



METRO

Agenda

MEETING: METRO COUNCIL
DATE: March 20, 2008
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the March 13, 2008 Metro Council Regular Meeting.

3.2 **Resolution No. 08-3926**, For the Purpose of Confirming the Council President's Appointment of Keith Liden as a Citizen Representative to the Transportation Policy Alternatives Committee (TPAC) for 2008.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 08-1176**, Amending the FY 2007-08 Budget and Appropriations Schedule Providing for a Contribution to the Oregon Zoo Predators of the Serengeti Capital Construction Project, and Declaring an Emergency.

4.2 **Ordinance No. 08-1177**, Amending the FY 2007-08 Budget and Appropriations Schedule Transferring \$2,800,000 from Solid Waste Revenue Fund Contingency to the Operating Account to Provide for Additional Costs Incurred as a Result of Increased Tonnage, and Declaring an Emergency.

4.3 **Ordinance No. 08-1178**, Amending the FY 2007-08 Budget and Appropriations Schedule to Establish Appropriations for a New Human Resources Project, Increasing Public Affairs Appropriation, and Declaring an Emergency.

4.4 Removed from agenda

4.5 **Ordinance No. 08-1182**, Amending the FY 2007-08 Budget and Appropriations Schedule Adding 1.0 FTE Sr. Transportation Planner to Support the Regional Travel Options Strategic Plan, and Declaring an Emergency.

4.6 **Ordinance No. 08-1183**, For the Purpose of Amending Metro Code Title V, Solid Waste, to add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan.

4.7 **Ordinance No. 08-1184**, For the Purpose of Amending Metro Code section 2.02.120 (d) to Conform to State Law the Requirements for Filing of Financial Reports by Metro Elected Officials.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 08-1180**, For the Purpose of Amending Metro Code Chapter 2.18 (Campaign Finance Regulation) and Declaring an Emergency. Park

6. RESOLUTIONS

6.1 **Resolution No. 08-3916**, For the Purpose of Adopting the Policy Direction and Program Objectives of the 2009 Regional Flexible Funding Allocation Process and 2010-13 Metropolitan Transportation Improvement Program (MTIP). Burkholder

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for March 20, 2008 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.tvctv.org -- (503) 629-8534 2 p.m. Thursday, Mar. 20 (Live)</p>	<p>Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmv.org -- (503) 288-1515 8:30 p.m. Sunday, Mar. 23 2 p.m. Monday, Mar. 24</p>
<p>Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 2 p.m. Monday, Mar. 24</p>	<p>Washington County Channel 30 -- TVC-TV www.tvctv.org -- (503) 629-8534 11 p.m. Saturday, Mar. 22 11 p.m. Sunday, Mar. 23 6 a.m. Tuesday, Mar. 25 4 p.m. Wednesday, Mar. 26</p>
<p>Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 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 e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.metro-region.org and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 3.1

Consideration of Minutes of March 13, 2008 Metro Council
Regular Meeting

Consent Agenda

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

Resolution No. 08-3926, For the Purpose of Confirming the Council President's Appointment of Keith Liden as a Citizen Representative to the Transportation Policy Alternatives Committee (TPAC) for 2008.

Consent Agenda

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 08-3926
COUNCIL PRESIDENT’S APPOINTMENT OF)
KEITH LIDEN AS A CITIZEN) Introduced by Councilor Rex Burkholder
REPRESENTATIVE TO THE)
TRANSPORTATION POLICY ALTERNATIVES)
COMMITTEE (TPAC) FOR 2008)

WHEREAS, Metro Code Sections 2.19.030(b) and 2.19.180 and the Transportation Policy Alternatives Committee (TPAC) bylaws provides that the Metro Council President shall appoint all members of all advisory committees; and

WHEREAS, TPAC coordinates and guides the regional transportation planning program in accordance with the policy of the Metro Council; and

WHEREAS, TPAC has one seat for a citizen member currently vacant; and

WHEREAS, the Metro Council President has made the following appointment to fill the TPAC vacancy:

TPAC Name; New Appointment; and Terms:

Keith Liden, Land-use Planner, Parsons Brinkerhoff. (New appointment; appoint to complete existing Two-Year Term — January 2007 through December 2008)

BE IT RESOLVED that the Metro Council hereby confirms the Metro Council President’s appointment of the following citizen to serve as a TPAC member as noted below:

TPAC Name; New Appointment; and Terms:

Keith Liden, Land-use Planner, Parsons Brinkerhoff, Inc. (New appointment; appoint to complete existing Two-Year Term — January 2007 through December 2008)

ADOPTED by the Metro Council this _____ day of March 2008.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3926, FOR THE PURPOSE OF CONFIRMING THE COUNCIL PRESIDENT'S OF KEITH LIDEN AS A CITIZEN REPRESENTATIVE TO THE TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC) FOR 2008

Date: March 3, 2008

Prepared by: Pat Emmerson

BACKGROUND

The Transportation Policy Alternatives Committee (TPAC) provides technical advice to the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council regarding transportation planning and policy. TPAC has 21 members—15 technical staff from governments in the region and 6 interested community members. The community members represent various transportation interests and parts of the region.

Currently TPAC has a vacant community seat, the result of the Scott Bricker's resignation. Keith Liden, the current nominee, was interviewed as part of the public recruitment process conducted in Fall 2007. Mr. Liden was the top runner-up for nomination in the fall recruitment, and was recommended to fill this vacancy by the chair of TPAC.

EXISTING LAW

Metro Code Sections 2.19.030 (a) and (b) and 2.19.180 (b)(6) states that community representatives be nominated through a public application process, appointed by the Metro President and confirmed by the Metro Council.

ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** Metro Code Sections 2.19.030 (a) and (b) and 2.19.180 (b)(6); Metro TPAC Bylaws; Ordinance No. 00-860A (For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to the Advisory Committees), adopted November 9, 2000; and Resolution No. 04-3469A (For the Purpose of Approving Updated Bylaws for the Transportation Policy Alternatives Committee (TPAC) That Formalize New Technical Subcommittees), adopted August 19, 2004.
3. **Anticipated Effects:** Approval fills vacancy for a citizen member on TPAC.
4. **Budget Impacts:** none

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 08-3926.

Agenda Item 4.1

Ordinance No. 08-1176, Amending the FY 2007-08 Budget and Appropriations Schedule Providing for a Contribution to the Oregon Zoo Predators of the Serengti Capital Construction Project, and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND	)	ORDINANCE NO. 08-1176
APPROPRIATIONS SCHEDULE PROVIDING)	
FOR A CONTRIBUTION TO THE OREGON ZOO	)	Introduced by Michael Jordan, Chief
PREDATORS OF THE SERENGETI CAPITAL	)	Operating Officer, with the concurrence of
CONSTRUCTION PROJECT, AND DECLARING	)	Council President David Bragdon
AN EMERGENCY)	

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of providing for a contribution to the Oregon Zoo Predators of the Serengeti capital construction project in the Metro Capital Fund, Oregon Zoo Capital Projects Account.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 08-1176

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Oregon Zoo Department							
Total Personal Services		149.96	\$14,109,732	0.00	\$0	149.96	\$14,109,732
Materials & Services							
<i>GOODS</i>	<i>Goods</i>						
	5201 Office Supplies		114,240		0		114,240
	5205 Operating Supplies		1,266,594		0		1,266,594
	5210 Subscriptions and Dues		45,515		0		45,515
	5214 Fuels and Lubricants		65,000		0		65,000
	5215 Maintenance & Repairs Supplies		341,050		0		341,050
	5220 Food		1,102,160		0		1,102,160
<i>SVCS</i>	<i>Services</i>						
	5245 Marketing		5,000		0		5,000
	5240 Contracted Professional Svcs		1,027,994		0		1,027,994
	5251 Utility Services		2,227,230		0		2,227,230
	5255 Cleaning Services		37,600		0		37,600
	5260 Maintenance & Repair Services		151,625		0		151,625
	5265 Rentals		161,570		0		161,570
	5270 Insurance		0		0		0
	5280 Other Purchased Services		875,186		0		875,186
	5290 Operations Contracts		1,860,000		0		1,860,000
<i>CAPMNT</i>	<i>Capital Maintenance</i>						
	5262 Capital Maintenance - Non-CIP		333,300		0		333,300
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
	5300 Payments to Other Agencies		388,540		(333,000)		55,540
	5315 Grants to Other Governments		10,000		0		10,000
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5445 Grants		396,500		0		396,500
	5450 Travel		86,395		0		86,395
	5455 Staff Development		41,905		0		41,905
	5490 Miscellaneous Expenditures		35,680		0		35,680
Total Materials & Services			\$10,573,084		(\$333,000)		\$10,240,084
Total Capital Outlay			\$241,369		\$0		\$241,369
TOTAL REQUIREMENTS		149.96	\$24,924,185	0.00	(\$333,000)	149.96	\$24,591,185

**Exhibit A
Ordinance No. 08-1176**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
<i>Interfund Transfers</i>							
INDTEX	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to Risk Mgmt Fund-Liability		488,083		0		488,083
	* to Risk Mgmt Fund-Worker Comp		412,190		0		412,190
EQTCHG	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to General Revenue Bond Fund-Zoo		405,161		0		405,161
	* to Gen'l Revenue Bond Fund-Parking		287,746		0		287,746
	* to Gen'l Revenue Bond Fund-Reg Center		1,219,565		0		1,219,565
	* to MERC Capital Fund (Tourism Opp. & Compt. Accou		1,357,976		0		1,357,976
	* to Metro Capital Fund-General R&R		6,213,500		0		6,213,500
	* to Metro Capital Fund-IT Renewal & Replacement		240,000		0		240,000
	* to Metro Capital Fund-Regional Center R&R		253,000		0		253,000
	* to Metro Capital Fund-Zoo Projects		100,000		333,000		433,000
	* to Metro Capital Fund-Parks Cap (per ton on SW)		130,000		0		130,000
	* to Metro Capital Fund- Parks R&R (earned on SW reve		200,000		0		200,000
	* to Solid Waste Revenue Fund		13,000		0		13,000
Total Interfund Transfers			\$11,320,221		\$333,000		\$11,653,221
<i>Contingency & Unappropriated Balance</i>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,239,705		0		3,239,705
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,690,000		0		1,690,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		0		300,000
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
Total Contingency & Unappropriated Balance			\$15,601,708		\$0		\$15,601,708
TOTAL REQUIREMENTS		412.39	\$103,393,042	0.00	\$0	412.39	\$103,393,042

Exhibit A
Ordinance No. 08-1176

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Metro Capital Fund							
Metro Capital Fund - Oregon Zoo Capital Projects							
<i>Resources</i>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>						
3500	* Prior year ending balance		1,647,046		0		1,647,046
3500	* Prior year PERS Reserve		13,105		0		13,105
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		70,556		0		70,556
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		2,100,000		(333,000)		1,767,000
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund		100,000		333,000		433,000
TOTAL RESOURCES			\$3,930,707		\$0		\$3,930,707

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1176, AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE PROVIDING FOR A CONTRIBUTION TO THE OREGON ZOO PREDATORS OF THE SERENGETI CAPITAL CONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY

Date: February 5, 2008

Prepared by: Craig M. Stroud

BACKGROUND

Predators of the Serengeti is a major capital construction project at the Oregon Zoo. The zoo is remodeling and expanding an existing exhibit to create a naturalistic exhibit for African lions, cheetahs, wild dogs, and other predators. Based on the theme "It's Hard to Be a Hunter," the interpretive elements make learning an integral part of the Zoo experience, enlightening visitors about why African predators are key to the entire Serengeti system ...and the wider world. *Predators of the Serengeti* has a two-year construction schedule and will open to the public by June 2009.

The Oregon Zoo Foundation is spearheading a \$5 million campaign to fund the exhibit. Of this, \$4 million is a capital campaign to finance exhibit construction. The remaining \$1 million will fund a permanent operating reserve to help pay exhibit operating costs.

Through December 2007, the foundation raised more than \$3.6 million towards the capital campaign and more than \$230,000 for the operating reserve. The foundation expects to raise the remaining funds of approximately \$1.1 million by June, 2009.

On September 27, 2007, the Metro Council adopted ordinance 07-1160B to the FY 2007-08 budget providing for a \$333,000 contribution to the Oregon Zoo Foundation for the *Predators of the Serengeti* operating reserve. In the time since, Metro management has concluded that in order to maintain accountability and transparency with public dollars it is more appropriate for Metro to contribute directly to the zoo capital account for exhibit capital construction costs.

This amendment redirects the \$333,000 provided in Ordinance 07-1160B from a contribution to the Oregon Zoo Foundation for an operating reserve to a direct contribution to the zoo capital account. The foundation still pledges to raise \$1 million for the operating reserve.

While the total dollar amount of the capital project has not been amended and no additional resources are necessary for the project, the Capital Improvement Plan has been amended to reflect this change in funding source.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. In addition, interfund transfers of resources may be made from the General Fund to any other fund during the year if such transfers are authorized by official resolution or ordinance of the government body.
3. **Anticipated Effects:** This action will transfer \$333,000 from the General Fund to the Zoo Capital Account, Predators of the Serengeti project in lieu of making a contribution to the Oregon Zoo Foundation for an operating reserve for the exhibit. Donations from the Oregon Zoo Foundation will be reduced by the same amount recognizing the commitment by the Foundation to raise the full \$1 million operating reserve.
4. **Budget Impacts:** This action reduces expenditures in the General Fund, Oregon Zoo Operating Department by \$333,000 and increases transfers to the Metro Capital Fund, Oregon Zoo Capital Account by the same amount.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 4.2

Ordinance No. 08-1177, Amending the FY 2007-08 Budget and Appropriations Schedule Transferring \$2,800,000 from Solid Waste Revenue Fund Contingency to the Operating Account to Provide for Additional Costs Incurred as a Result of Increased Tonnage, and Declaring an Emergency

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND	)	ORDINANCE NO. 08-1177
APPROPRIATIONS SCHEDULE)	
TRANSFERRING \$2,800,000 FROM THE SOLID	)	Introduced by Michael Jordan, Chief
WASTE REVENUE FUND CONTINGENCY TO	)	Operating Officer, with the concurrence of
THE OPERATING ACCOUNT TO PROVIDE FOR	)	Council President David Bragdon
ADDITIONAL COSTS INCURRED AS A RESULT)	
OF INCREASED TONNAGE, AND DECLARING)	
AN EMERGENCY)	

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$2.8 million from the solid waste revenue fund contingency to the operating account to provide for additional costs resulting from increased tonnage.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 08-1177

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Solid Waste Revenue Fund							
Operating Account							
Total Personal Services		106.75	\$9,649,698	0.00	\$0	106.75	\$9,649,698
<i>Materials & Services</i>							
<i>GOODS Goods</i>							
5201	Office Supplies		153,158		0		153,158
5205	Operating Supplies		737,317		0		737,317
5210	Subscriptions and Dues		45,491		0		45,491
5214	Fuels and Lubricants		2,643,879		461,000		3,104,879
5215	Maintenance & Repairs Supplies		182,710		0		182,710
<i>SVCS Services</i>							
5240	Contracted Professional Svcs		3,264,340		0		3,264,340
5246	Sponsorship Expenditures		92,500		0		92,500
5251	Utility Services		178,840		0		178,840
5260	Maintenance & Repair Services		228,487		0		228,487
5265	Rentals		181,984		0		181,984
5280	Other Purchased Services		579,834		0		579,834
5290	Operations Contracts		25,974,354		2,263,000		28,237,354
<i>IGEXP Intergov't Expenditures</i>							
5300	Payments to Other Agencies		554,621		63,000		617,621
5310	Taxes (Non-Payroll)		360		0		360
5315	Grants to Other Governments		1,744,474		0		1,744,474
<i>OTHEXP Other Expenditures</i>							
5445	Grants & Loans		295,000		0		295,000
5450	Travel		70,489		0		70,489
5455	Staff Development		86,320		0		86,320
5480	Fee Reimburssments		600,000		0		600,000
Total Materials & Services			\$37,614,158		\$2,787,000		\$40,401,158
TOTAL REQUIREMENTS		106.75	\$47,263,856	0.00	\$2,787,000	106.75	\$50,050,856

Exhibit A
Ordinance No. 08-1177

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Solid Waste Revenue Fund							
Debt Service Account							
TOTAL REQUIREMENTS			\$1,335,513		\$0		\$1,335,513
Landfill Closure Account							
TOTAL REQUIREMENTS			\$838,000		\$0		\$838,000
Renewal & Replacement Account							
TOTAL REQUIREMENTS			\$1,562,900		\$0		\$1,562,900
General Account							
TOTAL REQUIREMENTS			\$495,000		\$0		\$495,000
General Expenses							
<i>Interfund Transfers</i>							
<i>INDTEX</i>	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to General Fund-Bldg		336,352		0		336,352
	* to General Fund-Support Services		2,965,128		0		2,965,128
	* to General Fund		142,939		0		142,939
	* to Risk Mgmt Fund-Liability		70,677		0		70,677
	* to Risk Mgmt Fund-Worker Comp		114,604		0		114,604
<i>INTCHG</i>	<i>Internal Service Transfers</i>						
5820	Transfer for Direct Costs						
	* to General Fund-Planning		375,085		0		375,085
	* to General Fund-Regional Parks		3,308		0		3,308
	* to General Fund-General Gov't		200,022		0		200,022
	* to General Fund-Support Services		136,231		0		136,231
<i>EQTCHG</i>	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to Rehab. & Enhancement Fund		424,566		13,000		437,566
Total Interfund Transfers			\$4,768,912		\$13,000		\$4,781,912
<i>Contingency and Ending Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Operating Account (Operating Contingency)		7,182,844		(2,800,000)		4,382,844
	* Landfill Closure Account		6,818,425		0		6,818,425
	* Renewal & Replacement Account		6,463,511		0		6,463,511
	* Current Year PERS Reserve		774,832		0		774,832
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Debt Service Account (Metro Central)		1,281,031		0		1,281,031
	* General Account (Working Capital)		5,759,668		0		5,759,668
	* General Account (Rate Stabilization)		2,000,000		0		2,000,000
	* General Account (Capital Reserve)		3,985,000		0		3,985,000
	* General Account (Debt Service Accumulation)		3,406,905		0		3,406,905
	* Prior year PERS Reserve		774,831		0		774,831
Total Contingency and Ending Balance			\$38,447,047		(\$2,800,000)		\$35,647,047
TOTAL REQUIREMENTS		106.75	\$94,711,228	0.00	\$0	106.75	\$94,711,228

Exhibit A
Ordinance No. 08-1177

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Rehabilitation & Enhancement Fund							
<i>Resources</i>							
NORTH PORTLAND ENHANCEMENT ACCOUNT							
BEGBAL	Beginning Fund Balance						
	* Prior year ending balance		1,710,320		0		1,710,320
INTRST	Interest Earnings						
4700	Interest on Investments		72,689		0		72,689
METRO CENTRAL ENHANCEMENT ACCOUNT							
BEGBAL	Beginning Fund Balance						
	* Prior year ending balance		241,665		0		241,665
INTRST	Interest Earnings						
4700	Interest on Investments		10,271		0		10,271
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from SW Revenue Fund		151,055		13,000		164,055
FOREST GROVE ACCOUNT							
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from SW Revenue Fund		111,738		0		111,738
OREGON CITY ACCOUNT							
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from SW Revenue Fund		161,773		0		161,773
TOTAL RESOURCES			\$2,459,511		\$13,000		\$2,472,511
Total Materials & Services			\$505,368		\$0		\$505,368
Total Interfund Transfers			\$29,395		\$0		\$29,395
<i>Contingency and Ending Balance</i>							
CONT	Contingency						
5999	Contingency						
	* North Portland		200,000		0		200,000
	* Metro South		25,000		0		25,000
	* Metro Central		50,000		0		50,000
	* Forest Grove		25,000		0		25,000
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* North Portland		1,514,269		0		1,514,269
	* Metro Central		110,479		13,000		123,479
Total Contingency and Ending Balance			\$1,924,748		\$13,000		\$1,937,748
TOTAL REQUIREMENTS			\$2,459,511		\$13,000		\$2,472,511

Exhibit B
Ordinance 08-1177
Schedule of Appropriations

	Current Appropriation	Revision	Revised Appropriation
REHABILITATION & ENHANCEMENT FUND			
Materials & Services	505,368	0	505,368
Interfund Transfers	29,395	0	29,395
Contingency	300,000	0	300,000
Unappropriated Balance	1,624,748	13,000	1,637,748
Total Fund Requirements	\$2,459,511	\$13,000	\$2,472,511
SOLID WASTE REVENUE FUND			
Operating Account			
Solid Waste & Recycling Department	47,263,856	2,787,000	50,050,856
Subtotal	47,263,856	2,787,000	50,050,856
Debt Service Account			
Debt Service	1,335,513	0	1,335,513
Subtotal	1,335,513	0	1,335,513
Landfill Closure Account			
Solid Waste & Recycling Department	838,000	0	838,000
Subtotal	838,000	0	838,000
Renewal and Replacement Account			
Solid Waste & Recycling Department	1,562,900	0	1,562,900
Subtotal	1,562,900	0	1,562,900
General Account			
Solid Waste & Recycling Department	495,000	0	495,000
Subtotal	495,000	0	495,000
General Expenses			
Interfund Transfers	4,768,912	13,000	4,781,912
Contingency	21,239,612	(2,800,000)	18,439,612
Subtotal	26,008,524	(2,787,000)	23,221,524
Unappropriated Balance	17,207,435	0	17,207,435
Total Fund Requirements	\$94,711,228	\$0	\$94,711,228

All other appropriations remain as previously adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1177, FOR THE PURPOSE OF AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE TRANSFERRING \$2,800,000 FROM THE SOLID WASTE REVENUE FUND CONTINGENCY TO THE OPERATING ACCOUNT TO PROVIDE FOR ADDITIONAL COSTS INCURRED AS A RESULT OF INCREASED TONNAGE, AND DECLARING AN EMERGENCY

Date: March 21, 2008

Prepared by: Douglas Anderson

BACKGROUND

This year's budget for the Disposal Services Program was based on the assumption that Columbia Environmental, a local transfer station franchised by Metro Council in 2005, would be operational and would divert approximately 40,000 tons of solid waste from Metro-owned transfer stations during the FY 2007-08. In fact, Columbia Environmental is not yet open, and the tonnage continues to flow to Metro.

As a result, Metro has incurred additional costs to manage, transport and dispose of the additional waste. This budget amendment transfers current appropriation authority from the Solid Waste Fund contingency account to the operating account in order to cover \$2,800,000 in additional costs. There are no further financial implications of this budget amendment, as the revenue to pay for these costs has (or will) be collected from current user charges (tip and transaction fees) on the additional waste that arrives at the transfer stations.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action allows the department to pay for transferring, transporting and disposing of additional solid waste received at Metro-owned transfer stations.
- 4. Budget Impacts:** This action does not increase total appropriations for the FY 2007-08 budget in the Solid Waste & Recycling Fund. This amendment authorizes the transfer of \$2,800,000 in current appropriation authority from the Operating Contingency to the Operating Account, Materials and Services category, as described in Exhibit B: Schedule of Appropriations.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 08-1177.

Agenda Item Number 4.3

Ordinance No. 08-1178, Amending the FY 2007-08 Budget and Appropriations Schedule to Establish Appropriation for a New Human Resources Project, Increasing Public Affairs Appropriation, and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND	)	ORDINANCE NO. 08-1178
APPROPRIATIONS SCHEDULE TO ESTABLISH)	
APPROPRIATION FOR A NEW HUMAN	)	Introduced by Michael Jordan, Chief
RESOURCES PROJECT, INCREASING THE	)	Operating Officer, with the concurrence of
PUBLIC AFFAIRS APPROPRIATION, AND	)	Council President David Bragdon
DECLARING AN EMERGENCY)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of amending the General Fund.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 08-1178

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Human Resources							
Total Personal Services		15.00	\$1,299,793	0.00	\$0	15.00	\$1,299,793
<i>Materials & Services</i>							
<i>GOODS</i>	<i>Goods</i>						
	5201 Office Supplies		24,924		0		24,924
	5205 Operating Supplies		8,720		0		8,720
	5210 Subscriptions and Dues		5,020		0		5,020
	5215 Maintenance & Repairs Supplies		630		0		630
<i>SVCS</i>	<i>Services</i>						
	5240 Contracted Professional Svcs		104,582		30,000		134,582
	5260 Maintenance & Repair Services		4,480		0		4,480
	5280 Other Purchased Services		49,300		0		49,300
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5440 Program Purchases		75,000		0		75,000
	5450 Travel		7,141		0		7,141
	5455 Staff Development		27,414		0		27,414
Total Materials & Services			\$307,211		\$30,000		\$337,211
TOTAL REQUIREMENTS		15.00	\$1,607,004	0.00	\$30,000	15.00	\$1,637,004

Exhibit A
Ordinance No. 08-1178

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Public Affairs Department							
Total Personal Services		16.84	\$1,642,982	0.00	\$0	16.84	\$1,642,982
<i>Materials & Services</i>							
<i>GOODS</i>	<i>Goods</i>						
	5201 Office Supplies		23,482		0		23,482
	5205 Operating Supplies		4,169		0		4,169
	5210 Subscriptions and Dues		2,240		0		2,240
<i>SVCS</i>	<i>Services</i>						
	5240 Contracted Professional Svcs		156,993		22,370		179,363
	5251 Utility Services		2,706		0		2,706
	5260 Maintenance & Repair Services		4,872		0		4,872
	5280 Other Purchased Services		30,820		0		30,820
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5450 Travel		11,774		0		11,774
	5455 Staff Development		5,844		0		5,844
	5490 Miscellaneous Expenditures		6,708		0		6,708
Total Materials & Services			\$249,608		\$22,370		\$271,978
TOTAL REQUIREMENTS		16.84	\$1,892,590	0.00	\$22,370	16.84	\$1,914,960

Exhibit A
Ordinance No. 08-1178

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$11,320,221		\$0		\$11,320,221
<i>Contingency & Unappropriated Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,239,705		(52,370)		3,187,335
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,445,000		0		1,445,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		0		300,000
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
Total Contingency & Unappropriated Balance			\$15,356,708		(\$52,370)		\$15,304,338
TOTAL REQUIREMENTS		413.65	\$103,443,042	0.00	\$0	413.65	\$103,443,042

Exhibit B
Ordinance 08-1178
Schedule of Appropriations

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Revised Appropriation</u>
GENERAL FUND			
Council Office	1,921,351	0	1,921,351
Finance & Administrative Services	8,236,508	0	8,236,508
Human Resources	1,607,004	30,000	1,637,004
Metro Auditor	527,283	0	527,283
Office of Metro Attorney	1,866,238	0	1,866,238
Oregon Zoo	24,924,185	0	24,924,185
Planning	21,874,329	0	21,874,329
Public Affairs & Government Relations	1,892,590	22,370	1,914,960
Regional Parks & Greenspaces	6,850,082	0	6,850,082
Special Appropriations	5,189,882	0	5,189,882
Non-Departmental			
Debt Service	1,876,661	0	1,876,661
Interfund Transfers	11,320,221	0	11,320,221
Contingency	7,457,486	(52,370)	7,405,116
Unappropriated Balance	7,899,222	0	7,899,222
Total Fund Requirements	\$103,443,042	\$0	\$103,443,042

All other appropriations remain as previously adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1178, AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE TO ESTABLISH APPROPRIATION FOR A NEW HUMAN RESOURCES PROJECT, INCREASING PUBLIC AFFAIRS' APPROPRIATION, AND DECLARING AN EMERGENCY

Date: February 22, 2008

Prepared by: Karol Ford, Ann Wawrukiewicz

BACKGROUND

This action requests amended appropriation authority for the following purposes:

Human Resources Employee Survey

In support of Council's Critical Success Factor of "Metro's workforce is exceptionally competent, productive and motivated," Human Resources will conduct an employee engagement survey, inviting employees to provide feedback and input on subjects such as job satisfaction, recognition and retention strategies, and internal communication. The COO will periodically survey employees using the same instrument to evaluate success or failure of the program initiated after the first survey. Funding is requested in 2007-08 in order to allow the survey to be completed before the fall 2008 retirement of Metro's Human Resources Director.

The program development consists of a one-time contract cost of \$30,000, including design and implementation of an employee engagement survey, analysis of the results, and recommendation for organizational development.

\$30,000

Public Affairs Web Redesign

In 2006-07, \$100,000 was included in the Public Affairs budget for a contract to redesign Metro's website. Expenditures of \$60,000 were incurred in 2006-07, and the remaining \$40,000 was carried over into 2007-08. It was subsequently discovered that an invoice in the amount of \$22,370, representing a portion of the \$60,000 of work completed in 2006-07 was not actually paid until August 2007. While the total cost of the website design still equals the budgeted amount of \$100,000, the change in timing of the expenditures requires a \$22,370 one-time increase in Public Affairs' 2007-08 appropriation.

\$22,370

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action provides appropriation authority necessary for Metro's Central Service departments to meet organizational requirements.

4. Budget Impacts: This action will transfer \$52,370 from contingency in the Metro General Fund to meet one-time needs.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Ordinance No. 08-1179, Amending the FY 2007-08 Budget and Appropriations Schedule Appropriating Funds Currently in Contingency for Metro Regional Center Building Upgrades, Amending the FY 2007-08 through FY 2011-12 Capital Improvement Plan, and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND	)	ORDINANCE NO. 08-1179
APPROPRIATIONS SCHEDULE)	
APPROPRIATING FUNDS CURRENTLY IN	)	Introduced by Michael Jordan, Chief
CONTINGENCY FOR METRO REGIONAL	)	Operating Officer, with the concurrence of
CENTER BUILDING UPGRADES, AMENDING	)	Council President David Bragdon
THE FY 2007-08 THROUGH FY 2011-12)	
CAPITAL IMPROVEMENT PLAN, AND)	
DECLARING AN EMERGENCY)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2007-08 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of releasing reserved contingency funds in the General Fund to provide for the third floor Metro Regional Center remodel.
2. That the FY 2007-08 through FY 2011-12 Capital Improvement Plan is hereby amended to include the projects shown in Exhibit C to this Ordinance.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 08-1179

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
<i>Interfund Transfers</i>							
<i>INDTEX</i>	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to Risk Mgmt Fund-Liability		488,083		0		488,083
	* to Risk Mgmt Fund-Worker Comp		412,190		0		412,190
<i>EQTCHG</i>	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to General Revenue Bond Fund-Zoo		405,161		0		405,161
	* to Gen'l Revenue Bond Fund-Parking		287,746		0		287,746
	* to Gen'l Revenue Bond Fund-Reg Center		1,219,565		0		1,219,565
	* to MERC Capital Fund (Tourism Opp. & Compt. Accou		1,357,976		0		1,357,976
	* to Metro Capital Fund-General R&R		6,213,500		0		6,213,500
	* to Metro Capital Fund-IT Renewal & Replacement		240,000		0		240,000
	* to Metro Capital Fund- MRC Capital		0		420,000		420,000
	* to Metro Capital Fund-Regional Center R&R		253,000		(120,000)		133,000
	* to Metro Capital Fund-Zoo Projects		100,000		0		100,000
	* to Metro Capital Fund-Parks Cap (per ton on SW)		130,000		0		130,000
	* to Metro Capital Fund- Parks R&R (earned on SW reve		200,000		0		200,000
	* to Solid Waste Revenue Fund		13,000		0		13,000
Total Interfund Transfers			\$11,320,221		\$300,000		\$11,620,221
<i>Contingency & Unappropriated Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,187,335		0		3,187,335
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,445,000		0		1,445,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		(300,000)		0
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
Total Contingency & Unappropriated Balance			\$15,304,338		(\$300,000)		\$15,004,338
TOTAL REQUIREMENTS		413.65	\$103,443,042	0.00	\$0	413.65	\$103,443,042

Exhibit A
Ordinance No. 08-1179

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
Metro Capital Fund							
Metro Capital Fund - Consolidated Renewal & Replacement Account							
<u>Resources</u>							
BEGBAL	Beginning Fund Balance						
3500	* Prior year ending balance		1,782,157		0		1,782,157
INTRST	Interest Earnings						
4700	Interest on Investments		107,289		0		107,289
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from General Fund (1% on SW revenues)		200,000		0		200,000
	* from General Fund-IT R&R		240,000		0		240,000
	* from General Fund-MRC R&R		253,000		(120,000)		133,000
	* from General Fund-Gen'l R&R		6,213,500		0		6,213,500
	* from General Revenue Bond Fund-MRC R&R		8,000		0		8,000
TOTAL RESOURCES			\$8,870,710		(\$120,000)		\$8,750,710
Total Materials & Services			\$422,375		\$0		\$422,375
<u>Capital Outlay</u>							
CAPNON	Capital Outlay (non-CIP Projects)						
5710	Improve-Oth thn Bldg (non-CIP)		192,000		0		192,000
5730	Exhibits and Related (non-CIP)		115,000		0		115,000
CAPCIP	Capital Outlay (CIP Projects)						
5725	Buildings & Related (CIP)		697,000		(120,000)		577,000
5745	Equipment & Vehicles (CIP)		100,959		0		100,959
5755	Office Furniture & Equip (CIP)		483,000		0		483,000
Total Capital Outlay			\$1,587,959		(\$120,000)		\$1,467,959
TOTAL REQUIREMENTS			\$2,010,334		(\$120,000)		\$1,890,334
<u>Contingency & Unappropriated Balance</u>							
CONT	Contingency						
5999	Contingency						
	* General contingency		796,566		0		796,566
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* Renewal & Replacement - Gen'l		5,700,000		0		5,700,000
	* Parks Renewal & Replacement		363,810		0		363,810
Total Contingency & Unappropriated Balance			\$6,860,376		\$0		\$6,860,376
TOTAL REQUIREMENTS		0.00	\$8,870,710	-	(\$120,000)	0.00	\$8,750,710

**Exhibit A
Ordinance No. 08-1179**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Metro Capital Fund							
Metro Capital Fund - Finance & Administrative Services							
<i>Resources</i>							
EQTREV	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund - MRC Capital						
		0		420,000		420,000	
TOTAL RESOURCES			\$0		\$420,000		\$420,000
<i>Capital Outlay</i>							
CAPCIP	<i>Capital Outlay (CIP Projects)</i>						
5725	Buildings & Related (CIP)						
		0		420,000		420,000	
Total Capital Outlay			\$0		\$420,000		\$420,000
TOTAL REQUIREMENTS		-	\$0	-	\$420,000	-	\$420,000

Exhibit B
Ordinance 08-1179
Schedule of Appropriations

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Revised Appropriation</u>
GENERAL FUND			
Council Office	1,921,351	0	1,921,351
Finance & Administrative Services	8,236,508	0	8,236,508
Human Resources	1,637,004	0	1,637,004
Metro Auditor	527,283	0	527,283
Office of Metro Attorney	1,866,238	0	1,866,238
Oregon Zoo	24,924,185	0	24,924,185
Planning	21,874,329	0	21,874,329
Public Affairs & Government Relations	1,914,960	0	1,914,960
Regional Parks & Greenspaces	6,850,082	0	6,850,082
Special Appropriations	5,189,882	0	5,189,882
Non-Departmental			
Debt Service	1,876,661	0	1,876,661
Interfund Transfers	11,320,221	300,000	11,620,221
Contingency	7,405,116	(300,000)	7,105,116
Unappropriated Balance	7,899,222	0	7,899,222
Total Fund Requirements	\$103,443,042	\$0	\$103,443,042
METRO CAPITAL FUND			
Finance & Administrative Services	0	420,000	420,000
Oregon Zoo	4,489,572	0	4,489,572
Regional Parks	2,152,124	0	2,152,124
Special Appropriation	2,010,334	(120,000)	1,890,334
Non-Departmental			
Interfund Transfers	29,750	0	29,750
Contingency	2,492,529	0	2,492,529
Unappropriated Balance	6,992,757	0	6,992,757
Total Fund Requirements	\$18,167,066	\$300,000	\$18,467,066

All other appropriations remain as previously adopted

Note: Current appropriation column assumes adoption of ordinance 08-1178

EXHIBIT C
Ordinance 08-1179

Capital Project Request - Project Detail

Project Title: Council/COO Building Space Remodel **Fund:** Building Management Fund

Project Status: Incomplete **Funding Status:** Funded **FY First Authorized:** 2007-08 **Department:** Finance

Project Number: 01510 **Active:** **Dept. Priority:** 4 **Facility:** **Division:**

Source Of Estimate: Preliminary **Source:** **Start Date:** 7/07 **Date:** 12/5/2006 **Cost Type:** Facilities

Type of Project: New **Request Type:** Initial **Completion Date:** 6/08 **Prepared By:** Brian Phillips

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2007-2008	Years	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Total
Construction	\$4,664	\$390,000	\$394,664	\$0	\$0	\$0	\$0	\$0	\$394,664
Equipment/Furnishings	\$0	\$30,000	\$30,000	\$0	\$0	\$0	\$0	\$0	\$30,000
Total:	\$4,664	\$420,000	\$424,664	\$0	\$0	\$0	\$0	\$0	\$424,664

Funding Source:									
Fund Balance	\$4,664	\$420,000	\$424,664	\$0	\$0	\$0	\$0	\$0	\$424,664
Total:	\$4,664	\$420,000	\$424,664	\$0	\$0	\$0	\$0	\$0	\$424,664

Annual Operating Budget Impact:

Project Description / Justification: **Estimated Useful Life (yrs):** 15 **First Full Fiscal Year of Operation:** 2008-09

This project will remodel the third floor of Metro Regional Center as well as making other required or needed upgrades to the building such as the creation of a room for nursing mothers as required by new Oregon law.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1179 FOR THE PURPOSE OF AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE APPROPRIATING FUNDS CURRENTLY IN CONTINGENCY FOR METRO REGIONAL CENTER BUILDING UPGRADES, AMENDING THE FY 2007-08 THROUGH FY 2011-12 CAPITAL IMPROVEMENT PLAN, AND DECLARING AN EMERGENCY

Date: February 25, 2008

Prepared by: Reed Wagner

BACKGROUND

In fall 2007, the Metro Council allocated resources from undesignated reserves to specific projects Ordinance 01-1160B placed \$300,000 into the General Fund contingency, a reduction from an original \$600,000, for remodeling the third floor of the MRC and making other upgrades for the Metro Regional Center. This is in addition to the \$120,000 already appropriated in the FY2007-08 budget for MRC third floor conference room remodeling. Metro COO staff has worked with department representatives, building maintenance staff and design specialists to identify opportunities for accommodating growth, developing collaborative work-spaces, enhancing meeting space and creating sustainable options for long-term building-maintenance practices and policies.

The result of this work is a proposal that includes (in order of priority):

- Creating a room for nursing mothers (complying with the new Oregon law (HB 2372, effective January 1, 2008).
- Developing a large executive meeting room on the third floor, located between the Council Office and the Public Affairs department.
- Merging the footprint of the prior Auditor's area on the third floor with the Public Affairs footprint to:
 - Create appropriate workspace for the Public Affairs department
 - Accommodate the growth of the planning department
 - Improve collaborative workspaces and meeting practices for the entire agency.
- Expanding the Planning department's footprint on the third floor and creating appropriate workspaces for current Planning department employees.
- Creating a work area for Council interns and opening natural light opportunities in the Council office with windows.
- Building a permanent storage and service area outside the Council Chambers for special events.
- Upgrading the Audio/Visual capabilities in 4 meeting rooms in the Metro Regional Center.
- Updating Metro outdoor signage and enhancing brand presence inside the Metro Regional Center.
- Improving the outdoor public courtyard in front of the Metro Regional Center.
- Remodeling the current second floor "Sears to MRC" recycling display to a gathering area for staff and visitors.

Staff concludes that the majority of the proposed updates can be accomplished for \$420,000, based on general construction estimates, and can be completed using triple-bottom-line considerations through proper contracting and purchasing methods, cost saving opportunities and environmentally sustainable materials and design methods. Council approval of the proposed amendment would allow staff to acquire the design and construction drawings necessary for bidding the project, a final step to developing a firm

project budget. If the detailed work reveals that the total project may exceed \$420,000, the Chief Operating Officer will prioritize the required work using the above list to stay within the \$420,000.

GENERAL CONSTRUCTION ESTIMATES WILL BE PROVIDED TO COUNCIL PRIOR TO THE HEARING

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** ORDINANCE 07-1160B, Amending the FY 2007-08 Budget and Appropriations Schedule to Implement Various Projects Funded from Undesignated Reserves
3. **Anticipated Effects** Approval of the ordinance would begin the implementation phase which would include a final design proposal, final design decisions, RFP, contract agreement and rebuild.
4. **Budget Impacts** This amendment, if approved, will transfer \$300,000 from General Fund contingency to allow transfer to the consolidated Capital Fund.

RECOMMENDED ACTION

Michael Jordan, Chief Operating Officer, recommends the transfer of \$300,000 from contingency for the capital project.

Ordinance No. 08-1182, Amending the FY 2007-08 Budget and Appropriations Schedule Adding 1.0 FTE Sr. Transportation Planner to Support the Regional Travel Options Strategic Plan, and Declaring an Emergency

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2007-08 BUDGET AND) ORDINANCE NO. 08-1182
APPROPRIATIONS SCHEDULE ADDING 1.0)
FTE SR. TRANSPORTATION PLANNER TO) Introduced by Michael Jordan, Chief
SUPPORT THE REGIONAL TRAVEL OPTIONS) Operating Officer, with the concurrence of
STRATEGIC PLAN, AND DECLARING AN) Council President David Bragdon
EMERGENCY)

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2007-08 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the FY 2007-08 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of adding 1.0 FTE Sr. Transportation Planner to the Planning Department to support the Regional Travel Options strategic plan.
- 2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A
Ordinance No. 08-1182**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Planning Department							
<i>Personal Services</i>							
<i>SALWGE</i>	<i>Salaries & Wages</i>						
5010	Reg Employees-Full Time-Exempt						
	Administrative Assistant	2.00	79,296	-	0	2.00	79,296
	Assistant Regional Planner	1.00	45,293	-	0	1.00	45,293
	Assistant Transportation Planner	2.00	90,586	-	0	2.00	90,586
	Associate Management Analyst	3.00	173,487	-	0	3.00	173,487
	Associate Regional Planner	5.00	277,319	-	0	5.00	277,319
	Associate Trans. Planner	7.00	374,561	-	0	7.00	374,561
	Director II	1.00	137,175	-	0	1.00	137,175
	Manager I	5.83	486,856	-	0	5.83	486,856
	Manager II	5.00	467,858	-	0	5.00	467,858
	Principal Regional Planner	5.00	391,579	-	0	5.00	391,579
	Principal Transportation Engineer	1.00	81,184	-	0	1.00	81,184
	Principal Transportation Planner	6.00	472,763	-	0	6.00	472,763
	Program Analyst IV	1.00	66,848	-	0	1.00	66,848
	Program Director II	1.00	121,444	-	0	1.00	121,444
	Program Supervisor II	2.00	167,884	-	0	2.00	167,884
	Senior Management Analyst	1.00	66,843	-	0	1.00	66,843
	Senior Public Affairs Specialist	2.00	107,457	-	0	2.00	107,457
	Senior Public Relations Coordinator	1.25	81,294	-	0	1.25	81,294
	Senior Regional Planner	8.00	525,189	-	0	8.00	525,189
	Senior Transportation Planner	11.00	737,815	0.25	15,953	11.25	753,768
	Transit Program Director I	1.00	110,722	-	0	1.00	110,722
	Transit Program Director II	1.00	148,071	-	0	1.00	148,071
	Transit Project Manager I	1.00	88,275	-	0	1.00	88,275
	Transit Project Manager II	1.00	90,973	-	0	1.00	90,973
5015	Reg Empl-Full Time-Non-Exempt						
	Administrative Secretary	1.00	32,280	-	0	1.00	32,280
	Management Technician	1.00	39,171	-	0	1.00	39,171
	Program Assistant 2	4.00	148,144	-	0	4.00	148,144
	Secretary	1.00	30,756	-	0	1.00	30,756
5020	Reg Emp-Part Time-Exempt						
	Associate Regional Planner	1.60	93,323	-	0	1.60	93,323
	Senior Regional Planner	1.40	99,996	-	0	1.40	99,996
5030	Temporary Employees		143,229		0		143,229
5080	Overtime		5,000		0		5,000
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		27,212		0		27,212
	Step Increases (AFSCME)		122,747		0		122,747
	COLA (represented employees)		122,747		0		122,747
	Other Adjustments (non-represented)		27,212		0		27,212
	Other Adjustments (AFSCME)		20,458		0		20,458
<i>FRINGE</i>	<i>Fringe Benefits</i>						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		2,143,036		5,967		2,149,003
5190	PERS Bond Recovery		214,304		0		214,304
Total Personal Services		85.08	\$8,660,387	0.25	\$21,920	85.33	\$8,682,307
Total Materials & Services			\$13,163,942		\$0		\$13,163,942
Total Debt Service			\$517,763		\$0		\$517,763
TOTAL REQUIREMENTS		85.08	\$22,392,092	0.25	\$21,920	85.33	\$22,414,012

**Exhibit A
Ordinance No. 08-1182**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$11,320,221		\$0		\$11,320,221
<u>Contingency & Unappropriated Balance</u>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,187,335		(21,920)		3,165,415
	* Opportunity Account		3,135		0		3,135
	* Reserved for Future Planning Needs		1,445,000		0		1,445,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fund		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		300,000		0		300,000
	* Recovery Rate Stabilization reserve		916,588		0		916,588
	* PERS Reserve		13,058		0		13,058
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,000,000		0		2,000,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* PERS Reserve		2,796,056		0		2,796,056
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		352		0		352
	* Reserve for Future Debt Service		2,151,706		0		2,151,706
Total Contingency & Unappropriated Balance			\$15,304,338		(\$21,920)		\$15,282,418
TOTAL REQUIREMENTS		413.65	\$103,443,042	0.25	\$0	413.90	\$103,443,042

Exhibit B
Ordinance 08-1182
Schedule of Appropriations

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Revised Appropriation</u>
GENERAL FUND			
Council Office	1,921,351	0	1,921,351
Finance & Administrative Services	8,236,508	0	8,236,508
Human Resources	1,637,004	0	1,637,004
Metro Auditor	527,283	0	527,283
Office of Metro Attorney	1,866,238	0	1,866,238
Oregon Zoo	24,924,185	0	24,924,185
Planning	21,874,329	21,920	21,896,249
Public Affairs & Government Relations	1,914,960	0	1,914,960
Regional Parks & Greenspaces	6,850,082	0	6,850,082
Special Appropriations	5,189,882	0	5,189,882
Non-Departmental			
Debt Service	1,876,661	0	1,876,661
Interfund Transfers	11,320,221	0	11,320,221
Contingency	7,405,116	(21,920)	7,383,196
Unappropriated Balance	7,899,222	0	7,899,222
Total Fund Requirements	\$103,443,042	\$0	\$103,443,042

All other appropriations remain as previously adopted

Note: Current appropriation column assumes adoption of ordinance 08-1178

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1182, AMENDING THE FY 2007-08 BUDGET AND APPROPRIATIONS SCHEDULE ADDING 1.0 FTE SR. TRANSPORTATION PLANNER TO SUPPORT THE REGIONAL TRAVEL OPTIONS STRATEGIC PLAN, AND DECLARING AN EMERGENCY.

Date: February 27, 2008

Prepared by: Andy Cotugno

BACKGROUND

This amendment requests addition of 1.00 FTE Senior Transportation Planner to manage the Regional Travel Options (RTO) employer and commuter services programs and to support the development of traveler information tools. Management of the vanpool program will be moved from the existing Senior Management Analyst to the new Senior Transportation Planner position. This request is based upon the outcome of a strategic planning process completed in collaboration with RTO program partners and stakeholders. The recommended RTO strategic plan for 2008 to 2013 describes program goals and priorities and identifies revenues to support additional RTO program activities at Metro. The RTO subcommittee of TPAC and TPAC recommended adoption of the plan at their February 2008 meetings. JPACT and the Metro Council will consider adoption of the plan in March 2008.

The Senior Management Analyst currently shared between the RTO and Transit Oriented Development (TOD) programs will provide .70 FTE support for RTO Contracts management and .30 FTE support for TOD Contracts Management. This reallocation will allow both the RTO and TOD programs to receive additional management analyst support for the development of grant agreements and applications, payment of vendors, and budget development and analysis.

The FY 2008-09 budget includes the proposed 1.00 FTE Senior Transportation Planner. This request adds this position and the reallocation of Analyst support to the FY 2007-08 budget in order to address current staffing needs and to be better prepared to support RTO strategic plan implementation in FY 2008-09 and TOD program activities.

	RTO Contracts Management	RTO Program Management	TOD Contracts Management	TOTAL
Current FTE	.30	.50	.20	1.00
Proposed FTE		1.00		1.00
Proposed + reallocated FTE	.70	1.00	.30	2.00

Addition of the Senior Transportation Planner will have a budget impact of \$21,920 in FY 2007-08. Federal grant funds are available in the budget and will provide 89.73% of the cost for the new position. Oregon Business Energy Tax Credit (BETC) and other local matching funds will provide the remaining 10.27%.

Commuter and rideshare programs and services are a key priority and require additional support to achieve program goals. RTO commuter and rideshare programs relieve congestion, reduce demand on the transportation system by increasing the share of trips made with travel options during peak commute hours, and offer low-cost solutions that address employer and commuter transportation needs. Employer

benefits include reduced parking need and cost, reduced employee absenteeism and late arrivals, and improved employee productivity and morale. Transit pass and rideshare programs enable employers to recruit employees from a wider geographic area. Commuters who reduce their drive-alone auto trips benefit by saving money on gas, parking and auto maintenance.

RTO commuter and rideshare programs provide services to area employers and commuters and are carried out by a range of state, regional and local agencies, including Oregon DEQ, Oregon Department of Energy, TriMet, Wilsonville SMART, city of Portland Transportation Options, city of Vancouver/Clark County, six area Transportation Management Associations (TMAs), and Metro. The RTO strategic planning process identifies the need to enhance regional coordination of these programs to reach additional employers and commuters.

Traveler information tools require additional support to enhance services, reduce program costs and develop partnerships. The RTO strategic plan also identifies the need to enhance traveler information tools and recommends that CarpoolMatchNW.org, the region's online ride-matching system, be updated to reduce service delivery costs, enhance usability and support program measurement. In addition, the RTO strategic plan recommends that the program explore development of a multi-modal traveler information system in collaboration with public and private partners. The tool would allow users to view and compare travel options for reaching their destination.

The proposed 1.00 FTE Senior Transportation Planner will carry out the following activities to advance RTO commuter, rideshare and traveler information program goals:

- Develop and coordinate a multi-agency work plan and budget for RTO commuter and rideshare programs, develop and track program performance measures, and identify and implement opportunities to increase program efficiency;
- Prepare program and policy recommendations based upon technical analysis, develop cost/benefit analysis, and define methodology to be used in transportation analyses;
- Explore and develop tools to improve partner communication and coordination, such as a shared contact management system, and cross-training of staff from implementing agencies;
- Develop, organize, and monitor revenue agreements, IGAs and contracts with consultants, vendors, and partner agencies and organizations related to the delivery of commuter and rideshare services;
- Manage the CarpoolMatchNW.org upgrade in consultation with Metro's IT department, explore opportunities to partner with the state of Washington's ride-matching system, as an alternative to upgrading CarpoolMatchNW, and develop related agreements; and
- Explore development of a multi-modal traveler information tool, identify specifications, costs, potential revenue sources, and potential public and private partners.

Current levels of administrative support for RTO grants and contracts and TOD contracts are not adequate. The RTO program currently is assigned 0.30 FTE to support RTO revenue grants from federal and state sources, as well as outgoing RTO grants to agencies and organizations to support local program implementation. The current contracted dollar volume for RTO grants to local agencies is over \$2 million for the FY 07-09 RTO grant cycle. Approximately thirty (30) contracts are currently in effect for the RTO program. This in turn generates a minimum of twenty (20) invoices to be processed each month. Additionally, there are various amendments and extensions that are required to respond to changes or delays in project delivery.

The recent RTO Strategic Plan update calls for an increased pool of grant funds and identifies revenues to support grants. It's anticipated that approximately \$4 million in grants and contracts will be generated over the 2010 and 2011 fiscal years, making this one of Metro's more significant grant programs. Staff

work for the FY 09-11 grant cycle is scheduled to begin in the spring of 2008. This budget amendment will allow reallocation of .40 existing FTE from the vanpool program to RTO grants and contracts.

In order to meet the workload requirements of tracking TOD Program Finances, an increase from .20 to .30 FTE is needed. TOD Program resources are varied and complex and require an increase in FTE to allow for proper tracking and to ensure compliance with government accounting standards. In addition, increased staff time will allow for more accurate and up-to-date financial reporting to the TOD Steering Committee.

If this request for a Senior Transportation Planner is not approved, the employer and commuter services coordination activities proposed in the RTO strategic plan would not be implemented by Metro. At the time of strategic plan development, other partners were not interested in taking on this role. Metro would have to raise this question again with partners, and if there is still no interest, work with partners to develop an alternate plan of action. In addition, vanpool program activities would be scaled back or reassigned to other Metro RTO staff to provide adequate staff time to develop and administer revenue grants and grant agreements. Reassignment of vanpool duties to other Metro RTO staff would impact the evaluation and marketing programs.

Failure to assign adequate administrative oversight to the RTO and TOD programs could lead to audit findings.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action will add one full-time position to the Planning Department's budget effective April 1, 2008. This position will be included in the FY 2008-09 Proposed Budget. All costs are funded by grant sources.
- 4. Budget Impacts:** This action will transfer \$21,920 in grant funded contingency to personal services in the Planning Department to fund the addition of one full-time position effective April 1, 2008.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Ordinance No. 08-1183, For the Purpose of Amending Metro Code Title V, Solid Waste, to add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan.

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 08-1183
CODE TITLE V, SOLID WASTE, TO ADD)	
CHAPTER 5.10, REGIONAL SOLID WASTE	)	Introduced by Michael Jordan, Chief
MANAGEMENT PLAN, TO IMPLEMENT THE	)	Operating Officer, with the concurrence of
REQUIREMENTS OF THE 2008-2018	)	David Bragdon, Council President
REGIONAL SOLID WASTE MANAGEMENT)	
PLAN)	

WHEREAS, the Metro Council adopted Ordinance No. 95-624, For the Purpose of Adopting the Regional Solid Waste Management Plan, on November 30, 1995;

WHEREAS, Metro has completed an updated 2008-2018 Regional Solid Waste Management Plan (RSWMP) to provide the Portland metropolitan area with policy and program direction for the next decade;

WHEREAS, ORS Chapter 459 requires Metro to prepare a Waste Reduction Program for the region and to submit the Waste Reduction Program to the Oregon Department of Environmental Quality for approval;

WHEREAS, Metro has included the Waste Reduction Program in the RSWMP;

WHEREAS, Metro intends to identify the specific enforceable components of the Waste Reduction Program and to provide a method for enforcing those components through changes to the Metro Code; and

WHEREAS, the Metro Council hereby approves of the amendments to Metro Code Title V, Solid Waste, to add the new Chapter 5.10, Regional Solid Waste Management Plan, attached hereto as Exhibit A, pursuant to the RSWMP; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Title V, Solid Waste, is amended to add Metro Code Chapter 5.10, Regional Solid Waste Management Plan, attached hereto as Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

CHAPTER 5.10

REGIONAL SOLID WASTE MANAGEMENT PLAN

SECTIONS	TITLE
5.10.010	Definitions
5.10.020	Authority, Jurisdiction, and Purpose
5.10.030	Adoption of RSWMP
5.10.040	Application of Chapter
5.10.050	RSWMP Requirements
5.10.060	RSWMP Amendments
5.10.070	Severability
5.10.080	Administrative Procedures and Performance Standards

Compliance Procedures

5.10.110	Conformity to the RSWMP
5.10.120	Compliance with the RSWMP
5.10.130	Extension of Compliance Deadline
5.10.140	Exception from Compliance
5.10.150	Review by Metro Council
5.10.160	Penalties for Violations
5.10.170	Technical Assistance

The Regional Service Standard

5.10.210	Purpose and Intent
5.10.220	Regional Service Standard
5.10.230	Regional Service Standard Elements
5.10.240	Alternative Program

5.10.010 Definitions

For the purpose of this chapter the following terms shall have the meaning set forth below:

- (a) "Alternative Program" means a solid waste management service proposed by a local government that differs from the service required under Section 5.10.230.
- (b) "Compost" shall have the meaning assigned thereto in Metro Code Section 5.01.010.
- (c) "DEQ" shall have the meaning assigned thereto in Metro Code Section 5.01.010.
- (d) "Director" means the Director of Metro's Solid Waste and Recycling Department.

(e) "Local Government" means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

(f) "Local Government Action" means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

(g) "RSWMP" means the Regional Solid Waste Management Plan adopted by the Metro Council and approved by the DEQ.

(h) "RSWMP Requirement" means the portions of the RSWMP that are binding on local governments as set forth and implemented in this chapter.

(i) "Standard Recyclable Materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.

(j) "Waste" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

(k) "Waste Reduction Hierarchy" means first, reduce the amount of solid waste generated; second, reuse material for its originally intended purpose; third, recycle or compost material that cannot be reduced or reused; fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources; and fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

(l) "Waste Reduction Program" means the Waste Reduction Program required by ORS 459.055(2)(a), adopted by the Metro Council as part of the RSWMP, and accepted and approved by the DEQ as part of the RSWMP.

(m) "Yard Debris" shall have the meaning assigned thereto in Metro Code Section 5.01.010.

5.10.020 Authority, Jurisdiction, and Purpose

(a) Metro's Solid Waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.

(b) This chapter implements the RSWMP requirements. The RSWMP shall include the Regional Solid Waste Management Plan, including without limitation the Waste Reduction Program.

(c) This chapter does not abridge or alter the rights of action by the State or by a person that exist in equity, common law, or other statutes.

5.10.030 Adoption of RSWMP

Metro has adopted the RSWMP, copies of which are on file at Metro offices, and shall implement the RSWMP as required by this chapter.

5.10.040 Application of Chapter

This chapter shall apply to all portions of Clackamas, Washington, and Multnomah Counties within Metro's jurisdiction.

5.10.050 RSWMP Requirements

The RSWMP is a regional plan that contains mandatory requirements that are binding on local governments of the region as well as recommendations that are not binding. The RSWMP requirements are set forth in Metro Code Chapter 5.10.

5.10.060 RSWMP Amendments

(a) The Chief Operating Officer shall submit all proposed amendments to the RSWMP to the Council by ordinance for adoption.

(b) Once the Council adopts an amendment to the RSWMP, the Chief Operating Officer shall submit the amended RSWMP to the DEQ for approval. If the amendment is to the Waste Reduction Program, the Chief Operating Officer shall submit the amended RSWMP to the DEQ for acceptance and approval.

(c) The Chief Operating Officer may correct technical mistakes discovered in the RSWMP administratively without petition, notice, or hearing.

5.10.070 Severability

(a) The sections of this chapter shall be severable and any action by any state agency or judgment court of competent jurisdiction invalidating any section of this chapter shall not affect the validity of any other section.

(b) The sections of the RSWMP shall also be severable and shall be subject to the provisions of subsection (a) of this section.

5.10.080 Administrative Procedures and Performance Standards

(a) The Chief Operating Officer may issue administrative procedures and performance standards governing the obligations under this chapter, including but not limited to procedures and performance standards for the suspension of a material from the definition of standard recyclable materials and for additional requirements of a recycling education and promotion program.

(b) The Chief Operating Officer may issue administrative procedures and performance standards to implement all provisions of this chapter.

(c) The Chief Operating Officer shall issue or substantially amend the administrative procedures and performance standards for this chapter only after providing public notice and the opportunity to comment on the proposed language.

(d) The Chief Operating Officer may hold a public hearing on any proposed new administrative procedure and performance standard or on any proposed amendment to any administrative procedure and performance standard if the Chief Operating Officer determines that there is sufficient public interest in any such proposal.

Compliance Procedures

5.10.110 Conformity to the RSWMP

Local governments shall not adopt any ordinance, order, regulation, or contract affecting solid waste management that conflicts with the RSWMP requirements implemented by this chapter.

5.10.120 Compliance with the RSWMP

(a) Local government actions shall comply with the RSWMP requirements. The Chief Operating Officer shall notify local governments of the compliance date of all RSWMP requirements. On or before the compliance date, local governments shall certify in writing to the Chief Operating Officer that their local government actions comply with the RSWMP requirements.

(b) Commencing on November 1, 2010, and on November 1 each year thereafter, the Director shall submit a report to the Chief Operating Officer on local government action compliance with the RSWMP requirements for the Metro fiscal year ending the previous June 30. The report shall include an accounting of local government actions that do not comply with each requirement of the RSWMP. The report shall recommend action that would bring a local government into compliance with the RSWMP requirements and shall advise the local government whether it may seek an extension pursuant to Section 5.10.130 or an exception pursuant to Section 5.10.140. The report also shall include an evaluation of the implementation of this chapter and its effectiveness in helping achieve the RSWMP objectives.

(c) Commencing on or after November 1, 2010, and on or after November 1 each year thereafter, the Chief Operating Officer shall provide each local government with a letter informing the local government whether its actions comply or do not comply with the RSWMP requirements. The Chief Operating Officer shall provide each local government that is not in compliance with the RSWMP requirements with the Director's report.

(d) A local government provided with a report shall respond to the report within 60 days from the date of the report. The response shall contain:

- (1) An agreement to comply with the report recommendations;
- (2) A request for an extension under Section 5.10.130; or
- (3) A request for an exception under Section 5.10.140.

(e) Within 30 days of receiving the local government's response, the Chief Operating Officer shall:

- (1) If the local government agrees to comply with the report recommendations, provide a letter to the local government describing the details of the actions required of the local government for compliance; or
- (2) If the local government seeks an extension or exception, direct the local government to follow the procedures set forth in Section 5.10.130 or Section 5.10.140.

(f) If the local government fails to file a response or refuses to comply with the report recommendations, the Chief Operating Officer may proceed to Council review under Section 5.10.150. A local government may seek Council review under Section 5.10.150 of a report of noncompliance under this section.

5.10.130 Extension of Compliance Deadline

(a) A local government may seek an extension of time for compliance with a RSWMP requirement by filing a written request for an extension with the Director.

(b) The Director may grant an extension of the compliance deadline if the local government's written request demonstrates that: (1) the local government is making progress toward accomplishment of its compliance with the RSWMP requirement; or (2) the local government has good cause for failure to meet the deadline for compliance.

(c) The Director may establish terms and conditions for the extension to ensure that compliance is achieved in a timely and orderly fashion and that local government actions during the extension do not undermine the ability of the region to implement the RSWMP. A term or condition shall relate to the requirement of the RSWMP to which the Director grants the extension. The Director shall incorporate the terms and conditions into the decision on the request for extension. The Director shall not grant more than two extensions of time and shall not extend the deadline for compliance for more than one year.

(d) The Director shall grant or deny the request for extension within 30 days of the date of the request and shall provide a copy of the decision to the local government.

(e) A local government may seek review of the Director's decision by filing a written request for review with the Chief Operating Officer within 30 days of the date of the Director's decision.

(f) The Chief Operating Officer shall consider a request for review without a public hearing and shall issue an order within 30 days of receiving the request for review. The Chief Operating Officer shall provide a copy of the order to the local government.

(g) The Chief Operating Officer's order regarding an extension is a final order and shall not be subject to Metro Code Chapter 2.05, Procedure for Contested Cases. A local government may appeal the order by filing a petition for writ of review.

5.10.140 Exception from Compliance

(a) A local government may seek an exception from compliance with a RSWMP requirement by filing a written request for an exception with the Chief Operating Officer.

(b) The Chief Operating Officer shall prepare a report on the written request. The report shall recommend whether to grant or deny the exception and shall analyze whether:

- (1) The exception and any similar exceptions will prevent the Metro region from achieving the RSWMP goals;
- (2) The exception will reduce the ability of another local government to comply with the requirement; and
- (3) The local government has adopted other measures more appropriate for the local government to achieve the intended result of the requirement.

(c) The Chief Operating Officer's report may establish terms and conditions for the exception to ensure that it does not undermine the ability of Metro to implement its responsibilities under the RSWMP. Any term or condition shall relate to the requirement of the RSWMP from which the local government seeks exception.

(d) The Chief Operating Officer shall issue the report within 60 days of the date of the request. The Chief Operating Officer shall provide a copy to the local government and shall file a written request for review and public hearing with the Council President.

(e) The Council President shall set the matter for a public hearing before the Council within 30 days of the date of the Chief Operating Officer's report. The Chief Operating Officer shall provide notice to the local government that includes the date and location of the hearing and shall publish the report at least 14 days before the public hearing.

(f) During the hearing the Council shall receive testimony on the Chief Operating Officer's report and shall allow any person to testify orally or in writing.

(g) The Council shall issue its order, with analysis and conclusions, not later than 30 days following the public hearing on the matter. The order shall be based upon the Chief Operating Officer's report and upon testimony at the public hearing. The order may rely upon the report for an analysis of the factors listed in subsection(b). The order shall address any testimony during the public hearing that takes exception to the report. The Chief Operating Officer shall provide a copy of the order to the local government.

(h) The order of the Metro Council is a final order that a local government may appeal by filing a petition for writ of review.

5.10.150 Review by Metro Council

(a) A local government may seek review of the letter and report of noncompliance provided by the Chief Operating Officer under Section 5.10.120 by filing a written request for review and public hearing with the Council President.

(b) The Chief Operating Officer may seek review by the Council of any local government action that does not comply with the RSWMP requirements, this chapter, or both by filing a written request for review and public hearing with the Council President. The Chief Operating Officer shall provide a copy of the request to the local government.

(c) The Chief Operating Officer shall consult with the local government and the Director before the Chief Operating

Officer determines there is good cause for a public hearing under subsection (d).

(d) The Council President shall set the matter for a public hearing before the Council within 30 days of the date of the Chief Operating Officer or local government's request for review. The Chief Operating Officer shall provide notice to the local government that includes the date and location of the hearing.

(e) The Chief Operating Officer shall prepare a report and recommendation on the matter for consideration by the Metro Council. The Chief Operating Officer shall publish the report at least 14 days before the public hearing and provide a copy to the local government.

(f) During the hearing the Council shall receive testimony on the Chief Operating Officer's report and shall allow any person to testify orally or in writing.

(g) If the Metro Council concludes that the local government action does not violate the RSWMP requirements or this chapter, the Council shall enter an order dismissing the matter. If the Council concludes that the local government action does violate the RSWMP requirements, this chapter, or both, the Council shall issue an order that identifies the noncompliance and directs changes in the local government action.

(h) The Council shall issue its order, with analysis and conclusions, no later than 30 days following the public hearing on the matter. The order shall be based upon the Chief Operating Officer's report and upon testimony at the public hearing. The order may rely upon the report for its findings and conclusions related to compliance with this chapter. The order shall address any testimony during the public hearing that takes exception to the report. The Chief Operating Officer shall provide a copy of the order to the local government.

(i) The order of the Metro Council is a final order that a local government may appeal by filing a petition for writ of review.

5.10.160 Penalties for Violations

The Metro Council may include one or more of the following in an order issued under this chapter:

(a) A fine of up to \$500 per day for each day after the date of a Council order that the local government continues the violation;

(b) An order requiring the local government to comply with the RSWMP; and

(c) An order requiring the local government to comply with any provision of this chapter.

5.10.170 Technical Assistance

The Chief Operating Officer shall encourage local governments to take advantage of the programs of technical and financial assistance provided by Metro to help achieve compliance with the requirements of this chapter.

The Regional Service Standard

5.10.210 Purpose and Intent

Local governments shall adopt and implement the regional service standard or alternative program as required by the RSWMP and as specified in this chapter and the administrative procedures. The regional service standard ensures a comprehensive and consistent level of recycling service for the region and assists the region in meeting state recovery goals.

5.10.220 Regional Service Standard

(a) By January 1, 2009, local governments shall implement the regional service standard either by:

- (1) Adopting the provisions of Metro Code Section 5.10.230(a) through (d); or
- (2) Adopting an alternative program that is approved by Metro in accordance with Metro Code Section 5.10.240.

(b) The local government shall provide information related to compliance with this requirement at the Director's request or as required by the administrative procedures.

5.10.230 Regional Service Standard Elements

The following shall constitute the regional service standard under the RSWMP:

(a) For single-family residences, including duplexes, triplexes, and fourplexes, the local government shall:

- (1) Ensure provision of at least one (1) recycling container to each residential customer;
- (2) Ensure provision of weekly collection of all standard recyclable materials; and
- (3) Ensure provision of a residential yard debris collection program that includes weekly on-route collection of yard debris for production of compost from each residential customer or equivalent on-route collection of yard debris for production of compost if granted approval for an alternative program under Metro Code Section 5.10.240.

(b) For multi-family residences, the local government shall ensure provision of regular collection of standard recyclable materials for each multi-family dwelling community having five (5) or more units.

(c) For businesses, the local government shall ensure provision of regular collection of standard recyclable materials.

(d) For education and outreach, the local government shall ensure provision of a recycling education and promotion program to all waste generators that supports the management of solid waste according to the waste reduction hierarchy as follows:

- (1) For all waste generators:
 - A. Provide information regarding waste prevention, reusing, recycling, and composting; and
 - B. Participate in one community or media event per year to promote waste prevention, reuse, recycling, or composting.

- (2) For single-family residences and businesses:
 - A. For existing customers, provide education information at least four (4) times a calendar year; and
 - B. For new customers, provide a packet of educational materials that contains information listing the materials collected, the schedule for collection, the proper method of preparing materials for collection, and an explanation of the reasons to recycle.
- (3) For multi-family residences:
 - A. Provide waste reduction and recycling educational and promotional information designed for and directed toward the residents of multifamily dwellings as frequently as necessary to be effective in reaching new residents and reminding existing residents of the opportunity to recycle, including the types of materials accepted and the proper preparation of the items; and
 - B. Provide waste reduction and recycling educational and promotional information designed for and directed toward multifamily property owners and managers at least annually.

5.10.240 Alternative Program

(a) A local government seeking alternative program approval shall submit an application for an alternative program to the Director that contains:

- (1) A description of the existing program;
- (2) A description of the proposed alternative program; and
- (3) A comparison of the existing and alternative programs for type of materials collected,

frequency of collection of material, and levels of recovery.

(b) The Director shall determine whether the proposed alternative program will perform at the same level or better than the regional service standard. In making this determination, the Director shall consider the following:

- (1) Estimated participation levels;
- (2) Estimated amounts of waste prevented, recycled, recovered, or disposed;
- (3) Consistency with the waste reduction hierarchy and the source separation priority;
- (4) Economic and technical feasibility; and
- (5) Estimated impact on other waste reduction activities.

(c) If the Director determines that the alternative program will perform at the same level or better than the regional service standard, the Director shall approve the application. The Director may condition the approval on completion of a successful pilot program. If the Director determines that the alternative program will not perform at the same level or better than the regional service standard, the Director shall deny the application. The Director shall decide whether to approve or deny the application within 60 days of the date the Director received the application or, if the Director conditions approval on successful completion of a pilot program, within 60 days of the conclusion of the pilot program. The Director shall provide a copy of the decision to the local government.

(d) A local government may seek review of the Director's decision by filing a written request for review with the Chief Operating Officer within 30 days of the date of the Director's decision.

(e) The Chief Operating Officer shall consider a request for review without a public hearing and shall issue an order within 30 days of receiving the request for review. The Chief Operating Officer shall provide a copy of the order to the local government.

(f) The Chief Operating Officer's order regarding an alternative program is a final order and shall not be subject to Metro Code Chapter 2.05, Procedure for Contested Cases. A local government may appeal the order by filing a petition for writ of review.

(g) This section does not prevent a local government from seeking an exception under Section 5.10.140.

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1183, FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO ADD CHAPTER 5.10, REGIONAL SOLID WASTE MANAGEMENT PLAN, TO IMPLEMENT THE REQUIREMENTS OF THE 2008-2018 REGIONAL SOLID WASTE MANAGEMENT PLAN

Date: March 13, 2008

Prepared by: Michelle A. Bellia

BACKGROUND

Ordinance No. 08-1183 (For the Purpose of Amending Metro Code Title V, Solid Waste, to Add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan) implements the Waste Reduction Program requirements contained in the 2008-2018 Regional Solid Waste Management Plan (RSWMP) by amending the Metro Code Title V Solid Waste, to add a new Chapter 5.10. The Metro Council will consider adoption of the updated RSWMP in Ordinance No. 07-1162A (For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update). The staff report related to this ordinance provides the history and purpose of the RSWMP and the Waste Reduction Program. The Metro Council adopted the current version of the RSWMP in Ordinance No. 95-624 (For the Purpose of Adopting the Regional Solid Waste Management Plan) on November 30, 1995, as a functional plan but did not include a companion ordinance to implement the Waste Reduction Program requirements.

The RSWMP is a regional plan that contains binding requirements on local governments of the region as well as policy and program guidance that is not binding. The code language proposed in this ordinance clarifies the requirements of the Waste Reduction Program that are binding on local governments. The RSWMP requirements set forth in the new Metro Code Chapter 5.10 are intended to ensure local governments have a significant amount of flexibility as to how they meet requirements.

The proposed code language also provides a procedure for enforcing those requirements. The intent of the proposed process is to provide an efficient method for local governments to establish compliance with the RSWMP requirements.

PURPOSE OF THE CODE REVISION

The code language is proposed for the following reasons:

1. The Waste Reduction Program Requirements Must Be Enforceable to Satisfy State Law.

Because Metro sends more than 75,000 tons of solid waste per year to a disposal site (the Columbia Ridge Landfill), ORS Chapter 459 requires Metro to prepare a solid waste reduction program for the region and to submit the Waste Reduction Program to the Oregon Department of Environmental Quality (DEQ) for approval. The DEQ reviews the Waste Reduction Program for compliance with the state law and must approve the Waste Reduction Program if it meets the statutory criteria. Chapter IV of the updated RSWMP contains the components of the Waste Reduction Program.

In reviewing an earlier version of the Waste Reduction Program, DEQ advised that the program “must have specifically enforceable components and must specify how enforcement can be accomplished.” The proposed revisions to the Metro Code identify the enforceable components of the Waste Reduction Program and provide a procedure for enforcing those components.

2. The Code Provisions Notify the Local Governments of the Specific RSWMP Provisions Requiring Compliance.

ORS Chapter 459 provides limits on local governmental authority related to the Waste Reduction Program. Specifically, ORS 459.095(1) prohibits local governments from adopting any ordinance, order, regulation or contract affecting solid waste management that conflicts with a solid waste management plan or program. The RSWMP, which includes the Waste Reduction Program, contains policy guidance as well as enforceable provisions. Once the RSWMP is adopted by the Metro Council and approved by the DEQ, any local government action that conflicts with a requirement of the Waste Reduction Program may be subject to enforcement. Including the enforceable components of the Waste Reduction Program in the Metro Code notifies the local governments of what Metro intends to enforce and allows them to avoid taking conflicting action.

SUMMARY OF CODE LANGUAGE

Following is a summary of the proposed code provisions:

1. Sections 5.10.010 – 5.10.080 Provide Background Information:

5.10.010 Definitions: This section contains definitions specific to Chapter 5.10.

5.10.020 Authority, Jurisdiction, and Purpose: This section provides the authority for Metro’s solid waste planning and implementing authority and describes the purpose of the code language.

5.10.030 Adoption of RSWMP: This section confirms that the Metro Council has adopted the code language.

5.10.040 Application of Chapter: This section provides that Chapter 5.10 applies to areas within Metro’s jurisdiction.

5.10.050 RSWMP Requirements: This section distinguishes between requirements of the RSWMP and guidance that is not binding.

5.10.060 RSWMP Amendments: This section contains a procedure for amending the RSWMP.

5.10.070 Severability: This section provides that sections of Chapter 5.10 and the RSWMP shall be severable and any action invalidating any section of Chapter 5.10 or the RSWMP does not affect the validity of any other section.

5.10.080 Administrative Procedures and Performance Standards: This section provides the Chief Operating Officer with authority to establish administrative procedures and performance standards related to Chapter 5.10.

2. Sections 5.10.110 – 5.10.180 Provide Compliance Procedures:

5.10.110 Conformity to the RSWMP: ORS Chapter 459 provides the language for this section, which prohibits local governments from taking action related to solid waste that conflicts with the RSWMP requirements implemented by Chapter 5.10.

5.10.120 Compliance with the RSWMP: This section addresses local government compliance with the RSWMP requirements and provides notification and reporting procedures for local governments to certify compliance with RSWSP.

This section enables the Director of the Solid Waste and Recycling Department to report to the Chief Operating Officer on local government compliance. If a local government is not in compliance with the RSWMP requirements, the Chief Operating Officer must provide that local government with a copy of the report and recommend action that the local government may take to achieve compliance. A local government that is not in compliance must respond to the report by agreeing with the Director's report recommendations, seeking an extension to comply with the requirement, or seeking an exception from the requirement.

The section includes certain actions the Chief Operating Officer must take upon receipt of the local government's response to the report. If the local government fails or refuses to respond to the report, the Chief Operating Officer may proceed to Council review under Section 5.10.150. A local government may seek Council review under Section 5.10.150 of a report of noncompliance.

5.10.130 Extension of Compliance Deadline: The section provides a procedure for local governments to seek an extension from the Director of the time for compliance with the RSWMP requirements. The Director may include terms and conditions in any extension, can only grant two extensions, and cannot extend the compliance deadline more than a year.

This section also allows a local government to seek review by the Chief Operating Officer of the Director's decision under this section. The Chief Operating Officer's determination on the issue is final; a local government cannot seek review by the Metro Council of the decision on an extension.

5.10.140 Exception from Compliance: This section provides a procedure for local governments to seek an exception from the Metro Council to a RSWMP requirement. The local government files a request with the Chief Operating Officer who prepares a report recommending to Council whether to grant or deny the request for an exception. The section contains factors for the Chief Operating Officer to analyze related to the exception and provides that the Chief Operating Officer's report may contain terms and conditions related to the exception. The Chief Operating Officer may issue administrative procedures to address consistent application of the factors to consider when deciding whether to recommend granting a request for exception from compliance.

During a public hearing the Council will receive testimony on the Chief Operating Officer's report. The Council's final order on the request may rely on the Chief Operating Officer's report and must address any testimony that opposes the report.

5.10.150 Review by Metro Council: This section provides a procedure for local governments to seek review by the Council of the report of noncompliance issued by the Chief Operating Officer under Section 5.10.120. This section further provides a procedure for the Chief Operating Officer to seek review by the Council of a local government action that contravenes the RSWMP requirements, Chapter 5.10, or both.

The Council considers such requests with a public hearing. The Chief Operating Officer prepares a report and recommendation on the matter for the Council to consider. During the public hearing the Council will receive testimony on the Chief Operating Officer's report. The Council's final order on the request may rely on the Chief Operating Officer's report and must address any testimony that opposes the report.

5.10.160 Penalties for Violations: This section sets forth the penalties that the Metro Council may include in an order issued under Section 5.10.150.

5.10.170 Technical Assistance: This section requires the Chief Operating Officer to encourage local governments to seek technical and financial assistance from Metro.

3. Sections 5.10.210 – 5.10.240 Contain the Regional Service Standard Requirement:

5.10.210 Purpose and Intent: This section requires local governments to maintain a level of recycling services consistent with the regional service standard or have an approved alternative program. The purpose of the regional service standard is to ensure a certain level of recycling service and to assist the region to meet recovery goals.

5.10.220 Regional Service Standard: This section requires local governments to comply with the regional service standard and to provide Metro with compliance information at the Director's request or as required by the administrative procedures.

5.10.230 Regional Service Standard Elements: This section identifies the specific elements of the regional service standard, including a Single-Family Residential Standard, Multi-Family Residential Standard, Business Standard, and Education and Outreach Standard.

5.10.240 Alternative Program: This section provides the flexibility for local governments to seek a recycling program that is different from the regional service standard but that provides the same or a higher level of recovery.

A local government seeking an alternative program must submit an application to the Director that contains details about the proposed alternative program. The Director then considers the application to determine if the proposed alternative program will perform at the same level or better than the regional service standard. The section contains factors for the Director to consider in making this determination. The Director may approve or deny the application or condition approval on the local government's successful completion of a pilot program. The Chief Operating Officer may issue administrative procedures related to this section to ensure collaboration between Metro and the local government seeking the alternative program.

The local government may seek review by the Chief Operating Officer of the Director's decision under this section. The Chief Operating Officer's determination on the issue is final; a local government cannot seek review by the Metro Council of the decision. A local government may seek an exception to the regional service standard under Section 5.10.140 in addition to or in lieu of the alternative program procedures set forth in this section.

ANALYSIS/INFORMATION

- 1. Known Opposition:** The Public Works Director for the City of Tigard expressed opposition to the Regional Service Standard because it "eliminates local control and the flexibility the City and its haulers require to customize our recycling program based on costs and needs of our customers."

Washington County staff commented that "This ordinance limits local control and the flexibility of the County to design programs and establish collection rates based on the needs of our community."

2. **Legal Antecedents:** Ordinance No. 95-624 (For the Purpose of Adopting the Regional Solid Waste Management Plan), adopted November 30, 1995; Metro Charter; Metro Code Title V Solid Waste; and ORS Chapters 268 and 459.
3. **Anticipated Effects:** Chapter 5.10 clarifies the distinction between the mandatory requirements of the Waste Reduction Program that are binding on local governments and those provisions of the RSWMP that are policy and program guidance. The proposed code language also provides a procedure for enforcing those requirements
4. **Budget Impacts:** No direct budget impacts; however, there may be indirect impacts from efforts to resolve compliance issues.

RECOMMENDED ACTION

Staff recommends that the Metro Council adopt Ordinance No. 08-1183.

Ordinance No. 08-1184, For the Purpose of Amending Metro Code section 2.02.120 (d) to Conform to State Law the Requirements for Filing of Financial Reports by Metro Elected Officials.

First Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 08-1184
CODE SECTION 2.02.120 (d) TO CONFORM TO)
STATE LAW THE REQUIREMENTS FOR)
FILING OF FINANCIAL REPORTS BY METRO) Introduced by Council President David Bragdon
ELECTED OFFICIALS)

WHEREAS, the 2007 session of the Oregon Legislature amended the requirements for filing of financial interest statements to require statements to be filed quarterly; and

WHEREAS, Metro Code Section 2.02.120(d) requires copies of such statements to be filed with the Council Clerk on an annual basis; and

WHEREAS, Metro Code should be amended to conform to state law; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. Metro Code Section 2.02.120 (d) Ethical Requirements for Employees, Officers, Elected and Appointed Officials is amended as follows:

“(d) The Auditor and every member of the Council of Metro shall be required to comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest ~~on an annual basis~~ as required by state law. A copy of the Statement of Economic Interest shall be filed with the Council Clerk at the time of filing with the appropriate state agency.”

- 2. All other sections of Metro Code Section 2.02.120 shall remain in effect without amendment.

ADOPTED by the Metro Council this _____ day of _____ 2008.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Agenda Item Number 5.1

Ordinance No. 08-1180, For the Purpose of Amending Metro
Code Chapter 2.18 (Campaign Finance Regulation).

Second Reading

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 08-1180
METRO CODE CHAPTER 2.18)
(CAMPAIGN FINANCE REGULATION)) Introduced by Chief Operating Officer Michael
AND DECLARING AN EMERGENCY) Jordan with the Concurrence of Council President
) David Bragdon

WHEREAS, the Metro Council enacted Metro Code Chapter 2.18 (Campaign Finance Regulation) by Ordinance No. 00-849A (For the Purpose of Amending the Metro Code Regarding Campaign Finance and Disclosure) on March 30, 2000 and effective June 28, 2000; and

WHEREAS, it is reaffirmed that in adopting Ordinance No. 00-849A the Metro Council said that fully and timely disclosure of all campaign contributions, in accordance with ORS 260, contributes to public confidence in elected officials; and

WHEREAS, the Council wishes to revise Chapter 2.18 to conform to the electronic filing requirements of current Oregon Law; and

WHEREAS, the Council held a public hearing on the proposed amendments; and

WHEREAS, the Council wishes for all campaign finance reports filed electronically to be posted on Metro’s website; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. Chapter 2.21 of the Metro Code is hereby amended as indicated in Exhibit “A,” attached and incorporated into this ordinance.
- 2. This ordinance is necessary for the immediate preservation of public health, safety and welfare because Oregon’s campaign finance report procedures changed effective January 1, 2008. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this ___ day of _____, 2008.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit "A" to Ordinance No. 08-1180

CHAPTER 2.18

CAMPAIGN FINANCE REGULATION

SECTIONS	TITLE
2.18.010	Purpose and Intent
2.18.020	Definitions
2.18.030	Additional Campaign Finance Reporting Requirements
2.18.040	Public Dissemination of Campaign Finance Reports

2.18.010 Purpose and Intent

The purpose and intent of this chapter is to provide additional campaign finance ~~reporting~~ disclosure to the public that is consistent with the current campaign finance disclosure requirements in Oregon and federal laws. It is the intent of this chapter that it be construed as being a supplement to existing campaign finance regulations.

2.18.020 Definitions

As used in this chapter, the following terms shall have the following meanings. Any word not specifically defined herein shall have the meaning defined in ORS 260.005.

(a) "Candidate" means a candidate for a Metro elected office.

(b) "Legislative or administrative interest" has the meaning defined in ORS 244.020.

(c) "Metro Elected Official" means any person elected or appointed as a member of the Metro Council and the Metro Auditor.

(d) "Metro Elected Office" means the seven (7) Metro Council positions and the Metro Auditor.

2.18.030 Additional Campaign Finance Reporting Requirements

(a) Every Candidate and every Metro Elected Official who is a candidate for any public office shall file with the Metro Council Clerk ~~an original copy of~~ an electronic link to any campaign finance report required to be filed pursuant to ORS 260 or any applicable federal law. ~~Such campaign finance reports shall include all required reports of contributions and~~

~~expenditures. The report~~ Campaign finance report electronic links shall be ~~delivered~~ provided to the Metro Council Clerk within two (2) days after ~~it is filed with~~ they became available from the state or federal filing officer. ~~provided for under Oregon or federal law.~~

~~(b) In addition to the reports required by subsection (a) above, every Candidate and every Metro Elected Official who is a candidate for any public office shall file reports with the Metro Council Clerk disclosing all contributions required to be reported under Oregon or federal law no less frequently than every 90 days. The first report shall be filed with the Metro Council Clerk no later than 90 days after the date the Metro Elected Official declares their candidacy or first organizes a political committee.~~

(eb) Prior to taking any action or voting on any matter in which any person who has a legislative or administrative interest has made a campaign contribution of \$500 or more in the aggregate to the Metro Elected Official, the Metro Elected Official shall disclose the existence of the contribution on the public record, if the contribution has not been previously ~~reported on any~~ made available in a financial report campaign finance report electronic link required to be filed ~~with the Metro Council Clerk~~ pursuant to (a) ~~or (b)~~ above.

(dc) A Metro Councilor shall make the disclosure of such contributions on the record required by (eb) above immediately prior to voting or abstaining from voting on the matter. The Metro Auditor shall disclose such contributions by filing a written notice with the Metro Council Clerk or the Council prior to taking action on any such matter. In all cases, the disclosure shall include the name of the donor, the amount of the contribution and the nature of the donor's legislative or administrative interest in Metro.

2.18.040 Public Dissemination of Campaign Finance Reports

~~The Metro Council Clerk shall maintain a file of all campaign finance reports received and shall provide public access to the file at no charge. The Metro Council Clerk shall also provide such access by including the reports on Metro's world wide web information "page."~~ The Metro Council Clerk shall cause all campaign finance report electronic links to be posted on Metro's website. Website access to the campaign finance report links shall be maintained on the Metro website until the earlier of the January 1 following the election or the Metro elected official's term ends.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1180 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.18 (CAMPAIGN FINANCE REGULATION) AND DECLARING AND EMERGENCY

Date: February 27, 2008

Prepared by: Emma Stocker

BACKGROUND

In 2005, the Oregon Legislature passed HB 3458, directing the Secretary of State to develop an electronic filing system to be used to file campaign contribution and expenditure information. That system, ORESTAR, became operational January 1, 2007 and HB 2082 amended campaign finance reporting requirements. Changes, effective January 1, 2008 include requiring that all campaign finance information be filed electronically and continuously throughout the campaign, eliminating “scheduled” reporting deadlines. Transactions are generally required to be filed with the Secretary of State within 30 days of the date of the transaction, except during the 6 weeks prior to an election when transactions must be filed within 7 days. All federal campaign reports are also available electronically.

This Ordinance, No. 08-1180, is for the purpose of amending the Metro Code to reflect new Oregon reporting requirements. In light of the fact that campaign finance reporting will be done continuously, the proposed amendment to the Metro Code allows a candidate to provide a hyper link to those reports filed electronically to the Metro Council Clerk within the appropriate number of days. Federal campaign finance reports, if required, will be available through a link to the Federal Elections Commission website.

ANALYSIS/INFORMATION

Known Opposition None

Legal Antecedents Metro Code 2.18 (Campaign Finance Regulation) as enacted by Ordinance No. 00-849A (For the Purpose of Amending the Metro Code Regarding Campaign Finance and Disclosure)

Anticipated Effects: Amending the Metro Code in this way will bring Metro into accordance with ORS 260 as well as provide greater public access to information through more timely dissemination of campaign information.

Budget Impacts None

RECOMMENDED ACTION

Metro Staff recommends the adoption of Ordinance No. 08-1180.

Agenda Item Number 6.1

Resolution No. 08-3916, For the Purpose of Adopting the Policy Direction and Program Objectives of the 2009 Regional Flexible Funding Allocation Process and 2010-13 Metropolitan Transportation Improvement Program (MTIP).

Metro Council Meeting
Thursday, March 20, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE	)	RESOLUTION NO. 08-3916
POLICY DIRECTION AND PROGRAM)	
OBJECTIVES FOR THE 2009 REGIONAL	)	Introduced by Councilor Rex Burkholder
FLEXIBLE FUNDING ALLOCATION PROCESS)	
AND 2010-13 METROPOLITAN)	
TRANSPORTATION IMPROVEMENT)	
PROGRAM (MTIP))	

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council will be awarding regional flexible funds to transportation projects in the region through the Regional Flexible Fund allocation process; and

WHEREAS, these funding awards, as well as all other federal transportation spending in the region, will be programmed in the MTIP; and

WHEREAS, JPACT and the Metro Council wish to provide policy direction on the objectives of the Regional Flexible Funding process and programming of funds in the MTIP; now therefore,

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT for the policy direction, program objectives, procedures and criteria for the 2009 Regional Flexible Fund allocation process and the 2010-13 Metropolitan Transportation Improvement Program as described in Exhibit A attached hereto as to form.

ADOPTED by the Metro Council this ____ day of March 2008.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

www.metro-region.org



Portland Metropolitan Area Policy Report

March 2008

2010-13 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM

Metro

People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

Your Metro representatives

Metro Council President – David Bragdon

Metro Councilors – Rod Park, District 1; Carlotta Collette, District 2; Carl Hosticka, District 3; Kathryn Harrington, District 4; Rex Burkholder, District 5; Robert Liberty, District 6.

Auditor – Suzanne Flynn

Metro's web site: www.metro-region.org

Project web site: www.metro-region.org/rtp

Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to allocate federal funds for the region.

The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council.

The established decision-making process assures a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating transportation funds.

The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration. The opinions, findings and conclusions expressed in this report are not necessarily those of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.

Metro

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Introduction

The Metropolitan Transportation Improvement Program (MTIP) schedules the distribution of all federal and some state transportation funds in the Portland metropolitan region over a four-year period. To be eligible for the MTIP, projects or programs must be in the financially constrained list of the Regional Transportation Plan (RTP).

MTIP funds are administered in the Portland metropolitan region by four agencies: the Oregon Department of Transportation (ODOT), TriMet, South Metro Area Rapid Transit (SMART) and Metro. Each agency receives its own pot of funds from specific federal sources. Most of the funds administered by ODOT and the transit agencies are dedicated to investments that fall into specific categories. The funds administered by Metro are more flexible. These funds—dubbed "Regional Flexible Funds"—may be invested more broadly. Locally administered transportation funds are not programmed in the MTIP, but may be listed for informational purposes.

The table below summarizes the main federal funding sources for each agency and the types of investments they support. A graph on the back of this sheet shows the proportion of federal and state funds invested in different programs and projects as administered by these agencies. The federal funds administered by ODOT are supplemented with state transportation revenues.

Figure 1

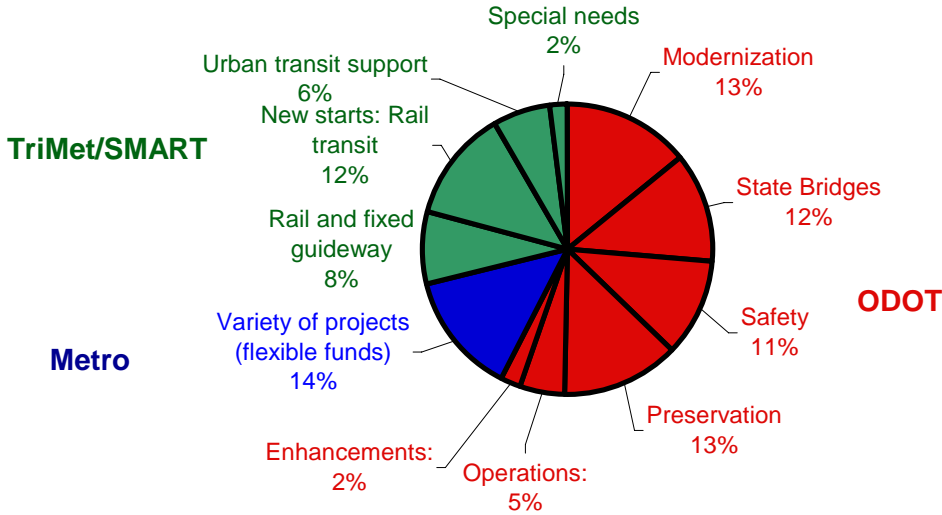
AGENCY	FEDERAL FUND TYPE	USES
ODOT	Federal Highway Administration (FHWA) Trust Fund <ul style="list-style-type: none"> <li data-bbox="456 1234 748 1262">• Interstate Maintenance <li data-bbox="456 1304 854 1331">• Surface Transportation Program <li data-bbox="456 1423 862 1451">• National Highway System (NHS) <li data-bbox="456 1543 630 1570">• Bridge funds <li data-bbox="456 1591 630 1619">• Safety funds <li data-bbox="456 1640 789 1696">• High-Priority Projects (Congressional earmarks) <li data-bbox="456 1707 829 1734">• Transportation enhancements 	<ul style="list-style-type: none"> <li data-bbox="906 1234 1536 1291">• Preservation (resurfacing) of the interstate highway system <li data-bbox="906 1304 1341 1331">• Highway preservation (resurfacing) <li data-bbox="906 1346 1479 1373">• Operations (signs, signals, traffic management) <li data-bbox="906 1388 1333 1415">• Highway modernization (widening) <li data-bbox="906 1430 1414 1457">• Modernization on NHS designated routes <li data-bbox="906 1472 1471 1499">• Reconstruction or preservation on NHS routes <li data-bbox="906 1514 1422 1541">• Operational improvements on NHS routes <li data-bbox="906 1556 1495 1583">• Building and maintaining state and local bridges <li data-bbox="906 1598 1349 1625">• Crash reduction and highway safety <li data-bbox="906 1640 1536 1667">• Special projects; highway modernization (widening) <li data-bbox="906 1707 1536 1734">• Highway appearance/function; historic preservation

TriMet/SMART	Federal Transit Administration	<ul style="list-style-type: none"> • New Starts/Small Starts • Transit Formula Funds • Rail and bus maintenance • Special needs grants 	<ul style="list-style-type: none"> • New passenger rail or bus rapid transit • Urban transit support • Refurbishing existing passenger rail systems and bus fleets • Transit services for elderly, disabled and low-income people
Metro	FHWA Trust Fund	<ul style="list-style-type: none"> • Congestion Mitigation/Air Quality • Surface Transportation Program 	<ul style="list-style-type: none"> • Projects that improve air quality • Anything but construction of local streets

Fund and investment distribution

The graph below shows the relative amounts and general types of federal and state transportation investments that are administered by ODOT, TriMet and Smart, and Metro. Please note that the relative proportions shown in this graph are based on recent historical averages to give a sense of how funding has generally been allocated.

Figure 2



NOTE: The Metro region covers urban portions of Clackamas, Multnomah and Washington Counties. ODOT funds are for all of ODOT Region 1, which covers those three counties plus Columbia and Hood River counties. The ODOT enhancement portion reflects a statewide total. ODOT funding does not include federal earmarks, Connect Oregon, OTIA, FTA-administered, or local government pass through funding.

Regional Flexible Funds

Two federal funding programs are used to create the pool of funding known as Regional Flexible Funds that are allocated through the Metropolitan Planning Organization decision-making process. Those federal programs are Urban Surface Transportation Program (Urban STP), which can be used for any purpose other than construction of local streets, and Congestion Mitigation/Air Quality (CMAQ) that need to be used on projects that demonstrate an air quality benefit to the region.

The following draft policies are a consolidation of priorities identified by a majority of survey respondents of JPACT and Metro Council members and through consultation of MPAC, JPACT and the Metro Council for guiding the investment of regional flexible funds. See Attachment A for the complete list of RTP policies from which these policies were identified. The source of the policy priorities and how they relate to existing regional flexible fund policies are noted.

Existing Transportation Policies Identified as Priorities During Outreach Process

The following 2008-11 MTIP policies and Regional Transportation Plan goal objectives were identified by a majority of survey respondents of JPACT and Metro Council members, through consultation of MPAC, JPACT and the Metro Council and through a target survey of community stakeholders as priorities for guiding the investment of regional flexible funds.

RTP Goal 1: Foster vibrant communities and efficient urban form

- Prioritize transportation projects and services that address system gaps or deficiencies to improve multi-modal access in primary 2040 target areas (central city, regional centers, industrial areas and passenger and freight inter-modal facilities).

RTP Goal 2: Sustain economic competitiveness

- Prioritize reliable movement of freight and goods on the RTP regional freight system.
- Prioritize addressing gaps in multi-modal access to labor markets and trade areas within or between 2040 target areas.

RTP Goal 3: Expand transportation choices

- Prioritize addressing gaps in the pedestrian, bicycle and transit networks.
- Ensure air quality Transportation Control Measures for pedestrian and bicycle improvements are met.

RTP Goal 4: Emphasize efficient management of the transportation system

- Prioritize investments in Transportation System Management and Operations (TSMO) in regional mobility corridors.

RTP Goal 5: Enhance safety and security

- Prioritize investments in recurring safety issue areas, including gaps in the bike and pedestrian system.

RTP Goal 6: Promote environmental stewardship

- Reduce impervious surface coverage and storm water runoff.
- Prioritize projects and services that lower carbon emissions.

RTP Goal 7: Enhance human health

- Reduce noise, impervious surface and other transportation-related pollution impacts on residents.

RTP Goal 8: Ensure Equity

- Prioritize investments that provide access to transportation options for people of all ages, abilities and incomes.

RTP Goal 9: Ensure fiscal stewardship

- Prioritize investments that achieve multiple objectives.

Existing Regional Flexible Funding Goals

- Select projects from throughout the region, however, consistent with federal rules, there is no sub-allocation formula or commitment to a particular distribution of funds to any sub-area of the region.
- Prioritize projects and programs that do not have other dedicated sources of revenue available.
- Allow use for project development and local match to support funding efforts from other sources for large projects (for example, Sellwood Bridge, light rail transit projects, I-5/Nyberg interchange) when there is strong potential to leverage other sources of discretionary funding.

Allocation Policies

The allocation policies are a consolidation of the *Policy Priorities from Outreach* objective statements as they will be applied to guide the allocation of regional flexible funds (the RTP Policy objectives were written as objectives for the entire transportation system). The allocation policies are subdivided into policies that guide allocation process (*Process policy objectives*) and policies that guide the evaluation of projects and program services (*Project and program services policy objectives*).

Process policy objectives: these objectives define how the allocation process should be conducted and what outcomes should be achieved with the overall allocation process.

1. Select projects from throughout the region, however, consistent with federal rules, there is no sub-allocation formula or commitment to a particular distribution of funds to any sub-area of the region.
2. Honor previous funding commitments made by JPACT and the Metro Council.
3. Address air quality requirements by ensuring air quality Transportation Control Measures for pedestrian and bicycle improvements are met and that an adequate pool of CMAQ eligible projects are available for funding.
4. Achieve multiple transportation policy objectives.
5. Allow use of funding for project development and local match of large-scale projects (greater than \$10 million) that compete well in addressing policy objectives when there is a strong potential to leverage other sources of discretionary funding.
6. Encourage the application of projects that efficiently and cost effectively make use of federal funds.
7. Recognize the difference in transportation infrastructure investment needs relative to an areas stage of development (developed, developing, undeveloped) consistent with RTP Table 3.2.

Project and program services policy objectives: these objectives define the objectives against which project and program services should be evaluated and prioritized for funding.

8. Prioritize transportation projects and program services that:
 - a. retain and attract housing and jobs by addressing system gaps or deficiencies to improve multi-modal access in primary 2040 target areas (central city, regional centers, industrial areas and passenger and freight inter-modal facilities) as the highest priority, secondary areas (employment areas, town centers, main streets, station communities and corridors) as next highest priority, and other areas (inner and outer neighborhoods) as the lowest priority (see table 1 below).

Table 1. 2040 Target Areas and Hierarchy of Design Types

2040 Target Areas		
Primary land-uses	Secondary land-uses	Other urban land-uses
<ul style="list-style-type: none"> • Central city • Regional centers • Industrial areas • Freight and Passenger Intermodal facilities 	<ul style="list-style-type: none"> • Employment areas • Town centers • Station Communities • Corridors • Main Streets 	<ul style="list-style-type: none"> • Inner neighborhoods • Outer neighborhoods

- b. address gaps and deficiencies in the reliable movement of freight and goods on the RTP regional freight system, and transit, pedestrian and bicycle access and inter-modal connections to labor markets and trade areas within or between 2040 target areas (Primary areas are highest priority, Secondary areas are next highest priority, other areas are lowest priority).
- c. provide access to transportation options for underserved populations (low income populations and elderly and people with disabilities).
- d. invest in Transportation System Management and Operations (TSMO) in regional mobility corridors.
- e. address recurring safety issues, including gaps in the bike and pedestrian system.
- f. minimize noise, impervious surfaces, storm-water run-off and other pollution impacts.
- g. reduce and minimize energy consumption, carbon emissions and other air pollution impacts.
- h. the project mode or program service type has no other or limited sources of transportation-related funding dedicated to or available for its use.
- i. efficient and cost effective use of federal funds.

Policy and Program Administration Implementation Tools

Metro staff will develop a project solicitation packet and supporting material as described within each administrative tool summarized below. Metro staff will consult with TPAC on the development of these tools to implement both the policy objectives adopted by JPACT and the Metro Council and to implement administrative responsibilities for carrying out federal regulations, Regional Transportation Plan policies and efficient delivery of projects and programs.

Eligibility & Screening Criteria

Eligibility criteria are used to ensure applicant projects meet federal rules for funding eligibility (e.g. projects are in or can easily be amended into the RTP) and meet public involvement criteria. The criteria also ensure applicant agencies are addressing regional planning requirements and that projects from urban growth boundary expansion areas have completed required concept planning. In order to ensure projects are an efficient use of federal funds, minimum costs will be set for project development, final design and engineering and construction as screening criteria. Finally, screening criteria will evaluate projects for their readiness to proceed into final design and engineering, right-of-way and construction or whether the project needs further project development work (Objectives 4 and 6).

Prioritization Criteria and corresponding Technical Measures used to Evaluate Applicant Projects

These criteria and measures are used to evaluate candidate projects and programs against the program policies as adopted by JPACT and the Metro Council. Quantitative measures balance and weight the policy objectives on a 100-point scale. Additional qualitative policy analysis is provided to describe a projects impact on policy objectives that cannot be quantified in an equitable or useful manner.

Previous criteria and measures were developed around 13 distinct modal evaluation categories and weighted the quantitative measures within each category by: 2040 land use objectives: 40 points, project modal effectiveness: 25 points, safety: 20 points, and cost-effectiveness: 15 points.

Technical staff will develop an updated technical evaluation proposal with the objectives of:

1. reducing the number of distinct project evaluation categories,
2. consideration of eliminating modal evaluation categories in favor of policy outcome based evaluation categories, and
3. developing universal measures that can compare all projects against one another for at least some policy objectives.

The evaluation categories and corresponding weighted score of the quantitative topic areas will be brought back to JPACT for approval.

Funding will be allocated in a two-step process. The first step would be to consider an allocation (either a firm commitment or a recommendation that could be reconsidered at the end of the second step) to programs that are administered at the regional level. These include Metro Planning, High Capacity Transit system completion, the Regional Travel Options program, the Transit Oriented Development program, the Intelligent Transportation Systems program, a Regional Bridge program and a Regional Bicycle/Pedestrian Implementation program.

The second step would be to solicit locally administered projects and program services based on cost limit targets set relative to the remaining funds available.

Figure 3

As an example, a first step allocation to regionally administered programs could include: Metro Planning, ITS Program (Objectives 6, 8a, b, d, e, f, g) RTO program (Objectives 8a – g), Transit Oriented Development (Objectives 8a, c, d, e, g), High Capacity Transit system completion (Objectives 8a, b, c, d).

Metro staff will consult with TPAC to develop project evaluation categories and measures to implement adopted policy direction. Examples of policy outcome based categories and quantitative measures could include:

<u>Potential project evaluation categories</u>	<u>Potential quantitative topic areas (and measures)</u>
System reliability:	Travel time reliability, 2040 land-use (use of facility by freight vehicles accessing Metro area industrial lands), Safety
System completeness:	Facility importance to regional system (number/size/use of RTP modal system gaps completed), 2040 land-use, Safety
Mixed-use area implementation:	2040 land-use (existing and forecasted jobs/housing), Safety
Industrial & employment area Implementation:	2040 land-use (existing and forecasted jobs), Safety
Environmental enhancement & mitigation:	Environmental restoration, Emission reduction

Sub-Regional Application Limitations

This tool is currently used to ensure efficient program administration and to ensure a pool of CMAQ eligible projects are available from across the region. (Objectives 3 and 6)

Financial Match Incentives

This tool is currently used to promote the location and service function of projects towards priority 2040 land use areas (Objectives 8a.).

Conditions of Approval

This tool can effectively be used to achieve project design and scope objectives such as consistency with regional street design guidelines and the incorporation of Green Street features (Objectives 4 and 8f).

Oregon Department Of Transportation (ODOT) Administered Funds

ODOT administers many sources of federal funding for transportation purposes. These fund sources each have purposes and eligible activities as defined by federal laws and rules. The Oregon Transportation Commission (OTC) assigns these federal fund sources (along with state fund sources) to one of several ODOT Program activity areas. Assignment of federal funds to projects within an ODOT program activity area must still be consistent with federal eligibility rules.

The allocation of federal and state funding sources to ODOT program area is made after an evaluation of needs across the program areas and an assessment of funding eligibility rules. This action is taken by the OTC and is known as the establishment of funding targets.

Each ODOT program area has unique eligibility and prioritization criteria for the prioritization of projects to receive funding to be reflected in the State Transportation Improvement Program (STIP). Projects to be funded within a Metropolitan area must be defined within a Metropolitan Transportation Improvement Program (MTIP). The programming adopted within the MTIP must be adopted without change into the State Transportation Improvement Program (STIP). ODOT is represented on the Metropolitan Planning Organization (MPO) board that adopts the content of the MTIP but must also ensure that the decision process, project eligibility and prioritization criteria adopted by the OTC is followed.

This section of the policy document outlines how the MPO board will come to a recommendation on the content of the MTIP while following the direction of the OTC policies with respect to the ODOT administered funds.

Funding Programs

Federal and state transportation revenues are budgeted into programs to address transportation needs of the state transportation system: Modernization, Bridge, Preservation, Operations, Safety, Enhancements and the Immediate Opportunity Fund. The Enhancement and Immediate Opportunity Fund essentially operate as a competitive application program with objectives set by the OTC.

The Modernization, Bridge and Preservation programs have eligibility and prioritization criteria adopted by the OTC. Those criteria are summarized in the table below and criteria details are provided in Attachment B. JPACT and the Metro Council will base their recommendations on the prioritization of projects in these programs based on these policies. Technical staff will provide an analysis of candidate projects based on these policies.

Prioritization Factors
Used to Select Projects for Funding from the Pool of Eligible Projects

Development STIP Major projects	Construction STIP		
	Modernization projects	Preservation projects	Bridge replacement/rehabilitation projects
<p>Priority shall be given to:</p> <ul style="list-style-type: none"> • D-STIP project suitability (an assessment of the level of work completed to achieve the planned D-STIP milestone). • Projects that best support the policies of the Oregon Highway Plan.² • Projects that have already completed one or more D-STIP milestones. • Projects that have funding identified for development or construction³ • Major Modernization Projects that leverage other funds and public benefits.⁴ 	<p>Priority shall be given to:</p> <ul style="list-style-type: none"> • Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).⁷ • Projects that best support the policies of the Oregon Highway Plan.⁸ • Projects that support freight mobility.⁹ • Projects that leverage other funds and public benefits.¹⁰ • Class 1 and 3 projects that have completed an environmental milestone of a Record of Decision (ROD) or Finding of No Significant Impact (FONSI) (see footnote for Class 2 projects).¹¹ 	<p>Priority shall be given to:</p> <ul style="list-style-type: none"> • Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).¹³ • Projects that best support the policies of the Oregon Highway Plan.¹⁴ • Projects that leverage other funds and public benefits.¹⁵ 	<p>Priority shall be given to:</p> <ul style="list-style-type: none"> • Projects that support the approved Bridge Options Report. (This prioritization factor is not intended to limit bridge projects to those identified in the Bridge Options Report, but to give priority to those identified in the report.)¹⁷ • Projects that best support the policies of the Oregon Highway Plan.¹⁸ • Projects that support freight mobility.¹⁹ • Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).²⁰ • Projects that leverage other funds and public benefits.²¹

**Project Eligibility Criteria and Prioritization Factors
For the 2010-2013 Development STIP and Construction STIP
Eligibility Criteria**

Development STIP Major projects	Construction STIP*		
	Modernization projects	Preservation projects	Bridge replacement/rehabilitation projects
<p>Development work on major projects may be eligible for funding if it:</p> <ul style="list-style-type: none"> ◆ Supports the definition of “Development STIP” approved by the Oregon Transportation Commission ◆ Addresses an unmet transportation need in the applicable acknowledged transportation system plan(s) (TSP) or, in the absence of an applicable acknowledged TSP(s), the applicable acknowledged comprehensive plan and any applicable adopted TSP(s). or Addresses project need, mode, function and general location for a transportation need identified in an acknowledged TSP. or Is identified as a project of statewide significance or as a federal discretionary project. ◆ Has funding adequate to complete the identified milestone.¹ 	<p>Modernization projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> ◆ Are consistent with the applicable acknowledged transportation system plan (TSP) or, in the absence of an applicable acknowledged TSP, the applicable acknowledged comprehensive plan and any applicable adopted TSP.⁵ ◆ Are consistent with the Oregon Highway Plan policy on Major Improvements (Policy 1G, Action 1.G.1), where applicable.⁶ 	<p>Pavement Preservation projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> ◆ Are identified through the Pavement Management System process.¹² 	<p>Bridge replacement and rehabilitation projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> ◆ Are identified through the Bridge Management System process.¹⁶ ◆ Are improvements or work needed to rebuild or extend the service life of existing bridges and structures (includes replacement of an existing bridge).

* To the extent that legislative action (e.g., HB 2041) applies, the criteria in the legislation will control in the event of a conflict.

JPACT and the Metro Council request that the Oregon Highway Plan and the 2012-15 STIP eligibility and prioritization criteria be updated to reflect the new Oregon Transportation Plan, particularly the sustainability policies.

Modernization

The statewide funding target for Modernization program projects is further sub-allocated to the five ODOT regions of the state. Metro boundaries, which define the extent of the MTIP, is located within a portion of Region 1. ODOT Region staff work with JPACT and the Metro Council to prioritize modernization projects for funding within a portion of the Region 1 target funds, consistent with federal rules and OTC policies.

The OTC has created the policy framework in Attachment B, consistent with the Oregon Highway Plan, for the decision process to prioritize projects from the Regional Transportation Plan to receive funds.

Specific measures to implement state and local prioritization criteria will be developed to evaluate and prioritize projects for the Modernization program.

Bridge

The OTC has created the policy framework in Attachment B, consistent with the Oregon Highway Plan, for the decision process to prioritize projects to receive funds.

Specific consultation measures with local agencies and the TIP decision process on the scope and schedule of Bridge program projects, as generated by the Bridge management system, is administered by ODOT Region 1 staff.

Preservation

The OTC has created the policy framework in Attachment B, consistent with the Oregon Highway Plan, for the decision process to prioritize projects to receive funds.

Specific consultation measures with local agencies and the TIP decision process on the scope and schedule of Preservation program projects, as generated by the Pavement management system, is administered by ODOT Region 1 staff.

Operations

The Operations Program funds projects that improve the efficiency of the transportation system through the replacement of aging infrastructure and the deployment of technology that allows the existing system to meet increased demands.

The Operations Program consists of four sub-categories:

- (1) Intelligent Transportation Systems (ITS);
- (2) Signs, Signals, and Illumination;
- (3) Slides and Rockfalls; and
- (4) Transportation Demand Management (TDM).

- ITS includes ramp metering, incident management, emergency response/traffic management operations centers, and mountain pass/urban traffic cameras. Region 1 sets aside funds to maintain, improve and complete development of its ITS infrastructure. ODOT coordinates with local agencies in their selection of ITS projects to receive Operations funding through participation in the Transport subcommittee of TPAC.
- Signals and signs, slow moving vehicle turnouts, and other operational improvements. The Region sets aside funds for development and upgrades.
- Rockfalls and slides (chronic rockfall areas and slides, not emergency repair work). Priorities for addressing are based on geotechnical assessments.
- TDM Includes rideshare, vanpool, and park-and-ride programs.
- ODOT Region 1 does not receive any funds for TDM - they are paid directly to Metro

Safety

The OTC has created the policy framework, consistent with the State Safety Action Plan, for the decision process to prioritize projects to receive Safety Program funds.

Specific consultation measures with local agencies and the TIP decision process on the scope and schedule of Safety program projects is administered by ODOT Region 1 staff.

Transit Funds

Transit projects and programs in the region receive federal funding from several different sources. Allocation of these funds are administered through TriMet and SMART in the Metro region and coordinated through activities at their agencies and at the MPO planning and programming process.

Congressional earmarks

Regional priorities for requests of Congressional earmarks are coordinated through JPACT and principles guiding this process are described in the next section below. TriMet and SMART request earmarks as a part of this process.

New Starts discretionary grants

Requests for grants from the Federal Transit Administration for new high capacity transit projects such as light rail, commuter rail, streetcar or bus rapid transit are also coordinated through JPACT with planning for implementation of these projects administered through the TriMet Transit Improvement Plan.

The Federal government offers Section 5309 transit development grants through what is called the New Starts program. That program is subdivided into 1) New Starts, 2) Small Starts and 3) Very Small Starts (pending), each with a threshold for project scale and financing needs. Projects pass through a prescribed development process that incorporates NEPA. Projects are ultimately reviewed and approved for funding against a range of criteria, including a cost- effectiveness measure based on travel time savings. The process is highly competitive.

Light rail projects generally fall under the original New Starts program, but streetcar, commuter rail, bus rapid transit or a short light rail extension might also fit into the lower threshold programs. These projects are necessarily grounded in the Regional Transportation Plan, TriMet's 5- year Transit Investment Plan and the upcoming High Capacity Transit Plan. The Region secured an average of \$65 million in Federal funds annually through this program between 1992 and 2011 (projected).

The region will be undertaking a high capacity transit system plan over the course of the next 18 months whose objectives include the adoption of priorities and funding strategies for the region's high capacity transit system. This plan will be considered for adoption by JPACT and the Metro Council.

Regional flexible fund allocations

TriMet and SMART have received awards of funding through the regional flexible fund allocation process. This includes \$9.3 million per year of regional flexible funds through the year 2015 as a contribution to the I-205/Transit Mall light rail and Wilsonville-Beaverton commuter rail projects, contributions to on-street transit improvements and to

the SMART transit center and park-and-ride facility. TriMet and SMART will continue to compete for project funding from this source in the future.

Operating and Maintenance grants

TriMet and SMART receive federal transit grants, such as the Section 5307 and Section 5309 federal fund programs, to be used for the purposes of transit operations, rail right-of-way maintenance and bus and rail vehicle maintenance. These funds are prioritized to service through the Transit Investment Plan, annual service planning and the annual TriMet and SMART budgets.

Special Needs grants (JARC, New Freedom, Elderly & Disabled programs)

The recommendation for the allocation of special needs transportation funding in the Metro region is developed by the STFAC. Their recommendation is made to the Oregon Public Transit Division of ODOT for allocation of funds. These recommendations must be consistent with the Coordinated Human Services Transportation Plan that in turn is coordinated with the Regional Transportation Plan.

The STFAC recommends the distribution of the New Freedom federal program (Section 5317 funds) for services beyond Americans with Disabilities Act requirements, Jobs Access/Reverse Commute program (Section 5316 funds) to assist low-income households with transportation services to facilitate job access, and the Elderly and Disabled program (Section 5310 funds) to provide transportation services to elderly and disabled populations.

Federal Congressional Earmarks

Regional priorities for federal earmarks are coordinated through a voluntary process at JPACT. The priority list developed through this process is used only for the purpose of organizing the requests from the region to the Oregon Congressional delegation for each annual appropriations bill and each re-authorization bill. Staff recommended guidelines for the 2009 Appropriations requests include:

1. JPACT should establish a regional program for earmarking requests from the transit program.
2. JPACT should endorse earmarks from non-transportation appropriations bills that help further the regional transportation agenda.
3. JPACT should compile a list of requested earmarks from the federal highway bill as follows:
 - a. All earmark requests should be in the financially constrained portion of the RTP.
 - b. Requests should be limited to a dollar amount and category that is appropriate. Based upon historical experience, this means requests should generally be no greater than \$3-5 million.
 - c. Requests should be only for work that can be obligated within the timeframe of this bill, not simply requests to accumulate over multiple bills for a later date. Only ask for projects and project amounts sufficient to complete the next logical step or a finance plan to complete the phase (i.e. enough to complete PE, right-of-way or construction step). Do not allow requests that are simply a partial payment toward one of these steps.
 - d. JPACT should expect the following interests to limit their requests to one or two priorities:
 - Portland
 - Multnomah County and Cities of Multnomah County
 - Clackamas County and Cities of Clackamas
 - Washington County and Cities of Washington County
 - Port of Portland
 - ODOT
 - Metro
 - e. JPACT should structure its project requests being mindful of the Congressional districts in which they are located.

Projects awarded Congressional earmark funding need to be programmed in the Metropolitan and State Transportation Improvement Programs prior to those funds being eligible for the project.

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RTP Policies and 2008-11 MTIP Policies provides as Potential Policy Priorities for the Allocation of Regional Flexible Funds

- 1. Program policy goals and objectives.** Do any of the policy goals and objectives in the 2035 Regional Transportation Plan, summarized below, are there any that warrant prioritization should be priorities for the receipt of Regional Flexible Funds for this funding cycle? Check those that you think should be priorities for these funds relative to the responsibility of other funding sources or agencies. Please check any you believe do.

RTP Goal 1: Foster vibrant communities and efficient urban form

- System gaps or deficiencies to improve multi-modal access in primary 2040 target areas
- Programs that reduce land dedicated to parking

RTP Goal 2: Sustain economic competitiveness

- Gaps in multi-modal access to labor markets and trade areas within or between 2040 target areas
- Intercity public transportation/inter-modal connections
- Reliable movement of freight and goods
- Access to industrial areas
- Multi-modal freight connections (at least two different modes)

RTP Goal 3: Expand transportation choices

- Gaps in bicycle, pedestrian or transit access/inter-modal connections
- Reduction in vehicle miles traveled per capita
- Access to all modes of transportation for underserved populations

RTP Goal 4: Emphasize efficient management of the transportation system

- Investments in Transportation System Management and Operations (TSMO) Concept to improve mobility, reliability and safety in regional mobility corridors
- Incentives, services and infrastructure that uses the TSMO Concept to increase awareness of travel options

RTP Goal 5: Enhance safety and security

- Investments that address recurring safety-related deficiencies on the regional mobility corridor system and gaps in the regional bicycle and pedestrian systems
- Investments that increase system monitoring, management and security to reduce crime

- Investments that increase system monitoring, management and security to address terrorism, natural disasters or hazardous material spills

RTP Goal 6: Promote environmental stewardship

- Improvements to fish or wildlife habitat/barrier removal that limits fish or wildlife passage in a habitat conservation area or wildlife corridor
- Reductions in transportation-related vehicle emissions
- Reduction in impervious surface coverage and stormwater runoff
- Reduction in transportation-related energy and land consumption/reliance on unstable energy sources

RTP Goal 7: Enhance human health

- Investments that encourage walking, bicycling
- Reductions in noise, impervious surface and other transportation-related pollution impacts on residents

RTP Goal 8: Ensure Equity

- Investment that benefit environmental justice communities
- Investments that provide access to transportation options for people of all ages, abilities and incomes

RTP Goal 9: Ensure Fiscal Stewardship

- Investments and strategies for cost-effective maintenance or preservation of existing transportation facilities and services
- Investments that achieve multiple goals and objectives
- Investments that leverage other sources of funding

2. **Funding priority:** Should Metro continue to prioritize Regional Flexible Funds for projects and programs that do not have other dedicated sources of revenue available?

3. **Ensuring compliance with state air quality plan requirements:** The region must build enough new bicycle and pedestrian facilities to meet state air quality plan requirements. (If these requirements are not met, federal funding could be redirected to meet them.) Should Metro continue to ensure that regional flexible funds are used to meet the requirement of funding bicycle and pedestrian facilities?

4. **Supporting large projects that have other potential funding sources:** Should regional flexible funds continue to be used for project development and local match to support funding efforts from other sources for large projects (for example, Sellwood Bridge, light rail transit projects, I-5/Nyberg interchange)?

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Project Eligibility Criteria and Prioritization Factors Process Description and Guidance For the 2010-2013 Development STIP and Construction STIP

I. Introduction

The Oregon Transportation Commission (OTC) approved the Project Eligibility Criteria and Prioritization Factors to assist Area Commissions on Transportation (ACTs), Metropolitan Planning Organizations (MPOs), or regional or statewide advisory groups advising the OTC on the selection of Statewide Transportation Improvement Program (STIP) projects. The document gives basic definitions and funding information and provides guidance pertaining to roles and responsibilities, project selection and documentation. More information about the ACT process, advisory committees, Oregon transportation management systems, other STIP programs and funding is available on the Internet (see Appendix A).

The OTC establishes program goals, funding levels and regional funding distribution at the start of each two-year STIP update. Those policy decisions are made separate from these eligibility criteria and prioritization factors and are not part of this document. (See Appendix B for the decision-making process.)

The OTC's decisions reflect the goals and priorities adopted in the Oregon Transportation Plan (OTP). The OTP sets forth policies that guide decisions and actions of the agency, including project and program funding decisions. The OTP's goals are:

1. Mobility and Accessibility
2. Management of the system
3. Economic Vitality
4. Sustainability
5. Safety and Security
6. Funding the Transportation System
7. Coordination, Communication, and Cooperation

These goals recognize the importance of providing an efficient, optimized, safe, secure, and well-integrated multimodal transportation system that allows for access and connectivity throughout the state to enable a diverse economy while not compromising the ability of future generations to meet their needs. These goals are implemented through the Oregon Highway Plan (OHP) and the other modal plans. This document sets forth criteria in compliance with the OHP to be utilized in the selection and prioritization of transportation projects for the D-STIP, and the C-STIP modernization, preservation, and bridge programs.

A. Roles and Responsibilities

The OTC will make the final selections for all projects included in the STIP. The Commission will consider the advice and recommendations received from ACTs, MPOs, and regional or statewide advisory groups. ODOT will provide tools necessary to enable an ACT to carry out its responsibilities under these criteria. Geographic areas that do not have an ACT must adhere to the same standards of accountability as ACTs (*Policy on Formation and Operation of the Area Commissions on Transportation*, Section VI, Basis for Decision Making) and demonstrate to the OTC that recommendations were developed in accordance with these criteria and factors. ODOT region staff will facilitate this by preparing project summary reports that describe the

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1 utilization of the criteria in project selection by the region, ACTs, and/or other groups. They
2 may also utilize or include with the summary reports any other information developed for project
3 analysis or comparison. The reports supplied by each region will be provided to the OTC with
4 the draft STIP. In making final project selections, the OTC will ensure that ACTs, MPOs and
5 regional or statewide advisory groups have based their considerations on the criteria and will
6 ensure projects are distributed according to the funding allocations approved by the OTC for the
7 2008–2011 STIP.

8
9 In making decisions, the OTC applies both regional and statewide perspective, optimizes
10 system effectiveness in decisions for the state system and strives to develop and operate an
11 integrated intermodal transportation system that facilitates the safe, efficient and economic
12 movement of people and goods. (*Policy on Formation and Operation of the Area Commissions
13 on Transportation*, Section III. Authority)

14 15 **B. Definitions**

16
17 STIP includes both the Development and Construction sections of the Statewide Transportation
18 Improvement Program. The D-STIP houses projects that require more than 4 years to develop
19 or for which construction funding needs to be obtained. Projects that can complete the
20 development process and be ready for bid within 4 years or less may be placed directly into the
21 C-STIP.

22 23 Development STIP (D-STIP)

24
25 The Oregon Transportation Commission approved the following definition for the D-STIP:

26
27 *Projects approved and funded for development through specific milestones and within
28 specific timeframes, which include the following characteristics:*

- 29
30 A. *Projects approved for funding through specific milestones such as National
31 Environmental Policy Act (NEPA) design-level environmental documents,
32 right of way acquisition, and final plans; or*
33
34 B. *Projects for which needed improvements have been identified but a final
35 solution either has not been determined or needs further design and analysis.*

36
37 *The types of projects that tend to have one or more of the above characteristics include
38 statewide significant projects, federal earmark or demonstration projects, modernization
39 or major bridge replacement projects, and discretionary projects (projects eligible to
40 receive federal discretionary funds).*

41 42 Construction STIP (C-STIP)

43
44 The C-STIP identifies project scheduling and funding for the state's transportation preservation
45 and capital improvement program for a four-year construction period. This program meets the
46 requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy
47 for Users (SAFETEA-LU), the federal act that provides funds to states for transportation
48 projects. For application of these criteria and prioritization factors, C-STIP means
49 Modernization, Preservation and Bridge projects.

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Other STIP Programs

Other STIP programs (examples include Safety, Operations, Bicycle/Pedestrian, Transit, Congestion Mitigation/Air Quality Improvement, Transportation Enhancement, and Scenic Byways) are not addressed in this document. More information about programs funded in the STIP is available in the *Draft 2008-2011 STIP*.

C. Project Selection

Eligibility Criteria and Prioritization Factors have been developed for both the Development STIP (D-STIP) and the Construction STIP (C-STIP). ACTs, MPOs and others (including participants where an ACT does not exist) shall apply both regional and statewide perspectives in making their recommendations. The Commission anticipates that most projects considered by ACTs, MPOs and regional or statewide advisory groups would be the outcomes of planning and the transportation management systems maintained by ODOT. ODOT Region staff shall assist the ACT in developing recommendations as described in the *Policy on Formation and Operation of the ACTS*, Section II. D, Role of ODOT Staff.

ACTs, MPOs and regional or statewide advisory groups should use this document as a guide when they evaluate projects for the STIP on the state highway system and for off-system projects that support implementation of the Oregon Highway Plan (OHP), in accordance with Policy 2B: off-system improvements. Projects recommended for funding in the STIP should have consistent application of the project eligibility criteria and prioritizing factors. ACTs, MPOs and regional or statewide advisory groups may use additional criteria to select and rank projects provided the criteria are consistent with the project eligibility criteria and prioritization factors adopted by the OTC. If requested, ODOT staff will provide a model to assist with project ranking. This process recognizes regional differences and is consistent with the *Policy on Formation and Operation of the Area Commissions on Transportation*, Section VI, Basis for Decision-making.

In MPO areas designated as Transportation Management Areas (TMA), all projects using federal regulations title 23 (23 CFR) or Federal Transit Act funds, shall be prioritized for programming in the Transportation Improvement Program (TIP) from an approved Regional Transportation Plan by the MPO in consultation with the State and transit operators. The State, MPO and transit operators jointly program the prioritized projects. Should funding conflicts arise within a program year, projects on the NHS and projects funded under the Bridge and Interstate Maintenance programs shall be selected by the State, in cooperation with the MPO, from the approved metropolitan TIP. Other projects utilizing federal funds shall be selected by the MPO in cooperation with the State and transit operators.

In MPO areas not designated as TMAs, projects using federal title 23 or Federal Transit Act funds, other than Federal Lands Highways program funds, shall be selected by the State and/or the transit operator, in cooperation with the MPO, from the approved metropolitan Regional Transportation Plan.

Outside MPO areas, transportation projects undertaken on the NHS and projects funded under the Bridge and Interstate Maintenance programs will be selected by the State in consultation with the affected local officials. Other transportation projects undertaken with funds administered by FHWA, other than federal lands highway projects, shall be selected by the State in cooperation with the affected local officials and projects undertaken with Federal Transit

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1 Act funds shall be selected by the State in cooperation with the appropriate affected local
2 officials and transit operators.

3
4 ACTs and MPOs should consult with each other during their STIP and MTIP development
5 processes to achieve a coordination of projects wherever possible. Where ACT and MPO
6 boundaries overlap, a higher level of clearly defined coordination is needed. Where this occurs,
7 the MPO and ACT should jointly agree on a process for maintaining consistency between ACT
8 recommendations and the MPO Plan and MTIP (*Policy on Formation and Operation of the Area*
9 *Commissions on Transportation, Section VII. G, Coordination*).

10 11 Project Eligibility Criteria

12
13 ACTs, MPOs, or regional or statewide advisory groups advising the OTC on the selection of
14 STIP projects for funding on the state highway system or for off-system projects that support
15 implementation of the OHP shall apply the project eligibility criteria. The project eligibility criteria
16 are a first screen so that additional efforts can be focused to determine which projects they will
17 evaluate further for funding. The eligibility criteria are not listed in any particular order. Projects
18 must satisfy these criteria, at a minimum, before they are given further consideration.

19 20 Prioritization Factors

21
22 The prioritization factors are to be used to ensure consistent consideration of the relative merits
23 of projects by ACTs, MPOs and regional or statewide advisory groups. With the exception of
24 project readiness which shall have greater weight, the prioritization factors are not listed in any
25 particular order and do not have any implied weight. To provide for regional differences, ACTs,
26 MPOs and regional or statewide advisory groups may use additional factors to rank projects
27 provided the factors are consistent with the factors adopted by the OTC. If an ACT, MPO or
28 regional or statewide advisory group chooses to use additional prioritization factors, they must
29 inform those developing project proposals about the factors prior to the beginning of the project
30 submittal period. When developing a tool to evaluate OHP policies, OHP Appendix A2 provides
31 definitional information to facilitate shared understanding of the goals, policies and actions of the
32 OHP policy element.

33 34 **D. Project Documentation**

35
36 ACTs, MPOs and regional or statewide advisory groups making recommendations to the OTC
37 shall document the analysis used to develop recommendations. The supporting information
38 should include the following:

- 39
40 1. Project description
41 2. Project justification
- 42 ♦ Identify the planning history
 - 43 ♦ As applicable, describe information provided from the pavements or bridge
44 management system. If the recommendation varies from the prioritization
45 identified by the management system, describe the process used to reach that
46 recommendation.
 - 47 ♦ Describe how this project supports OHP policies (Table 1).
 - 48 ♦ Provide an assessment of the likelihood of the project getting to construction in
49 the timeframe contemplated
 - 50 ♦ Provide supplementary project information if the project leverages additional
51 funding or community benefit

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3. Applicable additional information

E. Funding

As required by federal regulations (23 CFR Part 450) the C-STIP is financially constrained by federal fiscal year (October-September). The Eligibility Criteria and Prioritization Factors defined in this document apply to projects that implement current revenue sources. If more funding becomes available, it will be allocated in adherence to any additional funding or selection criteria attached to those new funds.

The STIP represents multiple funding categories and each category has limits as to how the funding can be obligated. STIP projects must meet the funding source limitations established by state or federal regulations and cannot be selected without looking at those limitations. The D-STIP will be funded with the same funding sources as the C-STIP and the total funds committed to the D-STIP may vary. Funding of the D-STIP may be impacted by several factors, including the following: OTC selection of projects of statewide importance, federal earmarks and discretionary projects, federal and state restrictions on the use of available funds, and the Regional equity distribution of Modernization funds (ORS 366.507).

Federal discretionary projects

Federal discretionary projects are a part of federal appropriations or transportation funding legislation. The Oregon Department of Transportation, with direction from the Oregon Transportation Commission, developed guidelines to use in deciding which projects should be submitted as earmark proposals in federal legislation for the reauthorization of transportation funding. The projects are categorized as low or medium risk and can be completed over the life of the federal transportation funding bill. ODOT follows these guidelines for earmark projects and submits them to the Oregon Congressional Delegation for consideration during the federal budget process. Local jurisdictions and proponents that pursue earmark funding for projects not submitted by ODOT or supported by the Oregon Transportation Commission (OTC) are solely responsible for the required matching funds or any shortfalls.

The OTC recognizes that there may be unique circumstances in which proponents have been successful in obtaining federal discretionary projects that need to be placed in the STIP. These can be brought to the OTC as possible amendments to the STIP provided they meet the eligibility criteria and the match requirements as noted above.

II. Development STIP (D-STIP)

A. Introduction to the D-STIP

The Oregon Transportation Commission will make the final selections for all D-STIP projects and will apply a statewide perspective to the proposed list of projects, giving highest priority to OTC approved federal discretionary projects that have funding secured through federal legislation.

It will be important to clearly articulate the rationale and need of a D-STIP project in order to help manage expectations and potential next steps. D-STIP projects will be consistent with statewide policies and may be identified by the state management systems or in one or more planning documents. Planning documents may include system-level plans such as

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1 transportation system plans, regional transportation plans, or comprehensive plans, or facility-
2 level plans such as corridor plans, refinement plans, or interchange area management plans.
3 Appendix B illustrates the process that leads to approval of the Final STIP and where plans fit in
4 the process. Additionally, the OTC may choose to fund development work on projects of
5 statewide significance in the D-STIP. The D-STIP includes projects approved and funded for
6 development through specific milestones for planning, environmental or project development
7 activities and within specific timeframes.

8
9 Projects often begin in the D-STIP when they are complex projects that will take more than four
10 years to go to construction or when the appropriate transportation solution is not yet identified.
11 Project choices should address points obstructed by congestion, support regional and local land
12 use plans, and assist in job development or retention.

13
14 The following should be considered when applying the Eligibility Criteria and Prioritization
15 Factors:

- 16
17 ♦ A new alignment will be selected for one or several features in the refinement plan.
18 Project specific refinement plans may be funded in the D-STIP as needed to resolve
19 need, function, mode and general location decisions that could not be made during
20 system plan or corridor plan development. In circumstances where these decisions
21 have already been made, the goal of refinement planning will be to develop a
22 specific solution or a range of solutions to the problems(s) that support the next
23 appropriate project development step.
- 24 ♦ Rapid development is occurring in the area, making corridor preservation critical.
- 25 ♦ Issues needing resolution have a high priority and solutions are likely to be funded in
26 the near future.
- 27 ♦ The highway segment is very sensitive environmentally, and a strategy for the whole
28 segment needs to be approved before work on individual elements can commence.
29 For example, addressing land use to help resolve inconsistencies with planned
30 transportation facilities; planning for compatible land uses along state highways.
- 31 ♦ Public pressure for a sustainable decision is high.

32
33 Selection of D-STIP projects requires application of the D-STIP definition approved by the OTC.
34 D-STIP projects generally fall into the following three categories: federal discretionary projects
35 (earmarks), statewide significant projects, and modernization or major bridge replacement
36 projects.

37 38 Statewide significant projects

39
40 Statewide significant projects are projects that require funding that cannot be achieved within
41 standard STIP allocations but are viewed by the OTC as projects of statewide significance and
42 can be selected by the OTC independent of the ACT process. Identified funds would be used to
43 either keep existing work on very large projects current, or to support development of very large
44 projects (for example, funding a new Environmental Impact Statement or updating an existing
45 EIS).

46 47 Modernization or major bridge replacement projects

48
49 Modernization or major bridge replacement projects are projects that have been approved and
50 funded for development through specific milestones but that cannot be constructed within the
51 four-year timeframe of the STIP and/or within the normal Region STIP allocations. These may

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1 include shelf projects, which are high priority projects developed in anticipation of funding but
2 that have no funding identified for construction in the current STIP. Milestones include planning,
3 environmental and project development.
4

5 D-STIP Project Completion 6

7 ODOT and the Department of Land Conservation and Development (DLCD) shall work with
8 affected cities and counties to obtain land use approvals needed to select a specific alignment.
9 The level of land use consistency required will depend on the environmental milestone being
10 completed.
11

12 Projects should remain in the D-STIP until work required to meet the National Environmental
13 Policy Act (NEPA) is completed. NEPA classifications:
14

- 15 ♦ Class 1: Requires draft and final environmental impact statement (EIS). An EIS is
16 required for actions that significantly affect the environment.
- 17 ♦ Class 2: Categorical exclusion (neither an environmental assessment nor an
18 environmental impact statement is required). These actions do not individually or
19 cumulative have a significant environmental effect and are excluded from the
20 requirement to prepare an environmental assessment or environmental impact
21 statement.
- 22 ♦ Class 3: Requires environmental assessment (EA) or revised environmental
23 assessment. The environmental impact is not clearly established. All actions that
24 are not Class 1 or 2 fall into this classification. These actions require preparation of
25 an EA to determine the appropriate environmental document. If it is determined that
26 the action is likely to have a significant impact on the environment, the preparation of
27 an EIS will be required.
28

29 All Class 1 and 3 projects should be in the D-STIP until a final Record of Decision (ROD) or
30 Finding of No Significant Impact (FONSI) has been completed. By programming completion of
31 D-STIP milestones that follow a ROD or FONSI, the project delivery activity can continue
32 through right of way acquisition, advance plans, and/or plans specifications and estimates
33 (PS&E). The project could then be ready for inclusion in the C-STIP at the regular 2-year
34 update. Work on right of way, advance plans or PS&E may be conducted in either the D-STIP
35 or the C-STIP.
36

37 Although the primary purpose of the D-STIP is to develop projects for the C-STIP, inclusion in
38 the D-STIP does not guarantee funding for future D-STIP milestones or that a project will
39 automatically move into the C-STIP. Funding may not be available to construct the final solution
40 or the environmental document may identify the solution as a “No Build”.
41

42 **B. Development STIP**

43 **B. 1. Development STIP Eligibility Criteria Footnotes** 44

45 ¹**D-STIP milestones**

46 D-STIP projects must have funding to complete the identified milestone; partial milestones or
47 those with no funding will not be programmed. D-STIP milestones, while not necessarily
48 sequential, include those listed below. Not all projects are required to complete all the
49 milestones.
50

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- 1
- 2 ♦ Project specific refinement plan completion
- 3 ♦ Project specific refinement plan adoption
- 4 ♦ Land use consistency/Statewide Goal Compliance. (Project is included in the
- 5 acknowledged comprehensive plan or transportation system plan as a planned
- 6 facility, which is a facility allowed by the plan and that is expected to be constructed
- 7 within the next 20 years with available financial resources. This may include land use
- 8 decisions that establish need, mode, function and general location.)
- 9 ♦ Interchange Area Management Plan or Access Management Plan
- 10 ♦ Location Environmental Impact Statement (EIS) Record of Decision (ROD)
- 11 ♦ Design EIS ROD
- 12 ♦ Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)
- 13 ♦ Right of way acquisition
- 14 ♦ Advance plans (or any other applicable project development design milestone)
- 15 ♦ Plans, specifications and estimates (PS&E)
- 16

17 B.2. Development STIP Prioritization Factors Footnotes

18 ²D-STIP Projects that Best Support the Oregon Highway Plan Policies

19 The Oregon Highway Plan is available at: <http://www.oregon.gov/ODOT/TD/TP/orhwyplan.shtml>

20 and a summary list of OHP goals and policies is provided in Table 1. All projects should be

21 consistent with the OHP and this prioritization factor is to help choose among these projects.

22 Not all projects will advance all OHP policies but a project that is strongly supportive of several

23 OHP policies may be chosen over one that offers less support or supports fewer OHP policies.

24

25

26 ³Funding for D-STIP Projects

27 A funding scenario should be identified through construction, though not necessarily

28 guaranteed. Congressional high priority projects would fall into this category.

29

30 ⁴Leverage and Public Benefit for D-STIP Projects

31 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects

32 leverage additional funding or collateral community benefits and make wise and efficient use of

33 infrastructure and natural resources. Those making project recommendations should pursue an

34 agenda to accomplish leverage or community benefits although specific benefits might not

35 always be known at the D-STIP stage. Examples of leverage and public benefits for D-STIP

36 modernization projects could include where applicable, but are not limited to the following:

37

- 38 ♦ Other funding contributions, such as additional federal funds, local matching funds or
- 39 provision of project right of way, private funding.
- 40 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on
- 41 project readiness).
- 42 ♦ Environmental enhancement, such as culvert replacement and improved drainage or
- 43 fish passage.
- 44 ♦ Transfer of jurisdiction to promote jurisdictional responsibility and coordination.
- 45 ♦ Leveraging additional funds that contribute to transportation system effectiveness,
- 46 system operations, and revitalization of the downtown or main street, etc.
- 47 ♦ Direct benefits to multiple modes of travel, advancement of modal choice and
- 48 intermodal activities. This would include local efforts to accommodate non-auto
- 49 modal opportunities.
- 50 ♦ Local circulation improvements that support and complement the state highway
- 51 project.

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- 1 ♦ Improvements in Oregon's economy by addressing transportation challenges such
- 2 as key bottlenecks or improving transportation service delivery.
- 3 ♦ Potential for collecting toll revenues.
- 4 ♦ Projects that implement other innovative finance techniques.
- 5 ♦ Would facilitate public and private investment that creates or sustains jobs.
- 6
- 7 This determination must be considered within the capacity of the community on a case by case
- 8 basis.

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1 III. Construction STIP (C-STIP)

2 3 A. Introduction to the C-STIP

4 The C-STIP contains projects scheduled for construction and is financially constrained by
5 federal fiscal year. Application of the C-STIP Eligibility Criteria and Prioritization Factors
6 includes Modernization, Preservation and Bridge projects. Information about other programs in
7 the STIP may be found in the *Draft 2006-2009 STIP*.

8 9 **B. Modernization**

10
11 As stated in the *Oregon Highway Plan*, “The primary goal of modernization projects is to add
12 capacity to the highway system in order to facilitate existing traffic and/or accommodate
13 projected traffic growth. Modernization means capacity-adding projects including HOV lanes
14 and off-system improvements. Projects in this category include major widening of lanes or
15 bridges, and the addition of lanes, rest areas or entire facilities.” Where a culvert is replaced
16 with a bridge due to environmental analysis concluding that this is necessary, the project is not
17 considered modernization.

18 19 **B.1. Construction STIP Eligibility Criteria for Modernization Footnotes**

20 21 ⁵**Consistency with Comprehensive Plans and Transportation System Plans (TSP)**

22 The proposal must show that the project is consistent with the applicable adopted
23 comprehensive plan or transportation system plan as a planned facility, including land use
24 decisions that establish need, mode, function and general location, including goal exceptions,
25 where required. If consistency cannot be demonstrated the project submission will describe
26 how the inconsistency will be addressed, including changes to the project, TSP and/or
27 comprehensive plan and when they need to be completed. In such cases, the ACT or regional
28 or statewide advisory group may recommend that the project be included in the D-STIP, and
29 request that Transportation Planning Rule issues be addressed.

30
31 Proposed projects from within MPOs shall be identified in fiscally constrained Regional
32 Transportation Plans and shall meet air quality conformity requirements.

33 34 ⁶**Consistency with Oregon Highway Plan (OHP) Policy 1G, Action 1G.1, on Major 35 Improvements**

36 In order to demonstrate that a project is consistent with OHP Policy 1G, Action 1G.1, the
37 proposal must show that the project and/or the TSP clearly addressed the prioritization criteria
38 found in Action 1G.1 of the OHP.

39
40 Where needed to achieve consistency with the above-noted Oregon Highway Plan policy, the
41 ACTs, MPOs, or regional or statewide advisory groups, with ODOT assistance, shall negotiate
42 conditions for project approval with an applicant. These conditions, if not addressed as the
43 project proceeded through the D-STIP if applicable, shall be attached to the application
44 approved by the ACT, MPO or regional or statewide advisory group, shall be as specific as
45 possible given the stage of development of the project, and may include the following:

- 46
- 47 ♦ Interchange Area Management Plan or Access Management Plan,
- 48 ♦ Highway segment designations,
- 49 ♦ Needed local street improvements,
- 50 ♦ Traffic management plans,

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- ◆ Land use plan designations,
- ◆ Other similar conditions.

B.2. Construction STIP Prioritization Factors for Modernization Footnotes

⁷Project Readiness for C-STIP Modernization Projects

Projects that can begin construction within the timeframe of the STIP and within the timeframe expected are considered to be more ready than those that have many or complicated remaining steps. The overall judgment of a project's readiness is dependent on timeliness of construction expectations not on the number of steps to be completed.

Where applicable, the hurdles to accomplish each of the following steps must be assessed for major modernization projects that have come through the D-STIP and for which a final Record of Decision (ROD) for a design level environmental impact statement or a Finding of No Significant Impact (FONSI) has been made:

- ◆ Public involvement
- ◆ Right of way purchased
- ◆ Final construction and traffic flow management plans developed
- ◆ Additional land use requirements such as completing plans for access management, supporting local transportation system improvements and land use measures to protect the function and operation of the project.

Projects that have not gone through the D-STIP or have not completed a FONSI or ROD must also assess the following:

- ◆ Environmental requirements
- ◆ Land use requirements
- ◆ Applicability of minor improvements and alternative mode solutions

If these components are not completed at the time of the assessment of project readiness, a plan to complete them must be described to help determine whether they can be addressed and construction begun within the projected timeframe. The project budget and timeline must include execution of the plan.

⁸Modernization Projects that Best Support the Oregon Highway Plan Policies

The Oregon Highway Plan is available at: <http://www.oregon.gov/ODOT/TD/TP/orhwyplan.shtml> and a summary list of OHP goals and policies is provided in Table 1. All projects should be consistent with the OHP and this prioritization factor is to help choose among these projects. Not all projects will advance all OHP policies but a project that is strongly supportive of several OHP policies may be chosen over one that offers less support or supports fewer OHP policies.

⁹Projects that support freight mobility

Projects that support freight mobility are modernization projects on freight routes of statewide or regional significance, including:

- ◆ Highways on the State Highway Freight System as designated in the *Oregon Highway Plan*;
- ◆ Highways or local roads designated as National Highway System intermodal connectors;

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- 1 ♦ Other highways with a high volume or percentage of trucks or which are important for
- 2 regional or interstate freight movement;
- 3 ♦ Local freight routes designated in a regional or local transportation plan.
- 4

5 These projects would remove identified barriers to the safe, reliable, and efficient movement of
6 goods and/or would support multimodal freight transportation movements.

7 8 ¹⁰**Leverage and Public Benefit for C-STIP Modernization Projects**

9 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects
10 leverage additional funding or collateral community benefits and make wise and efficient use of
11 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP
12 modernization projects include:

- 13
- 14 ♦ Other funding contributions, such as additional federal funds, local matching funds or
- 15 provision of project right-of-way, private funding.
- 16 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on
- 17 project readiness).
- 18 ♦ Environmental enhancement, such as culvert replacement and improved drainage or
- 19 fish passage.
- 20 ♦ Transfer of jurisdiction to promote jurisdictional responsibility and coordination.
- 21 ♦ Leveraging of additional funds that contribute to transportation system effectiveness,
- 22 system operations, and revitalization of the downtown or main street, etc.
- 23 ♦ Direct benefits to multiple modes of travel, advancement of modal choice and
- 24 intermodal activities. This would include local efforts to accommodate non-auto
- 25 modal opportunities.
- 26 ♦ Local circulation improvements that support and complement the state highway
- 27 project.
- 28 ♦ Improvements in Oregon's economy by addressing transportation challenges such
- 29 as key bottlenecks or improving transportation service delivery.
- 30 ♦ Potential for collecting toll revenues.
- 31 ♦ Projects that implement other innovative finance techniques.
- 32 ♦ Would facilitate public and private investment that creates or sustains jobs
- 33

34 This determination must be considered within the capacity of the community on a case by case
35 basis.

36 37 ¹¹**Environmental Classification**

- 38 ♦ Class 1: Requires draft and final environmental impact statement (EIS)
- 39 ♦ Class 2: Categorical exclusion (neither an environmental assessment nor an
- 40 environmental impact statement is required)
- 41 ♦ Class 3: Requires environmental assessment (EA) or revised environmental
- 42 assessment
- 43

44 This prioritization factor is not intended to give Class 1 and 3 projects priority over or to exclude
45 Class 2 projects, but to give Class 1 and 3 projects with a completed ROD or FONSI priority
46 over Class 1 and 3 projects that require additional environmental documentation.

47 48 **C. Preservation**

49
50 The pavement preservation projects list is developed by ODOT's Pavement Management
51 System (PMS) and applied by the pavement management selection committees. The PMS is an

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1 electronic data management tool used by the department to identify, prioritize and develop
2 needed pavement preservation projects. The role of ACTs, MPOs and regional or statewide
3 advisory groups is to review the timing of the pavement preservation projects as they relate to
4 other local projects or issues; their comments will be considered as part of the process. It is
5 anticipated that these groups will primarily enhance selected projects by leveraging additional
6 funding or collateral community benefit. The interstate preservation projects are selected based
7 on the PMS and a statewide strategy and are therefore not a part of these criteria.
8

9 **C.1. Construction STIP Eligibility Criteria for Pavement Preservation Footnotes**

10 ¹²**Pavement Strategy**

11 The department has adopted a pavement preservation program designed to keep highways in
12 the best condition at the lowest lifecycle cost, taking into account available funding. ODOT
13 established a Pavement Strategy Committee in 1999 to address pavement preservation issues,
14 including the development of a statewide pavement strategy for all state highways. The
15 pavement strategy was developed using the department's Pavement Management System.
16 The strategy assumes maintenance of existing traffic capacity; it does not provide for capacity
17 improvements.
18

19
20 Using the list generated by the Pavement Management System (PMS), each Region is
21 responsible for recommending preservation projects for inclusion in the STIP.
22

23 **C.2. Construction STIP Prioritization Factors for Pavement Preservation** 24 **Footnotes**

25 ¹³**Project Readiness for C-STIP Preservation Projects**

26 Projects that can begin construction within the timeframe of the STIP and within the timeframe
27 expected are considered to be more ready than those that have many or complicated remaining
28 steps. The overall judgment of a project's readiness is dependent on timeliness of construction
29 expectations not on the number of steps to be completed.
30

31 ¹⁴**Preservation Projects that Best Support the Oregon Highway Plan Policies**

32 The Oregon Highway Plan is available at: <http://www.oregon.gov/ODOT/TD/TP/orhwyplan.shtml>
33 and a summary list of OHP goals and policies is provided in Table 1. All projects should be
34 consistent with the OHP and this prioritization factor is to help choose among these projects.
35 Not all projects will advance all OHP policies but a project that is strongly supportive of several
36 OHP policies may be chosen over one that offers less support or supports fewer OHP policies.
37
38

39 ¹⁵**Leverage and Public Benefit for C-STIP Preservation Projects**

40 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects
41 leverage additional funding or collateral community benefits and make wise and efficient use of
42 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP
43 pavement preservation projects include:
44

- 45 ♦ Other funding contributions, such as additional federal funds, local matching funds or
46 provision of project right-of-way, private funding.
- 47 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on
48 project readiness).
- 49 ♦ Environmental enhancement, such as culvert replacement and improved drainage or
50 fish passage.

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- 1 ♦ Transfer of jurisdiction to promote jurisdictional responsibility and coordination.
- 2 ♦ Leveraging of additional funds that contribute to transportation system effectiveness,
- 3 system operations, and revitalization of the downtown or main street, etc.
- 4 ♦ Direct benefits to multiple modes of travel, advancement of modal choice and
- 5 intermodal activities. This would include local efforts to accommodate non-auto
- 6 modal opportunities.
- 7 ♦ Local circulation improvements that support and complement the state highway
- 8 project.
- 9 ♦ Improvements in Oregon's economy by addressing transportation challenges such
- 10 as improving transportation service delivery.

D. Bridge

14 The process of identifying bridge projects for the STIP relies on the Bridge Management
15 System. ODOT maintains a complete inventory of all state (and local) bridges longer than 20
16 feet. The aggregation of structure inventory, condition data collected on a routine basis, and
17 appraisal data assigned according to national guidelines fulfill the requirements of the National
18 Bridge Inventory (NBI). Data required by the National Bridge Inspection Standards (NBIS) and
19 additional data collected by ODOT bridge inspectors provide the condition and inventory data
20 necessary for the analysis of ODOT bridges. Applying criteria in twelve separate deficiency
21 categories, and considering OTC and program goals and requirements, projects are selected on
22 a statewide basis. After technical review and coordination with the Regions and the statewide
23 Bridge Leadership Team, the State Bridge Engineer recommends a list of projects for inclusion
24 in the STIP. The role of ACTs, MPOs and regional or statewide advisory groups is to review the
25 timing of the bridge replacement/rehabilitation projects as they relate to other local projects or
26 issues; their comments will be considered as part of the process. It is anticipated that these
27 groups will primarily enhance selected projects by leveraging additional funding or collateral
28 community benefits.

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D.1. Construction STIP Eligibility Criteria for Bridge Footnotes

¹⁶Bridge Management System

State Bridge Project Selection

This criterion applies to bridges on the State highway system only. Through an agreement between the State and the Association of Oregon Counties (AOC) and the League of Oregon Cities (LOC), the federal Highway Bridge Program project funds are divided between the State and local agencies based on the percentages of deficient bridges. Local bridge projects are covered through a separate selection process.

State bridge projects proposed for funding will be selected based on the desire to maintain and improve transportation's role in Oregon's economy. Traditionally, modernization funding will pay for major improvements to the transportation system including the bridge work. The State Bridge Program will support OTIA, freight mobility, life safety and protection of the transportation infrastructure investment.

Focusing on the Interstate Highway and Oregon Highway Plan Freight Routes, consider bridges as candidates based on the following:

- ◆ Bridges in need of improvements that eliminate load, width or vertical restrictions or poor structural condition.
- ◆ Bridges that preserve freight corridors, detour and other lifeline routes.
- ◆ Other structural, safety and functional considerations.

D.2. Construction STIP Prioritization Factors for Bridge Footnotes

¹⁷Bridge Options Report

Priority will be given to projects that support the Bridge Options Report adopted by the Oregon Transportation Commission. The Bridge Options Report helped to organize the needed bridge repairs that were funded under the Oregon Transportation Investment Act III. As of December 2006, a majority of these projects are under construction or in final design in preparation for construction. By the time of the OTC's adoption of the Final 2010-2013 STIP, this program will be largely complete.

¹⁸Bridge Projects that Best Support the Oregon Highway Plan Policies

The Oregon Highway Plan is available at: <http://www.oregon.gov/ODOT/TD/TP/orhwyplan.shtml> and a summary list of OHP goals and policies is provided in Table 1. All projects should be consistent with the OHP and this prioritization factor is to help choose among these projects. Not all projects will advance all OHP policies but a project that is strongly supportive of several OHP policies may be chosen over one that offers less support or supports fewer OHP policies.

¹⁹Projects that Support Freight Mobility

Projects that support freight mobility are bridge replacement and rehabilitation projects on freight routes of statewide or regional significance, including:

- Highways on the State Highway Freight System as designated in the *Oregon Highway Plan*;

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- 1 • Highways or local roads designated as National Highway System intermodal connectors;
- 2 • Other highways with a high volume or percentage of trucks or which are important for
- 3 regional or interstate freight movement;
- 4 • Local freight routes designated in a regional or local transportation plan.

5
6 These projects would remove identified barriers to the safe, reliable, and efficient movement of
7 goods and/or would support multimodal freight transportation movements.

9 ²⁰**Project Readiness for C-STIP Bridge Projects**

10 Projects that can begin construction within the timeframe of the STIP are considered to be more
11 ready. The overall judgment of a project's readiness is dependent on timely completion of
12 necessary pre-construction steps and not on the number of steps to be completed.

14 ²¹**Leverage and Public Benefit for C-STIP Bridge Projects**

15 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects
16 leverage additional funding or collateral community benefits and make wise and efficient use of
17 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP
18 bridge replacement/rehabilitation projects include:

- 19
- 20 ♦ Other funding contributions, such as additional federal funds, local matching funds or
- 21 provision of project right-of-way, private funding.
- 22 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on
- 23 project readiness).
- 24 ♦ Environmental enhancement, such as culvert replacement and improved drainage or
- 25 fish passage.
- 26 ♦ Direct benefits to multiple modes of travel, advancement of modal choice and
- 27 intermodal activities. This would include local efforts to accommodate non-auto
- 28 modal opportunities.
- 29 ♦ Improvements in Oregon's economy by addressing transportation challenges
- 30 including improving service delivery.

Oregon Highway Plan Policies

Table 1

GOAL 1: SYSTEM DEFINITION
POLICY 1A: STATE HIGHWAY CLASSIFICATION SYSTEM
POLICY 1B: LAND USE AND TRANSPORTATION
POLICY 1C: STATE HIGHWAY FREIGHT SYSTEM
POLICY 1D: SCENIC BYWAYS
POLICY 1E: LIFELINE ROUTES
POLICY 1F: HIGHWAY MOBILITY STANDARDS
POLICY 1G: MAJOR IMPROVEMENTS
POLICY 1H: BYPASSES
GOAL 2: SYSTEM MANAGEMENT
POLICY 2A: PARTNERSHIPS
POLICY 2B: OFF-SYSTEM IMPROVEMENTS
POLICY 2C: INTERJURISDICTIONAL TRANSFERS
POLICY 2D: PUBLIC INVOLVEMENT
POLICY 2E: INTELLIGENT TRANSPORTATION SYSTEMS
POLICY 2F: TRAFFIC SAFETY
POLICY 2G: RAIL AND HIGHWAY COMPATIBILITY
GOAL 3: ACCESS MANAGEMENT
POLICY 3A: CLASSIFICATION AND SPACING STANDARDS
POLICY 3B: MEDIANS
POLICY 3C: INTERCHANGE ACCESS MANAGEMENT AREAS
POLICY 3D: DEVIATIONS
POLICY 3E: APPEALS
GOAL 4: TRAVEL ALTERNATIVES
POLICY 4A: EFFICIENCY OF FREIGHT MOVEMENT
POLICY 4B: ALTERNATIVE PASSENGER MODES
POLICY 4C: HIGH-OCCUPANCY VEHICLE (HOV) FACILITIES
POLICY 4D: TRANSPORTATION DEMAND MANAGEMENT
POLICY 4E: PARK-AND-RIDE FACILITIES
GOAL 5: ENVIRONMENTAL AND SCENIC RESOURCES
POLICY 5A: ENVIRONMENTAL RESOURCES
POLICY 5B: SCENIC BYWAYS

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Appendix A

Key Website Addresses

Draft and Final STIP, Project Summary Reports:

<http://www.oregon.gov/ODOT/HWY/STIP/index.shtml>

STIP Users' Guide: <http://www.oregon.gov/ODOT/TD/TP/stipGuide.shtml>

Management Systems: <http://intranet.odot.state.or.us/otms/>

Bridge Options Report:

http://www.oregon.gov/ODOT/COMM/docs/bridge_options/bridge_options.pdf

Policy on Formation and Operation of the ACTs:

http://www.oregon.gov/ODOT/COMM/act_main.shtml

Program Advisory Committees, Community Involvement:

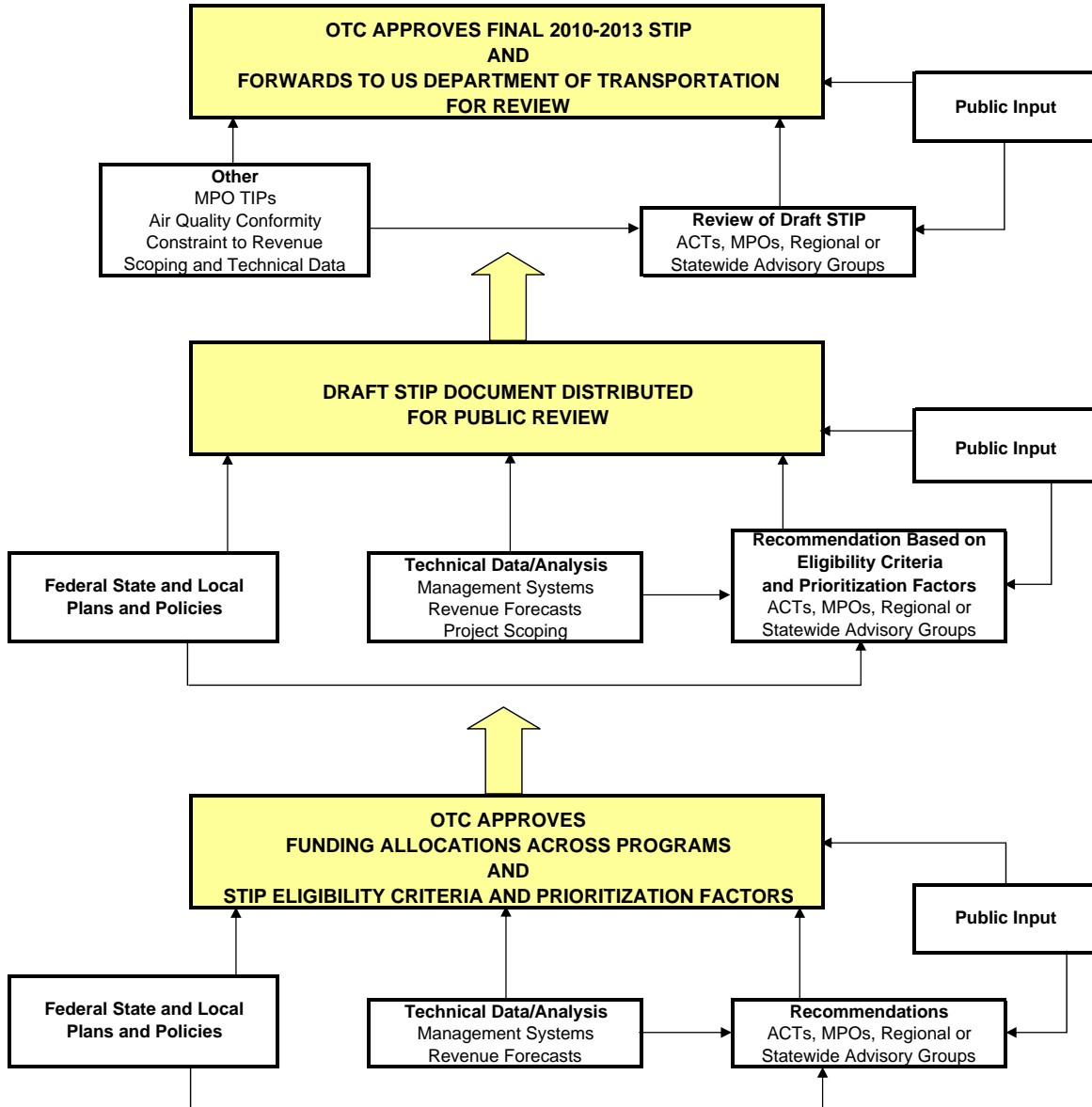
<http://www.oregon.gov/ODOT/involvement.shtml>

OHP Web site: <http://www.oregon.gov/ODOT/TD/TP/orhwyplan.shtml>

OTP Web site: <http://www.oregon.gov/ODOT/TD/TP/ortransplanupdate.shtml>

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STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
DECISION PROCESS



KEY
 ACT: Area Commission on Transportation
 MPO: Metropolitan Planning Organization
 TIP: Transportation Improvement Program

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3916, FOR THE PURPOSE OF ADOPTING THE POLICY DIRECTION AND PROGRAM OBJECTIVES FOR THE 2009 REGIONAL FLEXIBLE FUNDING ALLOCATION PROCESS AND 2010-13 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP)

Date: March 20, 2008

Prepared by: Ted Leybold

BACKGROUND

This resolution would approve a report outlining the policy direction, program objectives and procedures that will be used during the 2010-13 Regional Flexible Fund allocation process and MTIP update to nominate, evaluate and select projects to receive federal transportation funds in the fiscal year 2012-13 biennium.

The process for updating the policies for the 2010-2013 MTIP and Regional Flexible Fund allocation involved surveying JPACT and Metro Council members as well as surveying targeted stakeholder groups as to what changes should be made to the guiding policy for the respective programs. The survey results and feedback from MPAC, MTAC, and TPAC through several regular meetings and a special JPACT meeting have been used to create the Draft Policy Report, Exhibit A to Resolution 08-3916. The report has been recommended for approval by MPAC at their March 12, 2008 meeting and was adopted by JPACT at their March 13, 2008 meeting.

The Metro Council and the Chief Operating Officer are preparing a request to local jurisdictions to submit projects to Metro for evaluation and award of regional flexible transportation funding. Regional flexible transportation funds are those portion of federal funds accounted for in the MTIP that are allocated through the JPACT/Metro Council decision-making process.

Metro and ODOT update the MTIP/STIP every two years to schedule funding for the following four-year period. The 2010-13 Regional Flexible Fund allocation process encompasses the four-year period of federal fiscal years 2010 through 2013. This update will therefore adjust, as necessary, funds already allocated to projects in fiscal years 2010 and 2011 in the current approved MTIP. It will also allocate funds to new projects in the last two years (2012 and 2013) of the new MTIP.

The regional flexible funds available for the 2010-13 allocation are composed of two types of federal transportation assistance, which come with differing restrictions. The most flexible funds are surface transportation program (STP) funds that may be used for virtually any transportation purpose, identified in the Financially Constrained RTP, short of building local residential streets.

The second category of money is Congestion Mitigation/Air Quality (CMAQ) funds. CMAQ funds cannot be used to build new lanes for automobile travel. Also, projects that use CMAQ funds must demonstrate that some improvement of air quality will result from building or operating the project.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.

2. **Legal Antecedents** Updates the 2008-11 Transportation Priorities and MTIP policy report, adopted by Metro Council Resolution 06-3665 on March 23rd, 2006 (FOR THE PURPOSE OF ADOPTING THE POLICY DIRECTION, PROGRAM OBJECTIVES, PROCEDURES AND CRITERIA FOR THE TRANSPORTATION PRIORITIES 2008-11 ALLOCATION PROCESS AND METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP)).
3. **Anticipated Effects** Adoption of this resolution will provide the policy direction, program objectives and procedures that will be used during the 2010-13 Regional Flexible Fund Allocation Process and MTIP update to nominate, evaluate and select projects to receive federal transportation funds in the fiscal year 2012-13 biennium as described in Exhibit A of Resolution 08-3916.
4. **Budget Impacts** None.

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 08-3916.