

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) RESOLUTION NO. 08- 3901  
JOINT POLICY ADVISORY COMMITTEE ON )  
TRANSPORTATION BYLAWS ) Introduced by Councilor Rex Burkholder

WHEREAS, Title 23 of the Code of Federal Regulations, Part 450, and Title 45, Part 613, require establishment of a Metropolitan Planning Organization (MPO) in each urbanized area; and

WHEREAS, these federal regulations require that principal elected officials of general purpose local governments be represented on the MPO to the extent agreed to among the units of local government and the Governor of the state of Oregon ("Governor"); and

WHEREAS, the Governor, on November 6, 1979, designated Metro as the MPO for the Oregon portion of the Portland-Vancouver urbanized area; and

WHEREAS, the Governor of the State of Washington, on January 1, 1979, designated the Southwest Washington Regional Transportation Council as the MPO for the Washington portion of the Portland-Vancouver urbanized area; and

WHEREAS, ORS chapter 268 authorizes Metro to prepare and adopt a functional plan for transportation; and

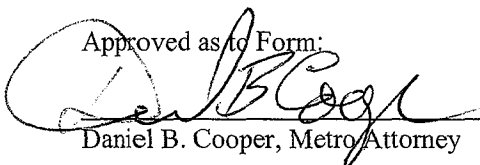
WHEREAS, the involvement of local elected officials and representatives from transportation operating agencies is essential for the successful execution of these responsibilities; and

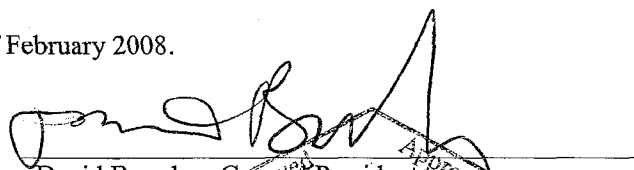
WHEREAS, the Federal Highway Commission and the Federal Transit Administration recommended a review and update to the bylaws of the Joint Policy Advisory Committee on Transportation (JPACT) for consistency with changes in population growth and distribution in the region; and

WHEREAS, JPACT prepared revisions and endorsed the revisions to its bylaws proposed by this resolution on February 14, 2008; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the amendments to the JPACT Bylaws as shown in Exhibit A, attached and incorporated into this resolution.

ADOPTED by the Metro Council this 28th day of February 2008.

Approved as to Form:  
  
Daniel B. Cooper, Metro Attorney

  
David Bragdon, Council President

Officially Approved / Approvato Ufficialmente  
Consiglio Metropolitan / Metro Council  
**METRO COUNCIL**

**JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION  
(JPACT)**

**BYLAWS**

**ARTICLE I**

This committee shall be known as the JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT).

**ARTICLE II  
MISSION**

It is the mission of JPACT to coordinate the development of plans defining required regional transportation improvements, to develop a consensus of governments on the prioritization of required improvements and to promote and facilitate the implementation of identified priorities.

**ARTICLE III  
PURPOSE**

Section 1. The purpose of JPACT is as follows:

a. To provide the forum of general purpose local governments and transportation agencies required for designation of ~~the Metropolitan Service District~~ as the metropolitan planning organization for the Oregon ~~urbanized~~ portion of the Portland metropolitan area, defined as the Metro jurisdictional boundary or the Metro urban growth boundary whichever is greater, and to provide a mechanism for coordination and consensus on regional transportation priorities and to advocate for their implementation.

b. To provide recommendations to the Metro Council under state land use requirements for the purpose of adopting and enforcing the Regional Transportation Plan.

c. To coordinate on transportation issues of bi-state significance with the Clark County, Washington metropolitan planning organization and elected officials.

~~d. (Pending establishment of an Urban Arterial Fund) To establish the program of projects for disbursement from the Urban Arterial Fund.~~

Section 2. In accordance with these purposes, the principal duties of JPACT are

as follows:

- a. To approve and submit to the Metro Council for adoption the Regional Transportation Plan (RTP) and periodic amendments.
- b. To approve and submit to the Metro Council for adoption short and long-range growth forecasts and periodic amendments upon which the RTP ~~and other Metro functional plans~~ will be based.
- c. To approve and submit to the Metro Council for adoption the Unified Planning Work Program (UPWP) and periodic amendments for the Oregon and Washington portions of the metropolitan area. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- d. To approve and submit to the Metro Council for adoption the Transportation Improvement Program (TIP) and periodic amendments. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- e. To approve and submit to the Metro Council for adoption the transportation portion of the State Implementation Plan for Air Quality Attainment for submission to the Oregon Department of Environmental Quality. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- f. To periodically adopt positions that represent the region's consensus on ~~con-~~ transportation policy matters, including adoption of regional priorities on federal funding, ~~the Surface Transportation Act~~ federal transportation reauthorizations and appropriations, the ~~Six-Year Highway~~ State Transportation Improvement Program priorities and regional priorities for Light Rail Transit (LRT) funding. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- g. To review and comment on the RTP and TIP for the Clark County portion of the metropolitan area and include in the RTP and TIP for the Oregon urbanized portion of the metropolitan area a description of issues of bi-state significance and how they are being addressed.
- h. To review and comment, as needed, on the regional components of local comprehensive plans, public facility plans and transportation plans and programs of ODOT, Tri-Met and the local jurisdictions.

**ARTICLE IV  
COMMITTEE MEMBERSHIP**

Section 1. Membership

- a. The Committee will be made up of representatives of the following voting jurisdictions and agencies:

	<u>Members</u>	<u>Votes</u>
Multnomah County.....	1	1
Washington County.....	1	1
Clackamas County.....	1	1
City of Portland.....	1	1
Cities of Multnomah County.....	1	1
Cities of Washington County.....	1	1
Cities of Clackamas County.....	1	1
Oregon Department of Transportation...	1	1
TriMet.....	1	1
Port of Portland.....	1	1
Department of Environmental Quality....	1	1
<del>Metropolitan Service District (Metro)....</del>	3	3
State of Washington.....	3	3
 TOTAL	 17	 17

- b. Alternates may be appointed to serve in the absence of the regular members.

c. Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland and the Counties of Multnomah, Washington and Clackamas will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction. The Clackamas County seat shall represent the regional transit service providers Sandy Area Metro (SAM), South Clackamas Transit District (SCTD) or City of Molalla, and Canby Area Transit (CAT) that provide services within the MPO boundary.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the ~~represented~~-cities represented by these positions of each county (except Portland) and will be appointed through the use

of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population if that city's population constitutes the majority of the population of all the cities represented for that county. The member and alternate will serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their area. [The Cities of Clackamas County seat represents the City of Wilsonville, which as the governing body represents South Metro Area Rapid Transit \(SMART\).](#)

c. Members and alternates from the two statewide agencies (Oregon Department of Environmental Quality and Oregon Department of Transportation) will be a principal staff representative of the agency and will be appointed by the director of the agency. The member and alternate will serve until removed by the appointing agency.

d. Members and alternates from the two tri-county agencies (TriMet and the Port of Portland) will be appointed by the chief board member of the agency. The member and alternate will serve until removed by the appointing agency. [As the regional transit representative, TriMet will periodically coordinate with the South Metro Area Rapid Transit \(SMART\).](#)

e. Members and alternates ~~from the Metropolitan Service District Council~~ will be elected officials and will be appointed ~~nominated~~ by the ~~Presiding Officer of the Metro Council~~ [President in consultation with the Metro Executive Officer and confirmed by the Metro Council](#) and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the [Metro Council President](#) ~~Presiding Officer of the Metro Council~~.

f. Members and alternates ~~from the State of Washington~~ will be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation, [the Southwest Washington Regional Transportation Council](#) and C-TRAN. The members will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN and will serve until removed by the nominating agency. The three Washington State members will be selected by the [Southwest Washington Regional Transportation Council](#) ~~IRC Transportation Policy Committee~~.

[h. Terms for all members and alternates listed above commence on January 1 of each year.](#)

## ARTICLE V MEETINGS, CONDUCT OF MEETINGS, QUORUM

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the

chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chairperson may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.

b. A majority of the voting members (or designated alternates) of the full Committee (9 of 17 members) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Each member shall be entitled to one (1) vote on all issues presented at regular and special meetings of the Committee. In the absence of the member, the alternate shall be entitled to ~~one (1)~~ vote. ~~The chairperson shall vote only in case of a tie.~~

g. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the chairperson to notify the appointing agency with a request for remedial action. In the case of the representative for the "cities" of Multnomah, Washington and Clackamas Counties, the chairperson will contact the largest city being represented to convene a forum of represented cities to take remedial action.

h. The Committee shall make its reports and findings public and available to the Metro Council.

i. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence and public information.

## **ARTICLE VI OFFICERS AND DUTIES**

a. The chairperson and vice-chairperson of the Committee shall be ~~designated nominated-appointed~~ by the Metro ~~Presiding Officer~~ Council President and confirmed by the Metro Council.

b. The chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

c. The chairperson shall vote only in the case of a tie.

ed. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

## **ARTICLE VII RECOGNITION OF TPAC**

a. The Committee will take into consideration the alternatives and recommendations of the Transportation Policy Alternatives Committee (TPAC) in the conduct of its business.

## **ARTICLE VIII AMENDMENTS**

a. These bylaws may be amended or repealed only by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend or repeal Bylaws.

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 08-3901, FOR THE PURPOSE OF AMENDING THE JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT) BYLAWS

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Date: February 14, 2008

Prepared by: Andrew C. Cotugno and  
Joshua Naramore

## BACKGROUND

As part of the 2004 Federal Triennial Certification Review, the Federal Highway Administration and Federal Transit Administration issued the following recommendations to review the bylaws and membership of JPACT to reflect the dramatic changes in the region's area and population since the inception of the committee:

- 1. Because of the recent inclusion of the City of Wilsonville and the emerging City of Damascus in the MPO boundary, the considerable growth of the MPO population in general and public comments indicating a perception that smaller jurisdictions may not be adequately represented in MPO matters, it is recommended that the MPO members review the existing policy board representation and voting structure and either reaffirm its adequacy or agree on appropriate modifications*
- 2. It is strongly recommended that other MPO members also evaluate the effectiveness of SMARTs input opportunities and consider appropriate alternatives.*

Federal law requires that MPO policy boards be comprised of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan area, and appropriate State officials<sup>1</sup>. In response to this recommendation, Metro agreed to initiate a review of JPACT membership and operating bylaws. Amending bylaws requires a two-thirds vote of the full JPACT and a majority vote of the Metro Council. Over the past few months, a review of JPACT membership and operating bylaws was undertaken. A special Membership Subcommittee was formed to begin exploring options and potential revisions to JPACT bylaws.

Two memos were presented to JPACT. The first explored population growth trends in the incorporated and unincorporated areas as well as the demographic changes in the cities and counties. The region's population has grown dramatically from 1980 – 2005 with more than 80 percent living within cities. The second memo identified regional transit service districts that provide service into or within the MPO boundary. Based on the information presented, the special JPACT Membership Subcommittee, recommended amendments to the JPACT Bylaws.

This Bylaw amendment proposes to clarify the role of TriMet as a regional transit representative and requiring periodic coordination with South Metro Area Rapid Transit (SMART). Additionally, language is proposed that clarifies that the "Cities of Clackamas County" member seat represents the City of Wilsonville, which is the governing body of SMART. Language is also proposed to be added that

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<sup>1</sup> "Metropolitan Planning." Title 49 U.S.Code, Sec. 5303. <<http://frwebgate4.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=61971321540+0+0+0&WAISaction=retrieve>>



clarifies the Clackamas County member seat and describes its representation of Canby Area Transit (CAT), South Clackamas Transit District (SCTD) or the City of Molalla, and Sandy Area Metro (SAM), as regional transit service providers that provide service within the MPO boundary.

In addition to the proposed amendment dealing with representation of transit districts, this amendment includes a number of housekeeping edits and corrections. The Subcommittee is continuing to consider possible amendments involving membership, particularly membership by cities.

#### **ANALYSIS/INFORMATION**

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Resolution No. 90-1189A (FOR THE PURPOSE OF ADOPTING THE JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT) BYLAWS), adopted on July 12, 1990.
3. **Anticipated Effects** The purpose of this proposed amendment is to clarify the representation of SMART and other regional transit service providers, as well as to update current language. The revisions will respond to the FHA and FTA request for review and possible changes to the bylaws.
4. **Budget Impacts** Adoption of this resolution has no anticipated impacts to the Metro budget.

#### **RECOMMENDED ACTION**

Staff recommends the adoption of Resolution No. 08-3901.