

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION  
February 12, 2004

<u>MEMBERS PRESENT</u>	<u>AFFILIATION</u>
Rod Park	Metro Council
Roy Rogers	Washington County Commission
Jim Francesconi	City of Portland Commission
Rex Burkholder	Metro Council
Karl Rohde	City of Lake Oswego, representing Cities of Clackamas County
Maria Rojo de Steffey	Multnomah County
Judie Stanton	Clark County
Larry Haverkamp	City of Gresham, representing Cities of Multnomah County
Bill Wyatt	Port of Portland
Bill Kenemer	Clackamas County
Rod Monroe	Metro Council
Rob Drake	City of Beaverton, representing Cities of Washington County
Fred Hansen	TriMet
Matthew Garrett	Oregon Department of Transportation (ODOT - Region 1)

<u>MEMBERS ABSENT</u>	<u>AFFILIATION</u>
Stephanie Hallock	Oregon Department of Environmental Quality (DEQ)
Royce Pollard	City of Vancouver
Don Wagner	Washington State Department of Transportation (WSDOT)

<u>ALTERNATES PRESENT</u>	<u>AFFILIATION</u>
Annette Liebe	Oregon Department of Environmental Quality (DEQ)
Dean Lookingbill	SW Washington RTC

<u>GUESTS PRESENT</u>	<u>AFFILIATION</u>
Laurel Wentworth	City of Portland
Kathy Busse	Washington County
Ed Abrahamson	Multnomah County
Jim Bernard	City of Milwaukie
Ron Papsdorf	City of Gresham
Susie Lahsene	Port of Portland
John Rist	Clackamas County
John Wiebke	City of Hillsboro
Phil Selinger	TriMet
Olivia Clark	TriMet
Robin McArthur	Oregon Department of Transportation (ODOT - Region 1)
Deborah Murdock	PSU
Robert Bertini	PSU

GUESTS PRESENT(Cont.) AFFILIATION

Jeff King	City of Milwaukie
Greg Miller	AGC
Jason Tell	Oregon Department of Transportation
Rian Windsheimer	Senator Smith's Office
John Fratt	Port of Vancouver
Tom Markgraf	Congressman Blumenauer's Office
Danielle Cowan	City of Wilsonville
Sharon Nasset	Citizen
Neil McFarlane	TriMet
Chandra Sinnathanby	Sri Lankan State Railways
Lynn Peterson	Lake Oswego City Council
Robert Maestre	Multnomah County Community Service
Thomas Picco	Oregon Department of Transportation
David Bragdon	Metro Council

STAFF PRESENT

Richard Brandman	Renee Castilla	Andy Cotugno	Kim Ellis	John Gray
Ted Leybold	Patty Unfred	Montgomery	Mark Turpel	

I. CALL TO ORDER

Chair Park called the meeting to order and declared a quorum at 7:22 a.m.

Councilor Rex Burkholder introduced Judie Stanton, Clark County Commission member as the new representative from Clark County to JPACT.

II. REVIEW OF MEETING MINUTES

ACTION TAKEN: Mayor Rob Drake moved and Mr. Fred Hansen seconded the motion to approve the meeting minutes of January 15, 2004 as amended. The motion passed.

AMENDMENT: Councilor Karl Rohde stated that Jim Howell's comments regarding the I-5 project needed to include mention of extending the light rail line through to Janzten Beach.

III. CITIZEN COMMUNICATIONS TO JPACT ON NON-AGENDA ITEMS

There were no citizen communications to JPACT on non-agenda items.

Mr. Andy Cotugno presented a memo regarding Air Quality Conformity Determination (included as part of this meeting record).

Mayor Rob Drake expressed concerns regarding rules of order for public meetings in terms of a phone poll.

Commission Bill Kennemer stated that a number of JPACT members would be attending the National Association of Counties in Washington DC.

Mr. Matthew Garrett stated that ODOT is trying to take a project to bid for construction and encouraged members to participate via teleconference.

Chair Rod Park presented agendas for two special JPACT meetings; Friday, February 20, 2004 at 9:30 a.m. and Monday, February 23, 2004 at 5:00 p.m.

#### IV. RESOLUTION NO. 04-3409

Mr. Andy Cotugno presented Resolution No. 04-3409 (included as part of this meeting record).

ACTION TAKEN: Mr. Fred Hansen moved and Councilor Rex Burkholder seconded the motion to approve Resolution No. 04-3409.

Councilor Rex Burkholder presented a new amendment to Senate Bill 1072 (included as part of this meeting record).

ACTION TAKEN: Councilor Rex Burkholder moved and Mr. Bill Wyatt seconded the motion to approve the amendment.

Mr. Fred Hansen expressed concern regarding SB 1072 and the costs associated would be offset.

ACTION TAKEN: The motion to approve the amendment to Resolution No. 04-3409 was tabled until Councilor Rex Burkholder could do additional research to determine how the changes to the program would be paid for.

Commissioner Roy Rogers requested clarification on the regional transportation priorities. He expressed confusion regarding the New Starts and new Small Starts program. He asked how the program would affect the Commuter Rail Project when it is agreed that the region's number one priority is South Corridor LRT. Further, does the language reflected in Item B, Exhibit C, impact the Commuter Rail Project.

Mr. Fred Hansen replied that they are pursuing a "Grandfather" clause to make sure that the project is not impacted.

Mr. Andy Cotugno stated that the action on the six-year bill is required to authorize a project, there is no funding attached to that authorization. It merely creates the eligibility for that project. He said that the region would be seeking a grandfather clause on the Commuter Rail specifically. He also stated that there is not a set regional priority for Small Starts and there is for New Starts.

Mr. Matthew Garrett stated that the region's priorities have the overall support of the State. However, one item that they will continue to watch is Item G - Metropolitan Congestion Relief Act - to make sure it does not do harm to the state. He further stated that the first four projects

contained in Exhibit C of the earmark request are projects considered to be of statewide significance.

ACTION TAKEN: The motion passed.

Ms. Olivia Clark stated that Congress would be voting on the amendment to S. 1072, January 16, 2004. She further stated that there were hundreds of amendments that were under consideration and several of them deals with rail. She said this particular bill is a bipartisan effort. However, many of these amendments are being taken under consideration under threat of veto.

Councilor Rex Burkholder recommended language for written communication that would expressed that JPACT is in support of programs that would help improve the freight and passenger rail system in the United States.

ACTION TAKEN: Councilor Rex Burkholder moved and Fred Hansen seconded the motion to send a letter or other written form of communication to the Congressional delegation expressing their support of the aforementioned language. The motion passed.

V. RESOLUTION NO. 04-3410

Mr. Andy Cotugno presented Resolution No. 04-3410 (included as part of this meeting record).

ACTION TAKEN: Councilor Rod Monroe moved and Mayor Rob Drake seconded the motion to approve Resolution No. 04-3410.

Commissioner Roy Rogers related to the members that at Washington County's recent Coordinating Committee, Senator Bruce Starr attended. Senator Starr was speaking about the OTIA III process and how it affects the federal priorities. He said that Senator Starr's position was that if there were federal earmarks or federal dollars, they take a close look at that. Further, they would be having conversations with the Oregon Transportation Commission members and the Governor about how one might fund an OTIA III project with the federal match. Senator Starr also expressed to the coordinating committee that although they (Starr and Metsger) pushed for the OTIA funding, that the projects they considered very important were down at the bottom of the selection list. He asked if the legislation is looking at matching OTIA with federal funds if that would be hurt the region.

Mr. Matthew Garrett provided explanation of the \$500 million portion of OTIA III funds. He stated that there are specific breakout amounts as well as a specific project list. He said that there are nine earmarked projects approved by the OTC which have been presented to the Oregon delegation. The OTC has explained to the delegation that they would like federal dollars to flow to those earmarked projects and the OTC would in turn commit OTIA money. He said that the OTC said that if they could retain the 50% mark, then the OTC would backfill those projects. However, there is a concern that the federal dollars seem to be coming in much lower than 50% and whether the portion of funds set aside by the OTC would be enough to backfill. He concluded as said that if the federal dollars to come in lower than 50%, then the OTC would be forced to prioritize within the earmark list.

Commissioner Roy Rogers explained that Washington County is not taking exception to the list, however, if the OTC must prioritize, then would it not be appropriate to look at the federal list and expand it so that it appears that there is matching of funds that it occurring.

Mr. Matthew Garrett replied that revisiting the earmark list would be a difficult conversation and the OTC would be reluctant to do that. He stated that there are two other opportunities to address one of the projects; I-5/99W. The I-5/99W Connector is a project that has been identified as a project of statewide significance supported by the state and the OTC. He said that OTIA money is flowing and there is opportunity because of the \$100 million set aside for those large statewide significant projects, but it is extremely competitive because it is competing against other statewide projects. He said what is more significant to JPACT is the another \$100 million statewide which is set aside and flow out through the modernization and equity split, meaning that ODOT Region 1 will receive roughly 35% or \$35 million. Further, of that \$35 million, 80% would come to JPACT or \$28 million dollars for JPACT to allocate to projects.

Mayor Rob Drake stated that he was present for the conversation at the Washington County Coordinating Committee and explained that it was the technical ranking that ranked the projects further down the line, which was of interest to Starr and Metzger. Further, knowing that the region has made a firm commitment to Sunrise it would seem that a lot of what JPACT does is technical ranking, however, they blend technical issues and political issues as well. It would seem that considering the nature of some projects that would be of interest to those two Senators are very far down the list and the region has prioritized them as well. However, at some point the prioritization of both need to cross and it would seem that there needs to be common group between 1) the technical ranking; 2) the realities of how the money is allocated and the intent; and 3) work between the Oregon Transportation Commission and the political side of the equation.

Commissioner Roy Rogers stated that he failed to bring documentation, which looked at various projects that they looked at being of statewide or regional significance and how they were funded. It was always an assumption that there would be federal money allocated to them. He asked when the dialogue should begin about picking projects and answering the question about how the state requests align with the federal requests.

Commissioner Bill Kennemer reminded the committee that a portion of the \$28 million of modernization dollars that will come to JPACT as already been committed Sunnyside.

Mr. Matthew Garrett stated that some would say that it is a department or OTC commission decision, however he said that the thinks the decision would come from JPACT. He said that there has been a known process with regard to the freight projects and the forums and timelines. He said that it does not exist for the modernization funds. There has been nothing from Salem that directs the conversation for the modernization money. Therefore, it is something that JPACT needs to discuss. He said that although there has been some conversation about prior commitments to the MOD money and the gravity of the projects – I-5/99W and Sunrise, there needs to be additional. Further, he would suggest a group of volunteers to sit down and discuss

the issues in order for the prioritization to happen at JPACT and have a better conversation later when back in front of the OTC.

Mr. Fred Hansen stated that JPACT has not looked at where the funding priorities are relative to the federal agenda and how it influences the issues in terms of what OTC will do in terms of backfill.

Councilor Rex Burkholder shared with the committee the OHSU request regarding a parking garage which has been put forward by the Congressperson from that area as well as the implications of transportation projects coming from JPACT vs. outside bodies.

Mr. Andy Cotugno explained that he had heard rumors regarding a request for funding for a parking garage in the North Macadam area.

Chair Rod Park stated that JPACT has been effective in Washington DC because they have been speaking with one voice regarding priorities for the region. He asked the committee for their opinions of the potential magnitude of mixed messages being carried to the delegation members. Commissioner Jim Francesconi stated that it is important for other bodies to participate in the JPACT process and not bypass it. He further stated that OHSU has not been a part of the Portland process either. However, he said that it was important to engage the congressional delegation and their staff more often when they are in Oregon. Further, he stressed the importance of building stronger relationships with them in order to strengthen the strategizing that is needed.

Mr. Bill Wyatt stated that the members of the Oregon delegation need to see JPACT as a resource to help them address issues. However, if they see JPACT as a dead end for things that they are interesting in because perhaps JPACT applies a filter that is not conducive to projects that they are interested in, they will do what they are going to do regardless.

Councilor Rod Monroe asked what the position of JPACT was regarding agencies that pursue federal funding outside of the regional decision making process for projects clearly not on the JPACT priority list.

Mayor Rob Drake stated that he agrees that North Macadam is important and there is a lot expected to happen there linked with OHSU. However, he would ask how Congresswoman Hooley learned about the project given that the Transportation Commissioner for the City of Portland does not know about it.

Chair Rod Park expressed concern that OHSU has decided a second time to go outside of the JPACT process to seek federal funding.

Mr. Fred Hansen reminded the committee members that OHSU is the largest employer in the City of Portland and they may be seeking other sources of funding not related to transportation dollars.

Chair Rod Park stated that if JPACT is to continue being effective then the process of naming priorities and talking to groups that go outside of the system should be addressed.

Mr. Fred Hansen stated that although the parking garage is a necessary element of the system working it is important to determine where the dollars should flow.

Mr. Andy Cotugno reminded the committee members that any projects that are using federal transportation dollars must be approved through the MTIP and STIP.

ACTION TAKEN: The motion passed.

VI. RESOLUTION NO. 04-3418

Mr. Matthew Garrett presented Resolution No. 04-3418 (included as part of this meeting record).

ACTION TAKEN: Commissioner Roy Rogers moved and Commissioner Bill Kennemer seconded the motion to approve Resolution No. 04-3418. The motion passed.

VII. RESOLUTION NO. 04-3419

Mr. Andy Cotugno presented Resolution No. 04-3419 (included as part of this meeting record).

Ms. Bridget Wieghart presented the comment books (included as part of this meeting record).

Mr. Matthew Garrett stated that he did not see any information regarding the Going Streets Project and understood that it did not make the timelines and is being submitted separately. However, he wanted to iterate the importance of the project from an ODOT perspective.

Ms. Bridget Wieghart replied that the freight committee did not receive information regarding the Going Street project in time, however they decided that the Regional Freight Committee would still provide a ranking for the project to take to the Oregon Freight Advisory Committee. She said that the Going Street project scored a 5.8.

Commissioner Jim Francesconi concurred with Matthew Garrett regarding the importance of the project.

ACTION TAKEN: Councilor Rod Monroe moved and Bill Kennemer seconded the motion to approve Resolution No. 04-3419.

Commissioner Roy Rogers proposed an amendment to Resolution No. 04-3419 (included as part of this meeting record).

Councilor Larry Haverkamp stated that he had no problem with first three whereas's and A, B, and C of the Be It Resolved, however, he said it was a bit premature and he would disagree with the reference of "most" being used.

Commissioner Roy Rogers asked what Councilor Haverkamp would add.

Councilor Haverkamp replied that he would like to see the US26/Spring Water Access Project added to part D of the resolves and to the 4<sup>th</sup> whereas.

Councilor Rod Monroe stated that he would like to see the word "most" removed from the 4<sup>th</sup> whereas.

Mr. Bill Wyatt stated that he is uncomfortable with spending money that JPACT does not have. Further he would agree that the projects are important but without evaluating the relative merits of them would be premature to give a guarantee given that there may be other freight movements or projects that may rank just as high.

Commissioner Roy Rogers stated that the projects are recognized as projects of statewide significance and he would like to move them forward. He said that there should not be a problem of prioritizing given that both projects are of statewide significance and have already been recognized by JPACT as a priority for the region.

Mr. Andy Cotugno stated that the amendment is not speaking to priorities of the \$100 million for freight purposes; it is making a declaration regarding priorities for the next \$ 400 million. He said that of the next \$400 million, \$200 million has been set aside by the OTC to backfill federal earmark projects and JPACT does not get to decide which federal earmark projects are under consideration. He said that \$100 million is for projects of statewide significance and there are five of those projects in the region; Sunrise and I-5/99W are two of those five; the others are I-5/Delta Park, I-205 and I405. Finally, the remaining \$100 million is up for competition because there is no prioritization predetermined, there is not set of projects. It will be an open process. He reiterated that Sunrise and I-5/99W fit into that first \$100 million, not the US 26/Spring Water Access Project.

Commissioner Roy Rogers explained that he accepted the friendly amendment for the US 26/Spring Water Access project because it was an important project for Senator Starr.

Mr. Fred Hansen reiterated that the purpose of the amendment language is to tell the OTC that of the five regional projects listed of statewide significance, the two listed are the most important.

Councilor Rex Burkholder stated that he would like to see the statement read more generic and state that all five are important and need to be funded however they can be funded.

Mr. Matthew Garrett reminded the committee that the I-5 River Crossing project is also considered a project of statewide significance.

Mayor Rob Drake concurred with Councilor Burkholder and recommended more generic language.



Chair Rod Park expressed concern that JPACT has not had the discussion nor have they agreed upon which of those five projects are the region's priority. He recommend eliminating both the 4<sup>th</sup> Whereas and item D under the Be IT Resolved.

Commissioner Roy Rogers recommended changed the language to read that projects that are listed as projects of statewide significance should be addressed in OTIA III.

Mr. Fred Hansen stated that he would be supportive of the change in language.

ACTION TAKEN: The motion passed on motion as amended.

#### VIII. COMMENTS TO OREGON TRANSPORTATION COMMISSION ON OTIA LOCAL BRIDGE PROGRAM

Andy Cotugno presented the comments to Oregon Transportation Commission on OTIA Local Bridge Program (included as part of this meeting record).

Andy Cotugno presented the bridge list (included as part of this region).

Maria Rojo de Steffey requested that the regional partners support the amendment.

ACTION TAKEN: Councilor Rod Monroe moved and Commissioner Maria Rojo De Steffey seconded the motion to approve the comment letter to OTC.

Councilor Karl Rohde expressed concerned regarding the comment letter. He explained that he set on the committee that evaluated replacing the Sellwood Bridge and they began by looking at the entire length of the river from the Ross Island Bridge to the I-205 bridge, finally concluding that the Sellwood Bridge should remain two lanes but expand the bicycling and pedestrian facilities going across the bridge. He said that his thinks the Attorney General's opinion regarding OTIA funding and freight is incorrect and that it should be overturned. He said that he does not think that the language in the statute support that every project has to go through a specific bridge freight filter. Further, he says that the definition being used for freight is incorrect. The definition uses trucks that are far larger than should be traveling through that neighborhood. He stresses his support for the Sellwood Bridge but advised caution in defining the bridge as a freight crossing because it could facilitate the size of the trucks. Although the bridge should be a connector, it going forward as a freight bridge would encourage freight to come.

Mr. Matthew Garrett stated that the gravity of the situation is understood by ODOT. Further, he said that the HBRR committee consists of seven individuals; two city representatives, two county representatives, and three ODOT representatives. They made the decision not to include the Sellwood Bridge as part of their recommendation. Finally, one of the things expressed during the conversation was the conflict or confusion between the South Willamette River Study and what was articulated regarding the pedestrian vs. freight issues in that study vs. where Multnomah County sees the freight conversation going if the bridge is enhanced for freight

mobility. He explained that those differences collided causing further confusion resulting in a need for clarity in order to keep the Sellwood Bridge advancing.

Mr. Fred Hansen expressed confusion regarding the TPAC recommendation and stated that if he adds up the numbers correctly, then the region is giving up \$43 million to receive \$10 million back in small bridges. He stated that he remembers the debate on the issue with the neighborhood issues and asked that if the region receives the \$43 million for the Sellwood Bridge, can they build the bridge.

Commissioner Maria Rojo de Steffey replied that no it could not be built. However, there is enough agreement on all sides regarding the design.

Mr. Bill Wyatt stated that OTC would not disregard the opinion of the Attorney General. Therefore, it would prove beneficial for JPACT to lobby the legislation during the next session specific to the Sellwood Bridge to see it addressed.

Ms. Susie Lahsene stated that there are freight trucks that utilize the Sellwood Bridge to serve the neighborhood.

Councilor Rod Monroe expressed his support in keeping old bridge for pedestrian and bike uses once a new one is constructed.

Councilor Karl Rohde suggested sending a letter objecting to the decision of the Attorney General.

Mr. Matthew Garrett stated that it would be helpful for the OTC to know where the PE money is coming from.

ACTION TAKEN: The motion passed with Matthew Garrett abstaining.

## IX. REVIEW OF WASHINGTON DC

Commissioner Bill Kennemer stated that at the JPACT Retreat he expressed concern regarding the apparent disconnect between OTC and JPACT. He said that it would be disappointing if that lack of coordination occurred again.

Chair Rod Park stated that Matthew Garrett is organizing a broader meeting to discuss the sanctity of the MPO function and continue the ACT discussion.

Mr. Fred Hansen stated that the members have agreed to agree while in the Delegation offices and take disagreements outside of the office.

Councilor Karl Rohde stated that disagreements in front of delegation members can put a project in jeopardy.

Mr. Matthew Garrett stated that he has been speaking with the Commissioner regarding the regions priorities and maintaining positive conversations.

X. RECAP OF JPACT RETREAT

Mr. Andy Cotugno presented the recap of the JPACT Retreat (included as part of this meeting record).

XI. ADJOURN

There being no further business Chair Park adjourned the meeting at 9:12 a.m.

Respectfully submitted,

Renée Castilla