

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION  
JULY 10, 2003  
MEETING MINUTES

<u>MEMBERS PRESENT</u>	<u>AFFILIATION</u>
Rod Park	Metro Council
Matthew Garrett	Oregon Department of Transportation (ODOT – Region 1)
Maria Rojo de Steffey	Multnomah County
Bill Kemmemer	Clackamas County
Stephanie Hallock	Oregon Department of Environmental Quality (DEQ)
Don Wagner	Washington State Department of Transportation (WSDOT)
Craig Pridemore	Clark County
Karl Rohde	City of Lake Oswego representing Cities of Clackamas County
Rex Burkholder	Metro Council
Jim Francesconi	City of Portland
Roy Rogers	Washington County
Rob Drake	City of Beaverton, representing Cities of Washington County

<u>MEMBERS ABSENT</u>	<u>AFFILIATION</u>
Fred Hansen	TriMet
Royce Pollard	City of Vancouver
Larry Haverkamp	City of Gresham, representing Cities of Multnomah County
Carl Hosticka	Metro Council
Bill Wyatt	Port of Portland

<u>ALTERNATES PRESENT</u>	<u>AFFILIATION</u>
Olivia Clark	TriMet
Dean Lookingbill	SW Washington RTC
Jim Kight	City of Gresham, representing Cities of Multnomah County
Rod Monroe	Metro Council

<u>GUESTS PRESENT</u>	<u>AFFILIATION</u>
Kathy Busse	Washington County
Laurel Wentworth	City of Portland
Ron Papsdorf	City of Gresham
Dave Nordberg	Oregon Department of Environmental Quality (DEQ)
Marianne Fitzgerald	Oregon Department of Environmental Quality (DEQ)
John Rist	Clackamas County
Karen Schilling	Multnomah County
Robin McArthur	Oregon Department of Transportation (ODOT)
Phil Selinger	TriMet
Lynn Peterson	City of Lake Oswego

GUESTS PRESENT (cont.)    AFFILIATION

Robert Bertini	Portland State University
Debbie Murdock	Portland State University
Greg Theisen	Port of Portland
John Groth	Cornelius Council
Suzanne Kunse	Congresswoman Hooley's Office
Cecilia Johnson	Multnomah County
Bob Duehmig	OHSU

STAFF PRESENT

Rooney Barker	Richard Brandman	Renee Castilla	Andy Cotugno
Kim Ellis	John Mermin		

I.     CALL TO ORDER AND DECLARATION OF A QUORUM

Chair Park called the meeting to order and declared a quorum at 7:20 a.m.

II.    CITIZEN COMMUNICATION TO JPACT ON NON-AGENDA ITEMS

There were no citizen communications.

Mr. Andy Cotugno announced that Metro would be hosting the Cascadia Metropolitan Forum this year. He explained the Cascadia Forum is an opportunity for elected officials from Seattle, Washington, Vancouver, British Columbia, and Portland, Oregon to talk about planning, both land use and transportation.

III.   APPROVAL OF MINUTES

ACTION TAKEN: Bill Kennemer moved and Karl Rohde seconded the motion to approve the meeting minutes of June 14, 2003 with corrections (included as part of this meeting record). The motion passed.

IV.    LEGISLATIVE UPDATE – ROUNDTABLE DISCUSSION

Senator Rick Metsger stated that they had hoped that House Bill 2041 would have been passed last week by the Senate. However, the bill has remained in the Senate Revenue Committee due to issues raised by members but he said he was confident that the bill would pass soon.

Senator Bruce Starr stated that the House passed a great package. He said the bill is in the process of going through changes within the Senate. He said the process demonstrated why there has not been a significant transportation package in more than a decade, notwithstanding what was accomplished last session with OTIA I. He stated that this package, House Bill 2041 (OTIA III) will be four times larger than the previous OTIA I. He did compliment Senator Rick Metsger for working and reworking the bill with his colleagues in the Senate in order to get the

bill back to the Senate floor for a vote. He said that there has been an interesting dynamic in the Senate with the current 15/15 tie. He said the tie gives each member more ability to slow things down because of the situation. He said one issue of contention has been the \$4 million of the general fund needed in order to gain a much larger package. He advised the JPACT members to telephone their Senators and ask for their support of House Bill 2041.

Chair Rod Park asked if there were certain Senators the JPACT members should be sure to contact more than others.

Senator Metsger suggested contacting all of the Senators and asking them for their support or to reinforce their support for the bill. He did state that contacting Senator Carter might be good

Senator Bruce Starr suggested contacting Senator Decker; Chair of the Revenue Committee as well considering that is where the bill sits. He said the calls would need to be made soon since the bill would be back in the Revenue Committee for a work session Monday Morning.

Commissioner Bill Kennemer stated that JPACT has listed light rail as one of their priorities. He further stated that the TriMet payroll tax is an important factor in the continuing success of light rail and asked for suggestions as to how to make sure that the payroll tax is passed.

Senator Rick Metsger stated that conversations with key Republicans in the House need to continue as well as conversations with the House Speaker. He suggested contacting the House members and asking for their support.

Senator Bruce Starr stated that he has spoken with Speaker Minnis regarding the payroll tax and how the tax would allow the state to compete for federal funds which could produce jobs in construction and trade. He stated that the conversation was positive but would recommend JPACT sending a letter to Speaker Minnis on behalf of the payroll tax. He further stated that once House Bill 2041 is complete then more attention could be put toward the successful passage of the payroll tax.

Councilor Rod Park asked if there had been a decision on the amount of OTIA funds that would be for modernization if passage occurs and what the process would be for project selection.

Senator Bruce Starr stated that within the \$500 million modernization portion of the package; \$200 million is for projects of statewide significance and that is attached to the advance construction dollars that the department has available to them. Those dollars would leverage advanced construction dollars with some federal earmark dollars as well as local matches, possible tolling revenue to get those projects completed. He further stated that the remaining \$300 million comes from the legislature bonding half of the \$54 million of modernization money and of that \$300 million; \$100 million is money that would be set aside for freight mobility projects. Those projects would be recommended by the Freight Advisory Committee. He further stated that those projects would be located within industrial areas and be for projects that provide jobs. He said that the remaining \$200 million would go through a competition process similar to that of OTIA I. He said that JPACT and ACTs in the state would prioritize those projects and compete for funding.

Councilor Rex Burkholder expressed appreciation for the legislation's direction to the Oregon Transportation Commission to look more at other factors than just formulas or capacity ratios. He stated that this region has the larger share of population for the state and certainly a large portion or majority share and opportunity for economic opportunity. He said this region has been frustrated that the state has spent its money in the region strictly on a formula basis rather than recognizing the fact that an improvement in North Portland, for example, would open up the Port of Portland which would have a major economic impact that then feeds back into the system and helps the rest of the state. He encouraged the Senators to be even clearer with their direction to the Oregon Transportation Commission as to the desire of the legislature with regards to economic and/or community development outcomes in the region.

Commissioner Roy Rogers thanked the Senators for their hard work.

Senator Rick Metsger reminded the JPACT committee members to contact their Senators for support.

Commissioner Roy Rogers asked if the commuter rail and the payroll tax should be tied together.

Commissioner Bill Kennemer suggested the inclusion of the unanimous support from the members of JPACT.

Councilor Jim Kight suggested that the letter be more positive rather than negative.

ACTION TAKEN: Commissioner Kennemer moved and Councilor Karl Rohde seconded the motion to send a letter with amendments to House Speaker Minnis. The motion passed unanimously.

V. RESOLUTION NO. 03-3348 – FOR THE PURPOSE OF ESTABLISHING INTENT TO AMEND THE REGIONAL TRANSPORTATION PLAN (RTP) TO INCLUDE I-205 AUXILIARY LANES FROM I-5 TO THE STAFFORD ROAD INTERCHANGE

Mr. Thomas Picco presented Resolution No. 03-3348 (included as part of this meeting record).

Councilor Karl Rohde expressed his concern with the effects the corridor study would have on the off-freeway roads in all directions. He suggested that the corridor study happen sooner than later.

Mr. Thomas Picco stated that the corridor study would try to identify future needs of the corridor for the region. The corridor study would include analysis of the corridor's function and configuration. It would also include the nature of the plan as well as how land use in the area influences the corridor. The corridor study is set to begin early fall; September or October of 2003 and would include stakeholders from local jurisdictions.

ACTION TAKEN: Commissioner Roy Rogers moved and Commissioner Bill Kennemer seconded the motion to approve Resolution No. 03-3348. The motion passed unanimously.

VI. RESOLUTION NO. 03-3340 – FOR THE PURPOSE OF AMENDING RESOLUTION NO. 01-3098 AND ALLOCATING A TRANSIT RESERVE ACCOUNT TO SPECIFIC TRANSIT PROJECTS

Mr. Phil Selinger presented Resolution No. 03-3340 (included as part of this meeting record).

Commissioner Roy Rogers asked how TriMet cycles their funding to achieve geographic balance and asked if they would be reexamining the services in order to allocate the funding accordingly in future years.

Mr. Phil Selinger stated that currently TriMet tries to deal with priority needs first and then new development such as a new senior center or care center.

Councilor Jim Kight stated that East Multnomah County appreciated the new bus shelters but wondered when they would see more improvements in that region.

Mr. Andy Cotugno expressed interest in a larger presentation from TriMet on their current services as well as future expansions and suggested that presentation as a future agenda item.

ACTION TAKEN: Councilor Karl Rohde moved and Commissioner Jim Francesconi seconded the motion to approve Resolution No. 03-3340. The motion passed unanimously.

VII. COMMENTS ON NEW 8-HOUR OZONE STANDARD

Marianne Fitzgerald presented comments on new 8-hour ozone standard (included as part of this meeting record).

Ms. Stephanie Hallock expressed concern that areas that are in attainment should not lose funding.

Mayor Rob Drake asked if the policies were being relaxed. He further stated that it seems illogical to punish a region for being aggressive in their policies to achieve good air quality and was wondering if the changes were being driven by a specific policy from the EPA.

Ms. Marianne Fitzgerald stated that the Clean Air Act requires a review of policy every five years. She stated that the EPA believes that it would be more protective of public health if the long-term exposure were calculated by an 8-hour standard.

Councilor Rod Park stated that it is important to express the concerns that regions not be penalized for achieving good air quality.

Mr. Andy Cotugno stated that a letter could be drafted to adopt the concerns of JPACT.

Councilor Karl Rohde expressed concerns with approving a letter the JPACT members have not seen.

Councilor Rod Monroe suggested emailing a draft version of the letter to JPACT members for comments.

John Rist requested that the draft letter be emailed to TPAC as well

#### VIII. REPORT OF THE JPACT SUBCOMMITTEE ON REORGANIZATION

Councilor Burkholder presented the report of the JPACT subcommittee on reorganization (included as part of this meeting record).

Commissioner Jim Francesconi stated that historically JPACT has worked very well. He said that during the last discussion of MTIP, the City of Portland felt that Metro was being more assertive than it had been in the past in terms of the direction they wanted transportation funding to go in order to support important land use goals. The question was are these decisions local or regional.

Commissioner Jim Francesconi further stated that he felt better with Chair Park's explanation on how Metro decision-making works. Metro Council could choose to send an item back to JPACT with a recommendation for amendment but cannot alter JPACT's recommendations. Commissioner Francesconi agreed and stated that creates a more powerful relationship between JPACT and the Metro Council. He stated that Metro becoming more assertive was good but perhaps there needed to be more communication between JPACT and Metro Council so that there would be better understanding of what Metro Council was trying to achieve. He said that he felt that the final MTIP project list was good. In conclusion, he said that instead of changing the roles and responsibilities of JPACT continuing to have constant dialogue would be important. Commissioner Francesconi stated that there needs to be more emphasis placed on cultivating business leadership. There also should be one voice for the region rather than forming a second group on finance issues and finally there should be business members added to JPACT to assist with the discussions of raising resources for transportation funding.

Councilor Rod Park stated that reconvening the Finance Subcommittee would be further evaluated as well as some informal discussions set up to discuss the issues. He further stated that two additional business people could be added to the table if Jay Waldron was to attend rather than Bill Wyatt for the Port of Portland and George Passadore on behalf of TriMet. He said both individuals have very strong backgrounds in the business community.

Commissioner Bill Kennemer stated that he also attend the Subcommittee on JPACT reorganization and appreciated Councilor Burkholder's leadership. He said part of the genesis of the committee was the trip to Washington DC where they discovered something of a disconnect between JPACT and the OTC. He said that JPACT has substantial authority as decision-makers regarding the transportation in the region. He said that it is critical that JPACT not give up its decision-making authority. He said anything that leads to JPACT becoming an advisory board to the OTC would be inappropriate and could be the demise of the organization. He suggested reconvening the Finance Subcommittee to help formulate a ballot measure as well as how to pull the legislative delegation together.

Councilor Rod Park stated that the issue of the ACT formation and what the Oregon Transportation Commission would like to see in this region would come back at a future meeting.

Commissioner Roy Rogers also suggested that the JPACT Finance Committee be reconvened and perhaps combined with some members of the Transportation Investment Task Force in order to obtain a regional consensus on tax issues and funding issues in the region. He asked what would happen if Metro Council chose not to follow the recommendation of JPACT. He said that it seemed like there was a partnership implied with the language that Commissioner Francesconi read from the bylaws but he said it does not feel they have gotten to that partnership. He is concerned with JPACT being a purely advisory committee to Metro and the subsequent role of JPACT in the future concerning recommendations.

Chair Rod Park stated that Metro Council could not act without JPACT's recommendations and JPACT must take into consideration TPAC's recommendations as written in the bylaws. He further stated that Metro Council could not amend or alter JPACT's recommendation.

Commissioner Roy Rogers stated that while Metro Council could not amend or alter JPACT's recommendation they could pass their own recommendation.

Chair Rod Park stated that Metro Council can not pass their own recommendation; they must pass JPACT's recommendation or remand it back to JPACT with recommended changes.

Commissioner Roy Rogers asked if that statement was the opinion of the legal counsel of Metro as well and expressed the need for clear interpretation.

Mr. Andy Cotugno stated that if it was felt that the bylaws for JPACT need to be clearer, then that could certainly be incorporated. He said that over the years, Metro Council has asked the Metro attorneys for interpretation and the interpretation has always been consistent with what was just stated. He said an action of the Metro Council has to be a recommendation of JPACT it can not be some other independent action and it cannot be an amendment to what JPACT recommends. However, Metro Council can reject a recommendation of JPACT and simply not adopt it. He said that it is effectively a veto authority not a modification authority.

Commissioner Roy Rogers stated they would certainly like that clarification to be incorporated into the JPACT bylaws.

Ms. Stephanie Hallock asked if the ACT formation criteria was specific in regards to membership, i.e. there has to be business community members as well as community groups at the table. She stated that if there must be a business member at the table then she would rather have an additional person appointed to the table rather than a business member representing the Port or TriMet. She said changing JPACT into an ACT would change the dynamic of the group and would change the tone of the conversations.

Chair Rod Park reminded the committee members that the ACT discussion was begun by the OTC and JPACT must now choose how to respond.

Mr. Matthew Garrett stated that the Oregon Transportation Commission requires at least 51% local elected officials and then they are less strict. They want to represent the uniqueness of the various areas that form the various Areas on Transportation. They have strongly encouraged business members to sit at the table. They also mention stakeholders but do not require environmental groups per se, but encourage a comprehensive and transparent conversation at the ACT table. There has not been a conversation at the commission level as to the actions, comments and dynamics in creating the document other than being appreciative that JPACT looked at the request of the Oregon Transportation Commission. He said essentially, the OTC has used JPACT as an ACT. He said that if that relationship becomes formal then it is important to note that Area Commissions on Transportation are chartered by the OTC and are advisory to the OTC. It is clear to the OTC that they are the final arbiters of decisions. He said that recommendation flow from the Area Commissions on Transportation; there have been very few times that the OTC has gone back to the ACTs and said now, but they have. He further stated that a conversation would have to happen concerning those communities that are not part of boundaries of Metro and that are not covered by an ACT.

Councilor Karl Rohde stated that if in order to become an ACT, JPACT has to start adding business and/or environmental groups, etc., to the table then he does not want to be an ACT. He said that JPACT has the perfect set up to make the transportation decisions for the region. He further stated that to suggest that the business interests are not represented in discussions on transportation at the table is ludicrous. He said that process by which he would like to see JPACT have a greater role is commenting on the STIP.

Councilor Rod Park stated that the OTC would like to see JPACT be more like other ACTs, but, as he understands it as an MPO, there is more authority than an ACT. He further stated that Medford and Eugene do not have an elected regional council. He would suggest that they should get an elected regional council to become more like Metro.

Councilor Lynn Peterson reminded the committee members that the ACTS were originally modeled after JPACT and now JPACT should not be asked to conform to the standard of the ACTs.

Mr. Matthew Garrett stated that there was also another group that it was modeled after, that was TRADCO, and that was a business group in Medford.

Mr. Andy Cotugno reminded the JPACT members to read their materials and be prepared for further discussions on ACT formation as well as STIP comments.

Chair Rod Park thanked Councilor Rex Burkholder and the entire subcommittee for their hard work.

## IX. ADJOURN

There being no further business, Chair Park adjourned the meeting at 9:08 a.m.

Respectfully submitted, Renee Castilla