

# Metro | Agenda

Meeting: Joint Policy Advisory Committee on Transportation (JPACT)  
Date: Thursday, March 4, 2010  
Time: 7:30 to 9 a.m.  
Place: Metro Regional Center, Council Chambers

---

- |                |     |  |   |
|----------------|-----|--|---|
| <b>7:30 AM</b> | 1.  | <b>CALL TO ORDER &amp; DECLARATION OF A QUORUM</b>   | <b>Carlotta Collette, Chair</b>               |
| <b>7:32 AM</b> | 2.  | <b>INTRODUCTIONS</b>   | <b>Carlotta Collette, Chair</b>               |
| <b>7:35 AM</b> | 3.  | <b>CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS</b>  | <b>Carlotta Collette, Chair</b>               |
| <b>7:35AM</b>  | 4.  | <b>COMMENTS FROM THE CHAIR &amp; COMMITTEE MEMBERS</b>   |   |
|                |     | <ul style="list-style-type: none"><li>• JPACT Participation in Rail~Volution</li><li>* • TIGER Grant Update</li><li>• Update on DEQ Efforts to Address Concerns About Air Quality in the Portland Region</li></ul>   |   |
|                | 5.  | * Consideration of the JPACT Minutes for February 11, 2010   |   |
|                | 6.  | <b><u>ACTION ITEMS</u></b>   |   |
| <b>7:40 AM</b> | 6.1 | * Resolution No. 10-4133, For the Purpose of Endorsing a Multi-year Commitment of Regional Flexible Transportation Funds for the Portland to Milwaukie Light Rail Transit Project and Supplemental Commitment to the Beaverton to Wilsonville Commuter Rail Project – <b><u>APPROVAL REQUESTED</u></b> | <b>Dave Unsworth, TriMet<br/>Ross Roberts</b> |
| <b>7:50 AM</b> | 6.2 | * Resolution No. 10-4130, For the Purpose of amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Add Projects Funded through the State Jobs and Transportation Act (HB 2001)– <b><u>APPROVAL REQUESTED</u></b>  | <b>Jason Tell</b>                             |
|                | 7.  | <b><u>INFORMATION / DISCUSSION ITEMS</u></b>   |   |
| <b>8:05 AM</b> | 7.1 | * Proposed Mobility Standards Action Plan – <b><u>DISCUSSION / DIRECTION TO MOVE FORWARD</u></b>   | <b>Kim Ellis</b>                              |
| <b>8:25 AM</b> | 7.2 | Climate Change Action Plan - <b><u>DISCUSSION</u></b>  | <b>Mike Hoglund</b>                           |
|                | *   | • House Bill 2001 Greenhouse Gas Scenarios Mandates  |   |
|                | #   | • Metro Area Greenhouse Gas Inventory  |   |
|                | #   | • Joint MPAC/JPACT Retreat Preparation (scheduled for April 2)   |   |
| <b>9 AM</b>    | 8.  | <b>ADJOURN</b>   | <b>Carlotta Collette, Chair</b>               |

### Upcoming meetings and events:

1. Annual JPACT Washington, DC trip scheduled for March 9 – 11, 2010.
2. Joint MPAC/JPACT retreat on climate change scheduled for Friday, April 2, 2010 from 8 a.m. to 3 p.m. at the Oregon Convention Center, Rm. F150-151.
3. Regular JPACT meeting scheduled for Thursday, April 8, 2010 from 7:30 to 9 a.m. at the Metro Regional Center, Council Chambers.

- \* Material available electronically.  
\*\* Materials will be distributed at prior to the meeting.  
# Material will be distributed at the meeting.

For agenda and schedule information, call Kelsey Newell at 503-797-1916, e-mail: [kelsey.newell@oregonmetro.gov](mailto:kelsey.newell@oregonmetro.gov).  
To check on closure or cancellations during inclement weather please call 503-797-1700#.

## **2010 JPACT Work Program**

**2/25/10**

<p><b><u>March 2, 2010 – JPACT Washington, DC Prep Meeting</u></b> <i>Location:</i> Metro, Rm. 370A/B <i>Time:</i> 5 p.m.</p> <p><b><u>March 4<sup>th</sup> – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• Final draft RTP, Functional Plan amendments, and Alternative Mobility Standards – Discussion/direction</li><li>• MTIP: ODOT's Jobs &amp; Transportation Act (JTA) projects – Action</li><li>• JPACT participation in Rail~Volution</li><li>• Metro/TriMet on Portland – Milwaukie Light Rail agreement on bond – Action</li><li>• Greenhouse Gas Inventory</li><li>• House Bill 2001 Greenhouse Gas Scenarios work program - Information</li></ul> <p><b><u>March 9<sup>th</sup> – 11<sup>th</sup> – JPACT Washington, DC Trip</u></b></p> <p><b><u>March 22<sup>nd</sup> – Final RTP Public Comment Period Begins</u></b></p>	<p><b><u>April 2, 2010 – Joint MPAC/JPACT Retreat</u></b> <i>Location:</i> Oregon Convention Center <i>Time:</i> 8 a.m. to 3 p.m.</p> <ul style="list-style-type: none"><li>• Climate Prosperity Project review</li><li>• Greenhouse gas, University of Oregon climate change study, etc.</li><li>• MTIP/STIP policy direction- Discussion</li></ul> <p><b><u>April 8<sup>th</sup> – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• FY 2010-11 Unified Planning Work Program (UPWP) – Action</li><li>• High Speed Rail Presentation (Kelly Taylor, ODOT)</li><li>• RTO evaluation results (Dr. Jennifer Dill, PSU) – Information</li><li>• RTO work plan and budget for FY 2010-11 – Information</li><li>• ODOT Region 1 STIP process and timeline</li><li>• Regional Indicators – Information</li><li>• Greenhouse gas procedure manual – Discussion</li></ul>
<p><b><u>May 13, 2010 – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• MTIP policy update:<ul style="list-style-type: none"><li>◦ TriMet TIP</li></ul></li><li>• East Metro Corridor multi-modal work program</li><li>• Southwest Corridor HCT and multi-modal work program</li><li>• RFFA policy direction – Action</li><li>• 2012-15 STIP Schedule/Milestones – Information</li><li>• House Bill 2001/2186 Greenhouse Gas Scenarios State Mandates – Discussion</li></ul> <p><b><u>May 6<sup>th</sup> – Final RTP Public Hearing/Comment Period Ends</u></b></p>	<p><b><u>June 10, 2010 – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• Adopt final 2035 RTP – Action</li><li>• 2035 RTP Air Quality Conformity Determination – Action</li><li>• 2010-13 MTIP – Action</li><li>• MTIP Air Quality Conformity Determination – Action</li><li>• 2010-13 STIP public comment briefing - Information/Discussion</li><li>• HB 2001 Climate change work plan – Action</li></ul>
<p><b><u>July 8, 2010 – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• TriMet update on system cuts – Information</li></ul>	<p><b><u>August 12, 2010 – Regular Meeting</u></b></p>
<p><b><u>September 2, 2010 – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• RFFA: Recommended draft for public comment</li><li>• STIP: Recommended draft for public comment</li></ul>	<p><b><u>October 14, 2010 – Regular Meeting</u></b></p> <ul style="list-style-type: none"><li>• Portland to Lake Oswego Locally Preferred Alternative – Action</li></ul> <p><b><u>October 19-21 Rail~Volution</u></b></p>

**November 4, 2010 – Regular Meeting**

**December 9, 2010 – Regular Meeting**

- House Bill 2001 Scenarios – Discussion

**Parking Lot:**

- U.S. jobs for Main Street – Direction (Tentative)
- 2011 legislative agenda



JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

February 11, 2010

Metro Regional Center, Council Chambers

MEMBERS PRESENT

Carlotta Collette, Chair  
Rex Burkholder  
Jack Burkman  
Nina DeConcini  
Craig Dirksen  
Fred Hanson  
Kathryn Harrington  
Donna Jordan  
Lynn Peterson  
Roy Rogers  
Jason Tell  
Don Wagner  
Ted Wheeler  
Bill Wyatt

AFFILIATION

Metro Council  
Metro Council  
City of Vancouver  
Oregon Department of Environmental Quality  
City of Tigard, representing Cities of Washington Co.  
Tri-Met  
Metro Council  
City of Lake Oswego, representing Cities of Clackamas Co.  
Clackamas County  
Washington County  
Oregon Department of Transportation, Region 1  
Washington State Department of Transportation  
Multnomah County  
Port of Portland

MEMBERS EXCUSED

Sam Adams  
Shane Bemis  
Steve Stuart

AFFILIATION

City of Portland  
City of Gresham, representing Cities of Multnomah County  
Clark County

ALTERNATES PRESENT

Troy Rayburn

AFFILIATION

Clark County

**STAFF:** Andy Cotugno, Ted Leybold, Tom Matney, Lake McTighe, Kelsey Newell, Deborah Redman.

**1. CALL TO ORDER AND DECLARATION OF A QUORUM**

Chair Carlotta Collette declared a quorum and called the meeting to order at 7:32 a.m.

**2. COMMENTS FROM THE CHAIR AND COMMITTEE MEMBERS**

Chair Collette introduced Councilor Jack Burkman as the new JPACT representative for the City of Vancouver. Mr. Dean Lookingbill will continue to serve as alternate for the City.

Chair Collette discussed the annual JPACT Washington, D.C. trip scheduled for March 9 - 11 and the joint MPAC/JPACT retreat scheduled for April 2.

**3. CITIZEN COMMUNICATIONS TO TPAC ON NON-AGENDA ITEMS**

There were none.

**4. APPROVAL OF JPACT MINUTES FOR JANUARY 14, 2010**

MOTION: Councilor Rex Burkholder moved, Mr. Fred Hansen seconded, to approve the January 14, 2010 minutes.

ACTION TAKEN: With all in favor, the motion passed.

**6. ACTION ITEMS**

**6.1 Resolution No. 10-4124, For the Purpose of Endorsing a Regional Position on the Authorization of the Surface Transportation Act of 2009**

Mr. Andy Cotugno of Metro overviewed Resolution No. 10-4124, which would endorse the region's position on the House Transportation and Infrastructure Committee's pending Surface Transportation Act of 2009 and approve it for submittal to the Oregon Congressional delegation.

The Portland metropolitan region has reviewed the pending Surface Transportation Act of 2009 and has recommended refined policy and project priorities for the authorization bill. There have been no project additions to the authorization list, only modifications to funding requests and/or removal of projects from the list.

MOTION: Councilor Burkholder moved, Councilor Donna Jordan seconded, to approve Resolution No. 10-4124.

Discussion: Mr. Hansen suggested that the language in Exhibit A be revised to read: "Significant program improvements and substantial increased funding in the New Starts and Small Starts Programs." Councilors Burkholder and Jordan accepted the friendly amendment.

ACTION TAKEN: With all in favor, the motion passed with the amended language.

**6.2 Resolution No. 10-4123, For the Purpose of Approving the Portland Metropolitan Regional Federal Transportation Priorities for the Federal Fiscal Year 2011**

Mr. Cotugno overviewed Resolution No. 10-4123, which would approve the Portland metropolitan federal fiscal year 2011 federal appropriations requests for submittal to the Oregon Congressional delegation.

JPACT members met in subgroups to narrow and prioritize candidate projects to two per jurisdiction for each of the three Congressional Districts. Following that narrowing step, the requests were organized into the following groups:

- Projects recommended as priorities for each of the three Congressional Districts
- Projects recommended for support by multiple Congressional Districts
- Projects recommended for non-transportation appropriation bills
- Projects being sought outside the Metro boundary

A strong minority opinion was expressed at the JPACT subgroup meetings from the City of Portland that an appropriations request is not the appropriate vehicle for the two large bridge projects – I-5 Columbia River Crossing (CRC) and Sellwood Bridge replacement. The committee discussed whether or not to include the CRC project and the Sellwood Bridge in the appropriations package, but chose not to amend the resolution.

Additionally, the committee discussed:

- Changing the language within the resolution to better conceptualize that many projects recommended for support cross multiple Congressional Districts; and
- Refining the prioritization and appropriations process.

MOTION: Mr. Jason Tell moved, Commissioner Lynn Peterson seconded, to approve Resolution No. 10-4123.

ACTION TAKEN: With all in favor, one abstained (DeConcini), the motion passed.

### **6.3 State Transportation Improvement Program (STIP) Criteria Comment Letter**

Chair Collette briefed the committee on the State Transportation Improvement Program (STIP) comment letter that will address issues JPACT has with the draft 2012-15 STIP eligibility and prioritization criteria. The letter discusses JPACT's request for additional consideration of the following issues prior to the STIP Stakeholder Committee's final recommendation to the Oregon Transportation Commission:

- Documentation of local Greenhouse Gas emission considerations;
- Clarify Travel Demand Management as a priority investment; and
- Implementation of cost-effectiveness criteria and practical design.

MOTION: Mr. Hansen moved, Councilor Jordan seconded, to approve the STIP criteria comment letter with the suggested edits to the 2012-15 STIP eligibility and prioritization criteria.

ACTION TAKEN: With all in favor, one abstained (Tell), the motion passed.

## **7. INFORMATION / DISCUSSION ITEMS**

### **7.1 Metropolitan Transportation Improvement Program (MTIP) Policy Update**

Mr. Leybold provided an overview of the Metropolitan Transportation Improvement Program (MTIP) policy update and Regional Flexible Fund Allocation (RFFA) process for the 2012-2015 funding cycle. Following the RFFA retrospective and the new Regional Transportation Plan (RTP), changes are being proposed for how to invest regional transportation funds more strategically to meet the goals for Making the Greatest Place implementation. The primary change being proposed is to replace the competitive application process used in past cycles with a more collaborative project nomination and decision process between regional and local agency staff.

Next steps in the MTIP policy update:

- An engagement strategy that involves consulting with stakeholders on the proposal prior to JPACT action;
- Beginning technical preparatory work for development of MTIP and RFFA policy development; and
- Preparing JPACT for MTIP and RFFA policy development; and
- Targeting a retreat to fully engage JPACT on policy direction.

### **7.2 American Recovery & Reinvestment Act (Stimulus Funding)**

Mr. Cotugno briefed the committee on the American Recovery and Reinvestment Act (ARRA) of 2009. He encouraged the committee to submit a letter to Senators Merkley and Wyden that emphasized the importance of a new stimulus bill and offered specific provisions that promote short and long-term economic growth within the region. (Draft letter included as part of the meeting record.)

**MOTION:** Mr. Bill Wyatt moved, Councilor Burkholder seconded, to approve sending the letter in support of a new stimulus bill to Senators Merkley and Wyden.

**Discussion:** The committee recommended that the letter be abbreviated and focus on the region's need for an additional stimulus bill for short and long-term employment opportunities.

**ACTION TAKEN:** With all in favor, one abstained (Dirksen), the motion passed.

### **7.3 2010-13 TIP: ODOT Administered Projects – Briefing on Public Comments Received During Comment Period**

Mr. Jason Tell of ODOT briefed the committee on the public comments received regarding the draft 2010-13 Statewide Transportation Improvement Program (STIP).

#### **7.4 Review of the Locally Preferred Alternative (LPA) Financing Plan for the Columbia River Crossing Project**

Mr. Cotugno briefed the committee on the Locally Preferred Alternative (LPA) financing plan for the Columbia River Crossing (CRC) project. In November 2009, Metro Councilor Robert Liberty proposed an amendment to the RTP calling for a sunset of the CRC project by September 1, 2011 should commitments to fund the LPA for the CRC project from federal, state, regional and local governments not be made. The proposed amendment to the RTP was tabled at the December 10, 2009 JPACT meeting to be reconsidered at the February 11 JPACT meeting.

Mr. Cotugno also provided an overview of the letter to Governors Kulongoski and Gregoire calling for development of a financing plan and an initial draft of the financing plan under consideration by the Project Sponsors Council. He recommended the committee discuss the CRC project at a later date after the development of a project financing plan from the Project Sponsors Council. JPACT will be able to revisit the discussion on whether or not to prescribe a deadline when the project finance plan is available.

Mr. Tell raised a concern that TPAC recommended that the RTP not be amended to include a sunset date for the CRC project and expressed concern about deferring the issue again.

MOTION: Councilor Burkholder moved, Mr. Wyatt seconded, to accept the TPAC recommendation to disapprove the proposed amendment to include a sunset date for the CRC project in the RTP.

ACTION TAKEN: With all in favor, one abstained (DeConcini), the motion passed.

#### **8. ADJOURN**

Chair Collette adjourned the meeting at 9:00 a.m.

Respectfully submitted,



Tom Matney  
Recording Secretary



ATTACHMENTS TO THE PUBLIC RECORD FOR FEBRUARY 11, 2010

The following have been included as part of the official public record:

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
<b>6.1</b>	Exhibit	N/A	Exhibit B to Resolution No. 10-4124 - Surface Transportation Act of 2009 Project Priorities	021110t-01
<b>7.2</b>	Letter	N/A	American Recovery and Reinvestment Act - Letter to Oregon Senators	021110t-02
<b>7.2</b>	Memo	2/12/10	American Recovery and Reinvestment Act 2 Policy Framework	021110t-03
<b>7.2</b>	Report	N/A	Summarization of Public Input on the Draft 2010-2013 Statewide Transportation Improvement Program	021110t-04

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A MULTI- )	RESOLUTION NO. 10-4133
YEAR COMMITMENT OF REGIONAL )	
FLEXIBLE TRANSPORTATION FUNDS FOR )	Introduced by Councilor Carlotta Collette
THE PORTLAND TO MILWAUKIE LIGHT RAIL )	
TRANSIT PROJECT AND SUPPLEMENTAL )	
COMMITMENT TO THE BEAVERTON TO )	
WILSONVILLE COMMUTER RAIL PROJECT )	

WHEREAS, Metro is the Metropolitan Planning Organization (MPO) for the Portland metropolitan region, and as such is authorized by the U.S. Department of Transportation to program federal transportation funds allocated by federal law to the Portland region in the Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, Metro is authorized by the Oregon Department of Transportation (ODOT) to program Congestion Management/Air Quality (CMAQ) funds allocated to the Portland metropolitan region by ODOT in the MTIP; and

WHEREAS, TriMet is the duly authorized public transportation provider for the Portland metropolitan region and as such is an eligible recipient of federal transportation funds through the MTIP; and

WHEREAS, at the recommendation of the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Council adopted Resolution No. 08-3942 “For the Purpose of Proposing Allocation of Regional Flexible Funding to Regional Transportation Programs for the Years 2012 and 2013, and to Bond Payments for Contributions to the Milwaukie Light Rail Transit and Wilsonville to Beaverton Commuter Rail Projects for the Years 2012-2025 Pending Public Comment Period and Air Quality Conformity; and

WHEREAS, at the recommendation of the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Council adopted Resolution No. 09-4017 “For the Purpose of Allocating \$67.8 million of Regional Flexible Funding for the Years 2012 and 2013, Pending Air Quality Conformity Determination” which documented the public comment process for the allocation of regional flexible funds to the projects; and

WHEREAS, these actions establish a multi-year commitment by Metro, as the MPO, to provide a sum of regional flexible funds to TriMet totaling \$144.8 million over the course of years 2012 through 2025 for the purpose of providing a net present value contribution of \$72.5 million to the Milwaukie Light Rail Transit Project and a \$13.3 million supplemental contribution to the Beaverton to Wilsonville Commuter Rail Project; and

WHEREAS, consistent with provisions of Resolution No. 08-3942 TriMet has provided \$13.3 million to the Commuter Rail Project and has agreed to provide \$72.5 million to the Milwaukie Light Rail Transit Project; and

WHEREAS, TriMet anticipates issuing revenue bonds secured by the commitment of regional flexible transportation funds set forth in Resolution No. 08-3942 and Resolution No, 09-4017 to fulfill all or part of its funding commitments; and

WHEREAS, an agreement between Metro and TriMet regarding the regional flexible funds funds committed in Resolution No. 08-3942 and Resolution No. 09-4017 will facilitate borrowings that pledge these funds; and

WHEREAS, these agencies have negotiated such an agreement as shown in Exhibit A; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to approve the Intergovernmental Agreement to Provide and Utilize Regional Flexible Funds to Implement the Milwaukie light rail transit and Commuter Rail Funding Plan, as shown in Exhibit A, and authorizes the Chief Administrative Officer to execute the agreement.

ADOPTED by the Metro Council this \_\_\_ day of March 2010.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

**Intergovernmental Agreement to Provide and Utilize MTIP Funds  
to Implement the Milwaukie LRT and Commuter Rail Funding Plan**

This **Intergovernmental Agreement to Provide and Utilize Regional Flexible Funds to Implement the Milwaukie Light Rail (“LRT”) and Commuter Rail Funding Plan** (the “Agreement”) is made and entered into by and between Metro and the Tri-County Metropolitan Transportation District of Oregon (“TriMet”). This Agreement is effective as of the last date of signature below.

**RECITALS**

1. On January 23, 1997 the Metro Council adopted Resolution No. 96-2422 “*For the Purpose of Endorsing a Regional Position on Resolution of the Intermodal Surface Transportation Efficiency Act (ISTEA)*” that established a multi-year commitment of Metropolitan Transportation Improvement Program (MTIP) funds totaling \$55 million over the period of FY 1999-2009 for the South-North LRT Project; and
2. On June 24, 1999 the Metro Council adopted Resolution No. 99-2804A “*For the Purpose of Endorsing the Interstate Max Light Rail (LRT) Project and South Corridor Financing Strategy and Amending MTIP*” that added \$12.5 million to the multi-year commitment of MTIP Funds making a total allocation of MTIP funds of \$67.5 million available for the “North LRT/South Corridor Financing Strategy;” and
3. On March 20, 2003 the Metro Council adopted Resolution No. 03-3290 “*For the Purpose of Endorsing a Multi-Year Commitment of MTIP Funds for a Regional Funding Plan*” and added \$50.0 million over the period of Fiscal Year (FY) 2006-2014 to the multi-year commitment of MTIP Funds; making a total allocation of MTIP Funds of \$117.5 million available for a regional funding plan consisting of Interstate MAX, South Corridor, Commuter Rail, and North Macadam projects; and
4. On July 15, 2004 the Metro Council adopted Resolution No. 04-3468 “*For the Purpose of Endorsing a Supplemental Multi-Year Funding Commitment of Metropolitan Transportation Improvement Program Funds for the I-205/Mall LRT Project and Endorsing a Refined Regional Funding Plan.*” This resolution supplemented the multi-year commitment of funds made in Resolution No. 03-3290 with an additional commitment of \$10.4 million in MTIP Funds between FY 2008-2015, making a total of \$127.9 million of MTIP Funds available to the Interstate MAX, South Corridor (I-205/Mall LRT), Commuter Rail, and North Macadam projects, of which \$41.5 million was applied to the Interstate MAX Project; and
5. Resolution No. 04-3468 also provided that in exchange for the funds remaining in the multi-year commitment of MTIP Funds after the \$41.5 million commitment to Interstate MAX was fulfilled, TriMet would provide a net contribution of \$48.5 million to the South Corridor (I-205/Mall) LRT Project, \$10.0 million to the Commuter Rail Project, and \$10.0 million to the North Macadam Project; and

6. On March 24, 2005 the Metro Council adopted Resolution No. 05-3559, which authorized execution of the “Intergovernmental Agreement to Provide and Utilize MTIP Funds for the Regional Funding Plan for the South Corridor, Commuter Rail, and North Macadam Projects” between Metro and TriMet. The execution of this intergovernmental agreement was completed on April 4, 2005; and

7. On May 15, 2008, the Metro Council adopted Resolution No. 08-3942 “*For the Purpose of Proposing Allocation of Regional Flexible Funding to Regional Transportation Programs for the Years 2012 and 2013, and to Bond Payments for Contributions to the Milwaukie Light Rail Transit and Wilsonville to Beaverton Commuter Rail Projects for the Years 2013 - 2025 Pending Public Comment Period and Air Quality Conformity Determination,*” which provided an additional multi-year commitment of MTIP Funds to TriMet in the amount \$3.7 million per year between 2012 and 2015 and \$13.0 million per year from 2016 through 2025 to provide an additional net contribution to the Beaverton-Wilsonville Commuter Rail Project of \$13.3 million and to provide a net contribution to the Milwaukie LRT Project of \$72.5 million, which is the net present value of the yearly installments through 2025 totaling \$144,800,000 as set forth in Table 1 Column B, assuming a 5% interest rate; and

8. The parties have determined that a formal agreement regarding the commitment, schedule, and utilization of MTIP Funds set forth in Resolution No. 08-3942 is required to successfully and effectively implement the funding commitments to be made to the Commuter Rail Project and Milwaukie LRT Project. This Agreement will be separate from but coordinated with the formal agreement executed on April 4, 2005 in support of the MTIP funding commitment made under Resolution No. 04-3468; and

9. TriMet intends to issue revenue bonds that are secured in whole or part by a pledge of Regional Flexible Funds committed under this Agreement. These initial bonds, together with any bonds that are issued to refund the initial bonds and any obligations of TriMet to providers of credit enhancements or derivative products in connection with the initial bonds or any refunding bonds (and any renewals or replacements thereof) are referred to collectively in this Agreement as “TriMet MTIP Bonds.” Timely receipt of the amounts of Regional Flexible Funds described in Section 2.1, below, is essential to permit TriMet to issue the TriMet MTIP Bonds and to preserve the ability of TriMet to borrow for and fund other regional transportation priorities. The proceeds of TriMet MTIP Bonds are referred to herein as “Bond Proceeds.”

**NOW THEREFORE**, the premises being in general as set forth in the foregoing recitals, it is agreed by and between the parties as follows:

## **TERMS OF AGREEMENT**

### **1. Purpose and Term**

1.1 This Agreement sets forth a commitment by Metro and TriMet to provide and utilize certain funds for the Milwaukie LRT Project and the Commuter Rail

Project as set forth in Resolution No. 08-3942; herein referred to as “Regional Flexible Funds.” Funds allocated by Metro through the MTIP process which were previously committed to TriMet by Resolution No. 04-3468 and the intergovernmental agreement between Metro and TriMet dated April 4, 2005 are herein referred to as MTIP Funds. As used throughout this Agreement, “Regional Flexible Funds” shall mean Surface Transportation Program (STP) funds, Congestion Mitigation/Air Quality (CMAQ) funds, and funds provided under any successor or comparable federal urban transportation funding programs that are authorized for distribution by Metro as the Portland Metropolitan Planning Organization (MPO) to projects in the Portland MPO area. For purposes of this Agreement, Regional Flexible Funds shall only include funds from the federal funding programs described in the previous sentence and do not include any other funds allocated to Metro as the MPO that may be reported on in the MTIP process.

- 1.2 This Agreement shall be effective on the date of last signature below and shall terminate when the total multi-year commitment of Regional Flexible Funds provided herein is fulfilled and expended or as otherwise provided in accordance with and for the purposes set forth herein.

**2. Metro Rights and Obligations.**

- 2.1 As the Portland region’s MPO and regional government, Metro shall take all actions under its control to facilitate TriMet’s receipt of the full aggregate annual amounts of MTIP Funds and Regional Flexible Funds shown in Column C of Table 1 by the dates shown below, together with any additional amounts described in Section 2.4, subject only to the terms and conditions set forth herein.

**Table 1  
Multi-Year Commitment of MTIP Funds and Regional Flexible Funds to TriMet (1)**

<b>Column:</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>Federal Fiscal Year (3)</b>	<b>Schedule of MTIP Funds Committed to TriMet for Interstate MAX, South Corridor, Commuter Rail, North Macadam Projects under Res. No. 04-3468</b>	<b>Schedule of Regional Flexible Funds Committed to TriMet for Milwaukie LRT, Commuter Rail, Projects under Res. No. 08-3942</b>	<b>Total Amount of MTIP Funds and Regional Flexible Funds Committed to TriMet (2)</b>
<b>1999</b>	\$1,500,000		\$1,500,000
<b>2000</b>	\$6,000,000		\$6,000,000
<b>2001</b>	\$6,000,000		\$6,000,000
<b>2002</b>	\$6,000,000		\$6,000,000
<b>2003</b>	\$6,000,000		\$6,000,000
<b>2004</b>	\$6,000,000		\$6,000,000
<b>2005</b>	\$6,000,000		\$6,000,000
<b>2006</b>	\$8,000,000		\$8,000,000
<b>2007</b>	\$8,000,000		\$8,000,000
<b>2008</b>	\$9,300,000		\$9,300,000

2009	\$9,300,000		\$9,300,000
2010	\$9,300,000		\$9,300,000
2011	\$9,300,000		\$9,300,000
2012	\$9,300,000	\$3,700,000	\$13,000,000
2013	\$9,300,000	\$3,700,000	\$13,000,000
2014	\$9,300,000	\$3,700,000	\$13,000,000
2015	\$9,300,000	\$3,700,000	\$13,000,000
2016		\$13,000,000	\$13,000,000
2017		\$13,000,000	\$13,000,000
2018		\$13,000,000	\$13,000,000
2019		\$13,000,000	\$13,000,000
2020		\$13,000,000	\$13,000,000
2021		\$13,000,000	\$13,000,000
2022		\$13,000,000	\$13,000,000
2023		\$13,000,000	\$13,000,000
2024		\$13,000,000	\$13,000,000
2025		\$13,000,000	\$13,000,000
<b>\$127,900,000</b>			<b>\$272,700,000</b>

(1) The rights and obligations of Metro and TriMet regarding the multi-year commitment of MTIP Funds shown in Column A are set forth in the intergovernmental agreement executed April 4, 2005. This Agreement sets forth the rights and obligations of Metro and TriMet regarding the multi-year commitment of Regional Flexible Funds shown in Column B. Column C shows the sum of Columns A and B, which represents the total amount of MTIP Funds and Regional Flexible Funds to be programmed each year by Metro and allocated to TriMet based on both the April 4, 2005 intergovernmental agreement and this Agreement.

(2) Amounts shown are prior to any additional amounts allocated to TriMet pursuant to Section 2.4.

(3) The MTIP Funds shown for fiscal years 1999 through 2009, inclusive, have already been received by TriMet.

- 2.2 Each year during the term of this Agreement, the allocation to TriMet of the Regional Flexible Funds due TriMet under this Agreement shall have precedence over all other allocations of Regional Flexible Funds by Metro to other projects in the Metropolitan Transportation Improvement Program (MTIP). Each year Metro shall program, prioritize in project selection, and prioritize for allocation of Regional Flexible Funds and obligational authority the full amount of MTIP Funds and Regional Flexible Funds committed to TriMet in such year under this Agreement, as shown in Table 1, Column C in Section 2.1, plus any additional amounts pursuant to Section 2.4, subject to the conditions set forth in Section 2.3.
- 2.3 In any year in which either the (a) federal authorization of Regional Flexible Funds to the Portland MPO, (b) annual appropriation of Regional Flexible Funds to the Portland MPO, or (c) annual allocation of obligational authority for Regional Flexible Funds to the Portland MPO is insufficient to provide TriMet the full amount of Regional Flexible Funds due in such year under this Agreement, Metro shall provide TriMet the maximum amount of Regional Flexible Funds permitted by the amounts of federal authorization, appropriation, and obligational authority provided to the Portland MPO in such year, and an additional amount of Regional Flexible Funds

shall be allocated to TriMet in the subsequent year as set forth in Section 2.4 of this Agreement

2.4 If the full amount due TriMet in any Federal Fiscal Year is not paid to TriMet, the following provisions shall apply:

2.4.1 If for any reason (except in cases caused by the acts or omissions of TriMet) the full amount of Regional Flexible Funds provided under this Agreement in any Federal Fiscal Year to TriMet is less than the amount shown in Table 1, Column C in Section 2.1, including any additional amounts to be provided TriMet pursuant to this Section 2.4, the amount of Regional Flexible Funds due TriMet under Table 1, Column C in Section 2.1 for the Federal Fiscal Year first following the year in which a Difference occurs shall be increased by 105% of that Difference. "Difference" shall mean (i) the annual amount of committed Regional Flexible Funds for a Federal Fiscal Year shown in Table 1, Column C, including any additional amounts pursuant to this Section 2.4, minus (ii) the annual amount actually provided to TriMet by the Portland MPO under this Agreement for such Federal Fiscal Year.

2.4.2 The intent of this Section 2.4 is to ensure that (i) TriMet receives a total amount of Regional Flexible Funds under this Agreement that has a present value equal (as of the effective date of this Agreement) to the initial schedule of Regional Flexible Funds shown in Table 1, Column C in Section 2.1, based on a five (5) percent discount rate and (ii) the full amount of Regional Flexible Funds committed to TriMet under this Agreement are accounted for separately from the MTIP Funds committed to TriMet by Resolution No. 04-3468 and the agreement between the parties dated April 4, 2005. In the event TriMet does not receive the full amount of Regional Flexible Funds committed under this Agreement from Metro, as the Portland MPO, Metro shall take all necessary actions, including but not limited to the reprogramming of Regional Flexible Funds as set forth in this Agreement, to facilitate TriMet's receipt of the amounts described in Table 1 in Section 2.1, including any additional amounts owed TriMet pursuant to this Section 2.4.

2.4.3 The parties recognize and agree that any additional amounts required by this Section 2.4 may cause Metro's payment schedule to TriMet to extend beyond the dates shown in Section 2.1. This Agreement shall terminate when TriMet receives all monies due to TriMet under this Agreement, or on the date Metro is no longer designated the Portland MPO. In the event an entity other than Metro is designated the Portland MPO prior to the termination of this Agreement, Metro shall take all reasonable steps to assign this Agreement to the successor Portland MPO.

2.4.4 Metro shall not be liable in any way for funding the amounts described in Column B, Table 1 in Section 2.1, except from Regional Flexible Funds as set forth above. In the event the federal government permanently ceases to



authorize, appropriate, or allocate Regional Flexible Funds to Metro as the Portland MPO, Metro shall have no obligation whatsoever to provide any funding to TriMet under this Agreement after the last fiscal year in which Regional Flexible Funds are authorized, appropriated, and allocated to Metro.

- 2.5 Each year throughout the term of this Agreement, Metro's funding commitment set forth in this Agreement shall be fulfilled solely by (i) prioritizing the funding commitments hereunder for allocation of authorization, appropriation, and obligational authority for Regional Flexible Funds, (ii) programming the Regional Flexible Funds committed hereunder, and (iii) taking such other actions as may be necessary or desirable under federal and regional rules and procedures to facilitate TriMet's receipt from FHWA and/or FTA of the annual amounts of Regional Flexible Funds due to TriMet under this Agreement. As used hereunder, "programming" means each year (i) taking all actions required of a MPO by FHWA and FTA statutes and rules, including without limitation 23 CFR 450 and 49 CFR 613, as they may be amended from time to time, and (ii) providing all documentation in a timely manner to FHWA Oregon Division office, FTA Region X office, and ODOT that are required by FHWA, FTA, and ODOT protocols and procedures to facilitate TriMet's receipt of a grant award and obligation of the Regional Flexible Funds from FHWA and/or FTA for the amounts and in the years shown in Table 1 in Section 2.1 of this Agreement, including any additional amounts pursuant to Section 2.4.
- 2.6 Metro shall diligently fulfill the duties assigned to it under this Agreement, including executing and delivering all such documents and instruments as shall be required to enable the Parties to perform their respective obligations under, and to give effect to the transactions contemplated by, this Agreement.

### **3. TriMet Rights and Obligations**

- 3.1 TriMet shall take all actions in a timely manner that are required of grantees by the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) for TriMet's receipt of Regional Flexible Funds provided under this Agreement.
- 3.2 TriMet shall prepare and implement a financing program to use, though direct grants to projects and/or bonds, the Regional Flexible Funds committed to TriMet under this Agreement to provide \$72.5 million in net project funding to the Milwaukie LRT Project, and to repay itself for the \$13.3 million in net project funding it has already provided to the Commuter Rail Project in anticipation of this Agreement.
- 3.2.1 TriMet may employ the Regional Flexible Funds provided under this Agreement to provide the amounts shown in this Section 3.2 in any manner that facilitates the funding and borrowing program. TriMet may pledge all or any portion of the Regional Flexible Funds committed to it under this Agreement to any TriMet MTIP Bonds it deems necessary or desirable to provide the funding amounts shown in this Section 3.2. In addition, TriMet

may, in its sole discretion, employ any portion of the Regional Flexible Funds provided under this Agreement for preventative maintenance, capital improvements, or procurements that make TriMet general funds available to provide all or a portion of the funding amounts shown in this Section 3.2, provided that TriMet shall through one or more of these funding options provide the full amounts shown in Section 3.2 to the respective uses.

- 3.2.2 TriMet shall provide the amounts shown in this Section 3.2 to the Milwaukie LRT Project and to reimburse itself for its previous contribution to the Commuter Rail Project regardless of the borrowing costs it incurs in providing the funds. TriMet will neither be provided additional Regional Flexible Funds to fulfill its obligations under this Section 3.2 nor be required to reimburse the MTIP program if the borrowing costs differ from those assumed in determining the annual amounts of Regional Flexible Funds set forth in Column B, Table 1 in Section 2.1. In the event that interest rates do not permit the borrowings backed by a pledge of Regional Flexible Funds to provide the full amount of funding described in Section 3.2 from the Regional Flexible Funds committed in Section 2.1, TriMet will provide the difference between its funding obligation described in Section 3.2 and the amounts attributable to the Regional Flexible Funds described in Section 3.2 with other TriMet revenues or borrowings. Notwithstanding the previous sentences, if the TriMet MTIP Bonds require materially higher interest rates than anticipated due to unexpected conditions in the municipal bond market, TriMet may seek approval from JPACT and the Metro Council to amend this Agreement to (i) reduce the amount of net project funds TriMet is obligated to provide to the Milwaukie LRT Project and/or (ii) increase the amount of Regional Flexible Funds committed to TriMet under this Agreement.
- 3.2.3 The parties acknowledge and agree that the Commuter Rail Project has been completed and TriMet has, prior to the execution of this Agreement, provided the \$13.3 million for the Commuter Rail Project, thereby fulfilling its obligation to provide funding for the Commuter Rail Project as required by Section 3.2 of this Agreement. The portion Regional Flexible Funds or TriMet MTIP Bonds attributable to the funding commitment for the Commuter Rail Project in Section 3.2 shall be reimbursement to TriMet for its provision of funds for the Commuter Rail Project and TriMet may in its sole discretion use such portion of Regional Flexible Funds or TriMet MTIP Bonds for other capital improvements or procurements. In the event the Milwaukie LRT Project is terminated prior to completion, the portion of the Regional Flexible Funds attributable to principal and interest associated with the contribution to the Commuter Rail Project under Section 3.2 shall not be subject to reallocation under Section 3.2.4.
- 3.2.4 If the Milwaukie LRT Project is terminated prior to completion of construction, the amount of Bond Proceeds repayable from the Regional Flexible Funds provided under this Agreement that are associated with the

Milwaukie LRT Project that (i) have not been expended to pay Milwaukie LRT Project costs prior to the date of termination (“unexpended”), and (ii) are not required to pay Milwaukie LRT Project costs that become due after the date of termination or as a result of the termination or pledge to interim borrowing (“unobligated”), if any, shall be made available by TriMet for reallocation to other regional projects through an allocation process recommended jointly by the JPACT Chair and the TriMet General Manager to JPACT, and approved by JPACT and the Metro Council.. In the event of early termination of the Milwaukie LRT Project, Metro, as the Portland MPO, shall continue to provide to TriMet the revenue stream from Regional Flexible Funds as set forth in Sections 3.2.4.1 and 3.2.4.2 of this Agreement, with TriMet providing the unexpended and unobligated bond proceeds from the terminated project to the regional process for reallocation as set forth above. If the project is terminated prior to completion of construction, all Regional Flexible Funds pledged by TriMet to holders of TriMet MTIP Bonds at the time the project is terminated shall be considered to be obligated to project costs and such pledged Regional Flexible Funds shall not be subject to reallocation to other projects under this Section 3.2.4.

3.2.4.1 If at the time of Milwaukie LRT Project termination: (i) TriMet has issued the full amount of TriMet MTIP Bonds required to provide \$72.5 million in net Bond Proceeds for the Milwaukie LRT Project (i.e. the total amount of Bond Proceeds issued for the Milwaukie LRT Project excluding any amounts required to pay issuance costs, reserves, capitalized interest, discounts, or other similar expenses that reduce the amount of bond proceeds available to pay direct project costs) and (ii) a portion of the \$72.5 million in net Bond Proceeds issued for the Milwaukie LRT Project is unexpended and unobligated at the time of termination, then:

(a) The amount of net Bond Proceeds that would be made available for reallocation under this Section 3.2.4 shall be calculated as \$72.5 million minus the amount of net Bond Proceeds that have been expended or obligated to be expended on the Milwaukie LRT Project as of the date on which the Milwaukie LRT Project is terminated by TriMet; and

(b) Metro shall throughout the entire term of this Agreement provide to TriMet the full annual amounts of Regional Flexible Funds set forth in Table 1.

3.2.4.2 If at the time of Milwaukie LRT Project termination TriMet has not issued and will not need to issue the full amount of TriMet MTIP Bonds required to provide \$72.5 million in net Bond Proceeds for the Milwaukie LRT Project, then:

(a) The amount of Bond Proceeds that shall be made available for reallocation under this Section 3.2.4 shall be calculated as the amount of net Bond Proceeds issued or to be issued for the Milwaukie LRT Project minus the amount of net Bond Proceeds that have been expended or are obligated to be expended on the Milwaukie LRT Project as of the date on which the Milwaukie LRT Project is terminated by TriMet; and

(b) In lieu of the amounts of Regional Flexible Funds shown in Table 1, Metro shall each year provide an amount of Regional Flexible Funds to TriMet equal to (i) the amount that TriMet certifies is or will be pledged in each year to holders of TriMet MTIP Bonds plus (ii) the amount needed to pay for any direct (non-bonded) expenditures of Regional Flexible Funds to be made in each year for the Milwaukie LRT Project or the reimbursement of the \$13.3 million previously expended on the Commuter Rail Project; provided that TriMet may not request more Regional Flexible Funds in any year than the amount set forth for that year in Table 1. Any amounts of Regional Flexible Funds retained by Metro pursuant to this paragraph shall be allocated to projects in such manner as JPACT and Metro may determine.

- 3.2.5 The parties acknowledge and agree that the finance plan for the Milwaukie LRT Project relies on interim borrowing to address the likelihood that federal New Start Funds will not be available to the project in accordance with needs of the construction schedule. All or a portion of the Regional Flexible Funds provided by this Agreement may, in TriMet's discretion, be pledged as security for interim borrowing for the project, to the extent permitted by other borrowing agreements, if any, in which TriMet pledges to bondholders or lenders the Regional Flexible Funds provided under this Agreement.
- 3.2.6 To expedite the project construction schedule, the Regional Flexible Funds or TriMet MTIP Bonds backed by Regional Flexible Funds provided by this Agreement may, in TriMet's discretion, be obligated or used to pay project costs for the Milwaukie LRT Project prior to receipt of a FFGA for the project. The parties acknowledge and agree that TriMet shall not be required to repay or reimburse the MTIP for such funds disbursed or obligated to pay project costs prior or subsequent to receipt of a FFGA for the Milwaukie LRT Project in the event the project terminates for any reason.
- 3.2.7. Within thirty (30) days of Project termination, Tri Met shall send written notice to Metro and the JPACT chair of said termination; the written notice shall describe any additional obligations TriMet must make to pay Milwaukie LRT Project costs after the termination date. TriMet shall make no further

obligations of any Regional Flexible Funds beyond those described in the notice of termination.

- 3.3 Each year TriMet and Metro shall work cooperatively to determine the appropriate annual mix of STP, CMAQ, and/or any successor or comparable federal urban transportation funding programs that comprise Regional Flexible Funds that will be utilized to provide TriMet the amounts of Regional Flexible Funds committed to TriMet under this Agreement.

#### **4. General Provisions**

- 4.1 The parties acknowledge and agree that:

4.1.1 Metro shall not be considered to have failed to comply with its obligations under this Agreement if the amounts received by TriMet are less than those required by Section 2.1, including any additional amounts pursuant to Section 2.4, if the shortfall is due to (i) an insufficient amount of federal authorization or appropriation of Regional Flexible Funds to Metro as the Portland MPO or (ii) an insufficient state allocation of Regional Flexible Funds obligation authority to Metro as the Portland MPO or (iii) the fact that Metro is no longer the regional MPO.

4.1.2 TriMet will rely on the commitment of Regional Flexible Funds made hereunder if and when it issues the TriMet MTIP Bonds to provide the project funding set forth in Section 3.2 of this Agreement.

4.1.3 TriMet will have sole responsibility for determining the validity and security of any TriMet MTIP Bonds it issues or causes to be issued related to this Agreement.

- 4.2 The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal, or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particulate term r provision held to be invalid.

- 4.3 That parties agree that neither party may assign any of the responsibilities under this Agreement without the written consent of the other party, that Metro and TriMet are the only parties entitled to enforce the terms of this Agreement, and that nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right to any third party, except as provided in Section 4.4 of this Agreement.

- 4.4 Notwithstanding Section 4.3 of this Agreement, the parties acknowledge that the owners of the TriMet MTIP Bonds and their representatives (including any TriMet bond trustees) and any providers of credit enhancements for the TriMet MTIP Bonds

shall be third party beneficiaries to the representations and agreements set forth in this Agreement.

- 4.5 If a dispute arises between the parties, Metro agrees that so long as TriMet MTIP Bonds are outstanding it shall not take any action that would reduce the amounts that are to be paid to TriMet under this Agreement as a set-off for damages Metro may claim it is owed. To the extent Metro is entitled to any damages for any breach by TriMet of the terms of this Agreement, Metro shall seek payment of those damages solely from funds of TriMet that are not pledged to pay TriMet MTIP Bonds.
- 4.6 This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the parties hereby acknowledge that they have the authority granted by their respective governing body to execute this Agreement and hereto have set their hands and affixed their seals as of the day and year hereinafter written.

**APPROVED BY METRO**

**APPROVED BY TRIMET**

By \_\_\_\_\_  
Michael Jordan, Chief Operating Officer

By \_\_\_\_\_  
Fred Hansen, General Manager

Date \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED AS TO FORM BY METRO**

**APPROVED AS TO FORM BY TRIMET**

By \_\_\_\_\_  
Alison Kean Campbell, Deputy Metro  
Attorney

By \_\_\_\_\_  
M. Brian Playfair, TriMet General Counsel

Date \_\_\_\_\_

Date \_\_\_\_\_

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4133, FOR THE PURPOSE OF  
ENDORING A MULTI-YEAR COMMITMENT OF REGIONAL FLEXIBLE  
TRANSPORTATION FUNDS FOR THE PORTLAND TO MILWAUKIE LIGHT RAIL  
TRANSIT PROJECT AND SUPPLEMENTAL COMMITMENT TO THE BEAVERTON TO  
WILSONVILLE COMMUTER RAIL PROJECT

---

Date: March , 2010

Prepared by: Ted Leybold and Ross Roberts

### BACKGROUND

The Metro area has constructed a series of regional rail transit capital improvements over the course of the last 25 years. The last several projects, beginning with the Interstate Avenue MAX project, has utilized revenue bond financing of regional flexible transportation funds to contribute to the development and construction of the projects. This allows anticipated federal transportation revenues that come to Metropolitan Planning Organizations (MPOs) to be bonded to allow an immediate contribution to the project as costs are incurred. The Metro Council, advised by the Joint Policy Advisory Committee on Transportation (“JPACT”) serve as the decision-making bodies of the Portland Metropolitan area MPO. Agreements between Metro and the bonding agency are established to execute the bonding of the funds.

The decision to commit regional flexible transportation funds to the Milwaukie light rail and Beaverton to Wilsonville commuter rail transit projects was adopted through Resolutions 08-3942 and 09-4017.

TriMet, the lead agency for final design and construction of the rail transit projects, has agreed to serve as the agency that issues the revenue bond on behalf of the region. In order to administer the bonding of these funds, an intergovernmental agreement must be entered into between Metro, acting in the capacity of the Metropolitan Planning Organization of the Portland metropolitan area designated by the United States Department of Transportation to allocate Urban Surface Transportation Funds and as authorized by the Oregon Department of Transportation to sub-allocate Congestion Management / Air Quality federal funding programs, and TriMet as a public transportation provider in the Portland metropolitan region.

The Intergovernmental Agreement to Provide and Utilize MTIP Funds to Implement the Milwaukie LRT and Commuter Rail Funding Plan (“IGA”), shown in Exhibit A to Resolution No. 10-xxxx, sets forth the rights and obligations of Metro and TriMet regarding the multi-year commitment of regional flexible transportation funds established in Resolutions 08-3942 and 09-4017.

Consistent with previous intergovernmental agreements committing a stream of regional flexible transportation fund contributions to regional rail projects, the Metro-TriMet Intergovernmental Agreement, attached hereto as Exhibit A, does the following:

- The IGA commits Metro, as the MPO, to provide a specific stream of annual amounts of regional flexible funds that must be provided to TriMet, in the amounts set forth in Table 1, Column B of the IGA, totaling One Hundred Forty Four Million, Eight Hundred Thousand Dollars (\$144,800,000.00) from 2012 to 2025;

- The IGA commits TriMet to provide \$13.3 million to the Commuter Rail Project, (which TriMet has already done), and \$72.5 million to the Milwaukie LRT Project,;
- The IGA provides that in the event that there is insufficient federal authorization or annual appropriation in any year in which TriMet is scheduled to receive the regional flexible funds as set forth in the IGA, Table 1, Column C, that priority shall be given to providing the regional flexible funds to TriMet over all other projects or programs that are scheduled to receive an allocation of regional flexible funds;
- The IGA provides that in the event that there is insufficient federal authorization or annual appropriation to provide TriMet the full amount of regional flexible funds due in a year, that Metro shall fulfill the funding commitment by supplementing future year allocations to TriMet of regional flexible funds by a five percent (5%) fixed interest rate.
- The IGA provides that in the event that the Milwaukie LRT Project is terminated prior to completion, unexpended and unobligated funds remaining after project termination, if any, shall be reallocated to other projects in the region through JPACT and the Metro Council; regional flexible funds pledged by TriMet to bondholders shall continue to be provided to TriMet in the event of an early termination.

## ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** Implements the decision to dedicate funds to the Milwaukie light rail and Beaverton to Wilsonville Commuter Rail projects as adopted through Resolution 08-3942 “For the Purpose of Proposing Allocation of Regional Flexible Funding toe Regional Transportation Programs for the Years 2012 and 2013, and to Bond Payments for Contributions to the Milwaukie Light Rail Transit and Wilsonville to Beaverton Commuter Rail Projects for the Years 2012-2025 Pending Public Comment Period and Air Quality Conformity” and Resolution 09-4017 “For the Purpose of Allocating \$67.8 million of Regional Flexible Funding for the Years 2012 and 2013, Pending Air Quality Conformity Determination”. Supplements an existing agreement on the multi-year commitment of regional flexible funds to the I-205/Mall light rail project as adopted by Resolution No. 04-3468 “For the Purpose of Endorsing a Supplemental Multi-Year Funding Commitment of Metropolitan Transportation Improvement Program Funds for the I-205/Mall LRT Project and Endorsing a Refined Regional Funding Plan”.
3. **Anticipated Effects** Adoption of this resolution would allow TriMet to proceed with issuing revenue bonds based on the commitment of \$144.8 million of future regional flexible transportation funds for an immediate contribution to the Milwaukie light rail and Beaverton-Wilsonville commuter rail projects.

4. **Budget Impacts** None.

## RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 10-4133.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2008- ) RESOLUTION NO. 10-4130  
11 METROPOLITAN TRANSPORTATION )  
IMPROVEMENT PROGRAM (MTIP) TO ADD ) Introduced by Councilor Kathryn Harrington  
PROJECTS FUNDED THROUGH THE STATE )  
JOBS AND TRANSPORTATION ACT (HB 2001) )

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council must approve the MTIP and any subsequent amendments to add new projects to the MTIP; and

WHEREAS, the JPACT and the Metro Council approved the 2008-11 MTIP on August 16, 2007; and

WHEREAS, in 2009 the State passed the Jobs and Transportation Act (HB 2001) to provide funding to transportation projects, several of which are located in the Metro region; and

WHEREAS, the projects and funding must be incorporated into the MTIP so that ODOT can begin design and construction of the projects; and

WHEREAS, these changes to programming for these projects has been determined through inter-agency consultation to be in conformity with the State Implementation Plan for air quality as described in Exhibit A; and

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to modify the programming of the 2008-11 Metropolitan Transportation Improvement Program to include the projects as shown in Exhibit B.

ADOPTED by the Metro Council this \_\_\_\_ day of March 2010.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

## Exhibit A

### Air Quality Conformity Analysis for Resolution No. 10-4130

#### Air Quality Analysis Report – Regional “Burden” Analysis ODOT Jobs and Transportation Act Projects in the Metro Area January 2010

##### Overview and Issue

The Clean Air Act and other federal and state of Oregon transportation and air quality regulations require that transportation projects of regional significance be assessed for their air quality impact. Proposed project emissions are added to the emissions generated from the use of the existing surface transportation system (the road system as well as fixed guideway systems, like light rail) as well as all transportation projects that are planned (known as the “financially constrained” system) to estimate total future emission levels.

Currently, the Metro area complies with all current federal and state air quality standards. However, as in the past the region did exceed Carbon Monoxide (CO) standards, the region is required to comply with a maintenance plan that contains methods to manage CO, including monitoring projected future levels of transportation generated emissions of CO. A “motor vehicle emission budget”, or maximum CO emission level from the area’s transportation system, has been determined by the Oregon Department of Environmental Quality and the US Environmental Protection Agency. Projected region-wide CO emissions may not exceed the motor vehicle emission budget for CO. Air quality must be checked for future conditions to the end year of the transportation plan – in this case, the year 2035. This analysis and comparison is known as the regional burden analysis.

ODOT has proposed to add seven projects to the region’s system. These new additions have been determined to be regionally significant and have not been assessed previously for their air quality impact. This report provides a summary of the region-wide burden analysis performed for these projects in order for them to be considered for addition to the Metro Regional Transportation Plan (RTP) and Metropolitan Transportation Improvement Program (MTIP).

##### Comment Period and Contact

A 30 day period for public and technical comment is provided prior to consideration of amending the RTP and MTIP to add these projects. The comment period is from January 22, 2010 to February 22, 2010. Comments or questions may be directed to: Mark Turpel at Metro as follows: [mark.turpel@oregonmetro.gov](mailto:mark.turpel@oregonmetro.gov), or (503) 797-1734 or via mail service at Metro, 600 NE Grand Avenue, Portland, OR 97232.

##### Proposed Projects

These projects include the following new or revised projects:

**US Highway 26: Cornell to Shute Road** (a segment of RTP Project # 11124) – project increases lane capacity from 2 to 3 lanes in each direction between Shute Road and Cornell Road.

*Design update from Conformity Model Assumptions:* adds 1 lane each direction (capacity increases from 4,000 vehicles per hour to 6,000) under the overcrossing structure at Cornell Road and changes the timing of project from the 2035 model year to year 2017, (RTP project was modeled as though additional freeway lanes were to be auxiliary lanes between interchanges and not extended under the overcrossing).

**US Highway 26: Shute Road/Helvetia Road interchange** (RTP Project # 10600) – There were no changes in vehicle capacity at the interchange assumed in the travel demand model associated with this project.

*Design update from Conformity Model Assumptions:* add a southbound exit auxiliary lane on Shute Road overcrossing and an additional northbound through travel lane on Shute Road overcrossing and lengthening the existing northbound right-turn lane on Shute Road to eastbound US26.

**Interstate 5 @ I-205 interchange** (a new element of RTP Project #10872) – The original RTP project is to add a lane to the I-205 southbound to I-5 southbound interchange to the Norwood Road overcrossing. This project is currently beginning construction.

This new project element would provide a similar additional lane for the I-5 to I-205 northbound movement. There were no vehicle capacity assumptions in the project associated with this new element of the RTP project. This new project is a part of the improvements included in the project definition of the I-5/99W connector in the current update process of the RTP.

*Design update from Conformity Model Assumptions:* add a new lane northbound on I-5 between the Norwood Road overcrossing of I-5 and I-5/I-205 interchange that is a dedicated exit lane to I-205 northbound.

**Sellwood Bridge/Oregon Highway 43 intersection** (RTP Project # 10414) - Rebuild the Sellwood Bridge. RTP conformity was for PE only so no change from base condition was what was modeled for conformity.

*Design update from Conformity Model Assumptions:* allow buses and trucks to use the structure (though no additional lanes/motor vehicle volume capacity would be added) and revise the link connection design on the western Sellwood Bridge/Highway 43 intersection to reflect the current preferred intersection design.

**Oregon Highway 213 @ Washington Street intersection** (RTP Project # 10868) – Project is to convert Washington Street crossing from at-grade crossing to grade separated.

*Design update from Conformity Model Assumptions:* A local street connection of Agnes Avenue to Washington Street near the intersection is eliminated for access control and reflecting a new property development agreement. Turn lanes are added on Washington Street at the intersection with OR 213 that adds some vehicle capacity.

**I-84 @ Marine Drive/Frontage Road/257th** (update to RTP Project # 10871) – funded project increases the capacity of the I-84 east-bound off-ramp and the South Frontage Road by adding an additional queuing lane to the off-ramp and a third through travel lane to the Frontage Road.

*Design update from Conformity Model Assumptions:* revise the model capacity to reflect the additional vehicle capacity of the ramp and Frontage Road. (changes capacity of the eastbound off-ramp from 1000 vehicles per hour capacity to 1,400 and the capacity of the South Frontage Road from 1,400 to 1,800). The third through travel lane on the Frontage Road is a substitution

for constructing a parallel “Backage Road” to the south of the Frontage Road between the exit ramp and 257<sup>th</sup> Avenue (RTP project #10871).

**Sunrise Corridor** (Phase of RTP Project # 10869) – Project as proposed is to construct a 4-lane limited access highway between 82<sup>nd</sup> and 122<sup>nd</sup> Avenues with associated reconfiguration of local street network connections. The project modeled and conformed as part of the RTP is an 8-lane (2 as auxiliary lanes) build out of the highway in this segment.

*Design update from Conformity Model Assumptions:* reduce the modeled capacity of future transportation investments from 8,000 vehicles per hour to 4,000 for a segment east of I-205 between SE 82<sup>nd</sup> Avenue and SE 122<sup>nd</sup> Avenue.

**Air Quality Conformity Determination Results and Conclusion**

In the table below the results of using the MOBILE6.2 air quality model in conjunction with the Metro Travel Forecast Model show the projection of total future CO emissions for the Metro region, including the seven proposed JTA projects.

**Air Quality Analysis Results for Metro Portland Area - Carbon Monoxide in Pounds, Daily (winter)**

<b>Year</b>	<b>Projected Carbon Monoxide Emissions from Metro RTP Transportation Network</b> <small>(including all 7 proposed JTA projects)</small>	<b>Motor Vehicle Emission Budget</b> <small>(Maximum emissions from transportation)</small>
2017	706,880	1,181,341
2035	834,090	1,181,341

These results show that the Metro region, with the addition of the seven JTA projects, will continue to meet CO air quality standards in the future to at least the year 2035.

**Exhibit B**

**2008-11 Metropolitan Transportation Improvement Program  
Table 4.1.1 amendments**

**I-205 @ OR 213 Interchange (Oregon City)**

Existing Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2010	2011
Oregon City	14866	I-205 @ OR 213 Interchange (Oregon City)	Planning and preliminary design work for I-205 interchange at OR213 and arterial connections to OR213 to/through north portion of Oregon City regional center.	HPP (Fed earmark),	PE	\$2,300,000			

Amended Programming

Sponsor	Metro ID No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2010	2011
Oregon City	14866	I-205 @ OR 213 Interchange (Oregon City)	Planning and preliminary design work for I-205 interchange at OR213 and arterial connections to OR213 to/through north portion of Oregon City regional center.	HPP (Fed earmark),	PE	\$2,300,000			
Oregon City	TBD	OR213 @ Washington Street	Grade-separate Washington Street intersection to OR213 with associated turn lanes on OR213 to improve safety and increase vehicular access to north end of Oregon City regional center.	State JTA earmark	Con				\$22,000,000

**US26 @ Shute Road Interchange**

No Existing Programming

**Amended Programming**

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2010	2011	2012 (information only - not part of current amendment – will propose adding to 2010-13 MTIP)
ODOT	TBD	US26 @ Shute Road Interchange	Design and construct modifications to the Shute Road interchange and overcrossing of US26 (Sunset Hwy) north of Hillsboro.	State JTA earmark	PE	\$8,100,000		
					Right-of-way		\$15,750,000	
					Construction			\$21,150,000

**I-84 @ Marine Drive/257<sup>th</sup> Avenue Interchange**

No Existing Programming

**Amended Programming**

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2010	2011	2012 (information only - not part of current amendment – will propose adding to 2010-13 MTIP)
ODOT	TBD	I-84 @ Marine Drive/257 <sup>th</sup> Avenue Interchange	Design and construct modifications to the eastbound I-84 to Marine Drive/257 <sup>th</sup> Avenue interchange and widen the eastbound frontage road to three lanes with right turn bays between Marine Drive and 257 <sup>th</sup> Avenue in Troutdale.	State JTA earmark	PE	\$4,320,000		
					Construction			\$19,680,000

**I-5 @ I-205 Northbound Interchange**

No Existing Programming

Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2011	2011
ODOT	TBD	I-5 @ I-205 Northbound Interchange	Add auxiliary lane on I-5 northbound to create a two-lane exit to I-205 northbound.	State	PE	\$1,320,000	
				JTA earmark	Construction		\$9,680,000

**Sellwood Bridge @ OR43**

Existing Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009
Multnomah County	13762	Sellwood Bridge @ OR43	Funding for Sellwood Bridge replacement project.	HPP	PE	\$2,000,000	
				HBR	ROW		\$7,000,000

Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2011
Multnomah County	13762	Sellwood Bridge @ OR43	Funding for Sellwood Bridge replacement project.	HPP	PE	\$2,000,000		
				HBR	ROW		\$7,000,000	
	TBD			State JTA earmark	Construction			\$30,000,000

**Sunrise Corridor**

Existing Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009
ODOT	15555	Sunrise Corridor	Phase 1 of a new limited access highway from I-205 east to Hwy 212 and associated arterial improvements.	HPP	PE	\$15,308,100	
				OTIA	ROW		\$20,000,000

Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2011
Multnomah County	15555	Sunrise Corridor	Phase 1 of a new limited access highway from I-205 east to Hwy 212 and associated arterial improvements.	HPP	PE	\$15,308,100		
				HOTIA	ROW		\$20,000,000	
	State JTA earmark			Construction			\$100,000,000	



**STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 10-4130, FOR THE PURPOSE OF AMENDING THE 2008-11 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD PROJECTS FUNDED THROUGH THE STATE JOBS AND TRANSPORTATION ACT (HB 2001)

---

Date: March 4, 2010

Prepared by: Ted Leybold

**BACKGROUND**

The Oregon Department of Transportation has requested that six projects be added to the 2008-11 Metropolitan Transportation Improvement Program. The following projects received funding from the 2009 Jobs and Transportation Act of the Oregon State legislature. The funding is only available to these projects and may not be transferred to any other project.

**US Highway 26: Shute Road/Helvetia Road interchange** (RTP Project # 10600) – This project is to add a westbound to southbound loop ramp, an additional northbound through lane and to relocate the Jacobsen/Shute Rd. intersection further north away from the interchange.

**Interstate 5 @ I-205 interchange** (a new element of RTP Project #10872) – Add an auxiliary lane to I-5 northbound to the I-205 northbound interchange.

**Sellwood Bridge/Oregon Highway 43 intersection** (RTP Project # 10414) - Rebuild the Sellwood Bridge and the western Sellwood Bridge/Highway 43 intersection to reflect the preferred design of the current alternatives analysis.

**Oregon Highway 213 @ Washington Street intersection** (RTP Project # 10868) – Project is to convert Washington Street crossing from at-grade crossing to grade separated.

**I-84 @ Marine Drive/Frontage Road/257th** (update to RTP Project # 10871) – Project increases the capacity of the I-84 east-bound off-ramp and the South Frontage Road by adding an additional queuing lane to the off-ramp and a third through travel lane to the Frontage Road between Marine Drive and 257<sup>th</sup> Avenue.

**Sunrise Corridor** (Phase of RTP Project # 10869) – Project as proposed is to construct a 4-lane limited access highway between 82nd and 122nd Avenues with associated reconfiguration of local street network connections.

An air quality conformity analysis has been completed and was available for a 30-day public comment period. The analysis and public comments received are provided in Exhibit A. The analysis demonstrates that the region will be in conformity with the State Implementation Plan for air quality if the projects are included in the MTIP and constructed as proposed.

**ANALYSIS/INFORMATION**

- 1. Known Opposition** One public comment in opposition to the projects as not needed.
- 2. Legal Antecedents** Amends the 2008-11 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 07-3825 on August 16, 2007 (For the Purpose of Approving the 2008-11 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area). Consistency with the Air Quality Conformity Determination, as adopted by Metro Resolution No. 07-3824 (For the Purpose of Approving the Air Quality Conformity Determination for the 2008-11 Metropolitan Transportation Improvement Program) has been demonstrated.
- 3. Anticipated Effects** Adoption of this resolution will make available state transportation project funding for the design and construction of the six projects.
- 4. Budget Impacts** None.

**RECOMMENDED ACTION**

Metro staff recommends the approval of Resolution No. 10-4130.



Date: February 25, 2010  
To: JPACT and interested parties  
From: Kim Ellis, Principal Transportation Planner  
Re: Proposed RTP Mobility Standards Action Plan and Link to 2040 Growth Concept Implementation and Efforts to Address Climate Change

---

### Background and Purpose

The region is in the final adoption phase for the Regional Transportation Plan (RTP). The new RTP establishes a new outcomes-based framework and includes new policies, tools and actions to guide future planning and investment decisions.

To successfully implement this new approach and support the region's efforts to create jobs, use land efficiently and address climate change, the region needs new tools to evaluate and diagnose our transportation system. Existing volume-to-capacity-focused mobility standards have limited applicability and flexibility under the new outcomes-based RTP:

- **The 2040 Growth Concept vision for land use and transportation must be accelerated to achieve desired outcomes; yet institutional and fiscal barriers exist.** For example, the City of Tigard proposed mixed-use zoning and doubling the height limit in downtown to create more jobs and housing and support a future high capacity transit connection. Due to traffic impacts to OR 99W and Hall Boulevard, the City adopted the mixed-use zoning but had to retain the current 4-story height limit to meet state requirements.
- **Existing volume-to-capacity-focused mobility standards only tell part of the story.** A more comprehensive framework of measures is needed to define success and guide investments and actions needed to support local implementation of the 2040 Growth Concept vision.
- **Benefits and impacts of different actions are not always fully understood or accounted for.** Current analysis tools are limited in their ability to fully quantify the benefits of individual actions (e.g., timing traffic signals, providing financial incentives and civic infrastructure in downtowns, building sidewalks and bike facilities, etc.). All of these actions will help improve mobility in the region and support other desired outcomes.

This memo recommends implementation of a more robust set of actions to implement the new RTP and make progress toward the RTP performance targets. The actions being considered will also help communities achieve their 2040 growth aspirations. The transportation actions would be adopted as part of the RTP in June 2010. The land use actions would be adopted as part of the Land Use Capacity Ordinance in December 2010. See **Attachment 1** for a summary of existing required actions and other possible actions to be considered.

The memo also recommends actions for Metro, ODOT and other regional partners to take over the next few years to support the outcomes identified through the *Making the Greatest Place* effort. These actions will result in a more comprehensive approach for implementing the 2040 Growth Concept and meet statewide goals for compact development patterns, mobility and greenhouse gas emissions.

## Proposed Action Plan

### 2010 Recommended Actions

- **Retain current mobility standards**, subject to future refinement
- **Adopt revisions to the Regional Transportation Functional Plan and Urban Growth Management Functional Plan**  
*Metro's functional plans direct how local governments implement regional policies, recognizing that "one size does not fit all." Any new functional plan actions should allow for flexibility and varying local aspirations, circumstances, and readiness, but ensure regional policies are being implemented consistently through local transportation system plans (TSPs), comprehensive plans and codes. The following revisions are recommended:*
  - Require TSPs and corridor refinement plans to implement the new RTP policies for system management and operations, bike, pedestrian, transit, safety, freight, and connectivity, consistent with state and federal policies.
  - Require TSPs and corridor refinement plans to include transportation system management and operations (TSMO) strategies and projects, consistent with the regional TSMO plan.
  - Require adoption of parking management plans in centers and along high capacity transit corridors.
  - Require adoption of property-line boundaries for 2040 designated land uses through a public process.
  - Require that a mix of land uses be allowed in 2040 centers, mainstreets and along transit corridors.
  - Require limitations on new auto-oriented uses in centers.
  - Require limitations on large-format retail near interchanges, unless allowed by an adopted Interchange Area Management Plan.
  - Allow local governments to identify alternative approaches to meet mobility standards, as set forth in Oregon Highway Plan (OHP) Policy 1F6, in collaboration with ODOT and Metro, through TSP updates, corridor refinement planning, concept planning or other planning efforts.
  - Allow an automatic 30 percent trip reduction credit for plan amendments in areas that have adopted a minimum level of "best practices" actions.
  - Provide a list of "best practice" actions that will automatically qualify for 30 percent trip reduction credit and other actions that could allow for additional credit if implemented.
  - Clarify RTP amendment process and procedures, including public involvement and notification requirements.
- **Adopt multi-modal mobility corridor strategies**  
*The strategies will define the vision and planned system for each of the region's 24 mobility corridors. The strategies will be tailored for each corridor to support adopted land use plans and corridor function(s) and include management, operations and capital investments to support all modes of travel.*
- **Adopt findings**
  - Document the extent of congestion in the region.
  - Demonstrate that the region has "done the best we can" to improve highway performance as much as feasible for purposes of meeting state requirements and OHP Policy 1F5.
  - Allow the RTP State System as the "baseline condition" for local governments to use to assess the traffic impacts of plan amendments to determine if a plan amendment has a "significant effect" on state facilities. This requires local government and TriMet concurrence.
  - Document evidence for automatic 30 percent credit for plan amendments.
- **Develop best practices checklist** for determining consistency of local plans with the RTP.

- **Request amendments to the Transportation Planning Rule** to define an automatic 30 percent credit for plan amendments in areas that have adopted certain “best practices” actions.
- **Request ODOT to engage Metro region** and other MPOs, cities, counties and interested stakeholders in the **mobility standards research** Project #716 that is underway.

### 2011-12 Recommended Actions

- **Metro and regional partners consider development of alternative mobility standards for individual corridors through refinement plans, concept planning and TSP updates.**
- **Metro updates Best Practices in Transportation System Design Toolkits/Livable Streets Handbooks** in collaboration with ODOT and other regional partners.
- **Metro and regional partners continue model enhancements and develop data collection and performance monitoring system**, to better understand the relationship between compact urban form and trip generation and greenhouse gas emissions.
- **Metro and regional partners complete greenhouse gas scenarios planning as required by House Bills 2001 and 2186 (2009 Session) and Senate Bill 1059 (2010 Session)**, and identify implementation recommendations for Metro region.
- **The Oregon Transportation Commission (OTC) work with Metro and other stakeholders to develop and implement a jurisdictional transfer strategy** for regional and district highways, and provide funding to upgrade facilities prior to, or in conjunction with, the transfer of ownership to local governments.
- **The OTC and the Land Conservation and Development Commission (LCDC) work with Metro and other stakeholders conduct a comprehensive and coordinated review and update to the Transportation Planning Rule, Oregon Highway Plan and mobility standards**, and state procedures manuals, and guidelines. to more fully integrate the Oregon Transportation Plan policies and state greenhouse gas goals.
- **The OTC and LCDC work with Metro and other stakeholders to develop State Greenhouse Reduction Strategy and Toolkit** for local governments.

### Next Steps

Successful completion of this work is essential to further the region’s efforts to implement the 2040 Growth Concept and achieve local communities' aspirations for focusing more housing and jobs in town and regional centers and corridors. These actions will also improve safety and freight reliability, expand the travel choices available in communities throughout the region and support current and future efforts to reduce greenhouse gas emissions.

March 22 – May 6, 2010	Final RTP public comment period
May 2010	MPAC, JPACT and Metro Council discussion proposed RTP amendments
May 12, 2010	Oregon Transportation Commission briefing on action plan
June 9, 2010	MPAC makes recommendation on RTP
June 10, 2010	JPACT and the Metro Council take action on RTP
June 15, 2010	RTP submitted to the Land Conservation and Development Commission in the manner of periodic review

# BEST PRACTICES FOR A SUSTAINABLE AND PROSPEROUS METROPOLITAN REGION

## *Menu of Actions to Achieve Region's Desired Outcomes*

### **EXISTING REQUIRED ACTIONS**

- Housing and job targets for centers
- Adopt and map boundaries of 2040 designations in local comp plan/code
- Progress reports on center strategy
- Limit new large-format retail<sup>1</sup> in employment areas
- Local street connectivity standards in new residential and mixed-use areas
- Minimum/maximum parking ratios
- Pedestrian accessways in parking lots
- Consider TDM and TSMO programs
- Adopt Non-SOV modal targets and actions to demonstrate progress
- Allow for implementation of street design guidelines/green streets
- Building/pedestrian orientation along transit corridors and within pedestrian districts
- Consider system management and operations, bike, pedestrian, transit, safety, and connectivity prior to adding capacity during project development

### **VEHICLE**

Title 1  
Title 1  
Title 6  
Title 4  
RTFP  
Title 2  
Title 6; RTFP  
RTFP  
RTFP  
RTFP  
RTFP  
RTFP

### **OTHER POSSIBLE ACTIONS**

#### ***Complete streets/transportation system design***

- Follow steps in federally-required congestion management process during planning and prioritization
- Complete streets
- Arterial connectivity
- Sidewalk and bicycle connectivity in Centers, Corridors and to transit stops
- Bicycle/pedestrian orientation in Centers
- Freight access in centers/delivery areas

RTFP  
RTFP  
RTFP  
Title 6; RTFP  
RTFP  
Title 6

#### ***Mix of uses/urban design/transit-orientation***

- Adopt plan and zoning consistent with 2040 designation
- Financial and other incentives to support revitalization/redevelopment/infill in Centers and Corridors
- Minimum development thresholds within specified distance of LRT stations, streetcar stops and frequent-service bus stops
- Allow for mix of land uses in Centers, Corridors
- Limit new auto-oriented uses in Centers<sup>2</sup>
- Civic infrastructure<sup>3</sup> in Centers
- Limit new large-format retail development near freeway interchanges

Title 4, Title 6  
Title 6  
Title 6  
Title 6  
Title 6  
Titles 4 and 6

#### ***Efficiency and Management***

- Adopt parking management strategy in Centers that may include:
  - Inventory of usage
  - Timed parking
  - Real-time parking information
  - Priced parking
- Bike parking at transit stops in Centers, Corridors, Station Communities
- Expanded TDM programs in Centers, and in areas within certain proximity to station areas, HCT, Frequent Bus and Streetcar
- TSMO strategies in Centers, Corridors that may include:
  - Signal timing
  - Transit priority treatments at intersections
  - Limit parking near intersections
- Arterial corridor management
- Employer-administered TDM programs

Title 6; RTFP  
RTFP  
RTFP; Title 6  
RTFP; Title 6  
RTFP  
RTFP; Title 6; Title 4

#### ***Performance***

- Higher non-SOV modal targets in Centers
- Include other RTP targets

RTFP  
RTFP

<sup>1</sup> Greater than 60,000 square feet in size.

<sup>2</sup> Limit scale (drive-ins; service stations; auto dealerships; etc.)

<sup>3</sup> Includes schools, hospitals, universities, government buildings



Date: February 25, 2010  
To: JPACT and interested parties  
From: Mike Hogle, Research Director  
Kim Ellis, Principal Transportation Planner  
Re: House Bill 2001/2186 Greenhouse Gas Scenario Mandates

---

## BACKGROUND

This memo provides an overview of the state, federal and regional context guiding future scenario planning work in the Portland region. A detailed work program is being developed for input in the coming months.

### State and Federal context

In 2007, the Legislature established statewide targets for greenhouse gas emissions (GHGs) – calling for stopping increases in emissions by 2010; 10 percent reduction below 1990 levels by 2020 and a 75 percent reduction below 1990 levels by 2050. The targets apply to all emission sectors, including energy production, buildings, solid waste and transportation.

In 2009, the Legislature passed House Bill 2001, directing Metro to “develop two or more alternative land use and transportation scenarios” by January 2012 that are designed to reduce greenhouse gas emissions from light-duty vehicles. Sections 37 and 38 of House Bill 2001 are intended to ensure statewide targets for GHG emissions are being addressed in metropolitan transportation plans and regional and local land use plans. House Bill 2001 also calls for LCDC rulemaking in 2011 to establish a specific Metro-area target for the transportation-related emissions sector. The region’s LCDC established target will take into account all sectors of CO<sub>2</sub> emissions for all parts of the state. A report on the Metro-region scenarios is due to the Oregon Legislature by February, 2012. House Bill 2001 also requires Metro to adopt one scenario that meets the state targets after public review and comment. Finally, it requires local governments to adopt comprehensive plan and land use regulations consistent with the adopted scenario.<sup>1</sup>

The 2009 Legislature also established the Metropolitan Planning Organization Greenhouse Gas Emissions Task Force through House Bill 2186. The task force’s recommendations are currently being considered through the 2010 Legislature as part of SB 1059. If passed, SB 1059 will provide further direction to greenhouse gas scenario planning in the other Oregon MPOs and the Metro region.<sup>2</sup> It also calls for a statewide GHG emission reduction strategy for the light-duty vehicle emissions sector; and calls for the state to develop a toolkit of emission reductions actions.

Federal climate legislation, with targets and commensurate planning requirements to mitigate GHG emissions remain pending in Congress.

---

<sup>1</sup> For more information on House Bill 2001, go to [http://www.oregon.gov/ODOT/JTA\\_overview.shtml](http://www.oregon.gov/ODOT/JTA_overview.shtml).

<sup>2</sup> For more information on House Bill 2186 and the Task Force recommendations, go to <http://www.oregon.gov/ODOT/TD/TP/HB2186.shtml>.

## Regional context

In 2008, the region examined a number of scenarios during the Making the Greatest Place process intended to best meet six regional outcomes, including minimizing contributions to global warming. Those scenarios provide a baseline for further work but did not demonstrate the necessary emission reductions to meet the long-term state and regional targets.

In 2009, the region approved an updated RTP that establishes appropriate and timely policy direction by putting GHG reduction directly into the plan rather than waiting for a federal mandate, and it allows the region to begin work to address requirements set out in House Bill 2001 by the 2009 Legislature.

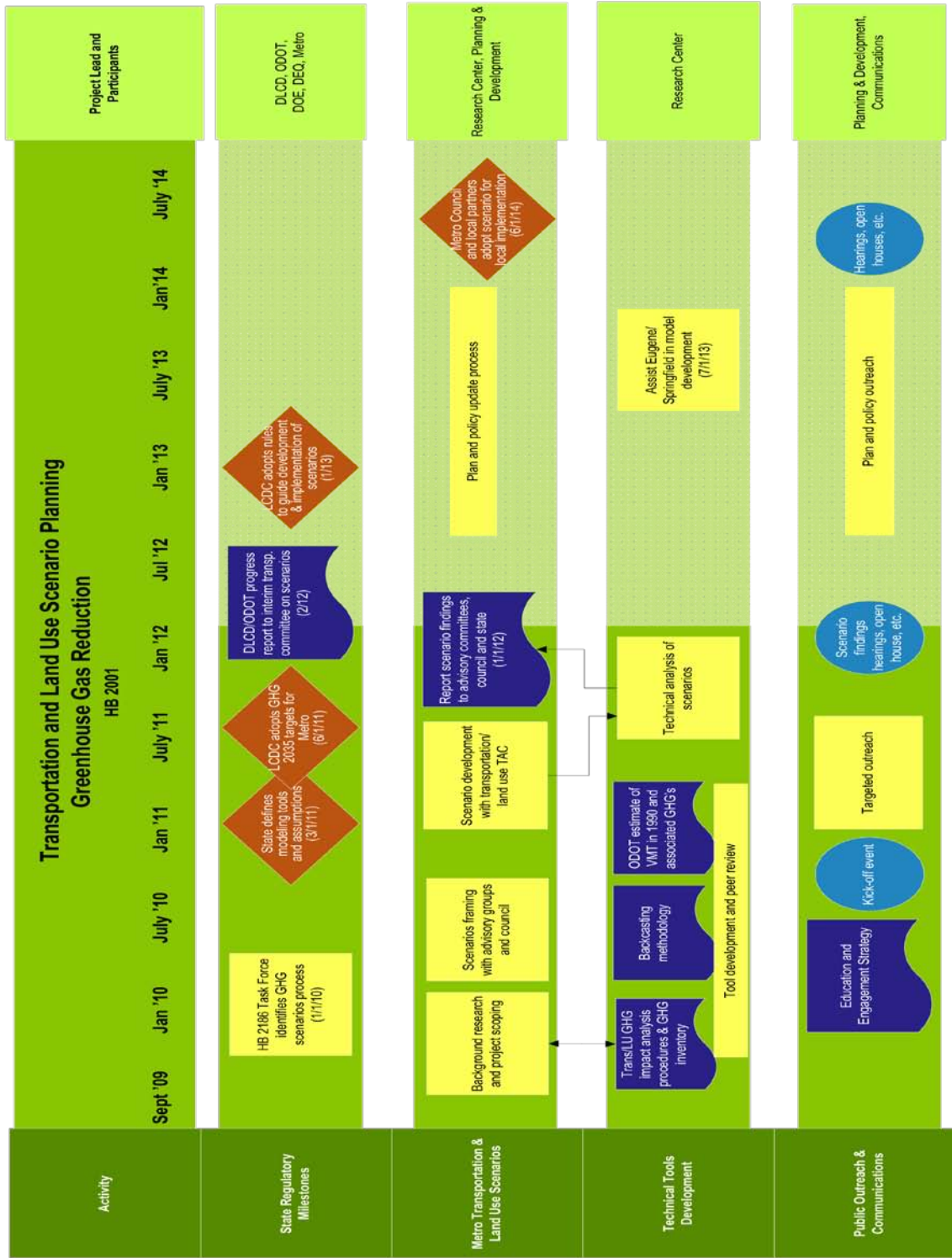
There is no silver bullet, but the region can build on past successes. In general, the Portland region is leading the United States in reducing transportation-related GHGs. Vehicle miles traveled (VMT) per capita have been declining, transit and bike mode shares are increasing, and shorter trips have resulted due to compact, mixed-use urban form. National studies, research in California and the Puget Sound region and other scenario planning efforts have shown that compact urban form coupled with expanded travel choices, user fees, and technology will reduce transportation-related carbon emissions. These strategies are recommended by the 2035 Regional Transportation Plan (RTP), and will be further tested through the scenarios.

In order to meet state goals and the region's broader set of desired outcomes, Metro's greenhouse gas scenario planning work will be guided by the following principles:

- **Regional collaboration and partnerships.** Addressing the climate change challenge will take a regional approach and partnerships in the public and private sectors, requiring meaningful policy and investment discussions with elected leaders, stakeholders and the public. It is only by working together and combining resources that we can hope to make real progress and be successful.
- **Healthy environment and healthy economy.** Environmental health and economic vitality are not mutually exclusive -- with strategic planning, innovation and investment, the region can achieve both desired outcomes.
- **Continued leadership on the integration of land use and transportation.** National studies continue to show that a compact urban form coupled with expanded travel choices as key to reducing greenhouse gas emissions. Land-use and transportation policy-makers must work together to provide leadership and commit to strategies that will enhance this integration at the local, regional and state levels.
- **Build on past successes and innovation.** The scenarios analysis will build on the innovative policy and technical work from the *Making the Greatest Place* initiative, the Regional Transportation Plan update and local efforts to implement the 2040 Growth Concept. Scenarios will be based on agreed-upon assumptions for land use and development patterns, transportation, user fees and technological advancements related to vehicle fleets and fuels.
- **Better tools for complex decisions.** Appropriate baseline data and enhanced analysis tools will be developed to better understand which strategies are most effective and the benefits and impacts of different strategies on reducing carbon emissions and achieving other desired outcomes.

A general timeline and work program that identify major deliverables and decision points for this effort for reference. A more detailed work program is being developed for further input in the coming months.





**Key**

- Document/Deliverable (Blue wavy shape)
- Decision Point (Red diamond)
- Event (Blue circle)
- Process (Yellow rectangle)

Project Sponsor: Mike Hoglund  
 Project Lead: Tom Kloster

**Planning & Development:**  
 Kim Ellis  
 Tony Mendoza  
 Ray Malone

**Research Center:**  
 Cindy Peterson  
 Dennis Yee  
 Dick Walker

**Sustainability Center:**  
 Heidi Rath

Project Objective: HB 2001 Sec. 37 requires metropolitan service districts to develop land use and transportation scenarios designed to reduce greenhouse gas emissions from certain vehicles.

## **OVERVIEW OF DRAFT METRO REGION GAS SCENARIO PLANNING WORK PROGRAM**

### **Phase I – Scoping January – June 2010**

Develop an overall scope of work and budget, refined timeline, project management and oversight processes, outreach and communication structures, governance structure, and inter-governmental agreements to complete the work.

### **Phase II – Research January – December 2010**

Develop and enhance transportation, land use, and GHG forecasting models. Finalize baseline GHG inventory. Publish climate change background report(s). Establish policy basis for new tools, such as parking pricing, tolling and other strategies. Initiate public/stakeholder outreach.

### **Phase III – Scenario Development May – December 2010**

Work with stakeholders to develop evaluation criteria and two scenarios intended to meet transportation-sector GHG targets. Continue public/stakeholder outreach.

### **Phase IV – Scenario Evaluation January – September 2011**

Work with DLCD staff and other stakeholders to develop a recommended transportation-related GHG emissions reduction target. LCDC will adopt target in June 2011. Evaluate a baseline and two scenarios against criteria and refine scenarios, if necessary, to meet LCDC-adopted GHG targets.

### **Phase V - Public Review Process October – December 2011**

Report on scenarios as defined in public/stakeholder outreach plan. Public review process results in a public comment report and accompanying transmittal to forward to the Oregon Legislature.

### **Phase VI – Scenario Selection January – September 2012**

Provide a report to the 2012 Legislature on scenarios results and policy implications. Consider public comments and select preferred scenario to forward to next RTP. Initiate next RTP update in June 2012.

### **Phase VII – Regional and Local Implementation September 2012 - 2014**

Incorporate preferred scenario into Regional Transportation Plan as part of RTP update. Identify local and regional actions needed to implement preferred scenario. Begin local plan updates and regional implementation.

Materials following this page were distributed at the meeting.



**PORTLAND-MILWAUKIE**  
LIGHT RAIL PROJECT

February 15, 2010

Dear Project Partner:

I am excited and gratified to share the Conceptual Design Report (CDR) Public Discussion Draft for the Portland-Milwaukie Light Rail Project. This 110-page report details design of the alignment and station areas through 25 percent design. The CDR is founded on the intensive work of project partners, planners, engineers, committees and the community during the last several years.

During the next few months, this public discussion draft will be circulated among our jurisdictional partners and interested communities. A list of the planned outreach meetings is attached.

To gain a better understanding of the importance of this project for the surrounding communities, the report presents the 7.3-mile alignment in five segments based on commonalities of the 10 station areas. Each section includes an urban design vision, opportunities and challenges, and station area plans. It also details the outstanding issues we need to resolve together.

To assist in our outreach efforts moving forward, the CDR provides the project's history and goals, community involvement efforts, plans for alignment elements such as station furnishings, and sustainable practices strategies. The report also shares preliminary recommendations for transit operations, safety and security, bike and pedestrian access, and much more. The concepts and recommendations put forth in this report will guide the project into the Final Design phase.

This Conceptual Design Report reflects the shared goals and aspirations embodied in the Portland-Milwaukie Light Rail Project partnership. I want to thank all of our colleagues for taking this journey with us on the road to Final Design and, in 2015, light rail service.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil McFarlane".

Neil McFarlane  
TriMet Executive Director of Capital Projects

**2010 Portland-Milwaukie Conceptual Design Report  
Outreach Plan**

<b>GROUP</b>	<b>DATE</b>	<b>TIME</b>
Portland Community College	Feb 5th (Fri)	2:00 p.m.
City of Portland Planning Commission	Feb 9 (Tues)	12:30 p.m.
American Plaza MAX Committee	Feb 10 (Wed)	11:00 a.m.
Fred Meyer headquarters	Feb 12 (Fri)	11:00 a.m.
Reed Neighborhood	Feb 16 (Tues)	6:30 p.m.
City of Portland Design Commission	Feb 18 (Thurs)	1:30 p.m.
Portland-Milwaukie Light Rail Citizens Advisory Committee	Feb.18 (Thurs)	6-7:30pm
Sellwood-Westmoreland Business Alliance	Feb 18 (Thurs)	
Professional Engineers of Oregon/Columbia Lunch	Feb 22 (Mon)	Noon
Portland-Milwaukie Light Rail Project Open House	Feb 22 (Mon)	4:30-6:30 p.m.
Milwaukie Monthly Stakeholder Mtg	Feb 22 (Mon)	6-9:00 p.m.
AIA Portland - Downtown Urban Design Panel	Feb 23 (Tues)	Noon
Portland-Milwaukie Light Rail Project Open House	Feb 25 (Thurs)	4:30-7:30 p.m.
Central Eastside Industrial Council - Transportation Comm.	March 2 (Tues)	3:30 p.m.
Sellwood-Moreland Improvement League (SMILE)	March 3 (Wed)	
South Portland N/A	March 3 (Wed)	7:00 p.m.
City of Portland Freight Committee	March 4 (Thurs)	7:30 a.m.
Lewelling N/A	March 4 (Thurs)	7:00 p.m.
Historic Milwaukie N/A	March 8 (Mon)	7:00 p.m.
Hector Campbell N/A	March 8 (Mon)	7:30 p.m.
Central Eastside Urban Renewal Advisory Committee (URAC)	March 8 (Mon)	4:00 p.m.
Ardenwald/Johnson Creek Neighborhood Association (N/A)	March 9 (Tues)	6:30 p.m.
City of Portland Planning Commission	March 9 (Tues)	12:30 p.m.
Milwaukie Planning Commission	March 9 (Tues)	
Milwaukie Design Landmark Committee	March 9 (Tues)	
Creston-Kenilworth N/A	March 9 (Tues)	
Lake Road N/A	March 10	6:30 p.m.
Portland-Milwaukie Light Rail Project Management Group	March 11 (Thurs)	
Linwood N/A	March 11 (Thurs)	7:00 p.m.
Milwaukie City Council	March 16 (Tues)	
North Macadam URAC	March 11 (Thurs)	8:30 a.m.
Willamette Pedestrian Coalition	March 11 (Thurs)	6:30 p.m.
Hosford-Abernethy Neighbornood Development (HAND)	March 16 (Tues)	
Johnson Creek Watershed Council	March 16 (Tues)	7 p.m.
TriMet Committee on Accessible Transportation	March 17 (Wed)	
City of Portland Design Commission	March 18 (Thurs)	1:30 p.m.
Eastmoreland N/A	March 18 (Thurs)	
Brooklyn Action Corps	March 24 (Wed)	
TriMet Board	March 24 (Wed)	
Island Station N/A	March 11 (Thurs)	6:30 p.m.
American Plaza annual residents meeting	April 15 (Thurs)	6:30 p.m.

**2010 Portland-Milwaukie Conceptual Design Report  
Outreach Plan**

<b>TO BE SCHEDULED</b>		
TriMet Staff Brown Bags @ Center Street	Feb/March	
Portland Development Commission Board	March	
Key Waterfront stakeholders briefing	March	
Portland Mall Management, Inc.	March	
Portland Streetcar Board	March	
Portland Business Alliance Central City Committee	March	
Waldorf School	March	
American Institute of Architects - Portland	March	
Portland State University	March	
Oregon University System	March	
Clackamas County Commission	March/April	
City of Portland /City Council	March/April	
Portland-Milwaukie Light Rail Steering Committee	April	
Metro Council work session and meeting	April	
Willamette River Bridge Advisory Committee (WRBAC)		
Environmental leaders briefing		
Milwaukie City Council staff briefing		
Milwaukie City Council meeting		
Downtown Milwaukie Mainstreet Program		
North Clackamas County Chamber		
Clackamas County Economic Development Council		
City of Gresham/OFFER to Meet		
City of Oregon City/OFFER to Meet		
Multnomah County/OFFER to Meet		



[CLICK HERE FOR FULL REPORT](#)



**PORTLAND-MILWAUKIE**  
LIGHT RAIL PROJECT

## CONCEPTUAL DESIGN REPORT

Public Discussion Draft

February 18, 2010

MULTNOMAH COUNTY  
CLACKAMAS COUNTY

Milwaukie

PROJECT PARTNERS:



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A MULTI- )	RESOLUTION NO. 10-4133
YEAR COMMITMENT OF REGIONAL )	
FLEXIBLE TRANSPORTATION FUNDS FOR )	Introduced by Councilor Carlotta Collette
THE PORTLAND TO MILWAUKIE LIGHT RAIL )	
TRANSIT PROJECT AND SUPPLEMENTAL )	
COMMITMENT TO THE BEAVERTON TO )	
WILSONVILLE COMMUTER RAIL PROJECT )	

WHEREAS, Metro is the Metropolitan Planning Organization (MPO) for the Portland metropolitan region, and as such is authorized by the U.S. Department of Transportation to program federal transportation funds allocated by federal law to the Portland region in the Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, Metro is authorized by the Oregon Department of Transportation (ODOT) to program Congestion Management/Air Quality (CMAQ) funds allocated to the Portland metropolitan region by ODOT in the MTIP; and

WHEREAS, TriMet is the duly authorized public transportation provider for the Portland metropolitan region and as such is an eligible recipient of federal transportation funds through the MTIP; and

WHEREAS, at the recommendation of the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Council adopted Resolution No. 08-3942 “For the Purpose of Proposing Allocation of Regional Flexible Funding to Regional Transportation Programs for the Years 2012 and 2013, and to Bond Payments for Contributions to the Milwaukie Light Rail Transit and Wilsonville to Beaverton Commuter Rail Projects for the Years 2012-2025 Pending Public Comment Period and Air Quality Conformity; and

WHEREAS, at the recommendation of the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Council adopted Resolution No. 09-4017 “For the Purpose of Allocating \$67.8 million of Regional Flexible Funding for the Years 2012 and 2013, Pending Air Quality Conformity Determination” which documented the public comment process for the allocation of regional flexible funds to the projects; and

WHEREAS, these actions establish a multi-year commitment by Metro, as the MPO, to provide a sum of regional flexible funds to TriMet totaling \$144.8 million over the course of years 2012 through 2025 for the purpose of providing a net present value contribution of \$72.5 million to the Milwaukie Light Rail Transit Project and a \$13.3 million supplemental contribution to the Beaverton to Wilsonville Commuter Rail Project; and

WHEREAS, consistent with provisions of Resolution No. 08-3942 TriMet has provided \$13.3 million to the Commuter Rail Project and has agreed to provide \$72.5 million to the Milwaukie Light Rail Transit Project; and



WHEREAS, TriMet anticipates issuing revenue bonds secured by the commitment of regional flexible transportation funds set forth in Resolution No. 08-3942 and Resolution No, 09-4017 to fulfill all or part of its funding commitments; and

WHEREAS, an agreement between Metro and TriMet regarding the regional flexible funds funds committed in Resolution No. 08-3942 and Resolution No. 09-4017 will facilitate borrowings that pledge these funds; and

WHEREAS, these agencies have negotiated such an agreement as shown in Exhibit A; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to approve the Intergovernmental Agreement to Provide and Utilize Regional Flexible Funds to Implement the Milwaukie light rail transit and Commuter Rail Funding Plan, as shown in Exhibit A, and authorizes the Chief Administrative Officer to execute the agreement.

ADOPTED by the Metro Council this \_\_\_ day of March 2010.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

**Intergovernmental Agreement to Provide and Utilize MTIP Funds  
to Implement the Milwaukie LRT and Commuter Rail Funding Plan**

This **Intergovernmental Agreement to Provide and Utilize Regional Flexible Funds to Implement the Milwaukie Light Rail (“LRT”) and Commuter Rail Funding Plan** (the “Agreement”) is made and entered into by and between Metro and the Tri-County Metropolitan Transportation District of Oregon (“TriMet”). This Agreement is effective as of the last date of signature below.

**RECITALS**

1. On January 23, 1997 the Metro Council adopted Resolution No. 96-2422 “*For the Purpose of Endorsing a Regional Position on Resolution of the Intermodal Surface Transportation Efficiency Act (ISTEA)*” that established a multi-year commitment of Metropolitan Transportation Improvement Program (MTIP) funds totaling \$55 million over the period of FY 1999-2009 for the South-North LRT Project; and
2. On June 24, 1999 the Metro Council adopted Resolution No. 99-2804A “*For the Purpose of Endorsing the Interstate Max Light Rail (LRT) Project and South Corridor Financing Strategy and Amending MTIP*” that added \$12.5 million to the multi-year commitment of MTIP Funds making a total allocation of MTIP funds of \$67.5 million available for the “North LRT/South Corridor Financing Strategy;” and
3. On March 20, 2003 the Metro Council adopted Resolution No. 03-3290 “*For the Purpose of Endorsing a Multi-Year Commitment of MTIP Funds for a Regional Funding Plan*” and added \$50.0 million over the period of Fiscal Year (FY) 2006-2014 to the multi-year commitment of MTIP Funds; making a total allocation of MTIP Funds of \$117.5 million available for a regional funding plan consisting of Interstate MAX, South Corridor, Commuter Rail, and North Macadam projects; and
4. On July 15, 2004 the Metro Council adopted Resolution No. 04-3468 “*For the Purpose of Endorsing a Supplemental Multi-Year Funding Commitment of Metropolitan Transportation Improvement Program Funds for the I-205/Mall LRT Project and Endorsing a Refined Regional Funding Plan.*” This resolution supplemented the multi-year commitment of funds made in Resolution No. 03-3290 with an additional commitment of \$10.4 million in MTIP Funds between FY 2008-2015, making a total of \$127.9 million of MTIP Funds available to the Interstate MAX, South Corridor (I-205/Mall LRT), Commuter Rail, and North Macadam projects, of which \$41.5 million was applied to the Interstate MAX Project; and
5. Resolution No. 04-3468 also provided that in exchange for the funds remaining in the multi-year commitment of MTIP Funds after the \$41.5 million commitment to Interstate MAX was fulfilled, TriMet would provide a net contribution of \$48.5 million to the South Corridor (I-205/Mall) LRT Project, \$10.0 million to the Commuter Rail Project, and \$10.0 million to the North Macadam Project; and

6. On March 24, 2005 the Metro Council adopted Resolution No. 05-3559, which authorized execution of the “Intergovernmental Agreement to Provide and Utilize MTIP Funds for the Regional Funding Plan for the South Corridor, Commuter Rail, and North Macadam Projects” between Metro and TriMet. The execution of this intergovernmental agreement was completed on April 4, 2005; and

7. On May 15, 2008, the Metro Council adopted Resolution No. 08-3942 “*For the Purpose of Proposing Allocation of Regional Flexible Funding to Regional Transportation Programs for the Years 2012 and 2013, and to Bond Payments for Contributions to the Milwaukie Light Rail Transit and Wilsonville to Beaverton Commuter Rail Projects for the Years 2013 - 2025 Pending Public Comment Period and Air Quality Conformity Determination,*” which provided an additional multi-year commitment of MTIP Funds to TriMet in the amount \$3.7 million per year between 2012 and 2015 and \$13.0 million per year from 2016 through 2025 to provide an additional net contribution to the Beaverton-Wilsonville Commuter Rail Project of \$13.3 million and to provide a net contribution to the Milwaukie LRT Project of \$72.5 million, which is the net present value of the yearly installments through 2025 totaling \$144,800,000 as set forth in Table 1 Column B, assuming a 5% interest rate; and

8. The parties have determined that a formal agreement regarding the commitment, schedule, and utilization of MTIP Funds set forth in Resolution No. 08-3942 is required to successfully and effectively implement the funding commitments to be made to the Commuter Rail Project and Milwaukie LRT Project. This Agreement will be separate from but coordinated with the formal agreement executed on April 4, 2005 in support of the MTIP funding commitment made under Resolution No. 04-3468; and

9. TriMet intends to issue revenue bonds that are secured in whole or part by a pledge of Regional Flexible Funds committed under this Agreement. These initial bonds, together with any bonds that are issued to refund the initial bonds and any obligations of TriMet to providers of credit enhancements or derivative products in connection with the initial bonds or any refunding bonds (and any renewals or replacements thereof) are referred to collectively in this Agreement as “TriMet MTIP Bonds.” Timely receipt of the amounts of Regional Flexible Funds described in Section 2.1, below, is essential to permit TriMet to issue the TriMet MTIP Bonds and to preserve the ability of TriMet to borrow for and fund other regional transportation priorities. The proceeds of TriMet MTIP Bonds are referred to herein as “Bond Proceeds.”

**NOW THEREFORE**, the premises being in general as set forth in the foregoing recitals, it is agreed by and between the parties as follows:

## **TERMS OF AGREEMENT**

### **1. Purpose and Term**

1.1 This Agreement sets forth a commitment by Metro and TriMet to provide and utilize certain funds for the Milwaukie LRT Project and the Commuter Rail

Project as set forth in Resolution No. 08-3942; herein referred to as “Regional Flexible Funds.” Funds allocated by Metro through the MTIP process which were previously committed to TriMet by Resolution No. 04-3468 and the intergovernmental agreement between Metro and TriMet dated April 4, 2005 are herein referred to as MTIP Funds. As used throughout this Agreement, “Regional Flexible Funds” shall mean Surface Transportation Program (STP) funds, Congestion Mitigation/Air Quality (CMAQ) funds, and funds provided under any successor or comparable federal urban transportation funding programs that are authorized for distribution by Metro as the Portland Metropolitan Planning Organization (MPO) to projects in the Portland MPO area. For purposes of this Agreement, Regional Flexible Funds shall only include funds from the federal funding programs described in the previous sentence and do not include any other funds allocated to Metro as the MPO that may be reported on in the MTIP process.

- 1.2 This Agreement shall be effective on the date of last signature below and shall terminate when the total multi-year commitment of Regional Flexible Funds provided herein is fulfilled and expended or as otherwise provided in accordance with and for the purposes set forth herein.

**2. Metro Rights and Obligations.**

- 2.1 As the Portland region’s MPO and regional government, Metro shall take all actions under its control to facilitate TriMet’s receipt of the full aggregate annual amounts of MTIP Funds and Regional Flexible Funds shown in Column C of Table 1 by the dates shown below, together with any additional amounts described in Section 2.4, subject only to the terms and conditions set forth herein.

**Table 1  
Multi-Year Commitment of MTIP Funds and Regional Flexible Funds to TriMet (1)**

<b>Column:</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>Federal Fiscal Year (3)</b>	<b>Schedule of MTIP Funds Committed to TriMet for Interstate MAX, South Corridor, Commuter Rail, North Macadam Projects under Res. No. 04-3468</b>	<b>Schedule of Regional Flexible Funds Committed to TriMet for Milwaukie LRT, Commuter Rail, Projects under Res. No. 08-3942</b>	<b>Total Amount of MTIP Funds and Regional Flexible Funds Committed to TriMet (2)</b>
<b>1999</b>	\$1,500,000		\$1,500,000
<b>2000</b>	\$6,000,000		\$6,000,000
<b>2001</b>	\$6,000,000		\$6,000,000
<b>2002</b>	\$6,000,000		\$6,000,000
<b>2003</b>	\$6,000,000		\$6,000,000
<b>2004</b>	\$6,000,000		\$6,000,000
<b>2005</b>	\$6,000,000		\$6,000,000
<b>2006</b>	\$8,000,000		\$8,000,000
<b>2007</b>	\$8,000,000		\$8,000,000
<b>2008</b>	\$9,300,000		\$9,300,000

2009	\$9,300,000		\$9,300,000
2010	\$9,300,000		\$9,300,000
2011	\$9,300,000		\$9,300,000
2012	\$9,300,000	\$3,700,000	\$13,000,000
2013	\$9,300,000	\$3,700,000	\$13,000,000
2014	\$9,300,000	\$3,700,000	\$13,000,000
2015	\$9,300,000	\$3,700,000	\$13,000,000
2016		\$13,000,000	\$13,000,000
2017		\$13,000,000	\$13,000,000
2018		\$13,000,000	\$13,000,000
2019		\$13,000,000	\$13,000,000
2020		\$13,000,000	\$13,000,000
2021		\$13,000,000	\$13,000,000
2022		\$13,000,000	\$13,000,000
2023		\$13,000,000	\$13,000,000
2024		\$13,000,000	\$13,000,000
2025		\$13,000,000	\$13,000,000
<b>\$127,900,000</b>			<b>\$272,700,000</b>

(1) The rights and obligations of Metro and TriMet regarding the multi-year commitment of MTIP Funds shown in Column A are set forth in the intergovernmental agreement executed April 4, 2005. This Agreement sets forth the rights and obligations of Metro and TriMet regarding the multi-year commitment of Regional Flexible Funds shown in Column B. Column C shows the sum of Columns A and B, which represents the total amount of MTIP Funds and Regional Flexible Funds to be programmed each year by Metro and allocated to TriMet based on both the April 4, 2005 intergovernmental agreement and this Agreement.

(2) Amounts shown are prior to any additional amounts allocated to TriMet pursuant to Section 2.4.

(3) The MTIP Funds shown for fiscal years 1999 through 2009, inclusive, have already been received by TriMet.

- 2.2 Each year during the term of this Agreement, the allocation to TriMet of the Regional Flexible Funds due TriMet under this Agreement shall have precedence over all other allocations of Regional Flexible Funds by Metro to other projects in the Metropolitan Transportation Improvement Program (MTIP). Each year Metro shall program, prioritize in project selection, and prioritize for allocation of Regional Flexible Funds and obligational authority the full amount of MTIP Funds and Regional Flexible Funds committed to TriMet in such year under this Agreement, as shown in Table 1, Column C in Section 2.1, plus any additional amounts pursuant to Section 2.4, subject to the conditions set forth in Section 2.3.
- 2.3 In any year in which either the (a) federal authorization of Regional Flexible Funds to the Portland MPO, (b) annual appropriation of Regional Flexible Funds to the Portland MPO, or (c) annual allocation of obligational authority for Regional Flexible Funds to the Portland MPO is insufficient to provide TriMet the full amount of Regional Flexible Funds due in such year under this Agreement, Metro shall provide TriMet the maximum amount of Regional Flexible Funds permitted by the amounts of federal authorization, appropriation, and obligational authority provided to the Portland MPO in such year, and an additional amount of Regional Flexible Funds

shall be allocated to TriMet in the subsequent year as set forth in Section 2.4 of this Agreement

2.4 If the full amount due TriMet in any Federal Fiscal Year is not paid to TriMet, the following provisions shall apply:

2.4.1 If for any reason (except in cases caused by the acts or omissions of TriMet) the full amount of Regional Flexible Funds provided under this Agreement in any Federal Fiscal Year to TriMet is less than the amount shown in Table 1, Column C in Section 2.1, including any additional amounts to be provided TriMet pursuant to this Section 2.4, the amount of Regional Flexible Funds due TriMet under Table 1, Column C in Section 2.1 for the Federal Fiscal Year first following the year in which a Difference occurs shall be increased by 105% of that Difference. "Difference" shall mean (i) the annual amount of committed Regional Flexible Funds for a Federal Fiscal Year shown in Table 1, Column C, including any additional amounts pursuant to this Section 2.4, minus (ii) the annual amount actually provided to TriMet by the Portland MPO under this Agreement for such Federal Fiscal Year.

2.4.2 The intent of this Section 2.4 is to ensure that (i) TriMet receives a total amount of Regional Flexible Funds under this Agreement that has a present value equal (as of the effective date of this Agreement) to the initial schedule of Regional Flexible Funds shown in Table 1, Column C in Section 2.1, based on a five (5) percent discount rate and (ii) the full amount of Regional Flexible Funds committed to TriMet under this Agreement are accounted for separately from the MTIP Funds committed to TriMet by Resolution No. 04-3468 and the agreement between the parties dated April 4, 2005. In the event TriMet does not receive the full amount of Regional Flexible Funds committed under this Agreement from Metro, as the Portland MPO, Metro shall take all necessary actions, including but not limited to the reprogramming of Regional Flexible Funds as set forth in this Agreement, to facilitate TriMet's receipt of the amounts described in Table 1 in Section 2.1, including any additional amounts owed TriMet pursuant to this Section 2.4.

2.4.3 The parties recognize and agree that any additional amounts required by this Section 2.4 may cause Metro's payment schedule to TriMet to extend beyond the dates shown in Section 2.1. This Agreement shall terminate when TriMet receives all monies due to TriMet under this Agreement, or on the date Metro is no longer designated the Portland MPO. In the event an entity other than Metro is designated the Portland MPO prior to the termination of this Agreement, Metro shall take all reasonable steps to assign this Agreement to the successor Portland MPO.

2.4.4 Metro shall not be liable in any way for funding the amounts described in Column B, Table 1 in Section 2.1, except from Regional Flexible Funds as set forth above. In the event the federal government permanently ceases to

authorize, appropriate, or allocate Regional Flexible Funds to Metro as the Portland MPO, Metro shall have no obligation whatsoever to provide any funding to TriMet under this Agreement after the last fiscal year in which Regional Flexible Funds are authorized, appropriated, and allocated to Metro.

- 2.5 Each year throughout the term of this Agreement, Metro's funding commitment set forth in this Agreement shall be fulfilled solely by (i) prioritizing the funding commitments hereunder for allocation of authorization, appropriation, and obligational authority for Regional Flexible Funds, (ii) programming the Regional Flexible Funds committed hereunder, and (iii) taking such other actions as may be necessary or desirable under federal and regional rules and procedures to facilitate TriMet's receipt from FHWA and/or FTA of the annual amounts of Regional Flexible Funds due to TriMet under this Agreement. As used hereunder, "programming" means each year (i) taking all actions required of a MPO by FHWA and FTA statutes and rules, including without limitation 23 CFR 450 and 49 CFR 613, as they may be amended from time to time, and (ii) providing all documentation in a timely manner to FHWA Oregon Division office, FTA Region X office, and ODOT that are required by FHWA, FTA, and ODOT protocols and procedures to facilitate TriMet's receipt of a grant award and obligation of the Regional Flexible Funds from FHWA and/or FTA for the amounts and in the years shown in Table 1 in Section 2.1 of this Agreement, including any additional amounts pursuant to Section 2.4.
- 2.6 Metro shall diligently fulfill the duties assigned to it under this Agreement, including executing and delivering all such documents and instruments as shall be required to enable the Parties to perform their respective obligations under, and to give effect to the transactions contemplated by, this Agreement.

### **3. TriMet Rights and Obligations**

- 3.1 TriMet shall take all actions in a timely manner that are required of grantees by the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) for TriMet's receipt of Regional Flexible Funds provided under this Agreement.
- 3.2 TriMet shall prepare and implement a financing program to use, through direct grants to projects and/or bonds, the Regional Flexible Funds committed to TriMet under this Agreement to provide \$72.5 million in net project funding to the Milwaukie LRT Project, and to repay itself for the \$13.3 million in net project funding it has already provided to the Commuter Rail Project in anticipation of this Agreement.
- 3.2.1 TriMet may employ the Regional Flexible Funds provided under this Agreement to provide the amounts shown in this Section 3.2 in any manner that facilitates the funding and borrowing program. TriMet may pledge all or any portion of the Regional Flexible Funds committed to it under this Agreement to any TriMet MTIP Bonds it deems necessary or desirable to provide the funding amounts shown in this Section 3.2. In addition, TriMet

may, in its sole discretion, employ any portion of the Regional Flexible Funds provided under this Agreement for preventative maintenance, capital improvements, or procurements that make TriMet general funds available to provide all or a portion of the funding amounts shown in this Section 3.2, provided that TriMet shall through one or more of these funding options provide the full amounts shown in Section 3.2 to the respective uses.

- 3.2.2 TriMet shall provide the amounts shown in this Section 3.2 to the Milwaukie LRT Project and to reimburse itself for its previous contribution to the Commuter Rail Project regardless of the borrowing costs it incurs in providing the funds. TriMet will neither be provided additional Regional Flexible Funds to fulfill its obligations under this Section 3.2 nor be required to reimburse the MTIP program if the borrowing costs differ from those assumed in determining the annual amounts of Regional Flexible Funds set forth in Column B, Table 1 in Section 2.1. In the event that interest rates do not permit the borrowings backed by a pledge of Regional Flexible Funds to provide the full amount of funding described in Section 3.2 from the Regional Flexible Funds committed in Section 2.1, TriMet will provide the difference between its funding obligation described in Section 3.2 and the amounts attributable to the Regional Flexible Funds described in Section 3.2 with other TriMet revenues or borrowings. Notwithstanding the previous sentences, if the TriMet MTIP Bonds require materially higher interest rates than anticipated due to unexpected conditions in the municipal bond market, TriMet may seek approval from JPACT and the Metro Council to amend this Agreement to (i) reduce the amount of net project funds TriMet is obligated to provide to the Milwaukie LRT Project and/or (ii) increase the amount of Regional Flexible Funds committed to TriMet under this Agreement.
- 3.2.3 The parties acknowledge and agree that the Commuter Rail Project has been completed and TriMet has, prior to the execution of this Agreement, provided the \$13.3 million for the Commuter Rail Project, thereby fulfilling its obligation to provide funding for the Commuter Rail Project as required by Section 3.2 of this Agreement. The portion Regional Flexible Funds or TriMet MTIP Bonds attributable to the funding commitment for the Commuter Rail Project in Section 3.2 shall be reimbursement to TriMet for its provision of funds for the Commuter Rail Project and TriMet may in its sole discretion use such portion of Regional Flexible Funds or TriMet MTIP Bonds for other capital improvements or procurements. In the event the Milwaukie LRT Project is terminated prior to completion, the portion of the Regional Flexible Funds attributable to principal and interest associated with the contribution to the Commuter Rail Project under Section 3.2 shall not be subject to reallocation under Section 3.2.4.
- 3.2.4 If the Milwaukie LRT Project is terminated prior to completion of construction, the amount of Bond Proceeds repayable from the Regional Flexible Funds provided under this Agreement that are associated with the



Milwaukie LRT Project that (i) have not been expended to pay Milwaukie LRT Project costs prior to the date of termination (“unexpended”), and (ii) are not required to pay Milwaukie LRT Project costs that become due after the date of termination or as a result of the termination or pledge to interim borrowing (“unobligated”), if any, shall be made available by TriMet for reallocation to other regional projects through an allocation process recommended jointly by the JPACT Chair and the TriMet General Manager to JPACT, and approved by JPACT and the Metro Council.. In the event of early termination of the Milwaukie LRT Project, Metro, as the Portland MPO, shall continue to provide to TriMet the revenue stream from Regional Flexible Funds as set forth in Sections 3.2.4.1 and 3.2.4.2 of this Agreement, with TriMet providing the unexpended and unobligated bond proceeds from the terminated project to the regional process for reallocation as set forth above. If the project is terminated prior to completion of construction, all Regional Flexible Funds pledged by TriMet to holders of TriMet MTIP Bonds at the time the project is terminated shall be considered to be obligated to project costs and such pledged Regional Flexible Funds shall not be subject to reallocation to other projects under this Section 3.2.4.

3.2.4.1 If at the time of Milwaukie LRT Project termination: (i) TriMet has issued the full amount of TriMet MTIP Bonds required to provide \$72.5 million in net Bond Proceeds for the Milwaukie LRT Project (i.e. the total amount of Bond Proceeds issued for the Milwaukie LRT Project excluding any amounts required to pay issuance costs, reserves, capitalized interest, discounts, or other similar expenses that reduce the amount of bond proceeds available to pay direct project costs) and (ii) a portion of the \$72.5 million in net Bond Proceeds issued for the Milwaukie LRT Project is unexpended and unobligated at the time of termination, then:

(a) The amount of net Bond Proceeds that would be made available for reallocation under this Section 3.2.4 shall be calculated as \$72.5 million minus the amount of net Bond Proceeds that have been expended or obligated to be expended on the Milwaukie LRT Project as of the date on which the Milwaukie LRT Project is terminated by TriMet; and

(b) Metro shall throughout the entire term of this Agreement provide to TriMet the full annual amounts of Regional Flexible Funds set forth in Table 1.

3.2.4.2 If at the time of Milwaukie LRT Project termination TriMet has not issued and will not need to issue the full amount of TriMet MTIP Bonds required to provide \$72.5 million in net Bond Proceeds for the Milwaukie LRT Project, then:

(a) The amount of Bond Proceeds that shall be made available for reallocation under this Section 3.2.4 shall be calculated as the amount of net Bond Proceeds issued or to be issued for the Milwaukie LRT Project minus the amount of net Bond Proceeds that have been expended or are obligated to be expended on the Milwaukie LRT Project as of the date on which the Milwaukie LRT Project is terminated by TriMet; and

(b) In lieu of the amounts of Regional Flexible Funds shown in Table 1, Metro shall each year provide an amount of Regional Flexible Funds to TriMet equal to (i) the amount that TriMet certifies is or will be pledged in each year to holders of TriMet MTIP Bonds plus (ii) the amount needed to pay for any direct (non-bonded) expenditures of Regional Flexible Funds to be made in each year for the Milwaukie LRT Project or the reimbursement of the \$13.3 million previously expended on the Commuter Rail Project; provided that TriMet may not request more Regional Flexible Funds in any year than the amount set forth for that year in Table 1. Any amounts of Regional Flexible Funds retained by Metro pursuant to this paragraph shall be allocated to projects in such manner as JPACT and Metro may determine.

- 3.2.5 The parties acknowledge and agree that the finance plan for the Milwaukie LRT Project relies on interim borrowing to address the likelihood that federal New Start Funds will not be available to the project in accordance with needs of the construction schedule. All or a portion of the Regional Flexible Funds provided by this Agreement may, in TriMet's discretion, be pledged as security for interim borrowing for the project, to the extent permitted by other borrowing agreements, if any, in which TriMet pledges to bondholders or lenders the Regional Flexible Funds provided under this Agreement.
- 3.2.6 To expedite the project construction schedule, the Regional Flexible Funds or TriMet MTIP Bonds backed by Regional Flexible Funds provided by this Agreement may, in TriMet's discretion, be obligated or used to pay project costs for the Milwaukie LRT Project prior to receipt of a FFGA for the project. The parties acknowledge and agree that TriMet shall not be required to repay or reimburse the MTIP for such funds disbursed or obligated to pay project costs prior or subsequent to receipt of a FFGA for the Milwaukie LRT Project in the event the project terminates for any reason.
- 3.2.7. Within thirty (30) days of Project termination, Tri Met shall send written notice to Metro and the JPACT chair of said termination; the written notice shall describe any additional obligations TriMet must make to pay Milwaukie LRT Project costs after the termination date. TriMet shall make no further

obligations of any Regional Flexible Funds beyond those described in the notice of termination.

- 3.3 Each year TriMet and Metro shall work cooperatively to determine the appropriate annual mix of STP, CMAQ, and/or any successor or comparable federal urban transportation funding programs that comprise Regional Flexible Funds that will be utilized to provide TriMet the amounts of Regional Flexible Funds committed to TriMet under this Agreement.

#### **4. General Provisions**

- 4.1 The parties acknowledge and agree that:

4.1.1 Metro shall not be considered to have failed to comply with its obligations under this Agreement if the amounts received by TriMet are less than those required by Section 2.1, including any additional amounts pursuant to Section 2.4, if the shortfall is due to (i) an insufficient amount of federal authorization or appropriation of Regional Flexible Funds to Metro as the Portland MPO or (ii) an insufficient state allocation of Regional Flexible Funds obligation authority to Metro as the Portland MPO or (iii) the fact that Metro is no longer the regional MPO.

4.1.2 TriMet will rely on the commitment of Regional Flexible Funds made hereunder if and when it issues the TriMet MTIP Bonds to provide the project funding set forth in Section 3.2 of this Agreement.

4.1.3 TriMet will have sole responsibility for determining the validity and security of any TriMet MTIP Bonds it issues or causes to be issued related to this Agreement.

- 4.2 The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal, or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particulate term r provision held to be invalid.

- 4.3 That parties agree that neither party may assign any of the responsibilities under this Agreement without the written consent of the other party, that Metro and TriMet are the only parties entitled to enforce the terms of this Agreement, and that nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right to any third party, except as provided in Section 4.4 of this Agreement.

- 4.4 Notwithstanding Section 4.3 of this Agreement, the parties acknowledge that the owners of the TriMet MTIP Bonds and their representatives (including any TriMet bond trustees) and any providers of credit enhancements for the TriMet MTIP Bonds

shall be third party beneficiaries to the representations and agreements set forth in this Agreement.

- 4.5 If a dispute arises between the parties, Metro agrees that so long as TriMet MTIP Bonds are outstanding it shall not take any action that would reduce the amounts that are to be paid to TriMet under this Agreement as a set-off for damages Metro may claim it is owed. To the extent Metro is entitled to any damages for any breach by TriMet of the terms of this Agreement, Metro shall seek payment of those damages solely from funds of TriMet that are not pledged to pay TriMet MTIP Bonds.
- 4.6 This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the parties hereby acknowledge that they have the authority granted by their respective governing body to execute this Agreement and hereto have set their hands and affixed their seals as of the day and year hereinafter written.

**APPROVED BY METRO**

**APPROVED BY TRIMET**

By \_\_\_\_\_  
Michael Jordan, Chief Operating Officer

By \_\_\_\_\_  
Fred Hansen, General Manager

Date \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED AS TO FORM BY METRO**

**APPROVED AS TO FORM BY TRIMET**

By \_\_\_\_\_  
Alison Kean Campbell, Deputy Metro  
Attorney

By \_\_\_\_\_  
M. Brian Playfair, TriMet General Counsel

Date \_\_\_\_\_

Date \_\_\_\_\_

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4133, FOR THE PURPOSE OF  
ENDORING A MULTI-YEAR COMMITMENT OF REGIONAL FLEXIBLE  
TRANSPORTATION FUNDS FOR THE PORTLAND TO MILWAUKIE LIGHT RAIL  
TRANSIT PROJECT AND SUPPLEMENTAL COMMITMENT TO THE BEAVERTON TO  
WILSONVILLE COMMUTER RAIL PROJECT

---

Date: March , 2010

Prepared by: Ted Leybold and Ross Roberts

### BACKGROUND

The Metro area has constructed a series of regional rail transit capital improvements over the course of the last 25 years. The last several projects, beginning with the Interstate Avenue MAX project, has utilized revenue bond financing of regional flexible transportation funds to contribute to the development and construction of the projects. This allows anticipated federal transportation revenues that come to Metropolitan Planning Organizations (MPOs) to be bonded to allow an immediate contribution to the project as costs are incurred. The Metro Council, advised by the Joint Policy Advisory Committee on Transportation (“JPACT”) serve as the decision-making bodies of the Portland Metropolitan area MPO. Agreements between Metro and the bonding agency are established to execute the bonding of the funds.

The decision to commit regional flexible transportation funds to the Milwaukie light rail and Beaverton to Wilsonville commuter rail transit projects was adopted through Resolutions 08-3942 and 09-4017.

TriMet, the lead agency for final design and construction of the rail transit projects, has agreed to serve as the agency that issues the revenue bond on behalf of the region. In order to administer the bonding of these funds, an intergovernmental agreement must be entered into between Metro, acting in the capacity of the Metropolitan Planning Organization of the Portland metropolitan area designated by the United States Department of Transportation to allocate Urban Surface Transportation Funds and as authorized by the Oregon Department of Transportation to sub-allocate Congestion Management / Air Quality federal funding programs, and TriMet as a public transportation provider in the Portland metropolitan region.

The Intergovernmental Agreement to Provide and Utilize MTIP Funds to Implement the Milwaukie LRT and Commuter Rail Funding Plan (“IGA”), shown in Exhibit A to Resolution No. 10-xxxx, sets forth the rights and obligations of Metro and TriMet regarding the multi-year commitment of regional flexible transportation funds established in Resolutions 08-3942 and 09-4017.

Consistent with previous intergovernmental agreements committing a stream of regional flexible transportation fund contributions to regional rail projects, the Metro-TriMet Intergovernmental Agreement, attached hereto as Exhibit A, does the following:

- The IGA commits Metro, as the MPO, to provide a specific stream of annual amounts of regional flexible funds that must be provided to TriMet, in the amounts set forth in Table 1, Column B of the IGA, totaling One Hundred Forty Four Million, Eight Hundred Thousand Dollars (\$144,800,000.00) from 2012 to 2025;

- The IGA commits TriMet to provide \$13.3 million to the Commuter Rail Project, (which TriMet has already done), and \$72.5 million to the Milwaukie LRT Project,;
- The IGA provides that in the event that there is insufficient federal authorization or annual appropriation in any year in which TriMet is scheduled to receive the regional flexible funds as set forth in the IGA, Table 1, Column C, that priority shall be given to providing the regional flexible funds to TriMet over all other projects or programs that are scheduled to receive an allocation of regional flexible funds;
- The IGA provides that in the event that there is insufficient federal authorization or annual appropriation to provide TriMet the full amount of regional flexible funds due in a year, that Metro shall fulfill the funding commitment by supplementing future year allocations to TriMet of regional flexible funds by a five percent (5%) fixed interest rate.
- The IGA provides that in the event that the Milwaukie LRT Project is terminated prior to completion, unexpended and unobligated funds remaining after project termination, if any, shall be reallocated to other projects in the region through JPACT and the Metro Council; regional flexible funds pledged by TriMet to bondholders shall continue to be provided to TriMet in the event of an early termination.

## ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** Implements the decision to dedicate funds to the Milwaukie light rail and Beaverton to Wilsonville Commuter Rail projects as adopted through Resolution 08-3942 “For the Purpose of Proposing Allocation of Regional Flexible Funding toe Regional Transportation Programs for the Years 2012 and 2013, and to Bond Payments for Contributions to the Milwaukie Light Rail Transit and Wilsonville to Beaverton Commuter Rail Projects for the Years 2012-2025 Pending Public Comment Period and Air Quality Conformity” and Resolution 09-4017 “For the Purpose of Allocating \$67.8 million of Regional Flexible Funding for the Years 2012 and 2013, Pending Air Quality Conformity Determination”. Supplements an existing agreement on the multi-year commitment of regional flexible funds to the I-205/Mall light rail project as adopted by Resolution No. 04-3468 “For the Purpose of Endorsing a Supplemental Multi-Year Funding Commitment of Metropolitan Transportation Improvement Program Funds for the I-205/Mall LRT Project and Endorsing a Refined Regional Funding Plan”.
3. **Anticipated Effects** Adoption of this resolution would allow TriMet to proceed with issuing revenue bonds based on the commitment of \$144.8 million of future regional flexible transportation funds for an immediate contribution to the Milwaukie light rail and Beaverton-Wilsonville commuter rail projects.

4. **Budget Impacts** None.

## RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 10-4133.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2008- ) RESOLUTION NO. 10-4130  
11 METROPOLITAN TRANSPORTATION )  
IMPROVEMENT PROGRAM (MTIP) TO ADD ) Introduced by Councilor Kathryn Harrington  
PROJECTS FUNDED THROUGH THE STATE )  
JOBS AND TRANSPORTATION ACT (HB 2001) )

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council must approve the MTIP and any subsequent amendments to add new projects to the MTIP; and

WHEREAS, the JPACT and the Metro Council approved the 2008-11 MTIP on August 16, 2007; and

WHEREAS, in 2009 the State passed the Jobs and Transportation Act (HB 2001) to provide funding to transportation projects, several of which are located in the Metro region; and

WHEREAS, the projects and funding must be incorporated into the MTIP so that ODOT can begin design and construction of the projects; and

WHEREAS, these changes to programming for these projects has been determined through inter-agency consultation to be in conformity with the State Implementation Plan for air quality as described in Exhibit A; and

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to modify the programming of the 2008-11 Metropolitan Transportation Improvement Program to include the projects as shown in Exhibit B.

ADOPTED by the Metro Council this \_\_\_\_ day of March 2010.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

## **Exhibit A**

### **Air Quality Conformity Analysis for Resolution No. 10-4130**

#### **Air Quality Analysis Report – Regional “Burden” Analysis ODOT Jobs and Transportation Act Projects in the Metro Area January 2010**

##### **Overview and Issue**

The Clean Air Act and other federal and state of Oregon transportation and air quality regulations require that transportation projects of regional significance be assessed for their air quality impact. Proposed project emissions are added to the emissions generated from the use of the existing surface transportation system (the road system as well as fixed guideway systems, like light rail) as well as all transportation projects that are planned (known as the “financially constrained” system) to estimate total future emission levels.

Currently, the Metro area complies with all current federal and state air quality standards. However, as in the past the region did exceed Carbon Monoxide (CO) standards, the region is required to comply with a maintenance plan that contains methods to manage CO, including monitoring projected future levels of transportation generated emissions of CO. A “motor vehicle emission budget”, or maximum CO emission level from the area’s transportation system, has been determined by the Oregon Department of Environmental Quality and the US Environmental Protection Agency. Projected region-wide CO emissions may not exceed the motor vehicle emission budget for CO. Air quality must be checked for future conditions to the end year of the transportation plan – in this case, the year 2035. This analysis and comparison is known as the regional burden analysis.

ODOT has proposed to add seven projects to the region’s system. These new additions have been determined to be regionally significant and have not been assessed previously for their air quality impact. This report provides a summary of the region-wide burden analysis performed for these projects in order for them to be considered for addition to the Metro Regional Transportation Plan (RTP) and Metropolitan Transportation Improvement Program (MTIP).

##### **Comment Period and Contact**

A 30 day period for public and technical comment is provided prior to consideration of amending the RTP and MTIP to add these projects. The comment period is from January 22, 2010 to February 22, 2010. Comments or questions may be directed to: Mark Turpel at Metro as follows: [mark.turpel@oregonmetro.gov](mailto:mark.turpel@oregonmetro.gov), or (503) 797-1734 or via mail service at Metro, 600 NE Grand Avenue, Portland, OR 97232.

##### **Proposed Projects**

These projects include the following new or revised projects:

***US Highway 26: Cornell to Shute Road*** (a segment of RTP Project # 11124) – project increases lane capacity from 2 to 3 lanes in each direction between Shute Road and Cornell Road.



*Design update from Conformity Model Assumptions:* adds 1 lane each direction (capacity increases from 4,000 vehicles per hour to 6,000) under the overcrossing structure at Cornell Road and changes the timing of project from the 2035 model year to year 2017, (RTP project was modeled as though additional freeway lanes were to be auxiliary lanes between interchanges and not extended under the overcrossing).

**US Highway 26: Shute Road/Helvetia Road interchange** (RTP Project # 10600) – There were no changes in vehicle capacity at the interchange assumed in the travel demand model associated with this project.

*Design update from Conformity Model Assumptions:* add a southbound exit auxiliary lane on Shute Road overcrossing and an additional northbound through travel lane on Shute Road overcrossing and lengthening the existing northbound right-turn lane on Shute Road to eastbound US26.

**Interstate 5 @ I-205 interchange** (a new element of RTP Project #10872) – The original RTP project is to add a lane to the I-205 southbound to I-5 southbound interchange to the Norwood Road overcrossing. This project is currently beginning construction.

This new project element would provide a similar additional lane for the I-5 to I-205 northbound movement. There were no vehicle capacity assumptions in the project associated with this new element of the RTP project. This new project is a part of the improvements included in the project definition of the I-5/99W connector in the current update process of the RTP.

*Design update from Conformity Model Assumptions:* add a new lane northbound on I-5 between the Norwood Road overcrossing of I-5 and I-5/I-205 interchange that is a dedicated exit lane to I-205 northbound.

**Sellwood Bridge/Oregon Highway 43 intersection** (RTP Project # 10414) - Rebuild the Sellwood Bridge. RTP conformity was for PE only so no change from base condition was what was modeled for conformity.

*Design update from Conformity Model Assumptions:* allow buses and trucks to use the structure (though no additional lanes/motor vehicle volume capacity would be added) and revise the link connection design on the western Sellwood Bridge/Highway 43 intersection to reflect the current preferred intersection design.

**Oregon Highway 213 @ Washington Street intersection** (RTP Project # 10868) – Project is to convert Washington Street crossing from at-grade crossing to grade separated.

*Design update from Conformity Model Assumptions:* A local street connection of Agnes Avenue to Washington Street near the intersection is eliminated for access control and reflecting a new property development agreement. Turn lanes are added on Washington Street at the intersection with OR 213 that adds some vehicle capacity.

**I-84 @ Marine Drive/Frontage Road/257th** (update to RTP Project # 10871) – funded project increases the capacity of the I-84 east-bound off-ramp and the South Frontage Road by adding an additional queuing lane to the off-ramp and a third through travel lane to the Frontage Road.

*Design update from Conformity Model Assumptions:* revise the model capacity to reflect the additional vehicle capacity of the ramp and Frontage Road. (changes capacity of the eastbound off-ramp from 1000 vehicles per hour capacity to 1,400 and the capacity of the South Frontage Road from 1,400 to 1,800). The third through travel lane on the Frontage Road is a substitution

for constructing a parallel “Backage Road” to the south of the Frontage Road between the exit ramp and 257<sup>th</sup> Avenue (RTP project #10871).

**Sunrise Corridor** (Phase of RTP Project # 10869) – Project as proposed is to construct a 4-lane limited access highway between 82<sup>nd</sup> and 122<sup>nd</sup> Avenues with associated reconfiguration of local street network connections. The project modeled and conformed as part of the RTP is an 8-lane (2 as auxiliary lanes) build out of the highway in this segment.

*Design update from Conformity Model Assumptions:* reduce the modeled capacity of future transportation investments from 8,000 vehicles per hour to 4,000 for a segment east of I-205 between SE 82<sup>nd</sup> Avenue and SE 122<sup>nd</sup> Avenue.

**Air Quality Conformity Determination Results and Conclusion**

In the table below the results of using the MOBILE6.2 air quality model in conjunction with the Metro Travel Forecast Model show the projection of total future CO emissions for the Metro region, including the seven proposed JTA projects.

**Air Quality Analysis Results for Metro Portland Area - Carbon Monoxide in Pounds, Daily (winter)**

<b>Year</b>	<b>Projected Carbon Monoxide Emissions from Metro RTP Transportation Network</b> <small>(including all 7 proposed JTA projects)</small>	<b>Motor Vehicle Emission Budget</b> <small>(Maximum emissions from transportation)</small>
2017	706,880	1,181,341
2035	834,090	1,181,341

These results show that the Metro region, with the addition of the seven JTA projects, will continue to meet CO air quality standards in the future to at least the year 2035.

**Exhibit B**

**2008-11 Metropolitan Transportation Improvement Program  
Table 4.1.1 amendments**

**I-205 @ OR 213 Interchange (Oregon City)**

Existing Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2010	2011
Oregon City	16322	OR 213: I-205 – Redland Road O-xing (Oregon City)	Planning and preliminary design work for I-205 interchange at OR213 and arterial connections to OR213 to/through north portion of Oregon City regional center.	HPP (Fed earmarks)	PE	\$2,730,650			
				Local	ROW				\$1,600,000

Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2010	2011
Oregon City	16322	OR 213: I-205 – Redland Road O-xing (Oregon City)	Planning and preliminary design work for I-205 interchange at OR213 and arterial connections to OR213 to/through north portion of Oregon City regional center.	HPP (Fed earmarks)	PE	\$2,300,000			
				Local	ROW				\$1,600,000
Oregon City	16985	OR213 @ Washington Street	Phase I of the I-205 @ OR 213 Interchange project that will grade-separate Washington Street intersection to OR213 with associated turn lanes on OR213 to improve safety and increase vehicular access to north end of Oregon City regional center.	State JTA earmark	Con				\$22,000,000

### US26 @ Shute Road Interchange

No Existing Programming

#### Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2010	2011	2012 (information only - not part of current amendment – will propose adding to 2010-13 MTIP)
ODOT	TBD	US26 @ Shute Road Interchange	Design and construct modifications to the Shute Road interchange and overcrossing of US26 (Sunset Hwy) north of Hillsboro.	State JTA earmark	PE	\$8,100,000		
					Right-of-way		\$15,750,000	
					Construction			\$21,150,000

### I-84 @ Marine Drive/257<sup>th</sup> Avenue Interchange

No Existing Programming

#### Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2010	2011	2012 (information only - not part of current amendment – will propose adding to 2010-13 MTIP)
ODOT	TBD	I-84 @ Marine Drive/257 <sup>th</sup> Avenue Interchange	Design and construct modifications to the eastbound I-84 to Marine Drive/257 <sup>th</sup> Avenue interchange and widen the eastbound frontage road to three lanes with right turn bays between Marine Drive and 257 <sup>th</sup> Avenue in Troutdale.	State JTA earmark	PE	\$4,320,000		
					Construction			\$19,680,000

## I-5 @ I-205 Northbound Interchange

No Existing Programming

### Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2011	2012 (information only - not part of current amendment – will propose adding to 2010-13 MTIP)
ODOT	TBD	I-5 @ I-205 Northbound Interchange	Add auxiliary lane on I-5 northbound to create a two-lane exit to I-205 northbound.	State JTA earmark	PE	\$1,320,000	
					Construction		\$9,680,000

## Sellwood Bridge @ OR43

### Existing Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009
Multnomah County	13762	Sellwood Bridge @ OR43	Sellwood Bridge replacement project as defined by alternatives analysis and environmental process.	STP-U	PE	\$2,000,000	
				HBR	ROW	\$8,973,000	\$5,383,800

### Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2011
Multnomah County	13762	Sellwood Bridge @ OR43	Sellwood Bridge replacement project as defined by alternatives analysis and environmental process.	HPP	PE	\$2,000,000		
				HBR	ROW	\$8,973,000	\$5,383,800	
	TBD			State JTA earmark	Construction*			\$30,000,000

\* \$30,000,000 will be footnoted as available but not actually programmed in the STIP for construction until revenues covering the full cost of the construction phase is available.

## Sunrise Corridor

### Existing Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009
ODOT	15555	Sunrise Corridor	Phase 1 of a new limited access highway from I-205 east to Hwy 212 and associated arterial improvements.	HPP	PE	\$15,308,100	
				OTIA	ROW		\$20,000,000

### Amended Programming

Sponsor	Key No.	Project Name	Project Description	Funding Source	Project Phase	2008	2009	2014 (information only - not part of current amendment)
Clackamas County	15555	Sunrise Corridor	Phase 1 of a new limited access highway from I-205 east to Hwy 212 and associated arterial improvements.	HPP	PE	\$15,308,100		
				OTIA	ROW		\$20,000,000	
				State JTA earmark	Construction			\$100,000,000

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4130, FOR THE PURPOSE OF AMENDING THE 2008-11 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD PROJECTS FUNDED THROUGH THE STATE JOBS AND TRANSPORTATION ACT (HB 2001)

---

Date: March 4, 2010

Prepared by: Ted Leybold

### BACKGROUND

The Oregon Department of Transportation has requested that six projects be added to the 2008-11 Metropolitan Transportation Improvement Program. The following projects received funding from the 2009 Jobs and Transportation Act of the Oregon State legislature. The funding is only available to these projects and may not be transferred to any other project.

**US Highway 26: Shute Road/Helvetia Road interchange** (RTP Project # 10600) – This project is to add a westbound to southbound loop ramp, an additional northbound through lane and to relocate the Jacobsen/Shute Rd. intersection further north away from the interchange.

**Interstate 5 @ I-205 interchange** (a new element of RTP Project #10872) – Add an auxiliary lane to I-5 northbound to the I-205 northbound interchange.

**Sellwood Bridge/Oregon Highway 43 intersection** (RTP Project # 10414) - Rebuild the Sellwood Bridge and the western Sellwood Bridge/Highway 43 intersection to reflect the preferred design of the current alternatives analysis.

**Oregon Highway 213 @ Washington Street intersection** (RTP Project # 10868) – Project is to convert Washington Street crossing from at-grade crossing to grade separated.

**I-84 @ Marine Drive/Frontage Road/257th** (update to RTP Project # 10871) – Project increases the capacity of the I-84 east-bound off-ramp and the South Frontage Road by adding an additional queuing lane to the off-ramp and a third through travel lane to the Frontage Road between Marine Drive and 257<sup>th</sup> Avenue.

**Sunrise Corridor** (Phase of RTP Project # 10869) – Project as proposed is to construct a 4-lane limited access highway between 82nd and 122nd Avenues with associated reconfiguration of local street network connections.

An air quality conformity analysis has been completed and was available for a 30-day public comment period. The analysis and public comments received are provided in Exhibit A. The analysis demonstrates that the region will be in conformity with the State Implementation Plan for air quality if the projects are included in the MTIP and constructed as proposed.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition** One public comment in opposition to the projects as not needed.
- 2. Legal Antecedents** Amends the 2008-11 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 07-3825 on August 16, 2007 (For the Purpose of Approving the 2008-11 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area). Consistency with the Air Quality Conformity Determination, as adopted by Metro Resolution No. 07-3824 (For the Purpose of Approving the Air Quality Conformity Determination for the 2008-11 Metropolitan Transportation Improvement Program) has been demonstrated.
- 3. Anticipated Effects** Adoption of this resolution will make available state transportation project funding for the design and construction of the six projects.
- 4. Budget Impacts** None.

## **RECOMMENDED ACTION**

Metro staff recommends the approval of Resolution No. 10-4130.



# Regional Transportation Plan



## Proposed Action Plan

*Moving from policy to implementation*

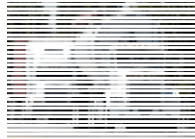
presented by Kim Ellis, RTP project manager

[www.oregonmetro.gov/rtp](http://www.oregonmetro.gov/rtp)



1

## Case for Change



- Outcomes-based RTP provides a new framework
- Current mobility standards focus on vehicles, not moving people and goods
- Broader set of measures needed to define success
- New challenges and policies call for new actions and collaboration

2

## Proposed New Transportation Actions

*To be adopted in local plans and codes, mobility strategies and corridor refinement plans*

- Implement **management and operations** and **multi-modal policies**
- Implement **system management strategies**, consistent with regional plan
- Adopt **parking management plans** in centers and along high capacity transit corridors

3

## Proposed New Land Use Actions

*To be adopted in local plans and codes, mobility strategies and corridor refinement plans*

- **Adopt boundaries** for 2040 design types
- **Allow a mix of uses** in centers, main streets and along transit corridors
- **Limit new auto-oriented uses** in centers
- **Limit new large-format retail** near interchanges, unless allowed by a management plan

4

## Proposed State Actions

- ODOT engages Metro region and stakeholders in mobility research
- Develop jurisdictional transfer strategy and provide funding
- Revamp state plans, standards, criteria, procedures and guidelines
- Develop State greenhouse gas reduction strategy and toolkit



5

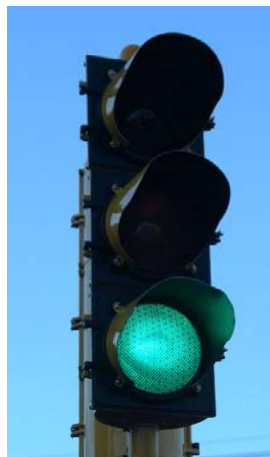
## MTAC and TPAC Comments




- Support overall approach
- More refinement of actions needed
- Document trip reduction benefits of actions
- Provide guidance and technical assistance for TSP updates
- Pursue updates to state policy with OTC and LCDC; maintain focus after 2010 actions

6


## Direction needed




- Do you support the approach?
- Do you have other direction you would like to provide staff?





## MPAC/JPACT Climate Retreat



<b>DATE:</b>	<b>Friday, April 2, 2010</b>
<b>TIME:</b>	<b>8 a.m. to 12:30 p.m.</b>
<b>LOCATION:</b>	<b>Oregon Convention Ctr</b>
<b>ROOMS:</b>	<b>F-150/151</b>



1



## Addressing the Regional Climate Change Challenge

Mike Heglund, Research Center Director

JPACT  
March 4, 2010



2

## Presentation overview

- Metro/Regional Climate Activities
- Regional Greenhouse Gas Emissions Inventory
- State Legislative Mandates
  - 2007: Greenhouse Gas (GHG) Goals
  - 2009: House Bills 2001 and 2186
  - 2010: Senate Bill 1059
- HB 2001 Scenario Planning: Metro Requirements
- Q&A/Discussion

3

## Metro Climate Activities

*Metro Resolutions 08-3931 & 08-3971*

- Making the Greatest Place
- Regional GHG Inventory
- Regional Indicators Project
- Climate Calculator (Procedures Manual)
- Climate Prosperity (Economic Strategy)
- Climate Adaptation (Planning Framework)
- Regional Scenario Planning (HB 2001)

4

# Metro Objectives

*Metro Resolutions 08-3931 & 08-3971*

- Strong technical foundation to inform decision-making
- GHG emissions considered in policy and program decisions
- Successful collaboration around climate change



# Regional Greenhouse Gas Emissions Inventory

## Inventory Objectives

- Identify and manage greenhouse gas risks and opportunities with regional systems
- Baseline for regulatory and legislative developments
- Provide foundation to collaborate with local governments, ODOT, TriMet and others
- Set stage for integrated suite of tools for Metro program analysis

7

## Community GHG Inventories

### *Type I: Traditional Sector Inventory*

- Explains what is happening, not why
- Limited to “tailpipe” emissions
  - Energy, transport, waste
- Excludes production cycles (e.g., material flows)
- Excludes intra-US trade & Inter-national trade

8



## Community GHG Inventories

### *Type II: System Inventory*

- Explains what is happening, **and** why
- Includes “tailpipe” emissions
  - Energy, transport, waste
- Includes production cycles (e.g., material flows)
- Includes intra-US trade
- Excludes international trade
  - No Data

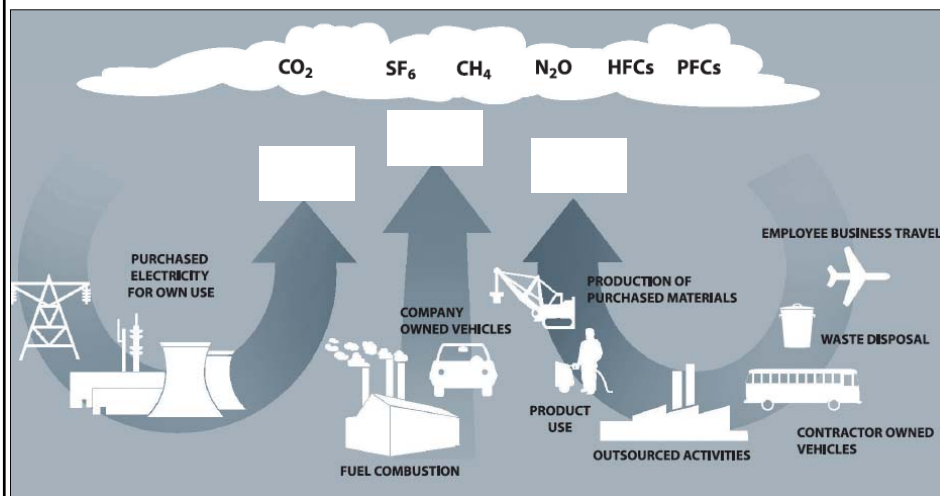
9

## Selecting a Methodology

- Set stage for informed climate action
- Consistent with EPA direction
- Comprehensive
- Provide an analysis method to inform policy discussions
- Build capacity / awareness related to state mandates
- Reflects regional systems and GHG sources

10

## Sources/Systems



Source: World Resources Institute

11

## Methodology

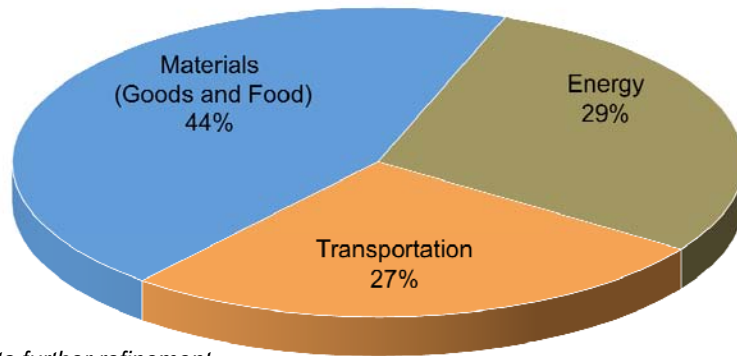
- Systems-based view (EPA)
- Represents all parts of the economy working to fulfill a particular need
- Adjusted U.S. per capita GHG values to reflect local and regional data when available
- Frame results to provide a sense of scale



12

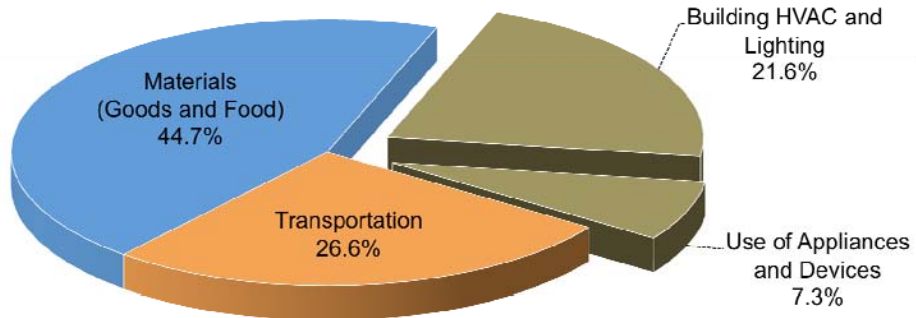
# Metro Area 2006 GHG Inventory

**Metro Area Greenhouse Gas Emissions**  
29.3 Million Metric Tons Carbon Dioxide Equivalent (MMT CO<sub>2</sub>e)



*Subject to further refinement*

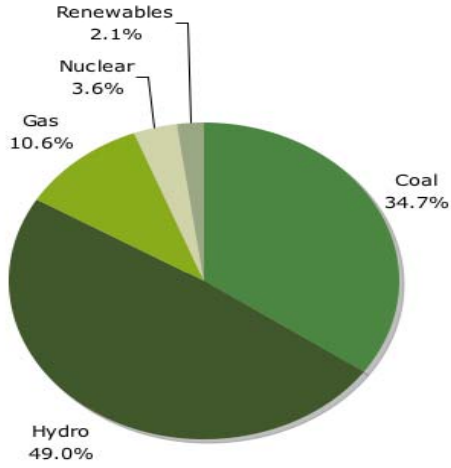
# Results: Energy



*Subject to further refinement*

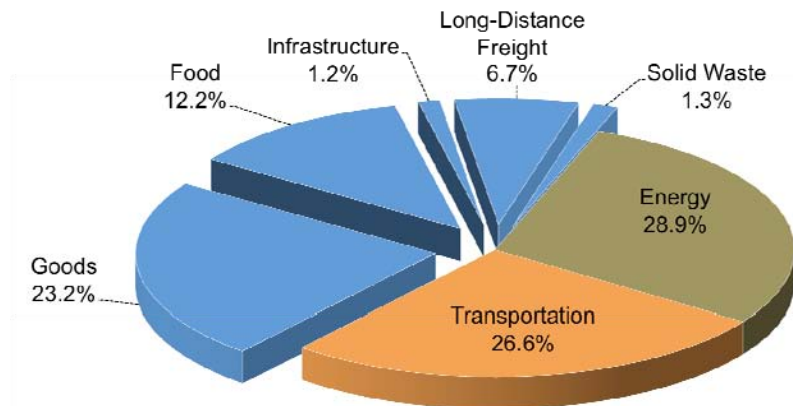
# Results: Energy

## Regional Sources of Electricity Northwest Power Pool (NWPP)



15

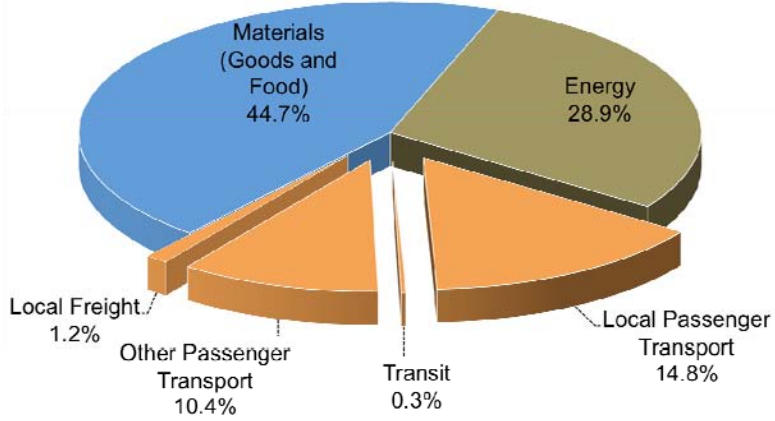
# Results: Materials



*Subject to further refinement*

16

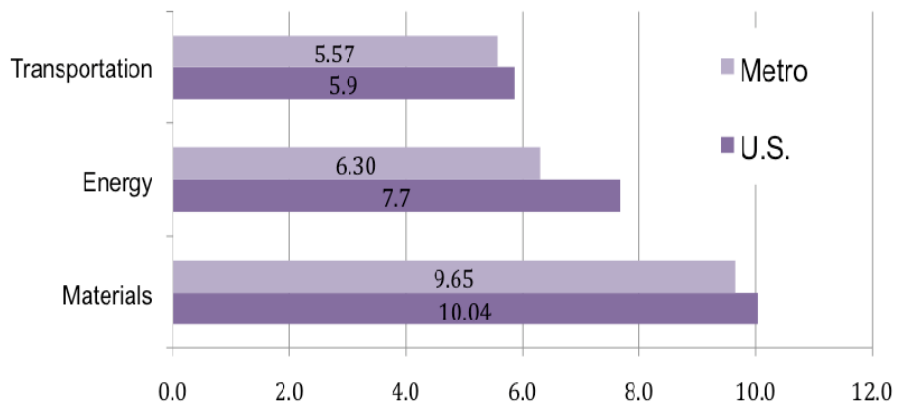
## Results: **Transportation**



*Subject to further refinement*

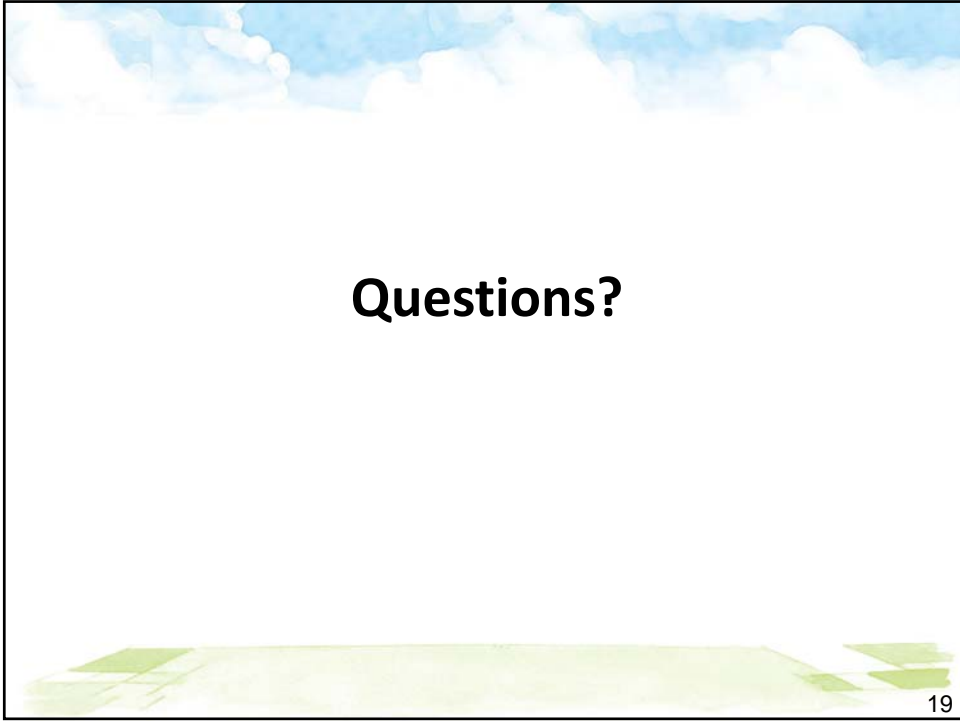
17

## Comparison of 2006 Per Capita Emissions Portland Metro vs. United States



*Subject to further refinement*

18



## Oregon Greenhouse Gas Goals

- Stop emissions increases by 2010
- 10% reduction below 1990 levels by 2020
- 75% reduction below 1990 levels by 2050



21

## HB 2001

- 2009 Legislature
- Comprehensive transportation package
- Gas tax and fee increases
- Directs majority of new revenue to earmarked projects
- Includes Metro-area greenhouse gas (GHG) requirements

22

## **HB 2001 – *Metro Area GHG Requirements***

### – Scenario Planning

- Light duty vehicles (<10,000 lbs.)
- Develop and analyze minimum of two scenarios
- Report to Legislature early 2012
- Adopt a scenario next RTP Update (2014)
- Local Governments adopt appropriate planning revisions (Comp Plan, TSPs, land use regs.)
- Requires State financial assistance

23

## **HB 2001 – *Metro Area GHG Requirements***

### – State Activities

- Provide financial assistance for scenario planning
- Set target for emission reduction in the light duty transportation emission sector
- Account for fleet technology and turnover
- Recommend modeling/analysis tools & methods
- DLCDC rules for implementation, as necessary

24



## HB 2001 –

### *Metro Area GHG Requirements*

#### – Building Scenarios

- Provide realistic choices
- Test diverse transportation/land use elements
- Focus on VMT, vehicles, fuels, system management
- Process
  - Public
  - Stakeholders
  - Government Partners

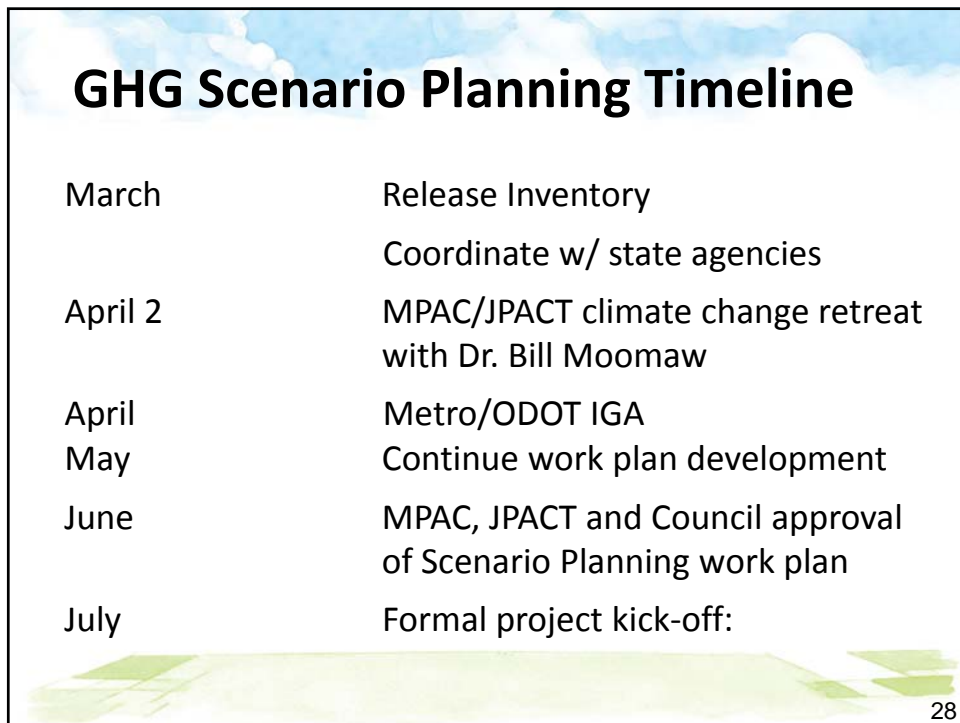
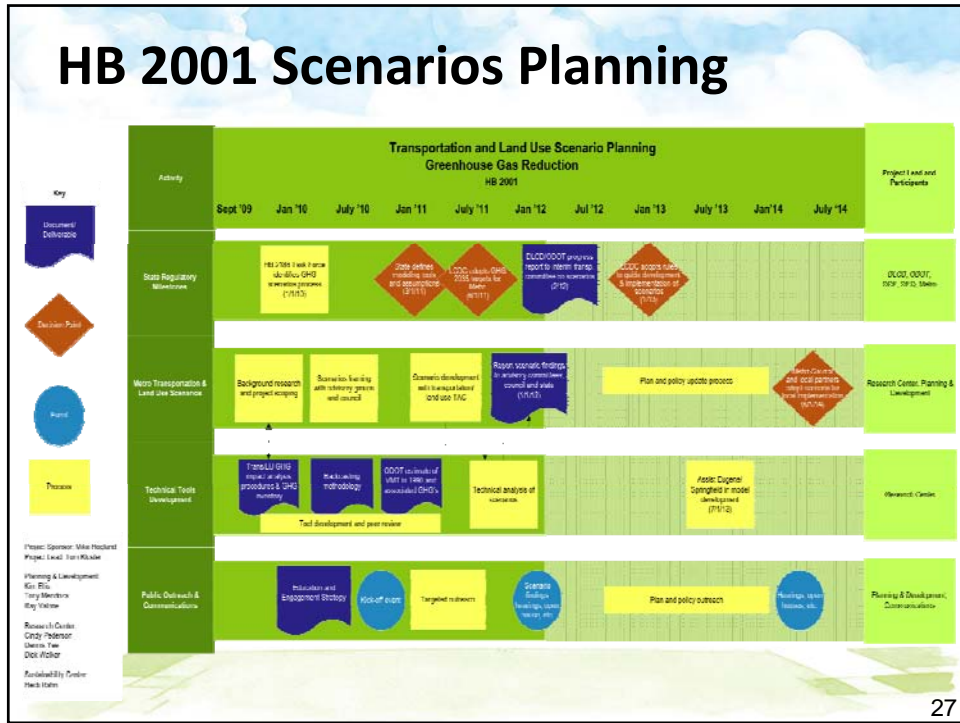
25

## Desired Outcomes

- Sustained economic competitiveness and prosperity
- Safe and reliable transportation choices
- Vibrant, walkable communities
- Leadership on climate change
- Clean air, clean water and healthy ecosystems
- Benefits and burdens shared throughout the region



26



# Discussion



For more information, contact:  
Mike Hoglund, Research Center Director  
[Mike.Hoglund@oregonmetro.gov](mailto:Mike.Hoglund@oregonmetro.gov)

Kim Ellis, Principal Transportation Planner  
[Kim.Ellis@oregonmetro.gov](mailto:Kim.Ellis@oregonmetro.gov)



## **SB 1059**

1. 2010 Legislature
2. Non-Metro MPOs
3. Requires:
  - a) state strategy for reducing transportation greenhouse gases
  - b) scenario planning guidelines
  - c) GHG reduction targets for all Metro areas
  - d) State sponsored GHG reduction toolkit
  - e) GHG scenario planning for non-Metro
  - f) Coordinated public outreach/education process

# JPACT and MPAC workshop

FRIDAY, APRIL 2, 2010 8 A.M. TO 12:30 P.M.

Oregon Convention Center, Rooms F150-151

## Climate and community prosperity

Addressing climate change by investing in great communities

Addressing the climate change challenge will require visionary leadership on the part of land use and transportation policy-makers. To develop a strategy to create good jobs, make the most of our existing transportation system and reduce greenhouse gas (GHG) pollution while continuing to develop great communities, JPACT and MPAC members will come together to:

- develop a common understanding of the science of climate change and the impacts of land use and transportation strategies on GHG pollution;
- identify shared goals, expectations and policy options;
- commit to the development of a strategy to achieve a healthy climate and great communities.



Metro | *People places. Open spaces.*

## Participants

MPAC and JPACT members and alternates

## Audience

Public agency staff, Oregon Metropolitan Planning Organization Consortium members, other interested stakeholders

## Draft agenda

- 8 a.m. Welcome – Gresham Mayor Shane Bemis (MPAC Chair) and Metro Councilor Carlotta Collette (JPACT Chair)
- 8:05 a.m. State context – Oregon Transportation Commission Chair Gail Achterman and Land Conservation and Development Commission Chair John VanLandingham
- 8:20 a.m. Regional and local context – Mayor Bemis and Councilor Collette
- 8:35 a.m. Making the Case for Climate Action: The Science and Implications – Dr. William Moomaw
- 9:20 a.m. Q & A and group discussion – Metro Chief Operating Officer Michael Jordan, facilitator
- 10 a.m. Break
- 10:15 a.m. Getting There From Here – Dr. William Moomaw
- 10:45 a.m. Q & A – Michael Jordan, facilitator
- 11 a.m. Small group activity/structured report out
- Noon Next steps/adjourn – Mayor Bemis and Councilor Collette
- Lunch

Note: JPACT members will reconvene from 1 to 3 p.m. to discuss MTIP policy development.

---

## About William Moomaw

William Moomaw is a professor and founding director of the Center for International Environment and Resource Policy at Tufts University and a lead member of the Nobel Prize-winning Intergovernmental Panel on Climate Change (IPCC), a UN-sponsored group of scientists. He has worked on mitigation and adaptation aspects of climate change for more than 20 years. He was the first director of the Climate, Energy and Pollution program at the World Resources Institute. He has been a lead author on five IPCC reports, recognized with the 2007 Nobel Peace Prize, and has written extensively on greenhouse gas emission reductions, renewable energy and other strategies for addressing climate change.

---

## Registration required

Lunch provided to JPACT and MPAC members, alternates and speakers. Audience members may purchase lunch – see registration form for details.

For registration information, contact Kelsey Newell at 503-797-1916 or e-mail [kelsey.newell@oregonmetro.gov](mailto:kelsey.newell@oregonmetro.gov).