadership in any way. She said they felt it was a critical issue to address.

**Erik Sten, Commissioner, City of Portland**, said this was a tremendous blueprint for action. He felt a regional strategy was the only way to solve the affordable housing problem. He said it laid out a series of actions and approaches that local jurisdictions could take. He said money was a big issue and part of the work of the committee was a search for funds. He said the one that made most sense to them was a real estate transfer tax, although state law would have to be changed. The committee felt it could work for the region. He said they would be having conversations with partners and legislators over the summer regarding this funding source.

**Commissioner Linn** concluded that many members of the committee were present and would be attending the reception after the meeting. She noted she had a letter of thanks for Councilor Washington for his hard work for the committee.

**Mike Houck, Audubon Society of Portland and the Natural Resources Working Group, Coalition for a Livable Future**, requested the Council adopt the strategy as written and to make sure that the financial resources were available to implement the plan as Commissioner Sten had already mentioned. He said the Audubon Society was testifying for affordable housing because they were trying to build whole livable communities, ecologically and socio-economically just and sustainable. He said they believed that the affordable housing strategy was an important tool to make that aspiration a reality.

**David Cottenware, Portland Impact and Elders in Action, 2041 NW Everett, Portland, OR 97209,** encouraged the council to accept this report. He noted there were over 260,000 elders living in this community who were still fighting for housing. He urged acceptance of the report.

**Nancy Chapin, 4735 SE Flavel Dr., Portland, OR** expressed concern about the real estate transfer tax. She read a letter from the Foster Area and 82<sup>nd</sup> Avenue Business Associations, concerning the transfer tax into the record (a copy of which may be found in the permanent record of this meeting).

**Louis Hall, Elders in Action and the disability community, 1240 SW Columbia, #708, Portland, OR 97201 (Gretchen Kafoury Commons)** said he was grateful to the Housing Authority of Portland for places like the Gretchen Kafoury Commons and saw it as a beginning of better housing for the disabled. He strongly supported acceptance of the resolution.

**Leeanne MacColl, President of the League of Women Voters of the Columbia River Region, 2620 SW Georgian Pl., Portland, OR** commended the H-TAC Committee and read a letter in support of the report into the record (a copy of which may be found in the permanent record of this meeting). She added that they would be reviewing the 12 month status report to see where each jurisdiction stood in its comprehensive plan analysis.

**Micky Ryan, Oregon Law Center, 813 SW Alder, Suite 500, Portland OR 97205,** representing low income Oregonians in a variety of legal problems. She requested the Council to accept the H-TAC report. She reminded the Council that there was a legal as well as moral obligation of the jurisdictions to house all of their citizens. She said this report was a wonderful way to help even the smallest jurisdiction understand and see the way to fulfill that obligation. She said it made great sense for Metro to stay involved so all of the jurisdictions could benefit from the work.

**Councilor Kvistad** asked Ms. Ryan about the government's legal obligation under federal law to provide housing to all of its citizens. He asked which laws she was speaking of.

**Ms. Ryan** responded that she was talking about Goal 10, receipt of federal funds, fair housing, ADA laws, and the like.

**Jane Leo, Government Affairs Director, Portland Metropolitan Association of Realtors, 5100 SW Macadam Avenue, Suite 360, Portland, OR 97219** read her testimony in opposition to the Regional Affordable Housing Strategy (RAHS) into the record (a copy of which may be found in the permanent record of this meeting). She noted HUD Secretary Andrew Cuomo's announcement (a copy of which also may be found in the record). She urged the Council not to accept the report, not to amend the Framework or Functional Plan, and to oppose the real estate transfer tax.

**David Rohr, Equity Group Realtor, 6345 SW Edgewood St, Lake Oswego, OR 97035** spoke in opposition to the real estate tax issue. He believed, in any form, it was wrong and counterproductive. He noted that any form of real estate tax was restricted statewide last legislative session, excluding Washington County, in exchange for a higher fee for all documents processed by the government. He said the increase in transaction costs would add one more hurdle to homeownership for first time buyers. He encouraged the Council to not approve such a tax.

**Robert Butler, 824 SW 18<sup>th</sup> Portland, OR 97205, Director of Alliance of Portland Neighborhood Associations,** expressed concern about the transfer tax. He read his letter in opposition to the tax



into the record (a copy of which may be found in the permanent record of this meeting). He was not sure why Metro was involved with this matter.

**Gail Day, 214 SE 61<sup>st</sup>, Portland, realtor, concurred with the previous testimony and told a personal story about when she moved from California to Oregon with her 3 children to build a new life without her husband. She chose to take responsibility for her housing and was thankful that nobody offered to subsidize her because she and her children learned a strength they would not have if someone gave them their home without the struggle. She urged the Council to remember that providing hand outs to people who don't have only allowed them to continue to be weak instead of allowing them to grow. She asked the Council to send the resolution back to committee and tell them they must come up with ways of helping people to change their lives, improve their situation and take care of themselves.**

**Jessica Glenn, Clackamas Community Land Trust and the Coalition for a Livable Future, 6114 SE Johnson Creek Blvd., Portland, OR 97206, said there was a tremendous need for affordable housing in Clackamas County. She submitted for the record a needs analysis draft done by Clackamas County (see copy with permanent record of this meeting.) She noted that she was a first time home buyer a few years ago and believed strongly that the real estate transfer tax would be one way to meet her need to give back to her community. She urged the Council to accept the plan as presented by H-TAC. She thanked Councilor Washington for the work he had done on this.**

**Presiding Officer Bragdon asked Ms. Glenn about a hypothetical real estate transfer tax she mentioned on a \$100,000 home. He said in some of the discussions he sat in on at the committee, there was talk about exempting the first \$120,000 with the idea that they did not want to penalize the lower end of the market, for first time buyers. Ms. Glenn was supportive of the fact there was a need to acknowledge first time buyers.**

**David Bell, H-TAC member, GSL Properties, 2164 SW Park Place, Portland OR 97205 wanted to reply to some previous testimony. He said first of all, if the concern was really about first time homebuyers, the current proposal was to exempt first time home buyers up to a certain amount of money. Secondly, the people from the association of realtors talked about homes being affected and how this tax only affected homeowners. He clarified that the proposal was for the tax to be on all property. He said he also had not noticed a crimp in activity in Clackamas County due to their real estate tax. He did not see how anyone could say that this did not relate to the economy because if affordable housing was not available for the labor force, how could the labor force be stabilized. He said he was not a tax and spend person and did not believe generally in taxing one small group to fund a community wide need, but in this case, although the tax was not ideal, it was a broad base tax and hit just about everybody in some way. He felt the market would absorb the tax. He said he had nothing to gain by it personally.**

**Tom Cusack, Oregon State Office Coordinator for the US Department of Housing and Urban Development, 4055 SW Jefferson Parkway, Lake Oswego, OR 97035 said he had been a resident of Lake Oswego for 20 years. He had served as a non-voting member of H-TAC. There was no question for anyone who has been involved in housing that the need was real; it was not a "made up" crisis. The resources are not there to deal with the situation, which was why the goals were established. But the goals could not be reached without additional resources. With regard to first-time homebuyers and home-ownership in general, he said several years ago he had served as the director of housing development for the HUD office in Portland and was responsible for about 50,000 homes financed through the 65-year-old FHA program. First time ownership continues to be a priority for HUD and for local government. Last year in the Metro area, HUD made more**

than 3,500 first-time homebuyer loans--\$450 million worth of investment. The modest goals established in H-TAC—about 1800 units/year—pale in comparison to the amount of activity that has taken place and that should continue to take place involving first-time home-buyers.

He said that with regard to resources, Commissioner Sten had stated it accurately: it's not that the real-estate transfer tax is the only resource available, but someone else has to come up with a better resource. He urged people in the private and public sector to look at all the resources and try to find one that would be better supported. One example, the House voted that day on the HUD appropriations budget, which would provide additional funding for housing vouchers and other programs, including some first-time homebuyer programs. The state of Oregon will go through its budget process next year, and that might also provide resources toward solving those problems. He said that people need to decide which resource to use for these purposes rather than pretending the problem does not exist. A role for the Metro Council might be to work with local governments to identify potential sources of financing.

**Sheila Fink**, 6777 SW Alder, Portland, OR 97223, Nonprofit Housing Developer, asked the council to support the H-TAC report, testified as a member of H-TAC representing non-profit housing developers in Washington County. She asked that the Council adopt the regional strategy as presented in the H-TAC report. The report represents considerable work by a diverse group with considerable expertise. She said that the strength of the Council's stand was that it would not be telling local jurisdictions exactly how to solve the problem. Those jurisdictions would be able to examine the tools laid out and choose those that work best for them. She said the report does not contain anything new or alarming; the strategies presented have been tested and implemented elsewhere in the country. The real-estate transfer tax was only one. She noted that that type of tax has been used in many places, including Washington County, where it had not slowed down real-estate development or home-buying at all. In fact, that has been one of the strongest markets in the past decade. The additional cost that a real-estate transfer tax would impose on first-time homebuyers would be so minimal that it does not bother even strong advocates such as her, particularly with the proposed exemption for first-time homebuyers. She said that earlier testimony had claimed that cities and counties could deal with this problem now. She said that was not the case. She said she has been disappointed in the willingness of local jurisdiction to work in partnership with private and non-profit organizations. She noted the large discrepancy between the 20,000 jobs in Washington Square area and the 2,000 housing units. She said that would not correct itself without some prompting. She said that was only the tip of the iceberg. Urgent housing needs have been unmet throughout the region. An estimated 3,000 people in Tigard have inadequate, substandard, or overcrowded housing, and pay more than half their income to rent. This plan would ask the city of Tigard to deal with 300 units over the next five years—it's not asking a lot. This plan would be only a beginning. She urged Council adoption of it.

**Councilor Atherton** asked Mr. Cusack about his statement, "the need is great and its growing." He asked why it was growing in a time of great prosperity.

**Mr. Cusack** said that was a good question and it was one of the most difficult things for people to understand. One reason is that the federal commitment in terms of adding more units has declined dramatically over the past 20 years while the population has increased. Funding has dropped precipitously. There is a gap of 410,000 units between what the President has requested over the past five years and what has been funded. Even if the economy were exactly the same as it was few years ago, if you can't match population growth you will fall behind.

**Councilor Atherton** suggested that he might be saying that growth had not brought the benefits that people had expected, that growth had not paid its way.

**Mr. Cusack** said that was not what he said. He said his simple point was that even assuming no growth in the economy, the federal government had not kept pace with population in providing funding for units.

**Deputy Presiding Officer Washington** closed the public hearing.

**Councilor Atherton** asked Commissioner Sten about additional funding sources. Did H-TAC discuss System Development Charges, local improvement districts, and ways to remove the subsidies from bare land that prop up its speculative value?

**Commissioner Sten** said the concept of SDCs had come up, but he understood that money raised through SDCs had to be used for public facilities. He said that part of the reasoning on the transfer tax was that it would be a tax on growth, albeit a small one. The SDC approach would divert the private market for public housing. He thought the realtors had missed the point on this tax, in that first-time buyers had declined almost to the point of vanishing in the city of Portland. This money would go into fostering that private activity and be good for the real estate market. The spirit behind the SDC—i.e., raising money based on growth—is contained to a limited degree in a transfer tax approach.

**Councilor Atherton** said he had found several reference in the report to allowing a reduction in SDCs for affordable housing. If the full SDC is not charged initially, no reduction would be available. That was his connection. If the full development charge were in place, then growth would be paying for its full impact in the community. It would then be easier to tolerate another tax that could go for affordable housing.

**Commissioner Sten** said he understood the point on exemptions to SDCs for affordable housing. But growth has dramatically hurt the average working Oregonian's ability to find reasonable housing at a reasonable price. Poor people are moving out of Portland to the suburbs because of growth. Working-class housing is on one side of the region and jobs are on the other. That creates a huge transportation problem. A region-wide housing strategy that includes strategies for first-time buyers will ultimately benefit the region and could help offset some of the downsides of growth.

**Councilor Atherton** spoke of regional sharing of a commercial/industrial tax base so that the new corporations could contribute to affordable housing. They could also do that by raising wages.

**Commissioner Sten** was a supporter of regional tax-base sharing, but he thought it was a long way off. He said Portland would be a contributor to that, although some jurisdictions would win and some would lose. The key would be what the money goes for.

**Councilor Kvistad** said he would be voting in favor of a couple of amendments he expected to be introduced. He commented that he thought Metro's land-use policies had created some of the affordability problems and he found it ironic that Metro was now trying to address that issue. He said he supported the state's land-use policies in general, but disagreed with how they had been implemented in the region. He said he was concerned by the real-estate transfer tax, but he did not have any other ideas for where to go for money. He was also concerned about finding a

balance between helping people and making people dependent on government. In general, he thought the report was better than he had expected.

**Councilor McLain** spoke to Resolution No. 00-2956A, thanking the task force for its hard work. She said controversy would remain connected with this issue, but the report represented a beginning. She said the report provides a better inventory of the need for affordable housing in the region that has been available in the past. She said the report also provides goals, and it provides a way for local jurisdictions to follow up. The report is an example of how private and public agencies, non-profits and for-profit organizations have made a commitment to work on this difficult and multi-faceted issue. She noted that the real-estate transfer tax, along with all the other recommendations, were only suggestions. The report contained no mandates. She urged adoption.

**Motion to**

**Amend:** **Councilor Bragdon** moved to amend section 4 of Resolution No. 00-2956A to add the words "and opportunity for home ownership."

**Seconded:** **Councilor Kvistad** seconded the amendment.

**Presiding Officer Bragdon** spoke to the amendment, saying that he thought home ownership was a vital part of the strategy. He suspected it had been inadvertently overlooked when that section was written.

**Vote to**

**Amend:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion to amend passed unanimously.

**Councilor Park** thanked the H-TAC members, who had begun working on this before he was on the Council. He noted that the real-estate transfer tax had been the subject of a lot of testimony, but it appeared as only one recommendation among many, and was on only two pages of the document. He noted that it could not even be considered until the State legislature acted on it. He said he believed home ownership was key. He noted that housing affordability was a problem throughout the country, not just here. He said that the longer people remain off the first rung of the affordable housing "escalator," the more difficult it becomes to get on at all. He said the Portland region attracts people, which creates competition for housing. He said a future discussion might address the role of educating our own young people so they can compete with those who move here. He disagreed with Councilor Kvistad that the urban growth boundary created problems with housing prices. He said many other factors contributed to the problem. He called attention to who needs affordable housing, as shown on the table on page 10. Those people are not the "homeless," but ordinary working people. He said he would support the resolution.

**Councilor Monroe** said the problem of affordability in housing permeates our society, made worse by growth. He said it was not caused by state land-use laws nor the policies surrounding urban growth boundary expansions. He said that in other areas of the country where sprawl is allowed, the cost of housing rises even faster, because sprawl development is the most expensive. He said he advocated providing choices in housing. He said Metro was not part of the problem; he looked forward to continuing to be part of the solution. He applauded Councilor Washington for his role in this process. He thanked Commissioner Linn, who had chaired H-TAC, for her patience, and all the members who had worked on the document. He noted that this report

represented a good framework for defining the problem and posing potential solution. He would support the resolution.

**Councilor Kvistad** said he had not meant to suggest he opposed state land use laws and had not meant to imply that the urban growth boundary had caused this problem; however, he did think that some of Metro's social engineering efforts had contributed. He cautioned against allowing this report to become a "cookie cutter" for all jurisdictions. He also cautioned against supporting the "poverty lobby" who make money off the problems in society. He said he had voted against this issue in the past, but he would be supporting it this time in spite of some remaining concerns, because there is a problem and something needs to be done to address it.

**Presiding Officer Bragdon** closed by adding his thanks to all of those who had been involved in H-TAC and to Councilor Washington for initiating the whole process. He thanked Chair Linn for her role in bringing diverse voices together to overcome acrimony and focus on a issues together. He said the document contained some economic justice issues, but that providing housing for a diverse workforce would have economic value. He urged support.

**Deputy Presiding Officer Washington** said this committee almost did not happen, as establishing it almost did not gain Council approval. He said he had met with every mayor in the region to discuss affordable housing issues. He said there had been a rumor that Metro wanted to put low-income housing throughout the region, rather than develop potential strategies for ensuring a supply of affordable housing. He said the recommendations might change as circumstances change, and that is as it should be. He urged support.

**Vote on the**

**Main Motion:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**8.2 Resolution No. 00-2957, For the Purpose of Transferring a Solid Waste Facility Issued to Willamette Resources Inc., to Willamette Resources, Inc., as a Wholly Owned Subsidiary of Allied Waste Industries, Inc.**

**Motion:** Councilor McLain moved to adopt Resolution No. 00-2957.

**Councilor McLain** provided background on this Resolution (the substance of which can be found in the staff report that accompanies this resolution in the meeting record).

**Seconded:** Councilor Bragdon seconded the motion.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

**8.1.1. HOUSING TECHNICAL ADVISORY COMMITTEE RECOGNITION**

**Deputy Presiding Officer Washington** presented awards to H-TAC members and Metro staff (a list of all award recipients has been attached to the permanent record of this meeting).

**8.3 Resolution No. 00-2954, For the Purpose of Urging Amendment of ORS 223.297, Et. Seq. Relating to Impact Fees and System Development Charges to Include Facilities Police, Fire, Libraries and Schools.**

**Motion:** Councilor Atherton moved to adopt Resolution No. 00-2954.

**Second:** No second.

The resolution died for lack of a second.

**9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).  
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL  
PROPERTY TRANSACTIONS.**

Members Present: Jim Desmond, Alison Kean Campbell, Barbara Edwardson, Dan Cooper, members of the press.

9.1 **Resolution No. 00-2955, For the Purpose of Approving an Agricultural Lease in the Clackamas River Greenway Target Area.**

**Motion:** Councilor Atherton moved to adopt Resolution No. 00-2955.

**Second:** Councilor Bragdon seconded the motion.

Councilor Atherton explained that Metro would be leasing only part of the purchase. He said both the revenue and the fact that the land would be cared for would be useful. He said access to the river environment would be retained. He urged support for the resolution.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed, with Councilor McLain absent from the vote.

9.2 **Resolution No. 00-2949, For the Purpose of Authorizing the Executive Officer to Execute an Allocation, Joint Cooperation and Defense Agreement with the Port of Portland for the Willamette Cove Property.**

**Motion:** Councilor Monroe moved to adopt Resolution No. 00-2949.

**Seconded:** Councilor Bragdon seconded the motion.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed, with Councilor McLain absent from the vote.

**10. EXECUTIVE SESSION, HELD PURSUANT TO ORS 192.660(1)(h), TO  
CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL  
RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO  
CURRENT LITIGATION.**

Members Present: Dan Cooper, Council staff.

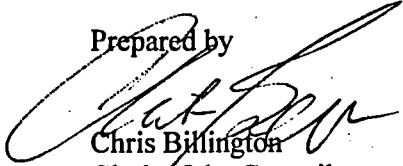
**11. COUNCILOR COMMUNICATIONS**

Councilor Kvistad announced that Presiding Officer Bragdon's birthday had been on Tuesday, wished him a happy belated birthday, and presented him with two dozen cupcakes.

**12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 7:36 PM.

Prepared by

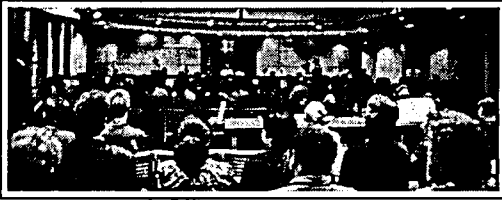


Chris Billington  
Clerk of the Council

**Attachments to the Record  
Metro Council Meeting of June 22, 2000**

Doc. No.	Document Title	TO/FROM
062200c-00	Minutes of June 15, 2000 Regular Council Meeting	
062200c-01	Talking Points for Resolution 00-2956	Council/Ed Washington
062200c-02	Growth Management Committee report, Res. No. 00-2956	/staff
062200c-03	Amendment to Resolution No. 00-2956	Council/Ed Washington
062200c-04	Resolution No. 00-2956A	
062200c-05	Letter RE: opposition to real estate transfer tax	Council/Ken Turner, Foster Area Business Assn.
062200c-06	Letter RE: Regional Affordable Housing Strategy Plan	Council/Leeanne MacColl, League of Women Voters
062200c-07	Written testimony RE: Regional Affordable Housing Strategy	Council/Jane Leo, Portland Metropolitan Assn. of Realtors
062200c-08	Realtor Magazine printout of HUD Secretary Andrew Cuomo's announcement that "HUD is Building a \$1 Billion Partnership with America's Faith-Based Organizations"	
062200c-09	Letter RE: opposition to Proposed Real Estate Transfer Tax Imposed by Metro to Fund Affordable Housing	Metro Council/Robert Butler, APNBA
062200c-10	Clackamas Housing Needs and Market Analysis and What is Affordable for Clackamas County Residents?	Jessica Glenn, Clackamas Community Land Trust
062200c-11	Letter RE: J-TAC Report and Recommendations for Metro Council Role in Legislation Providing Resources to Accomplish Local Production Goals	Metro Council/Tom Cusak, OR HUD State Coordinator
062200c-12	Letter RE: Regional Affordable Housing Strategy - Opposition to Real Estate Transfer Tax	Council/Jack G. Kaady
062200c-13	e-mail RE: Real Estate Transfer Tax (opposition)	Jon Kvistad/Jerrene Dahlstrom
062200c-14	Letter RE: real estate transfer tax (opposition)	David Bragdon/Robin O. White, BOMA
062200c-15	Letter RE: Resolution No. 00-2956, Affordable Housing Strategy	David Bragdon/Mike Tharp, Chair, CREEC
062200c-16	List of recipients of H-TAC Certificates of Appreciation	Staff
062200c-17	Speaking Points, Confidential Attorney-Client Communication made in contemplation of litigation	/Willamette Cove Council

### 2000 Regional Transportation Plan How We Got Here...



Metro 2000

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### 1995-96 Policy Update Implementing 2040



- Policies written to focus on 2040 Implementation
- Policies updated by 21-member Citizen Advisory Committee
- Approved by Council Resolution in July 1996

Metro 2000

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### 1995-96 Policy Update Focus on 2040 Centers



- Connect central city and regional centers with light rail and highways
- Serve town centers, main streets and corridors with primary bus
- Develop multi-modal streets that better serve non-auto modes in centers and corridors

Metro 2000

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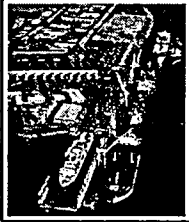
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1995-96 Policy Update  
**Focus on 2040 Industry**



- Maintain acceptable level of mobility for freight on regional highways
- Provide high quality access to intermodal facilities and industrial areas from regional highways

Metro 2000

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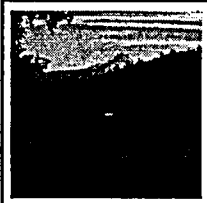
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1995-96 Policy Update  
**Protect Rural Reserves**



- Create Green Corridors along rural state highways
- Distinguish urban-to-urban from farm-to-market routes
- Manage urban traffic overflow on other rural routes

Metro 2000

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1996 Functional Plan  
**Title 6 - Transportation**



- Street Design Classifications
- Local Street Connectivity Standards
- 2040-Based Level-of-Service
- 2040 Modal Targets
- Congestion Management

Metro 2000

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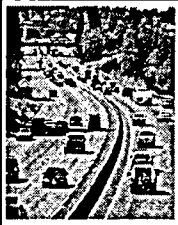
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### 1997 Alternatives Analysis Sizing the System



- Link 2040 land use policy to congestion standards and alternative modes
- Higher LOS cost more
- Higher standard may be adopted by locals, subject to conditions

Metro 2000

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### 1998 System Development Phase Public Workshops



- Facilitated by CAC members
- Emphasis on meeting current needs, while implementing 2040
- Regional interest expanded to include key "local" projects
- LOS policy used to size the roadway system

Metro 2000

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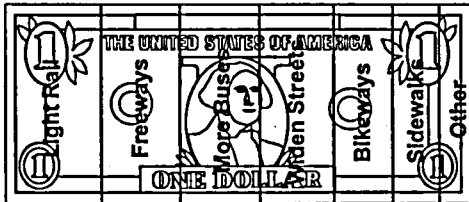
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### 1998 System Development Phase Reflecting Public Priorities



Metro 2000

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1998 System Development Phase  
**CAC Idea Kit**



**Gresham regional center**

- ◆ Mt. Hood Parkway connection to regional center
- ◆ Civic Neighborhood MAX station
- ◆ Boulevard design on Division
- ◆ Expand transit service to regional center
- ◆ Bike and ped access to and within regional center

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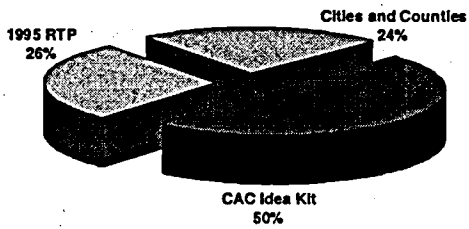
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1998 System Development Phase  
**Project Source**



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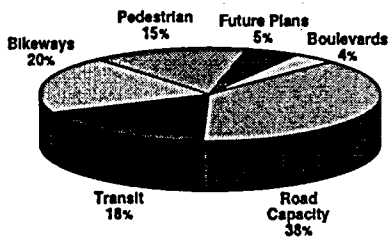
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1998 System Development Phase  
**Project Type**



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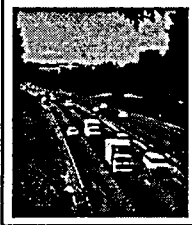
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1999 System Analysis  
**Highway Performance**



- Slightly decreased LOS in most corridors over 2015
- Significant decrease in LOS in I-205 corridor
- Slight increase in LOS in Sunset Highway and Highway 217 corridors

Metro 2000

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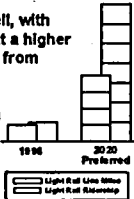
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1999 System Analysis  
**Transit Service**



- Light rail performs well, with ridership increasing at a higher rate than experienced from 1986-98
- Three-fold increase in line miles produced a seven-fold increase in ridership



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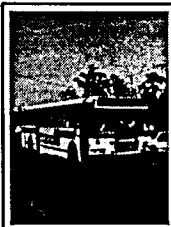
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1999 System Analysis  
**2020 Bus Performance**



- Bus ridership increases by 196% overall
- Suburban share of bus system increases from 30% in 1998 to 50% in 2020
- Suburban bus service as productive as urban lines

Metro 2000

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2000 Regional Transportation Plan  
**What's in the New RTP?**



- \$7 Billion in multi-modal improvements
- 860 highway, freight, transit, bicycle, ped and boulevard projects
- Local Implementation through TSPs

Metro 2000

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2000 Regional Transportation Plan  
**Public Involvement**



- 1996 Transportation Fair
- 20 public events and workshops from 1997-99
- 28 CAC Meetings
- Transportation Hotline
- Expanded Web Site
- Comment Reports and Responses

Metro 2000

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2000 Regional Transportation Plan  
**Public Information**



- CAC Idea Kit
- 2 RTP Newsletters
- Transit Brochure
- 7 Subarea Brochures
- "Creating Livable Streets" Handbook

Metro 2000

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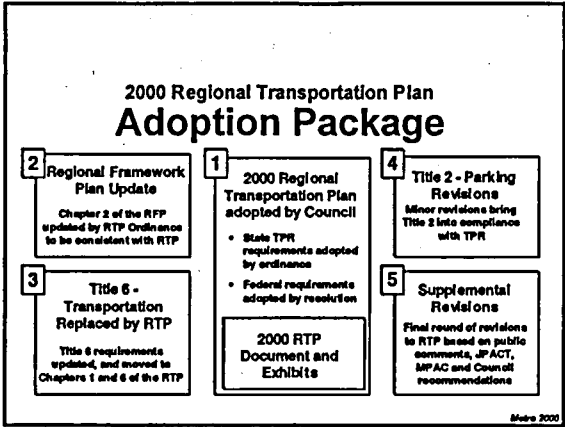
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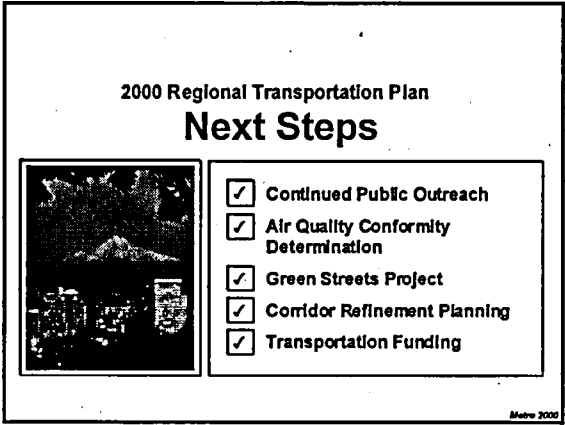
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# 2000 Regional Transportation Plan Public Involvement Timeline

**January '95**  
"The Choices We Make" transportation fair and open house kicks off the RTP update (attended by 150 citizens)

**April '95**  
Transportation Hotline established

**April '95**  
"Priorities '95" public meetings held in Oregon City, Portland, Gresham and Beaverton (attended by 140 citizens)

**July '95**  
Federal RTP Adopted by Council

**March '96**  
Regional Livability Open Houses in Portland, Gresham, Tualatin, Milwaukie, Aloha and Lake Oswego (attended by 720 citizens)

**May '96**  
Council holds public hearing on RTP Policy Update

**April '95**  
2040 Framework newsletter spotlights the RTP update (65,000 copies mailed and distributed)

**May '95**  
RTP Citizen Advisory Committee Appointed (begins to meet monthly, through January 1998)

**November '95**  
2040 Framework newsletter includes an RTP update (74,000 copies mailed and distributed)

**April '96**  
RTP CAC Adopts Policy Update

**July '96**  
Council Adopts Policy Update by Resolution

**November '96**  
2040 Framework newsletter includes highlights of RTP policy update (75,000 copies mailed and distributed)

**November '97**  
"Discover the Choices" public workshops in Portland, Tualatin, Gresham, Portland, Clackamas and Hillsboro (more than 170 citizens attended)

**September '97**  
2040 Framework newsletter highlights RTP update and alternatives analysis (80,000 copies mailed and distributed)

**August '97**  
CAC hosts workshop for stakeholders on the RTP alternatives analysis

**July-October '97**  
MILT Bus visits community events, fairs, festivals and shopping centers throughout region (8,500 citizens visit MILT from July through October)

**July '97**  
2040 Survey distributed throughout region includes transportation and RTP questions (11,000 completed surveys are returned)

**January '97**  
Priorities '97 meetings in Gresham, Oregon City, Portland and Aloha (120 citizens attended)

**November '97**  
"Creating Livable Streets" handbook published, illustrating RTP street design policies

**December '97**  
Council adopts Regional Framework Plan, including updated RTP policies as Chapter 2

**January '98**  
CAC adopts the "CAC Idea Kit" (500 copies distributed to local officials and interested citizens)

**January/February '98**  
CAC presents final RTP recommendations to JPACT and Council

**September '98**  
"Getting There" newsletter provides a detailed overview of the updated RTP (85,000 copies mailed and distributed)

**September '98**  
"East Meets West" light rail celebration includes RTP displays and events at Convention Center plaza (550 citizens attended)

**September '98**  
"Proposed Transportation Solutions for 2020" published to provide a detailed description of proposed RTP projects (500 copies distributed to local officials and interested citizens)

**June-October '98**  
MILT Bus visits 52 community events, fairs, festivals and shopping centers throughout region (13,400 citizens visit MILT from July through October)

**October '98**  
"Proposed Transportation Solutions for 2020" open houses held in Gresham, Oregon City, Portland and Beaverton (75 citizens attended)

**August '00**  
Final Council Action on 2000 RTP Scheduled

**June '00**  
Final Public Hearing on 2000 RTP

**May '00**  
Final Public Comment Period on 2000 RTP Opens

**December '99**  
Council Hearing and adoption of draft 1999 RTP by resolution (more than 300 individual changes considered)

**October '99**  
"Getting There" open houses in Beaverton, Gresham, Clackamas and Portland (100 citizens attended)

**October '99**  
Preliminary Draft of the RTP released for formal comment

**September '99**  
"Getting There" newsletter provides an update to the '98 issue, with detail on system performance and financial implications (10,000 copies distributed)

**July-August '99**  
Seven RTP Subarea fact sheets and a Regional Transit fact sheet published (total of 20,000 brochures distributed)

## Walker Road 5 Lane Expansion Project 3143

Thank you for the willingness of the Metro council to hear us. (Mike Burton and David Bragdon).

We had the opportunity to visit with Kim White an associate transportation planner from Metro and with Clark Berry senior planner of Washington County. They gave us great overview of Metro and how they help form progress for our future. They touched basis on Metro's RTP and Washington County's TPU.

We are a group of citizens live along Walker road in Beaverton in a community named Cedar Hills. The currently proposed project number 3143 recommended by Metro's RTP we believe is excessive for the livability of our community. We would like to formally go on record against fully implementing the proposed project number 3143 in its currently drafted version. It is not our intent to stifle change but rather we would like to help direct and mold change in our community for our future and children's future.

Project 3143 Walker Rd increases our rural community road of 1 lane each way with bike lanes into a 5 lane road with bike lanes each way and adding sidewalks. Now we know that we can't hinder progress for our future population growth however a drastic change as proposed on project 3143 Walker Road will surely effect the livability of your neighbors, (pause) The citizens of Walker Road. We are concerned about child safety, ecological disturbances, property values and safety of those homeowners that have to back onto an already busy road that will attract more traffic if Walker Road is widened to 5 lanes.

### Potential Future Testimonial:

There are a majority of young homeowners starting the American dream of homeownership. They are also staring their family with children that need to be under constant supervision but with the proposed dramatic change to Walker Road will increase the absolute necessity for their little ones never to go into the front yard. Imagine that, (pause) "my parents never let me go into the front yard till I was in Junior High". "Why is that" a friend asks? Well we use to have a good sized front yard but after Project 3143 we lost 64% of our front yard and the bike path was 6 feet from our front door. That was not the worst of it. "How so" the friend replied. When Dad had had to take a job in another city and move the family we had a hard time selling the house. Because of proposed project 3143 many homes immediately went onto the market and the demand was far too little for the supply and the housing prices along Walker Rd. plummeted. In June 2000 there were already 4 homes for sale between our home towards Cedar Hills Blvd. alone. When dad finally sold the home it was 15% below what mom and dad paid for it just 2 short years ago. You see they had not been in the home long enough to recoup the closing and bank fees.

At the end of my public comment I will present to you our proposal.



## **The Facts:**

**33 ft. wide:** Current Walker Rd w/1 lane each way, bike lanes East & West, no sidewalks.

**45 ft. wide:** 1 lane each way w/center turn lane, bike lanes East & West, no sidewalks.

**54 ft. wide:** 2 lanes each way, bike lanes East & West, no sidewalks

**63 ft. wide:** 2 lanes each way w/center turn lane, bike lanes East & West, no sidewalks. (72 feet including sidewalks)

We are in the process of setting up a web site and email addresses to focus our efforts on the 52 homes that are directly impacted and the 300+ homes that are indirectly impacted by the proposed 3143 project. We will be obtaining signatures from many of our neighbors to show that we as a neighborhood community are committed to steer progress versus fight and short-sightedly admonish the inevitable growth of our healthy economy.

The potential future testimony I mentioned a few minutes ago could be mine, as if you force the implementation of 3143 I will loose 64% of my front yard. There are not many companies that I can go to work for here in Portland with my specialized skill. I would have to transfer to Seattle or to the Californias. There are currently 57 homes that will be directly negatively impacted along our shared Walker Rd. All of us have now been directly effected with the announcement that Walker Rd. may become 5 lanes. Our property values will not share in the community growth other will enjoy because of being on the wrong street. It is not just financial or safety issues but also ecologically as with a 5 foot widening on my side of the street they will have to uproot over 100 trees.

In closing it is our intent and proposal to have the road widened to 3 lanes with bike paths and paved sidewalks. In the near future we will be providing to Washington County a signed proposal by neighbors along Walker Road. We hope that your share a common vision with us in fostering safe and livable communities with in the tri-county/Metro area.

Respectfully,

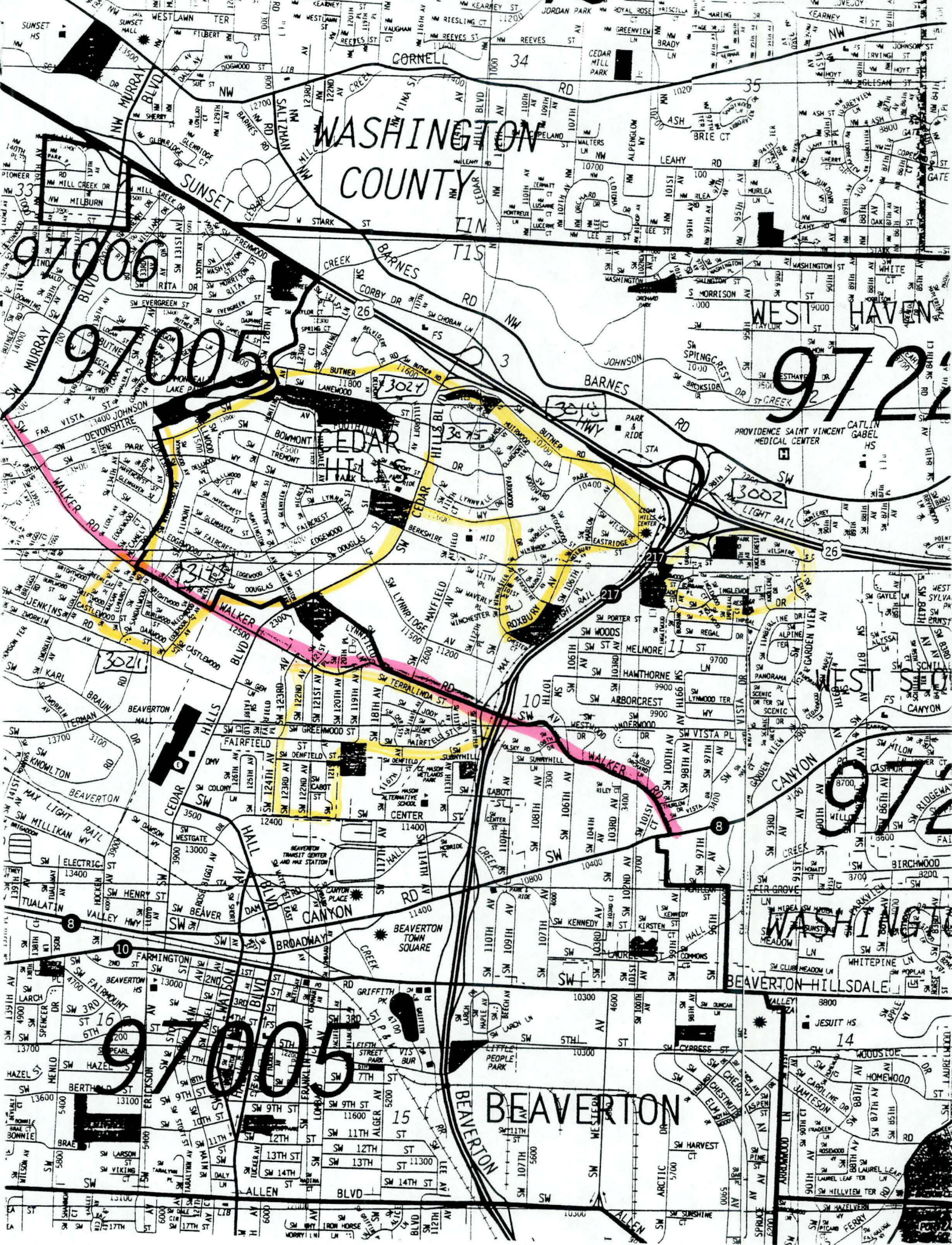
**The Walker Road Citizens in Favor of Community Development  
Working with and supported by the Cedar Hills Homes Association**



# WASHINGTON COUNTY

## CEDAR HILLS

## BEAVERTON



97006

97005

9721

97005





Weston Street - Quoted

2



10

10

Weston Street - Quoted



## TESTIMONY ON THE REGIONAL TRANSPORTATION PLAN

Bruce M. Pollock June 29, 2000

I wish to express my great concern over this plan, not necessarily with its content as a REGIONAL plan, but with the fact that it will work only if it is supported by LOCAL bus service, and it lacks discussion of what would be required to provide that service. Without local buses, not only is the regional plan pointless, but all the Metro-dictated Town Center plans are pointless. In fact, Metro itself may be pointless.

According to the RTP, new roads will be built to maintain specific congestion standards based on SOV rush-hour commuter traffic. However, expensive new homes in northeastern Washington County are being constructed for families who will own at least 3 cars. Building new roads to accommodate these cars merely stimulates this excessive land use and encourages urban sprawl. Putting the same amount of public money into local bus service would permit development of a public transportation system without increasing tax rates.

In presenting this RTP, Metro is relying on another organization, Tri-Met, to provide the local bus service. However, lacking a major tax base, Tri-Met is organized and functions as a profit-making organization. It expends its resources on the money-making routes, the commuter routes. People needing buses at other hours are provided only minimal bus service.

At age 74, I am a senior. I can see the end of my capacity to drive a car. When that day comes, will I be trapped in my home or will I be able to continue my life by walking to the street and boarding a bus which will take me to the MAX and the rest of the world?

Unfortunately, I know the answer to that question. I am already trapped in my home, even though I live within a mile (as the crow flies) of the Sunset Transit Center. Tri-Met bus #60 is a commuter bus, operated only to pick up workers in the morning and bring them back at the end of the day.

My need is to attend Senior Studies Institute classes which meet either in the morning or in the afternoon at several PCC campuses. On bus #60 I can **either** get to class in the morning **or** get home at the end of the afternoon. I cannot return home from a morning class nor get to an afternoon class. So I cannot take classes unless I drive.

I cannot go to an evening or weekend movie unless I drive. I cannot get to the store, local library, or ATM machine unless I drive. I cannot attend a meeting such as this unless I drive or someone drives me to the MAX at Sunset Transit Center.

My needs are real, they are shared by many. The Regional Transportation Plan addresses the physical needs of drivers, able-bodied pedestrians, and bicyclists. But it gives only lip service to public transportation as part of a "multi-modal transportation system." It fails to address the disconnect between the RTP and Tri-Met's funding in terms of the providing the money necessary to create an effective public transportation system.

I was a member of the CPO #1 transportation committee which helped Tri-Met set up the Cedar Mill taxi shuttle service. Tri-Met recently sent representatives to a CPO meeting to plead for riders for mid-day use of that service. This emphasizes that the problem of providing full-coverage public transport service is not restricted to bus route #60.

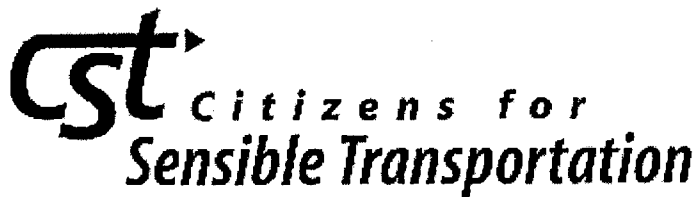
Tri-Met's budget data show it is operating the present system within budget. I suggest that, in the final RTP, you analyze the cost of adding "non-peak" service—days, evenings, and weekends—to a commuter-only bus such as #60. Then compare this cost with that of adding one traffic lane accessing the planned Cedar Mill Town Center (the town center to which I should be associated). This analysis would allow taxpayers to understand the taxes to required to build and support highways primarily for Single Occupant Vehicles relative to the taxes necessary to support a multimodal transport system.

A further question to be analyzed is whether Tri-Met's expenditures can be lowered while still providing increased service. The best way to do this is to shift schedules so that need for drivers remains relatively constant during the day. For example, in Washington County a school bus system entirely separate from Tri-Met requires drivers only in the morning and afternoon. In Portland, much of the school bus load is handled on normally-scheduled Tri-Met buses. Therefore, one way to stabilize scheduling in Washington County would be to have many students ride Tri-Met buses instead of a separate school bus system.

Another way would be to assign individuals in Tri-Met's administrator-heavy bureaucracy to drive rush-hour buses while they perform their administrative duties during mid-day hours. This could also change the relationship between labor unions and Tri-Met administration in a positive way. My impression is that one of the factors driving Tri-Met's introduction of the Cedar Mill taxi shuttle was to substitute low-paid taxi drivers for more reasonably-paid union bus drivers. According to Tri-Met's history of the bus system, threats of driver strikes have driven major transit decisions in the past. Although I know of no specific problems between management and drivers at this time, perhaps this would be a good opportunity to create a stronger management-driver relationship.

I hope Metro will act on these suggestions to create a stronger and more practical RTP than the one under consideration today.

Bruce M. Pollock  
9601 NW Leahy Road #201  
Portland, OR 97229  
(503) 297-5084



062900c-05

June 28, 2000

**Comments on the Regional Transportation Plan  
on behalf of the Transportation Reform Working Group of the Coalition for a  
Livable Future and Citizens for Sensible Transportation.**

Thank you for the opportunity to comment on the Regional Transportation Plan. We believe the current plan's policies reflect a regional vision that has our support. That vision is of a region where people have many options for getting where they need to go. It reflects the wishes of the region's residents as expressed in the Region 2040 Plan. However, we have reservations about how that vision is implemented. We believe the choice of projects and its heavy emphasis on serving motor vehicle trips at rush hour moves us away from the direction the region has been headed the past few years.

We believe the choices to replace highways with light rail lines, to add commuter rail in Washington County, to expand MAX to north and northeast Portland, to expand transit throughout the region, to improve the pedestrian environment along many of our roads and to move toward a world class bike and trail network all have contributed to make Portland one of the most livable areas in the country. We need to continue in that direction.

We should invest our transportation dollars in making our communities better, not just making it easier for people to commute in their automobile. There are too many projects that support auto-commutes and not enough that support trips within communities, expand the reach of the transit system, improve the pedestrian environment and complete the bike network.

We also continue to be concerned about the lack of a firm financial plan for funding the strategic system identified in the RTP. The current RTP does not represent a financially realistic transportation plan for the region. None of the concepts for funding that are offered have any immediate possibility of being adopted in the current political climate. The margin of the recent vote on the gas tax makes it unlikely that this will change in the near future.

The scenarios reflect impacts from increases in revenue during the next five years, but any delay in implementing a specific strategy will require far more dramatic action to achieve the revenue forecast for the 20-year period. For instance, a 1 cent per year gas tax increase beginning in 5 years will bring only slightly more than half the revenue over 20 years that it would if implemented immediately.

We believe the concepts should be modified regularly to reflect revenue scenarios depending on when they are adopted. This would present a more realistic picture of likely available funding. Moreover, while there are several funding concepts, there is no process for adopting one.

The following language should be added to section 6.5.2.

*"Prior to each biennial MTIP process, JPACT shall adopt a recommended funding strategy with specific sources that will fully fund the strategic system during the remaining years in the RTP."*

The financially constrained system's financial projections are not realistic since the decisions about allocation of those funds will not necessarily reflect the financially constrained plan.

While the financially constrained system did not anticipate income from the gas tax, it also did not anticipate changes in ODOT priorities that would eliminate revenue for modernization. Under current financial conditions, the minimum revenue available from ODOT for modernization is not likely to be spent on projects contained within the financially constrained system. We believe the financially constrained system should be modified to eliminate this revenue from its projections.

The strategic system, rather than the financially constrained system, provides the basis for local TSP's and expenditures of local funds. For this reason the local revenue projected for the financially constrained system may not actually be spent on projects within the financially constrained system. This could result in dramatically different air quality and other outcomes from the financially constrained system.

We recommend that the following language be added in section 6.4.1 *"All local TSP's must demonstrate that the local resources included in projections for the financially constrained system will be used for funding projects in that system."*

In addition to raising sufficient funds, the choice of funding sources should accomplish specific policy goals. In section 5.4.1. the following should be added:

- "1) Increase the amount of land within the urban growth boundary available for development by reducing the area devoted to transportation needs;*
- 2) Reduce need for new road capacity by encouraging the most efficient use of the existing capacity;*
- 3) Reduce traffic and congestion;*
- 4) Encourage alternative modes of transportation including transit, biking and walking;*



- 4) *Reduce VMT;*
- 5) *Reduce air pollution and other environmental impacts from transportation uses;*
- 6) *Recover the full social costs of transportation choices from users;*
- 7) *Encourage the highest and best use of transportation facilities."*

Section 6.5.3 states that "findings for consistency with benchmarks shall be developed as part of the biennial MTIP process". However it does not state when or how these benchmarks will be created.

We recommend that Section 6.5.3. be changed to include:

*"Prior to beginning the selection of projects for the biennial MTIP, the Metro Council will review and adopt benchmarks for the MTIP and issue a progress report based on the benchmarks adopted prior to the previous MTIP. Such progress report shall include evaluation of impacts from all projects, including locally funded projects."*

Section 6.5.3 suggests that benchmarks be established in certain areas, while it should require that these benchmarks be adopted.

The following change to Section 6.5.3. should be made

*"In addition, benchmarks shall ~~(should)~~ be designed to track the following information to the degree practicable:"*

While Tigard considered many options for increasing capacity to reduce congestion on the route, they did not consider changes to reduce traffic using Highway 99 that otherwise could use the connector. Once an alternative exists for traffic whose destination is not in this segment, it may be possible to make this route less desirable for through traffic, reduce traffic and congestion and ,make it more compatible with the communities it runs through.

Section 6.7.7 should provide under the Highway 99 section that, as part of the Tualatin-Sherwood connector, a study should be done of options for reducing traffic on Highway 99 from the intersection with the proposed connector to I5.

Section 6.7.3 states that the entire section does not apply to locally funded projects. Local jurisdictions ought to follow the street design guidelines for local projects where those local projects impact the operation of a regional facility. Specifically pedestrian access to transit needs to be considered as part of planning locally funded projects. Many locally funded projects will have a direct impact on the ability of transit to adequately serve the Region 2040 centers.

We recommend adding the following language in Section 6.7.3. following "These provisions are simple guidelines for locally funded projects." except that all project

***"except that all projects, including locally funded projects must show that they are consistent with Creating Livable Streets: Street Design Guidelines for 2040."***

Add a new sections under 6.8 Outstanding Issues:

***"Affordable Housing***

***In many areas of the region, lack of access to affordable housing adds strains on the transportation system as people cannot afford housing close to their employment. Funding of affordable housing projects as part of the region's transportation strategy will be evaluated.***

***Long Distance Commuters***

***There is increasing number of commuters from outside the region. An evaluation of the impact of this trend on the region's transportation system and Region 2040 plan will be done and options identified for addressing those issues. "***

Thank you again for the opportunity to make comments.

Sincerely,

Ross Williams



June 29, 2000

**Testimony on the Regional Transportation Plan  
 Presented to the Metro Council**

Lynn Ann A. Peterson, Transportation Advocate

Chair Bragdon and Members of the Council,

My name is Lynn Peterson, Transportation Advocate for 1000 Friends of Oregon. 1000 Friends of Oregon is a statewide non-partisan, non-profit organization that advocates for healthy, compact urban form for protection of farm, forest, range, and scenic lands. I am also a citizen member of Metro's Transportation Policy Alternatives Committee.

The Regional Transportation Plan (RTP) has been a long time in the making. It contains countless hours of work and discussion by citizens, jurisdictional and Metro staff, good policies that will move the region in the direction of implementing the Functional Plan, and policies that our organization believes will help achieve a better modal mix for traveling throughout the region. However, those policies are only as good as the implementation tools. We have two concerns that we would like to voice at this time and some reminders for the council of actions called out within the plan that must remain a high priority as we move to implement.

**Concerns/Suggestions**

First, the RTP does not provide a fiscally conservative plan for the region. We have voiced this concern continually throughout the process at TPAC meetings and before Council in previous testimony that the plan for the region is the Strategic and Financially Constrained is for federal use only. In fact, USDOT-Federal Highway Administration's written comments, dated May 23, 2000, clearly state that the RTP "...does not meet federal planning regulations."

Having two parallel plans, one for the federal government and a separate implementation plan, does not allow for full disclosure of what is actually being built in the region and whether that system meets air quality standards. We acknowledge that Metro staff has indicated that they will model the strategic system for air quality conformity but I don't believe that information is available yet.

*The Financially Constrained Scenario ought to be the regional plan with the Strategic providing guidance as to what other projects are available should transportation revenues increase.*

Second, we would like more clarity on the region's requirements for project development and selection. The TEA-21 requirements for Congestion Mitigation are referenced in the RTP as the process for determining the type of project to solve a congestion issue. It should be helpful to make this language more specific as to how regional projects will be selected. The following language should be considered for adoption into the RTP on pages. Note-this language is modified from the Oregon Highway Plan-Major Improvement Policy (1G) and has recently been

supported by the City of Eugene for inclusion in TransPlan, their RTP, as the way to get the most bang for the buck in an environment of limited transportation dollars.

### *Proposed Text Addition*

Maintain transportation performance and improve safety by improving system efficiency and management before adding capacity.

**POLICY DEFINITION/INTENT:** Use the following priorities for developing Capital Improvement Programs (CIP) and Metropolitan Transportation Improvement Programs (MTIP). Implement higher priority measures unless a lower priority measure is clearly more cost-effective or unless it clearly better supports safety, growth management, or other livability and economic viability considerations. Plans must document the findings which support using lower priority measures before higher priority measures.

#### *1. Protect the existing system.*

The highest priority is to preserve the functionality of the existing transportation system by means such as access management, comprehensive plans, transportation demand management, improved traffic operations, and alternative modes (bikes, pedestrians, and transit).

#### *2. Improve the efficiency and capacity of existing transportation facilities.*

The second priority is to make minor improvements to existing highway facilities such as widening highway shoulders or adding auxiliary lanes, providing better access for alternative modes (e.g., bike lanes, sidewalks, bus shelters), extending or connecting local streets, and making other off-system improvements.

#### *3. Add vehicle capacity to the existing system.*

The third priority is to make major improvements to existing vehicular facilities such as adding general purpose lanes and making alignment corrections to accommodate legal-sized vehicles.

#### *4. Add new road facilities to the system.*

The lowest priority is to add new roadway facilities.

## **Implementation**

There are three implementation pieces of the plan that need attention immediately proceeding adoption; benchmarks, Council direction on MTIP, and corridor planning. Benchmarks are called out in the RTP to be used as part of the MTIP process to document how close we come to our mode split targets, regional center multi-modal accessibility and mobility, etc. Since, a new MTIP process will begin as soon as the plan has been adopted in July, *Metro should consider drafting a list of benchmarks to be used for each MTIP that goals for 5-year increment by Fall 2000.*

In addition, the Council should consider how it wants the MTIP to implement 2040 Functional Plan during the next several years. That information should be provided to TPAC and JFACT

before discussions begin. This could come in the form of specific goals or affirmation of the project criteria that were used in the last round of the MTIP.

Another area of the plan that needs immediate attention is areas of the region that do not have specific projects associated with their traffic/travel issues. In the RTP, these areas are to have specific corridor plans created. *These corridor plans must be prioritized and funded.* An action plan should be created to implement these corridor plans immediately following adoption.

Finally, I would like to add that although the plan is not perfect, the Council should move to adopt the plan, with their proposed changes by next month, July 2000.

062900c-07

Morgan Will  
2627 NE 12th Ave.  
Portland, OR 97212  
June 29, 2000

Dear Metro Councilors,

I would like to request that you place the Banfield Corridor Project on the Master Plan of regional trails. The Banfield Corridor Project is a greenway project which will include a bicycle and pedestrian transportation trail, habitat restoration, garbage clean-up and the creation of new urban openspaces.

I have been working on this project for almost two years. I have spoken with home owners along the corridor, non-profit organizations, business owners, transportation planners, local and regional government officials and I can attest from these conversations and meetings that there is strong support from the community for a trail project in this area.

The trail is presently on the City of Portland's Master Plan as a proposed trail. This project needs to be on the Metro Master Plan as well. This is essential for the project to move into the planning stages.

I have attached a brief discription of the project. Please feel free to contact me if you have any questions, [morgangwill@hotmail.com](mailto:morgangwill@hotmail.com). I hope you will place this project on the Master Plan of regional trails so we can improve the variety of transportation options available to the citizens of this region.

Sincerely,

A handwritten signature in cursive script that reads "Morgan Will". The signature is written in dark ink and is positioned above the printed name.

Morgan Will

encl. Project Summary

# **THE BANFIELD CORRIDOR**

## ***BICYCLE AND PEDESTRIAN TRANSPORTATION***

### **PROJECT**

#### **Concept**

The project is a unique community based effort toward a public work. The effort will combine the resources of average citizens, community groups and associations, non-profit organizations, foundations, churches, schools, businesses, private institutions and government agencies to design, fund and complete this project. The goals are improved quality of life, a healthy environment and increased opportunities for transportation, recreation and education.

#### **Location:**

The Banfield Corridor is the area along Interstate 84 from the Willamette River to I-205 at Rocky Butte. This corridor includes a highway, a light rail line, and a rail line. The exact area being considered for this project is the open space on the north side of the rail line.

#### **Objectives:**

- Create a greenway corridor from the Willamette River to I-205 at Rocky Butte.
- Build a bicycle and pedestrian trail from the Willamette River to I-205 at Rocky Butte.
- Remove invasive species and replant native plants throughout the new greenway.
- Remove garbage and litter.
- Create new parks and open spaces along the greenway.

#### **Important Features:**

- The trail will connect with the Eastbank Esplanade, the Willamette River Greenway, and the I-205 Trail, completing a network of urban trails.
- The trail will connect Downtown Portland, the Rose Quarter and Convention Center, the Lloyd District, the Hollywood District, 82nd Ave., and the Gateway District.
- The trail will connect all MAX light rail stops from the Rose Quarter TC to the Gateway TC with homes and neighborhoods.
- The trail will not cross any roads or train tracks. (It will cross one driveway.)
- There is a potential for approx. 50 access points on the north side and 17 existing bridges will connect the south side of the corridor to the trail.

#### **More:**

If you would like more information about the Banfield Corridor Project contact: Morgan Will, 249-8496, w) 282-8846 ext. 12; or Mel Huie, Metro Parks and Greenspaces, 797-1731.

Date: 6-29-00  
To: METRO  
From: Steve Larrance for  
Citizens Against Irresponsible Growth (CAIG)  
20660 S.W. Kinnaman Rd. Aloha, Or. 97007  
Subject: CAIG testimony on the Regional Transportation Plan (RTP) update

Mr. Presiding Officer and Councilors,

The thousands of citizens and hundreds of businesses who are CAIG supporters request that the METRO Council vote to extend for at least six months the comment period and ultimate adoption of the RTP. Three minutes is not enough time to list all the reasons for delay, but some the outstanding issues follow.

There are many important issue topics merely listed by title only in the information available for review. The title is followed by the sentence "This section to be completed prior to adoption of the RTP by ordinance." How can we understand, let alone comment on, nonexistent plans and policy?

How can a responsible Regional agency advance a document as important as the RTP after apparently eliminating all reference to the existing resources funding strategy and the list of prioritized projects that was regionally developed. It has been replaced by the Financially Constrained System which has magically grown funding by about three fold. Adding the Constrained model is acceptable and required by the Feds, but dropping the existing funding is an indication that both this version of the RTP and the Growth Concepts that play off of it are not realistic and an exercise in poor public policy.

I have again included in this submittal ODOT's testimony regarding the lack of funding for T.V. Hiway expansion, including the 7 mile expressway still contained in the RTP. Metro staff apparently did not value JPAC's recommendation to drop this proposal. It appears that justifying a UGB amendment which would add 22,000 people adjacent to this at capacity and unremodelable transportation link is driving METRO's persistence to include this "paper plan only" methodology within the RTP. More bad public policy.

METRO wants to do a two year analysis of the so called jobs/ housing balance yet it appears that the RTP and the Growth Concepts already rely heavily upon the existence and importance of this phenomenon. Does anyone want to bet what the outcome of the study will be? This in opposition to testimony in the record of the UGB cases that says while families may choose to reside close to one of the household's wage earner's place of employment when relocating to our region, within four years one or more of the wage earners has changed jobs to another location within the region and there is little evidence that this family will move 20 miles and uproot the





# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

Region 1

123 NW Flanders

Portland, OR 97209-4037

(503) 731-8200

FAX (503) 731-8259

December 3, 1998

Jon Kvistad, Presiding Officer  
And Members of Metro Council  
Metro  
600 NE Grand Ave.  
Portland OR 97232-2736

FILE CODE: PLA

**Re: Hillsboro/Farmington Urban Growth Boundary Amendment**

The Oregon Department of Transportation asks that you enter the following comments into the record of the above case:

- Tualatin Valley (TV) Highway (Oregon Highway 8), which would be the principal route of ~~access~~<sup>Access</sup> to this area is currently at capacity (LOS F) during the PM Peak hour.
- Forecasts of traffic volumes in 20 years by Metro indicate TV Highway will be over capacity (LOS F) during the peak hour.
- Forecasts by Hillsboro and Beaverton in their draft TSPs, and Washington County's TSP indicate TV Highway will need either significant Access Management or widening to 7 lanes, or both to meet LOS standards.
- The inclusion of this area into the UGB will add additional traffic to TV Highway, adding to the existing LOS deficiencies.
- The new LOS Standards (2 hours of LOS E is acceptable) proposed by Metro and being considered by ODOT would still be exceeded on this facility.
- The current Metro Regional Transportation Plan includes short term TSM (Transportation System Management) Improvements, and recognizes that there is a larger long-term problem but does not address it.
- The 1992 revision of the 1989 RTP update identified 10 year priority projects on TV Highway as follows: 1) initiating TSM improvements on Tualatin Valley Highway from Highway 217 to 21st (Hillsboro) and, 2) conducting a detailed reconnaissance or preliminary engineering study to determine the full extent of improvements required in this section. The call in the RTP for a reconnaissance to determine "the full extent of improvements needed" indicates uncertainty about whether it is possible to widen TV highway in any economically feasible way; but that a study was needed to confirm this. No

study has been done. The cost of providing a solution to the capacity problem was assumed to be large.

- The 1995 RTP update to meet federal requirements (Interim Federal RTP) includes a list of recommended projects that are critical to realizing the goals objectives and policies set forth in this plan. The list includes \$6 million for the TSM projects on TV Highway: bike and pedestrian improvements and signal projects; but nothing additional.
- The 1995 Interim Federal RTP also includes a "financially constrained" list of projects. This list is based on reasonable revenue forecasts and contains only two signal projects on TV Highway for total of \$1.5 million.
- The RTP is currently in the process of another update to incorporate the 2040 land use concept. As noted above, modeling shows that TV Highway is still over capacity in all scenarios.
- The draft projects list for the current RTP update lists the above mentioned improvements: TSM - Interconnect signals on TV Highway from 10th Avenue to Highway 217; \$4.0 million; Pedestrian improvements; \$8.3 million.
- The draft projects list for the current RTP update also lists the two projects suggested by the local TSPs: (1) "Widen to seven lanes from Cedar Hills to Murray; six lanes limited access from Murray to Brookwood and five lanes from Brookwood to 10<sup>th</sup>", \$33.2 million (2) "Access management", \$15 million.
- ODOT is concerned that these projects may not be feasible to implement – first their costs are now estimated at \$60.5 million and must compete for limited available funding; and second, no analysis of project development impacts has been done to determine whether the right of way and land use impacts of widening and converting a portion of TV Highway to a limited access facility can be overcome.
- Finally, as you know, there is a pending LUBA appeal by ODOT (and others), concerning the above issues (and others). The results of that appeal may affect the timing and/or ability to bring this area into the UGB and develop it.

Thank you for the opportunity to enter these comments in the record.

*Leo Huff*, for

Leo Huff  
Planning Manager

kids.

We continue to question the "throwing away" of our existing through trip based principal arterial system by down grading those facilities as they pass through proposed 2040 city centers, such as T.V. Highway in Beaverton and Hillsboro, and elsewhere. When funding is so scarce and all arterials at or near capacity how can we delete some of those through routes? These routes are and will continue to be important components which provide real connectivity.

There is still much to resolve, not the least of which is the RTP language to "dumb down" the level of service standards. This proposal is nothing short of institutionalized gridlock. This has not been accurately described and discussed with the general public or the business community. Passage of such poor public policy by METRO jeopardizes our much needed regional planning effort and indeed regional governance itself.

We plead with you to continue the comment period and to also engage us all in developing regional transportation and growth strategies which are supportable and fundable.

We also ask you to put aside you personal agendas and realize the unique time and place in which you find yourselves serving as our elected regional officials. The year 2000 in the Portland Region deserves better than this version of the RTP.

Thanks,

Pat Whiting, Chair  
CPO 4-M  
c/o 8122 S.W. Spruce  
Tigard, Oregon 97223  
June 20, 2000

David Bragdon, Presiding Officer  
Metro Council Members  
METRO Regional Center  
600 NE Grand Avenue  
Portland, Oregon 97232

RE: RTP -Regional Transportation Plan  
of 1999: Projects 6030 & 6013

Dear Mr. Bragdon and Council:

Citizen Participation Organization 4-M in Washington County, specifically in the Metzger Community and Tigard area, submits our findings and comments to you for the record in consideration of the adoption of the RTP.

We as homeowners, renters, employees and business owners in CPO 4-M wish to acknowledge the work that has gone into the making of the Transportation Plan by Metro. It is a major undertaking and a resource for the future.

Of importance to our local communities of established and diverse homes and small businesses is the fact that in the Preface of the RTP it is stressed that there is a "need to plan a transportation system that expands our choices for travel within the region." As the Plan includes a recognition for "balance" of transportational modes, clean air, conserving energy and accommodating people's urban life needs, protecting the community livability is a goal supported by CPO 4-M.

Therefore, we site the Regional Transportational Policies 1.0 through 14.3 that clarify the magnitude of this plan while at the same time exhibiting a common thread not only of the need but the right of a life-quality scenario in the quest to meet developmental goals.

Specifically, we are concerned with projects #6030 and #6013 on SW Hall Blvd. The RTP includes proposals to widen Hall Blvd. to five lanes. Currently Hall Blvd. through the Metzger and Tigard communities is basically a two lane boulevard with three lane accommodation at some intersections and four lanes at Pacific intersection.

CPO 4-M and many local residents have worked for years to retain the quality of our community and support those many government projects that contribute to regional needs and transportation equity. Hall Blvd. runs through the middle of a well-developed existing neighborhood of

METRO Council  
Re: RTP/6030 & 6013

Pat Whiting, Chair  
CPO 4-M 6/20/2000

of residencies of various densities and numerous small businesses. Hall Blvd. parallels a portion of Ash Creek - a major stream - which is part of the Fanno Creek tributary and at the bottom of the Fanno Creek Watershed. Hall Blvd. is a connector to Metzger Elementary School which is just one block west of Hall. The school serves over 600 students in this community.

Metzger Park, the only LID supported community park in Washington County which has a 75 year history as a focal point of neighborhoods on both sides of Hall, is a thriving socio-ecological site of old trees, flowers, bushes, Ash Creek, picnic areas, a community hall, play equipment and disability accommodation of pathways and fountains at SW Hemlock and Hall Blvd. Ash Creek runs between the park and the boulevard.

On the opposite side of Hall Blvd. across from the park are high density apartments - well established and the home of many families with children and elderly residents. These apartment complexes and adjacent duplexes are at the edge of the boulevard.

Through the center of Metzger along Hall Blvd. are many small businesses that supply and compliment adjacent resident areas. Small grocery stores, a major lawnmower repair and sales business, day-care establishments, crafts store, storage business, more apartments, pizza parlor, real estate office, several office complexes and an interior design business.

Projects #6013 and #6030 in the RTP which call for development of a five-lane thoroughfare will have major negative impacts not only on the immediate adjacent businesses and their property and established homes but on the whole Metzger/ Tigard community that now interacts as a community via Hall Blvd.

Therefore, Citizen Participation Organization 4-M which is on record throughout the Washington Square Regional Planning of the Task Force developed by the City of Tigard supports expanding Hall Blvd. to an over-all three-lane with four-lane expansion at major intersections and bicycle and sidewalk accommodations on both sides of Hall.

As a former State Legislative chairperson of the Oregon House Transportation Committee and having worked as a volunteer citizen with various County and ODOT transportation projects, it is well acknowledged that no matter how many lanes are added to a boulevard, vehicles will come and there will be times of congestion. Of major importance is that transportational re-development be of compliment and benefit not only to a larger regional plan but also to the existing community that is part of the whole.

METRO Council  
Re: RTP/6030 & 6013

Pat Whiting, Chair  
CPO 4-M 6/20/2000

The current language that makes up projects #6013 and #6030 is not in keeping with provisions of the RTP mandate that addresses "protecting livable communities."

The Washington Square Regional Center Task Force just this last year on page 49 of the plan which was adopted by City Council in February, 2000, proposed and endorsed "a three-lane expansion" of Hall Blvd. Future acquiring right of way for a five-lane roadway in the future is noted.

The Task Force also identified Hall Blvd. as the 5th of five major road improvements for the Regional Center. In other words, it is the least of five in importance to regional accommodation given other existing major roadways.

In addition, on page 5-62 of the RTP the Hall Blvd designation as part of a "Tigard Town Center" is not totally accurate. Hall Blvd. from S.W. Greenburg Road to Phaffle in Tigard is adjacent to and part of the Washington Square Regional Center plan. This has been very confusing to the public. Local communities see the heading of the Tigard Town Center which they do not recognize because we have been involved with a "Regional Center" study. And, local communities know that the regional center plan calls for a three lane at this time.

A Town Center designation in this area would be in keeping with the existing community of Metzger/Tigard. However, that is not the case. The Regional Center earmarked in the midst of an existing residential, small business, wetland, floodplain and school community and existing Washington Square Shopping Center and the Lincoln Center is not identified as a Town Center.

In conclusion, there is strong support for upgrading Hall Blvd. to a three-lane with bicycle paths and sidewalks on both sides of the roadway with possible fourth lane consideration at major intersections. This will accommodate local and regional design traffic, maintain a commitment to accommodate bicyclists, children and adults who walk to school, the park, small businesses, grocery stores and small eateries. And, it will be in keeping with a quality of life commitment to the existing neighborhoods, have less clean air impacts by vehicular exhaust, prevent the loss of many small businesses that are an integral part of the community and retain existing affordable multi-family resident apartments at the edge of Hall Blvd. Ash Creek would be less impacted by a three lane expansion. Therefore, we ask that you change the regional projects 6013 & 6030 to a three-lane design.

Respectfully submitted,

  
PAT WHITING, Chair



# WESTSIDE BUSINESS COALITION ON TRANSPORTATION

June 29, 2000

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**COALITION MEMBERS**

- Baker Rock
- Community Newspapers
- Lawrence R. Derr, Attorney at Law
- Fisher Farms
- Fred Meyer
- Hillsboro Chamber of Commerce
- Home Builders Association  
of  
Metropolitan Portland
- Intel
- Gary Katsion
- Steve Larrance
- Nike
- Portland General Electric
- Ted Spence
- Tektronix
- Westside Economic Alliance
- Members of  
Rural Roads Operations  
Maintenance  
Advisory Committee
- Members of  
Washington County  
Planning Commission
- Members of  
Washington County  
Board of County Commissioners

Some weeks ago a number of the region's business leaders requested that Tom Brian, Chairman of the Washington County Board of Commissioners, host a meeting to discuss the state of the region's transportation strategies. These leaders were concerned that the resounding defeat of Measure 82 (the legislature's gas tax proposal) further widened the immense chasm between the region's land use and transportation planning goals and a base ability to fund improvements required to implement those goals. In response to the request, members of the County Commission created an ad hoc committee of diverse business interests to advance discussion of the acute transportation situation.

The group, called the *Westside Business Coalition on Transportation*, has held three morning meetings to date. Already, a clear consensus has developed around some fundamentals.

The committee generally supports the broad aspirations in the 2040 Framework Plan, but is extremely concerned about the details and implications of implementation. As the urban growth boundary is a necessary element of Oregon's growth management strategy, they accept the need for greater density within existing communities, as well as in expansion areas. At the same time they see unacceptable levels of traffic congestion increasing, unimpeded, under the current planning approach. They do not see a strong link between planning for development and the provision of transportation infrastructure to serve it.

An efficient and a complete system of roads is critically necessary to our business needs, the functioning of a public transit system, and the general mobility needs of the public. The proposal to reduce the mobility standard to achieve an "adequate" system, in some cases to service level F in the peak hour, is not an acceptable methodology. If gridlock is to be the standard, they fear for our ongoing ability to conduct business in the Portland metropolitan region. Not only will they not be able to move people and goods, but the degraded quality of life will impact their ability to recruit and retain the employees they need.

The coalition is committed to alternative modes of travel, and particularly public transit as a key element of meeting the transportation needs of the region. Indeed, many of the coalition members are in the forefront in innovating trip reduction strategies that reduce traffic

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congestion. However, they believe our existing public transit system is not meeting their current needs, and they do not see improvements in the future adequate to reverse the degradation in mobility.

Even with a reduced level of service, the needed transportation improvements will require an additional \$8 billion capital infusion. Given that we were unable to attain a minimum level of additional funding through the gas tax proposal, their collective concern about future traffic congestion has escalated to a very high level.

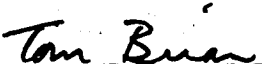
After considering the above, the **Westside Business Coalition on Transportation requests that Metro postpone the adoption of the Regional Transportation Plan for a minimum of six months.** During this period, they propose that Metro, in cooperation with its member jurisdictions, conduct the following efforts:

1. Develop a more thorough impact analysis of the Regional Transportation Plan on the region's economy that assesses the impact of congestion on commerce activities;
2. Evaluate the 2040 Growth Concept in light of the apparent inability to afford infrastructure that makes 2040 work;
3. Engage local jurisdictions, communities and businesses in additional discussion on the consequences of the RTP, including decisions regarding the plan's design, funding and implementation;
4. Postpone any consideration of requesting a regional gas tax/vehicle registration increase of region's voters during the six-month period.

The members of this coalition are committed to maintaining a high quality of life in the Portland area. They are, however, concerned that the region's planning efforts are progressing at a rate where the implications of those plans, and the ability to fund the required improvements, are not adequately linked.

The coalition is ready to work with Metro, local governments and others, in developing a transportation plan that is far reaching and workable. We look forward to discussing these issues with the leadership of Metro. We will be inviting you to meet with us in the near future.

Submitted at the request of the Westside Business Coalition on Transportation.

  
\_\_\_\_\_  
Tom Brian, Chairman  
Board of County Commissioners

  
\_\_\_\_\_  
Roy Rogers, Commissioner  
Washington County JPACT Rep



**WASHINGTON COUNTY**  
**OREGON**

June 29, 2000

Mr. David Bragdon  
Presiding Officer  
Metro Council  
600 NE Grand Avenue  
Portland, OR 97232

Dear David:

On behalf of the Board of County Commissioners I am requesting the Metro Council to delay adoption of the Regional Transportation Plan (RTP) for six months to allow an opportunity for additional citizen participation, in particular the Westside Business Coalition.

We appreciate that a considerable amount of resources have been invested in this process already. However, we believe the issues raised by the extraordinarily large number of Washington County's business community members and citizen leaders deserves additional time. This relatively short term delay will give all of us in the Region an opportunity to reexamine our work to make sure we clearly understand the implications of implementing the RTP as currently proposed.

If you have any questions concerning the County's request or need additional information, please contact me at 846-8681.

Sincerely,

Tom Brian  
Chairman

cc: Board of County Commissioners  
Cities of Washington County  
JPACT Members  
Westside Business Coalition on Transportation  
WCCC  
TPAC  
City of Beaverton CCI  
Washington County CCI's

062900c-12

**PRESIDENT**  
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COMMUNITY NEWSPAPERS

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KANDY YOUNG  
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**DIRECTORS:**  
**EX-OFFICIO**

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WASHINGTON COUNTY

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CITY OF BEAVERTON

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CITY OF HILLSBORO

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CITY OF TUALATIN

BETTY ATTERBERRY  
WESTSIDE ECONOMIC ALLIANCE

**SUSTAINING MEMBERS**

AMBERGLEN BUSINESS CENTER  
CORNELL OAKS CORPORATE  
CENTER

GTE NORTHWEST  
INSIGNIA/ESG

INTEL CORPORATION  
NIKE, INC.

PACTRUST  
PORTLAND GENERAL ELECTRIC  
PROVIDENCE HEALTH SYSTEM

PS BUSINESS PARK  
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STANCORP REAL ESTATE  
TEKTRONIX, INC.

TRAMMELL CROW RESIDENTIAL  
US WEST COMMUNICATION  
WASHINGTON SQUARE



*Serving the economic communities of the Sunset Corridor and the Tualatin Valley*

June 28, 2000

Mr. Andy Cotugno  
Transportation Director  
Metro  
600 NE Grand Avenue  
Portland, Oregon 97232

**RE: Westside Economic Alliance Comments on the Regional Transportation Plan**

The Westside Economic Alliance has had the opportunity to review and consider the Draft Regional Transportation Plan (RTP), December 16, 2000. We have discussed this document with our Transportation Committee and our Board. We recognize the importance of this document for future transportation policy and funding decisions. If the region is to achieve the growth concept presented in the 2040 Plan, transportation facilities must be provided to meet and keep pace with the mobility demands of residents and businesses. If we are unable to address our future transportation needs we believe that the region's ability to implement the goals of the 2040 Plan will be severely limited. The Alliance has consistently placed improving the transportation system as one of its highest priorities for our members. We have, and will continue to be, very active locally and regionally to find solutions and financing to meet our transportation needs.

Our comments on the RTP are focused on four fundamental issues:

- Financing
- System Performance
- Projects
- Public Education

**Financing**

Both the Preferred System and the Priority System are dramatically underfunded. This is obviously not a surprise, a 20-year plan will contain many more projects than current funding levels can support. However, we feel that more attention should be given in the RTP to funding alternatives and mechanisms. Chapter 4 of the RTP identifies a series of Potential New Revenue Sources, but makes no recommendations on which of these sources should be pursued by the region. Rather than leave future funding as an open question, the RTP should provide direction on a preferred approach to close the funding gap over the 20-year period.

10200 S.W. Nimbus Avenue, Suite C-3, Portland, Oregon 97224

Phone: 503.968.3100 • Fax: 503.624.0641 • E-mail: westside\_economic@msn.com

The funding shortfall is the most critical outstanding issue that the RTP does not address. Previous regional transportation plans, as well as local transportation plans, have clearly identified the funding gap with future project needs. The region has always been good at identifying future project needs and documenting funding shortfalls. Where the region usually comes up short is the identification and commitment to a funding strategy to meet the region's project needs. We recognize that developing a consensus funding strategy is a difficult task. However, without a funding strategy, or at least an adopted approach and commitment to develop a strategy, the RTP leaves the largest transportation issue facing the region unanswered.

The Alliance is also concerned that without a clearly articulated plan and commitment to secure funding for the transportation system that the region's ability to attain the goals of the 2040 Plan will be severely limited. Absent a plan or commitment for funding, we believe that the RTP should include a mechanism to annually monitor the progress made towards implementing and funding the elements of the Priority System Plan. This annual report should identify the consequences of not obtaining funding for the Strategic System Plan on the 2040 Plan.

### **System Performance**

Regional system performance measures have been reduced to allow a higher level of peak hour congestion to be considered as acceptable in the future. While this may be an unavoidable consequence of a variety of factors including the region's growth, increased densities and the lack of transportation funding, we believe that the public and local decision-makers need to recognize it will now be adopted regional policy to accept a higher level of congestion. Put another way, the region will now accept and plan for a lower standard for future transportation services in the region.

This is disturbing from our perspective because, as it has often been stated, our region's livability is one of the main attractions for retaining existing and attracting new business. Our fear is that, absent effective regional and local policy to aggressively find solutions (and funding) to our transportation problems, the region's quality of life will be severely compromised.

In our previous comments, we noted our concern about the performance of the transportation system during off-peak (or mid-day) hours. This concern remains. The RTP has evaluated the peak hour performance of the transportation system, but has not evaluated how the system performs during mid-day periods. We are concerned that commercial mobility during the mid-day periods will be threatened as peak periods are extended. Many businesses have adjusted to existing congestion during the peak hours by focusing deliveries, shipping and business activities during the mid-day period. An analysis of the transportation system's performance during the mid-day period should be conducted. This analysis may change either the priority or timing of certain improvements in order to maintain a high level of service during off-peak hours.

### Projects

The Alliance continues to support improvements to the US 26 and Highway 217 Corridors as our top priorities. The RTP includes a series of improvements in both corridors that have been identified in previous projects (Westside Light Rail Project) or studies (Western Bypass Study). The Western Bypass Study identified a number of highway and arterial improvements as system alternatives to the Western Bypass. Little progress has been made towards implementing these recommendations. Many of the project recommendations are contained in the RTP, however, no funding strategy or commitment is in place to actually implement the system improvements. This, again, highlights the need for the RTP to provide direction on a preferred approach to close the funding gap over the 20-year period.

### Public Education


The transportation implications of the 2040 Plan are now apparent and are articulated in the RTP. The Alliance is concerned that the broader public is unaware of the severity of the problem that now faces the region. We are attempting to inform our members of the implications of the RTP on their ability to conduct business. As you are certainly aware, this is a large task. We believe that more discussion needs to occur within the region to present the conclusions and consequences of the RTP.

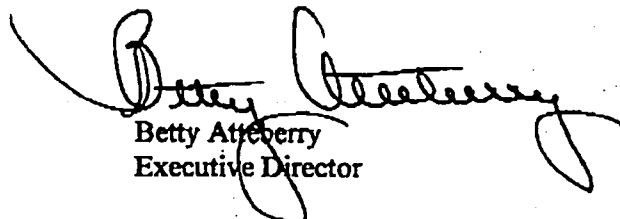
The Alliance has participated in the Westside Business Coalition on Transportation that has suggested delaying adoption of the RTP for a minimum of six months. We view this request as an opportunity for Metro to discuss with residents and businesses the implications of the RTP. We believe that a broader understanding and acceptance of the direction set in the RTP needs to be achieved in order to obtain support for future initiatives to implement transportation programs.

The RTP is complex and has serious consequences related to future growth of the region. The Alliance believes that the region would be well served by expanding the public's understanding of the regional transportation and land use planning program.

We appreciate your consideration of our comments and look forward to working with Metro through the adoption and implementation of the Regional Transportation Plan. If you have any questions regarding our comments, please contact Betty Atteberry at 968-3100.

Sincerely,

  
Frank Angelo  
Chair, Transportation Committee

  
Betty Atteberry  
Executive Director

062900c-13



## Willamette Pedestrian Coalition

P.O. Box 2252  
Portland, Oregon 97208-2252  
Telephone (503) 223-1597

Mike Burton, Executive Officer  
David Bragdon, Presiding Officer  
Council Members  
Metro  
600 NE Grand Ave., Portland, Oregon 97232

June 29, 2000

### Subject: Update of Regional Transportation Plan (RTP)

The Regional Bike and Pedestrian components of the RTP need to include the following trails:

Fanno Creek Greenway Trail, an 11-mile multi-use path for pedestrians and bicyclists connecting Willamette Park in Portland to the Tualatin River. Many parks and greenspaces would be interconnected by the trail. The 40-Mile Loop would be connected at Terwilliger Blvd. Major segments of this trail would include the old Red Electric Line rail corridor in Portland, and existing trails in Beaverton and Tigard adjacent to Fanno Creek.

N. Willamette River Greenway Trail 7 mile greenway and trail corridor along the east bank of the Willamette River from the St. Johns Bridge to the Steel Bridge. At the south end, the trail would connect to the Eastbank Esplanade Trail and the ped/bike way on the lower deck of the Steel Bridge. The latter two projects are now under construction and will be completed by the end of 2001.

I-84 Banfield Trail a five mile corridor from the Willamette River /Eastbank Esplanade Trail to the I-205 bike lanes. The trail would be on the north side of the freeway and adjacent to the MAX Line and Union Pacific Railroad tracks. A fence would separate the trail from the rail lines. This trail would connect thousands of northeast and southeast Portland residents and commuters. Many schools, main street business areas, industrial areas and work locations are adjacent to this trail. In addition, all the MAX lines and the future AirMax would be connected to the trail. The trail currently exists east of NE 122nd and continues to NE 181st. The eastern terminus of the Banfield trail would link up to the future Gresham to Fairview Trails. These corridors are critical to the completion of a truly regional bike and pedestrian system. They provide many opportunities for people to get out of their cars to reach parks, recreational facilities, schools, stores and other locations.

Thank you for your consideration.

Sincerely,

*Brian Newman* 3A  
Brian Newman, President



062900c-14

For the record 6/29/2000  
Don Baack 6495 SW Burlingame Place, Portland, OR 97201  
Phone 503-246 2088, Fax 503-244-2741

### Pedestrian Issues

The Regional Pedestrian System for SW Portland as portrayed on Figure 1.19 of the 12/16/99 edition of the Regional Transportation Plan is incomplete and not representative of the wishes of the residents of SW Portland. The system shows the transit corridors which has little to do with the pedestrian needs of this community.

The SWTrails Group, a committee of SW Neighborhoods Inc, and including representatives of the SW Hills Residential League are completing a 4 year effort designed to identify the major connections where people desire to walk. This effort has resulted in the identification of 7 Urban Trails linking downtown Portland with Lake Oswego, Metro Zoo with the area at 217 and I-5, The Willamette Greenway and River with Beaverton, Tigard, and Metzger. A copy of the routes is being sent under separate cover. I propose these 7 routes be added to the Regional Pedestrian System along with the Terwilliger pedestrian path.

Your addition of these 7 Urban Trails will represent a significant change in thinking for you to add these 7 routes to the regional pedestrian system. These Urban Trails represent the thinking of the community of the best places to walk to make connections throughout our community. SW Portland has many geographic and topographic impediments to direct pedestrian connections. This same topography focuses much of our traffic on a few very busy streets. These streets do not pass the "can I hear my radio headphones" test while walking on them. The transit streets are noisy, congested, feel dangerous, and are not pleasant places to walk. No one will walk there unless they live there or have no other choice. If we really want our citizens to increase their walking, we need to identify walkable routes, mark them and map them. Your adoption of these 7 trails will be a good first step in moving toward an alternative model for pedestrian facilities.

I see no reason why such a model could not be adopted throughout the region.

One final note, the cost of the Urban Trails is very low as existing street rights of way, parks and schools are the fabric of which they are connected. Few expensive improvements are needed other than two major pedestrian/bike overpasses over I-5, one in the North McAdam area, and the other SW of the Capitol Highway/Barbur/Taylor's Fy Rd/I-5 intersection.

### Bike issues in SW Portland

In contrast with the Regional Pedestrian System, the Regional Bicycle System proposals are more reasonable. The following changes in the regional system in SW Portland will improve the system by making it safer by moving bikes to little used local streets.

Streets to be added: SW Ralston from Barbur to Terwilliger to provide a safer connection between Capitol Highway and Barbur, and to allow safer passage to Barbur and Terwilliger to proceed westbound on Barbur.

SW LaView from Taylors Fy to Corbet, Corbet to Custer, Custer to 4th /5th under the northbound ramp to I-5 from Terwilliger Blvd. A portion of this connection will be constructed in the near fall 2000.

A new route from Hillsdale to Fairmont as an alternative to the route up Dosch Road, a very dangerous place to ride. From Hillsdale follow Cheltenham to Westwood Drive, Westwood Drive to Mitchell Street, Mitchell to Fairmont, Fairmont to Talbot, Talbot to Patton.

Add an additional route from Patton and Hewitt along Hewitt to Scholls/Skyline.

Don Baack

