

Joint Policy Advisory Committee on Transportation (JPACT)

September 13, 2001
Meeting Notes

MEMBERS PRESENT

Rod Monroe, Chair	Metro
Rod Park	Metro
Bill Kenemer	Clackamas County
Fred Hansen	Tri-Met
Rex Burkholder	Metro
Craig Pridemore	Clark County
Karl Rohde	City of Lake Oswego, representing Cities of Clackamas County
Kay Van Sickle	Oregon Department of Transportation (ODOT) – Region 1
Don Wagner	Washington State Department of Transportation (WSDOT)
Larry Haverkamp	City of Gresham, representing Cities of Multnomah County
Dean Lookingbill, alternate	SW Washington Regional Transportation Council (RTC)
Lonnie Roberts	Multnomah County
Roy Rogers	Washington County
Stephanie Hallock	Oregon Department of Environmental Quality (DEQ)
Charlie Hales	City of Portland
Robert Drake	Beaverton, representing Cities of Washington County
David Lohman	Port of Portland

AFFILIATION

GUESTS PRESENT

Dave Williams	Oregon Department of Transportation (ODOT)
David Bragdon	Metro Council, Presiding Officer
Gary Katsion	Kittelson & Associates, Inc.
Ross Williams	Citizens for Sensible Transportation/CLF
Bernie Bottomly	Tri-Met
Susie Lahsene	Port of Portland
Clark Berry	Washington County
Andy Back	Washington County
Kathy Lehtola	Washington County
Ron Weinman	Clackamas County
Rebecca Ocken	Gresham
Jon Putman	TPAC
Deb Wallace	WSDOT
Bob Burco	Author, Lake Oswego
Brion Barnett	City of Milwaukie
Gregg Everhart	Portland Parks and Recreation
Dick Schouten	Washington County

AFFILIATION

GUESTS

AFFILIATION

Linda Floyd	City of Wilsonville
Danielle Cowan	City of Wilsonville
Jack Freeman	Kittelson & Associates
Kamila Ryszawa	Port of Portland
Harold Lasley	Multnomah County
Betty Atteberry	Westside Economic Alliance
Robin Katz	Port of Portland
Paul Grosjean	Pleasant Valley Neighborhood
Steve Dotterer	City of Portland
Mike McKillip	City of Tualatin
Katie Mangle	TPAC Citizen Representative
Mike Houck	Audubon/CLF
Neil McFarlane	Tri-Met
Kelly Scannell	Congressman David Wu
Josh Alpert	Commissioner Hales Office
Carolyn Sharp	Tualatin Hills Park and Recreation District
Ramsey Waite	MTAC Member
John Wiebke	City of Hillsboro
John Morgan	City of Wilsonville
Dale Miller	C-TRAN
Jon Holan	City of Forest Grove
Lou Ogden	City of Tualatin
Louis Ornelias	Oregon Health and Sciences University (OHSU)
Nancy Kraushaar	City of Oregon City
Brian Newman	City of Milwaukie

STAFF

Andy Cotugno	Mike Hoglund	Tom Kloster
John Houser	Kim White	Terry Whisler
Francine Floyd	Richard Brandman	

SUMMARY

The meeting was called to order and a quorum declared by Chair Rod Monroe at 7:37 a.m.

CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS

Rod Monroe asked for a moment of silence to reflect on the tremendous loss of lives in New York and Washington D.C. and the tragedy that has come over our country.

Comment was given by Jon Putman, a member of TPAC, Chairman on the Assessable of Transportation Committee (ATC) for Tri-Met and a member of the Portland Streetcar Citizen

Advisory Committee. A program (Ped to Transit), close to Elderly and Disabled Citizens, was cut to zero. We have a great transit system, but with recent events, he believes that other federal funding may be hard to get. The ATC considered stepping back and waiting the two years for this program to be restructured. However, he didn't think that they could wait two years, because it could be four to six years before the program might come back around. The program does a lot of work to get people to use public transportation. STF dollars, which come from the State of Oregon, were used over the last years to help fund the program. He said they need help and asked TPAC to find some way to give them back some funding from the \$2M that was taken from the proposed Ped to Transit program.

MEETING REPORT

Action taken: Lonnie Roberts motioned and seconded by Bill Kennemer to approve the August 9, 2001 JPACT meeting notes. The motion unanimously passed with the following corrections:

- 1) Roy Rogers requested a correction to page 8, first paragraph. “. . .they have a \$1 ½ billion budget” should read “. . . *they have a \$1/2 billion budget.*”
- 2) Fred Hansen requested a correction to page 4. The paragraph should read “*Fred Hansen said that \$16 million was originally requested for TCL but not granted. \$6.4 million would be needed to fund existing TCL programs and accomplish requested expansions. Tri-Met has additional projects that it would like to pursue, but will need additional funds to do so.*”

RESOLUTION NO. 01-3098 (APF NO. 1562) – FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO ALLOCATE FY 2004 – 2005 CONGESTION MITIGATION/AIR QUALITY (CMAQ) AND SURFACE TRANSPORTATION PORGRAM (STP) FUNDS (100% Recommendation).

Andy Cotugno referred to the Resolution No. 01-3098 packet. The allocation is \$38M, made up of STP and CMAQ funds. STP funds are flexible; CMAQ funds are more restrictive and can only be used for alternative transportation purposes and projects. The mix of projects listed on the “Priorities 2002 MTIP Update – TPAC Recommended 100 Percent Program Allocation (Exhibit A)” is diverse. The format described for each mode, identifies the projects recommended for funding. Mr. Cotugno reported on the Public Hearing on September 11, 2001. The attendance was good. The comments received from the public hearing and afterwards in written form, were included in “Priorities 2002 – Public Comments on Final MTIP Funding Recommendation - September 12, 2001” (handout). The memo to JPACT and the Metro Council dated September 5, 2001 regarding “Summary of Testimony Received on TPAC’s 2002 MTIP Update Recommendation” (included in the mail-out packet) gave a summary of comments from the joint hearing of JPACT and Metro Council held on September 4.

Andy Cotugno summarized from the Staff Report and the supplemental sheet “Priorities 2002 MTIP Update – Options for Finalizing Allocations,” (Options #1 – 3), the three options that TPAC suggested that JPACT discuss as possible choices. TPAC’s recommendation for this balanced program was an 8 to 7 vote (with one abstained vote). Option #1 – “Fully Fund I-5/Nyberg” was the option recommended by TPAC. In addition, Mr. Cotugno summarized the

other two options listed. How do you get these final two projects funded with a first and second backup plan in order to get either of those two projects (I-5/Nyberg and the Springwater Corridor) funded rather than cutting a project off the list?

Rod Monroe said that yesterday there were two other proposals added "Priorities 2002 MTIP Update – Options for finalizing allocations," Options #4 and #5 (tan handout). Andy Cotugno explained Options #4 and #5.

Robert Drake commented on the Nyberg Road Overpass and the Springwater Connector Projects. He said they were both two good projects. He acknowledged the congestion problems in Tualatin and the inability of moving freight in and out of Tualatin on Nyberg, adding that those problems certainly makes that a project, potential for funding. Mr. Drake presented two questions as follows:

- 1) Tualatin has proposed, and it had been discussed at the Washington County Coordinating Committee that in the event that Nyberg wasn't fully funding, to have Nyberg as a priority for HB 2142 funds. What's the likelihood of that happening?
- 2) Regarding Options #4 and #5, can we get a comment on these options from Multnomah County and/or Portland?

Rod Monroe addressed Mr. Drake's questions. If ½ of the Nyberg Road Project is funded from MTIP, what is the likelihood if we make it a top priority of getting the other ½ of funds from bond money? He asked ODOT to comment on this. Andy Cotugno explained that the decision on what will be funded on the bond measure is a decision to be made by the Oregon Transportation Commission (OTC). So JPACT doesn't have authority of those funds. However, the OTC is seeking a recommendation from JPACT and it will carry some weight. We haven't begun the process of figuring out what our priorities will be for the bond program. In fact, the deadline for application of the modernization portion of those funds, which is what this project would come out of, that deadline to apply hasn't even happened yet. The deadline is October 1. We don't know the possible field of projects to be applied for. What we do know is that there is criteria that the Commission has adopted. The Nyberg Project seems to fit the criteria well. Whether it fits better than ten other projects that we haven't yet seen, we don't know yet. We don't know how this project will stack up against other projects.

Rod Monroe said at their meeting with Bruce Warner, Mr. Warner was asked about local match. Would local match make a difference in terms of moving a project up higher on the list with a bond funding? The indication was a strong yes. The MTIP \$1.7M on the Nyberg Project would, in fact, constitute a local match. So two things elevating this project are: 1) providing significant local match, and 2) indicating that this project is the top priority for this region.

Rob Drake, asked of the two fundings (MTIP and HB 2142), if Nyberg were pushed to the #2 slot, which would get done first? The 100% MTIP or the HB 2142 allocated projects? Andy Cotugno explained that the MTIP money is for 2004-05. The bond measure money is money that could start flowing in February 2002. The Commission has to go through the process of

lining up \$400M worth of projects and figure out which ones will get funded. The bond measure money does start to flow sooner than the 2004-05 MTIP money.

Rod Monroe asked Mr. Cotugno if the Nyberg project was funded partly from the MTIP and partly from the bond, would it actually move up the timetable? Andy Cotugno answered yes. Kay Van Sickle agreed yes, if the project is designed and ready to go it could move up quickly. That is what we are trying to do with HB 2142. She added that if we go by the applications we just received from Preservation, the pavement part of the HB 2142, is oversubscribed. Far more applications were received than they have funding for. That is an indicator of what will come from HB 2142. Also clearly in the criteria, the Commission repeatedly says the funding will be a geographic balance.

Rod Monroe asked Mike McKillip to report on the readiness of the project. Mr. McKillip explained the schedule for this project. They would be ready to move into the final part of the plan and construction in 2002.

Karl Rohde asked whether it would make more sense to pursue full funding for this project, rather than funding ½ the project in 2004-05. If you are looking for local match, we've actually committed local match during the last round of MTIP funding with the preliminary engineering. If we are about to commit ½ of the construction funds in 2004-05, then pursue the other ½ in this round of HB 2142---isn't that a slight disconnect? Kay Van Sickle responded. She didn't quite understand what Karl was proposing. Karl Rohde explained that they already funded the PE. That is being done which is essentially local match. Mr. Rohde asked, should we actually as a policy be pursuing 100% funding of the \$3.5M for the Nyberg Interchange in this 2001-02 funding cycle for HB 2142 dollars? Rather than fund ½ of the construction with the commitment to complete it in 2004-05? Kay Van Sickle answered that that was a possibility. She agreed that it would be better not to break it up into segments if you plan to request HB 2142 funding. However, in response to Andy Cotugno's comments earlier, regarding the criteria that the Committee is looking at, Ms. Van Sickle emphasized that local match is very important and will really help in the competitiveness of any project being funded, especially with the number of applicants they are receiving.

Rod Monroe said, the fact that MTIP provides ½ the money would make it more likely that this project would be funded and should not delay the construction. Kay Van Sickle said if that is what you are proposing---come up with ½ the money plus the PE. That would make the project very competitive. Mr. Monroe explained that the question from Mr. Rohde was, wouldn't it delay the construction because the MTIP money doesn't come in until 2004? Would the State go ahead and build the project and then back-fill when they received the MTIP money? Andy Cotugno said those kinds of borrowing options are available. Kay Van Sickle said she couldn't answer that question specifically. Rod Monroe said that is done often. Kay Van Sickle agreed that it is how you work it out and the level of commitment you are willing to make.

Rod Park asked Kay Van Sickle, regarding applications of over subscriptions that you have received so far, how much of those have been coming in with matches? This might help give us an idea of the competition. Kay Van Sickle asked Dave Williams to answer that question because he and his staff are going through the applications now. Dave Williams said virtually all

of them have an overmatch of some form because they are coming in with minimum jurisdictional transfer of the roadways, but a number of the other ones also have cash overmatch piled on top. There is one up on the mountain that does not; but it's almost 100%.

Dave Lohman asked, under option #3, we would be overprogramming by about 15% rather 10%. What does history tell us about how much of a problem that's likely to be if we do that? Andy Cotugno explained that the problem is that it comes off the top, in effect, two years from now because we make up all the overprogramming. The next two years, a program that is overprogrammed with 30 or 40 individual projects by different jurisdictions, there is always slippage. That's why it's overprogrammed. We have never been in a position of telling a jurisdiction to wait until next year. Projects slip and so by having overprogramming, we have projects still in line that use the funds that we have available. Mr. Cotugno said some projects will probably slip, but when they do slip into the next two-year period, it's coming off the top using our amount to allocate next time.

Fred Hansen asked whether it was also the case on the road side, unlike transit side, that they do not come in on budget. Generally we see those projects go up and we eat that difference in that increased cost as well. The pressures are great, not only in the ability to push it out in the next cycle, but also on the increased costs of projects. Andy Cotugno explained that a project is allocated a specific dollar amount. So if the Nyberg Project is allocated \$3.5M, and that project ends up costing \$3.8M, then that jurisdiction is responsible to figure out how to fund the extra amount. At times, they do come back and ask for more money. However, they are not entitled to more money.

Bill Kennemer said that a lot of people have worked on this funding process. He said Clackamas County has discussed the balance that is in this MTIP proposal. Only 32% of funds are allocated to roads. The likely solution is to move Nyberg into the HB 2142 funding. But we have a huge number of projects for HB 2142. Frankly, he said he viewed HB 2142 as a "gold mine." The problem is that HB 2142 is a small "gold mine." If the Nyberg project receives HB 2142 funds, which is a good possibility, then another project may not receive funding. When there are limited dollars, projects slip back. We need to think seriously about some of these policies. We need to look at how do we invest strategically in a way that is representative of the full needs of the entire region

Rex Burkholder thanked everyone for their part in this process. We have come up with a fairly balanced list and the process is still working. When we look at regional expenditures, we are actually spending around \$210M in this biennium. We get to touch a small part of it; the vast majority is ODOT expenditures on highways. Mr. Burkholder recommended that the next step today was to focus on the three options presented that went through the MTIP process. He added that this is not Nyberg versus Springwater Projects. All of these projects are good projects. He said to look at the three options. We are trying to finish the process by the end of September which gives us a couple more weeks for Metro Council to take action on it, and finish by the first of October which is the deadline for federal programming.

Roy Rogers said he was not certain whether to look at the three options or the five options. He gave his historical perspective on how the process had worked in the last MTIP period. There

were some transit projects, port projects, etc. In his effort to be a good regional partner, he asked the City of Tualatin to step aside on their project (Nyberg Project) at the last MTIP. For those at the table back then, as we tried to mediate the issue, we understood there were commitments and assurances given, and they took those as factual. It's difficult to work in a regional process, if one can't believe in commitments made. He said that the issue is not so much about funding, as it is about commitments at the table. If commitments aren't honored, then we better start over again and have everything in writing in the future. He favored option #3 for overprogramming. He said they intend to ask their representatives in the State House to seek funding out of bond funds for the Nyberg Project. If that project is funded through bond funds, it will relieve everyone from sacrificing other projects.

Action taken: Rob Drake moved to approve Resolution No. 01-3098, seconded by Rex Burkholder. Roy Rogers moved and seconded by Rob Drake to amend the resolution with option #3 included.

Discussion followed on the resolution amendment with option #3 - Overprogramming to include fully funding the I-5/Nyberg Interchange and the East Bank Trail/Springwater Connector Projects.

Charlie Hales pointed out three factors that were important for the JPACT committee to consider: 1) consensus and fairness, 2) public policy and 3) public will. Public testimony was strong in fully funding the Springwater Project. The JPACT committee should consider this. There was also testimony on funding other projects, too. How do we leverage the available funds? Mr. Hales didn't think that option #3 was the best way to leverage available funding and would not support this option.

Karl Rohde said he also intended to vote against this motion. He said it was wrong to be approaching the Oregon Transportation Commission to request them to fund this project and we have already fully funded it. Further, we are probably setting a bad precedent. He said MTIP has been given an amount of money to spend and the committee has a responsibility to come up with a list of projects that match that amount of money.

Rod Monroe explained that the Springwater Project, being a bike and pedestrian project, is not eligible for HB 2142 bond money. Andy Cotugno said the approach is similar between the two options. For this period's allocation, we don't have a Transportation Enhancement Program. The Commission cut it as part of a variety of cutbacks in their programs. That is a resource that is not available to us right now. Indications from the Commission are that they will restore that program the next time around. This will be a new source of funds that will be available next time. At that point in time, if we seek funding for the second half of the Springwater, we have the same leverage situation.

Fred Hansen said Option #3 insures that the Nyberg project is, at best, a 2004-05 project in terms of moving ahead. Option #2 gives us a good chance to make this a 2001-03 project. He said that we should go for sooner funding.

Action taken: Vote was taken to approve resolution No. 01-3098 with Option #3. The vote was 5/yes and 11/no. The motion failed.

(Count: yes votes – Rob Drake, Dave Lohman, Lonnie Roberts, Roy Rogers, Kay Van SICKEL; no votes – Rex Burkholder, Charlie Hales, Stephanie Hallock, Fred Hansen, Larry Haverkamp, Bill Kennemer, Dean Lookingbill, Rod Park, Craig Pridemore, Karl Rohde, Don Wagner).

Action taken: Charlie Hales moved and seconded by Karl Rohde to amend the resolution to include Option #2. The vote was 11/yes and 5/no. The motion passed.

(Count: yes votes – Rex Burkholder, Charlie Hales, Stephanie Hallock, Fred Hansen, Larry Haverkamp, Bill Kennemer, Dave Lohman, Rod Park, Craig Pridemore, Lonnie Roberts, Karl Rohde; no votes – Rob Drake, Dean Lookingbill, Roy Rogers, Kay Van SICKEL, Don Wagner).

Karl Rohde motioned and seconded by Charlie Hales to remove \$540,000 of past allocations to the Cornell Road Boulevard right -of-way and shift dollars to “SMART Park & Ride.”

After further discussion, Karl Rohde withdrew the motion and was agreed upon by Charlie Hales.

Action taken: Karl Rohde motioned and seconded by Charlie Hales to amend the resolution to move \$540,000 from the Cornell Road Project and shift dollars to I-5/Nyberg Project and to shift \$500,000 of the Boeckman Road Project to SMART Park & Ride. The motion unanimously passed.

Action taken: Rod Monroe called for a vote on the MTIP resolution as amended. The motion to approve Resolution No. 01-3098 with amendments unanimously passed.

IX. ADJOURN

The next two JPACT meetings were rescheduled for October 4 and November 1 (first Thursdays of the month).

There being no further business, the meeting was adjourned at 8:56 a.m.

Respectively submitted,

Francine Floyd
Recording Secretary