

MEETING REPORT

DATE OF MEETING: September 9, 1993

GROUP/SUBJECT: Joint Policy Advisory Committee on Transportation (JPACT)

PERSONS ATTENDING: Members: Chair George Van Bergen, Roger Buchanan and Jon Kvistad, Metro Council; Dave Sturdevant, Clark County; Bruce Hagensen, City of Vancouver; Keith Ahola (alt.), WSDOT; Craig Lomnicki, Cities of Clackamas County; Bernie Giusto, Cities of Multnomah County; Steve Greenwood (alt.), DEQ; Gary Hansen, Multnomah County; Ed Lindquist, Clackamas County; David Lohman (alt.), Port of Portland; Michal Wert (alt.), ODOT; Roy Rogers, Washington County; Earl Blumenauer, City of Portland; and Bob Post (alt.), Tri-Met

Guests: Rod Monroe and Susan McLain, Metro Council; John Rosenberger, Washington County; Rod Sandoz, Clackamas County; Kathy Busse, Multnomah County; Dale Chambers, Washington County Land Use Advisory Commission Chair; John Rist, ODOT; Robert Bothman, MCCI; Howard Harris, DEQ; Annette Liebe, Oregon Environmental Council; David Knowles and Richard Ross, City of Gresham; Pat Allen, Congressman Mike Kopetski's office; Pat Bonin, C-TRAN; Dean Lookingbill, Southwest Washington RTC; Anne O'Ryan, AAA Oregon; Sam Sadler, Oregon Department of Energy; Susie Lahsene, Port of Portland; Elsa Coleman and Steve Dotterrer, City of Portland; and Mary Legry, WSDOT

Staff: Andrew Cotugno, Richard Brandman, Gail Ryder, Terry Whisler, Ted Spence, and Lois Kaplan, Secretary

SUMMARY:

The meeting was called to order and a quorum declared by Chair George Van Bergen. Michal Wert was introduced as newly appointed ODOT alternate for JPACT.

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Minutes of the August 12, 1993 JPACT Meeting Report were approved as written.

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RESOLUTION NO. 93-1847 - COMMENDING MIKE HOLLERN, CHAIR OF THE OREGON TRANSPORTATION COMMISSION, FOR HIS LEADERSHIP ROLE IN TRANSPORTATION

In recognition of OTC Chair Mike Hollern, the following action was taken:

Action Taken: Commissioner Lindquist moved, seconded by Dave Lohman, to recommend approval of Resolution No. 93-1847, commending Mike Hollern, Chair of the OTC, for his leadership role in transportation.

During discussion, it was noted that the recognition for Mike was well deserved, that he was well regarded as a public administrator in state government, and that he will be missed. It was also suggested that a caricature be made for presentation as well.

The motion PASSED unanimously.

RESOLUTION NO. 93-1842 - AUTHORIZING AN IGA WITH JURISDICTIONS IN CLARK COUNTY, WASHINGTON ON ROLES AND RESPONSIBILITIES FOR TRAVEL FORECASTING

Andy Cotugno explained that the intent of this resolution was to define the roles and responsibilities for travel forecasting in the bi-state metropolitan area and is a step in the right direction toward eliminating any conflicts.

Andy noted that Metro's obligation would be to provide an adequate level of detail within Clark County and that we will cooperate to the extent the budget allows. Steve Greenwood asked whether there would be any cost savings, and Andy Cotugno responded that there would be less duplicative effort going on.

Action Taken: Commissioner Lindquist moved, seconded by Steve Greenwood, to recommend approval of Resolution No. 93-1842, authorizing an Intergovernmental Agreement with jurisdictions in Clark County, Washington on roles and responsibilities for travel forecasting. The motion PASSED unanimously.

RESOLUTION NO. 93-1816 - ENDORSING THE CARBON MONOXIDE (CO) CONTINGENCY PLAN

Andy Cotugno reported that there have been no CO violations cited since 1989. EPA, however, requires that states with CO non-attainment areas must submit a Contingency Plan by November 15, 1993. If the standard isn't met, then a Contingency Plan will be in place. The purpose of the contingency is to offset one year of VMT growth (1.7 percent) while other measures are planned and implemented.

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The contingency measure this resolution recommends is raising the oxygenated fuel level from 2.7 percent to 2.9 percent, placing the burden on the petroleum industry.

Howard Harris explained that this requirement is separate from that of the ozone and NOx emission problems which were addressed by the Governor's Task Force on Motor Vehicle Emission Reductions. He noted that the CO Contingency Plan with alternative strategies was reviewed earlier this year by JPACT. The four designated nonattainment areas include: Portland, Medford, Grants Pass and Klamath Falls.

Howard reported that public hearings were held by DEQ, that the oil industry was critical of the proposal, and that DEQ is trying to address their concerns. He noted that another meeting with the Washington State Petroleum Association has been scheduled. The oil industry would like to have flexibility to substitute alternatives for the 2.9 percent requirement. This is an issue currently under discussion.

During last year, in the initial use of oxygenated fuels, there was 3.5 percent content level rather than 2.9 percent. The existence of tax credits had a lot to do with use of ethanol to achieve the 2.9 percent level. It was explained that 2.7 percent is the minimum mandatory level. Howard Harris cited the need for something to be implemented that is safe and done in a short timeframe. He indicated that DEQ had looked at employer trip-reduction programs and it is being considered as part of the solution to the ozone problem.

Discussion on the petroleum industry's concern revealed that it is an economic issue and that their fundamental criticism is that it is an ethanol mandate. However, DEQ feels that it is the only practical alternative fuel for satisfying the EPA contingency.

Action Taken: Commissioner Lindquist moved, seconded by Dave Lohman, to recommend approval of Resolution No. 93-1816, endorsing the Carbon Monoxide (CO) Contingency Plan. The motion PASSED unanimously.

RESOLUTION NO. 93-1840 - ADOPTING THE FY 1994 TO POST-1997 TIP AND THE FY 1994-96 THREE-YEAR APPROVED PROGRAM

Andy Cotugno explained that this resolution reflects past TIP actions, updates and phasing of projects currently under construction; incorporates Transportation Enhancement and CMAQ fund endorsements; programs some STP funds to existing projects; and recognizes administrative adjustments for programming of Section 3 Rail Modernization funds. It does not include projects from the CMAQ (Round 2) resolution endorsed earlier this month.

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Andy noted that the Staff Report also includes as documentation the policy on private enterprise participation in FTA programs; an interim conformity determination for air quality for the Portland metropolitan area to demonstrate that vehicle emissions are better with these projects; the 15 ISTEA planning factors; a listing of projects which would significantly increase single-occupant vehicle capacity, noting those that have and have yet to complete the EIS process; and acknowledges the new requirement about not building anything that exceeds capacity unless it is part of an interim or final Congestion Management System.

Andy reported that TPAC directed staff to develop interim requirements for inclusion in the RTP that would ensure bike and pedestrian improvements mandated by state law are being addressed and that staff should work with TPAC members and the Metro Committee for Citizen Involvement (MCCI) to define a revised public involvement process for TIP development. Commissioners Rogers and Lindquist felt that adequate public involvement had taken place in their respective counties. Commissioner Hansen indicated that he couldn't certify Multnomah County's public involvement process and spoke of the need for such involvement. Councilor Giusto was convinced that a more than sufficient process had taken place in the cities of Multnomah County, noting various committees in the process.

Bob Bothman, a member of the Metro Committee for Citizen Involvement (MCCI) and an active member of several neighborhood groups in Washington County, testified that 1) the Regional Transportation Plan is in a state of flux and that it is in the process of being updated; 2) Washington County is waiting on that update to revise its comprehensive plan; 3) the RTP has not addressed the State Transportation Planning Rule as yet; 4) some of the projects would encourage an increase in single-occupant vehicles; 5) these projects are being selected from an RTP that is out of date; and 6) it is not a good time to expand from a one-year TIP to a three-year program, questioning further whether ISTEA, the State Transportation Rule and citizen involvement requirements have been met. Bob noted that Metro's CCI had not been included in the citizen involvement process, disagreeing with comments received from Councilors who thought an adequate public involvement process had taken place. He took issue with the statement on page 4 of the Staff Report (third paragraph) as being inaccurate as it relates to public involvement. Bob indicated he did not hear about the workshop held on the TIP until after the fact. He questioned that there was outreach and public involvement with the Washington County Community Planning Organizations (CPOs).

With regard to the CMAQ projects, Bob noted that the outcome is being challenged by citizens who regarded it solely as a staff effort with a workshop held at the end of the process, later to be rubber-stamped by JPACT.

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Bob suggested adopting a one-year TIP rather than a three-year program. Andy Cotugno responded that the region has always adopted a five-year TIP and a one-year Annual Element. In adopting a one-year Annual Element, it was always overprogrammed to allow for project slippage. ISTEA requires that the TIP be more financially constrained to the level of funds appropriated by Congress. As such, Andy cited the need to trim down the one-year Annual Element. The three-year program would allow advancement of later year projects to the current year when a current year project slips; we need to ensure that the funds don't lapse. Andy noted that the same policy commitment for the five-year program is in place for the three-year program. Bob Bothman felt it was inappropriate to use an outdated RTP to meet the SOV rule and that it is a timing issue.

Andy clarified for Bob that FHWA/FTA have strongly encouraged the region to go from a one-year program to the three-year program. In terms of new projects, adoption of the TIP will program only one (Gresham park-and-ride) other than seven HES projects approved by ODOT. The three-year program gives the region flexibility to move projects from one year to another in case some projects slip.

Commissioner Blumenauer indicated that he was not unsympathetic to the concerns raised, citing the need to improve the public involvement process but noting that it is a reflection of reality that the TIP needs to move forward and that there has already been significant public involvement at the local level. He acknowledged that the region has high expectations and requirements and was unclear as to what the region will do to apply these new standards and how they will be implemented. He suggested proceeding with the TIP's approval with the admonition that we will find ways to better address public involvement in the future.

The Committee concurred that there be a regional commitment to review the public involvement process, making it more explicit.

Commissioner Rogers spoke of a thorough 18-month process in Washington County starting in 1988 that included a DEIS process, extensive public involvement, and a new CIP process. He commented on recent discussions on application of the Transportation Rule and the fact that the onus is back on local government for reliance of citizen involvement. He questioned whether it was going to be practical to implement the Transportation Rule, noting that he expected further refinements in the future. Commissioner Blumenauer spoke of the region's commitment to make the Transportation Rule work. A discussion followed on the uncertainties surrounding implementation of the Rule. Commissioner Blumenauer was not supportive of moving forward if the region was not together on Transportation Rule planning.

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Commissioner Lindquist spoke of the difficulties in trying to implement the Goal 12 Transportation Rule when you are breaking new ground. He felt the region is committed to the concept but the implementation is not easy. He didn't feel that the goal concept would change but that the method of implementing it may. He cited the need for an increased awareness on how to improve the process for bike and pedestrian groups. He noted that it is constantly being re-evaluated in Clackamas County. There is a commitment to improving the process by working with groups, but conceded that they are doing the best they know how. Commissioner Lindquist stated he would be willing to work with Bob Bothman to improve the process. He hesitated, however, in backing away from this resolution.

Steve Greenwood stated that it was his understanding that the conformity requirements may change over time and that we may need to revisit some of these projects in the next year or two. He felt it was very clear that the Transportation Rule is going to have an impact on the RTP and TIP which will involve money and difficult decisions. He wanted reassurance that we are not overcommitting down the road which would make it difficult to implement the Transportation Rule. It was clarified that projects committed to since ISTEA came into effect include completing old road projects with partial funding or funding new alternative mode projects. In addition, the last two years of STP funds have not been allocated. In ODOT's Six-Year Program update, the region has supported a four-year program rather than a six-year program so that funds are not tied up. We have encouraged ODOT to leave downstream money unencumbered.

In addition, the six-year construction program is \$400 million overprogrammed. It also identifies 10 years worth of projects for preliminary engineering and right-of-way acquisition. ODOT plans to cut the development program down to four years. Staff has encouraged ODOT to move toward balancing the budget and to include alternative mode projects.

Commissioner Blumenauer supported the resolution but asked that a JPACT meeting be scheduled in the next two to three months to specifically discuss the citizen involvement process so that the technical people have an opportunity to discuss the process in place. He appreciated comments about implementation of the Transportation Rule and asked whether it would be helpful to discuss relative successes in that regard. Andy Cotugno indicated that there would be further Transportation Rule planning activities for implementation.

An errata sheet was distributed for a project on Johnson Creek Boulevard whose administration was transitioning from Clackamas County to the City of Portland.

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Action Taken: Commissioner Lindquist moved, seconded by Commissioner Rogers, to recommend approval of Resolution No. 93-1840, adopting the FY 1994 to post 1997 Transportation Improvement Program and the FY 1994-1996 three-year approved program, with the accompanying errata sheet (Project No. 84 in the Interstate Transfer Program -- Johnson Creek Boulevard, 32nd Avenue to 45th Avenue). The motion PASSED unanimously.

RESOLUTION NO. 93-1845 - ALLOCATING I-205 INTERSTATE TRANSFER FUNDS TO THE SOUTH/NORTH ALTERNATIVES ANALYSIS AND COMMITTING LRT BOND MEASURE AS REPLACEMENT FUNDS AND TO AMEND THE FY 94 TIP ACCORDINGLY

A revised Staff Report/Resolution was distributed for Resolution No. 93-1845A (formerly 93-1845). Richard Brandman explained that funds from the 1993 legislative session were to have provided \$4 million of lottery funds toward the South/North Study but the allocation resulted in a \$2 million deficit. The grant submitted in June would not be approved unless funding was committed for the remainder of the project. He reviewed the two options considered for funding by the PMG.

Action Taken: Commissioner Lindquist moved, seconded by Councilor Kvistad, to recommend approval of Resolution No. 93-1845A, allocating I-205 Interstate Transfer funds to the South/North AA and committing LRT bond measure as replacement funds and to amend the FY 94 TIP accordingly.

During discussion on the motion, Councilor Buchanan wanted to make sure the record is clear that the funds will be returned to its original purpose. In addition, Councilor Monroe asked that, prior to the resolution being considered by Metro Council at its September 23 meeting, a letter be sent from Tom Walsh stating that Tri-Met will commit the funds for replacement at the appropriate time. Bob Post felt that such a letter could be produced following approval by the Tri-Met Board.

The motion PASSED unanimously.

RESOLUTION NO. 93-1846 - ENDORSING THE REGION'S REAPPLICATION TO THE FEDERAL HIGHWAY ADMINISTRATION FOR PARTICIPATION IN THE ISTECA CONGESTION PRICING PILOT PROGRAM

Andy Cotugno explained that although the region's original application for the ISTECA Congestion Pricing Pilot Program had been turned down because it was considered too vague, FHWA encouraged the region to resubmit. He noted there was only one award granted. This resolution would modify our proposal as a commitment to implement and would entail a process similar to a DEIS. This would lead to a strong commitment to what comes out of the process. Additional legislative authority is required before there is commitment. It was noted that the state of

California does not allow congestion pricing and would also need legislative authority to seek a grant.

Questions raised during discussion centered over 1) who would get the revenue out of this -- whether it would go to LRT; and 2) the issue of governmental involvement -- whether all jurisdictions must reach consensus. Andy Cotugno indicated these were issues to be addressed at a later time.

Commissioner Blumenauer pointed out that this is not an attempt to raise money because it is a pilot project that is revenue neutral. Commissioner Rogers felt it would be an interesting academic study but noted that the majority of cities in Washington County are against the project because they feel it is a tax without any kind of voter approval; that it discriminates against people unable to pay; that it is not known where the funds would be going; and, if a particular area is chosen, it is not clear what override the local jurisdictions would have. Overall, Washington County is not supportive of this kind of activity. He indicated he would be voting "no" on the resolution even though he liked the project and did not feel that anyone in the region should be able to opt out.

Councilor Kvistad questioned whether it is mandated that this project have a revenue component, and the response was in the affirmative. He spoke of future gridlock and the need to explore ways to change the system.

Councilor McLain expressed support for the project, pointing out that this is the study component and a pilot project to get the hard facts. She was hopeful that the general public would give the region a chance to obtain some real facts about congestion pricing.

Chair Van Bergen noted that the proposal is being considered an initial investigation.

Councilor Giusto was not comfortable that the Sunset Highway is not being considered for congestion pricing and felt that such an attitude could affect other highways such as I-84.

Action Taken: Councilor Kvistad moved, seconded by Commissioner Blumenauer, to recommend approval of Resolution No. 93-1846, endorsing the region's reapplication to the Federal Highway Administration for participation in the ISTEA Congestion Pricing Pilot Program with the following amendments to Exhibit A:

- . ~~Deleting the eighth bullet that read: increase revenues available for transportation investments in support of 2040 urban development goals.~~
- . Adding two new bullets to Exhibit A that read as follows:

- Develop a pilot project which is revenue neutral; and
- Develop a proposal with the cooperation and support of the affected jurisdictions and neighborhoods.

The motion PASSED. Commissioner Rogers voted against. Councilor Giusto wanted the record to be clear that he was supportive of the proposal on a step-by-step basis.

ANNOUNCEMENTS

Chair Van Bergen encouraged attendance at two JPACT Finance Subcommittee meetings that have been scheduled for September 14 and September 30 at 7:30 a.m. A memo explaining the purpose of each meeting was distributed. The September 14 meeting will address the downsizing of ODOT's Six-Year Program and the September 30 meeting will serve as a workshop on the region's overall transportation funding strategy.

It was also announced that V-PACT, the new high-speed rail advisory committee, will meet on September 30 in Salem.

ADJOURNMENT

There being no further business, the meeting was adjourned.

REPORT WRITTEN BY: Lois Kaplan

COPIES TO: Rena Cusma
Dick Engstrom
JPACT Members