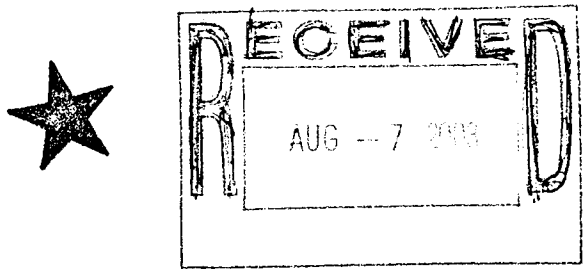
August 3rd 2003



Rex Burkholder
Metro Council - District 5
600 NE Grand Ave.
Portland, OR 97232-2736

Dear Mr. Burkholder,

I'm writing this letter on an article I saw about bringing MAX to the downtown mall. I'm Confused about why MAX is not going under ground in the downtown and surrounding areas that are congested by pedestrians and car traffic. Rapid transportation is suppose to be effective getting people to where they need to go fast. Above ground in the congested areas of Portland in not fulfilling this job. Going under ground in these areas that are congested, allows MAX to go faster and it also makes it less congested instead of the tracks being on the streets of Portland, like it is now.

I am a sophomore in high School and have been visiting my brother in the nations capital. Metro, which is the name of the mass transit in Washington D.C and the surrounding suburbs is very effective and cleaner than most the subways I have been on. The subway goes under ground where it is congested in the District area, and above ground in places that it has room to go through. I have asked people in the area why they use Metro and some of the responses are that it is the efficient and fast. Unlike the Downtown area of Portland and the some of the surrounding areas. It would also be safer to go under ground, because it takes the trains away from the pedestrians so they won't get hit. I think that Portland still has the ability to go under ground in downtown and other areas. This will make it faster and more effective. Going under ground while leaving the current line in service is a great strategy for growth. So it is still running while the other (underground) part is being built.

Using the most cutting edge technology in subway construction would not take as much time as it took to do the tunnel under the zoo. If the subway interferes with the basement parts of the buildings, then the tracks can always go deeper.

My question is why don't they consider MAX underground in the areas it is needed most. I strongly support future MAX plans under ground in congested areas. Thank you in advance for your response.

Sincerely,

Bryce Roth

Bryce Roth
16987 S. Forsythe Rd.
Oregon City, OR 97045
503-560-5054

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

REGIONAL SERVICES

METRO

August 14, 2003

The Honorable Stuart Foster
Oregon Transportation Commission
355 Capital Street NE, Room 101
Salem, OR 97301-3871

Dear Chair Foster:

Congratulations on the enactment of House Bill 2041, which will fund $2.5 billion towards Oregon's highways, roads and streets over the next ten years. The Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) believe that this legislation is a key step towards addressing the many transportation needs in our State.

By financing a combination of new and existing revenues, we understand that the law directs $1.6 billion toward repair and replacement of state and local bridges, $500 million to modernization projects and $371 million to local maintenance and preservation needs. We are particularly excited about the focus on freight and industrial site preparation in the modernization category. Of the $500 million for modernization projects, we understand that $100 million is dedicated to freight mobility and projects that support job creation. We appreciate this new emphasis on distribution and manufacturing, which are critical components of the economy of our region and the state.

As the Portland area Metropolitan Planning Organization (MPO), the Metro Council and JPACT are responsible for regional transportation planning and funding. We are keenly interested in participating in the upcoming decisions with respect to identification of project priorities and allocation of these funds. We look forward to learning more about, and being included in, the Oregon Transportation Commission (OTC) decision making process. We are particularly interested in how MPOs and ACTs provide input to the selection process undertaken by the OTC and the Freight Advisory Committee.

Thank you in advance for your kind consideration of this request. We look forward to working closely with you and others in the state as HB 2041 is implemented and projects are built.

Sincerely,

David Bradgon
President, Metro Council

Rod Park
Chair, Joint Policy Committee on Transportation (JPACT)

cc. Tom Zelenka, Chair, Freight Advisory Committee

August 14, 2003 **DRAFT**

To the Oregon Congressional Delegation:

We are writing on behalf of the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council to express concern about the possible elimination of Transportation Enhancement funding in the FY 2004 Transportation Appropriations Act. We strongly urge you to ask that the House Committee on Appropriations restore funding for this important program before Congress completes work on the bill.

Transportation Enhancement funds may be used for twelve types of projects, including bicycle and pedestrian facilities, bicycle and pedestrian safety and education activities, conversion of abandoned railway corridors to trails, landscaping and scenic beautification, and scenic or historic highway programs, including tourist and welcome centers. These programs aid in providing more personal transportation choices for all people, including bicyclists, pedestrians, people with disabilities, and all travelers.

Transportation Enhancement dollars have been an essential component for funding a wide range of regional transportation projects since the program's inception in 1991. The Metro region has greatly benefited from the transportation improvements made possible by this program. Three projects recently approved for funding exemplify the breadth and depth of the program:

- Improving pedestrian accessibility in the Hillsboro Regional Center,
- Constructing a bicycle and pedestrian bridge over the Tualatin River to provide linkage to the region's multi-use path system, and
- Restoring Portland's Union Station, both a key inter-modal center and an historic transportation landmark.

When the full Committee on Appropriations meets to consider the Transportation Appropriation bill, we respectfully encourage the Oregon congressional delegation to take the following steps. First, recommend that the Committee restore funding for Transportation Enhancements by removing Section 114 of the Subcommittee's recommended Transportation Appropriation bill. Second, the Committee should remove the paragraph labeled "Ineffective use of transportation funding" on pages 70-71 of the draft Committee report.

JPACT and the Metro Council urges you to support continued funding for this worthwhile program.

Sincerely,

Councilor Rod Park, Chairman
Joint Policy Advisory Committee on Transportation

David Bragdon, Council President
Metro

CC JPACT

Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
Office of the Director
355 Capitol St. NE
Rm 135
Salem, Oregon 97301-3871

August 1, 2003

FILE CODE:

The Honorable Earl Blumenauer
Member of Congress
2446 Rayburn House Office Building
Washington, D.C. 20515

AUG - 6 2003

Dear Congressman Blumenauer:

I am writing to add my voice to the growing number of organizations and individuals that have expressed deep concern about the possible elimination of Transportation Enhancement funding in the FY 2004 Transportation Appropriations Act. I strongly urge you to support restoring funding for this important program before Congress completes work on the bill.

Transportation Enhancement dollars have been put to good use in Oregon since the program's inception in 1991. More than 70 Oregon communities around the state have benefited from the transportation improvements made possible by this program—rural and urban communities alike. Downtown "Main Streets" have been revitalized, bicycle and pedestrian access has been improved, and historic landmarks are being restored for current and future generations of Oregonians to enjoy.

Many enhancement projects not only contribute to Oregon's livability but also to the economy. Tourism is a major component of the state's economy and many enhancement projects support local efforts to increase tourism. Given the downturn in the economy, supporting the state's tourism industry, and the many small Oregon businesses that make up that industry, is as important now as ever.

Again, I urge you to support continued funding for this worthwhile program.

Sincerely,

Bruce A. Warner
Director

Cc: Governor Kulongoski
Michael Carrier, Parks and Recreation

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY 2003-04 UNIFIED WORK PROGRAM	)))	RESOLUTION NO. 03-3360 Introduced by Councilor Rex Burkholder

WHEREAS, as the only continuous Interstate on the West Coast, I-5 is critical to the local regional and national economy; and

WHEREAS, at the Columbia River, I-5 provides a critical connection to two major ports, deep-water shipping, up-river barging, two transcontinental rail lines, and much of the region's industrial land;

WHEREAS, I-5 provides one of two crossings of the Columbia River for transit and automobiles; it connects the communities of Portland and Vancouver for work, recreation, shopping and entertainment purposes;

WHEREAS, without improving and managing this corridor, congestion will grow to unacceptable levels and threatens our livability and our ability to attract and retain business to our region;

WHEREAS, the I-5 Transportation and Trade Partnership Strategic Plan, which was developed in a collaborative manner between citizen, elected and business representatives from Portland and Vancouver, identifies a set of highway, transit, rail, transportation demand management and land use actions to address the corridor's problems, and

WHEREAS, the Plan has been adopted by Metro, SW Washington Regional Transportation Council (RTC), TriMet, C-Tran, the Oregon Transportation Commission (OTC), the Washington State Transportation Commission, the Port of Portland, the Port of Vancouver, the City of Portland, the City of Vancouver, Multnomah County and Clark County, and

WHEREAS, the Oregon Department of Transportation (ODOT) requested and received a $3.5 million from the federal appropriations process to begin implementation of recommendations Strategic Plan, and

WHEREAS, ODOT has available $400,000 in state monies to provide local match, and

WHEREAS, a key recommendation of the plan is to conduct an Environmental Impact Statement (EIS) for a new I-5 crossing of the Columbia River and associated improvements, and

WHEREAS, an EIS and the potential improvements are complex and require careful consideration about how to approach their implementation, and

WHEREAS, examining a range of options for approaching an EIS and potential improvements will provide ODOT, the Washington State Department of Transportation (WSDOT) and the Portland/Vancouver region with as much flexibility as possible in advancing projects in the I-5 corridor and;

WHEREAS, a more detailed work plan that defines agencies roles and responsibilities is still being developed and will be reviewed by TPAC, JPACT and the Metro Council prior to its implementation; now, therefore

BE IT RESOLVED that the Metro Council amends the Other Projects of Regional Significance section of the FY 2003-04 Unified Work Program (UWP) per Exhibit A.

ADOPTED by the Metro Council this _____ day of _____, 2003.

_____
David Bragdon, Council President

Approved as to Form:

_____
Daniel B. Cooper, Metro Attorney

Note: *To be added to the "Other Projects of Regional Significance" Section of the UWP*

I-5 TRANSPORTATION AND TRADE PARTNERSHIP

The I-5 Corridor is critical to the metropolitan economy and to national and international trade. Traffic congestion on I-5 affects goods moved by air, rail, barge and truck as well as passenger travel. Within the Portland/Vancouver region, I-5 has a number of bottlenecks – the most significant of which occur between I-205 in Vancouver, Washington and I-84 in Portland. Within this corridor crossing the Columbia River, is one of the last and most active drawbridges on the interstate system. Because of the importance in the region of community livability, the environment, regional, national and international trade, plans must address a broad range of issues and include numerous stakeholders and the public.

The Transportation Equity Act of the 21st Century (TEA-21) recognized the importance of trade corridors to the national economy and designated I-5 within the Portland/Vancouver region as a Priority Corridor under the National Trade Corridors and Borders Program. ODOT and WSDOT have completed the initial phase of the I-5 Transportation and Trade Partnership Study which was funded in part by FHWA through the National Trade Corridors and Borders Program.

The initial phase of the I-5 Partnership study evaluated a wide range of multi-modal alternatives to improve travel and facilitate freight movement in the I-5 corridor between Portland and Clark County, Washington. Staff and the consulting team reported findings to a 28-member task force appointed by the governors of Oregon and Washington.

Based on the recommendations from the Governors' Task Force, the next step in the process is to proceed into an Environmental Impact Statement (EIS) process.

RELATION TO PREVIOUS WORK

The I-5 Transportation and Trade Partnership builds upon work completed over previous years. In FY 2000, a group of civic and business leaders from the bi-state area concluded that the problems within the I-5 Corridor are significant and will require a significant effort to address. They recommended that the region develop a strategic plan for the corridor.

In FY 01 and FY 02, the I-5 Partnership broadened discussion of the problems and solutions to include the corridor business and residential community and other regional interests. The two Governor's appointed a bi-partisan task force of elected officials, civic and business leaders to evaluate the range of options and develop recommendations for a strategic plan. The public participated in development of the strategic plan through comments at Task Force meetings, open houses and other forums. The strategic plan was approved by the Task Force in June 2002 and circulated for endorsement by the project participants in fall 2002.

Regardless of how a new I-5 crossing of the Columbia River is configured, it will be an expensive and difficult undertaking. Before committing the managerial, financial and staff resources to an EIS, substantial work must be done to determine how best to approach this project from the EIS through construction and operation phases. Examining a range of options for proceeding with projects will provide the Oregon and Washington Departments of Transportation (ODOT and WSDOT) and the Portland/Vancouver region as much flexibility as possible in advancing this important project.

RESPONSIBILITIES

ODOT, in partnership with WSDOT, will develop and evaluate a variety of options for how to approach the EIS and the subsequent phases of the project development including PE, construction, and operation for a new I-5 Columbia River crossing and associated improvements. This work will be carried out in cooperation with local and regional governments and civic groups.

OBJECTIVES/PRODUCTS

Consider and fully explore four options for the EIS and project implementation for a new I-5 crossing of the Columbia River and associated improvements, including:

- **Traditional Approach**: The public sector develops the project through the EIS and PE stages of the project and then turns to the private sector for construction of the project.
- **Design-Build**: The public sector develops the project through the EIS stage of the project, then turns to the private sector for PE and construction.
- **Design-Build-Operate**: The public sector conducts the EIS and then turns to the private sector for PE, construction, and operation of the improvement.
- **Public-Private**: The private sector is involved up-front the development of scope of the project, the EIS process and then the PE, construction and operation of the project(s).

In carrying out this analysis, ODOT and WSDOT will examine issues including:

- Policy Objectives, Project Shaping and Implementation Strategy
- Finance Options
- Traffic patterns and movements
- Legal Analysis and Implementation Framework
- EIS Scope and Methodology
- Public Involvement and Communications
- Preliminary Investigations leading to the EIS

The final product of this work will be a fully developed plan for proceeding with the new I-5 crossing of the Columbia River and associated projects, including project management and approach (EIS through construction), jurisdictional involvement, public involvement, and potential financing mechanisms.

BUDGET SUMMARY

Requirements:	**Resources:**	
	Section 1118 Grant	$3,500,000
	Match	$ 400,591
	TOTAL	**$3,900,591**

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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3360, FOR THE PURPOSE OF AMENDING THE FY 2003-04 UNIFIED WORK PROGRAM

Date: July 29, 2003

Prepared by: John Cullerton, Metro
Kate Deane, ODOT

BACKGROUND

The Oregon Department of Transportation (ODOT) received $3.5 million through the 2003 federal appropriations process to begin implementation of the recommendations from the I-5 Transportation and Trade Partnership Strategic Plan. A key recommendation in the Plan is the initiation of a federal environmental impact statement (EIS) process for a new I-5 crossing of the Columbia River and potential improvements in the bridge influence area. Five elements were set forth for study:

1. Eight- or ten-lane freeway concepts (including auxiliary lanes in the bridge area);
2. Replacement or supplemental bridge;
3. Joint use or non-joint use freeway/light rail transit (LRT) bridge;
4. Eight-lane freeway with joint LRT/two-lane arterial; and
5. High Occupancy Vehicle (HOV) throughout the I-5 corridor.

The Washington and Oregon Departments of Transportation (WSDOT and ODOT) have been discussing how to respond to this recommendation. Regardless of how a new crossing is configured, it will be an expensive and difficult undertaking. Before committing the managerial, financial and staff resources to an EIS, the DOTs plan to develop and evaluate a variety of options for how to approach the EIS and the subsequent phases of the project including preliminary engineering (PE), construction and operation.

The DOTs intend to consider and fully explore four options, including:

- **Traditional Approach**: The public sector develops the project through the EIS and PE stages of the project and then turns to the private sector for construction of the project.

- **Design-Build**: The public sector develops the project through the EIS stage of the project, then turns to the private sector for PE and construction.

- **Design-Build-Operate**: The public sector conducts the EIS and then turns to the private sector for PE, construction and operation of the improvement.

- **Public-Private**: The private sector is involved up-front the development of scope of the project, the EIS process and then the PE, construction and operation of the project(s).

Examining these options in detail will provide the DOTs and the Portland/Vancouver region as much flexibility as possible in advancing this important project. By conducting such an analysis the DOTs anticipate having a fully developed plan for proceeding with the new I-5 crossing of the Columbia River and associated projects, including project management and approach (EIS through construction), jurisdictional involvement, public involvement, and potential financing mechanisms.

It is anticipated the major activities and tasks will be completed six to twelve months following obligation of the federal funds.

ODOT has agreed that they will consult with the affected local governments and agencies in the development of their detailed work plan and will bring the detailed work plan to TPAC, JPACT and the Metro Council for review.

ANALYSIS/INFORMATION

1. Known Opposition – The prior study process identified a number of interest groups that could be impacted due to construction or benefited due to improved accessibility. The overall recommendation represents a carefully balanced consensus of those interests and their governing bodies.

2. Legal Antecedents – a public/private partnership option is contingent on passage of enabling legislation by the Oregon Legislature.

3. Anticipated Effects – Action Plan for I-5 Corridor EIS, PE, construction and operation.

4. Budget Impacts – None at the present time for Metro. Funds will be spent by ODOT and WSDOT to develop the action plan.

RECOMMENDED ACTION

Adopt amendment to the ODOT section of the Fiscal Year 2003-04 Unified Work Program (UWP) for purposes of obligating a $3,900,591 Federal Section 1118 Grant (with match) to perform the above evaluation of options. The proposed UWP amendment is attached to the resolution.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO INCLUDE THE REVISED SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT AND DEMONSTRATING CONFORMITY OF THE PROJECT, THE AMENDED REGIONAL TRANSPORTATION PLAN AND AMENDED METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WITH THE STATE IMPLEMENTATION PLAN.	) RESOLUTION NO. 03-3351)) Introduced by Councilor Brian Newman)))	

WHEREAS, the Metro Council adopted Resolution No. 03-3303 amending the Locally Preferred Alternative for the South Corridor Light Rail Transit ("LRT") Project composed of Phase 1 – South Corridor I-205 LRT, from Gateway to Clackamas Regional Center, including LRT along the Portland Transit Mall - and Phase 2 – South Corridor Milwaukie LRT extending from downtown Portland to Milwaukie; and,

WHEREAS, the Metro Council adopted Resolution No. 03-3290, that endorses the Regional Funding Strategy for the South Corridor and amends the MTIP to reflect the supplemental multi-year commitment of regional federal funds as described in the Regional Funding Strategy; and

WHEREAS, the Council adopted Ordinance No. 03-1007A, amending the Regional Transportation Plan to include both the Phase 1 I-205 LRT Project and the Phase 2 Milwaukie LRT Project; and,

WHEREAS, the South Corridor LRT Project is a regionally significant project for the purposes of regional air emissions analysis, as defined by OAR chapter 340, division 252; and

WHEREAS, the South Corridor LRT Project has a design concept and scope that has changed significantly since the last regional transportation plan (Metro 2000 RTP) and metropolitan transportation improvement program ("MTIP") air quality conformity determination was made (2002); and

WHEREAS, amendment of the 2000 Regional Transportation Plan to include the revised South Corridor project must therefore, pursuant to OAR Chapter 340, division 252, be shown to conform with the State Implementation Plan for attainment and maintenance of national ambient air quality standards before the Federal Transit Administration will grant permission to begin Preliminary Engineering; and

WHEREAS, Metro has provided for a process for distributing timely public notice, ensuring early and continuing public involvement and ensuring full public access to the South Corridor Project and is providing these features to the proposed South Corridor air quality conformity determination information and decision; and

WHEREAS, Metro has ensured a process for providing coordination with key federal, state and local agencies with responsibility or interest in the proposed air quality conformity decision for the South Corridor Project; and

WHEREAS, Metro has a proposed air quality conformity determination demonstrating that the South Corridor Project, when added to the RTP and MTIP, is based on the latest planning assumptions; and has used the appropriate criteria and procedures for determining air quality conformity; and

WHEREAS, on June 30, 2003, a notice was published in *The Oregonian*, a newspaper of general circulation in the metropolitan area, stating that an air quality conformity determination was being conducted by Metro for the South Corridor LRT Project and seeking public comment within a 30-day period; and

WHEREAS, on June 30, 2003, a notice was sent to the Federal Highway Administration, the Federal Transit Administration, the U.S. Environmental Protection Agency, the Oregon Department of Environmental Quality, the Oregon Department of Transportation, the Southwest Clean Air Agency, the cities of Portland, Milwaukie and Gresham, the counties of Clackamas and Multnomah, stating that a draft air quality conformity determination report had been completed and that an Intergovernmental Consultation subcommittee would be holding a meeting to review the technical basis for preparation of ~~a~~ the air quality conformity determination; and

WHEREAS, the *Air Quality Conformity Determination, South Corridor Project, Public Review Draft*, dated June 30, 2003 and the *Errata and Additions to the Public Review Draft*, dated July 8, 2003 and July 23, 2003, in combination, show that motor vehicle emissions budgets established in the SIP for carbon monoxide and ozone continue to be met in all SIP budget and analysis years when the South Corridor Project is added to the conformed *2000 Regional Transportation Plan* and 2002 *MTIP; and*

WHEREAS, the Conformity Determination, as amended, shows that the South Corridor Project, when added to the RTP and MTIP, conforms with all other qualitative factors that are required to be assessed by the State Conformity Rule, and;

WHEREAS, on July 17, 2003, representatives of the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, Oregon Department of Environmental Quality, Oregon Department of Transportation, City of Portland, Clackamas County, TriMet and Metro met and discussed the information produced by Metro and recommended that the data and conclusions be considered by TPAC; and

WHEREAS, on August 1, 2003, the Transportation Policy Alternatives Committee (TPAC), which is the standing committee specified by Oregon Administrative Rules Chapter 340, division 252, held a meeting to review the results of the Intergovernmental Consultation subcommittee and public comments received and recommended that the conformity determinations be sent to the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council with clarification of how the analysis supports RTP and MTIP conformity: and

WHEREAS, on August 14, 2003, JPACT held a meeting to consider the recommendation of TPAC and to make a recommendation to the Council; and

WHEREAS, the South/North LRT corridor is included as a Transportation Control Measure as an element of the Portland Ozone Maintenance Plan to reduce vehicle miles traveled and therefore reduce emissions of volatile organic compounds and oxides of nitrogen from cars and trucks in the region; and

WHEREAS, the currently conforming 2002-2005 MTIP programs Section 5309 Bus Discretionary funds received by TriMet in FY 2001 and 2002 Congressional appropriations for "South Corridor Transit Center and Park and Ride Facilities;" and

WHEREAS, TriMet has indicated its intent to request amendment of the FY 2002 MTIP to reprogram $2.916 million of these Section 5309 Bus Discretionary funds to conduct Preliminary Engineering and to complete the Final Environmental Impact Statement for the South Corridor I-205 LRT Project, to be matched and overmatched by another $1.309 million of TriMet general funds; and

WHEREAS, the original purpose of the Section 5309 Bus Discretionary funds, which was to contribute to design and/or construction of a bus transit center at Clackamas Regional Center, is expected to be met at a later date as part of the South Corridor I-205 LRT project; and

WHEREAS, TriMet has indicated its intent to establish the relocation and construction of the Milwaukie Transit Center as the priority for Section 5309 Bus Discretionary funds beginning when the federal funds for the project can be obligated to the project in the years the funds are appropriated; and

WHEREAS, it was observed during the Conformity Interagency Consultation that this MTIP amendment would trigger an MTIP Conformity requirement in addition to the regional and project level determinations already addressed in the Draft South Corridor Conformity Determination published June 30, 2003; and

WHEREAS, the Draft South Corridor Conformity Determination has been amended to address amendment of the MTIP to reallocate the previously appropriated Section 5309 funds approved in this Resolution; and

WHEREAS, amendment of the Draft Determination to address implications of the MTIP action does not change any substantive aspect of the Draft Determination's quantitative or qualitative analysis but is a purely procedural action; now, therefore

BE IT RESOLVED,

1. The Metro Council approves amendment of the 2002 Metropolitan Transportation Improvement Program to reprogram $2.916 million in bus capital funds from Metro Project Number 1057 "Clackamas County South Corridor Transit Center/Park and Ride" (ODOT Key Number 12450) to fund Preliminary Engineering and the Final Environmental Impact Statement for the South Corridor I-205 Light Rail Project.

2. The Metro Council further amends the 2002 Metropolitan Transportation Improvement Program to identify $1.305 million in TriMet General Funds to be used to match and provide overmatch for the $2.916 million in federal Section 5309 Bus Discretionary funds reprogrammed to fund Preliminary Engineering and the Final Environmental Impact Statement for the South Corridor I-205 Light Rail Project.

3. The Metro Council recognizes the commitment to fund the relocation and construction of the Milwaukie Transit Center concurrently with the South Corridor I-205 Light Rail Project during Phase 1 of corridor transit improvements and establishes the Milwaukie Transit Center as the top priority for Section 5309 Bus Capital Funds beginning in the year the funds can be obligated to the Milwaukie Transit Center. Until the Section 5309 priority for the Milwaukie Transit Center begins, the priority for Section 5309 bus capital funds shall be bus acquisition and related costs.

4. The Metro Council approves the Air Quality Conformity Determination for the South Corridor Light Rail Project, dated June 30, 2003, attached as Exhibit "A" to this Resolution, including the errata pages dated July 9, 2003 and the addendum dated July 23, 2003 as a determination that the Regional Transportation Plan and Metropolitan Transportation Improvement Program, as amended to add the South Corridor Project, are in conformity with all State and Federal air quality regulations

5. The Metro Council directs the Chief Operating Officer to seek concurrence with this air quality conformity determination from the U.S. Department of Transportation, in consultation with the U.S. Environmental Protection Agency, in order to confirm that the Metro 2000 Regional Transportation Plan financially constrained system, amended to include the South Corridor Project, including I-205 LRT, and the FY 2002-2005 Metropolitan Transportation Improvement Program, amended to reallocate appropriated Section 5309 Bus Discretionary funds to support South Corridor FEIS and Preliminary Engineering work, conforms to the State Implementation Plan for attainment and maintenance of National Ambient Air Quality Standards in the Portland-area Air Quality Maintenance Area.

ADOPTED by the Metro Council this 14th day of August, 2003.

_____

David Bragdon, Council President

Approved as to Form:

_____

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 03-3351

Public Review Draft

South Corridor Project

Air Quality Conformity Determination

June 30, 2003

METRO

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 24 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.

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

Your Metro representatives

Metro Council President
David Bragdon

Metro Councilors
Rod Park, deputy council president, District 1
Brian Newman, District 2
Carl Hosticka, District 3
Susan McLain, District 4
Rex Burkholder, District 5
Rod Monroe, District 6

Metro Auditor
Alexis Dow, CPA

Table of Contents

Purpose

The purpose of this report is to document that the South Corridor Project meets state and Federal air quality standards. This document provides findings of facts showing how the South Corridor Project meets each section of division 252 of the Oregon Department of Environmental Quality Administrative Rules, that in turn implements section 176(c) of the US Clean Air Act, as amended, the related requirements of 23 U.S.C. 109(j) concerning the actions of metropolitan planning organizations and 49 U.S.C Chapter 53 concerning Federal Transit Laws. This document is written to provide the interested public with a description of the air quality issues pertaining to the South Corridor Project. It also serves as a summary of the technical analyses performed for technical review. This is a draft document which could change as a result of public comment or technical review. Public comment and technical review recommendations and comments are being sought. Comments may be submitted via email to: hull@metro.dst.or.us, via telephone at 503 797-1756, by mail to Kristin Hull, Metro, 600 NE Grand Avenue, Portland, OR 97232 Comments should be submitted by 5 p.m., July 30, 2003. The Metro Council will consider the conformity determination at their meeting on August 14, 2003.

Background Facts

Much of the air pollution in the state is caused by actions by individuals. Driving cars, using woodstoves, gas-powered lawn mowers and motor boats, paints and aerosol products like hairspray and air fresheners, and outdoor burning all contribute substantially to air pollution.

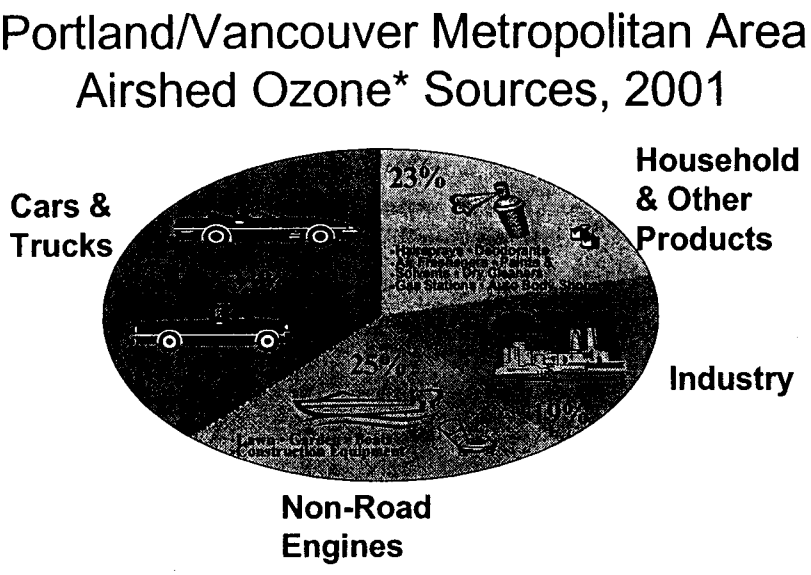
Primary air pollutants of concern, regardless of source, include:

- **Fine Particulate Matter (PM10):**
  Particles in the air that are smaller than a human can see (10 microns in diameter or smaller) can get stuck deep in lungs, damage lung tissue and lead to serious respiratory problems. Woodsmoke, wind-blown dust and industrial emissions are the biggest sources of PM10.

- **Ground-level Ozone:**
  Commonly referred to as smog, ozone is formed near the ground by chemical reactions between volatile organic compounds (VOC, sometimes also referred to as HC, or hydrocarbons) and nitrogen oxides (NO_x) in the presence of sunlight and temperatures over 90 degrees. Ozone lowers resistance to colds and pneumonia, causes irritation to the nose, throat and lungs, and can trigger asthma attacks. Sources of VOCs and oxides of nitrogen include:

  - gasoline and diesel fueled cars, trucks, and buses
  - large industrial and other combustion sources such as coal power plants
  - small industries such as gas stations and print shops
  - consumer products such as paints and cleaners
  - non-road engines such as those used in planes, railroad locomotives, construction equipment, and lawn and garden equipment.

  Ozone concentrations can reach unhealthy levels when the weather is hot and sunny with relatively light winds.



- **Carbon Monoxide (CO)**
  This colorless, odorless gas can cause dizziness, nausea, blurred vision, headaches, slowed reflexes and drowsiness, even death. Cars and trucks produce up to 90 percent of urban carbon monoxide emissions. Carbon monoxide levels are higher in the winter, when the air can be stagnant for long periods.

- **Asbestos:**
  Asbestos is a hazardous air pollutant and known human carcinogen. There is no known safe level of exposure. Used extensively as an insulating material until it was banned from construction and manufacturing in the late-1970s, asbestos- containing materials can be found in many buildings. Remodeling and demolition projects are likely to disturb asbestos and can pose a health threat if not handled properly.

- **Hazardous Air Pollutants** are air pollutants designated by the U.S. Environmental Protection Agency (EPA) as known or suspected of causing cancer or other serious health effects.

The federal Clean Air Act provides the overall framework for national, state and local efforts to protect air quality. The EPA is responsible for implementing the Act, including specifying air quality standards. These federal standards are called the National Ambient Air Quality Standards (NAAQS) and they set the maximum levels of air pollutants, consistent with human health, especially sensitive members like children, the elderly and people with respiratory diseases. In addition, the State of Oregon, Department of Environmental Quality (DEQ), adopted State Ambient Air Quality Standards (SAAQS), which are at least as strict as the federal standards, illustrated in Table 1. Accordingly, in the State of Oregon, the EPA delegated air quality program implementation to DEQ.

In the Metro area, the air pollutants of concern related to transportation sources, based on the NAAQS and SAAQS, are CO, oxides of nitrogen (NOx) and volatile organic compounds

Table 1
State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	Federal	Oregon
Carbon Monoxide	8-hour	9 ppm	9 ppm
	1-hour	35 ppm	35 ppm
Lead	Calendar Quarter	1.5 $\mu g/m^3$	1.5 $\mu g/m^3$
Ozone	1-hour	0.12 ppm	0.12 ppm
	8-hour*	0.08 ppm	-
Nitrogen Dioxide	Annual Arithmetic Mean	0.053 ppm	0.053 ppm
Sulfur Dioxide	Annual Arithmetic Mean	0.03 ppm	0.02 ppm
	24-hour	0.14 ppm	0.10 ppm
	3-hour	0.5 ppm	0.5 ppm
PM_{10}	Annual Geometric Mean	50 $\mu g/m^3$	50 $\mu g/m^3$
	24-hour Average	150 $\mu g/m^3$	150 $\mu g/m^3$
$PM_{2.5}$	3-year Average Annual Arithmetic Mean*	15 $\mu g/m^3$	
	3-year Average, 98th Percentile 24-hour Average*	65 $\mu g/m^3$	-

Sources: EPA Office of Air Quality Planning and Standards (OAQPS) and the Oregon Department of Environmental Quality, 2001.
Reproduced from *Air Quality Results Report*, December, 2002
Note: ppm = parts per million; $\mu g/m^3$ = micrograms per cubic meter; PM_{10} = particulates with an aerodynamic diameter of less than or equal to 10 micrometers; $PM_{2.5}$ = particulate with an aerodynamic diameter of less than or equal to 2.5 micrometers.
* EPA promulgated new standards for ozone and $PM_{2.5}$ in September 1997, but these were remanded in May 1999. In March 2002, the D.C. District Court rejected all remaining challenges to both the new ozone and $PM_{2.5}$ standards. The EPA is now preparing programs to implement these new standards as originally promulgated.

(VOC or hydrocarbons, HC). Small particles (PM_{10}) have not been an air quality problem in the region, so there is no maintenance plan or implementation measures specified for this pollutant in the Metro or southwest Washington areas. (The physical airshed actually includes Clark County as well the greater Portland area. However, there are different agencies responsible for air quality depending on the jurisdictions and state laws. In southwest Washington the Southwest Clean Air Agency has responsibility for this portion of the air shed for these pollutants.)

In 1997, the EPA approved the carbon monoxide (CO) and ozone Air Quality Maintenance Plan (AQMP) for the Portland/Vancouver region. These plans included air quality emission budgets - maximum levels not to be exceeded without sanctions. Because some of the critical pollutants are generated by a variety of sources (motor vehicles being one source, industrial emissions another) and the importance of providing for more employment opportunities within the region, the motor vehicle emission budgets were set lower to provide an increased budget for more jobs.

Actual air pollution conditions over time in the Portland metropolitan area have usually met State and Federal standards as shown in Tables 2 and 3, following.

Table 2
Ambient Ozone Monitoring Data for Portland

Year	Summer Average (ppm)	Highest 1-hour (ppm)	3-Year Mean of the Annual 4th Highest Daily maximum 8-hour Value (ppm)	No. of Days >0.12 ppm
1990	0.029	0.165	-	4
1991	0.030	0.129	0.084	1
1992	0.030	0.126	0.092	1
1993	0.023	0.092	0.078	0
1994	0.029	0.117	0.079	0
1995	0.027	0.099	0.072	0
1996	0.029	0.149	0.084	1
1997	0.025	0.085	0.079	0
1998	0.026	0.137	0.081	3
1999	0.028	0.102	0.073	0
2000	0.025	0.086	0.073	0
2001	0.025	0.099	0.069	0

Source: Oregon Department of Environmental Quality, 2002. Reproduced from *Air Quality Results Report*, December, 2002. Measurements taken in Canby, Oregon
Note: ppm = parts per million.
A new ozone standard became effective in September 1997, but was remanded in May 1999. In March of 2002, the D.C. District Court rejected all remaining challenges to the new ozone standard. Under the new standard, 1-hour values would no longer be evaluated for attainment purposes. EPA is now preparing programs to implement the new standards. Future compliance will be assessed using the 3-year average of the fourth highest value.

Table 3
Portland [1] Ambient Carbon Monoxide Concentrations (ppm)

Year	Highest 8-hour (ppm)	Second Highest 8-hour (ppm)	No. Times > 9 ppm*
1990	9.0	7.4	0
1991	10.6	9.2	1
1992	8.0	7.8	0
1993	8.7	8.4	0
1994	7.5	6.4	0
1995	7.5	6.6	0
1996	6.6	6.5	0
1997	5.9	4.8	0
1998	4.8	4.6	0
1999	7.5	6.2	0
2000	5.4	4.4	0
2001	4.2	3.9	0

Source: Oregon Department of Environmental Quality, 2002. Reproduced from *Air Quality Results Report*, December, 2002
Note: ppm = parts per million.
[1]Data include highest concentrations measured at monitoring stations in Portland, Oregon.
* Non-overlapping 8-hour averages that exceed 9 ppm when rounded to the nearest whole ppm.

Planning for Transportation, Land Use and Air Quality

Another aspect of the Ozone AQMP, page 25, was the inclusion of Transportation Control Measures. The Plan states:

> "Several significant Transportation Control Measures (TCM) identified in Metro's Regional Transportation Plan (RTP) were included in motor vehicle

emission forecasts prepared by Metro for the maintenance plan. Because these measures reduce motor vehicle emissions, the FCAA (Federal Clean Air Act) transportation conformity process requires DEQ to identify them in the maintenance plan to ensure that they are funded and implemented in a timely manner." (emphasis added)

Further, the Ozone AQMP, page 27, states:

"Funding based Transportation Control Measures

1. Increased Transit Service....
   c. Completion of Light Rail Transit (LRT) in the South/North corridor by the year 2007."

In 1996, the Metro Council adopted the 2040 Growth Concept, an integrated land use and transportation plan for the region. This plan was developed with the cooperation of local, state and Federal agencies and the plan called for building a compact urban form with the Central City (downtown Portland), regional centers, town centers, station community areas and main streets providing for mixed use development served by transit as an efficient and effective means of accommodating a significant portion of expected growth of jobs and housing. The regional centers, including Gateway and Clackamas, were planned to be linked one to another and to the Central City by high capacity transit. Milwaukie was also shown linked by high capacity transit to the Central City.

In 2000, the Metro Council adopted a new regional transportation plan (2000 RTP), intended to implement the 2040 Growth Concept. In January 2001, the US Department of Transportation issued its determination of conformity for the Financially Constrained System of the 2000 Regional Transportation Plan, finding that the RTP supports the purpose of the region's State Implementation Plan (SIP). The 2000 RTP included the South (Milwaukie) /North Light Rail project as part of the financially constrained system for which air quality conformity was shown. Table 4 lists estimated pollutants using the Mobile5_h software model compared with the motor vehicle emission budgets. This data was the basis for determining air quality conformity for the 2000 RTP.

Table 4
2000 RTP Air Quality Emission Estimates Compared with Budget

	VMT (vehicle miles traveled)	Winter CO (Carbon Monoxide)	HC (Hydrocarbons)	NOx (Oxides of Nitrogen)
1988		814	41	52.3
Budget		1075	58	60
2005 FC		658	34	50.3
Budget		789	42	51
2010 FC		645	32	50.9
2020 FC	27,930,968* 29,637,346	728	37	58.2
Budget	n/a	842	40	59

*CO is estimated for the Metro jurisdictional boundary and the lower 2020 vmt level is estimated for it, while HC and Nox is estimated for Air Quality Management Area (AQMA), a larger geographic extent than the Metro boundary, but less than the 3 Oregon counties.
** FC = financially constrained transportation system

Also in 2001, TriMet commissioned an analysis of the air quality benefits of transit service (see Appendix D, *Air Quality Benefits to Portland Area Industries from Tri-Met Transit Service,* Kowalczyk, June 2001). In this analysis it was shown that:

> "TriMet transit service provides a net reduction of about 4.2 tons/day of ozone precursor emissions (volatile organic compounds and oxides of nitrogen). This is equivalent to avoiding imposition of about $10.0 million/year of additional emission control requirements in the form of best available control technologies (BACT) on existing industry and equivalent to providing room in the airshed for about 9 new Intel type industries or 19 new Tektronix type industries which equates to 99,0000 and 85,0000 new jobs respectively."

More specific to light rail, the report goes on to analyze the impact of the Airport MAX and Interstate MAX lines. The report states:

> "Tri-Met is in the process of expanding light rail transit (LRT) MAX service to the Portland International Airport and North Portland Interstate areas. This would increase average weekday boardings by up to 18,900 when these facilities start up in 2001 and 2004 respectively. Emission reduction benefits from avoided passenger vehicle trips would not be diluted by any emissions from this new transit service as the LRT system would be virtually air pollution free. (emphasis added)
>
> Based on the emission factors used to calculate direct emission reduction benefits from Tri-Met's current transit system, the direct air quality benefit of the new LRT systems would be estimated to be about 0.5 tons/day of ozone precursors. This would equate to approximately two new Intel type industries with about 20,000 new jobs locating in the airshed or about $09.6 million/year in avoided LAER (Lowest Achievable Emission Rate technologies) costs to major new expanding industries."

In April 2003, a not-for-profit organization, Resources for the Future (RFF), published a nation-wide assessment of air quality implementation. (See Appendix E, *Exhausting Options: Assessing SIP-Conformity Interactions*, RFF, April 2003). In this report, an assessment of the nation's air quality implementation system is made and case studies of six areas are analyzed, including Portland.

In part, the Report concludes:

> "The lack of serious air quality problems in the Portland area means that Metro and DEQ can take steps to make sure that conformity problems do not arise. DEQ has been aggressive in its role in conformity since the rule was first released. For example, it was DEQ that pushed through an interagency consultation agreement. DEQ also devised out-year motor vehicle emission budgets. To avoid the planning horizon mismatch, the MVEBs (motor vehicle emission budgets) were allowed to increase in the out-years to allow for growth in vehicle emissions. DEQ has played a very active role in transportation planning in general and conformity in particular. Its staff has a good understanding of the analytical elements of the conformity process and especially how modeling assumptions can affect conformity determinations."

This conclusion about the Portland area was vastly different – and positive – compared with the experiences documented in the other case studies – Baltimore, Maryland; Houston, Texas; Paducah, Kentucky; Sacramento, California and Washington, DC.

In 2002, air quality conformity was updated to include several additional projects not in the 2000 RTP that were included in the Oregon Transportation Investment Act (OTIA) approved by the Oregon Legislature. Metro also revised its Metropolitan Transportation Improvement Plan (MTIP) and in turn, revised air quality emission estimates (again using the Mobile5_h software model) to compare with motor vehicle emission budgets (see Table 5 below), concluding that the MTIP and RTP met the applicable air quality standards for the airshed.

Table 5
2002 MTIP & Revised RTP Air Quality Emission Conformity Determination

	VMT (vehicle miles travelled)	Winter CO (Carbon Monoxide)	HC (Hydrocarbons)	NOx (Oxides of Nitrogen)
1988		814	41	52.3
1988 Budget		1075	58	60
2005 FC		657	34	50.3
2005 Budget		789	42	51
2010 FC		644	32	50.9
2010 Budget		760	40	52
2020 FC	26,201,885* 28,544,742	713	36	57.6
2020 Budget		842	40	59

*CO is estimated for the Metro jurisdictional boundary and the lower 2020 vmt level is estimated for it, while HC and Nox is estimated for Air Quality Management Area (AQMA), a larger geographic extent than the Metro boundary, but less than the 3 Oregon counties.

In the Fall of 2002, Metro prepared the *South Corridor Project Supplemental Draft Environmental Impact Statement* for the South Corridor Project, the balance of the South/North LRT project that also includes Interstate MAX. Among the documents produced included the *Air Quality Results Report*, (December 2002), which calculated the likely results of the alternatives, including the following choices, and estimated air quality results shown in Table 6:

Table 6
Estimated Average Weekday[1] Regional Pollutant Emissions
by Existing and South Corridor Project Alternatives for the 4 County Area (tons/day)

Alternative	Daily VMT[2]	VOC	CO	NO_X
Existing Conditions	28,564,500	94.3	629.1	93.4
No-Build	36,344,300	51.0	406.4	65.8
Bus Rapid Transit	36,322,100	50.9	406.2	65.7
Busway	36,315,050	50.9	406.1	65.7
Milwaukie LRT	36,324,100	50.9	406.2	65.7
I-205 LRT	36,278,000	50.9	405.8	65.7
Combined LRT	36,271,000	50.9	405.7	65.7

Source: TW Environmental, Inc., November 2002. Reproduced from *Air Quality Results Report*, December, 2002, page 3-2,Table 3.1.1, Note that the geographic extent of this analysis is a four county region, the totality of Clackamas, Clark, Multnomah and Washington counties.
VMT = Vehicle miles traveled; VOC = Volatile organic compounds; CO = carbon monoxide; NOX = nitrogen oxides
[1]Year 2020, except Existing Conditions
[2] Includes Bus VMT. See *Transit Impacts and Travel Demand Forecasting Results Report* (November 2002) for VMT calculations.

This analysis of the air quality impacts of South Corridor Project alternatives was completed on the basis of vehicle miles traveled within the entirety of the four counties (Clackamas, Clark,

Multnomah and Washington). Therefore, the total estimated pollutants are for an area that includes both the Portland AQMA, the Clark County Ozone and Carbon Monoxide Maintenance areas as well as those areas outside either the Portland and Clark County air quality maintenance areas. While motor vehicle emission budgets have been established for the Clark County maintenance areas, they only extend to the year 2006, so direct comparison of the estimated four county emissions against the emission budgets for the transportation plan horizon year (2020) is not possible. However, meaningful conclusions can be reached.

What can be determined from this analysis of air quality emissions is that the expected air quality result is that with both light rail lines in operation (completion of both the Milwaukie LRT and the I-205 LRT) that (auto and truck) vehicle miles traveled would be reduced and the air pollution would be less than if both LRT lines were not built. (A condition reflected in the "No-Build" alternate.)

In June 2003, Metro conducted a further quantitative analysis to assess the potential highest degree of impact for a scenario where the I-205 LRT system would be in place. The analysis was intended to be a conservative "worst case" evaluation and show levels of impact to VMT and hence air quality with the mitigating benefit of the LRT line itself. For this assessment it was assumed that all park and ride trips to the rail were new auto trips. Furthermore, no credit was taken for the VMT reduction attributed to the new "walk to LRT" trips. Finally, it was assumed that all park and ride trips would travel during peak times at a congested speed of 27 mph. None of these assumptions are realistic, but all provide an indication of the worst possible situation. Given these parameters, an emission calculation was conducted.

Calculations were performed for two analysis years, 2007 and 2020. The near term assessment captures the effects of the higher emission rates relative to 2020. The rates are less in 2020 because a higher percentage of cars with catalytic converters and other technological advances (such as hybrid vehicles) are found in the 2020 vehicular mix. For this analysis, it was assumed that the 2007 park and ride trips were equivalent to the 2020 total. Again, this is a worst case situation.

The Financially Constrained System for the RTP was conformed in April 2002. The financially constrained network served as the base upon which the light rail alternatives were built. Aside frm the "Build" element of the alternatives, the underlying transit and highway improvements used were identical to the conformed RTP financially constrained system. Given the above assumptions, additional emissions for three pollutants (winter CO, NOx, and VOC) were calculated and added to the Financially Constrained emission totals. The results were compared to the emission budgets for each pollutant. The Table 7 (below) summarizes the results.

Table 7
I-205 Air Quality Impacts Estimated for years 2007 and 2020 - Assuming All I-205 Park and Ride Users Did Not Use LRT

	2007 Original	2007 New Total	2007 Budget	2020 Original	2020 New Total	2020 Budget
Winter CO	652.0	652.8	763	712.90	713.63	842
NOx	50.4	50.47	51	57.60	57.67	59
HC (or VOC)	33.80	33.84	41	36.20	36.23	40

The table illustrates the results of the analysis. In all cases, three pollutants and two analysis years, the "worst case" emission totals would not exceed the budget. (Interestingly, in order to exceed the 2020 budget, the park and ride VMT assumption would need to be at least 2.5 times higher). Hence,

it follows that the I-205 LRT project would not adversely affect the environment in terms of its emission impact.

In addition to these regional emission estimates, the Air Quality Results Report also estimated "hot spots" or locations where CO concentrations were most likely to occur, outlined in Table 8. These potential hot spots are areas such as congested intersections or park and ride lot access.

Table 8
Highest Projected 8-Hour[1] and 1-Hour
Carbon Monoxide Concentrations Near Intersections (ppm)

Alternative	Existing Conditions		No-Build		Build	
Intersection	8-Hour	1-Hour	8-Hour	1-Hour	8-Hour	1-Hour
BRT						
82nd/Harmony/Sunnyside	7	9	6	7	6	7
McLoughlin/17th/Harrison	6	8	5	7	6	8
Busway						
McLoughin/Milport	5	6	4	5	4	5
Hwy 224/Harrison	5	7	4	6	4	6
Milwaukie LRT						
McLoughin/Milport	5	6	4	5	4	6
17th/Holgate	4	6	4	5	4	6
I-205 LRT						
82nd/Johnson Creek Blvd.	6	8	6	8	6	8
92nd/Foster	5	7	5	7	5	7
Combined LRT						
McLoughlin/Milport	5	6	4	5	4	6
82nd/Johnson Creek Blvd.	6	5	6	8	6	8
17th/Holgate	4	5	4	5	4	6

Source: TW Environmental, Inc., September 2002
Note: Concentrations are expressed in parts per million (ppm)
[1]8-hour average concentration

As can be seen from this data, none of the intersections where localized future CO emissions were estimated was found to violate State or Federal standards.

The South Corridor SDEIS also included an extensive public involvement component. Below is a summary of public outreach efforts related to the South Corridor Project where the public could discuss air quality and other aspects of the alternatives:

SDEIS. The SDEIS (which includes a summary of air quality facts, including Tables 6 and 8 of this document) and the Executive Summary were distributed to a wide range of public resources (including libraries, local governments and agencies), interested people and groups including neighborhood organizations, community groups and local advisory group members. The complete SDEIS was made available to the public on request and provided to a wide range of interested persons and agencies (see Appendix G, List of Recipients of the SDEIS). Other supporting documents for this SDEIS were also made available to the public.

Tech Facts and Other Summary Materials. A variety of summary materials and Tech Fact Sheets were made available. Summary materials were designed to help community members to understand the results of the SDEIS. A newsletter detailing the alternatives and explaining the environmental process was prepared early in the SDEIS process. Another newsletter was published after the SDEIS was completed, providing results from the SDEIS to engage people in the Locally Preferred Alternative (LPA) selection process. A final newsletter was produced after the LPA decision to ensure that interested persons were contacted about the Metro Council's final decision. Staff also

regularly updated the South Corridor web site and hotline to include project updates, findings and meeting information. Interested people could add their name to the mailing list, request additional information, or record a comment on either the website or the hotline. Powerpoint presentations were also created to summarize the data in a clear and understandable way.

Briefing document. A briefing document that summarizes the results of the SDEIS analysis and provides a comparison of the alternatives was provided to the Policy Committee, governing boards of participating jurisdictions and to interested community members to assist in the selection of the LPA.

Notification. Advertisements were placed in local newspapers to announce the availability of this SDEIS, the 50 day public comment period, opportunities to learn more about the results of the SDEIS and who to contact for additional information. Notification of public hearings were sent to the project's mailing list and to property owners located adjacent to the study alternatives. More detailed information about the public comment period and related meetings was listed on the project web page and on the transportation hotline.

Media briefings. Members of the media were provided an opportunity to preview the SDEIS findings prior to open houses. Individual briefings with reporters or editorial boards were also conducted. Many ads, articles or stories about the South Corridor Project were included in various publications including *The Oregonian, TheBee, The Asian Reporter, El Hispanic News, The Good Neighbor News, The East County News, The Milwaukie Pilot,* and other community newsletters and newspapers.

Neighborhood Meetings. Staff attended neighborhood meetings throughout the corridor to discuss the results of the SDEIS. These briefings provided Neighborhood Associations and Community Planning Organizations with an opportunity to understand the SDEIS results prior to making formal comments on the SDEIS.

Open houses. The project hosted a series of open houses early in the SDEIS public comment period. Open houses provided community members with an opportunity to learn about the findings, ask questions of staff and talk with other community members about the project. Staff provided opportunities for comment at each open house.

Public hearings. After the SDEIS was published, the Policy Committee hosted public hearings to hear comments from community members. Testimony from the public hearings was transcribed and summarized along with all public comments in the Public Comment Document. Further, a public hearing was held for Ordinance 03-1007, amendment of the RTP to reflect the South Corridor Project on June 19, 2003.

Documentation of Public Comments. Project staff compiled all comments made during the SDEIS comment period into the *Public Comment Report.* This report included a summary of all comments including comments received at the January 29 and February 4 2003 public hearings as well as comments received at open houses conducted by Metro in December, 2002, comments received by e-mail, by telephone and other written comments. An index of each individual who provided comments was also included in this document. It was distributed to the public, staff, elected officials and participating jurisdictions. Responses to the comments will be included in the South Corridor Project FEIS, as required by the National Environmental Policy Act of 1969, (NEPA).

Of the 313 comments received and recorded in the South Corridor Project *Public Comment Report*, Metro, February, 2003, 12 included air quality comments. The public comments, in summary form, included the following:

- Steve Schopp, Tualatin
  LRT will not reduce pollution.

- Steve Satterlee, Milwaukie-Portland Light Rail Coalition
  Combined Light Rail alternative is supported. Existing congestion on McLoughlin corridor leads to pass-through traffic as well as increased levels of air pollution.

- Nick Stearns, Portland
  Air pollution changes attributed to the I-205 LRT segment are less than the margins of error and ". . .there are a lot of ways to reduce . . .air pollution by . . .more than 0.03 percent that don't cost $500 million."

- Karen Williams, Portland
  Air pollution will be lessened by a Light Rail line from Milwaukie to downtown Portland.

- Ann McManamon, Portland
  The Busway Alternative would have an adverse impact on air quality, light rail lessens air pollution when compared to other options for that portion of the corridor.

- Craig Birkett, Portland
  Natural gas engines can be used and make buses just as environmentally friendly as trains.

- John Ghormley, Jr.,
  Light rail helps the air quality of the Portland air shed by limiting reliance on internal combustion powered vehicles.

- David Weislogel, Greater Brooklyn Business Association
  Light rail would reduce air pollution.

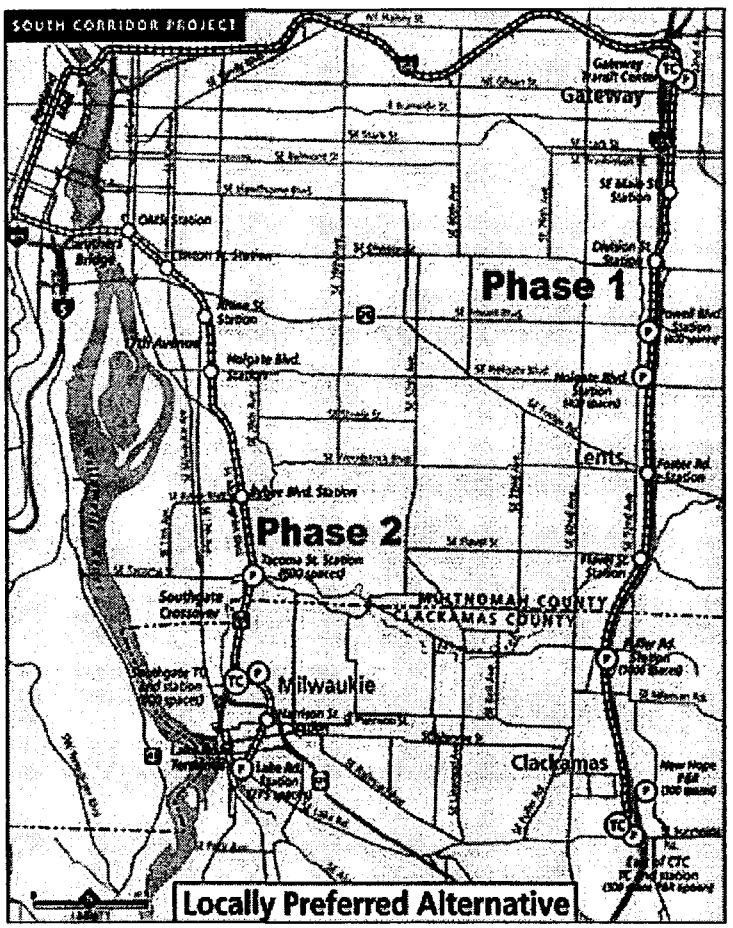
- Teri Pierson, Portland
  Bus Rapid Transit would decrease pollution.

- David Nordberg, DEQ
  The largest environmental benefits will be produced by the Light Rail Transit alternatives because those options best serve the land-use goals of the region.

- Robert Schmidt, Sellwood-Moreland Improvement League
  The Busway alternative may have an adverse impact on air quality and prefers the Milwaukie Light Rail.

- Johan Mathiesen, Brooklyn Action Corps
  Milwaukie to Portland light rail would address existing congestion and air pollution on McLoughlin Boulevard.

In February, 2003, the South Corridor Policy Committee forwarded a recommendation for a two-phased transit investment strategy for the South Corridor that proposed the I-205 LRT including the downtown Portland Transit Mall LRT alignment, as the first phase and the Milwaukie LRT as a second phase. Subsequently after consideration of the South Corridor Policy Committee recommendations, the SDEIS and public comments, each affected local government adopted a resolution of support for the Locally Preferred Alternative. These materials - SDEIS, including the Air Quality Results Report, and the draft Locally Preferred Alternative Report were considered by the Transportation Policy Alternatives Committee (TPAC) and the Joint Policy Advisory Committee on Transportation (JPACT) and in public hearings before the Metro Council. On April 17, 2003, the Metro Council, after considering all public testimony and factors, adopted the South Corridor Locally Preferred Alternative. (See map and description below.)



Phase I: I-205 Light Rail Project

- Clackamas Town Center Transit Center located east of the mall with a potential park-and-ride garage
- Alignment on the Portland Mall (Southwest Fifth and Sixth avenues) between the Steel Bridge and Portland State University in downtown Portland
- During phase I, construct the Milwaukie Southgate park-and-ride and relocated the existing Milwaukie Transit Center to the Southgate area once design and environmental issues are resolved.

Phase II: Milwaukie Light Rail Project

- Terminus at Lake Road in Milwaukie
- Station, but no bus transfer facility, at the Portland Waldorf School in Milwaukie
- Southgate crossover design option in the North Milwaukie industrial area
- 17th Avenue design option in the Brooklyn neighborhood
- Caruthers Bridge over the Willamette River from just south of OMSI to Southwest River Parkway
- Connection from the Caruthers Bridge to the Portland Mall on Southwest Lincoln Street.

During May and June, 2003, the RTP was amended to include I-205 LRT (the Milwaukie LRT was already included in the financially constrained system) which also provided an additional opportunity for public comment. No air quality concerns were expressed by the public, governmental agencies, or non-profit entities. The proposal was reviewed and recommended for approval by TPAC on June 3 and by JPACT on June 12. The Metro Council, holding a public hearing, approved the RTP amendment on June 19, 2003.

Analysis of Project Facts and State and Federal Regulations

Following is an analysis of the applicable air quality requirements for a conformity determination and an analysis of how the facts about the South Corridor Project relate to these requirements.

Overall Project Conformity Objectives

The Federal Clean Air Act [42 U.S.C §176(c)(1)(B)] requires that Federal activities will not:

"(i) cause or contribute to any new violations of any standard in any area;
(ii) increase the frequency or severity of any existing violation of any standard in any area; or
(iii) delay timely attainment of any standard or any required interim emissions reductions or other milestones in any area..."

Based on the previous facts, there are no facts in evidence that show that adding the I-205 LRT segment will cause any violation of this requirement. On the contrary, the I-205 LRT segment will help the region continue to meet air quality standards and could be considered one of the Transportation Control Measures called for in the Maintenance Plan for the Portland region ("Completion of Light Rail Transit (LRT) in the South/North corridor by the year 2007.") The actual configuration of the south portion of the South/North LRT was not known at the time of the adoption of the air quality maintenance plan (1996), as additional analysis was yet to be completed. What is known now is that the region's MPO, Metro, has adopted a Locally Approved Alternative for the South Corridor Project that includes both the Milwaukie LRT and the I-205 LRT projects.

Conformity with State Transportation Conformity Rules

This portion of this document reviews the State's Transportation Conformity Rule. Relevant sections are cited in a smaller font size followed by

- a citation of relevant facts,
- analysis of how the cited facts may relate to the regulations and
- a conclusion about whether the regulations have been met.

The first section of the Department of Environmental Quality's Division 252 of Chapter 340 of the Oregon Administrative Rules has several sections applicable to consideration of the South Corridor LRT Project. It states:

"340-252-0020 Applicability

(1) Action applicability. Except as provided for in section (3) of this rule or OAR 340-252-0270, conformity determinations are required for: ...

(c) The approval, funding, or implementation of FHWA/FTA transportation projects or regionally significant projects by a recipient of funds under title 23 U.S.C.

2) Geographic Applicability.
(a) The provisions of this division shall apply in all nonattainment and maintenance areas for transportation related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

3) Limitations. ...
(b) A new conformity determination for the project will be required if there is a significant change in project design concept and scope..."

The South Corridor Project is seeking approval for advancement into preliminary engineering from the FTA. A conformity determination is required before the project can advance to preliminary engineering. Further, the region is subject to Ozone and CO Maintenance plans and the South Corridor Project is located within the region and air quality maintenance area, so it is concluded that the South Corridor Project must meet the provisions of this division based on geographic applicability. Finally, the Locally Preferred Alternative for the South Corridor Project has resulted in the addition of the I-205 LRT Project to the RTP, along with the Milwaukie LRT project. The Locally Preferred Alternative appears to be a significant change in the project design concept and scope, so again it is concluded that a conformity determination for the South Corridor Project is needed.

"340-252-0030 Definitions"
This section is not directly regulatory, rather, it provides the meaning of the words in the administrative rule so that the rule can be understood and interpreted.

"340-252-0040 Priority
When assisting or approving any action with air quality related consequences, FHWA and FTA shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the NAAQS."

The South Corridor Project, based on the facts cited above, provides air quality benefits which will help the region maintain air quality standards. In addition, it could be concluded that the South Corridor Project, including I-205 LRT segment, is one of the TCM elements required by the Ozone Maintenance Plan to be built and operated to maintain air quality in the region. Accordingly, it is concluded that the South Corridor Project should be given priority in its implementation.

"340-252-0050 Frequency of Conformity Determinations

(1) Conformity determinations and conformity redeterminations for ... regionally significant projects approved or adopted by a recipient of funds under title 23 U.S.C. must be made according to the requirements of this rule and the applicable implementation plan....

(4) Projects. FHWA/FTA transportation projects must be found to conform before they are adopted, accepted, approved, or funded. In the case of recipients of funds under title 23 U.S.C. or the Federal Transit Laws, all regionally significant projects must be demonstrated to conform before they are approved or adopted. Conformity must be redetermined for any FHWA/FTA project or any regionally significant project adopted or approved by a recipient of funds under Title 23 U.S.C. if three years have elapsed since the most recent major step to advance the project (NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications and estimates) occurred."

The definitions section of this division defines regionally significant projects as "...a transportation project, other than an exempt project, that is on a facility which serves regional transportation needs,

such as access to and from ...major activity centers in the region...including at a minimum:...b) all fixed guideway transit facilities that offer an alternative to regional highway travel..."

Accordingly, the South Corridor Project is determined to be included in the definition of a regionally significant project and a under this section too, a conformity determination is required for the South Corridor Project.

> **"340-252-0060 Consultation**
>
> (1) General:
>
> (a) This section provides procedures for interagency consultation (Federal, State, and local) and resolution of conflicts. Consultation shall be undertaken by MPOs, the Oregon Department of Transportation, affected local jurisdictions, and USDOT before making conformity determinations and in developing regional transportation plans and transportation improvement programs. Consultation shall be undertaken by a lead planning agency, the Department of Environmental Quality, the Lane Regional Air Pollution Authority (for actions in Lane County which are subject to this division, or any other regional air authority, and EPA in developing applicable implementation plans.
>
> (b) The lead planning agency, the Department of Environmental Quality, the Lane Regional Air Pollution Authority for Lane County, or any other regional air authority, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development, amendment or revision (except administrative amendments or revisions) of an applicable implementation plan including, the motor vehicle emissions budget. The MPO, ODOT, or any other party responsible for making conformity determinations pursuant to this rule, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of the transportation plan, the TIP, and any determinations of conformity under this rule. The project sponsor shall be responsible for assuring the conformity of FHWA/FTA projects and regionally significant projects approved or adopted by a recipient of funds under title 23.
>
> (c) In addition to the lead agencies identified in subsection (b), other agencies entitled to participate in any interagency consultation process under OAR 340-252-0060 include the Oregon Department of Transportation, both headquarters and each affected regional or district office, each affected MPO, the Federal Highway Administration regional office in Portland and State division office in Salem, the Federal Transit Administration regional office, the Department of Environmental Quality, both headquarters and each affected regional office, any affected regional air authority, the United States Environmental Protection Agency, both headquarters and each affected regional or district office, and any other organization within the State responsible under State law for developing, submitting or implementing transportation-related provisions of an implementation plan, any local transit agency, and any city or county transportation or air quality agency. "

Metro is a co-lead in the preparation of the draft environmental impact statement. As such, Metro discussed initiation of an air quality conformity determination with TPAC (Transportation Policy Alternatives Committee, a committee of local, state and Federal transportation officials) at its June 27, 2003 meeting. Metro is distributing this document to representatives of FHWA, FTA, EPA, DEQ, ODOT, TriMet, Southwest Clean Air Agency (southwest Washington including Clark County), Clackamas and Multnomah counties and the cities of Milwaukie and Portland. It has solicited recommendations for additional relevant or affected agencies from TPAC and will convene a meeting of these agency representatives in July, 2003. On August 1, 2003, the results of the meeting with these representatives, as well as all public comments received will be reported to TPAC and TPAC will be requested to make recommendations on air quality conformity for the South Corridor Project. On August 14, 2003, JPACT (Joint Policy Advisory Committee on Transportation, a committee of local elected officials as well as other regional, State and Federal representatives) will be asked to review the conformity information and make a recommendation. Later in the day on August 14, the Metro Council as the MPO, will review all recommendations,

take testimony and may take action. Accordingly, it is concluded that this section has been addressed.

This section goes on to state:

> "(d) Specific roles and responsibilities of various participants in the interagency consultation process shall be as follows:
> (A) The lead planning agency, the Department of Environmental Quality, the Lane Regional Air Pollution Authority, or any other regional air authority, shall be responsible for developing:
> (i) Emissions inventories;
> (ii) Emissions budgets;
> (iii) Attainment and maintenance demonstrations;
> (iv) Control strategy implementation plan revisions; and
> (v) Updated motor vehicle emissions factors... "

As noted above, the DEQ has prepared an emission budget based on data from the region and results of air quality computer modeling (Mobile5). These budgets are relevant to the South Corridor Project in setting maximum standards against which the addition of the project must be measured.

> "(D) The MPO shall be responsible for:
> (i) Developing transportation plans and TIPs, and making corresponding conformity determinations;
> (ii) Making conformity determinations for the entire nonattainment or maintenance area including areas beyond the boundaries of the MPO where no agreement is in effect as required by **23 CFR § 450.310(f)**;
> (iii) Monitoring regionally significant projects;
> (iv) Developing and evaluating TCMs in ozone and/or carbon monoxide nonattainment and/or maintenance areas;
> (v) Providing technical and policy input on emissions budgets;
> (vi) Performing transportation modeling, regional emissions analyses and documenting timely implementation of TCMs as required for determining conformity;
> (vii) Distributing draft and final project environmental documents which have been prepared by the MPO to other agencies.
> G) The project sponsor shall be responsible for;
> (i) Assuring project level conformity including, where required by this rule, localized air quality analysis;
> (ii) Distributing draft and final project environmental documents prepared by the project sponsor to other agencies. "

Metro as the MPO and as co-lead agency for the South/North Corridor Project Draft Environmental Impact Statement (DEIS) (and the Supplemental Draft Environmental Impact Statement - SDEIS for the South Corridor Project) has prepared a regional transportation plan and a transportation improvement plan as well as completed conformity determinations, the latest being one completed in 2002. Metro monitors regionally significant projects by including them in TPAC agendas to ensure that all entities with an interest in transportation in the region have an opportunity to review and comment on them. The South Corridor LRT Project is one of the latest examples of this monitoring action. Further, Metro has prepared this draft conformity determination, including a localized air quality analysis (hot spots). Accordingly, it is concluded that Metro has complied with this section and the South Corridor Project is in conformity with this section.

"H) FHWA and FTA shall be responsible for assuring timely action on final findings of conformity, after consultation with other agencies as provided in this section and **40 CFR § 93.105**.
(I) EPA shall be responsible for:
(i) Reviewing and approving updated motor vehicle emissions factors; and
(ii) Providing guidance on conformity criteria and procedures to agencies in interagency consultation."

These are work tasks over which Metro has no control and is not directed to evaluate. The results of these tasks do have import for the South Corridor Project as determined by these Federal agencies.

"(K) In metropolitan areas, any state or local transportation agency, or transit agency shall disclose regionally significant projects to the MPO standing committee established under OAR 340-252-0060(2)(b) in a timely manner.
(i) Such disclosure shall be made not later than the first occasion on which any of the following actions is sought: adoption or amendment of a local jurisdiction's transportation system plan to include a proposed project...
(ii) To help assure timely disclosure, the sponsor of any potentially regionally significant project shall disclose to the MPO annually on or before July 1."

The Metro Council approved the addition of the I-205 LRT Project and revised Milwaukie LRT Project to the RTP on June 19, 2003. The MPO standing committee (in the Metro region this is TPAC, see subsection below) was informed of the proposed action with the June 2003 meeting agenda packet. TPAC reviewed and recommended approval of the RTP amendment at this meeting. Further, on June 27, 2003, TPAC was consulted on the initiation of air quality conformity determination, including a summary of the proposed approach and a schedule of events. This was the next TPAC meeting after the June 19, 2003 Metro Council adoption of the RTP amendment to add the South Corridor Project and before July 1 of the year.

The schedule provided to TPAC at the June 27, 2003 meeting included an August 1, 2003 TPAC meeting to review the technical and public comments and to make a recommendation about the draft South Corridor Project air quality conformity determination. Given these actions, it is concluded that the South Corridor Project is in conformity with this section.

"(2) Interagency consultation: specific processes.
(b) Metropolitan Areas. There shall be a standing committee for purposes of consultation required under this rule by an MPO. The standing committee shall advise the MPO. The committee shall include representatives from state and regional air quality planning agencies and State and local transportation and transit agencies. The standing committee shall consult with EPA and USDOT. If not designated by committee bylaws, the standing committee shall select its chair by majority vote.
A) For MPOs designated prior to the effective date of this rule, the following standing committees are designated for purposes of interagency consultation required by this rule: ...
(iii) Metro: Transportation Policy Alternatives Committee;
(C) The standing committee shall hold meetings at least quarterly. The standing committee shall make decisions by majority vote. "

TPAC meets regularly, usually once each month. While TPAC has a great many other topics that it reviews and often makes recommendations about, air quality concerns are addressed at this committee on an on-going basis and as needed. Recommendations are made using Robert's Rules of Order, with a majority of the committee quorum needed to forward any recommendation. FHWA and DEQ have voting membership on this committee. Accordingly, it is concluded that this requirement of the transportation conformity rule is met.

"D) The standing committee shall be responsible for consultation on:

(i) Determining which minor arterials and other transportation projects should be considered regionally significant" for the purposes of regional emissions analysis, in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel;

(ii) Determining whether a project's design concept and scope have changed significantly since the plan and TIP conformity determination;...

(vii) Making a determination, as required by OAR 340-252-0220(2), whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not strictly "included" in the TIP for the purposes of MPO project selection or endorsement, and whether the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility;

(viii) Determining whether the project sponsor or MPO has demonstrated that the requirements of OAR 340-252-0170, 340-252-0190, and 340-252-0200 are satisfied without a particular mitigation or control measure, as provided in OAR 340-252-0260(4)..."

Based on the definitions in this division for "regionally significant" projects, "fixed guideway system... extensions that offer an alternative to regional highway travel" and a "project's design concept and scope", it is asserted that the South Corridor Project is a regionally significant project that is a fixed guideway system in which the project design concept and scope has changed significantly since the last regional plan and TIP conformity determination. Further, in subsequent portions of this document, an examination of whether a sufficient demonstration of satisfaction of the requirements of OAR 340-252-0170, 340-252-0190, and 340-252-0200 is included.

"(xv) Establishing appropriate public participation opportunities for project-level conformity determinations required by this division, in the manner specified by **23 CFR Part 450. . .**"

The Code of Federal Regulations (CFR) includes Title 23, which are the administrative rules for the Federal Highway Administration, its projects and the projects it may fund. Part 450 of this title pertains to planning assistance and standards and section 212 addresses how public participation should be conducted and describes the requirements referred to in the State OAR, above. In total, 23 CFR Part 450, section 212 states:

"§ 450.212 Public involvement.

(a) Public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. The processes shall provide for:

(1) Early and continuing public involvement opportunities throughout the transportation planning and programming process;

(2) Timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs, and projects;

(3) Reasonable public access to technical and policy information used in the development of the plan and STIP;

(4) Adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to action on the plan and STIP;

(5) A process for demonstrating explicit consideration and response to public input during the planning and program development process;

(6) A process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households which may face challenges accessing employment and other amenities;

(7) Periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.

(b) Public involvement activities carried out in a metropolitan area in response to metropolitan planning requirements in § 450.322(c) or § 450.324(c) may by agreement of the State and the MPO satisfy the requirements of this section.

(c) During initial development and major revisions of the statewide transportation plan required under § 450.214, the State shall provide citizens, affected public agencies and jurisdictions, employee representatives of transportation and other affected agencies, private and public providers of transportation, and other interested parties a reasonable opportunity to comment on the proposed plan. The proposed plan shall be published, with reasonable notification of its availability, or otherwise made readily available for public review and comment. Likewise, the official statewide transportation plan (see § 450.214(d)) shall be published, with reasonable notification of its availability, or otherwise made readily available for public information.

(d) During development and major re-vision of the statewide transportation improvement program required under § 450.216, the Governor shall provide citizens, affected public agencies and jurisdictions, employee representatives of transportation or other affected agencies, private providers of transpor-tation, and other interested parties, a reasonable opportunity for review and comment on the proposed program. The proposed program shall be published, with reasonable notification of its availability, or otherwise made readily available for public review and comment. The approved program (see § 450.220(c)) if it differs significantly from the proposed program, shall be published, with reasonable notification of its availability, or otherwise made readily available for public information.

(e) The time provided for public review and comment for minor revisions to the statewide transportation plan or statewide transportation improvement program will be determined by the State and local officials based on the complexity of the revisions.

(f) The State shall, as appropriate, provide for public comment on existing and proposed procedures for public involvement throughout the statewide transportation planning and programming process. As a minimum, the State shall publish procedures and allow 45 days for public review and written comment before the procedures and any major revisions to existing procedures are adopted.

(g) The public involvement processes will be considered by the FHWA and the FTA as they make the planning finding required in § 450.220(b) to assure that full and open access is provided to the decision making process.

(h) The State shall provide for non-metropolitan local official participation. The State shall have a documented process(es) that is separate and discrete from the public involvement process for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that provides an opportunity for their participation in the statewide transportation planning process and development of the statewide transportation improvement program.

(i) The State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 days regarding the effectiveness of the consultation process and proposed modifications within 2 years of process implementation, and thereafter at least once every 5 years. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials. The State, at its discretion, shall be responsible for determining whether to adopt any proposed modifications. If a proposed modification is not adopted, the State shall make publicly available its reasons for not accepting the proposed modification, including notification to non-metropolitan local officials or their associations."

As noted in the background facts section of this document, the South Corridor Project provided a variety of opportunities for public notice, access to documents and early opportunities to participate in the discussions of the technical analyses contained in the SDEIS and supporting Results Report and the Locally Preferred Alternative as well as the amendment of the RTP to include the South Corridor Project. Should Federal approval to proceed be granted, additional public review and comment opportunities will be provided in the Final EIS. All comments receive on the SDEIS will be addressed during the preparation of the FEIS and will be part of the FEIS document. During the FEIS process, responses to concerns, including possible mitigation measures, will be identified and

considered. As to the air quality conformity decision process and public involvement, a 30 day public notice has been provided on June 30, 2003, published in The Oregonian, a newspaper of general circulation in the region, including the South Corridor geographic area. This June 30 notice provides the public with a notice that this document is available for inspection and review and includes the fact that an air quality conformity determination decision could be made by the Metro Council on August 14, 2003. This Metro Council decision could be made on August 14, 2003, 45 days after the publishing of the notice, except where the Metro Council at or before this public hearing receives public comment or technical review recommendations that the Metro Council deems to be significant enough to warrant a change or denial of the proposed air quality conformity determination decision. Accordingly, it is concluded that a public involvement process has been created sufficient to meet this section of the regulations.

> "(E) The chair of each standing committee, or his/her designee, shall set the agenda for all meetings. The chair of each standing committee shall assure that all agendas, and relevant documents and information are supplied to all participants in the consultation process in a timely manner prior to standing committee meetings which address any issues described in paragraph (2)(b)(D) of this rule.
>
> (F) Such standing committees shall begin consultation meetings early in the process of decision on the final document, and shall review all drafts of the final document and major supporting documents. The standing committee shall consult with EPA and USDOT.
>
> (G) The MPO shall confer with the standing committee and shall consult with all other agencies identified under subsection (1)(c) of this rule with an interest in the document to be developed, shall provide all appropriate information to those agencies needed for meaningful input, and consider the views of each such agency. The MPO shall provide draft conformity determinations to standing committee members and shall allow a minimum of 30 days for standing committee members to comment. The 30 day comment period for standing committee members may occur concurrently with the public comment period. The MPO shall respond to substantive comments raised by a standing committee member in a timely, substantive written manner at least 7 days prior to any final decision by the MPO on such document. Such views and written response shall be made part of the record of any decision or action.
>
> (H) The standing committee may, where appropriate, appoint a subcommittee to develop recommendations for consideration by the full committee.
>
> (I) Meetings of the standing committee shall be open to the public. The MPO shall provide timely written notification of standing committee meetings to those members of the public who have requested such notification. In addition, reasonable efforts shall be made to identify and provide timely written notification to interested parties.
>
> (J) It shall be the affirmative responsibility of a project sponsor to consult with the affected transportation and air quality agencies prior to making a project level conformity determination required by this rule. (4) Public consultation procedures. Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those or **23 CFR 450.316(b)**. Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in **49 CFR 7.95**. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law. "

With regard to technical review, as noted above, TPAC is the officially designated standing committee for review of air quality issues, including conformity determinations. TPAC meets once a

month, holds meetings open to the public and routinely sends meeting agendas and materials to members, alternates, and a list of interested persons one week in advance of the meeting. In the South Corridor Project air quality conformity determination, TPAC was consulted on June 27, 2003, informing them that at the August 1, 2003 meeting a draft air quality conformity determination would be included among the meeting agenda items. Further, at the June 27, 2003 TPAC meeting, the formation of a subcommittee, as provided by this section, including all interested parties, was announced and suggestions for additional invitations solicited. In addition, a notice for technical review, including this document, was sent on June 30, 2003 (see appendix) via email and U.S. Mail, to a list of technical representatives from Federal, state and local agencies with responsibility, authority or interest in the South Corridor Project air quality conformity determination decision.

With regard to public comment, a 30 day notice of public comment was published in the Oregonian on June 30, 2003 with an e-mail contact address, telephone number and U.S. Mail address for contacting Metro for additional information, including a copy of this report. Upon receipt of a request for this report or other information, these materials will be sent via email (this report without the appendices) or, at not charge, U.S. Mail, depending on the request. All written comments received by the end of the 30 day comment period (July 30, 2003) will be responded to in writing by August 6, 2003, or sooner, and made available on August 6 or sooner for review and consideration prior to a possible action by the Metro Council on August 14, 2003.

Accordingly, it is concluded that processes have been created for the South Corridor Project air quality conformity determination decision sufficient to address these sections of the regulations.

"340-252-0070 Content of Transportation Plans"

As the proposed action concerns a specific transportation project, not an RTP, this section is concluded to be not applicable to a South Corridor Project air quality conformity determination.

"340-252-0080 Relationship of Transportation Plan and TIP Conformity with the NEPA Process

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project must meet the criteria in OAR 340-252-0100 through 340-252-0200 for projects not from a TIP before NEPA process completion. "

The South Corridor Project has a completed supplemental draft environmental impact statement. However, as defined by this division, NEPA process completion does not occur until after acceptance of a final environmental impact statement and issuance of a record of decision. The FTA and FHWA will not approve initiation of preliminary engineering which is required for preparation of the FEIS until air quality conformity is determined. Accordingly, this regulation will be met.

"340-252-0090 Fiscal Constraints for Transportation Plans and TIPs

Transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at **23 CFR Part 450** in order to be found in conformity. "

As noted in the Background Facts, on June 19, 2003, the Metro Council approved amendments to the RTP to include the South Corridor Project, including addition of the South Corridor Project to the financially constrained RTP. In addition, the Metro Council adopted the MTIP on June 19, 2003 to include the South Corridor Project. Accordingly, conformity with this section has been achieved.

"340-252-0100 Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects:

General

(1) In order for each transportation plan, program, FHWA/FTA project, and regionally significant project approved or adopted by a recipient of funds under title 23 U.S.C. to be found to conform, the MPO and DOT must demonstrate that the applicable criteria and procedures in this division are satisfied, and the MPO and DOT must comply with all applicable conformity requirements of implementation plans, and of court orders for the area which pertain specifically to conformity. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPS, and FHWA/FTA projects), the relevant pollutant(s), and the status of the implementation plan.

(2) Table 9 (following) indicates the criteria and procedures in OAR 340-252-0110 through 340-252-0200 which apply for transportation plans, TIPs, and FHWA/FTA projects. Sections (3) through (6) of this rule explain when the budget, emission reduction, and hot spot tests are required for each pollutant.

(3) Ozone nonattainment and maintenance areas. In addition to the criteria listed in Table 9 in section (2) of this rule that are required to be satisfied at all times, in ozone nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or emission reduction tests are satisfied as described in the following:

(a) In ozone nonattainment and maintenance areas the budget test must be satisfied as required by OAR 340-252-0190 for conformity determinations made:

(A) 45 days after a control strategy implementation plan revision or maintenance plan has been submitted to EPA...

(4) CO nonattainment and maintenance areas. In addition to the criteria listed in Table 1 in section (2) of this rule that are required to be satisfied at all times, in CO nonattainment and maintenance areas conformity determinations must include a demonstration that the hot spot, budget and/or emission reduction tests are satisfied as described in the following:

(a) Projects in CO nonattainment or maintenance areas must satisfy the hot spot test required by OAR 340-252-0170 and OAR 340-252-0240 at all times. Until a CO attainment demonstration or maintenance plan is approved by EPA, FHWA/FTA projects must also satisfy the hot spot test required by OAR 340-252-0170(2).

(b) In CO nonattainment and maintenance areas the budget test must be satisfied as required by OAR 340-252-0190 for conformity determinations made:

(A) 45 days after a control strategy implementation plan revision or maintenance plan has been submitted to EPA...

5) PM_{10} nonattainment and maintenance areas. In addition to the criteria listed in Table 1 in section (2) of this rule that are required to be satisfied at all times, in PM_{10} nonattainment and maintenance areas conformity determinations must include a demonstration that the hot spot, budget and/or emission reduction tests are satisfied as described in the following:

(a) Projects in PM_{10} nonattainment or maintenance areas must satisfy the hot spot test required by OAR 340-252-0170 and OAR 340-252-0240.

(6) NO_2 nonattainment and maintenance areas. In addition to the criteria listed in **Table 1** in section (2) of this rule that are required to be satisfied at all times, in NO_2 nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or emission reduction tests are satisfied as described in the following:

(a) In NO_2 nonattainment and maintenance areas the budget test must be satisfied as required by OAR 340-252-0190 for conformity determinations made:

(A) 45 days after a control strategy implementation plan revision or maintenance plan has been submitted to EPA..."

Table 9
OAR 340.252.0100 -Conformity Criteria (from DEQ)

All Actions at all times:	
OAR 340-252-0110	Latest planning assumptions.
OAR 340-252-0120	Latest emissions model.
OAR 340-252-0130	Consultation.
Transportation Plan:	
OAR 340-252-0140(2)	TCMs
OAR 340-252-0190 or OAR 340-252-200	Emissions budget or Emission reduction.
TIP:	
OAR 340-252-0140(3)	TCMs.
OAR 340-252-0190 or OAR 252-0200	Emissions budget or Emission reduction.
Project (From a Conforming Plan and TIP):	
OAR 340-252-0150	Currently conforming plan and TIP.
OAR 340-252-0160	Project from a conforming plan and TIP.
OAR 340-252-0170	CO and PM_{10} hot spots.
OAR 340-252-0180	PM_{10} control measures.
Project (Not From a Conforming Plan and TIP):	
OAR 3402520140	TCMs.
OAR 3402520150	Currently conforming plan and TIP.
OAR 3402520170	CO and PM_{10} hot spots.
OAR 3402520180	PM_{10} control measures.
OAR 3402520190	Emissions budget or Emission reduction.

Table 7 of this report shows the results of adding South Corridor Project worse case conditions to the 2002 conformity determination. Further, it demonstrates that for the years 2007 and 2020, even under worse case conditions, the South Corridor Project would meet the motor vehicle emission budgets for VOC, NOx and CO. No PM10 emission problem has been identified for the Portland area and accordingly, no non-attainment or maintenance plan has been developed, nor have PM10 reduction measures been mandated. Accordingly, it is concluded that the provisions of section 100 have been addressed and the South Corridor Project is in conformity with this section.

"340-252-0110
Criteria and Procedures: Latest Planning Assumptions

(1) The conformity determination, with respect to all other applicable criteria in OAR 340-252-0120 through 340-252-0200, must be based upon the most recent planning assumptions in force at the time of the conformity determination. The conformity determination must satisfy the requirements of sections (2) through (6) of this rule.

(2) Assumptions must be derived from the estimates of current and future population, employment, travel, and congestion most recently developed by the MPO or other agency authorized to make such estimates and approved by the MPO. The conformity determination must also be based on the latest planning assumptions about current and future background concentrations.

(3) The conformity determination for each transportation plan and TIP must discuss how transit operating policies, including fares and service levels, and assumed transit ridership have changed since the previous conformity determination.

(4) The conformity determination must include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.

(5) The conformity determination must use the latest existing information regarding the effectiveness of the TCMs and other implementation plan measures which have already been implemented.

(6) Key assumptions shall be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by OAR 340-252-0060. "

The planning assumptions concerning current and future population, employment, travel and congestion used in the estimates of vehicle miles traveled which in turn are used with the air quality emission computer model (in this case Mobile5_h), are the latest data available and are those officially adopted by the Metro Council. These data are identical to those included in the 2002 air quality conformity determination. The Metro economist is working on new forecasts to the year 2025 for an update of the RTP and other planning purposes, to be considered by the Metro Council in the future. However, neither are these new forecasts completed, nor have they been technically reviewed, or public notice provided which would be required prior to Metro Council consideration of adoption. Therefore, it is concluded that conformity with this section of the division has been achieved.

Further, the 2000 and 2002 conformity determinations used methods that were deemed in accord with the requirements of this division and the South Corridor Project air quality conformity determination proposes to build from these conformity determinations using the same data and methods, except as were noted to address the South Corridor Project specifics.

Considering these data and analyses, it is concluded that the South Corridor Project is in conformity with the provisions of this section.

"340-252-0120 Criteria and Procedures: Latest Emissions Model

(1) The conformity determination must be based on the latest emission estimation model available. This criterion applies during all periods. It is satisfied if the most current version of the motor vehicle emissions model specified by EPA for use in the preparation or revision of implementation plans in that State or area is used for the conformity analysis. Where EMFAC is the motor vehicle emissions model used in preparing or revising the applicable implementation plan, new versions must be approved by EPA before they are used in the conformity analysis.

(2) EPA will consult with DOT to establish a grace period following the specification of any new model.

(a) The grace period will be no less than three months and no more than 24 months after notice of availability is published in the Federal Register.

(b) The length of the grace period will depend on the degree of change in the model and the scope of replanning likely to be necessary by MPOs in order to assure conformity. If the grace period will be longer than three months, EPA will announce the appropriate grace period in the Federal Register.

(3) Transportation plan and TIP conformity analyses for which the emissions analysis was begun during the grace period or before the Federal Register notice of availability of the latest emission model may continue to use the previous version of the model. Conformity determinations for projects may also be based on the previous model if the analysis was begun during the grace period of before the Federal Register notice of availability, and if the final environmental document for the project is issued no more than three years after the issuance of the draft environmental document. "

Metro has used the MOBILE5_h software computer model to estimate air quality conditions within the Portland air quality maintenance area as well as the motor vehicle emission budgets that are based on the MOBILE5 model. On January 29, 2002, the EPA published in the *Federal Register* the official release of the MOBILE6 Motor Vehicle Emissions Factor Model, and gave up to 24 months as a grace period to initiate use of this new model. As the South Corridor Project air quality conformity determination is based on the 2000 and 2002 methods, including the use of MOBILE5_h and the grace period has not expired, and a final environmental report is expected to be issued well before 3 years after the issuance of the draft environmental report as supplemented, it is concluded that the South Corridor Project air quality conformity determination has met the provisions of this section of the regulations.

> **"340-252-0130 Criteria and Procedures: Consultation**
> Conformity must be determined according to the consultation procedures in OAR 340-252-0060 and in the applicable implementation plan, and according to the public involvement procedures established in compliance with 23 CFR part 450. Until the implementation plan revision required by 40 CFR 51.390 is fully approved by EPA, the conformity determination must be made according to OAR 340-252-0060(1)(b) and 340-252-0060(4) and the requirements of **23 CFR part 450.** "

This document has provided facts and analysis in its assessment of OAR 340-252-0060 and asserts that the provisions of section 0060 have been met, including those of 23 CFR part 450. Accordingly, the provisions of this section have been met and the South Corridor Project is in conformity with this section.

> **"340-252-0140 Criteria and Procedures: Timely Implementation of TCMs**
>
> "(1) The transportation plan, TIP or FHWA/FTA project or regionally significant projects approved or adopted by a recipient of funds under **Title 23 U.S.C.** which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan.
>
> (2) For transportation plans, this criterion is satisfied if the following two conditions are met:
> (a) The transportation plan, in describing the envisioned future transportation system, provides for the timely completion or implementation of all TCMs in the applicable implementation plan which are eligible for funding under title 23 U.S.C. or the Federal Transit Laws, consistent with schedules included in the applicable implementation plan. Timely implementation of TCMs which are not eligible for funding under **Title 23 U.S.C.** or the Federal Transit Laws is required where failure to implement such measure(s) will jeopardize attainment or maintenance of a standard.
> (b) Nothing in the transportation plan interferes with the implementation of any TCM in the applicable implementation plan.
>
> (3) For TIPs, this criterion is satisfied if the following conditions are met:
> (a) An examination of the specific steps and funding source(s) needed to fully implement each TCM indicates that TCMs which are eligible for funding under title 23 U.S.C. or the Federal Transit Laws are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and DOT have determined after consultation in accordance with OAR 340-252-0060 that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all State and local agencies with influence over approvals or funding of TCMs are giving maximum priority to approval or funding of TCMs over other projects within their control, including projects in locations outside the nonattainment or maintenance area. Timely implementation of TCMs which are not eligible for funding under title 23 U.S.C. or the Federal Transit Laws is required where attainment or maintenance of a standard is jeopardized.
> (b) If TCMs in the applicable implementation plan have previously been programmed for Federal funding but the funds have not been obligated and the TCMs are behind the schedule in the implementation plan, then the TIP cannot be found to conform if the funds intended for those TCMs are reallocated to projects in the TIP

other than TCMs, or if there are no other TCMs in the TIP, if the funds are reallocated to projects in the TIP other than projects which are eligible for Federal funding intended for air quality improvement projects, e.g., the Congestion Mitigation and Air Quality Improvement Program.

(c) Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan.

(4) For FHWA/FTA projects and regionally significant projects approved or adopted by a recipient of funds under **Title 23 U.S.C.** which are not from a conforming transportation plan and TIP, this criterion is satisfied if the project does not interfere with the implementation of any TCM in the applicable implementation plan. "

As noted in the Background Facts portion of this document, "Completion of Light Rail Transit (LRT) in the South/North corridor by 2007" is a Transportation Control Measure mandated by the Portland Area Ozone Maintenance Plan. The north portion of the South North corridor is now under construction (the Interstate MAX) and the Airport MAX is now operating. Accordingly, the northern portion of the South/North corridor, for LRT, is operational or will be completed by Spring, 2004. Approval of the South Corridor Project air quality conformity determination for the southern portion of the South/North LRT corridor will substantially acheive this TCM measure. It will not interfere with the South/North corridor TCM or any other TCM in the maintenance plan. Accordingly, the South Corridor Project is concluded to be in conformity with the provisions of this section of the division regulations.

340-252-0150
Criteria and Procedures: Currently Conforming Transportation Plan and TIP

There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval.

(1) Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by DOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements of OAR 340-252-0050.

(2) This criterion is not required to be satisfied at the time of project approval for a TCM specifically included in the applicable implementation plan, provided that all other relevant criteria of this division are satisfied. "

Air quality conformity determinations which included the RTP and MTIP were completed in years 2000 and 2002 and have been accepted by the USDOT as meeting all applicable standards. The South Corridor Project air quality conformity determination is proposed to build on all the analysis and data of these conformity determinations, except as additional information specific to the South Corridor Project has been added. The South Corridor SDEIS Alternatives were based on the 2000 RTP financially constrained transportation system. Accordingly, it is concluded that the South Corridor Project is in conformity with the provisions of this section.

"340-252-0160 Criteria and Procedures: Projects from a Plan and TIP

(1) The project must come from a conforming plan and program. If this criterion is not satisfied, the project must satisfy all criteria in Table 1 of OAR 340-252-0100 for a project not from a conforming transportation plan and TIP. A project is considered to be from a conforming transportation plan if it meets the requirements of section (2) of this rule and from a conforming program if it meets the requirements of section (3) of this rule. Special provisions for TCMs in an applicable implementation plan are provided in section (4) of this rule.

(2) A project is considered to be from a conforming transportation plan if one of the following conditions applies:

(a) For projects which are required to be identified in the transportation plan in order to satisfy OAR 340-252-0070 ("Content of Transportation Plans"), the project is specifically included in the conforming transportation plan and the project's design concept and scope have not changed significantly from those which were described in the transportation plan, or in a manner which would significantly impact use of the facility; or

(b) For projects which are not required to be specifically identified in the transportation plan, the project is identified in the conforming transportation plan, or is consistent with the policies and purpose of the transportation plan and will not interfere with other projects specifically included in the transportation plan.

(3) A project is considered to be from a conforming program if the following conditions are met:

(a) The project is included in the conforming TIP and the design concept and scope of the project were adequate at the time of the TIP conformity determination to determine its contribution to the TIP's regional emissions, and the project design concept and scope have not changed significantly from those which were described in the TIP; and

(b) If the TIP describes a project design concept and scope which includes project-level emissions mitigation or control measures, written commitments to implement such measures must be obtained from the project sponsor and/or operator as required by OAR 340-252-0260(a) in order for the project to be considered from a conforming program. Any change in these mitigation or control measures that would significantly reduce their effectiveness constitutes a change in the design concept and scope of the project.

(4) TCMs. This criterion is not required to be satisfied for TCMs specifically included in an applicable implementation plan."

While the South Corridor Project was added to the RTP on June 19, 2003 by vote of the Metro Council, portions of it (the I-205 LRT) were not included in the 2000 or 2002 air quality conformity determinations. This document is intended to address the air quality conformity issues of the South Corridor Project, including the I-205 LRT segment. It is also noted that the South Corridor Project is a part of the South/North LRT corridor, a TCM identified in the ozone maintenance plan. Accordingly, it is concluded that the provisions of this section either do not apply to the South Corridor Project or, the South Corridor Project, as an element of the South/North LRT corridor, is not required to satisfy this section of the division.

"340-252-0170 Criteria and Procedures: Localized CO and PM_{10} Violations (Hot-spots)

(1) This section applies at all times. A FHWA/FTA project and any regionally significant project approved or adopted by a recipient of funds under title 23 U.S.C. must not cause or contribute to any new localized CO or PM_{10} violations or increase the frequency or severity of any existing CO or PM_{10} violations in CO and PM_{10} nonattainment and maintenance areas. This criterion is satisfied if it is demonstrated that no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project. The demonstration must be performed according to the consultation requirements of OAR 340-252-0060(2)(e) and the methodology requirements of OAR 340-252-0240.

(2) This section applies for CO nonattainment areas as described in OAR 340-252-0100(4)(a). Each project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas) according to the consultation requirements of OAR 340-252-0060(2)(e) and the methodology requirements of OAR 340-252-00240. This criterion is satisfied with respect to existing localized CO violations if it is demonstrated that existing localized CO violations will be eliminated or reduced in severity and number as a result of the project. "

A CO hot spot analysis has been conducted for the South Corridor Project, (see table 8 of this document) including the I-205 LRT, Milwaukie LRT and both LRT segments combined. No evidence of future CO violations were identified in this analysis. No PM10 emission problems have been identified in the region and no measures are required. Nonetheless, a written commitment from TriMet is included in the appendix concerning addressing possible fugitive dust emissions during construction activities.

340-252-180 Criteria and Procedures: Compliance with PM_{10} Control Measures

"A FHWA/FTA project and any regionally significant project approved or adopted by a recipient of funds under Title 23 U.S.C. must comply with PM_{10} control measures in the applicable implementation plan. This criterion is satisfied if the project-level conformity determination contains a written commitment from the project sponsor to include the final plans, specifications, and estimates for the project those control measures (for the purpose of limiting PM_{10} emissions from the construction activities and/or normal use and operation associated with the project) contained in the applicable implementation plan."

While PM10 emissions have not been large enough to trigger any enforcement action, the appendix includes a written commitment from TriMet, that upon approval from Federal authorities to initiate construction, TriMet would take appropriate actions to control fugitive dust emissions during construction of the project.

340-252-190 Criteria and Procedures: Motor Vehicle Emissions Budget

(1) The transportation plan, TIP, and project not from a conforming transportation plan and TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission). This criterion applies as described in OAR 340-252-0100(3) through (7). This criterion is satisfied if it is demonstrated that emissions of the pollutants or pollutant precursors described in paragraph (c) of this section are less than or equal to the motor vehicle emissions budget(s) established in the applicable implementation plan or implementation plan submission.

(2) Consistency with the motor vehicle emissions budget(s) must be demonstrated for each year for which the applicable (and/or submitted) implementation plan specifically establishes motor vehicle emissions budget(s), for the last year of the transportation plan's forecast period, and for any intermediate years as necessary so that the years for which consistency is demonstrated are no more than ten years apart, as follows:

(a) Until a maintenance plan is submitted:

(A) Emissions in each year (such as milestone years and the attainment year) for which the control strategy implementation plan revision establishes motor vehicle emissions budget(s) must be less than or equal to that year's motor vehicle emissions budget(s); and

(B) Emissions in years for which no motor vehicle emissions budget(s) are specifically established must be less than or equal to the motor vehicle emissions budget(s) established for the most recent prior year. For example, emissions in years after the attainment year for which the implementation plan does not establish a budget must be less than or equal to the motor vehicle emissions budget(s) for the attainment year.

(b) When a maintenance plan has been submitted:

(A) Emissions must be less than or equal to the motor vehicle emissions budget(s) established for the last year of the maintenance plan, and for any other years for which the maintenance plan establishes motor vehicle emissions budgets. If the maintenance plan does not establish motor vehicle emissions budgets for any years other than the last year of the maintenance plan, the demonstration of consistency with the motor vehicle emissions budget(s) must be accompanied by a qualitative finding that there are no factors which would cause or contribute to a new violation or exacerbate an existing violation in the years before the last year of the maintenance plan. The interagency consultation process required by OAR 340-252-0060 shall determine what must be considered in order to make such a finding;

(B) For years after the last year of the maintenance plan, emissions must be less than or equal to the maintenance plan's motor vehicle emissions budget(s) for the last year of the maintenance plan; and

(C) If an approved control strategy implementation plan has established motor vehicle emissions budgets for years in the timeframe of the transportation plan, emissions in these years must be less than or equal to the control strategy implementation plan's motor vehicle emissions budget(s) for these years.

(3) Consistency with the motor vehicle emissions budget(s) must be demonstrated for each pollutant or pollutant precursor in OAR 340-252-0020(2) for which the area is in nonattainment or maintenance and for which the applicable implementation plan (or implementation plan submission) establishes a motor vehicle emissions budget.

(4) Consistency with the motor vehicle emissions budget(s) must be demonstrated by including emissions from the entire transportation system, including all regionally significant projects contained in the transportation plan and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the timeframe of the transportation plan.

(a) Consistency with the motor vehicle emissions budget(s) must be demonstrated with a regional emissions analysis that meets the requirements of OAR 340-252-0230 and 340-252-0060(2)(e).

(b) The regional emissions analysis may be performed for any years in the timeframe of the transportation plan provided they are not more than ten years apart and provided the analysis is performed for the attainment year (if it is in the timeframe of the transportation plan) and the last year of the plan's forecast period. Emissions in years for which consistency with motor vehicle emissions budgets must be demonstrated, as required in section (2) of this rule, may be determined by interpolating between the years for which the regional emissions analysis is performed.

(5) motor vehicle emissions budgets in submitted control strategy implementation plan revisions and submitted maintenance plans.

(a) Consistency with the motor vehicle emissions budgets in submitted control strategy implementation plan revisions or maintenance plans must be demonstrated if EPA has declared the motor vehicle emissions budget(s) adequate for transportation conformity purposes, or beginning 45 days after the control strategy implementation plan revision or maintenance plan has been submitted (unless EPA has declared the motor vehicle emissions budget(s) inadequate for transportation conformity purposes). However, submitted implementation plans do not supersede the motor vehicle emissions budgets in approved implementation plans for the period of years addressed by the approved implementation plan.

(b) If EPA has declared an implementation plan submission's motor vehicle emissions budget(s) inadequate for transportation conformity purposes, the inadequate budget(s) shall not be used to satisfy the requirements of this section. Consistency with the previously established motor vehicle emissions budget(s) must be demonstrated. If there are no previous approved implementation plans or implementation plan submissions with motor vehicle emissions budgets, the emission reduction tests required by OAR 340-252-0200 must be satisfied.

(c) If EPA declares an implementation plan submission's motor vehicle emissions budget(s) inadequate for transportation conformity purposes more than 45 days after its submission to EPA, and conformity of a transportation plan or TIP has already been determined by DOT using the budget(s), the conformity determination will remain valid. Projects included in that transportation plan or TIP could still satisfy OAR 340-252-0150 and 340-252-0160, which require a currently conforming transportation plan and TIP to be in place at the time of a project's conformity determination and that projects come from a conforming transportation plan and TIP.

(d) EPA will not find a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan to be adequate for transportation conformity purposes unless the following minimum criteria are satisfied:

(A) The submitted control strategy implementation plan revision or maintenance plan was endorsed by the Governor (or his or her designee) and was subject to a State public hearing;

(B) Before the control strategy implementation plan or maintenance plan was submitted to EPA, consultation among federal, State, and local agencies occurred; full implementation plan documentation was provided to EPA; and EPA's stated concerns, if any, were addressed;

(C) The motor vehicle emissions budget(s) is clearly identified and precisely quantified;

(D) The motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given implementation plan submission);

(E) The motor vehicle emissions budget(s) is consistent with and clearly related to the emissions inventory and the control measures in the submitted control strategy implementation plan revision or maintenance plan; and

(F) Revisions to previously submitted control strategy implementation plans or maintenance plans explain and document any changes to previously submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see OAR 340-252-0030 for definition); and reasons for the changes (including the basis for any changes related to emission factors or estimates of vehicle miles traveled).

(e) Before determining the adequacy of a submitted motor vehicle emissions budget, EPA will review the State's compilation of public comments and response to comments that are required to be submitted with any implementation plan. EPA will document its consideration of such comments and responses in a letter to the State indicating the adequacy of the submitted motor vehicle emissions budget.

(f) When the motor vehicle emissions budget(s) used to satisfy the requirements of this section are established by an implementation plan submittal that has not yet been approved or disapproved by EPA, the MPO and DOT's conformity determinations will be deemed to be a statement that the MPO and DOT are not aware of any information that would indicate that emissions consistent with the motor vehicle emissions budget will cause or contribute to a new violation of any standard; increase the frequency or severity of any existing violation of any standard; or delay timely attainment of any standard or any required interim emission reductions or other milestones.

In addition to the comparison of estimated pollutants to the motor vehicle emission budgets documented in Table 7 of this report, another comparision year is needed to comply with this portion of the rule. Accordingly, if the year 2010 were analyzed using the worse case conditions for the South Corridor Project, the results would be as shown in Table 10, following:

Table 10
I-205 Air Quality Impacts Estimated for Years 2007 and 2020 - Assuming All I-205 Park and Ride Users Did Not Use LRT

	2010 Original	2010 New Total*	2010 Budget
Winter CO	644	644.73	760
NOx	50.9	50.97	52
HC (or VOC)	32	32.03	40

*Assumes 2020 vmt and emission rates, the resulting pollution amount being greater than the result if 2007 vmt and emission rates were used.

Again the result is that the South Corridor Project, under worse case conditions would result in emissions of pollutants or pollutant precursors that are less than the motor vehicle emission budgets established by DEQ in the Portland area CO and ground ozone maintenance plans. This is true for all years tested including 2007, 2010 and 2020. Accordingly, it is concluded that the South Corridor Project is in conformity with the provisions of this section of the division regulations.

"340-252-0200 Criteria and Procedures: Emission Reductions in Areas Without Motor Vehicle Emissions Budgets"

The DEQ has established motor vehicle emission budgets based on MOBILE5 methods and data from the Portland area. Accordingly, this section does not apply to the Portland air quality maintenance area or the South Corridor Project which is located within the Portland area.

"340-252-0210 Consequences of Control Strategy Implementation Plan Failures"

As there has been no identification, notification or determination by EPA or DEQ of any control strategy implementation plan failure in the region, this section is not applicable to the South Corridor LRT Project air quality conformity determination.

"340-252-0220
Requirements for Adoption or Approval of Projects by Other Recipients of Funds Designated under Title 23 U.S.C. or the Federal Transit Laws

(1) Except as provided in section 2 of this rule, no recipient of Federal funds designated under title 23 U.S.C. or the Federal Transit Laws shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the recipient finds that the requirements of one of the following are met:

(a) The project was included in the first three years of the most recently conforming transportation plan and TIP (or the conformity determination's regional emissions analyses), even if conformity status is currently lapsed; and the project's design concept and scope has not changed significantly from those analyses;

(b) There is a currently conforming transportation plan and TIP, and a new regional emissions analysis including the project and the currently conforming transportation plan and TIP demonstrates that the transportation plan and TIP would still conform if the project were implemented (consistent with the requirements of OAR 340-252-0190 and/or 340-252-0200 for a project not from a conforming transportation plan and TIP); or

(c) Where applicable, as established in OAR 340-252-0240, project level hot-spot analysis criteria have been satisfied."

As noted in Table 8 of this document, subsection (c) of this section has been met as the hot spot analysis does not show any intersection that exceeds state or Federal standards for CO and PM10 emissions have not occurred in sufficient amounts in the region to trigger any enforcement action. Further, elsewhere in this document it is proposed that even under a worst case scenario, the addition of the South Corridor Project emissions to the total emissions estimated to occur from construction and operation of the last estimate of the RTP and MTIP, no violation of the state or Federal air quality standards is forecast. Accordingly, on the basis of conclusions about subsections (b) and (c), there is conformity with the regulations of this section.

"340-252-0230 Procedures for Determining Regional Transportation-Related Emissions

(1) General requirements.

(a) The regional emissions analysis required by OAR 340-252-0190 and 340-252-0200 for the transportation plan, TIP, or project not from a conforming plan and TIP must include all regionally significant projects expected in the nonattainment or maintenance area. The analysis shall include FHWA/FTA projects proposed in the transportation plan and TIP and all other regionally significant projects which are disclosed to the MPO as required by OAR 340-252-0060. Projects which are not regionally significant are not required to be explicitly modeled, but vehicle miles traveled (VMT) from such projects must be estimated in accordance with reasonable professional practice. The effects of TCMs and similar projects that are not regionally significant may also be estimated in accordance with reasonable professional practice.

(b) The emissions analysis may not include for emissions reduction credit any TCMs or other measures in the applicable implementation plan which have been delayed beyond the scheduled date(s) until such time as their implementation has been assured. If the measure has been partially implemented and it can be demonstrated that it is providing quantifiable emission reduction benefits, the emissions analysis may include that emissions reduction credit.

(c) Emissions reduction credit from projects, programs, or activities which require a regulatory action in order to be implemented may not be included in the emissions analysis unless:

(A) The regulatory action is already adopted by the enforcing jurisdiction;

(B) The project, program, or activity is included in the applicable implementation plan;

(C) The control strategy implementation plan submission or maintenance plan submission that establishes the motor vehicle emissions budget(s) for the purposes of OAR 340-252-0190 contains a written commitment to the project, program, or activity by the agency with authority to implement it; or

(D) EPA has approved an opt-in to a Federally enforced program, EPA has promulgated the program (if the control program is a Federal responsibility, such as vehicle tailpipe standards), or the Clean Air Act requires the program without need for individual State action and without any discretionary authority for EPA to set its stringency, delay its effective date, or not implement the program.

(d) Emissions reduction credit from control measures that are not included in the transportation plan and TIP and that do not require a regulatory action in order to be
implemented may not be included in the emissions analysis unless the conformity determination includes written commitments to implementation from the appropriate entities.

(A) Persons or entities voluntarily committing to control measures must comply with the obligations of such commitments.

(B) The conformity implementation plan revision required in 40 CFR 51.390 must provide that written commitments to control measures that are not included in the transportation plan and TIP must be obtained prior to a conformity determination and that such commitments must be fulfilled.

(e) A regional emissions analysis for the purpose of satisfying the requirements of OAR 340-252-0200 must make the same assumptions in both the "Baseline" and "Action" scenarios regarding control measures that are external to the transportation system itself, such as vehicle tailpipe or evaporative emission standards, limits on gasoline volatility, vehicle inspection and maintenance programs, and oxygenated or reformulated gasoline or diesel fuel.

(f) The ambient temperatures used for the regional emissions analysis shall be consistent with those used to establish the emissions budget in the applicable implementation plan. All other factors, for example the fraction of travel in a hot stabilized engine mode, must be consistent with the applicable implementation plan, unless modified after interagency consultation according to OAR 340-252-0060(2)(e) to incorporate additional or more geographically specific information or represent a logically estimated trend in such factors beyond the period considered in the applicable implementation plan.

(g) Reasonable methods shall be used to estimate nonattainment or maintenance area VMT on off-network roadways within the urban transportation planning area, and on roadways outside the urban transportation planning area.

(2) Regional emissions analysis in serious, severe, and extreme ozone nonattainment areas and serious CO nonattainment areas must meet the requirements of subsections (2)(a) through (c) of this rule if their metropolitan planning area contains an urbanized area population over 200,000.

(a) By January 1, 1997, estimates of regional transportation-related emissions used to support conformity determinations must be made at a minimum using network-based travel models according to procedures and methods that are available and in practice and supported by current and available documentation. These procedures, methods, and practices are available from DOT and will be updated periodically. Agencies must discuss these modeling procedures and practices through the interagency consultation process, as required by OAR 340-252-0060(2)(e). Network-based travel models must at a minimum satisfy the following requirements:

(A) Network-based travel models must be validated against observed counts (peak and off-peak, if possible) for a base year that is not more than 10 years prior to the date of the conformity determination. Model forecasts must be analyzed for reasonableness and compared to historical trends and other factors, and the results must be documented;

(B) Land use, population, employment, and other network-based travel model assumptions must be documented and based on the best available information;

(C) Scenarios of land development and use must be consistent with the future transportation system alternatives for which emissions are being estimated. The distribution of employment and residences for different transportation options must be reasonable;

(D) A capacity-sensitive assignment methodology must be used, and emissions estimates must be based on a methodology which differentiates between peak and off-peak link volumes and speeds and uses speeds based on final assigned volumes;

(E) Zone-to-zone travel impedances used to distribute trips between origin and destination pairs must be in reasonable agreement with the travel times that are estimated from final assigned traffic volumes. Where use of transit currently is anticipated to be a significant factor in satisfying transportation demand, these times should also be used for modeling mode splits; and

(F) Network-based travel models must be reasonably sensitive to changes in the time(s), cost(s), and other factors affecting travel choices.

(b) Reasonable methods in accordance with good practice must be used to estimate traffic speeds and delays in a manner that is sensitive to the estimated volume of travel on each roadway segment represented in the network-based travel model.

(c) Highway Performance Monitoring System (HPMS) estimates of vehicle miles traveled (VMT) shall be considered the primary measure of VMT within the portion of the nonattainment or maintenance area and for the functional classes of roadways included
in HPMS, for urban areas which are sampled on a separate urban area basis. For areas with network-based travel models, a factor (or factors) may be developed to reconcile and calibrate the network-based travel model estimates of VMT in the base year of its validation to the HPMS estimates for the same period. These factors may then be applied to model estimates of future VMT. In this factoring process, consideration will be given to differences between HPMS and network-based travel models, such as differences in the facility coverage of the HPMS and the modeled network description. Locally developed count-based programs and other departures from these procedures are permitted subject to the interagency consultation procedures of OAR 340-252-0060(2)(e).

(3) All other metropolitan nonattainment areas shall comply with the following requirements after January 1, 1996:

(a) Estimates of regional transportation-related emissions used to support conformity determinations must be made according to the procedures which meet the requirements in sections (3)(b) and (c) of this rule.

(b) Procedures which satisfy some or all of the requirements of section (2) of this rule shall be used in all areas not subject to section (2) of this rule where those procedures have been the previous practice of the MPO.

(c) At a minimum, these areas shall estimate emissions using methodologies and procedures which possess the following attributes:

(A) A network based travel demand model which describes the network in sufficient detail to capture at least 85 percent of the vehicle trips;

(B) An ability to generate plausible vehicle trip tables based on current and future land uses and travel options in the region;

(C) Software, or other appropriate procedures, to assign the full spectrum of vehicular traffic including, where possible, truck traffic, to the network;

(D) Other modes of travel shall be estimated in accordance with reasonable professional practice either quantitatively or qualitatively;

(E) Sufficient field observations of traffic (e.g. average speeds, average daily volumes, average peaking factors for specific links that are directly identifiable in the network) to calibrate the traffic assignment for base year data;

(F) Software, or other appropriate procedures, to calculate emissions based on network flows and link speeds, and as necessary, to refine speed estimates from assigned traffic;

(G) Software, or other appropriate procedures, to account for additional "off-model" transportation emissions; and

(H) estimates of future land uses sufficient to allow projections of future emissions.

(4) PM_{10} from construction-related fugitive dust.

(a) For areas in which the implementation plan does not identify construction-related fugitive PM_{10} as a contributor to the nonattainment problem, the fugitive PM_{10} emissions associated with highway and transit project construction are not required to be considered in the regional emissions analysis.

(b) In PM_{10} nonattainment and maintenance areas with implementation plans which identify construction-related fugitive PM_{10} as a contributor to the nonattainment problem, the regional PM_{10} emissions analysis shall consider construction-related fugitive PM_{10} and shall account for the level of construction activity, the fugitive PM_{10} control measures in the applicable implementation plan, and the dust-producing capacity of the proposed activities.

(5) Reliance on previous regional emissions analysis.

(a) The TIP may be demonstrated to satisfy the requirements of OAR 340-252-0190 ("motor vehicle emissions budget") or 340-252-0200 ("Emission reductions in areas without motor vehicle emissions budgets") without new regional emissions analysis if the regional emissions analysis already performed for the plan also applies to the TIP. This requires a demonstration that:

(A) The TIP contains all projects which must be started in the TIP's timeframe in order to achieve the highway and transit system envisioned by the transportation plan;

(B) All TIP projects which are regionally significant are included in the transportation plan with design concept and scope adequate to determine their contribution to the transportation plan's regional emissions at the time of the transportation plan's conformity determination; and

(C) The design concept and scope of each regionally significant project in the TIP is not significantly different from that described in the transportation plan.

(b) A project which is not from a conforming transportation plan and a conforming TIP may be demonstrated to satisfy the requirements of OAR 340-252-0190 or 340-252-0200 without additional regional emissions analysis if allocating funds to the project will not delay the implementation of projects in the transportation plan or TIP which are necessary to achieve the highway and transit system envisioned by the transportation plan, and if the project is either:

(A) Not regionally significant; or

(B) Included in the conforming transportation plan (even if it is not specifically included in the latest conforming TIP) with design concept and scope adequate to determine its contribution to the transportation plan's regional emissions at the time of the transportation plan's conformity determination, and the design concept and scope of the project is not significantly different from that described in the transportation plan "

Metro has completed air quality conformity determinations in the years 2000 and 2002 that were determined by the USDOT and EPA to meet the above requirements. The South Corridor Project builds on these conformity determinations and uses the same assumptions except where facts and analyses specific to the South Corridor Project have been described in this document as supplementary information. Accordingly, it is concluded that the South Corridor Project has met this requirement and is in conformity with this section of the regulations.

"340-252-0240 Procedures for Determining Localized CO and PM_{10} Concentrations (Hot-spot Analysis)

(1) CO Hot-spot analysis.

(a) The demonstrations required by OAR 340-252-0170 ("Localized CO and PM_{10} violations") must be based on quantitative analysis using the applicable air quality models, data bases, and other requirements specified in **40 CFR part 51, Appendix W (Guideline on Air Quality Models)**. These procedures shall be used in the following cases, unless different procedures developed through the interagency consultation process required in OAR 252-0060 and approved by the EPA Regional Administrator are used:

(A) For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implementation plan as sites of violation or possible violation;

(B) For projects affecting intersections that are at Level-of- Service D, E, or F, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes related to a new FHWA/FTA funded or approved project in the vicinity;

(C) For any project affecting one or more of the top three intersections in the nonattainment or maintenance area with highest traffic volumes, as identified in the applicable implementation plan; and

(D) For any project affecting one or more of the top three intersections in the nonattainment or maintenance area with the worst level of service, as identified in the applicable implementation plan.

(b) In cases other than those described in subsection (1)(a) of this rule, the demonstrations required by OAR 340-252-0170 may be based on either:

(A) Quantitative methods that represent reasonable and common professional practice; or

(B) A qualitative consideration of local factors, if this can provide a clear demonstration that the requirements of OAR 340-252-0170 are met. "

Table 8 of this document provides a summary of the hot spot analysis done for the most likely intersections to have CO concentrations. The analysis shows that none of the South Corridor Project Locally Preferred Alternatives (either the I-205 LRT or Milwaukie LRT alone or a joint project) would have future forecast CO concentrations that exceed state or Federal standards.

With regard to PM10 emissions, a hot spot analysis is not required as there is not a PM10 pollution problem in the Portland metro area.

Accordingly, it is concluded that conformity with this section of the division has been achieved.

"340-252-0250 Using the Motor Vehicle Emissions Budget in the Applicable Implementation Plan (or Implementation Plan Submission)

(1) In interpreting an applicable implementation plan, or implementation plan submission with respect to its Motor Vehicle Emissions Budget(s), the MPO and DOT may not infer additions to the budget(s) that are not explicitly intended by the implementation plan, or submission. Unless the implementation plan explicitly quantifies the amount by which motor vehicle emissions could be higher while still allowing a demonstration of compliance with the milestone, attainment, or maintenance requirement and explicitly states an intent that some or all of this additional amount should be available to the MPO and DOT in the emission budget for conformity purposes, the MPO or ODOT may not interpret the budget to be higher than the implementation plan's estimate of future emissions. This applies in particular to applicable implementation plans, or submissions, which demonstrate that after implementation of control measures in the implementation plan:

(a) Emissions from all sources will be less than the total emissions that would be consistent with a required demonstration of an emissions reduction milestone;

(b) Emissions from all sources will result in achieving attainment prior to the attainment deadline or ambient concentrations in the attainment deadline year will be lower than needed to demonstrate attainment; or

(c) Emissions will be lower than needed to provide for continued maintenance.

(2) If an applicable implementation plan submitted before November 24, 1993, demonstrates that emissions from all sources will be less than the total emissions that would be consistent with attainment and quantifies that "safety margin", the State may submit a SIP revision which assigns some or all of this safety margin to highway and transit mobile sources for the purposes of conformity. Such a SIP revision, once it is endorsed by the Governor and has been subject to a public hearing, may be used for the purposes of transportation conformity before it is approved by EPA.

(3) A conformity demonstration shall not trade emissions among budgets which the applicable implementation plan, or implementation plan submission, allocates for different pollutants or precursors, or among budgets allocated to motor vehicles and other sources, unless the implementation plan establishes mechanisms for such trades.

(4) If the applicable implementation plan, or implementation plan submission, estimates future emissions by geographic subarea of the nonattainment area, the MPO and DOT are not required to consider this to establish subarea budgets, unless the applicable implementation plan, or implementation plan submission, explicitly indicates an intent to create such subarea budgets for purposes of conformity.

(5) If a nonattainment area includes more than one MPO, the SIP may establish motor vehicle emissions budgets for each MPO, or else the MPOs must collectively make a conformity determination for the entire nonattainment area."

The South Corridor proposed air quality conformity determination includes no proposal to make any additions or adjustments to the motor vehicle emissions budget to be higher than the implementation plan's estimate of future emissions. Nor does the proposed South Corridor Project air quality conformity determination trade emissions among budgets, or propose subarea budgets or include more than one MPO. Finally, the South Corridor Project proposed air quality conformity determination was proposed June 30, 2003, not before November 24, 1993. Accordingly, it is concluded that conformity with this section of the division has been achieved.

"340-252-0260
Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures

1) Prior to determining that a transportation project is in conformity, the MPO, ODOT, other recipient of funds designated under title 23 U.S.C. or the Federal Transit Laws, FHWA, or FTA must obtain from the project sponsor and/or operator written commitments to implement in the construction of the project and operation of the resulting facility or service any project-level mitigation or control measures which are identified as conditions for NEPA process completion with respect to local PM_{10} or CO impacts. Before a conformity determination is made, written commitments must also be obtained for project-level mitigation or control measures which are conditions for making conformity determinations for a transportation plan or TIP and included in the project design concept and scope which is used in the regional emissions analysis required by sections OAR 340-252-0190 ("motor vehicle emissions budget") and 340-252-0200 ("Emission reductions in areas without motor vehicle emissions budgets") or used in the project-level hot-spot analysis required by OAR 340-252-0170.

(2) Project sponsors voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.

(3) The implementation plan revision required in 40 CFR 51.390 shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination, and that project sponsors must comply with such commitments.

(4) If the MPO, ODOT or project sponsor believes the mitigation or control measure is no longer necessary for conformity, the project sponsor or operator may be relieved of its obligation to implement the mitigation or control measure if it can demonstrate that the applicable hot-spot requirements of OAR 340-252-0170, emission budget requirements of 340-252-0190, and emission reduction requirements of 340-252-0200 are satisfied without the mitigation or control measure, and so notifies the agencies involved in the interagency consultation process required under OAR 340-252-0060. The MPO and DOT must find that the transportation plan and TIP still satisfy the applicable requirements of OAR 340-252-0190 and 340-252-0200 and that the project still satisfies the requirements of OAR 340-252-0170, and therefore that the conformity determinations for the transportation plan, TIP and project are still valid. This finding is subject to the applicable public consultation requirements in OAR 340-252-0060(4) for conformity determinations for projects. "

The appendix includes a written commitment from TriMet, which, should Federal approval be granted, would be the contracting authority for construction of the South Corridor Project. Accordingly, this requirement has been met.

"340-252-0270 Exempt Projects"

Metro has not requested exemption under this section or any other section of OAR 340 Division 252. Accordingly, this section of the division is not applicable to the South Corridor LRT Project air quality conformity determination.

"340-252-0280 Projects Exempt from Regional Emissions Analyses"

Metro has not requested exemption from regional emission analysis under this or any other section of OAR 340 Division 252. Therefore, this section of the division is not applicable to the South Corridor LRT Project air quality conformity determination.

"340-252-0290 Traffic Signal Synchronization Projects"

This Section is not applicable to the South Corridor Project.

CONCLUSIONS, DETERMINATION

Proposed Conclusions

Based on the background facts and the examination and analysis of the air quality and related relevant regulations compared with the facts included in this document, the following conclusions are proposed.

The South Corridor Project:

- requires a finding of air quality conformity before the FTA will grant permission to begin preliminary engineering; and

- is not an exempt project for the purposes of regional emissions analysis, nor a project that should be exempted from a regional emissions analysis; and

- is a regionally significant project for the purposes of regional emissions analysis; and

- has a design concept and scope that has changed significantly since the last regional transportation plan (Metro 2000 RTP) and transportation improvement plan (MTIP) air quality conformity determination was made (2002); and

therefore, an air quality conformity determination must be made for the South Corridor Project.

Further, the South Corridor Project:

- has provided for a process for distributing timely public notice, ensuring early and continuing public involvement and ensuring full public access to the proposed South Corridor air quality conformity determination information and decision; and

- has ensured a process for providing coordination with key Federal, state and local agencies with responsibility or interest in the proposed air quality conformity decision for the South Corridor Project; and

- has a proposed air quality conformity determination based on the latest planning assumptions; and

- has utilized the appropriate criteria and procedures for determining air quality conformity; and

- has air quality emissions, including all of those likely to be generated by the financially constrained 2000 RTP, as amended, less than the maximum allowed by the ground ozone, Carbon Monoxide (CO) and oxides of Nitrogen (Nox) motor vehicle emission budgets for the target forecast years;

- is included as a transportation control measure included in the Portland Ozone Maintenance Plan to reduce vehicle miles traveled and therefore reduce volatile organic compound and oxides of Nitrogen emissions from cars and trucks in the region; and

therefore these facts and analyses provide substantial and compelling evidence and conclusions that the South Corridor Project meets air quality conformity determination regulations.

Proposed Determination

Unless substantial and compelling evidence to the contrary is provided to Metro prior to July 30, 2003, it is proposed that based on the facts and analysis contained in this document, that Metro approve a determination that the South Corridor I-205 LRT Project is in conformity with Federal and state air quality regulations.

APPENDICES

Appendix A *South Corridor Project Transportation Alternatives Air Quality Results Report;* Metro and TW Environmental, Inc., December 2002;

Appendix B *2000 Regional Transportation Plan Air Quality Conformity Determination* (and 2002 updated analysis to accommodate the OTIA); Metro

Appendix C Letter from TriMet concerning limiting PM10 emissions during construction (OAR 340-252-0180);

Appendix D *Air Quality Benefits to Portland Area Industries from Tri-Met Transit Service;* Kowalczyk, June 2001

Appendix E *Exhausting Options: Assessing SIP-Conformity Interactions;* Resources for the Future, April, 2003

Appendix F Copy of public notice published in the *Oregonian* June 30, 2003

Appendix G Copy of TPAC members and alternates by organization, copy of agenda distribution to all members and interested persons

Appendix H Copy of JPACT members and alternates by organization, copy of agenda distribution to all members and interested persons

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Air Quality Conformity Determination
South Corridor LRT Project

Errata and Additions to the Public Review Draft

July 9, 2003

On page 8, Table 6 summarizes four county emissions for South Corridor alternatives. The last paragraph on page 8 should be revised to add after the last sentence:

- "Further, not only are vehicle miles traveled and emissions less if both LRT lines were built, they are also less if only the I-205 LRT were built."

Page 9, Table 7 (page 9) summarizes the emission results based on the "worst case" analysis. Metro staff, in completing this analysis, assumed that the only emissions caused by the project were from park and ride vehicles. At the same time, the analysis did not take any credit for vehicle mile traveled reductions due to the project (that is, people choosing to walk to light rail rather than drive, or people only using their car to get to the park/ride lot - a shorter trip - instead of driving all the way to their destinations). Accordingly, Table 7's title should be revised to read:

- "I-205 Air Quality Impacts - Worst Case Assumption Set".

In addition, the following revisions or additions are suggested for Table 7:

- The line labeled HC (or VOC) should be revised to read "VOC (or HC)"
- A footnote should be added to the table giving units of measurement. It should read " Winter CO is in 1,000s of pounds. NOx and VOC are in tons."
- The term Original should be replaced by the term "Financially Constrained"

Further, the approved budget years differ for pollutants. For Winter CO, the budget year is 2007, for NOx and VOC the budget year is 2006. The emissions for other budget years were estimated, as well.

Accordingly, it is recommended that a new Table 9 be used as included below, to replace the Table 9 on page 34. In this way, a complete analysis of all budget years is included.

Air Quality Conformity Determination
South Corridor LRT Project
(page 2 of 2)

Errata and Additions to the Public Review Draft

July 9, 2003

Table 9
Conformity Summary for Budget Years
I-205 Emissions Estimates*

Winter CO Metro Boundary (000s lbs)

	2001	2003	2007	2010	2015	2020
Model	747	702	653	645	679	714
Budget	864	814	763	760	788	842

VOC (HC) AQMA (tons)

	1999	2001	2003	2006	2010	2015	2020
Model	39.9	38.0	36.1	34.7	32.1	34.2	36.2
Budget	52	47	44	41	40	40	40

NOx AQMA (tons)

	1999	2001	2003	2006	2010	2015	2020
Model	52.0	51.4	50.8	50.5	51.0	54.3	57.7
Budget	56	54	52	51	52	55	59

**The shaded forecasts above were made by first calculating the emissions produced by park and ride trips using lots in the I-205 corridor. The emissions were then added to the values derived for the 2002 Financially Constrained RTP conformity analysis. The evaluation assumed the 2020 demand and 2020 congestion levels for the park and ride trips in all analysis years. In addition, the unique emission rates for each budget year were used. Hence, the evaluation represents a "worst case" scenario.*

July 23, 2003 Addendum to the Draft South Corridor Conformity Determination Regarding Concurrent Amendment of the Metropolitan Transportation Improvement Program

Findings

- ***On June 30, 2003, Metro published notice that it had amended the 2000 Regional Transportation Plan to refine the scope and concept of the South Corridor high capacity transit program from that which had previously been included in the conformed, financially constrained system.***

  Specifically, the new project concept provides a Phase 1 extension of light rail transit (LRT) from the Gateway Transit Center to the Clackamas Town Center with an alignment in downtown Portland on the Portland Mall (SW Fifth and Sixth Avenues) from the Steel Bridge to Portland State University. The previously planned LRT extension from Downtown Portland to Mikwaukie across a new Willamette River bridge and along McLoughlin Boulevard now constitutes Phase 2 of the South Corridor transit investment program.

- ***Pursuant to OAR Chapter 340, division 252, this amendment of the RTP required Metro to prepare an Air Quality Conformity Determination.***

  This determination was needed to show that the RTP, as amended to include these refined project elements, would continue to result in emissions of automotive pollutants within budgets specified in the State Implementation Plan for attainment and maintenance of national ambient air quality standards for carbon monoxide and ozone. This *Draft South Corridor Air Quality Conformity Determination* was published for agency and public review and comment on June 30, 2003.

- ***Federal and state officials observed that future expected requests to amend the Metropolitan Transportation Improvement Program (MTIP) related to the South Corridor project might also trigger the need to conform the MTIP.***

  Specifically, during the Interagency Consultation officials raised the issue that programming funds to conduct Preliminary Engineering (PE) and the Final Environmental Impact Statement (FEIS) for the South Corridor I-205 LRT Project would need to be addressed.

- ***Metro has decided to initiate amendment of the FY 2002-2005 MTIP to reallocate currently appropriated Section 5309 Bus Discretionary funds to the South Corridor I-205 LRT Project Final Environmental Impact Statement (FEIS) and Preliminary Engineering (PE) activities.***

  This addendum to the South Corridor Conformity Determination also addresses the conformity issues that attend the proposed MITP amendment. The reprogramming of these funds to support the PE/FEIS work program for the South Corridor I-205 LRT Project results in no other qualitative or quantitative changes to the original analysis. This action is needed to implement the timing assumptions of the Conformity

Determination. Unless the PE/FEIS work program is performed at this time, it will not be feasible to expect startup of LRT service in the timelines assumed in the analysis.

- ***The federal funds being programmed for the PE/FEIS work are drawn from funds previously programmed in the MTIP to support design, acquisition and/or partial construction of an integrated bus/LRT transit center in the Clackamas Regional Center.***

  The bus/LRT transit center at the Clackamas Regional Center remains a regional commitment. It is expected that the project will be folded into the South Corridor I-205 LRT project. Therefore, reallocation of these funds does not adversely affect other committed elements of the region's transit system.

Conclusion

- These findings support a conclusion that, in addition to demonstrating regional and project level conformity of the South Corridor project, conformity is also demonstrated for amendment of the MTIP to program present and future sums toward implementation of the project scope, concept and schedule envisioned in the amended Regional Transportation Plan.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3351 FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO INCLUDE THE REVISED SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT AND DEMONSTRATING CONFORMITY OF THE PROJECT, THE AMENDED REGIONAL TRANSPORTATION PLAN AND AMENDED METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WITH THE STATE IMPLEMENTATION PLAN.

Date: July 20, 2003 Prepared by: Ross Roberts
Mark Turpel

BACKGROUND

The Metro Council adopted the Locally Preferred Alternative for the South Corridor on April 17, 2003 by selecting the I-205 Light Rail Transit (LRT) Project with a Portland Mall segment in downtown Portland as Phase 1, and the Milwaukie LRT Project as Phase 2 of a major transit capital investment strategy for the corridor. The selection was based on the findings of the *South Corridor Supplemental Draft Environmental Impact Statement* (SDEIS) as well as public and agency comments received. The Metro Council also approved amendment of the financially constrained Regional Transportation Plan (RTP) to include both phases of the South Corridor Project, and to delete project segments no longer under consideration for LRT on June 19, 2003.

The Federal Transit Administration (FTA) requires that, once amended to include I-205 LRT and to change timing assumptions of Milwaukie LRT, Metro's 2000 Regional Transportation Plan will continue to conform with the State Implementation Plan for attainment and maintenance of national ambient air quality standards. This "Conformity Determination" is needed by FTA in order to approve a project's entrance into Preliminary Engineering (PE), the next step in the federal major transit capital project development process. This Determination must show how the South Corridor Project, as added to the RTP's financially constrained transportation system, will effect regional automobile emissions and how it will qualitatively interact with the previously approved transit system. Regional emissions cannot exceed specified "motor vehicle emissions budgets" for carbon monoxide and ozone. The new project cannot adversely affect continued health of the existing transit system. Conformity Determinations must meet requirements for public notice and review as well as technical consultation with appropriate agencies. All of these tasks have been completed. Therefore, the Metro Council is being asked to approve the *South Corridor Project Air Quality Conformity Determination, Public Review Draft (*Metro, June 30, 2003*)* for submittal to the US Department of Transportation (USDOT) and the US Environmental Protection Agency for a USDOT conformity determination.

The FTA also requires that the funds to support the project's preliminary engineering must be shown in the *Metropolitan Transportation Improvement Program* (MTIP) before approval to enter PE is granted. The Metro Council is also being asked at this time to amend the *2002 Metropolitan Transportation Improvement Program* (MTIP) to program funding for South Corridor Preliminary Engineering and Final Environmental Impact Statement in fiscal year 2004. Funding has been identified for this phase of the federal major transit capital investment project development process, and would include $2.916 million from Section 5309 Bus Discretionary funds previously allocated to South Corridor transit center and park and ride improvements. TriMet will also provide $1.309 million of general funds to match and overmatch these funds and these funds will also be programmed by approval of this resolution.

The act of amending the MTIP to program these federal and local funds triggers an additional conformity requirement. Specifically, it must be shown that the program action is consistent with the region's long range transportation plan. This is essentially a procedural issue. The 2000 RTP was amended by the Metro Council on June 19, 2003 to authorize the I-205 concept, scope and schedule. The quantitative and qualitative impacts of this action are shown to conform to the SIP in the South Corridor Conformity Determination, which will be approved by Metro in this resolution. The MTIP action is needed to implement the timing assumptions embodied in the RTP action and related Determination. An addendum to this effect was prepared July 23, 2003 (see July 23 Errata Sheet contained as part of Exhibit A of the Resolution).

ANALYSIS/INFORMATION

1. Known Opposition

None known.

2. Legal Antecedents

There are a wide variety of federal, state, regional and local regulations that apply to this project. The South Corridor Project Supplemental Draft Environmental Impact Statement (Metro, December 2002) addresses many of these regulations. The local jurisdictions will address their local land use regulations through the land use permitting process that will occur during the Final Design and Construction phases of the project.

Previous related Metro Council Resolutions include:

- In July 1998, the Metro Council adopted Resolution No. 98-2764 for the purpose of adopting the Locally Preferred Strategy for the South/North Light Rail Project.
- In July 1998, the Metro Council adopted Resolution No. 98-2673 for the purpose of adopting the Land Use Final Order establishing the light rail route, station, lots and maintenance facilities and the related highway improvements, including their locations, for the South/North Light Rail Project.
- In June 1999, the Metro Council adopted Resolution No. 99-2806A for the purpose of amending the Locally Preferred Strategy for the South/North Light Rail Project to define the Interstate MAX Project as the first construction segment and to amend the FY 2000 Unified Work Program.
- In June 1999, the Metro Council adopted Resolution No 99-2795A for the purpose of amending the FY 2000 Unified Work Program to add the South Corridor Transportation Alternatives Study and amending the Transportation Improvement Program (TIP) to authorize FY 1999 Surface Transportation (STF) Funds.
- In October 1999, the Metro Council adopted Resolution No. 99-2853A for the purpose of adopting a Land Use Final Order amending the light rail route, light rail stations and park-and-ride lots, including their locations, for that portion of the South/North Project extending from the Steel Bridge to the Exposition Center.
- In March 2003, the Metro Council adopted Resolution No. 03-3290, endorsing the Metropolitan Transportation Improvement Program for a Regional Funding Plan that included the I-205 LRT project between Gateway and Clackamas regional centers.
- In April 2003, the Metro Council adopted Resolution No. 03-3303, amending the Locally Preferred Strategy for the South/North Corridor Project with the I-205 Light Rail Project including the Portland Mall alignment in the Downtown Segment as the Phase 1 of a two-phase major transit capital investment strategy for the South Corridor

- On June 19, 2003, the Metro Council adopted Ordinance 03-1007A, amending the 2000 Regional Transportation Plan to include the Locally Preferred Alternative as determined by the Council in April 2003.

More specific to the proposed action under consideration, Oregon Administrative Rules, Chapter 340, Division 252, Transportation Conformity, provide the regulations that must be addressed concerning air quality and transportation plans and projects. Exhibit A was written to address each relevant section of division 252. Exhibit A also includes two Errata sheets. One consists of two pages of text and a table, produced on July 8, 2003, clarifying and adding to the Public Review Draft. A second Errata sheet, consisting of one page of text, was prepared July 23, 2003 to address the applicability of the Conformity Determination to amendment of the MTIP to reallocate $2.916 million of Bus Discretionary funds and $1.309 million of TriMet general funds in FY 2004 to support the South Corridor Final Environmental Impact Statement and the Phase 1 (I-205 LRT) PE.

On July 17, 2003, representatives from the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, Oregon Department of Environmental Quality, Oregon Department of Transportation, City of Portland, Clackamas County, TriMet and Metro for the purpose of reviewing the data and analysis contained in the report and the errata sheet, interagency consultation about methods and conclusions contained in these documents and agency coordination. Meeting participants agreed that the regional emission analysis method used were acceptable. Meeting participants also agreed that the amended RTP, including the South Corridor Project with the I-205 LRT segment, met regional motor vehicle emission budgets for all pollutants of concern and for all budget years. Finally, although project level, localized hot spot analysis was included in the draft Determination, the FTA and FHWA may wish to further review localized data and analysis to be made available in a Final Environmental Impact Statement.

3. Anticipated Effects

Approval of this Resolution will certify that the region has completed the air quality conformity determination as contained in Exhibit A. In turn, this will trigger review of the Determination and anticipated concurrence by the US Department of Transportation, through the Federal Highway Administration and Federal Transit Administration, with consultation with the US Environmental Protection Agency.

Approval of this resolution will also program federal and local funds to complete the South Corridor FEIS and to begin Phase 1 preliminary engineering. This programming is required before FTA will approve advancement of the South Corridor project to the next step in the federal major transit capital project development process. The resolution advances the cooperative efforts of Metro, TriMet and their federal, state and local partners to implement the South Corridor transit investment strategy.

4. Budget Impacts

None.

RECOMMENDED ACTION

Adopt Resolution No. 03-3351.

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August 14, 2003

Mr. Stuart Foster, Chair, Oregon Transportation Commission
Members of the STIP Stakeholder Committee
Oregon Department of Transportation
555 13th Street NE, Suite 2
Salem, Oregon 97301

Dear Chairman Foster,

Thank you for the opportunity to comment on the draft criteria for the 2006-09 Statewide Transportation Improvement Program (STIP). We also appreciate the opportunity for the Metro region to be represented on the STIP Stakeholder Committee, where several earlier versions of the draft criteria were discussed in detail. Following are comments from Metro's Joint Policy Committee on Transportation (JPACT):

Introduction - Project Selection

The metropolitan region appreciates the focus of this section of the criteria on coordinated public outreach at the local level among Area Commissions on Transportation (ACT's), Metropolitan Planning Organizations (MPO's) and the Oregon Department of Transportation (ODOT). It would be helpful to provide direction to these agencies to have a coordinated public outreach process that provides information on all of the proposed federal funding among the local program, the state program in the MPO area and the transit federal program in the MPO area. Metro coordinates an extensive public outreach process with our local jurisdictions and agencies on the allocation of local Surface Transportation Program (STP) and Congestion Management – Air Quality (CMAQ) funding program. An outreach program that included proposed expenditures of the statewide program in the Metro area with the proposed federal transit expenditures would improve the ability of the public to understand the complete picture of proposed federal expenditures and their ability to effectively communicate to the relevant transportation agencies.

Prioritization Factors

For the Development STIP, we recommend that priorities for new development projects be driven by acknowledged regional and local transportation plans, which have action plans for completing project and planning work under provisions of the state transportation planning rule. This will help to ensure that project development does not fail to consider the broad spectrum of modal improvements that may be part of a particular transportation solution along a particular state highway corridor.

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We also recommend more detailed criteria for the Construction STIP that ensure that priorities for ODOT transportation improvements factor in other infrastructure improvements that may be planned in local improvement programs or by other agencies that provide physical infrastructure. While this coordination generally occurs after a project advances to the development stage, we encourage ODOT to incorporate this degree of coordination into the process before projects are funded.

Project Funding

We request that the funding discussion within this section of the draft be expanded to specifically detail the relationship and purpose of the Development STIP to corridor refinement planning and TGM grant funding. As stated previously, we believe that ODOT should consider new mechanisms to fund planning activities, but at a minimum, a detailed summary of funding sources and their limitations should be included as an appendix to the draft.

Development STIP

The introductory section of this part of the draft could be improved by adding a more specific description of what the Development STIP is, how it fits into the larger planning process -- and in particular, corridor refinement planning -- and how strategies beyond the traditional road capacity improvements fit into the Development STIP. Much of the current language in the introduction of this section should be moved to a new subsection that describes the decision making process and criteria to be used for selecting Development STIP projects.

One section in particular, involving local jurisdictions that pursue earmark funding for projects not submitted by ODOT, raised questions during our discussion (pp 6-7 of the draft). It is unclear what the Commission's primary concern is behind this provision, and whether it means that JPACT-approved priorities conveyed to the congressional delegation would be ineligible for state match under this provision. This raises the question of whether JPACT approval constitutes ODOT approval, since ODOT is represented on JPACT and our plans are approved by the OTC. Also, there may be differences between ODOT and non-ODOT facilities, since ODOT would not necessarily prioritize non-ODOT projects that could be earmarked for federal improvements. It is also unclear why these provisions only apply to the Development STIP. We recommend that this section be clarified to address these questions, and to call out how MPO and OTC priorities relate.

The Development STIP Milestones summary includes project refinement plan work along with Environmental and Project Development milestones. The Metro region is suffering from a serious backlog of corridor planning and development work along state highway corridors. The Regional Transportation Plan identifies 18 corridor studies that are needed before specific improvements can advance on the state highway system within the Metro region. Currently, ODOT has not made a priority of funding these studies, leaving the funding burden to grant programs like the TGM program and Metro's transportation improvement program (MTIP), which have jointly funded the bulk of this work in recent years. The result is a shortage of "shovel-ready" projects along key corridors where improvements are badly needed. We propose expanding the definition of the Development STIP to include corridor refinement planning that is

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called for in regional or local transportation system plans, as provided for in the state Transportation Planning Rule. We also recommend more aggressive funding of the DSTIP, which has been significantly under-funded in recent years.

Construction STIP

The "Leverage and Public Benefit" sections of the draft should be expanded in each Construction STIP category to include an additional example of public benefits:

- Designing and constructing improvements that support local planning objectives to increase economic development opportunities in the project area.

The example of "Leverage and Public Benefit" in each Construction STIP category regarding "direct benefits to multiple modes of travel" includes a second sentence stating "this includes local efforts to accommodate non-auto modes of travel." This statement should be clarified as an example and not construed that ODOT would not provide or address non-auto mode components that are a part of the ODOT facility. Several federal funding categories used by ODOT to fund these project elements are eligible to be used for this purpose.

The bridge eligibility and prioritization factors listed in Section D.1 apply to bridges on the state highway system only. The eligibility and prioritization factors and decision process for bridge funds used on local bridges funded through the federal Highway Bridge Replacement and Rehabilitation funding should also be summarized for review an public comment.

In recent years, a number of controversial preservation projects have sparked a debate over whether to include upgrades to substandard facilities as part of preserving the transportation system. On several of these projects, ODOT has taken a discrete view of such improvements that contradicts the common sense approach expected by the general public, where all necessary work would be conducted during a coordinated construction period, and not segregated by issues associated with a particular source of one fund type. We therefore recommend the OTC expand the scope of eligibility for preservation projects to include improvements to substandard features within the right-of-way, such as inadequate sidewalks, bikeways, crosswalks, medians, signals and street trees. These details often involve minimal additional cost, yet go far in persuading the public that ODOT is capable of efficiently coordinating preservation and other improvements into aggregate projects that minimize the impact on adjacent communities and take advantage of inherent efficiencies of combined construction efforts.

In cases where these improvements represent a substantial expansion of the preservation project scope, we recommend a more proactive system for linking and funding these projects in tandem. These comments apply, in particular, to bridge preservation projects that due to their large costs are only undertaken once every few decades. Therefore, the opportunity to address substandard conditions may be lost until that time. In these cases, the usually large scope and cost of preservation work on bridges makes combining preservation objectives with improvements that address substandard facilities an imperative. As you know, recent projects on the St. Johns and Ross Island Bridges and the McLoughlin Viaducts were not only controversial for initially omitting such upgrades to substandard facilities, but also created a

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negative public impression of our ability to deliver safe, efficient improvements that enhance the community and respond to public travel needs.

The Preservation and Bridge categories have clear parameters on how and when to incorporate updates to substandard facilities for pedestrian, bicycle, drainage and safety design elements in projects where vehicle capacity improvements are not part of these projects. Road design has a direct and substantial impact on adjacent land use, particularly in urban areas. It affects everything from the orientation of adjacent buildings to the density of development made possible by the accommodation of trips by non-auto modes. It is imperative to the jurisdictions of the metropolitan region to utilize every opportunity to maximize the utility of our construction efforts by providing or standardizing non-auto mode components of our roadways, consistent with local plans, when possible.

We urge the OTC to establish an early process for local review and comment on a draft scope of proposed Preservation and Bridge projects. The process should afford ODOT the opportunity to reconsider the project scope and respond to local requests in a time frame that allows for pursuit of additional fund sources (local road or transit, state or federal) if necessary without delaying the project schedule. Therefore, the process would need to commence as quickly as possible after identification of priority projects by the technical needs analysis. Such a process would help prevent the last minute design controversies that have recently occurred on several of these projects in the Metro region. We also recommend that the OTC create a resolution process for large projects such as the St. Johns and Ross Island bridge projects, where local officials and the OTC can play a more active role in determining a project solution that best meets community needs in the most controversial cases.

Oregon Highway Plan Policies

The summary of Oregon Highway Plan policies shown in Table 1 should include Policy 4D: TDM Strategies. Though ODOT has not been a significant supporter of demand management programs in the Metro region, the recommendations from the recently completed I-5 corridor refinement plan have added TDM to ODOT's toolbox of strategies for managing highway corridor operations. We believe that future corridor improvements will also include TDM strategies and that support for ongoing implementation of these strategies should be anticipated in the STIP. This would be consistent with the ODOT commitment to support TDM as part of recent OTIA III legislation.

Conclusion

Thank you for soliciting our comments, and for including this public review step in your STIP process. We look forward to continued participation in the STIP Stakeholder process. If you have any questions about these comments, please contact Tom Kloster, Metro's representative on the STIP Stakeholder Committee, at 503-797-1832.

Sincerely,

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Rod Park, Chair
Joint Policy Advisory Committee on Transportation

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Project Eligibility Criteria and Prioritization Factors
For the 2006-2009 Development STIP and Construction STIP
Process Overview

Eligibility Criteria

Development STIP	Construction STIP		
Major projects	Modernization projects[11]	Pavement Preservation projects	Bridge replacement/rehabilitation projects
Development work on major projects may be eligible for funding if they: ♦ Support the definition of "Development STIP" approved by the Oregon Transportation Commission[1] ♦ Address 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 Are identified as a project of statewide significance or as a federal discretionary project. ♦ Have funding adequate to complete the identified milestone.[2]	Modernization projects may be eligible for funding if they: ♦ 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.[6] ♦ Are consistent with the Oregon Highway Plan policy on Major Improvements (1.G.1), where applicable.[7]	Pavement Preservation projects may be eligible for funding if they: ♦ Are identified through the Pavement Management System process.[12]	Bridge replacement and rehabilitation projects may be eligible for funding if they: ♦ Are identified and prioritized 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).

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

Development STIP	Construction STIP		
Major projects	Modernization projects	Preservation projects	Bridge replacement/rehabilitation projects
Priority shall be given to: ◆ 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. [3] ◆ Projects that have already completed one or more D-STIP milestones. ◆ Projects that have funding identified for development or construction[4] ◆ Major Modernization Projects that leverage other funds and public benefits. [5]	Priority shall be given to: ◆ Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated). [8] ◆ Projects that best support the policies of the Oregon Highway Plan.[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 or Finding of No Significant Impact. [11]	Priority shall be given to: ◆ 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]	Priority shall be given to: ◆ Projects that support the approved Bridge Implementation Strategy[17] ◆ Projects that leverage other funds and public benefits[18]

Draft Project Eligibility Criteria and Prioritization Factors Process Description and Guidance For the 2006-2009 Development STIP and Construction STIP

I. Introduction

A. Roles and Responsibilities

The Oregon Transportation Commission (OTC) will make the final selections for all projects included in the Statewide Transportation Improvement Program (STIP)[a]. The Commission will consider the advice and recommendations that it receives from Area Commissions on Transportation (ACTs), Metropolitan Planning Organizations (MPOs) and regional or statewide advisory groups. Those providing recommendations will follow the procedures laid out in the *Policy on Formation and Operation of the Area Commissions on Transportation*, approved by the OTC on June 18, 2003. Geographic areas that do not have an ACT must adhere to the same standards of accountability as ACTs and demonstrate to the OTC that recommendations were developed in accordance with these criteria and factors. In making final project selections, the OTC will ensure that ACTs, MPOs and regional or statewide advisory groups have based their considerations on the criteria and will ensure projects are distributed according to the funding allocations approved by the OTC for the 2006–2009 STIP.

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

B. 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 those 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). 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. This process recognizes

[a] STIP includes both the Development and Construction sections of the Statewide Transportation Improvement Program. For application of these criteria and prioritization factors, Construction STIP means Modernization, Preservation and Bridge projects.

regional differences and is consistent with the *Oregon Transportation Plan* (Policy 2G) and the *Policy on Formation and Operation of the Area Commissions on Transportation* (Section VI, Basis for Decisionmaking).

In MPOs designated as Transportation Management Areas (TMA), projects using federal funds shall be selected by the MPO in consultation with the State and transit operator. In MPOs not designated as TMAs, projects using federal funds shall be selected by the State and/or the transit operator, in cooperation with the MPO. Projects outside MPO areas will be selected by the State in cooperation and consultation with affected local officials (23 Code of Federal Regulations part 450). ACTs and MPOs should coordinate their efforts to assure a better decision making process which results in better coordination of projects. When ACT and MPO boundaries overlap, a higher level of clearly defined coordination is needed. Where this occurs, the MPO and ACT should jointly agree on a process for maintaining consistency between ACT recommendations and the MPO Plan and TIP *(Policy on Formation and Operation of the Area Commissions on Transportation*, Section VII. G, Coordination).

Project Eligibility Criteria

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

Prioritization Factors

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

C. Project Documentation

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

1. Project description
2. Project justification
   - Identify the planning history
   - As applicable, describe information provided from the pavements or bridge management system. If the recommendation varies from the management system, describe the process used to reach that recommendation.
   - Describe how this project supports OHP policies (Table 1).

- Provide an assessment of the likelihood of the project getting to construction in the timeframe contemplated
- Provide supplementary project information if the project leverages additional funding or community benefit

3. Applicable additional information

D. Funding

As required by federal regulations (23 CFR Part 450) the C-STIP is financially constrained by year. 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 can be impacted by several factors, including the following: OTC selection of projects of statewide importance, federally funded 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).

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 in one or more planning documents, such as transportation system plans, regional transportation plans, corridor plans, comprehensive plans, refinement plans or state management systems. Additionally, the OTC may select large projects of statewide significance for inclusion in the D-STIP. The D-STIP includes projects approved and funded for development through specific milestones for planning, environmental or project development activities and within specific timeframes.

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

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

Selection of D-STIP projects requires application of the D-STIP definition approved by the OTC (Footnote 1). D-STIP projects generally fall into the following three categories: federal discretionary projects (earmarks), large statewide significant projects, and modernization or major bridge replacement projects.

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. Local jurisdictions that pursue earmark funding for

projects not submitted by ODOT are solely responsible for the required matching funds or any shortfalls.

Large statewide significant projects

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

Modernization or major bridge replacement projects

Modernization or major bridge replacement projects are projects that have been approved and funded for development through specific milestones but that cannot be constructed within the four-year timeframe of the STIP and/or within the normal Region STIP allocations. These may include shelf projects, which are high priority projects developed in anticipation of funding but that have no funding identified for construction in the current STIP. Milestones include planning, environmental and project development.

D-STIP Project Completion

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

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

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

ODOT shall rely on affected cities and counties to make all plan amendments and zone changes necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft EIS or EA and before completion of the Final EIS or Revised EA.

Inclusion in the D-STIP does not guarantee funding for future D-STIP milestones or that a project will automatically move into the C-STIP. Funding may not be available to construct the final solution or the environmental document may identify the solution as a "No Build".

B. Development STIP

B. 1. Development STIP Eligibility Criteria Footnotes

[1]Supports the OTC Definition of Development STIP

Development STIP or D-STIP

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

A. Projects approved for funding through specific milestones such as National Environmental Policy ACT (NEPA) design-level environmental documents, right of wayacquisition, and final plans; or

B. Projects for which needed improvements have been identified but a final solution either has not been determined or needs further design and analysis.

The types of projects that tend to have one or more of the above characteristics include large statewide significant projects, federally earmarked or demonstration projects, modernization or major bridge replacement projects, and discretionary projects (projects eligible to receive federal discretionary funds).

[2]D-STIP milestones

D-STIP projects must have funding identified to complete the identified milestone; partial milestones will not be programmed. D-STIP milestones include the following:

A. Planning milestones:
   - Project specific refinement plan completion
   - Project specific refinement plan adoption

B. Environmental milestones:
   - Location Environmental Impact Statement (EIS) Record of Decision (ROD)
   - Design EIS ROD
   - Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)

C. Project development milestones for projects not yet funded for construction:
   - Right of way acquisition
   - Advance plans (or any other applicable project development design milestone)
   - Plans, specifications and estimates (PS&E).

B.2. Development STIP Prioritization Factors Footnotes

[3]D-STIP Projects that Best Support the Oregon Highway Plan Policies
Oregon Highway Plan policies that are applicable to D-STIP projects may include but are not necessarily limited to the following (Table 1):

- 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 4A, 4B, 4C, 4E, and 5A

[4]Funding for D-STIP Projects
A funding scenario should be identified through construction, though not necessarily guaranteed. Congressional high priority projects would fall into this category.

[5]Leverage and Public Benefit for D-STIP Projects
ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects leverage additional funding or collateral community benefits and make wise and efficient use of infrastructure and natural resources. Examples of leverage and public benefits for D-STIP modernization projects could include:

- Other funding contributions, such as additional federal funds, local matching funds or provision of project right of way, private funding.
- Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- Leveraging additional funds that contribute to transportation system effectiveness, revitalization of the downtown or mainstreet, etc.
- Improvements in Oregon's economy by addressing transportation challenges.

III. Construction STIP (C-STIP)

A. Introduction to the C-STIP

The C-STIP identifies project scheduling and funding for the state's transportation preservation and capital improvement program for a four-year construction period. This program meets the requirements of the Transportation Equity Act for the 21st Century (TEA-21), the federal act that provides funds to states for transportation projects. Application of the C-STIP Eligibility Criteria and Prioritization Factors includes Modernization, Preservation and Bridge projects.

B. Modernization

As stated in the *1999 Oregon Highway Plan*, "The primary goal of modernization projects is to add capacity to the highway system in order to facilitate existing traffic and/or accommodate projected traffic growth. Modernization means capacity-adding projects including HOV lanes and off-system improvements. Projects in this category include major widening of lanes or bridges, and the addition of lanes, rest areas or entire facilities." Where a culvert is replaced with a bridge due to environmental analysis concluding that this is necessary, the project is not considered modernization.

B.1. Construction STIP Eligibility Criteria for Modernization Footnotes

[6]Consistency with Comprehensive Plans and Transportation System Plans (TSP)
If consistency cannot be demonstrated at the time an ACT or regional or statewide advisory group recommends a project, the ACT or regional or statewide advisory group, after consultation with the applicant, shall note what changes to the project, TSP and/or comprehensive plan are needed and when they need to be completed, in which case the ACT or regional or statewide advisory group may recommend that the project be included in the D-STIP, and request that Transportation Planning Rule issues be addressed.

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

[7]Consistency with Oregon Highway Plan (OHP) policy on Major Improvements (1.G.1)
In order to demonstrate that a project is consistent with OHP Policy 1G.1, the proposal must show that the project and/or the TSP clearly addressed the prioritization criteria found in Policy 1.G.1 of the OHP.

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

- Access management and interchange management plans,
- Highway segment designations,
- Needed local street improvements,
- Traffic management plans,

- Land use plan designations,
- Other similar conditions.

B.2. Construction STIP Prioritization Factors for Modernization Footnotes

[8]Project 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 judgement of a project's readiness is dependent on timeliness of construction expectations not on the number of steps to be completed.

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

Projects that have not gone through the D-STIP must also assess the following:

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

For all projects, if those aspects are not completed at the time of the assessment of project readiness, a plan to complete them must be described to assist in judging the likelihood that all of those aspects can be addressed, and construction begun within the timeframe projected. The project budget and time line must include execution of the plan.

[9]Modernization Projects that Best Support the Oregon Highway Plan Policies
OHP policies that are applicable to modernization projects may include but are not necessarily limited to the following (Table 1):

- 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 4A, 4B, 4C, 4E, and 5A

[10]Leverage and Public Benefit for C-STIP Modernization Projects
ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects leverage additional funding or collateral community benefits and make wise and efficient use of infrastructure and natural resources. Examples of leverage and public benefits for C-STIP modernization projects include:

- Other funding contributions, such as additional federal funds, local matching funds or provision of project right-of-way, private funding.
- Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- Fish enhancement, such as culvert replacement and improved drainage.
- Transfer of jurisdiction from state to local control.
- Leveraging of additional funds that contribute to transportation system effectiveness, revitalization of the downtown or mainstreet, etc.

- Direct benefits to multiple modes of travel. This would include local efforts to accommodate non-auto modal opportunities.
- Local circulation improvements that support and complement the state highway project.
- Improvements in Oregon's economy by addressing transportation challenges.
- Potential for collecting toll revenues.
- Projects that implement other innovative finance techniques.

[11]**Environmental Classification**

- Class 1: Requires draft and final environmental impact statement (EIS)
- Class 2: Categorical exclusion (neither an environmental assessment nor an environmental impact statement is required)
- Class 3: Requires environmental assessment (EA) or revised environmental assessment

C. Preservation

The pavement preservation projects list is developed by ODOT's Pavement Management System (PMS) and applied by the pavement management selection committees. The PMS is an electronic data management tool used by the department to identify, prioritize and develop needed pavement preservation projects. The role of ACTs, MPOs and regional or statewide advisory groups is to review the timing of the pavement preservation projects as they relate to other local projects or issues; their comments will be considered as part of the process. It is anticipated that these groups will primarily enhance selected projects by leveraging additional funding or collateral community benefit. The interstate preservation projects are selected based on the PMS and a statewide strategy and are therefore not a part of these criteria.

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

[12]**Pavement Strategy**

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

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

C.2. Construction STIP Prioritization Factors for Pavement Preservation Footnotes

[13]**Project Readiness for C-STIP Preservation 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 judgement of a project's readiness is dependent on timeliness of construction expectations not on the number of steps to be completed.

[14]**Preservation Projects that Best Support the Oregon Highway Plan Policies**
Oregon Highway Plan policies that are applicable to preservation projects may include but are not necessarily limited to the following (Table 1):

- 1A, 1B, 1C, 1D, 1E, 2A, 2C, 2F, 3A, 4A, and 5A

[15]**Leverage and Public Benefit for C-STIP Preservation Projects**
ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects leverage additional funding or collateral community benefits and make wise and efficient use of infrastructure and natural resources. Examples of leverage and public benefits for C-STIP pavement preservation projects include:

- Other funding contributions, such as additional federal funds, local matching funds or provision of project right-of-way, private funding.
- Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- Fish enhancement, such as culvert replacement and improved drainage.
- Transfer of jurisdiction from state to local control.
- Leveraging of additional funds that contribute to transportation system effectiveness, revitalization of the downtown or mainstreet, etc.
- Direct benefits to multiple modes of travel. This would include local efforts to accommodate non-auto modal opportunities.
- Local circulation improvements that support and complement the state highway project.
- Improvements in Oregon's economy by addressing transportation challenges.

D. Bridge

The process of identifying bridge projects for the STIP is two-fold in nature (1) bridges are inspected at least every two years, in order that the most current inspection information is used to develop a list of bridges and (2) the use of a Bridge Management System (BMS). The BMS is an electronic data management tool used by the department to identify, prioritize and develop needed bridge improvements. BMS data are linked to other technical databases to identify bridges that meet twelve separate deficiency parameters. Applying this information, the State Bridge Oversight Committee develops a prioritized list. The role of ACTs, MPOs and regional or statewide advisory groups is to review the timing of the bridge replacement/rehabilitation projects as they relate to other local projects or issues; their comments will be considered as part of the process. It is anticipated that these groups will primarily enhance selected projects by leveraging additional funding or collateral community benefit.

D.1. Construction STIP Eligibility Criteria for Bridge Footnotes

[16]Bridge Management System

State Bridge Project Selection

This criterion applies to bridges on the State highway system only. Through a formula distribution, 27% (% periodically reassessed) of the federal Highway Bridge Replacement and Rehabilitation Project funds go to local bridges, which 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.

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

- Bridges that are presently load restricted.
- Bridges that have needed temporary repair but still have some load restrictions.
- Bridges that have deterioration that will cause load restrictions in the near future.
- Bridges that preserve freight corridors

D.2. Construction STIP Prioritization Factors for Bridge Footnotes

[17]Bridge Implementation Strategy

Priority will be given to projects that support the Bridge Implementation Strategy adopted by the Oregon Transportation Commission. Bridges that increase lane capacity are included under modernization and must meet the modernization criteria and prioritization factors.

[18]Leverage and Public Benefit for C-STIP Bridge Projects

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

- Other funding contributions, such as additional federal funds, local matching funds or provision of project right-of-way, private funding.
- Bundling with other infrastructure projects (provided there is no adverse affect on project readiness).
- Fish enhancement, such as culvert replacement and improved drainage.
- Direct benefits to multiple modes of travel. This would include local efforts to accommodate non-auto modal opportunities.
- Improvements in Oregon's economy by addressing transportation challenges.

Oregon Highway Plan Policies Applicable to Prioritizing Projects
Statewide Transportation Improvement Program

Table 1

Policy	D-STIP Mod.	C-STIP Mod.	C-STIP Pres.
Goal 1: System Definition			
Policy 1A: State Highway Classification System	X	X	X
Policy 1B: Land Use and Transportation	X	X	X
Policy 1C: State Highway Freight System	X	X	X
Policy 1D: Scenic Byways	X	X	X
Policy 1E: Lifeline Routes			X
Policy 1F: Highway Mobility Standards	X	X	
Policy 1G: Major Improvements	X	X	
Policy 1H: Bypasses	X	X	
Goal 2: System Management			
Policy 2A: Partnerships	X	X	X
Policy 2B: Off-System Improvements	X	X	
Policy 2C: Interjurisdictional Transfers	X	X	X
Policy 2E: Intelligent Transportation Systems	X	X	
Policy 2F: Traffic Safety	X	X	X
Policy 2G: Rail and Highway Compatibility	X	X	
Goal 3: Access Management			
Policy 3A: Classification and Spacing Standards	X	X	X
Policy 3B: Medians	X	X	
Policy 3C: Interchange Access Management Areas	X	X	
Goal 4: Travel Alternatives			
Policy 4A: Efficiency of Freight Movement	X	X	X
Policy 4B: Alternative Passenger Modes	X	X	
Policy 4C: High-Occupancy Vehicle (HOV) Facilities	X	X	
Policy 4E: Park-and-Ride Facilities	X	X	
Goal 5: Environmental and Scenic Resources			
Policy 5A: Environmental Resources	X	X	X

M E M O R A N D U M

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METRO

DATE: August 14, 2003

TO: JPACT Members and Interested Parties

FROM: Rod Park, Chair

SUBJECT: Proposed additions to the draft STIP Criteria correspondence

The following are additional comments proposed for the draft August 14 letter to the Oregon Transportation Commission (OTC) commenting on draft State Transportation Improvement Plan (STIP) project selection criteria (contained in the JPACT packet).

1. Insert the following after the first paragraph in the introduction section of the letter on page 1:

   Our understanding is that the OTC will make a preliminary decision on the distribution of funds between project categories and ODOT regions early in the process – as soon as October, according to some ODOT materials. We request that the Commission make this step in the process in consultation with Metro and the other ACTs in the state, pursuant to the Commission's new guidelines for ACT participation, and that the timeline be extended for this decision, if necessary, to ensure full participation from your local partners.

2. Insert the following after the second paragraph on page 2:

   The potential for transportation investments to support economic development is not prominent enough in the Construction STIP prioritization criteria, where it is referred to only as a bullet under the "leveraging public benefit" footnotes on pages 9 and 12 of the draft criteria. We recommend that this fundamental role of transportation improvements be elevated as a new, discrete prioritization factor in the table on page 2 of the draft, with accompanying explanation in the body of the text that defines such benefits in a way that can be factored into OTC decisions.

   Specifically, the Commission should evaluate the potential for return on investment when prioritizing development or construction projects to maximize both economic

benefits and construction economies. For example, it could make economic sense to prioritize needed preservation projects for facilities that have the greatest ability to deliver long-term, sustainable economic benefits through improved access or goods movement over projects that may address an important maintenance need but have less economic value for improving transportation. The criteria should also include the ability of transportation projects to revitalize business districts where substandard public facilities currently discourage private investment.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2002-2005 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO ADD JOB ACCESS AND REVERSE COMMUTE FUNDS FOR THE WAYS TO WORK PROGRAM AS AUTHORIZED BY CONGRESS IN THE FISCAL YEAR 2003 APPROPRIATIONS REPORT	)))	RESOLUTION NO. 03- 3353 Introduced by Rod Park; JPACT Chair

WHEREAS, through the Jobs Access and Reverse Commute Program appropriations report, Congress has authorized $250,000 for the Oregon Ways to Work Loan Program to provide low-interest loans to help low-income wage earners overcome transportation barriers to commute to work, and

WHEREAS, Metropolitan Family Service, a non-profit community organization, is an eligible recipient of Federal Transportation Administration Job Access and Reverse Commute Program funds and will provide the required 50% local match for a program total of $500,000, and

WHEREAS, funding specifically for the Ways to Work Loan Program within Clackamas, Multnomah and Washington Counties as part of the Jobs Access and Reverse Commute Program was not anticipated during the creation and adoption of the 2002-2005 Metropolitan Transportation Improvement Program, and

WHEREAS, the 2002-2005 Metropolitan Transportation Improvement Program must be amended to include these program funds before the Federal Transit Administration will reimburse Metropolitan Family Service for administration of this program in the Metro region, and

WHEREAS, this program may improve air quality but will be viewed as air quality neutral for Metropolitan Transportation Improvement Program purposes and is, therefore, excluded from Air Quality Conformity Analysis, and

WHEREAS, the effects of this amendment are consistent with *"Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations"*, and

WHEREAS, the amendment is consistent with the Metro Regional Transportation Plan as a part of policy 5.2 Jobs Access and Reverse Commute Policy to serve the transportation needs of the economically disadvantaged by connecting low-income populations with employment areas and related social services; now therefore

BE IT RESOLVED that the Metro Council amends the 2002-2005 Transportation Improvement Program (Metro Resolution No. 02-3178, adopted April 4, 2002) to add funding in Fiscal Year 2003 to the Jobs Access and Reverse Commute Program in the amount of $250,000 of Jobs Access Reverse Commute funding and $250,000 of local match from private sources.

ADOPTED by the Metro Council this _____ day of _____, 2003

_____
David Bragdon, Council President

Approved as to Form:

_____
Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3353, FOR THE PURPOSE OF AMENDING THE 2002-2005 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO ADD JOB ACCESS AND REVERSE COMMUTE FUNDS FOR THE WAYS TO WORK PROGRAM AS AUTHORIZED BY CONGRESS IN THE FISCAL YEAR 2003 APPROPRIATIONS REPORT.

Date: July 25, 2003 Prepared by: Ted Leybold

BACKGROUND

Every two years, the Metro Council adopts a Metropolitan Transportation Improvement Program (MTIP), authorizing federal transportation funds to be spent on a specific list of projects and programs in the region. All federal transportation funds to be spent in the region must be included in the MTIP.

In the 2003 Federal Appropriations report, Congress authorized $250,000 of Jobs Access and Reverse Commute Program funds for the Ways to Work program in Oregon. The Ways to Work program is administered by a non-profit organization and provides low-interest loans to low-income working families to help overcome transportation barriers to accessing their jobs. Typical loans are for car repairs and purchases, child care access and mortgage and housing expenses. Barrowers repay the loans within two years and the proceeds are then made available to other applicants.

While this program has enjoyed success in other metropolitan areas, the specific authorization to the Metro region is new and was not anticipated during the creation of the 2002-2005 MTIP adoption process. To be eligible to receive these funds, Metropolitan Family Service, the local non-profit administering agency, is requesting an amendment to the MTIP to specifically include this appropriated funding. Metropolitan Family Service staff will be requested to report back on the performance of the Ways to Work loan program prior to the adoption of the 2006-2009 MTIP.

ANALYSIS/INFORMATION

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

2. **Legal Antecedents** Metro Resolution No. 02-3178; Adopting the FY 2002-2005 Metropolitan Transportation Improvement Program (MTIP); adopted April 4, 2002. Congressional Report 108-10; Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes.

3. **Anticipated Effects** Would allow expenditure of available funds for low-interest loans to low-income working families to overcome transportation barriers to access work and social services.

4. **Budget Impacts** No budget impacts.

RECOMMENDED ACTION

Adopt Resolution No. 03-3353.

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METRO

July 31, 2003

EPA Docket #OAR 2003-0079
U. S. Environmental Protection Agency
EPA West (Air Docket)
1200 Pennsylvania Avenue, NW, Room B108
Mail Code: 6102T
Washington, DC 20460

RE: Implementation of 8-hour Ozone National Ambient Air Quality Standard

Thank you for the opportunity to comment on the Environmental Protection Agency's (EPA's) proposal for implementing the new 8-hour ozone National Ambient Air Quality Standard (NAAQS). While we appreciate your effort to provide flexibility with regard to meeting the new standard, we have serious concerns that the proposed rule is vague in many areas, making it difficult to determine whether it will actually have a positive impact on our ability to protect air quality in Oregon and the Portland metropolitan region. The unintended result could be negative impacts on Oregon's economy and quality of life.

Compounding this uncertainty, the proposed 8-hour ozone rule does not include the actual regulatory text that would implement the rule, an oversight that prevents an appropriate and effective review. We strongly urge the EPA to seek additional comment from affected local governments and agencies before enacting the regulatory text.

We are particularly concerned that proposed changes to Congestion Mitigation and Air Quality (CMAQ) funding could penalize regions that are accomplishing positive results. We have worked hard in this region to build livable communities that provide opportunities for walking, biking and use of transit to help reduce vehicle emissions and protect public health and air quality in the region. We are concerned that implementation of the proposed rule will serve as a disincentive to our area, thus threatening the very investments that have kept our air quality standard since 1997. We do not doubt that other successful communities will face a similar predicament.

The Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) are designated as the Metropolitan Planning Organization (MPO) for the Portland metropolitan region. The areas of most concern to the Portland metropolitan region are described below. As the MPO, the Metro Council and JPACT request that EPA take the following actions:

- Seek additional comment before enacting the regulatory text.
- Do not eliminate "Maintenance" as a category or the existing maintenance planning requirements to ensure there is no backsliding in our region's attainment status.
- Do not eliminate the transportation conformity requirement for maintenance areas that formerly violated the 1-hour standard but have not violated the 8-hour standard.
- Develop guidance for how states are to demonstrate that a control measure is not needed to maintain the 8-hour ozone standard in areas that formerly violated the 1-hour standard but have not violated the 8-hour standard.
- Consider the potential impacts of the implementation rule and subsequent regulatory text in coordination with Title 23 and reauthorization of TEA-21.
- Include a "hold harmless" clause in the implementation rule for currently designated maintenance areas to ensure these areas can continue to to spend or receive CMAQ funds at current levels, at a minimum, or higher levels to create a financial incentive for areas to maintain the attainment status.

These requested actions are described in more detail in the following paragraphs.

Application of rule to existing maintenance areas

Since 1997, the Portland metropolitan region's Ozone Maintenance Plan has been successful in keeping the region's air quality in attainment of the old 1-hour and the new 8-hour ozone standards. In recent years, neither the 1-hour standard nor the 8-hour standard have been violated in our region. Our region has relied on specific maintenance plan strategies that address the impacts of rapid growth on air quality, including public education and outreach, transportation conformity, new source review, vehicle inspection/maintenance and linking land use and transportation planning in our region. These key strategies have led our success in preserving air quality, and should continue to be implemented in the future.

Oregon's Governor Kulongoski requested an 8-hour ozone attainment designation statewide. However, there are days where the ozone levels are high, and we rely on the strategies in the

maintenance plan to protect public health and ensure that we do not violate the standard. The proposed rule is not clear with regard to its effect on areas currently designated as maintenance areas and how the maintenance plan could be modified. It is important that maintenance areas for the former 1-hour standard continue and that strategies included in the maintenance plan for the 1-hour standard that are still needed to maintain the 8-hour standard continue to be implemented in the future.

Anti-Backsliding Provisions

While we support provisions to prevent backsliding by prohibiting local rollbacks of existing measures that would interfere with meeting Clean Air Act (CAA) requirements, this rulemaking does not result in the desired effect stated at the beginning of the proposed rule:

> *"principal objectives for the mechanism that would ensure a smooth transition to implementation of the 8-hour standard are to ensure (1) that there will be no degradation of air quality, (2) that areas continue to make progress toward ozone attainment, and (3) consistency with the intent of Congress when it originally established the implementation structure for ozone in subpart 2 of the CAA."*

As proposed, Air Quality Maintenance Area's (AQMAs) designated "attainment" for the new 8-hour ozone standard would no longer be required to demonstrate conformity of transportation plans and programs with ozone maintenance components of the State Implementation Plan (SIP). It appears EPA is willing to risk loss of a tool to reduce backsliding in exchange for easing the regulatory burden of the conformity process for areas that have achieved the 8-hour ozone standard. Although there are appropriate changes that could streamline the conformity requirement, elimination of the requirements is not the right solution.

The elimination of conformity has significant implications for Oregon's economic recovery and the state and region's long-term land use and transportation planning goals. In our region, emissions budgets for transportation have been purposefully set to an adequate budget for industrial expansion. Conformity evaluations have been a valuable tool to proactively ensure that the region's motor vehicle emissions impacts on air quality do not consume the carrying capacity of the Portland area's airshed and prevent desirable economic expansion of our industrial base.

Under EPA's proposed rule, if a violation of the 8-hour standard occurs, emission control requirements for new and expanding industries would be increased from the current Best Achievable Control Technology (BACT) to requiring these industries to install the highest level of pollution control equipment available regardless of cost to accomplish the Lowest Achievable Emission Rate (LAER). In addition, these industries would be required to "offset" their emissions increases with even greater reductions of the same pollutant from other sources.

As proposed, the elimination of transportation conformity requirements for areas designated as maintenance areas for ozone would mean that this region would lose the ability to forecast whether a violation could occur based on implementation of local, regional and state plans to address future growth. Failing the standard would be the only way to make such a determination and would likely result in the region having to reduce the industrial component of the overall emissions budget to account for unexpected growth in motor vehicle emissions over time, which could in turn inadvertently limit economic development in this region.

It is also unclear how states are to demonstrate that a control measure is not needed to meet the 8-hour ozone standard. EPA needs to develop specific guidance on this subject.

Nexus of TEA-21 to the Clean Air Act

The Clean Air Act (CAA) and Title 23 are linked in statute. The proposed rule inappropriately denies this legal nexus by stating that air quality actions do not require consideration of the impacts to transportation programs and through elimination of certain sections of the CAA that are tied to CMAQ funding provisions identified in TEA-21. Proposed changes to the air quality designations and classifications in the CAA will have the effect of eliminating or reducing this region's CMAQ funding for ozone, unless these provisions are restored as part of the TEA-21 reauthorization.

The effectiveness of EPA's proposed implementation rule remains in question if the impacts to CMAQ funding and state and local plans are not reviewed, documented and discussed in coordination with and prior to approval of the proposed 8-hour ozone NAAQS implementation rule. If all anticipated impacts of the implementation rule (not simply the introduction of the new 8-hour standard) are considered, there may be impacts to statutory and executive orders, such as the Regulatory Planning and Review order, the Regulatory Flexibility Act, Unfunded Mandates Reform Act and the Federalism Act.

Maintain CMAQ funding with MPO oversight

We are very concerned that the proposed rule will have the effect of penalizing metropolitan areas that have worked diligently to attain the Clean Air Act requirements by eliminating or reducing their CMAQ funding. Our region's ability to implement projects and programs to reduce air pollution is directly linked to the types and amounts of funding we receive, and has been one of our most effective programs.

CMAQ funding is an important federal funding mechanism that this region uses to comply with the federal air quality standards. As we have attained the 1-hour NAAQS for both ozone and carbon monoxide, we are concerned that we may lose future federal funding allocations and ability to spend CMAQ funds, and, therefore, lose this tool to continue to maintain the standard. This funding provided us the opportunity to make significant air quality improvements and to keep pace with the air pollution associated with growth in our region. CMAQ funding has been critical to improving this region's air quality and provides an important resource for maintaining the 1-hour and new 8-hour NAAQS for ozone. This funding source should not be reduced or eliminated for areas like the Portland metropolitan region that have worked long and hard to improve air quality and demonstrated conformity with the Clean Air Act.

As proposed, when the 1-hour ozone standard is revoked, it appears the Portland metropolitan region may lose CMAQ funding apportioned to the region for ozone due to the region's 8-hour ozone attainment status (rather than the previous 1-hour ozone maintenance status). Oregon will continue to be allocated CMAQ funding based on the Portland metropolitan region's carbon monoxide area population, and eligible projects can still be funded in the region using these funds. However, the exact amount of funding that could be lost under the proposed rule is unclear and would be determined under reauthorization of TEA-21, scheduled to be completed by October 2003, not through implementation of this rule.

Re: Implementation of 8-hour Ozone National Ambient Air Quality Standard

The rationale for extending CMAQ funding eligibility to AQMAs designated attainment for the 1-hour ozone standard should not change simply because a new, 8-hour standard was adopted by EPA. Metropolitan planning organizations, such as Metro, will continue to need transportation funding flexibility to assure continued maintenance of the new 8-hour standard.

Therefore, a "hold harmless" provision should be added to the EPA implementation rule to clarify that the intent is not to reduce funding levels, but to apply a new 8-hour ozone standard. This unintended result of the implementation rule should be addressed through addition of a section describing unintentional consequences of the implementation rule and intent to "hold harmless" for maintenance areas. The "hold harmless" provision should ensure CMAQ apportionment is not below current levels for maintenance areas for the life of reauthorization of TEA-21. Maintenance plans would continue and would not be compromised by reduced funding to air quality programs and projects. We also request that USDOT revisit the CMAQ formula nationally with the intent of increasing funding levels to provide funds for the added metropolitan areas that will become eligible for CMAQ funding under the new standard.

On behalf of the Metro Council and JPACT, thank you, in advance, for your consideration of these comments. We would appreciate a written response to our comments. If you have any questions or would like further information, please contact Andy Cotugno, Metro Planning Director, at (503) 797-1916.

We look forward to commenting on future regulatory text related to the 8-hour ozone NAAQS and conformity rulemaking that is expected to occur later this year.

Sincerely,

Rod Park
Deputy Metro Council President
Chair, Joint Policy Advisory Committee on Transportation

David Bragdon
Metro Council President

cc: Congressman Earl Blumenauer
Congressman David Wu
Congresswoman Darlene Hooley
Congressman Brian Baird
Senator Gordon Smith
Senator Ron Wyden
Congressman Peter DeFazio
Congressman Greg Walden
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DATE **August 14, 2003**

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COMMITTEE TITLE **JPACT**

DATE **August 14, 2003**

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